



# **FORSAKEN**

The Report of the Missing Women Commission of Inquiry

## **VOLUME IIB**

Nobodies:

How and Why We Failed the Missing and Murdered Women  
Part 3, 4 and 5

The Honourable Wally T. Oppal, QC  
Commissioner

British Columbia  
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# PART THREE

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CRITICAL POLICE FAILURES

### **PART 3 – CRITICAL POLICE FAILURES**

Part 3 builds upon the foundation laid out in Part 1 regarding the Coquitlam RCMP investigation of the Anderson assault and Part 2, which contains the chronological narrative accounts of the four sets of investigations comprising the missing and murdered women investigations within my fact-finding mandate. Here, I carry out a systematic evaluation of these events through an analysis of the patterns of errors I have found. This approach is consistent with my decision to focus on the systemic problems exhibited in the investigations, rather than on any errors that may have been made by specific individuals. Before making any findings of fact or reaching any conclusions, I gave careful consideration to the written and oral submissions of all Participants.

I have identified seven critical police failures in the missing women investigations:

- I. Poor report taking and follow up on reports of missing women;
- II. Faulty risk analysis and risk assessments;
- III. Inadequate proactive strategy to prevent further harm to women in the DTES;
- IV. Failure to consider and properly pursue all investigative strategies;
- V. Failure to follow Major Case Management practices and policies;
- VI. Failure to address cross-jurisdictional issues and ineffective coordination between police forces and agencies; and
- VII. Failure of internal review and external accountability mechanisms.

This part sets out and explains the factual evidence that generated each of these conclusions.

#### **A. Poor Report Taking and Follow Up on Reports of Missing Women**

##### **Overview**

The investigations of the missing women and suspected multiple homicides was negatively affected by poor report taking and follow up of the individual women's disappearances. My factual findings follow the four main stages of a missing person investigation: reporting, initial investigation, follow-up investigation, and recording and reviewing of files. They also address the main overarching critiques of the way the missing women files were handled: lack of communication with family members or reportees, degrading or insensitive treatment of families, and lack of inter-jurisdictional cooperation. My findings are prefaced by a general comment on standards for missing person investigations.

Some of these topics mirror the other critical police failures elaborated on in this part but do not duplicate them. For example, in this section I address the lack of inter-jurisdictional cooperation that occurred within a number of specific missing women investigations; and in the section on failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies, I examine how these issues played out in the broader work of the MWRT, in the Coquitlam RCMP Pickton investigation, and in Project Evenhanded.

In this section, I cannot review every individual fact that supports or detracts from my factual findings. I have attempted to find the right balance between providing detailed examples of what I have found, without overwhelming the reader. In choosing examples upon which to focus, I have selected, wherever possible, to highlight facts pertaining to the women for whom the investigative story is not told in Part 2A. As noted previously, it is impossible to know with certainty every step that was taken on every file because of the failure of some police officers to take detailed notes, missing information in files, the passage of time, and so on.<sup>1</sup> My findings are exclusively based on, and circumscribed by, the extensive record that was developed in the evidentiary hearings.

### **Missing Person Investigative Standards**

In Volume I, I provided an overview of the findings from the Commission's cross-Canada surveys of police agencies regarding missing persons practices and procedures in 1997-1998.<sup>2</sup> The VPD and RCMP policies at that time provided limited guidance to police personnel. Even between the RCMP agencies, there were small but important differences between RCMP detachment policies including the ways in which missing person reports were taken, the amount of information recorded, and the requirements for file reviews.

In developing the standard of reasonableness to be applied to my analysis of the individual missing women investigations, I have considered other policies that were in place during the terms of reference. The Commission's cross-Canada survey results demonstrate that many police forces outside of British Columbia had more highly standardized practices for risk assessment, more detailed investigative protocols, and more systematic reviews of files.

While direct comparison is impossible because of numerous differences in police force structure and organization, many police forces outside BC appeared to assign greater resources to following up on missing person reports. Many police departments' policies enabled missing person files to be referred to Homicide or Major Crime Units in the absence of a crime scene. Typically these referrals would be made in cases of suspicious circumstances, foul play or suspected homicide.

The International Association of Chiefs of Police (IACP) developed and published a *Missing Persons Model Policy* in 1994.<sup>3</sup> This model policy is

much more robust and sophisticated in comparison with the Canadian policies at the time. I note with interest this model policy's definition of a missing person: "the person's whereabouts are unknown and unexplainable for a period of time *that is regarded by knowledgeable parties as highly unusual* or suspicious in consideration of the subject's behavior patterns, plans or routines."<sup>4</sup> (Emphasis added.) This definition requires police to pay attention to the reportee's views of whether there is reason to be concerned about the missing person's absence.

The model policy identifies the importance of early risk assessment, the need for a systematic approach to investigative steps, and the value of gathering as much information as possible early in the investigation; as well, it emphasizes the collaborative nature of a missing person investigation, one that by definition involves non-police agencies. It also emphasizes the crucial importance of the information gathered by the complaint taker and initial responding officer in identifying persons at risk and ensuring a proper response.<sup>5</sup>

A thorough checklist of basic investigative steps is set out in the model policy: these are considered a requirement in every case. One of the factors identified in the model policy as an essential piece of information to assist in prioritizing the missing person report is "details of any physical or emotional problems," which includes dependence on drugs or alcohol.<sup>6</sup> The model policy also states that all ongoing missing persons investigations should include consideration of a media strategy and that the lead investigator:

*...shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.<sup>7</sup>*

### **Reporting**

The missing person report is the foundation for the investigation that follows. The reporting process is the initial point of contact between a worried family member, friend or other concerned individual, and police, and therefore sets the tone of the relationship between the police and the members of the community making the report. Not surprisingly, the experience and perceptions of the witnesses diverged significantly with respect to the reporting process. As a consequence I heard highly contested evidence. While I do not accept all of the family members' critiques of the process of taking the missing person reports, I do conclude that significant barriers to reporting were experienced in some cases.

I preface this section with a discussion of the time delays between when a woman was last seen and when she was reported missing, as this factor influenced the course of the investigations from report taking onward.

### *Time delays in reporting women missing*

The amount of time before each missing woman report was made widely varied: missing women were reported from as few as one day (Nancy Clark)<sup>8</sup> to as many as 14 years (Laura Mah)<sup>9</sup> after they were last seen. While there are a number of reports that were not received for a year or more, typically missing women were reported to police within a few weeks or months after they were last seen; in several cases, the report was made within days of when the woman was last seen.

Table IIB-1 Missing Women Reporting Chart provides a summary overview of the time delay between when a woman was last seen and when she was reported missing to the police. In some cases, there are discrepancies in the evidence both with respect to the date the woman was reported as last seen and the date a reportee contacted the police to make a report. Notes to Table IIB-1 set out differences that the Commission has been unable to reconcile. The dates provided are not the actual day the woman was last seen, as determined by later investigation, but the date the woman was initially reported to police as last seen. These two dates are often quite different because of subsequent reports of the women being seen (often these were erroneous) or because police were otherwise able to confirm a record of contact with a woman indicating she was alive at that time (e.g. hospital or welfare office records).

**TABLE IIB-1: MISSING WOMEN REPORTING CHART**

Name	Agency first reported to	Date Reported Last Seen (DLS)	Date First Reported Missing (DRM)	Evidence	Time between DLS and DRM A) Police say B) Families
Rebecca Guno	VPD	June 22, 1983	June 25, 1983	Exhibit 34, p. 475	3 days
Sherry Rail	VPD	Nov 21, 1983	January 30, 1984	Exhibit 200A, p. 56 and 200C, p. 321	2 ½ months
Marlene Abigosis	VPD then RCMP	1984	1984/2002 <sup>10</sup>	Exhibit 200A, p. 2-3, 86	A) 18 years B) 6 months
Elaine Allenbach	VPD	March 13, 1986	March 20, 1986	Exhibit 34, p. 517	1 week
Taressa Williams	VPD and RCMP	1988	August 13, 1988 <sup>11</sup>	Exhibit 200A, p. 66-71, Exhibit 200D, p. 8-9, Exhibit 200E, p. 8	6 months*

Name	Agency first reported to	Date Reported Last Seen (DLS)	Date First Reported Missing (DRM)	Evidence	Time between DLS and DRM A) Police say B) Families
Cecelia Nikal <sup>12</sup>	RCMP	October 1989	April 2, 1990	Exhibit 200A, p. 48	6 months
Ingrid Soet	VPD	August 28, 1989	April 2, 1990 <sup>13</sup>	Exhibit 34, p. 533, Exhibit 200C, p. 382 and p. 387	A) 7 months B) 1 week
Nancy Clark/Greek	Victoria PD	August 22, 1991	August 23, 1991	Exhibit 164, p. 1	1 day
Kathleen Wattley	VPD	June 18, 1992	June 29, 1992	Exhibit 34, p. 449	11 days (1 ½ weeks)
Elsie Sebastian	VPD	Summer 1992 <sup>14</sup>	May 4, 1993 <sup>15</sup>	Exhibit 34, p. 441, Exhibit 200A, p. 58, Exhibit 95, p. 262	A) 1 year 4 months B) 9 months
Leigh Miner	VPD	December 12, 1993	February 24, 1994	Exhibit 34, p. 437	2 ½ months
Angela Arsenaault	RCMP	August 19, 1994	August 29, 1994	Exhibit 200A, p. 102	10 days
Dorothy Spence	VPD	August 6, 1995	October 30, 1995	Exhibit 34, p. 445	2 months 3 weeks
Catherine Knight	VPD	April 1995	November 11, 1995	Exhibit 34, p. 501	8 months
Diana Melnick	VPD	December 27, 1995	December 29, 1995	Exhibit 34, p. 229	2 days
Catherine Gonzalez	VPD	March 1, 1995	February 7, 1996	Exhibit 34, p. 455	11 months
Frances Young	VPD	April 6, 1996	April 9, 1996	Exhibit 34, p. 561	3 days
Tanya Holyk	VPD	October 29, 1996	November 3, 1996	Exhibit 34, p. 489	5 days
Stephanie Lane	VPD	January 10, 1997	March 11, 1997	Exhibit 34, p. 555	2 months
Richard "Kellie" Little	RCMP	April 24, 1997	April 30, 1997	Exhibit 200A, p. 40	6 days
Olivia William	RCMP	December 1996	March 27, 1997	Exhibit 34, p. 537	3-4 months

Name	Agency first reported to	Date Reported Last Seen (DLS)	Date First Reported Missing (DRM)	Evidence	Time between DLS and DRM A) Police say B) Families
Janet Henry	VPD	June 25, 1997	June 28, 1997	Exhibit 139, p. 34	3 days
Jacqueline Murdock	RCMP	November 1996 <sup>16</sup>	August 14, 1997	Exhibit 200C, p. 6.	9-10 months
Marnie Frey	RCMP	August 30, 1997	December 29, 1997 <sup>17</sup>	Exhibit 127, p. 19	A) 3-4 months B) Less than one week
Kerri Koski	VPD	January 7, 1998	January 29, 1998	Exhibit 34, p. 527	3 weeks + 1 day
Inga Hall	VPD	February 26, 1998	March 3, 1998	Exhibit 34, p. 49	1 week
Sarah de Vries	VPD	April 13, 1998	April 21, 1998	Exhibit 34, p. 569	1 week + 1 day
Elaine Dumba	RCMP	1989	April 9, 1998	Exhibit 34, p. 467	9 years
Cindy Beck	VPD	September 1997	April 30, 1998	Exhibit 34, p. 405	7 months
Sherry Irving	RCMP	Christmas, 1996/April 1, 1997	March 20 or 21, 1998 <sup>18</sup>	Exhibit 200A, p. 35 and Exhibit 200B, p. 380 and 389	1 year 3 months
Cara Ellis	VPD	1996	October 9, 2002 <sup>19</sup>	Transcript, October 25, 2001, p. 6 and Exhibit 95, p. 202	A) 6 years B) 2 years
Sheila Egan	VPD	July 14, 1998	August 5, 1998	Exhibit 34, p. 421	3 weeks + 1 day
Helen Hallmark	VPD	June 15, 1997	September 23, 1998	Exhibit 34, p. 485	1 year 3 – 4 months
Angela Jardine	VPD	November 10, 1998	December 6, 1998	Exhibit 34, p. 543	1 month
Andrea Borhaven	RCMP	October 31, 1996	December 14, 1998	Exhibit 200A, p. 15 and 525	1 ½ months
Michelle Gurney	VPD	December 11, 1998	December 21, 1998	Exhibit 34, p. 429	10 days
Marcella Creison	VPD	December 27, 1998	January 11, 1999	Exhibit 34, p. 463	2 weeks, 1 day

Name	Agency first reported to	Date Reported Last Seen (DLS)	Date First Reported Missing (DRM)	Evidence	Time between DLS and DRM A) Police say B) Families
Cynthia Feliks	VPD	1997	February 5, 1999	Exhibit 34, p. 425	1 year 7 months
Jacqueline McDonell	VPD	January 16, 1999	February 22, 1999	Exhibit 34, p. 262	1 month 1 week
Julie Young	RCMP	October 9, 1998	March 11, 1999	Exhibit 34, p. 513 and Exhibit 200A, p. 81	5 months
Laura Mah	VPD	August 1985	August 3, 1999	Exhibit 34, p. 433	14 years
Wendy Crawford	RCMP	November 27, 1999	December 14, 1999	Exhibit 200A, p. 23	2 weeks 3 days
Jennifer Furminger	VPD	December 27, 1999	March 30, 2000	Exhibit 83, p. 428	3 months 3 days
Brenda Wolfe	VPD	February 1999	April 25, 2000	Exhibit 34, p. 509	1 year 2 months
Dawn Crey	VPD	November 1, 2000	December 11, 2000	Exhibit 34, p. 417	1 ½ months
Debra Jones	VPD	December 21, 2000	December 25, 2000	Exhibit 34, p. 549	4 days
Georgina Papin	RCMP	March 2, 1999	February 26, 2001 <sup>20</sup>	Exhibit 200A, p. 50-52	2 years
Yvonne Boen	RCMP	March 17, 2001	March 21, 2001	Exhibit 34, p. 459	4 days
Patricia Johnson	VPD	January 2, 2001 <sup>21</sup>	May 31, 2001 <sup>22</sup>	Exhibit 54, p. 4 and Exhibit 205, p. 36	A) 5 months B) 1-2 weeks
Andrea Joesbury	VPD	June 5, 2001	June 8, 2001	Exhibit 34, p. 495	3 days
Heather Chinnock	RCMP	April 15, 2001	June 19, 2001 <sup>23</sup>	Exhibit 200A p. 17, 585-586 and 589-590	A) 2 months 4 days B) 1 month
Sereena Abotsway	VPD	August 1, 2001	August 22, 2001	Exhibit 34, p. 409	3 weeks
Heather Bottomley	VPD	March 2001	November 29, 2001	Exhibit 34, p. 413 and Exhibit 147, p. 199	8 months

Name	Agency first reported to	Date Reported Last Seen (DLS)	Date First Reported Missing (DRM)	Evidence	Time between DLS and DRM A) Police say B) Families
Mona Wilson	VPD	November 23, 2001	November 30, 2001	Exhibit 229, p. 39	7 days
Dianne Rock	VPD	October 19, 2001	December 13, 2001	Exhibit 34, p. 505	2 months
Angela Williams	VPD	December 9, 2001	December 26, 2001	Exhibit 218, p. 7	2 weeks 3 days
Tiffany Drew	VPD	1999/2000	February 8, 2002 <sup>24</sup>	Exhibit 95, p. 250	A) 3 years B) 1-2 days
Tania Peterson	RCMP	1997	July 4, 2003	Exhibit 200A, p. 56	6 years

\*List does not include Lilliane O'Dare, Sharon Abraham and Maria Laliberte (other names on our list) because of a lack of found information in the exhibits.

Table IIB-2 Overview of Time Delays in Reporting sets out the time delays in the missing women reports by temporal categories of days, weeks, months and years.

**TABLE IIB-2: OVERVIEW OF TIME DELAYS IN REPORTING**

Time between DLS and DRM	Number of women in this category based on police estimates	Number of women in this category based on family estimates
1-3 days	(6)	(6)
4 days to 1 week	(9)	(11)
Up to 2 weeks	(4)	(5)
Up to 3 weeks	(5)	(6)
Up to 4 weeks	(1)	(2)
1-2 months	(7)	(5)
2-3 months	(5)	(6)
3-4 months		
4-5 months	(2)	(1)
5-6 months	(2)	(2)
6-9 months	(5)	(3)
9-12 months	(2)	(3)
1 - 1 ½ years	(2)	(1)
1 ½ - 2 years	(1)	(3)

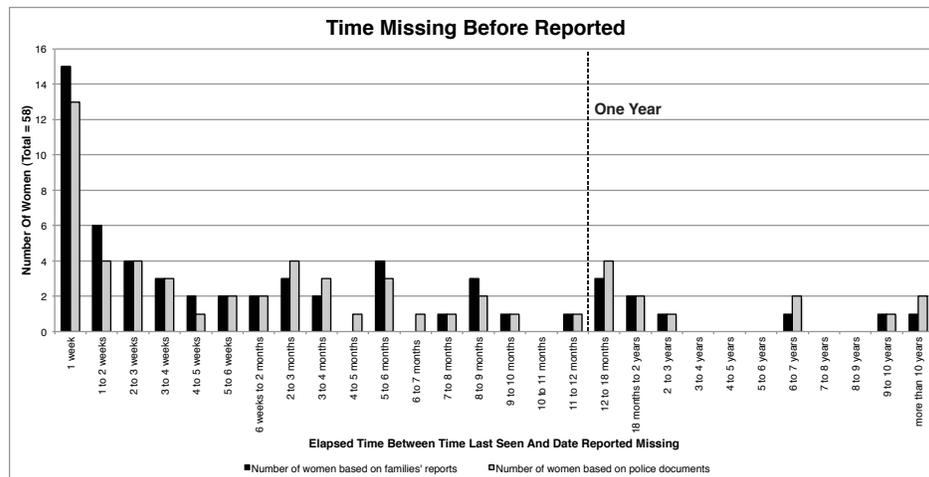
Time between DLS and DRM	Number of women in this category based on police estimates	Number of women in this category based on family estimates
2-3 years	(2)	(1)
3-4 years		
4-5 years		
6-10 years	(3)	(2)
More than 10 years	(2)	(1)
<b>TOTAL</b>	<b>58</b>	<b>58</b>

Figure IIB-1: Time Missing Before Reported (see page 11) shows the information contained in the first two tables in chart form.

There are two data sets because in some cases there are discrepancies between claims of families and police over the time that elapsed between the date a woman was last seen and the date she was reported missing. For most cases, the Commission tried to make a finding of fact about when the woman was first reported missing and the date she was reported to be last seen. As noted above, the date last seen does not reflect the date the woman was later discovered by investigation to be last seen, but rather what was initially reported to police (to go beyond this was too complicated and conclusive evidence was unavailable). The number used reflects the time gap the police believed they were facing, and how it might have affected the investigation.

For determining the date reported missing, I considered the documentary evidence, police testimony and family testimony. Whenever police documents referenced an earlier report (which was perhaps closed) or an attempt to report missing, I generally used those dates as conclusory of the issue (absent family testimony indicating a prior date), as I found that to be the most reliable evidence.

In some cases it was simply too difficult to make a finding of fact. This mainly occurred in cases where families alleged they attempted to report a person missing well in advance of the police report date, but there was no police documentary evidence to confirm this. These cases are few.

**FIGURE IIB-1: TIME MISSING BEFORE REPORTED**

The graph in Figure IIB-1 shows that in contrast to claims made by police, the vast number of women were reported missing within three months of their disappearances, and almost all within one year of disappearances (as indicated by the bars to the left of the vertical line at the 12-month mark).

The VPD emphasized that delay in reporting contributed to difficulties in investigating the missing women.<sup>25</sup> However, the department also acknowledged that in some cases the women were reported missing very shortly after they were last seen. For example, in his testimony, DCC LePard agreed that there was quick reporting of the disappearances of Diana Melnick, Tanya Holyk, Janet Henry, Marnie Frey, Sarah de Vries, Sheila Egan, and Inga Hall.<sup>26</sup> He also concurred that victim characteristics did play a role in assumptions about the urgency of the case that were made, and that police often believed sex trade workers would go missing for a short time and then return.<sup>27</sup>

### ***Inconsistent intake procedures***

There was conflicting evidence about policies and practices relating to the acceptance of missing person reports at the VPD.

The VPD received missing person reports through 911 calls received by the Communications Centre, a part of the Vancouver Police Department until June 1999, and E-Comm thereafter. The Communications Centre call taker completed the Missing Persons Report, VPD Form 565, and a hardcopy form. Details on the report included name, date of birth and age, race, sex, date last seen, location last seen, place of birth, physical description, address, social insurance number, driver's licence number, dental chart availability, disabilities, and reportee information.

Some witnesses told the Commission that persons could be reported missing

either through 911 or to the public information counter.<sup>28</sup> However, it is clear that reports were generally only accepted over the phone.<sup>29</sup> Several of the missing women reports were actually taken by Vancouver Police and members of the Native Liaison Society (VPNLS) in contradiction of the stated policy. (For example, reports for Mona Wilson and Tanya Holyk were taken by members at VPNLS.)<sup>30</sup>

Reports of missing persons were not taken directly by the VPD MPU, but were taken by the Communications Centre or E-Comm and passed to the MPU.<sup>31</sup> Several family members testified that Ms. Sandra Cameron, a civilian employee who was the VPD MPU coordinator and clerk, refused to take their reports.<sup>32</sup> The evidence is clear, however, that Ms. Cameron was not in the position to take reports<sup>33</sup> unless a file was being transferred from another jurisdiction, in which case she was still not taking a report from a member of the public. Ms. Cameron testified that MPU could not have taken the reports because civilian staff did not have access to the computer system or the equipment. Only the Communications Centre had the ability to generate reports by issuing a case number and having that information entered onto CPIC.<sup>34</sup>

Ms. Cameron was the first person within the VPD MPU to receive reports and to determine whether she could deal with them or if the file should be given to an investigator for action. Although she did not take reports, Ms. Cameron played a pivotal role in the missing women investigations; she was, in most cases, the point of contact for the families who experienced missing loved ones. Ms. Cameron may have rebuffed people in other respects or may have been unhelpful in advising them of procedures, but as discussed earlier, she did not have the official capacity to bar reports.

The VPD policy in existence during the terms of reference placed two limitations on who could be reported missing: they had to be residents of Vancouver, and adults had to have been missing for 24 hours before a report would be taken “unless special circumstances indicate to do so earlier.”<sup>35</sup> However, the definition of residence was broad: “missing persons **visiting** Vancouver **AND** staying within the Vancouver jurisdiction shall be treated as residents.”<sup>36</sup> (Emphasis in original.)

I heard testimony that these restrictions, as interpreted and applied by personnel at the Communications Centre, could have an impact on the acceptance of missing person reports concerning women from the DTES who had no fixed addresses.<sup>37</sup> Rae Lynn Dicks, who served as a 911 call taker during the Terms of Reference, testified that if the person did not have a fixed home address in Vancouver, was homeless or engaged in the survival sex trade, the sergeant often instructed her to not take the report.<sup>38</sup> She reported that one sergeant said: “Who cares? It’s just another hooker.”<sup>39</sup> According to her testimony, this was said on more than one occasion, with regard to more than one file.<sup>40</sup> Retired sergeants and staff of the Communications Centre flatly disputed these allegations.<sup>41</sup>

Former VPD Communications Centre employee Donna Marshall-Cope also testified there were requirements about residency or where the person was last seen involved with taking a missing person report. She recalled specific instances where there was some debate between policing agencies about which agency should take the report. She testified that with a dispute about residency/place last seen, operators would generally go to their supervisor (a sergeant) for a resolution and would always take the file.<sup>42</sup> The evidence of retired VPD Communications Centre employee Bonnie Theile and Sgt. Ron Joyce also supported this view that it was the location where the individual had gone missing from that determined jurisdiction to take a report.<sup>43</sup>

I accept the evidence that it was the policy and general practice of the VPD to take a report if the person was last seen in Vancouver, whether or not they were a resident.<sup>44</sup> At the same time it is clear to me that there was a lack of clarity on this issue and insufficient training about how the policy should be interpreted, which created confusion and inconsistencies in intake. For example, the missing person report for Heather Bottomley stated: “Advised by Sandy Cameron to call in report even though missing female address is vague.”<sup>45</sup> This notation indicates there may have been some hesitation on the part of a 911 operator to take the report initially. Additionally, if there was debate about whether or not a person was last seen in Vancouver or another jurisdiction, this could lead to confusion and ultimately delay in taking a report.<sup>46</sup>

The “no-fixed address” concern could have been responsible for the family members of the missing women getting bounced around from the Communications Centre to the MPU.<sup>47</sup> However, this policy or practice did not appear to outright bar reports of the missing women. DCC LePard testified that 14 of the original 24 women reported to the VPD who appear on the Missing Women Poster had no fixed address, and their reports were taken. According to DCC LePard, civilian communication officers took reports in 12 of the cases, and police officers took reports in two of the cases.<sup>48</sup>

Although the fixed residency policy or practice did not appear to bar reports of missing women, it made reporting more difficult. For example, Ms. Dicks testified that if she received a call from a person wishing to make a missing person report for someone who did not have a home address, she could get them to call the person’s social worker and find out the home address listed before taking a report.<sup>49</sup> She also testified that she typically had referred callers to the MPU or to attend the front counter at 312 Main Street police station when the missing person did not have a fixed address.<sup>50</sup> Referring reportees back and forth without taking a report could have created challenges in the reporting process.

Nor were the investigations into the missing women impacted by the 24-hour requirement because in all but one instance the women were not reported within 24 hours.<sup>51</sup> In addition, when a missing person report was made inside the first 24 hours, an interim report would be made which would be converted into a full report upon confirmation that the person

was still missing.<sup>52</sup>

I also heard testimony that the Communications Centre understood that only family members could report a person as missing. Communications Centre employee Ms. Dicks testified that she had been trained to accept missing person reports from next of kin, and when a friend or other person tried to make a report that she should ask if there was a family member who had regular contact with the missing person.<sup>53</sup> She testified that in some circumstances the reportee would be rejected if they were not next of kin.<sup>54</sup> She also testified that she had referred callers to the MPU or to attend the front counter at 312 Main Street police station when the reportee was not a family member of the missing person.<sup>55</sup>

Ms. Marshall-Cope testified that there was not a strict rule about next of kin:

...we wanted to make sure we had the best source of information. If we got a call from a boyfriend, we would generally tell him we need more information and give him direction as to what information. We didn't keep track of the people we rejected. If I thought there was a risk, I would take the report. We would be looking for something that would cause us alarm.<sup>56</sup>

A report from the next of kin was not an absolute requirement, but it was preferred because it helped to avoid multiple complaints from friends and different family members.<sup>57</sup>

Ms. Cameron was clear that there was no such restriction and that reports had been filed by nurses, landlords, social workers, friends, teachers, and so on. As far as she knew, there was no limit on who could file a missing person report.<sup>58</sup> However, she also remembered people calling back the MPU and saying that 911 would not take their reports.<sup>59</sup> As I concluded earlier, Ms. Cameron was not in a position to take reports.

Freda Ens, a support worker at VPNSL, testified that her attempt to make a missing person report on Mary Lidguerre was refused because she was not her next of kin. When Ms. Lidguerre's brother Jack tried to report her missing, he also faced barriers.<sup>60</sup>

Members of the VPNSL also experienced difficulties in getting the VPD to take reports of missing women. Relatives of Aboriginal women would seek assistance from the VPNSL in navigating the missing person procedures. Morris Bates, who worked at VPNSL during the terms of reference, testified that he couldn't get police to take reports of missing women: "You couldn't get through the door to list them as missing... you couldn't get it past the second floor."<sup>61</sup> Mr. Bates also testified that police officers seconded at VPNSL did not take missing person reports, as that was not their job. They were community officers, not members of the MPU. His experience was that no one would take his reports.<sup>62</sup> However, Cst. Johns, VPD Liaison Officer with the VPNSL, did take the second missing person report for Tanya Holyk; and another VPNSL liaison officer assisted with making the report of

Mona Wilson:<sup>63</sup> in some circumstances liaison officers with the VP-NLS did provide assistance with reporting.

Det. Cst. Shenher agreed that the 911-intake function had differential application towards sex workers and drug users. There was flexible and inconsistent application of the policy and its standards for those calls, and such flexibility and inconsistency often worked to the detriment of sex workers and drug users, not to their benefit.<sup>64</sup> According to her, there were some problems with the missing person policy of the day as there was no indication whether reports should also be taken from friends as opposed to just family members. Many people in the DTES only had friends who could report them missing: if friends were not allowed to report them missing, then effectively nobody could report them missing.<sup>65</sup> An example of this problem may be found in the case of Jennifer Furminger: Morris Bates, Victim Services Worker at the VP-NLS, alleged that her friend, N.P., met barriers to report her missing because he was her friend and neighbour, not a member of her family.<sup>66</sup>

The DTES is a unique community and, for women living on the DTES who were not in regular contact with their families, their friends and neighbours might have been the only ones aware of them going missing. If these friends and neighbours were prevented/not allowed to report their disappearance, then effectively nobody could report them missing. Friends are community.

Additional evidence of barriers created by inconsistent intake procedures was found in the exhibits. In January 1998, Sgt. Cooper, of the Homicide Squad, wrote a memo to Insp. Biddlecombe regarding reporting barriers to making missing person reports at the VPD. He had been informed about this situation by Det. Cst. Tempest (Coroner's liaison), Ms. Ens and Mr. Bates. He communicated the concern that people complained of being rebuffed by staff at the Public Information Counter and Communications Centre when attempting to make a missing person report. Reasons for not taking a report explained in his memo were (1) that the reportee was only a friend not a relative, (2) the person must be missing for 24 hours and (3) "just because the reportee hasn't seen the person doesn't mean she is missing." Sgt. Cooper stated:

*This situation has become a source of great frustration for these people and has re-enforced the impression that because they are Native or residents of the Downtown Eastside, the police don't care about them and apply a different standard. While these people tend to live a transient and more unstable life-style than most, if they care enough to contact the police they should be listened to and taken seriously in the first instance.<sup>67</sup>*

He provided a specific example of a police refusal to take the case of a woman trying to report her boyfriend missing over a period of two weeks. Through the intervention of VP-NLS, the Coroner's Liaison investigated the situation and discovered the boyfriend had died two weeks before. Sgt.

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*The DTES is a unique community and, for women living on the DTES who were not in regular contact with their families, their friends and neighbours might have been the only ones aware of them going missing.*

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Cooper continued in his memo to Insp. Biddlecombe:

*It should be borne in mind that any of these cases could be a potential homicide and often the first step identifying victims is a Missing Persons Report. This was particularly true in a series of hooker murders 2 years ago when 3 of the bodies were found in the Agassiz area.*

*In terms of existing policy, the R & P Manual makes no reference to who can report a person missing and is also silent on time limitations. The Communication Section Policy Manual makes no reference to who can report a person missing but does require a time lapse in the case of persons between the ages of 18 to 65.*

*In order to correct this situation, I request that Planning and Research be asked to examine present Vancouver Police Department Policy governing Missing Persons. In the meantime I would ask that the 24 hour requirement be suspended and staff at both the Public Information Counter and Communications be instructed that Missing Persons Reports are to be taken in all cases. At present we average 3-4 Missing Persons Reports every 24 hours and it is therefore unlikely that this would create an onerous burden on Communication staff.<sup>68</sup>*

Barriers to reporting were caused because officers or clerks at the MPU had to tell reportees to call 911, and 911 operators sometimes referred callers to the MPU: aside from general confusion, the reportee was required to take another step beyond the one they had already taken. For example, when Kelly Prado, Tiffany Drew's sister, approached Cst. Dickson with concerns about her sister on January 24, 2002, Cst. Dickson did not, and apparently was not able to, simply take a missing person report. Rather, he made some inquiries before advising Ms. Prado to make a report. On January 30, 2002, upon learning that Tiffany's welfare file had been closed in 1999, Cst. Dickson advised Ms. Prado to make a missing person report. Ms. Prado did so on February 8.<sup>69</sup> This was more than two weeks after she initially approached Cst. Dickson. This unnecessary two-week delay resulted from the intake policy.

Inconsistent application of policy resulted in barriers to reporting. Reports taken were usually made by family members, including sisters, mothers, stepmothers, fathers, daughters and brothers. However, people with a variety of relationships with the missing women made reports. In some cases common-law partners, boyfriends, or friends made reports; and there were also reports made by physicians, nurses or social workers. Below are some examples to show the range of relationships to the missing women represented among the reportees:

- Diana Melnick was reported missing on December 29, 1995 by her financial aid worker;<sup>70</sup>
- Dawn Crey was initially reported missing by her doctor Susan Burgess<sup>71</sup> and later by her sister Lorraine Crey;<sup>72</sup>
- Elaine Dumba was reported missing in 1998 by her sister Louise Dumba;<sup>73</sup>

- Jennifer Furminger was reported missing by her friend N.P.;<sup>74</sup>
- Cynthia Feliks was reported missing by her sister Audrey Feliks;<sup>75</sup>
- Heather Bottomley was reported missing by her father Barry Bottomley;<sup>76</sup> and
- Patricia Johnson was reported missing by her sister, Katherine Bryce, and mother, Marion Bryce.<sup>77</sup>

I conclude that there was differential application of the VPD missing person policy that contributed to frustrations and inconsistencies when individuals attempted to make reports. While there was no absolute bar on the taking of reports in the missing women cases during my Terms of Reference, many people experienced barriers in reporting. In some cases, these barriers were substantial and persisted over a number of years.

### ***Barriers to reporting***

Police accepted most reports of the missing women immediately. However, in some instances, police did not accept reports, or accepted and closed reports without locating the missing women. Families reported facing a number of barriers when trying to report a loved one missing. In her report, DC Evans summarized these barriers:

- *People were rebuffed by staff at Public Information Counter and Communications branch,*
- *Missing Person report was not taken because it was not a family member reporting,*
- *Jurisdiction issues were experienced with taking of missing person report,*
- *Missing Person Entries were removed from CPIC while still outstanding as missing.*<sup>78</sup>

DC Evans concluded that some family members or friends were denied the opportunity to file a missing person report and that these reports should have been accepted. In particular she noted, and I agree, that: "Jurisdictional issues, if any, should not be the responsibility of the complainant. Police should ensure there are no barriers to making a Missing Person report."<sup>79</sup>

I have detailed some of the barriers faced by family members in reporting their loved ones missing in the overview of individual women's investigations. However, in four cases the barriers were so formidable as to warrant special examination here. These are the cases of Elsie Sebastian, Cara Ellis, Ingrid Soet and Patricia Johnson.

### ***Elsie Sebastian***

The most extreme example of barriers to reporting is the case of Elsie Sebastian. She went missing in 1992.<sup>80</sup> There are at least five separate documented instances when the Sebastian family attempted to get the VPD to take a missing person report for Elsie. The first instance is referenced in the comments section of Elsie Sebastian's VPD missing person report in

2001, where it is noted “Compl[ainant] attempted to make report in 1992 but was refused.”<sup>81</sup> Evidence indicates she was reported missing in 1993, 1994 and 1999, but her “official” report was not taken, and therefore not truly investigated, until 2001.

According to the testimony of Donalee Sebastian (one of Elsie’s daughters), Ann-Marie Sebastian, another of Elsie’s daughters, and Ann Livingston, Elsie’s sister-in-law, tried to report to VPNSL in October 1992.<sup>82</sup> On May 4, 1993, a VPD missing person report for Elsie Sebastian was filled out which noted she had been seen 2 or 3 months ago in the DTES.<sup>83</sup> She was also added by the VPD to CPIC as missing on June 10, 1993.<sup>84</sup> It appears the CPIC record was removed on September 14, 1993.<sup>85</sup> on the missing person report it was noted “info is she has been seen by relatives.”<sup>86</sup> There is no evidence as to what happened with this report, if any investigation was done, or why it was closed. Elsie was also apparently reported missing to the Port Alberni RCMP in 1993, but that file was also closed.<sup>87</sup> On February 11, 1994, Ann Livingston asked the VPNSL for assistance in locating Elsie.<sup>88</sup> No missing person report appears to have been made from this request for assistance.

Members of the Sebastian family sought assistance from VPNSL in looking for Elsie and in getting the police to initiate an investigation. Mr. Bates testified about the limitations and difficulties he faced in trying to provide this assistance. He saw himself as “the last resort” and as “just a resource in the community.”<sup>89</sup> He could help by doing some basic searches himself, such as phoning the Coroner Liaison or the hospital and other organizations, but it was not his job to actively search for a missing person. He did not have the authority to open a missing person file; the reportee had to go to the MPU to make a report.<sup>90</sup> However, he recognized that family members were coming to him because they had already been to the MPU and nothing happened.<sup>91</sup> He testified that Ms. Cameron had said the report on Elsie had to be made in Hazelton.<sup>92</sup> At the time, Mr. Bates wasn’t looking at the situation as a missing person or death, but as a situation in which a daughter wanted to find her mother so she could come to her graduation.<sup>93</sup>

Efforts by Elsie’s family to have her disappearance investigated in 1993 and early 1994 appear to have been defeated based on misinformation that Elsie had been seen. Elsie Sebastian’s missing person report had been accepted by the RCMP in Port Alberni at the behest of her brother Russell Jones, who also made a poster for Elsie.<sup>94</sup> On May 26, 1994, a VPNSL employee received Elsie’s missing person poster from the Port Alberni RCMP and contacted Mr. Jones to let him know the “location and well being of his sister.” The file was closed and arrangements were made for the family to come down and reunite with Elsie.<sup>95</sup> On June 12, 1994, Morris Bates spoke to Ann Livingston and told her that Elsie was alive and frequented Oppenheimer Park and the Sunrise Hotel.<sup>96</sup> But the following day, the Jones family travelled to Vancouver to look for Elsie, checking Oppenheimer Park and the Sunrise Hotel, but were unable to find her.<sup>97</sup> It

appears that incorrect information was provided to the family. As Donalee Sebastian pointed out in her testimony, Elsie's police should have confirmed Elsie's identification, as this error prevented further police action.<sup>98</sup> There was still no VPD missing person file at this stage; VPNSL was simply passing on information.<sup>99</sup>

Family members continued to take steps available to them. In 1994, Donalee Sebastian wrote a letter to the VPD about her missing mother.<sup>100</sup> Members of Elsie's family engaged in their own searches for Elsie. For example, Ms. Sebastian and her sister Ann-Marie received information that Elsie's name was still being used for social assistance claims, so they attended the address on the claim file. There they met a man who had been in a violent relationship with Elsie. They also walked through the DTES, looking for their mother.<sup>101</sup>

Elsie was on the First Nations Summit's 1997 list of women that Cst. Dave Dickson was assigned to look into. Cst. Dickson's notes regarding his 1997 investigation of Elsie's disappearance said she had re-located to Victoria and had been checked there recently.<sup>102</sup> DC Evans stated this appeared to be simply wrong.<sup>103</sup>

On August 30, 1999, Ms. Sebastian attended the VPNSL and filled out a missing persons intake form.<sup>104</sup> In her testimony, she did not recall Mr. Bates saying he would get the VPD involved or offer to do that for her.<sup>105</sup> There is no evidence of an ensuing investigation and it appears a VPD missing person report was not filed at that time. It was not until May 16, 2001, that VPD filed a missing person report for Elsie at the behest of Ms. Livingston<sup>106</sup>; the report states her date last seen as January 1, 1992.<sup>107</sup>

Ms. Sebastian testified about the frustration and unfairness that she experienced in trying to have reports taken by the VPD for her mother, Elsie. A dispatch operator told her that trying to find a native woman in the DTES was near impossible, especially a native woman who was a drug user.<sup>108</sup> Mr. Bates told the family that the police would not look for a 40-year-old woman: because she was an older native woman and drug addicted, she wouldn't be a priority.<sup>109</sup> Mr. Bates confirmed this in his testimony: the family had already tried to engage the VPD, but the VPD weren't going to try to look for her and hadn't looked for her by then. He believed that the fact that she was drug addicted would affect the VPD's willingness to look for her.<sup>110</sup> He said:

I knew it was going to be really hard to get a case opened about a lady that's been missing and -- a middle-aged First Nations woman that possibly be working on the Downtown Eastside, possibly in the drug trade or whatever, and for the Vancouver PD that's going to open up the file and work on it, it's probably -- they're going to say right there it's got to come out of Kamloops. That's an RCMP file. That's what I felt -- that's what I knew was going to go down.<sup>111</sup>

I conclude that the Sebastian family met unreasonable and unacceptable

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*Family members continued to take steps available to them.*

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barriers in reporting Elsie missing over a period of almost ten years.

### ***Cara Ellis***

In several cases, there is conflicting evidence concerning family witnesses and police witnesses about barriers in the reporting process. Cara Ellis's case is the clearest example of this conflict.

Lori-Ann Ellis testified that on July 22, 1998 she reported her sister-in-law Cara missing to the VPD.<sup>112</sup> The family had last spoken to Cara in 1996. Cara normally contacted them every two months and they began to worry about her after they had not had contact from Cara for about six months.<sup>113</sup> Ms. Ellis was able to come to Vancouver to look for Cara in July 1998. This trip was an expense that her family could little afford, and it took some time to save the funds for travel. She testified that she walked around the DTES looking for Cara; while looking she realized there was a bigger problem with many missing women.<sup>114</sup> After spending a day looking on her own, she called the police and asked to speak to someone in the MPU. Ms. Ellis testified that she spoke to a male; he took the report from her, it took over an hour, and he said he was writing her information about Cara down. He said they would look into it; she said to contact her if he heard anything.<sup>115</sup> When she returned to Calgary, she contacted the RCMP and they gave her a lot of advice on where to search for Cara: hospitals, jails, and the name of someone at the Red Cross.<sup>116</sup>

The VPD has been unable to produce the report taken and it appears that the report was never filed or acted upon.

The Ellis family was under the understanding that the VPD was pursuing the file and, as a result, four years passed before Ms. Ellis again reported Cara missing to the VPD on October 9, 2002.<sup>117</sup>

Ms. Ellis testified that she called the VPD back about a month later, after the initial report, in August 1998, and spoke to a woman who "was awful" and said "If Cara wants to be found, she will be found. Why don't you leave us alone and let us do our job?" and that Cara was "probably on vacation."<sup>118</sup> She had no further contact with VPD until 2002.<sup>119</sup>

Ms. Ellis testified that in the summer of 2004, Murray Lunn of the VPNSL told her that he had found her 1998 missing person report for Cara and that "[i]t was in a filing drawer and it had never been actioned."<sup>120</sup>

In his affidavit, Mr. Lunn disagreed with these aspects of Lori-Ann Ellis's testimony. He stated that he did not have a conversation with her about the alleged 1998 missing person report<sup>121</sup> and testified under oath that this conversation did not take place.<sup>122</sup> He had no recollection of ever seeing a missing person report for Cara and that he was not an investigator and so would not have had access to any report.<sup>123</sup> He did not keep notes of the

meeting with Ms. Ellis in Calgary. He testified that he could not recall if he had spoken with Ms. Ellis before the trip to Calgary.<sup>124</sup> Ms. Ens, who visited Ms. Ellis with Mr. Lunn, also testified that she did not recall the conversation alleged by Ms. Ellis about finding the 1998 report and it not being actioned, and that Mr. Lunn had never told her about finding a missing person report for Cara.<sup>125</sup>

Ms. Cameron testified that she was “flabbergasted” about the allegations over this file.<sup>126</sup> Of Ms. Ellis’s testimony that she spoke to a man at length about Cara, Ms. Cameron said he would have had to walk it through the process and get a case number.<sup>127</sup> She did not believe she had had any dealings over the phone with Ms. Ellis about her report of Cara Ellis’s disappearance. She could not answer how a paper file could not be found for a report that was made to the MPU.<sup>128</sup>

Det. Cst. Shenher believed Ms. Ellis’s testimony that Cara was reported earlier than 2002, and expressed remorse that she did not know about it at the time.<sup>129</sup> She said she did not know why the file did not come through to her<sup>130</sup> and that this file is a good example of one they should have been aware of and were not.<sup>131</sup> She felt “sick” that she had been unaware of it.<sup>132</sup>

I accept Ms. Ellis’s evidence that Cara’s family had contacted the VPD to report Cara missing in 1998 and that due to miscommunication, a mistake or error a file was not opened. The family thought the report had been taken and the VPD were investigating, but the VPD did not have a file to action.

### ***Patricia Johnson***

Marion Bryce, Patricia Johnson’s mother, last heard from Patricia on February 21, 2001, Marion’s birthday. The family did not hear from Patricia on her son’s birthday, March 4, 2001, which concerned them.<sup>133</sup> Ms. Bryce testified that as a result, on March 5, 2001, she went down to the police station on Main Street to the front desk to report her missing; she was told to phone 911. When she phoned 911, she spoke to a woman who said: “Oh, she will show up. She’s just out there partying because she’s a working girl.”<sup>134</sup> Ms. Bryce went down to the police station the next day to bring pictures of Patricia to the VPD MPU. She was told she wasn’t allowed into the missing person department and to phone instead. She did phone the next day and spoke to the same woman as the day before, saying she wanted to provide pictures. The woman said the same thing as before, that she was out partying, had a drug habit, and would eventually show up. She also told her to leave the pictures at the front desk, which Ms. Bryce did.<sup>135</sup> She wasn’t allowed to go upstairs because she was told all missing person reports were done by phone.<sup>136</sup>

Ms. Bryce followed up on her report. She phoned the MPU several times, leaving her name and phone number, and did not get a response before she

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*The initial investigation of a missing person report is a crucial one.*

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was interviewed in June of 2001, when police came and took a statement from her.<sup>137</sup> Ms. Bryce stated that the woman she spoke to at the MPU was “nasty” and “very snappy.”<sup>138</sup> She felt she had difficulty persuading the police that Patricia was in fact missing.<sup>139</sup> She was aware that Patricia’s sister made a missing person report to the RCMP after she did; she was with her when she filed it.<sup>140</sup>

The VPD report for Patricia is dated May 31, 2001, and states that Patricia was last seen on January 2, 2001.<sup>141</sup> However, a later continuation report states that she was last seen on March 3, 2001.<sup>142</sup>

The transcript of a May 31, 2001 conversation between an operator and Marion and Katherine Bryce, Patricia’s sister, reveals a pleasant and productive conversation that ended with Katherine Bryce thanking the operator for all her help and stating of the call, “it was wonderful.”<sup>143</sup> It is this conversation that generated the missing person report.<sup>144</sup> There is no documentary evidence of the earlier attempts to report Patricia missing to the VPD, and Ms. Cameron had no recollection of speaking with Ms. Bryce.<sup>145</sup> Nevertheless, I accept Ms. Bryce’s evidence that she had had earlier unsatisfactory conversations that did not result in a report being taken and that this resulted in a three-month delay in the initiation of police action.

### ***Ingrid Soet***

Ingrid Soet was reported missing to the VPD by her mother, Mary Soet, in September 1989.<sup>146</sup> This report was taken, but cancelled, in October 1989 as Ingrid was seen by a police officer and by welfare authorities.<sup>147</sup>

After the VPD closed the initial report, it appears that Ms. Soet later contacted the VPD to re-open the investigation because she still had not had contact with her daughter, but was informed she could not re-open an investigation but must file a new report.<sup>148</sup> The report languished for some months because it could not be re-opened, and so the family got the RCMP to intervene (and also tried to get North Vancouver Police Department to help) to open the file again.<sup>149</sup> In her review, DC Evans noted that Ms. Cameron could have just taken the report at that time.<sup>150</sup> I agree with DC Evans’ assessment that Ms. Soet should not have been required to make a new report and that this step contributed to unacceptable delays.

### **Initial Investigation**

The initial investigation of a missing person report is a crucial one. It is at this stage that police gather the information necessary to confirm whether there is evidence to find a suspicion of foul play. My overall conclusion is that there was a significant lack of urgency in the police response to the reports of the women’s disappearances. There was a general police failure to take the basic steps of dispatching Patrol, attending the last known residence, and interviewing reportees. To a lesser extent, basic database

entries and checks were not carried out on a timely and consistent basis. These failures resulted in delays in determining whether the disappearances were the result of homicide.

### ***Information recorded in reports***

The initial missing person report includes basic details: name, date of birth and age, race, sex, date last seen, location last seen, place of birth, physical description, address, social insurance number, driver's licence number, dental chart availability, disabilities and reportee information. In the missing women investigations, typically, the missing person report noted that the missing woman was involved in the sex trade/prostitution, suffered from drug or alcohol addictions and, in many cases, if she had HIV. The reports also contained a physical description of the missing woman, including ethnicity, tattoos and scars and the date the woman was last seen, as known by the reportee.

For example, Diana Melnick was reported missing to the VPD on December 29, 1995, by her financial aid worker. She is listed as last seen on December 27, 1995, by her boyfriend. Her address is given. She is described as a "hooker" and it is noted that she usually works on Victoria Drive. She is described as not wearing typical "street worker clothing" but usually wearing track suits and looking as if she is 12-13 years old. She is described as a coke addict and hearing impaired. It is stated that she was a no-show for a court appearance, which apparently is unusual for her. Foul play is checked as probable cause.<sup>151</sup>

In Patricia Johnson's VPD missing person's report, she is noted as "NK loc" – indicating she had no known address. The probable cause of her disappearance is listed as "unknown" and she is noted to be a drug addict or alcoholic, specifically that she "smokes cigs, marijuana, crack and heroin." She is described as living on the streets in the DTES and being a "street worker." Her tattoos are described and the clothing she was last seen in was noted, though it is also noted that she got free clothing at hostels daily.<sup>152</sup>

### ***Patrol dispatch***

During the terms of reference, the VPD Missing Persons Policy provided that if a person met particular categories of endangerment, a report could be filed and a field unit assigned immediately. A general broadcast could also be made on all radio channels. For example, reports of young children going missing were always treated in this manner because they are, by definition, endangered in these circumstances.<sup>153</sup> One of the discretionary categories under this policy was: "Persons whose mental or physical state may place them at risk to themselves or others."<sup>154</sup> In exercising her discretion under this category, Rae Lynn Dicks reported that she never included women engaged in the sex trade or women with serious addictions in this group of people unless they had suicidal intentions.<sup>155</sup>

A field unit could also be assigned if there were suspicious circumstances. Ms. Dicks reported that her usual practice regarding a woman engaged in the sex trade with serious drug addictions was to seek her sergeant's guidance with respect to requesting an immediate response. She testified that the common response from the sergeants was "They're just hookers."<sup>156</sup> Det. Cst. Shenher agreed that none of the missing women on the list ever had an immediate field unit response to investigate the circumstances because they did not fall into the category identified in the policy.<sup>157</sup>

In the large majority of the missing women investigations, a Patrol member was not dispatched to interview the reportee or investigate immediately. Patrol would not be sent unless an incident had just happened and there was some urgency that required the dispatch of a patrol car. The women were generally reported missing days, weeks, months and, in a few cases, years after the fact so patrol cars were not dispatched. Rather, a report was taken, almost always in the Communications Centre, and then forwarded for follow up to the MPU after being entered on CPIC.<sup>158</sup>

Det. Cst. Shenher explained in her testimony that Patrol was only sent when the operator receiving the call had a sense of urgency, requiring a small window of "recency": in those cases, the call taker would alert the NCO, a sergeant of a patrol squad. But Patrol was only deployed based on the perception of urgency of the person taking the report. If Patrol did do some work on it, they would fill out a miscellaneous and supplementary report.<sup>159</sup>

Based on this information, it appears that the presence of a miscellaneous and supplementary report dated the same day as the missing person report could indicate that Patrol was dispatched. On that basis, Patrol may have been dispatched in a few of the missing women investigations. For example, Michelle Gurney was reported missing on December 21, 1998, and a supplementary report was filed the same day, indicating that she had HIV and Hepatitis C, and that an identified person of interest had a no contact order stemming from a 1997 assault.<sup>160</sup> The fact of a supplementary report on the same day as the missing person report suggests that Patrol was dispatched: this is an exception in the missing women investigations.

### ***Lack of urgency in immediate response***

What is most apparent from a review of the missing women's investigations is that these investigations were not treated as urgent. Little immediate investigation occurred and there was often a delay, typically a week to a month, in transferring files to investigators for follow-up investigation. Once the investigator received the file, identifying and interviewing family, friends, associates and persons of interest and other investigative steps typically took place over a period of years. This was a clear systemic pattern of error with important consequences for the quality of the investigations.

I contrast the lack of police urgency with the response of family members

and other reporters who were clear about the serious and pressing nature of the situation. For example, Maggie de Vries said:

...And in fact, when Wayne called me to tell me that he had gone to look for her and nobody had seen her in a week, I immediately knew, there was no hesitation in me, there was no questioning, no, "I wonder where she went." I immediately knew that she had met with foul play, uhm, and I phoned 911. I had no doubt. And, and I, I never wavered. I mean, of course, you wonder, you come up with all kinds of different hypotheses, when time goes on and on and on. But, but in my heart, I never wavered from that.<sup>161</sup>

Other testimony and evidence also underscores the family member/reporter's perception of the situation as being an emergency. For example, in Part 2A, I highlight the insistent efforts made by Sandra Gagnon to have action taken regarding the disappearance of her sister, Janet Henry. The imperative for immediate action communicated by family members was ignored and, in some cases, discounted by the police.

DC Evans testified that it is important to act quickly in the investigation of a missing person.<sup>162</sup> She explained her use of the term "quick and coordinated" saying the faster the police response, and the faster they conduct inquiries, the more likely they will get information that may assist with the investigation.<sup>163</sup>

In a number of cases, investigation proceeded at a glacial pace or stopped entirely; in some cases, after the report or initial investigation, no investigation appears to have been conducted for years. DC Evans agreed that there was a slow reaction to the initial missing women reports and that this was a common thread.<sup>164</sup>

In some cases, basic investigative steps were not taken despite the fact that investigative avenues were available to police. For example, Dawn Crey was reported missing to the VPD by Susan Burgess on December 11, 2000. Following this report, it took the VPD 45 days before any active investigation was done on her file (although some basic steps may have occurred earlier).<sup>165</sup>

In Tanya Holyk's investigation, the initial response had two significant gaps in the police investigation. A gap occurred when the file was wrongfully closed: within a month of the reporting being first made in November 1996, Ms. Cameron was permitted to conduct a review of Tanya's file and determined that she was not missing.<sup>166</sup> This should never have happened. I concur with DC Evans' conclusion that someone from the police department should have verified that Tanya was still alive.<sup>167</sup> Another gap occurred in the investigation of Tanya's disappearance over a period of 11 months, from April 17, 1997 until March 23, 1998, when no action was taken on the file. At this early stage in the investigation there were many tips to follow up on and several persons to interview. Two persons of interest had been identified but not interviewed: Tanya's ex-common-law spouse, with

whom she had been engaged in a custody dispute, and Tanya's current boyfriend and drug dealer, with whom she fought before she disappeared. No attempt was made to identify or interview Tanya's friends or associates. Her place of last residence wasn't attended and no effort had been made to speak with neighbours.<sup>168</sup>

Leigh Miner was reported missing to the VPD on February 24, 1994, having been last seen on December 12, 1993.<sup>169</sup> Ms. Cameron's testimony reveals that she, not the investigator, did the few steps on the file that were conducted in 1994: she phoned the Regent Hotel, spoke to the Welfare investigator, pulled Leigh's criminal record, and contacted Leigh's family regarding closing the file because it was mistakenly believed that Leigh had been arrested in Edmonton.<sup>170</sup> Ms. Cameron also noted in the log that there were "suspicious circumstances" in the file, and discussed the file with Detective Jim Steinbach.<sup>171</sup> She agreed that it appeared that nothing had been done on file for seven years; she assumes it was just sitting in abeyance.<sup>172</sup>

The VPD's investigation of Catherine Knight's disappearance was also not treated with urgency. Some initial administrative tasks, such as attempting to collect dental records and photos, were conducted in November and December 1995. Early on, her file was also sent to the Burnaby RCMP to assist in a homicide investigation. However, other than obtaining dental records and speaking with a family member, there was very little activity on the file after the initial period until October 1998, when a poster was distributed, and then in 1999, when further investigation was conducted. Essentially, there was a longer than three-year gap when very little investigation, and no active investigation, was done.<sup>173</sup>

It was not only the VPD that failed to provide an adequate immediate response to a report of a missing woman. Andrea Borhaven was reported missing to the Vernon RCMP by her mother, Sharon Hill, on December 14, 1998. In January 1999, Vernon RCMP members spoke with social services about their last contact with Andrea, spoke with the VPD about their contact with Andrea, entered her on CPIC as missing, and collected a blood sample from Ms. Hill. In April 1999, they entered her dental records onto CPIC; in May 1999, a ViCLAS booklet was completed and the RCMP contacted the VPD about Andrea, advising that she had been living in the lower mainland for the last nine years and, as a result, the VPD appeared to take over the file.<sup>174</sup> Based on the evidence, it appears that the RCMP did not conduct much in the way of active investigation between December 1998 and May 1999 other than collecting dental records and completing a ViCLAS booklet.

Taressa Williams was reported missing to the VPD and White Rock RCMP in 1988 and early 1989.<sup>175</sup> However, it appears that nothing was done with the file and that it was closed before any investigation was conducted, resulting in a nine year gap, from early 1989 to March 1998, before Taressa's disappearance was actively investigated. The file was closed in 1989: the

notes on CPIC remark she was “[l]ocated in Vancouver” but no further information is available on that decision.<sup>176</sup> Deidre Dolan-Harris, Taressa’s mother, recalled to police in 1998 that five years after her report, police advised her that they were closing the file because they had exhausted all efforts.<sup>177</sup> However, when Taressa’s file was later re-opened, police were unable to determine whether any steps had been taken.<sup>178</sup> In a transit slip on October 14, 1998, from Cst. Smith of the White Rock RCMP to Det. Cst. Shenher, he states: “Writer has yet to ascertain why the file was ever concluded. The circumstances surrounding WILLIAMS’ disappearance are indeed suspicious.”<sup>179</sup>

In a few cases, the lack of immediate response can be attributed to delays in transferring the file between jurisdictions. As I noted earlier, there was no active investigation in Olivia William’s file for three months because of the RCMP delay in transferring the file to the VPD.<sup>180</sup>

In Sherry Rail’s case, it appears very little was done by police to find her or discover what had happened to her in the first two years of the investigation. She had been reported missing on January 30, 1984 to the Hinton RCMP by her mother, Ms. Fitzgerald. The Hinton RCMP contacted the VPD; however, there was a breakdown in communication and Sherry was not entered on CPIC until March 28, 1984, for “observation regarding family enquiry,” with a note that the Major Crime Section was to be notified.<sup>181</sup> Two years later, on March 6, 1986, Ms. Fitzgerald contacted the Hinton RCMP to say she had still not heard from her daughter Sherry, nor had she heard from the VPD since a letter on May 8, 1984. In response to these concerns, Sgt. Morley of the Hinton RCMP checked CPIC for Sherry’s missing person entry, but it did not exist: it had been purged one year after it was entered.<sup>182</sup> At this time, the Hinton RCMP began an investigation into Sherry’s disappearance. The investigation was taken over by the VPD in 1987.<sup>183</sup>

In some cases, missing person files were opened and then closed without consultation with the families. For example, Marlene Abigosis was reported to the Trail RCMP Detachment by her sister, Valerie Hansen, as missing in April 2002, having been last seen in 1984. However, Ms. Hansen advised that Marlene had been reported missing to the VPD in 1984. In searching for the 1984 missing person report, the police discovered that Marlene had apparently been checked by the VPD on March 27, 1984; Ms. Hansen advised the family had not been informed of this check. The police were unable to find a missing person report for Marlene from 1984.<sup>184</sup> While it is difficult to determine the reason, it appears that no investigation into Marlene’s disappearance occurred until 18 years after contact with her family ceased, making it a historical missing person investigation.<sup>185</sup>

### ***Interviewing reportees***

Usually, police interviewed the reportee or a family member with knowledge of the missing woman’s disappearance or circumstances, as a part of gathering information such as names of friends and associates, persons of

interest, and other sources of information, for the police to begin follow-up. However, these initial interviews were conducted within varying time frames: in some cases, soon after the report, and in other cases, not for months or years after the report.

Some reportees were interviewed soon after they filed a report on a missing woman. For example, Yvonne Boen was reported missing on March 21, 2001, to the RCMP. The day she was reported, police attended her residence and spoke to her boyfriend, J.P., who was also the reportee.<sup>186</sup> Similarly, Heather Bottomley was reported missing to the VPD on November 29, 2001 by her father, Barry Bottomley. VPD police interviewed him on December 3, 2001.<sup>187</sup>

However, police often interviewed reportees or family several weeks, and in many cases months, after the initial report. Debra Jones was reported missing to the VPD on December 25, 2000 by her sister Donna Jones, who was not interviewed until September 20, 2001.<sup>188</sup> Elaine Dumba was reported missing to the RCMP on April 9, 1998 by her sister Louise Dumba, saying she hadn't seen her for nine years. Elaine was initially listed as "compassionate to locate." Police did not interview Ms. Dumba to get background information on Elaine until June 2000.<sup>189</sup> Stephanie Lane was reported missing to the VPD by her father, George Lane, on March 11, 1997, having been last seen on January 10, 1997. Police did not appear to formally interview him until November 25, 1998, more than one year later. Police also did not interview Stephanie's mother, Michelle Pineault, until September 28, 1998.<sup>190</sup>

### ***Attendance at last known address***

The police rarely attended the last known address or residence of the missing women immediately to conduct a search of the premise or canvass the neighbours or neighbourhood. In some cases, the police attended within the week of receiving the report; in others they did not attend for weeks or months. They also rarely canvassed areas where the women were last seen.

In many cases, police did not attend the missing women's residences at all. In some instances, police phoned hotels, apparently in lieu of a search; in a couple of cases, reportees, rather than police, searched the missing women's residences. Visiting the last known address of a missing woman would have likely been less useful when women were not reported for many months or years after their disappearances; however, in cases where women were reported missing soon after disappearing, this step could have been critical.

Based on her detailed overview of the individual missing women investigations, DC Evans concluded that while the VPD conducted in-depth background checks on some of the missing women, it often appeared that they conducted most follow-ups on the telephone. She is of the opinion that

canvassing the area where the missing women were last seen or searching their personal property or residence was seldom done.<sup>191</sup> In her testimony, DC Evans agreed that it is a fundamental investigative step in investigating someone's disappearance to go to their address to look for clues that might lead to where they went.<sup>192</sup> She also agreed it was a common thread that police failed to attend residences.<sup>193</sup>

Det. Cst. Shenher also agreed that as a rule, a fundamental and basic part of investigation would be to visit a missing person's last known address, especially where there was some immediacy to the report. However, she also stated that if enough time had elapsed, and several different people had been there over the course of months, it might not be a very fruitful avenue of investigation. She disagreed that the VPD MPU had departed from the rule that you should go as part of the investigation in almost all of these cases.<sup>194</sup>

The evidence does not support Det. Cst. Shenher's testimony in this regard; rather it confirms that it was rare for the VPD to attend a residence in person. A few examples support my finding on this point.

Kerri Koski was reported missing to the VPD by her sister Valerie Hughes on January 29, 1998, having been last seen on January 7, 1998. There was no indication that the police attended her last known address (the Chelsea Hotel), canvassed the area or searched the room with family.<sup>195</sup>

Julie Young was reported missing on June 10, 1999 to the VPD; she was also reported missing to the RCMP around the same time. There is no indication that the police attended the addresses Muriel Young, Julie's mother, provided, or canvassed neighbours in the area.<sup>196</sup>

It does not appear that police visited any residences thought to be where Stephanie Lane lived during the initial investigation of her disappearance.<sup>197</sup>

Brenda Wolfe's last known address was not attended until a year after she was reported missing.<sup>198</sup>

Sereena Abotsway was reported missing on August 22, 2001.<sup>199</sup> There is no evidence that the VPD identified her last known address, attended the address, or searched and canvassed the area during their investigation; however, Project Evenhanded attended her last known address in October 2001.<sup>200</sup>

DC Evans highlighted that police should have attended the last known address of Helen Hallmark and canvassed her neighbours after she was reported missing in September 1998, but did not.<sup>201</sup> However, police did attend a residence provided by a source on March 18, 1999, and attended another address indicated by a source, C.V., as Helen's residence, approximately seven months after she was reported missing. She was reported on September 23, 1998, and police attended the residence on April 21, 1999, one day after the address was provided by C.V. On April

21, 1999, when attending the address provided by C.V., police learned Helen had moved.<sup>202</sup>

As noted in the overview of individual investigations in Part 2A, the VPD did attend Janet Henry's last known residence, but they only did so three weeks after she was reported missing. By the time they attended, a TV crew had already been through the room.<sup>203</sup> The RCMP followed a similar time frame in Angela Arsenault's investigation: Angela's boyfriend reported her as missing to the Burnaby RCMP on August 29, 1994. On September 22, 1994, police attended their shared residence, interviewed her boyfriend, and searched her clothing.<sup>204</sup>

In some cases, there is no evidence that the police even attempted to identify a missing woman's last known address. For example, this was the case with Catherine Knight,<sup>205</sup> Heather Bottomley<sup>206</sup> and Marcella Creison.<sup>207</sup>

Importantly, the failure to attend the last known residence was not simply a question of finding clues as a result of the belongings left behind or the state of her residence. Attending in the DTES would have provided the police with an opportunity to speak with neighbours in the single room occupancy hotels or other neighbours who could have provided helpful information.<sup>208</sup>

The failure to canvass the neighbourhood is particularly difficult to understand when a woman was reported missing shortly after she was last seen. For example, Frances Young was reported missing on April 9, 1996, by her boyfriend, to the VPD; she was last seen three days prior, on April 6, 1996, when she left their home saying she was going for a walk.<sup>209</sup> DC Evans noted that police never canvassed the area of her residence but that neighbours should have been interviewed, especially because she was reported missing so soon after she was last seen.<sup>210</sup>

In some cases, police called the residence instead of attending. For example, Leigh Miner was reported missing on February 24, 1994. On February 28, Ms. Cameron called the Regent Hotel and spoke to staff who informed her that Leigh was asked to leave before Christmas 1993.<sup>211</sup> Similarly, the VPD called Angela Joesbury's residence three days after she was reported missing and attended two months later.<sup>212</sup>

Angela Jardine was reported missing on December 6, 1998, by Portland Hotel staff, where she resided. The staff said they had not seen her since November 11 and she normally did not leave home for more than four to five days. On December 16, 1998, police contacted Portland Hotel staff and spoke to them about Angela; on February 11, 1999, M. from the Portland Hotel called the police and offered to go through Angela's things; M. apparently also called Deborah Jardine, Angela's mother, to say a male claiming to be Angela's stepfather had attended to pick up her things.<sup>213</sup> Det. Howlett relied on the search by Portland Hotel staff.<sup>214</sup> This was one of the issues raised in Ms. Jardine's complaint about the investigation into

her daughter's disappearance.<sup>215</sup> DC Evans stated that although police had quite a few phone calls with staff from the Portland Hotel, officers should have attended the hotel, searched Angela's room, and canvassed staff and residents.<sup>216</sup>

Kathleen Wattlely was reported missing to the VPD by her brother on June 29, 1992. On July 2, 1992, her brother checked her apartment and informed police that he found nothing suspicious but obtained her phone book and a photograph of her. Police then searched Kathleen's apartment on July 10, 1992.<sup>217</sup> DC Evans noted this and stated: "Police should have attended Kathleen's apartment with her brother to go through her belongings together."<sup>218</sup>

In some cases, police attended the missing woman's residence within a relatively short time frame. For example, the VPD attended Dianne Rock's residence within a few days of receiving her report.<sup>219</sup>

On December 14, 1999, Wendy Crawford was reported missing to the Chilliwack RCMP by Ann White of Chilliwack Social Services, who told police that Wendy had not checked in with her mental health worker since November 27, 1999. That day, Constable Gunn of the RCMP attended her residence and spoke to her building manager, who advised she had not been home for several weeks.<sup>220</sup>

Yvonne Boen was reported missing on March 21, 2001 to the RCMP. The day she was reported, police attended her residence.<sup>221</sup>

Jennifer Furminger was reported missing to the VPD on March 30, 2001 by her friend. She was listed as last seen on December 27, 1999, and her address as 403 Powell (the Marr Hotel).<sup>222</sup> On April 6, 2000, police attended the Marr Hotel and spoke to the reportee.<sup>223</sup>

Elaine Allenbach was reported missing on March 20, 1986, and again by a different reportee on March 21, 1986, both to the VPD. On March 27, 1986, police attended her apartment, noting she appeared to be in the process of moving and located names and contact information for several associates. They spoke with the building manager, who was new and said he did not know Elaine.<sup>224</sup> Police canvassed her neighbours and previous building manager on April 1, 1986; they also attended her apartment again on April 3, 1986, and noted there were no signs of struggle.

Kellie (Richard) Little was reported missing by a neighbour to the Agassiz RCMP on April 30, 1997. In the few days after the report, the police were unable to identify and contact members of Kellie's family, or identify any associates other than the friend (Gina Houston) she was visiting in Coquitlam when she disappeared. Agassiz RCMP officers entered Kellie's apartment on May 9, 1997, and seized photographs and documents that would assist in locating her friends and associates.<sup>225</sup>

Debra Jones was reported missing to police on December 25, 2000, having been last seen on December 21, 2000. Three days after she was reported missing police received a tip indicating her last known address. Police attempted to attend Debra's last known address on January 12, 2001, approximately 18 days after Debra was reported missing. They learned she had moved out at the end of November.<sup>226</sup> While this investigative step was taken sooner than most, it does not in any way indicate urgent action.

### ***Database entry and checks***

Police generally performed the initial database entries and checks quickly. Typically, police entered reports onto CPIC promptly. Police searched a number of databases shortly after receiving the report, including some police databases and welfare records. Welfare searches generally revealed that the missing woman had regularly received welfare benefits, but had suddenly ceased either picking up or cashing her cheques, a significant indicator that the woman was missing.

There are many examples of timely recording of a missing person report onto CPIC and quick checking of records. For example, Patricia Johnson was listed on CPIC as missing on May 31, 2001, the day a missing person report was generated for her.<sup>227</sup> Sereena Abotsway and Rebecca Guno were also listed on CPIC as missing the day they were reported.<sup>228</sup> Police listed Andrea Joesbury<sup>229</sup> and Kellie (Richard) Little<sup>230</sup> as missing on CPIC the day after they were reported. Sheila Egan was reported missing on August 5, 1998 to the VPD by her sister Julia Egan; on August 6, 1998, the police found that her welfare file had been closed on December 12, 1997 and her last cheque not picked up. The next day, police completed police records checks.<sup>231</sup> Marcella Creison was reported missing on January 11, 1999, to the VPD by her mother, Gloria Creison. Police records and welfare records were checked the next day: through these checks, they identified 11 of Marcella's associates, and learned that she last picked up her welfare cheque in December 1998, and was scheduled to attend a training meeting.<sup>232</sup>

Conversely, there are also examples of delays in placing the missing women on CPIC and slow checking of records. Dianne Rock was not listed as missing on CPIC until four days after she was reported. While four days is relatively short, DC Evans noted that "it's important because time is of the essence;" she could not discern why it wasn't done earlier but stated that it should have been.<sup>233</sup>

Inga Hall was reported missing on March 3, 1998 to the VPD by her daughter, having been last seen on February 26, 1998. Police conducted a search of police and welfare records on March 19, 1998.<sup>234</sup>

On March 21, 1998 members of the Mount Currie Tribal Police Office became aware that Sherry Irving was missing. However, apparently this did not generate a missing person report until August of 1998, when her

brother Christopher Irving made inquiries about her at the Mount Currie Tribal Police; at this point, a CPIC entry was made.<sup>235</sup>

Police were also slow to check Angela's Jardine's welfare file: she was reported missing on December 6, 1998, and it was not checked until January 9, 2001.<sup>236</sup> Although many other records in her file were checked, this was quite an oversight. DC Evans testified that she understood that a good first investigative step for many of the missing women was making inquiries of the welfare office's records; she did not understand why Angela's was not checked until January 2001.<sup>237</sup>

In the exceptional case of Elaine Dumba, who was initially listed (for the first year, from April 1998 to August 1999) as compassionate to locate, not missing, few background checks were done by the RCMP. Rather, Louise Dumba, Elaine's sister, conducted some of the checks, including those of Native reserves and social assistance. DC Evans commented on this, saying: "no background checks done by police (some done by complainant)" and "the initial investigator listed Elaine on CPIC as a 'compassionate to locate' – not much investigation conducted until the Supervisor becomes involved."<sup>238</sup>

### ***Creating an additional delay: "Confirming the missing women as missing"***

The VPD approach to the missing person investigations included a step that involved confirming a person as "missing." None of the missing person policies provide for a protracted preliminary investigation into whether a person is missing or not before triggering a full – real – investigation. The VPD's investigative approach effectively added this initial phase and resulted in significant delays at this early, and arguably most critical, stage of the investigations. The approach also substantially affected the overall time required by the investigations.

In the case of missing women from the DTES, the MPU put a process in place to confirm that she was missing before being added to the missing women list. A new person would only be added to the list after completing all the due diligence to ensure the person was in fact missing.<sup>239</sup> The labour intensive work to determine whether the women were missing or in fact dead was especially difficult given the lack of adequate support systems for police, such as forensic support, information technology, and Major Case Management.<sup>240</sup>

The women were reported missing; there was no reason to treat these investigations differently by adding the step of determining if they were indeed missing. It was based on false assumptions that the women were transient, had run away, were evading the police and so on. The added step was a critical error: it precluded the quick risk assessment necessary, given the profile of the women. The VPD had it backwards.

Police also seemed to testify that as time went on, women were reported

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*The women were reported missing; there was no reason to treat these investigations differently by adding the step of determining if they were indeed missing.*

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missing more quickly than in the past. The implications of this seem to have been lost on the police because they were busy “confirming” women as missing rather than jumping into an active and aggressive investigation (which later happened in some cases, investigated by Project Evenhanded).

Surprisingly these delays did not really diminish over the course of the investigations as the acceptance of foul play as the likely explanation for the women’s disappearances became more widespread. Furthermore, the same approach was continued under Project Evenhanded. For example, Brenda Wolfe was reported missing to the VPD on April 25, 2000. By the time the decision was made to move towards a JFO in November 2000, it appears the investigation into Brenda’s disappearance was incomplete and no decision had been made to add her to the list of the missing. Database checks were conducted in an attempt to locate her, but little was done in terms of on-the-ground investigative steps, such as interviews and neighbourhood inquiries to advance the investigation.<sup>241</sup> On August 28, 2001, Det. McKnight met with investigators from the VPD MPU to get a status report on all the DTES missing women files; Det. McKnight was advised that the investigations into Brenda Wolfe, Dawn Crey and Debra Jones had not been completed and there was further work to confirm whether they were missing.<sup>242</sup> It appears she was not confirmed as missing until November 5, 2001, when she was added to the list of missing women.<sup>243</sup> Thus almost six months elapsed after she was reported as missing before police accepted her disappearance.

In his affidavit, Det. McKnight stated that when he joined Project Evenhanded, it had been decided that Evenhanded would not actively investigate new reports for women engaged in the sex trade, but would instead rely on municipal police agencies to conduct initial investigations and determine whether the women “were in fact missing” and whether they fit the profile of the women Project Evenhanded was investigating. Det. McKnight maintained contact with the VPD MPU, in particular Det. Dickhout, on the status of missing sex workers reported to the VPD. He also maintained contact with Cst. Dickson.<sup>244</sup>

Det. McKnight testified about the number of investigative steps necessary to try to locate women before getting to the point where they would be given to Evenhanded “because they were confirmed missing.”<sup>245</sup> He described the criteria for determining if someone was confirmed missing as checks of 25 to 30 categories including welfare, vital statistics, coroner, family, residences, associates, CPIC, PIRS, RMS, and the list went on.<sup>246</sup> He said the VPD was carrying out these steps as evidenced in the regular updates to Project Evenhanded.<sup>247</sup> However Det. McKnight agreed that a lag of six months between time reported missing and time Project Evenhanded would actually consider them missing was a long period, but he couldn’t explain why it took so long. He noted that an investigation does not have a time limit, but if nothing triggered a response to a suspect, then it tended to take six months.<sup>248</sup>

I can see no explanation for why it would take more than a day or two to confirm a woman missing; as we know, the vast majority of people reported missing are located within the first few days, a week maximum. Furthermore, many women fitting a specific profile in a small neighborhood had been confirmed missing. The police approach obscured this clear factual pattern.

The lack of urgency in the missing women investigations is especially problematic given that there was a very simple avenue for the police to initially determine there was a risk of foul play when a woman had not been seen for a month or more: whether the woman had failed to pick up her welfare cheques. As DC Evans noted in her report to the Commission:

*Welfare checks provided a clear indication of the personal habits of the Missing Women. In most of the investigations, the Missing Women regularly picked up their Welfare cheques, some for a period of months, others years. A sudden stop in collecting their cheque should have been a clear indication that more follow up was required.*<sup>249</sup>

These delays also contributed to the mistaken belief that women had stopped going missing. For much of the investigation, police believed that women had stopped going missing in 1999. Internal police memos state that although women continued to be reported missing after this point, those women were found soon after. This is the case for many missing person reports: most people are soon found. Tragically, women continued to go missing in 1999 and 2000, but police did not appear to accept this until 2001. Failing to treat each new missing woman report with urgency and failing to quickly assess whether or not she fit the profile of the list of missing women and therefore belonged on the list, but instead spending six months or more “confirming” she was missing, contributed to their delusion that the women weren’t going missing. Their failures delayed them from confronting the truth.

### ***Elevating the investigations to suspected homicide***

It is unclear in which circumstances or when missing women cases were considered to be suspicious and therefore elevated to suspected homicide status. Neither is it clear that suspicious files were consistently investigated to a higher standard than other missing women files.

Det. Cst. Shenher did not remember any of the files being handed over to homicide, with the exception of perhaps Wendy Crawford’s file; she believes a homicide investigator came to her and asked for the file at some point.<sup>250</sup> With regard to all of the missing women investigations, she testified that passing a file to homicide was an option open to her, which she would have pursued had she had compelling evidence to do so.<sup>251</sup> However, Ms. Cameron testified:

To my understanding, I would give the file to the detective in Missing Persons, if there was one in the office, and Homicide would never get involved. ... Because it was an unwritten policy of the

Vancouver Police department, no body, no homicide.<sup>252</sup>

In her testimony before the Commission, Det. Cst. Shenher agreed that it is important to investigate a homicide at the earliest opportunity so the evidence doesn't go cold; she believed this happened when it could, but there were circumstances in which that was very difficult and may not have happened.<sup>253</sup> She did not say the investigations were done well, but there were challenges with each of the files that made timely investigation difficult in some respects. Det. Cst. Shenher referred to the larger time gaps between disappearance and report in some cases and the fact that some of the women lived in rooming houses where "300 people" had lived since the time the missing woman lived there.<sup>254</sup>

While some files were noted to be suspicious, this assessment did not appear to change the investigation significantly. There is no indication that files deemed suspicious were investigated with more urgency than other missing women files. However, a few files appeared to be investigated or looked at by homicide or other investigators. In Janet Henry's case, the VPD investigation into her disappearance was partially completed by homicide investigators, who were involved in locating and interviewing persons of interest.<sup>255</sup> It also appears that Jennifer Furringer's file was assigned to Det. Faro,<sup>256</sup> who was a homicide detective at the VPD.<sup>257</sup>

In the Government of Canada's closing submissions, it was stated that the RCMP conducted appropriate investigations of women reported missing in RCMP jurisdictions according to established policy as set out in Mr. Kenney Holmberg's and Sgt. Dammann's affidavits.<sup>258</sup> In their submission, three of these files (Heather Chinnock, Wendy Crawford and Elaine Dumba) were elevated to serious criminal investigations: "In each of these cases, investigators considered that suspicious circumstances existed, with the result that they were either investigated by a detachment's GIS [General Investigation Section] or SCU [Serious Crime Unit], or the investigation was overseen by that section."<sup>259</sup> However, they stated that in the majority of cases, there was no evidence to suggest that the disappearances were suspicious or that foul play might be involved. As a result, the disappearances of the missing women were investigated as missing person files. According to the RCMP, the fact that there were commonalities between the missing women files was not sufficient to elevate them to a serious criminal investigation.<sup>260</sup>

It is not apparent to me what was different about the three files singled out by the RCMP that indicated foul play while others did not. Nor is it apparent what difference it actually made to the investigations carried out by the RCMP in those three cases, except perhaps Heather Chinnock's file, and one not mentioned by the RCMP in their submissions, Yvonne Boen's file. For example, the investigation of Elaine Dumba's file was stalled and left "concluded" (with diary dates extended) when the Coquitlam RCMP investigator could not get in touch with the reportee. On August 18, 1999, Cst. Sterling advised that because of a file review and lack of assistance or follow-up by Elaine's sister and the reportee, the file was concluded

until further response was received from Ms. Dumba.<sup>261</sup> On October 15, 1999, Cst. Sterling noted there was a critical investigative delay due to Ms. Dumba's inaction or possible disinterest. He noted that "circumstances are suspicious" and follow up was required and the reportee's assistance was critical.<sup>262</sup>

Wendy Crawford was reported missing to the Chilliwack RCMP on December 14, 1999, by Ann White, of Chilliwack Social Services, who reported that Wendy had not checked in with her mental health worker since November 27; Ms. White also reported that Wendy had disappeared before, for many weeks at a time, to a "slum area" in Vancouver. That day, Cst. Gunn attended Wendy's residence and learned that she had not been home for several weeks. In late December, Ms. White advised police that Wendy had not cashed her December welfare cheque.<sup>263</sup> It does not appear to me that a Homicide or Serious Crime Unit conducted her investigation. From the evidence I have, the investigation was mainly conducted by Cst. Gunn of Chilliwack RCMP "A" Watch.<sup>264</sup> However, Sgt. Wilson wrote that circumstances of Crawford's disappearance were suspicious on January 2, 2000.<sup>265</sup> Sgt. Phil Morris of Chilliwack Serious Crime appeared to have been involved in the file in September 2001, when he phoned Sgt. Clary of Project Evenhanded to relay concern about the investigation and pass along information from Wendy's doctor.<sup>266</sup> Sgt. Morris then contacted Det. McKnight and learned of an upcoming meeting for the missing women's families.<sup>267</sup>

Possible distinctions that justified considering her disappearance suspicious were numerous. She had a mental illness, schizophrenia, that required treatment; she had a mental health worker and was known to be violent to police when she was off her medications.<sup>268</sup> She was diabetic and had Crohn's Disease;<sup>269</sup> her medication and wrapped Christmas presents were found in her residence;<sup>270</sup> in April of 1999, she was questioned by police about the alleged murders of her brothers.<sup>271</sup>

As I note above, Det. Cst. Shenher also testified that VPD homicide investigators looked at Wendy's file.<sup>272</sup> However, it appears that Wendy's file was primarily investigated by the RCMP, so it is unclear if and when homicide investigators became involved.

However, it does appear that members of the Surrey RCMP GIS were involved in Heather Chinnock's file. Heather was reported missing to the Surrey RCMP on June 19, 2001. Quickly the investigator, Cst. Bernier, learned that her ex-boyfriend A.E., a person of interest, and ex-fiancé, S.B., had not seen her; she had not picked up her welfare cheque in April or May; she was seen by a neighbour leaving in a cab with her clothing packed; and she was a prostitute who had a drug and alcohol addiction. When speaking to Heather's mother, Judith Alleyn, on June 20, 2001, Cst. Bernier advised her that he would notify the Surrey RCMP General Investigation Section of the seriousness of the complaint.<sup>273</sup> Ms. Alleyn was very concerned that Heather had not picked up her welfare cheques and was concerned that

Heather had met with foul play. Cst. Bernier forwarded the information to the GIS on June 27, 2001, and on August 7, 2001, discussed the significance of the file with a Corporal of the GIS, including discussing the importance of interviewing three men.<sup>274</sup>

On August 15, 2001, Corporal Cross of the GIS sent a memo to two sergeants at the Surrey RCMP about the file, advising “Clearly there is a strong indication that Heather Chinnock’s disappearance is the result of foul play” and noted there were investigative avenues which should be pursued as soon as possible. On August 22, 2001, the file was transferred to the Surrey GIS.<sup>275</sup>

Heather’s profile did not differ greatly from the stories of the other missing women. Heather’s mother, Ms. Alleyn, was very concerned about Heather. Additionally, Heather had an ex-boyfriend who was known to be abusive to her and who police could not find. Many of the missing women had families expressing concern and abusive ex-boyfriends who were hard to track down. Cst. Bernier noted he was concerned she had not picked up her welfare cheque “as CHINNOCK lives off her income assistance cheque”<sup>276</sup> – again, most of the missing women relied upon income assistance to survive and, after they disappeared, stopped picking up their cheques.

However, there is one missing person investigation that was forwarded to an RCMP General Investigative Section in which foul play is more readily apparent than in other reports. Yvonne Boen was reported missing to the Surrey RCMP on March 21, 2001, by her boyfriend, J.P., having been last seen on March 17, 2001. Her file was forwarded for further investigation to the General Investigation Section on January 20, 2002.<sup>277</sup> Before the transfer, on January 16, 2002, one source who knew Yvonne had told police that he had seen Yvonne’s body wrapped in plastic and a carpet in a “crack shack,” and A.E., a person of interest, had stated “[s]ee what happens when you fuck around with us.”<sup>278</sup> The police had also received tips of sightings of Yvonne.<sup>279</sup> Because someone who knew her had claimed to have seen her body, the tip does seem slightly more concrete and serious than other tips; perhaps that is why Yvonne’s file, as opposed to others, was forwarded to the GIS for investigation.

### **Follow-Up Investigation**

Typically, police did not conduct rigorous follow-up investigations. Rather, investigations were limited and mainly consisted of what could be done by computer or telephone. Similar to the initial investigation phase, police made extensive use of databases but only infrequently interviewed witnesses or canvassed buildings or neighbourhoods where the women had resided. DC Evans testified that in some of the files she saw little evidence of active investigation. Investigators were doing “mere checks” as opposed to “going out and doing – we call them door knocks.”<sup>280</sup> In the VPD’s missing women investigations, she did not observe people getting

out and interviewing people who needed to be interviewed or speaking to people who should have been spoken to for more information.<sup>281</sup>

Timeliness is equally as important with follow-up investigations as it is with the initial response. Evidence is easiest to access and confirm when it is fresh.<sup>282</sup>

There was more thorough investigative follow-up in a number of the missing women files including Dianne Rock,<sup>283</sup> Mona Wilson<sup>284</sup> and Stephanie Lane.<sup>285</sup> In other files, there was a pronounced lack of urgency resulting in gaps of years between investigative steps.

Evidence of the lack of effective follow-up investigation is demonstrated in the restricted number of interviews with family, friends and associates; the failure to follow up on tips and interview and follow up on persons of interest; inconsistent use of posters and other media to generate leads; and inadequate use of community resources.

Both the VPD and RCMP made good use of record checks. In most respects, the police forces were diligent in obtaining dental and DNA samples.

### ***Unexplained gaps in investigation***

I have concluded that in some cases there were unexplained gaps in the investigations that lasted for long periods of time, in some instances extending many years.

In the case of Leigh Miner, there was apparently a nearly seven-year gap between October 1994 and July 2001 when the VPD did no investigations other than very basic initial investigative steps. In 1994, police conducted police records checks, checked welfare, had contact with her last known address, removed and re-instated her CPIC entry as missing when her cousin used her name in Edmonton, spoke with her mother, conducted a file review, received a photograph from Kelowna police, and checked welfare and medical files. There was apparently no further action on her file until 2001.<sup>286</sup> Family members took steps to try to get the police to take action on the file.<sup>287</sup> These interventions apparently prompted police to find Leigh's file from microfilm,<sup>288</sup> where it was evidently languishing un-investigated.

Similarly, there was a general lack of active investigation and follow up on Dorothy Spence's file. An RCMP officer assigned to the Agassiz homicide investigation who reviewed the VPD file in January 1999 noted: "It is obvious that this file was not a priority for them as there is only the strict minimum done on it."<sup>289</sup>

Kerry Koski was reported missing to the VPD on January 29, 1998, by her sister, Valerie Hughes; the date last seen was listed as January 7, 1998. The VPD investigated Kerri's disappearance throughout 1998 and 1999, but

the investigation slowed down drastically at the end of 1999, with only two investigative actions noted by DC Evans in 2000. It also appears that in November 1999 and July 2000, the VPD had received two tips about sightings of Kerri, one in the spring of 1998 near Robson Street and the other in December 1999, by someone who used to date her.<sup>290</sup> DC Evans noted, there was a “large gap in the investigation from 05 Jul 00 to 10 Jan 02.”<sup>291</sup> It is difficult to understand that the investigation would stop when the police had recent tips to follow up.

Ingrid Soet was reported missing in 1990. In that year there appeared to be some investigation by the police into her disappearance. Police spoke with family members to get background information, obtained dental charges and x-rays, checked welfare files and police records, interviewed her father and had a conversation with her mother, who indicated S.S. as a possible person of interest. Except for comparing Ingrid’s records with found human remains, following this initial activity no steps were taken until 1999 when more work appears to have been done. In short, there was an eight-year gap in investigation aside from two comparisons to found remains.<sup>292</sup> During this time they apparently did not follow up on the tip related to S.S.

### ***Interviews with family, friends and associates***

In the majority of cases, only a few interviews were conducted. In most cases, all identified family members, friends and associates were not interviewed. When the police interviewed persons beyond the initial family member or reportee, the interviews were often many months and, in some cases, years after the missing person report had been made. In some cases, no interviews were conducted. This was a clear oversight:

On most occasions, family members would have been one of the best sources for information on the Missing Women. Not only could they provide background information and personal habits, they could provide names of friends and associates. Unfortunately the investigative files reveal limited contact with most of the families. Interviews were seldom conducted. Early and continued contact could have provided police with a good starting point.<sup>293</sup>

DC Evans said that interviews of family, friends, associates or neighbours would assist in providing information regarding a missing person’s whereabouts and habits.<sup>294</sup> She also agreed there was a general failure of police in the missing women investigations to interview family, friends and neighbours.<sup>295</sup> Det. Cst. Shenher agreed that it is fundamental to speak to relatives and friends of a missing person right away to get as much information as possible about the circumstances.<sup>296</sup> While the RCMP is critical of the VPD in this regard,<sup>297</sup> it is not clear to me that the RCMP itself consistently took these steps in its investigations of the missing women.

That said, within the missing women investigations, there are some examples of the police quickly identifying family members, friends and associates, and following up with them.

One example of police conducting interviews of family and associates fairly quickly is the investigation of Heather Bottomley's disappearance. Police interviewed Heather's father, the reportee, and two of her associates within one week of her report, on November 29, 2001. From M.C., police learned that Heather had been last seen on April 17, 2001, rather than the earlier date they were given of March 1, 2001.<sup>298</sup> Police also spoke to Heather's mother, Francine McCullough, on the phone on December 10, 2001.<sup>299</sup>

In addition, the VPD attempted to follow up with associates of Inga Hall during their investigation of her disappearance. Inga Hall was reported missing on March 3, 1998, by her daughter, to the VPD. Police interviewed her daughter on March 24, 1998 (her daughter had cancelled an earlier appointment to be interviewed). During the interview, Inga's daughter provided the police with Inga's phone book. On March 30, 1998, the VPD contacted numbers in this phone book. On April 1, 1998, police interviewed A.K., who seemed to be a friend or associate of Inga.<sup>300</sup>

There are also numerous examples of poor follow up and lack of interviews with friends, families and associates. For example, Sereena Abotsway was reported missing on August 22, 2001, having been last seen on August 1 by her foster mother Anna Draayers. During the investigation, police spoke to Ms. Draayers and Sereena's aunt, Linda Curtis, two medical personnel at the walk-in clinic VNHS who had contact with Sereena, and B.C. at St. James Community Service.<sup>301</sup> During the investigation, there does not appear to be any other interviews with family members, friends or associates. This was noted by DC Evans, who found there was "[n]o evidence of interviews of family, friends, associates, neighbours."<sup>302</sup>

The overview of the individual investigations presented in Part 2(A) is replete with examples of family members, friends and acquaintances who were brought to the attention of the police but were never interviewed.<sup>303</sup> The detailed report prepared by DC Evans contains numerous other examples in which additional individuals who could have assisted in the investigations should have been interviewed, including the files of Debra Jones,<sup>304</sup> Yvonne Boen,<sup>305</sup> Michelle Gurney<sup>306</sup> and Marcella Creison.<sup>307</sup> More specifically, one day after Marcella was reported missing, the police found 11 associates listed on her police file; none appeared to have been contacted or followed up. Her boyfriend and sister were interviewed; however, police should have followed up with all of her family members.<sup>308</sup>

Even more problematic, in some of the missing women cases there is no indication that attempts were made to identify and interview family, friends and associates.

This is true for Catherine Knight; there is no indication police attempted to locate and interview Catherine's boyfriend or other people who had potential information.<sup>309</sup> Similarly, DC Evans also concluded there was no indication that police conducted interviews of Rebecca Guno's friends or family when they were investigating her disappearance.<sup>310</sup>

Laura Mah was reported missing by her sister Jenny Mah to the VPD on August 3, 1999, having not been seen since August 1985. While making her report, Ms. Mah provided police with the identity of Laura's common-law husband; however, as noted by DC Evans, it does not appear police made any attempt to locate and interview him. DC Evans also noted that in Laura's investigation there appeared to be no effort to identify, locate and interview family, friends or associates.<sup>311</sup>

Julie Young was reported missing by her mother, Muriel Young, to the VPD on June 10, 1999. She was also reported around that time to the Hope RCMP. DC Evans noted in her assessment that police made no attempts to locate and interview associates of Julie's provided by Muriel Young, and that Julie's daughters and ex-husband were not interviewed.<sup>312</sup>

Many family members testified that they had useful information to provide but were not contacted by the police.<sup>313</sup>

### ***Failure to follow up on tips/interview and deal with POIs***

In many investigations, the police received tips identifying suspects or persons of interest but did limited follow up. Police sometimes interviewed suspects or POIs, but rarely interviewed them more than once or employed polygraphs. I conclude that in the vast majority of cases, the police did not investigate tips to conclusion. While this is clearly true of Pickton, it is equally true of the many other persons of interest, many of whom had histories of violence identified in the missing women files.

Det. Cst. Shenher told the Commission that both by virtue of the tips received and by virtue of the nature of the investigation, there were a number of persons of interest. Some were more suspect than others, but it was the investigator's job to gather the necessary evidence to either include or exclude them.<sup>314</sup> However, DC Evans concluded "[s]everal of the Missing Women files have identified Person's [sic] of Interest that do not appear to have been interviewed, or eliminated."<sup>315</sup> In the January 25, 2001 memo that Sgt. Field prepared for Insp. Spencer regarding the proposed JFO, she stated:

*I also cannot say that all the files have been investigated fully and the important features of each case have been entered. There are also a vast number of outstanding tips that have not been followed up. Many of these relate to information on persons of interest, violent offenders and sexual assault suspects who have preyed on prostitutes in the past.<sup>316</sup>*

Some of the tips that were not followed up are particularly startling in hindsight. For example, a confidential source interviewed in connection with Cynthia Feliks' disappearance talked about a friend being held captive in a trailer in Richmond that smelled by a man who said he had seven bodies on the property.<sup>317</sup> An associate of Marnie Frey provided information to Det. Cst. Shenher that Marnie's friend had told him that she thought Marnie

wasn't missing, but that she was somewhere in Coquitlam.<sup>318</sup>

Even in cases where the follow-up was generally quite good, there were tips that were not fully pursued. For example, in Stephanie Lane's case, Cst. Dickhout was active in following up, including by conducting some interviews; however, DC Evans notes that some tips were not followed up to completion, namely a formal interview and polygraph of Stephanie's boyfriend, a person of interest. In her view, police should also have followed J.L.'s tip about Stephanie "ripping off the wrong guy" to completion and located and interviewed another identified POI.<sup>319</sup> This was also true in the case of Sarah de Vries, in which several POIs were interviewed but not polygraphed or pursued to the point police could confirm they were responsible for her disappearance or eliminate them as suspects.<sup>320</sup> Others were not interviewed at all.<sup>321</sup>

Strong suspects were identified but never located and interviewed in the cases of Helen Hallmark,<sup>322</sup> Yvonne Boen,<sup>323</sup> Michelle Gurney,<sup>324</sup> Cindy Beck,<sup>325</sup> Elsie Sebastian<sup>326</sup> and Catherine Gonzalez.<sup>327</sup> In Dorothy Spence's case, the VPD did attempt to locate and interview a good suspect, but he failed to attend and a follow-up interview was not actively pursued.<sup>328</sup> In Marcella Creison's file, her boyfriend was interviewed; however, a polygraph was discussed with the boyfriend, but police did not follow it up. Nor did police interview another POI, who should have been interviewed.<sup>329</sup>

In a few cases, POIs were linked to several of the missing women cases, but this does not appear to have increased the investigative steps taken in the relevant cases.<sup>330</sup>

An example of more thorough follow-up is the case of Jennifer Furminger. Jennifer was reported missing to the VPD on March 30, 2000, by a friend, having been last seen on December 27, 1999. Police interviewed the reportee and another male on November 6, 2000; however, after Det. Faro, a homicide investigator,<sup>331</sup> was assigned to the file, it was noted no follow-up interviews had been conducted on either man, in spite of the fact that in his interview, the reportee had shown deception. The reportee was re-interviewed the day that Det. Faro took over the file.<sup>332</sup>

### ***Posters and other media***

The community is an important source of information about a missing person, especially in circumstances where foul play cannot be ruled out but where there is no crime scene. Police can access these community resources by preparing and distributing missing person posters, the strategic use of media, and by directly tapping into community networks.

There was an inconsistent approach to using posters and other media to generate information and leads about the whereabouts of the missing women. In most cases, the police created and distributed missing persons posters. Police distributed posters within the police service and, often, to

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*The community is an important source of information about a missing person, especially in circumstances where foul play cannot be ruled out but where there is no crime scene.*

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DTES organizations such as Carnegie Centre, the needle exchange and DEYAS (DTES Youth Activities Society). In general, police made and distributed posters within the first couple of months of reports. Of course, different time periods for poster distribution occurred: in some cases, police made and distributed posters within a couple weeks; in other cases, the police took months or years before distributing posters. Police also commonly used media releases regarding missing women.

For example, Sheila Egan was reported missing to the VPD by her sister Julia Egan on August 5, 1998. The police distributed a missing poster for Sheila on October 23, 1998.<sup>333</sup> Jennifer Furminger was reported missing to the VPD by her friend on March 30, 2000; police made and distributed a missing person poster on April 5, 2000, within a week; police made and distributed a new poster for Jennifer on May 8, 2000. The posters were distributed through Cst. Dickson, Deb Mearns of the DTES Neighbourhood Safety Office, DEYAS, WISH and the street nurses.<sup>334</sup> As discussed in greater detail below, Deborah Jardine's complaint to the VPD included her concerns about delay in creating and posting the poster for Angela Jardine.<sup>335</sup>

### ***Use of community resources***

Other than distributing missing person posters, the police rarely used resources in the DTES prior to 2001. Specifically, police rarely canvassed service agencies in the DTES or spoke to employees or residents of the last known residences of missing women. Typically, any communication with DTES agencies arose from an agency providing a tip as a result of a missing person poster or contact through a missing woman's family. The failure to more fully employ community resources in the investigations was one of the critical errors in the missing women investigations. DC Evans noted the importance of this strategy:

*Based on the information reviewed in the Missing Women investigative files it was apparent that when officers attended the area of the DTES and conducted interviews or spoke to witnesses they obtained more information.*<sup>336</sup>

As an example of the importance of the community information, DC Evans refers to the fact that on December 5, 2001, Cpl. Van Overbeek from Project Evenhanded attended the Roosevelt Hotel and, upon speaking to individuals, obtained information relating to Deanna (Dinah) Taylor. Dinah Taylor was linked to Pickton and it was later learned that she had a role in assisting Pickton to find women in the DTES. DC Evans goes on to say: "Corporal Van Overbeek then attempted to locate the whereabouts of Taylor which, in my opinion, would have likely led to Pickton."<sup>337</sup>

I review the issue of the restricted involvement of family members and members of the community in more detail in the section below on failure to consider and properly pursue all investigative strategies. Here, I make some findings of fact concerning how this failure was exhibited

in the individual missing women investigations. Olivia William had been involved with Sheway and they were never contacted regarding Olivia.<sup>338</sup> Brenda Wolfe regularly attended WISH, was known and seen by her doctors regularly, and known by her social worker, but those avenues were not well pursued.<sup>339</sup> Dianne Rock's missing person report stated that she regularly frequented the Evelyn Centre, yet there is no indication in her file that the Evelyn Centre was approached for information, although the United Gospel Mission was contacted.<sup>340</sup> Georgina Papin was last seen at the Friendship Centre on East Hastings and Cst. Joyce noted in her file, "Georgina Papin frequented friendship centres and bars" but this line of investigation was not pursued.<sup>341</sup> As the Families note in their closing submissions:

[d]espite these clear indications that Georgina regularly attended friendship centres including the one on East Hastings, there is no evidence that the police ever attended any Friendship Centres to inquire whether they had information about, or contact with, Georgina.<sup>342</sup>

In some of the missing women investigations, the VPD did use community resources and/or canvassed the DTES. In 1998, while investigating Michelle Gurney's disappearance, police communicated with the Youth Action Centre and St. James Community Services, learning from the St. James Community Services that they had last paid her on December 11, 1998, and that she was staying with friends at that time.<sup>343</sup> In 2001, while investigating Sereena Abotsway's disappearance, police interviewed B.C. of St. James Community Service,<sup>344</sup> and while investigating Andrea Joesbury's disappearance they attended her hotel in the DTES area and spoke to people.<sup>345</sup> Also in 2001, investigators working on Mona Wilson's file spoke to staff at the Lookout and St. James Community Centre; however, they did not appear to have contacted WISH.<sup>346</sup> While investigating the disappearance of Debra Jones in 2001, Cst. Dickson attended First United Church, the Regent Hotel and the American Hotel, showing people Debra's missing person poster: anyone who knew her said she had not been around at all.<sup>347</sup>

With respect to Angela Jardine's disappearance, police had contact with Portland Hotel staff, St. James Community Service and the needle exchange, received tips from DEYAS and The Salvation Army, and attended Kettle Friendship Society. However, it appears that some of these contacts were initiated by sightings or tips from people at those organizations, rather than through police initiative.<sup>348</sup>

In addition, although it does not appear Cst. Dickson (or other police)<sup>349</sup> went to WISH to discuss any particular missing women's investigation, he did have contact with organizations that worked with women in the sex trade in the DTES: WISH, PACE and PEERS.<sup>350</sup> He attended the WISH drop-in during the terms of reference on a regular basis.<sup>351</sup> He also apparently met with members of PACE to discuss the missing women.<sup>352</sup>

### ***Records and off-line CPIC searches***

During follow-up investigations, the police rechecked databases initially searched and searched additional databases. In most cases, the police searched a wide variety of sources, for example, welfare, Ministry of Children and Family, MSP and BC Medical, Vital Stats, Coroners' databases, ViCLAS, CNI, RMS and NCIC. The police also generally requested off-line CPIC queries for each missing woman.<sup>353</sup> Typically, any information revealed in these searches was followed up with the appropriate agency. For example, police co-ordinated with other agencies or coroners to determine whether found human remains matched a given missing woman.

However, it should be noted that sometimes these searches were not conducted for a considerable amount of time after the woman was reported missing. In addition, there was a lack of consistency in the investigative avenues and enquiries utilized to locate the missing women.<sup>354</sup>

DC Evans noted that in her many memorandums to senior management, Det. Cst. Shenher outlined the various investigative enquiries that she had conducted. In her report, DC Evans compiles the following in a table.<sup>355</sup>

**TABLE IIB-3**

A.I.D.S. – VANCOUVER	MEDICAL SERVICE PLAN OF B.C.
BC Medical	Ministry of Social Development & Economic Security – Canada & Washington State
BC Public Trustee	Passport Office
BC TEL	PIRS
Canada Customs & Immigration	RCMP Profiling Unit
Canada Pension	Revenue Canada
Carnival Circus Circuit Canada & U.S.	Reward Poster
CLEU	RMS
CNI	Telus BC
Coroner's Databases	U.S. Mental Hospital & Welfare Intake
Corrections Canada	Veteran Affairs
CPIC	ViCLAS
D.I.S.C. Liaison	Victims of Crime Comp.
Dental Records	VPD Geographic Profiling Unit

Department of Vital Statistics Canada	VPD Patrol Units
Drug Rehabilitation/Methadone Records	VPD Vice books
Financial Assistance Canada	W.I.S.H. Liaison
Gang	Welfare
Indian Affairs	Witness Protection
Indigent Burials – Glenhaven Memorial Chapel	Workers Compensation

Investigators faced challenges in carrying out these searches in some instances because of legal restrictions and privacy concerns, particularly because missing person investigations do not fall into the category of criminal investigations:

...It is difficult for the missing person investigator to obtain information because there are generally no judicial authorities which allow for the release of personal information relating to the missing person. As such, the investigative techniques employed by the VPD to locate a missing person, were not necessarily the same techniques which would be utilized to apprehend a person for a criminal offence.<sup>356</sup>

Addressing these barriers requires changes to legislation and policy that were beyond the control of the police forces.

Det. Cst. Clarke was tasked with conducting a review of all hospital deaths and indigent burials. A review of approximately 6300 files took several months to complete but did not reveal any connection to the missing women. DC Evans concluded that “[w]hile very time consuming, I believe this was a necessary investigative step. It also provided personnel, in the hospitals and coroner’s office, with the opportunity to witness the significance that police placed on proper identification of the deceased.”<sup>357</sup> Nevertheless, I question the prioritization of this task given the scarcity of resources available to the MWRT. In my view, the decision to assign this task was misguided and amounts to an error.

Police also used CPIC off-line queries in the missing women investigations. DC Evans spoke of the value in conducting these searches: “CPIC Offline-queries are an excellent source of information. They provide information as to whether the Missing Women have been queried by other police agencies in Canada.”<sup>358</sup> There are many examples of off-line CPIC searches in the missing women files: including, for example, police-conducted off-line queries on Diana Melnick,<sup>359</sup> Jacqueline McDonnell,<sup>360</sup> Kellie (Richard) Little<sup>361</sup> and Dorothy Spence.<sup>362</sup> It appears that starting in October 1999, Det. Cst. Shenher recognized the need to do these queries systematically for all the missing women, ordering queries for 29 missing women and requesting they be re-done every six months.<sup>363</sup>

### ***Collection of dental/DNA evidence***

Dental and DNA evidence is gathered in missing person cases to assist the police in identifying victims of crimes and unidentified human remains. Both the VPD and the RCMP were vigilant in gathering these samples, although the VPD encountered some difficulties in having the DNA samples analyzed. I heard evidence to the effect that the VPD should have pursued the analysis of these samples more aggressively and there were some issues with respect to the continuity of handling the samples.<sup>364</sup> However, as I will explain, I do not conclude that these relatively minor problems amounted to a failure in the investigations.

The police were able to locate dental records for most of the missing women, which they entered into the files. This was occasionally a time-consuming task. For example, Catherine Knight was reported missing on November 11, 1995 to the VPD, and much of police's investigative effort until July 1996, when her dental charts were obtained, seemed to focus on trying to identify her dentist and obtaining dental charts.<sup>365</sup> Kerri Koski was reported missing on January 29, 1998 to the VPD. Police searched for Kerry's dental information on April 15, 1998 and received the name of Kerry's dentist from Kerry's mother on April 16, 1998. Despite the VPD contacting the dentist's office on April 20, and requesting her dental charts on July 8, they were not made available to police until September 9. The charts were then not added to CPIC until January 12, 1999.<sup>366</sup>

For the majority of the missing women, the police located DNA samples from the BC Cancer Clinic or collected familial DNA from family members. However, this often took years to complete. The strategy to approach the BC Cancer Clinic was an innovative development:

When available, investigators obtained familial DNA for each of the Missing Women. On those occasions when they were not able to obtain familial DNA, the VPD went to the BC Cancer Clinic to obtain DNA samples from pap smears. This was an ingenious investigative technique. Although the idea came to investigators in 1999 it was not until May 1<sup>st</sup>, 2001, that an Agreement was signed to allow access to this information.<sup>367</sup>

However, the RCMP is highly critical of VPD delays in gathering and analyzing this evidence:

...while it would have been appropriate for investigators to collect evidence that could identify the missing women's DNA as soon as possible, this was not done. The use of DNA in the missing women's investigation, particularly with respect to the conviction of Pickton, was of utmost importance. Without readily available profiled DNA samples, there would be delays in associating any of the missing women to a crime scene, should one be discovered.<sup>368</sup>

The MWRT collected familial biological samples for the missing women for identification, but was unable to have the samples profiled by the Vancouver Forensic Laboratory, as it would not accept biological samples

in missing person cases because there was no crime.

Sgt. Field testified that the MWRT collected biological samples of some of the missing women and their families as a necessary step to advance the investigation. Their attempt to have them profiled by the Vancouver Forensic Laboratory wasn't viable because the women were missing, but not linked to any particular crime scene. She has no memory of whether the VPD ever expressed to the lab their belief that the women were potentially homicide victims. She also did not discuss with Coquitlam investigators that the VPD had samples which could potentially be used to advance the Pickton investigation.<sup>369</sup>

Samples were simply held on file, which later caused continuity problems for Project Evenhanded.<sup>370</sup> If the missing women had been considered homicide victims from the outset, it is possible that this DNA may have been profiled earlier.<sup>371</sup> This problem was overcome by Project Evenhanded through an agreement with the forensic laboratory that the women were to be considered homicide victims, which allowed the samples to be profiled and entered into an index for comparison purposes.<sup>372</sup>

In a few cases, the VPD had access to some of the missing women's DNA due to previous investigations but experienced delays or failed to access it. For example, the police had Cindy Beck's DNA from a 1997 sexual assault investigation in which a "kit" was obtained; however, DC Evans noted there was no indication that it was used for comparison in her missing person investigation.<sup>373</sup> Sereena Abotsway was reported missing in 2001, and police realized the VPD may have had Sereena's DNA from a previous investigation on January 15, 2002; this was confirmed on January 21, 2002.<sup>374</sup>

In many cases, including, for example, those of Jacqueline McDonnell,<sup>375</sup> Frances Young<sup>376</sup> and Ingrid Soet,<sup>377</sup> the police investigated the possibility of the missing women being matched to found human remains. Through this method, police determined that two women who had been reported missing had died and their remains had been discovered.<sup>378</sup>

### **Recording and File Reviews**

On the whole, the missing women investigations appear to have been adequately recorded. Records often consist of printouts of police database searches or handwritten notes or logs. However, when missing women files were passed to Project Evenhanded for review, an electronic document was created summarizing the investigation to date. In a few cases, files were not properly documented and this contributed to ineffective investigations. Information was not always kept systematically and this, too, hindered progress. For the most part, file reviews were carried out effectively by the RCMP but not by the VPD. However, within both police agencies, the reviews did not consistently lead to follow-up on the actions noted in the files.

### ***Recording***

Most missing women reports were recorded on a formal missing person form. Investigative logs were kept in handwritten form. In some cases, it is difficult to determine which investigator was responsible for the entry or action, particularly in the VPD's logs, which were not consistently signed by the investigator. The files contained printouts from database searches, such as CPIC, off-line CPIC queries, PIRS and RMS queries and results. Interviews were usually recorded both in handwritten form and later transcribed or typewritten. In some cases, contacts and associates were listed.

Efforts to properly record the investigative steps were hindered by lack of information systems. When Det. Cst. Shenher came to the MPU, it did not have a computer; she did not get a computer until August 1998. She told the Commission that files were disorganized, and basically put into a "credenza of binders."<sup>379</sup>

Documentation issues arose in a few cases and these hampered investigative efforts. For example, when Cst. Williams conducted a review of Leigh Miner's file on December 5, 2001, he learned that Erin McGrath had reported her missing in 1994 and had heard nothing further from the VPD. Ms. McGrath had called in 1999 and no one returned her call. She called again in spring 2001 and was told by Cst. Dickhout that he couldn't find the file – it was later located on microfiche. Needless to say, these problems with documentation were problematic and contributed to Leigh's family's dissatisfaction with police efforts.<sup>380</sup> In a similar vein, a proper file was not initially opened for Cynthia Feliks despite police knowledge that she was missing.<sup>381</sup> A review of Marcella Creison's file noted there were very few written reports in the file and most information had to be pieced together.<sup>382</sup>

The lack of proper documentation caused delays in investigations after the transfer of the files from the MWRT to Project Evenhanded. For example, on September 6, 2001, a request was made to check someone's name in Sheila Egan's file. However, Det. McKnight indicates in the memo that "In a nutshell, we are in review mode and setting up shop" and they cannot access all the documents yet.<sup>383</sup>

Checklists were often used with respect to database searches and poster distribution.<sup>384</sup> However, it appears checklists were not typically used for active investigative actions like interviewing family members or canvassing the area where the person was last seen.

### ***File reviews and bring forwards/diary dates and involvement of supervisors***

It appears that investigators regularly conducted file reviews, although the RCMP was more consistent in this practice than the VPD. Det. Cst. Shenher testified there was no due date system or bring forward system for the missing women investigations;<sup>385</sup> this may have resulted in ad hoc

reviews of the VPD investigations.

Often, a review precipitated a missing women's file being added to the missing women list: members of Project Evenhanded were assigned to review files of the missing women and determine whether or not they should be added to the missing women list.

When reviews were conducted, they were typically recorded and the investigation summarized. Sometimes follow-up actions were listed. However, it is unclear that the file reviews resulted in follow-up actions on a consistent basis. For example, in Brenda Wolfe's case, four file reviews were undertaken but very little action resulted; however, at the final file review on October 31, 2001, it was recommended she be added to the list of missing women.<sup>386</sup>

Laura Mah was reported missing to the VPD on August 3, 1999, having been last seen in August of 1985. Little investigative work was done on the file, likely related to the 14-year gap between her disappearance and the missing person report. However, the police, between the date of the report and January 2002, conducted four file reviews. The first file review, conducted on October 24, 2000, appeared to result in further investigation: a CABS check appeared to have been done and, later that day, Jennie Mah, Laura's sister, was contacted and information was received about Laura's children. On August 28, 2001, a file review was again conducted, but the next investigative action on the file was not until October 10, 2001. On October 16, 2001, police conducted a file review again, and this one seemed to result in some investigation: police and welfare records were rechecked and, shortly after, a CPIC off-line search was requested and it was recommended to add Laura to the list of missing women. On January 18, 2002, a file review was again conducted and seven priority tasks were listed. However, other than submitting a ViCLAS sheet, none of these tasks appear to have been completed by February 2002.<sup>387</sup>

In some cases, it does not appear that file reviews were undertaken in a timely way. For example, Michelle Gurney was reported missing on December 21, 1998, and the file indicates only one file review was conducted, on January 9, 2002.<sup>388</sup> Helen Hallmark was reported missing on September 23, 1998, and there is no indication in the documentary evidence that police conducted any file reviews until October 15, 2001.<sup>389</sup> In both cases, investigative questions and actions were created but not enacted before Pickton's arrest in February 2002.

Some cases were reviewed regularly and the involvement of supervisors assisted in moving the investigations forward. This appeared more often in RCMP cases. For example, the Coquitlam RCMP reviewed Elaine Dumba's file on a fairly regular basis; the file was also diary-dated. I set out this chronology of reviews of Elaine's file for illustrative purposes:

- April 9, 1998 – Elaine Dumba was reported missing by her sister,

Louise Dumba, to the Coquitlam RCMP, nine years after she had been last seen;

- June 1998 – file overview;
- September 22, 1998 – file update;
- June 7, 1999 – RCMP reader section advised that the file was due on December 20, 1998 and lacked sufficient detail to close; requested follow-up;
- September 9, 1999 – supervisor reviewed file;
- September 16, 1999 – file review;
- October 14, 1999 – requested supervisor to review file, file overdue;
- February 9, 2000 – supervisor review;
- May 18, 2000 – file update requested by District Advisory NCO;
- May 20, 2000 – District Advisory NCO informed that a summary had been completed, ViCLAS booklet completed;
- June 21, 2000 – missing person audit raised some questions; full file review conducted and deficiencies noted to be addressed;
- June 27, 2000 – supervisory request for file review pending review by ViCLAS coordinator;
- July 27, 2000 – file review resulted in several recommendations, including aliases query on RMS and PIRS and review VPD Vice Unit street worker photograph book;
- June 26, 2001 – Project Evenhanded reviewed Coquitlam's files and added Elaine's case to their file for review; and
- December 5, 2001 – Project Evenhanded reviewed files, identified Elaine's as requiring further investigation; as a result, on December 10, 2001, Project Evenhanded assigned an officer to Elaine's investigation.<sup>390</sup>

Systematic review also occurred in the Surrey RCMP's handling of Yvonne Boen's disappearance.<sup>391</sup>

I note that in some RCMP files, it appears that supervisors were involved in reviewing the Missing Person Investigation. I did not come across this in the evidence of the investigations by the VPD; in particular, I am not aware that Sgt. Field, the Sergeant in charge of the MPU, was involved in reviewing the individual missing women investigations conducted by members of the VPD while the investigations were ongoing. In her log, the only mention of file review I found was the review of the Burnaby RCMP's file on Angela Arsenault.<sup>392</sup>

In her testimony, Sgt. Field stated that she was not aware of all the steps Det. Cst. Shenher was taking in the missing women investigations nor supervising her on a day-to-day basis, but apparently she had discussions with Det. Cst. Shenher and found that she took as many steps as she could.<sup>393</sup> As Det. Cst. Shenher testified, she was not told by her supervisors that what she was doing on the investigations was inadequate.<sup>394</sup>

### **Communication with Family Members or Reportees**

Police contact with families and reportees can generally be described as minimal. Typically, police did not keep in regular and frequent contact with families beyond the initial investigation stage. While police communicated

with families more regularly at an investigation's outset, family members or friends usually initiated this contact. As time elapsed, communication occurred less often and, in many cases, ceased for months or years at a time.

As I have noted in the overview of the missing women investigations, many family members expressed serious frustrations and distress over this lack of communication. I accept Det. Cst. Shenher's evidence that some families did not want to be contacted unless there was a development in the loved one's file.<sup>395</sup> However, this was not always the case. For example, Patricia Johnson's mother, Marion Bryce, testified that the police had not told her about putting Patricia on the missing women list and did not contact her; she had to phone them.<sup>396</sup> This lack of communication contributed to her belief that police treated her unfairly.<sup>397</sup> Under cross-examination, she recalled some, but not all, of the updates given and revealed she was not aware of all the steps taken and tips investigated by police.<sup>398</sup>

Catherine Gonzalez was reported missing by her brother, David Gonzalez, to the VPD on February 7, 1996. The VPD apparently maintained some contact with him in 1996 and 1998, but then all contact ceased.<sup>399</sup> Mr. Gonzalez spoke to Cst. Cater on December 13, 2001: he was upset because police had not contacted the family in years and there was a lot of press about the missing women. Cst. Cater confirmed with VPD Victim Services and Evenhanded that there had been no contact with the Gonzalez family.<sup>400</sup> DC Evans' assessment stated: "Minimal family contact in the early years and then not at all."<sup>401</sup> Det. Cst. Shenher disagreed with this assessment, testifying that she wasn't able to locate any parents or other family members, so she had only had contact with her brother, but then had difficulty making contact with him.<sup>402</sup>

Leigh Miner was reported missing by her mother Doreen Hannah on February 24, 1994, having been last seen on December 12, 1993. After some minimal contact with Ms. Hannah in 1994, police did not contact the family again for almost five years. Even then, police did not contact Leigh's family, but Ms. Hannah contacted the police in July 1999 to inquire whether Leigh was related to the missing women.<sup>403</sup> Sandra Cameron spoke to Ms. Hannah at this time and this was her last contact with Leigh's mother.<sup>404</sup> Erin McGrath, Leigh's sister, also called in 1999 but no one returned her call; police notes indicate Ms. McGrath was very dissatisfied with the VPD.<sup>405</sup> Police apparently did not communicate again with the family for two years, until Ms. McGrath called the VPD on June 22, 2001, requesting that Leigh's file be transferred to the MPRT. She made repeated contact with the police in June and July of 2001.<sup>406</sup>

In several other cases, including the investigation of Debra Jones,<sup>407</sup> police contact with the families was minimal and initiated by the family. In Kathleen Wattle's case, there was regular contact in 1992, the year she was reported missing, and some contact in 1993. However, police contact with family slows considerably, with a little contact in 1994 and 1996; after

1996, contact stopped entirely.<sup>408</sup> As noted earlier, there is no evidence that the VPD informed Angela Jardine's mother that her daughter had been reported missing for over two months.<sup>409</sup> Contact with family also appears to have been minimal in the cases of Rebecca Guno,<sup>410</sup> Cindy Beck<sup>411</sup> and Frances Young.<sup>412</sup>

One of the issues arising in several of the missing women investigations is the request that multiple family members be kept informed by the police. For example, the Mission RCMP who investigated Georgina Papin's missing person report communicated occasionally with Kathleen Smith, Georgina's sister-in-law, but apparently they made little effort to keep the rest of Georgina's large family informed about the investigation.<sup>413</sup> In the police affidavit at Exhibit 200A, it says police tried to phone Georgina's siblings, Bonnie Fowler on one occasion and George Papin on another occasion; two attempts seems little to me. Georgina's brother contacted police himself to provide information.<sup>414</sup> Georgina's sister Cynthia was never contacted regarding her sister's disappearance.<sup>415</sup> Very early in the investigation she contacted Sally Thomas, who was a relation of Georgina's, at the Enoch reserve.

Family members also cited concerns about the nature and degree of support and guidance police provided. In her appearance before the Commission, Maggie de Vries, Sarah de Vries' sister, provided evidence concerning how the police could have assisted her when she "suffered and struggled" after Sarah's disappearance.<sup>416</sup> She explained that they could have made her feel that Sarah's disappearance was important, and helped her to determine if she had any relevant information to share with the police or how she could have helped the investigation, stating they could have "assisted me to assist them."<sup>417</sup> Ms. de Vries also testified that the relationship could have been more supportive, and it might have been helpful if someone had told her she was a victim and she might want access to support services.<sup>418</sup>

However, Ms. de Vries was very positive about Det. Cst. Shenher's contact with family members, while noting the systemic problems at the VPD:

With Lori Shenher there was a warmth and a connection and an open communication, but still, I think the fact there was only the two of them [in the MPU], there was no way that they even had the time to investigate the case in all the ways that they needed to do and to take full advantage of all the family members and support the family members in all of our myriad needs, they couldn't.<sup>419</sup>

Det. Cst. Shenher appeared to struggle with the time pressures of trying to maintain family contact in addition to her other duties with the MWRT.<sup>420</sup> In his role on Project Evenhanded, Det. McKnight realized that he was having difficulty maintaining contact, so after approximately six months on the job, he contacted Victim Services Unit to have them assist.<sup>421</sup> As DC Evans noted this was an excellent idea, but it should have occurred sooner.<sup>422</sup>

In addition to individual contact with family members, the police held only three family meetings during the course of the investigation: the MWRT held one on June 24, 1999, and Project Evenhanded held two in October and November 2001. Family members generally appeared to appreciate the family meetings.<sup>423</sup> However, Ms. de Vries testified that she “felt like we were being patted on the head so we would go away” after the 1999 meeting.<sup>424</sup> She was reluctant to go to the 2001 meeting because of the lack of progress, but was more enthusiastic about the strategy and resources she heard there:

But then at that meeting Don Adam got up and talked to us and it was the first time I felt the whole structure of the police actually meant what they said. I cried at that meeting because it was the first moment where I felt not just that Lori Shenher wants to find out what happened, she’s trying very hard -- I had felt that for several years -- but this was the police, the RCMP and the VPD were going to work together until we find out what has happened to each one of these women. That’s what we were told at that meeting and I found myself thinking, I think maybe they actually mean that, and it felt so -- it was obviously a long time coming but it felt very, very supportive and good to hear that at last and that happened after the *Vancouver Sun* had run a week’s worth of full page articles on the front page above the fold with missing women inquiry or missing women something in red.<sup>425</sup>

These meetings were also an opportunity for family members to voice their concerns with the lack of progress in the investigations and other issues. In particular, the views expressed by family members about their frustrations with the investigations at the October 2001 meeting were quickly communicated to senior managers<sup>426</sup> and resulted in some investigation by police.<sup>427</sup>

I conclude that there was a general failure on the part of the VPD to maintain effective communication with family members. There is no specific standard against which I can measure the VPD and RCMP practices in this regard. However, I accept the preponderance of evidence from family members that communication fell far below a reasonable threshold.

### ***Degrading or insensitive treatment of families***

Several family members complained of degrading or insensitive treatment by members at the intake stage and in their initial contacts with the VPD MPU, particularly at the hands of Sandra Cameron. To a more limited extent, these concerns extended to other members of the MPU and resulted in the filing of formal complaints. At least one VPD officer, Sgt. Bob Cooper, was aware of this dynamic when he expressed concern about the treatment Aboriginal people were receiving from the VPD missing person processes in the January 9, 1998 memo outlined earlier.

### ***Formal complaints***

Three formal complaints about degrading or insensitive treatment by VPD members or staff were made during the terms of reference. These complaints were often coupled with concerns over the competence of the investigations.

#### ***Complaint about the investigation of Angela Jardine's disappearance***

Angela Jardine was reported missing to the VPD on December 6, 1998, by a staff member at the Portland Hotel. She had last been seen on November 10, 1998. Police apparently did not contact Deborah Jardine, Angela's mother, about her disappearance until February 1, 1999, when she was given an update on the investigation.<sup>428</sup> On the missing person report, the reportee from the Portland Hotel provided Ms. Jardine's name and contact information.<sup>429</sup> Throughout 1999, police had contact with Ms. Jardine, but she informed them on June 3, 1999 that she was unsatisfied with the investigation.<sup>430</sup>

On July 28, 1999, Ms. Jardine filed a complaint to the VPD about the conduct of her daughter's missing person investigation.<sup>431</sup> In her complaint, she alleged neglect of duty and poor service:

- *Failing to notify her or her husband of Angela's disappearance, and being told this was the case because Angela was an adult;*
- *Not interviewing Angela's last coworker or close friends;*
- *Not examining her belongings or room;*
- *Not making a missing person poster promptly, and making it with a photo that was a poor likeness of Angela when she had offered another;*
- *Not following up on name of a woman whom people were mistaking for Angela, with these false sightings causing delay in the investigation, and not following up with Mark Townsend of the Portland Hotel who knew her;*
- *Failing to contact Angela's dentist to get her dental records.*<sup>432</sup>

In her complaint, she also alleged a conduct complaint: "I was treated as an impartial party. Our daughter's case was treated with a nonchalant attitude. The behavior of the detectives was often discourteous and belligerent. There [sic] personal beliefs swayed their judgment."<sup>433</sup> She stated that every time she spoke with detectives she was met with resistance; she was met with hostility when she had important information to share; and detectives reprimanded her for not keeping them informed of her activities. In particular, she found the behaviour of Det. Howlett "intimidating": her complaint states that he yelled at her to "take the case herself, take all the cases" – so she found it necessary to console him about his workload by asking him to put himself in her situation. She wrote that he also yelled at her that there was "no set time limit" for putting a case on ViCLAS.<sup>434</sup>

Ms. Jardine was also upset at not being allowed to have either Mark

Townsend of the Portland Hotel or Wayne Leng represent her at the family meeting with police. She reported that Det. Cst. Shenher had said to her, "I told you already it's only for families and I was extending you a common courtesy to select someone" and tried to get her to have the woman from the Portland Hotel who reported Angela missing represent her, even though Ms. Jardine did not know this woman. Ms. Jardine's complaint states that Det. Cst. Shenher said to her that she should have known better than to call her about the meeting. Ms. Jardine later learned a UBC student who was not family was allowed to attend the meeting.<sup>435</sup> This is contested by Det. Cst. Shenher, who explained that the woman who represented the family at the meeting was a family member's common-law partner.<sup>436</sup>

The VPD investigated this complaint in a timely manner by responding to Ms. Jardine within less than a week of her complaint, and kept Ms. Jardine apprised of the developments of the internal investigation with subsequent correspondence.<sup>437</sup>

Det. Howlett and Det. Cst. Shenher responded to the concerns outlined and had very different perceptions of the events. Det. Cst. Shenher had found Ms. Jardine difficult to deal with and disagreed with almost all the points she raised.<sup>438</sup> Det. Howlett also generally denied her allegations, but did admit that he was frustrated by the number of missing person cases he was handling and that this frustration might have been reflected in his voice.<sup>439</sup> Det. Howlett had not contacted Ms. Jardine when he first received Angela's missing person report because of the sightings of Angela (which turned out to be mistaken); these sightings also delayed the production of the poster. He also thought Angela's disappearance was by her own design and that is why he did not tell her mother sooner, not because Angela was an adult. Further, he stated that the Portland Hotel staff had examined her room "and did not find anything amiss or anything to indicate where Angela might be."<sup>440</sup>

Ms. Jardine's complaint was summarily dismissed in November 1999.<sup>441</sup> She applied for a review of the decision in December 1999 and this application for review was also dismissed.<sup>442</sup> However, the evidence supports some of Ms. Jardine's concerns. For example, the VPD did not contact social workers who would have had pressing information, nor did they keep in regular contact with the Portland Hotel staff who were well-connected to the community. However, the Portland Hotel staff were not investigators so it is not clear why Det. Howlett felt that he could rely on their search of Angela's room. With respect to Det. Cst. Shenher's view that Ms. Jardine was difficult, Ms. Jardine responded: "If offering information is considered being difficult and asking reasonable questions is perceived as difficult then I do not understand the terminology."<sup>443</sup> Further, it does appear that the delay in completing the ViCLAS entries which Ms. Jardine questioned were contrary to VPD policy concerning timely entry.<sup>444</sup>

The sightings of Angela were not credible and insufficient care was taken to ascertain the identity of the woman in question. It turned out to be Sereena

Abotsway,<sup>445</sup> who herself disappeared some time later. These false sightings contributed to delays in the investigation process. Det. Howlett's view that it was unclear that Angela's disappearance was suspicious is in marked contrast to other evidence before the Commission. Catherine Astin, a street nurse at the time, testified that her colleague found it obvious when Angela went missing: "one minute she was there and the next minute she was gone. It was noted that she wasn't there anymore, that she was missed."<sup>446</sup> Det. Cst. Wolthers testified that it was very obvious when Angela went missing because she was a fixture in the DTES.<sup>447</sup> Insp. Greer concurred with this view and also noted that Angela likely would have come to the attention of police if she had gone somewhere else and therefore could have been found on CPIC checks.<sup>448</sup> Her disappearance was a "tipping point" in the eyes of Insp. Greer.<sup>449</sup>

In July 2002, Ms. Jardine re-filed her complaint in light of the arrest of Pickton, but Acting Police Complaint Commissioner, H. Benjamin Casson, responded that he did not have a compelling reason for reconsidering the decision of the former Commissioner.<sup>450</sup>

### ***Complaint about the investigation of Tanya Holyk's disappearance***

Earlier, I provided some information about Dorothy Purcell's concerns. Here, I consider the complaint in greater detail. On November 3, 1996, Ms. Purcell reported Tanya Holyk missing to the VPD. Over the course of the next few months, Ms. Purcell made numerous calls to the Missing Persons Unit. The VPD apparently raised questions as to whether Tanya had disappeared or had "run away" (she was the mother of an infant at the time). Ms. Purcell was very concerned about her treatment by Ms. Cameron. In particular, Ms. Purcell was upset about an incident where Ms. Cameron spoke with a woman who said that Tanya had been at a party and, without taking further steps to verify this sighting, cancelled the missing person report. When Ms. Purcell challenged Ms. Cameron on this action, Ms. Cameron reportedly said to her: "Tanya was out having fun doing drugs and had abandoned her child and the police weren't going to waste their time trying to find her."<sup>451</sup> Ms. Cameron testified that Ms. Purcell had agreed to cancel the report.<sup>452</sup> Having been turned away by the Missing Persons Unit, Ms. Purcell turned to VP-NLS for assistance in finding Tanya.<sup>453</sup>

On January 22, 1997, Ms. Purcell wrote a letter of complaint to the VPD in which she described how Ms. Cameron treated her and spoke of Tanya, calling Tanya a "coke head" who abandoned her child, and that the police would not waste their time trying to find Tanya. She also wrote that Ms. Cameron said she was going to send social services to take the child. Ms. Purcell reported that she and friends had searched for Tanya alone, until they were directed to the VP-NLS.<sup>454</sup> In her testimony, Freda Ens commented on how Ms. Cameron's threat to have Tanya's baby taken away would have been a serious cause for fear.<sup>455</sup> Ms. Ens wrote a letter to the Chief Constable of the VPD about Ms. Purcell's complaint.<sup>456</sup>

When Dorothy Purcell attended the MPU to speak to Det. Cst. Shenher, Det. Cst. Shenher introduced her to Ms. Cameron because she assumed they had not met. She noted that: “Dorothy just, she went white, basically just blanched. Sandy looked very uncomfortable. They didn’t shake hands. I mean, it was very clear to me that there was a problem.” Shenher escorted Ms. Purcell out of the room and she started to cry and told her “that woman is just awful.” Ms. Purcell also said “[Sandra Cameron] had related to me on the phone several times that if I had been a better mother, Tanya wouldn’t be missing.”<sup>457</sup> Ms. Cameron did not remember Det. Cst. Shenher bringing Ms. Purcell into the MPU office to meet with her.<sup>458</sup> Nor did Det. Cst. Shenher ever come to Ms. Cameron about any conversations she had with Ms. Purcell or about how upset Ms. Purcell was. According to Ms. Cameron, she would have expected Det. Cst. Shenher to bring it up with her.<sup>459</sup>

Ms. Ens also testified to Ms. Purcell’s intense reaction upon meeting Ms. Cameron. She told the Commission that when Ms. Purcell met Ms. Cameron she look like she had seen a ghost; she cried and said seeing her brought back memories of looking for Tanya and phoning and imploring Ms. Cameron to take the case and putting up with “Sandra’s racist diatribes and rants about how if Dorothy had been a good mother, her daughter wouldn’t be a junkie hooker.”<sup>460</sup> Ms. Purcell had explained to Ms. Ens how Ms. Cameron had told her “the police didn’t look for missing drug addicts and hookers because they weren’t reliable and always turned up” and how she had given up on calling the missing persons office because “the experience was too abusive and painful.”<sup>461</sup>

Ms. Ens attended a meeting with Sgt. Cooper about the complaint at which she expected that there would be serious scrutiny of what had occurred and what needed to be changed. At that time, she was herself criticized for implying that Ms. Cameron’s behaviour “was a race thing.”<sup>462</sup> Ms. Ens reported that she no longer holds the view that the motivation for this inappropriate behaviour was race because non-Aboriginal family members were also treated in the same manner.<sup>463</sup>

Ms. Cameron provided her response to the complaint in February 1997, mainly reproducing an account of the situation from her log.<sup>464</sup> She also denied Ms. Purcell’s complaints in her testimony, telling the Commission that she had not made the offensive remarks.<sup>465</sup> In her view, most of the conversations with Ms. Purcell were good, and she did not remember any confrontations with Ms. Purcell at all. Ms. Cameron said that she had taken care in her phone call to ensure Tanya’s identity before reporting that she had been located. According to Ms. Cameron, she and Ms. Purcell had together decided to cancel Tanya’s missing person report and that she could call and reactivate the report.<sup>466</sup> Ms. Cameron reported that Tanya was not identified as being engaged in the survival sex trade at that time, so a detective did not get involved in any of the steps in this file. She said that many of the individuals reported missing had serious drug addictions. Moreover, Tanya did not live in the DTES; she lived with her mother at some other address.<sup>467</sup>

Ms. Cameron said that she never heard about the outcome of her written response to Ms. Purcell's complaint that she provided to Sgt. Cooper. There was no further follow up.<sup>468</sup>

### ***Complaint about the investigation of Leigh Miner's disappearance***

Erin McGrath registered a more informal complaint regarding the investigation of Leigh Miner. In a July 3, 2001 e-mail to Det. Dan Dickhout, Ms. McGrath voiced her concerns about the investigation and wanting her sister to be added to the list of missing women. Ms. McGrath also wrote:

*It is paramount for my family to deal effectively with these issues. We are and will always be polite to a fault but we will not be passed by and forgotten again by your department. The way in which Sandy Cameron had dealt with us in the past is reprehensible. She was rude and sarcastic and she didn't follow through with promises made. I appreciate your sensitivity to our case and am thankful we no longer have to deal with Sandy.*<sup>469</sup>

In response to her concerns about Ms. Cameron, Det. Dickhout wrote: "I can't comment on your dealings with Sandra Cameron."<sup>470</sup>

### ***Sandra Cameron***

The families' evidence concerning Ms. Cameron's degrading and insensitive treatment of them is contested.

Det. Cst. Shenher testified that she overheard Ms. Cameron using abusive language and racially insensitive comments on the phone with the families of the missing women.<sup>471</sup> After witnessing specific racist, abusive and rude behaviour from Ms. Cameron, Det. Cst. Shenher decided to talk to her about the inappropriateness of her comments, but did not file an official complaint. She also spoke to her supervisor Sgt. Field about Ms. Cameron's behaviour.<sup>472</sup>

Ms. Cameron testified that she did not use abusive language and treated all persons who called the MPU with sensitivity. She specifically denied all Det. Cst. Shenher's allegations that she had used inappropriate or insensitive language or behaviour.<sup>473</sup> Ms. Cameron denied that she had ever said: "We don't look for missing hookers," which Cst. Dickson had apparently overheard her saying on the phone.<sup>474</sup> Furthermore, Ms. Cameron denied a number of allegations made by Mr. Bates.<sup>475</sup> Ms. Cameron also testified that Sandra Gagnon did not have any difficulty trying to communicate information about her sister's file and that she was not racist with respect to Ms. Gagnon.<sup>476</sup>

Ms. Cameron testified that the first time she had heard about the concerns of the families was when Sgt. Hetherington came and spoke to her after a meeting with the families, organized by Project Evenhanded in 2001. Even then, she was not told of any of the direct comments that were being

said.<sup>477</sup> Ms. Cameron testified that Sgt. Field did not discuss anything about the conduct, work, or telephone demeanor of Ms. Cameron.<sup>478</sup> While she was at the VPD, there were no complaints or allegations regarding discrimination or racism that were ever brought up with her.<sup>479</sup>

Ms. Cameron told the Commission that sometimes when family members reached her office phone, they were highly agitated; there was yelling, cursing and swearing and a belief was starting to form that the VPD was not interested in working on or taking these files.<sup>480</sup> She agreed that not all calls at MPU were pleasant. People were agitated and upset and she admitted that sometimes one of her particular responses could have been interpreted as rude by some.<sup>481</sup>

Some people told Ms. Cameron that because she was a civilian, she would be the easiest to blame.<sup>482</sup> She expressed frustration that she was being a scapegoat because she was an easy target: "But if you are a civilian at 312 Main, you are a second-class citizen."<sup>483</sup> Ms. Cameron had received two to three hundred thank you cards and letters over the course of her career.<sup>484</sup>

### ***Conclusions on degrading and insensitive treatment***

I find that the VPD rebutted the evidence of Rae Lynn Dicks concerning the purported examples of degrading or insensitive treatment of reportees by the Communications Centre or E-Comm.<sup>485</sup> I am not in a position to fully reconcile the divergent evidence and determine what Ms. Cameron said on any specific occasions. At the same time, it is absolutely clear to me that many family members *perceived* the statements and conduct of some 911 call takers and some VPD members and staff, particularly Ms. Cameron, to be insensitive and degrading.

Several of Ms. Cameron's colleagues share this view about her conduct. In his report, DCC LePard concluded that family members' complaints of Ms. Cameron's prejudice and ignoring of complaints from families of women from the DTES were corroborated, at least to some extent, by "every police officer interviewed for this review who had worked with Ms. Cameron in the MPU from 1995 until she left in late 2001."<sup>486</sup> Under cross-examination, he confirmed that he had accepted the allegations that Ms. Cameron was rude, abrasive, made racist remarks, and was biased against women engaged in the sex trade and people with addictions.<sup>487</sup> He also acknowledged that the VPD had been aware of these concerns but that attempts to deal with the situation were unsuccessful. I return to this larger management issue later in my report.

I conclude that Ms. Cameron's comments had a significant adverse impact on the ability of family members and friends to communicate with the VPD and thereby directly and detrimentally affected the investigations. The impact was a long-lasting one. I agree with DCC LePard's conclusion:

Even years after Ms. Cameron had any direct contact with the

family members of the Missing Women, her alleged conduct was a significant issue for the JFO to deal with.<sup>488</sup>

It is inappropriate to single Ms. Cameron out, however. The problems went beyond a single individual, as is made clear from my earlier discussion of Sgt. Cooper's concern expressed in a memo dated January 9, 1998, about the treatment Aboriginal people were receiving from the VPD missing person processes. The families' dissatisfaction centered on Ms. Cameron because her behaviour was blatant and she was an easy target. The family members' perception of prejudice was based on an accumulation of factors, including frustration over unclear intake procedures, barriers experienced in reporting due to inconsistencies, lack of communication about the status of investigations and the widespread perception that not enough was being done to find out what had happened to the missing women. The evidence shows that both the VPD and the RCMP detachments were taking more investigative steps than what they were communicating to family members, but also that in most cases the missing women investigations fell short of the norm.

### **Inter-Jurisdictional Cooperation**

In some cases, inter-jurisdictional cooperation was not an issue, as there was only one police agency involved in the individual missing woman investigation. In other cases, multiple police agencies were involved in the investigation. Many of those cases show cooperation between different police jurisdictions. Cooperation took various forms: investigating agencies contacted another agency about a CPIC query on a missing woman, as a result of an off-line CPIC search; investigating police sent posters of missing women to other police jurisdictions on receiving tips the women had been seen; different jurisdictions were often the source of tips or leads as a result of CPIC or ViCLAS entries; and investigating agencies regularly requested assistance from other jurisdictions, for example, requesting another agency interview a POI, check a residence, or collect DNA samples from family members. This cooperation extended across the border in some cases: the VPD worked with Seattle, Wisconsin and Honolulu police on several files including those of Elaine Allenbach, Jacqueline McDonnell and Marcella Creison.<sup>489</sup>

In some inter-jurisdictional cases, problems or delays occurred. In some cases, there was a lack of clarity between police agencies about which one was responsible for a given investigation. In some cases, reports were made in two jurisdictions but only one jurisdiction accepted or investigated the report, without assistance from the other. In a couple of instances, there was a delay in transferring a report between jurisdictions, during which time no investigation of the missing woman was conducted. And of course, tips relating to Pickton (arising from the investigation into Sarah de Vries' disappearance) were not co-ordinated or prioritized among the number of agencies involved.

This last point and other broader aspects of the inter-jurisdictional issues are examined in detail in the section below on ineffective co-ordination between policing agencies. Here I focus on the impact on the investigation of individual missing women. Three barriers to effective investigation can be attributed to inter-jurisdictional issues.<sup>490</sup> First, some reportees found it difficult to make a report because it was unclear which police agency they should go to. Second, there was reluctance or hesitancy to take over the investigations because it was difficult to determine in some of the missing women investigations where they were last seen because no one had observed them going missing. Third, in some cases there was no meaningful investigation undertaken because one police force deferred to the other or thought the other was taking the lead. I conclude that the absence of a consistent policy and practice for dealing with the transfer of missing person files from one jurisdiction to another compounded the other delays and gaps in the investigation of a number of the missing women investigations.

Missing women last known to reside in the DTES were frequently reported missing by family members to RCMP detachments outside the Lower Mainland. In quite a few cases, there was a failure to ensure a timely transfer of the file to the VPD.

Seven of the missing women reports were initially taken by the RCMP but transferred to the MWRT: Andrea Borhaven, Marnie Frey, Jacqueline Murdock, Sherry Rail, Olivia William, Taressa Williams and Julie Young.<sup>491</sup> The transfer to the MWRT typically took within one year from the commencement of the RCMP's investigations.<sup>492</sup> In six cases, the women's investigations initiated by the RCMP were brought to the attention of the VPD but the file transfer was not completed: Angela Arsenault, Wendy Crawford, Elaine Dumba, Rebecca Guno, Sherry Irving and Georgina Papin.<sup>493</sup> A failed transfer also occurred in the case of Cynthia Feliks' investigation: once reported to the NWPS, the VPD was reluctant to take the file from the NWPS.<sup>494</sup> All of these investigations were eventually transferred to Project Evenhanded.

These inconsistent outcomes can be attributed, in part, to ambiguity in missing person policies. Jurisdiction over a missing person report is generally based on where the missing person normally resides; however, if the missing person was last seen outside her jurisdiction of residence, police where last sighting took place might be responsible, depending on the circumstances of each case.<sup>495</sup>

An example of a case that could result in jurisdictional confusion is that of Angela Arsenault. She was reported missing by her common-law spouse, Edward Bethel, to the Burnaby RCMP, evidently the jurisdiction where they resided, on August 29, 1994. Mr. Bethel had last seen Angela on August 19, when she was boarding a bus at 11<sup>th</sup> Avenue and Commercial Drive in Vancouver, on her way home.<sup>496</sup> When Mr. Bethel returned home the next morning, Angela was not at home; however, there were indications she had

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*Missing women last known to reside in the DTES were frequently reported missing by family members to RCMP detachments outside the Lower Mainland.*

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returned: her wallet and several shopping bags were at the house. Angela had previously worked in the sex trade in Vancouver, and recently had an encounter with a man who had apparently “pimped her.”<sup>497</sup> Therefore, while Angela lived in Burnaby and was last seen in Vancouver, it is not evident from where she disappeared. The Burnaby RCMP provided the VPD information about Angela’s file in response to Det. Cst. Shenher’s request for information on missing women involved in the sex trade, but the Burnaby RCMP continued to carry the investigation.<sup>498</sup>

Cooperation across police jurisdictions can be found in the early part of Wendy Crawford’s missing person investigation. Wendy was last seen around November 27, 1999, in the DTES and was reported to Chilliwack RCMP on December 14, 1999. She lived in Chilliwack, but was known to frequent the DTES. There was some early cooperation between the RCMP and the VPD in the investigation of Wendy’s disappearance. On December 29, 1999, Cst. Chris Gunn of the Chilliwack RCMP spoke to Det. Dickhout of the VPD; Det. Dickhout advised he would notify officers working in the DTES about Wendy’s disappearance.<sup>499</sup> On December 30, 1999, Cst. Gunn sent a CPIC message to the VPD requesting an address for Wendy’s boyfriend and father of one of Wendy’s children, who was considered a person of interest, and requested they determine if he had heard from Wendy. The next day, VPD Cst. Karabevas advised Gunn he had spoken with Wendy’s boyfriend, who had claimed to have seen Wendy three weeks previous at the Columbia Hotel in Vancouver.<sup>500</sup>

Police cooperated in performing investigative actions overall; however, the VPD did not accept responsibility for Wendy’s investigation. On May 9, 2000, Cst. Gunn forwarded a memo and information package about Wendy to Det. Dickhout to advise him that she was last seen in the DTES and should be considered as a missing sex trade worker to add to the list of missing women;<sup>501</sup> however, the VPD did not take any action on this request until January 30, 2001, when Sgt. Field contacted the Chilliwack RCMP requesting a copy of the file.<sup>502</sup> Even so, Chilliwack RCMP continued to investigate the file throughout 2001, until it was apparently taken over by Project Evenhanded.<sup>503</sup>

A number of police departments/jurisdictions were involved in the investigation of Georgina Papin’s disappearance. The first suggestion that Georgina was missing was made to the Stony Plain RCMP in February 2001, when they were contacted by concerned family members. However, the Stony Plain RCMP did not make a missing person report because Georgina had left the area in good health.<sup>504</sup> In March 2001, she was reported as missing to the Mission RCMP, and days later, to the VPD. The Mission RCMP continued to carry the file, with the VPD providing assistance.<sup>505</sup> Project Evenhanded was aware that Georgina had been reported missing less than a month after she was reported, but did not take over the investigation for seven months. The VPD MPU drew her attention to Project Evenhanded around April 5, 2001, and her file was transferred in October 2001.<sup>506</sup> After Project Evenhanded took carriage of the file, Cst. Joyce from Mission RCMP

continued to assist with the file, conducting interviews of people within her jurisdiction.<sup>507</sup> Co-ordination and cooperation between jurisdictions was good with respect to communication and providing assistance on individual actions on the file. That said, cooperation was an issue with respect to the Stony Plain RCMP not providing information that Georgina could have been missing to other detachments and not acting on concerns that Georgina was missing, the VPD not taking responsibility for the file when Georgina had gone missing from the DTES, and the delay in transferring the file to Project Evenhanded.

Sherry Irving was reported missing in 1998 to the Mount Currie Tribal Police. The Mount Currie Tribal Police's initial investigation led to contacting an officer of the NWPS, as Sherry had been living in New Westminster. The Pemberton RCMP also assisted with the investigation and forwarded Sherry's name to Det. Cst. Shenher in July 1999, with the suggestion that she be considered as an addition to the MWRT investigation as she may have gone missing from the DTES.<sup>508</sup> The Mount Currie Tribal Police and Pemberton RCMP carried the file until 2001, when Project Evenhanded became involved.<sup>509</sup> Project Evenhanded members recommended Sherry be added to the list of missing women on November 8, 2001.<sup>510</sup>

Andrea Borhaven was reported missing to the Vernon RCMP by her mother, Sharon Hill, on December 14, 1998. Within a week, Cst. Finn of the Vernon RCMP had confirmed that Andrea's last known address was in Vancouver. In January 1999, Vernon RCMP members spoke with social services about their last contact with Andrea, and spoke with the VPD about their contacts with Andrea. The Vernon RCMP had quickly learned that Andrea lived in Vancouver and learned from the VPD and others that their records revealed she had been very active in the DTES in 1995 to 1996, but did not indicate any recent activity.<sup>511</sup> However, the file was not transferred to the VPD until May 1999. Once the file was transferred, the Vernon RCMP continued to assist, taking additional investigative steps such as obtaining DNA samples.<sup>512</sup>

Sherry Rail was reported missing to the Hinton, Alberta RCMP on January 30, 1984, and the file was taken over by the VPD in late 1996 or early 1997. This delay is attributed to a breakdown in communication between the RCMP and the VPD.<sup>513</sup> Sherry's disappearance was initially treated by the RCMP as a file to be "observed" on CPIC and this category is automatically purged after one year: she was re-entered on CPIC in 1986 after further inquiries by her mother.<sup>514</sup>

In addition, DC Evans noted that in Yvonne Boen's case there was little interaction by the Surrey RCMP with the VPD or follow up on information that Yvonne may have been seen in the DTES.<sup>515</sup> Other examples of inter-jurisdictional issues can be found in section 2A, where I described the inter-jurisdictional issues arising in the investigations of the disappearances of Jacqueline Murdock, Marnie Frey and Olivia William.<sup>516</sup>

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*The lack of urgency in the face of mounting numbers of missing women from a small neighbourhood was unreasonable at the time and is frankly astonishing.*

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### Overall Assessment and Conclusions

I conclude that poor report taking and follow up of the missing women amount to critical police failures. Serious system failures and patterns of error occurred throughout the process from intake to initial investigation and from follow-up investigation to recording and reviewing of files. The lack of urgency in the face of mounting numbers of missing women from a small neighbourhood was unreasonable at the time and is frankly astonishing.

Barriers in the reporting process contributed to delays and frustrated family members, an impact compounded by the experience of degrading and insensitive treatment. In a few cases, the barriers were so pronounced as to amount to a denial of the right to make a report. The lack of immediate response and delays in the initial investigation meant that evidence surrounding the women's disappearances was not collected when it was freshest and, therefore, more easily accessed and reliable. The gaps and delays in initial inaction were mirrored and exacerbated through the lack of consistent and thorough follow-up, including inaction in the face of file reviews. In some cases, another layer of barriers to effective investigation was created by ineffective co-ordination between police agencies in different jurisdictions.

I make two further overall findings of fact. First, the missing women investigations were shaped, in large part, by the police failure to get to know the women – an essential step in any investigation of this type is to learn as much as possible about the victim or potential victim. While the analogy is not perfect, I compare this to the amount of information that police would gather about a missing child, where every detail down to what they had eaten for breakfast would be considered by investigators. I do not underestimate the difficulties faced by police when there were significant delays in reporting, but there was much more to be learned by the police if they had spent time talking to family members, community members, and actively investigating in the DTES. This failure “to go on the road” to get to know the victim group meant that inaccurate information about the women and, in particular, the belief in the likelihood that they would “turn up,” infiltrated all aspects of the missing and murdered women investigations.

Second, I find that the additional step of “confirming” the women as missing rather than accepting a missing person report at face value as policy dictates was fundamentally wrong and had perverse effects. Underlying the police's approach of spending many months “confirming” that any given woman was missing appears to lurk the mistaken theory of transience, lack of urgency and priority, and rationalization of their reliance on records checks rather than active investigation. It also resulted in treating the investigations as “reviews” rather than urgent, priority investigations. By delaying confirming that individual women were missing, police delayed confronting the sad and frightening fact that women were continuing to disappear. Rather than actively investigating and testing their theory that

women had stopped going missing, the police adopted an approach that perpetuated this misconception. This approach therefore likely contributed to the police not realizing the women continued to go missing until 2001.

I have reviewed the evidence to determine whether there were clear improvements in the handling of the missing women investigations over time. In particular, I was interested to see whether the VPD learned from the challenges they faced with the initial list of missing women and applied this knowledge to the “new” missing women in 2000 and 2001. It is not clear that there were improvements given the continued lack of urgency and systematic approach taken by the VPD in investigating the disappearances of Sereena Abotsway, Brenda Wolfe, Dawn Crey, Andrea Joesbury and Jennifer Furminger. If anything, the initial investigation of Sereena Abotsway appeared to be particularly sluggish.<sup>517</sup> I accept Det. Cst. Shenher’s evidence that even in 2000-2001 there was little urgency, a lack of will, and no clear policy shaping the VPD’s missing women investigations.<sup>518</sup> This was certainly, in part, related to the continued lack of resources to investigate new reports of missing women: in 2001, the VPD MPU was staffed by only two investigators: Det. Cst. Dickhout and Det. Cst. Leggett.<sup>519</sup>

The investigations generally improved with respect to on-the-ground and active investigation when they were taken over by Project Evenhanded, although these efforts remained uneven. For example, once Cst. Van Overbeek of Project Evenhanded took over Andrea Joesbury’s investigation in October 2001, police visited Andrea’s last known residence and followed up on information from people at the hotel (where they discovered an important tip that may have ultimately led to Pickton), and interviewed her boyfriend who reported her missing.<sup>520</sup> The disappearances of Mona Wilson, Diane Rock and Heather Bottomley were also taken over quickly by Project Evenhanded. Some investigative measures were taken quickly, although there were still important gaps in the investigation. For example, in Heather Bottomley’s case, two associates, a doctor and her father, were quickly interviewed by Project Evenhanded. Her mother was also contacted. However, her last known address was not searched, nor neighbours canvassed, and police did not appear to do any investigation in the DTES among agencies.<sup>521</sup>

One area of improvement was the increased use of individuals and organizations in the DTES as a source of information in investigations of missing women reported in 2001. For example, the police contacted DTES organizations, spoke to staff of hotels where women lived, and canvassed residents to assist in investigations. These efforts revealed leads, including information that might have led the police to Pickton.

There were also serious delays in Project Evenhanded taking over investigations from the VPD MPU and other agencies. As noted earlier, this was due to the long time-consuming process of “confirming” the latest women as missing before adding them to the missing women list. Initially it was decided that Project Evenhanded would not actively investigate new

missing sex worker reports, but would instead rely on municipal police agencies to conduct initial investigations and determine whether the women were in fact missing and whether they fit the profile of the women Project Evenhanded was investigating.<sup>522</sup> It was not until November 2001, that some of the missing women files were assigned to members of Project Evenhanded.<sup>523</sup>

I have also concluded that more comprehensive and systematic follow up on the individual missing women files had the strong potential to generate further links and evidence about Pickton.

Several of the women's files contain references to Pickton's associates Dinah Taylor and Gina Houston. I adopt DC Evans' conclusion that the further investigation of Andrea Joesbury's disappearance, and specifically Cst. Van Overbeek's attempts to locate Dinah Taylor in late 2001, would likely have led to Pickton.<sup>524</sup> Much earlier on, in 1997, a link was made between Kellie (Richard) Little and Gina Houston, who was the last person to see Kellie alive.<sup>525</sup> Other than the link to Gina Houston, there is no evidence that Kellie was a Pickton victim; however, follow up may have assisted in resolving other missing women cases.

There were also other tips or investigative avenues that, if assiduously followed up, could have led to Pickton: information was provided to Det. Cst. Shenher that Marnie Frey was somewhere in Coquitlam.<sup>526</sup> Off-line CPIC searches could have connected Pickton to some of the women if they had been more fully employed in these investigations.<sup>527</sup> In addition, the Pickton investigation conducted after 2002 also contains numerous references to many of the missing women having been seen on Pickton's property.<sup>528</sup>

I summarize some of these facts not to say that better investigations would necessarily have led the police to Pickton sooner, rather to make the point that treating the individual women's disappearances more seriously and with greater urgency would have been the best route to Pickton. This was the starting point for the work carried out by the MWRT, Coquitlam RCMP and Project Evenhanded. The shortcuts made in these investigations came at a very high cost.

The themes introduced here concerning the lack of urgency, the failure to interview family members and use community resources, the failure to investigate tips to conclusion, and ineffective inter-jurisdictional cooperation are examined in greater detail in the remaining sections of Part 3.

### **Internal Audit of VPD Missing Persons Unit**

In 2004, DCC LePard, in his capacity of Commander, Investigation Division, requested an internal review of VPD MPU. This audit was carried out by Retired Insp. Schouten and completed in October 2004.<sup>529</sup> The *Schouten*

Report includes 21 major findings, including:

- *The MPU's ability to carry out its mandate is compromised by a lack of resources, both through improper deployment of the existing position and a shortage of investigators;*
- *Need for formal mentoring and performance evaluation and specialized training;*
- *Absence of review of missing persons cases by sworn member: "The non-sworn Missing Person Coordinator is currently the principal Missing Person Investigator and case manager and is clearly acting beyond the scope of her position profile";*
- *Lapses in record management;*
- *Insufficient scrutiny of files for potential suspicious missing person cases indicating a need for a risk assessment system/reporting;*
- *Little active investigation of cases not cleared in 48 hours;*
- *Investigative steps not consistently documented in a standard fashion, which causes difficulty in the review process;*
- *There is no ongoing organized file review of unsolved missing person cases (any review is informal and often undocumented);*
- *Lack of missing person investigation continuity;*
- *There is a need for clear guidelines to determine when a suspicious missing person incident becomes a Homicide investigation;*
- *Use of non-police indices (MHR, ICBC, financial institutions) are not consistently re-checked; and*
- *In some cases due to shifting in MPU, cases may not be reviewed by a supervisor for up to 84 hours.<sup>530</sup>*

The VPD reported that it implemented all of the *Schouten Report* recommendations without delay<sup>531</sup> and has made a number of additional reforms to VPD missing person policies and practices. These are discussed in Volume III.

## **B. Faulty Risk Analysis and Risk Assessment**

Faulty risk analysis and risk assessment was a major contributing factor to the police failures in the missing women and Pickton investigations. Police actions depended upon an accurate assessment of three related risks: the risk that the women had been murdered, the risk that a serial killer was responsible, and the ongoing risk to public safety in terms of future potential victims.

Two erroneous assumptions held enormous sway on decision-makers: the "no body, no crime" thesis and the mistaken belief that the women were transient. I accept two of the main conclusions made by DC Evans in this regard and her analysis that the two mistaken assumptions were intertwined:

*While I recognize that most homicide investigations begin with the discovery of a dead body, the reluctance of homicide investigators to become involved unless there is evidence of a body must be measured. In missing person cases, as evidenced in Vancouver, where there are indicators of foul play, homicide officers should become involved from the onset of the investigation.*

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*Police forces in large urban areas receive a large number of missing person reports on a daily, weekly and annual basis.*

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And:

*In my opinion, the assumption of no bodies, no evidence, no crime negatively impacted the decision making of officers from the VPD, and later the RCMP, as they attempted to rationalize the disappearance of so many women by wrongly assuming that these women simply did not want to be found, or were transient in nature, thus doubting foul play was a factor in their disappearance.<sup>532</sup>*

These erroneous assumptions continued to hinder decision-making and resource allocation over several years despite mounting evidence of the likelihood of foul play. The three consequences were the refusal to accept that the women were likely murdered; the refusal to accept the serial killer theory; and the decision that Project Evenhanded should focus on a historical review. These faulty risk assessments detracted from the sense of urgency required to drive the investigations forward as speedily as demanded by the threat and actuality that more women were going missing and being murdered. As DC Evans underscores: “It is almost impossible to deal with a situation if you do not first recognize it for what it truly is.”<sup>533</sup>

### **Refusal to Accept Women Likely Murdered**

Police forces in large urban areas receive a large number of missing person reports on a daily, weekly and annual basis. The VPD took in, approximately, over 3000 reports per year from 1997 to 2002, a number that is comparable to other major Canadian cities.<sup>534</sup> The majority of people who are reported missing are found or return home safe and sound. Furthermore, every adult has the right to relocate: it is not a crime to go missing. The greatest challenge for police forces is to distinguish between reports that trigger a search to locate versus reports that trigger a full investigation because the person is considered to be endangered or foul play is suspected. This decision involves a risk assessment of the situation: what is the likelihood that foul play is involved?

A number of factors influenced the risk assessments carried out by both the VPD and the RCMP: belief in the women’s transience, views about the women’s “high-risk lifestyles,” delays in reporting women missing, and the lack of crime scenes. These factors were not properly assessed at the outset. More importantly, they were not re-evaluated as new information came to light that challenged the premises upon which the initial assessments were based, and did not result in the much needed recalculation of the risks as the investigations proceeded.

### ***The mistaken belief that the women were transient***

There was a widespread belief within the police forces that women working in the sex trade were transient. This belief was founded in part on historical patterns in the sex trade in which some women would work a circuit that could include time in Alberta<sup>535</sup> and Washington state. The transience explanation for the women’s disappearances was also premised on the

belief that some of the women from the DTES who had been reported missing were subsequently located in other jurisdictions.

This outdated premise was borne out of a few situations where women fitting the profile of the victims were reported missing but then found; however, it is highly problematic that this belief persisted in the face of strong evidence to the contrary. While some women working in certain sectors of the sex trade may have been highly mobile, this was not true of this particular group of missing women.

The missing women's lives were highly entwined with life in the DTES. The nature of their addiction (particularly to crack and heroin) meant that many of the women needed to use on a very frequent basis and therefore faced barriers to travel.<sup>536</sup> Several of the women were in drug treatment programs that required them to pick up and take their methadone on a daily basis.<sup>537</sup> The expensive nature of these addictions combined with the poverty in which most of the missing women lived<sup>538</sup> contributed to the fact that these women did not have the resources to travel.

Furthermore the idea that the women had simply moved on was inconsistent with the information provided by the family members, friends, social workers and health care professionals who were in contact with the police. For example, many of the women had children and were in regular contact with them.<sup>539</sup> In general, the women had not packed any of their personal belongings.<sup>540</sup> Furthermore, few had access to the funds required to travel. Welfare checks revealed that most of the women had been collecting social assistance and had stopped abruptly and were not accessing welfare in other provinces or in the Pacific Northwestern U.S. states.<sup>541</sup>

### ***Impact of the women's "high-risk lifestyles"***

Women engaged in the survival sex trade are considered by the police to have "high-risk lifestyles." The vulnerability of this group to violence at the hands of men, as well as increased risk of premature death due to diseases such as HIV and drug overdoses, also had an impact on the risk assessment undertaken by police. This is revealed by Insp. Biddlecombe's July 28, 1999 memo written to Sgt. Field:

*The rise in the number of women missing from the DTES coincides with the increase in deaths attributed to both aids and drug overdoses. It has already been established that most, if not all, of these women were aids positive and/or intravenous drug users...*

*Giles [Staff Sgt. Brock] and I [Insp. Biddlecombe] have discussed the possibility and agree that some of these women may have gone missing under the circumstances.<sup>542</sup>*

This theory disregards the fact that there was not a corresponding increase in men missing from the DTES, and the fact that there was no trace of the women's bodies. There is an aspect of victim blaming to the police approach on these issues: the emphasis is on personal problems and personal failures

rather than the social and systemic limitations on the women's lives due to their situations of disadvantage. A better understanding of the women's lives should have resulted in an assessment of even higher risk that these women had been murdered, given that their contact with strangers made them vulnerable to predators and to a potential serial killer.<sup>543</sup> In fact, as DCC LePard noted in the investigation review, the murder risk of sex trade workers is approximately 60 to 120 times that of the general female population and some research indicates that sex trade workers are the most likely victims of a serial killer.<sup>544</sup> These factors should have indicated to police that a serial killer was a likely explanation.

### ***Delays in reporting women missing***

The delays in reporting women missing contributed to the difficulties in making accurate risk assessments to a limited extent. The testimony of senior managers is consistent on this point: a number of factors at play contributed to the delay in accepting that the women were not simply missing, and one was the lack of accurate, reliable information about when the women were last seen.<sup>545</sup> As I set out earlier, many of the women were reported within a relatively short period after they were last seen.<sup>546</sup> Senior managers overplayed the lag in reporting time based on the few more extreme cases where long months or years had gone by. This belief perpetuated the notion that investigating the women's disappearances was difficult and there was "nowhere to start." Closer attention should have been paid to the actual statistics on reporting delays.

Furthermore, the fact that the women had last been seen some time ago can just as easily be used to support the hypothesis that foul play was involved, since most missing persons are located within a short period of time.

### ***Prior recognition of increasing numbers of missing and possibly murdered women***

Both the VPD and the RCMP were aware of the trend that high numbers of women engaged in the sex trade were murdered or missing well before 1997. This early period provides important contextual information to understand the risk analyses undertaken by police from 1997-2002.

Evidence before the Commission highlighted the large number of murders of women engaged in the sex trade in the late 1980s and early 1990s in Vancouver. In an October 1988 memo regarding the homicides of five "street hookers," the VPD investigation division requested more resources to streamline investigations and tighten control of case management, including six additional officers assisting with loose ends and additional information that was expected to surface with "early concentration on the cases that have the most similarity."<sup>547</sup> In the fall of 1990, there is evidence of the VPD and RCMP working together on these murders and on how best to share information.<sup>548</sup> At this time, police recognized that, given the circumstances surrounding the incidents, many of the women were picked

up in Vancouver but their bodies were disposed of in different areas.<sup>549</sup>

This understanding of the risks to women engaged in the sex trade and the possibility of a serial killer led to the short-lived Project Eclipse. Project Eclipse looked into 25 homicides from Vancouver to Victoria; 23 of these female victims were women engaged in the survival sex trade. It was one of the first experiences of British Columbia police forces with applying profiling techniques to investigations in a concerted manner.

As part of Project Eclipse, representatives of the VPD and the RCMP participated in several meetings in 1991 on the topic of the increased number of missing and murdered women engaged in the sex trade: a conference in Victoria on February 13, 1991 involving multiple lower mainland police agencies;<sup>550</sup> a week-long meeting in the Lower Mainland from October 17-24, 1991, involving a wide range of police services including the Ontario Provincial Police, Washington State Attorney General's Office, South Carolina, New York Police Department and the FBI;<sup>551</sup> and on December 19, 1991, VPD Major Crime Section detectives attended meetings in Washington State hosted by Washington State Attorney General's Office to discuss the arrest of a suspect in a number of their murders and whether there was any link to Lower Mainland investigations.<sup>552</sup> One of the main topics at these meetings was the consideration of whether any of the murders could be grouped into sets of serial murders based on the available crime scene evidence. The conclusion from these meetings is inconsistently reported: one summary reports that the murders were considered to be the work of several offenders<sup>553</sup> while another concludes that it was a combination of one serial murder and other murderers.<sup>554</sup>

Also in 1991, a panel of RCMP criminal profilers and RCMP investigators reviewed the VPD files on these homicide investigations.<sup>555</sup> A limited press release was to be issued providing the results of the seminar.<sup>556</sup> The media was clearly seen as an investigative avenue. The particular vulnerability of marginalized women to predators was well understood at this time.

When he was a Staff Sgt. in the Major Crime Section, Insp. Biddlecombe prepared an overview of these investigations in the form of an Administrative Report from Chief Commissioner Chambers to Vancouver City Council on April 23, 1992.<sup>557</sup> The report was prepared as a reply to concerns from the UBC School of Social Work addressing the murders of women engaged in the sex trade in Vancouver. The report provides a status report on the investigation of "homicides of women believed to be prostitutes" in the City of Vancouver between January 1, 1985 and March 31, 1992: 26 women had been murdered and nine of them were in the City of Vancouver. This amounted to 4.2 per cent of the Vancouver homicides during this period. Five of these women were found murdered in a six-month period in 1988: this was clearly a dramatic increase that required a close examination of these investigations and the methods used. At the time the memo was written, charges had been laid in one of the murders, but eight remained unsolved despite strong investigative efforts that included interviewing

numerous leads. The report also lays out the VPD's philosophical position on prostitution and its views on proposed legislative changes to the Criminal Code prostitution provisions.

These Project Eclipse meetings were mentioned in a September 1998 VPD memo from Insp. Biddlecombe to Insp. Greer<sup>558</sup> confirming that senior management was aware of this earlier work and connected it, to some extent, to the missing women investigations.

Police awareness of the risks to women engaged in the sex trade based on these investigations in the early 1990s supported an assessment that the missing women were likely murdered. The fact that police did not form this conclusion amounted to a type of short-term memory loss, as no connection was made between these murders and the fact that women began to go missing in greater numbers in 1997 and 1998.

In a December 1995 memo, Det. Steinbach of the VPD MPU made the connection between the investigation of three missing women – Mary Lidguerre, Catherine Knight and Dorothy Spence – and the Agassiz murders. He noted that the women had “suddenly disappeared” and had not picked up their welfare cheques. He requested that his memo and posters relating to these three missing women be forwarded to the Burnaby RCMP Detachment.<sup>559</sup> The similarities between this scenario and that of the other missing women should again have created more urgency and an assessment that the women were more likely to have been the victims of foul play.

### ***Compounding the error: misrepresenting the location of women from the First Nations Summit List***

The mistaken belief in the women's transience was reinforced by the police failure to properly understand the outcome of the investigation into the list of missing Aboriginal women and unsolved homicides of Aboriginal women prepared by the First Nations Summit in 1997. Senior managers were told that all but two of the women had been located, and this reinforced their erroneous presumption about the women's transience. More problematically, it resulted in the discounting of future expressions of concern from members of the DTES community, service providers to this community, and First Nations organizations. Senior managers maintained the view that the women would be found, as they had before.<sup>560</sup> A close examination of the request from the First Nations Summit and the police response shows that errors were made in the 1997 response and that these errors were compounded over time because they reinforced the stereotype about the women's transience.

On February 7, 1997, the First Nations Summit sent a letter to the VPD requesting that the VPD Major Crime Section and PUHU provide information regarding 48 female homicide victims believed to have First Nations ancestry.<sup>561</sup> A similar letter was sent to the Attorney General a few days

later, which included a request for intervention, review of investigations, and appointment of a special investigator to examine the homicides of 55 Aboriginal women in Vancouver on an urgent and priority basis.<sup>562</sup>

This task was reluctantly assigned to, or to use the words of Sgt. Cooper, “dumped on”<sup>563</sup> Sgt. Honeybourn of PUHU. The First Nations Summit was advised that a detective had been assigned and would provide a report by March 20, 1997. Sgt. Honeybourn enlisted Cst. Dickson who worked in the DTES to investigate the list. Cst. Dickson described his task:

I was basically to look at the list and each name on the list and try and discover what had happened to them, you know, what circumstances, how they met their death, if they had met their death. ... I wasn't sure at first when I looked at the list what had happened to them, so that was basically what I wanted to do, was look at the list and come to a conclusion where I could say that they, you know, had passed away or if they were still missing.<sup>564</sup>

He utilized his personal knowledge of the women, CPIC, and coroner's documents to reach his conclusions.<sup>565</sup>

In the course of Cst. Dickson's investigative efforts, additional names were joined to the First Nations Summit list bringing it to 71, although in his testimony before the Commission, Cst. Dickson could not remember how these names came to be added.<sup>566</sup> On March 12, 1997, he reported that he was able to account for the whereabouts of all but three of the women: one of whom he could not find on CPIC and two were identified as missing, foul play suspected.<sup>567</sup> On March 18, Det. Honeybourn advised DCC Blythe of the result of the follow-up on the First Nations Summit list and noted that he was impressed by Cst. Dickson's efforts in this regard.<sup>568</sup>

On June 18, 1997, the Attorney General responded to the First Nations Summit stating that he understood that the Summit and PUHU had already been in contact and urged the Summit to provide any information regarding these cases to Sgt. Honeybourn.<sup>569</sup>

The rudimentary approach taken by the VPD and PUHU to the serious concerns raised by the First Nations Summit is highly problematic in several respects. First, the First Nations Summit had not asked the police to locate missing women; they had asked them to investigate murders of Aboriginal women. This was a fundamental misinterpretation that later allowed the police to minimize the problem of missing women. For example, the *LePard Report* refers to the First Nations Summit list as having been “discredited” by Cst. Dickson's work.<sup>570</sup> I conclude that inaccuracies about the list and what it meant generated a type of myth that was used as a barrier to appreciating that the women were likely murdered.

Second, this request should have triggered an investigation into unsolved homicides and consideration of the possibility that several of the murders could be linked to one offender, a serial killer. DC Evans agreed that there

should have been action on the women identified as missing during Cst. Dickson's review of the First Nations Summit list, but not that these two cases indicated a serial killer.<sup>571</sup> Assigning a single Community Liaison Officer to investigate a large number of unsolved homicides falls short of what was called for in the circumstances.

Third, it appears that Cst. Dickson was not very thorough in his investigation. For example, he noted that 13 of the women were "possibly" located.<sup>572</sup> He was incorrect about at least one of the women: he reported that Elise Sebastian had relocated to Victoria but this was simply wrong.<sup>573</sup> He did not check the outstanding missing person files for other missing women: there would have been over ten outstanding files with the VPD in March 1997. There were two women on the First Nations Summit list identified as missing, foul play suspected: Mary Lidguerre and Dorothy Spence.

This was a singularly important missed opportunity to identify the trend in the increase of women going missing from the DTES. Instead, it had the reverse effect of reassuring police that women who the community was concerned about could be accounted for. This outcome had long-lasting consequences for the missing women investigations and supported the erroneous assessment that the risks that the women had met foul play were low and shored up the view that they would return or be found safe in another jurisdiction.

### ***Alerts from Missing Persons Unit do not raise alarm bells***

In the spring of 1998, Ms. Cameron informed Insp. Biddlecombe that she had recognized a sudden increase in the number of missing women from the DTES.<sup>574</sup> He responded by assigning Det. Cst. Shenher to the MPU, in recognition of the need for increased assistance in finding the women.<sup>575</sup> However, this increase did not raise alarm bells. As Det. Cst. Shenher testified, her understanding when assigned to the MPU was that her role was to "figure out what was happening" but no one clearly communicated what her mandate was.<sup>576</sup>

### ***Confirmation of trend by knowledgeable patrol officer is disputed***

As Community Liaison Officer, Cst. Dickson spent all of his time within the DTES. He was highly knowledgeable about this neighbourhood and respected by its residents. As discussed above, Cst. Dickson had conducted follow-ups on the First Nations Summit list of women in February and March 1997, and at that time he did not discern a broad problem. By early 1998, however, Cst. Dickson recognized the increasing number of women reported missing within the DTES was a worrisome trend. In an August 27, 1998 memo, Cst. Dickson compiled a list of 35 missing women and 18 unsolved homicides from the Vancouver area.<sup>577</sup>

In a November 5, 1998 follow-up memo sent to Insp. Greer and Staff Sgt. Mackay-Dunn, Cst. Dickson wrote:

*I know or am familiar with probably 75% of the Women on the attached list and I feel very strongly that a large percentage of the women have met with foul play. I feel this way for the following reasons:*

1. *The majority of women are on social assistance and have stopped picking up their cheques.*
2. *There has been no family contact.*
3. *Street friends or associates have not seen them.*
4. *They are among the most vulnerable group that exists.*<sup>578</sup>

Cst. Dickson continued:

*In my experience, some women involved in the street trade may from time to time disappear for a week or two tops, as they may try to clean up their lives by entering a detox or treatment. They also may meet someone that will take them home for a week or two, supplying them with drugs, thereby keeping them off the street, but in just about all cases the women reappear on the street within a week or two.*<sup>579</sup>

He provided a list of the missing women's names and stated that he was not aware of anyone working on this issue and requested a task force be created. Nine of the women listed by Cst. Dickson in November 1998 were later identified as among Pickton's victims: Diane Melnick, Tanya Holyk, Stephanie Lane, Janet Henry, Sarah de Vries, Marnie Frey, Kerry Koski, Helen Hallmark and Jacqueline Murdock.<sup>580</sup>

It is clear to me that Cst. Dickson was very connected to the DTES community and his memorandum should have prompted attention and action. I accept DC Evans' conclusion that it was a "compelling report that suggested a large number, if not all, of the identified Missing Women on his list had become victims of foul play and serious action should be initiated in response to this concern."<sup>581</sup> It appears that Cst. Dickson had clear insight into the realistic possibility of the existence of a serial killer. This information should have caused senior managers within the VPD to recalculate the risk assessment and acknowledge that there was a strong likelihood that the women had met with foul play. However, VPD managers again failed to change their assessment.

Cst. Dickson's first memo was discussed at a meeting on September 22, 1998. Insp. Greer was of the opinion that Cst. Dickson's 1998 list of missing women may not have been reliable – an opinion that appears to have been based, in part, on the experience with the 1997 First Nations Summit list and, in part, on the view that the list reflected DTES community perceptions which therefore were not completely trustworthy. When interviewed by DC Evans, Insp. Greer's memory was that Insp. Biddlecombe expressed these views at the meeting:

*...this was unreliable information, that they had had previous information that they had acted upon and it turned out to be unreliable. This, this was potentially just as unreliable, that it was*

being generated by activists from the Downtown Eastside, and that it was going to divert resources away from crimes that they actually had. And this point, we don't have any crimes. We don't have anybody abducted. We don't have any bodies found. We don't have any crimes reported. We have people who were living a criminal lifestyle missing, some only being reported missing after months of being gone.<sup>582</sup>

However, this was clearly a faulty assessment based on an unrelated situation. Cst. Dickson himself emphasized that the situation was different because this time he had been unable to locate the women or provide reasonable explanations for their absence from the DTES. Furthermore, each missing woman's situation had to be assessed in its own right, not through an assessment based on an unrelated situation. In his testimony, Insp. Greer explained that senior officers were concerned that the community would try to dictate the allocation of police resources by promoting unreliable information about potential crimes.<sup>583</sup> This concern about the source of the information undoubtedly influenced senior managers' assessment of the list of missing women that Dickson had put forward.

I find it especially important that Insp. Greer was able to distinguish between his view of the unreliability of the list of missing women in general and a more thoughtful and correct assessment of the risks to individual missing women. He stated that he knew immediately that something was wrong when Angela Jardine went missing, because her life was so completely based in the DTES. It was impossible to apply the transience theory to her.<sup>584</sup> The faulty assumptions about the women's transience blocked the significant recalculation of the riskiness of the situation in the DTES that was clearly warranted by Cst. Dickson's alarming information.

### ***Expressions of community concern are ignored or minimized***

Even before the First Nations Summit asked for an update on the investigation of missing and murdered Aboriginal women in early 1997, members of the DTES communicated their concerns that there was foul play involved in the increased number of missing women. Former sex trade worker and community activist Jamie Lee Hamilton was one of many DTES activists at the forefront of drawing attention to the missing and possibly murdered women.

In November 1996, Ms. Hamilton planted white crosses on the lawn of City Hall in remembrance of the missing and murdered women engaged in the sex trade.<sup>585</sup> In June 1997, she informed the media about the large number of murders of these women and stated that women engaged in the sex trade are not valued by society.<sup>586</sup> On January 22, 1998, Ms. Hamilton delivered 67 pairs of stilettos to City Council to draw attention to the murders of women and the lack of funding for her safe house, Grandma's House.<sup>587</sup> On February 3, 1998, she attended City Council to demand a meeting with Mayor Owen to discuss action for the missing women and to demand an emergency grant for Grandma's House.<sup>588</sup>

On September 4, 1998, the President of the BC Civil Liberties Association (BCCLA) wrote to Chief Constable Chambers regarding street prostitution in Vancouver and, in particular, the VPD's Deter, Identify Sex Trade Customers Program (DISC). The letter included the following statement:

*The BCCLA is as alarmed as other citizens about the dismal record we have of protecting those in the street level trade, and prosecuting those who assault and kill them. Despite the fact that their profession is viewed by many as immoral...they deserve no less protection than any other citizen. We do not mean to imply that the police have failed in their duty to protect prostitutes or adequately investigate assaults or murders. Rather, we recognize the enhanced need that street-level prostitutes have for police protection, and encourage measures to respond to that need.*<sup>589</sup>

As Independent Counsel for DTES Interests, Mr. Gratl points out that the names, initials and comments of several VPD officers are handwritten on the letter suggesting they had read it: DC Blythe, DC Doern, Insp. Greer, Sgt. McKellar and Sgt. Cooper.<sup>590</sup> VPD Cst. Mitchell prepared a responding memorandum addressed to Insp. Greer, which I discuss in Part 3(C).

In a January 21, 1999 letter, Ms. Hamilton wrote to the MPU requesting statistics regarding street-involved women who had gone missing or had been murdered since 1984, offender charges related to crimes against women engaged in the sex trade, and a summary of numbers of police officers dedicated to investigating and solving these crimes.<sup>591</sup>

Community concern and pressure began to coalesce in early 1999. Media coverage drawing attention to the dramatic increase in missing women from the DTES also began to pick up at this time.<sup>592</sup>

Over the course of the spring of 1999, members of the community wrote a series of letters to the VPD, the Mayor of Vancouver and the Attorney General.<sup>593</sup> The main thrust of these communications was the call for authorization of a reward comparable to other rewards for information leading to arrests. Some of the letters also requested increased police action through the creation of a task force or similar mechanism.

On her own initiative, Det. Cst. Shenher responded to community concerns by attending a DTES/Strathcona Police Liaison Committee Meeting at Carnegie Centre in the heart of the DTES at the corner of Main and Hastings on February 9, 1999.<sup>594</sup> At this meeting, Det. Cst. Shenher reported that the total number of missing women was considered to be 30 at this stage: six from 1978 to 1992, and 24 from 1995 to the present (eleven in 1998, eight in 1997, two in 1996, and three in 1995).

The mounting community pressure, along with a nascent appreciation of the startling statistics presented by Det. Cst. Shenher at the February community meeting, led to the VPD increasing the resources dedicated to the Missing Women Investigation (by assigning Cst. Dickson to assist the MPU). Interestingly, it was the statistics prepared by Det. Cst. Shenher,

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*The lack of hard evidence of a crime scene also contributed to the difficulties in the risk analysis.*

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specifically for this meeting, that had the biggest impact on the VPD's reaction.

It was at this public meeting that Det. Insp. Rossmo learned of these statistics and immediately discerned that there was a serious problem at hand. Alarm bells went off in Det. Insp. Rossmo's head, but his sense of urgency was not shared. At a meeting in February 1999 to discuss the missing women, Det. Insp. Rossmo recalled that Insp. Biddlecombe suggested that the seemingly significant statistics could be explained by the delay in finding the women and the bulge in numbers would disappear over time.<sup>595</sup> He managed to convince DCC McGuinness that he should do an analysis of this theory to determine whether this was the case.<sup>596</sup>

### **Lack of Crime Scenes**

The lack of hard evidence of a crime scene also contributed to the difficulties in the risk analysis. Police officers start from the premise that a homicide always begins with a "body" and the "no bodies, no crime" was an oft-repeated mantra in the evidence before the Commission. Cpl. Connor's interview with DC Evans is replete with references to this thesis.<sup>597</sup> Det. Cst. Shenher adopted this position in her memo to the Attorney General: "We cannot investigate a murder without a body, witnesses, time of crime, scene of crime or suspect and we have none of these things."<sup>598</sup> One of the VPD Deputy Chiefs commented to member of the Vancouver Police Board, Kinder Mottus, that there are no bodies, "so there is no place for us to start."<sup>599</sup>

However, the lack of crime scenes had an alternative explanation, a successful killer. That there was an alternative plausible explanation – that the women had been murdered – was discernible given the large number of women who were going missing from a small community. As I explain below, it did not take long for Det. Insp. Rossmo to perform an analysis on the information that was provided to others and to conclude that there was a highly plausible alternative assessment of the situation. However, police obtusely maintained this view of "no body, no crime," even in the face of strong statistical evidence and mounting evidence from other sources of foul play, and that a serial killer was the likely cause of the women's disappearances.

The absence of a body or a crime scene also resulted in limited participation of the Provincial Unsolved Homicide Unit (PUHU). At a joint RCMP and VPD meeting on February 3, 1999, Sgt. Honeybourn expressed the view that the information related to Pickton was "interesting but [PUHU] would not be in a position to assist until there is no doubt this individual was involved in a specific or group of Homicide(s)."<sup>600</sup> I concur with DC Evans' assessment that it is difficult to understand how the fact that so many women were missing without a trace was not enough to impel Sgt. Honeybourn to action.

### ***Concerns are discounted by senior managers***

In contrast to the views expressed earlier about “no body, no crime,” the officers closest to the investigation quickly accepted that they were dealing with potential homicides. In her first update to management on August 27, 1998, after having investigated the missing women for several months, Det. Cst. Shenher stated in a memo to Acting Insp. Dureau:

*At this point, it seems none of the cases I am investigating would fall into these categories [in jail, detox, etc.] and the victims have gone missing under suspicious circumstances. A large percentage of these women have children either living under the care of the Ministry or with extended family and they have not lost contact with these children or with family for more than very brief periods of time until they went missing. None have contacted family.<sup>601</sup>*

In DC Evans’ opinion, “[i]t was clear to her [Shenher] and anyone reading this document that that the women had disappeared under suspicious circumstances.”<sup>602</sup> Det. Cst. Shenher’s views were sometimes expressed in equivocal terms; however, on occasion she downplayed the information she had, for example, when she said there were no suspects.

Det. Cst. Shenher continued to bring to the attention of senior managers the evidence that supported the position that the missing women had an anomalous pattern that pointed to the likelihood of foul play. In a February 1999 memo to CC Chambers, she wrote about her and Det. Howlett’s difficulty finding the missing women and that none of the women had picked up their welfare cheques or been in recent contact with children or family members.<sup>603</sup> She summarized the statistics on missing women to further underscore the fact that the “simply missing” thesis was not borne out of the investigation to date:

- *Of 14 outstanding MP from 1998 (from total of 3199), 11 were women from the DTES;*
- *6 street-involved women are missing from between 1987 and 1992;*
- *21 street-involved women are missing from between 1995 to present, 11 in 1998, 5 in 1997, 2 in 1996, 3 in 1995;<sup>604</sup>*
- *There were three outstanding missing men from 1998 by comparison with the 11 women;*
- *Those characterized as “street-involved” are long-term residents of the DTES.<sup>605</sup>*

Shortly after writing this memo, Det. Cst. Shenher contacted various police agencies across Canada to determine if they were experiencing the same increase in missing women engaged in the survival sex trade; she determined no other police agency had the same experience.<sup>606</sup>

In a January 2000 update, Sgt. Field reported to Acting Insp. Dureau that 27 of the 31 women were still missing.<sup>607</sup>

At various points, senior managers appeared to register the concern that the women were murdered, but failed to fully accept this theory and reassess the risk accordingly. For example, in an e-mail written in February 1999, DCC McGuinness asked:

*What kind of problem do we have. We need to discuss the implications of this increase in missing females in the Downtown Eastside. Do we have a problem we are not address[ing] etc.*<sup>608</sup>

He appeared to be questioning whether due diligence was being applied to the situation. DCC Blythe challenged the statement in Det. Cst. Shenher's memo to the Attorney General about not being able to investigate a murder without a body, witnesses, time of crime, scene of crime or suspect; he wrote to DCC McGuinness: "are we safe saying such a thing?"<sup>609</sup> Significantly, this partial and sporadic recognition did not translate into the priority action required by the situation, bearing in mind the serious threat to public safety.

Insp. Biddlecombe continued to prioritize and devote considerable resources to alternate scenarios that could explain the dramatic increase in missing women from the DTES. For example, he prioritized the checking of indigent burial records. In December 2001, Insp. Biddlecombe appeared to still be in denial about the likelihood that the women had been murdered; he encouraged Assistant Commissioner Bass to investigate other avenues like a thorough investigation into the deaths of people in hospitals without next of kin.<sup>610</sup> When DC Evans suggested to Insp. Biddlecombe that it should have concerned him that the missing women were not being found and that there were much higher numbers of missing women than missing men, after Cst. Dickson's investigation in 1997, he said: "Well, certainly I never put my mind to that."<sup>611</sup>

DC Evans states: "It was evident that senior managers struggled to understand what had caused the sudden increase in Missing Women."<sup>612</sup> She refers to how DCC McGuinness and DCC Blythe responded to her question: How do you explain the disappearance of 27 missing women without thinking there is something criminal taking place?

DCC McGuinness responded to her question in this way:

Well, I don't think anybody was, I don't think anybody was trying to say that. I don't think people were trying to say these 27 missing women are, are disappeared not because of crime. Nobody was trying -- we were trying to determine whether or not crime was involved in that disappearance. That was the -- determining whether these women had met foul play was obviously one of the parameters around the review team that was set up to deal with that. They weren't sent in there with a mandate, "Don't find any bodies. Let's not do anything till six more people go missing." Nobody, nobody in the entire policing community, whether it be VPD or RCMP, gave any such direction as that. They were there trying to determine -- and I, and I steer you back to the fact that, as soon as it was determined that one of the missing women was dead, or possibly dead, the floodgates opened.<sup>613</sup>

DCC Blythe's response was:

But in the beginning, all I very clearly remember from those involved from the homicide side, and that was from Brian McGuinness, is they were very clear that they had no, they had no victims, there was no body, there was no site of recovery of a body, there was no DNA, and this is what kept getting told to everybody around the table. I remember that as clear as a bell.<sup>614</sup>

I accept DC Evans' conclusion that senior managers did not reassess their belief in "no body, no crime" despite the clear and compelling evidence brought to their attention on numerous occasions.<sup>615</sup> Like her, I conclude that this failure to properly assess the risk that the women had been murdered and were not "simply missing" severely hampered the missing women investigations.

### **Delay in Accepting and Denial of Serial Killer Theory**

The serial killer theory was considered by some of the police officers involved in these investigations right from the outset, but its adoption as part of the operational plan was discounted. Investigations are fluid and different theories and approaches are discussed, debated, and considered over time.<sup>616</sup> However, the serial killer theory was repeatedly dismissed and discounted in the face of a mounting assessment that it was a viable theory. On several occasions, there was an outright public denial of the serial killer theory.

### ***Early recognition of linkages between cases***

The investigating officers were quick to recognize the linkages between the cases, and operated on the basis that one or more serial killers could be responsible for the women's disappearances. In her August 27, 1998 memo, after only a few months of investigation, Det. Cst. Shenher made it clear that she believed the cases were related.<sup>617</sup> In her memo to Attorney General Dosanjh, Det. Cst. Shenher noted: "We do not know if these cases are linked, but as time passes we view this as a stronger possibility."<sup>618</sup>

### ***Initiation of Coquitlam Pickton investigation***

Obviously, the initiation of the Coquitlam investigation of Pickton was premised on the acceptance that he was a suspect for at least one murder. There is conflicting evidence as to whether he was under investigation for his potential involvement in one or more murders. The Coquitlam investigation was initiated on the basis of information from Mr. Hiscox to the effect that Pickton was responsible for the murder of more than one of the missing women and was therefore considered to be a potential serial killer at the outset. Nevertheless Coquitlam RCMP investigators' overall stance is that their investigation was separate from VPD's "serial killer investigation" and it was their view that they were only looking into a single homicide.

However, Coquitlam RCMP did not receive information about a possible single homicide until almost a year after the Hiscox information, when they received information from a second source, Mr. Caldwell.

Cpl. Connor testified that he believed everyone knew they were investigating Pickton as a potential suspect of multiple crimes but they, the Coquitlam detachment, were focused on informant information regarding a single murder, possibly murders.<sup>619</sup> Cpl. Connor agreed the informant information provided indicated that police would find women's belongings on Pickton's property, suggesting more than one murder was involved, and Coquitlam RCMP were looking into this but not in light of the missing women from the DTES.<sup>620</sup>

Several of the steps taken by Cpl. Connor in his investigation are consistent with the acceptance of Pickton as a potential serial predator or killer. In March 1997, following the Anderson attempted murder, he sent out a CPIC message because he believed Pickton could be responsible for past or future incidents dealing with women engaged in the survival sex trade,<sup>621</sup> and he requested information about the 1989 incident involving Pickton in Surrey.<sup>622</sup> Cpl. Connor testified that he believed Pickton could have been responsible for past incidents involving street-involved women but that he did not see his investigation going beyond what the informant said had happened in Coquitlam's jurisdiction.<sup>623</sup>

This stance is illogical; if Cpl. Connor believed that Pickton could have been responsible for similar historical events, it would be reasonable to assume that Pickton could be responsible for similar future incidents. There is direct evidence of this concern that Pickton was an active serial predator during the surveillance incident when Pickton was followed to the Patricia Hotel in the DTES. When Cpl. Connor found out that surveillance had lost Pickton's trail in the DTES, he directed surveillance to find Pickton again and if there was a woman in his car to pull him over and remove the woman.<sup>624</sup> Cpl. Connor's assessment of Pickton being involved in past or future incidents was also reflected in the fact that he informed his then brother-in-law, who worked in PUHU at the time, about Pickton and the information they had on him.<sup>625</sup>

Cpl. Connor was not the only RCMP officer who considered Pickton to be a suspected serial predator. In an August 1, 1998 memo, Cst. Strachan wrote: "We are presently investigating Robert 'Willie' Pickton in a local murder and possibly several others..."<sup>626</sup> Det. Ballantyne, from PUHU, noted he was assigned "to assist in a Coquitlam investigation in which it was thought the suspect may be responsible for the murder and disappearance of several women in the Lower Mainland."<sup>627</sup> Cst. Yurkiw also referred to the investigation as relating to the missing women in her February 10, 2000 memo requesting aerial photographs: "The captioned Project is an investigation of missing females, specifically sex trade workers."<sup>628</sup>

This awareness does not appear to have translated into a coherent risk assessment that was consistently applied. Senior managers did not connect

the Coquitlam investigation of Pickton to the missing women from the DTES. Sgt. Pollock testified that his understanding was that they were investigating the possibility that a woman had been killed on the Pickton farm, and denied that they were investigating a possible serial killer.<sup>629</sup> Cpl. Yurkiw provided the same evidence.<sup>630</sup> Insp. Moulton's testimony was equivocal: "We understood there was the existing missing persons file and the people from Vancouver were involved in that file that we were dealing with."<sup>631</sup>

### ***Det. Insp. Rossmo's analysis is dismissed***

Det. Insp. Rossmo recognized from the outset that the increasing number of missing women from the DTES was statistically significant. His analysis discredited the *no body, no evidence, no crime* analysis and supported the serial killer theory. However, his work was discredited in turn. Det. Insp. Rossmo's analysis should have been accorded significant weight in the decision-making process given that he had an unusual and highly relevant combination of skills and experience. He had worked in the DTES, including with women in the survival sex trade, had a well-developed understanding of marginalized groups being targeted by violent criminals, and was an experienced criminal profiler with specific expertise in geographic profiling and serial crimes.<sup>632</sup>

Det. Insp. Rossmo wrote to Insp. Biddlecombe in February 1998, outlining the profiling and notification procedures that he could be employed by the VPD.<sup>633</sup> Insp. Biddlecombe would have had some knowledge of Det. Insp. Rossmo's work given his involvement in Project Eclipse (described previously).

In his report dated September 4, 1998, Det. Insp. Rossmo presented his initial analysis of the missing women investigations. His report included a strategic blueprint outlining the objective of the Downtown Eastside Missing Persons Working Group: "To determine if a serial murderer(s) is preying upon females in Vancouver's Downtown Eastside and, if so, what murders and disappearances are linked together."<sup>634</sup> September 1998 was the first time the words "serial murderer" were employed by a police officer serving in an official capacity in the context of the Missing Women Investigation. In a covering memo to Chief Superintendent Bass, Det. Insp. Rossmo outlined the increase in missing women from the DTES and asked for a representative of RCMP E Division Major Crime Section to sit on the Working Group.<sup>635</sup> He explained that the Working Group was formed to assess and analyze the "problem in order to determine if a serial murderer is preying upon members of that community."<sup>636</sup> Det. Insp. Rossmo attached a draft media statement to his strategic blueprint.<sup>637</sup>

Det. Insp. Rossmo's plan was rejected by Insp. Biddlecombe in particular. It is difficult to understand the lack of acceptance of this strategic blueprint: it wasn't saying there was a serial killer, rather it was saying that the serial killer theory should be part of the investigative strategy.

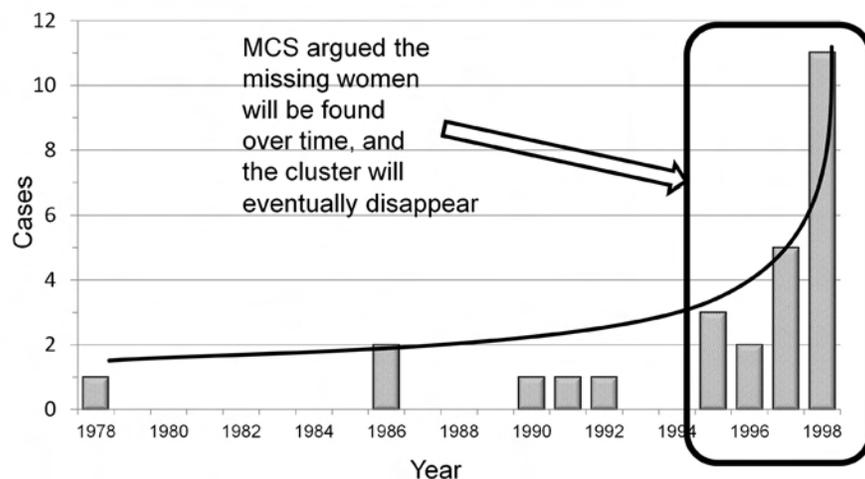
Following the September 22, 1998 meeting of the Working Group, Det.

Insp. Rossmo requested statistics on the missing women from Insp. Biddlecombe.<sup>638</sup> Det. Insp. Rossmo did not receive the requested statistics until after he heard Det. Cst. Shenher's presentation to the DTES Community in February 1999. As noted earlier, this presentation confirmed his initial views. He brought this issue to the attention of DCC McGuinness and followed up to obtain the statistics and carry out his analysis.<sup>639</sup>

Table IIB-4 provides a graphic illustration of the raw statistics that formed the basis of Det. Insp. Rossmo's analysis. This version was prepared by Det. Insp. Rossmo for the purposes of Commission evidence.

**TABLE IIB-4: DOWNTOWN EASTSIDE MISSING PERSONS: 1978 - 1998**

### Downtown Eastside Missing Persons: 1978-1998



Det. Insp. Rossmo set out his analysis in a case assessment dated May 25, 1999.<sup>640</sup> On May 27, 1999, Det. Insp. Rossmo provided his case assessment to DCC McGuinness, Insp. Beach and Insp. Biddlecombe.<sup>641</sup> His covering memo summarized his findings:

*Based on historical data, we can expect to locate no more than 2 other individuals from this group.*

*The number of disappearances of sex trade workers from Vancouver's Downtown Eastside during the previous 30 months is statistically significant and is unlikely to have occurred by chance.*

*While it is not possible with available information to determine with certainty the cause of these disappearances, the most likely explanation for the majority of them is a single murderer (or partner murderers) preying on Skid Row prostitutes.<sup>642</sup>*

The missing women statistics clearly indicated that the vast majority of them had met with foul play. Other explanations were negated by the fact that there had been no comparable spike in the number of missing men, the missing women were clustered over a short period of time and in a confined geographic area, and no bodies had been found.<sup>643</sup> Det. Insp. Rossmo concluded that the probability was that only two of the 20 women would be found. His estimate was close: in fact, four of the initial 27 missing women were found alive or having died of non-violent causes.<sup>644</sup>

Det. Insp. Rossmo's analysis continued to explore likely scenarios that the women had indeed met with foul play. He pointed out that three possibilities existed: (1) they are victims of separate killers; (2) they are victims of a serial murderer (or partner serial murderers); or (3) they are victims of multiple serial murderers. Det. Insp. Rossmo's analysis concluded that because their bodies had not been discovered, the first scenario was unlikely: some crime scenes would likely be discovered if many different offenders had committed the homicides. He was also able to rule out the third option: "the rarity of a serial murder, even in high risk population groups, makes the separate multiple predator option improbable."<sup>645</sup>

Det. Insp. Rossmo set out a highly compelling analysis that the most likely scenario was that a serial killer was responsible for the disappearances of the majority of the missing women. He also theorized that the serial killer had access to a vehicle and there was likely a cluster dumpsite in a wilderness area, or less likely on the offender's property.<sup>646</sup> He did not believe it was likely the serial murderer was a "commuter" given the randomness of disappearance dates.<sup>647</sup>

This persuasive analysis did not lead to change in the assessment of risk that a serial killer was likely responsible or the fundamental change in the investigative approach that this recalculation would have called for. It is difficult to understand the continued currency of nonsensical theories such as extended vacations or a sudden rise in deaths due to overdoses without leaving trace. Senior police officers appeared to consider Det. Insp. Rossmo's analysis to be "speculative" despite the fact that it was grounded in solid empirical evidence and factual analysis. For example, under cross-examination, DCC McGuinness said that the analysis was not "scientific" – it was only a one or two-page report containing Det. Insp. Rossmo's "feeling" that there might be one or two serial killers.<sup>648</sup> This was not "evidence of a serial killer" in his view.<sup>649</sup> When asked about Det. Insp. Rossmo's 1999 analysis, Insp. Dureau and Insp. Biddlecombe claimed that they had not seen it; although Sgt. Field described it as "compelling."<sup>650</sup>

### ***Community concern about possible serial killer***

Many members of the DTES community were quicker to adopt the view that a serial killer was in their midst. The media played a large role in bringing attention to this scenario. Between 1997 and 2000, at least 56 newspaper articles by Lindsay Kines, Lori Culbert, Frank Luba, Suzanne Fournier and

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*The missing women statistics clearly indicated that the vast majority of them had met with foul play.*

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others were published on the missing women, as well as letters to the editors by Wayne Leng and others.<sup>651</sup> Lindsay Kines' three articles in *The Vancouver Sun* on March 3 1999, "20 Women Missing: Action Demanded," "Missing on the Mean Streets – Part 1 – Privilege, Despair and Death" and "Missing on the Mean Streets – Part 2 – The Missing: Tragic Portraits of the Women from the Downtown Eastside" deserve specific mention because of the immense impact they had on public consciousness regarding the missing women and the possibility of a serial killer.<sup>652</sup>

Expressions of community concern did elicit some further action from the VPD. Even before Det. Insp. Rossmo had completed and circulated his case assessment, Insp. Beach was taking steps to increase the resources available to the Missing Women Investigation. On April 9, 1999, he wrote to Staff Sgt. MacKay-Dunn advising that Cst. Dickson was needed to assist because of community concern that there was a serial predator.<sup>653</sup> He acknowledged that there was still a "lack of usual indicators such as crime scenes, victims or bodies," but asserted they should investigate the serial killer theory "to the fullest, no matter the likely outcome."<sup>654</sup> I find that the police response was insufficient to address the express community concern. At the same time, I acknowledge the competing pressures and positions taken by community members. For example, many in the DTES were vocal that they did not want Cst. Dickson working full-time on the missing women investigations, because his other duties were also important to the DTES community. As a result, Cst. Dickson was assigned to only work half-time on the missing women investigations so that he could continue his work with the DTES Safety Office.<sup>655</sup> In practice, he was able to devote even less than half his time to the investigations.

### ***Public statements downplay or deny serial killer risk***

The police made a number of public statements that downplayed or denied the risk that there was a serial killer in the community. Even as the serial killer theory gained increasing acceptance within the VPD, VPD external communications emphasized that there was no evidence of a serial killer.

VPD appeared to be walking a fine line in its communications, particularly during the time the issue of the posting of a reward for information about the missing women was being hotly contested. This was in the spring of 1999, just before the Vancouver Police Board was to decide whether or not to post the reward. In her April 9, 1999 memo to the Attorney General, Det. Cst. Shenher wrote about there being "no evidence" of a person or persons preying on the women.

In her testimony, Det. Cst. Shenher admits that this information is not completely forthright as she was pursuing Pickton as a person of interest.<sup>656</sup> It would be more accurate to say that she was downplaying the actual number of investigative avenues to be pursued given the indeterminate nature of the crimes as they were then understood. They did have many persons of interest identified in the missing women files.

In an e-mail to the Chief Constable and senior managers, DCC McGuinness made this comment about the wording of the reward: "One of the concerns all of the investigators have is if a reward is offered it would have to be offered to encourage the confirmed whereabouts of a missing person as we do not have any evidence that a crime has been committed."<sup>657</sup> I infer from the evidence as a whole that the VPD appeared to have a strong concern that the public not view the reward as confirmation that a crime has been committed and, in particular, that a serial killer was at large.

Did the VPD give the Vancouver Police Board information that contradicted the ongoing investigative work? This question revolves around the question of there being no evidence to support the serial killer theory. It is absolutely correct that there were no bodies and no crime scenes, but there was other evidence that pointed to foul play. As Det. Insp. Rossmo concluded, and DC Evans agreed, the women's failure to pick up welfare cheques was a "huge flashing beacon" that something was wrong.<sup>658</sup>

In its April 1999 report to the Vancouver Police Board, the VPD contrasted the missing women case with Project Eclipse, which was initiated on the basis of 26 homicides in which there was more evidence to trigger an analysis of whether one or more serial killers were responsible.<sup>659</sup> Sgt. Field wrote:

*A crucial delineation between the nature of the two types of investigation needs to be commented on as well. In the first cases I discussed, we were investigating and dealing with homicides. In a homicide investigation, the initial step in the investigation is the discovery of a body and the subsequent examination of the crime scene.*

*All other investigation emanates from this starting point.*<sup>660</sup>

At this juncture, the main VPD perspective was that there was no evidence that a crime had been committed. This also tied to the reticence to support the reward as DCC McGuinness noted at the Vancouver Police Board meeting on April 28, 1999: "unlike a homicide reward, there is no evidence to use for screening tips and this may result in investigative time being spent unwisely."<sup>661</sup>

The VPD continued to downplay the risk that foul play was involved and/or that a serial killer was at work as late as 2000. When *America's Most Wanted* aired a re-play of the July 1999 show depicting the missing women, Sgt. Field wrote to Cst. Drennan that they had "stirred the 'serial killer' theory again."<sup>662</sup> Det. Cst. Shenher wrote to an *America's Most Wanted* producer on July 5, 2000, stating:

*It is important to note there is still nothing to link the 27 cases other than the area of town they lived and their involvement with drugs and the sex trade. The three new files are no different in that respect. We have no bodies, no crime scenes, no witnesses...in most cases, several weeks to many months passed before these women were*

*even reported missing to police...It is also interesting to note this climb in numbers seems to correspond with the increase in deaths by drug overdose. It does not explain why we haven't found the bodies.*<sup>663</sup>

### ***Currency of serial killer theory waxes and wanes***

The currency of the serial killer theory waxed and waned throughout the course of the investigations. It is clear some individual members of the VPD and RCMP accepted and acted upon the serial killer theory at different times during the investigations. However, there was not a full institutional recognition nor commitment to this theory until the formal move to a Joint Forces Operation (JFO) was initiated in November 2000.

In July 1999, DCC McGuinness asked Acting DCC Unger to liaise with John Walsh from *America's Most Wanted* about the announcement of the reward. DCC Unger testified that he had not been kept informed on the Missing Women Investigation and was told by DCC McGuinness that:

There was still obviously no decision on the part of Major Crime at that time as to the theory that there was, in fact, a serial killer. They were still looking for the women, and the hope was that they would have been found at that point.<sup>664</sup>

In his interview with DC Evans, DCC McGuinness stated that he "did not discount that there could have been a Serial Killer and suggested that that was one of the main reasons behind his decision to form the Missing Women Working Group."<sup>665</sup>

In an October 22, 1999 memo from Sgt. Field to DCC McGuinness, Sgt. Field mentions the serial killer theory saying: "History has always shown that in many serial murder investigations a break occurs when timely information is received and acted upon by police."<sup>666</sup>

On March 1, 2000, Staff Sgt. Davidson, Cpl. Filer and Sgt. Paulsen met with Chief Supt. Bass. At this meeting, Staff Sgt. Davidson expressed the view that at least three serial killers were believed to be operating in BC.<sup>667</sup> Staff Sgt. Davidson stated that he clearly set out this view in a written proposal provided to Chief Supt. Bass either before or after the meeting.<sup>668</sup> In his interview with DC Evans, Staff Sgt. Davidson spoke of the serial killer theory and the hesitance that investigators had in their acceptance of the possibility of the theory and said: "I have never fully understood why it's a better thing to have 20 killers to find versus one."<sup>669</sup> While more resources were provided to the Agassiz murders, no action was taken in relation to the missing women investigations. This was yet another example of poor risk assessment.

In a May 5, 2000 memo from Det. Cst. Wolthers and Det. Cst. Fell to Sgt. Field regarding the MWRT winding down they stated: "The MPRT[sic] investigation quite simply is uncharted policing territory, 22 woman

[sic] missing without a trace since 1995 would bring any experienced investigator to the conclusion 22 women [sic] have murdered [sic] by a serial killer(s).<sup>670</sup> However, Sgt. Field did not agree that the MWRT was operating on the basis of the serial killer theory. In discussing Det. Cst. Wolther's and Det. Cst. Fell's interview with N., a suspect who they were pursuing in respect to the Missing Women Investigation in the DTES, Sgt. Field wrote:

*Never would I have imagined they would attempt to interview him for any serial killings since this had never been discussed as a strategy with the team. He was still a person of interest along with many others. At any rate, this was still a missing persons investigation and not a serial killer investigation as they allude to constantly. We still have no evidence of such, only speculation.<sup>671</sup>*

In the fall of 2000, Cst. McCarl wrote to Sgt. Field stating that he strongly believed a serial killer was responsible for the missing women investigated by the VPD and other missing women and homicides in the lower mainland and Vancouver Island, and that without a viable plan and resources, it would not be resolved.<sup>672</sup> He recommended that a task force of VPD, RCMP, MCU, and ViCLAS should be implemented immediately.

Evidence shows that many members of the VPD were committed to the serial killer theory in the fall of 2000, as the MWRT wound down and Project Evenhanded was being created. However, it was not until May 2001 that we saw the words "generally suspected" the actions of a serial killer connected to the missing women.<sup>673</sup>

### ***When did Pickton become a viable suspect of multiple homicides?***

Pickton was brought to the attention of the VPD in connection with the missing women in July 1998 and was first referred to as a serial killer in September 1998.<sup>674</sup> The connection was made based on information from Mr. Hiscox and was discussed by Det. Cst. Shenher and Cpl. Connor.

The New West Police Service (NWPS) accepted Pickton as a serious suspect for assaults in June 1999.<sup>675</sup> Cst. Fraser of the NWPS wrote to Sgt. Burrows on June 1, 1999: "PICKTON is a growing concern" and "should be considered a suspect in any assaults or missing persons in the area of 12<sup>th</sup> Street."<sup>676</sup>

He was on the VPD's list of persons of interest in the missing women investigations from October 1999.<sup>677</sup> By late October 1999, 13 persons of interest were actively under investigation and Pickton was specifically mentioned in reports to senior managers:

*The majority of our efforts have so far concentrated on PICTON [sic] who is being looked at for a possible homicide in Port Coquitlam. Coquitlam RCMP have utilized the services of our Strike Force Unit, liaised with PUHU and are currently working in conjunction with Det. Lepine and Det. Cst. Chernoff to develop further plans targeting PICTON [sic].<sup>678</sup>*

Pickton continued to be on the VPD lists of suspects in the top ten for the remainder of the investigation. Much of the evidence before the Commission supports the view that Pickton was always a priority suspect in the minds of the main investigators. In her interview with DCC LePard, Det. Cst. Shenher said that Pickton's name was always on the whiteboard and he was always number one.<sup>679</sup> Det. Chernoff believed Pickton was a strong suspect from the time he first became aware of him.<sup>680</sup> Police actions did not marry with this prioritization, as at no time was Pickton pursued to the point of being confirmed or ruled out as the suspect. Furthermore, the unwillingness to commit to the serial killer theory in a consistent manner resulted in a disconnect between seeing Pickton as a top suspect and seeing Pickton as a potential serial killer.

### ***Project Evenhanded's focus on historic review***

When Project Evenhanded commenced in January 2001, the serial killer theory had been accepted. This acceptance was the basis for the establishment of the JFO. The Memorandum of Understanding, signed by VPD CC Blythe on May 30, 2001, and RCMP Commanding Officer Busson on June 26, 2001, stated: "During the course of this investigation, a review of the missing women's files, and homicides of women fitting the victim profile during the same time period, revealed evidence of one or more serial killers possibly responsible for their disappearance."<sup>681</sup>

However, Project Evenhanded was premised on an incorrect risk analysis that the serial killing of women from the DTES had stopped. It took several months to recognize that women were still going missing and several more months for this realization to be properly assessed and the investigation shifted from a historic review to an active serial killer investigation.

This belief appeared to start at the VPD. They believed that women had stopped going missing in 1999. As I noted earlier, this mistaken belief was partly due to the investigative approach of "confirming" women as missing. In addition, some missing women reports were simply missed, not accounted for, or lost: reported in 1999 to the VPD were Marcella Creison, Cindy Feliks, Jacqueline McDonell, and Laura Mah (historical); reported to the RCMP in 1999 were Julie Young and Wendy Crawford. In 2000, Jennifer Furminger, Brenda Wolfe, Dawn Crey and Debra Jones were reported. The police were simply wrong: women continued to disappear throughout 1999 and 2000. The Table IIB-1 set out in Part 3(A) clearly shows that this tragic trend continued. It is incorrect to say the women had stopped going missing. They did not.

Many VPD reports outlined that there were no new missing women, and detailed how women reported missing were being found throughout 1999 and 2000, usually within two weeks.<sup>682</sup> Reports of additional missing women fitting the victim profile started coming to the attention of members of the Project Evenhanded team in January 2001.<sup>683</sup>

On August 23, 2001, 22-year-old summer student Brian Oger finalized his essay entitled: “The Serial Killer Theory: A Report on the Downtown East-side Missing Prostitutes.” In this essay, he concluded:

*Prior to the beginning of August 2001, it was assumed or hoped that the killings had stopped after December of 2000, and that the women were no longer going missing. However, this can no longer be said with confidence. There is a possibility that between January and July, 2001, seven more sex-trade workers have gone missing.<sup>684</sup>*

In his essay, Mr. Oger asked an important question: “What if the serial killer who we thought was dormant, dead, or in jail, is still out and about, killing at will?”<sup>685</sup> He believed more resources were needed for the investigation: “A serial killer – one cunning enough to kill and fully dispose of as many as 40 or 50 women without getting caught – is on the loose.” Interestingly, the RCMP response to Mr. Oger’s compelling essay was primarily negative. Sgt. Adam told the Commission that Mr. Oger’s analyses were not his; they were those of the whole team and owed a lot to the ongoing work of Det. McKnight and Cst. Dickson and ViCLAS analyst Margaret Kingsbury.<sup>686</sup> At the same time, Sgt. Adam said that Mr. Oger “gave himself” that assignment.<sup>687</sup> Mr. Oger was investigated and cleared as a potential source of the media leak of his report.<sup>688</sup>

DC Evans expresses the opinion that:

*The reason Brian Oger’s essay caused such internal issues within the VPD and RCMP was that it questioned the ongoing plan that had been approved by police. The idea that a summer student could see what police leaders and experienced investigators could not, should have been their main focus.<sup>689</sup>*

Mr. Oger’s work should have resulted in an immediate recalculation of the risk to public safety and hence the reorientation of Project Evenhanded. I find that it did not and that this is another example of the critical police failure to correctly analyze risk and adapt to this updated assessment.

By October 2001, it was suggested that all new missing women engaged in the sex trade should be considered potential homicides.<sup>690</sup> However, a Project Evenhanded Daily Log entry on October 14, 2001, showed they were still unsure if women were going missing:

*If all the women can be found and the women are not continuing to go missing, we have a very different situation than if they are still disappearing at the same rate. If they are in fact still going missing, then we need to put significant resources into protecting women on the streets today.<sup>691</sup>*

Yet, it was not until November 2001 that a file review led to the addition of 18 more women to Project Evenhanded’s list of missing women.<sup>692</sup>

DC Evans concludes that it was the initial approach taken by Project Evenhanded that led to this faulty risk assessment:

*It was determined from the outset that Project Evenhanded members would be reviewing historic files, while each police agency would continue to investigate any recently reported missing persons within their jurisdiction. In my opinion, this was an aggravating factor that perpetuated the misconception that this was a historical review instead of a potentially active Serial Killer investigation. It became apparent that investigators from Project Evenhanded were not paying attention to the new missing women cases. They continued with their review of the original Missing Women files but failed to recognize the reality that women continued to go missing. Project Evenhanded was provided with minimal staff and resources and essentially operated as a Review team, which thereby ensured that the team members were clearly not responsible for active missing person's investigations. The Review approach was not vacated until November of 2001 when suggestions were made that proactive engagement within the DTES was absolutely essential to move the investigation forward.*

*In my opinion, the original Project Plan for Evenhanded was flawed from the beginning as they failed to recognize and operate that women continued to go missing and were not being found.<sup>693</sup>*

I find that Project Evenhanded made two further incorrect risk assessments. First, it failed to initiate a suspect-based investigation in a timely manner. In his evidence, Sgt. Adam vigorously denied that Project Evenhanded should have initiated a suspect-based investigation any earlier because to do so would have been a classic mistake of tunnel vision.<sup>694</sup> I reject this evidence as being inconsistent with the known risk to public safety. Second, the decision taken to undertake a very broad review beyond the missing women from the DTES was erroneous in light of the repercussions on time and resources. If two separate JFOs were required to manage the large-scale investigations, then that is what should have been formed. If resources only allowed for one, then a correct risk analysis would have meant prioritizing the safety of women in the “here and now.”

### **Consequences of Faulty Risk Assessment**

I conclude that there were three overarching faulty risk assessments that were not corrected over time as more and more evidence of heightened danger was uncovered: the risk that the women had been murdered, the risk that a serial killer was responsible, and the ongoing risk to public safety in terms of future potential victims.

The three main flawed risk assessments were at the epicenter of the police failures in these overlapping investigations. The consequences included:

- Establishing working groups with mandates to review rather than investigate;
- Failure to fully investigate Pickton;
- Failure to incorporate proactive measures to address the situation given the risk that a serial killer was operating; and
- Failure to provide sufficient resources to the investigations in line with the potential threat posed by a serial killer.

Decisions were made on the basis of faulty assessments that minimized the risks faced by women in the DTES throughout the course of the investigations. These faulty assessments led to the creation of review teams rather than investigative task forces, and the impact of these errors cannot be overestimated.

### **C. Inadequate Proactive Strategy to Prevent Further Harm to Women in the DTES**

A proactive strategy has a dual meaning in the police lexicon: protecting potential victims from a suspected or known risk and actively seeking out information for an investigation. Here, I focus on the inadequate steps taken by the police to prevent further harm to women in the DTES. I critically review the restricted extent of the police work with the community both here and in the next section dealing with inadequate investigative strategies. I recognize that the two types of police-community involvement, one focused on crime prevention and the other on solving crimes, are interrelated; but I have chosen to deal with them separately in order to emphasize both aspects equally. I conclude that there was a near complete failure of the police to take steps to protect women engaged in the survival sex trade in the DTES until early 2002.

I make four specific findings with respect to the inadequacy of proactive strategies to prevent further harm to women in the DTES. First, I conclude that the VPD's prostitution law enforcement strategies, rather than protecting the women, contributed to their vulnerability to serial predation. Second, I find there was a general police failure to pursue crime prevention strategies despite the large number of women who went missing over an extended period of time. The third and fourth findings single out two specific aspects of the failure to develop and implement proactive strategies: the failure to issue a warning to women in the DTES and the failure to take steps to protect Ms. Anderson from specific threats that were known to the police.

This section of the report is shorter than my discussion of other critical police failures, but this in no way reflects the importance that I place on my findings about the inadequate or non-existent proactive policing strategies. It is simply a reflection of the fact that there is little evidence that the police turned their minds to crime prevention; hence it is mainly a question of pointing out what the police did not do. Enhancing women's safety played no part in devising and operationalizing the missing women investigations.

#### **Prostitution Law Enforcement Strategies Put Women at Risk**

I heard unequivocal testimony that the VPD's prostitution law enforcement strategies put women engaged in the survival sex trade at increased risk of violence, including serial predation. I reviewed and made findings of fact pertaining to this evidence in Volume I. Responding to pressure from residents, business owners and municipal politicians who could not tolerate the nuisances created by the street-level sex trade, the VPD pursued

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*The DTES strolls became a space where justice did not prevail, where violence against women was rendered invisible.*

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a strategy of containing the women into more remote and unsafe parts of Downtown Vancouver.<sup>695</sup> Through this strategy, the sex trade was displaced but not eliminated.<sup>696</sup> One can understand the concerns of the residents, but the women became the unwitting victims of this law enforcement strategy. The unintended consequence was that police created a space for the survival sex trade to exist where the women were violated, often with impunity.

The DTES strolls became a space where justice did not prevail, where violence against women was rendered invisible. Men were able to enter the zone, commit violent crimes and not be held accountable. Clearly this was not the intention; the police were enforcing the prostitution laws and responding to concerns by some community members; they cannot be faulted at that level. However, the VPD was systemically blind to the impact this enforcement strategy had upon the women.

The VPD refers to this law enforcement strategy as creating a “tolerance zone.”<sup>697</sup> However, tolerance has a double meaning in this context. The strategy meant that women’s engagement in the sex trade was tolerated by the police and society; so too did we all tolerate the women’s increased insecurity and vulnerability to violence as the zone was moved further and further away from basic safety features provided by busy and well-lit areas. Dr. Kate Shannon explained the ways in which geographic containment, forcing women to work at night, creates a working environment lacking in third parties who are able to witness a sex worker getting into a perpetrator’s vehicle, and where there is no one to hear a cry for help.<sup>698</sup>

By 1997, Lower Mainland police were fully aware of the fact that women engaged in the sex trade were particularly vulnerable to all forms of male violence. I have already referred to Project Eclipse, a series of criminal investigative case conferences attended by several BC police agencies that focused on missing and murdered women in the sex trade in the early 1990s. Independent Counsel for the DTES provided me with thorough and helpful submissions on the VPD’s awareness that these women were at extraordinary risk of serious violence.<sup>699</sup> I adopt many of Mr. Gratl’s submissions in my findings of fact in this section. However, this knowledge of the heightened risks to women did not result in the implementation of crime prevention strategies.

The law enforcement strategy, while initiated prior to the terms of reference, continued alongside the missing women investigations. The two police strategies worked in diametric opposition to each other: one further endangered the women, while the other sought to find the missing women and, if crimes were uncovered, apprehend the perpetrator. At the same time that police were searching for missing women, they had insufficient regard for the fact that violence routinely occurred on the strolls and did not take sufficient steps in response. The VPD have argued strenuously against this finding: they assert that the VPD took violence against women engaged in the sex trade seriously and sexual assaults and homicides were

thoroughly investigated. I do not, in any way, dispute that the VPD took steps to solve crimes of violence against this group of women. My focus here is on whether they took proactive strategies to protect the women from known risks.

The record reveals sporadic expressions of police concern about the impact of the law enforcement strategy on women's safety. For example, a media release from DCC Blythe and DCC Rollins dated February 25, 1997, recommends a conciliatory approach.<sup>700</sup> The Vancouver Police Board met on April 30, 1997 and addressed this issue, but was unable to deal with the issue due to "no consensus on where street prostitution could be located with no impact and the legalization of bawdy houses."<sup>701</sup> Police were caught in the middle of this political paralysis that required them to maintain an enforcement policy that many of them considered ineffective and a poor use of scarce policing resources and, to a lesser extent, harmful to the women.<sup>702</sup> I agree with Independent Counsel for the DTES that "we must recognize that the police were doing what they were asked to do."<sup>703</sup>

I accept the VPD's submission that police are in a very difficult position when it comes to the street sex trade: "they are mandated to enforce laws that seek to address the nuisance aspects of the trade but do not resolve any of the underlying issues, and on the other side are concerns about the safety of street sex workers."<sup>704</sup> I also accept that there was general support for this enforcement strategy, including from some women engaged in the sex trade, relative to other strategies such as increased police presence and arrests.<sup>705</sup> However, it is not clear that this support extended to the location zone in the deserted, dark, industrial part of the DTES.<sup>706</sup>

Senior managers appeared to be shockingly out of touch with how dangerous this situation was for women in the DTES. In his testimony, DCC Blythe said that the VPD encouraged the women to go to "safe places" in the DTES. When specifically asked whether he was referring to the industrial areas, he said:

Yes. And, you know, your comment about them not being well lit, that's erroneous. I mean most of the industrial areas in Vancouver, and even at that time, were extremely well lit because of breaking and entering issues. And in another prevention program we went around to all the proprietors, owners of those buildings, and encouraged them to light their premises in the lanes and on the front streets, and if you drive into those lanes today and then, you'll see there's street lights in the lanes as well as on the front street. So I wouldn't agree with the dark, dangerous environment that you said. We'd never do that to them.<sup>707</sup>

The fact the women were being killed from these areas and disappearing "without a trace" shows he's just wrong. All of the evidence before the Commission makes it clear that it was a dark, dangerous environment.

Moreover, I reject the VPD submission that the "real issue" is that women put themselves at risk by getting into cars with potentially violent men.<sup>708</sup>

This position is a thinly disguised attempt to blame the victim for her “risky” behaviour and lifestyle, a strategy employed to absolve those responsible by shifting the onus to the victim. This approach must be condemned. Women who are driven by addiction and engaged in the survival sex trade did not choose to work in the “tolerance zone” – they were actively displaced there by police, at the request of the community. The fact that women are taken elsewhere by violent men does not detract from the fact that their manufactured isolation contributed to both the ability of men to harm them and to the likelihood that no traces would be left to facilitate investigation. Although the VPD acknowledges that the police may have increased the women’s vulnerability, I find that the enforcement strategy compounded the women’s vulnerability to a significant extent.

I entirely reject the position that women put themselves at risk. The view that women engaged in survival sex work do not “deserve” “extra” protection because they choose this way of life is reprehensible. This position was expressed the most in a direct and frank manner by Cst. Mitchell in a memo to Insp. Greer addressing the issues raised by the BC Civil Liberties Association’s concern about the situation faced by these women.<sup>709</sup> Cst. Mitchell’s memorandum, although thoughtful in some respects about the predicaments of the survival sex trade for both police and the women involved, contains this staggering statement:

*Protection of prostitutes – the B.C.C.L.A. is concerned about the “dismal record we” (who is we?) have of protecting sex trade workers. I agree that they deserve no less protection than any other citizen: the question is whether they deserve more? There is a legal doctrine known as *volenti non fit injuria*, also known as ‘assumption of risk’. Though it is a civil doctrine generally applying to lawsuits arising out of personal injury, it is somewhat apropos here. Should society be held liable to provide enhanced protection to those who voluntarily assume such obvious personal dangers (an underlying question of course is whether, or how many prostitutes (juvenile or adult) assume that risk voluntarily?<sup>710</sup>*

This attitude contributed to the police wrongly believing that these women accepted to live in desperate and deadly situations and blinded them to their obligation to take steps to create a safer environment for them.

### **General Failure to Pursue Preventive Strategies**

As the missing women investigations progressed, police became more and more aware of the dangers facing women in the DTES. The police record is replete with references to “bad dates” and “bad men” who were assaulting and violating women engaged in the survival sex trade on a regular basis.<sup>711</sup> While they were focused on getting the “bad guy” in a generic sense, they didn’t pay attention to the ongoing threat posed in the DTES. There are no indications that the VPD treated the fact that women were disappearing from the DTES in statistically significant numbers as a public safety issue. Nor did this situation improve under Project Evenhanded. I single out Sgt. Adam in this regard. He testified that Project Evenhanded did engage in

prevention,<sup>712</sup> but I do not accept this assertion. In his testimony, he clearly rejected acknowledging that the police had an obligation to protect the women who were so clearly at risk: he asserted that there were too many serious sexual offences committed against women engaged in the sex trade to investigate them all.<sup>713</sup>

I agree with the VPD that it is very difficult for the police to proactively increase the safety of street-involved women,<sup>714</sup> and that the best strategy is for women to have real alternatives to the dangers of the survival sex trade. But these difficulties do not excuse the failure to act.

While there is some evidence of general crime prevention strategies in the DTES during the terms of reference, they are not targeted strategies to address the risks faced by women at risk of becoming the next “missing woman.” In fact, in 2001, the VPD declined to support PACE’s request for the creation of a Sex Trade Liaison Officer position; a position designed to assist in exactly that endeavour.<sup>715</sup>

There were measures available to the VPD that could have increased the women’s safety. First, they could have been more forthright in sharing information with women and other community members about the investigation. Investigators need to hold back some information in order to advance the investigation, but there was no consideration of the appropriate balance between the twin goals of catching the perpetrator and preventing another woman from going missing or being murdered. Second, they could have shared the information with officers working on the street, whose roles lent themselves more to the community policing function of protecting the women. The importance of these measures was stressed as important lessons learned by the Green River Task Force and the Spokane police when they met with Project Evenhanded in November 2001.<sup>716</sup>

But this should not have been news to the VPD and the RCMP. Det. Insp. Rossmo had emphasized the need for a proactive approach integrated into the review and investigation of the missing women right at the outset of his involvement in September 1998. His strategic blueprint concludes with safety and crime prevention initiatives, which Det. Insp. Rossmo described to the Commission as involving:

everything from crime prevention officers to the beat officers in District 2, working with the community groups and with the media. And none of that is homicide or investigation, but it should be hand and glove a parallel part of the investigation to help protect the community, because the *Police Act* makes it clear that one of the responsibilities of a police agency is the protection of its people.<sup>717</sup>

Staff Sgt. Adam recognized that there would have to be a realignment in the twin policing objectives if there was evidence that women were endangered. An October 14, 2001 Project Evenhanded Daily Log entry reads:

*If all the women can be found and the women are not continuing to go missing, we have a very different situation than if they are still*

*disappearing at the same rate. If they are in fact still going missing, then we need to put significant resources into protecting women on the streets today.*<sup>718</sup>

On October 31, 2001, Staff Sgt. Adam submitted a memo to Superintendent Killaly: "All evidence indicates that one or more serial killer(s) are going into the DTES to select women. Based on the fact that the area of disappearance is fairly small, the investigative strategy is obvious."<sup>719</sup> He also advised that Project Evenhanded couldn't redeploy personnel from the historic review team as it would have a "crippling effect on the integrity of the overall investigation."<sup>720</sup> Ten more weeks of further delay ensued before Project Evenhanded implemented the first true preventive measures.

It was not until January 15, 2002, that proactive teams of police officers were placed in the DTES to liaise with women in the DTES.<sup>721</sup> This was almost five months after Project Evenhanded specifically recognized that the serial killer was active and more than 18 months after the police began to realize that women were going missing again, or more accurately, had continued to go missing. In DC Evans' opinion, the deployment of the proactive teams "was far too long."<sup>722</sup> I conclude that this delay is simply unfathomable and reflected the fundamental error of failing to place any real emphasis on prevention, which plagued the entirety of the missing women investigations from the beginning to almost the end of the Terms of Reference.

### **Failure to Warn**

I find that both the VPD and Project Evenhanded committed serious errors in failing to provide a specific warning to women in the DTES. My finding in this regard is shaped, in part, by the fact that in 1997 an Ontario Court had found that there is a legal obligation on police to warn a particular victim group in some circumstances, in a case known as *Jane Doe v. Metro Toronto Police*.<sup>723</sup> While the duty to warn should have been known in any case, the fact that this timely case would have been discussed in senior police management circles at that time only underscores the fact that a warning should have been carefully considered and issued.

Warnings could and should have been issued to two communities: to women in the DTES and to Aboriginal communities across British Columbia where a number of the victims originated. There is no evidence that this second type of warning was considered at all by either the VPD or the RCMP. Det. Cst. Shenher testified that her managers or superiors did not provide her with any direction with respect to sending any kind of warning to the Aboriginal communities or organizations.<sup>724</sup>

In September 1998, Det. Insp. Rossmo had proposed that a warning to the community, in the form of a press release, be issued at the first meeting of the short-lived Missing Women Working Group.<sup>725</sup> It was important, in his view, to counteract any denials that there was a serial killer at work in

the DTES.<sup>726</sup> In doing so, he was fully aware of the legal duty of police to warn, based on the Ontario Court's decision in the *Jane Doe* case. He saw this as an integral aspect of his strategic blueprint for the investigation of the missing women, even though he was not convinced that it would be effective.<sup>727</sup>

Det. Insp. Rossmo had approached VPD Media Liaison Officer Cst. Drennan to discuss his draft media release. In her interview with DC Evans, Cst. Drennan acknowledged that the timing of public warnings and how they are carried out is very important, and "that this was something that we probably should be doing in some form."<sup>728</sup> However, Insp. Biddlecombe was not at all in favour of a media release or a public warning, as he felt that it was premature.<sup>729</sup> In Cst. Drennan's view, it was clear to her that "this was not a message that the VPD wanted out there at all."<sup>730</sup>

In their Closing Submissions, the Families point out that most police witnesses agreed that Det. Insp. Rossmo's press release ought to have been issued at that time:

Dep. Chief LePard agreed in his testimony that issuing the press release "would have been the right thing to do," and agreed that the warning would have been justified if it saved "one woman."<sup>731</sup>

- Det. Cst. Shenher thought that it was premature at the time but agreed "it certainly wouldn't have hurt" to put out a warning to the Aboriginal communities, both urban and rural, including the VPNSL.<sup>732</sup>
- Inspector Gary Greer testified the VPD "probably should have put out that media release."<sup>733</sup>
- Dep. Chief Evans concluded that the failure to issue a media release by the VPD was a "mistake."<sup>734</sup>
- Inspector Chris Beach testified "in hindsight it obviously would have been a worthwhile thing."<sup>735</sup>
- Insp. Dureau, when asked if he saw any harm in releasing it, testified: "if I had a chance to do a little research on it, probably not."<sup>736</sup>
- Even Insp. Biddlecombe testified that he "wouldn't object to it" if looking at it "in today's light."<sup>737</sup>

VPD managers gave several explanations for why the decision was taken not to issue a warning in the DTES:

- There was no proof that there was a serial killer;<sup>738</sup>
- There was insufficient information to provide a targeted and effective warning;<sup>739</sup> and
- A warning would not have been effective as women were incapable of changing their behaviour due to drug addiction.<sup>740</sup>

The first explanation is easily disposed: there were good reasons to believe that many women had met with foul play given the fact that they did not “reappear” as the vast majority of missing persons do,<sup>741</sup> and that no traces of them were found over months, and eventually years, of investigation. It is actually quite difficult for a person to go missing without a trace in an urban part of Canada, especially women such as the victims whose lives were very much entrenched in the DTES, who had involved regular contact with family members, including their children and with other individuals, community organizations and government institutions, had no known access to resources, and had serious addictions and other health issues that further embedded them in the DTES.<sup>742</sup>

I agree with the testimony that specific warnings are more effective than general warnings because potential victims can more effectively tailor their behaviour to minimize risks.<sup>743</sup> For example, information about a suspect’s car or appearance would be more likely to have an impact. However, there was sufficient information to provide a basis for a warning and the warning could have been updated over time as the investigations progressed. For example, the information that the suspect may be working with women to lure potential victims could have been made known. The women were disappearing in large numbers from a relatively small community and the women shared a number of common factors, therefore a targeted warning could have been given. Furthermore, the warning did not have to be a stand-alone measure: it could have been part of a larger proactive strategy. After issuing a warning, police could have met with women in the DTES to discuss the risks and potential safety measures. There is no evidence that this option was considered.

The most problematic rationale provided by various police officers for not issuing a warning is that it wouldn’t have changed the women’s behaviour. At a superficial level, this explanation has some attraction as it denotes sensitivity to the situation of disadvantage in which the women lived. Under closer scrutiny, it reeks of a paternalistic attitude that the police knew better than the women about how they would react to a warning. The VPD submissions stand by Cst. Dickson’s position that the women would not have changed their behaviour even if they were told, “that it was absolutely confirmed that there was a serial killer killing women in the DTES.”<sup>744</sup> Cst. Dickson maintains this view today, as does Sgt. Field.<sup>745</sup> I endorse the Families’ submission that “these preconceived notions were based on ignorance, paternalism and prejudice.”<sup>746</sup> That these officers continue to hold these views, in light of what is known today, astounds me.

These views are comparable to the police decision not to warn potential victims of a serial rapist in the *Jane Doe* case because it might cause hysteria and panic and harm the investigation. The judge in that case found that denying women the *opportunity* was negligent and unconstitutional. She wholeheartedly rejected the police’s position that a warning would serve no purpose: “It is no answer for the police to say women are always at risk and as an urban adult living in downtown Toronto they have an obligation to look out for themselves.”<sup>747</sup>

There is no doubt that a warning would have provided potential victims with knowledge that they could have acted upon to make themselves safer. DC Evans agreed that a warning might have changed people's behaviour, enhanced their safety, and prompted witnesses to come forward.<sup>748</sup> Furthermore, I heard evidence from Jamie Lee Hamilton and others that despite their constrained situation shaped by disadvantage and addiction, women had changed their behaviour to reduce risks through such methods as increased condom use and a community-based "bad date" reporting system.<sup>749</sup> She challenged the paternalistic view that women would completely ignore a warning in no uncertain terms:

...I say that's hogwash. That's an absolute distortion. Of course the women will pay attention because it's -- we're talking about violence. No one wants to be harmed or be the victim of assault or rape. So, we owe it to marginalized communities that assists them in any way we can [sic].<sup>750</sup>

Ms. de Vries added:

... that's a gross generalization that doesn't give the women enough credit. I, I know that Sarah, uhm, took steps to, to try to protect herself, to try to stay safe in the ways in which she interacted with her clients, and the way she lived her life. And, uhm, and I am sure that that would hold true of other women as well.

... we all need to be given the information that we have the right to have, and other people thinking they know what we're going to do with that information, is no reason to withhold it from us. It's simply nobody else's business to make that decision for us and withhold information from us because they think we won't use it correctly. It's ridiculous to say.<sup>751</sup>

The VPD was under an obligation to warn women in the DTES and they utterly failed to do so. There is no sound evidence of investigative reasons not to issue a warning. In fact, the opposite is true: both DC Evans and DCC LePard acknowledged that such a warning could have elicited tips.<sup>752</sup> Awareness of the practical utility of warnings was evident in a memo dated May 19, 1999. In it, VPD Cst. Wickstead proposed issuing a warning based on information that he had learned from WISH that sailors were victimizing women engaged in the sex trade.<sup>753</sup> He wrote:

*Considering that we are actively investigating the disappearance of 23 women in the downtown Eastside would it not be prudent to issue a public warning to the workers to avoid doing business on foreign ships and at the same time advise the public of a possible scenario how that many women have completely disappeared without a trace. In the near future if it is somehow determined that this is the way some of them have disappeared and the police Department did not warn them then it would not look professional. We could also solicit women who have had similar experiences on the ships to come forward and report it to the police so we could have some idea how many incidents have occurred in the area.*<sup>754</sup>

Not only did the police not warn the women but they took pains to publicly downplay the "rumour" that a serial killer was responsible for the

disappearances of the missing women. The Closing Submissions of the Families emphasizes this point and sets out a number of examples:

- *The Vancouver Sun*, July 3, 1998: “Drennan said there is no indication that a serial killer is preying on the women.”
- *The Vancouver Sun*, September 18, 1998: [Quoting Insp. Greer] “We’re in no way saying there is a serial murderer out there. We’re in no way saying that all these people missing are dead. We’re not saying any of that.”
- *The Vancouver Sun*, September 18, 1998: “Inspector Fred Biddlecombe who oversees the homicide, sex offence and missing persons sections is not ruling out the possibility of a serial killer, but he said there is no evidence to suggest that at this point.”
- *The Vancouver Sun*, February 15, 1999: “Police have repeatedly said that while they have not ruled out the possibility of a serial killer in the Eastside, they think it’s unlikely.”
- *The Globe and Mail*, March 3, 1999: “Vancouver Police Spokeswoman Anne Drennan said in an interview the sharp increase in the number of missing prostitutes in the last two years ‘is a cause for real concern’ but does not point to a serial killer at work. A number of those missing may have committed suicide, or moved away to escape the rough and dirty trade, Ms. Drennan said. ‘There is not a single piece of evidence to suggest a serial killer,’ she said, beginning with the fact that no Vancouver prostitutes are known to have been killed in the past 15 months.”
- *The Province*, April 7, 1999: “Drennan said there are no witnesses, no bodies and no common suspect. ‘There is absolutely nothing that has come to light that indicates there is a serial killer on the loose, as activists suggest,’ Drennan said.”
- *The Vancouver Sun*, April 7 1999: “Police, however, maintain there is no evidence the women are victims of crime.”
- *The Vancouver Sun*, April 26, 1999: “Vancouver police have steadfastly maintained that there is no evidence any of the missing women have been murdered – or that the cases are linked in any way.”
- *The Vancouver Sun*, April 29, 1999: “But [Deputy Chief] McGuinness acknowledged there have been no tips at all on the cases so far, despite heavy media coverage.”
- *The Vancouver Sun*, June 4, 1999: “She [Sgt. Field] stressed that police have no evidence that a serial killer is at work in Vancouver. ‘We’re just keeping all of our doors open at this point and looking at everything we can. We don’t have any suspect leads at this point, because again, we don’t have a homicide at this point.’”
- *The Vancouver Sun*, June 10, 1999: “The homicide detectives are

being included in the working group only to give us a different perspective in terms of the style of the investigation,' Drennan said. 'This does not, in any way, indicate, nor should it indicate to anybody that that, in fact, we believe that all these women have been victims of homicides.'"

- *The Vancouver Sun*, June 22, 2001: "Asked if police deliberately ignored Rossmo's warning, Driemel said there was no hard evidence of a serial killer at the time and that no bodies have turned up."<sup>755</sup>

In addition to the women taking more protective measures, a warning could have had a deterring effect on the serial killer – these statements could only have served to comfort the killer.

The VPD now fully accepts that a warning should have been issued: DCC LePard's missing women investigations review had earlier concluded that the decision not to do so was "misguided."<sup>756</sup> While the VPD was clearly in error in not issuing a warning in 1998, there is no evidence that this issue was revisited over the course of the investigations, even as the police gave more and more credence to the serial killer theory. There is no evidence that Project Evenhanded considered issuing a warning, even when they issued a media release containing the names of additional women who had disappeared and were being added to the missing women list, or planned a proactive team on the basis that the killer was active.

### **Failure to Take Steps to Protect Ms. Anderson Despite Specific Threats**

Both Det. Cst. Shenher and Cpl. Connor were aware of reports that Pickton was threatening to harm or kill Ms. Anderson. Cpl. Connor relayed this threat to Ms. Anderson over the phone; however, no further steps were taken to protect Ms. Anderson. I find the fact that no consideration was given to protection measures was an error that was indicative of the general failure to consider that this investigation was a public safety issue requiring proactive steps on the part of the police.

On August 19, 1998, Det. Cst. Shenher received a taped phone conversation between Wayne Leng and a caller named Bill (later determined to be William Hiscox) which included information that Pickton had been charged with trying to "slash a prostitute's throat and stab her," but he "got off on the charges" and was trying to get someone to bring Ms. Anderson back out to the farm so he could "take care of it from there."<sup>757</sup> (Presumably meaning murder.) Det. Cst. Shenher met with Ms. Anderson on August 21, 1998. Her notes indicate that she "left it with her (the victim) to try to find out from any street girls she may know if anyone has seen Pickton in the area before or since her incident." Det. Cst. Shenher noted that Ms. Anderson "was very cooperative" and struck her "as quite credible and very afraid of Pickton. Her biggest concern was him finding her somehow."<sup>758</sup> On September 2, 1998, Det. Cst. Shenher spoke to Mr. Hiscox on the phone, who said Pickton had asked his friends to pick Ms. Anderson up from downtown and bring her to his farm so he could "finish her off" – this would have been a

few months after the incident, and prior to court proceedings. In a further message on September 18, 1998, Mr. Hiscox said that Pickton wanted to find Ms. Anderson and that the syringes Pickton had ordered from Ms. Yelds “were in some way related to her.” When Det. Cst. Shenher spoke to Mr. Hiscox in person that day, he said that Pickton wanted to “get her” and the syringes had something to do with Ms. Anderson and that Ms. Yelds felt the syringes were going to be used in some way to harm Ms. Anderson.

Det. Cst. Shenher passed this information on to Cpl. Connor and he said that he would speak with Ms. Anderson.<sup>759</sup> On September 22, 1998, Cpl. Connor spoke to Ms. Anderson “informing her that second hand information had been received that Pickton had been making comments about finding her and dealing with her. Ms. Anderson advised she no longer worked in the DTES. Corporal Connor told her that court documents referred to her by her first name only so it was doubtful Pickton would know her last name.”<sup>760</sup> He also told her to just phone the police if she had any trouble.

I conclude that the police did not turn their minds to their responsibility to protect Ms. Anderson and that they had steps available to them to do that. Protecting Ms. Anderson would have, at the same time, potentially advanced the investigation into identifying Pickton as a suspect in the missing women cases.

#### **D. Failure to Consider and Properly Pursue All Investigative Strategies**

The failure to consider and properly pursue all investigative strategies is one of the main overarching critical police failures that affected the outcome of the missing and murdered women investigations. Here, I identify and discuss the major errors related to investigative strategies over the course of the investigations grouped into five main points:

- Failure to employ an Aboriginal-specific investigation strategy;
- Restricted involvement of family members, the community and media in the investigations;
- Lack of follow up on tips and mismanagement of informants and information sources;
- Delays in pursuing a suspect-based strategy and failure to confirm or rule out suspects; and
- Limited use of other investigative avenues: surveillance, undercover operations, search warrants and forensic evidence.

Perhaps the most egregious investigative errors relate to the Anderson assault. It bears repeating. In March 1997, Pickton picked up Ms. Anderson from the DTES and attacked her on his property, thereby providing a link between Pickton and the DTES. Ms. Anderson provided crucial evidence about what she saw, both in the truck and at the residence. All indications are that both her role and what she told the police were ignored. Those facts together with the earlier police dealings with Pickton should have made him a strong suspect and therefore the focus on investigative strategies.

### **Failure to Employ an Aboriginal-Specific Investigation Strategy**

I am particularly troubled by the failure of the police to employ an Aboriginal-specific investigation strategy given the disproportionate number of Aboriginal women among the missing women from the DTES.<sup>761</sup> The First Nations Summit had brought their concerns about the large number of murdered Aboriginal women to the attention of the VPD, RCMP and PUHU through its requests for action in February 1997.<sup>762</sup> Independent Counsel for Aboriginal Interests repeatedly asked police witnesses about their consideration of tailored investigative strategies involving the Aboriginal community.<sup>763</sup> The responses were woefully deficient.

The comments I make regarding the police failures to develop investigative strategies in consultation with the DTES apply with equal or even greater force to the need to work with Aboriginal people and organizations. In Volume I, I highlighted the important context of the history of colonialism and antagonism between Canadian institutions and Aboriginal peoples that has resulted in situations where many Aboriginal persons have a well-founded distrust of authorities, particularly the police. Given this well-known dynamic, I find that the inadequacy of the response to the First Nations Summit's serious concerns in 1997 and the complete lack of consideration given to an Aboriginal-specific strategy in the missing women investigations amounts to a critical police failure.

DC Evans conceded that in writing her report she did not appreciate that Aboriginal communities may relate to one another differently than non-Aboriginal communities.<sup>764</sup> Despite this oversight in her analysis, DC Evans did agree that Aboriginal social service organizations were untapped resources by the RCMP and VPD.<sup>765</sup> She clearly recognized that it would have helped the police forces if they had attended these organizations to determine whether the organizations could assist in finding the missing person, as well as to determine whether they had background information that could indicate whether foul play was a possibility.<sup>766</sup> I completely agree with her findings on these two points.

Supt. Williams had fallen into the same error in his review of the RCMP role in the missing women investigations.<sup>767</sup> Although he did not turn his mind to these issues when he conducted his review in 2002, during the hearings Supt. Williams agreed other investigative options could have been explored when the victims or the missing women were Aboriginal. He agreed to Counsel's suggestions that investigators could have contacted the women's Aboriginal community; urban Aboriginal support organizations; the Department of Indian and Northern Affairs; political Aboriginal organizations, such as the Native Women's Association of Canada; and the Native Courtworker and Counselling Association of BC.<sup>768</sup> Investigators also could have put up posters at the local friendship centres and liaised with other RCMP Aboriginal police services to find out whether other information existed.<sup>769</sup>

Not only did police fail to proactively seek information from the Aboriginal community, specific sources of information were not followed up. For example, on October 11, 2001, Dr. Adilman from Native Health Clinic contacted the VPD expressing his concerns that he had never been contacted by police though he was the doctor for three missing women: Sereena Abotsway, Dawn Crey and Michelle Gurney.<sup>770</sup>

I have already canvassed, in some detail, the difficulties experienced by members of the Vancouver Police and Native Liaison Society (VPNLS) in their advocacy efforts with the MPU on behalf of Aboriginal families of the missing women.<sup>771</sup>

Det. Cst. Shenher acknowledged there was no extensive or consistent consultation or communication with the Aboriginal community, and she agreed that it would have been helpful.<sup>772</sup> She also agreed she did not request files from the VPNLS and that more communication with the VPNLS would have helped the investigation.<sup>773</sup> It is clear that in the various memos she wrote to her managers and supervisors about investigative steps to be taken, there were not many suggestions about communicating with the Aboriginal community; nor did her managers or superiors provide her with any direction with respect to sending any kind of warning to the Aboriginal community or organizations.<sup>774</sup>

The police completely overlooked the Aboriginal dimensions of the missing women crisis throughout the investigations. This systemic blindness to distinctiveness and specificity of the Aboriginal communities is staggering in light of the number of Aboriginal victims. I accept the submission of Independent Counsel for Aboriginal Interests that police “have a minimal knowledge of and know nothing substantive about the Aboriginal People and their Communities.”<sup>775</sup> I am persuaded by submissions made on behalf of Independent Counsel for DTES Interests that the police in Vancouver were estranged from urban Aboriginal women:

Without basic background understanding of the lives and social circumstances of Aboriginal women, Vancouver Police Missing Persons unit was unable to reach out to the community for information. The VPD simply did not know where to start any investigation, and were apparently unaware that viable investigative strategies were available for missing Aboriginal persons that would not otherwise be available for other members of the public.<sup>776</sup>

Neither the VPD nor the RCMP took advantage of the fact that Aboriginal communities tend to be very close-knit to assist in the investigations. As former VPNLS victim services support worker Morris Bates told the Commission: “It’s a very small, little community down there, everybody knows each other and you can find these people.”<sup>777</sup>

I do not underestimate the difficulties facing the police in overcoming the barriers to open communication with Aboriginal communities and the time such an endeavour entails. However, obstacles and difficulties do not

excuse total ignorance of the need to accommodate Aboriginal realities and the failure to take even initial steps in this direction in order to mount an effective investigation.

### **Restricted Involvement of Family Members, Community and Media**

Overall the police failed to work effectively with family members, the community and media in the missing women investigations. Police cannot carry out successful investigations of missing women and suspected multiple homicides on their own. Family members and other reportees, the community and the media also have an important role to play, and therefore strategies for proactively involving these external sources of information are key. Many individuals assisted in the missing women investigations in a wide variety of ways, but police used inconsistent and ineffective approaches to garner assistance, did not prioritize this involvement, and in some cases were hostile to it.

Standard investigative practices emphasize the importance of external communications by police investigators, which allows for an exchange of information from multiple sources. Det. Insp. Rossmo highlighted this. He informed the Commission that most investigative breakthroughs come as a result of information from the community.<sup>778</sup> He noted that RAND (Research and Development), a global non-profit organization that seeks to improve policy and decision-making through research and analysis, undertook a national study of criminal investigation practices with the purpose of assessing police effectiveness. The study found the public community is the number one group for solving crimes. The number two group is patrol officers, and the number three group is detectives.<sup>779</sup> This is particularly true in situations with little physical evidence, like the missing and murdered women investigations.<sup>780</sup> Det. Cst. Shenher also testified that without community involvement, “we were going to be operating with one arm behind our back, for sure.”<sup>781</sup>

### ***Restricted involvement of family members and reportees***

In Section 3A, I outlined the VPD and the RCMP errors in not consistently interviewing family, friends and associates in the individual investigations of the missing women and their general lack of contact with most of the families. I concurred with DC Evans’ comment: “[e]arly and continued contact could have provided police with a good starting point.”<sup>782</sup> I adopt the submission of Independent Counsel for the DTES that “[a]n understanding of the problems with missing persons intake allows us to appreciate how much information was never recorded and how many potential investigative connections were lost because information was not recorded.”<sup>783</sup>

Joint family meetings were held only three times during the course of the investigations. On June 24, 1999, Det. Cst. Shenher organized a meeting with the objectives of touching base with the families, updating them on the new MWRT,<sup>784</sup> and to gather familial DNA. However, there was no

evidence this meeting was seen as an opportunity to gather information that might further the investigation. The families were anxious to be helpful to the investigators, and this was a missed opportunity to engage them.

On October 14, 2001, Staff Sgt. Adam led a meeting with families to hear their concerns and to stay connected with them; families were also advised on the new protocol for family contact.<sup>785</sup> A follow-up meeting was held on November 25, 2001, at which all but one Project Evenhanded investigator was present; additional VPD representatives also participated.<sup>786</sup> There is some evidence that Project Evenhanded saw the potential of these meetings advancing the investigations.<sup>787</sup> Staff Sgt. Adam told the Commission that families were asked for their thoughts, concerns and suggestions; some participants even raised the names of suspects.<sup>788</sup>

Given the acknowledgement by the police about how important community/family involvement can be in an investigation (also reflected in Det. Insp. Rossmo's initial blueprint), it is surprising how little co-ordination occurred with the families as a group. The difficulties appeared to be partly attitudinal. Det. Cst. Shenher appears to have been skilled at maintaining open lines of communication with many family members because of her "warmth" and "connection."<sup>789</sup> Lynn Frey, mother to Marnie Frey, one of the missing women, told the Commission that Project Evenhanded "weren't any police you'd see on the street. They were detectives or investigators. They... they weren't compassionate, they didn't show that they really cared."<sup>790</sup> They did their job; that's all they were there for. She found that people she encountered in the DTES while searching for Marnie were more understanding than the police.<sup>791</sup> However, the main problem was the lack of a clear, consistent and thorough approach to the missing women investigations and a lack of appreciation of the investigative value of family members, friends and other people who had an important role in the women's lives. In the absence of the women themselves, these groups were one of the best sources of potential information, yet the police rarely employed them. Relying on the families for information was particularly important given the police were initially divided on what had happened to the women. If anyone could have assisted the police in developing the right set of assumptions on which to base an investigative strategy, it was the families.

### ***Restricted involvement of community members***

The VPD put in place a limited strategy for obtaining more information and assistance from the community. Essentially, the strategy was to deploy Cst. Dickson and build on his community network.<sup>792</sup> However, it is unclear how well Cst. Dickson's contacts in the DTES were used in the missing and murdered women investigations. Aside from any efforts by Cst. Dickson, the VPD community engagement efforts consisted of three main investigative activities (each one is discussed in more detail below): one formal meeting at the Carnegie Community Centre in February 1999, before VPD's Missing Women Review Team (MWRT) was established, at

which Det. Cst. Shenher made a presentation on the missing women; a questionnaire administered to women engaged in the sex trade; and three photo canvasses in the DTES. This strategy was highly restricted and, in some respects, poorly executed. As discussed earlier, Project Evenhanded did not deploy its proactive teams in the DTES until January 15, 2002, just weeks before the police search of Pickton's property. This list of community-based investigative steps is unreasonably short and is far off the mark of the community engagement strategy that should have been deployed in the missing women investigations.

Det. Insp. Rossmo emphasized how important it was for police forces to actively work against the tendency to be "parochial" and internally focused.<sup>793</sup> According to him, police liaison with the community serves three purposes: (1) determining that there is a potential problem (and, I would add, its scope); (2) developing a list of potential suspects; and (3) warning the community of a potential predator (as discussed earlier).<sup>794</sup> Many of the DTES/Aboriginal organizations and community support groups were really the last and only resort for women engaged in the sex trade. These organizations were likely to know the habits, patterns and routines of the missing women.<sup>795</sup>

The MWRT's strategy to garner assistance from the community was ineffective because the team failed to take adequate steps to learn more about the dynamics of the DTES community and did not actively involve assistance from community leaders who knew how to build the trust necessary to overcome barriers to police-community communication. While this type of consultation and relationship building is time-consuming, it is essential to effective police investigations in communities where there is a history of police-community conflict and distrust, as there is in the DTES. The relationship between women engaged in the survival sex trade and police was particularly strained during this period due to the law enforcement strategies discussed earlier. Recognizing these difficulties would have enabled more energy to be put into building investigative bridges in the community rather than tearing them down.

The importance of community involvement in the design of information-gathering processes was emphasized in the testimony of Dr. Kate Shannon, who has carried out community-based health research in the DTES for a number of years.<sup>796</sup> I am well aware of the differences between academic research and police investigation, but I accept her critique that the VPD did not carefully design and carry out their information-gathering strategies in the DTES based on sound consultative practices. I agree with her that police failed to understand that many women engaged in the sex trade are reluctant to report violence to police because of known lack of action on violence, a sense of apathy that the police will not do anything, and fear of arrest if they disclose sex work or drug use.<sup>797</sup>

This finding was confirmed for me in light of the evidence that the Green River and Spokane Serial Killer Task Force also highlighted the need

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*There are simply no shortcuts for the police to get to know community members and be known by them.*

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for police to take relationship-building measures, notably, spending a significant amount of time in the community and developing relationships with women engaged in the sex trade.<sup>798</sup> The Spokane Task Force members reported that it took two officers six months of working in the community before information started to flow.<sup>799</sup> That time is needed to develop strong community relationships is particularly true of the DTES community, which is one of the hardest to reach communities for any purpose. (I discuss the Commission's own difficulties in this regard in Volume IV.) There are simply no shortcuts for the police to get to know community members and be known by them.

In December 1998, Det. Cst. Shenher suggested to her superiors that she hold a community meeting so that people in the DTES could have an opportunity to ask questions.<sup>800</sup> On February 9, 1999, Det. Cst. Shenher attended the DTES/Strathcona Police Liaison Committee meeting at the Carnegie Centre on Main and Hastings Streets.<sup>801</sup> She provided an overview of the VPD's missing person policies and the numbers of missing women. She also asked community members to come forward with any information, no matter how small it might seem to them. This was a very positive development, but does not appear to have been followed up with further public meetings. Det. Cst. Shenher testified she was sure there were other methods of informal community outreach (although she could not recall what they were).<sup>802</sup> She clearly took other steps that were available to her within the time and resource constraints under which she operated. For example, Det. Cst. Shenher walked around the DTES on her lunch break<sup>803</sup> and undertook some investigative steps on individual missing women files in the DTES.

On May 19, 1999, Cst. Wickstead wrote to Det. Insp. Rossmo, Det. Cst. Shenher, Cst. Dickson, Insp. Beach and others with a recommendation that they hold forums with women engaged in the sex trade. The reasons given included:

- *This could be another avenue to open up communication lines between police and sex trade workers;*
- *If the women openly shared their own theories of why these women disappeared, in a group, they may all have a similar experience or similar suspect in mind that they haven't told the police about earlier. New information could be gathered;*
- *It would show the general public and various DES agencies that police are open to new ways of communicating with the public (Community Policing). Key members of WISH, Jamie Lee Hamilton of Grandma's House, etc. could be invited, as long as the females would be comfortable talking with the police in front of them;*
- *The women might feel more comfortable talking about the disappearances in a supportive group atmosphere;*
- *It would provide an opportunity to warn them about going on foreign freighters and give them other safety information; and*
- *The women could also be given the opportunity to speak one on one with an investigator.<sup>804</sup>*

Cst. Wickstead noted that Det. Insp. Rossmo and Det. Cst. Shenher agreed with this approach and thought it might be a “successful way of brainstorming the sex trade workers for new information.”<sup>805</sup> For reasons that are unclear, this recommendation was never implemented, but lack of management support may have been a factor.<sup>806</sup> Cst. Wickstead had recommended something quite innovative: speaking with groups of women in forums that were specifically developed to meet their safety concerns. Not taking this step was a serious oversight.

Information from women engaged in the sex trade filtered up to Project Evenhanded as a result of police interviews regarding unsolved sexual assaults. In October 2001, Insp. Morris wrote to DCC Unger explaining that they had found during interviews that numerous women engaged in the sex trade had not reported criminal offences and these women had good information about offenders that was unknown to police. She indicated that this information could be key to both Project Evenhanded and current sexual assault investigations and that clerical staffing was needed to capture this important information on a database.<sup>807</sup>

Det. Cst. Shenher testified that she believed in the importance of a community’s engagement in solving crime and agreed with the priority Det. Insp. Rossmo placed on this investigative strategy.<sup>808</sup> Det. Cst. Shenher told the Commission that because of her many roles, she could not go out and meet with community members herself. She relied on other officers, such as Cst. Dickson, who had prior trust and relationships in the community to liaise between the MPU and MWRT and the community groups.<sup>809</sup> Cst. Dickson also made introductions to some community workers and groups for her, including Deb Mearns of the neighbourhood policing office, Judy McGuire of DEYAS, and also with WISH.<sup>810</sup>

Det. Cst. Shenher had some recollection of contact with a few organizations and individuals in the DTES, including Jamie Lee Hamilton and VANDU, but was unaware of other community resources frequented by the women, including Prostitution Alternatives Counselling Education (PACE), Vancouver Native Health Society or the Downtown Community Clinic.<sup>811</sup> She never checked whether any of the missing women had gone to those places for health services.<sup>812</sup> In fact, the only DTES community organization on the list of agencies checked prior to the MWRT winding down was WISH.<sup>813</sup> She only faintly recalled Bonnie Fournier as the street nurse who ran a mobile van (street nurse program) doing a needle exchange for sex workers.<sup>814</sup>

Det. Cst. Shenher agreed that all these organizations and people were excellent community resources, but she did not explore these resources to their fullest potential because she did not have the time and resources to devote anyone, including herself, to that. She did rely on Cst. Dickson, who had contacts with those groups.<sup>815</sup> She told the Commission:

I would have loved to have sought out all these resources and community, pardon me, community sources of information. I just really, by virtue of, I didn’t have time at that point... I was very

aware, on a daily basis, of how many areas and stones we needed to look under, but I just simply didn't have time to look at that point.<sup>816</sup>

Det. Cst. Shenher recognized that community resources were "vitaly important to look at" and this "was an inadequate part of our investigation."<sup>817</sup>

Cst. Dickson told the Commission that when he became aware of the missing women problem, "I was working with the three main organizations that work with the women: WISH, PACE and PEERS."<sup>818</sup> It is unclear what he learned, how this information was communicated to the other members of the MWRT, and whether any of it was acted upon. I concur with the submission of Independent Counsel for DTES Interests that the VPD over-relied on Cst. Dickson for this role to a greater extent than was reasonable: a single officer is not enough.<sup>819</sup>

I completely support the position taken by the Families in their closing submissions that the police routinely failed to canvass local service providers and community organizations.<sup>820</sup> I also accept Independent Counsel for the DTES Interests' submission that there was a general failure to adequately approach and interview women engaged in the sex trade.<sup>821</sup>

In 1999, Det. Cst. Shenher developed a questionnaire to solicit information from women in the DTES about what, in their view, could be happening to the missing women. This investigative strategy was based on the advice and suggestions from police in Poughkeepsie, New York. She arranged to have the questionnaires distributed to women at the WISH Drop-In Centre on June 8, 1999. Det. Cst. Shenher and Det. Insp. Rossmo approached the women present and asked them whether they would fill out the questionnaire.<sup>822</sup> The questionnaire was an innovative strategy, but it was poorly thought out and executed. I accept Dr. Shannon's testimony that it would be natural that the women would be concerned about how the information could be used and would be reluctant to fully participate.<sup>823</sup> She also emphasized the importance of ensuring privacy with this type of survey.<sup>824</sup> The introduction to the questionnaire stated that the contents would remain confidential and would not be used for anything but the Missing Women Investigation; however, it is likely that this would not have been enough reassurance given the strained police-community relationship. I accept Det. Cst. Shenher's explanation that the questionnaire helped inform her thinking about a suspect profile and the mindset of the women's vulnerability to predators; however, she also stated the data was not analyzed in any formal way.<sup>825</sup> At the same time, I agree with Independent Counsel for DTES Interests' critique of the questionnaire as being poorly designed to attain the important investigative goal of learning background information about the women's lives, how and through whom they could be located if missing, their connections to the community and day-to-day routines.<sup>826</sup> While not intended, the questions also reveal an insensitivity to the potential to re-traumatize the women through its administration. For example, questions such as "What sexual acts do you refuse to do?" and

“If a lot of money was offered to you, would this [refusal to do sex act] change?”<sup>827</sup> seem to serve no investigative value and could have the effect of demeaning, humiliating or re-traumatizing the women.

The strategy of showing photos of potential suspects to women in the DTES was initially unsuccessful because it appeared the women were not comfortable fully responding to the canvass.<sup>828</sup> It is not difficult to fathom why a woman who was used to being hassled by police officers would not respond to an on-the-spot, public request for information. There are good reasons why she would feel threatened and vulnerable in this situation. However, when Constables Fell and Wolthers did further photo canvasses, coupled with interviewing women in the DTES, this produced better results.<sup>829</sup>

In June 1999, Staff Sgt. Davidson provided the MWRT with a report that recommended innovative investigative steps.<sup>830</sup> One of Staff Sgt. Davidson’s suggestions was to maintain close contact with people in the DTES, women engaged in the sex trade, their associates and people who worked with them.<sup>831</sup> However, Det. Cst. Shenher was unable to apply this knowledge in the missing women investigations. In retrospect, Det. Cst. Shenher recognized the “deeper systemic barriers” that inhibit the relationship between police and women engaged in the sex trade and has a better appreciation of the work required to overcome these barriers.<sup>832</sup>

Staff Sgt. Adam told the Commission he knew “nothing about the Downtown Eastside” so he left responsibility with respect to reports of missing women with VPD’s MPU because they understood the DTES.<sup>833</sup> He had a meeting with Sgt. Field and Det. Cst. Shenher, who provided him with the names of all the agencies and recommended that he establish contact with them.<sup>834</sup> However, there is no evidence that these contacts were followed up, at least until late November 2001.<sup>835</sup>

I was particularly struck by Jamie Lee Hamilton’s evidence that it was unusual that police didn’t reach out to the people having daily contact with sex trade workers, and that the only conclusion she could draw from that was there was a lack of interest.<sup>836</sup> I agree with her that the community had a lot of valuable information. They could have told police about the women’s lives and their entrenchment in their circumstances, humanized the women, and provided a more holistic view to the individuals’ lives.<sup>837</sup> This information and perspective would have assisted the police to see the women as individuals, not simply as a group of women who “lived criminal lifestyles” and were lost to the street.

### **Efforts of Families, Friends and Community Members to Aid the Investigation**

The police failure to more fully involve family members, friends and other community members in the investigations is especially difficult to comprehend, given the fact that many of these individuals were actively taking steps to assist in the investigation and keenly wanted to be involved.

While Det. Cst. Shenher welcomed and facilitated this involvement, other members of the police forces were hostile to some of these efforts.

In the overview of individual missing women's investigations, I highlighted the many ways that family members were involved in searching for their loved ones and in bringing attention to the disappearances. For example, Sandra Gagnon spoke to the media shortly after her sister's disappearance and went to Janet's room with them. She continued to speak to the media to try to get assistance wherever she could, including *America's Most Wanted* and every newspaper outlet in Vancouver.<sup>838</sup> The Native Women's Association of Canada flew her to Ottawa to speak to Parliament. She appeared on the *Vicki Gabereau Show* with Det. Cst. Shenher.<sup>839</sup> On March 26, 1999, Ms. Gagnon sent a letter to Mayor Owen and CC Chambers regarding Janet Henry and asking that a task force be created.<sup>840</sup> I also noted the extensive efforts made by Lynn Frey and Joyce Lachance to search for Marnie Frey in the DTES and the steps taken by Daphne Pierre, Lisa Bigjohn, Lorraine Crey and others' efforts to search for their loved ones. Family members, including Michelle Pineault, signed a petition for a missing women reward on April 20, 1999.<sup>841</sup>

One example of the involvement of a missing woman's family can be found in the investigation into the disappearance of Frances Young. Frances was reported missing by her boyfriend to the VPD on April 9, 1996; she was last seen on April 6, 1996, when she left the suite saying she was going for a walk.<sup>842</sup> On April 12, 1996, Frances' brother, Peter Young, became involved in the investigation, apparently doing much to help the police in their search. He was in contact with police on April 12, 1996, and told the police he had checked with the entire family, but none had had contact with Frances; he also provided the information he had about Frances' past suicide attempts, and had spoken to her boyfriend. On April 15, 1996, Mr. Young told police that Frances was still missing and provided information from her doctor and about past drug use. On April 17, 1996, Mr. Young advised that he had checked area hospitals and Frances' purse and wallet, and that he would bring the wallet to the VPD. Mr. Young called police again the same day to see if he could put Frances' photo on the Internet. On April 25, 1996, Mr. Young inquired with police about welfare: this apparently prompted police to check her welfare file and they discovered it was still open, but that her March cheque had not been picked up.

Peter Young was not the only member of Frances' family to be involved in the investigation. Ann Young, Frances' stepmother, provided information to the police about her prescriptions. Patricia Young, Frances' mother, was active in the investigation, providing information to police, inquiring about posters and media attention, requesting the case be re-classified as a homicide, providing identities of associates, and writing numerous letters to police, including one about her goal of establishing a national clearinghouse for missing adults. Peter Young and other members of Frances' family continued to be active throughout the investigation.<sup>843</sup>

Other family members were instrumental in drawing public and political attention to their loved one's case and the missing women in general. Ernie Crey was involved as a community member in assisting others in their dealings with police and in publicizing the issue of missing women. He became more outspoken after his own sister's disappearance.<sup>844</sup> Mr. Crey was motivated by his belief that if enough people spoke out it might prompt people (those in government in Victoria, in the senior ranks of the VPD, and the Vancouver Police Board) to do something.<sup>845</sup> However, he was disparaged by the VPD as being self-serving.<sup>846</sup>

Wayne Leng, a friend of Sarah de Vries, made extraordinary efforts to get media attention, strengthen political will to action, and gather tips. He worked together with Maggie de Vries to print posters and put them up in the DTES, in other parts of the Lower Mainland, and the rest of the province. On the poster, he provided a 1-800 phone number that he had set up, and contact information for Cst. Dickson.<sup>847</sup> His tip line consisted of a pager where one could leave a 20-second message and another telephone line with a recording device. This was the line that received the first major breakthrough in the investigation, when informant Mr. Hiscox called and left a message.<sup>848</sup> The tip line operated for approximately four months.<sup>849</sup> Police were not involved at all, but Mr. Leng provided them with information he received. He set it up because he thought the public might know somebody that might be involved.<sup>850</sup> In his testimony, Mr. Leng recalled: "The first pager messages I got were three in a row and they were about 10 o'clock, on a Sunday morning. And of course, at that time, you couldn't get ahold of anybody at the VPD Missing Persons Department, and I sort of freaked out a bit on that. And I contacted a newspaper reporter, Frank Luba at *The Province*, and he was quite interested in it, and so he ran them in the paper."<sup>851</sup> He received about 6-12 tips on this line.<sup>852</sup> Mr. Leng also developed a website: [www.missingpeople.net](http://www.missingpeople.net). The website became operational on January 15, 1999 and still exists today.<sup>853</sup> Mr. Leng worked with Maggie de Vries to lobby for the offering of a reward for information that assisted in solving the women's disappearances and the publication of a reward poster.<sup>854</sup> He also brought the issue of the missing women to the attention of the television show *America's Most Wanted*.<sup>855</sup>

These efforts were not particularly well received by the VPD. Sometime in 1999, Det. Cst. Shenher asked him to remove anything relating to the VPD from the website. The website contained information about the steps the VPD hadn't taken, media articles, and highlighted the VPD's official line that there was no evidence of a serial killer.<sup>856</sup> Mr. Leng was not allowed to participate in the family meetings, despite the fact that one family wished to be represented by him, and he was asked to leave the reward poster press conference (although he had signed in as the owner of the missingpeople.net website).<sup>857</sup> Mr. Leng's perception was that Mayor Owen was openly hostile towards him at the reward poster press conference: "After the conference, I asked Owen for some posters and he basically threw them at me and said, 'There, now are you satisfied?'"<sup>858</sup>

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*...family members were instrumental in drawing public and political attention to their loved one's case and the missing women in general.*

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Maggie de Vries worked alone and with others, including Wayne Leng, to look for her sister Sarah and to more broadly publicize the issue of the missing women. She personally distributed posters about Sarah's disappearance and told the Commission that it was by walking through the DTES neighbourhood and speaking to others that she learned people were worried about the number of women missing. She also saw posters of other missing women, which was the first indication to her that Sarah was not the only one.<sup>859</sup> Ms. de Vries is of the view that the posters served as a warning, and the posters provided the impetus for one woman to get out of that life.<sup>860</sup>

It was out of the knowledge that she gained by spending time in the DTES and by working with Det. Cst. Shenher that Ms. deVries began to appreciate the breadth of the missing women situation and the paucity of resources available to the MPU. She was encouraged by Det. Cst. Shenher to press for a reward, a task force, resources and public acknowledgement.<sup>861</sup> The two women were keenly aware that the investigation was going nowhere due to lack of resources to move forward.<sup>862</sup> She was further roused by the negative reaction of some people in positions of authority who belittled the situation: "hearing the mayor say, 'we are not operating a locating service here,' at the same time that he offered a \$100,000 reward for information leading to the conviction of people, whoever was responsible for the garage robberies ..., galvanized me."<sup>863</sup> She wrote letters to the Attorney General, the Mayor of Vancouver and the VPD.<sup>864</sup> Ms. de Vries also spoke at the Vancouver Police Board meeting on April 28, 1999 about the missing women cases, and in particular her sister Sarah, and argued for a task force and a \$100,000 reward.<sup>865</sup> She also wrote an opinion piece in *The Vancouver Sun* on April 12, 1999, to put pressure on the police to offer a reward and to inform the public about the police's unwillingness to listen to her privately about her sister's life.<sup>866</sup>

Over the course of the investigation many family and community members wrote to the City and Police Board, raising four primary concerns: 1) that the women have been met with foul play and a serial killer is responsible; 2) that the police believe the women will be found alive and their disappearances are not suspicious; 3) that the police are not taking enough action in the missing women investigations; and 4) that the investigations would be taken more seriously if the women were not from the DTES.

A number of family members, including Maggie de Vries and Kerry Koski's sister Val Hughes, and activists in the DTES, including Jamie Lee Hamilton, worked together to organize a memorial for the missing women. The first one took place at First United Church in May 1999.<sup>867</sup> This created an important link between families and community members.<sup>868</sup> In her testimony, Maggie de Vries shared her recollections of the memorial. About 18 families were represented and the church was full; "a candle was lit for each woman, ... many people spoke and then we sang and everyone was smudged coming in."<sup>869</sup> Police attended and recorded the memorial.<sup>870</sup> The families then walked, carrying tulips, to Crab Park where

the public ceremony was held; here politicians spoke and the media was present.<sup>871</sup> Ms. Hamilton recollected that cabinet ministers (Jenny Kwan, Sue Hammell and some others) and Mayor Philip Owen attended, but there were no high-ranking police present.<sup>872</sup> In Maggie de Vries' opinion the memorial encouraged the families to make a connection with each other around something healing.<sup>873</sup>

### **Ineffective Media Strategies**

One important strategy to engage the public in assisting in a criminal investigation is through the media. Media can be engaged in missing person cases to assist in locating and in advancing investigations over disappearances. The MWRT did not have a media strategy and Project Evenhanded was very slow in developing its communications plan. If anything, it appears to me that the VPD and RCMP wanted to minimize media exposure.

The media plays an important, but complex, role in building public awareness about missing persons and criminal investigations. The media can assist or hinder investigation efforts and police must have a well-thought-out and effectively implemented policy in order to balance these competing roles.

The media has played a complex role in the missing women investigations. On the one hand, the media proactively brought much needed public attention to the disappearance of women from the DTES, arguably playing an important supportive role in the police investigation of this situation.<sup>874</sup> On the other hand, family members expressed concern about inaccuracies in media reports, insensitivity to family needs, and concerns that media coverage had been unfair or inequitable.<sup>875</sup> Some family members also testified about the horror of hearing the fate of their loved one from the media.<sup>876</sup> The media also contributed, in part, to reinforcing stereotypes about the women.

As noted above, in many cases, family members and friends of the missing women had to make their own efforts to bring the public's attention to the situation by conducting their own searches, constructing and displaying posters, and contacting the media. I have also already mentioned that Det. Insp. Rossmo promoted the idea of a press release as part of his strategic blueprint for the missing women investigations in September 1998, but senior managers did not accept this proposal. In the spring of 1999, Det. Cst. Shenher also promoted the possibility of a public appeal for more information and an anonymous tip line.<sup>877</sup>

The first major VPD press release about the missing women was issued in conjunction with the reward and the reward poster in July 1999. Det. Cst. Shenher and Sgt. Field did appear on several radio and television shows to discuss the work of the MWRT.<sup>878</sup> However, this work did not appear to be part of a co-ordinated media strategy.

VPD senior management was particularly wary of promoting the serial killer theory. On July 28, 2000, Sgt. Field e-mailed Cst. Drennan, the VPD Media Liaison Officer, regarding the repeat airing of *America's Most Wanted* and complained that it had "stirred up the 'serial killer' theory again."<sup>879</sup>

The Odd Squad is a non-profit organization founded in 1997 by officers of the VPD that has developed a unique approach to community policing, crime prevention and public education through presentations, mentoring and other media including award-winning documentary films. The Odd Squad's Toby Hinton put forward a documental proposal on the "Missing Prostitutes" as another public appeal for information.<sup>880</sup> However, it apparently did not receive the support of the VPD executive.<sup>881</sup> I concur with DC Evans' conclusion that the documentary was an interesting proposal that should have been pursued, as it could have garnered media and community attention and also clearly demonstrated the VPD's concern.<sup>882</sup> This conclusion highlights the uneasy relationship that the VPD had with the media and the lack of a media component to the investigative strategy.

### **Lack of Follow Up on Tips and Mismanagement of Informants and Information Sources**

The missing women investigations are characterized by the lack of follow up on tips and mismanagement of informants and information sources. Police officers are not perfect and they are often placed in positions of juggling many responsibilities: individual errors are excusable on this basis. When the missing women investigations are viewed as a whole, however, the pattern of mismanagement of informants amounts to a critical police failure with systemic implications.

One dimension of this failure was the inability to properly assess the credibility of and reliability of informants, particularly those who were drug users and/or had mental health issues. I accept the submission of Independent Counsel for Aboriginal Interests that the inability to work with these important witnesses contributed significantly to the investigative failures.<sup>883</sup> Conflict over the credibility of key informants played a large role in derailing the Coquitlam RCMP Pickton investigation and contributed to the demise of the VPD/RCMP's cooperative efforts in this regard. A second dimension was the inability to make the best use of both the information that was being provided and the informants themselves.

Police rely to a great extent on informants and police agents to solve crimes and prevent offences. In its policy submissions, the Government of Canada describes the difference between an informant source and a police agent:

- *An informant source is a person who provides information gained through criminal activity or association with others involved in criminal activity. This source would generally not become a witness or require protection as a result of his or her investigational involvement. The information an informant source provides to the police is subject to informer privilege, which requires the police,*

- the Crown and the court to protect the identity of the informant unless the informant waives the privilege. (Informants may receive payments from police.)*
- *An agent source is a person tasked by investigators to assist in the development of a target operation. An agent acts overtly under the direction of the police to gather and stimulate evidence, or become an extension of police authority. An agent's direct involvement and association with the target may result in the agent becoming a material and compellable witness, therefore there is no informant privilege for agent sources. (Agents are often used in undercover operations.)<sup>884</sup>*

In this section, I focus on the information that was gathered about Pickton, although I appreciate that police investigated other persons of interest as part of the missing and murdered women investigations. I provide an account of the interactions of the VPD MWRT and Coquitlam RCMP's most active phase of pursuing Pickton as a suspect through an overview of their strategies for dealing with the informants and by setting out the key information provided during this active period, focusing for the most part on what transpired in 1999.

### ***Ms. Anderson***

The pattern of mismanagement of information sources began with the failure to properly interview and follow up with Ms. Anderson, the victim of a near-fatal Pickton assault in March 1997. As discussed at some length in Volume IIA, Part 1, the Coquitlam RCMP investigation of this assault was inadequate. In particular, police only interviewed Ms. Anderson once following the assault, shortly after surgery to address her severe wounds and while she was still in considerable pain. In the Missing Women Investigation, Ms. Anderson was the first major informant who Det. Cst. Shenher interviewed. She found her to be credible and very fearful of Pickton. Det. Cst. Shenher passed on this information to Cpl. Connor, but neither pursued it effectively,<sup>885</sup> nor did they take adequate steps to ensure her safety.<sup>886</sup>

### ***Bill Hiscox***

Bill Hiscox provided a tip through Wayne Leng's tip line and Crime Stoppers, both in the week of July 27, 1998.<sup>887</sup> The key information was that Pickton may have killed Sarah de Vries, owned a large property, and had the ability to dispose of bodies.<sup>888</sup> Mr. Hiscox also related information from another woman (later identified as Lisa Yelds) who had been in Pickton's trailer and had seen women's identification and clothing.<sup>889</sup> When the Hiscox tip came in, it got lost for seven days.<sup>890</sup> Det. Cst. Shenher could not remember or never knew how it got lost; she may not have looked into how it got lost.<sup>891</sup> After receiving the tip, Det. Cst. Shenher did not open up an informant file for Mr. Hiscox, but she documented that information in a source log and in the Sarah de Vries file.<sup>892</sup> After receiving the tip, she spoke to Sgt. Field about speaking to Cpl. Connor.<sup>893</sup>

Det. Cst. Shenher attempted to contact Mr. Hiscox. It took some time for the two to get in touch. On some occasions, Mr. Hiscox cancelled or failed to show for meetings with Det. Cst. Shenher. Mr. Hiscox's life was somewhat disordered at this time; on different occasions Det. Cst. Shenher contacted him at numerous temporary locations as he had no fixed address.<sup>894</sup> I find that, despite the minor inconveniences caused by the turbulence in his life, Mr. Hiscox was very cooperative with the police and that he was motivated by his concerns for the women.

Before Det. Cst. Shenher was able to meet with Mr. Hiscox, she met with Cpl. Connor on August 18, 1998. They discussed the disappearance of Sarah de Vries, Pickton as a suspect, and the 1997 attack of Ms. Anderson. They also drove by Pickton's property.

Det. Cst. Shenher first spoke with Mr. Hiscox on September 2, 1998. During the course of their conversations and meetings, Mr. Hiscox expanded upon the information that he had provided on the tip line. He told her:

- His friend, Lisa Yelds, told him Pickton offered to dispose of bodies;
- Ms. Yelds believed Pickton was responsible for the missing women from the DTES due to women's ID, clothing, and jewellery being in his trailer;
- Pickton wanted to "finish off" Ms. Anderson;
- Ms. Yelds said that Pickton had ordered a bunch of syringes and wanted half of them new and half of them used;
- Ms. Yelds did not know why he wanted them as Pickton was not an IV user but told Mr. Hiscox that Pickton wanted to find Ms. Anderson and that the syringes were in some way related to her;
- Ms. Yelds had seen women's purses, jewellery, and bloody clothing in bags in his trailer as if Pickton kept them for trophies;
- Ms. Yelds told Mr. Hiscox that she thought Pickton was a serial killer; and
- Pickton told them to come to him if they wanted to get rid of a body because he can do it by putting it through a grinder and feeding it to his pigs.<sup>894a</sup>

Det. Cst. Shenher found this information to be very compelling.<sup>895</sup> She was aware from having read the 1997 Anderson assault file that Pickton was not an intravenous drug user. She inferred from this that he must be using the syringes for injecting the women with some illicit substance, and that the women on whom he would use the syringes were probably drug users.<sup>896</sup> Through her experience from attending various VPD Homicide conferences, she associated the bloody clothing as trophies, which are commonly kept by serial killers.<sup>897</sup> She spoke with Mr. Hiscox about interviewing Ms. Yelds so that she could get this information directly. Mr. Hiscox did not think that Ms. Yelds would cooperate with Det. Cst. Shenher as she hated the police.

Det. Cst. Shenher provided Cpl. Connor with the information from Mr. Hiscox on September 22, 1998. He wanted to meet with Mr. Hiscox.<sup>898</sup>

Det. Cst. Shenher reached Mr. Hiscox again on October 13, 1998. She spoke with him regarding approaching Ms. Yelds and meeting with Coquitlam RCMP. They agreed that the best option was “passing him over to” the RCMP rather than the RCMP going straight to Ms. Yelds, and he agreed.<sup>899</sup>

Det. Cst. Shenher spoke with Sgt. Field about introducing Mr. Hiscox and Cpl. Connor so that he could assess Hiscox’s credibility. She thought if Mr. Hiscox was going to continue to work with them, it would likely be with Cpl. Connor.<sup>900</sup> On October 15, 1998, Det. Cst. Shenher and Cpl. Connor met with Mr. Hiscox to discuss his information. They reviewed the information set out earlier in some detail. Mr. Hiscox also told them of a “Native girl’s” identification seen in Pickton’s trailer two years earlier. They discussed introducing an undercover officer to Ms. Yelds and making Mr. Hiscox an agent. Det. Cst. Shenher noted that they would prefer to avoid these options.<sup>901</sup> Trying to determine whose identification was seen in Pickton’s trailer, Det. Cst. Shenher later confirmed with Cpl. Connor that the MPU received a report of Janet Henry, an Aboriginal woman, going missing in the same time frame as Mr. Hiscox provided the information.<sup>902</sup>

Questions were raised during the hearings concerning whether Det. Cst. Shenher passed Mr. Hiscox to Cpl. Connor so that he would become an RCMP informant and whether she violated informant privilege in so doing. However, I find that no such violation occurred. Both Det. Cst. Shenher and Cpl. Connor testified that this was not a pass-over meeting, rather an introductory meeting for a potential pass-over of Mr. Hiscox to Cpl. Connor.<sup>903</sup> There was no discussion at that meeting, or even before or after that meeting, about Mr. Hiscox being transferred to Cpl. Connor.<sup>904</sup> Det. Cst. Shenher was aware that for her to pass Mr. Hiscox over to the RCMP, she would have had to have Cpl. Connor agree to protect Mr. Hiscox’s informant privilege.<sup>905</sup>

After the October 15, 1998 meeting with Mr. Hiscox, Cpl. Connor waited to hear back from Det. Cst. Shenher with her proposal for making further use of Mr. Hiscox and the information he provided.<sup>906</sup>

There was very little communication between the two until November 4, 1998, when Cpl. Connor received a voice message from Det. Cst. Shenher that the VPD was willing to provide monies to advance the investigation.<sup>907</sup>

On December 11, 1998, Mr. Hiscox called Det. Cst. Shenher and advised her that he was clean and sober, and expressed his willingness to help the police. He told her that he hadn’t seen Ms. Yelds, but he still wanted to help and would be willing to get back in touch with Ms. Yelds. Det. Cst. Shenher noted she would speak with Cpl. Connor to “figure out where to go from here.”<sup>908</sup> On January 20, 1999, Det. Cst. Shenher left a message for Cpl. Connor and arranged a meeting for February 1999.<sup>909</sup>

On February 3 or 10, 1999,<sup>910</sup> the Pickton investigation was discussed at a joint meeting of VPD, Coquitlam RCMP and PUHU to determine if any more

information had come to light and the viability of continuing the Pickton investigation. It was decided that, given the information received, it was unwise to conclude the investigation. PUHU advised they could not get involved until there was “no doubt” Pickton was involved in a homicide.<sup>911</sup>

Over the course of the winter and spring of 1999, Det. Cst. Shenher maintained communication with Mr. Hiscox and Cpl. Connor. No new information from Mr. Hiscox was forthcoming over these months, although he continued to provide his original information in a consistent manner. Det. Cst. Shenher testified that she stopped contacting Mr. Hiscox in August 1999 for two reasons:

One was that in the past he had -- he had shown himself to be someone who would contact me if he had something new. Secondly, I didn't want to push him on it because he was in recovery himself and he had indicated to me at varying times that he was trying to stay away from that -- that world. And so aside from checking in on him fairly regularly, I certainly didn't want to be perceived as directing him back into a place that would potentially reignite his own addiction. I just didn't feel that was responsible either.<sup>912</sup>

There is no real end to the story of Mr. Hiscox as an informant and potential agent; what is certain is that the unique, compelling and credible evidence from Mr. Hiscox never got used. Mr. Hiscox's information was lost to the investigation due to poor management of the investigation. I concur with DC Evans' critique of the lack of clarity with which Det. Cst. Shenher related to Mr. Hiscox: he was providing information as an informant, but there was no documentation that Det. Cst. Shenher had had a conversation with him regarding his status as an informant versus an agent.<sup>913</sup> He offered to introduce Det. Cst. Shenher or someone else to Lisa Yelds, which made him a potential agent. Det. Cst. Shenher had not received support or advice from her supervisors.

### ***Ross Caldwell***

On July 16, 1999, Sgt. Field received a tip about the missing women from Ross Caldwell and assigned it to Det. Cst. Chernoff.<sup>914</sup> Mr. Caldwell had a history of drug use and some criminal background, and was in custody on a separate matter when Det. Cst. Chernoff first met him on July 19, 1999.<sup>915</sup> According to Det. Cst. Chernoff, Mr. Caldwell seemed truthful and he found him quite credible.<sup>916</sup> Mr. Caldwell provided information that a girlfriend of the suspect ('Bob' or 'Robert') told him about a homicide of a prostitute at the suspect's farm between February and April 1999.<sup>917</sup> Det. Cst. Chernoff thought he had to take some action very quickly.

On July 20, 1999, Cpl. Connor called Det. Cst. Chernoff regarding Mr. Caldwell's information. Cpl. Connor told Det. Cst. Chernoff about his prior encounter with Pickton while investigating him for the attempted murder of Ms. Anderson.<sup>918</sup> They also discussed the Hiscox tip, which supported the information provided by Mr. Caldwell. Det. Cst. Chernoff didn't know a lot about Pickton prior to this, but the combination of all this information seemed very important to him.<sup>919</sup>

On July 23, 1999, Mr. Caldwell called Det. Cst. Chernoff and they decided to meet on July 26, 1999.<sup>920</sup> At the July 26 meeting, Mr. Caldwell provided more detailed information about a homicide that may have occurred at the Pickton property:

- Up until recently Willie [Pickton] lived with a woman named Lynn, who was capable of anything;
- With respect to the homicide witnessed by Lynn: the girls didn't trust Willie any more so Lynn went with him to pick up girls and bring them back to the farm;
- Once back at the farm, Willie took the woman to the trailer and Lynn could hear screaming. A short while later there was no more noise;
- Lynn later walked to the barn and saw Willie skinning the woman like a pig. Lynn told Caldwell that she didn't know human fat was yellow. She did not see the girl afterwards and assumed she was put into the meat grinder;
- Willie had a hollowed out wall in his trailer where he hid his guns;
- Willie had told him that if he ever needed to dispose of a body it could be done without a trace;<sup>921</sup> and
- He believed that Willie was responsible for several of the missing sex trade workers from the DTES.<sup>922</sup>

After the meeting, Det. Cst. Chernoff spoke to Sgt. Field about the Caldwell information and requested a meeting with Sgt. Field, Det. Lepine and Insp. Biddlecombe to discuss this tip further.<sup>923</sup> This meeting took place on July 28.<sup>924</sup>

On July 29, Det. Cst. Chernoff and Det. Lepine had a meeting with Insp. Moulton, Cpl. Connor, Sgt. Robertson, Cpl. Justason, and Sgt. Pollock at the Coquitlam RCMP Detachment.<sup>925</sup> They discussed Mr. Caldwell's information; Cpl. Connor was aware of Mr. Caldwell's identity. It was decided that Coquitlam RCMP would be responsible for the "Homicide" investigation at the Pickton residence. Insp. Moulton agreed to initiate the investigation and contact Special "O," the RCMP surveillance unit, regarding surveillance. They also discussed other possible tactics. Det. Cst. Chernoff would continue to handle Mr. Caldwell and re-interview him on July 30, 1999. They also discussed the identity of "Lynn" who assisted Pickton to successfully transport a prostitute to his residence.<sup>926</sup> "Lynn" was later identified as Lynn Ellingsen.

On July 30, 1999, Det. Cst. Chernoff and Det. Lepine picked up Mr. Caldwell in Surrey and wanted him to take them to the Pickton property. They interviewed him at the Coquitlam Detachment. On the way there, Mr. Caldwell pointed out "Turf Hotel" as Lynn's residence, which was consistent with Ms. Ellingsen's address provided by Cpl. Connor. He also showed them Pickton's property, trailer and barn and pointed out "Piggy's Palace," a nightclub on Pickton's property that was frequented by bikers. He provided further details about the Pickton property (including drawing diagrams), Lynn Ellingsen, and his discussions with Ms. Ellingsen.<sup>927</sup> On July 31, 1999, Det. Cst. Chernoff and Det. Lepine met with Cpl. Connor and Cpl. Justason

at Coquitlam Detachment regarding information provided by Mr. Caldwell and possible tactics.<sup>928</sup>

On August 4, 1999, Det. Cst. Chernoff and Det. Lepine met with Mr. Caldwell: he agreed to be an agent and was provided with a pager for timely contact.<sup>929</sup> Mr. Caldwell provided information from Ron Menard (an associate of Pickton's) that Pickton had been paying Ms. Ellingsen "extortion money" and that Pickton wanted to "do" Ms. Ellingsen because of this. Mr. Caldwell also said that because of the way Ms. Ellingsen described the murder and the events that led up to it, he formed an opinion that she was aware that the woman was going to be killed by Pickton.<sup>930</sup>

Det. Cst. Chernoff told the Commission that he got the impression early on that people were in disbelief about the information provided by Mr. Caldwell. They looked at it as just being extremely bizarre and weird information. Although everyone was cooperative, it was clear to Det. Cst. Chernoff that some people weren't buying the legitimacy of the information.<sup>931</sup> Det. Lepine said:

I think another issue that was raised was Caldwell's motivation for providing this information. Literally he's risking his life by doing that... And certainly the more he's involved the more chances there are that his fellow criminals would hear about it and he'd be deemed a rat.<sup>932</sup>

On August 5, 1999, a meeting was held at the Coquitlam Detachment, with Det. Cst. Chernoff, Det. Lepine, Insp. Moulton, Sgt. Robertson, Cst. Greig, Cst. Stuart, Cpl. Connor, Cpl. Nash, Det. Ballantyne and Cpl. Justason to discuss the Pickton file and Mr. Caldwell's taped statement about his observations and conversations with Ms. Ellingsen.<sup>933</sup> Det. Cst. Chernoff noted that the Crown suggested that the source (Caldwell) be "Named" for the purposes of an application for a Part VI search warrant.<sup>934</sup>

The same day, Det. Cst. Chernoff and Det. Lepine met with Mr. Caldwell again, who was willing to identify himself now. This interview failed because of Mr. Caldwell's poor physical condition.<sup>935</sup> He had been up all night before the interview and had taken drugs. The detectives did what they could to salvage the situation:

We tried everything that we could to sober him up or keep him awake from going for walks to coffees to getting him to go into the washroom and splash water on his face, slap himself awake. It just didn't seem to make any difference, he was essentially falling asleep and forgetting where he was during our questioning of him.<sup>936</sup>

This was supposed to be a critical interview because a big contingent of the RCMP was in attendance. Det. Cst. Chernoff thought this interview was "probably one of the most critical junctures in this whole investigation."<sup>937</sup> It soon became quite apparent to everyone that Mr. Caldwell was not in good physical shape, which was a huge blow:

I think this is probably one of the biggest issues and stumbling blocks that this investigation took.... some of the RCMP members were saying they thought he was a flake, he wasn't credible now, the information was probably made up.<sup>938</sup>

On August 10, 1999, Det. Cst. Chernoff and Det. Lepine met Mr. Caldwell for a fifth interview. The interview took place at the Whalley RCMP Station and prior to the interview Mr. Caldwell provided some additional information that he had obtained from his friend Ron Menard over the past weekend. Mr. Menard had told him that Ms. Ellingsen was still extorting Pickton, and that Pickton offered Mr. Menard \$2000 to deliver Ms. Ellingsen to Pickton, so he could "take care of her."<sup>939</sup> Mr. Caldwell also provided this information:

- Pickton was known as a pig farmer, he owned a demolition company, and he sold top soil.<sup>940</sup>
- In March of 1999, Pickton used to drive a black and red Chevy S-10 pickup truck with blacked-out windows.
- Mr. Caldwell observed handcuffs between the mattresses when he was in Pickton's trailer. Ellingsen told him that she was concerned for her safety when she discovered those handcuffs.
- Pickton liked having Ellingsen around because he was having trouble picking up prostitutes in Vancouver.<sup>941</sup>
- He had been told that the woman was hanging in the middle of the barn. He later went to the barn and noticed there was a block and chain tackle in the center where the pigs were hung up and killed and below there was a drain where blood flowed down into a big hole into a pool below.<sup>942</sup>
- He had dinner with Pickton and he believed the meat was definitely not pig meat or anything else that was close to what he had eaten before.<sup>943</sup>
- Pickton had cock fights on his property.<sup>944</sup>
- Pickton had said on a number of occasions, often jokingly, that if they wanted anybody taken care of or made to disappear without a trace... no one knows and no one can find out where they are or anything like that because they are gone.<sup>945</sup>
- Pickton would buy Ms. Ellingsen things and that she was seen getting money.<sup>946</sup>
- Pickton's property was being sold for eighteen million dollars for a townhouse development and that he would be on the property for about five months.<sup>947</sup>
- Mr. Menard had told Mr. Caldwell that Pickton puts bodies in 45 gallon drums that are shipped to a depot for fertilizer.<sup>948</sup>
- Mr. Menard thought that Ms. Ellingsen was telling the truth and not making things up.<sup>949</sup>

Mr. Caldwell said his motivation for coming forward was that he had four daughters.<sup>950</sup> It is apparent that Mr. Caldwell, like Mr. Hiscox, came forward out of concern for the women.

On August 11, 1999, Det. Cst. Chernoff and Det. Lepine attended a meeting at the Coquitlam detachment.<sup>951</sup> There was disagreement over the reliability

of the informants' information about Pickton. On August 10, Ms. Ellingsen had been interviewed and denied that she said any of the things recounted by Mr. Caldwell. (This interview is discussed later in this volume.)

Det. Cst. Chernoff recalled that he had said: "... there's a reason why she [Ellingsen] may not be telling the truth.... She's essentially party to the offence."<sup>952</sup> He also argued that "[e]ven if Caldwell is a flake... and you only believe some of his information, the fact of the matter is that [Anderson] ... was almost murdered under the same type of circumstances with handcuffs and all that."<sup>953</sup>

Police officers were also beginning to corroborate Mr. Caldwell's information by contacting some of his sources, including Mr. Menard. Det. Cst. Chernoff contacted Mr. Caldwell and advised him that when police spoke with Mr. Menard, Mr. Caldwell's name had come up.<sup>954</sup> A few days later, Mr. Caldwell advised Det. Cst. Chernoff that Mr. Menard had contacted him and that they had discussed the police questioning Mr. Menard about Pickton. According to Mr. Caldwell, Mr. Menard told him that he didn't furnish any information to the police of any consequence and that he had told Pickton about the police inquiring about Pickton and the "missing prostitutes." Pickton had replied to Mr. Menard that he was not concerned about it and that the police would not find anything on the property.<sup>955</sup>

On August 17, 1999, Det. Cst. Chernoff and Det. Lepine met with Mr. Caldwell again. He had talked to Mr. Menard, who had told him about a recent conversation with Pickton about probable DNA evidence at Pickton's residence. In this conversation, Pickton said that he was "getting over his head" as a result of the police questioning and was thinking of going to the Bahamas. Mr. Menard was considering the reward money as an option and discussed the possibility of the three of them (Caldwell, Menard and Ellingsen) approaching the police.<sup>956</sup>

On August 24, 1999, Mr. Caldwell contacted Det. Cst. Chernoff and told him that Pickton offered him a job working at P&B Demolition. Mr. Caldwell agreed to meet the next day, but he did not show for the meeting and did not respond to calls or pages.<sup>957</sup>

This investigative avenue, initiated by the Caldwell tip, had yielded compelling evidence that complemented the Hiscox tip, and yet it was dropped, due mainly to conflicting views between the VPD and Coquitlam RCMP and E Division investigators regarding Mr. Caldwell's credibility. This avenue was sealed shut when, days afterwards, Det. Cst. Chernoff learned that Cpl. Connor had been promoted and taken off the Pickton file. For Det. Cst. Chernoff, this move marked the end of this investigation: "It took everything out of it. When he [Cpl. Connor] was gone there was nothing really left."<sup>958</sup> Cpl. Connor said that he tried to stay on with the file, but it was not allowed. He agreed that the "file deserved better." The promotion of Cpl. Connor and his subsequent transfer had serious consequences because of the ensuing delay. As stated earlier in this report, the Clifford

Olsen investigation also experienced serious delays as a consequence of a high number of RCMP transfers.

### **Confirming the Caldwell Tip: Bev Hyacinthe, Lisa Yelds, Leah Best and Ron Menard**

Members of the Coquitlam Detachment took a number of steps to advance the investigation of Pickton by trying to corroborate the information Mr. Caldwell provided; however, disagreement again arose among the police over the credibility of informants, which effectively shut down this line of inquiry. I do not accept witnesses' evidence that the investigation was not affected by any disagreement and that no further steps were taken because there were no viable investigative steps to take.

#### ***Bev Hyacinthe***

When trying to reach Lisa Yelds to confirm Mr. Hiscox's information, Cpl. Connor spoke to Bev Hyacinthe, a City of Coquitlam employee working at the Coquitlam Detachment. She had known the Pickton brothers for years, and her son worked for Pickton. Ms. Hyacinthe told Cpl. Connor that Lisa Yelds used to live across the street from her and Ms. Yelds would not reveal what she knew about Pickton to authorities.<sup>959</sup> She also believed that Ms. Yelds would go directly to Pickton if police contacted her.<sup>960</sup>

Cpl. Connor had known that Bev Hyacinthe had lived close to the Pickton residence for years and "knew a lot of the people who were down there."<sup>961</sup> Ms. Hyacinthe provided other information to Cpl. Connor over the course of the investigation. Notably, she told Cpl. Connor that Pickton was aware that he was under surveillance.<sup>962</sup> Ms. Hyacinthe had no real role in the investigation. Cpl. Connor said he would have never called Ms. Hyacinthe a police source; she was an employee of the office and was duty-bound to tell him her knowledge regarding Pickton.<sup>963</sup> Cpl. Connor didn't ask Ms. Hyacinthe where she got her information and she didn't volunteer that either.<sup>964</sup> I accept Cpl. Connor's evidence regarding Ms. Hyacinthe's extremely limited role.

#### ***Lisa Yelds***

On August 12, 1999 Cpl. Connor went to Lisa Yelds' residence to speak to her with a view to confirming the Hiscox tip. He noted that she matched a previous description. She described Pickton as misunderstood and socially underdeveloped. She made several attempts to assure Cpl. Connor that Pickton was gentle and wouldn't be responsible for violence towards prostitutes.<sup>965</sup> Cpl. Connor noted that this interview was planned and he had expected Ms. Yelds not to divulge any information about Pickton.<sup>966</sup> Ms. Yelds was clearly an important potential source of information and this approach was mishandled and did not appear to have been part of an overall strategy.

### ***Leah Best***

On August 6, 1999, Leah Best and a male arrived at the front counter of the Burnaby RCMP Detachment and spoke to Cst. Van Overbeek. She told him that her friend, Lynn Ellingsen, had witnessed a body hanging in a barn at a pig farm in Port Coquitlam, and that this murder was committed by a fellow by the name of “Willy.”<sup>967</sup> Subsequently, Cst. Van Overbeek called Coquitlam RCMP and spoke to Cst. Marenchuk and possibly Cpl. Connor, who seemed very interested in the information.<sup>968</sup> Cst. Van Overbeek provided Ms. Best’s contact information to Cpl. Connor.<sup>969</sup> Cst. Van Overbeek’s impression from the Coquitlam member’s response was that the information was serious and there was some urgency.<sup>970</sup>

On August 7, 1999, Cpl. Connor and Cst. Marenchuk interviewed Leah Best. She provided the following information:

- Ms. Ellingsen had been living with Pickton since the new year;
- On June 20, 1999, Ms. Ellingsen told her that about a week or a week and a half prior to that, around 2 in morning, Ms. Ellingsen saw Pickton “gutting a woman” who was hanging in his barn;
- On other occasions, Ms. Ellingsen had seen women’s ID, earrings, a woman’s shoe and night vision glasses;
- Ms. Ellingsen said Pickton had a compartment in a wall, behind a false wall, where he stored guns;
- Ms. Ellingsen thought Pickton was responsible for the killing of prostitutes;
- Ms. Ellingsen’s boyfriend had seen women’s legs in Pickton’s freezers; and
- Pickton was paying Ms. Ellingsen “hush money” to keep her quiet, so she wouldn’t go to the police to report what she had seen.<sup>971</sup>

The information that Ms. Ellingsen was extorting Pickton is key. It should have alerted police to the fact that Ms. Ellingsen had something over Pickton, as well as a potential motive for not being truthful with police. Furthermore, this corroborated the information provided by Mr. Caldwell.

Cpl. Connor showed photographs to Ms. Best and she recognized Pickton, Ms. Ellingsen and Mr. Menard. Ms. Best also provided a description of Pickton’s trailer.<sup>972</sup> Cpl. Connor noted in his timeline explaining his investigation: “After interviewing Best there was no doubt in my mind that Caldwell was repeating what he was told by Ellingsen.”<sup>973</sup>

### ***Ron Menard***

On August 4, 1999, Det. Cst. Chernoff and Det. Lepine met with Mr. Caldwell, who had been with Ron Menard the previous evening. Mr. Menard had told him that Ms. Ellingsen was extorting money from Pickton, \$500 at a time. Pickton had been paying her since he kicked her out of his place so she wouldn’t go to the police about what she had witnessed in the barn. He also said that Pickton had difficulty standing up to Ms. Ellingsen

since “he had no backbone.” He reported that Pickton wanted to “do” Ms. Ellingsen as she was causing him a lot of grief with the extortion. Mr. Menard was not involved in the extortion or the homicides, but rather he was looking the other way.<sup>974</sup> The RCMP did a profile on Mr. Menard; CPIC inquiries revealed he had a criminal record.<sup>975</sup>

On August 12, 1999, after several attempts, Cpl. Connor attended Mr. Menard’s residence in Surrey and briefly interviewed him. Due to the presence of his girlfriend, only a brief interview was possible. Mr. Menard said that he had known Ms. Ellingsen for about eight years, she was a troublemaker, and had problems with cocaine and alcohol. After she had lived with Pickton for about three months, Ms. Ellingsen told him about an incident where she and Pickton had picked up a sex trade worker, and said she “couldn’t believe how we finished her off like we did.”<sup>976</sup>

Mr. Menard was told by Ms. Ellingsen that Pat Casanova had seen body parts in the freezer, but Mr. Menard had inspected the freezers and never noticed any body parts. He confirmed that Pickton was giving Ms. Ellingsen \$500 a month but didn’t say why she was getting money.<sup>977</sup>

Cpl. Connor noted: “It was apparent that Menard knew more but was reluctant to talk about it during the course of the first meeting and with his girlfriend there. Efforts will be made to speak with Menard on the 16<sup>th</sup> day of August, 1999.”<sup>978</sup>

On August 19, 1999, Sgt. Pollock and Cpl. Connor re-interviewed Mr. Menard. On this occasion, he told police that Ms. Ellingsen had lived with Pickton on and off for about seven months. She had told him that Pickton was angry that he was slashed by Ms. Anderson and wanted Ms. Ellingsen to accompany him downtown to find her. Mr. Menard said that Ms. Ellingsen had told him that she and Pat Casanova saw body parts in the freezer, and when she told him this she seemed edgy, but she wasn’t drunk or high.<sup>979</sup>

In this interview, Mr. Menard denied having any knowledge about the statement “wouldn’t believe how they finished her off” that he had attributed to Ms. Ellingsen during his previous interview with Cpl. Connor. He asked whether police would likely be able to find DNA if they searched the Pickton property. He denied being at Pickton’s place since his last conversation with Cpl. Connor.<sup>980</sup>

In Cpl. Connor’s opinion, Mr. Menard knew more than he was saying. Mr. Menard’s denial of being at Pickton’s property recently was contrary to what he had told Mr. Caldwell two days before. It was also apparent that he was trying to elicit information that would assist him in advising others about the police investigation.<sup>981</sup>

On August 24, 1999, Det. Cst. Chernoff and Det. Lepine discussed the second interview of Mr. Menard with Sgt. Pollock. The interview was neither taped nor recorded and was conducted at a coffee shop because

they didn't believe Mr. Menard would assist in a more formal process. Mr. Menard hadn't been specific with any details about Ms. Ellingsen's involvement in the homicide at Pickton's residence. Mr. Menard's information was inconsistent with Mr. Caldwell's statement regarding his (Menard's) knowledge of the homicide at Pickton's.<sup>982</sup>

This investigative work underscored the importance of getting information directly from Lynn Ellingsen, as she was the source of information about Pickton committing a homicide or homicides.

### **Lynn Ellingsen**

On August 3, 1999, at the joint meeting of MWRT and Coquitlam Detachment, the police officers discussed a strategy for approaching Lynn Ellingsen in light of the information from Mr. Caldwell. It was agreed that Regional Crown Counsel should be consulted to determine the legal position of Ms. Ellingsen with respect to the murder described as having occurred in early 1999.<sup>983</sup> On the same day, Det. Cst. Chernoff queried CPIC, RMS and PIRS for Ms. Ellingsen. She had 56 entries on PIRS.<sup>984</sup> On August 6, 1999, Sgt. Robertson queried PIRS to determine records of the Ellingsen family.<sup>985</sup>

Another joint meeting was held on August 9<sup>th</sup>. The officers discussed how Ms. Ellingsen had provided similar information to three different people: Caldwell, Best and Menard. It was agreed that the information was coming from Ms. Ellingsen, who should be interviewed. They determined the purpose of the interview was to get her version of the story provided by Mr. Caldwell. The strategy adopted was a "soft-sell interview": she would not be pressed for information and only information that she offered would be developed.<sup>986</sup> Should she say nothing during the interview, an undercover operation would be put in place.<sup>987</sup> Cpl. Henley volunteered to conduct the interview because he had met Ms. Ellingsen on a previous occasion.

On August 10, 1999, Det. Ballantyne and Cpl. Henley interviewed Ms. Ellingsen and it went badly. They conducted a pre-interview with her and then recorded the interview with respect to Pickton. Cpl. Connor testified that he had given explicit instructions that he didn't want any information about yellow fat or a person hanging in the barn disclosed to Ms. Ellingsen; however, Cpl. Henley told the Commission that he did not receive any instructions from Cpl. Connor.<sup>988</sup> The interviewers did put this information forward during the interview.<sup>989</sup> Ms. Ellingsen flatly denied these statements.<sup>990</sup> She said:

- Pickton was weird, an opinion based on the fact that from time to time he wore women's clothing;
- She had seen one prostitute in Pickton's trailer. When the prostitute came into the trailer, she was sitting in the office. The prostitute came and sat down and Pickton said, "which one of you are first." [in reference to the woman she and Pickton had picked up];
- She had never witnessed Pickton harm any other woman except

- her – Pickton had grabbed her around the neck once;
- The money she received from him was welfare payments and she didn't get paid by Pickton for anything else; and
- After slaughtering the pigs, Pickton loaded the waste into barrels and takes them to the waste.<sup>991</sup>

Cpl. Henley found that “her demeanour during the whole course of the interview was quite calm and she denied ever seeing any sort of horrific thing like that,”<sup>992</sup> referring to their suggestion that she had told people about witnessing Pickton skinning a woman in the barn.

To the present day, Cpl. Connor is disappointed by the way this interview was conducted.<sup>993</sup> He believes that this was a huge turning point in the investigation because they failed to get the information they hoped to get.<sup>994</sup> Cpl. Connor wrote in his timeline, which was prepared after Pickton's arrest:

*I was amazed at the tact taken by our interview team. It was specifically discussed with them that the interview was to be soft in nature and not to press the issue with her. She would be the best witness we had and everybody agreed she would be resistant to say the least on the first approach by the police and if she didn't offer the information in the first interview the meeting would pave the way to developing a relationship with her. We were also concerned with giving her too much information [as] she would immediately advise Pickton.... However, the interviewers strayed from the agreed upon tact and exposed everything we had with respect to Ellingsen.<sup>995</sup>*

DC Evans noted that the first Ellingsen interview, an interview with a potential witness to a homicide, had lasted 18 minutes (plus some preliminary discussion prior to the taped interview),<sup>996</sup> an incredibly short amount of time. Even within that short time, DC Evans found that Ms. Ellingsen provided a few pieces of information from that night when Pickton reportedly killed a woman, but the interviewers failed to pursue that information with her.<sup>997</sup>

On August 11<sup>th</sup>, the investigators discussed interviews of both Mr. Caldwell and Ms. Ellingsen. The investigators were split between those who believed Ms. Ellingsen's denials, including Det. Ballantyne and Cpl. Henley, and those who did not.<sup>998</sup> Cpl. Connor thought that the fact that Mr. Caldwell had said that Ms. Ellingsen was extorting money from Pickton added credence to his belief that what she saw actually happened.<sup>999</sup> Det. Cst. Chernoff also questioned Ms. Ellingsen's credibility given that, according to Mr. Caldwell's information, she was an accessory to the murder.<sup>1000</sup> Others were of the view that she had simply hallucinated seeing a human being hanging.<sup>1001</sup> They discussed the feasibility of an undercover operation, but some members thought it would be a waste of time and money.<sup>1002</sup>

The differences in opinion regarding the information provided by Ms. Ellingsen derailed the Pickton investigation.<sup>1003</sup> In an attempt to resolve the differences in opinion, Cpl. Connor did some further investigation to determine how “crazy” Ms. Ellingsen was – whether cocaine could make

one “see things,” and whether she could have mistaken a pig hanging from the rafters for a human.<sup>1004</sup>

He learned that cocaine is not a hallucinogenic drug.<sup>1005</sup> With respect to the comment attributed to Ms. Ellingsen that human fat was yellow, on August 13, 1999, Cpl. Connor went to Britco, a butcher in Langley, and confirmed that pig fat is white, not yellow. The manager of Britco asked Cpl. Connor, “This wouldn’t be about Willie Pickton, would it?”<sup>1006</sup> Cpl. Connor testified that he was knocked back a step upon hearing that.<sup>1007</sup>

Cpl. Connor continued to follow up on the Ellingsen information. He attempted to phone her parents’ residence.<sup>1008</sup> On August 16, 1999, Cpl. Connor interviewed Pat Casanova, who had worked for Pickton for about 10 years. Mr. Casanova confirmed that Ms. Ellingsen had stayed at Pickton’s trailer earlier that year and had been gone for the last month or two. He said it would not surprise him that Pickton would use sex trade workers, but he had never seen this himself. He also told Cpl. Connor that Pickton had told him about a month ago that the police were talking to his friends about the missing women from the DTES and he was very worried. Mr. Casanova said he had not seen any human body parts in the freezers at the Pickton property.<sup>1009</sup>

On August 17<sup>th</sup>, it was decided that Ms. Ellingsen would be re-interviewed when possible.<sup>1010</sup> On August 24<sup>th</sup>, Det. Cst. Chernoff and Det. Lepine attended the Coquitlam Detachment to meet with Sgt. Pollock and Cpl. Yurkiw, who took over the Pickton file from Cpl. Connor. Interview strategies were discussed. After one failed attempt to re-interview Ms. Ellingsen, Cst. Yurkiw and Det. Lepine did so on August 26, 1999.<sup>1011</sup> Cst. Yurkiw knew that Ms. Ellingsen had been interviewed previously, but did not read the transcript or hear the tape of that prior interview.<sup>1012</sup>

During the interview, Ms. Ellingsen became agitated and maintained her original statements made to Cpl. Henley and Det. Ballantyne: she denied assisting Pickton in picking up sex trade workers or viewing a body hung up in the barn. She became agitated when questioned by Det. Lepine, so he left the interview and Cpl. Henley took over; she became further agitated and threatened to end the interview.<sup>1013</sup> Cst. Yurkiw testified that after Det. Lepine left the interview room, she was trying to calm Ms. Ellingsen and build rapport, and Cpl. Henley’s intervention was not helpful.<sup>1014</sup> The interview again failed to yield results, except for Ms. Ellingsen’s agreement to take a polygraph.<sup>1015</sup> However, days later, she declined to take a polygraph upon advice from her lawyer.<sup>1016</sup>

Before being transferred off the file, Cpl. Connor did not interview Ms. Ellingsen’s boyfriend, Randy Maleschuk, nor did he check Mr. Maleschuk’s Hells Angels connections.<sup>1017</sup> They had some idea about her known associates but not a lot.<sup>1018</sup>

On February 9, 2000, members of the Major Crime Section of Coquitlam

Detachment held a general meeting to discuss the direction of the Pickton investigation. In that meeting, members agreed to re-interview Ms. Ellingsen, as well as undertake other investigative strategies with respect to Pickton.<sup>1019</sup> In late 2001, steps were taken by Cst. Sherstone to find and interview Ms. Ellingsen, but this task had not been successfully completed by the time Pickton was arrested in February 2002.<sup>1020</sup>

The ineffective interviews of Ms. Ellingsen and the lack of follow-up with her contributed to investigative failures. The much more troubling finding is that Ms. Ellingsen was never treated by Coquitlam RCMP as a suspect; it does not appear consideration was given to arresting her for being an accessory to murder.<sup>1021</sup> In particular, there is no evidence that consideration was given to the strategic use of threatened prosecution to get her cooperation,<sup>1022</sup> although polygraphist Sgt. Hunter did suggest that this be done.

The strategies undertaken in the summer of 1999 were a colossal failure that derailed the Pickton investigation. It is shocking that the investigators did not properly analyze the information and rely on key principles for assessing credibility and even conducting interviews/interrogations. For example, Ms. Ellingsen's interview should have been an interrogation given the fact that she was a potential suspect. The actions taken did not appear to be part of a carefully decided strategy, rather officers seemed to be "shooting from the hip." I also conclude that there was a failure at the management level to address the conflicts that were arising between investigators. While managers were attending meetings, there is no evidence that they were weighing in and providing direction.

### **Limited Use of Other Investigative Avenues: Surveillance, Undercover Operations, Search Warrants and Forensic Evidence**

Police have a number of investigative tools available to assist them in solving crimes. Primary tools include surveillance, undercover operations, search warrants and use of forensic evidence. These potential avenues were never fully exploited in the missing women investigations. While I find that the fundamental problems in the investigations are at the strategic level, there were also numerous operational errors that contributed to the overall ineffectiveness of the investigation in this case. In this section, I highlight a few of the ways that the police failed to live up to established standards. I rely on the comprehensive evaluation of the limited use of other investigative avenues in the reports prepared by DCC LePard and DC Evans.

#### ***Limited use of surveillance***

After other investigative leads brought him forward as a viable suspect in the disappearance of the missing women from the DTES, the RCMP and the VPD both used covert surveillance at various times during the Pickton investigation.

The VPD Strike Force conducted the surveillance. The Strike Force is a covert surveillance and arrest unit. Their role was mainly to provide additional resources to support the surveillance efforts of the RCMP when requested to do so by Inspector Moulton.

The RCMP surveillance was conducted by their Special "O" unit and plainclothes members of the Coquitlam RCMP detachment. Special "O" is a highly specialized "surveillance only" unit, and rarely makes arrests themselves.

Coquitlam RCMP also employed surveillance on Pickton on a number of occasions. Cpl. Connor was particularly supportive of this investigative approach and assiduous in his efforts to implement it from September 1998 until he left the investigation. The unusual nature of the Pickton property made it difficult to monitor;<sup>1023</sup> for example, it proved impossible to set up effective surveillance cameras.<sup>1024</sup> Nothing of value was gleaned during the surveillances and given the resources involved in carrying out surveillance activities, this strategy was employed only sporadically and discontinued quite quickly. One notation in the surveillance file reads:

*The fear of Pickton going out and committing another offence is probably a real fear but other investigation is required on other matters within this investigation and given the finite number of resources consideration will be given to paring down the surveillance hours.*<sup>1025</sup>

The primary failure of the surveillance efforts was the sporadic nature in which it was employed. For example, we know that surveillance took place on October 2<sup>nd</sup>, 3<sup>rd</sup>, 9<sup>th</sup>, and 10<sup>th</sup> of 1998.<sup>1026</sup> We also know that surveillance occurred for several days in May 1998 in which he was observed in the DTES.<sup>1027</sup> In late July 1999 and early August more days of surveillance occurred.

It was during this last period that the VPD Strike Force assisted the RCMP Special "O". The first time was on August 4, 1999, when Pickton was followed to the West Coast Reduction Plant (a rendering plant). There he delivered 45 gallon drums. He then drove to the Patricia Hotel in the DTES and entered a store. He came back to his vehicle and was lost subsequently by the surveillance team while he was in the DTES. Cpl. Connor gave instructions to set up stationary surveillance at a highway exit near Pickton's property and that he should be stopped if a woman was with him in the vehicle.<sup>1028</sup>

Pickton was later seen by surveillance at East Hastings Street near Willingdon Avenue; he was not in the company of any women.<sup>1029</sup> Under cross-examination, Cpl. Connor agreed that by the time of this incident he was concerned about Pickton committing more offences and believed that he was likely a serial killer.<sup>1030</sup>

The next occasion was on August 12<sup>th</sup> when Special "O" observed Pickton again delivering barrels to West Coast Reduction, but again lost sight of him

in the DTES.<sup>1031</sup> This was a particularly serious breakdown in the RCMP investigation, as these events were never made known to Cpl. Connor; in fact, he only learned about it when he was interviewed by Commission staff. This evidence was crucial: it corroborated Mr. Caldwell's information, provided on August 10, 1998 to Det. Chernoff and Det. Lepine that Pickton was disposing of body parts into 45 gallon drums that are taken away to a recycling plant. It is astonishing to know that police who followed Pickton to the site did not get out of their vehicles to investigate the contents of the drum.

Further surveillance was included in the investigative strategy plans developed as part of the February 2000 Pickton file review process. Additional aerial photos were to be sought, and Cpl. McCartney began working on an application for a warrant to intercept Pickton's phones.<sup>1032</sup> These actions were not carried out to conclusion.

Surveillance is very expensive and specialized police work, but the intermittent manner in which it was deployed through the years of the Pickton investigation was unlikely to lead to any fruitful investigative results. Unfortunately when results were obtained, communication breakdowns within RCMP prevented Cpl. Connor from ever learning about them. Pickton eventually needed to be either confirmed or rejected as a suspect for the missing and murdered women regardless of the cost. A dedicated surveillance strategy over a six to nine-month period would likely have brought the Pickton investigation to a conclusion.

Surveillance could have been used in a more strategic manner as police gathered information about Pickton. There is no evidence to suggest that consideration was given to setting up surveillance on the strolls in the DTES – a relatively small area from where the women were disappearing about every six weeks. Police could have followed up on Pickton's link to West Coast Reduction through surveillance or by asking employees to notify them when Pickton came by so they could check the vats that he had deposited.

### ***Failure to pursue search warrants***

Judicial authorizations, which are commonly referred to as "search warrants," are regularly used by police in the investigation of serious crimes. Search warrants provide police with the legal authority to conduct searches and seizures as well as the authority to intercept private communications (wiretaps), or to observe areas to which persons would normally have an expectation of privacy. There are numerous types of warrants and police must comply with the requirements set out in the Criminal Code as interpreted in court decisions. A concise and helpful analysis of the law is set out in *R. v. Debot* [1989] 2 SCR 1140.

I agree with Mr. Roberts that the Hiscox information was unique, contained specific and detailed information, and confirmed knowledge about Pickton from other sources.<sup>1033</sup> DC Evans highlighted, for example, the fact Det.

Cst. Shenher had been able to link Mr. Hiscox's information about seeing a "Native girl's ID" in Pickton's trailer to the disappearance of Janet Henry.<sup>1034</sup>

Det. Cst. Shenher testified that she spoke to Sgt. Field and many other homicide detectives about the Hiscox information, but none of them thought there was enough evidence to obtain a warrant at that time.<sup>1035</sup> However, there is no evidence these discussions were anything more than informal exchanges.

Cpl. Connor testified that his understanding was that to be successful in obtaining a search warrant or wiretap, police needed reasonable and probable grounds to believe that an offence had been committed and would find evidence on the property. He didn't think they had that because Mr. Hiscox had given them second-hand and dated information and didn't provide any names for the IDs.<sup>1036</sup> He said: "I knew that we did not have enough at that time to apply for any kind of judicial authorization for search warrants, cameras, Part VI."<sup>1037</sup> Under cross-examination Cpl. Connor agreed that he just needed to verify that the information was "credible somehow."<sup>1038</sup> He also agreed that he had specific knowledge about bloody clothing but had problems connecting that information to Coquitlam, an offence, and concerns about the recency of the information.<sup>1039</sup> There were other explanations for the bloody clothing and IDs,<sup>1040</sup> and other items Mr. Hiscox reported being on Pickton's property.

DCC LePard also commented on the fact that the Hiscox information was internally consistent and consistent from telling to telling.<sup>1041</sup>

In the summer of 1999, after the Hiscox information had been received and when the Caldwell information was coming in, Cpl. Connor started to prepare a draft affidavit with a view to use it in support of an application for a potential search warrant: this was the same draft that was used as an appendix to the search warrant that Cst. Cater obtained when he attended the Pickton farm in 2002.<sup>1042</sup> Cpl. Connor consulted with Crown Counsel about the possibility of installing camera surveillance, who advised a warrant would be required, and that this could be sought at the same time as a warrant for a wiretap.<sup>1043</sup>

I am not prepared to find a search warrant could have been obtained from the Hiscox information alone; however, consideration should have been given to developing the information base required to obtain a search warrant, beginning in the fall of 1998. It is also clear by the summer of 1999 the Coquitlam RCMP investigators should have put more time and effort into obtaining a search warrant. Of course, I cannot conclude whether any search warrant would have been issued. However, it is clear that this important investigative tool was not pursued to the extent warranted in the circumstances.

### ***Rejection of undercover operations***

Scant attention was given to the potential of undercover operations as an investigative strategy for the missing women investigations.

Recommendations for this type of approach were made at various points in the investigations, but they were never carried out.

On November 4, 1998, Det. Cst. Shenher left Cpl. Connor a phone message stating that she spoke with her supervisor, Sgt. Giles, who was willing to provide monies to advance the investigation in a number of areas including undercover operations.<sup>1044</sup> At this time, Det. Cst. Shenher believed that the most effective way to find out more about what was going on at the farm was to embark on an undercover operation with Lisa Yelds, perhaps using Mr. Hiscox as an agent. Her supervisor agreed with her.<sup>1045</sup> Cpl. Connor was of the view that an undercover operation was premature.<sup>1046</sup> Under cross-examination, Cpl. Connor agreed that they could have done an undercover operation on Lisa Yelds in August of 1999.<sup>1047</sup> For reasons that are unexplained, no undercover operation was ever carried out with respect to Lisa Yelds.<sup>1048</sup>

Det. Cst. Shenher also contemplated doing an undercover john sting to identify Pickton as someone who was trolling the DTES for women. But in her preliminary discussions with Sgt. Field, it was fairly quickly determined that they did not know from which particular corner to work. In her testimony, she said that although it would have been possible to put four different undercover female operators at different corners in a five to six square block region, this was never done.<sup>1049</sup>

An undercover operation was not conducted on Lynn Ellingsen either, although that strategy appears to have been considered. The Coquitlam Detachment did not anticipate gaining much information from Ms. Ellingsen through interviews; and it was understood that if she said nothing, “an UCO [Under Cover Operation] will hopefully be in place to deal[/]meet with her.”<sup>1050</sup>

Cpl. Connor told the Commission about the potential value of an undercover operation. He believed that this was the best approach with Ms. Ellingsen:

... the best way to get from her what she had seen or not seen in the barn that day was to introduce an undercover operator, ... she had a history of telling people what had happened... The undercover operator would be able to ask more pertinent questions, flesh out the information. And, of course, nobody would then disbelieve what the information was coming from the undercover operator as some people didn't believe what Caldwell was saying... [The operator would also be] able to look at the property, maybe be invited to his trailer, do more of a plain view review of the articles in the trailer.<sup>1051</sup>

Retired Staff Sgt. Mike Connor explained that an undercover operation was not conducted on Ms. Ellingsen after her August 10, 1999 interview because the way that interview had been conducted meant that they would have had to give her “a little bit of breathing room” before introducing an undercover operator for it to be successful.<sup>1052</sup> Another potential strategy that does not appear to have been considered was an undercover operation on Pickton's farm; it was a beehive of activity and the source information

suggested that Pickton was prone to talking. I conclude that inadequate attention was placed on the potential of an undercover operation, and that this amounted to a police failure when seen in the context of the RCMP position that there were no additional investigative avenues to be pursued.

### ***Ineffective use of forensic evidence***

Very limited forensic evidence was available to the police in the missing women investigations. This was one aspect of the investigation that was highly restricted by the “no bodies, no crime scenes” feature of the investigation. In Part 3A, I reviewed the steps taken by the VPD and RCMP to obtain dental records and familial DNA which, on the whole, I find to have met with missing person standards. Police met a number of barriers to analyzing the DNA samples and therefore to using them effectively in the investigations. One barrier was the lack of mechanisms for the families of any given missing person to submit familial DNA for identification of found human remains or unknown DNA at a crime scene.<sup>1053</sup>

One area of deficiency was the delay in considering how and whether to use Pickton’s DNA in relation to unsolved homicides, or to test items seized in the Anderson assault investigation for DNA of other victims. Police practice had not caught up with developments in DNA technology that had occurred during the course of the long investigation. In a February 14, 2000 continuation report by Staff Sgt. Davidson, a suggestion was made to send the handcuffs seized from the 1997 attack to the lab in an effort to recover DNA from other victims.<sup>1054</sup> This step was not taken. In 2001, the Coquitlam RCMP exhibits from the 1997 investigation were used to confirm that Pickton was not responsible for the Agassiz murders.<sup>1055</sup>

Dr. Kathleen Horley worked with Project Evenhanded in interpreting and tracking DNA profiles for the missing women and co-ordinated the entering of DNA profiles for the missing women into the Local DNA Data Bank.<sup>1056</sup> In her affidavit, Dr. Horley explains how during the post-2002 Pickton investigation, exhibits from the Anderson assault were re-analyzed and the DNA of several of the murdered women – Jacqueline Murdock, Andrea Borhaven and Cara Ellis – was found.<sup>1057</sup> She concludes that while the DNA of Andrea Borhaven would likely not have been identified using standard practices at the time, DNA from Cara Ellis and Jacqueline Murdock may have been found if the police had tested DNA samples from these women and sent it for comparison with the Anderson exhibits.<sup>1058</sup>

Part of the problem was that the seized exhibits were examined only with a view to identifying Pickton and Ms. Anderson; the other part lay in not having the missing women’s DNA, although the BC Cancer Agency did hold DNA samples for Jacqueline Murdock and Andrea Borhaven.<sup>1059</sup> I would add that the bigger issue is that police did not turn their minds to this potential investigative strategy: the police did not fully pursue DNA samples. I cannot accede to the Government of Canada’s submission that DNA testing of the articles seized in 1997 would not have advanced the

Pickton investigation, nor can I find that DNA testing necessarily would have. What is absolutely clear is that given the paucity of forensic evidence, both the VPD and the RCMP should have pursued this investigative avenue to a greater extent than they did.

### **Delays in Pursuing a Suspect-Based Strategy and Failure to Confirm Or Rule Out Suspects**

The initial approach taken by the MPU was to focus on finding the missing women. While this starting point was inevitable and sensible, the inability of all the police forces involved to move to a suspect-based strategy in a timely way amounted to a critical police failure. Both the MWRT and Project Evenhanded were given the primary mandate of review teams, despite the mounting evidence that the women had been murdered. Investigative strategies reflected this initial focus and there were incomprehensible delays in pursuing a suspect-based strategy.

This overarching error was compounded by a complete failure to pursue suspects to a conclusion: to determine whether the police could eliminate them as suspects or make an arrest. The police failure to confirm or rule out Pickton as a suspect stands out, given what DC Evans calls the “specific, unique and incredible” evidence against him known to various police officers.<sup>1060</sup> It should have been vigorously and steadily pursued. It is no excuse to say that Pickton was only one of many suspects: none of the major suspects were pursued to a conclusion and confirmed or ruled out, save the person of interest that was doggedly investigated and eventually arrested by Detective Constables Fell and Wolthers. I saw no evidence that police employed the simplest strategy of learning more about Pickton through, for example, gathering information from his associates and speaking with people at places that he frequented. The police failed to consider the information that was clearly available after the March 23, 1997 Anderson assault. Pickton had committed a serious assault on Ms. Anderson, a DTES sex trade worker. They interviewed her in the hospital shortly after the incident and then conducted a search of his truck and residence. The police found a woman’s bra in the truck. It did not belong to Ms. Anderson. As a result of the search of the truck and Pickton’s residence, the police found many unused condoms, three of what appeared to be women’s hairbrushes, handcuffs and alcohol swabs. In addition Anderson told the police that Pickton said that he would go to the DTES once a week to get prostitutes. Thus the Anderson assault provided a clear nexus between Pickton and sex trade workers of the DTES. He was the logical suspect.

### ***Belated emphasis on suspects***

On February 10, 1999, the VPD approached PUHU regarding the Pickton investigation with a view to getting PUHU to take over, or support, the investigation. PUHU members advised that while the Pickton information was interesting, they would not be in a position to assist until there was no doubt that this individual was involved in a specific or group of homicides.<sup>1061</sup>

This is an odd position for a homicide investigator to take given if there was *no doubt* Pickton was involved in a homicide, there would be no need to carry out an investigation, an arrest could be made.

In May 1999, Det. Cst. Shenher recommended moving the Missing Women Investigation from an individual file focus to a suspect-based one.<sup>1062</sup> She was supported in this position by Sgt. Field<sup>1063</sup> and up the chain of command.<sup>1064</sup> However, when the MWRT was established, it was not mandated to fully pursue a suspect-based strategy.<sup>1065</sup>

Project Evenhanded suffered from a similar lack of focus on suspects. Decisions made early on to carry out a comprehensive review and to put off investigation of suspects<sup>1066</sup> was a serious error. I agree with Sgt. Adam that it was important to avoid “tunnel vision” by creating a comprehensive list of suspects.<sup>1067</sup> However, pursuing some of the top suspects should have begun at the same time. If the sheer number of potential suspects overwhelmed the investigation, then too much time had been spent building up the list of potential suspects and not enough on their prioritization.

#### ***Pickton interview: delayed and failed***

One of the strategies open to police to assist them to confirm or rule out Pickton as a suspect was to interview or interrogate him. A decision was made to do so in August 1999, as a result of the mounting sources of information about Pickton’s involvement in the missing women’s disappearances. Coquitlam RCMP interviewed Pickton in January 2000 and a PUHU member spoke with him in March 2001. Neither interview was a well-planned step within an overall strategy to investigate the leads on Pickton.

The Coquitlam Detachment began to seriously pursue an interview with Pickton in early September 1999, shortly after Cpl. Connor was transferred away from the investigation. On September 1, 1999, Cst. Yurkiw and Sgt. Pollock attended Pickton’s property, then they called his residence upon discovering he was not at home. Pickton returned Pollock’s call and said he would call again the next day to arrange a meeting time to “clear the air.”<sup>1068</sup> Due to scheduling difficulties, the interview was initially put off for a week. On September 22, Cst. Yurkiw phoned Pickton and requested he attend the office for an interview. Pickton wanted Cst. Yurkiw to attend his property for the interview, but she told him that could not be done. Pickton told Cst. Yurkiw to call his brother, Dave Pickton, as “there’s a lot of hot air around and it involves all of us.” When she reached Dave Pickton, after several attempts, he asked her to wait for rainy weather as they were busy working late each night during the good weather. He also insisted that the police come to the property for the interview. Cst. Yurkiw ended the conversation with an agreement to wait until rainy weather to schedule the interview.<sup>1069</sup> She tried to reach Pickton several times in October, without success: Pickton did not return her calls.<sup>1070</sup> It is astonishing, to say the least, that in a murder investigation the police would agree to defer their

interview with a suspect to the “rainy season” at the request of the suspect.

On January 8, 2000, Cst. Yurkiw tracked down Gina Houston, a close associate of Pickton’s, at the Eagle Ridge Hospital after hearing her name over the police radio. Cst. Yurkiw mentioned speaking to Pickton about the allegations.<sup>1071</sup> Gina Houston stated “they’ll [she and Pickton] come in any time;” arrangements were made for January 19, 2000.<sup>1072</sup> The interview did take place on the 19<sup>th</sup> and it was an unmitigated failure. There was no interview plan and the way that it unfolded was rife with problems. For example, Gina Houston was allowed to participate in the interview and she was disruptive, in some cases responding for Pickton.<sup>1073</sup>

The Pickton interview did not meet even the most basic police standards. It appeared to be completely unplanned, despite the fact that months had gone by since the first effort to interview him, the seriousness of the suspected crime, and the compelling evidence available to the police at that time. I find DCC LePard’s conclusion that “a best practice approach was not demonstrated”<sup>1074</sup> to be a mild rebuke.

DCC LePard concluded that the following errors or poor judgment calls were made:

- *It clearly was not productive to have Constable Cater present with Yurkiw. There was cross-talk and a lack of focus. Unless two interviewers are highly practiced at interviewing together, only one interviewer should be present with a suspect; otherwise the flow of the interview is interrupted, and the subject can avoid one interviewer by giving his attention to the other.*
- *Pickton’s friend, Gina Houston, should not have been allowed to be present for the interview. Pickton used her as a “security blanket,” and she rescued him from questions he had difficulty answering. There are various ruses regularly used by interviewers that could have been employed to remove Houston from the room, if she could not be convinced from the outset.*
- *There is no indication in the transcript that Pickton was provided his s. 10 Charter rights, the standard police warning, and a “secondary warning” (regarding any other police officers he might have spoken to prior to the interview). There were no other efforts to explicitly establish that Pickton was making the statement voluntarily. The failure to provide the appropriate warnings to Pickton would likely have been fatal to the admissibility of any inculpatory statements he made.*
- *Constable Yurkiw was vague with Pickton in her description of the purpose of the interview, referring to “rumours” that had surfaced about Pickton, and she then launched right into questions about Pickton’s relationship with Lynn Ellingsen.*
- *Neither Constable Yurkiw nor Constable Cater asked extensive background questions to establish a baseline of verbal and non-*

*verbal cues to non-threatening questions. Too little time was spent on establishing any rapport with Pickton by discussing his background in a coherent manner.*

- *It is not good practice to enter into a question and answer session at the very outset of an interview because the subject often will glean more information from the investigator than the investigator will from the subject.*
- *Important points were missing. Pickton was not asked the “hard questions,” and follow-up questions were missed: Pickton admitted to being in possession of handcuffs. This corroborated Caldwell’s information, which would have been helpful in assessing Caldwell’s credibility. Furthermore, on several occasions in the interview, Pickton agreed to a search of his trailer and property, and to having soil samples taken... Constable Yurkiw did ask Pickton if he would be willing to take a polygraph test. However, after he declined, Pickton was not asked any appropriate follow-up questions.<sup>1075</sup>*

DCC LePard concluded:

*An expertly conducted interview, even if no admissions were obtained, may well have produced ample information to justify follow-up investigation, including a well-planned interview/interrogation where a “script” or structured forensic interview format is used to guide the interview process... In this case, Pickton did give at least one evasive answer, regarding whether human DNA would have been found on his property. This should have triggered follow-up questions, or a follow-up interview that was better planned and conducted by an expert interviewer, considering the seriousness of the case. If the interview videotape or transcript had been provided to an expert at interviewing and interrogation, such as a polygraphist, this evasive response would likely have suggested further investigation was required.<sup>1076</sup>*

Cst. Yurkiw responded to criticisms about the interview in her testimony. She told the Commission that Ms. Houston had arranged the interview and came with Pickton. Pickton refused to participate in the interview without her being present, so Cst. Yurkiw decided to continue with it.<sup>1077</sup> Cst. Yurkiw explained that she had not done any planning for the interview because she did not believe that Pickton was really going to show up and because she was too busy with other files.<sup>1078</sup> She also said that she had not cautioned Pickton about his rights before the interview started because she did not think he was going to make any admissions; if he had started to admit anything, she would have stopped him and cautioned him before proceeding.<sup>1079</sup>

The failed interview had a devastating impact on the Coquitlam Pickton investigations, which entered a period of hibernation. Despite still being considered a priority case, police took very little or no action.

On March 30, 2001, Cpl. Henley paid what he referred to as a “social visit”<sup>1080</sup> to the Pickton farm. He attended the Pickton residence and

interviewed Pickton. DC Evans is equally critical of this second interview. The interview was not audio or video recorded. Cpl. Henley told Pickton that he was still a person of interest. His notes record that Pickton told him that Ms. Ellingsen and Mr. Caldwell had used him and had taken advantage of his generosity and that Pickton was “willing to do whatever it takes to clear his name.” Following this interview, Cpl. Henley did not contact anyone from the Coquitlam RCMP or the VPD to advise them of their conversation.<sup>1081</sup>

Again, there was a complete lack of planning and strategic approach. In Cpl. Henley’s testimony, he did not take the errors made very seriously. He did not think that he had put the informants Caldwell and Ellingsen at risk. He framed his desire to visit Pickton as more of a personal desire to meet someone who had allegedly committed a brutal murder or murders:

Before I went there I spoke briefly with Staff Sergeant Henderson, asked him if it would be a problem if I just dropped in on Willie, was there an extensive ongoing investigation, was he the primary suspect in anything. He said he didn’t see a problem with it, I wouldn’t be stepping on anybody’s toes.... I said it would just be sort of a social call. I wasn’t going to go out there to interrogate or try to interview him. I just wanted to meet him and see him..... I had a real problem getting my head around the fact that somebody would kill a human being and hang them up and skin them.... So I just wanted to meet him.<sup>1082</sup>

DC Evans highlighted the fact that in conducting the initial review for Project Evenhanded, “several officers who reviewed Pickton’s file became aware that he was listed as a priority #1 suspect on more than one occasion.”<sup>1083</sup> Nevertheless, no active steps were taken to confirm or rule out Pickton prior to his arrest in February 2002. Nor was Project Evenhanded focused on other suspects.

The delay in pursuing a suspect-based strategy and the failure to follow investigative leads to their conclusion is further discussed in the next section in the context of the overall approach to the cases and the failure to follow Major Case Management principles.

### **E. Failure to Follow Major Case Management Practices and Policies**

The investigation of a large number of missing women and suspected multiple homicides was a complex task; it involved gathering and processing large amounts of information and collaboration and information sharing between agencies. Many police officers were involved in the investigations over a long period of time. Complex police investigations must be properly managed to be effective. This was not a run-of-the-mill case; the missing women investigations clearly fell outside the normal parameters of day-to-day policing; it was a multi-victim, multi-jurisdiction and potentially multi-offender case. This case cried out for the application of Major Case Management (MCM) techniques.

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As I set out in Volume I, formal MCM systems and training were available in Canada by 1994. MCM was not an entirely new creation and was built upon existing police skills, knowledge and experience. This development was given additional impetus by the publication of Mr. Justice Campbell's investigative review of serial rapist and killer Paul Bernardo. In his 1996 report, Mr. Justice Campbell found that a Major Case Management system is required for major and inter-jurisdictional serial predator investigations.<sup>1084</sup> The major benefits of MCM identified in the context of investigating a serial predator are the early recognition of linked offences and simple mechanisms to ensure management, accountability and co-ordination between police forces and law enforcement agencies.

My starting position is that provincial authorities were remiss in not moving quickly to implement Mr. Justice Campbell's recommendations concerning MCM standards on a province-wide basis. In addition to establishing and mandating MCM standards, funding should have been provided to implement the systems required and for training within an accelerated time frame. I acknowledge that the VPD and RCMP had not formally adopted MCM standards during most of the terms of reference; nevertheless, general MCM principles were broadly understood and were being applied on an ad hoc basis.

MCM structures an investigation by identifying clear goals and objectives; establishing lines of responsibility and decision-making authority; creating infrastructure for the recording, storage and sharing of information; and contributing to operational efficiencies. MCM provides accountability and control over the direction, speed and flow of the investigation. MCM is often linked to an electronic Major Case Management system for storing and analyzing case information. Even in the absence of a sophisticated data management system, however, the fundamentals of MCM principles can be applied to ensure a systematic approach to supervision, organization and resource utilization in co-ordinated investigation teams. The central feature of this approach is the command triangle consisting of a team commander, a lead investigator and a file coordinator.

The police failure to develop and follow basic management principles and practices, implement effective team structures and an efficient system for planning and file administration, and ensure that personnel had the requisite managerial skills were critical oversights that contributed to the ineffectiveness of the investigations of the women who disappeared from the DTES and of Pickton.

### **Adoption of Major Case Management**

MCM training modules were developed in Ontario in the mid-1980s and by the Canadian Police College a decade later. DC Evans testified that officers in Ontario started getting MCM training in 1997-1998 as a result of the *Campbell Report*, and it was implemented in Peel by 1999.<sup>1085</sup> There was an awareness of MCM within the VPD and RCMP E Division during the

Commission's Terms of Reference, and formal MCM was being introduced gradually by police forces in British Columbia at that time.

In an October 11, 1996 memo to DCC Battershill regarding Case Management Technology, Sgt. LePard advised that he was "preparing a report for the Investigation Division regarding the implications for our Department of the *Bernardo Investigation Review*, prepared by Mr. Justice Archie Campbell."<sup>1086</sup> He advised:

*Based on [the MCM training] and my experience in the Investigation Division, I strongly endorse not only Justice Campbell's comments regarding technology, but his entire report, which I found to be extremely insightful, particularly with respect to the larger issue of major case management.*<sup>1087</sup>

By early 1998, VPD senior management was aware of the need for the implementation of MCM systems and the related need for additional training in case management skills and techniques. The topic of MCM training was raised in a January 13, 1998 memo from Insp. LePard to Insp. Biddlecombe.<sup>1088</sup> Insp. Biddlecombe reported on the situation of the Violent Crime Section, stating that there existed "only a limited Major Case Management Process"<sup>1089</sup> and that this situation must change: "The present 'old-fashioned' method of conducting major investigations is going to come to an end and we are going to find a more productive and efficient method of conducting our investigations."<sup>1090</sup> He concluded that the *Campbell Report* findings regarding accountability, responsibility and communication breaking down "is not unlike the very situation I have found in our Violent Crime Section."<sup>1091</sup> He cited the specific example that "VPD is only achieving a rate of about 10% in completing ViCLAS booklets."<sup>1092</sup>

Insp. Biddlecombe followed up on this memo two days later by providing specific recommendations to DCC McGuinness for changes in the Homicide Squad.<sup>1093</sup> He noted that there was no computerized system for case management and only one of the eight NCOs in the Violent Crime Section (Insp. LePard) had completed the Major Case Management Course.<sup>1094</sup> He recommended the development of a team approach, increasing the number of officers called to each investigation (front-end loading), the assignment of tasks by a team sergeant, a file coordinator for each investigation, and the regular conduct of major case file reviews.<sup>1095</sup> He also recommended that all NCOs and investigators attend the Major Case Management Course.<sup>1096</sup>

Despite awareness of the need for and value of MCM, the Major Case Management model was not widely implemented in the VPD between 1997 and 2002.<sup>1097</sup> DCC LePard told the Commission that MCM was "nowhere near as evolved because it was basically not there, except for in a few investigations, as it is now and in many police departments where it's very sophisticated and it is the standard."<sup>1098</sup> DCC LePard agreed that although MCM as a formal system was "in its infancy" and not many people had received training, police were already managing major investigations and it had always evolved since the birth of modern policing.<sup>1099</sup> He would have

expected a team to use the Major Case Management model “less so in 1997 and more so getting closer to 2002 because I think by 2002 the major case management model was well known and well understood.”<sup>1100</sup> This was an incremental process and MCM was becoming “more and more... the standard” to the point that in 2012 all serious crime investigations are case managed.<sup>1101</sup> Hurdles experienced in this transition included insufficient staffing and the need to reconfigure staffing in light of the demands of MCM.<sup>1102</sup>

The lack of formal MCM systems and training was not a bar to applying effective management techniques in complex cases. DCC Unger underscored this point in recognizing that while he had never taken an MCM course, he could still manage serious investigations:

...they use the same concept that we used back in the mid-'70s in ERT relative to the triangle of the management and the coordinator, the file coordinator, and the lead investigator. We used that in ERT, exactly the same triangle. In addition to that the -- I had lots of experience in major case management, certainly at VIIU and at CLEU, Coordinated Law Enforcement Unit, and, in fact, we used a model very similar in the Coordinated Law Enforcement Unit where we had the team leader, which I was, at the top of the triangle, and we had a file coordinator, and we had a lead investigator. So we used virtually the same type of thing as major case management.<sup>1103</sup>

The RCMP did not formally develop and adopt an MCM model as a best practice standard until 2003-2004, despite being aware of the *Campbell Report* recommendations in 1996.<sup>1104</sup> Like the VPD, the RCMP acknowledges that the MCM standard was not consistently applied throughout E Division in 1997-2002 but that “these principles were generally applied in case-specific serious criminal investigations.”<sup>1105</sup> However, the Government of Canada submits that Project Evenhanded was specifically based upon MCM principles, despite the lack of a formal standard.<sup>1106</sup>

This lack of consistent application of the MCM principles was reflected in the testimony of several of the RCMP witnesses. Supt. Hall told the Commission that he thought that MCM was just being developed around 1999, and that the Port Coquitlam RCMP started developing it “around 2000 plus.”<sup>1107</sup> Cpl. Connor told the Commission that in 1997/1998, “Major Case Management was still relatively in its infancy.”<sup>1108</sup> He took the MCM course in September 2002; he claimed that it was the first course run in British Columbia, but this is incorrect.<sup>1109</sup>

Supt. Williams did not consider the lessons of the *Campbell Report* or the application of MCM when he conducted his review of the RCMP's role in the missing women investigations in 2002.<sup>1110</sup> This is one of the ways that the *Williams Report* was deficient in comparison with the LePard and Evans reports. In his response to examination on this front, Supt. Williams contrasted the situation during the terms of reference with the present:

Justice Campbell, I believe one of his areas of recommendations

was the principles of major case management, and that certainly covers a lot of areas. When we -- when we have a major file now, every -- basically every major police department in Canada works under the major case management -- principles of major case management, which are taught at the Canadian Police College. The specialized training. We continually train as many people as we can. Early detection, it's very important now. Missing people, suspicious or foul play and everything, it comes to the forefront in our force now.<sup>1111</sup>

It is astounding to me that the lessons of the *Bernardo Review* were not more systematically reviewed and applied in the missing women investigations, given the common factors of serial predation and the killing of women.

In the next sections, I review the ways in which MCM principles were ignored and the negative repercussions of this failure on the investigations. I begin by analyzing the investigations in light of the three major components of MCM: investigative team structure and organization, information management and documentation, and accountability through team leadership and supervision. I identify three other aspects of the MCM approach that were also lacking: assignment of specific responsibility for (1) family, (2) media liaison functions, and (3) the effective utilization and integration of specialized police resources and general duty/patrol teams. Finally, I focus on the specific question of whether Project Evenhanded had applied MCM in the early stages before Pickton's arrest.

### **Poor Investigative Team Structure and Organization**

MCM principles were not adequately reflected in the structure and organization of the investigative teams. While the VPD Missing Women Working Group showed promise along these lines, that promise was belied by the group's rapid creation and dissolution. Poor structure and organization plagued the MWRT, the Coquitlam RCMP Pickton investigation and, to a lesser extent, Project Evenhanded.

#### ***Rapid creation and dissolution of VPD Missing Women Working Group***

The first VPD team established to specifically address the issue of the women's disappearances from the DTES was an informal Missing Women Working Group (MWWG). Only one month elapsed between the proposal for the MWWG and its unravelling from August 25 to September 23, 1998: the rapid creation and dissolution of the working group was the first failure to apply MCM to the investigations.

Det. Insp. Rossmo initiated the formation of this team on August 25, 1998, when Staff Sgt. Mackay-Dunn, from District 2, approached him and discussed the growing concern over the missing women from the DTES.<sup>1112</sup> He identified the possibility of a serial killer being responsible for the disappearances and wanted to bring his skills and his experience with Project Eclipse to the task.

The day after this initial meeting, Det. Cst. Shenher e-mailed Det. Insp. Rossmo advising him of her work on the missing women.<sup>1113</sup> On the 27<sup>th</sup>, Cst. Dickson submitted a memo with a list of 35 missing women and 18 unsolved homicides from the Vancouver area that were still on CPIC.<sup>1114</sup> The team members were beginning to fall into place.

Senior management initially responded well to this initiative. On September 1, 1998, DCC McGuinness sent a memorandum to DCC Blythe, copied to Insp. Greer, Det. Insp. Rossmo and Insp. Biddlecombe that stated:

*Det. Constable Shenher will be an excellent resource to the Task Force jointly chaired by Inspector Greer and Det. Inspector Rossmo. It is hoped that together we can bring some direction to this issue and develop a strategic plan to investigate it to a successful conclusion.*<sup>1115</sup>

The MWWG held its first meeting on September 4, 1998, following which Det. Insp. Rossmo wrote a memo to DCC McGuinness, attaching an updated strategic blueprint and draft news release.<sup>1116</sup> On September 14, Insp. Biddlecombe sent a memorandum to Insp. Greer with respect to the MWWG, the strategic blueprint and accompanying draft media release.<sup>1117</sup> Insp. Biddlecombe's memorandum is highly critical: it disavowed the MWWG and suggested that Det. Insp. Rossmo and Det. Cst. Shenher should have contacted Insp. Biddlecombe or Staff Sgt. Giles for historical background information.<sup>1118</sup>

The MWWG held its second and last meeting on September 22, 1998. They met to discuss the strategic blueprint and were joined by two RCMP members assigned to the Agassiz homicide investigations.<sup>1119</sup> Immediately following the meeting, Det. Insp. Rossmo sent an e-mail to Insp. Biddlecombe requesting specific information to assist him with his analysis.<sup>1120</sup> On the 23<sup>rd</sup>, he wrote a memo to the Working Group attaching a revised strategic blueprint and contact list.<sup>1121</sup>

I heard various explanations as to what went wrong after such a promising start.<sup>1122</sup> My only finding can be that it is inexplicable on any rational basis. DC Evans concludes that as a result of the September 22<sup>nd</sup> meeting, Insp. Greer deferred to Insp. Biddlecombe regarding the missing women issue, with the result of the MWWG being essentially dissolved.<sup>1123</sup> She is mystified by this outcome: "It is unclear to me why Executive members allowed this to occur."<sup>1124</sup>

This was a critical opportunity to establish an MCM team in recognition of the identified possibility of a serial killer being responsible for the women's disappearances. As Insp. Greer told the Commission:

... if you look at major case management and if you were starting to suggest that this missing persons list was something suggesting major case management, it requires one commander, one group that looks after it and one group that looks after media so you don't have media leaks and so you don't have people working at cross-purposes."<sup>1125</sup>

The dissolution of the MWWG resulted in only one investigator, Det. Cst. Shenher, working on the Missing Women Investigation, with another, Det. Howlett, assisting with some missing women files. As Det. Cst. Shenher stated in her May 17, 2000 memo, in response to Det. Cst. Fell's and Det. Cst. Wolthers' allegation that the missing women's disappearances had not been thoroughly investigated:<sup>1126</sup>

*Perhaps Det./Csts. Fell and Wolthers do not understand that prior to the formation of the MPRT in May, 1999, only two investigators had been working on the thirty-one files. There was not a failure to do these tasks, but an inability to do them due to time constraints.*<sup>1127</sup>

This is inconsistent with MCM principles, which recommend front-end loading major cases to quickly determine the seriousness of the case:

It is more effective to address a Major Investigation by allotting enough resources to quickly determine the extent of the problem than to attempt to make that assessment with one or two investigators. With proper resources, the assessment is made quickly. If a Major Case fails to materialize, extra personnel can be returned to normal duties. If a Major Case does evolve, however, an appropriate team is ready to intervene effectively and aggressively.<sup>1128</sup>

### ***Ineffective structure of the Missing Women Review Team***

The VPD did not follow MCM principles in establishing the Missing Women Review Team (MWRT) in 1999. The MWRT was also known as Project Amelia. There was no full-time supervisor and insufficient personnel to carry out the investigative work. A model was available to the VPD, as it had recently created the Home Invasion Task Force, but this model was not adopted for the missing women investigations. As DCC LePard concluded in his review:

*The review of the Home Invasion Task Force was submitted four months prior to the creation of the MWRT, and provided a template for a properly organized and resourced investigation following the Major Case Management model.*<sup>1129</sup>

In May 1999, after struggling for over a year to investigate the women's disappearances almost completely on her own and having exhausted this line of inquiry, Det. Cst. Shenher identified the need to shift from a victim-based investigation to a suspect-focused investigation and that additional resources were required to carry out this strategy effectively. In a May 13, 1999 memo to Sgt. Field, she outlined an action plan, identifying where assistance was needed.<sup>1130</sup> In a follow-up memo to Sgt. Field on May 14, Det. Cst. Shenher specified the additional resources required: two additional investigators, an analytical database and assistance with its use and with data entry. She also requested that she no longer be required to do the Coroner's Liaison position on Fridays, allowing her to focus exclusively on the missing women's investigations.<sup>1131</sup>

Det. Cst. Shenher's request was supported up the chain of command from Sgt. Field to Insp. Biddlecombe<sup>1132</sup> to Acting DCC Doern.<sup>1133</sup> Insp. Biddlecombe's memo supported the request but stated: "The issue of where staff resources should be allocated from needs to be more fully explored given staff shortages throughout our Department."<sup>1134</sup>

MCM principles were not followed in establishing the structure for the MWRT. Three major errors were made: lack of clarity in team roles and responsibilities, lack of clarity in the team's mandate, and failure to delineate a clear strategy.

The team members' roles were not clearly defined. Insp. Biddlecombe was aware of the recommendations in the *Campbell Report* and the importance of Major Case Management.<sup>1135</sup> However, when assigning staff to the MWRT, Insp. Biddlecombe did not identify a team commander, a lead investigator or a file coordinator. His staffing directive read:

*Effective May 25<sup>th</sup> the following staff are assigned to this Working Group:*

- *Sgt. Field – in charge (on loan from Homicide) Det./ Cst. Shenher – investigator*
- *Det. Lepine – investigator (on loan from Homicide)*
- *Det./ Cst. Chernoff– investigator (on loan from Homicide)*
- *Det. Vinje – Sius Analyst (on loan from CLEU) [available to assist as time permits but his priority remains the Home Invasion Task Force]*
- *Cst. Dixon [sic] – investigator (on loan from Operations)*
- *CT 11 Dorothy Alford – clerical support (on loan from Robbery)<sup>1136</sup>*

The roles of the MWRT members evolved over time. From May 1999 to May 2001, Sgt. Field (Homicide) served as part-time supervisor of the team. She attended team meetings, prepared reports for management and the Vancouver Police Board, did media interviews, prepared files for a PUHU file review, and worked with RCMP to create the JFO. Det. Cst. Shenher (Missing Persons) served as the file coordinator from May 25, 1999 to November 2000.

Five VPD members carried out investigative functions at various junctures during the existence of the MWRT, but only one was assigned to this function on a full-time basis. Cst. Alex Clarke (District 2) was assigned to the MWRT from July 1999 to March 16, 2000. She was on light duties for medical reasons and she mainly conducted searches of various records: Glenhaven indigent burials (August 1999 – March 2000) and Ministries of Health, Vital Statistics, and coroners' records (November 1999 – March 2000). She also worked on the missing women files, including having some contact with family members, and followed up on some tips. Cst. Dave Dickson (District 2) was initially assigned to work 85-90 per cent of this time with the MWRT, but did so for only two weeks before he was re-assigned to split his time 50/50 between the MWRT and the DTES Safety Office. He followed up on assigned tips and inquiries in the DTES until

June 2000. Det. Cst. Mark Chernoff (Homicide) and Det. Ron Lepine (Homicide) worked on a more or less full-time basis with the MWRT for seven months from May to November 1999, and then on a part-time basis throughout 2000, as permitted by their duties in the Homicide Unit. They followed up on assigned tips and inquiries, reviewed RCMP unsolved STW homicide files, liaised with RCMP members, and worked with Coquitlam RCMP on the Pickton investigation. Det. Cst. Doug Fell (Coordinated Law Enforcement Unit) and Det. Cst. Mark Wolthers (District 2) joined the MWRT in July 1999, and were members until May 2000. They also followed up on assigned tips and inquiries, investigated persons of interest, and carried out some investigations in the DTES.

Major crime files require significant data entry support. Civilian employee Dorothy Alford (Robbery) was assigned to the MWRT from May 1999 to September 2000, providing clerical support and data entry for SIUSS. Cst. Carl Vinje (Co-ordinated Law Enforcement Unit) was a member of the MWRT for a few months in the spring and summer of 1999 to assist with data entry and analysis using SIUSS. Det. Cst. Sue Jarvis, Det. Frank Owen and Cst. Barry Pickerell also assisted in this role.

One of the major problems faced by the MWRT was that team members were “on loan” from other units for which they had to maintain responsibilities and duties. For example, Det. Cst. Chernoff and Det. Lepine had other homicide investigations that were ongoing.<sup>1137</sup> This was a completely unsatisfactory situation for everyone concerned. Det. Cst. Chernoff was candid about the pressures:

I think there was a bit of frustration in our squad, because now our squad of eight investigators was down to six. Ron and I hadn't been on call with homicide because we were assigned to this unit, and I remember at the time saying to Geramy, or Sergeant Field, you know, it's going to be difficult for us to actually work with this unit and be on call and take other homicides. Like there's only so much we can do. So we were taken out of the group or the mix. There was frustration in our squad 'cause there was only six people. They were continually on call all through the summer. So, yeah, it placed a huge amount of stress on the Homicide Squad that we came from.<sup>1138</sup>

Cst. Dickson's role was “to continue his work in the community” and come into the office whenever he wanted. In Det. Cst. Shenher's view, his assignment to the MWRT did not change his normal role: “It really wasn't that different for him, other than that he was reporting to me.”<sup>1139</sup>

Contrary to MCM principles, there was no formal allocation of the lead investigator role. Det. Cst. Shenher stated that it was “understood between myself and Sergeant Field that anything of significance with respect to persons of interest” would go to Det. Cst. Chernoff and Det. Lepine because they were the most experienced investigators.<sup>1140</sup>

Det. Cst. Shenher was effectively doing all of the roles in the MCM command

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*One of the major problems faced by the MWRT was that team members were “on loan” from other units for which they had to maintain responsibilities and duties.*

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structure, as well as other roles such as family liaison and media.<sup>1141</sup> She was acting as the file coordinator, managing the information coming in and distributing tasks to team members, as well as doing investigative and liaison work.<sup>1142</sup> Det. Cst. Shenher did not have MCM training<sup>1143</sup> and told the Commission that, “I just didn’t know that there was a structure that might have been helpful.”<sup>1144</sup> If she had had the training, she stated, “I would have been aware that I was doing all of those roles [on the MCM organizational chart].”<sup>1145</sup> Even without the benefit or training or formal knowledge of MCM, Det. Cst. Shenher recognized that this was problematic and brought it to the attention of her supervisor in a memo:

*I have found myself in the dual role of investigator and file coordinator... Everyone I have spoken to with experience in major case management has advised it is imperative to have a file coordinator solely dedicated to that function.*<sup>1146</sup>

She was never freed from this dual role<sup>1147</sup> and the MWRT never had a full-time lead investigator.

A second failing was the lack of clarity in the mandate of the MWRT. Senior management ignored Det. Cst. Shenher and Sgt. Field’s joint recommendation that the group be set up as a suspect-based task force;<sup>1148</sup> the team was set up as a review team instead. As a result, the team members spent much of their time investigating non-criminal theories for the women’s disappearances. As Sgt. Field pointed out in her May 17, 2000 memorandum to Insp. Spencer: “this was still a missing persons investigation and not a serial killer investigation.”<sup>1149</sup>

Insp. Biddlecombe’s description of the MWRT’s mandate was unfocused. He said the team would be “tasked with reviewing/investigating the circumstances surrounding the disappearance [sic] of these 21 women... It has also become apparent to both myself and S/Sgt. Giles that a number of investigative tasks need to be more thoroughly investigated.”<sup>1150</sup> Notes of the first meeting of the MWRT on May 25, 1999, indicate that the direction of the investigation and what needed to be done was discussed “in broad terms” and Det. Cst. Shenher’s “to-do list” was reviewed.<sup>1151</sup> Her to-do list outlines a number of investigative steps, including gathering information on known homicides, follow up on possible suspects/persons of interest, liaison with Washington/New York, holding forums with women engaged in the sex trade and implementing questionnaires with them, victim DNA collection, and follow-up on victim files.<sup>1152</sup> A June 3, 1999 Missing Persons Review Team bulletin to VPD Patrol explained that the team was formed “to look into possible links and investigate [the disappearances of 30 street-involved women] as possibly related.”<sup>1153</sup>

In their testimony, members of the MWRT concurred that there was a lack of clarity in their mandate that contributed to an unfocused operational strategy. Det. Cst. Shenher told the Commission that there was no operational plan when the team was established:<sup>1154</sup>

[Strategies relating to non-violent deaths, single incident killings and serial killings] were threads that were running through the whole thing. And it was really a constant switching of hats from one minute we're looking at [indigent] burials and we're looking at, you know, people who hadn't been fingerprinted and died in the hospital to, you know, we're looking at Hiscox information to, you know, I'm interviewing, you know, a drug dealer of one of the women who made threats against her, and so just a constant switching of hats and priorities. And, you know, admittedly, it was disorganized because this information was coming in in real time and so it wasn't like we had a large -- a large investigative staff where these 10 people were doing everything with respect to the women dying from non-violent causes. These 10 people were solely dedicated to serial killers. These 10 people were solely dedicated to individual single-incident suspects or persons of interest.<sup>1155</sup>

Det. Cst. Lepine agreed that the team's approach was ad hoc:

... there's no question because we didn't know what we were dealing with, didn't know the scope of what we were dealing with, it's pretty hard to make plans when you don't know. That's why we're there to figure it out, and then whatever information we have you can draw your conclusions and make your plans.<sup>1156</sup>

The MWRT started without a clear mandate and ended without a clear transition plan. The manner in which the MWRT was dissolved also failed to meet MCM principles. It is best characterized as an unplanned process of attrition. In November of 1999, Det. Cst. Lepine and Det. Cst. Chernoff were reassigned from the MWRT and were not replaced.<sup>1157</sup> I am especially troubled by this failure because the detectives had been pursuing the Hiscox tip about Pickton and this task was not formally reassigned when they left the MWRT. The reassignment reflected the pressures in the Homicide Squad rather than any rationale related to the status of the missing women investigations. It was certainly not a question of the work of the MWRT being complete. Det. Cst. Chernoff described the situation this way:

Our day-to-day status in terms of being in this review team was almost nonexistent. We just had too much other stuff. We had two murders that happened within a ten day period on Wall Street involving elderly women, and there was undercover operations and everything else going on, and it's just one of those unfortunate things. You know, we were taken out of the mix and -- and -- you know, there was never a real huge structure for this unit. As Ron said we probably could have used another at least ten experienced investigators and probably another dozen people that could have just followed up other random tips and things that should have been done.<sup>1158</sup>

I agree with the Government of Canada's closing submission that the MWRT was wound down without a plan for further investigation.<sup>1159</sup> Discussions had just begun for the creation of a Joint Forces Operation (JFO) to take over the work of the MWRT and there was a long period of time when the MWRT languished without being officially terminated. Senior management was aware of the tremendous volume of work left undone. On May 17, 2000, Sgt. Field wrote to Insp. Spencer describing the status of the work of the MWRT:

*This investigation is very complex and difficult. Det./Cst. Shenher has done an excellent job under extremely difficult circumstances. It will require further extensive resources to reach any reasonable conclusion and it is my understanding that efforts are underway to address this need.*<sup>1160</sup>

Despite all of the references to the MWRT “winding down,” the team was relied upon to continue with the missing women investigations during the transition to the JFO and once the joint operation, Project Evenhanded, was up and running. The failure to follow MCM principles was evident. On January 25, 2001, Sgt. Field described the situation in these terms:

The project has evolved with many problems. Most noteworthy was the lack of a full-time assigned supervisor, lack of adequate staffing to follow up leads on suspects and major problems with the SIUSS computer program selected to track and analyze the cases. Because of computer problems I cannot be confident that all of the information that should have been entered on suspects has been entered. I cannot say that all the files have been investigated fully and the important features of each case have been entered. There is also a vast number of outstanding tips not been followed up, many of these relate to information on persons of interest, violent offenders and sexual assaults suspects who have preyed on prostitutes in the past.<sup>1161</sup>

### ***Structure of Coquitlam’s Pickton investigation***

The threshold question is whether the Coquitlam RCMP investigation of Robert Pickton should have been treated as a major case and structured and operationalized according to MCM principles. By the summer of 1999, information was coming forward that Pickton was potentially a serial killer, and multiple agencies were involved in the investigation. As I noted earlier, the 1996 Canadian standard stated that multi-agency investigations were, by definition, a major case and “[t]he Co-ordinated Investigative Team model is the best way to confront suspected Major Cases.”<sup>1162</sup> (Emphasis added.) Therefore, in the summer of 1999, Coquitlam should have used a Major Case Management model to ensure that the investigation was properly conducted.

Prior to March 2000, none of the investigators or supervisors involved in the Pickton investigation had received MCM training: Pollock took the MCM course in March 2000,<sup>1163</sup> Cst. Connor took the MCM course in September 2002,<sup>1164</sup> and Cst. Yurkiw did not have MCM training.<sup>1165</sup>

The Pickton investigation did not have a recognized team commander providing direction. Cpl. Connor was essentially in the same position as Det. Cst. Shenher, in that he performed the tasks of both lead investigator and file coordinator. The Government of Canada’s final submissions recognize that this was inconsistent with today’s MCM principles and, in particular, “that different individuals should be responsible for those tasks under the supervision of an appropriately qualified team commander who could provide valuable guidance and oversight.”<sup>1166</sup> I would go further,

however, as I find that even in 1999 the RCMP recognized the importance of structuring major cases along these lines. It appears that the Pickton investigation was not considered to be a major case; if so, this in itself was a serious error.

Lack of clarity of function had a detrimental impact on the Coquitlam RCMP's Pickton investigation. For example, Cpl. Henley told the Commission that he understood his role as just to see what was going on and report back to PUHU, and then he got involved because he knew Ms. Ellingsen.<sup>1167</sup> His involvement in the investigation was problematic on this front as he interfered in the interview of Ms. Ellingsen and did not conduct it in accordance with Cpl. Connor's instructions.<sup>1168</sup>

The structure and organization of the Pickton investigation deteriorated further after Cpl. Connor was promoted and transferred; the file was then assigned to junior investigators, first Cst. Yurkiw and then Cst. Sherstone. Cst. Yurkiw had not taken any homicide courses when assigned the Pickton file.<sup>1169</sup> In her testimony, Cst. Yurkiw did not acknowledge that she was ill-prepared for this major responsibility:

I had general experience in investigating Serious Crime complaints. I had not had the major case management course or some of the other courses that would have assisted in that type of investigation but I felt I had the general skills to work the files.<sup>1170</sup>

Cst. Yurkiw's inability to critically reflect on her lack of preparation for this important role and the potential impact of her lack of experience on the investigation does not do her credit.

### ***Structure of Project Evenhanded***

The structure of Project Evenhanded was based more closely on the MCM principles, which is not surprising given its status as a JFO and the process of negotiation between the VPD and RCMP leading to its creation. Nevertheless, Project Evenhanded failed to meet basic MCM principles in a number of key respects.

The Team Commander, Sgt. Adam, was not assigned to this major case on a full-time basis. He had "other duties," including setting up an interrogations unit and doing witness interviews and interrogations on different files.<sup>1171</sup> Between November 23, 2000, and going on vacation for two months in 2001, he worked on 21 other cases and spent seven days training interviewers.<sup>1172</sup> Even with the benefit of hindsight, Sgt. Adam did not see it as problematic that he was not fully devoted to his duties as Team Commander. In his testimony he asserts: "if you look at our daily logs, if you look at a timeline of Evenhanded you will actually see that I am engaged in our business fully."<sup>1173</sup> I disagree with Sgt. Adam's assessment of his ability to juggle these responsibilities without having any impact on Project Evenhanded at this critical formative juncture. A Team Commander's full-time presence is essential, particularly in the initial phase.

There was an inexcusable delay in assigning a file coordinator to the team. Sgt. Clary was not assigned until April 24, 2001, almost two months after Project Evenhanded began, and almost five months after Sgt. Adam was assigned to the file.<sup>1174</sup> Sgt. Adam noted in a memo to Sgt. Field, dated February 28, 2001, that Cst. McCarl would like to take the role of file coordinator and he “is a good choice,” but the decision of a file coordinator has to be discussed with Sgt. Paulson and Staff Sgt. Henderson.<sup>1175</sup>

The Primary Investigator, Det. McKnight, did not have MCM training.<sup>1176</sup> Det. McKnight describes his experience as being very much an on-the-job learning process:

I knew what my role was going to be within the investigation of Project Evenhanded. It changed and developed as I learned, as we all learned. ... eventually I became more confident in my position of primary investigator and took on that leadership and responsibility role.<sup>1177</sup>

There was no analyst assigned to Project Evenhanded, at least prior to Criminal Analyst Carrie McPherson joining the team on October 9, 2001. There is little description of her role in the record, other than the listing of her position as “Crime Analyst.”<sup>1178</sup> A skilled analyst is essential to any major case: “The direction, speed and flow of Investigations will depend to a significant extent upon the quality of the Analysis.”<sup>1179</sup> The 1996 *Canadian Police College MCM Manual* emphasizes the pivotal role of this team member underscoring the importance of both the skill level of the analyst and the timeliness of their assignment to the team:

*A skilled Analyst is the product of years of training, study and experience combined with a logical and organized approach.*<sup>1180</sup>

(and)

*The services of an analyst should be retained within hours of initial report of offence if: a. the offence is high profile, b. a protracted case involving other Investigative Agencies is anticipated, and c. offence is unsolved. ... To put an Analyst in a catch-up situation detracts from the potential benefit to an investigation.*<sup>1181</sup> [Emphasis added.]

Project Evenhanded did utilize ViCLAS analysts and summer student Brian Oger did some good analytical work, although his assigned role was “SIUSS Data Entry.”<sup>1182</sup> However, there was no one assigned to analyze and correlate investigational findings and review the file on an ongoing basis. An analyst could have created reports drawing together information such as synopses of the top suspects, victim profiles, and timelines of when the missing women were last seen. Such reports would have ensured that the Team Commander, Primary Investigator and File Coordinator were aware of the key facts of the case.

Project Evenhanded also fell short in following MCM principles with respect to its mandate and operational plan. On November 22, 2000, Sgt. Adam noted that he was assigned to lead a review of the missing sex trade

workers from Vancouver and the unsolved homicides of STWs located in RCMP jurisdictions,<sup>1183</sup> and that Staff Sgt. Henderson had passed on a package of information.<sup>1184</sup> Sgt. Adam spent the first four months meeting with various individuals, learning more about the file, pulling together his team, and devising an operational mandate and plan. On March 20, 2001, Sgt. Adam sent a draft Operational Mandate to Sgt. Field, setting out a four-phase investigation (with timing estimates of up to 10 months for the first two phases), outlining “a rough overview of some of the issues,” and the premises under which they were operating.<sup>1185</sup>

On May 2, 2001, Sgt. Adam drafted an Operational Plan for Project Evenhanded (signed by Supt. Killaly on June 6, 2001), which set out a “four phase” investigative strategy:

- **PHASE 1:** *Review of STW murders, major sexual assaults, and attempt murders for crime scene DNA (to build a comprehensive bank of unknown suspect DNA for later comparison against known suspects).*
- **PHASE 2:** *Review and prioritization of current VPD and RCMP South West Major Crime (Valley murders) suspect lists, along with suspects identified through ViCLAS Link Analysis.*
- **PHASE 3:** *Obtaining DNA samples from suspects (from the prioritized suspect list) for comparison to the crime scene DNA from Phase 1.*
- **PHASE 4:** *Following a DNA ‘hit,’ instituting an investigation to “reasonably confirm or eliminate each suspect of responsibility in the Vancouver STW cases” (Primarily by Undercover Operation, Interrogation, or Part VI).*<sup>1186</sup>

I concur with DC Evans that the Operational Plan was flawed, took too long to be developed, and was not amended quickly enough when it was realized women were still going missing.<sup>1187</sup> The Operational Plan should have been amended immediately to reflect this evidence and the emphasis should have been shifted from a review to a proactive task force.

All of these factors contributed to Project Evenhanded being inconsistent with the general thrust of MCM to front-end load an investigation. It is essential to allocate enough resources to quickly determine the extent of the problem; if a major case fails to materialize, extra personnel can be returned to normal duties. On the other hand, if a major case does evolve, an appropriate team is ready to intervene “effectively and aggressively.”<sup>1188</sup>

### **Poor Information Management and Documentation Systems**

One of the defining aspects of a major case is the large amount of information that has to be gathered, analyzed, managed and stored. These investigations also generate a large amount of documentation, which is essential to the investigation process and facilitates regular reviews of the status of the case. Effective systems must be established and kept up to date: “The flood of data can only be manipulated effectively and efficiently with a well-structured and competently managed system.”<sup>1189</sup>

Electronic Case Management (ECM) is a computerized system for keeping track, analyzing and linking all information gathered in a criminal investigation. The *Campbell Report* focuses on this aspect of MCM. Justice Campbell recommended that such a system should be able to (1) recognize links between crimes early enough to pool the information about the linked offences and converge the separate investigations onto the same target, and (2) be shared among the policing agencies to ensure that information crucial to a serial predator investigation can be consolidated and recognized and shared.<sup>1190</sup> The need for Electronic Case Management is particularly pronounced in a serial murder investigation because the amount of information and data generated is almost always unmanageable without the aid of a computer.<sup>1191</sup>

A standardized, common ECM model was not employed by all police forces in British Columbia during the terms of reference and still is not to this day. However, even in 1996, a computerized information management system was deemed essential. The 1996 MCM Manual stated this in no uncertain terms: “Major Case Files shall be computerized. Failure to act expeditiously will result in a backlog of data.”<sup>1192</sup> There is no question that the missing women investigations were detrimentally affected by the problems experienced with information management systems.

The missing women investigations, and particularly the MWRT, had poor information management systems. These failings are reflected in the MWRT’s lack of a documentation and file system, problematic experience with its ECM system, and lack of information sharing within the team. Project Evenhanded was also deeply affected by the ECM system it inherited from the MWRT.

### ***Lack of documentation***

I conclude that the lack of documentation for critical aspects of the investigations, including failure to take notes at important meetings and the failure to document steps within each investigation, was a serious systemic failing. The Commission hearing process has revealed many examples of the absence of proper documentation. Perhaps the most notable example of these failures, highlighted during the Commission hearings, was the fact that there are no notes or only very brief notes from key meetings, such as the meeting between representatives of the VPD and RCMP with the Attorney General on April 9, 1999,<sup>1193</sup> and the brainstorming session on May 13, 1999.<sup>1194</sup> Even more important is the lack of an accurate record of investigative decisions and the justification for them.

The paucity of the Missing Women Investigation record is particularly striking when it is contrasted with the approach taken by the contemporaneous Home Invasion Task Force. DCC LePard, who was the Team Commander for the Task Force, explained in his review of the missing women investigations:

*In the Home Invasion Task Force, the team met for a morning*

*briefing every single working day and a full-time clerk took minutes so that there was an accurate record of all investigative decisions and the justification for them.*<sup>1195</sup>

### **Lack of MCM file system for MWRT**

Prior to the MWRT being set up, Det. Cst. Shenher recognized that using a database or analytical program would be beneficial in managing the investigative information.<sup>1196</sup> As there was no pre-existing system, Det. Cst. Shenher created an information management system for the case. DCC LePard recalled that Det. Cst. Shenher had come to him “for advice about the file coordinator portion of that role in terms of managing information.”<sup>1197</sup> However, he “didn’t really know very much about what she was doing.”<sup>1198</sup> Det. Cst. Shenher told the Commission that she went to DCC LePard for advice about information management because she knew that he had received MCM training; he advised her to set up a fairly simple tip system where she could capture all the information on paper.<sup>1199</sup> Her system was to assign a tip number to every strand of the investigation; all associated information would be linked to that tip number. For example, Pickton was Tip 30, so any work done on Pickton would go into the Tip 30 paper file. She also kept a spreadsheet of tips.<sup>1200</sup> She did not keep a notebook, but the bulk of the work done was recorded in the tip files: Det. Cst. Shenher testified that she felt there was a lot of potential redundancy to maintaining notes and documents, so she tried to use the log to capture things that she might not have otherwise documented.<sup>1201</sup> In her view, the system was effective.<sup>1202</sup>

I commend Det. Cst. Shenher for her initiative and ingenuity in devising and maintaining this information system; however, the system was not up to the magnitude of the task at hand. The system lacked simple mechanisms like bring forwards and prioritization of leads. MCM principles dictate that prioritization is key:

*Each TIP (whether generated from within or received from without), must be quickly and thoroughly investigated to the point where the subject or object can be confidently and conclusively eliminated or prioritized for probability in the interests of effective and efficient allocations of investigative resources.*<sup>1203</sup> (Emphasis added.)

Det. Cst. Fell agreed that there was no priority or completion date recorded on the computer-generated tip forms. He testified that Det. Cst. Shenher would put a priority on a task verbally, and the others would carry it out: “As a partnership... we certainly did set some priorities when we reviewed the files, and, you know, we would try to prioritize in, in the appropriate fashion.”<sup>1204</sup> Det. Cst. Chernoff told the Commission that Det. Cst. Shenher “somewhat prioritized” the tips.<sup>1205</sup> Det. Cst. Shenher is harsher on herself; she said there was no prioritization of suspects “other than, you know, me sort of looking at information and, and making a, a determination as to what should be investigated first.”<sup>1206</sup> Based on his review of the MWRT files in his role as Lead Investigator with Project Evenhanded, Det. McKnight

confirmed that his understanding was that the Project Amelia [MWRT] lists of persons of interest were not prioritized.<sup>1207</sup>

The deficiencies in prioritization, partly attributable to the lack of effective information management, were evident in the fact that Det. Fell and Det. Wolthers pursued a particular person of interest to the exclusion of other, more critical, investigative steps. I accept DCC LePard's evidence on this point:

... in an investigation like that it is not up to the individual investigators to prioritize their work, is that [Fell and Wolthers] may have believed, and apparently did believe that he was responsible for the missing women, that he was the murderer, and so was focusing on him. But there were many other investigative avenues that needed to be pursued as well, and there was discussion about even whether this case should have been forwarded on to the Sexual Offence Squad because that's the kind of case that it was. So I don't knock them, in fact I write about their tenacity in pursuing this. The problem was that they were not responsive to direction from Detective Constable Shenher, who was the file co-ordinator and been empowered by Sergeant Field to decide on the priority and assignment of tips. There were other good suspects as well to follow up on and work that needed to be done.<sup>1208</sup>

Det. Cst. Shenher also accepted that there was no bring forward system: "that's something I acknowledge as a deficiency in the system."<sup>1209</sup>

Investigators were overwhelmed by the incoming information. Det. Lepine was forthright in expressing this experience:

... the frustration that we had was we were simply overwhelmed. The manpower, the resources we have isn't close to what is required to carry on with this investigation, and the Pickton file is an important part of that, but that had to be pursued.<sup>1210</sup>

This frustration, in part, reflected an inability to prioritize, as well as the broader issue of inadequate resources allocated to the team.

In June 1999, Sgt. Field requested a full-time analyst to manage the information, but her request was denied. In an e-mail chain from her to Staff Sgt. Giles to Insp. Biddlecombe she stated: "...it is absolutely essential that we get someone permanently assigned to do our analysis and supervise entry. ... This is the only way we are going to be able to manage this file now and especially if we get a body or homicide."<sup>1211</sup> Insp. Biddlecombe responded: "Frank [Owen] is not available as a permanent assignment at this time. He is available as part of your overtime costs to assist when you need him."<sup>1212</sup> A request was made again in October 1999, and again it was denied.

I agree with DC Evans' conclusion that the denial of full-time analysts to manage the team's databases was extremely problematic; she noted the

pace at which they were able to manage the information proved “very troublesome.”<sup>1213</sup> One specific failure resulting from the inadequate data management system was that the Crime Stoppers tip from Mr. Hiscox was misplaced or not made known to Det. Cst. Shenher for approximately 10 days<sup>1214</sup> – this should not have happened.

Another element that was missing from the MWRT’s information system was the failure to create and maintain a running chronology of the investigation. DCC LePard placed high importance on this task:

*[A]n important role of the File Coordinator is to keep a “running synopsis” of the investigation. Each investigator should turn in notes each working day, and the File Coordinator should summarize the important information, investigative steps taken, decisions made, and so on. This process allows anyone coming into the investigation part-way through, or a supervisor or manager, to review the conduct of the investigation.*<sup>1215</sup>

### **MWRT’s issues with ECM**

The MWRT used the SIUSS (Special Investigative Unit Support System) as its ECM system to assist in case management and data analysis. SIUSS was supposed to be a linkage analysis system that could pull out themes, threads and linkages; but according to Det. Cst. Shenher, it “never really did work.”<sup>1216</sup> The team experienced multiple problems with this system: only the “bare bones” information about the missing women’s files was entered into SIUSS, support staff received minimal training, and bad date sheets could not be entered onto the database.<sup>1217</sup> In addition, SIUSS changed from a DOS-based system to an Oracle-based system without any warning or training, which “completely derailed”<sup>1218</sup> the system. In the absence of SIUSS, Det. Cst. Shenher had to do all of the analysis of the information coming in without support.<sup>1219</sup>

Sgt. Field recalled the many problems that were experienced with SIUSS and their effect on the investigations. She brought the issue to her superiors but she “... didn’t get the resources and I didn’t get the adequate training of the people that were there.”<sup>1220</sup> She also agreed that the “upgrade” to SIUSS in the fall of 2000 resulted in technical problems that led to concerns about the integrity of the data in SIUSS.<sup>1221</sup> The failed ECM system compromised the investigation. Sgt. Field did not pull any punches on this point in reporting on the MWRT in a January 25, 2001 memo to Insp. Spencer:

*The project has evolved with many problems. Most noteworthy was the lack of a full-time assigned supervisor, lack of adequate staffing to follow up leads on suspects and major problems with the SIUSS computer program selected to track and analyze the cases. Because of computer problems I cannot be confident that all of the information that should has been entered on suspects has been entered. I cannot say that all the files have been investigated fully and the important features of each case have been entered. There is also a vast number of outstanding tips not been followed up, many of these relate to information on persons of interest, violent offenders and sexual assaults suspects.<sup>1222</sup> (Emphasis added.)*

DCC LePard is of the opinion that while SIUSS was being used in a variety of jurisdictions, “it was never really designed to be an ECM [Electronic Case Management] system – it was an analytical system.” He contrasted it with the RCMP’s internally developed system, Evidence & Reports (E&R).<sup>1223</sup>

The underlying question is whether the problem was fundamentally SIUSS as a system or the lack of training, capacity and awareness of the people employing it. Det. Insp. Rossmo is of the view that the VPD had reasonable information management technology in the mid-1990s including SIUSS and ViCLAS.<sup>1224</sup> Like many police departments of the time, the MWRT appears to have used computers as “fast-retrieval file cabinets,” not realizing the great potential of the computers of the 1990s.<sup>1225</sup>

### ***Project Evenhanded’s issues with ECM***

The initial period of Project Evenhanded’s work was severely hampered by ECM issues. In May 2001, Sgt. Adam made the decision to use the VPD’s ECM, SIUSS, rather than one of the RCMP’s systems, Evidence & Reports (E&R) or SUPertext databases.<sup>1226</sup> This was a critical error that contributed to long delays in carrying out the file review, an essential first step in a JFO.<sup>1227</sup>

Sgt. Adam’s decision was based on his opinion that SIUSS had better capabilities for linkage analysis between crimes and that there would have been a time delay if all the information was re-entered onto another database.<sup>1228</sup> He told the Commission: “We really didn’t have a choice otherwise we would have been delaying the investigation potentially a year to enter all that data in a new system.”<sup>1229</sup> Sgt. Field had told Sgt. Adam that SIUSS had not worked for the MWRT, so there was a danger going with SIUSS, but the RCMP “believed that we could fix the linkage problems and the data issues with SIUSS.”<sup>1230</sup>

The MWRT’s issues with file management were transferred to Project Evenhanded, making it difficult for Evenhanded to review the investigation. Sgt. Adam explained the problem with the SIUSS database:

Unfortunately, because of the pressures that they were under with incoming information, Project Amelia [MWRT], and the lack of sufficient support for the computer system, and I think in many ways the lack of effective instruction from the computer maker, SIUSS maker, Project Amelia had these -- had their computer system. It should have been backed up with something in paper. So of these 1348 tips that lived in Project Amelia, each one would have lots of data, but the actual paper, there was 115 of those files that there just was no paper, so there was nothing to back up what was in the computer system.<sup>1231</sup>

He told the Commission that the data had not been properly entered into SIUSS: it was not properly linked, it was not properly backed up with paper, and it was “fraught with problems.”<sup>1232</sup> Sgt. Field and Det. Cst. Shenher disagreed that there was no backup paper file: every tip had its own paper

file;<sup>1233</sup> “although everything went into the computer, everything was still in its raw data form as well.”<sup>1234</sup> Det. McKnight found that it was not a question of not having the files, it was that they were not properly organized. He agreed under cross-examination that there was not any consistency to the way in which Project Amelia’s files were organized and that there was no summary log; investigators had to manually review the files to understand what was in them.<sup>1235</sup>

The existing problems with SIUSS were compounded by decisions outside of the control of any policing agency. In the wake of 9/11, the SIUSS contractor simply decided he “wasn’t going to bring it to us.”<sup>1236</sup> Sgt. Adam tried to move to another product. However, all the RCMP resources were tied up on the 9/11 issues, so “I swallowed my pride and went back and tried to get SIUSS to work.”<sup>1237</sup> Then, Project Evenhanded lost its database administrator,<sup>1238</sup> which left them “with no one who knew how to use the computer process.”<sup>1239</sup>

The mounting problems with SIUSS took their toll on the investigation. The difficulties faced by the team are reflected in a fax from Det. McKnight to an RCMP officer dated September 6, 2001: “I don’t know if your [sic] aware of whats [sic] happening out here but in a nutshell, we are in review mode and setting up shop. Our database isn’t up and running yet so I can’t access some of the information that was put into the file back in 98 yet.”<sup>1240</sup>

DC Evans concludes: “there should have been more of an impetus to get proper software licences and training at an earlier time so that new information in relation to the Review could be entered.”<sup>1241</sup> In her view, it should not have been left to Sgt. Adam to provide Project Evenhanded with the data system: “I suspect that Sergeant Adam and his team did not have the expertise or time to take on this challenge as well as manage their ongoing workload.”<sup>1242</sup> This was a decision that should have been made by the senior managers accountable for the JFO.

Sgt. Adam agreed that even in 2001, he knew that the use of a computer database system was essential to successful Major Case Management.<sup>1243</sup> However, he did not take all the required steps to ensure that Project Evenhanded had this capability. From June 2001, Project Evenhanded used a paper-based file management system in which “tips” were stored in folders in banker boxes.<sup>1244</sup> Data entry into SIUSS commenced in December 2001.<sup>1245</sup> In March 2002, after Pickton had been arrested, Sgt. Adam decided to implement Evidence & Reports (E&R) for Electronic Case Management.<sup>1246</sup>

Det. Cst. Shenher went to assist Project Evenhanded following the search of Pickton’s farm, partly because they were not able to access the material from the MWRT. After she left the file, at the end of 2000, investigators called her because of this lack of material access. Det. Cst Shenher testified that “they couldn’t find any of our information, and I knew these things, for a fact, to have gone out there with the file.”<sup>1247</sup>

The evidence suggests that the investigation of Pickton, prior to February 2002, would have advanced more quickly if Project Evenhanded had had a properly functioning ECM system. The Government of Canada submitted that “[i]t is of crucial importance in an investigation of the scope faced by Project Evenhanded to be able to make timely connections between related information which may exist in separate parts of the massive paper files.”<sup>1248</sup> In his testimony, Sgt. Adam gave the example of Pickton being checked on several occasions (December 2000 and January 2001) with Dinah Taylor; police later learned that she played a role in facilitating Pickton’s access to women in the DTES.<sup>1249</sup> One of the checks of Pickton was not entered into the system and therefore the linkage did not occur. Sgt. Adam explained what should have occurred:

What that check would give you in a properly functioning system is it would give you that -- that Taylor and Pickton were together. It would probably give you the vehicle they were in. It would give you when they were there and where they were. And now all of those things would tie to each other in that data set.<sup>1250</sup>

I conclude that the problems with information management were two-fold: personnel errors in not entering information and computer errors in not making the linkages even when the information was entered.<sup>1251</sup>

While I agree with the Government of Canada’s submissions that “effective use of information management systems by police agencies was still in development during the TOR,” the problem with information management was much deeper than poor computerized systems. One of the most astonishing aspects about the lack of proper information management is that Project Evenhanded did not have the Coquitlam Pickton file, so did not have all relevant information about Pickton as a suspect in the missing women cases. Det. McKnight stated: “I do not believe Evenhanded had a complete copy of [the Coquitlam Pickton file] until after the arrest.”<sup>1252</sup> There is no rational explanation for this devastating oversight. Information from the Coquitlam RCMP file was stored in the Project Amelia tip file on Pickton.<sup>1253</sup> However, as stated in the VPD’s closing submissions, the VPD file did not contain any information on the interview of Pickton, or of the steps the Coquitlam RCMP planned but failed to take in the investigation due to a lack of resources or urgency.<sup>1254</sup> The Coquitlam RCMP’s file would have revealed the actual state of the investigation in 2001 far more accurately than the VPD’s from 1998-1999.

### ***Information sharing issues within the MWRT***

The failure to properly follow MCM principles is also evident in the failures of communication and reporting within an investigative team. The MWRT did not have a proper reporting structure and communication practices and these inadequacies had a detrimental impact on the investigations. DC Evans told the Commission that normally in Major Case Management there is a mechanism in place for sharing information with the investigative team, including a briefing at the end of the day when investigators would

share what they had done during the day.<sup>1255</sup>

As noted earlier, DCC LePard recounted that the daily meeting was an approach that he utilized as Team Commander of the Home Invasion Task Force.<sup>1256</sup>

Det. Cst. Shenher had developed a simple process for ensuring that team members reported back to her:

What I did initially was through meetings we established a procedure for reporting and that's when those tip case investigation logs came out and everyone had access to that on their computer so everyone could write up their own notes and send them to me.<sup>1257</sup>

However, the system did not work to the extent that Det. Cst. Fell and Det. Cst. Wolthers did not report to her on their investigations on a regular basis. The fact that Det. Cst. Shenher was experiencing difficulties on this front are reflected in her log – there are repeated notations that she had to address information sharing and communication issues with the team at their weekly meetings.<sup>1258</sup> Det. Cst. Shenher told the Commission that “they weren’t reporting to me and I would be getting what I imagine was probably 10 percent of what they were actually working on.”<sup>1259</sup> The lack of reporting and information sharing by Det. Cst. Fell and Det. Cst. Wolthers wasn’t the subject of a written complaint, but according to Det. Cst. Shenher, “it was always the thrust of my communication with the team in every meeting, and I actually had to go to two meetings a week because I really felt the information wasn’t being shared effectively.”<sup>1260</sup> Her testimony is borne out in the documentary evidence. For example, in a memo from Det. Cst. Shenher to the Missing Persons Review Team entitled “Team Meetings/Info Sharing” she wrote:

*... we will be having team meetings at 0830 hours Tuesday and Thursday mornings... We need to document everything we do and everyone we speak to and this is not always happening where it should be.*<sup>1261</sup>

The most glaring example of the failure to properly report to the team co-ordination was the fact that Det. Cst. Fell and Det. Cst. Wolthers had learned that women had seen Pickton in the DTES, but never shared this information with Det. Cst. Shenher.<sup>1262</sup>

DC Evans attributed this oversight to Det. Cst. Shenher’s failure to properly follow MCM principles: she should have been more direct concerning the reporting requirements. DC Evans stated:

I didn’t see any evidence that they were provided direction to say that okay, if Pickton’s photograph is selected then I need you to come back and tell me immediately. I didn’t see any directions that were given when the photos were given out.<sup>1263</sup>

I didn’t notice anything when I was reviewing the notes that there was a mechanism in place or a process in place that normally in

major case management cases they parcel you with giving out tasks, so if Lori Shenher gives out the task to these officers to say I would like you to show Pickton's photograph in the Downtown Eastside, at the end of the day normally there's a briefing and they would come back in and then they would tell her what they had done during the daytime. So I didn't see any mechanism in their notes that would indicate that they went to a briefing and they didn't provide the information.<sup>1264</sup>

An internal review of Det. Fell and Det. Wolthers by Sgt. Stewart, dated March 20, 2001, also concluded that there was a failure of MCM.<sup>1265</sup> The Investigative Services Division's internal report about Det. Fell and Det. Wolthers' conduct (the *Stewart Report*) concluded:

*... [i]t is clear that Constables Fell and Wolthers did not grasp the importance of discussing their course of action in detail with the supervisor or file coordinator. It is important to weigh what affect any new course of action will have on the investigation as a whole. This is a basic principle of major case management and requires all members assigned to the team to buy into it.*<sup>1266</sup>

I canvass the impact of personnel issues later in this report. While the lack of communication within the MWRT can be attributed, in part, to Det. Cst. Fell and Det. Cst. Wolthers not being perceived as "team players," it is also due to the lack of clear direction:

*... there was no clear direction or particular dates as to when [a task should be completed]. They gave the tips a lower priority than the File Coordinator. In this case the fact that they did not complete them was not a clear dereliction of duty but a symptom of their attitude toward the mission of the MPRT.*<sup>1267</sup>

### **Inadequate Accountability Structures**

One of the primary advantages of an MCM approach to an investigation is assuring overall management through a clear accountability and reporting structure. This structure is particularly important because members of the investigative team are usually drawn from different sections of a police agency and can therefore stand outside of normal reporting channels. The need for clear reporting and supervisory relationships is particularly important in multi-jurisdictional investigations.

Under the classic MCM structure, accountability lies foremost with the Team Commander. The term Team Commander "refers to the person to whom ultimate authority, responsibility/accountability for the [investigation team], its resources (Human and physical) and its mandate are conferred."<sup>1268</sup> The Team Commander has a unique role positioned above the fray: "the fundamental role of the Commander of a full-blown Co-ordinated Investigation is to remain detached from the fundamental responsibilities of the investigation to be able to manage the overall initiative."<sup>1269</sup>

Supt. Williams described the important role of the Team Commander:

If you do things properly based on the main principles of major case management, and you should have a supervisor, team commander, whatever, if there's a major investigation, absolutely. The supervisor or the person responsible should make that determination, be completely satisfied that they took every – made every effort to seek the truth.<sup>1270</sup>

He emphasized that “part of the reason why we have a command triangle is so that, there's the team commander is talking to the primary and the file coordinator, to avoid such things as tunnel vision.”<sup>1271</sup> He described his more general role as supervisor of the branch:

I monitor and provide guidance and, and certainly keep a close tab on all the murder and homicide investigations in the Province of Alberta. ... where possible, I certainly provide advice and direction, guidance, and I attend briefings on various cases, and I like to keep up to speed on all, all high-profile investigations at my branches, or my members under my command are investigating.<sup>1272</sup>

DC Evans agreed with Supt. Williams' description of the function of the Team Commander and the more general responsibilities of supervisors in the context of police investigations.<sup>1273</sup>

One of the main findings of the *Campbell Report* which reviewed the investigation of serial killer Paul Bernardo in 1996 was the lack of adequate supervision of the investigation: “Conspicuous by its absence was any system whereby senior officers monitored and followed up the investigation and set time lines and ensured follow-up.”<sup>1274</sup> DC Evans agreed that this was an issue in the missing women investigations as well.<sup>1275</sup> I support her conclusion.

In this section, I discuss the accountability mechanisms in the context of MCM principles. I find inadequacies in the accountability structures of the MWRT, the Coquitlam RCMP Pickton investigation, and Project Evenhanded. In Part 4, I consider the related, but larger, issue of accountability and supervision for the missing women investigations on the part of the VPD and RCMP senior management outside of the MCM context.

### ***Lack of an effective Team Commander/Supervisor for MWRT***

The inadequacy of supervision in the MPU, due to Sgt. Field's other commitments discussed earlier in Part 3A, continued to be a problem through the course of the MWRT's work. I agree with DC Evans' conclusion that Sgt. Field being in a part-time supervisory role was not a satisfactory command structure for the team.<sup>1276</sup>

For a time after the MWRT began, she was able to spend about 10 per cent of her time in her capacity of supervisor, but other work priorities resulted in inconsistencies in her availability and focus. At one point, Insp. Biddlecombe told her that she could work primarily on the MWRT but then “other homicides would creep in and take over and I'd be called out

again.”<sup>1277</sup> She recollected, “at different times I was fully involved in this and then I would go back to the homicides, but throughout that I was still being called out to new cases.”<sup>1278</sup>

Sgt. Field attempted to address her inability to effectively supervise the MWRT due to other responsibilities by having Det. Lepine serve in this capacity on an acting basis:

It became apparent that the team was in need of a constant “leader.” Someone who would be in the project room the majority of the time. I had already requested another Sergeant be assigned to the team but was advised none was available. Det. Cst. Shenher was not able to control Fell and Wolthers or to obtain the required information from them... It was decided that Det. Lepine would act in the capacity of an Acting Sgt. for the team. Acting Sgt. Lepine would keep me apprised [sic] of the progress of the investigation. This was the situation for a very short time due to summer annual leaves and the re-assignment of Lepine and Chernoff back to Homicide because of a serious double murder investigation that was taxing the whole squad.<sup>1279</sup>

Det. Lepine’s stint as Acting Sergeant lasted for a very short period of time due to annual summer leaves and his re-assignment back to the Homicide Squad.<sup>1280</sup> Even while serving in this capacity “he was routinely pulled away and assigned to new homicide investigations.”<sup>1281</sup> Det. Lepine did not want to remain as Acting Sergeant of the MWRT because he wanted to stay in a detective role and was “in the process of retiring and I knew this was going to be a long haul... This case was a massive file, and if I’m going to retire in a year or whatever I’m not the guy to, you know, be heading this.”<sup>1282</sup>

The absence of a Team Commander contributed to the difficulties in ensuring Det. Cst. Fell and Det. Cst. Wolthers worked effectively with the team. As File Coordinator, Det. Cst. Shenher was not in a position to supervise the two because she “wasn’t a supervisor.”<sup>1283</sup> She raised her concerns with Sgt. Field, who was not in a position to supervise effectively because of her part-time presence on the MWRT. Det. Cst. Shenher tried to increase her supervisory role by increasing the number of meetings to twice a week.<sup>1284</sup> Sgt. Field spoke with them about the importance of information sharing.<sup>1285</sup> The investigation was deeply affected: Det. Cst. Shenher estimated that “they weren’t reporting to me and I would be getting what I imagine was probably 10 percent of what they were actually working on.”<sup>1286</sup> Sgt. Field reported that they “had become a unit onto themselves.”<sup>1287</sup>

Det. Cst. Shenher’s inability to supervise Det. Cst. Fell and Det. Cst. Wolthers was magnified by the fact that she did not have the seniority required in this function:

I was trying to at that point as a constable far junior to them at the time, I was trying to not single them out. I was trying to make it a team issue and I was sharing my concerns with Sergeant Field at that time as well.<sup>1288</sup>

The internal VPD report that investigated allegations of misconduct by Constables Fell and Wolthers concluded that:

*Supervision was an issue with the MPRT due to the fact that the NCO was unable to fully commit to the investigation. Sergeant Field was constantly being pulled away to other duties as was Detective Lepine when he was put in charge. Detective Constable Shenher, as the file coordinator, was not given Acting Sergeant status and did not feel she could exercise the necessary authority.*<sup>1289</sup>

Another key error was interference by senior management with the investigation, which is noted as an obstacle to implementing the MCM model.<sup>1290</sup> Insp. Biddlecombe's direction that Cst. Clarke conduct a review of indigent burials was a breach of MCM principles that thwarted the investigation.<sup>1291</sup>

DCC LePard agreed with DC Evans that Det. Cst. Shenher did not receive adequate supervision when she "obviously didn't have all the experience and skills necessary for every aspect of that investigation."<sup>1292</sup> DC Evans concluded that the VPD did not support Det. Cst. Shenher in the work that she was doing:

*Informant management is a critical but challenging part of police work. I saw no evidence that Detective Constable Shenher received the guidance and perhaps direction that is often required with an officer of her service. If any problems existed or opportunities were lost, I would consider them to be supervisory deficiencies, not hers.*<sup>1293</sup>

Sgt. Field was of the view that Det. Cst. Shenher didn't need much supervision, but in any case, from March 1999 onwards they "worked very closely."<sup>1294</sup> She acted in a fairly passive capacity as she did not need to supervise Det. Chernoff and Det. Lepine. She did receive updates on the investigation including, for example, their dealings with the informant Mr. Caldwell.<sup>1295</sup> Sgt. Field did not have MCM training until May 2000.<sup>1296</sup>

In her October 22, 1999 memo to DCC McGuinness, Sgt. Field suggested a full-time supervisor for the team, if it continued.<sup>1297</sup> She had even identified a possible available sergeant for that position some months earlier.<sup>1298</sup> She could not recall the reason a full-time supervisor was not assigned but stated, "I know that the department was under extreme pressure in all other divisions for manpower."<sup>1299</sup> Insp. Dureau advised that he "would have supported this document to the deputy and from there it was a staffing decision that I had no hand in."<sup>1300</sup>

Sgt. Field made a request for a full-time supervisor for the Missing Women Review Team in October 1999.<sup>1301</sup> Det. Cst. Shenher had no doubt in her mind that "the investigation absolutely would have benefited from some strategic supervisory oversight – there was 'very little strategic planning' and no one to sit down and say, 'let's look at the big picture here.'"<sup>1302</sup>

Sgt. Field advised senior management of the detrimental impact of the lack of a Team Commander on the investigation. In a November 22, 2000 memo to Insp. Spencer she stated:

*We are two and a half years into this review with a tremendous amount of work left to complete. I was assigned to this review in addition to my regular duties and as a result, many problems arose, some of which we are still dealing with. ... The Missing Women's Investigation is probably a year behind reaching any conclusion due to the lack of adequate supervision and manpower.*<sup>1303</sup>

In her January 25, 2001 memo she also highlighted the lack of a full-time assigned supervisor as one of the three top problems facing the missing women investigations (the other two were lack of adequate staffing and major problems with the SIUSS computer program).<sup>1304</sup> The VPD never assigned a full-time Team Commander to the MWRT.

### ***Inadequacy of supervision in Pickton investigation***

A Team Commander was also lacking in the Coquitlam RCMP Pickton investigation, contrary to MCM principles. DC Evans was taken aback by the lackadaisical approach of the Coquitlam RCMP supervisors:

I also would have expected that Sergeant Pollock, who was the constant supervisor over Corporal Connor and then over Constable Yurkiw during the Pickton investigation, that he would have become -- he would have had a briefing and then he would have been more involved with the decisions on how this file should move forward.<sup>1305</sup>

Cpl. Connor does not recollect being negatively affected by the lack of supervision. He held the view that Sgt. Pollock had considerably less investigative experience than he did and that Sgt. Pollock had faith in his abilities, which meant that he allowed Cpl. Connor to carry on the investigation without his interjection.<sup>1306</sup>

I wasn't necessarily working without others paying attention to what I was doing, other supervisors, but, again, I wasn't asked not to do something that I had spoken about or don't undertake this avenue of investigation or anything like that. I think they believed in the direction that I was taking and -- well, I and the investigative team were taking.<sup>1307</sup>

There were communication problems within the investigation team, especially regarding the credibility of Ms. Ellingsen and Mr. Caldwell. Cpl. Connor directed a soft approach be taken in their interactions with Ms. Ellingsen; however, Cpl. Henley and Det. Ballantyne did not recall receiving any direction in this regard from Connor.<sup>1308</sup> Cpl. Connor was upset when they did not take a soft approach.<sup>1309</sup> The disagreement about Ms. Ellingsen's credibility, which was patent at the August 11, 1999 meeting, figured largely in derailing the Pickton investigation. Without a proper command structure, there was no one to ensure that these differences

were resolved or to make a decision on how to proceed in light of these differing views. Supt. Williams agreed that at this point in the investigation, “somebody in charge of the investigation should have seen or should have recognized that, you know, are they satisfied with the two experienced homicide investigators from the Unsolved Unit.”<sup>1310</sup> The person responsible should have made the determination.<sup>1311</sup>

This lack of supervision and clear accountability structure was particularly problematic after Cpl. Connor was transferred from this file because his replacement, Cst. Yurkiw, was more junior and had no experience with homicide investigations. DCC LePard found that Sgt. Pollock had little to do with the Pickton file for fourteen months, even though he was responsible for Cst. Yurkiw’s work. In his view, Cst. Yurkiw “didn’t get the support from her supervisors that she needed. That’s the role of a supervisor.”<sup>1312</sup> What is particularly egregious about this whole episode is that Cpl. Connor wanted to retain the file.

A failed accountability structure that did not meet MCM principles resulted in the poor handling of the transition after Cpl. Connor was promoted and left the investigation. DC Evans said: “I believe it was the responsibility of [Connor’s] supervisor and the Senior Management within Coquitlam RCMP to ensure the investigation continued and did not suffer as a result of his promotion.”<sup>1313</sup> The Government of Canada agrees that the engagement of a supervisor with a background in serious crime would have been beneficial when Cpl. Connor was promoted and left the investigation.<sup>1314</sup>

This failure of proper MCM led to an investigative breakdown in the Pickton investigation at a crucial moment when Cpl. Connor’s transfer was poorly handled. Not only was he not allowed to stay on the Pickton file, he had no involvement in a formal briefing of what actions remained to be taken or another form of handover to Cst. Yurkiw.<sup>1315</sup>

Sgt. Pollock testified that usually there were two corporals in the Serious Crime Unit directly supervising the constables. However, prior to Cpl. McCartney being transferred into the unit, Sgt. Pollock was Cst. Yurkiw’s lone supervisor.<sup>1316</sup> Cst. Yurkiw agreed when it was put to her that she would go to Sgt. Pollock if she had questions or needed assistance and that she also had access to Moulton.<sup>1317</sup> There is a significant difference between an active Team Commander and a senior manager that you can “go to” for assistance. Beginning in February 2000, Cpl. McCartney was her direct supervisor in the Serious Crime Unit.<sup>1318</sup>

One of the most devastating failures resulting from the lack of proper management and supervision was the disastrous interview with Pickton in September 1999. The interview was full of textbook errors, which I covered in some detail in the previous section. Both Cst. Yurkiw and Cst. Cater were unprepared for the interview.<sup>1319</sup> They accepted the presence of a third party, Gina Houston, who interfered in the interview. I concur with DC Evans’ conclusion that these errors are appropriately attributed to a failure

of supervision and strategic direction in the Pickton investigation:

I asked Sergeant Pollock how he prepared for the interview [of Pickton that he and Yurkiw attempted on September 1, 1999]. I mean you're here to interview somebody for possibly one murder, possible multiple murders I would have expected to see a plan in place and was surprised that he said he didn't prepare because Constable Yurkiw was doing the interview.<sup>1320</sup>

Supt. Williams reached the same conclusion regarding Cst. Yurkiw's decision to allow Gina Houston to participate in her interview of Pickton: "I would have anticipated that a supervisor or someone in ... a senior level to her would have indicated that's not appropriate."<sup>1321</sup> DC Evans summed the situation up well: "I look to the supervisors to remain vigilant with their investigators and to make sure that they have the proper time to prepare and the proper tools they need to do the job."<sup>1322</sup>

The errors that resulted from the poorly executed interview were compounded by the lack of review and follow up to it. I would have expected that steps would have been taken to manage the fallout and salvage the situation in order to keep the investigation on track. DC Evans said:

I think this would have been a great opportunity for Sergeant Pollock or for then Staff Sergeant Zalys to sit down and review the tape with Constable Yurkiw and Constable Cater and a polygraph officer or someone who is a skilled interrogator and they would look at the interview and look at things that Pickton said that should have been pursued or followed up on.<sup>1323</sup>

However, this was clearly not Sgt. Pollock's leadership style, and the structure of the investigative team did not work in this fashion. Sgt. Pollock described his approach to supervision in the Pickton investigation in this way:

A lot of [keeping myself aware of developments on the important files] was by word of mouth, talking to members or their supervisors, and through diary dates I would review the date that came in on the diary date extension to ensure if work had to be done it could be done and it was being done, and I wouldn't obviously have the entire file. We had several historic files that I started to read the entire file and I just never had time to get through the whole thing. A lot of those things I never read the entire file.<sup>1324</sup>

He would attend meetings and strategic discussions in some cases, but he wouldn't have been in every meeting: "in particular, Brad Zalys would come down and go directly to the investigators and discuss the files with them."<sup>1325</sup>

In the summer of 1999, Insp. Moulton was made aware of issues arising about Mr. Caldwell's information. He attended meetings on July 29, 1999, that resulted in resources being sought to progress the investigation<sup>1326</sup> and on August 5, 1999, that resulted in what is described as "the creation of a

de facto joint forces operation with the Vancouver Police Department.”<sup>1327</sup> In April 2000, Insp. Moulton advised Staff Sgt. Zalys that the Pickton file remained a priority but that it should be prioritized: a number of other files were to come first. Staff Sgt. Zalys noted that while Pickton remained a priority, there would be no additional resources to assist and the unit would have to investigate “when time permitted and do the best they could when they could.”<sup>1328</sup>

### ***Issues with supervision in Project Evenhanded***

The JFO structure of Project Evenhanded ensured that there was a formal Team Commander, thereby avoiding some of the fundamental MCM errors that limited the MWRT and the Coquitlam RCMP Pickton investigation. However, Sgt. Adam was not always sufficiently engaged in the investigations, contrary to MCM principles. Sgt. Adam described his role in this way:

I’m the team commander, and I know some people think I’m the primary investigator, but that is not my role. My role is to be up above. I am supposed to be obtaining material, addressing issues that, that allow my people getting resources. [My primary investigator and file coordinator are responsible for reading of files.] I do, however, need to stay close enough to be comfortable that they’re doing the right work, that the right quality is, is, is occurring, and that I’m, I’m close enough to them to observe any chance investigational opportunities.<sup>1329</sup>

Sgt. Adam recognized, in hindsight, that he should have been more engaged in the day-to-day running of Project Evenhanded, and that he had not kept an eye on the “peripheral people.”<sup>1330</sup>

... with experience I would know all of these balls need my attention. The fact of the matter is I’m probably more of a primary investigator personality than a team commander who stays completely disengaged from the investigator thinking and looks after all of the little balls. So definitely, as I’ve said to you, if I were doing it again and with my experience now I would be watching all of those balls a lot better and a lot closer. And that is what is taught now.<sup>1331</sup>

One result of Sgt. Adam’s “hands off” approach to his position as Team Commander was that he was insufficiently aware of the incoming missing women reports, and this contributed to the long delay in recognizing that women were still disappearing. This recognition should have prompted a more proactive investigative approach by Project Evenhanded much sooner than it did. I contrast this with DCC LePard’s approach in his role as Team Commander of the Home Invasion Task Force, where he held daily meetings to ensure that he was apprised of all of the steps being taken by team members. Sgt. Adam was much more laissez-faire:

I simply assumed that when somebody took a job, they, they would do the job, and that, and that I needed to be very careful that they had the ability to do the job. I didn’t really put together the fact that there was going to be 2,800 missing that that unit had to juggle and look at while they coexistently tried to look at our stuff.<sup>1332</sup>

Sgt. Adam's tendency to be inadequately engaged in the day-to-day work of Project Evenhanded does not meet the standards expected under the MCM model.

### **Other Aspects of MCM Also Inadequate**

To many, the MCM model means one thing: a command triangle consisting of a Team Commander, a Lead Investigator and a File Coordinator. This is a basic but incomplete understanding. MCM also prescribes that other key functions are effectively integrated into the team structure: victim/family liaison, media liaison, and specialized investigative resources.

#### ***Lack of a dedicated family liaison officer***

The lack of dedicated family liaison officers was clearly in conflict of MCM principles, which emphasize the importance of a functional division of labour that ensures that all responsibilities are carried out with continuity. I agree with the Submission of the Families that the lack of a dedicated family liaison officer "left many family members in the dark."<sup>1333</sup> This failure also harmed the investigations by placing increased pressure on the small police teams, adding to their other tasks and inhibiting the formation of positive relationships with all the family members who were engaged in the search for their loved ones.

The 1996 MCM Manual clearly recognized the importance of having a dedicated victim/family liaison as part of the investigative team: "these duties must be assumed immediately... In all cases, it is beneficial to establish a humanitarian and constructive liaison prior to the intervention of Media."<sup>1334</sup> The manual notes that "the value of victims and families does not decrease when Investigators first believe they are done with them."<sup>1335</sup> It goes on to say that for investigative purposes, to avoid harm to the investigation through negative publicity and "to ensure that common decency and compassion are part of the investigative service, one person with demonstrated interpersonal skills should be assigned to this task."<sup>1336</sup> Continuity in this position is essential.

DC Evans recognized the importance of this function is proper execution:

Police try to be the liaison with family members because they know that family members want to hear information directly from the officer involved in the investigation. Assigning a family liaison person from the onset of Major Case investigations is highly recommended, as it affords the investigator the time to focus on the investigation and allows the family a designated police officer to contact.<sup>1337</sup>

DCC LePard fully recognized that the lack of a designated officer for this purpose violated MCM principles, thereby harming the investigation:

... had there been a victim liaison in the MWRT – as set out in the Major Case Management Model – rather than Detective Constable

Shenher trying to juggle this responsibility with many others, some of the damage done to the VPD's relationship with family members of the Missing Women may have been mitigated.<sup>1338</sup>

Sgt. Adam agreed that staying connected with the families is part of Major Case Management.<sup>1339</sup> However, Project Evenhanded did not have a dedicated family liaison officer either. Det. McKnight had some contact with family members but "realized that contacting and updating the families on the investigation was going to require considerable time and effort."<sup>1340</sup> It was Det. McKnight and not Sgt. Adam who took steps to arrange for the VPD's Victim Assistance Unit to liaise with families, but this function was not in place until September 2001.<sup>1341</sup> This was clearly Sgt. Adam's responsibility. DC Evans concluded that Det. McKnight's solution was an excellent idea, but should have occurred sooner.<sup>1342</sup>

### ***No media liaison officer***

Another contravention of MCM principles during the course of the missing women investigations was the failure to employ effective media relations strategies. The 1996 MCM Manual provides: "The media are obviously essential to effective communication with the public. Consider conveying details on how the public can aid an investigation or on the existence of an enduring danger or threat."<sup>1343</sup> The MCM Manual also states that the media liaison should report directly to the Team Commander and liaise directly with the Team Commander about written releases and media inquiries.<sup>1344</sup> DCC LePard's report confirms the importance of the investigative team driving the media strategy: "The team commander is responsible for ensuring that the media strategy is consistent with the investigative goals."<sup>1345</sup>

The MWRT did not have a formal media strategy or a dedicated media liaison officer, in contravention of MCM principles. Cst. Drennan, the VPD Media Relations Officer during most of the terms of reference, advised DC Evans that there had been no formal media strategy with missing women investigations.<sup>1346</sup>

Sgt. Field recalled that the media line that "there is no evidence of a serial killer" would have been developed in discussion with Insp. Biddlecombe and the media department.<sup>1347</sup> Insp. Biddlecombe disputed this point:

I take no responsibility for the no evidence statement. My statement to Sergeant Field was in our group of seven or eight people. I wanted her to be the one that would vet any media releases, that she would be the one responsible to take them to Anne Drennan or other people before releasing, not that we would be making up the media releases as such.<sup>1348</sup>

Project Evenhanded was slow to get a media liaison officer as part of the team. Sgt. Adam testified that he did not have media people reporting to him until mid-December 2001,<sup>1349</sup> a full year after he was assigned to his position as Team Commander.

### ***Inadequate utilization of specialized police resources***

The missing women investigations were also inconsistent with MCM principles due to failures to adequately utilize specialized police resources external to the investigative team. Investigative Consultant Teams (ICTs) are an essential consideration for major cases that become particularly complex or stall. ICTs can provide a second opinion, introduce new concepts in investigative management and technology, assist departments with insufficient resources, and assist departments lacking expertise in particular crimes.<sup>1350</sup> Additionally, in many cases, patrol units are also valuable sources of information and tips: “Open communication and a positive relationship with all General Duty personnel is essential.”<sup>1351</sup>

As noted earlier, the MWWG had high potential because representatives of specialized investigative services, such as profiling, and patrol were included on the team right from the beginning. Of course, this potential was never realized due to its quick demise.

The MWRT held a brainstorming session involving profiling experts on May 13, 1999, and a meeting with Spokane investigators on June 15-16, 1999. Det. Cst. Shenher and Sgt. Field also took individual steps to consult with officers and with external experts at conferences, etc.<sup>1352</sup> While these were all good initiatives, the knowledge gained was not systematically applied.

Additionally, the MWRT did not use the specialized resources available within the VPD, such as Det. Insp. Rossmo and members of District 2 who had valuable information about the DTES, in an effective manner. Too much weight was placed on the shoulders of the one community expert, Cst. Dickson.<sup>1353</sup> This limited and ad hoc approach was inconsistent with MCM principles that emphasize the importance of structured use of expertise on a regular, consistent basis over the course of an investigation.

Project Evenhanded did work closely with ViCLAS analysts and forensic teams from early days. However, it was also slow to access police expertise and specialized resources. It did not utilize the “Think Tank” approach – getting outside specialists to review and analyze the investigation – until meeting with Green River and Spokane task forces on November 5-6, 2001.<sup>1354</sup> General Duty and Patrol units were not utilized until January 2002; this in itself was a strategy emphasized in the November 2001 brainstorming session with the U.S. experts.

### **Was Project Evenhanded Conducted in Accordance with MCM Principles?**

The Government of Canada’s submissions take the position that Project Evenhanded followed the MCM model. I come to the opposite conclusion based on my careful review of the evidence and submissions. The structure and organization of Project Evenhanded was lacking in several significant respects as noted above. I find this particularly astonishing given the fact that the missing women investigations had been ongoing for several years

by the time the JFO was established. This substantial preparatory work, although by no means perfect, should have meant that the investigation could hit the ground running fairly quickly. It should be kept in mind that Project Evenhanded was established in full recognition of the likelihood that one or more serial killers were at large in the Lower Mainland. Before too long, there was evidence that a serial killer was again operating.

In her November 22, 2000 memo to Insp. Spencer, Sgt. Field specifically recommended the formation of a task force co-ordinated by the Provincial Unsolved Homicide Unit, using the Major Case Management model.<sup>1355</sup> However, this model was not employed right from the outset as it ought to have been. Sgt. Adam recognized that he was not following MCM in the first phase of Project Evenhanded prior to Pickton's arrest. Notes from a February 26, 2001 team meeting state: "once they have the suspect lists and priorities in order, the JFO will move to a MCM way of dealing with things."<sup>1356</sup>

Throughout this section, I have noted some of the ways in which the management of Project Evenhanded was inconsistent with MCM principles:

- There was an unacceptable delay in assigning a Lead Investigator (February 26, 2001), and a File Coordinator (April 24, 2001);
- Team Commander was not full-time on the project;
- No specialized team members were assigned until late 2001 (e.g. family liaison, media liaison);
- A log was kept for Project Evenhanded but it was not updated daily (there were not many entries at all between November 2000 and July 2001) and it did not include information from all members;<sup>1357</sup>
- There was no functional Electronic Case Management system until October 2001;<sup>1358</sup>
- Suspects were being prioritized, but there was no investigation to eliminate or prioritize for probability of involvement due to a flawed operational plan;
- No public appeals were made, or tip line set up, to get information from the community until December 2001; and
- General Duty and patrol units were not utilized until January 2002.

DC Evans emphasizes, and I completely agree, that MCM should have been employed from day one:

*The standardized approach utilized by Major Case Management will ensure an easy transition of command and file at the commencement of a multi-jurisdictional major case investigation. It is unfortunate that Major Case Management principles were not widely implemented.*<sup>1359</sup>

### **Overall Assessment and Conclusions**

I find DC Evans to be circumspect in her conclusion that "[i]t is unfortunate that Major Case Management Principles were not widely implemented."<sup>1360</sup> I conclude that it was a significant oversight that amounted to a critical

*Criminals do not respect the territorial jurisdiction of individual police forces; to the contrary, they can purposefully evade detection by carrying out their activities across boundaries and exploiting gaps in traditional law enforcement investigative processes.*

police failure. This failure contributed to the inexcusable gaps and delays in the missing women investigations. I accept that MCM was in its infancy and that formal MCM standards were not yet in place in British Columbia; yet basic MCM principles were well understood by senior police officers and, in any case, are nothing more than a consolidation and refinement of good management practices. This critical police failure is particularly significant in my mind because the horror of Paul Bernardo's serial crimes was at the media forefront, and Mr. Justice Campbell's report on that investigation's failures and suggested remedies had been published at the same time police recognized that a serial killer could be at work in our province. The barriers to catching a serial predator and the means to overcome them should have been a priority.

#### **F. Failure to Address Cross-Jurisdictional Issues and Ineffective Co-ordination Between Police Forces and Agencies**

Criminals do not respect the territorial jurisdiction of individual police forces; to the contrary, they can purposefully evade detection by carrying out their activities across boundaries and exploiting gaps in traditional law enforcement investigative processes. There is no question that this was true in the missing women investigations, and the challenge to apprehend was exacerbated by poor communication and co-ordination between police forces and agencies involved in the investigations. I have found that there were some good examples of cooperation between the agencies, and between particular police officers from different forces, throughout the terms of reference. Not surprisingly, I also find that collaboration improved substantially with the formation of the Joint Forces Operation (JFO), Project Evenhanded. Nevertheless, I conclude that the inability to fully address cross-jurisdictional issues was a critical police failure substantially limiting the effectiveness of the investigations and that these failures continued throughout the entire five-year period of the Commission's Terms of Reference.

The *Bernardo Review* emphasized the facility with which a serial predator can confound investigations by exploiting the challenges inherent in multi-jurisdictional investigations. Mobility is often key to a serial killer's success. One of the major lessons of the *Bernardo Review* is the importance of planning and preparation for multi-jurisdictional investigations before an incident develops. Policies, memoranda of understanding, and other mechanisms to build relationships should all be in place so that a multi-jurisdictional approach can be implemented quickly and smoothly when the need arises. The model championed in the *Bernardo Review* is based on police cooperation rather than rivalry, a free flow of information and open communication among agencies, and reporting to a multi-disciplinary board of directors or governing authority.<sup>1361</sup> He emphasized the need for a senior manager to be in charge of all of the individual investigations connected in a serial predation case, each of which would have a clear lead investigator.<sup>1362</sup> As discussed previously, the senior manager and

lead investigators would be supported by case management procedures, an interdisciplinary advisory team, a capable information management system, and so on.

The Canadian Police College's 1996 Major Case Management (MCM) model specifically addressed major joint forces investigations, adding recommendations to earlier versions of the model to ensure smooth multi-agency collaboration to build on the MCM principles discussed in the previous section of this report. It includes a recommendation for "the development of standing letters of agreement between forces that can be activated immediately, instead of wasting investigation time while straightening out detailed administrative arrangements between forces."<sup>1363</sup> Mr. Justice Campbell referred to this approach as "a well-thought-out approach to the problems of major serial predator investigations, solidly grounded in Canadian investigative experience and the lessons learned from failures and successes."<sup>1364</sup>

Multi-jurisdictional investigations can falter, even when police forces have overarching cooperative relationships and general lines of communication. I accept the characterization of the VPD's working relationship with the RCMP as one of excellent cooperation and co-ordination.<sup>1365</sup> There were instances of good communication and collaboration, but it was erratic and dependent upon the initiative of individual officers and senior managers. Police can always pick up the phone to call a counterpart in another force to request information or assistance, but this ad hoc approach is insufficient in a multi-jurisdictional investigation. I set out several examples of how ineffective co-ordination affected the investigations.

From the start of the investigation into the missing women from the DTES, there was recognition among some members of the VPD that an inter- and intra-jurisdictional approach was necessary. This is evident in the makeup of the Missing Women Working Group (MWWG).<sup>1366</sup> Cpl. Connor acknowledged early on that there was the potential that a multi-jurisdictional crime had taken place that required the joint cooperation of police forces,<sup>1367</sup> although he insisted that this was only "potentially" the situation.<sup>1368</sup> This early recognition was inconsistently applied, which contributed to the unacceptable delay in the creation of a JFO.

The fundamental standard underlying a successful multi-jurisdictional case is absolute clarity over who has overarching responsibility and authority for the investigation, coupled with cooperative relationships among all of the policing agencies involved in the investigation. The missing women investigations failed, in large part, because the approach was always one of multiple investigations. No one was in charge of the case as a whole. Even after Project Evenhanded was fully up and running, it did not assert authority or even effectively co-ordinate with the Coquitlam RCMP's investigation of Pickton.

In her report, DC Evans concludes:

*In multi-jurisdictional cases, investigators are often disadvantaged due to the difficulty in assessing who has authority over the case. I believe this was a significant factor and was more than evident with the Pickton investigation. Jurisdiction played one of the most significant factors in how this entire case was managed. While there was ample evidence of cooperation and communication between various police agencies, breakdowns began when the case became formidable.<sup>1369</sup>*

The police forces' differing opinions regarding who had authority and responsibility for aspects of the missing women investigations and the Pickton investigation affected almost every aspect of the case. These differences continue today, as is made clear in the conflicting submissions made by the RCMP and the VPD on many central points related to the sufficiency of and responsibility for ensuring inter-jurisdictional cooperation.

Furthermore, it is important to keep in mind that the RCMP is a large national organization that carries out multiple policing functions in British Columbia. Many RCMP entities were involved in this case: several RCMP detachments were involved in the missing women investigations, including the Coquitlam RCMP which took the lead in the Pickton investigation, and the E Division Major Crime Section which was involved at various points in time. The Provincial Unsolved Homicide Unit (PUHU), an integrated unit comprised of RCMP and VPD, also played a role. I find that there is evidence of ineffective co-ordination among these entities and between these entities and the VPD.

### ***Inconsistent or erratic communication and co-ordination***

The majority of missing women cases were reported to the VPD, and it was difficult to link reports that were made to the various RCMP detachments unless the RCMP officer contacted the VPD Missing Persons Unit (MPU). As I noted in Part 3A, the system relied upon the investigating officer to make the connection to the DTES, to make inquiries with the VPD, or to request the VPD to investigate. These communication failures contributed to delays in properly assessing the linkages between the cases. This type of linkage blindness is common in multi-jurisdictional cases.<sup>1370</sup>

There was good day-to-day cooperation between the policing agencies at some periods of the investigations, particularly between Det. Cst. Shenher and Cpl. Connor from August 1998 to July 1999. The two officers shared information about their respective investigations, but this information was not always shared more broadly between the investigative teams or at more senior levels. In August 1999, during the short period of active investigation of Pickton, VPD officers travelled to Coquitlam several times and joint strategies were pursued. This communication broke down when disagreements surfaced between investigators about the credibility of the informants.

Both the VPD and Coquitlam RCMP failed to communicate with each

other after the interviews of critical witnesses in August of 1999. More devastatingly, virtually all communications between the VPD and Coquitlam RCMP came to an abrupt halt after Cpl. Connor's transfer from the Pickton investigation. For example, the RCMP did not consult or advise the VPD Missing Women Review Team (MWRT) about the Pickton interview in January 2000.

The lack of co-ordination was particularly acute in late 1999 and early 2000 when the VPD and Coquitlam RCMP were having isolated meetings about Pickton, separate and apart from each other. The communications breakdown was such that the VPD continued to document that Coquitlam RCMP was investigating Pickton, but in fact no active steps were being taken. Cst. Yurkiw appeared to have only spoken to VPD officers one time after August 1999.<sup>1371</sup>

These communication and co-ordination failures had a hugely negative impact on the investigations. DC Evans concludes: "This resulted in Pickton remaining free to continue to prey upon the women of the DTES."<sup>1372</sup>

I agree with DCC LePard's conclusion that there was sufficient information in late summer of 1999 to justify implementing a "co-ordinated investigative team" to manage the Pickton investigation. I reject the Government of Canada's submission that a "joint investigative team" was in place.<sup>1373</sup> There was no team, only a short-lived ad hoc collaboration between two separate investigations.

### *Irregular joint meetings of negligible benefit*

Seventeen notable joint meetings involving representatives of the VPD and the RCMP, as well as PUHU and other municipal forces, were held between September 1998 and October 2001. The chronology below provides a brief overview of the participation in the meetings and meeting outcomes. For the most part, the meetings were brainstorming sessions on potential strategies; in some cases, specific assignments were agreed upon; more rarely, follow-up meetings ensued. The irregular character of the meetings, both in terms of participation and temporal regularity, was clearly insufficient.

- At the **September 4, 1998** first meeting of the VPD MWWG, it was agreed that other agencies such as the RCMP should be involved.<sup>1374</sup> Det. Insp. Rossmo wrote to Insp. Bass with an invitation to participate in the MWWG, and Insp. Bass arranged for Cpl. McCarl to attend the meeting on **September 22, 1998**. While the RCMP was generally invited to this meeting, the Coquitlam RCMP was not specifically invited. There were no direct outcomes from the meeting as the MWWG did not continue.
- On **February 10, 1999**, the VPD hosted a meeting at its headquarters; Cpl. Connor (RCMP), Cst. Pitt-Payne (RCMP), Det. Cst. Shenher (VPD), Det. Howlett (VPD), Staff Sgt. Boyd (VPD), and

Sgt. Honeybourn (PUHU) attended. The purpose of the meeting was to determine if any more information had come to light and the viability of continuing the investigation into Pickton. PUHU advised they could not get involved until there was no doubt Pickton was involved. A specific investigative strategy was agreed upon which involved a photo canvass to confirm that Pickton was picking up women in the DTES.<sup>1375</sup>

- On **April 7, 1999**, representatives from the VPD and the RCMP met with then Attorney General Dosanjh to discuss the investigation into the missing women from the DTES.<sup>1376</sup> Staff Sgt. Henderson offered to review the missing women file and provide guidance in terms of additional investigative avenues. However, the VPD did not take up the RCMP offer at that time.<sup>1377</sup>
- On **April 21, 1999**, Cpl. Connor (RCMP), Cst. Greig (RCMP), Det. Cst. Shenher (VPD) and representatives from PUHU and Burnaby attended a meeting. A number of investigative steps were agreed upon.<sup>1378</sup>
- On **May 13, 1999**, a larger group (in comparison with earlier sessions) of representatives from DISC, Vice, Homicide, RCMP, Burnaby, Criminal Profiling, and Sexual Offences Squad attended a brainstorming session. A number of additional investigative steps, including reviewing “bad date” lists, were discussed and Staff Sgt. Davidson agreed to do a profile.<sup>1379</sup>
- On **July 29, 1999**, VPD Det. Cst. Chernoff and Det. Lepine met with Cpl. Connor and Insp. Moulton of the RCMP Coquitlam Detachment and Cpl. Justason (PUHU) following their interview of Caldwell, as well as Sgts. Pollock and Robertson. It was agreed that the information required immediate action and the VPD as well as PUHU would assist, and specific tasks were assigned or agreed upon.<sup>1380</sup>
- On **July 31, 1999**, a follow-up briefing session was held and further tactics were discussed.<sup>1381</sup>
- There were a number of joint meetings between members of VPD, RCMP Coquitlam and E Division, and PUHU during the month of August 1999 when information about Pickton was coming forward at a rapid pace. Two of these meetings are particularly notable:
  - On **August 3, 1999**, Insp. Moulton (RCMP), Insp. Biddlecombe (VPD), Staff Sgt. Henderson (RCMP), Staff Sgt. Rinn (RCMP), Sgt. Robertson (RCMP), Sgt. Field (VPD), Det. Lepine (VPD), Det. Cst. Chernoff (VPD), Det. Cst. Shenher (VPD), Cpl. Justason (RCMP), and Cpl. Connor (RCMP) attended a meeting held in Coquitlam to discuss investigations. The purpose was to provide an overview to elicit resources and financial assistance from divisional units and the VPD. It was agreed that an investigative team should be formed and an operational plan put together, and that Regional Crown Counsel should be consulted about specific legal issues. The VPD and the

Coquitlam RCMP committed specific resources. The RCMP E Division “wished to review their respective commitment.”<sup>1382</sup>

- On **August 31, 1999**, attendees including Det. Cst. Shenher, Det. Cst. Chernoff, Det. Lepine from the VPD and several members from RCMP ViCLAS agreed to meet again on September 22, 1999,<sup>1383</sup> but this meeting did not take place.
- On **October 27, 1999**, members of the VPD MWRT (Det. Cst. Fell and Det. Cst. Wolthers) attended a meeting with RCMP members (Cst. McCarl, Staff Sgt. Paulson and Supt. Bass) to discuss the possible involvement of a person of interest (Niedermier), in the disappearance of the missing women.<sup>1384</sup> Det. Cst. Fell and Det. Cst. Wolthers continued their investigation of this person of interest.
- Det. Cst. Shenher’s notes indicate there was a meeting with the RCMP on **November 2, 1999**, regarding a DNA databank for missing persons.<sup>1385</sup> However, the RCMP Timeline has no record of this meeting.
- On **December 16, 1999**, Cst. McCarl’s notes indicate that a meeting was held at the VPD with Det. Cst. Shenher and Cst. Wolthers to discuss the MWRT and the Valley Murders.<sup>1386</sup>
- On **January 20, 2000**, a meeting with Sgt. Field, Staff Sgt. Davidson, Cpl. Filer and others includes discussion regarding moving forward toward a Joint Forces Operation.
- On **February 10, 2000**, Staff Sgt. Davidson, Det. Cst. Shenher, Det. Cst. Chernoff, Cpl. Kingsbury, Det. Lepine, Cst. McCarl, and others met to discuss the need for a JFO to investigate the missing women from the DTES and other unsolved homicides of sex trade workers throughout the province.<sup>1387</sup> It was agreed that Staff Sgt. Davidson would approach then Insp. Bass on the VPD’s behalf regarding the establishment of a JFO. The outcome of that meeting, on **March 1, 2000**, was that resources would be added to the Valley Murders investigation.
- On **February 14, 2000**, Coquitlam MCS, criminal profilers (Det. Cst. Davidson and Cpl. Filer) met with ViCLAS members.<sup>1388</sup> Various scenarios were discussed with the intent of a major push to investigate Pickton but a few days later, on **February 19**, a serious and complex homicide investigation was undertaken into another matter.<sup>1389</sup>
- On **May 10, 2000**, Det. Cst. Shenher’s notes indicate that she, Sgt. Boyd, Sgt. Field, and Insp. Spencer met with Staff Sgt. Henderson of PUHU to discuss whether PUHU would conduct a file review of the MWRT files. Staff Sgt. Henderson agreed to do the review. Det. Cst. Shenher spent the summer and part of the fall organizing the file for transfer.<sup>1390</sup>
- On **November 21, 2000**, Insp. Spencer, Sgt. Field and members of the RCMP ViCLAS and Profiling Units met to discuss the details of

the proposed JFO. Staff Sgt. Henderson took the lead on forming the JFO and assigned Sgt. Adam to review the missing women from the DTES, as well as unsolved homicides of women engaged in the sex trade from other jurisdictions, to develop an investigative strategy.<sup>1391</sup>

- On **October 24, 2001**, there was a meeting between members of Project Evenhanded and MWRT to discuss the JFO. Among others, attendees from the RCMP included Sgt. Adam, Cst. Cater, Cpl. Kingsbury, and Cst. McCarl; attendees from the VPD included Cst. Dickhout, Cst. Dickson, Sgt. Field, Det. Cst. Hetherington, Det. Cst. Jarvis, Det. Little, Det. McKnight, Det. Cst. Shenher, Cst. Van Overbeek and Cst. Verral. Many issues were addressed including working with Cst. Dickhout and establishing a “here and now” team to deal with new missing women. This led to a subsequent meeting between Sgt. Adam and members of the VPD regarding the current procedures and what had to be done to increase the safety of street-involved women in the DTES.<sup>1392</sup>

Joint meetings were a poor substitute for a properly co-ordinated multi-jurisdictional investigation. While investigators derived some benefits from the strategizing and information sharing, the lack of regularity and consistency in the meetings and the absence of effective follow-up mechanisms drastically detracted from their contribution to the missing women investigations.

### ***Lack of clarity over case ownership***

The evidence demonstrates considerable differences of opinion over jurisdiction in the missing women investigations, particularly with respect to which agency had lead responsibility to investigate Pickton. At many points during the terms of reference, the situation can best be characterized as one agency thinking the other agency was investigating: the result was that no one took appropriate action.

The VPD takes the position that there were two separate investigations: the Missing Women Investigation, which was being run by the VPD; and the Pickton investigation, which was under the control of the Coquitlam RCMP.<sup>1393</sup> In the VPD’s view, “there is no serious dispute... that the Coquitlam RCMP had jurisdiction over the Pickton investigation in the summer of 1999 and thereafter.”<sup>1394</sup> However, the Government of Canada submits that it was a “joint investigative team.”<sup>1395</sup>

In his evidence, Cpl. Connor highlighted the fact that there were two investigations going on, even though there was clearly some overlap. He told the Commission that he was directing the investigation as it related to Coquitlam, given the fact that Pickton was a resident of Port Coquitlam, and the VPD was continuing with their own independent investigation of the missing women. If the informant, Mr. Hiscox, had provided information relating to someone residing elsewhere, he (Cpl. Connor) would not have been involved. He is of the view that the RCMP detachment was

involved and “would lead the investigative team” only to the extent that the information related to someone within the territorial jurisdiction.<sup>1396</sup>

There is conflicting evidence concerning whether the Coquitlam Detachment was investigating Pickton for the murder of one woman or for serial murders. The VPD submits that it was clear in the summer of 1999 that Pickton was a suspect in multiple homicides based on the information coming forward from the various sources.<sup>1397</sup> Cpl. Connor appeared to be aware that it was possible Pickton was responsible for more than one murder. This is evident, for example, in his 1998 surveillance request, which stated Pickton was “hiring prostitutes from Vancouver, Burnaby and New Westminster, and bringing them out to his farm where they are killed and buried on his property.”<sup>1398</sup> Similarly, his 1999 surveillance request stated that “intelligence of questionable reliability has surfaced that Pickton may be responsible for the disappearance and murder of a number(?) of local prostitutes.”<sup>1399</sup> [“?” found in original document.]

Despite two separate investigations being conducted, there was overlap and cooperation. For example, when RCMP Special “O” was unavailable to carry out the planned surveillance on Pickton in July 1999, Insp. Moulton called the OIC of VPD’s Strike Force to solicit their cooperation, which was provided. He also contacted Insp. Bass to assist in confirming the availability of the Strike Force and in getting resources, including investigators, from divisional units. Insp. Bass contacted Insp. Biddlecombe to confirm arrangements and request additional VPD investigators.<sup>1400</sup>

Despite the overlap, when questioned about the missing women and a possible investigation during the hearings, members of the Coquitlam RCMP Detachment (Cst. Yurkiw, Cst. Pollock, and Insp. Moulton) and PUHU (Cpl. Henley) confirmed they were not investigating the missing women.<sup>1401</sup> This perspective is misleading: they were investigating Pickton as a homicide suspect, they did not have any other victims in mind and it was impossible to ignore the glaringly similar fact pattern of the Anderson assault.

DC Evans agreed there “was no doubt” that VPD investigators and senior management believed the VPD could not pursue Pickton for a criminal offence committed outside their geographic boundaries. However, DC Evans thought that the offence began in Vancouver.<sup>1402</sup>

At this point, there is a significant disagreement between DC Evans and DCC LePard. DCC LePard came to the conclusion that Pickton committed the crimes against the missing women on his property in Port Coquitlam; therefore, the Coquitlam RCMP had jurisdiction over the investigation. In his opinion, where the crime occurred was determinative; that the missing women lived or worked, or both, in the DTES had no bearing on the jurisdiction of the investigation.<sup>1403</sup> He cited the *Police Act* as supporting the determination that the Coquitlam RCMP was responsible for the investigation, specifically section 26(2), which sets out the duties and functions of municipal police to:

*(a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of British Columbia. (Emphasis added by DCC LePard.)*

*(b) generally maintain law and order in the municipality.<sup>1404</sup>*

DCC LePard argued that, by law and convention, the police agency of jurisdiction is responsible for crimes committed in its jurisdiction. In investigating crimes, if follow up is required in another jurisdiction, the original police agency can request assistance from that jurisdiction, or pursue the investigation itself; both are common scenarios. However, it “would be extremely unusual” for a police agency to travel into another police agency’s jurisdiction to investigate a crime that occurred in that jurisdiction:

The normal process is to pass information about a crime in another jurisdiction to the agency with jurisdictional responsibility. Any other practice would be unworkable and would create chaos. ...<sup>1405</sup>

The information police had at the time of the investigation and information currently known today support the position that the RCMP had jurisdiction, in DCC LePard’s estimation. DCC LePard stated there was never any evidence to suggest the missing women were victims of any crimes in Vancouver relating to their disappearance, and it is now known that Pickton’s victims allegedly visited his farm willingly, and were only victimized once they were there.<sup>1406</sup>

Coquitlam RCMP’s jurisdiction over the Pickton investigation was, according to DCC LePard, the VPD’s and RCMP’s common understanding<sup>1407</sup> and never in dispute.<sup>1408</sup> DCC LePard noted this was the case at the investigative member level, stating: “Throughout the investigation of Pickton in 1998 and 1999, it was always clear to all the investigators involved that the Coquitlam RCMP was leading the investigation, with the VPD offering any assistance requested.”<sup>1409</sup> Although DCC LePard found there was no question that the Coquitlam RCMP had jurisdictional responsibility for the case, he also found that the VPD could have done more to urge the RCMP to conduct an adequate investigation.<sup>1410</sup>

Mr. Roberts, Counsel for Marion Bryce, mother of Patricia Johnson, was forceful and unrelenting in putting forward the thesis, evidence and argument that the VPD could have, and should have, taken the lead on the Pickton investigation by focusing on the crime of kidnapping by fraud. I will review Mr. Roberts’ approach in some detail as it provides a very helpful lens through which to examine the issue of jurisdiction.

Mr. Roberts’ premise is that the police should have come to the conclusion that Pickton was targeting women in the DTES to transport them elsewhere by means of a fraudulent bargain for sex, and the police should have carried out a full investigation to confirm or rule out this conclusion. To do so, the police did not need to know Pickton’s *specific* intent; they only needed

to fully consider the crime of kidnapping and how a serial predator could have used it.<sup>1411</sup> Mr. Roberts points out that the possibility that kidnapping was one of the reasons the women from the DTES were going missing was acknowledged, as evidenced by the reward poster. The poster advertised a reward of \$100,000 for information leading to the arrest and conviction of the person or persons responsible for the unlawful confinement, kidnapping or murder of any of the women listed.<sup>1412</sup>

Mr. Roberts' submissions are persuasive on the point that the VPD had compelling evidence to suspect that Pickton was kidnapping women from the DTES. This evidence was gathered through Det. Cst. Shenher's interview with Ms. Anderson, the Hiscox tip and the Caldwell tip. There were many steps that the VPD could have taken to investigate the crime of kidnapping, and Mr. Roberts submits that it was their legal obligation to do so. One obstacle was the apparent lack of understanding of the law of kidnapping; for example, several police witnesses erroneously thought that this offence is substantially different from that of forcible confinement.<sup>1413</sup>

Mr. Roberts is supported in his approach by DC Evans' conclusion that the VPD could have, and should have, taken the lead in the Pickton investigation because she believed "the offence began in Vancouver."<sup>1414</sup> DC Evans testified that she did not turn her mind specifically to kidnapping, but more generally that "investigators could have come to the conclusion that the -- Pickton was targeting women in the Downtown Eastside, so in his mind he was going looking as to the offence would start in Vancouver."<sup>1415</sup> Under cross-examination, she agreed that the VPD should have considered the initial offence to be kidnapping.<sup>1416</sup>

DCC LePard recognized the VPD had the responsibility to investigate the possibility that the women were being kidnapped and that it was a likely scenario that the women "were somehow being lured, coerced, forcibly taken from the Downtown Eastside and other places where they went missing like New Westminister and Surrey..."<sup>1417</sup> However, he also maintained that the most serious offence being investigated was the allegation of murder in Coquitlam. Furthermore, in his view, "there really wasn't too much to investigate in terms of how they got there, although I do think that there was more work that could have been done around prevention and identifying an offender."<sup>1418</sup>

From DCC LePard's perspective, there had to be a lead agency and Coquitlam RCMP was clearly the lead. As a result:

... the VPD wasn't going to go, and no agency should go and just run rogue and say well, you've got an investigation, we're just going to do something separately and we're going to bang into each other on the doorstep as we're coming out to interview this suspect, that it needed to be done in a co-operative, collaborative way.<sup>1419</sup>

In her interviews, DC Evans asked several officers why the VPD did not drive out to Coquitlam and begin investigating Pickton themselves. Their responses illuminate police culture surrounding multi-jurisdictional cases:

- Det. Cst. Shenher: “But it just – it’s a culture. It’s a climate. It’s just not, it’s, it’s just not done.”
- Sgt. Field: “Because the thought is that Yurkiw, and whoever her partner is, are going to follow this up and that Pickton is in their jurisdiction. And that’s just the way it goes.”
- Insp. Dureau: “Because it’s not our jurisdiction. Honestly, it’s – you would never step on that jurisdiction’s authority.”
- Det. Lepine: “And then, and that’s again, it’s a Coquitlam file. We can’t say, ‘Hey, we’re going to snatch this case under you and we’re going to have a parallel investigation.’”
- DCC LePard: “In terms of just saying, ‘Okay, well, we’re not happy with the investigation that you are doing, so we’re going to drive out there’? That’s policing anarchy, policing chaos, to do that. Uhm, they had accepted responsibility for that. At no time had they said, ‘We’re overwhelmed. We need assistance on this.’ It was always, ‘No, we’re working on it. We’re still working on it.’ It was always assigned to an investigator.”
- Det. Insp. Rossmo: “... whilst Vancouver were saying ‘Well, you know, Pickton is the killer, the crimes are in your jurisdiction and your responsibility,’ and the RCMP is saying to Vancouver, ‘You’re the one with the missing women problem...’” He also explained that it became more difficult to say “it’s your problem” when the situation was mainly impacting on the VPD.<sup>1420</sup>

DCC Blythe agreed that the Missing Women Investigation was “primarily a Vancouver case,” and that “jurisdictionally it was our issue. The fact that this project was out of Vancouver and involved other locations is really irrelevant.”<sup>1421</sup>

In interviews with DC Evans, it appeared that the RCMP had various opinions about who had jurisdiction:<sup>1422</sup>

- Sgt. Pollock: “In my opinion, the missing women is Vancouver’s until we have grounds to believe that they were being killed in Coquitlam.”
- Cpl. Connor: “Well, it was kind of shared I think.”
- Staff Sgt. Zalys: “And it’s just, you know, we never had any problem with them coming out and doing the investigation out in our area, you know. And it was usually a courtesy thing, to let one of the officers know.”
- Cpl. Nash: “... And more often than not, rule of thumb is, wherever the body is, that, that’s the investigating agency that will take on that investigation.”
- Insp. Moulton: “Nothing. Uhm, and it wouldn’t be unusual [for VPD to investigate a crime in Coquitlam].”

DC Evans concludes that the VPD could have pursued the investigation itself or pressured the RCMP:

I believe the VPD did not pursue the Missing Women investigation in relation to Pickton to the degree they should have. Sergeant Field kept her chain of command informed that Coquitlam RCMP had carriage of the file. She also had responsibility to ensure follow-up

with Coquitlam and if Coquitlam told her that it was not a priority then she should have made it her priority, either personally or through her chain of command.<sup>1423</sup>

I conclude that the VPD and the RCMP had shared jurisdiction to investigate Pickton. However, as the policing agency with overall responsibility for investigating the missing women, the VPD is ultimately accountable for the failed multi-jurisdictional investigation. The VPD had three options available:

- (1) to take all necessary steps to establish a “co-ordinated investigative team” of VPD and Coquitlam RCMP members under a unified command structure;
- (2) failing that, to put additional pressure on Coquitlam RCMP and monitor its investigation of Pickton and assist through investigative strategies available within its territorial jurisdiction; or
- (3) failing that, to pursue an independent investigation of Pickton, advising Coquitlam RCMP of its intention to do so.

I agree with Mr. Roberts that the VPD should have fully considered the crime of kidnapping by fraud as a means to overcome the jurisdictional hurdles it faced in investigating Pickton. I do not agree that this strategy was the one and only solution to the jurisdictional dilemma: in my view, this takes second-guessing police action too far. While Roberts’ analysis of kidnapping by fraud in the context of violence against women engaged in sex work is generally compelling and perhaps helpful in another case, it would have had limited practical application in the circumstances present here. However, the failure to consider it *at all* is another example of the failure to properly pursue all investigative strategies. I conclude the VPD’s oversight of the offence of kidnapping is another example of the failure to properly pursue all investigative strategies.

### ***Delay in establishing a Joint Forces Operation***

The evidence is clear that the VPD made attempts at various levels to formally include the RCMP, and specifically PUHU, into the investigation.<sup>1424</sup> I agree with DCC LePard’s conclusion that the VPD “consulted frequently” with the RCMP, and that the necessity of the RCMP’s assistance, both in terms of resources and sharing information, was constantly brought up during these consultations.<sup>1425</sup> However, it is also clear that there was an unacceptable delay in formally moving toward a JFO when informal co-ordination was shown to be ineffective.

In his report, DCC LePard elaborated on the reasons why it was necessary for the RCMP to be involved in the missing women case. There were three main reasons:

1. *It was highly likely that the investigation of the murder of more than twenty sex trade workers was going to involve multiple jurisdictions.*

*Historically, bodies of murdered sex trade workers in the Lower Mainland were found in RCMP jurisdictions, a fact noted by RCMP Staff/Sgt. Davidson.*

2. *A JFO was essential to enable information regarding the cases and evidence from different police agencies to flow unrestrictedly. This was particularly important given the absence of forensic evidence, so identifying missing person reports of women fitting the profile of the missing women was the primary concern.*
3. *The magnitude and urgency of the crimes placed a strain on a single police agency to provide the resources necessary for a full investigation. The scale of the JFO, once it was undertaken, was an example of the kind of investigation that was necessary.*<sup>1426</sup>

DC Evans also determined that a JFO was needed due to the size and type of investigation, saying “[i]nvestigations of this nature and magnitude require a co-ordinated multi-jurisdictional approach.”<sup>1427</sup>

Establishment of a JFO required consent of both the VPD and the RCMP. The VPD recognized early on that RCMP involvement was required to solve the case.

The first formal discussion within the VPD regarding the possibility of a JFO in relation to the Missing Women Investigation occurred in June 1999, when Insp. Biddlecombe attended an MWRT meeting and asked Sgt. Field to draft a memo to assess the resource needs of the MWRT and whether a JFO would be appropriate.<sup>1428</sup> Insp. Biddlecombe went on leave before the report could be prepared and it was never completed.<sup>1429</sup> On June 23, 1999, Sgt. Field met with Insp. Biddlecombe and Staff Sgt. Giles about an off-site JFO. It was understood that Insp. Biddlecombe was going to speak with Chief Supt. Bass, but nothing ever came of this.<sup>1430</sup>

A serious reconsideration of a JFO began in January 2000 when Sgt. Field met with Staff Sgt. Davidson to discuss a suspect profile for the MWRT.<sup>1431</sup> Staff Sgt. Davidson followed up by developing an informal written proposal for a task force to investigate the serial murders of women engaged in the sex trade in British Columbia. He met with Chief Supt. Bass in March 2000 and put forward his proposal.<sup>1432</sup> Chief Supt. Bass did not specifically recall Staff Sgt. Davidson’s written proposal, but did recall the theory that some VPD and RCMP investigators had that the offender responsible for the missing women was also responsible for the Valley Murders.<sup>1433</sup> As a result of the meeting, Chief Supt. Bass agreed to allocate more resources to the Valley Murders. Staff Sgt. Davidson recalled that the proposal was not accepted at the meeting and while he does not specifically remember the reasons given for the rejection, he felt that it was generally due to a lack of resources.<sup>1434</sup>

The possibility of a JFO was revisited by the VPD in April 2000 when

Insp. Spencer took over as the head of Major Crime Section, replacing Insp. Dureau. As part of his new assignment DCC Unger instructed him to evaluate the MWRT and determine whether the investigation needed to be concluded or expanded.<sup>1435</sup> Insp. Spencer spoke with Sgt. Field, reviewed the files, and recommended to DCC Unger that the VPD ask for a file review by the RCMP in order to advance the investigation.<sup>1436</sup> Sgt. Field was working toward securing RCMP involvement at this time.

Sgt. Field was particularly clear and consistent in pursuing this avenue. It is less clear that she received the assistance required from her senior managers to formally pursue a JFO in a timely manner. DC Evans credited Sgt. Field for recognizing the missing women investigations should be conducted using a multi-jurisdictional approach and pursuing this multi-jurisdictional approach with the RCMP until the RCMP agreed in late 2000. However, DC Evans found that Sgt. Field should have pursued it earlier through the VPD's chain of command.<sup>1437</sup> VPD senior managers did not take the decisive action required to garner the necessary commitment: VPD never sent a formal proposal for a JFO to the RCMP.<sup>1438</sup> Sgt. Field clearly did not receive the support she required to fully pursue the establishment of a JFO. DCC LePard agreed that the lack of VPD managerial involvement contributed to the delay and that the VPD must assume "its share of the blame" on this front.<sup>1439</sup>

There were long lag times between the first proposals for a JFO in mid-2000 (with agreement reached in principle in November 2000), the JFO beginning work in February 2001, and the formal creation of Project Evenhanded in May 2001. The delay was due in part to the fact that Det. Cst. Shenher and Sgt. Field needed to get the file ready to transfer, in part to computer database problems, and in part to problems on the RCMP side.<sup>1440</sup>

Supt. Williams told the Commission that established practices in policing required senior VPD management to communicate to RCMP management at the Criminal Operations Officer level or to the Commanding Officer of E Division, as those officers would have been aware of the existing priorities of the division and could make any necessary reassignments in order to allow for a co-ordinated response.<sup>1441</sup>

The VPD takes the position that the RCMP resisted involvement in a JFO. DCC LePard concluded that despite "extensive efforts" by the VPD to get the RCMP involved, the RCMP was reluctant. He stated that while it was outside of the scope of his review to understand the RCMP's reluctance, he noted that the RCMP's expert, Staff Sgt. Davidson, believed the RCMP needed to become involved because it was likely that victims' bodies would be found in rural RCMP jurisdictions.<sup>1442</sup>

The Government of Canada submits that it was the failure of senior VPD management to recognize the possibility of a serial killer that delayed its approaching the RCMP to discuss the need for a joint response to the missing women.<sup>1443</sup> While Chief Supt. Bass did not receive a proposal for

a JFO from the VPD, he did receive an internal one that highlighted the “strong probability” that more than three serial killers were responsible for the outstanding murders of sex trade workers in BC, including the missing women. This step should have resulted in action by the RCMP at the senior levels, but it did not; no proposal or business case was put forward by the RCMP for a JFO with the VPD.<sup>1444</sup>

I conclude that the delay in establishing a JFO is jointly attributable to systemic failings of the VPD and the RCMP.

### ***When should a JFO have been established?***

There is no question that a full multi-jurisdictional approach through a JFO should have been established much sooner in the missing women investigations. The main issue is: when should a JFO have been established? DCC LePard’s conclusion is somewhat circular as he stated that a JFO should have been created “once it was recognized (or should have been recognized) that the missing women were likely victims of a serial killer.”<sup>1445</sup>

In September 1998, the founding members of the MWWG recognized the need for a multi-jurisdictional approach. I find that there was ample justification for a JFO of some kind at that time, as it was clear that a co-ordinated response was needed; the groundwork could have been set right from the beginning and expanded as needs were assessed in light of developments. This conclusion is consistent with standards for multi-jurisdictional case management that call for a formalized joint investigation to be initiated as soon as there is the potential for a multi-jurisdictional case. Given the amount of co-ordination and work both the RCMP and VPD were conducting into the missing women and Pickton investigations in the summer of 1999, and the obvious overlap that was occurring, the establishment of a JFO was clearly already overdue.

### ***Lack of communication between the JFO and VPD and RCMP***

Project Evenhanded supplemented, but did not fully replace, the investigative roles of the VPD and Coquitlam RCMP. However, there was an ongoing lack of communication and co-ordination between the JFO and investigations into the missing women (carried out by the VPD) and Pickton (carried out by Coquitlam RCMP). I have found that there was poor communication between the VPD members of Project Evenhanded and members of the VPD’s Missing Persons Unit. The poor communication contributed to the mistaken belief that the serial killer was no longer active, and thus enabled the JFO to focus on a historical review.

Project Evenhanded did not effectively co-ordinate with Coquitlam RCMP’s Pickton investigation. Project Evenhanded members had enough knowledge of Pickton to classify him as a high priority suspect, but this could have been more forcefully understood from more substantive communication with Coquitlam RMCP. This lack of information sharing contributed to the

low priority placed on pursuing Pickton as a suspect. There seemed to be simple solutions that were never considered. As DCC LePard pointed out:

*If the JFO had had possession of all the relevant information on Pickton when it began its work in early 2001, and if a proper analysis had been conducted, or, in the alternative, had Detective Constables Chernoff and Shenher, Constable Yurkiw, and Sergeant Connor been brought into a room together to provide a review of the Pickton information, the chances that Pickton would have received a higher priority in 2001 seems likely.*

*Unfortunately, based on the information the JFO had knowledge of, the JFO investigators concluded there was no more reason to bring the investigators in from the Pickton file than the investigators familiar with any of the hundreds of other suspects. The volume of information and the number of suspects made this prospect overwhelming.<sup>1446</sup>*

DC Evans noted a specific and highly problematic oversight: in April 2001, Coquitlam RCMP decided that it would forward the Pickton file to Project Evenhanded; however, there is no indication that this step was taken.<sup>1447</sup> Sgt. Connor testified that he had a number of conversations with Sgt. Clary, who advised that Evenhanded was not at the stage of investigating suspects yet but that Pickton was among the priority suspects; Sgt. Connor was unclear about Project Evenhanded's protocols.<sup>1448</sup>

### ***Lack of clarity in the role of the Provincial Unsolved Homicide Unit (PUHU)***

#### ***Background and mandate of Provincial Unsolved Homicide Unit (PUHU)***

The Provincial Unsolved Homicide Unit (PUHU) was established in 1997 with the objective to examine and investigate the backlog of unsolved homicide cases no longer being actively pursued at the detachment level.<sup>1449</sup> PUHU is an integrated unit and a formal Joint Forces Operation (JFO). It originally comprised 16 RCMP members and four VPD officers. In addition, PUHU had the services of one Crown lawyer and two public service employees. PUHU was established and housed on RCMP premises within the structure of E Division Headquarters Major Crime Section.<sup>1450</sup>

The Memorandum of Agreement (MOU) establishing PUHU sets out that the RCMP is to appoint a unit manager (Staff Sgt.) to supervise the activities, including the administrative support.<sup>1451</sup> During the period of the terms of reference, PUHU consisted of three RCMP investigative teams and one VPD investigative team with a sergeant in charge of each of them.<sup>1452</sup> Staff Sgt. Henderson was appointed the first PUHU manager.<sup>1453</sup>

In addition to the investigative units, the MOU also establishes an advisory board made up of designated senior employees from the RCMP, VPD and Crown Counsel. The board's purpose is to facilitate cooperation and open communication among the parties on any matter relating to the

administration of the MOU and to review and assess the operation of the PUHU. The advisory board is mandated to meet at least once a year, though it may meet as required.<sup>1454</sup>

No limit was established with respect to how long a file had to be dormant before PUHU could take it on. PUHU would assume control over, or provide assistance to, a homicide investigation if current investigators have exhausted available avenues of investigation or required expertise to assist in the continuation of the investigation. In situations where PUHU is assisting with an ongoing investigation, PUHU may employ techniques such as a file review to determine whether there are any investigative steps that remain to be explored. In some cases, advances in certain investigative techniques, such as DNA technology, may provide new investigative opportunities.<sup>1455</sup>

### ***PUHU's shifting role in the missing women investigations***

Prior to the formal establishment of the Missing Women Investigation at the VPD, PUHU was involved in investigating/locating the women listed in the letter sent to the VPD and Attorney General from the First Nations Summit. As discussed earlier, Cst. Dickson was seconded to assist PUHU with this investigation.

In August 1998, Cpl. Connor first informed the PUHU of his investigation into Pickton. At that time, PUHU was investigating a number of unsolved homicides, including a number of murdered women who had been engaged in the sex trade.<sup>1456</sup> There does not appear to be a response or any follow up as a result of this e-mail.

On November 4, 1998, Det. Cst. Shenher left Cpl. Connor a message regarding Staff Sgt. Giles' willingness to provide funds to advance the investigation into Pickton, specifically through an undercover operation, witness protection for Hiscox, and aircraft surveillance.<sup>1457</sup> It was also suggested that a joint submission from the VPD and RCMP be made to PUHU. Cpl. Connor informed Det. Cst. Shenher that he was keeping Sgt. Blizzard of the PUHU apprised of the situation through e-mail updates,<sup>1458</sup> but he was of the view that involvement of PUHU would be premature. As I previously noted, a PUHU member (Sgt. Honeybourn) was at the February 10, 1999, meeting at the VPD, but stated PUHU would not get involved until there was no doubt Pickton was involved in a homicide.

PUHU first became involved in the Missing Women Investigation in April 1999 through their attendance at the meeting with the Attorney General. At that time, a suggestion was made that PUHU could carry out a file review of the VPD's missing women investigations. It was not, however, until August 10, 2000, that a formal request for a file review was made by the VPD.<sup>1459</sup>

In May 1999, Det. Cst. Shenher wrote to Staff Sgt. Henderson requesting the homicide files of six women whom she believed could be related to

the missing women she was investigating.<sup>1460</sup> Det. Cst. Shenher, however, noted that at that point she wasn't necessarily relying on the assistance of PUHU, but rather wanted to obtain access to the information contained in their files.<sup>1461</sup>

Through the summer of 1999, PUHU was also involved, primarily through Cpl. Henley and Det. Ballantyne, in Coquitlam's investigation of Pickton.<sup>1462</sup> In particular, Cpl. Henley was involved in the handling and interviewing of Ms. Ellingsen.<sup>1463</sup> When Ms. Ellingsen refused the proposed polygraph test, Cpl. Henley and PUHU concluded that their involvement with the investigation was complete.<sup>1464</sup> PUHU appeared to believe the information from Ms. Ellingsen's interview over Mr. Caldwell's information.<sup>1465</sup>

Representatives from PUHU were also present at a number of inter-jurisdictional meetings.

### ***Provincial Unsolved Homicide Unit's contribution to the investigations***

I conclude that PUHU played a limited and generally unhelpful role in the missing women investigations. The unsatisfactory nature of this involvement is the result of the lack of clarity over an appropriate and consistent role for PUHU. In the absence of a clear, co-ordinated approach, inter-agency collaboration is inherently limited. When questioned about his opinion regarding PUHU's involvement, DCC LePard noted that it would not be normal practice for them to be involved in investigations relating to recently missing women<sup>1466</sup> because there was not full awareness of the nature of the problem or its ongoing nature.<sup>1467</sup>

PUHU's reluctance to get involved and limited involvement was due to the fact that there was not enough evidence to confirm that a homicide had occurred.<sup>1468</sup> Cpl. Henley was clear in his view that PUHU was not involved in the investigation of the missing women from Vancouver's Downtown Eastside.<sup>1469</sup>

There is some discord between PUHU and Coquitlam RCMP as to when PUHU's involvement came to an end. On September 14, 1999, Cpl. Henley prepared a continuation report outlining the steps taken regarding the interview and proposed a polygraph of Ms. Ellingsen. In it he stated that, "[h]er refusal effectively ends the Homicide Units['] involvement in this investigation."<sup>1470</sup> He goes on to state that "[i]n discussions with Sgt. Pollock of Coquitlam General Investigation Section he advises that he has made an appointment to interview Picton [sic] on the 9<sup>th</sup> of September. Sgt. Pollock hopes to put the whole issue to rest with this interview. The Homicide Unit members are not needed to assist Coquitlam any further at this time."<sup>1471</sup>

When asked about PUHU's contribution to the Pickton investigation, the RCMP investigation panel offered different views regarding the involvement of PUHU and, specifically, when it ended.

When Cpl. Henley was asked about his view as to the future of his involvement in the file after September 14<sup>th</sup> he stated:

I was working on a file on my own and for most of the time I was on the Unsolved Unit I wasn't even in the Lower Mainland, I was elsewhere working on investigations that I already had going or was assisting other teams on my unit, and pretty much what I have written here is correct, that I checked with Coquitlam and I was told that they were going to move forward with it themselves and that they no longer required my services. It was very straightforward.<sup>1472</sup>

Cpl. Yurkiw had a different perspective regarding PUHU's continued involvement:

I don't think from my perspective it was Coquitlam that advised the Unsolved Homicide Unit we didn't need their services. I think the fact that we didn't have at that point an unsolved homicide because we did not have Lynn Ellingsen saying there was a dead body there, therefore there wasn't criteria for them to take our case.<sup>1473</sup>

Det. Cst. Shenher also noted the confusion about PUHU's (and Coquitlam RCMP's) involvement in the investigation. Det. Cst. Shenher testified about the nature of discussions at the February 10, 2000, joint meeting:

... the second point was to reopen the Pickton file, uhm, meaning liaise with investigators, liaise with Coquitlam, Provincial Unsolved Homicide. I remember there being a discussion of who was actually, whose file is it actually now, whether, you know, whether PUHU had ever taken it on. We, we didn't know any of these things. So that was part of the discussion.<sup>1474</sup>

The Coquitlam investigators who were working on the Pickton investigation did not attend the meeting. Det. Cst. Shenher had hoped that the other attendees might have had some influence with PUHU to get them re-involved.<sup>1475</sup>

Of note is the fact that Coquitlam RCMP never asked PUHU for additional resources.<sup>1476</sup>

### **Conclusions**

I conclude that there was a general systemic failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies. I have concluded that while the VPD and the RCMP attempted to overcome jurisdictional boundaries on an ad hoc basis, communication and co-ordination were inconsistent and erratic and the irregular meetings were of negligible benefit. I found that jurisdictional issues led to lack of clarity regarding whose case it was, and so two police forces were investigating the same crime. I found that there was an unacceptable delay in establishing a JFO: it was clear by September 1998 that a multi-jurisdictional approach was required but a JFO was not formally established until February 2001, with an operational plan finalized in May/June 2001 and the Memorandum of Understanding signed in June 2001.

Systemic failings at both the VPD and the RCMP contributed to this wholly unacceptable delay. I also conclude that the creation of a JFO did not solve all the problems; significant barriers to inter-jurisdictional and inter-agency communication remained. Finally, I find that there was lack of clarity over the role of PUHU and that this further undermined an under-resourced investigation.

### **G. Failure of Internal Review and External Accountability Mechanisms**

The missing and murdered women investigations were hugely challenging: it would be highly unusual to review such an investigation and find no human errors and that all systems worked perfectly over its entire course. We all acknowledge that we are imperfect people, working in imperfect systems. In recognition of our imperfections, we build accountability into our institutions and oversight of them in order to ensure that errors and system failures are caught and rectified quickly and effectively. The missing women investigations are marked by the failure of both internal review mechanisms and external accountability mechanisms. File reviews were inadequate, in some cases team members disrupted the investigations without correction, and the Vancouver Police Board was ineffective in carrying out its oversight mandate. The cumulative inadequacies of the accountability framework amounts to a critical police failure.

#### **Ineffective Internal Monitoring Through File Reviews**

##### ***Individual missing women investigations***

In Section 3A, I note that the VPD Missing Persons Unit (MPU) did not carry out file reviews of the individual missing women cases on a regular, ongoing basis. The RCMP detachments were much more consistent in reviewing the missing women files for which they were responsible, often identifying additional investigative steps to be taken. However, there were often disconnects between the identification of actions and their implementation.<sup>1477</sup> In the summer of 2000, the VPD also carried out a complete review of these files prior to transferring them to RCMP in the context of establishing the Joint Forces Operation (JFO).

##### ***Missing Women Review Team (MWRT)***

It is more than a little ironic that the Missing Women Review Team's (MWRT) mandate was to be a macro-level file review/evaluation of the missing women investigations. There did not appear to be an effective regular review of the status of the MWRT's progress. I make an important distinction between a file update meeting (in which members debriefed work done, brought others up to date, or were apprised of new developments) and attempts to evaluate investigative steps taken to date. To my mind, the latter is a proper file review.

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*The missing and murdered women investigations were hugely challenging: it would be highly unusual to review such an investigation and find no human errors and that all systems worked perfectly over its entire course.*

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Although members of the MWRT did meet with superiors on an ad hoc basis, these meetings typically served as briefings rather than engaging in critical assessments of the progress of the work and constructive discussion on how to achieve the desired outcomes. Information was often accepted unchallenged and difficult issues were left unaddressed. The police culture did not appear to be one in which there was frank and open sharing of information; institutional hierarchy inhibited those directly involved from being forthcoming with superiors and created defensiveness. When there was good communication, it appears to have been a result of personalities, not formal mechanisms.

At several times during their testimony, DCC McGuinness and Insp. Unger said that they would not have been aware of problems unless those problems were brought to their attention.<sup>1478</sup> The style of supervision they practiced assumed that juniors were able to deal with the situations presented and would inform superiors if they could not. This passivity probably contributed to the delays in moving the investigation forward, especially since Sgt. Field appears to have been unable to communicate significant issues, either because she was overworked or did not put forward information forcefully.

Key points at which it would have been appropriate for VPD senior management to engage in a more proactive strategy and request an assessment of the investigation include the following events to which I have already referred in this report:

- In February 1999, when DCC McGuinness asked if there was a problem the VPD was not addressing;
- In April 1999, when a report from Sgt. Field was circulated prior to a VPB meeting and DCC McGuinness asked if more could be done;
- In June 1999, when Insp. Biddlecombe requested that Sgt. Field undertake an assessment, but then he went on leave and it was not formally completed;
- In September 1999, when the work between the MWRT and Coquitlam Detachment was unravelling;
- On January 25, 2001, when Sgt. Field provided a report to Insp. Spencer on the development of the JFO and problems in the VPD MWRT investigation; and
- In June 2000, one year after the MWRT had been established (as part of what I propose to be a standard of a one-year review on major case investigations).

Mechanisms for internal review of all kinds were inadequate or non-existent. Internal reviews appeared to be *pro forma* recitations of information and not evaluations geared towards improvement; this appears to have been a cultural issue within the VPD.

The MWRT was more forceful in seeking out external assistance in reviewing the file. However, the advice was often not acted upon, largely because of lack of personnel. For example, in June 1999, RCMP profiler Staff Sgt. Davidson provided a case assessment of the Missing Women Investigation

and submitted the report to Sgt. Field. One of the key recommendations was the advice to focus on the DTES.<sup>1479</sup> At this time, Det. Cst. Shenher requested six more investigators. DCC McGuinness attended a Board meeting shortly after her request, on June 22, but did not mention resourcing, except to say they expected to be able to handle any tips arising from the reward poster.

### **Failure to Review and Correct Personnel**

Two personnel situations arose at the VPD that had a negative impact on the missing women investigations: civilian employee Sandra (Sandy) Cameron's disrespectful and prejudicial treatment of some family members and the unwillingness of Det. Csts. Fell and Wolthers to follow direction within the MWRT. I have already made conclusions about these situations but summarize them here for ease of reference. My focus in this section is on whether the VPD took adequate steps to review and correct these personnel situations so as to minimize their impact on the investigations.

#### ***Sandra (Sandy) Cameron***

Earlier in this volume, in Part 3A, I noted that there was conflicting evidence concerning Ms. Cameron's behaviour in her dealings with family members. I concluded that while she had good relations with some families, she was rude to some family members and dismissive of some of the missing women. She contributed to the overall dissatisfaction of many families and therefore their ability and willingness to contribute effectively to the investigations. Both Det. Cst. Shenher and Sgt. Field had to take steps to mollify family members, thereby taking away from the time they could spend on moving the investigations forward.<sup>1480</sup>

There is evidence that the problematic aspects of Ms. Cameron's comments and behaviour were brought to the attention of VPD senior managers in 1998.<sup>1481</sup> However, there is some contention over the extent to which her colleagues and supervisor were aware of these problems. In her interview with DCC LePard for the purposes of the VPD review, Det. Cst. Shenher said that she had heard Ms. Cameron make racist remarks but not with regard to the missing women.<sup>1482</sup> She also stated that she felt that Sgt. Field had not addressed the situation regarding complaints about Ms. Cameron.<sup>1483</sup> Cst. Dickhout told DCC LePard that Ms. Cameron "was fairly abrupt on the phone, but you wouldn't know who she was talking to so it wasn't like I could tell her to smarten up. There were a few occurrences when you'd kind of go 'holy smokes'..."<sup>1484</sup> Det. Cst. Shenher recalled that a decision was made to record Ms. Cameron's phone line to monitor her performance in light of these complaints.<sup>1485</sup> A supervisor could then review the tape. However, Ms. Cameron testified she asked for the line she answered to be recorded because she was concerned that people were misrepresenting her as rude on the phone – the recording was to protect her.<sup>1486</sup> In any case, I am not convinced that this type of monitoring was an effective check on Ms. Cameron's behaviour.

The situation was never satisfactorily addressed and the extent of Ms. Cameron's behaviour and its impact on family members was not fully known until the family meetings organized by Project Evenhanded in October 2001.<sup>1487</sup> Upon receiving this information, Insp. Boyd quickly requested that these complaints be followed up through interviewing Ms. Cameron, advising her of complaints, and getting her response.<sup>1488</sup> No formal steps were taken to discipline her or remediate her behaviour, such as through additional training. A more formal investigation was carried out into the allegation that Ms. Cameron was representing herself to the public as a police officer.<sup>1489</sup>

Senior managers appeared to be unclear about their responsibility to take steps to deal with this personnel situation. In their testimonies, Insp. Biddlecombe, Sgt. Field and Insp. Dureau all agreed that any disciplinary actions would have had to have come from the civilian management side. However, Insp. Biddlecombe said that the "sworn side" (VPD officers) could have made recommendations to the civilian management about the need for disciplinary action.<sup>1490</sup>

Ms. Cameron left the MPU voluntarily in 2001, after 22 years of service. She had been requesting for many years to work a four-day week; she was transferred to VPD Archives to accommodate this request. She was not removed from her position or disciplined,<sup>1491</sup> although the complaints about her did influence her decision to leave the MPU.<sup>1492</sup> Ms. Cameron is of the view that she has been unfairly targeted<sup>1493</sup> and was not supported by the VPD.<sup>1494</sup> She, too, had serious concerns about the integrity of the investigations given the lack of resources; this she made clear when she brought the number of missing women to the attention of Insp. Biddlecombe.

I conclude that there were systemic problems within the VPD's processes for reviewing and remediating civilian employees; as a result, the behaviour of one employee had a negative impact on the missing women investigations over a significant period of time without effective intervention.

### ***Detective Constables Doug Fell and Mark Wolthers***

Poor management of the MWRT contributed to the concerns about the actions of Det. Cst. Fell and Det. Cst. Wolthers. These concerns were far-reaching and related to their ability to perform their assigned duties. Although I touched on these issues earlier in the report, I address them more comprehensively here. The complaints centered on their unauthorized focus on a particular person of interest, Niedermier, based on their conviction that he was the serial murderer responsible for killing all the missing women. On this basis, they refused to take on other tasks or simply did not complete assignments. Furthermore, their investigations, interviews, and steps taken to obtain a search warrant were flawed and potentially compromised Niedermier's arrest or consideration as a witness.<sup>1495</sup> Other concerns were that they did not properly document their investigations; were secretive and did not share information with other investigators; did

not take supervision or correction well; and they were not concerned for the welfare of women in the DTES, but were only interested in the glory of catching a criminal.<sup>1496</sup>

Det. Cst. Fell and Det. Cst. Wolthers were also alleged to have made racist and sexist comments.<sup>1497</sup> However, they challenged these allegations in their testimony before the Commission and were not cross-examined on this point.<sup>1498</sup> I am therefore unable to find as fact that they engaged in racist or sexist behaviour.

There is no question that the behaviour of Det. Cst. Fell and Det. Cst. Wolthers had a negative impact on the missing women investigations, although it is impossible to attribute specific harms to them. The only direct link that can be drawn is their apparent failure to share with MWRT members the information they gathered in the spring of 2000 that women in the DTES recognized Pickton's photo. However, their failure to follow the priorities set by Det. Cst. Shenher potentially contributed to delays in the investigation. At the same time, Cst. Fell and Det. Cst. Wolthers worked assiduously to solve crimes; they were highly motivated to catch the "bad guy." In fairness, it should also be noted that it was their diligent work that resulted in the arrest of Niedermier, who was convicted for serious sexual assaults. Unfortunately, the VPD was unable to fully harness this dedication and energy for the purposes of the MWRT's investigative priorities.

I find that the failure to effectively manage the MWRT resulted in communication failures, potentially missing or failing to follow up on important information, and lengthened the time taken in the investigation. In the summer and fall of 1999, two detective constables comprised 25 per cent of the MWRT members in terms of numbers, and more than that in terms of hours of work since some of the other team members were dedicated to the team only part-time.<sup>1499</sup> Det. Cst. Fell and Det. Cst. Wolthers became 50 per cent of the team after Det. Cst. Chernoff and Det. Lepine returned to their homicide duties.

Det. Cst. Shenher and Sgt. Field were unable to supervise Cst. Fell and Det. Cst. Wolthers and ensure that they followed orders and the MWRT priorities. There were inadequate accountability and disciplinary mechanisms in place to assist them in this function. Det. Cst. Shenher was unsuccessful at directly asserting her authority within the team; she was unable to direct Det. Cst. Fell and Det. Cst. Wolthers to perform specific tasks at specific times and insist they share information on a regular basis. She resorted to indirect means to get them to comply. For example, she increased the number of team meetings and emphasized the need to share all information as a general reminder to the entire team rather than as specific feedback to two non-compliant members.

Sgt. Field was unable to monitor the situation on a daily basis because of her other responsibilities. Det. Cst. Shenher advised her supervisor, Sgt. Field, of her strong concerns that Cst. Fell and Det. Cst. Wolthers were not doing what they were told, in particular following up on the tips assigned to them.<sup>1500</sup> Her main concern was that the two were not team players.<sup>1501</sup>

Sgt. Field agreed that it was her responsibility to create a team environment free of sexism and discrimination; although under cross-examination she agreed that their behaviour and use of language such as “whores” was not out of keeping with the culture at the time.<sup>1502</sup>

After receiving reports that Det. Cst. Fell and Det. Cst. Wolthers had made homophobic comments and called women “whores,” Sgt. Field talked to them and told them that they needed to be “team players” and act more professionally. They responded by telling her that they had nearly run over an Asian person that morning and made racist comments. She also reminded them that they had to share what they were doing with Det. Cst. Shenher, as she was in charge of the investigation.<sup>1503</sup> Sgt. Field brought these concerns to Insp. Spencer only in May 2000 after the problems with the Niedermier investigation were revealed.<sup>1504</sup>

The problems with Det. Cst. Fell and Det. Cst. Wolthers came to a head with the problematic interview of Niedermier. They did not inform team members that they were going to Alberta to conduct an interview with a suspect; this would have jeopardized the entire Missing Women Investigation if the suspect had been responsible for the disappearances. They also did not apply to a file coordinator or supervisor for a search warrant on the suspect’s property, which was seized, forensically searched, and damaged in the process.<sup>1505</sup> The information to obtain was not kept confidential, potentially compromising further complaints, because the experiences of other victims had been distributed in the media.<sup>1506</sup> Sgt. Field met with both to discuss interview problems.<sup>1507</sup> Det. Cst. Fell and Det. Cst. Wolthers responded to the meeting in writing, denying any wrongdoing.<sup>1508</sup>

In May 2000, Det. Cst. Fell and Det. Cst. Wolthers transferred and told others that the MWRT was winding down, rather than telling people that they were committing errors that warranted their removal.<sup>1509</sup> Further, Det. Cst. Fell and Det. Cst. Wolthers wrote to the Chief Constable to protest their removal.<sup>1510</sup> Sgt. Field responded to the Fell and Wolthers memo with a detailed memo outlining the mistakes they had made.<sup>1511</sup>

After they left the MWRT, many more concerns came to light. Det. Cst. Shenher was so concerned about their refusal to follow orders that after their removal she changed the security system in the MWRT offices to lock them out. She also emphasized the work atmosphere was so poor that “[b]ecause of Fell and Wolthers, Mark and Ron weren’t in the room” (implying that Det. Cst. Chernoff and Det. Lepine would have devoted more to the MWRT if Det. Cst. Fell and Det. Cst. Wolthers had not been involved).<sup>1512</sup>

The long time that it took to deal with the problems caused by Det. Cst. Fell and Det. Cst. Wolthers shows the inadequacy of the internal accountability mechanisms at the VPD at that time.

The actions of Det. Cst. Fell and Det. Cst. Wolthers were eventually reviewed

through a number of processes. First, the Polygraph Section undertook a review of their work in the Niedermier interview.<sup>1513</sup> This was followed by a report from Insp. Spencer to DCC Unger summarizing previous complaints and the recent report from the Polygraph Section.<sup>1514</sup> A further memo from DCC Unger to CC Blythe noted departmental negligence: Det. Cst. Fell and Det. Cst. Wolthers were given free rein to investigate a task far beyond their experience and ability, necessary supervision was not provided, and the department failed to ensure that the direction given was followed.<sup>1515</sup> Both members were removed from active duty and an internal investigation into neglect of duty was ordered.<sup>1516</sup> The report on the internal investigation by Sgt. Stewart found that their behaviour did not violate the *Police Act*, but did find that Det. Cst. Fell and Det. Cst. Wolthers did not work well in a team environment and that the makeup of the MPRT (sic) did not allow for adequate supervision.<sup>1517</sup>

*The Stewart Report* recognized systemic weaknesses within the VPD and made the following recommendations with respect to departmental assignments:

- 1) *That when selecting members for an investigative task force or team, the following criterion becomes part of the selection process:*
  - *expertise in the investigative area*
  - *necessary experience for the task required to perform, i.e.:*
    - *file coordinator*
    - *lead investigator*
    - *investigator*
  - *willingness to learn*
  - *demonstrated ability to work in a team environment*
- 2) *That whenever an investigative task force or team is created for the purposes of a major case investigation that a supervisor is assigned on a full-time basis and be given no other responsibility than to lead and manage the investigation.*
- 3) *That given the complexity of major case investigations, supervisors and file coordinators that may be assigned to a major case task force or team should have had the benefit of Major Case Management training.*<sup>1518</sup>

There was a failure to deal with situations head-on as required by properly functioning internal accountability mechanisms. Rather than intervening swiftly to correct situations, problematic employees were allowed to operate without adequate supervision and feedback. Rather than disciplining team members, there was a clear tendency to transfer people laterally. These failures meant that “teaching moments” for change were missed. In the situation of Ms. Cameron, supervisors seemed to be unaware of the appropriate processes for dealing with civilian employees. This was a clear gap in the VPD’s accountability framework.

## External Accountability Mechanisms

### *Limitations on the Vancouver Police Board's oversight role*

The Vancouver Police Board (the Board) is responsible for oversight of the Vancouver Police Department. The VPD's role is defined by the *Police Act*<sup>1519</sup> and explained in the *BC Police Board Handbook*, a reference document on responsibilities under the *Police Act*.<sup>1520</sup> The Board is not directly responsible for the discipline of police officers or setting policing standards; these accountability functions are the responsibility of other institutions such as the former Police Commission and the current Director of Police Services.<sup>1521</sup>

The primary duties of the Board are narrowly circumscribed. The 1999 Handbook states:

*The board needs to spend their limited time and energy on their most important policy functions. These functions include:*

- *Establishing the mission of the police department;*
- *Outlining results, policies and values to which the board wants the department to adhere;*
- *Developing the annual departmental priorities, goals and objectives in consultation with the Chief Constable;*
- *Establishing board practices; and*
- *Clarifying board/staff relationships.*<sup>1522</sup>

The Commission heard from three individuals who were Board members at various times during the terms of reference: Elizabeth Watson, Kinder Mottus, and Philip Owen, who was Mayor of Vancouver at the relevant times and, by virtue of that position, chaired the Board.

Board members who served during the terms of reference understood their role to be mostly concerned with setting policy and approving budgets, and that the Board was not to engage in operational issues.<sup>1523</sup> The Board worked to appoint the Chief Constable; set priorities, goals, and objectives; and prepare and submit a budget to the municipal funding agency.<sup>1524</sup> In the words of Board member Elizabeth Watson, "... the general purpose of the board, as I see it, is to provide, as it says in the Act, high-level direction around goals and priorities within the policing area."<sup>1525</sup>

Counsel for the Board and VPD emphasized that there is a bright line between policy decisions and operational decisions. While the Board has some influence on policy decisions, operational decisions are within the sole purview of the VPD.<sup>1526</sup> Counsel for the Board and VPD read into evidence the following excerpt from the Handbook:

*Day-to-day professional operational decisions are matters for the department itself. The authority of the individual constable to investigate crime, to arrest suspects and lay information before the justice of the peace comes from the common law, Criminal Code*

*and other statutory authority and must not be interfered with by any political or administrative body.*<sup>1527</sup>

Part of the reason for not engaging in operational issues was to prevent political and administrative interference in particular investigations.<sup>1528</sup>

The general import of witness testimony is that the Board was set up to be responsive to community direction in terms of priorities; however, during the terms of reference, there was little support infrastructure and many things operated on an ad hoc basis. There is no indication that there were formal mechanisms in place to ensure the Board received community input. Elizabeth Watson described how this worked in practice:

The people that work 24/7 are the employees, so the chief and executive and people within that department are bringing forward their recommendations as to what priorities they should be focusing on during the future, and the board would reflect on those and discuss those, ultimately approve those. During the course of the discussion and consideration, you want to take into account what you hear in the community. So there would be town hall meetings. We were encouraged to go to different events that would be held, maybe at community policing offices.<sup>1529</sup>

The Board had few external sources of information; they relied on the VPD for most of the information put before them at meetings. In the words of Kinder Mottus, "... as much as we would have liked to have been, in my opinion, more proactive, I think we received more of our information through the department."<sup>1530</sup>

During the mid to late 1990s, an executive assistant was hired on a 40 per cent basis (two days per week) to support the Board; prior to that, the secretary to the Chief Constable supported the Board.<sup>1531</sup> It was admitted that information sent to the City would not have found its way to the Board because there was no infrastructure to support that.<sup>1532</sup> In this sense, the VPD had a great deal of control over the information upon which the Board carried out its oversight function. Board members ultimately felt that they had to place trust in the people acting within the VPD to do their jobs,<sup>1533</sup> and that if they lost that trust, the Board's recourse was to remove the person from the position.<sup>1534</sup> The Board did, in fact, remove CC Chambers during the terms of reference, but this was unrelated to the missing women investigations.<sup>1535</sup>

During the first few years of the terms of reference, the Board also oversaw policy and service complaints against individuals until the legislation was changed.<sup>1536</sup> The Handbook provided:

*Service or policy complaints may be made against a police department and involve an allegation that one or more of the following are inappropriate or inadequate regarding the conduct of a municipal police department:*

- *Policies;*
- *Procedures;*

- *Training programs and resources;*
- *Resource allocation; and*
- *Any other internal operational or procedural matter. [List has been shortened.]*

*In the case of a service or policy complaint, the chair of the board is the discipline authority directly involved in handling the complaint.*<sup>1537</sup>

Service or policy complaints are the responsibility of each police board. The Board may request that the chief constable investigate and report to the Board, initiate a study, initiate an investigation, or dismiss the complaint with reasons.<sup>1538</sup>

However, the Board rarely got involved in disciplinary matters (unless they related to the Chief of Police) or with the conduct of individual investigations, although they could initiate investigations to examine problem areas.<sup>1539</sup>

### ***Community input regarding the missing women investigations***

In 1999, community members began writing directly to Mayor Owen in his capacity as Mayor and Chair of the Board to express their concerns about the missing women. This was an opportunity for the Board to receive considerable input from the community concerning the missing women investigations. By the spring of 1999, this community input coalesced into requests that the Board approve a reward for information leading to the arrest of persons responsible for the women's disappearances and take steps to ensure that the VPD gave greater priority to the issue of missing women. From March to May 1999, a large number of letters from family members of the missing women, community members and politicians were sent to the Board, VPD, Mayor Owen and the Attorney General:

- Letter from Sandra Gagnon to Mayor Philip Owen, March 26, 1999<sup>1540</sup>
- Letter from Maggie DeVries to Mayor Philip Owen, Chair of Vancouver Police Board, March 30, 1999<sup>1541</sup>
- Letter from Maggie DeVries to Ujjal Dosanjh, Attorney General, March 30, 1999<sup>1542</sup>
- Letter from Maggie DeVries to Sue Hammell, MLA, Minister for Women's Equality, February 15, 1999<sup>1543</sup>
- Letter from Wayne Leng to Mayor Philip Owen, Chair of Vancouver Police Board, April 4, 1999<sup>1544</sup>
- Letter from Wayne Leng to Ujjal Dosanjh, Attorney General, April 4, 1999<sup>1545</sup>
- Letter from Don Larsen, CRAB Water for Life Society to Mayor Phillip Owen, Chair of Vancouver Police Board, April 6, 1999<sup>1546</sup>
- Letter from Kathryn O'Neill to Mayor Philip Owen, Chair of Vancouver Police Board, April 8, 1999<sup>1547</sup>
- Letter from Jenny Wai Ching Kwan, MLA, to Vancouver Police Board, April 9, 1999<sup>1548</sup>
- Letter from [redacted] to Mayor Philip Owen, Chair of Vancouver

- Police Board, cc Ujjal Dosanjh, April 14, 1999<sup>1549</sup>
- Open Letter from Libby Davies, MP, to Mayor Philip Owen, “Your letters,” Vancouver Echo, April 14, 1999<sup>1550</sup>
- Letter from James M. Lornie, Mayor of Campbell River, to Mayor Phillip Owen, Chair of Vancouver Police Board, April 20, 1999<sup>1551</sup>
- Letter from [redacted and Michele Pineault] to Vancouver Police Department, attaching petition regarding a reward for information on missing women, April 20, 1999<sup>1552</sup>
- Letter from Tim Stevenson, MLA, Vancouver-Burrard, to Members of the Vancouver Police Board, April 23, 1999<sup>1553</sup>
- Letter from [redacted], CRAB Water for Life Society to Mayor Philip Owen, Chair of Vancouver Police Board, April 21, 1999<sup>1554</sup>
- Press release: Missing Women Memorial, May 12, 1999<sup>1555</sup>
- Letter from [redacted], CRAB Water for Life Society, to Mayor Owen and City Council, July 19, 1999<sup>1556</sup>
- Letter from Sue Hammell, MLA, Minister for Women’s Equality, to Chief Constable Bruce Chambers<sup>1557</sup>

Some of these letters from the community compared the Missing Women Investigation to the situation with home invasions and garage break-ins in the Oakridge neighborhood of Vancouver, for which a \$100,000 reward for information had been posted.<sup>1558</sup> The letters critiqued the disproportionate attention and resources being applied to the two different policing issues.

Many of the letters from the community were directed to the City and to Mr. Owen in his capacity as Mayor. His evidence was that he would have received most of them and that the city replied to all letters that it received. Kinder Mottus’ evidence was that she was not familiar with the letters. It appears that the letters were not being provided to the Board at this time. Most of the letters were addressed to Philip Owen in his capacity as City Mayor and/or Chair of the Police Board, but it is not clear whether the letters were passed on to the other members of the Board. Ms. Mottus testified that she did not recall receiving the letters.<sup>1559</sup> It is troubling that members of the Board, who are responsible for considering the interests of the community, may not have received letters written to the Board by community members that addressed important matters relating to their concerns. These included concerns that the women had met with foul play and a serial killer; concerns that the Department believed that the women would be found alive and that their disappearances were not suspicious; concerns about the inaction of the investigation; and concerns about unequal treatment in that the investigation wasn’t being taken as seriously as it would be if the women were not from the Downtown Eastside.

### ***Vancouver Police Board response to community input***

The community demand for a prioritization of the missing women investigations and the specific request for the posting of a reward were considered by the Board at its meeting on April 28, 1999. Board approval was required because of the budgetary implications.<sup>1560</sup> The VPD opposed the posting of the reward and the establishment of a task force. An April 22, 1999 memo from Sgt. Field to the Board gave an overview of the

investigation, stressing that investigations are not given less priority because of poverty and status of women as sex workers.<sup>1561</sup> Elizabeth Watson, who served on the Board from 1992-1998, told the Commission that it was the most detailed memo on an individual investigation that she recalled seeing at the Board. Philip Owen and Kinder Mottus agreed.<sup>1562</sup>

At the April 28, 1999 Board meeting, Maggie de Vries, Jamie Lee Hamilton and DCC McGuinness spoke to the Board.<sup>1563</sup> DCC McGuinness explained that the VPD did not support the request for a reward for two main reasons: there was no “hold back” information against which to evaluate tips, which could lead them to follow up many unfounded tips,<sup>1564</sup> and because there were no bodies or crime scenes, there was no proof that a crime had yet taken place.<sup>1565</sup>

The Board approved posting a reward of \$30,000, along with a request to the Attorney General for \$70,000 to raise the total amount to \$100,000.<sup>1566</sup> However, the Board denied the request that a task force be created to address the missing women issue. This request was viewed as far outside of the Board’s mandate. Elizabeth Watson said: “The Board culture was certainly that it was not about to be setting up task forces.”<sup>1567</sup>

She went on to explain that the Board was very limited in the action it could take; for example, it could suggest an examination of a situation in which disciplinary actions might be required, but it could not discipline anyone.<sup>1568</sup> So it was not the practice of the Board to “be investigating or creating something to investigate what the police were doing or telling them to set up a task force.... I think that would have been directing them how to do their job, personally.”<sup>1569</sup> Philip Owen, mayor at the time, did not recall that the task force issue came up at the same time as the reward, but recollected that there was “angst” in the VPD over it, with some members supporting the idea and some not.<sup>1570</sup>

### ***Further Vancouver Police Board consideration***

The missing women reward poster was circulated to Board members at the July 28, 1999 meeting. At this time, DCC Unger also advised that *America’s Most Wanted* was producing a segment on the missing women “in hope that the missing women would come forward.”<sup>1571</sup>

On February 14, 2000, DCC McGuinness gave a report to the Board regarding the Missing Persons Review Team and the Home Invasion Task Force.<sup>1572</sup>

On March 22, 2000, the Board heard the concerns of the Coalition for Police Harassment and Brutality regarding public disclosure of the status of the missing women investigations, accountability of the VPD, and dialogue between the VPD and residents of Vancouver. The Board responded in writing to these issues.<sup>1573</sup>

Sgt. Field prepared a memo recommending that the Board renew the reward for information on the missing women as it would “assist with maintaining the high profile necessary for this investigation and contribute to the safety of street trade workers.”<sup>1574</sup> The Board approved the renewal of the reward on April 26, 2000.<sup>1575</sup>

A year later, in April 2001, Det. McKnight reported to the Board, again recommending that the reward for information on the missing women be renewed.<sup>1576</sup> The Board approved the renewal on May 16, 2001;<sup>1577</sup> indeed the reward was renewed every year until 2008.

It is notable that, as previously discussed, Sgt. Field had updated the VPD senior management the day before the Board meeting and advised that it was generally suspected that the disappearances of the missing women were the result of a serial killer, but this information was not conveyed to the Board.

On September 18, 2001, the Board received an information brief on the missing women investigations, including some information that was confidential.<sup>1578</sup> The information appears to have been provided to the Board for information purposes, and no decision was made on the basis of this briefing.<sup>1579</sup>

During that same meeting, the Board was informed by CC Blythe that PUHU would be taking over the missing women investigations and that a joint task force had been assigned; it was possible special funding would be required.<sup>1580</sup>

Importantly, none of the witnesses who were on the Board at that time knew that the Missing Women Review Team was winding down.<sup>1581</sup>

### ***Should the Vancouver Police Board have taken more steps?***

There are very real limitations on the role of police boards in terms of oversight of police operations. The Board could not look into what was going wrong with the missing women investigations; it could only decide if the investigations should be given greater priority or more resources. Even in this capacity, the Board did not have access to independent evaluations; it depended on the VPD to provide it with information. There is evidence that individual Board members possibly did not receive all the information sent to the Board from the public. I find that these practical limitations were reinforced by a Board culture of deferring to the VPD, which still further limited the ability of the Board to act as an effective accountability mechanism with respect to the missing women investigations. Philip Owen raised a further complicating issue: having the Mayor as Chair of the Police Board creates a conflict of interest.<sup>1582</sup> I recommended against this situation in my 1994 *Commission Report on Policing in British Columbia*.

The Board did respond to the limited community input that it received by approving the reward. However, it did not in any way respond to the

wider concerns about inadequate prioritization of the missing women investigations. I accept that it was not the role of the Board to tell the VPD to take specific operational steps. Nonetheless, the Board could have communicated the importance of the investigations and requested regular reports on the progress made. It could also have ordered an investigation into numerous public complaints that the case was not being properly handled, perhaps enlisting the Director of Police Services to carry out this function. The closing submissions of the VPD and Board state that while the Police Board could not take a direct supervisory role in the investigations, the Director of Police Services could have.<sup>1583</sup> I consider the potential role of the Director of Police Services on a go-forward basis in Volume III.

### **Overall Assessment and Conclusion**

I conclude that the investigations were marked by the failure of internal file review systems and that the VPD and Coquitlam RCMP did not seek out assistance through external reviews in a timely or effective manner. Within the VPD, some members of the VPD Missing Persons Unit and Missing Women Review Team disrupted the investigations without correction due to ineffective internal management practices. Further, the Vancouver Police Board was ineffective in carrying out its oversight mandate. I conclude that the cumulative inadequacies of the accountability framework amounts to a critical police failure. This major public safety risk clearly warranted effective oversight that was wholly lacking due to systemic weaknesses.

### **H. Unlearned Lessons: Serial Killer Wins Again**

At this juncture, I am compelled to reach the same conclusion that Mr. Justice Campbell did in the *Bernardo Review*: serial killers will continue to win the day as long as we continue to ignore past lessons. In conducting this Inquiry, I have been struck time and again by the ways in which the errors in the missing and murdered women investigations mirror the errors in other serial killer cases.

Like Clifford Olson, Pickton appeared on the suspect lists of several policing agencies, and yet there were delays in determining that he should be considered a serious suspect. The botched interview of Pickton is eerily reminiscent of the poorly conducted interview of Bernardo and the repeated fruitless interviews of Sutcliffe and Ridgway. The failure to listen to and follow up on Ms. Anderson's information parallels the police failure to listen to several of Bernardo's rape victims. As in the countless stories of multiple homicides studied by internationally renowned expert Professor Eggers, the police yet again "circled the wagons" and downplayed the risks so as to not alarm the public when what was needed was more communication, outreach and collaboration with the community. Yet again, it was a fortuitous event that brought Pickton in, like the fluke of chasing down a stolen car that caught Ted Bundy.

How do we stop making the same mistakes, stop re-enacting the same systemic failures? In my view, this can only be achieved if the underlying causes of the police failures are examined and solutions developed that can be fully implemented. I carry out this examination in Part 4 with a view to further laying the groundwork for recommendations to improve the initiation and conduct of investigations of missing women and suspected serial homicides.

Yes, serial killers are notoriously difficult to catch, but they can be caught. The public safety risk posed by serial predators can be minimized if these lessons are fully grasped and the systems and skills necessary to compensate for these tendencies developed and reinforced. I am fully committed to ensuring that this pattern of systemic failure be permanently disrupted.

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# PART FOUR

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UNDERLYING CAUSES OF THE  
CRITICAL POLICE FAILURES

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*It is not enough to establish what went wrong in the investigations and how these overall failures were exhibited at various points in the investigations. It is equally crucial to ask the question why they occurred.*

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## **PART 4 – UNDERLYING CAUSES OF THE CRITICAL POLICE FAILURES**

In Part 3, I analyzed the patterns of errors evident in the missing women investigations and concluded that these patterns resulted in seven critical and systemic police failures that contributed to the delay in resolving this case:

- I. Poor report taking and follow up on reports of missing women;
- II. Faulty risk analysis and risk assessments;
- III. Inadequate proactive strategy to prevent further harm to women in the DTES;
- IV. Failure to consider and properly pursue all investigative strategies;
- V. Failure to follow Major Case Management practices and policies;
- VI. Failure to address cross-jurisdictional issues and ineffective coordination between police forces and agencies; and
- VII. Failure of internal review and external accountability mechanisms

It is not enough to establish what went wrong in the investigations and how these overall failures were exhibited at various points in the investigations. It is equally crucial to ask the question why they occurred. Apprehending Pickton did not resolve all of the missing women cases in British Columbia. Project Evenhanded and Project E-Pana continue to investigate the numerous disappearances of vulnerable and disadvantaged women, some of whom were girls when they went missing. It is therefore an essential part of my mandate to determine the underlying causes of these critical police failures so that these causal factors can be addressed.

Participants and witnesses have proposed seven explanations for the failed missing women investigations:

- I. Discrimination in the form of systemic institutional bias and political/public indifference;
- II. A want of leadership in the supervision and management of the investigations;
- III. Limited and outdated policing systems, approaches and standards;
- IV. Fragmentation of policing in the Lower Mainland;
- V. Inadequate resources;
- VI. Police culture and people problems;
- VII. An alleged conspiracy.

I analyze each of these explanations and draw conclusions as to whether they contributed to the police failings. Before making any findings of fact or reaching conclusions, I carefully considered the written and oral submissions of all Participants.

My conclusions in this section are particularly critical because they lay the foundation for the recommendations for change that I am mandated to make under paragraphs 4(c) and 4(d) of my Terms of Reference. My recommendations are outlined and discussed in Volume III.

### **A. Discrimination, Systemic Institutional Bias, and Political and Public Indifference**

That critical police failures in the missing women investigations resulted from discriminatory policing or systemic institutional bias is highly contested. It is an issue with an absolute division between the non-police participants and the police in this Inquiry. Counsel for the Families, Aboriginal Interests, and DTES Interests made systemic bias the central thrust of their cross-examinations and closing submissions. All of the family members who testified claimed that the police devalued the women; these first-person perspective claims were often in heart-wrenching and implacable terms. Representatives of VANDU and CRAB Water for Life also emphasized that the unequal treatment of Aboriginal women and marginalized women, particularly those suffering from drug addictions, was at the core of the investigative failures. Counsel for the VPD, the RCMP and the Vancouver Police Union, as well as most of the individual police officers with independent counsel, utterly rejected these arguments, emphasizing the lack of evidence necessary to substantiate these serious claims.

I conclude that systemic bias against the women who went missing from the DTES contributed to the critical police failures in the missing women investigations. I am quick to distinguish my finding from a legal finding of discrimination, which exceeds my authority as Commissioner of a public inquiry. Bias is an unreasonable departure from the police commitment to providing equitable services to all members of the community. The systemic bias operating in the missing women investigations was a manifestation of the broader patterns of systemic discrimination within Canadian society and was reinforced by the political and public indifference to the plight of marginalized female victims.

#### **Understanding Discrimination and Systemic Bias**

Each person is equal, valued and deserving of protection. This fundamental value is central to Canadian culture, to our legal system and our system of governance as reflected in our Constitution, and to the global order as reflected in Canada's obligations under international human rights instruments.

In Volume I, I lay out the legal foundation for reviewing policing within an equality rights framework, setting out, in some detail, the principles and norms that constitute the general duty of non-discrimination in policing, specific duties to address violence against women, the positive obligation to address violence against women under international law, and the due diligence standard. I provide a focused synopsis of these guiding principles

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*Each person is equal, valued and deserving of protection.*

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for the purpose of understanding discrimination as outlined in this report and as a preface to my findings and conclusions.

First, I take notice of the social reality that racism and gender bias are prevalent within Canadian society. A plethora of official reports have confirmed that manifestations of discrimination continue to be pervasive despite concerted effort and progress in some areas. In a case dealing with the reasonable apprehension of bias, the Supreme Court of Canada confirmed that "... the reasonable person should also be taken to be aware of the social reality that forms the background to a particular case, such as societal awareness and acknowledgement of the prevalence of racism or gender bias in a particular community."<sup>1</sup> Furthermore, a reasonable person is "cognizant of the racial [and sexist] dynamics in the local community and, as a member of the Canadian community, is supportive of the principles of equality."<sup>2</sup> I note that Aboriginal women and marginalized women are disproportionately affected by violence and that these crimes are generally under-reported and under-investigated; this troubling reality is underscored by the evidence before the Commission.

Second, police are obliged to carry out their threefold duty to enforce the law, maintain law and order, and to prevent crime in a non-discriminatory manner: the police must provide an impartial service to all people without regard to race, national or ethnic origin, colour, religion, gender, age, sexual orientation, belief or social standing. This prohibition against discrimination is one important aspect of the fundamental guarantee of equal protection of the law, which underpins all human rights.

Third, in order to provide equal and unbiased services, police have a positive duty to take into account the specific needs of segments within a community: more vulnerable groups or persons should receive particular protection. The failure of police institutions to adapt to the needs of individuals and communities particularly vulnerable to violence can result in under-investigation and a lack of protection. Specifically, police must demonstrate due diligence in responding to violence against women and girls by developing and implementing adequate crime prevention measures and prompt and effective investigative procedures.

Fourth, Canadian law does not require a finding of a malicious intent for an act to be deemed discriminatory. The word "discrimination" tends to be associated solely with overt bias, intentional prejudice and negative stereotyping; however, discrimination frequently operates in subtle and systemic ways, reflecting broader patterns of social inequality. Discrimination can be the result of an act or failure to act; it can be deliberate and conscious or unintentional and unconscious. Often a discriminator is unaware that his or her actions are biased and have a consequent negative impact on the victim. The discriminator may even believe that he or she is acting in the best interests of the victim. The focus of my analysis must be on the discrimination's adverse impact on the victim or victim group, not on the motivation of the police force and its members.

An appreciation of the point that I need not find an intention to discriminate is critical to an understanding of systemic bias. Clearly, the justice system and policing institutions do not “intend” to discriminate against Aboriginal women and marginalized women. A system cannot form intent. Nevertheless, institutional failures to remedy historic racist and sexist practices and policies and to take into account the current social conditions of women, particularly underprivileged women, can result in systemic discrimination. This includes a systemic failure to adequately protect women from violence and to effectively investigate these crimes.

As I noted at the outset, I am sympathetic to how difficult it is for police forces to understand that gender bias and racism can seriously and detrimentally hinder the initiation and conduct of investigations. Often investigators, their supervisors, managers and police executives are unaware of bias and are, in their view, “doing their best.” Part of the difficulty in understanding these forms of discrimination is that they center on omissions – that is, the *failure to act*. These forms of discrimination require a complex multi-faceted analysis, not a simple finding of direct expressions of bias, sexism or racism.

Law enforcement agencies mirror the society they serve. Thus the historic and continuing racism and sexism within Canadian society is likely to be reproduced within law enforcement, resulting in discriminatory policing policies and practices, unless and until steps are taken to promote and actively work toward bias-free policing.

The central issue I must resolve is whether, on the evidentiary record before the Commission, the police took adequate steps to carry out the missing women investigations and to prevent further victimization, taking into consideration the precarious situation of the victim group – street-involved women from the DTES community. I have taken open-minded, thoughtful and dispassionate consideration of this issue, as I have to all issues in this report.

### **Positions of the Participants**

I begin by summarizing the Participants’ positions regarding the role discrimination and bias may have played into the missing women investigations. The main points are set out in this section; I analyze the supporting evidence, as required in making findings of fact, drawing inferences and reaching conclusions in the sections that follow.

The Families submit that I should make a finding of direct discrimination and systemic discrimination in the police investigations. In their submissions, the Families focus primarily on setting out the ways in which they say discrimination affected the VPD missing person report taking and follow-up processes. Their counsel, Mr. Ward and Mr. Chantler, place particular emphasis on the behaviour of Sandra Cameron;<sup>3</sup> the routine direction of Aboriginal people to the Vancouver Police Native Liaison Society (VPNLS),

even though the VPNS had no police staff tasked with report-taking functions;<sup>4</sup> and the poor treatment of and lack of respect for VPNS.<sup>5</sup> The Families also set out the ways in which the “media messaging” by police regarding the missing women investigations was discriminatory. They emphasize that management’s failure to deal with discriminatory attitudes and behaviour amounts to systemic bias at the VPD: “[t]he entire system, from the Chief Constable down, was allowing direct discrimination to take place without significant consequences.”<sup>6</sup>

The Families also submit that the denial of a serial killer or killers being responsible for the missing women, when the VPD knew that a serial killer(s) was the likely culprit, discriminated against sex trade workers by depriving “them of information they could have used to enhance their safety and well-being” and “denying them of the same protection against violent crime and murder that other members of our society are afforded.”<sup>7</sup>

Independent Counsel for DTES Interests, Mr. Gratl, provided the Commission with thorough submissions on the issue of discrimination. He has asked me to conclude that discriminatory conduct prejudiced the investigations in numerous ways:

*... discriminatory attitudes and false stereotypes and biased beliefs about sex workers undermined investigations by precluding the gathering and analysis of vital information about missing women, by misdirecting police investigators, by undermining the integrity of investigative teams, and by preventing investigators from drawing inferences crucial to solving the cases.*<sup>8</sup>

*... the failure of police forces to investigate the missing women and protect sex workers infringes the principle that all persons are entitled to police protection in proportion to the risks they face.*<sup>9</sup>

Mr. Gratl submits that due to their vulnerability and need for protection, survival sex workers are a vulnerable status group entitled to protection from discrimination under s.15(1) of the Canadian Charter of Rights and Freedoms. He goes on to say:

*Moreover, the high proportion of Aboriginal persons, the high proportion of women, and the high rate of addiction, trauma, and disability within the survival sex worker community, justify recognition that survival sex workers are persons who are protected by enumerated ground of discrimination.*<sup>10</sup>

Mr. Gratl submits there was both overt discrimination and foreseeable adverse effects discrimination towards sex trade workers attributable in part to the criminal prohibition of street-level sex work. He says that a comparison of the missing women investigations with the Home Invasion Task Force demonstrates effects-based discrimination.

Mr. Gratl says that discrimination against sex workers influenced the dysfunction of missing persons systems with the VPD and the RCMP.

These dysfunctions, and the failure to rectify them, “may be responsible for many investigative dead ends,” and “may have prevented investigators from establishing connections. A large number of reports of missing STWs were likely never recorded.”<sup>11</sup> The lack of missing person policy standards concerning investigative steps to be taken, threshold for investigating as foul play, and inter-agency cooperation and investigation all together enabled the exercise of unstructured discretion cumulating in inaction.<sup>12</sup> A low institutional priority was assigned to missing persons generally and to these cases in particular.

Mr. Gratl further submits that stereotypes about the missing women and lack of knowledge regarding urban Aboriginal women precluded investigators from conducting full investigations. Stereotypes also resulted in the failure to warn women in the DTES. The failure to assign sufficient resources to the MWRT is attributed to VPD managers’ discriminatory attitudes and bias. Similarly, discriminatory attitudes and indifference to the risks faced by women engaged in the sex trade affected the decisions made by the Project Evenhanded task force and contributed to its failings.

Mr. Gratl views the widespread use of demeaning and derogatory words by members of the VPD and RCMP in reference to the missing women as both reflecting bias and contributing to the failed investigations through active devaluation of the victims.

Finally, in the view of Independent Counsel for DTES Interests, there was a complete lack of recognition by the police of the obligation to protect sex trade workers.

Independent Counsel for Aboriginal Interests, Ms. Hunt and Ms. Narbonne, also focused on the role of bias and discrimination in their closing submissions. The foundation of this submission is the “minimal knowledge” about Aboriginal people and their communities.<sup>13</sup> Their submissions invite the Commission to find that “the VPD, RCMP and their representatives were responsible for... institutional racism including personally-mediated, internalized and institutionalized as defined by Professor James M. Jones.”<sup>14</sup> These terms are defined:

- *Personally-mediated racism includes the specific social attitudes inherent to racially-prejudiced action (bigoted differential assumptions about abilities, motives, and the intentions of others according to), discrimination (the differential actions and behaviours towards others according to their race), stereotyping, commission, and omission (disrespect, suspicion, devaluation, and dehumanization).*
- *Internalized racism is the acceptance, by members of the racially-stigmatized people, of negative perceptions about their own abilities and intrinsic worth, characterized by low self-esteem, and low esteem of others like them. This racism can be manifested through embracing “whiteness” (e.g. stratification by skin colour in non-*

*white communities), self-devaluation (e.g. racial slurs, nicknames, rejection of ancestral culture, etc.), and resignation, helplessness, and hopelessness (e.g. dropping out of school, failing to vote, engaging in health-risk practices, etc.).*

- *Institutional racism is distinguished from racial bigotry by the existence of institutional systemic policies, practices and economic and political structures, which place non-white racial and ethnic groups at a disadvantage in relation to an institution's white members.<sup>15</sup>*

Independent Counsel for Aboriginal Interests also submits that the missing women investigations were affected by unconscious and conscious systemic bias, which is defined as:

*The inherent tendency of a process to favour particular outcomes – examples of this in this Inquiry are the ideas that “sex trade workers don’t get raped” and the rooted belief that economically disadvantaged Aboriginal peoples do not deserve the same protection, services and respect as economically advantaged non-Aboriginal peoples.<sup>16</sup>*

Independent Counsel for Aboriginal Interests also submits that systemic oppression, violence against women, disrespectful and biased treatment of family members when they reported women missing, and sexism by police and the devaluation of women by placing junior ranking women in investigative roles and then undermining the authority that had been given them as investigators also characterized the missing women investigations.<sup>17</sup>

Community perspectives offered by the two unrepresented Participants at the hearings provide additional contextual understanding for my analysis of the evidence on this point. I received separate submissions from Ms. Kelly White and Mr. Don Larson on behalf of Crab Water for Life Society. Mr. Larson told the Commission that:

*... systemic sexism, racism and prejudice against people on low income led to the deaths of at least 69 missing and murdered women of the Downtown Eastside.... Significantly if these vulnerable street women had been able to speak and be listened to by the VPD and RCMP they would possibly be alive today.<sup>18</sup>*

In her closing submissions, Ms. White emphasized that there had been a breach of equal justice and that the missing women investigations had to be reviewed in the context of historical and ongoing discriminatory treatment of Aboriginal women by police and in the justice system more broadly.<sup>19</sup> She told the Commission in no uncertain terms: “If it was your daughter, [C]ommissioner, if it was the head of the RCMP or the head of the police department, this outcome would be way different.”<sup>20</sup>

On behalf of VANDU, Ms. Livingston urged me not to take a unidimensional view of the women as sex workers. She emphasized that “almost

universally,” the missing and murdered women “sold sex to get money for illegal drugs and that they were severely, desperately addicted.”<sup>21</sup> Their lives were difficult:

*They were known to be on welfare and to live wretched conditions in squalid single room occupancy hotels. They were called druggies and junkies and junky ho’s by police, by hospital staff and by the media and public. They were relentlessly harassed, arrested and abused by police, they were turned away from hospitals and detox and drug treatment facilities and excluded from community center programs without even being able to use public toilets or telephones.*<sup>22</sup>

She squarely places the police failures within the context of societal discrimination against vulnerable women and failed drug policies: “To state that the police, the courts and our community [have] failed the missing women and their families is a huge understatement.”<sup>23</sup>

The VPD took the position that “while there were systemic issues within the Department that precluded an adequate response to the missing women problem, these systemic problems did not include bias, sexism or racism.”<sup>24</sup> On behalf of the VPD, Mr. Hern and Mr. Dickson noted:

*To the contrary, generally the investigators on the case demonstrated exemplary dedication and compassion, but for a variety of reasons these investigators were unable to engage sufficiently with VPD management to receive the necessary resources.*<sup>25</sup>

The VPD agrees with DCC LePard’s report and testimony that the reasons for management disengagement “do not include bias or sexism or racism, but rather revolve around management’s lack of understanding of the nature of the problem it faced.”<sup>26</sup> The VPD’s closing submission goes on to say that the distinction between bias and lack of understanding is made plain “by the VPD’s response when it was presented with clear evidence of a crime against a sex worker; in such cases, the VPD quickly devoted all necessary resources to the case, and achieved a high solve rate.”<sup>27</sup>

The VPD submits that the claim of systemic bias against sex workers, or sexism, or racism toward Aboriginal peoples at the VPD during the terms of reference cannot be substantiated on the evidence before the Commission. The VPD argues that a lack of proper methodological and evidentiary basis in this Inquiry does not enable an analysis into systemic bias, racism and sexism; the anecdotal evidence of bias, sexism and racism heard is unreliable; and there is evidence of the *absence* of bias, sexism and racism.<sup>28</sup> The VPD draws the distinction between the existence of systemic problems in policing, which it admits; and systemic bias, racism and sexism, which it denies. The VPD disputes that use of the term “hooker” to refer to the missing women is in itself an indicator of bias because this term was commonly used within Canadian society at that time (although the VPD agrees that this term is no longer acceptable).

The Government of Canada (representing the RCMP) also asks me to reject “in no uncertain terms” the allegations of discrimination as they are made in the absence of credible evidence and are therefore “both inflammatory and irresponsible.”<sup>29</sup> The counsel team, led by Ms. Tobias urges: “There is no basis to conclude that discriminatory attitudes towards sex trade workers, overt discrimination or biased decision-making was a factor in the RCMP’s dedication of resources to the missing women investigations.”<sup>30</sup> The Government of Canada takes particular exception to the Participants making joint allegations of VPD and RCMP discriminatory conduct, noting almost all of the specific evidence cited by Mr. Gratl references the VPD alone.<sup>31</sup>

The Vancouver Police Union (VPU) similarly rejects the submission that the work carried out by Det. Cst. Shenher and Sgt. Field was negatively affected by their biased views of the missing women: “The allegation that Det. Cst. Shenher and Sgt. Field ‘probably could have cared less what happened to these women’ is simply reckless hyperbole, not grounded in evidence.”<sup>32</sup> The VPU also responds to this allegation by emphasizing the diligent work of both VPD members<sup>33</sup> and pointing to the fact that several family members testified as to how compassionate and caring Det. Cst. Shenher had been.<sup>34</sup>

Counsel for Det. Cst. Fell and Det. Cst. Wolthers submits that there is no contemporaneous evidence of overt bias on their part and they denied the use of derogatory language in their testimony.<sup>35</sup> The two Constables had a strong drive to address violence against women engaged in the sex trade: “The use of derogatory language against the very STW they cared about and were trying to protect does not square with the surrounding facts and context of their work on the MWRT.”<sup>36</sup> Counsel for Insp. Biddlecombe also raises fairness issues and submits that since Insp. Biddlecombe was not asked about whether his actions were motivated by discriminatory attitudes during the Inquiry, these serious allegations must be dismissed.<sup>37</sup>

The closing submissions of DCC Blythe and DCC Unger state that: “The arrest of Robert Pickton was not delayed because officers did not care about these women.”<sup>38</sup> They question the purpose of this line of analysis:

*Blaming assists no one. In a perfect world, serial killers would not exist. However, this Commission needs to accept that they do exist, they are likely active at this very moment, and will exist in the future. The community needs to work with law enforcement as much as law enforcement needs to work with the community; it does no good to polarize the two groups by blaming one side or the other. It is of no assistance to anyone to try to find racism, sexism, or classism where none exists.*<sup>39</sup>

### **The Challenge**

It is essential to my mandate to pose and respond to the question: Did these women receive the same protection of the police and the law that all

members of society would expect? The public deserves an answer to this challenging question. I acknowledge that it is a difficult issue that defies a straightforward analysis and simple conclusions. The stark division in the submissions of Participants underscores the challenge that I must confront. In taking up this challenge, I am clear that I am not making a legal finding of discrimination. Nor am I assigning blame to particular officers or to the VPD or RCMP as institutions. I am mandated to explain what went so horribly wrong in the missing women investigations so that we can take steps to improve policing in British Columbia. There is great public utility in addressing allegations that bias, sexism and racism had some role in the police failures: a more profound and complete understanding of the past creates the foundation for learning, which leads to positive change in the future.

Det. Insp. Rossmo clearly stated what is at the crux of this issue when he told the Commission: “no one wants a killer to go free or a murder victim to go un-avenged but would the same thing have happened if these women had gone missing from Vancouver’s west side? No.”<sup>40</sup> He attributes the difference in likely outcome to the neutral factors of three investigative difficulties: (1) the victims were sex trade workers; (2) the victims’ bodies were not discovered yet; and (3) victims went missing in a different jurisdiction than where they were murdered. It is important to note that the last two difficulties could also have been at play if a successful serial killer were targeting women from a different community. Therefore, the unique investigative difficulties revolve around the status of the women. The central question is then: what steps were taken to overcome the investigative difficulties posed by the status of the women?

I do not accept the VPD’s position that the Commission has no methodology upon which to frame its discrimination analysis. The VPD’s description of an “effects-based analysis” is misguided. I agree with the VPD that “the facts that sex workers are marginalized persons who suffer higher incidents of violence and underreport violence to the police” do not prove bias.<sup>41</sup> However, this evidence, and evidence concerning police awareness of these facts, gives rise to a duty on police to take this vulnerability into account in developing and carrying out its policing strategies. The failure to do so results in unequal protection.

### ***Is there evidence of direct discrimination or overt bias?***

I accept the VPD’s submissions that the evidence of direct discrimination or overt bias against sex workers was isolated to individuals and was not systemic or pervasive in the VPD during the terms of reference.<sup>42</sup> I also accept the submission that much of the evidence that was put forward to support a finding of overt bias was anecdotal and shown to be untrue through clear contradictory evidence.<sup>43</sup> My conclusions and findings are not based on these anecdotes’ evidence of bias. The one exception to my general finding of a lack of evidence of overt bias is the evidence concerning Sandra Cameron, which I have already addressed at some length earlier in

this report; there I stated that I accept *The LePard Report's* conclusions in this area. I also accept the unchallenged evidence that the VPD vigorously pursued other serious criminal offences against street-involved women in the DTES, including serious assaults or homicide, with a high solve rate.

Similarly, the evidentiary record contains few examples of overt bias by RCMP officers, some of which were referenced by the Participants.<sup>44</sup> The Commission process was not designed to inquire into individual discriminatory conduct or the existence of a general culture of sexism and racism within the police agencies. I accept in principle that both individual intentional discrimination by police officers and a culture of sexism and racism within a policing institution could have a detrimental impact on a particular investigation. However, I make no findings in this regard. My mandated focus is on the factors that contributed to the patterns of errors in the decision-making and conduct related directly to the investigations.

I find that, as a whole, the officers involved in the investigations were conscientious and fair-minded people who would not consciously disfavour the interests of a class of people in the investigation process. To the contrary, the principal investigators, Det. Cst. Shenher, Cpl. Connor, Det. Cst. Chernoff, and Det. Lepine, worked tirelessly in extremely challenging circumstances. However, a finding that there is no evidence of intentional discrimination is not the end of the story: bias is just as harmful when it operates unconsciously, through institutional practices and structures.

### ***Is there evidence of widespread institutional bias?***

I also conclude that there is no evidence of widespread institutional bias in the VPD or the RMCP. As I described earlier, Counsel for the Families, DTES Interests, and Aboriginal Interests asked to make general findings of institutional bias, sexism and racism. I do not accept their arguments in this regard. My mandate is to inquire into the missing and murdered women investigations and it is beyond the Commission's jurisdiction to undertake the more comprehensive inquiry that would be required to make such broad findings. In inquiring into the potential operation of systemic bias in a much more tailored fashion, the question before me is: Did any form of bias affect the initiation or conduct of the investigations themselves?

### ***Use of demeaning or derogatory language***

The submissions made on behalf of the Families and DTES Interests cite numerous examples in the evidence of demeaning or derogatory language used by individual police officers in the course of their duties. Counsel for the VPD, RCMP and individual police officers went to great lengths to either challenge the reliability of this evidence and/or to question the extent to which use of language is proof of bias.

DCC LePard testified that the use of the word "hooker" was acceptable in the late 1990s, but now the term is often considered pejorative.<sup>45</sup> The

VPD submits that the fact that this term was in common use at the time is demonstrated by its regular usage in media articles.<sup>46</sup>

Sgt. Field told the Commission that her use of the term “hooker” was not intended to be derogatory or to demean women. She said:

No, I didn't, and I don't ever mean to demean them by calling them any kind of name. Unfortunately we all get tagged with names. We get called cops. I think there's a different level – cops is sort of equivalent to hooker, whereas if you want to go down to another level we get called pigs, we don't like that, and prostitutes don't like being called whores. I think hooker was a generic, same level comment. I realize now that it's not professional and shouldn't be used.<sup>47</sup>

Similarly, Government of Canada submitted that the use of derogatory language:

*... provides no rational basis to conclude that the RCMP investigations at issue failed due to discriminatory attitudes toward sex trade workers. The Inquiry has heard from witnesses who explained that the term when used over ten years ago was in relatively common parlance and was not necessarily considered to be derogatory or offensive.*<sup>48</sup>

I am mindful of the need to avoid anachronistic assessments in the use of language and do not quarrel with the position that “hooker” was considered to be more acceptable in the 1990s than it is today. It is undeniably true that many members of society often used the term “hooker” during this Commission's Terms of Reference; it is still in use today, albeit to a lesser extent. I also agree with Sgt. Field that there were more pejorative words that police could have used to refer to this group of women – and there are instances in the records of individual police officers using “more” demeaning words. I do, however, draw an important distinction between use of this term in casual conversation and its usage in statements referring to police activities, such as in memoranda. To me, references to Project Evenhanded as “the hooker task force” or “the hooker thing” would have been judged offensive in 1999<sup>49</sup> and are quite simply unacceptable. The incongruity between naming a task force “Evenhanded” and calling it a “hooker task force” is stark; that the two labels are not seen as oxymoronic, that is, completely contradictory, is bewildering to me.

Debates about whether specific terms such as “hooker” are or were derogatory do not advance an understanding of these issues. The larger concern, in my view, is that it was and is wrong to refer to the missing women as a category, even the more neutral “sex trade worker” or “STW” that is found throughout the files. This undifferentiated and categorical thinking about people is a red flag; when categories are used to label victims, it is demeaning.

Categorical thinking leads to the path of discounting that all humans have

many dimensions. The missing women shared many characteristics, but each was also unique. We know that the women were poor and suffered from drug addictions; as Ms. Livingston and others have pointed out, this characteristic may have been the most salient. Some of the women were known to be engaged in the sex trade to a greater or lesser extent, but there is no evidence that this was the only or most significant part of their lives.

The missing and murdered women were not “hookers” or “STWs”: they were women, they were persons, they were human beings. They were complex individuals who, like everyone, had talents and problems, hopes and disappointments, aspirations and fears. They enjoyed a web of personal relationships and were members of their community. They are:

Marlene Abigosis  
Sereena Abotsway  
Sharon Abraham  
Elaine Allenbach  
Angela Arsenault  
Sherry Baker  
Cindy Beck  
Yvonne Boen  
Andrea Borhaven  
Heather Bottomley  
Heather Chinnock  
Nancy Clark  
Wendy Crawford  
Marcella Creison  
Dawn Crey  
Sarah de Vries  
“Jane Doe”  
Sheryl Donahue  
Tiffany Drew  
Elaine Dumba  
Sheila Egan  
Cara Ellis  
Gloria Fedyshyn  
Cynthia Feliks  
Marnie Frey  
Jennifer Furminger  
Catherine Gonzalez  
Rebecca Guno  
Michelle Gurney  
Inga Hall  
Helen Hallmark  
Ruby Hardy  
Janet Henry  
Tanya Holyk  
Sherry Irving  
Angela Jardine

Andrea Joesbury  
 Patricia Johnson  
 Debra Jones  
 Catherine Knight  
 Kerry Koski  
 Maria Laliberte  
 Stephanie Lane  
 Kellie Little  
 Laura Mah  
 Jacqueline McDonell  
 Diana Melnick  
 Leigh Miner  
 Jacqueline Murdock  
 Lillian O'Dare  
 Georgina Papin  
 Tania Petersen  
 Sherry Rail  
 Dianne Rock  
 Elsie Sebastian (Jones)  
 Ingrid Soet  
 Dorothy Spence  
 Teresa Triff  
 Sharon Ward  
 Kathleen Wattlely  
 Olivia William  
 Angela Williams  
 Taressa Ann Williams  
 Mona Wilson  
 Brenda Wolfe  
 Frances Young  
 Julie Young

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*Defining the women by their occupation is inherently problematic. These labels distance us from the reality that the women have value.*

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Defining the women by their occupation is inherently problematic. These labels distance us from the reality that the women have value. It implies they are an “other,” setting them apart from “normal” people. It is dehumanizing. In some cases, it is appropriate and necessary to define a victim group by shared characteristics, especially if it assists the investigation through a fulsome victimology analysis. However, this group definition cannot be allowed to replace the person herself. It is wrong to define anyone by their occupation.

While I would not make a finding of bias on the basis of use of demeaning language alone, it sets the foundation for an inquiry into whether stereotypes about women engaged in the sex trade influenced decision-making and conduct within the missing women investigations.

### ***Systemic bias operating through stereotypes***

There are two clear examples of stereotypes about the missing women that had a pervasive impact on the investigations. I have already made findings of

fact on these points in my conclusions relative to the faulty risk assessments that permeated the investigations and the inadequacies of the proactive, preventive strategies within the overall policing approaches. Here, I reach a conclusion that the operation of these stereotypes was caused by systemic bias.

The first is the belief that the women were transient. The deep entrenchment of this stereotype about women engaged in the sex trade is demonstrated by senior managers within the VPD continuing to ascribe to this belief even in the face of mounting concrete proof that it was patently untrue as the years went by during the terms of reference. In hindsight, Sgt. Adam acknowledged the influence of stereotypical thinking on the investigation:

My lack of understanding of Vancouver's Downtown Eastside made me think sex trade workers would be a much more fluid group than the general public, perhaps disconnected from their families because of lifestyle and probably transient.<sup>50</sup>

I found it shocking that stereotypes about the missing women still have a hold on some of the police officers involved in the investigations – even today in the face of knowing the tragic outcome, that the vast majority of the women had been murdered. I cite two glaring examples from testimony at the hearings. Det. McKnight suggested that women who were missing might just be on a binge: “If people are gone or on a binge, how can I tell where they are? I mean, that happens all the time.”<sup>51</sup> Det. McKnight retracted his statement about bingeing, but he went on to say: “I’m just telling you that the lifestyles are such that if – if a person has just not picked up their welfare cheque, that’s not necessarily enough [to confirm that they are missing].”<sup>52</sup> Sgt. Adam told the Commission:

... the history of the missing is entirely shrouded in ambiguity insofar as that the women did move away, they did create a new life for themselves, they did not want their families to know they had gone away ... it seemed the longer you looked you have to remember that we actually were finding women who were reported missing by doing an extensive amount of work.<sup>53</sup>

Sgt. Adam's comments belie the fact that very few of the missing women were ever found alive. That these comments were made in 2012 is shocking. These comments underscore the power of negative stereotyping and the importance for police agencies to actively overcome this kind of biased thinking that can unwittingly affect investigations.

To its credit, the VPD recognized that “assumptions and misconceptions about survival sex workers’ lives” interfered “with the VPD’s ability to recognize the nature of the problem the missing women presented.”<sup>54</sup> The VPD also understands that “[t]he misconceptions that the women were transient and did not have strong connections in the community derived from a failure to recognize that street sex work had changed over the years...”<sup>55</sup> The VPD argues that this type of misconception is not an example of stereotypical thinking that amounts to bias, but I conclude that it is.

The second clear example of negative stereotyping in the investigations involves the failure to warn. This failure was due partly to the police's belief that warning would not be effective as DTES women would not adjust their actions based on the information provided.<sup>56</sup> Police believed that the women were just too "far gone," that they were incapable of taking safety measures. There was no evidence upon which to base this belief; it was rooted in a preconceived view of how all women engaged in the survival sex trade would react to a warning. Warnings were considered and quickly discounted; options such as working through trusted intermediaries in the DTES to assist in developing effective warnings were never seriously considered.

Systemic bias in the form of negative stereotyping based on the women's status of poverty, living in the DTES, engagement in the sex trade, and suffering from drug addictions had a pervasive impact on the missing women investigations. The VPD and the RCMP relied on preconceived notions rather than seeking out available information about the women and their lives. This stereotyping contributed to faulty risk assessment, which in turn delayed suspicion of foul play and that a serial killer was at work. It also directly contributed to the failure to warn women in the DTES of their heightened endangerment.

### ***Failure to take into account the lives of vulnerable women in the policing strategies***

Further evidence of systemic bias is that police did not take adequate steps to learn about or consider the needs of the vulnerable women in the DTES when developing and implementing investigative strategies. In the parlance of human rights law, police did not fulfill their obligation to accommodate or take into account the needs of the community they were serving in the planning and in the ways the investigations were operationalized.<sup>57</sup> Bias directly contributed to three of the critical police failures discussed in detail earlier: inadequate proactive strategies, failure to fully engage family and community members in the investigation, and the failure to employ an Aboriginal-specific investigative strategy.

Treating the missing women as an undifferentiated group meant that police did not take all available steps to find out more about the missing women. At the same time, there was a strong tendency to treat the women as distinct from other people because of their lifestyle; for example, police underestimated the fact that the women could have strong family relationships and routine habits. False beliefs about street-involved women living in the DTES were allowed to become the basis upon which decisions were made. This dynamic is illustrated in Cpl. Connor's evidence: "In the several files that I investigated with sex trade workers, going up to a sex trade worker that wasn't a victim, you were unlikely to get any information from them. That has been my experience."<sup>58</sup> He agreed that some women may be more comfortable speaking with an Aboriginal officer or a female officer but stated, "you have to do these things with the resources that are available to you."<sup>59</sup>

The lack of recognition of the obligation to protect women in the DTES is in itself an example of systemic bias. Investigators testified over and over that they were “shocked” by the number of predators,<sup>60</sup> but these concerns did not trigger a proactive strategy until very late in the investigation.

***Failure to prioritize and effectively investigate the missing women cases***

Counsel for the Families, DTES Interests, and Aboriginal Interests all make the broader claim that systemic bias reflecting sexism and racism within the VPD and the RCMP contributed to the overall failure to prioritize and effectively investigate the missing women cases. The VPD and RCMP refute this claim: the VPD attributes improper prioritization to other causes and the Government of Canada does not concede that the RCMP insufficiently prioritized their role in the investigations.

All of the VPD witnesses, save one, rejected the allegations that there was systemic or pervasive sexism or racism in the VPD or bias against sex workers that affected decision-making about the priority assigned to these investigations.<sup>61</sup> However, Staff Sgt. MacKay-Dunn’s reference to the women as “untermensch,” a term used by the Nazis to refer to people they considered sub-humans, resonates with the evidence and findings that I have made about the role of stereotyping, the failure of police to take the necessary steps to inform themselves about the women, and the failure to take proactive measures.

Staff Sgt. Mackay-Dunn told the Commission:

I do believe there were elements within the organization at the time that considered the missing women, those individuals involved in the sex trade to be what Nietzsche referred to as the Ubermensch [\*] or the second level, second tier individuals. That did not have an impact in terms of the police response to the issues, but if we’re going to invest significant resources, that may have been an issue. I’m not suggesting it was. I wasn’t in the room when the decisions were made, but I can only tell the Commission this, and I said the same thing to Deputy Chief Evans: I heard it over and over again, “Oh, they’re just prostitutes and they’re probably travelling or doing something else and they’re transients...”<sup>62</sup>

\* He later corrected himself by using the term “Untermensch”; “ubermensch” is translated as “superman.”

In its submissions, the VPD attempted to frame these comments in this way: “it may be seen from this comment that Mr. McKay-Dunn was referring not to systemic bias, but to the erroneous belief on the part of some officers that the women were transient and would therefore be found.”<sup>63</sup> While Staff Sgt. McKay-Dunn was the most candid of the witnesses I heard on this issue, Insp. Greer also agreed that part of what he used to make resource allocation decisions was his image of the missing women.<sup>64</sup> It is important to call attention again to the notorious memo from Cst. Mitchell to Insp. Greer in which he questions whether women engaged in the sex trade deserve “extra protection” given the fact that they “voluntarily assume the risks.”<sup>65</sup>

I appreciate the VPD's good faith and thoughtful attempts to consider whether systemic bias had a negative impact on the missing women investigations, but I cannot agree with their conclusions that it did not. There is a significant difference between the tone of the devaluing comments that animated Staff Sgt. McKay-Dunn's insights and ignorant but neutral and unbiased mistakes as the VPD put forward.

DCC LePard's report and testimony distinguishes between the VPD reaction to the missing women cases with cases of known murder of women engaged in the sex trade. He concludes that because the VPD can demonstrate that it takes known cases of violence against women in the DTES seriously, bias cannot have played a role in the missing women investigations. I accept his premise that there is no evidence of overt or intentional bias that would lead a police force to treat the homicide of one individual differently than the next. To do so would be the most egregious form of discriminatory policing: treating one life as more important than another life based on personal characteristics, group identity or social status. I have already ruled out a finding of intentional discrimination. However, he misses the issue that I must squarely address: the more nuanced evaluation of whether unconscious bias and the devaluation of the missing women contributed to the lack of prioritization of these cases. Furthermore, it is somewhat illogical to point to one situation and say "we didn't discriminate here and therefore we cannot have discriminated in different circumstances." I am not saying that systemic bias against the missing women was all-encompassing; I am saying that systemic bias did operate in several specific ways that resulted in inadequate police strategy and actions.

During the hearings, VPD Counsel Mr. Hern, asked DCC LePard whether he agreed with the allegation that if the missing women had been from wealthier neighbourhoods, there would have been more resources allocated to the investigations. I have excerpted the following from his reply:

Well, I agree to the extent that if there had been an assumption made about missing women from the west side of Vancouver, for example, I think they would have come to the assumption that if a bunch of women from the west side of Vancouver went missing much more quickly than they did with the DTES women where they had great difficulty coming – making that big leap that it was foul play involved because of the very different circumstances involved.

...

The problem in the missing women investigation was that managers in the VPD did not come to the conclusion quickly enough that this was a matter of foul play, that that's what responsible for the missing women.

...

What I've said Mr. Commissioner, is that when it's clear that a murder had taken place that the investigation proceeds with no – there is no difference depending on the victim.

...

But there's no question in my mind that if their managers no matter who they were, had they become satisfied, and they should have been earlier, that missing women had been killed...

...

The problem in the missing women case is that there were people that found it very, very difficult to make that conceptual leap that the evidence that they were the victims of a serial killer was the absence of the women without a plausible explanation.<sup>66</sup>

DCC LePard confirmed that in coming to his conclusion of the lack of systemic bias, he focused on the quality of the homicide investigations of women engaged in the sex trade when the cases were known homicides.<sup>67</sup>

The VPD refutation of bias is replicated on a more limited scale in the Government of Canada's submissions, which cite Cpl. Connor's successful murder investigation of a woman engaged in the sex trade in the early 1990s as evidence of his lack of bias.<sup>68</sup>

These approaches are circular in my mind. The underlying question is whether bias influenced the police forces' ability to "take the leap" from missing to likely murdered. I draw an inference from evidence establishing stereotyping about the missing women investigations that this bias affected the VPD's and the RCMP's decision to assign the cases either the relatively low priority of missing person files or the high priority of a homicide file. Low priority investigation was almost always chosen despite the prolific number of cases with similar characteristics.

It is inherently difficult to evaluate the prioritization given to the missing women investigations because, of course, there is no direct comparative group or situation. It will never be known what the VPD would have done if over 50 women disappeared from a more affluent neighbourhood such as the west side of Vancouver. It is unlikely that there would have been complicating factors like substantial delays in reporting some of the missing women, making the comparison even more difficult.

While there are no direct comparisons, three different contemporaneous comparators have been suggested to the Commission: the VPD Home Invasion Task Force (HITF), the McMynn kidnapping, and the resources assigned to enforcement of the prostitution and drug laws during the terms of reference. In each case, it is a question of comparing apples to oranges and no direct conclusion can be drawn. Nevertheless this analysis, particularly with respect to the HITF is illuminating in that it underscores the VPD's capacity for large-scale investigations during the reference period.

Mr. Gratl's submission sets out a helpful synopsis of the VPD's HITF based on evidence in the Commission's record.<sup>69</sup> He describes the HITF as a successful complex investigation carried out during the terms of reference.

I adopt his description of the HITF for the purposes of illustration of a successful investigation:

*HITF was created after Vancouver Police management became aware of increased risk to the public of home invasions. HITF deployed significant human and technical resources under the command of then-Sgt. LePard, whose investigative skills are widely respected within the department.*

...

*HITF was active for approximately one year commencing February 1999. Deployment included door-to-door canvassing of 2,600 homes in Vancouver, examining each stolen vehicle within 48 hours of a home invasion, obtaining search warrants for cell phone cites throughout Vancouver, reviewing all similar offences occurring within 24 hours of the invasions and the examination of 290 tips.*

*In pursuit of suspects, HITF interviewed with more than 200 suspects, conducted a co-ordinated review of all pawn shops' reporting sheets, conducted a complete review of all occupants of designated group homes in Vancouver, installed concealed cameras in local army surplus stores, pursued forensic dental impressions of food items bitten by suspects, and conducted a full review of all half-way houses and adolescent group homes in Vancouver including names of occupants and their criminal records.*

*To understand the victimology of the offences, HITF pursued intimate knowledge of the details of each victim's day-to-day activities, including drug stores, doctors, dentists, groceries, social events, relatives, garbage pick-up, home repairs, newspaper subscriptions, churches, organizations, restaurants, banks and public transportation, and conducted a full internet history of each victim.*

*Technical resources deployed for HITF included the application of the SIUSS databank to enter each and every tip that came into the unit, consultation with four forensic psychiatrists and a criminal profiler, consultation with FBI in Washington regarding footwear, an analyst prepared a complete time and link analysis chart, consulted with U.S. Military Intelligence with respect to satellite images of the lower mainland on the nights of home invasions, and used DNA matching technology.*

...

*HITF yielded enough evidence to lay charges with respect to five separate home invasion robberies. HITF was a successful complex investigation.<sup>70</sup>*

In its reply submissions, the VPD argues that the HITF is not an appropriate comparison because there was more than a "known risk of harm;" there were *in fact* serious offences being committed. There was also much evidence to be pursued, making a decision to invest substantial resources an easy one. Given the differences in the situation, the VPD asserts it is "overly simplistic" to attribute the differential resource allocation to discrimination.<sup>71</sup>

The evidence is very clear that many investigative strategies open to the VPD and RCMP in the missing women investigations were not pursued to conclusion due to inadequate resources. Even the process of confirming the women missing, which was erroneously considered to be an essential first step in reaching the critical threshold decision about whether foul play was likely, was delayed by lack of resources in both the VPD MPU's and RCMP detachments' investigations.

The Government of Canada argues that there is no persuasive evidence of specific acts or omissions that would substantiate "a finding that police investigators discounted the disappearances of the missing women because of their socio-economic circumstances, or otherwise conducted their investigations in a manner that could be said to be discriminatory."<sup>72</sup> The comparison to other contemporaneous investigations that were larger in scope is "patently unfair" and simplistic. Such a finding is tantamount to saying "any police agency would be guilty of some kind of 'discrimination' unless it ensured that all of its investigations were always resourced equally, a logistical and operational impossibility."<sup>73</sup> Further, a finding of discrimination by the RCMP "cannot be based on a comparison to a VPD investigation."<sup>74</sup> However, I have no doubt that the RCMP, as the provincial police force, had the resources and capacity to mount a successful complex investigation comparable to VPD's HITE.

It is particularly difficult to comprehend the RCMP's failure to prioritize the missing and murdered women investigations. The fact that it did not do so is a blatant manifestation of systemic bias. Given its long history of involvement in the colonization process, including the forced recruitment and confinement of Aboriginal children in residential schools, the RCMP has a heightened duty to protect Aboriginal people. There is no evidence that the RCMP took active steps to meet this moral obligation and imperative; in fact, the overall evidence demonstrates the RCMP's reluctance and recalcitrance to become fully engaged. The RCMP is the provincial police force in British Columbia, and early on, RCMP criminal profilers recognized that the bodies of the missing women were likely to be found outside of Vancouver. Rather than actively offering resources and requiring updates on progress, the RCMP maintained a minimalist, passive role. Nowhere was this more clearly demonstrated than in the evidence of Coquitlam RCMP investigators claiming that they did not understand that Pickton was a suspect in the missing women investigations. This astonishing evidence can only be understood as cause by neglect born of bias toward the victim group. It was the Coquitlam RCMP that investigated the Anderson assault, which should have linked Pickton to the DTES women.

I agree with the VPD and the Government of Canada that I cannot make a finding of bias based on a comparison of the missing women investigations and the Home Invasion Task Force alone. The lack of prioritization of the missing women investigations really needs no comparator. What investigation could have been more serious than a serial killer on the

loose? Police cannot wait for direct evidence of the serial killer to surface; successful serial killers by definition defy detection. There was a known risk of harm by various forms of predation to women in the DTES; police knowledge of these dangers grew substantially over time. Pickton was a known risk based on the Anderson assault and a growing body of evidence. Police simply did not see these risks as serious risks to the public because the women and their community were generally devalued; the victims were seen as outsiders; and because of stereotypical assumptions, police did not take the required steps to fully apprise themselves about the women and their situation.

I find that bias against the women contributed to the VPD and Coquitlam RCMP's continued refusal to treat the investigation as a suspected multiple homicide and their failure to take proactive measures to ensure public safety in the face of mounting evidence from mid-1999 onward. I find that bias against the women contributed to the unacceptable delay in recognizing that there was an active serial killer and taking proactive measures to ensure public safety by the VPD and RCMP acting both separately and together in 2000 and 2001.

I conclude that the missing women were effectively under-prioritized and under-investigated as a result of systemic bias.

***A finding of systemic bias does not mean that the police did not care about the women***

It is important to underscore that a finding of systemic bias should not in any way be taken to mean that the police did not care about the women. They clearly cared, and many worked diligently over a long period of time to catch the perpetrator. Systemic bias means that some aspects of the policing decisions and strategies reflect pervasive stereotypes about this group within our community.

***Systemic bias is closely tied to public and political indifference***

Sir Robert Peel coined the phrase: “the police are the public and the public is the police.” I keep this phrase at the forefront of my analysis. The police failures in this case mirror the general public and political indifference to the missing women. I agree with Det. Cst. Shenher's evidence that sexism, racism and bias at the VPD “was no more or less present than in society generally and all other institutions in society.”<sup>75</sup>

While the police have a legal duty to overcome systemic biases and ensure equal protection of the law, they cannot do it alone. The lack of prioritization of the missing women investigations never became a matter of public importance. Members of the DTES community began to march to draw attention to this urgent situation, but for many years they marched alone. It is difficult to conceive that the people of Vancouver would be as quiet if close to 70 women went missing from a different neighbourhood. The Vancouver

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*Sir Robert Peel coined the phrase: “the police are the public and the public is the police.”*

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Police Board accepted the community's recommendation for the posting of a reward in defiance of advice from the VPD, but otherwise demonstrated passivity in accepting the lack of progress in this major case involving the disappearance of close to 70 women from a small neighbourhood. At some level, we all share the responsibility for the unchecked tragedy of the failed missing women investigations. As Kelly White, representing CRAB Water for Life Society, said in her closing submissions: "In fact, we are all responsible for the safety of women in the Downtown Eastside."<sup>76</sup>

### Conclusion

The police did not consciously decide to under-investigate the missing women or to deny protection to women in the DTES, but the effect of the policing strategies employed resulted in exactly those outcomes. Ultimately, many assumptions made by the police worked against the interests of the women and allowed the violence to continue, despite the valiant efforts of the individual members of the investigative teams.

I conclude that there was systemic bias in the police response to the missing women investigations. In particular, I find that systemic bias:

- Allowed faulty stereotyping of street-involved women in the DTES to negatively impact missing women investigations;
- Resulted in the failure to take the lives of the women into account in the policing strategies, particularly in failing to recognize the duty to protect an endangered segment of our community; and
- Contributed to a failure to prioritize and effectively investigate the missing women cases.

### B. A Want of Leadership: Supervision and Management Issues

One of the pervasive underlying causes of the critical police failures in the missing women investigations was the lack of an institutional champion. I use the phrase a "want" of leadership, to emphasize the point: the investigations cried out for leadership; leadership was wanting. While I also employ the phrase "lack of leadership" because it flows more easily, it doesn't have the same power. The problem was so pervasive it was not merely a question of adequacy; there was an *absence of leadership*.

No senior manager at VPD, RCMP E Division Major Crime Section, Coquitlam RCMP, or Provincial Unsolved Homicide Unit [PUHU] took on this leadership role and asserted ongoing responsibility for the case. Various members of the investigative teams championed the case at different times to the best of their abilities within the limits proscribed by their positions in the hierarchy of their policing agencies. I single out the dedication of Det. Cst. Shenher, Sgt. Field, Det. Insp. Rossmo, Cpl. Connor, Staff Sgt. Davidson, Det. Chernoff and Det. Lepine in this regard. Arguably, Sgt. Adam, in his position as Team Commander of Project Evenhanded was assigned the role of champion, but he was unable to fully assert leadership given that

important aspects of the investigation remained under the jurisdiction of the VPD and Coquitlam RCMP.

Consistent with my overall approach to the Commission's work, I focus on the systemic lack of leadership rather than addressing specific individual errors or failures. While I refer to specific conduct of individual senior managers and executives within the VPD and RCMP, I do so for explanatory and illustrative purposes only. My comments should not be taken in any way as findings of misconduct. My purpose in highlighting the role of individuals at specific points in the investigation is to try to understand the effect of a systemic lack of leadership on the missing women investigations as a whole. I do not purport to assess each individual officer's contribution or lack thereof to the investigations.

My analysis begins with definitions of senior management, responsibility and accountability in the police context and a summary of the evidence on perceptions of the role of senior managers within the missing women investigations. I then review the evidence concerning the want of leadership on this file under seven major findings:

- I. Failure to recognize and take ownership of the problem;
- II. Passive management style;
- III. Lack of communication between investigators and senior managers;
- IV. Failure on the part of management to keep informed;
- V. Absence of supervisors at critical times;
- VI. Lack of oversight and direction by senior managers;
- VII. Overall lack of engagement and commitment by VPD's Senior Management Team.

### **Definitions: Senior Management, Responsibility and Accountability**

Within the police lexicon, senior management refers to senior officer positions at the rank of inspector and above;<sup>77</sup> in some cases deputy chiefs and chiefs are referred to separately as "the executive."<sup>78</sup>

The lines of accountability in a hierarchical organization such as a police force are similar, notwithstanding specific organizational structures. *The Report of the Somalia Commission of Inquiry* describes how this accountability works:

*... those at the apex of the organization are accountable for the actions and decisions of those within the chain or authority subordinate to them. Within a proper chain of authority, accountability does not become attenuated the further one is removed from the source of the activity. When a subordinate fails, that failure is shouldered by all who are responsible and exercise requisite authority -subordinate, superior, and superior to the superior.*

...

*It is the responsibility of those who exercise supervisory authority,*

*or who have delegated the authority to act to others, to know what is transpiring within the area of their assigned authority. Even if subordinates whose duty it is to inform their superior of all relevant facts, circumstances, and developments fail to fulfill their obligations, this cannot absolve their superior of responsibility for what has transpired.<sup>79</sup>*

This does not appear to be a controversial point. Police witnesses generally concurred with this view. For example, Superintendent Hall agrees that as Detachment Commander, he must take the ultimate responsibility for the failings within the detachment.<sup>80</sup>

### ***Role of senior managers***

The job of the management of any police organization is to review what is being done and the decisions being made, and to determine if those are the right decisions supported by facts and analysis.<sup>81</sup> The degree of responsibility for the hands-on investigation is diluted up the chain of command. At the chief level, the role is oversight.<sup>82</sup> An inspector or deputy chief has a role in “directing” or “shepherding” or “spearheading” an investigation through the Non-Commissioned Officer (NCO).<sup>83</sup> Part of the role of senior managers from the level of inspector upward is to report up the chain of command with respect to high profile issues and ongoing investigations of significance. Managers generally do not have any operational or investigational functions.<sup>84</sup> The initial responsibility for the hands-on investigation rests with the inspector in charge of the section or division; in the VPD this was the Major Crime Section.<sup>85</sup>

Det. Insp. Chernoff explained his understanding of the distinction between the role of investigator and that of senior manager:

... we’re not autonomous as investigators, we have people to report to and there is a chain of command, and certainly we can’t be making great decisions for the Vancouver Police Department without including people such as our sergeants and our inspectors. They’re the ones that ultimately have the responsibility of determining what happens with this information and where it goes exactly. Myself as an investigator my responsibility really is to investigate, obtain as much evidence or information as possible, share that with the group of people that I’m working with, and then bring my bosses that information, ensure that they’re aware of what’s going on, and ultimately their responsibility is to make a decision as to where we go from there.<sup>86</sup>

Superintendent Hall, who was Officer in Charge of the Coquitlam RCMP Detachment, told the Commission:

I ran the detachment in a way that people had shown me and taught me how to run a detachment, not to stick your nose into the investigations, don’t micromanage, let the investigators do what they had to do, be there to help them if they are running into obstacles with outside units, to go to bat for them.<sup>87</sup>

Insp. Moulton described his responsibility as an inspector as “keeping tabs on investigations” and ensuring “that things are done and done properly and with the necessary resources.”<sup>88</sup> Supt. Hall was also responsible for securing additional resources by responding to a “business case or an operational plan outlining what we were attempting to do.”<sup>89</sup>

### ***Failure to recognize and take ownership of the problem***

DC Evans greatly emphasizes police leadership’s failure to recognize and take ownership of the problem as the central underlying cause of the critical police failures in this case:

*It is almost impossible to deal with a situation if you do not first recognize it for what it truly is. Both the VPD and the RCMP initially failed to recognize the Missing Women issue. When they did identify the problem they failed to act appropriately and accept ownership.*<sup>90</sup>

DC Evans’ analysis of the lack of leadership is premised first on a failure of senior managers to recognize the missing women issue: “Throughout my review I heard a recurring theme of ‘no body, no evidence, no crime’ which, in my opinion, created an excuse for ignoring the problem which permeated both the VPD and the RCMP, albeit at different times.”<sup>91</sup> The lack of acknowledgment meant that, “it was highly unlikely that anyone would own it or deal with it.”<sup>92</sup> However, recognition and ownership are closely tied:

In my opinion, the severity and totality of the British Columbia Missing Women tragedy went unrecognized by members of Senior Management of both the VPD and the RCMP due to the lack of ownership of the crisis.

It is evident from the documents reviewed and my interviews with many of the involved personnel, that while some recognized the increasing number of Missing Women as significant, certain officers failed to take ownership and ensure the proper resources were dedicated to the problem...<sup>93</sup>

Participants expressed concerns about the term “ownership” and were of the view that DC Evans had not used the term consistently in her report. Counsel for Insp. Greer emphasized the different meanings attributed to this concept. For example, the “failure to take ownership” means a failure of those responsible to assign resources; “lack of ownership” suggests a gap in responsibility and accountability for an issue, or an overlap in responsibility and accountability between jurisdictions.<sup>94</sup>

DC Evans clarified that she meant:

Ownership I felt was important to talk about in this report when I did the review because I felt that ownership means that someone’s taking responsibility for and that they’re holding themselves accountable for the investigation.<sup>95</sup>

She described the ways in which senior managers in the missing women investigations evidenced this lack of ownership: failure to keep themselves informed about the case, lack of attention, and lack of any direction or action.<sup>96</sup>

DC Evans found it remarkable that the extensive recognition and ownership issues extended across each of the investigations over a significant amount of time. I agree with DC Evans' analysis regarding these factors and their role in contributing to the failures in the missing women investigations. However, for the sake of clarity, I prefer the term *leadership*, which DC Evans also employed and, more specifically, a want of leadership to describe this causal factor:

It all comes down to leadership. We need the right leaders in place to say hey, we have a problem here, let's work together and solve this.<sup>97</sup>

It was a two-sided problem: at the same time that managers and executive members failed to display leadership skills, "some investigators who had great leadership skills, lacked the support and authority to accomplish what was necessary."<sup>98</sup>

DCC LePard also concluded that: "there was a failure at the senior management levels to show leadership in this case."<sup>99</sup> This finding is central to his review of what went wrong in the missing women investigations:

*There was a lack of leadership demonstrated at both the middle management and executive levels. It was the responsibility of middle managers in the Major Crime Section to be fully apprised of such a serious matter as the Missing Women investigation. Further, they were responsible to alert those at the Executive level of the resources needed to address these issues, with the clear analysis necessary to allow an informed decision. It was the responsibility of those at the Executive level to ensure that adequate resources were made available to address such a serious issue, even if it meant re-allocating significant resources from other areas in the VPD. In these respects, and while admittedly there were very significant investigative and resource challenges, there were failures of leadership where the Missing Women investigation was concerned.<sup>100</sup>*

### ***Passive management style***

The want of leadership in the missing women investigations is partly attributable to the limited, passive, reactive form of management VPD senior managers practiced. In his testimony, Acting Chief Constable Blythe said that he did not see it as his role to consider altering the composition or structure of the MWRT, to monitor or address personality conflicts, or actively solicit information about the status of the investigation.<sup>101</sup> He was responsible only for oversight.<sup>102</sup>

The refrain I heard most often during the hearings was that questions would not be asked unless a problem was brought to the attention of a senior

manager.<sup>103</sup> If an issue wasn't brought forward, there was no problem.<sup>104</sup> This system places the responsibility on the lower ranking officers to bring problems up rather than on higher-ranking officers to proactively determine if there are problems.

I offer an illustration of how this passive management style worked on a specific issue to underscore this point. In a memo, Cst. Wickstead recommended that the VPD organize a forum with women engaged in the sex trade. This recommendation had the potential to both move the investigation forward and to get input on potential preventive measures designed to protect these vulnerable women. In response to questions about this recommendation, Insp. Beach told the Commission:

Asking me whether I think something is a good idea as a district commander is not the way business is conducted in a police department and certainly wasn't at that point...<sup>105</sup>

... if a subordinate has an idea and wants to do something, I'm all ears. But subordinates -- constables don't typically order up. They don't make recommendations for the inspector to do this or that or the next thing. Like, Jerry's idea [having a police sex trade forum with a group brainstorming atmosphere] I think was a really good one, but it's his responsibility to put the idea together, to formulate a plan, tell me what's going to occur and all those kinds of things.<sup>106</sup>

He thinks that this is an important thing to do and so I support that, but I'm not going to organize the meeting for him is my point. That's his responsibility.<sup>107</sup>

Insp. Beach's testimony makes it clear that in his view it was Cst. Wickstead's responsibility to operationalize this recommendation.

In his cross-examination of CC Blythe, Mr. Ward asked him about his approach to supervision when he became Acting Chief Constable of the VPD in June 1999:

Did you consider when you assumed the position of acting chief, given the notoriety of the missing women cases, reallocating resources, perhaps taking some of these seasoned investigators with experience in tracking down sexual predators, perhaps taking even LePard with his major case management experience, and putting them to work on the issue of the missing women?<sup>108</sup>

CC Blythe's response was that this suggestion would have needed to have come from the immediate supervisors to the deputy chief level in that division. He did not see it as his responsibility to ascertain whether changes were needed to make the missing women investigations more effective. CC Blythe said that he would have agreed, "if it was specified and they were definite about their feelings and the seriousness of the investigation."<sup>109</sup> Nor did he see it as having been his responsibility as DCC of Operations to monitor personality differences in another section, such as between Insp. Biddlecombe and Det. Cst. Rossmo.<sup>110</sup> He told the Commission: "The responsibility and accountability to carry on the investigative team work

in his own division. I'm the oversight body as the acting chief. The deputy chief and his people are still in charge of this investigation."<sup>111</sup> [Words missing in original.]

DCC McGuinness' description of his management style is also very passive. He told the Commission that Insp. Biddlecombe reported to him "in a verbal fashion or a written fashion or any time he wished to speak to me."<sup>112</sup> All the inspectors or staff sergeants who were in charge of the sections within the Operational Support Division "would come to the morning meetings if they were available."<sup>113</sup> DCC McGuinness was clear that he "never drilled down to see exactly what a sergeant was doing with their members or how their reporting system was going unless a problem was brought to my attention."<sup>114</sup> Therefore, "If a problem wasn't being brought to me, I didn't believe there was a problem."<sup>115</sup> DCC Unger also testified that this held true for his management style: he would deal with issues if they were brought to him but if a problem wasn't brought to him, he didn't believe there was a problem.<sup>116</sup> I accept DC Evans' finding that Acting Insp. Dureau also had a passive management style.<sup>117</sup>

DC Evans was highly critical of this passive management style, concluding that a proactive management style was required to ensure the missing women investigations were on the right track:

*DCC McGuinness [sic] had ownership of the MCS which included the MPU. While there were documents that demonstrated he was kept informed of the investigation, I saw no evidence of proactive steps on his part to move this investigation forward. This was an enormous investigation that required regular Executive attention.*<sup>118</sup>

The passive management style was not uniform across the police forces. Mr. Chantler, Counsel to the Families, suggested that Supt. Hall's management style was also passive. Supt. Hall agreed that he let his subordinates do their jobs and come to him if they had a problem or something to report, but he also went through the Serious Crime Unit every day he was in the office and talked to the constables, sergeants and staff sergeants to find out what was going on.<sup>119</sup> This exemplifies a more active management style, though it is unclear whether it is a more effective one.

### ***Lack of communication between investigators and senior managers***

There was insufficient communication between investigators and senior management. The minutes of the first meeting of MWRT recorded that there should be a "weekly update to Brock and Fred" (Staff Sgt. Brock Giles and Insp. Fred Biddlecombe).<sup>120</sup> However, this reporting was not done on a consistent basis. Det. Cst. Shenher told the Commission that she believed this was Sgt. Field's responsibility.<sup>121</sup>

Sgt. Field was clear in her view that all of the senior managers in the VPD knew about the MWRT's pursuit of Pickton as a suspect: "I believe Inspector Biddlecombe knew, Inspector Dureau knew, Inspector Spencer

knew, Deputy Chief Unger and Deputy Chief McGuinness..."<sup>122</sup> But VPD senior managers told the Commission that they had only a very basic knowledge of the Pickton investigation. They knew that an investigation was ongoing but had no knowledge of informants or other details of the investigation.<sup>123</sup> Police witnesses were generally of the view that this was normal. When DCC Unger was asked about whether he knew about the information coming from Mr. Hiscox and Mr. Caldwell or the names of other informants like Mr. Menard, Ms. Best or Ms. Ellingsen, he told the Commission that he did not:

[A]s a deputy chief I wouldn't normally get all of the minute details of any investigation. So that's not -- that's not abnormal. In fact, in many cases it's recommended because it's a need-to-know basis, and we just don't broadcast that unless it's absolutely pertinent to some decision that I need to make.<sup>124</sup>

I would hear from time to time periodic updates at senior management team meetings and that type of thing, but they would be sort of general updates, certainly not divulging names of informants, that type of thing. It just wasn't done.<sup>125</sup>

Insp. Biddlecombe and Insp. Dureau of the Major Crime Section stated that they did not know about the information from Mr. Hiscox.<sup>126</sup> Insp. Dureau said that he was never asked to call Coquitlam to follow up on the investigation.<sup>127</sup>

Det. Cst. Chernoff and Det. Lepine were more forceful in their recollection of the level of knowledge that they passed up to senior managers concerning Pickton. They had specifically told Insp. Biddlecombe that Pickton was a compelling subject.<sup>128</sup> This information was given to Insp. Biddlecombe at meetings with Sgt. Field present.<sup>129</sup> Det. Cst. Chernoff told the Commission: "I know that Biddlecombe was apprised of our view that Pickton was a compelling suspect" and "I know that I spoke to him about it." Det. Cst. Chernoff did not go directly to DCC McGuinness, who was higher up the chain of command than Insp. Biddlecombe, as subordinates just "didn't do that."<sup>130</sup> He went on to say: "I would say we made it clear [to our supervising officers]. Obviously it wasn't clear enough."<sup>131</sup>

The same causal factor of the limited involvement of senior management was also evident in the Coquitlam RCMP investigation of Pickton. There were relatively few meetings between senior managers and the Pickton investigation team. According to the record, Supt. Hall attended two meetings with the Pickton investigation team on August 11 and 17, 1999.<sup>132</sup> Insp. Moulton attended meetings with the Pickton investigation team on July 29, August 3, and August 5, 1999;<sup>133</sup> a meeting with Cst. Yurkiw regarding interviewing Pickton on January 12, 2000;<sup>134</sup> and spoke with Staff Sgt. Zalys in April 2000 about resources for the Pickton investigation.<sup>135</sup>

### ***Failure to keep informed***

There is no question that senior managers at the VPD and the RCMP

were regularly briefed on developments by the MWRT, on the Pickton investigation and on Project Evenhanded. However, regular communication did not preclude a failure to be informed. There were many examples of senior managers not being properly informed on important developments:

- Insp. Dureau was not aware of Det. Cst. Shenher's memo to the Attorney General in April 1999:
  - "I was assigned to conduct sergeant interviews in a different building for about four weeks so I wasn't there." "I am absolutely as the inspector responsible for what happens under my command. I'm telling you I wasn't there at the time, I was doing something I was assigned to do, but yes, I should have known about that memo."<sup>136</sup>
- In 1998, DCC Unger (Acting DCC of Operations) would not have known about Det. Cst. Shenher's work:
  - "That was an in-house investigation in that division, and as a general rule we wouldn't share that type of information. I would hear from time to time periodic updates at senior management team meetings and that type of thing, but they would be sort of general updates, certainly not divulging names of informants, that type of thing. It just wasn't done."<sup>137</sup>
- Supt. Hall agrees that it was the responsibility of the other officers (Cpl. Zalys, Cpl. Connor, Cpl. Yurkiw, and Insp. Moulton) to come to him with information about the Pickton investigation "if they thought that they had to." He was "working under the assumption that it (the Pickton file) wasn't going any further."<sup>138</sup> There were significant steps taken on the Pickton file between the summer of 1999 and when the farm was searched, of which he was not apprised.<sup>139</sup>
- Supt. Hall: "Every day I would go down through the Serious Crime Section and all the different sections within the detachment, stop, talk with the constables doing the work if they had a file that was ongoing that had come in recently, was a hot topic." (But Supt. Hall never asked about the Pickton investigation).<sup>140</sup>

I conclude that the main problem was not a lack of information flow; it was a failure to pay attention. I agree with DCC LePard's conclusion on this point:

...we can look back in hindsight and ask, you know, did we need to have more clearer memos written, but I think that they were pretty clear. The information to make the decisions was there. It wasn't accepted. It wasn't given the weight that was necessary to make good decisions.<sup>141</sup>

The failure to pay attention can sometimes be blamed on other more pressing priorities, but given the extent of this failure, and the fact that it was evident over such a long period of time, leads to me to conclude that

the problem was deeper. The real problem was a lack of engagement and commitment by senior managers.

This lack of engagement and commitment is especially vexing given the notoriety of the missing women cases. I agree with DC Evans' assessment that there was a great deal of public concern expressed in the media and that this should have attracted and engaged the attention of senior management.<sup>142</sup> Senior management had a vital leadership role to play at critical junctures in the investigations when progress floundered: in September 1998 with the dissolution of the Missing Women Working Group (MWWG); in 1999 with the breakdown in communications between the members of the VPD Missing Women Review Team (MWRT) and members of the Coquitlam RCMP with respect to the Pickton investigation; in the 2000 transition to the Joint Forces Operation (JFO); and in 2001, when police realized that women were still going missing and that it was likely that a serial killer or killers were active. At each of these junctures, senior managers should have carried out proper management assessments of the situation, but this was not done due to a lack of leadership. The want of leadership meant that the investigations were "simply allowed to flounder and deteriorate, with no real understanding of what the problems were, and what was necessary to fix them."<sup>143</sup>

### ***Absence of supervisors at critical times***

Absence of VPD Major Crime Section senior managers at critical times in the missing women investigations resulted in knowledge gaps and poor supervision. Insp. Biddlecombe was frequently absent when he was in charge of the VPD Major Crime Section.<sup>144</sup> Insp. Biddlecombe suggested that, during the 19 months he spent in charge of the Major Crime Section, he was only there about half the time. Insp. Dureau concurred that he was away a lot, but recalled that he was there more than half the time.<sup>145</sup> I do not question the explanations for these absences; the issue is that no effective steps were taken to deal with the lack of leadership and supervision that resulted. When a supervisor or senior manager was away, a colleague placed in an acting position absorbed their responsibilities. This was insufficient. Insp. Dureau told the Commission: "It was the same dynamic whenever I was called across to act as the Inspector. My job didn't disappear. I might put somebody in an active capacity there but their job didn't disappear and on down the lines."<sup>146</sup>

Further, there was no effective process for ensuring continuity of information flow during these absences, although reports and e-mails would be passed on during the whole section's daily morning meetings.<sup>147</sup>

Supervisor absences impacted the course of the investigation. As an example, DCC McGuinness was away for six weeks when Det. Insp. Rossmo's May 27, 1999 report came in; DCC McGuinness surmises: "it looks like it was dealt with by Acting Deputy Chief Ken Doern, who was my actor at the time."<sup>148</sup> He reveals he "never saw the report until approximately one month after he had submitted it."<sup>149</sup>

DCC McGuinness agreed that Insp. Biddlecombe's absences could have caused issues around leadership in the Major Crime Section, but he was not aware of those issues at the time.<sup>150</sup>

Within the police department there's a structure that if there's -- if one of the superiors is missing due to illness, court or whatever that the rank immediately below them moves up and becomes an acting position within that squad. At no time did Inspector Biddlecombe ever indicate to me that he wasn't coming back to the police department, so I was confident in the people that were acting for him that they could do the job they needed to get done.<sup>151</sup>

VPD Major Crime Section had a rapid turnover of inspectors in charge of the section:

- Insp. Biddlecombe – January 1998 to October 1999;
- Acting Insp. Dureau – Acting October 1999 to April 2000;
- Insp. Spencer – April 2000 to March 2001;
- Insp. Boyd – Acting March 2001 to November 2001; and
- Insp. Beach – November 2001 to May 2004.

Project Evenhanded was affected by the absence of its key members over the summer of 2001. Det. McKnight was on leave from July 13 to August 12, 2001.<sup>152</sup> Sgt. Adam took a two-month vacation from June to August 2001;<sup>153</sup> he admitted he would not have taken this extended vacation if he had known that there was an active serial killer.<sup>154</sup> DC Evans questioned the decision-making of the supervisor who allowed the Project Evenhanded members to take extended leaves over the summer of 2001.<sup>155</sup>

I conclude that this pattern of extended absences by senior managers at critical times during the investigations contributed to the investigative failures. The institutional failure to address these serious gaps in management is in itself evidence of a want of leadership at the macro level.

### ***Lack of direction by senior managers***

One of the main findings in DC Evans' report is that she "did not see evidence that anyone from senior management or the executive were providing any direction on the missing women investigation."<sup>156</sup> I agree with her conclusion. There is no doubt that this contributed to the critical police failures:

*While investigators tried to determine what had happened to the Missing Women, they were not supported by Senior Management. This lack of oversight resulted in investigations that lacked direction, staffing and resources. The situation existed when VPD investigators began working with RCMP in relation to Pickton and continued when Project Evenhanded was initiated as a Historical Review. Once the coordinated effort began, I was concerned at the length of time it took to realize that what was required was a proactive suspect focused Task Force instead of a Review Team.<sup>157</sup>*

Evidence at the hearings suggests that there were regular meetings of senior managers and executives on a daily, weekly or monthly basis depending on the division. The Commission did not systematically review these meetings: in some cases minutes were not kept<sup>158</sup> and, when notes were kept, not all were disclosed to the Commission.<sup>159</sup>

While the lack of direction from senior management was particularly clear with respect to the VPD, it was also true to some extent of the Coquitlam RCMP's Pickton investigation. Corp. Connor told the Commission that Insp. Moulton was supportive, and there were no roadblocks from senior management:<sup>160</sup> this is hardly a ringing endorsement of an engaged senior management. This lack of direction became more problematic after Cpl. Connor was promoted and the file was transferred to Cpl. Yurkiw, who had significantly less investigative experience.

DC Evans comes to a similar conclusion with respect to the Coquitlam RCMP investigation. She recognizes that while Insp. Moulton was quite engaged, he was also in a difficult position of having to prioritize between a number of serious files within a context of highly constrained resources. However, she concludes that he should have taken steps to rectify the situation: “[t]he information demanded attention and action. If he was unable to deal with it he should have requested assistance and not just ignored it.”<sup>161</sup> For example, given the information available about Pickton and a potential link to the missing women from the DTES, he could have developed a proposal for a task force.

Similarly, the lack of direction from senior management influenced the initial phase of Project Evenhanded, particularly the delay in adopting an operational plan and the failure to pursue a suspect-based investigation.<sup>162</sup>

I find this lack of direction particularly problematic given the seriousness of the case and the lack of progress over such a long period of time. I conclude that the lack of direction from senior management contributed significantly to the faulty risk assessment and the inexplicable lack of urgency that characterized all of the investigations. I agree with the Families' submission that this “hands-off approach” reveals a “lack of interest and diligence” in ensuring the case was properly investigated.<sup>163</sup> I also agree with oral submissions of Mr. Gratl, Independent Counsel for the DTES, that this lack of direction cannot be attributed to a failure to have sufficient information:

If any member of the Vancouver Police Department senior management team did not know of the extraordinary threats to sex workers' safety from customers, boyfriends and others, those officers were not doing their jobs. At the very least, the officers and institutions as a whole ought to have known of those risks.<sup>164</sup>

In a few specific instances, the direction given or actions taken by senior managers had a detrimental impact on the investigations, further underscoring their lack of understanding of the investigations. For example, as detailed in previous sections, I have found that Insp. Biddlecombe's

direction to check the indigent burial lists impeded the investigation.

Lack of direction from senior management was a clear trend, but it was not universal. For example, Det. Cst. Shenher recalls that when Insp. Spencer took over Major Crimes Section, he was engaged and assisted in problem solving. It was a clear contrast to her earlier experience: “In the previous regimes it was more oversight almost or almost management as a figurehead as opposed to actually a working member of our teams.”<sup>165</sup> DCC LePard cites the example of DCC Blythe and DCC Unger ensuring the VPD participated in Project Evenhanded in November 2001, despite the City of Vancouver not providing funding support.<sup>166</sup>

DCC LePard concludes that the fact that senior managers did not have experience in homicide or even major crimes contributed to the lack of effective oversight and the critical police failures. He stated:

... there was an attitude then in the VPD that a police manager could go to any area, regardless of experience. In many cases, the Major Crime Inspector was a very senior Inspector in his last assignment (often a relatively short one), and was not necessarily well-qualified to deal with anything but administrative issues, relying on the sergeants and staff sergeants for operational matters.<sup>167</sup>

The lack of experience in the Major Crime Section or homicide is striking:

- DCC McGuinness’ only experience in Investigation was in Strike Force;<sup>168</sup>
- Insp. Biddlecombe had not been a detective in Major Crime;<sup>169</sup>
- Insp. Dureau had experience in major crime investigations in Robbery but not Homicide; and<sup>170</sup>
- Insp. Spencer had no background in Major Crime Section, but some experience in Strike Force.<sup>171</sup>

In DCC LePard’s view, “The Inspector in charge of an investigative section must have sufficient experience and training to take control over a complex investigation, and understand what is necessary for it to have a chance of success.”<sup>172</sup>

The problems arising from the lack of experience of VPD senior managers in homicide investigations were compounded by the limited, passive and reactive form of supervision the VPD senior managers practiced.

### ***Overall lack of engagement and commitment by VPD***

I also conclude that there was an overall lack of engagement and commitment at senior levels of the VPD. The amount of evidence demonstrating the lack of attention paid to the missing women investigations at the executive level is staggering. Overall, the executive blinded themselves to the missing women investigations.

VPD’s Operation Support Division had morning meetings with all of the

inspectors or staff sergeants in charge of sections within the Operational Support Division.<sup>173</sup> There were also Senior Management Team meetings every Wednesday.<sup>174</sup>

Despite many meetings, executive police levels remained uninformed for two reasons. First, the executive did not attend meetings of the investigative staff. Furthermore, these staff only briefed the executive with macro-level issues such as resources.<sup>175</sup> While MCM principles hold that very specific information regarding investigations is not shared outside of the investigative team,<sup>176</sup> more high-level information about progress and obstacles could and should have been shared with the executive.

Secondly, the executive-level morning briefings rarely included discussions or documents regarding the missing women. This is surprising given both the number of missing women cases and the public attention they garnered. DC Evans' detailed review of the meetings also found the lack of discussion and documentation amiss:

*The Vancouver Police Department held [executive level] morning briefings, so I would have expected conversations or documents that would have revealed updates on the missing women investigation. Because it was such a priority to the community I would have felt that I would have seen more documents from the senior officers.*<sup>177</sup>

I fully agree with DC Evans' view that the missing women were "an urgent issue within the DTES" and it was the Chief Constable's job to become and stay informed.<sup>178</sup> The lack of awareness of such an obvious concern to the community by successive chiefs is unfathomable. By any reasonable measurement, the missing women cases should have been a Department-wide priority.<sup>179</sup> I agree with DC Evans' conclusion that "This was an enormous investigation that required regular Executive attention."<sup>180</sup> The fact that it was not a priority is supported by the delay in establishing the MWRT, by the failure or successive executives to push for a JFO and to ensure that a JFO moved promptly, and by a failure to ensure that proactive steps were taken to protect public safety. The executive should have taken proactive steps and did not do so.

It has been suggested that the dysfunctional leadership team within the VPD during 1999 and 2000 contributed to the absence of leadership in the missing women investigations. In his testimony, DCC LePard told the Commission: "I agree that there was some unhealthy dynamics going on, that cooperation and communication was not good at the senior level of the VPD."<sup>181</sup>

## Conclusions

The missing women investigations suffered from a want of leadership. This lack of oversight resulted in investigations without sufficient direction, staffing or resources. Ineffective leadership affected all phases of the investigation: from the delays in confirming women missing, to the

breakdown of the initial Pickton investigation, to the delay in setting up a JFO, to the misguided operational plan for Project Evenhanded.

Witnesses provided me with a range of explanations for the want of leadership.<sup>182</sup> I conclude that the pattern of disengaged leadership was due to a combination of lack of interest and understanding. Early opinions that this was a low priority issue as the women were merely missing were stubbornly persistent, reinforced by the outdated belief of “no body, no crime.” This led to a disinterest in newer analytical approaches, such as Det. Insp. Rossmo’s statistical analysis. There was also a lack of political pressure. Leadership required someone in a senior position to go out on a limb, but everyone chose to play it safe. All of these things meant that there was no champion for the missing women when one was needed and richly deserved.

### **C. Limited and Outdated Policing Systems, Approaches and Standards**

The missing women investigations were severely hampered by limited and outdated policing systems and approaches, and by the lack of clear standards. Both the LePard and Evans reports discuss these issues in great detail, and the police participants see these problems as providing the central explanations for the failures in the missing women investigations.

DCC LePard’s report focuses, to a large extent, on the organizational system failures that plagued the VPD’s missing women investigations throughout the terms of reference. Det. Insp. Rossmo attributed the failings in the missing women investigations to “organizational problems” which he defined as “those inherent in the structure, procedure, policies, training, or resources of the police agency.”<sup>183</sup>

In the closing submissions, the VPD submits that these systemic problems hampered both the VPD and the RCMP’s efforts.<sup>184</sup> According to the VPD, these systemic policing issues included:

- Lack of Major Case Management or equivalent structure being put in place for the Missing Women Investigation and the Pickton homicide investigation in Coquitlam;
- The absence of mandatory internal reviews of investigations that are unsuccessful for a certain period of time;
- The absence of a media strategy with respect to the Missing Women Investigation;
- A missing persons office structure which was inadequate; and
- A lack of provincial co-ordination in respect to missing person investigations.<sup>185</sup>

The VPD’s list of systemic policing issues also encompasses several related to rank structure and lack of mechanisms for inter-jurisdictional cooperation. I see these as distinct underlying causes of the critical police failures and discuss them in the sections that follow. The VPD submits that together

these systemic policing issues “were all important contributing factors to the problems in the investigation:”

*Resource shortages and personality conflicts may have aggravated their influence, but these systemic problems prevented the system from overcoming challenges that are always presented when personalities do not meld perfectly and resources are inadequate.<sup>186</sup>*

There is some overlap in this list of systemic policing issues and my conclusions regarding the critical police failures. For the most part, my conclusions are consistent with *The LePard Report* and the VPD's submissions. My approach is somewhat different in that I separate the underlying causes of the failures from the failures themselves. In my view, five limitations in policing systems and approaches contributed to the failed missing women investigations:

- I. Inadequate missing person policies and practices;
- II. The unacceptably slow adoption of MCM systems;
- III. A parochial and silo-based approach to policing;
- IV. Failure to develop and apply policing standards;
- V. Poor or non-existent integration of community-based policing principles in the approaches taken to the investigations.

### **Inadequate Missing Persons Policy and Practices**

There was no provincial standard for missing person investigations during the terms of reference, and this deficit has yet to be addressed by provincial authorities. Both the VPD and the Government of Canada accept the fact that their missing person policies were deficient in this regard from 1997 to 2002, although both agencies have taken major steps to clarify standards applicable within their agencies in the intervening decade.<sup>187</sup>

Notwithstanding the lack of detailed standards, the Government of Canada's closing submissions highlight the uniformity in approach taken by RCMP detachments in missing person cases based on RCMP E Division policy. The policy sets out the requirements related to taking a report, initiating search action as soon as practicable where circumstance warranted, entering all missing persons on CPIC immediately, and advising other agencies/community resources/persons where the missing person might reasonably be located. The RCMP member is responsible for providing updated information to all agencies and systems as that information becomes available, obtaining other methods of identification promptly and using services of the Contract Policing Crime & Information Bulletin and other media resources to disseminate information. Detachment policies specified that if suspicious circumstances or information suggested foul play, then the missing person investigation would be forwarded to the detachment's General Investigation Service. The Government of Canada submits that these steps “accord with an appropriate investigation of an initial report of a missing person, and appropriate elevation of a missing person file to a homicide or serious criminal investigation.”<sup>188</sup> I accept that the RCMP

missing person policies were reasonable; although, as I have concluded earlier, this policy was not followed systematically in all of the missing women cases reported to RCMP detachments.

The VPD fully admits that the systemic problems in the MPU caused many serious problems within the missing women investigations. I agree with the VPD's submissions that the MPU was "not well-organized, well-structured or properly staffed or supervised. While it did good work, it did not perform well with respect to suspicious missing persons reports."<sup>189</sup>

Det. Cst. Shenher told the Commission that the MPU would go without a police officer for long periods of time.<sup>190</sup> Ms. Sandra Cameron noted that it was difficult to get detectives to come and work in the MPU and there was a very high turnover; she saw "new detectives coming through every six months."<sup>191</sup> This evidence underscores the low priority placed on missing person cases during the terms of reference. In her review, DC Evans was particularly concerned by the complete lack of evidence that the MPU civilian employee received any training around taking missing person reports and whether a civilian employee, regardless of the training, should be determining the priority of missing person reports.<sup>192</sup> Her concerns are particularly acute given the lack of supervision in the MPU. The VPD MPU was viewed as an undesirable place to work, perhaps due to a combination of its low status within the Department, its dysfunction, and the fact that some viewed it as a poisoned workplace.

As I noted at the end of Part 3A, the systemic problems within the VPD MPU were fully documented in an audit completed by Retired Insp. Schouten in 2004.<sup>193</sup> *The Schouten Report* found that there was an overall lack of resources, adequate training and oversight provided to the VPD MPU. It concluded that there was generally little active investigation on files not cleared within the first 48 hours and that the investigative steps taken were not consistently documented. The report also identified a need to develop clear guidelines to determine when a suspicious missing incident becomes a homicide investigation. All of these systemic deficiencies compromised the VPD MPU's ability to effectively carry out its mandate to investigate missing person reports and properly assess their level of risk. All of the recommendations from the *Schouten Report* were implemented by the VPD within two years.<sup>194</sup>

I agree that the lack of established policies within the MPU on issues such as investigative steps to be taken, the threshold for determining foul play, and inter-agency cooperation and investigation enabled the exercise of unstructured discretion in investigative decision-making and enabled a level of inaction that was wholly unacceptable.

The systemic problems extended well beyond the VPD MPU. The investigations were also severely circumscribed by a lack of systematic means of sharing information about missing persons between policing agencies. There was no oversight mechanism to look for anomalous

patterns of missing people, especially when they crossed jurisdictions.<sup>195</sup> A provincial standard is required to address these systemic inadequacies.

### ***Unacceptably slow adoption of MCM systems***

It is trite to say that the police failure to follow MCM principles was caused by the fact that neither the VPD nor the RCMP had formally adopted and put into place MCM systems. I am mindful of the time required to fully implement such a major shift in policing practices, especially bearing in mind the training requirements and the need to develop the required support systems. At the same time, provincial authorities and senior management at the VPD and the RCMP were aware of the *Bernardo Review* and its implications for major cases that had multi-jurisdictional aspects, such as the missing women investigations. The police forces cannot use the unacceptable delay in developing MCM standards as an excuse for its failures. At a minimum, a full MCM system could have been implemented for the missing women and Pickton investigations, as it was by the VPD for the Home Invasion Task Force in 1999. My finding in this regard is especially important given that British Columbia still does not have provincial MCM standards or a common province-wide ECM system.<sup>196</sup>

By the late 1980s, the VPD had an Electronic Records Management system.<sup>197</sup> I have already canvassed some of the limitations experienced with the SIUSS system and its impact on the investigations in my Part 3E analysis of the failure to follow MCM principles. I emphasize that while there were problems with the SIUSS system itself, a major contributing factor was the “complete lack of trained analysts” and the VPD’s failure to have a properly trained full-time person to operate the SIUSS system.<sup>198</sup> Det. Insp. Rossmo concurred that the VPD “had reasonable capacity in the mid-’90s.”<sup>199</sup>

### ***Failure to develop and apply policing standards***

We have been slow, in British Columbia, to adopt formal provincial policing standards. There were no standards for MCM or missing persons during the terms of reference and they still do not exist today. I conclude that the lack of standards contributed to unacceptable disparities in the individual missing women investigations and to the lack of accountability that plagued the investigations in an overarching sense. Without standards, there is no barometer for measuring performance and lack thereof. For example, the lack of a standard for an automatic review of a stalled file contributed to the failure of internal accountability mechanisms.

### ***A parochial and silo-based approach to policing***

I concur with Det. Insp. Rossmo’s submission that the VPD and RCMP made the classic mistake found in many serial murder investigations: being parochial and not involving all of the agencies that needed to be involved.<sup>200</sup> As he pointed out, this is particularly problematic in an area like the Lower

*Community-based policing necessarily means real community involvement by the police in a partnership with the community.*

Mainland where there are a number of different cities and different police jurisdictions involved.

The silo effect was also evident in the missing women investigations. A significant lack of communication between sections within the VPD and the RCMP caused compartmentalized thinking and a lack of flow of ideas, knowledge and strategies. This silo-based approach meant that the potential contribution of criminal profilers, geographic profilers and patrol officers was not effectively integrated into the investigations. Taking such steps to broaden the knowledge base was seen as out of the ordinary and possibly frowned upon: “going and consulting with the criminal profiler was not an everyday thing.”<sup>201</sup>

### ***Poor or non-existent integration of community-based policing principles***

In 1994, in my capacity as Commissioner of the Inquiry into Policing in British Columbia, I recommended the shift to community-based policing.<sup>202</sup> The *B.C. Police Board Handbook* contains an acceptable but minimalist definition of community-based policing:

*Community policing aims to increase the cooperation between the police and community members to discover and address the root causes of crime, decrease the number of recurring crimes and to allocate policing resources to meet community policing needs.*<sup>203</sup>

I was very interested to hear the evidence by the District 2 panel of witnesses concerning their views of community-based policing.<sup>204</sup> What struck me the most was that the members were all experienced with, and supportive of, the community-based policing model; but they viewed its role to be limited to preventing crime, particularly local street crime. They were not prepared to accept the proposition that community-based policing approaches could also be used to *solve* major crime. I do not find fault in their opinions, which I take to reflect one of the more supportive views of community policing during the terms of reference, given that these officers were instrumental in setting up and running some of the first community policing offices in Vancouver. But I do not agree with their opinions.

Community-based policing necessarily means real community involvement by the police in a partnership with the community. I am extremely disappointed to find that community-basing policing principles were completely ignored in the missing women investigations. The police utterly failed to take the problem-solving orientation and the proactive rather than reactive approach, which are both key to true community policing models. The missing women investigations demonstrate, yet again, the inherent limitations of the traditional model of policing focused on “catching the bad guy.” I saw no attempts at any stage of the missing women investigations, the Coquitlam RCMP Pickton investigation, or in Project Evenhanded, to develop collaborative partnerships between the police and the public. As important as Det. Cst. Shenher’s single community meeting and single family meeting and the more ad hoc work of Cst. Dickson in the DTES

were, they cannot by any measure constitute steps toward collaborative community partnerships. Nor were Project Evenhanded's family meetings aimed at building collaboration; the objective of these meetings was to share information, provide support to the families and repair some of the damage to the police-family relationships that had developed over the years. While these were important goals, they did not serve to advance the investigation or deal with the public safety aspects of the situation.

I do not underestimate the difficult and time-consuming task of building community partnerships, especially in a neighbourhood like the DTES where in the late 1990s the community-police relationship was marked by alienation and distrust. The problematic police-community relationship cannot be used, however, as an excuse for not making a serious attempt to work toward a collaborative relationship with the community. In the context of the missing women investigations, the difficulties only serve to underscore the compelling reasons to prioritize a strategy that embraced community-based policing principles.

Integrating a community-based approach into the missing women investigations was the best, and perhaps the only, strategy available to the police to protect potential victims and to catch Pickton. While the VPD had the primary responsibility in this regard, the RCMP also needed to employ this strategy in partnership with municipal police forces. For example, when Coquitlam RCMP learned that Pickton also frequented the stroll in New Westminster, they could have worked with the New Westminster Police Service in implementing a community-based policing strategy.

I agree with Mr. Gratl's submission that the community policing strategy adopted by the VPD during the terms of reference was lacking in that it did not adopt "the principles that persons are entitled to police protection commensurate with the risks that they face" and did not prioritize crimes against the person over lesser offences.<sup>205</sup>

In my view, the Vancouver Police Board could have played a more active role in correcting the VPD's failure to integrate a community-based policing approach. This role is very much in keeping with the Board's responsibility to set broad policy direction rather than influence actions at the operational level. The Board relied on community police officers to inform them about the issues in each neighbourhood,<sup>206</sup> and its concerns about the missing women should have motivated Board members to ask about the situation and potential crime prevention strategies to prevent more women from disappearing. The Board policy required that complaints be resolved on the side of public and officer safety where there was a conflict between safety priorities and Department priorities.<sup>207</sup> The volume of concerned letters before the Board were certainly sufficient for them to take steps to inquire more deeply about the public safety dimensions of the missing women issue.

## D. Fragmentation of Policing

The critical police failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies is directly attributable to the fragmentation of policing in the Lower Mainland and the inadequacy of structures to overcome this fragmentation. The failure to take all necessary measures required by multi-jurisdictional crime resulted in serious communication failures, linkage blindness, unco-ordinated parallel investigations, and lack of sharing of key evidence. These failures also contributed to the low prioritization of the missing women and Pickton investigations and the investigations' inadequate resources allocation.

The VPD frames the systemic policing issues related to inter-jurisdictional problems in this way:

- The patchwork policing in the Metro Vancouver area, which can inhibit communication regarding important investigations and prevent the appropriate setting of priorities;
- The absence of a structural trigger for JFOs; and
- The lack of formal communication forums to discuss investigations that bear upon multiple jurisdictions.<sup>208</sup>

I adopt this three-pronged characterization as a helpful description of the three main causal factors that inhibited an effective multi-jurisdictional approach to the missing women investigations.

### *Patchwork policing*

Criminal activity will always operate across jurisdictional boundaries; the more jurisdictional boundaries there are in a geographically contained area, the more complex the policing structure will be due to an increase in the number of separate police forces. The greater the complexity, the more the map of the police force resembles a patchwork. This is directly related to the greater challenge of cooperation, and concomitant increased chances of inter-jurisdictional failures. Greater Vancouver has the most complex policing structure of any metropolitan area in Canada.<sup>209</sup>

Both DCC LePard and DC Evans concluded that the fragmented nature of policing in the Lower Mainland significantly contributed to the police failures in the missing women investigations. DC Evans went so far as to say:

I believe that a quicker and more coordinated police response would have resulted if one police agency held the same jurisdictional control over both Pickton's residence and the DTES where the women went missing from.<sup>210</sup>

I conclude that the fragmentation of policing was one of the primary reasons why the police failed to prioritize the investigation of Pickton and to pursue that investigation until he was either ruled out or confirmed as a suspect in

the murder of one or more of the missing women. There was no pressure on the Coquitlam RCMP to prioritize Pickton, especially relative to other violent crime investigations that were “priorities of the day” in the eyes of the community and senior management. The Pickton file lay dormant for almost two years after the failed interview of January 2000. The VPD was under the impression that Pickton was still being investigated in Coquitlam, but did not believe they had the jurisdiction to take over the investigation or to pressure the RCMP to pursue him more actively. I have concluded that the VPD could have taken more active steps in this regard, but I also recognize the challenges faced by the VPD in pursuing this course. In a more rational, less fragmented police structure, priority setting would have been carried out across the whole of Greater Vancouver.

### ***Absence of a structural trigger for a JFO***

In Part 3F, I concluded that a JFO should have been established by the summer of 1999, at the latest, with an awareness of the need for some level of cooperation crystallizing by September 1998. I attribute the delay in forming the JFO to the absence of a formal mechanism or established protocols to assist in the formation of an operation like the JFO for the missing women or other major cross-jurisdictional investigations. Mechanisms and protocols of this type were recommended in the *Campbell Report*<sup>211</sup> and quickly implemented in Ontario in response to this report on the Bernardo investigation.<sup>212</sup> Staff Sgt. Davidson recommended the establishment of an independent panel with this mandate.<sup>213</sup>

The long delay in establishing the JFO was caused because it required the consent of both the VPD and the RCMP. DCC LePard concludes that the RCMP resisted involvement in a JFO;<sup>214</sup> I found no evidence that they came to the table willingly.

### ***Lack of formal inter-jurisdictional communication forums***

It would be natural to assume that the patchwork of policing in Greater Vancouver would have led to the development of strong forums for inter-jurisdictional communication, but this was not the case during the terms of reference. In their testimony, almost all senior managers in both the VPD and the RCMP testified to how easy it was for them to phone their counterpart in another police force. Yet, the stark reality was that there was a paucity of information sharing and communication between policing agencies. The lack of institutionalized mechanisms meant that informal channels of communication had to be created and maintained, which in turn relied upon the predisposition and temperament of individual senior managers. This ad hoc approach proved to be woefully inadequate, leading to inconsistent and erratic communication and a lack of co-ordination in the investigations.

## **E. Inadequate Resources**

Most of the Participants addressed the issues of inadequate resources as an underlying cause of the critical police failures in the missing women investigations. I distinguish between the two main perspectives on this issue. One perspective is that policing resources are finite and the availability of resources was particularly constrained during the terms of reference. This scarcity of resources was a direct and leading cause of the problems in the investigations. The other perspective is that under-resourcing of the investigations was not due to a lack of resources, but rather the failure of the responsible police officers to ensure that an appropriate share of scarce resources was devoted to the missing women investigations.

I agree that there was a critical lack of resourcing for the missing women investigations, but I do not see this as an independent causal factor for the failures. I conclude that under-resourcing is a concrete visible manifestation of the under-prioritization of the missing women cases. This under-prioritization was the result of three other main explanatory factors already discussed: institutional bias, a want of leadership, and fragmentation of policing in Greater Vancouver.

In reaching my conclusion, I review the evidence concerning the general context of tight policing budgets during the terms of reference and the question of whether investigative strategies were affected by under-resourcing of the investigations.

### **Resources Were Tight**

There is no doubt that policing resources were tight during the terms of reference. I was inundated by evidence on this point and highlight some of the main points here.

#### ***RCMP E Division***

There was a “financial crisis” in E Division in 1998.<sup>215</sup> During the terms of reference, there were reduced resources throughout E Division. As an example, in 1998/1999, the RCMP training centre in Regina was closed for approximately one year, with the result that no new recruits were deployed to detachments throughout the country during that period.<sup>216</sup>

#### ***Coquitlam RCMP***

RCMP officers testified that Coquitlam RCMP was “the most under-resourced policing entity in the Lower Mainland.”<sup>217</sup> Insp. Moulton stated that for 1997/98, the Vancouver Police Department “had two and a half persons for every person that we [Coquitlam RCMP] had.”<sup>218</sup> At times, some sections were down almost 40 per cent in terms of strength.<sup>219</sup> In a memo on staffing shortages, Supt. Hall reported that he had met with “both Cities [Coquitlam and Port Coquitlam] who are not very happy with the RCMP as an organization at the present time, they are drafting correspondence to

the Commissioner... Coquitlam Detachment will be short 10-12 for the summer."<sup>220</sup> During this time there were 20 murder files outstanding at the Coquitlam Detachment.<sup>221</sup>

The Serious Crime Unit was particularly affected by the resource shortage. Supt. Hall elaborated:

At these meetings we'd be discussing how we can best allocate resources if we were running short in a certain area, where we could pull bodies from, and despite the brief comment there I'm taking that Inspector Moulton at the time is just standing up for his side of the house and saying, "I can't give up bodies."<sup>222</sup>

When we were allocating resources internally within the detachment to fill vacancies or shortfalls, Serious Crime would be one of the last ones we would try and affect because that was a small unit to begin with. Other plainclothes units and general duty would be called in to assist Serious Crime if they had more urgent work than they could handle.<sup>223</sup>

Evidence was filed concerning examples of pressures on the Serious Crime Unit:

- August 1999: Corp. Clary and Cst. Marenchuck were seconded out of the unit for a year; one constable position was vacant;<sup>224</sup>
- September 1999: All eight members of General Investigative Service were working on 19 homicides;<sup>225</sup>
- Corp. Clary was seconded in 1999, so only one corporal was available in Serious Crime;<sup>226</sup>
- In February 2000: Cst. Yurkiw, Cst. McCartney and Cst. Pollock were working on the Jung murder; Corp. Clary and Cst. Stuart were still seconded to Project "E" Lobster.<sup>227</sup>

Insp. Moulton explained: "During that timeframe we made a variety of attempts to lessen the workload, including raising the limits on fraud and removing the response to sexual assaults to the Patrol people."<sup>228</sup>

### ***Vancouver Police Department***

Times were equally tight in Vancouver. From 1996-1999, the VPD budget decreased (in real terms) each year.<sup>229</sup> DCC LePard pointed out:

*The lack of resources experienced in the VPD's Major Crime Section was common to the VPD as a whole throughout 1997-2000 when the Missing Women investigation occurred. Between 1993 and 2000, the City of Vancouver cut 42 police positions from the VPD to achieve budget reduction program goals. ... existing services were cut to meet budget reduction targets.*<sup>230</sup>

While the VPD budget was being cut, Vancouver's population was growing.<sup>231</sup> The VPD had its authorized strength cut by 15 police officers in 1999.<sup>232</sup> The situation was clear: "Clearly resources were extremely low in the VPD at the time of the MWRT due to an unfortunate set of

circumstances, and leadership that did not effectively advocate on the VPD's behalf."<sup>233</sup>

CC Chambers' reorganization was seen as placing strain on an already tight budget. CC Chambers reduced the number of deputies from six to three, and reduced the number of inspectors: his "new authorized strength was entirely fictional in terms of officers who could actually do VPD police work."<sup>234</sup> DCC Blythe commented on the difficulty of this transition:

... this was a bit shocking in the organization in that they were -- they all were in leadership positions, so that the knowledge and skill that they left with was certainly a detriment to the organization.<sup>235</sup>

In the summer of 2000, the VPD was about 40-50 detectives short. Equipment was "another huge related problem" – the VDP were in excess of 40 vehicles short.<sup>236</sup> The situation was described in these terms:

... we were extremely short at this time. We'd gone -- the police organization itself had gone through many setbacks, mostly with city hall. Interaction with our police board, we made several attempts to increase our personnel and deployment model. The problem we were facing, at least while I was the deputy chief in charge of patrol, was that we were in excess of a hundred police officers short to commit them to the field in any one of the districts. That was a huge setback. So we were constantly backfilling positions and we were leaving positions vacant. Any emerging issues that we had to deal with. It was difficult to beg and borrow individuals to place in these vacancies. So we were extremely behind the ball. The department had a history with the city for about nine years of shortages, cutbacks and reductions in budgets.<sup>237</sup>

The VPNLS was also extremely short of resources during the terms of reference.<sup>238</sup>

### **Investigative Steps Not Taken Due to Insufficient Resources**

There is some evidence that specific requests for resources were denied and that, as a result, some identified investigative steps could not be taken. Staff Sgt. Davidson told the Commission that the delayed investigation of tips and not being able to keep track of the victim list are indications that insufficient resources were devoted to the investigation.<sup>239</sup>

In DC Evans' expert opinion neither the VPD nor the Coquitlam RCMP dedicated sufficient resources to the investigations.<sup>240</sup> This was an opinion shared by Det. Insp. Rossmo who told the Commission: "generally a serial murder investigation involves 30 to a couple of hundred detectives depending on the scope of the investigation."<sup>241</sup> Certainly the resources devoted to the Pickton investigation after his arrest show the magnitude of what a full investigation could require. In Det. Insp. Rossmo's PowerPoint presentation, he referred to the estimated cost of the Pickton investigation as \$70 million. His testimony comparing the pre-arrest and post-arrest expenditures is profound:

The next slide is a guess, but what I did here was I looked at the \$70 million estimate for the dig at the Pickton farm, but I've seen other estimates of a hundred million dollars for the investigation. Then I looked at the number of people involved and the time periods involved and estimated that that was going to be certainly less than one and a half million dollars. And as a result I've estimated the pre-arrest expenditures at 2 percent, it's probably less. But where is all the money gone? The money has all gone to work, investigative work after the arrest. Without taking anything away from the challenges and the difficulties of digging up the pig farm and finding pieces of evidence that was a relatively straightforward task. Other examples have occurred in other agencies. There's protocols. It's like an archaeological dig. The real investigative challenge was the who done it, the pre-arrest charge. And, yeah, where do we see the money going? After the arrest.<sup>242</sup>

### ***Inadequately resourced individual missing women investigations***

It is uncontested that the VPD MPU did not have anywhere close to adequate resources to deal with the huge increase in unresolved missing person reports (an unusual situation given that the majority of missing person reports are typically resolved quickly). As a result, the VPD was unable to confirm the women missing on a timely basis, determine whether a serial killer was responsible, or conduct an investigation of a suspected serial killer. On the other hand, Supt. Williams stated "the RCMP allocated adequate resources to the missing women investigations."<sup>243</sup> However, this is not clear on the evidence. For example, after a brainstorming session in May 1999, Sgt. Hovbrender (Officer in Charge of Sexual Offences Squad) wrote to Det. Insp. Rossmo: "My biggest concern however is that we will not provide adequate resources to conduct this investigation properly. But I have always said that and it continues to fall on deaf ears."<sup>244</sup>

### ***Missing Women Review Team requests for additional resources unanswered***

Det. Cst. Shenher, Sgt. Field and Insp. Biddlecombe requested additional resources in May 1999 for an operational plan they had developed.<sup>245</sup> This request was supported and the MWRT was formed, although it was never staffed at the level requested. As I noted earlier, most team members were there on a temporary and part-time basis. The request for a full-time SIUSS analyst<sup>246</sup> was never fulfilled. A civilian data clerk entered data, but did not enter everything needed, and was unable to analyze the data in the way a police officer with a higher skill level would have. Consequently, MWRT data was incomplete and the files were not properly organized, which resulted in difficulties and delays in handing the file over for review. Several other requests for SIUSS assistance were made in 2000, in preparation for the file transfer to the JFO; these were granted on an ad hoc basis.<sup>247</sup>

Investigators were overwhelmed with unorganized information.

The suspect-based investigation set out in the MWRT's operational plan was not conducted, partially as a result of a lack of the analysis required to

create a priority list and generally because of inadequate resources. DCC McGuinness agreed that a lot more resources are needed to do a suspect-based investigation than to conduct a missing person investigation “because it would involve a lot more detailed investigation, wiretap, surveillance.” At the same time, he told the Commission “there was nowhere for them [the resources] to go.”<sup>248</sup> This second statement indicates that he did not believe that there were additional investigative steps to be undertaken. Even Det. Cst. Shenher’s December 1999 modest request for a full-time supervisor for the MWRT was denied.<sup>249</sup>

The VPD Major Crime Section was extremely short of resources during the terms of reference. Several staffing request studies and related memos set out the competing demands on staff and the direct effect on the missing women investigations. One noted ProjectVoodoo, a homicide investigation, required five Homicide investigators and one Homicide sergeant on loan to CLEU for six months, and this “was a huge drain on departmental resources.”<sup>250</sup> Sgt. Field led the investigation part-time: “One Homicide sergeant had been used to lead the MW Review Team on a part time basis (which should have been fulltime).”<sup>251</sup> It was also recognized that “Many of the problems that have arisen out of this office [Missing Persons] have been due to a delayed response because of minimal manpower.”<sup>252</sup> Staffing to analyze and input data into SIUSS was lacking. Staff shortages also made it difficult to fully adopt the MCM model.<sup>253</sup> An October 2000 memo stated: “It is clear that the Vancouver Police Department is suffering significant staff shortages.”<sup>254</sup> The inability to meet the staffing requirements to effectively prepare the files for transfer from the MWRT to Project Evenhanded is clear: “We are scrambling to find help preparing the case for assignment to the Historical Homicide Unit.”<sup>255</sup>

The need for additional personnel was especially compelling at the sergeant level and this had a huge impact on the MWRT’s work. Sgt. Field wrote:

*I was assigned to this review [the MW Review Team] in addition to my regular duties and as a result, many problems arose, some of which we are still dealing with.*<sup>256</sup>

*In conclusion it has become apparent that this section is suffering from the lack of adequate management at the Sergeants level. The Missing Women’s Investigation is probably a year behind in reaching any conclusion due to the lack of adequate supervision and manpower. We have had a high burnout factor from the limited staff that worked on the project. We may also have a killer out there that has gone undetected for a year or longer. Liability is a concern that is often overlooked but has huge implications.*<sup>257</sup>

### **Coquitlam RCMP Pickton investigation constrained**

Insp. Moulton was candid about the resource constraints he experienced and their impact on the Pickton investigation:

There are always difficulties in getting those [outside resources such as Special “O”, Special “I” and E Division Major Crime]. Not that

they don't want to help but they're deployed on other priorities. The prioritization decisions are made combining primarily an issue of effectiveness. What is the best bang that you can get from those resources given the competing demands and that's the same calculus, if you will, that Darryl makes in apportioning files amongst his own people, that I make at the detachment level and is made at the division and ultimately at a national level.<sup>258</sup>

As an example of the difficulties getting specialized, outside resources, Cpl. Connor wanted additional aircraft photography and FLIR (Forward Looking Infra Red cameras used at night) of Pickton's property, but aircraft was available for emergency use only due to financial restraints. He requested that given the recent groundings his request could be accomplished during mandatory pilot proficiency flights.<sup>259</sup> However, his request was denied.

In April 2000, Cst. Yurkiw and Corp. Pollock informed Staff Sgt. Zalys that they were unable to follow up on the Pickton file because of a recent homicide. Staff Sgt. Zalys discussed this with Insp. Moulton, who advised that Pickton was a priority but there were no additional resources and they should work on Pickton when time permitted.<sup>260</sup> Again this meant that potential investigative strategies were not pursued. The danger in this did not escape some members of the Coquitlam RCMP, as noted by Staff Sgt. Zalys in April 2000: "Also discussed Pickton again -> if he turned out to be responsible -> inquiry! Deal with that if the time comes!"<sup>261</sup>

### ***Project Evenhanded initially under-resourced***

The JFO was under-resourced at the outset. DC Evans points out: "The enormity of the task faced by members of Project Evenhanded was so large, that they required more resources than was initially provided."<sup>262</sup> The decision that Sgt. Field would not work on Project Evenhanded because the VPD "could ill afford to have you [her] go to Surrey on this file" was a huge blow to the JFO's work, given her knowledge of the file.<sup>263</sup>

Other than the initial delays in getting the team together, Sgt. Adam's requests for additional resources for Project Evenhanded were granted relatively quickly by both the RCMP<sup>264</sup> and the VPD,<sup>265</sup> even when the City of Vancouver denied a request for extra funding.<sup>266</sup>

### **Resources Could Be Accessed**

The record also reflects how quickly resources could be made available in response to some demands. These include:

- November 1998: Det. Cst. Shenher's offer to Cpl. Connor that the VPD could provide funds for investigative steps on the Pickton file – this offer was made within a few months of identifying an important investigative avenue;<sup>267</sup>
- July 1999: multi-agency investigation into Pickton; resources from VPD, UHU and E Division Major Crime were made available very quickly;<sup>268</sup> and

- December 2001: resources from VPD and RCMP made available for Evenhanded's proactive team.<sup>269</sup>

These examples show that some requests prompted resource allocation. Accessing funds was not impossible, but resources were not equitably or systematically awarded.

### **Senior Manager Views That Investigations Were Adequately Resourced**

There is a wide chasm between the views of the investigators on their lack of access to resources and the perspective of senior management. Most of the senior managers told the Commission that despite the general context of tight resources, resources could be found when necessary. The erroneous view from the top was that there were no additional investigative steps to be taken.

For example, Insp. Moulton of the Coquitlam RCMP testified that he did not request more resources from other agencies because of his understanding that there would not be resources forthcoming due to the workloads and resource restrictions on the other agencies. He agreed that he received assistance from the VPD on this file whenever he asked.<sup>270</sup> He was not convinced that more resources were needed:

I don't know that having more resources in respect of this file would have made a difference at that point. We were doing what we thought was available, pursuing Mr. Pickton and Ms. Ellingsen.<sup>271</sup>

It reached the logical conclusion that was -- that we ran into roadblocks or the inability to advance the investigation further because we tracked the information that we had available to the extent it was possible to do so.<sup>272</sup>

Supt. Hall agreed with Insp. Moulton's assessment of Coquitlam's Pickton investigation: "As I understand it, they believed that they had the resources that they needed at the time."<sup>273</sup>

DCC Unger also disagreed with the suggestion that he had failed to assign adequate resources to the missing women investigations:

I knew full well as soon as this JFO got up and running, and perhaps right away, that the very first thing they'd be asking for is resources. ... So I kept [the executive team] up to date on what was going on as I heard it from [Insp.] Gord Spencer on a daily or weekly basis, whatever the necessity was, and to make sure, because they knew that we were going to need extra resources and it was going to be expensive. And we were also going through huge budget cutbacks at the time, so this was going to be in direct contrast to what direction we were being given by the police board and the mayor.<sup>274</sup>

DCC McGuinness said something similar about the later JFO: "If we were certain people had been murdered, yes, we would [provide] those

resources."<sup>275</sup> The root cause was clearly not availability of resources but a lack of understanding that they were required.

In 2001, CC Blythe and DCC Unger sought money directly from the City of Vancouver Manager for the missing women investigations. The City refused because this would not have been the normal transparent way of dealing with these requests. This unusual request shows that by this time senior management had some awareness of the need for additional resources but was using very unusual means to secure the resources.

### **Under-Prioritization Was Key**

Resources were not made available because of the lack of priority assigned to the missing women and Pickton investigations by the VPD and the RCMP. Requests from the most involved investigators and their supervisors were largely ignored or received only partially in response. The case was simply not compelling enough to shift management's perception about its importance.

DCC LePard told the Commission in no uncertain terms: "More resources could have been applied. It was within the capacity of the VPD to do that."<sup>276</sup> DCC LePard is entirely correct in that even after an interview that produces no inculpatory statements or other damaging evidence an investigator may be in a position to do a follow-up investigation that could render positive results. Similarly DC Evans opined: "I believe that resources can always be added or re-deployed and policy can always be changed, but without the right leadership and supervision neither will ever occur."<sup>277</sup>

It was a vicious circle since the situation of inadequate resources encouraged the status quo. Investigators were unable to advance the missing women and Pickton investigations to the point of a needed breakthrough that would furnish a strong case for additional resources. CC Blythe made this very plain in his testimony, explaining that if McGuinness had come to him and said "there's a serial killer out there," he would have found the resources, would have done what it took, to the point of hiring back retired members. However, he explained that to find resources meant depleting another section, another division, and removing people and shutting something down which they would actively be doing as a police organization.<sup>278</sup> But he stated:

... if it was specified and they were definite about their feelings and the seriousness of the investigation, which obviously the missing persons is, they would have committed more resources but no request came up the chain of command.<sup>279</sup>

The investigators were stuck in an impossible situation of knowing what needed to be done, but being unable to convince decision-makers of their position. Over the years that this stalemate continued, talented and hard-working investigators burned out and women continued to disappear.

The common problems experienced by Det. Cst. Shenher, Cpl. Connor and Sgt. Adam suggest that a systemic problem roots the inability to access resources at critical times in an investigation. In light of this experience, DC Evans concluded: “There should have been systems in place that would have provided these officers the opportunity to obtain the necessary operational resources in a more expeditious manner. Failure to support major cases investigations with proper resources, results in a failure of the investigation.”<sup>280</sup>

I was also very much taken by Staff Sgt. MacKay-Dunn’s comments about the importance of being able to move quickly and side-step some of the bureaucracy within a policing agency. He told the Commission that the short-lived MWWG was informal because it would have:

... taken too much time to put a formal group together. So we’ve already described the silos, your words, going up the chain of command, getting two deputies to agree, assigning of resources and all the rest. By that time we would have missed the opportunity. We thought if we could bring things together with the right resources maybe we could get some traction in terms of resolving the problem or determining what the problem was.<sup>281</sup>

I agree with DC Evans and Staff Sgt. Mackay-Dunn that this type of mechanism to access resources quickly, or to resolve conflicts between investigators and senior management over whether more resources are needed, is essential. The lack of such a mechanism contributed to the critical police failures in this case.

### **F. Police Culture and ‘People Problems’**

Police culture and people problems are also posited as negatively impacting the outcome of the missing women investigations. By “people problems,” I mean interpersonal issues, lack of fit of an officer for a position, and other personnel level issues. In its closing submissions, the VPD highlights two systemic policing issues relating to institutional culture and personnel issues:

- The severity of the rank structure, which can allow one weak link in the chain of command to stymie information flow and hamper decision-making; and
- The lack of policy requiring that managers of major crime have significant investigative experience.<sup>282</sup>

Submissions made on behalf of the Families, Aboriginal Interests and DTES Interests suggest that other interpersonal issues and organizational behaviours contributed to the police failures. References are made to police rank structure and institutional culture and, more specifically, the issue of sexism and racism in police culture, personnel issues, and lack of training. There is no question that police culture and personnel issues shaped the missing women investigations to some degree. I conclude that while some of these factors contributed to critical police failures in the missing women

investigations, they were less of a factor in comparison with the central factors identified earlier.

### Police Structure and Culture

Every institution has a unique organization culture comprised of the customs, rituals and values shared by the members of an organization that have to be accepted by new members.<sup>283</sup> Organizational culture influences all aspects of an institutional life, particularly decision-making, and shapes the interactions of members and between members and outsiders.

I take note of the following description of Canadian police culture by Allan Gehl, who is an experienced police officer and author of a major study on this topic:

*All police agencies in Canada have evolved as para-military, rank structured organizations. These structures are hierarchical with a focus on singular leadership and autonomy. Communication within these structures, in the traditional sense, is formal and linear. Modern police agencies obviously vary in their adherence to the para-military structure. However, this heritage is probably the underpinning structure for many of the previously identified cultures in police organizations.*<sup>284</sup>

Gehl identifies a number of common cultural issues within policing institutions: turf issues, “bigger is better,” case ownership, secrecy, organizational isolation, and valuing individual over team achievement.<sup>285</sup> DCC LePard relies upon Mr. Gehl’s work in his report.

Several witnesses commented on police institutional culture and its potential impact on what transpired in the missing women investigations. Det. Insp. Rossmo told the Commission that there is “a very strong subculture in policing agencies”:

Everything from the fact of wearing a common uniform to the intensive training that the police receive. Sometimes we hear the expression the thin blue line. So police agencies are well known to have strong subcultures that can be both good and bad.<sup>286</sup>

He noted that there were “both good and bad aspects” to the VPD’s organizational culture at the time:

I could say that within the Vancouver Police Department at that time our organization suffered from a number, not all, but a number of managers and executives more engaged in internal political infighting than in an external provision of service. We were suffering from a lack of resources which affected how we dealt with problems. And perhaps most problematic there was a lack of managerial accountability. Individuals wanted authority, but they didn’t want responsibility.<sup>287</sup>

Det. Cst. Shenher was also forthright about her views on VPD organizational culture at the time of the investigations:

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*Organizational culture influences all aspects of an institutional life, particularly decision-making, and shapes the interactions of members and between members and outsiders.*

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... if you want to look at systemic things, Mr. Commissioner, I think you need to look at a police culture that makes it very hard to be an outside-of-the-box thinker or to -- and, and I don't know exactly what I am trying to say here, but I think that people like me either sink or swim in policing, and I think that you either assimilate to a culture or you leave a culture.<sup>288</sup>

### ***Influence of VPD culture on investigations***

In some circumstances, members of the VPD recognized that during the terms of reference, there was a rigid rank structure that could result in blocked information channels.<sup>289</sup> On some occasions, important information was not passed up the chain because one person decided that it was unnecessary. On other occasions, the message was diluted as it was passed up the chain. Three examples are illustrative:

- Det. Insp. Rossmo passed on Det. Cst. Shenher's statistics about the spike in missing women to DCC McGuinness; those in Det. Cst. Shenher's chain of command (at the time Sgt. Boyd, Staff Sgt. Giles and Insp. Biddlecombe) had not passed on that information. The fact that the spike in the number of women missing from 1998 was brought to the executive's attention by Det. Insp. Rossmo, rather than by Det. Cst. Shenher's superiors, indicates a failure of the chain of command structure;
- Insp. Biddlecombe passed Det. Cst. Shenher and Sgt. Field's request for a suspect-based investigation up the chain, but his message did not emphasize a suspect-based investigation; it just stated a need to "concentrate on the issue of Missing Women;"<sup>290</sup> and
- Similarly, Sgt. Field's memos in late 1999 do not pass on the concerns of team members about the lack of action on Pickton.

As DCC LePard points out, the result was "a dilution and diffusion of information as it was going up the chain of command."<sup>291</sup> DCC LePard agreed that there was a disconnect between those doing the work in the trenches and the decision makers.<sup>292</sup> CC Blythe recognized this problem in hindsight:

[T]here's some very valuable information at the lowest level, being the initial investigators, that never got past their supervisor. That's what it appears like to me right now. And I mean if it did get past the supervisor and got into the management level, then that's a real issue for me, but I'm not convinced that it did.<sup>293</sup>

On the flipside, there was a lack of communication from the top down. DC Evans put it well when she said:

I found that a lot of the communications that I observed were one-directional, meaning I saw a lot of documentation from Corporal Connors and Detective Constable Shenher, but I didn't see a lot of communication from senior management.<sup>294</sup>

Det. Cst. Shenher confirmed there was no process by which senior members of the Major Crime Unit would review the MWRT file on an ongoing or regular basis.<sup>295</sup>

The chain of command was very rigid and negative consequences were likely if the chain was bypassed. Det. Cst. Shenher described the chain of command in these words:

The chain of command is a reporting structure and a decision-making structure whereby you -- as a constable at the bottom of that chain, I would report to the next person up, which would be a sergeant now. The sergeant would report up to an inspector or staff sergeant. And basically the communication would go up -- you would never, for example, approach the chief directly with something or a superintendent or deputy chief. You wouldn't do that. If you had a concern or -- or something that needed to be reported, you would follow that chain. ... It's very unacceptable to go outside of the chain of command.<sup>296</sup>

She went on to say: "you wouldn't want your sergeant then to feel that you had overstepped them to go to the inspector. It's not supposed to circumvent the chain of command."<sup>297</sup> Det. Cst. Shenher distinguished between situations where she was invited to provide input and going outside the chain on her own volition.<sup>298</sup> She felt that "it's a bit of career suicide" to bypass your supervisor and go to his or her supervisor.<sup>299</sup>

Det. Cst. Fell testified that he felt that he had to go to the Chief Constable with concerns about a serial killer and that the MWRT was winding down, even though he knew that it would be frowned upon and could affect his career:

And this was a big step for myself as a constable and I knew that it would be taken very poorly by whoever received it.

... We had no idea what the chief knew and we felt that was our only avenue, that Inspector Spencer at the time, who was in charge of this, left us no opportunity to speak to him after we were given our exit, exit interviews by him to, to -- we felt we had no other avenue.

And there is, there is exceptions in the policy of Vancouver where, if you are having trouble with a member of rank, you can go above, right? But we knew that that is never looked on in a kindly manner. It was probably one of the darkest days in my career when I entered that chief's office, and the letter was refused by him and was refused by the deputy chief of the day.

And we went back to the office and, of course, you know, we got it in the ear, in a big way, and eventually I was told my career would be affected by it, and that was told to me by Inspector Spencer. Now I have had a good career and I love policing and I continue to police and I don't plan to leave it. But, you know, it was very dark days up there.<sup>300</sup>

Some senior members felt that the chain of command was less rigid and that they would step outside of the chain if the circumstances required it.<sup>301</sup>

The decision-making culture was very much "top down" and not collaborative; consensus decision-making was not part of the structure.<sup>302</sup>

There were no opportunities for reconsideration of a decision: for example, Det. Cst. Shenher testified, “I don’t think there’s really anything in place if -- if you were to disagree with your sergeant on anything.”<sup>303</sup>

There was little information sharing or working across divisions or “silos” within the VPD. While there is some need for secrecy and restriction of information, there is a bit of cult of secrecy, which can also hamper investigations. CC Blythe admitted that this cultural flaw was at work with respect to the missing women investigations:

... some of it, very honestly, makes me feel very ill to the fact that I didn’t know some of the things that were apparent much later, and that’s typical of the silo effect, the lack of exchange of information from one division to another.<sup>304</sup>

While it may be important to keep details relating to suspects and informants confidential, information about the problem identified and the nature of the investigation being undertaken should have been communicated to members with responsibility for the affected population (i.e. District 2 in the DTES). As DC Evans stated, “In my opinion, it is a DCC’s responsibility to pay close attention to all the issues within the police department and while it would have been more of a concern to DCC McGuinness, there should be nothing confidential with this type of investigation.”<sup>305</sup>

Although the executive had morning briefings and senior managers had a weekly meeting, the structure in place clearly did not facilitate communication about ongoing investigations such as the MW case. The difficulties in sharing information between divisions are evidenced by the Operations Division members’ ignorance of the missing women investigations, which were being carried out by the Operational Support Division. Members of District 2 had no awareness of Det. Cst. Shenher’s work on this file in 1998.<sup>306</sup> Similarly, when Mr. Unger and Mr. Blythe were DCC of Operations, they knew “very little” of what was happening.<sup>307</sup>

These problems could have been corrected if the people closest to the investigation could have directly communicated with senior managers in positions of authority. Another mechanism to overcome this systemic problem would have been a regular reporting framework, which would have minimized the onus on junior personnel to decide when and how to apprise senior management of issues.

### ***Negative impact of hierarchy on decision-making***

The strict hierarchy within the VPD negatively influenced the missing women investigations with respect to decision-making and information flow. Deference based solely on positions within an organization can create communication barriers between junior officers and their seniors. This structure also tends to reward those who follow directions as opposed to challenging or questioning directions, effectively discouraging creative problem solving or “thinking outside the box.” Reports may be tailored

so that they will be accepted up the chain rather than for accuracy; the reports may be “filtered” based on who is delivering or receiving them. Information is assessed based on who communicates the information; junior views may be discounted. The expectation is that juniors will not challenge or speak up, even when they are highly knowledgeable. I find that this aspect of the VPD culture resulted in Det. Csts. Shenher and Chernoff and Det. Lepine not being forceful with their opinions about the likelihood of a serial killer or Pickton as a suspect. I find that Sgt. Field acquiesced to Insp. Biddlecombe’s direction to search the indigent burials for the same reason, thereby altering the direction of investigation from suspect-based.

It was a systemic error that rank and seniority were given deference to such a great extent. More open and honest communication would have contributed greatly to the missing women investigations. I agree with Det. Insp. Rossmo’s comments that steps must be taken to overcome this tendency. He said: “a culture of being willing to accept criticism and challenges is important. If we become defensive, if we do not want to accept critiques, especially from people of lower ranks, we’re going to continue to suffer from these [issues] in the policing profession.”<sup>308</sup> Steps need to be taken to ensure that people, regardless of rank, feel free enough to speak their minds without fear of punishment, retribution or ridicule.

In order to be successful, one needs to fit within the existing structure. Det. Cst. Shenher spoke very honestly about the costs of this system: “... it’s a very fine line between being dismissed as a bit of a zealot and trying to get your point communicated.”<sup>309</sup> She said:

I felt like I had to walk that line and I think that if I had banged the table and – and not necessarily literally, but I don’t think I would have been taken all that seriously and I think that part of that was that it seemed as though the -- the more experienced people there were around the table, the less appreciation there was that we very well were dealing with a serial killer. It was almost like, you know, ‘you’ve read too many detective novels. You’ve seen too many movies,’ that kind of thing. I was sitting there thinking, well, this is what a serial killer looks like. This is what it’s going to -- we’re not going to bump into someone with horns here.<sup>310</sup>

The functional separation between the Major Crime Unit and the silo effect reinforced the failure to take a community-based policing approach in the missing women investigations. Det. Insp. Rossmo cast this issue in terms of the need to have shared responsibility, which goes against the structure of policing:

...in a paramilitary organization you tend to just have one person responsible or no people responsible, but in some cases there may need to be two people responsible. So even if major crime is responsible for the investigation, Inspector Greer is responsible for the safety of his people. I don’t think a police organization knows how to handle that dual responsibility.<sup>311</sup>

I do not wish my comments to be read as a call to dismantle the chain of

command structure within policing institutions. This structure is a valid and important tool. However, when applied too rigidly, as it was in the missing women investigations, it can contribute to police failures.

***Discriminatory attitudes: sexism, misogyny and homophobia***

As I noted earlier, I do not see my Terms of Reference as extending to a full consideration of whether sexism or racism was pervasive within the cultures of the VPD or the RCMP. I recognize that this is a live issue that we, as a community, cannot ignore. I also recognize that institutionalized bias, sexism and racism have an impact both on the individuals working within the organization, the work that they do, and the way in which they relate to others – which, in the case of the police, includes the victims, witnesses and accused. These broader questions need to be considered in another venue, although I will return to them in my consideration of recommendations for reform in Volume III.

That being said, I believe that it is important to briefly summarize the main evidence before the Commission on these issues. The evidence is contradictory and I do not attempt to reconcile it or favour one perspective over another. In my view, it is important to record what I have heard, particularly given the difficulties in addressing these issues and the barriers that women, Aboriginal persons and others face in coming forward. In recording these comments, it is important to underscore that they speak to events and experiences from more than a decade ago. I will not revisit the issues of alleged bias in police interactions with family members and women in the DTES, as I addressed these earlier.

Det. Cst. Shenher told the Commission there were some elements of sexism and misogyny present within the VPD.<sup>312</sup> She disagreed that the VPD was “rampantly sexist,”<sup>313</sup> but she “had a couple of individual incidents personally where, after some analysis, I thought that maybe it was sexism at work but I wasn’t certain. You know, I think I spoke to some of the old Vice Squad attitudes around the sex trade.”<sup>314</sup> She was reluctant to characterize her experiences as being of a sexist nature, but that she did have to “learn how to get along in a predominantly male culture.”<sup>315</sup> She had not personally witnessed homophobia or experienced any negative repercussions on the basis of her sexual identity as a lesbian.<sup>316</sup>

Rae Lynn Dicks, a former 911 call taker, testified that within the ranks of the male VPD members there was a pervasive culture that demeaned women, people of racial minorities, and the less fortunate. Females would be blamed over males, and were not given respect.<sup>317</sup> She said:

So, the corporals that worked with us were mostly male. You know, if it’s civilian, it’s wrong and we were always to defer to the uniform. Uhm, if we had two police officers side by side and there was a dispute over who was right and who was wrong, the female lost. That was -- it was very clear. Even female police officers within the Department were not given the respect accorded.<sup>318</sup>

Sandra Cameron, a civilian clerk, reported having experienced sexual harassment at the VPD.<sup>319</sup>

DCC McGuinness agreed that he did see some things in the VPD that could be considered to be discrimination on the basis of sex, gender, race, ancestry, ethnicity and sexual orientation; and he did see some sexism over his 32 years with the VPD.<sup>320</sup> CC Blythe disagreed that many members of the senior management held old-fashioned views that considered women objects and objects of derision, scorn and jokes. He admits: "I'm not saying it didn't happen," but disagreed that it was an "overwhelming issue."<sup>321</sup>

All of the other witnesses who spoke to this issue told the Commission that they had not experienced or witnessed discriminatory behaviour at the VPD and did not believe that there was institutionalized bias, sexism or racism. Cst. Joyce specifically testified that "there was no culture of racism, sexism or homophobia present in the communications centre when I was assigned there."<sup>322</sup> Sgt. Field, Insp. Biddlecombe and Insp. Dureau all agreed that while some officers may have made stupid comments, there was no sexism or different treatment on the basis of sex in the VPD.<sup>323</sup>

The Commission heard evidence that the VPD was male-dominated during the terms of reference. Det. Cst. Shenher commented that the VPD is a much more welcoming place today because of the critical mass of women and a more diverse group of officers than it had been when she initially joined.<sup>324</sup>

Related to the issue of a male-dominated workplace is the existence of an "old boys network," defined as "a number of senior men who are in positions of responsibility and hold close collectively the reins of influence."<sup>325</sup> Det. Insp. Rossmo believed the old boys network lead to some level of dysfunction with respect to the operation of the department as a whole and may have impacted on the use of, and acceptance of, his services.<sup>326</sup> DCC McGuinness told DC Evans that the old boys network influenced the dissolution of the Working Group, but in testimony stated "I don't think an old boys network influenced decisions that were made on given crimes and the way we did things."<sup>327</sup> Sgt. Field said: "It takes time to get rid of that old boys network and I'm sure some of that still existed and I'm sure individuals probably experienced some of those [sexist] experiences, but none of the sections I worked in did I experience that."<sup>328</sup>

### **RCMP culture**

There is some evidence that the rank-based chain of command issues also influenced the Coquitlam RCMP investigation of Pickton. For example, Cpl. Connor did not believe that he could go to senior managers regarding how to handle the Caldwell information. He could have given an update to "Sergeant Pollock and maybe Staff Sergeant Halpenny, who was the plainclothes commander at the time, and let them brief the officers if they so choose to -- chose to."<sup>329</sup>

Dissenting views were not brought forward. Cpl. Connor requested that he be allowed to continue in Serious Crime after his promotion but was told he could not. He stated that it was not open to him to appeal this decision.<sup>330</sup> Similarly, Staff Sgt. Davidson accepted Insp. Bass' decision not to approve a JFO to look into the missing women without question: "I did not express my disagreement with Supt. Bass' decision as I was duty bound to accept his decision. He was an officer of superior rank and my direct supervisor."<sup>331</sup> Sgt. Adam's blithe statement underscores a prevailing expectation of acquiescence: "I am not a chain-of-command person."<sup>332</sup>

Senior managers decided whether investigators should prioritize the Pickton file with little or no consultation. In April 2000, Insp. Moulton made the decision that the Pickton file would be worked on when there was time, as other files were the priority. He did so with getting the insight of Cst. Yurkiw or Sgt. Pollock, who had the best knowledge of the file. At the April 11, 2001 meeting of Coquitlam Serious Crime, the Pickton file was deemed a high priority, but Insp. Schwartz decided another file should be worked on first. Cpl. Connor said: "the upshot of that meeting was the decision by the line officer, Inspector Lorne Schwartz, that the unit's priority, number one priority would be the investigation of a homicide that occurred some months previous to my arrival."<sup>333</sup>

There is some evidence of a collaborative approach to decision-making at the Coquitlam Detachment. Supt. Hall described his style as collaborative and Cpl. Connor certainly employed a consultative approach at the regular meetings he instigated in summer 1999. As a counterpoint, Sgt. Adam emphasized the bureaucratic nature of decision-making at the RCMP: "I love the RCMP, but they're a great big giant bureaucracy, and I don't think they actually get down to care sometimes about what's happening to the humans at the bottom, and that's wrong."<sup>334</sup>

One striking aspect of the RCMP culture was the strong reluctance to ask another police force for help. Coquitlam RCMP did get some VPD Strike Force assistance for surveillance on Pickton, but this was not by admitting they couldn't carry their caseload. Supt. Williams was candid about this in his testimony: "I'm simply saying that's not something police forces do. Certainly from my experience in the RCMP, I think we would try and work through it to get it done."<sup>335</sup>

There was no evidence placed before the Commission on issues of institutionalized bias, sexism or racism at the RCMP. Supt. Williams said: "I have no indications that sexism would be a problem within the RCMP."<sup>336</sup> There has been controversy regarding allegations of sexual harassment within the RCMP that became public both during and after the hearings.

### ***Lack of training***

Evidence before the Commission shows there was a lack of training in MCM principles, information management systems, and missing person

investigations for both officers and civilian members. There was little or no training available on missing person investigations and access to MCM training was highly restricted during the terms of reference. Lack of training clearly contributed to the critical police failures in these areas. There is some question as to the degree of specialized training required, given the similarities in the police skills required for different types of cases. DCC LePard told the Commission:

I've seen questions about what specific training did you have for missing persons investigations as if there's specialized training for every type of investigation that we do. Although there is some specialization certainly in certain types of investigations, the reality is, is that you can go from the Robbery Section to -- the Robbery Squad to the Sexual Offence Squad to the Homicide Squad, the techniques for investigating are -- there is a lot of commonality in terms of interviewing victims, interviewing witnesses, interviewing suspects, gathering physical evidence.<sup>337</sup>

There was conflicting evidence concerning the availability and sufficiency of cultural sensitive training with respect to Aboriginal peoples. Ernie Crey told the Commission that he had provided cultural sensitivity training to members of the RCMP in the 1970s<sup>338</sup> and to the VPD in the early 1990s.<sup>339</sup> Freda Ens said that the VPNSL did some cultural sensitivity training.<sup>340</sup> However, quite a few VPD members testified that they had not, or could not recall, having had any cultural sensitivity training specific to Aboriginal people: Rae Lynn Dicks,<sup>341</sup> Sandra Cameron,<sup>342</sup> Insp. Biddlecombe,<sup>343</sup> Sgt. Field<sup>344</sup> and Det. Cst. Shenher.<sup>345</sup> Insp. Dureau had received training and noted that it was generally available: "Over the years there was a number of different sensitivity training courses that were brought about and given to members."<sup>346</sup>

The courses were mandatory as a matter of course; Insp. Dureau stated he had at least two or three sessions as a patrol member.

Supt. Williams, of the RCMP, also recalled having taken cross-cultural training that included an Aboriginal component in Regina, in about 1979.<sup>347</sup> Earlier in this report, I came to the conclusion that one of the investigative failures was the disregard for developing and implementing an Aboriginal-specific strategy in the missing women investigations. Similarly, the lack of awareness about women in the DTES restricted the investigators', supervisors' and senior managers' understanding of the dynamics in the community and in the case. Inadequate and inconsistent cultural and social context training contributed to these patterns of errors.

### ***Personality conflicts and specific personnel issues***

Several personality conflicts and personnel issues affected the dynamics of the investigation. I am wary of directly linking police failures to these individual occurrences, but I cannot ignore the fact that they had some impact on investigative outcomes. As noted in the section on the failure of internal accountability systems, I am particularly concerned about the lack

of effective systems for dealing with the problematic behaviour of Sandra Cameron and the behaviour of Det. Cst. Fell and Det. Cst. Wolthers. The fact that these issues were allowed to go unchecked for extended periods affected the team dynamics at the MPU and within the MWRT, which in turn distracted from the central work of the unit and the team. Thus the underling cause of the failures is not the people problems per se, but lack of effective systems and leadership to deal with them.

The dissolution of the MWWG, which is attributed to discord between Insp. Greer and Insp. Biddlecombe, is a more complex issue. The dysfunctions at the executive level of the VPD also had a negative impact on the investigations. Both of these personnel issues limited the community and information flow that is a basic, common factor in teams and investigations. These ongoing difficulties suggest the need for some kind of conflict resolution mechanism tailored to the VPD workplace.

### **G. Unsupported Allegations of Conspiracy and Cover-up**

In his opening and closing statements and at numerous times during the course of the hearings, Mr. Ward made allegations of a conspiracy and a cover-up on the part of the police. Obviously these allegations are serious. However, the allegations relating to a conspiracy are vague to say the least; they appear to form a part of his closing submission wherein he stated:

Another belief is that the Picktons' association with the notorious Hells Angels motorcycle gang at the infamous Piggy's Palace in some way played a role in the police departments' failure to intervene in Robert Pickton's activities. Another is that police knew more about the Picktons than they were willing to disclose publicly. Many believe, as the trial jury may have concluded [sic], that Robert Pickton did not act alone. Whether or not one subscribes to any of these theories, the fact is they emerged and continue to flourish, and they likely formed part of the impetus to convene this Commission.<sup>348</sup>

As well, in his oral submissions, Mr. Ward spoke of a "perceived link" between the Hells Angels Motorcycle Club and their associates and the disappearances of the women and that the police had some role in covering up these crimes. The relevance of the presence of the Hells Angels on the Pickton property was never made clear given the Terms of Reference of the Inquiry.

Commission Counsel repeatedly pressed Mr. Ward to produce evidence of a police cover-up or whitewash. As well, given the serious nature of the allegations of a cover up, I asked Mr. Ward to produce the evidence of a cover-up. According to Mr. Ward, the cover-up was related directly to document disclosure and specifically that documents were destroyed in the course of DC LePard's review of the missing women investigations. Mr. Ward then said that he had witnesses who would prove the allegations of a cover-up; in so doing he made the following comments:

Well yes I have had communications with the commission about this matter and made it clear to them the witnesses that will assist in proving that beyond any doubt and they will be called.<sup>349</sup>

I have received what I consider to be very reliable information from sources who do not want their identities disclosed for fear of retribution about the way the document gathering process was handled within the Vancouver Police Department. It's no secret that the police, whether they're the Vancouver Police or the RCMP, are powerful institutions and can ruin people. But I can't disclose the names of people who have sent me a train of inquiry about certain documents, all I can do is seek those documents and seek from those who were charged with the responsibility of gathering them an explanation of what they did, and that is what I have asked Mr. Vertlieb's assistance on so that the witness I'm seeking will come here and I'll have the opportunity to question her about those matters.<sup>350</sup>

Those comments from a lawyer are astonishing to say the least. To those comments, Mr. Greenspan, Counsel for Retired VPD Officers Blythe and Unger, responded:

The only comment that I would like to make, and I'll make this as calmly as I can, Mr. Commissioner, is this. The comments that Mr. Ward just made a few minutes ago, these kind of provocative comments that he has spoken to people, he says they're reliable, they can't talk, therefore we can't know, but he knows, is exactly what happened during the McCarthy hearings in the United States. It's exactly what happened during the Soviet purge trials. If it's not evidence, and he has no evidence to support it but somebody told him that he must keep it to himself. Minimally if he wants to raise a matter with you not by this kind of provocation or this kind of baseless argumentation that has no evidence. This is an inquiry like any court in the land that requires evidence.<sup>351</sup>

On the following day Mr. Hern, Counsel for the VPD, again asked Mr. Ward to produce the name of a witness who would purport to give evidence of a cover-up. Mr. Ward replied as follows:

The witness I am seeking to call on the issue of adequacy of VPD document disclosure is a woman named Darcy Sarra, S-A-R-R-A. She was included in my list of witnesses that I was seeking by way of written application delivered to the commission before Christmas and which I understand was circulated to all the counsel at that time. That application I don't think has been determined yet, although one of our newspapers keeps reporting that it has been determined but certainly that witness is the witness I seek for the reasons I set out in my written material. I expect my friend Mr. Greenspan would have a copy of that. If he doesn't, I can certainly provide it. As I understand Ms. Sarra's role in this, she was tasked by Mr. Blythe's successor Chief Constable Jamie Graham to gather the documents to assist Doug LePard in a review of the matter and I'm seeking to have her testify in order that I can cross-examine her with respect to the adequacy of that exercise.<sup>352</sup>

It then became apparent that Mr. Ward had neither interviewed nor even

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*Ultimately, the Commission heard from 86 witnesses.*

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met Cst. Sarra. It was totally improper for Mr. Ward to tell the Inquiry that Cst. Sarra would substantiate his allegations of a cover-up when in fact he had never met Cst. Sarra, let alone having interviewed her. Mr. Ward could not have even remotely had a reasonable belief in the accuracy of the comment. In the end, Commission Counsel interviewed Cst. Sarra and she stated Mr. Ward's allegations had no substance. Mr. Ward was invited by Commission Counsel to interview her himself.

Ultimately, the Commission heard from 86 witnesses. There was not a trace of evidence that would support any theory of "cover-up." It is unfathomable that 86 witnesses would be able to keep a "cover-up" a secret, if there was one. While counsel are provided a wide latitude to question witnesses, including suggesting facts that cannot be proven by other evidence, counsel must have a good faith basis for asking the questions. Counsel has professional obligations not to mislead a court or cast aspersions on parties or witnesses if he or she does not have a sufficient basis in the information in his possession.<sup>353</sup> Propositions cannot be put forward recklessly and accusations cannot be tossed out without a sound basis for them. The fact that Mr. Ward had not interviewed Cst. Sarra confirmed for me that his allegations were manifestly tenuous.<sup>354</sup>

The allegations are unsupported and unsubstantiated by any evidence and there is no air of reality to them, even as a theory. However, I am not clear on what theory Mr. Ward is even purporting to advance. I am sympathetic with the VPD's submissions that Mr. Ward's position is ludicrous, flippant, unsupported by evidence and unprofessional.<sup>355</sup> His comments are reckless. I will not entertain highly speculative and harmful allegations that are unsupported by evidence or a rational theory.

In the same vein, on a number of occasions during the course of the Inquiry and in his closing, Mr. Ward alleged that the Inquiry lacked the necessary independence because the "police set the agenda." Again there is absolutely no evidence the "police set the agenda." The government, if you will, set the agenda in the Terms of Reference. Mr. Ward did complain throughout the Inquiry of a number of police lawyers at the hearing. It would seem reasonable that, since this was generally a policing inquiry into the investigation of the missing and murdered women, that the police would have a right to participate. Further, fairness dictates that individuals for whom adverse findings may be made against have a right to respond, which includes the right to retain counsel.

I am more than a bit perplexed at Mr. Ward's position or theory on the evidence. He appears to challenge the testimony of witnesses who support the position of his clients. For instance, DC Evans conducted a review of the police investigations; her report and her testimony were called in order to provide expertise on these investigations. In her report and in her evidence at the hearing she told of repeated police failures in the Pickton investigation, and she was extremely critical of investigative strategies and omissions. She made reference to a number of investigative errors that

she said the police made. Her evidence clearly favoured the families. In spite of that, Mr. Ward called her an “insider” and said that her report was a “whitewash.” Similarly, DC LePard gave evidence in which he admitted that the VPD and the RCMP made a number of investigative errors. Again Mr. Ward, on behalf of the Families, appeared to have challenged LePard’s opinions. As well, Dr. Kate Shannon, a psychologist who has done considerable work with the women of the DTES, gave evidence that was clearly critical of the police and was obviously sympathetic to sex trade workers. Catherine Astin, a nurse, also gave evidence that was clearly sympathetic to the challenges and the plight faced by women in the Downtown Eastside. Mr. Ward challenged the testimony of both of these witnesses. In these circumstances, I am somewhat at a loss as to how the testimony of these witnesses ought to be treated from the perspective of Mr. Ward’s clients.

It was clear to me from the outset that Mr. Ward’s agenda was inconsistent with the Inquiry’s Terms of Reference. That much was made clear in his opening wherein he stated:

Given all they’ve heard, given the criminal trial and the outcome of that, given the jury’s clear indication that the jury did not consider that Pickton acted alone, the families have two very important questions that they seek answers to. Number one, they want to know why Pickton wasn’t stopped sooner; and, number 2, they want to know if Pickton had accomplices in his heinous deeds who may still be walking the streets and preying on others.<sup>356</sup>

I agree with Mr. Ward as to the propriety of the first question he poses: “Why Pickton wasn’t stopped sooner?” That question of course is germane to the Inquiry’s mandate, and I have endeavoured to answer it through my conclusions on the critical police failures and the underlying causes of these failures. However, it is no part of this Inquiry’s mandate or function “to know if Pickton had accomplices.” Obviously the purpose of this Inquiry was not to reinvestigate the crimes or to re-try the case. Both of those functions have been fulfilled.



# PART FIVE

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SUMMARY OF FINDINGS OF  
FACTS AND CONCLUSIONS

## **PART 5 – SUMMARY OF FINDINGS OF FACTS AND CONCLUSIONS**

I have made my findings and reached my conclusions following a carefully balanced and professional consideration of all the factors involved. In doing so, I paid careful attention to the oral and written submissions of all Participants. The lessons for the future will come as a natural follow-up to my conclusions. This summary serves as a baseline for the task of finding workable solutions, which I undertake in Volume III.

### **Nobodies: Findings and Conclusions Concerning the Conditions of the Women's Lives**

The missing and murdered women were members of one of the most marginalized groups in Canadian society. As a group, these women shared the experience of one or more disadvantaging social and economic factors including violence, poverty, addiction, racism, mental health issues, and the intergenerational impact of residential schools. A disproportionate number of the women were Aboriginal; this is sadly consistent with the broader provincial and Canadian trend of Aboriginal women being vulnerable to all forms of violence, including a higher risk of going missing in circumstances likely involving foul play.

I find as fact that the following conditions contributed to the women's vulnerability to violence: grossly inadequate housing, food insecurity, health issues and inadequate access to health care, extreme poverty, and drug dependency. I conclude that their lives were structured, to a large extent, by drug addiction and the horrible consequences of drug sickness, and that withdrawal in itself posed additional safety risks. I found that all of these conditions contributed to entrenching the women's lives in the DTES.

I also conclude, based on the evidence outlined in Volume I, that there are symbiotic relationships between poverty, drug addiction and the survival sex trade.

The relationship between police and sex trade workers is generally marked by distrust. Many Aboriginal women, in particular, distrust the police based on the historical antagonistic relationship between Aboriginal peoples and authorities and more recent unsatisfactory contact between the two. In addition, I conclude that in the period leading up to and during my Terms of Reference, there is a clear correlation between law enforcement strategies of displacement and containment and increased violence against women engaged in the sex trade.

### **The Anderson Assault: Findings of Facts and Conclusions Regarding the 1997 Coquitlam RCMP Investigation**

I conclude that there were serious limitations on the initial investigation of the Anderson assault by the Coquitlam RCMP in 1997. From 1997 onward, a reasonable person would come to the conclusion that Ms. Anderson may have had important evidence about the missing women, or at least

evidence worthy of further investigation. In fact, Ms. Anderson told the police that Pickton told her that he went to the DTES once a week to pickup prostitutes. The likelihood that the assault on Ms. Anderson was not a “one-off” was clear, and thus it was patently unreasonable that the investigation was not pursued more fully at that time. That evidence together with the earlier incident of sexual assault relating to Pickton were crucial facts that were completely ignored.

### **The Stay Decision**

I conclude that the evidence clearly shows that neither of the Crown Counsel directly involved in the prosecution of Pickton arising from the Anderson assault were in any way responsible for, or had any role in, the erroneous destruction of this Crown file.

Crown Counsel did not take steps to establish and maintain communication with Ms. Anderson or otherwise manage that relationship to ensure that Ms. Anderson was prepared to serve as a trial witness. I conclude that there was a failure to adapt Crown Counsel’s interviewing technique or to otherwise accommodate Ms. Anderson’s vulnerability, in particular her drug addiction, in the process of preparing her to be a trial witness for the prosecution.

I accept Crown Counsel’s evidence that she could not proceed given that Ms. Anderson was unable to testify and that her testimony “was the case.”

Due to the protections afforded to prosecutorial independence, both Commission Counsel and Participants’ Counsel were not permitted to put questions to Crown Counsel that asked her to second-guess her decision to stay the proceedings or to consider different evidence in reflecting on the reasonableness of her decision. Similarly, I cannot second-guess the Stay Decision. Different decisions can be considered reasonable, and in these circumstances two reasonable people could make different decisions based on the same facts.

### **Critical Police Failure I: Poor Report Taking and Follow Up on Reports of Missing Women**

I conclude that poor report taking and follow up of the missing women amount to critical police failures. Serious system failures and patterns of error occurred throughout the process from intake to initial investigation and from follow-up investigation to recording and reviews of files. The lack of urgency in the face of mounting numbers of missing women from a small neighbourhood was unreasonable.

Barriers in the reporting process contributed to delays and frustrated family members, an impact compounded by their experience of degrading and insensitive treatment in some cases. In a few cases, the barriers were so pronounced as to amount to a denial of the right to make a report.

The lack of immediate response and delays in the initial investigation meant

that evidence surrounding the women's disappearances was not collected when it was freshest and therefore more easily accessible and reliable. The gaps and delays in initial inaction were mirrored and exacerbated through the lack of consistent and thorough follow-up, including inaction in the face of file reviews. In some cases, another layer of barriers to effective investigation was created by ineffective co-ordination between police agencies in different jurisdictions.

I make two further overall findings of fact. First, the missing women investigations were shaped, in large part, by the police failure to get to know the women – an essential step in any investigation of this type is to learn as much as possible about the victim or potential victim. This failure to get to know the victim group meant that inaccurate information about the women, and in particular the belief in the likelihood that they would “turn up,” infiltrated all aspects of the missing and murdered women investigations.

Second, I find that the additional step of “confirming” the women as missing, rather than accepting a missing person report at face value as policy dictates, was fundamentally wrong and had perverse effects. The result was treating the investigations as “reviews” rather than urgent, priority investigations. This approach therefore likely contributed to the police not realizing the women continued to go missing until 2001.

It is not clear that there were improvements in the handling of the missing women investigations over time except in two respects. The investigations generally improved with respect to on-the-ground and active investigation when they were taken over by Project Evenhanded, although these efforts remained inconsistent. Another area of improvement was Project Evenhanded's increased use of individuals and organizations in the DTES as a source of information in the investigations of missing women reported in 2001. There were, however, serious delays in Project Evenhanded taking over investigations from the VPD MPU and other agencies.

I have also concluded that more comprehensive and systematic follow-up on the individual missing women files had the strong potential to generate further links and evidence about Pickton.

### **Critical Police Failure II: Faulty Risk Analysis and Risk Assessments**

I conclude that three overarching faulty risk assessments were not corrected over time as more and more evidence of heightened danger was uncovered: the risk that the women had been murdered, the risk that a serial killer was responsible, and the ongoing risk to public safety in terms of future potential victims.

The three main flawed risk assessments were at the epicenter of the police failures in these overlapping investigations. The consequences included:

- Establishing working groups with mandates to review rather than investigate;
- Failure to fully investigate Pickton;
- Failure to incorporate proactive measures to address the situation, given the risk that a serial killer was operating; and
- Failure to provide sufficient resources to the investigations in line with the potential threat posed by a serial killer.

Decisions were made on the basis of faulty assessments that minimized the risks women in the DTES faced throughout the course of the investigations. These faulty assessments led to the creation of review teams rather than investigative task forces, and the impact of these errors cannot be over-estimated. In particular, police decision-makers discounted the known risks to violence and murder this group of vulnerable women faced and continued to mistakenly believe the women were transient, despite clear evidence to the contrary. I have already found that the women were entrenched in the DTES; this information was available to decision-makers at that time.

### **Critical Police Failure III: Inadequate Proactive Strategy to Prevent Further Harm to Women in the DTES**

I conclude that there was a general police failure to develop and implement a proactive strategy to prevent further harm to women in the DTES, even as the police became more and more aware of the dangers facing these women. No preventive measures were taken until January 2002, only a few weeks before the arrest of Robert Pickton. Although I do not underestimate the difficulties involved in ensuring the safety of women engaged in the survival sex trade, measures were available and the police were under an obligation to take steps to provide them.

I conclude that the VPD was under an obligation to warn women in the DTES and they utterly failed to do so. There is no sound evidence of investigative reasons not to issue a warning. In fact, the opposite is true: such a warning could have served a dual purpose of preventing victims and eliciting tips that in turn could have protected more women. I do not speculate on whether a warning would have been effective; it is clear that police owed a duty to women in the DTES to do so regardless of the efficacy of this measure. It must never be forgotten that knowledge is empowering.

I conclude that the police did not turn their minds to their responsibility to protect Ms. Anderson and that they had steps available to them to do so. Protecting Ms. Anderson would have, at the same time, potentially advanced the investigation into identifying Pickton as a suspect in the missing women cases.

### **Critical Police Failure IV: Failure to Consider and Properly Pursue All Investigative Strategies**

I conclude that the police failed to consider and properly pursue all

investigative strategies. I found five main failings in this regard. First, the police failed to employ an Aboriginal-specific investigation strategy. Second, the strategies adopted by police unreasonably restricted the involvement of family members, the community and media in the investigations. Third, the police strategies were wholly inadequate with respect to the follow up on tips and mismanagement of informants and information sources. Fourth, the investigations were plagued by unacceptable delays in the pursuit of a suspect-based strategy and the failure to confirm or rule out suspects. Fifth, police approaches were wholly inadequate regarding the use of other investigative avenues such as surveillance, undercover operations, search warrants and forensic evidence.

#### **Critical Police Failure V: Failure to Follow Major Case Management Practices and Policies**

I conclude that provincial authorities were remiss in not moving quickly to implement Mr. Justice Campbell's 1996 recommendations concerning Major Case Management (MCM) standards on a province-wide basis.

I conclude that MCM was in its infancy and that formal MCM standards were not yet in place in British Columbia; yet basic MCM principles were well understood by senior police officers and, in any case, are nothing more than a consolidation and refinement of good management practices.

I find that MCM principles were not followed in numerous respects and directly contributed to the inexcusable gaps and delays in the missing women and Pickton investigations. I make five main findings in this respect. First, there was poor investigative team organization and structure in the VPD's Missing Women Review Team; the Coquitlam RCMP investigation of Pickton; and in the joint VPD/RCMP operation, Project Evenhanded. Second, all of the investigations were plagued by poor information and documentation systems. Third, accountability structures were inadequate in each of the investigations. Fourth, the investigations were ineffective in part due to failure to assign specific tasks such as a family liaison officer and a media officer, as well as inadequate use of specialized police services, including patrol. Finally, I conclude that during the reference period, Project Evenhanded was not conducted in accordance with MCM principles, despite the fact that it was established in full recognition of the likelihood that one or more serial killers were at large in the Lower Mainland. MCM should have been employed from day one.

#### **Critical Police Failure VI: Failure to Address Cross-Jurisdictional Issues and Ineffective Co-ordination Between Police Forces and Agencies**

I conclude that there was a general systemic failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies. I conclude that while the VPD and the RCMP attempted to overcome jurisdictional boundaries on an ad hoc basis, communication and co-ordination were inconsistent and erratic and the irregular meetings

were of negligible benefit. I find that jurisdictional issues led to lack of clarity regarding whose case it was, and thus two police forces were investigating the same crime. These cross-jurisdictional barriers contributed significantly to the blatant overall failures of the missing and murdered women and Pickton investigations.

In particular, I conclude that there was a wholly unacceptable delay in establishing a JFO: it was clear by September 1998 that a multi-jurisdictional approach was required, but a JFO was not formally established until February 2001, with an operational plan finalized in May/June 2001 and the Memorandum of Understanding signed in June 2001. Systemic failings at both the VPD and the RCMP contributed to this wholly unacceptable delay. I conclude that the creation of a JFO did not solve all of the problems; significant barriers to inter-jurisdictional and inter-agency communication remained.

Finally, I find that there was lack of clarity over the role of the Provincial Unsolved Homicide Unit (an integrated unit of the VPD and RCMP established in 1996) and that this further undermined an under-resourced investigation.

### **Critical Police Failure VII: Failure of Internal Review and External Accountability Mechanisms**

The missing and murdered women investigations were hugely challenging; it would be highly unusual to review such an investigation and find no human errors and that all systems worked perfectly over its entire course. I conclude that failures of both internal review mechanisms and external accountability mechanisms resulted in errors and system failures persisted, thereby perpetuating these failings.

I conclude that the investigations were marked by the failure of internal file review systems and that the VPD and Coquitlam RCMP did not seek out assistance through external reviews in a timely or effective manner. Within the VPD, some members of the VPD Missing Persons Unit and Missing Women Review Team disrupted the investigations without correction due to ineffective internal management practices. Further, the Vancouver Police Board was ineffective in carrying out its oversight mandate. I conclude that the cumulative inadequacies of the accountability framework amount to a critical police failure. The missing and murdered women situation clearly constituted a public safety risk warranting effective oversight, but this effective oversight was wholly lacking due to systemic weaknesses.

### **Underlying Cause I: Discrimination, Systemic Institutional Bias, and Political and Public Indifference**

I find that there is no evidence of widespread institutional bias in the VPD or the RCMP. I also find that any instance of overt bias toward the missing women and their families was isolated and did not have a pervasive impact

on the investigations.

I conclude that there was systemic bias in the police response to the missing women investigations. In particular, I find that systemic bias:

- Allowed faulty stereotyping of street-involved women in the DTES to negatively impact missing women investigations;
- Resulted in the failure to take the nature of the women's lives into account in the policing strategies, particularly in failing to recognize the duty to protect an endangered segment of our community; and
- Contributed to a failure to prioritize and effectively investigate the missing women cases.

I underscore that this finding of systemic bias should not in any way be taken to mean that the police did not care about the women or that there was any intention to dismiss or devalue the missing and murdered women.

### **Underlying Cause II: A Want of Leadership**

I conclude that there was a want of leadership in the missing and murdered women investigations. The problem was so pervasive that it was more than merely a question of adequate leadership: there was an absence of leadership. No senior manager at the VPD, RCMP E Division Major Crime Section, Coquitlam RCMP, or Provincial Unsolved Homicide Unit [PUHU] took on this leadership role and asserted ongoing responsibility for the case.

This lack of oversight resulted in investigations without sufficient direction, staffing or resources. Ineffective leadership affected all phases of the investigation, from the delays in confirming women missing, to the breakdown of the initial Pickton investigation, to the delay in setting up a Joint Forces Operation, to the misguided operational plan for Project Evenhanded.

### **Underlying Cause III: Poor Systems, Limited and Outdated Policing Approaches and Standards**

I conclude that the missing and murdered women investigations were severely hampered by limited and outdated policing systems and approaches and by the lack of clear standards. I find that five major gaps in the policing systems and approaches contributed to the police failures. First, the VPD and RCMP missing person policies and practices were inadequate. Second, the VPD and RCMP were unacceptably slow in adopting Major Case Management policies and systems. Third, the lack of provincial standards for missing persons investigations and Major Case Management contributed to unreasonable disparities in the investigations and a lack of accountability, because there is no barometer for measuring performance in the absence of a standard. Fourth, police forces employed a parochial and silo-based approach to policing. Fifth, there was poor

or non-existent integration of community-based policing principles in the investigative approaches taken.

#### **Underlying Cause IV: Fragmentation of Policing**

I conclude that the fragmentation of policing in the Lower Mainland and the inadequacy of structures to overcome this fragmentation was a major causal factor of the critical police failures. Fragmentation resulted in serious communication failures, linkage blindness, unco-ordinated parallel investigations, and failure to share key evidence. Fragmentation also contributed to the low prioritization of the missing and murdered women and the Pickton investigations, as well as to the inadequate allocation of resources to these investigations. In particular, I find that the delay in forming the Joint Forces Operation was caused by the absence of a formal mechanism or established protocols to form a Joint Forces Operation for cross-jurisdictional major cases.

#### **Underlying Cause V: Inadequate Resources and Allocation Issues**

I conclude that the missing and murdered women investigations and the Pickton investigation were under-resourced. However, this was the result of poor allocation of resources due to under-prioritization, not due to inadequate resources.

#### **Underlying Cause VI: Police Force Structure and Culture, Personnel Issues and Inadequate Training**

I conclude that police force structure and culture, particularly rank structure and isolated personnel issues, contributed to critical police failures in the missing and murdered women and Pickton investigations. These causes were a minor factor in comparison with the other five underlying causes.

## ENDNOTES

### Part Three

<sup>1</sup> Transcript, February 2, 2012, p. 4-9.

<sup>2</sup> *Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present* (Missing Women Commission of Inquiry, March 2012). [MWCI Missing Persons Survey]

<sup>3</sup> International Association of Chiefs of Police, *Missing Persons Model Policy* (effective September 1994). [IACP Model Policy]

<sup>4</sup> IACP Model Policy, p. 2.

<sup>5</sup> IACP Model Policy, p. 2.

<sup>6</sup> IACP Model Policy, p. 3.

<sup>7</sup> IACP Model Policy, p. 2-3.

<sup>8</sup> Exhibit 164, p. 1.

<sup>9</sup> Exhibit 34, p. 433; Exhibit 147, p. 112.

<sup>10</sup> According to the E-VERITAS E & R records, Marlene Abigosis was missing since 1984 and reported in 1984 (Exhibit 200A, p. 2-4, 86). MP Report indicates attempt was made to report Marlene missing again in 1986 (Exhibit 200A, p. 86). Only record from 1984 is that the VPD checked her in 1984 (Exhibit 200A, p. 2). Marlene was reported missing again in 2002 (Exhibit 200A, p. 86-96).

<sup>11</sup> The evidence is unclear. Apparently Teresa Williams was first reported missing in 1988 (to the VPD) and again reported missing in early 1989 (to the White Rock RCMP). There is evidence that the report was investigated in 1998 (Exhibit 200A, p. 66-81).

<sup>12</sup> Cecelia Nikal is a Highway of Tears victim, not a woman who was missing from the Downtown Eastside. Her information is included in this Chart because the RCMP made the information about her available in evidence, however the investigation into her disappearance is not otherwise reviewed in this report.

<sup>13</sup> Ingrid Soet was first reported missing in September 5, 1989, but then was apparently found; Ingrid's mother continued to try to open a report because she was still not in contact with her family (Exhibit 34, p. 533; Exhibit 147, p. 70). A formal report with the VPD was re-opened December 21, 1990, recording August 28, 1989, for the date last seen (DLS) (Exhibit 34, p. 533; Exhibit 200C, p. 382).

<sup>14</sup> Elsie Sebastian's family said they last saw her in the summer of 1992 (Transcript, October 25, 2011, p. 67-68; Exhibit 18, p. 1). A poster regarding Elsie also states she was missing since October 1992 (Exhibit 18, p. 3).

<sup>15</sup> Elsie's family says they started reporting her missing to VPNSL in October 1992 (Transcript, October 25, 2011, p. 72). The 1993 report records that Elsie was last seen in February or March of 1993 and the 2001 report records January 1992 (Exhibit 95; Exhibit 200A, p. 58).

<sup>16</sup> Jacqueline Murdock's family says that they last heard from her in the second week of December 1996 (Transcript, April 16, 2012, p. 109-110); the MP RCMP occurrence report says November.

<sup>17</sup> There is conflicting evidence: Marnie Frey's family says

they reported her missing starting in September 1997 (Transcript, October 24, 2011, p. 36-37).

<sup>18</sup> Formal report regarding Sherry Irving was not taken until August by other RCMP detachment, but there are records of the family trying to report her missing and some investigation. Also, the police quickly got evidence that she was seen in early 1997.

<sup>19</sup> Cara Ellis' family says they reported missing in July 1998 (Transcript, October 25, 2001, p. 13-16); documentation and police say she was reported in October 9, 2002 (Exhibit 95, p. 202).

<sup>20</sup> Official report regarding Georgina Papin was taken on March 11, 2001, when her family apparently spoke to Stony Plain RCMP regarding their concerns about her (Exhibit 200A, p. 52).

<sup>21</sup> Marion Bryce testified the last time she saw Patricia was on January 1, 2001, and that she last had contact with Patricia Johnson on February 21, 2001 (Transcript, December 16, 2011, p. 3). The MP Report records the date as January 2, 2001 (Exhibit 54, p. 3) and March 3, 2001 (Exhibit 54, p. 5).

<sup>22</sup> Marion Bryce testified that she first called in to report Patricia Johnson missing on March 5, 2001 (Transcript, December 16, 2011, p. 3).

<sup>23</sup> There is evidence that there was an attempt to report Heather Chinnock missing several weeks prior to June 19, 2001, however the exact date is unknown (Exhibit 200A, p. 17).

<sup>24</sup> The conflicting testimony was that Tiffany Drew was reported missing to Cst. Dave Dickson by a friend and Elaine Allan earlier in 1999 (Transcript, November 1, 2011, p. 32-37, 59, 160-163 (E. Allan)). Det. Cst. LePard testified that Tiffany was street-checked by a VPD officer on March 10, 2000, in Vancouver (Transcript, November 22, 2011, p. 88-89 (D. LePard); see also Exhibit 47, p. 315); Cst. Dickson said he remembers asking around about a Tiffany but he did not know her and did not have a last name; he testified that common nicknames were one of the common challenges when looking for people "down there" (Transcript, March 8, 2012, p. 27-28, 31-32).

<sup>25</sup> Transcript, February 1, 2012, p. 103-104; Transcript, November 22, 2011, p. 33-34; Exhibit 1, p. 56, 284-285, 323.

<sup>26</sup> Transcript, November 23, 2011, p. 34-35.

<sup>27</sup> Transcript, November 23, 2011, p. 36.

<sup>28</sup> Exhibit 147, p. 10-11; Transcript, April 2, p. 126, 131.

<sup>29</sup> Det. Cst. Shenher testified that all MP reports came through the Communications Centre (Transcript, January 30, 2012, p. 61) and reportees who attended the front counter were told to call 911 (for example, see the testimony of Marion Bryce, Transcript, December 16, 2011, p. 3-4); and testimony of L. Purcell (Transcript, April 16, 2012, p. 21-22, regarding Exhibit 139, p. 12-13); Transcript, November 28, 2011, p. 161-162; Transcript, November 23, 2011, p. 131-132; Transcript, November 29, p. 35.

<sup>30</sup> See Volume IIA, Part 2A.

<sup>31</sup> Transcript, November 23, 2011, p. 131-132.

<sup>32</sup> See Volume IIA, Part 2A. This point is also made by DC Evans: Exhibit 34,

- p. 208; Transcript, January 19, 2012, p. 174.
- <sup>33</sup> Exhibit 179; Transcript, April 23, 2012, p. 190-191.
- <sup>34</sup> Transcript, April 23, 2012, p. 190-191.
- <sup>35</sup> Exhibit 147, p. 4.
- <sup>36</sup> Exhibit 147, p. 4.
- <sup>37</sup> Transcript, April 23, 2012, p. 58-60.
- <sup>38</sup> Transcript, April 23, 2012, p. 60.
- <sup>39</sup> Transcript, April 23, 2012, p. 61.
- <sup>40</sup> Transcript, April 23, 2012, p. 65.
- <sup>41</sup> Exhibit 179, p. 1-6; Transcript, May 11, 2012.
- <sup>42</sup> Transcript, May 11, 2012, p. 288-289.
- <sup>43</sup> Transcript, May 11, 2012, p. 279, 267 and 269.
- <sup>44</sup> Exhibit 147, p. 4; Exhibit 207; Transcript, May 11, 2012, p. 267-269; Transcript, May 18, 2012, p. 53-55.
- <sup>45</sup> Transcript, April 23, 2012, p. 67.
- <sup>46</sup> An example of an incident that spurred on a change in policy to clarify jurisdiction was when a man with a mental disability went missing from the Vancouver General Hospital and E-Comm refused to take a report because the missing person was a resident of Port Coquitlam, and the Coquitlam RCMP refused the report because the missing person was last seen in Vancouver; in the end the VPD took the report (Exhibit 205, p. 50-54).
- <sup>47</sup> Transcript, April 23, 2012, p. 67-69.
- <sup>48</sup> Transcript, May 18, 2012, p. 55-56.
- <sup>49</sup> Transcript, April 23, 2012, p. 59-60.
- <sup>50</sup> Transcript, April 23, 2012, p. 135.
- <sup>51</sup> Transcript, May 18, 2012, p. 141-142.
- <sup>52</sup> Transcript, May 18, 2012, p. 58-59; Exhibit 179, p. 1.
- <sup>53</sup> Transcript, April 23, 2012, p. 80-81.
- <sup>54</sup> Transcript, April 23, 2012, p. 60, 84-85.
- <sup>55</sup> Transcript, April 23, 2012, p. 135.
- <sup>56</sup> Transcript, May 11, 2012, p. 284-285.
- <sup>57</sup> Transcript, May 11, 2012, p. 269.
- <sup>58</sup> Transcript, April 23, 2012, p. 79-81.
- <sup>59</sup> Transcript, April 23, 2012, p. 66, 190-191.
- <sup>60</sup> Transcript, April 2, 2012, p. 96.
- <sup>61</sup> Transcript, April 2, 2012, p. 66-67.
- <sup>62</sup> Transcript, April 2, 2012, p. 66-67.
- <sup>63</sup> See Volume IIA, Section 2A.
- <sup>64</sup> Transcript, January 31, 2012, p. 150-151.
- <sup>65</sup> Transcript, January 31, 2012, p. 160-162.
- <sup>66</sup> Transcript, April 2, 2012, p. 120-122.
- <sup>67</sup> Exhibit 119, p. 10.
- <sup>68</sup> Exhibit 119, p. 10-11.
- <sup>69</sup> Exhibit 96, p. 250.
- <sup>70</sup> Exhibit 146, p. 69.
- <sup>71</sup> Exhibit 22, p. 1.
- <sup>72</sup> Transcript, October 27, 2011, p. 52-53.
- <sup>73</sup> Exhibit 34, p. 467.
- <sup>74</sup> Exhibit 83, p. 428.
- <sup>75</sup> Exhibit 141, p. 1.
- <sup>76</sup> Exhibit 34, p. 413.
- <sup>77</sup> Exhibit 54, p. 4; Exhibit 205, p. 36-41.
- <sup>78</sup> Exhibit 34, p. 208.
- <sup>79</sup> Exhibit 34, p. 208.
- <sup>80</sup> Transcript, October 25, 2011, p. 67-68.
- <sup>81</sup> Exhibit 18, p. 1.
- <sup>82</sup> Transcript, October 25, 2011, p. 72.
- <sup>83</sup> Exhibit 95, p. 262.
- <sup>84</sup> Exhibit 95, p. 266.
- <sup>85</sup> Exhibit 95, p. 265.
- <sup>86</sup> Exhibit 95, p. 264.
- <sup>87</sup> Transcript, January 18, 2012, p. 178.
- <sup>88</sup> Exhibit 34, p. 441; Exhibit 18, p. 6.
- <sup>89</sup> Transcript, April 3, 2012, p. 54, 69-70.
- <sup>90</sup> Transcript, April 3, 2012, p. 54-58, 61, 66.
- <sup>91</sup> Transcript, April 3, 2012, p. 61-65.
- <sup>92</sup> Transcript, April 3, 2012, p. 65-66.
- <sup>93</sup> Transcript, April 3, 2012, p. 60, 63.
- <sup>94</sup> Transcript, October 25, 2011, p. 73.
- <sup>95</sup> Exhibit 18, p. 4.
- <sup>96</sup> Exhibit 18, p. 6.
- <sup>97</sup> Exhibit 18, p. 4-5.
- <sup>98</sup> Transcript, October 25, 2011, p. 97-98.
- <sup>99</sup> Transcript, April 3, 2012, p. 59-63, 66.
- <sup>100</sup> Transcript, October 25, 2011, p. 74-76.
- <sup>101</sup> Transcript, October 25, 2011, p. 78-81, 136-137.
- <sup>102</sup> Exhibit 114, p. 37.
- <sup>103</sup> Transcript, January 18, 2012, p. 179.
- <sup>104</sup> Exhibit 18, p. 2.
- <sup>105</sup> Transcript, October 25, 2011, p. 92-94.
- <sup>106</sup> Transcript, October 25, 2011, p. 88-89.
- <sup>107</sup> Exhibit 18, p. 1.
- <sup>108</sup> Transcript, October 25, 2011, p. 71-72.
- <sup>109</sup> Transcript, October 25, 2011, p. 89, 92-93.
- <sup>110</sup> Transcript, April 3, 2012, p. 77-78.
- <sup>111</sup> Transcript, April 3, 2012, p. 162.
- <sup>112</sup> Transcript, October 25, 2011, p. 13-17.
- <sup>113</sup> Transcript, October 25, 2001, p. 6-8.
- <sup>114</sup> Transcript, October 25, 2001, p. 8-13.
- <sup>115</sup> Transcript, October 25, 2001, p. 13-16.
- <sup>116</sup> Transcript, October 25, 2001, p. 18-19, 27.
- <sup>117</sup> Exhibit 95, p. 202.
- <sup>118</sup> Transcript, October 25, 2001, p. 20-21.
- <sup>119</sup> Transcript, October 25, 2001, p. 22.
- <sup>120</sup> Transcript, October 25, 2011, p. 32-33.
- <sup>121</sup> Exhibit 129, p. 2-3.
- <sup>122</sup> Transcript, April 5, 2012, p. 100.
- <sup>123</sup> Exhibit 129, p. 2-3; Transcript, April 5, 2012, p. 102.
- <sup>124</sup> Transcript, April 5, 2012, p. 99.
- <sup>125</sup> Transcript, April 3, 2012, p. 97-98.
- <sup>126</sup> Transcript, April 23, 2012, p. 225-227.
- <sup>127</sup> Transcript, April 23, 2012, p. 226-227.
- <sup>128</sup> Transcript, April 23, 2012, p. 226.
- <sup>129</sup> Transcript, February 2, 2012, p. 64-65, 103.
- <sup>130</sup> Transcript, April 4, 2012, p. 153.
- <sup>131</sup> Transcript, April 5, 2012, p. 24.
- <sup>132</sup> Transcript, February 2, 2012, p. 64-65, 103.
- <sup>133</sup> Transcript, December 16, 2011, p. 1-3.
- <sup>134</sup> Transcript, December 16, 2011, p. 3-4.
- <sup>135</sup> Transcript, December 16, 2011, p. 4-5.
- <sup>136</sup> Transcript, December 16, 2011, p. 11.
- <sup>137</sup> Transcript, December 16, 2011, p. 5-6.
- <sup>138</sup> Transcript, December 16, 2011, p. 7-8.
- <sup>139</sup> Transcript, December 16, 2011, p. 15.
- <sup>140</sup> Transcript, December 16, 2011, p. 14.
- <sup>141</sup> Exhibit 54, p. 3-4.
- <sup>142</sup> Exhibit 54, p. 5.

- <sup>143</sup> Exhibit 205, p. 36-41; Transcript, May 18, 2012, p. 47-50.
- <sup>144</sup> Transcript, May 18, 2012, p. 49-50.
- <sup>145</sup> Transcript, April 23, 2012, p. 109.
- <sup>146</sup> Exhibit 147, p. 70.
- <sup>147</sup> Exhibit 200C, p. 387.
- <sup>148</sup> Exhibit 34, p. 533.
- <sup>149</sup> Exhibit 34, p. 533; Exhibit 147, p. 70.
- <sup>150</sup> Exhibit 34, p. 535.
- <sup>151</sup> Exhibit 146, p. 71.
- <sup>152</sup> Exhibit 54, p. 4-5.
- <sup>153</sup> Exhibit 147, p. 4-5.
- <sup>154</sup> Exhibit 147, p. 4-5.
- <sup>155</sup> Transcript, April 23, 2012, p. 83.
- <sup>156</sup> Transcript, April 23, 2012, p. 84-85.
- <sup>157</sup> Transcript, January 31, 2012, p. 149.
- <sup>158</sup> Transcript, January 30, 2012, p. 56-57.
- <sup>159</sup> Transcript, January 30, 2012, p. 57-60.
- <sup>160</sup> Exhibit 34, p. 429.
- <sup>161</sup> Transcript, February 27, 2012, p. 121-122.
- <sup>162</sup> Transcript, January 18, 2012, p. 167.
- <sup>163</sup> Transcript, January 19, 2012, p. 122.
- <sup>164</sup> Transcript, January 18, 2012, p. 187.
- <sup>165</sup> Exhibit 34, p. 417.
- <sup>166</sup> Exhibit 34, p. 489-492; Exhibit 123, p. 48-51.
- <sup>167</sup> Transcript, January 19, 2012, p. 146-147.
- <sup>168</sup> Exhibit 34, p. 489-492.
- <sup>169</sup> Exhibit 34, p. 437.
- <sup>170</sup> Transcript, April 23, 2012, p. 104-108.
- <sup>171</sup> Transcript, April 23, 2012, p. 107.
- <sup>172</sup> Transcript, April 23, 2012, p. 108-109.
- <sup>173</sup> Exhibit 34, p. 501-503.
- <sup>174</sup> Exhibit 200A, p. 14-16.
- <sup>175</sup> Exhibit 200A, p. 65-81; Exhibit 200D, p. 8-9; Exhibit 200E, p. 8.
- <sup>176</sup> Exhibit 200A, p. 69.
- <sup>177</sup> Exhibit 200A, p. 66.
- <sup>178</sup> Exhibit 200A, p. 65.
- <sup>179</sup> Exhibit 200D, p. 8.
- <sup>180</sup> Transcript, January 19, 2012, p. 151-156.
- <sup>181</sup> Exhibit 200A, p. 56.
- <sup>182</sup> Exhibit 200A, p. 56-57.
- <sup>183</sup> Exhibit 200A, p. 56-57.
- <sup>184</sup> Exhibit 200A, p. 2-3.
- <sup>185</sup> Exhibit 200A, p. 85.
- <sup>186</sup> Exhibit 34, p. 459.
- <sup>187</sup> Exhibit 34, p. 413.
- <sup>188</sup> Exhibit 34, p. 449-552.
- <sup>189</sup> Exhibit 34, p. 467-471.
- <sup>190</sup> Exhibit 34, p. 555-558.
- <sup>191</sup> Exhibit 34, p. 205.
- <sup>192</sup> Transcript, January 18, 2012, p. 167.
- <sup>193</sup> Transcript, January 18, 2012, p. 187.
- <sup>194</sup> Transcript, February 1, 2012, p. 103-104.
- <sup>195</sup> Exhibit 34, p. 527-530.
- <sup>196</sup> Exhibit 34, p. 513-515.
- <sup>197</sup> Exhibit 34, p. 555.
- <sup>198</sup> Exhibit 34, p. 511; Transcript, January 19, 2012, p. 172.
- <sup>199</sup> Exhibit 34, p. 409.
- <sup>200</sup> Exhibit 34, p. 411.
- <sup>201</sup> Exhibit 34, p. 485-487.
- <sup>202</sup> Exhibit 34, p. 485.
- <sup>203</sup> Exhibit 139, p. 34, 38.
- <sup>204</sup> Exhibit 200A, p. 102, 112.
- <sup>205</sup> Exhibit 34, p. 501- 503.
- <sup>206</sup> Exhibit 34, p. 413-414; Exhibit 147, p. 199.
- <sup>207</sup> Exhibit 34, p. 463-465.
- <sup>208</sup> Closing Submissions of the Families, p. 178-179; Closing Submissions of Government of Canada, p. 41.
- <sup>209</sup> Exhibit 34, p. 561.
- <sup>210</sup> Exhibit 34, p. 566.
- <sup>211</sup> Exhibit 34, p. 437; Transcript, April 23, 2012, p. 104-105.
- <sup>212</sup> Exhibit 34, p. 498.
- <sup>213</sup> Exhibit 34, p. 543.
- <sup>214</sup> Exhibit 221, p. 88-89.
- <sup>215</sup> Exhibit 221, p. 78, 89.
- <sup>216</sup> Exhibit 34, p. 546.
- <sup>217</sup> Exhibit 34, p. 449.
- <sup>218</sup> Exhibit 34, p. 452.
- <sup>219</sup> See Volume IIA, Part 2A.
- <sup>220</sup> Exhibit 200A, p. 23.
- <sup>221</sup> Exhibit 34, p. 459.
- <sup>222</sup> Exhibit 83, p. 428.
- <sup>223</sup> Exhibit 83, p. 429.
- <sup>224</sup> Exhibit 34, p. 517.
- <sup>225</sup> Exhibit 200A, p. 40-41.
- <sup>226</sup> Exhibit 34, p. 549.
- <sup>227</sup> Exhibit 54, p. 3.
- <sup>228</sup> Exhibit 34, p. 409, 475.
- <sup>229</sup> Exhibit 34, p. 495.
- <sup>230</sup> Exhibit 200A, p. 40-41.
- <sup>231</sup> Exhibit 34, p. 421.
- <sup>232</sup> Exhibit 34, p. 463.
- <sup>233</sup> Transcript, January 18, 2012, p. 182.
- <sup>234</sup> Exhibit 34, p. 479.
- <sup>235</sup> Exhibit 200A, p. 35.
- <sup>236</sup> Exhibit 34, p. 543-546.
- <sup>237</sup> Transcript, January 18, 2012, p. 184-185.
- <sup>238</sup> Exhibit 34, p. 467-471.
- <sup>239</sup> Transcript, February 2, 2012, p. 60.
- <sup>240</sup> Transcript, February 2, 2012, p. 122.
- <sup>241</sup> Exhibit 34, p. 509-511.
- <sup>242</sup> Exhibit 217, p. 7, 99-101.
- <sup>243</sup> Exhibit 34, p. 510.
- <sup>244</sup> Exhibit 217, p. 5.
- <sup>245</sup> Transcript, May 24, 2012, p. 132.
- <sup>246</sup> Transcript, May 24, 2012, p. 133.
- <sup>247</sup> Exhibit 217, p. 5-7.
- <sup>248</sup> Transcript, May 24, 2012, p. 133.
- <sup>249</sup> Exhibit 34, p. 206.
- <sup>250</sup> Transcript, January 30, 2012, p. 61-62.
- <sup>251</sup> Transcript, January 30, 2012, p. 61-62.
- <sup>252</sup> Transcript, April 23, 2012, p. 45-46, 125.
- <sup>253</sup> Transcript, February 1, 2012, p. 230.
- <sup>254</sup> Transcript, February 1, 2012, p. 231-232.
- <sup>255</sup> Refer back to overview of the investigation of Janet Henry in Volume IIA, Part 2A.
- <sup>256</sup> Exhibit 83, p. 434.

- <sup>257</sup> Exhibit 45B, p. 139.
- <sup>258</sup> Closing Submissions of Canada, p. 50, referring to Exhibit 127 and Exhibit 200.
- <sup>259</sup> Closing Submissions of Canada, p. 50.
- <sup>260</sup> Closing Submissions of Canada, p. 50-51.
- <sup>261</sup> Exhibit 200A, p. 30.
- <sup>262</sup> Exhibit 200B, p. 215.
- <sup>263</sup> Exhibit 200A, p. 23.
- <sup>264</sup> Exhibit 200A, p. 23-28; Exhibit 200B, p. 45.
- <sup>265</sup> Exhibit 200A, p. 24.
- <sup>266</sup> Exhibit 200A, p. 27; Exhibit 200B, p. 104.
- <sup>267</sup> Exhibit 200A, p. 27.
- <sup>268</sup> Exhibit 200A, p. 23, 25.
- <sup>269</sup> Exhibit 200A, p. 23, 25.
- <sup>270</sup> Exhibit 200A, p. 23.
- <sup>271</sup> Exhibit 200A, p. 23.
- <sup>272</sup> Transcript, January 30, 2012, p. 61-62.
- <sup>273</sup> Exhibit 200A, p. 16-17.
- <sup>274</sup> Exhibit 200A, p. 17.
- <sup>275</sup> Exhibit 200A, p. 18-20.
- <sup>276</sup> Exhibit 200A, p. 590.
- <sup>277</sup> Exhibit 34, p. 459-460.
- <sup>278</sup> Exhibit 34, p. 460.
- <sup>279</sup> Exhibit 34, p. 461.
- <sup>280</sup> Transcript, January 17, 2012, p. 41.
- <sup>281</sup> Transcript, January 17, 2012, p. 42-43.
- <sup>282</sup> Transcript, January 17, 2012, p. 41-42.
- <sup>283</sup> See Volume IIB, Part 2A.
- <sup>284</sup> See Volume IIB, Part 2A.
- <sup>285</sup> Exhibit 34, p. 555-558.
- <sup>286</sup> Exhibit 34, p. 437-439.
- <sup>287</sup> Exhibit 34, p. 369, 393, 437.
- <sup>288</sup> Exhibit 34, p. 437.
- <sup>289</sup> Exhibit 34, p. 445-446.
- <sup>290</sup> Exhibit 34, p. 527-530.
- <sup>291</sup> Exhibit 34, p. 530.
- <sup>292</sup> Exhibit 34, p. 533-535.
- <sup>293</sup> Exhibit 34, p. 205.
- <sup>294</sup> Transcript, January 18, 2012, p. 166.
- <sup>295</sup> Transcript, January 18, 2012, p. 187.
- <sup>296</sup> Transcript, February 1, 2012, p. 104.
- <sup>297</sup> Closing Submissions of Government of Canada, p. 41.
- <sup>298</sup> Exhibit 34, p. 413-414.
- <sup>299</sup> Exhibit 34, p. 413.
- <sup>300</sup> Exhibit 34, p. 479.
- <sup>301</sup> Exhibit 34, p. 409-411.
- <sup>302</sup> Exhibit 34, p. 409-411.
- <sup>303</sup> See for example, the descriptions of the investigations of Tanya Holyk, Marnie Frey, and Dawn Crey in Volume IIA, Part 2A.
- <sup>304</sup> Exhibit 34, p. 552.
- <sup>305</sup> Exhibit 34, p. 459-461.
- <sup>306</sup> Exhibit 34, p. 429-431.
- <sup>307</sup> Exhibit 34, p. 463-465.
- <sup>308</sup> Exhibit 34, p. 463-465.
- <sup>309</sup> Exhibit 34, p. 503.
- <sup>310</sup> Exhibit 34, p. 477.
- <sup>311</sup> Exhibit 34, p. 433-434.
- <sup>312</sup> Exhibit 34, p. 513-515.
- <sup>313</sup> For example, Marilyn Renter testified to this, Transcript, April 17, 2012, p. 38, as did Bonnie Fowler and Cynthia Cardinal, Transcript, April 17, 2012, p. 77-79, 82-83.
- <sup>314</sup> Transcript, February 2, 2012, p. 124.
- <sup>315</sup> Exhibit 34, p. 208.
- <sup>316</sup> Exhibit 104, p. 19.
- <sup>317</sup> See discussion in Volume IIA, Part 2A; Exhibit 34, p. 426-427; Exhibit 141, p. 8.
- <sup>318</sup> See discussion in Part 2A; Closing Submissions of the Families, p. 184; Exhibit 82, p. 30-31.
- <sup>319</sup> Exhibit 34, p. 555-558.
- <sup>320</sup> Exhibit 34, p. 569-578.
- <sup>321</sup> Exhibit 34, p. 569-578.
- <sup>322</sup> Exhibit 34, p. 487.
- <sup>323</sup> Exhibit 34, p. 459-461.
- <sup>324</sup> Exhibit 34, p. 429-431.
- <sup>325</sup> Exhibit 34, p. 405-407.
- <sup>326</sup> Transcript, January 18, 2012, p. 178-179 and Exhibit 34, p. 442.
- <sup>327</sup> Even though not a single interview was conducted on this file, one POI was identified. Exhibit 34, p. 455-456.
- <sup>328</sup> Exhibit 34, p. 445-447.
- <sup>329</sup> Exhibit 34, p. 463-465.
- <sup>330</sup> For example: there was a common person of interest in Cindy Beck's and Tanya Holyk's files (Exhibit 34, p. 407); Angela Jardine was having problems with an identified male before she disappeared and Michelle Gurney was seen with the same male before she disappeared and there was also information Michelle was a witness to an assault on Angela (Exhibit 34, p. 431); a link between Catherine Gonzalez, POI3378 and Kathleen Wattley was noted in Catherine Gonzalez's file (Exhibit 34, p. 455-456).
- <sup>331</sup> Exhibit 45B, p. 139.
- <sup>332</sup> Exhibit 83, p. 428-436.
- <sup>333</sup> Exhibit 34, p. 421.
- <sup>334</sup> Exhibit 83, p. 429, 431.
- <sup>335</sup> Exhibit 221, p. 78-79.
- <sup>336</sup> Exhibit 34, p. 209.
- <sup>337</sup> Exhibit 34, p. 209.
- <sup>338</sup> Transcript, January 19, 2012, p. 158.
- <sup>339</sup> Transcript, January 19, 2012, p. 165-167; Exhibit 64, p. 21-23.
- <sup>340</sup> Exhibit 34, p. 505-506.
- <sup>341</sup> Exhibit 200A, p. 50.
- <sup>342</sup> Closing Submissions of the Families, p. 181.
- <sup>343</sup> Exhibit 34, p. 429.
- <sup>344</sup> Exhibit 34, p. 409.
- <sup>345</sup> See Volume IIA, Part 2A.
- <sup>346</sup> See Volume IIA, Part 2A.
- <sup>347</sup> Exhibit 34, p. 549-553; Exhibit 114, p. 232.
- <sup>348</sup> Exhibit 34, p. 543-546; Exhibit 221, p. 71-76.
- <sup>349</sup> Transcript, November 1, 2011, p. 37.
- <sup>350</sup> Transcript, March 6, 2012, p. 156-157.
- <sup>351</sup> Exhibit 95, p. 218; Transcript, November 1, 2011, p. 35-36; Transcript March 6, 2012, p. 43, p. 165-166.
- <sup>352</sup> Exhibit 95, p. 224.
- <sup>353</sup> Exhibit 221, p. 268-297.
- <sup>354</sup> Exhibit 34, p. 205-206.
- <sup>355</sup> Exhibit 34, p. 206; Exhibit 83, p. 426, 520-524.
- <sup>356</sup> Exhibit 34, p. 205.

- <sup>357</sup> Exhibit 34, p. 207.
- <sup>358</sup> Exhibit 34, p. 206.
- <sup>359</sup> Exhibit 34, p. 317.
- <sup>360</sup> Exhibit 34, p. 317.
- <sup>361</sup> Exhibit 200A, p. 41.
- <sup>362</sup> Exhibit 34, p. 445-446.
- <sup>363</sup> Exhibit 34, p.317; Exhibit 221, p. 268-297.
- <sup>364</sup> Transcript, February 15, 2012, p. 27-30; Transcript, April 25, 2012, p. 243-244.
- <sup>365</sup> Exhibit 34, p. 501.
- <sup>366</sup> Exhibit 34, p. 527-528.
- <sup>367</sup> Exhibit 34, p. 207.
- <sup>368</sup> Closing Submissions of Canada, p. 45.
- <sup>369</sup> Transcript, April 25, 2012, p. 243-244.
- <sup>370</sup> Transcript, February 15, 2012, p. 30.
- <sup>371</sup> Transcript, February 15, 2012, p. 29-30; Transcript, April 25, 2012, p. 243-244.
- <sup>372</sup> Exhibit 100, p. 19.
- <sup>373</sup> Exhibit 34, p. 407.
- <sup>374</sup> Exhibit 34, p. 410.
- <sup>375</sup> Exhibit 34, p. 339.
- <sup>376</sup> Exhibit 34, p. 231, 233, 346, 562-563.
- <sup>377</sup> Exhibit 34, p. 231, 233, 237.
- <sup>378</sup> Exhibit 1, p. 87-88.
- <sup>379</sup> Transcript, January 30, 2012, p. 62-63.
- <sup>380</sup> Exhibit 34, p. 369, 393.
- <sup>381</sup> Exhibit 34, p. 394.
- <sup>382</sup> Exhibit 34, p. 394.
- <sup>383</sup> Exhibit 34, p. 376.
- <sup>384</sup> Exhibit 34, p. 205.
- <sup>385</sup> Transcript, January 30, 2012, p. 63; Transcript, February 2, 2012, p. 39-40.
- <sup>386</sup> Exhibit 34, p. 509-510.
- <sup>387</sup> Exhibit 34, p. 433.
- <sup>388</sup> Exhibit 34, p. 429-430.
- <sup>389</sup> Exhibit 34, p. 485-486.
- <sup>390</sup> Exhibit 34, p. 467- 470; Exhibit 200B, p. 201.
- <sup>391</sup> Exhibit 34, p. 459-461.
- <sup>392</sup> Exhibit 153, p. 13.
- <sup>393</sup> Transcript, April 25, 2012, p. 227-228.
- <sup>394</sup> Transcript, February 1, 2012, p. 229-230.
- <sup>395</sup> Transcript, February 2, 2012, p. 9-12.
- <sup>396</sup> Transcript, December 16, 2011, p. 16-18.
- <sup>397</sup> Transcript, December 16, 2011, p. 16-18.
- <sup>398</sup> Transcript, December 16, 2011, p. 22-26.
- <sup>399</sup> Exhibit 34, p. 455-457.
- <sup>400</sup> Exhibit 34, p. 395.
- <sup>401</sup> Exhibit 34, p. 457.
- <sup>402</sup> Transcript, February 2, 2012, p. 11-12.
- <sup>403</sup> Exhibit 34, p. 437.
- <sup>404</sup> Transcript, April 23, p. 2012 p. 108-109.
- <sup>405</sup> Exhibit 34, p. 369, 393.
- <sup>406</sup> Exhibit 34, p. 437.
- <sup>407</sup> Exhibit 34, p. 549-552.
- <sup>408</sup> Exhibit 34, p. 449-453.
- <sup>409</sup> Exhibit 34, p. 543- 545 and Exhibit 221, p. 72.
- <sup>410</sup> Exhibit 34, p. 477.
- <sup>411</sup> Exhibit 34, p. 405-407.
- <sup>412</sup> Exhibit 34, p. 561-566.
- <sup>413</sup> Exhibit 200A, p. 50-55; Transcript, April 17, 2012, p. 68, 77-80.
- <sup>414</sup> Exhibit 200A, p. 54.
- <sup>415</sup> Transcript, April 17, 2012, p. 82-83.
- <sup>416</sup> Transcript, February 28, 2012, p. 18.
- <sup>417</sup> Transcript, February 28, 2012, p. 20.
- <sup>418</sup> Transcript, February 28, 2012, p. 18-20.
- <sup>419</sup> Transcript, February 28, 2012, p. 20.
- <sup>420</sup> Transcript, January 31, 2012, p. 74-75.
- <sup>421</sup> Exhibit 217, p. 9-10, 145.
- <sup>422</sup> Exhibit 34, p. 191.
- <sup>423</sup> Exhibit 1, p. 106, 180.
- <sup>424</sup> Transcript, February 28, 2012, p. 20-21.
- <sup>425</sup> Transcript, February 28, 2012, p. 21-23.
- <sup>426</sup> Exhibit 98, p. 219-221.
- <sup>427</sup> Exhibit 99, p. 96-97.
- <sup>428</sup> Exhibit 34, p. 543-545; Exhibit 221, p. 72.
- <sup>429</sup> Exhibit 221, p. 70.
- <sup>430</sup> Exhibit 34, p. 545.
- <sup>431</sup> Exhibit 221, p. 77-81.
- <sup>432</sup> Exhibit 221, p. 78-79.
- <sup>433</sup> Exhibit 221, p. 80.
- <sup>434</sup> Exhibit 221, p. 80-81.
- <sup>435</sup> Exhibit 221, p. 80-81.
- <sup>436</sup> Exhibit 221, p. 85.
- <sup>437</sup> Exhibit 221, p. 82-83, 87-90.
- <sup>438</sup> Exhibit 221, p. 84-86.
- <sup>439</sup> Exhibit 221, p. 89.
- <sup>440</sup> Exhibit 221, p. 89.
- <sup>441</sup> Exhibit 221, p. 88-90.
- <sup>442</sup> Exhibit 221, p. 91-99.
- <sup>443</sup> Exhibit 221, p. 96.
- <sup>444</sup> Exhibit 221, p. 91-97.
- <sup>445</sup> Transcript, November 2, 2012, p. 28-29.
- <sup>446</sup> Transcript, October 19, 2011, p. 53.
- <sup>447</sup> Transcript, May 9, 2012, p. 14-15, 52.
- <sup>448</sup> Transcript, March 8, 2012, p. 153-154.
- <sup>449</sup> Transcript, March 8, 2012, p. 153-154 .
- <sup>450</sup> Exhibit 221, p. 100-105.
- <sup>451</sup> Exhibit 64, p. 2-3.
- <sup>452</sup> Transcript, April 23, 2012, p. 100-101.
- <sup>453</sup> Transcript, April 16, 2012, p. 26-27.
- <sup>454</sup> Exhibit 64, p. 2-3.
- <sup>455</sup> Transcript, April 2, 2012, p. 103-106.
- <sup>456</sup> Exhibit 147, 124.
- <sup>457</sup> Transcript, January 31, 2012, p. 153-155.
- <sup>458</sup> Transcript, April 23, 2012, p. 173.
- <sup>459</sup> Transcript, April 23, 2012, p. 174.
- <sup>460</sup> Transcript, April 4, 2012, p. 155-156.
- <sup>461</sup> Transcript, April 4, 2012, p. 155-156.
- <sup>462</sup> Transcript, April 3, 2012, p. 128-131.
- <sup>463</sup> Transcript, April 3, 2012, p. 130-131.
- <sup>464</sup> Exhibit 147, p. 130-133.
- <sup>465</sup> Transcript, April 23, 2012, p. 99-100.
- <sup>466</sup> Transcript, April 23, 2012, p. 101.
- <sup>467</sup> Transcript, April 23, 2012, p. 102.
- <sup>468</sup> Transcript, April 23, 2012, p. 102-103.
- <sup>469</sup> Exhibit 147, p. 149.
- <sup>470</sup> Exhibit 147, p. 148.
- <sup>471</sup> Transcript, January 31, 2012, p. 155-157.
- <sup>472</sup> Transcript, January 31, 2012, p. 157-158.

- <sup>473</sup> Transcript, April 23, 2012, p. 164-167.
- <sup>474</sup> Transcript, April 23, 2012, p. 167.
- <sup>475</sup> Transcript, April 23, 2012, p. 101, 179-180.
- <sup>476</sup> Transcript, April 23, 2012, p. 174-175.
- <sup>477</sup> Transcript, April 23, 2012, p. 115.
- <sup>478</sup> Transcript, April 23, 2012, p. 168-169.
- <sup>479</sup> Transcript, April 23, 2012, p. 184.
- <sup>480</sup> Transcript, April 23, 2012, p. 70-71, 164.
- <sup>481</sup> Transcript, April 23, 2012, p. 164-165.
- <sup>482</sup> Transcript, April 23, 2012, p. 115.
- <sup>483</sup> Transcript, April 23, 2012, p. 119-121.
- <sup>484</sup> Transcript, April 23, 2012, p. 182.
- <sup>485</sup> Transcript, May 18, 2012, p. 17-22, 32-34, 58-59.
- <sup>486</sup> LePard Report, p. 212-214.
- <sup>487</sup> Transcript, November 28, 2011, p. 146-148, 172.
- <sup>488</sup> Exhibit 1, p. 213.
- <sup>489</sup> Exhibit 34, p. 266, 283, 339, 455.
- <sup>490</sup> Transcript, January 19, 2012, p. 126-127.
- <sup>491</sup> Closing Submissions of Government of Canada, p.49.
- <sup>492</sup> Exhibit 127; Exhibit 200A; Closing Submissions of Government of Canada, p. 48.
- <sup>493</sup> Exhibit 127; Exhibit 200A.
- <sup>494</sup> See Volume IIA, Part 2A; Exhibit 34, p. 427.
- <sup>495</sup> Exhibit 207, p. 2, 16-18, 23, 49, 56, 59, 61-62, 64-66, 71.
- <sup>496</sup> Exhibit 200A, p. 102, 109.
- <sup>497</sup> Exhibit 200A, p. 108-109.
- <sup>498</sup> Exhibit 200A, p. 7-8.
- <sup>499</sup> Exhibit 200A, p. 2.
- <sup>500</sup> Exhibit 200A, p. 24.
- <sup>501</sup> Exhibit 200A, p. 25.
- <sup>502</sup> Exhibit 200A, p. 25-26.
- <sup>503</sup> Exhibit 200A, p. 26-28.
- <sup>504</sup> Exhibit 141, p. 26; Exhibit 200A, p. 52.
- <sup>505</sup> Exhibit 200A, p. 50.
- <sup>506</sup> Exhibit 34, p. 360; Exhibit 99, p. 14; Exhibit 200A, p. 54.
- <sup>507</sup> Exhibit 200A, p. 54-55.
- <sup>508</sup> Exhibit 200A, p. 35-37.
- <sup>509</sup> Exhibit 200A, p. 37-40.
- <sup>510</sup> Exhibit 34, p. 387.
- <sup>511</sup> Exhibit 200A, p. 14-16, 518-519, 526.
- <sup>512</sup> Exhibit 200A, p. 16.
- <sup>513</sup> Exhibit 34, p. 221.
- <sup>514</sup> Exhibit 200A, p. 56-57.
- <sup>515</sup> Exhibit 34, p. 459-461.
- <sup>516</sup> See Volume IIA, Part 2A.
- <sup>517</sup> Exhibit 34, p. 411.
- <sup>518</sup> Transcript, April 5, p. 21-25.
- <sup>519</sup> Transcript, May 24, 2012, p. 131.
- <sup>520</sup> Exhibit 82, p. 262-276.
- <sup>521</sup> Exhibit 34, p. 413-414.
- <sup>522</sup> Exhibit 217, p. 5.
- <sup>523</sup> Exhibit 217, p. 7, 110-111.
- <sup>524</sup> Exhibit 34, p. 209.
- <sup>525</sup> Exhibit 200A, p. 40-41.
- <sup>526</sup> Closing Submissions of the Families, p. 184; Exhibit 82, p. 30-31.
- <sup>527</sup> For example, Stephanie Lane (Exhibit 34, p. 558) and Inga Hall (Exhibit 34, p. 479-482).
- <sup>528</sup> Jacqueline Murdock, Jacqueline McDonnell, Inga Hall and Marnie Frey (Exhibit 65, p. 18-19); Angela Jardine (Exhibit 65, p. 20; Exhibit 212, p. 2); Andrea Joesbury (Exhibit 212, p. 2); Diane Melnick (Exhibit 65, p. 19); Sherry Irving (Exhibit 65, p. 19; Exhibit 82, p. 30-31); Patricia Johnson (Exhibit 65, p. 18 and p. 19; Exhibit 65, p. 20); Dorothy Spence (Exhibit 65, p. 19); Dawn Crey, Cindy Feliks, Sharon Abraham, Mona Wilson, Cindy Beck, Helen Hallmark, Sherry Baker and Sharon Abraham (Exhibit 65, p. 16 and 18).
- <sup>529</sup> John Schouten, VPD Inspector (Retired), Vancouver Police Department, *Missing Person Unit Review* (October 2004). [Schouten Audit Report]
- <sup>530</sup> Schouten Audit Report, p. 8-9.
- <sup>531</sup> Policy Submission of VPD, Appendix E - Spreadsheet of Implementation Steps for Schouten Report Recommendations.
- <sup>532</sup> Exhibit 34, p. 80.
- <sup>533</sup> Exhibit 34, p. 212.
- <sup>534</sup> Elizabeth Welch, *Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present* (Missing Women Commission of Inquiry, 2012), p. 7, 51 and 55.
- <sup>535</sup> Transcript, January 30, 2012, p. 38-39.
- <sup>536</sup> Transcript, October 19, 2011, p. 87-88.
- <sup>537</sup> See Volume IIA, Part 2A: Andrea Joesbury and Mona Wilson.
- <sup>538</sup> Transcript, October 19, 2012, p. 11, 134-135, 139-140.
- <sup>539</sup> See Volume IIA, Part 2A.
- <sup>540</sup> See Volume IIA, Part 2A.
- <sup>541</sup> See Volume IIA, Part 2A.
- <sup>542</sup> Exhibit 151, p. 20-21.
- <sup>543</sup> Transcript, October 17, p. 80-85. See also references to increased risk of violence generally experienced by women in the sex industry: Transcript, October 17, p. 52-53; October 19, 2012, p. 37-39, 89-91, 129-133.
- <sup>544</sup> Exhibit 1, p. 54, citing John Lowman & L. Fraser, *Violence against persons who prostitute: the experience in British Columbia* (Ottawa: Department of Justice, 1995) and Jonathan Dudek, *When Silenced Voices Speak: An Exploratory Study of Prostitute Homicide* (Doctoral dissertation, MCP Hahnemann University, Philadelphia, Pennsylvania, 2010), p. 389.
- <sup>545</sup> Transcript, November 7, 2011, p. 119; Transcript, March 8, 2012, p. 166-167.
- <sup>546</sup> See Volume IIA, Part 3A.
- <sup>547</sup> Exhibit 146, p. 261.
- <sup>548</sup> Exhibit 146, p. 84, 265-266.
- <sup>549</sup> Exhibit 146, p. 265-266.
- <sup>550</sup> Exhibit 82, p. 238.
- <sup>551</sup> Exhibit 82, p. 238.
- <sup>552</sup> Exhibit 82, p. 239.
- <sup>553</sup> Exhibit 82, p. 235-239.
- <sup>554</sup> Exhibit 34, p. 225-226.
- <sup>555</sup> Exhibit 146, p. 262-264.
- <sup>556</sup> Exhibit 146, p. 262-264.
- <sup>557</sup> Exhibit 34, p. 226.
- <sup>558</sup> Exhibit 82, p. 235-239.

- <sup>559</sup> Exhibit 45, p. 175.
- <sup>560</sup> Transcript, April 25, 2012, p. 19.
- <sup>561</sup> Exhibit 114NR, p. 11-13.
- <sup>562</sup> Exhibit 201NR, p. 7-9.
- <sup>563</sup> Exhibit 141NR, p. 16.
- <sup>564</sup> Transcript, March 5, 2012, p. 191-192.
- <sup>565</sup> Transcript, March 5, 2012, p. 193-194.
- <sup>566</sup> Transcript, March 5, 2012, p. 194-195.
- <sup>567</sup> Exhibit 45, p. 194-198.
- <sup>568</sup> Exhibit 45, p. 200.
- <sup>569</sup> Exhibit 201NR, p. 11-12.
- <sup>570</sup> Exhibit 1, p.199; Transcript, November 30, 2011, p. 9-12.
- <sup>571</sup> Transcript, January 19, 2012, p. 136-137.
- <sup>572</sup> Exhibit 114, p. 35-39.
- <sup>573</sup> Transcript, January 18, 2012, p. 179.
- <sup>574</sup> Exhibit 34 p. 22; Transcript, April 24, 2012, p. 35-36; Transcript April 26, 2012, p. 221.
- <sup>575</sup> Exhibit 34, p. 22.
- <sup>576</sup> Transcript, January 30, 2012, p. 53-54.
- <sup>577</sup> Exhibit 45, p. 227-229.
- <sup>578</sup> Exhibit 45, p. 259.
- <sup>579</sup> Read into evidence Transcript, November 8, 2011, p. 27-28.
- <sup>580</sup> Transcript, November 8, 2011, p. 30.
- <sup>581</sup> Exhibit 34, p. 45.
- <sup>582</sup> Exhibit 34, p. 57.
- <sup>583</sup> Transcript, March 8, 2012, p. 168-169, 172-173.
- <sup>584</sup> Transcript, March 8, 2012, p. 166.
- <sup>585</sup> Exhibit 109, p. 87.
- <sup>586</sup> Exhibit 109, p. 56.
- <sup>587</sup> Exhibit 109, p. 178.
- <sup>588</sup> Exhibit 109, p. 57.
- <sup>589</sup> Exhibit 145, p. 99.
- <sup>590</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 9.
- <sup>591</sup> Exhibit 147NR, p. 140.
- <sup>592</sup> Exhibit 35.
- <sup>593</sup> This correspondence and how it was dealt with by the VPD, the Vancouver Police Board and the Attorney General are discussed in detail in section, G. Failure of Internal and External Accountability Mechanisms.
- <sup>594</sup> Exhibit 82, p. 252; Exhibit 149NR, p. 57-58.
- <sup>595</sup> Transcript, January 24, 2012, p. 66; Transcript, January 25, 2012, p. 89.
- <sup>596</sup> Transcript, January 25, 2012, p. 137, 174.
- <sup>597</sup> Exhibit 171NR, p. 13-17.
- <sup>598</sup> Exhibit 82, p. 285.
- <sup>599</sup> Transcript, May 16, 2012, p. 41.
- <sup>600</sup> Exhibit 34, p. 81.
- <sup>601</sup> Exhibit 45, p. 233.
- <sup>602</sup> Exhibit 34, p. 193.
- <sup>603</sup> Exhibit 82NR, p. 271.
- <sup>604</sup> These numbers do not include 7 missing women who are likely homicide victims and not street-involved or 12 MW likely suicides and not street involved: Exhibit 82NR, p. 270.
- <sup>605</sup> Exhibit 82NR, p. 270.
- <sup>606</sup> Exhibit 34, p. 27.
- <sup>607</sup> Exhibit 83NR, p. 383.
- <sup>608</sup> Exhibit 34, p. 27.
- <sup>609</sup> Exhibit 101NR, p. 25.
- <sup>610</sup> Exhibit 157NR, p. 148.
- <sup>611</sup> Exhibit 34, p. 81.
- <sup>612</sup> Exhibit 34, p. 81.
- <sup>613</sup> Exhibit 34, p. 81.
- <sup>614</sup> Exhibit 34, p. 81-82.
- <sup>615</sup> Exhibit 34, p. 82.
- <sup>616</sup> Exhibit 34, p. 80.
- <sup>617</sup> Exhibit 82NR, p. 220.
- <sup>618</sup> Exhibit 82NR, p. 285.
- <sup>619</sup> Transcript, February 7, 2012, p. 34.
- <sup>620</sup> Transcript, February 7, 2012, p. 34.
- <sup>621</sup> Transcript, February 6, 2012, p. 42-43.
- <sup>622</sup> Transcript, February 6, 2012, p. 47.
- <sup>623</sup> Transcript, February 6, 2012, p. 112-113.
- <sup>624</sup> Transcript, February 6, 2012, p. 138-140.
- <sup>625</sup> Transcript, February 6, 2012, p. 64.
- <sup>626</sup> Exhibit 2C, p. 365.
- <sup>627</sup> Exhibit 182NR, p. 18.
- <sup>628</sup> Exhibit 182NR, p. 193.
- <sup>629</sup> Transcript, May 14, 2012, p. 21.
- <sup>630</sup> Transcript, May 14, 2012, p. 21.
- <sup>631</sup> Transcript, May 14, 2012, p. 22.
- <sup>632</sup> Transcript, January 24, 2012, p. 15-17.
- <sup>633</sup> Exhibit 72, p. 37-38.
- <sup>634</sup> Exhibit 82NR, p. 228.
- <sup>635</sup> Exhibit 149NR, p. 52-53.
- <sup>636</sup> Exhibit 149NR, p. 52.
- <sup>637</sup> Exhibit 149NR, p. 55; Exhibit 45, p. 331-350.
- <sup>638</sup> Exhibit 72, p. 65.
- <sup>639</sup> Exhibit 45, p. 272.
- <sup>640</sup> Exhibit 45, p. 333-347.
- <sup>641</sup> Exhibit 45, p. 331-348.
- <sup>642</sup> Exhibit 45, p. 349.
- <sup>643</sup> Exhibit 45, p. 335.
- <sup>644</sup> Four of the initial 31 were found: Exhibit 172NR, p. 357.
- <sup>645</sup> Exhibit 45, p. 335.
- <sup>646</sup> Exhibit 45, p. 336.
- <sup>647</sup> Exhibit 45, p.336.
- <sup>648</sup> Transcript, April 27, 2012, p. 88-89.
- <sup>649</sup> Transcript, April 27, 2012, p. 89.
- <sup>650</sup> Transcript, April 24, 2012, p. 195.
- <sup>651</sup> Exhibit 35.
- <sup>652</sup> Exhibit 35, p. 29-32.
- <sup>653</sup> Exhibit 45, p. 288-289.
- <sup>654</sup> Exhibit 45, p. 289.
- <sup>655</sup> Exhibit 114NR, p. 181.
- <sup>656</sup> Transcript, January 30, 2012, p. 181.
- <sup>657</sup> Exhibit 101NR, p. 25.
- <sup>658</sup> Exhibit 34, p. 54.
- <sup>659</sup> Exhibit 45, p. 301.
- <sup>660</sup> Exhibit 45, p. 301.
- <sup>661</sup> Exhibit 45, p. 307.
- <sup>662</sup> Exhibit 172NR, p. 356.
- <sup>663</sup> Exhibit 172NR, p. 357-358.
- <sup>664</sup> Transcript April 26, 2012, p. 163.
- <sup>665</sup> Exhibit 34, p. 59.

- <sup>666</sup> Exhibit 149NR, p. 96.  
<sup>667</sup> Exhibit 209, p. 4.  
<sup>668</sup> Exhibit 214, para 27-35.  
<sup>669</sup> Exhibit 34, p. 83.  
<sup>670</sup> Exhibit 146, p. 176.  
<sup>671</sup> Exhibit 83NR, p. 474.  
<sup>672</sup> Exhibit 166NR, p. 145.  
<sup>673</sup> Exhibit 45A, p. 122.  
<sup>674</sup> Exhibit 34, p. 24.  
<sup>675</sup> Exhibit 82NR, p. 472-474.  
<sup>676</sup> Exhibit 82NR, p. 473.  
<sup>677</sup> Exhibit 149NR, p. 95.  
<sup>678</sup> Exhibit 149NR, p. 95.  
<sup>679</sup> Exhibit 45B, p. 280.  
<sup>680</sup> Transcript, May 11, 2012, p. 21.  
<sup>681</sup> Exhibit 101NR, p. 99.  
<sup>682</sup> Exhibit 46, p. 4-6, 10; Exhibit 83, p. 382-383, 399-400, 424.  
<sup>683</sup> Exhibit 98, p. 70, 74.  
<sup>684</sup> Exhibit 45C, p. 164.  
<sup>685</sup> Exhibit 45C, p. 165.  
<sup>686</sup> Transcript, February 16, 2012, p. 161-166.  
<sup>687</sup> Transcript, February 16, 2012, p. 161.  
<sup>688</sup> Exhibit 34, p. 85.  
<sup>689</sup> Exhibit 34, p. 79.  
<sup>690</sup> Exhibit 45C, p. 46.  
<sup>691</sup> Exhibit 45C, p. 38.  
<sup>692</sup> Exhibit 45C, p. 61.  
<sup>693</sup> Exhibit 34, p. 78.  
<sup>694</sup> Transcript, February 15, 2012, p. 71.  
<sup>695</sup> See Volume I, Part 4D, The Survival Sex Trade.  
<sup>696</sup> Closing Submissions of VPD and VPB, p. 11.  
<sup>697</sup> Closing Submissions of VPD and VPB, p. 5-6; Exhibit 3, p. 299.  
<sup>698</sup> Transcript, October 17, 2011, p. 152  
<sup>699</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 7-12.  
<sup>700</sup> Exhibit 3, p. 299.  
<sup>701</sup> Exhibit 145, p. 55-57.  
<sup>702</sup> See for example, Exhibit 114, p. 50-52.  
<sup>703</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 42.  
<sup>704</sup> Closing Submissions of VPD and VPB, p. 5-6.  
<sup>705</sup> Transcript, October 20, 2011 p. 58; October 31, 2011, p. 144.  
<sup>706</sup> Transcript, October 20, 2011, p. 59; Transcript October 31, 2011, p. 21.  
<sup>707</sup> Transcript, February 22, 2012 p. 29-30  
<sup>708</sup> Closing Submissions of VPD and VPB, p. 6-7.  
<sup>709</sup> Exhibit 145, p. 105-109. The letter is discussed in Volume IIB Part 3B.  
<sup>710</sup> Exhibit 145, p. 107-108.  
<sup>711</sup> Exhibit 114, p. 212.  
<sup>712</sup> Transcript, February 29, 2012, p. 43-45, 142-145.  
<sup>713</sup> Transcript, February 16, 2012, p. 191.  
<sup>714</sup> Closing Submissions of VPD and VPB, p. 11-13.  
<sup>715</sup> Exhibit 114, p. 314-315.  
<sup>716</sup> Exhibit 99, p. 107-120.  
<sup>717</sup> Transcript, January 24, 2012, p. 147-148.  
<sup>718</sup> Exhibit 99, p. 91.  
<sup>719</sup> Exhibit 98, p. 226-228.  
<sup>720</sup> Exhibit 98, p. 227.  
<sup>721</sup> Exhibit 114, p. 287.  
<sup>722</sup> Exhibit 34, p. 61.  
<sup>723</sup> *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto et al.* 39 O.R. (3d) 487 (Ontario Court of Justice, General Division). See extended discussion in Volume I, Part 5.  
<sup>724</sup> Transcript, February 1, 2012, p. 118-120.  
<sup>725</sup> Transcript, January 24, 2012, p. 42-44.  
<sup>726</sup> Transcript, January 24, 2012, p. 43-44.  
<sup>727</sup> Transcript, January 24, 2012, p. 43-44.  
<sup>728</sup> Exhibit 34, p. 188-189.  
<sup>729</sup> Exhibit 34, p. 188-189.  
<sup>730</sup> Exhibit 34, p. 188.  
<sup>731</sup> Transcript, November 8, 2011, p. 15.  
<sup>732</sup> Transcript, February 1, 2012, p. 115.  
<sup>733</sup> Transcript, March 6, 2012, p. 42.  
<sup>734</sup> Exhibit 34, p. 189.  
<sup>735</sup> Transcript, March 6, 2012, p. 36-37.  
<sup>736</sup> Transcript, April 24, 2012, p. 179.  
<sup>737</sup> Transcript, April 24, 2012, p. 176.  
<sup>738</sup> Exhibit 172, p. 356-358.  
<sup>739</sup> Transcript, April 24, 2012, p. 172-173.  
<sup>740</sup> Transcript, November 7, 2011, p. 177-178.  
<sup>741</sup> Statistics concerning the return/location of missing persons are set out in Volume I, Part 5.  
<sup>742</sup> See discussion of the factors in Volume I, Part 4.  
<sup>743</sup> Transcript, April 24, 2012, p. 172-173.  
<sup>744</sup> Closing Submissions of VPD and VPB, p. 34; LePard Report p. 215; Transcript, March 8, 2012, p. 9-13.  
<sup>745</sup> Transcript, March 8, 2012, p. 9-13; Transcript, April 24, 2012, p. 172-173.  
<sup>746</sup> Closing Submissions of the Families, p. 118.  
<sup>747</sup> *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto et al.* 39 O.R. (3d) 487 (Ontario Court of Justice, General Division), para 161-162.  
<sup>748</sup> Transcript, January 16, 2012, p. 190.  
<sup>749</sup> Transcript, February 27, 2012, p. 158-159.  
<sup>750</sup> Transcript, February 27, 2012, p. 152.  
<sup>751</sup> Transcript, February 27, 2012, p. 155-156.  
<sup>752</sup> Transcript, January 16, 2012, p. 190; Transcript, November 8, 2011, p. 13.  
<sup>753</sup> Exhibit 114, p. 150-151.  
<sup>754</sup> Exhibit 114, p. 150-151.  
<sup>755</sup> Closing Submissions of the Families, p. 148-151.  
<sup>756</sup> Exhibit 1, p. 36 and 221; Closing Submissions of the VPD, p. 33.  
<sup>757</sup> Exhibit 82, p. 441; Exhibit 133, p. 197-198.  
<sup>758</sup> Transcript, January 30, 2012, p. 85-88.  
<sup>759</sup> Exhibit 82, p. 441; Exhibit 133, p. 197-198.  
<sup>760</sup> Transcript, February 6, 2012, p. 42.  
<sup>761</sup> See Volume I, Part 4C.  
<sup>762</sup> Exhibit 45, p. 178-186.  
<sup>763</sup> Transcript, February 1, 2012, p. 114-115; Transcript, February 22, 2012, p. 97-102.  
<sup>764</sup> Transcript, January 19, 2012, p. 128.  
<sup>765</sup> Transcript, January 19, 2012, p. 130.  
<sup>766</sup> Transcript, January 19, 2012, p. 130.

- <sup>767</sup> Transcript, January 12, 2012, p. 163.
- <sup>768</sup> Transcript, January 12, 2012, p. 161-163.
- <sup>769</sup> Transcript, January 12, 2012, p. 163.
- <sup>770</sup> Exhibit 34, Appendix C.
- <sup>771</sup> See Volume IIA, Part 2A and Volume IIB, Part 3A.
- <sup>772</sup> Transcript, February 1, 2012, p. 119.
- <sup>773</sup> Transcript, February 1, 2012, p. 118.
- <sup>774</sup> Transcript, February 1, 2012, p. 119-120.
- <sup>775</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 3.
- <sup>776</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 63.
- <sup>777</sup> Transcript, April 2, 2012, p. 87.
- <sup>778</sup> Transcript, January 24, 2012, p. 31.
- <sup>779</sup> Transcript, January 24, 2012, p. 31.
- <sup>780</sup> Transcript, January 24, 2012, p. 31.
- <sup>781</sup> Transcript, January 30, 2012, p.158.
- <sup>782</sup> Exhibit 34, p. 205.
- <sup>783</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 47.
- <sup>784</sup> Transcript, January 31, 2012, p. 72-73.
- <sup>785</sup> Transcript, February 15, 2012, p. 153.
- <sup>786</sup> Exhibit 2A, p. 125.
- <sup>787</sup> Transcript, February 15, 2012, p. 154
- <sup>788</sup> Transcript, February 15, 2012, p. 156.
- <sup>789</sup> Transcript, February 28, 2012, p. 20.
- <sup>790</sup> Transcript, October 24, 2011, p. 81-82.
- <sup>791</sup> Transcript, October 24, 2011, p. 87-88.
- <sup>792</sup> Transcript, January 30, 2012, p. 159-161.
- <sup>793</sup> Transcript, January 25, 2012, p. 50-51.
- <sup>794</sup> Transcript, January 25, 2012, p. 57.
- <sup>795</sup> Transcript, January 25, 2012, p. 50-51.
- <sup>796</sup> Transcript, October 17, 2011, p. 115-131; Transcript, October 18, 2011, p. 37-42.
- <sup>797</sup> Transcript, October 17, 2011, p. 142.
- <sup>798</sup> Exhibit 45C, p. 50, 54.
- <sup>799</sup> Exhibit 45C, p. 54.
- <sup>800</sup> Exhibit 82, p. 252; Transcript, January 30, 2012, p. 163.
- <sup>801</sup> Exhibit 82, p. 254-259.
- <sup>802</sup> Transcript, January 30, 2012, p. 162.
- <sup>803</sup> Transcript, January 31, 2012, p. 175.
- <sup>804</sup> Exhibit 114, p. 152-153.
- <sup>805</sup> Exhibit 114, p. 153.
- <sup>806</sup> Transcript, March 5, 2012, p. 100-104.
- <sup>807</sup> Exhibit 98, p. 206-207.
- <sup>808</sup> Transcript, January 30, 2012, p. 158.
- <sup>809</sup> Transcript, January 30, 2012, p. 159-161.
- <sup>810</sup> Transcript, January 30, 2012, p. 160.
- <sup>811</sup> Transcript, January 31, 2012, p. 191-195.
- <sup>812</sup> Transcript, January 31, 2012, p. 194.
- <sup>813</sup> Exhibit 98, p. 16.
- <sup>814</sup> Transcript, January 31, 2012, p. 195.
- <sup>815</sup> Transcript, January 31, 2012, p. 196.
- <sup>816</sup> Transcript, January 31, 2012, p. 193.
- <sup>817</sup> Transcript, January 21, 2012, p. 196.
- <sup>818</sup> Transcript, March 6, 2012, p. 157.
- <sup>819</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 60-61.
- <sup>820</sup> Closing Submissions of the Families, p. 180-181.
- <sup>821</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 62-63.
- <sup>822</sup> Transcript, January 31, 2012, p. 51-53.
- <sup>823</sup> Transcript, October 18, 2011, p. 46-47.
- <sup>824</sup> Transcript, October 18, 2011, p. 49-51.
- <sup>825</sup> Transcript, January 31, 2012, p. 55-59.
- <sup>826</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 69.
- <sup>827</sup> Transcript, October 18, 2011, p.45.
- <sup>828</sup> Transcript, January 30, 2012, p. 115-116.
- <sup>829</sup> Transcript, May 9, 2012, p. 39-44.
- <sup>830</sup> Exhibit 83, p. 240-248.
- <sup>831</sup> Transcript, February 1, 2012, p. 193.
- <sup>832</sup> Transcript, February 2, 2012, p. 162.
- <sup>833</sup> Transcript, February 15, 2012, p. 79.
- <sup>834</sup> Transcript, February 15, 2012, p. 161-162.
- <sup>835</sup> Exhibit 45C, p. 64.
- <sup>836</sup> Transcript, February 28, 2012, p. 6-7.
- <sup>837</sup> Transcript, February 28, 2012, p. 6-7.
- <sup>838</sup> Transcript, April 16, 2012, p. 145-146.
- <sup>839</sup> Transcript, April 16, 2012, p. 145- 147.
- <sup>840</sup> Exhibit 194, p. 27-28.
- <sup>841</sup> Exhibit 194, p. 195.
- <sup>842</sup> Exhibit 34, p. 561.
- <sup>843</sup> Exhibit 34, p. 561-566.
- <sup>844</sup> Transcript, October 26, 2011, p. 104, 107-110; Exhibit 23, p. 1 (news article "More East-Side Women Missing as Cops Cut Back" dated February 9, 2001); Exhibit 24, p. 2-4 (news article "Dawn of Hope" dated November 24, 2001).
- <sup>845</sup> Transcript, October 26, 2011, p. 114.
- <sup>846</sup> Exhibit 146, p. 210.
- <sup>847</sup> Transcript, February 27, 2012, p. 145-146, 149.
- <sup>848</sup> Transcript, February 27, 2012, p. 162.
- <sup>849</sup> Transcript, February 27, 2012, p. 162.
- <sup>850</sup> Transcript, February 27, 2012, p. 163.
- <sup>851</sup> Transcript, February 27, 2012, p. 163-164.
- <sup>852</sup> Transcript, February 27, 2012, p. 163-164.
- <sup>853</sup> Transcript, February 28, 2012, p. 38.
- <sup>854</sup> Transcript, February 27, 2012, p. 181-182.
- <sup>855</sup> Transcript, February 28, 2012, p. 40.
- <sup>856</sup> Transcript, February 28, 2012, p. 38-40.
- <sup>857</sup> Transcript, February 28, 2012, p. 1.
- <sup>858</sup> Transcript, February 28, 2012, p. 2.
- <sup>859</sup> Transcript, February 27, 2012, p. 146-147.
- <sup>860</sup> Transcript, February 27, 2012, p. 149- 150.
- <sup>861</sup> Transcript, January 30, 2012, p. 174-175; Transcript, February 27, 2012, p. 179.
- <sup>862</sup> Transcript, February 27, 2012, p. 179.
- <sup>863</sup> Transcript, February 27, 2012, p. 179-180.
- <sup>864</sup> Exhibit 109, p. 34-40; Transcript, February 27, 2012, p. 181-182.
- <sup>865</sup> Exhibit 82, p. 290.
- <sup>866</sup> Transcript, February 28, 2012, p. 87-88.
- <sup>867</sup> Exhibit 109, p. 47.
- <sup>868</sup> Transcript, February 27, 2012, p. 190-191.
- <sup>869</sup> Transcript, February 27, 2012, p. 190.
- <sup>870</sup> Transcript, February 27, 2012, p. 191.
- <sup>871</sup> Transcript, February 27, 2012, p. 190.

- <sup>872</sup> Transcript, February 27, 2012, p. 191-192.
- <sup>873</sup> Transcript, February 27, 2012, p. 191.
- <sup>874</sup> Exhibit 35.
- <sup>875</sup> Transcript, April 16, 2012, p. 38.
- <sup>876</sup> Transcript, April 17, 2012, p. 130.
- <sup>877</sup> Exhibit 221, p. 192.
- <sup>878</sup> Exhibit 83, p. 105, 111; Exhibit 153, p. 2, 9; Exhibit 1, p. 100, 159, 196.
- <sup>879</sup> Exhibit 172, p. 356.
- <sup>880</sup> Exhibit 45, p. 314-318.
- <sup>881</sup> Exhibit 34, p. 194-195.
- <sup>882</sup> Exhibit 34, p. 195.
- <sup>883</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 41.
- <sup>884</sup> Policy Submissions of Canada, p. 100.
- <sup>885</sup> See Volume IIA, Part 1.
- <sup>886</sup> See Volume IIB, Part 3C.
- <sup>887</sup> Exhibit 82NR, p. 298, 352, 360; Transcript, January 30, 2012, p. 73.
- <sup>888</sup> Transcript, January 30, 2012, p. 76-77.
- <sup>889</sup> Exhibit 82NR, p. 298, 355, 361.
- <sup>890</sup> Exhibit 82, p. 338.
- <sup>891</sup> Transcript, January 31, 2012, p. 176-177.
- <sup>892</sup> Exhibit 82, p. 298; Transcript, January 31, 2012, p. 177.
- <sup>893</sup> Transcript, January 30, 2012, p. 78.
- <sup>894</sup> Exhibit 82, p. 298-307.
- <sup>894a</sup> Exhibit 82, p. 299-302.
- <sup>895</sup> Transcript, January 30, 2012, p. 74.
- <sup>896</sup> Transcript, January 30, 2012, p. 106-107.
- <sup>897</sup> Transcript, January 30, 2012, p. 108.
- <sup>898</sup> Transcript, February 8, 2012, p. 60.
- <sup>899</sup> Exhibit 82, p. 303.
- <sup>900</sup> Transcript, February 1, 2012, p. 166.
- <sup>901</sup> Exhibit 82, p. 303-304.
- <sup>902</sup> Exhibit 82, p. 343-344.
- <sup>903</sup> Transcript, January 30, 2012, p. 126-127; Transcript, February 1, 2012, p. 166; Transcript, February 8, 2012, p. 66-67.
- <sup>904</sup> Transcript, February 8, 2012, p. 66.
- <sup>905</sup> Transcript, February 1, 2012, p. 165.
- <sup>906</sup> Transcript, February 8, 2012, p. 68.
- <sup>907</sup> Exhibit 82, p. 317-318, 344-345.
- <sup>908</sup> Exhibit 82, p. 304-305.
- <sup>909</sup> Exhibit 82, p. 314.
- <sup>910</sup> This meeting occurred on February 3 according to Shenher's notes (Exhibit 82, p. 314), and February 10, 1999 according to the notation in Connor's log (Exhibit 82, p. 345).
- <sup>911</sup> Exhibit 82, p. 346.
- <sup>912</sup> Transcript, January 30, 2012, p. 129.
- <sup>913</sup> Transcript, January 16, 2012, p. 38.
- <sup>914</sup> Transcript, January 31, 2012, p. 76.
- <sup>915</sup> Transcript, May 11, 2012, p. 15; Exhibit 176, p. 115.
- <sup>916</sup> Transcript, May 11, 2012, p. 16.
- <sup>917</sup> Exhibit 176, p. 115.]
- <sup>918</sup> Exhibit 176, p. 79.
- <sup>919</sup> Transcript, May 11, 2012, p. 20-21.
- <sup>920</sup> Exhibit 176, p. 81.
- <sup>921</sup> Exhibit 176, p. 120-125.
- <sup>922</sup> Exhibit 176, p. 5-8.
- <sup>923</sup> Exhibit 176, p. 82.
- <sup>924</sup> Exhibit 176, p. 82-84.
- <sup>925</sup> Exhibit 176, p. 84.
- <sup>926</sup> Exhibit 176 p. 82-84.
- <sup>927</sup> Exhibit 176, p. 85-88, 126-131.
- <sup>928</sup> Exhibit 176, p. 89.
- <sup>929</sup> Exhibit 176, p. 90-91.
- <sup>930</sup> Exhibit 176, p. 132-134.
- <sup>931</sup> Transcript, May 11, 2012, p. 36-37.
- <sup>932</sup> Transcript, May 11, 2012, p. 37.
- <sup>933</sup> Exhibit, 176, p. 33-34.
- <sup>934</sup> Exhibit, 176, p. 91.
- <sup>935</sup> Exhibit, 176, p. 92.
- <sup>936</sup> Transcript, May 11, 2012, p. 17-18.
- <sup>937</sup> Transcript, May 11, 2012, p. 41.
- <sup>938</sup> Transcript, May 11, 2012, p. 42.
- <sup>939</sup> Exhibit 176, p. 94-95.
- <sup>940</sup> Exhibit 176, p. 47-51, 136-199.
- <sup>941</sup> Exhibit 176, p. 198.
- <sup>942</sup> Exhibit 176, p. 95-97.
- <sup>943</sup> Exhibit 176, p. 49.
- <sup>944</sup> Exhibit 176, p. 50.
- <sup>945</sup> Exhibit 176, p. 50.
- <sup>946</sup> Exhibit 176, p. 50.
- <sup>947</sup> Exhibit 176, p. 51.
- <sup>948</sup> Exhibit 176, p. 51.
- <sup>949</sup> Exhibit 176, p. 51.
- <sup>950</sup> Exhibit 176, p. 51.
- <sup>951</sup> Exhibit 176, p. 95-97.
- <sup>952</sup> Transcript, May 11, 2012, p. 46.
- <sup>953</sup> Transcript, May 11, 2012, p. 47.
- <sup>954</sup> Exhibit 176, p. 97.
- <sup>955</sup> Exhibit 176, p. 97-98.
- <sup>956</sup> Exhibit 176, p. 98-99.
- <sup>957</sup> Exhibit 176, p. 101.
- <sup>958</sup> Transcript, May 11, 2012, p. 49.
- <sup>959</sup> Exhibit 82, p. 341-342.
- <sup>960</sup> Transcript, February 8, 2012, p. 22.
- <sup>961</sup> Transcript, February 8, 2012, p. 23.
- <sup>962</sup> Transcript, February 8, 2012, p. 22-23.
- <sup>963</sup> Transcript, February 8, 2012, p. 211-212.
- <sup>964</sup> Transcript, February 8, 2012, p. 211-212.
- <sup>965</sup> Exhibit 176, p. 56.
- <sup>966</sup> Exhibit 173, p. 117.
- <sup>967</sup> Exhibit 176, p. 41.
- <sup>968</sup> Exhibit 131, p. 1-2.
- <sup>969</sup> Exhibit 131, p. 1-2.
- <sup>970</sup> Transcript, April 5, 2012, p. 115.
- <sup>971</sup> Exhibit 176, p. 41-44.
- <sup>972</sup> Exhibit 176, p. 44.
- <sup>973</sup> Exhibit 173, p. 98.
- <sup>974</sup> Exhibit 176, p. 132-134.
- <sup>975</sup> Exhibit 176, p. 34-36.
- <sup>976</sup> Exhibit 176, p. 55.
- <sup>977</sup> Exhibit 176, p. 55.
- <sup>978</sup> Exhibit 176, p. 55.
- <sup>979</sup> Exhibit 176, p. 60.
- <sup>980</sup> Exhibit 176, p. 60.
- <sup>981</sup> Exhibit 176, p. 61.
- <sup>982</sup> Exhibit 176, p. 100-101.

- <sup>983</sup> Exhibit 176, p. 29.
- <sup>984</sup> Exhibit 176, p. 89-90.
- <sup>985</sup> Exhibit 176, p. 38.
- <sup>986</sup> Exhibit 176, p. 45; Transcript, February 6, 2012, p. 154-155.
- <sup>987</sup> Exhibit 176, p. 45.
- <sup>988</sup> Transcript, May 15, 2012, p. 180.
- <sup>989</sup> Transcript, February 6, 2012, p. 154-155.
- <sup>990</sup> Exhibit 45F, p. 254-355.
- <sup>991</sup> Exhibit 176, p. 51-51; Exhibit 45F, p. 283-300.
- <sup>992</sup> Transcript, May 14, 2012, p. 128.
- <sup>993</sup> Transcript, February 6, 2012, p. 163-164.
- <sup>994</sup> Transcript, February 6, 2012, p. 167-168.
- <sup>995</sup> Exhibit, 173, p. 112.
- <sup>996</sup> Exhibit, 34, p. 149.
- <sup>997</sup> Exhibit, 34, p. 149.
- <sup>998</sup> Exhibit 176, p. 96; Transcript, May 11, 2012, p. 46-47.
- <sup>999</sup> Transcript, February 6, 2012, p. 160.
- <sup>1000</sup> Transcript, May 11, 2012, p. 46.
- <sup>1001</sup> Exhibit 176, p. 96.
- <sup>1002</sup> Exhibit 173, p. 114.
- <sup>1003</sup> Transcript, February 6, 2012, p. 158.
- <sup>1004</sup> Exhibit 173, p. 115.
- <sup>1005</sup> Exhibit 176, p. 57-58.
- <sup>1006</sup> Exhibit 176, p. 57; Transcript, February 7, 2012, p. 123.
- <sup>1007</sup> Transcript, February 7, 2012, p. 124.
- <sup>1008</sup> Exhibit 176, p. 58.
- <sup>1009</sup> Exhibit 176, p. 58.
- <sup>1010</sup> Exhibit 176, p. 98.
- <sup>1011</sup> Exhibit 176, p. 202-237.
- <sup>1012</sup> Transcript, May 15, 2012, p. 222.
- <sup>1013</sup> Exhibit 176, p. 217.
- <sup>1014</sup> Transcript, May 15, 2012, p. 229-230.
- <sup>1015</sup> Exhibit 173, p. 124-125.
- <sup>1016</sup> Exhibit 176, p. 104.
- <sup>1017</sup> Transcript, February 8, 2012, p. 207.
- <sup>1018</sup> Transcript, February 8, 2012, p. 207.
- <sup>1019</sup> Exhibit 59, p. 1.
- <sup>1020</sup> Exhibit 173, p. 155.
- <sup>1021</sup> Transcript, February 8, 2012, p. 208.
- <sup>1022</sup> Transcript, February 8, 2012, p. 208.
- <sup>1023</sup> Exhibit 2C, p. 45.
- <sup>1024</sup> Exhibit 176, p. 27.
- <sup>1025</sup> Exhibit 2C, p. 49.
- <sup>1026</sup> Exhibit 176, p. 31.
- <sup>1027</sup> Exhibit 176, p. 32.
- <sup>1028</sup> Exhibit 176, p. 32.
- <sup>1029</sup> Exhibit 2C, p. 50.
- <sup>1030</sup> Transcript February 9, 2012, p. 102-103.
- <sup>1031</sup> Exhibit 59, p. 1.
- <sup>1032</sup> Exhibit 59, p. 1.
- <sup>1033</sup> Closing Submission of Marion Bryce, p. 52
- <sup>1034</sup> Exhibit 34, p. 110.
- <sup>1035</sup> Transcript, January 31, 2012, p. 181-182.
- <sup>1036</sup> Transcript, February 7, 2012, p. 15-16.
- <sup>1037</sup> Transcript, February 7, 2012, p. 17.
- <sup>1038</sup> Transcript, February 8, 2012, p. 79.
- <sup>1039</sup> Transcript, February 8, 2012, p. 81.
- <sup>1040</sup> Transcript, February 8, 2012, p. 82-83, 86.
- <sup>1041</sup> Transcript, November 7, 2011, p. 146.
- <sup>1042</sup> Transcript, February 8, 2012, p. 12-14.
- <sup>1043</sup> Exhibit 2C, p. 52.
- <sup>1044</sup> Exhibit 82, p. 345.
- <sup>1045</sup> Transcript, January 30, 2012, p. 110.
- <sup>1046</sup> Exhibit 82, p. 345; Transcript, February 7, 2012, p. 27.
- <sup>1047</sup> Transcript, February 9, 2012, p. 115.
- <sup>1048</sup> Transcript, January 30, 2012, p. 127; Transcript, February 6, 2012, p. 97; Transcript, February 9, 2012, p. 89.
- <sup>1049</sup> Transcript, February 1, 2012, p. 77-78.
- <sup>1050</sup> Exhibit 176, p. 45.
- <sup>1051</sup> Transcript, February 7, 2012, p. 49-50.
- <sup>1052</sup> Transcript, February 6, 2012, p. 167.
- <sup>1053</sup> Exhibit 45C, p. 24.
- <sup>1054</sup> Exhibit 193, p. 77-78.
- <sup>1055</sup> Exhibit 2C, p. 775-776.
- <sup>1056</sup> Exhibit 126, p. 1-2.
- <sup>1057</sup> Exhibit 126, p. 5-10.
- <sup>1058</sup> Exhibit 126, p. 7-10.
- <sup>1059</sup> Exhibit 98, p. 178-180.
- <sup>1060</sup> Exhibit 34, p. 185.
- <sup>1061</sup> Exhibit 82, p. 346.
- <sup>1062</sup> Exhibit 83, p. 8-10.
- <sup>1063</sup> Exhibit 83, p. 14-15.
- <sup>1064</sup> Exhibit 83, p. 17.
- <sup>1065</sup> Transcript, January 31, 2012, p. 30; Transcript, April 25, 2012, p. 19-21.
- <sup>1066</sup> Exhibit 45C, p. 80, 87-88; Exhibit 98, 117.
- <sup>1067</sup> Transcript, February 15, 2012, p. 70-71.
- <sup>1068</sup> Exhibit 45C, p. 80, 87-88; Exhibit 98, 117.
- <sup>1069</sup> Exhibit 2C, p. 543.
- <sup>1070</sup> Exhibit 2C, p. 542.
- <sup>1071</sup> Exhibit 2C, p. 541.
- <sup>1072</sup> Exhibit 2C, p. 540-541.
- <sup>1073</sup> Exhibit 2C, p. 540.
- <sup>1074</sup> Exhibit 1, p. 306.
- <sup>1075</sup> Exhibit 1, p. 306-310.
- <sup>1076</sup> Exhibit 1, p. 309.
- <sup>1077</sup> Transcript, May 14, 2012, p. 64-65.
- <sup>1078</sup> Transcript, May 14, 2012, p. 192.
- <sup>1079</sup> Transcript, May 14, 2012, p. 192.
- <sup>1080</sup> Transcript, May 14, 2012, p. 77-78.
- <sup>1081</sup> Exhibit 34, p. 178.
- <sup>1082</sup> Transcript, May 14, 2012, p. 78.
- <sup>1083</sup> Exhibit 34, p. 185.
- <sup>1084</sup> Bernardo Investigation Review, *Report of Mr. Justice Archie Campbell* (Toronto: Solicitor General of Ontario, June 1996), p. 131. [Bernardo Review]
- <sup>1085</sup> Transcript, January 17, 2011, p. 16.
- <sup>1086</sup> Exhibit 146, p. 218-219.
- <sup>1087</sup> Exhibit 146, p. 218.
- <sup>1088</sup> Exhibit 157, p. 33-38.
- <sup>1089</sup> Exhibit, 157, p. 33.
- <sup>1090</sup> Exhibit 157, p. 34.
- <sup>1091</sup> Exhibit 157, p. 35.
- <sup>1092</sup> Exhibit 157, p. 37.
- <sup>1093</sup> Exhibit 75.
- <sup>1094</sup> Exhibit 75, p. 8-9.

- <sup>1095</sup> Exhibit 75, p. 10.
- <sup>1096</sup> Exhibit 75, p. 12-13.
- <sup>1097</sup> Transcript, November 30, 2011, p. 120.
- <sup>1098</sup> Transcript, November 30, 2011, p. 122.
- <sup>1099</sup> Transcript, November 30, 2011, p. 123.
- <sup>1100</sup> Transcript, November 30, 2011, p. 124-125.
- <sup>1101</sup> Transcript, May 18, 2012, p. 191.
- <sup>1102</sup> Exhibit 146, p. 231.
- <sup>1103</sup> Transcript, April 26, 2012, p. 156.
- <sup>1104</sup> Closing Submissions of the Government of Canada, p. 9-10.
- <sup>1105</sup> Closing Submissions of the Government of Canada, p. 129.
- <sup>1106</sup> Closing Submissions of the Government of Canada, p. 10 and p. 129.
- <sup>1107</sup> Transcript, February 23, 2012, p. 191.
- <sup>1108</sup> Transcript, February 6, 2012, p. 24.
- <sup>1109</sup> Transcript, February 6, 2012, p. 25.
- <sup>1110</sup> Transcript, January 11, 2012, p. 93.
- <sup>1111</sup> Transcript, January 11, 2012, p. 94.
- <sup>1112</sup> Transcript, January 24, 2012, p. 26-27.
- <sup>1113</sup> Exhibit 82, p. 218.
- <sup>1114</sup> Exhibit 114, p. 67-69.
- <sup>1115</sup> Exhibit 114, p. 70.
- <sup>1116</sup> Exhibit 114, p. 73-77.
- <sup>1117</sup> Exhibit 114, p. 78.
- <sup>1118</sup> Exhibit 114, p. 79-80.
- <sup>1119</sup> Exhibit 114, p. 83-84.
- <sup>1120</sup> Exhibit 114, p. 85.
- <sup>1121</sup> Exhibit 114, p. 86-89.
- <sup>1122</sup> Transcript, January 24, 25 and 26; March 5, 6, 8, and 12; and April 24, 25, 26 and 27.
- <sup>1123</sup> Exhibit 34, p. 24.
- <sup>1124</sup> Exhibit 34, p. 24.
- <sup>1125</sup> Transcript, March 5, 2012, p. 220.
- <sup>1126</sup> Exhibit 83, p. 459.
- <sup>1127</sup> Exhibit 83, p. 469.
- <sup>1128</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 22.
- <sup>1129</sup> Exhibit 1, p. 257.
- <sup>1130</sup> Exhibit 83, p. 8-10.
- <sup>1131</sup> Exhibit 83, p. 12.
- <sup>1132</sup> Exhibit 83, p. 14-15.
- <sup>1133</sup> Exhibit 83, p. 17.
- <sup>1134</sup> Exhibit 83, p. 17.
- <sup>1135</sup> See above discussion of February 1998 memos: Exhibit 157, p. 33-38 and Exhibit 75.
- <sup>1136</sup> Exhibit 83, p. 21.
- <sup>1137</sup> Transcript, May 11, 2012, p. 59.
- <sup>1138</sup> Transcript, May 11, 2012, p. 60.
- <sup>1139</sup> Transcript, January 31, 2012, p. 36.
- <sup>1140</sup> Transcript, January 31, 2012, p. 35-36.
- <sup>1141</sup> Transcript, January 30, 2012, p. 46.
- <sup>1142</sup> Transcript, January 31, 2012, p. 35.
- <sup>1143</sup> Transcript, January 30, 2012, p. 45.
- <sup>1144</sup> Transcript, January 30, 2012, p. 46.
- <sup>1145</sup> Transcript, January 30, 2012, p. 46.
- <sup>1146</sup> Exhibit 83, p. 250.
- <sup>1147</sup> Transcript, January 31, 2012, p. 71.
- <sup>1148</sup> Exhibit 83, p. 8, 14.
- <sup>1149</sup> Exhibit 83, p. 474.
- <sup>1150</sup> Exhibit 83, p. 21.
- <sup>1151</sup> Exhibit 83, p. 23-27.
- <sup>1152</sup> Exhibit 83, p. 25-27.
- <sup>1153</sup> Exhibit 83, p. 144.
- <sup>1154</sup> Transcript, January 31, 2012, p. 31.
- <sup>1155</sup> Transcript, January 30, 2012, p. 136-137.
- <sup>1156</sup> Transcript, May 11, 2012, p. 154-155.
- <sup>1157</sup> Transcript, May 11, 2012, p. 59-60.
- <sup>1158</sup> Transcript, May 11, 2012, p. 62.
- <sup>1159</sup> Closing Submissions of Government of Canada, p. 39-40.
- <sup>1160</sup> Exhibit 83, p. 474.
- <sup>1161</sup> Exhibit 104, p. 19.
- <sup>1162</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 22.
- <sup>1163</sup> Exhibit 183, p. 7.
- <sup>1164</sup> Transcript, February 6, 2012, p. 24.
- <sup>1165</sup> Transcript, May 14, 2012, p. 95.
- <sup>1166</sup> Closing Submissions of the Government of Canada, p. 86.
- <sup>1167</sup> Transcript, May 15, 2012, p. 174-175.
- <sup>1168</sup> Transcript, February 6, 2012, p. 163-167.
- <sup>1169</sup> Transcript, May 15, 2012, p. 216.
- <sup>1170</sup> Transcript, May 14, 2012, p. 95.
- <sup>1171</sup> Transcript, February 29, 2012, p. 81-82.
- <sup>1172</sup> Transcript, February 29, 2012, p. 119.
- <sup>1173</sup> Transcript, February 29, 2012, p. 81.
- <sup>1174</sup> Exhibit 98, p. 6; Transcript, February 16, 2012, p. 135-137.
- <sup>1175</sup> Exhibit 45C, p. 114.
- <sup>1176</sup> Transcript, May 24, 2012, p. 126.
- <sup>1177</sup> Transcript, May 24, 2012, p. 126-127.
- <sup>1178</sup> Exhibit 98, p. 6.
- <sup>1179</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 101.
- <sup>1180</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 101.
- <sup>1181</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 102 (emphasis added).
- <sup>1182</sup> Exhibit 98, p. 6.
- <sup>1183</sup> Exhibit 98, p. 37.
- <sup>1184</sup> Exhibit 45C, p. 87.
- <sup>1185</sup> Exhibit 45C, p. 116-119.
- <sup>1186</sup> Exhibit 45C, p. 127.
- <sup>1187</sup> Exhibit 34, p. 79.
- <sup>1188</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 22.
- <sup>1189</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 101.
- <sup>1190</sup> Bernardo Review, p. 250-251.
- <sup>1191</sup> Exhibit 167, p. 20-21.
- <sup>1192</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 164.
- <sup>1193</sup> No agenda, contemporaneous notes or meeting minutes were produced to the Commission in respect of this meeting. The disclosure did include Deputy Minister Maureen Maloney's diary entry, and Attorney General Ujjal Dosanjh's agenda entry, for this meeting: Exhibit 201B and 201, p. 41.

- <sup>1194</sup> The disclosure contained and written notes by Officer Kassam regarding Cst. Bev Zaporozan's attendance (Exhibit 83, p. 6) and typed notes (Exhibit 83, p.3-4).
- <sup>1195</sup> Exhibit 1, p. 256.
- <sup>1196</sup> Exhibit 83, p. 9.
- <sup>1197</sup> Transcript, May 18, 2012, p. 160.
- <sup>1198</sup> Transcript, May 18, 2012, p. 161.
- <sup>1199</sup> Transcript, January 31, 2012, p. 38-39.
- <sup>1200</sup> Exhibit 83, p. 29-96.
- <sup>1201</sup> Transcript, January 31, 2012, p. 41-42.
- <sup>1202</sup> Transcript, January 31, 2012, p. 40.
- <sup>1203</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 196.
- <sup>1204</sup> Transcript, May 9, 2012, p. 133-134.
- <sup>1205</sup> Transcript, May 11, 2012, p. 196.
- <sup>1206</sup> Transcript, January 31, 2012, p. 65-66.
- <sup>1207</sup> Transcript, May 24, 2012, p. 169.
- <sup>1208</sup> Transcript, December 15, 2011, p. 61.
- <sup>1209</sup> Transcript, February 2, 2012, p. 39-40.
- <sup>1210</sup> Transcript, May 11, 2012, p. 52.
- <sup>1211</sup> Exhibit 83, p. 227.
- <sup>1212</sup> Exhibit 83, p. 227.
- <sup>1213</sup> Transcript, January 20, 2012, p. 40.
- <sup>1214</sup> Exhibit 34, p. 98; Transcript, January 16, 2012, p. 218.
- <sup>1215</sup> Exhibit 1, p. 255.
- <sup>1216</sup> Transcript, January 31, 2012, p. 43-47.
- <sup>1217</sup> Transcript, January 31, 2012, p. 43-47.
- <sup>1218</sup> Transcript, January 31, 2012, p. 43-47.
- <sup>1219</sup> Transcript, January 31, 2012, p. 43-47.
- <sup>1220</sup> Transcript, April 25, 2012, p. 246.
- <sup>1221</sup> Transcript, April 25, 2012, p. 246.
- <sup>1222</sup> Exhibit 104, p. 19.
- <sup>1223</sup> Transcript, November 30, 2011, p. 129.
- <sup>1224</sup> Transcript, January 26, 2012, p. 96.
- <sup>1225</sup> Exhibit 167, p. 20-21.
- <sup>1226</sup> Exhibit 100, p. 38.
- <sup>1227</sup> Transcript, December 1, 2011, p. 137-138; Exhibit 199, p. 18.
- <sup>1228</sup> Transcript, February 15, 2012, p. 40-41.
- <sup>1229</sup> Transcript, February 29, 2012, p. 122.
- <sup>1230</sup> Transcript, February 15, 2012, p. 41.
- <sup>1231</sup> Transcript, February 15, 2012, p. 120-121.
- <sup>1232</sup> Transcript, February 29, 2012, p. 123.
- <sup>1233</sup> Transcript, January 31, 2012, p. 40.
- <sup>1234</sup> Transcript, April 25, 2012, p. 248.
- <sup>1235</sup> Transcript, May 24, 2012, p. 165-166.
- <sup>1236</sup> Transcript, February 29, 2012, p. 123-124.
- <sup>1237</sup> Transcript, February 29, 2012, p. 124.
- <sup>1238</sup> Transcript, February 29, 2012, p. 124.
- <sup>1239</sup> Transcript, February 15, 2012, p. 105.
- <sup>1240</sup> Exhibit 34, p. 202.
- <sup>1241</sup> Exhibit 34, p. 203.
- <sup>1242</sup> Exhibit 34, p. 203.
- <sup>1243</sup> Transcript, February 29, 2012, p. 121.
- <sup>1244</sup> Exhibit 100, p. 36-37.
- <sup>1245</sup> Exhibit 100, p. 38.
- <sup>1246</sup> Exhibit 100, p. 39.
- <sup>1247</sup> Transcript, January 31, 2012, p. 230.
- <sup>1248</sup> Closing Submissions of Government of Canada, p. 131.
- <sup>1249</sup> Transcript, February 15, 2012, p. 43-45.
- <sup>1250</sup> Transcript, February 15, 2012, p. 43-45.
- <sup>1251</sup> Transcript, February 15, 2012, p. 43-45. See also: Closing Submissions of Government of Canada, p. 131.
- <sup>1252</sup> Exhibit 217, p. 4.
- <sup>1253</sup> Transcript, May 24, 2012, p. 168.
- <sup>1254</sup> Closing Submissions of the Vancouver Police Department and the Vancouver Police Board, p. 78.
- <sup>1255</sup> Transcript, January 16, 2012, p. 36.
- <sup>1256</sup> Exhibit 1, p. 256.
- <sup>1257</sup> Transcript, February 2, 2012, p. 25.
- <sup>1258</sup> For example, see her log, Exhibit 83, p. 110-111, listing meetings on September 28, 1999, October 8, 1999, and October 19, 1999 addressing information sharing and team assignment issues.
- <sup>1259</sup> Transcript, February 2, 2012, p. 26.
- <sup>1260</sup> Transcript, February 2, 2012, p. 27.
- <sup>1261</sup> Exhibit 83, p. 342.
- <sup>1262</sup> Transcript, February 2, 2012, p. 26.
- <sup>1263</sup> Transcript, January 16, 2012, p. 37.
- <sup>1264</sup> Transcript, January 16, 2012, p. 36.
- <sup>1265</sup> Exhibit 83, p. 532-539.
- <sup>1266</sup> Exhibit 83, p. 538.
- <sup>1267</sup> Exhibit 83, p. 537.
- <sup>1268</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 21.
- <sup>1269</sup> Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 22.
- <sup>1270</sup> Transcript, January 11, 2012, p. 40.
- <sup>1271</sup> Transcript, January 13, 2012, p. 62.
- <sup>1272</sup> Transcript, January 13, 2012, p. 54.
- <sup>1273</sup> Transcript, January 18, 2012, p. 35.
- <sup>1274</sup> Bernardo Review, p. 39.
- <sup>1275</sup> Transcript, January 16, 2012, p. 19.
- <sup>1276</sup> Transcript, January 20, 2012, p. 38.
- <sup>1277</sup> Transcript, April 25, 2012, p. 137.
- <sup>1278</sup> Transcript, April 25, 2012, p. 226-227.
- <sup>1279</sup> Exhibit 83, p. 473.
- <sup>1280</sup> Exhibit 83, p. 473.
- <sup>1281</sup> Exhibit 83, p. 538.
- <sup>1282</sup> Transcript, May 11, 2012, p. 153.
- <sup>1283</sup> Transcript, January 31, 2012, p. 113.
- <sup>1284</sup> Transcript, February 2, 2012, p. 27.
- <sup>1285</sup> Transcript, February 2, 2012, p. 27.
- <sup>1286</sup> Transcript, February 2, 2012, p. 26.
- <sup>1287</sup> Exhibit 83NR, p. 472.
- <sup>1288</sup> Transcript, February 2, 2012, p. 29.
- <sup>1289</sup> Exhibit 83, p. 538.
- <sup>1290</sup> Bernardo Review, p. 4.
- <sup>1291</sup> Exhibit 151, p. 20-21; see Transcript, April 25, 2012, p. 19-23.
- <sup>1292</sup> Transcript, November 21, 2011, p. 61.
- <sup>1293</sup> Exhibit 34, p. 106.
- <sup>1294</sup> Transcript, April 24, 2012, p. 163.
- <sup>1295</sup> Transcript, April 24, 2012, p. 169-170.
- <sup>1296</sup> Exhibit 114, p. 247; Transcript, April 25, 2012, p. 120.
- <sup>1297</sup> Exhibit 83, p. 351.
- <sup>1298</sup> Exhibit 83, p. 15.
- <sup>1299</sup> Transcript, April 24, 2012, p. 199.
- <sup>1300</sup> Transcript, April 24, 2012, p. 201.

- 1301 Exhibit 83NR, p. 346.
- 1302 Transcript, January 30, 2012, p. 137-138.
- 1303 Exhibit 146, p. 235-236.
- 1304 Exhibit 104, p. 19.
- 1305 Transcript, January 16, 2012, p. 65-66.
- 1306 Transcript, February 6, 2012, p. 182.
- 1307 Transcript, February 6, 2012, p. 183.
- 1308 Transcript, November 21, 2012, p. 35-36.
- 1309 Transcript, February 6, 2012, p. 154.
- 1310 Transcript, January 11, 2012, p. 46.
- 1311 Transcript, January 11, 2012, p. 40.
- 1312 Transcript, November 21, 2012, p. 36.
- 1313 Exhibit 34, p. 65.
- 1314 Closing Submissions of the Government of Canada, p. 87.
- 1315 Transcript, May 14, 2012, p. 14-17.
- 1316 Transcript, May 14, 2012, p. 41-42.
- 1317 Transcript, May 14, 2012, p. 18.
- 1318 Transcript, May 15, 2012, p. 50.
- 1319 Transcript, January 16, 2012, p. 71-72.
- 1320 Transcript, January 16, 2012, p. 71.
- 1321 Transcript, January 11, 2012, p. 71.
- 1322 Transcript, January 16, 2012, p. 72.
- 1323 Transcript, January 16, 2012, p. 73.
- 1324 Transcript, May 14, 2012, p. 92.
- 1325 Transcript, May 14, 2012, p. 92.
- 1326 Transcript, May 15, 2012, p. 22-23, 28.
- 1327 Transcript, May 14, 2012, p. 120.
- 1328 Exhibit 2C, p. 285; see also Officer Zalys' notebook: Exhibit 108, p. 127.
- 1329 Transcript, February 16, 2012, p. 105.
- 1330 Transcript, February 29, 2012, p. 19.
- 1331 Transcript, February 29, 2012, p. 43.
- 1332 Transcript, February 16, 2012, p. 7-8.
- 1333 Closing Submissions of the Families, p. 34.
- 1334 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 110.
- 1335 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 110.
- 1336 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 110.
- 1337 Exhibit 34, p. 192.
- 1338 Exhibit 1, p. 220.
- 1339 Transcript, February 15, 2012, p. 153.
- 1340 Exhibit 217, p. 9.
- 1341 Exhibit 217, p. 145.
- 1342 Exhibit 34, p. 191.
- 1343 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 52.
- 1344 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 49-50.
- 1345 Exhibit 1, p. 279.
- 1346 Exhibit 34, p. 189.
- 1347 Transcript, April 25, 2012, p. 12-13.
- 1348 Transcript, April 25, 2012, p. 13.
- 1349 Transcript, February 29, 2012, p. 144.
- 1350 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 236.
- 1351 Canadian Police College, *Major Case Management Manual* (Third Edition, 1996), p. 30.
- 1352 See Exhibit 83NR, p. 503, 509, and 515.
- 1353 Closing Submissions of Independent Counsel of DTES Interests, p. 60-62.
- 1354 Exhibit 45C, p. 48-56.
- 1355 Exhibit 146, p. 234-236.
- 1356 Exhibit 34, p. 356.
- 1357 Exhibit 45C, p. 4-78.
- 1358 Exhibit 98, p. 218.
- 1359 Exhibit 34, p. 203.
- 1360 Exhibit 34, p. 203.
- 1361 Bernardo Review, p. 261-265.
- 1362 Bernardo Review, p. 289-292.
- 1363 Bernardo Review, p. 257-258.
- 1364 Bernardo Review, p. 258.
- 1365 Transcript, April 26, 2012, p. 152.
- 1366 Transcript, January 25, 2012, p. 113-115; Transcript, March 5, 2012, p. 204-205.
- 1367 Transcript, February 8, 2012, p. 47.
- 1368 Transcript, February 8, 2012, p. 47.
- 1369 Exhibit 34, p. 86.
- 1370 Exhibit 1, p. 37, 70, 328.
- 1371 Exhibit 34, p. 88.
- 1372 Exhibit 34, p. 191.
- 1373 Closing Submissions of VPD, p. 40-42.
- 1374 Transcript, January 24, 2012, p. 34-36.
- 1375 Exhibit 2A p. 366-367; Exhibit 82, p. 314. Note: Det. Cst. Shenher's notes record the meeting on February 3, 1999.
- 1376 Exhibit 45, p. 284-287.
- 1377 Transcript, April 27, 2012, p. 141-144.
- 1378 Exhibit 2A, p. 372-273.
- 1379 Exhibit 83, p. 3-4.
- 1380 Exhibit 2A, p. 383-384, 787-789.
- 1381 Exhibit 2A, p. 392, 794.
- 1382 Exhibit 2A, p. 408-410.
- 1383 Exhibit 83, p. 108.
- 1384 Exhibit 167, p. 539-544.
- 1385 Exhibit 83, p. 113.
- 1386 Exhibit 168, p. 12.
- 1387 Exhibit 214, p. 5, 39-40.
- 1388 Exhibit 214, p. 5-6, 41-42.
- 1389 Exhibit 2A, p. 462; Transcript, February 9, 2012, p. 131-132.
- 1390 Exhibit 157, p. 175.
- 1391 Exhibit 98, p. 37.
- 1392 Exhibit 2A, p. 105-107.
- 1393 Closing Submissions of VPD, p. 40-42.
- 1394 Closing Submissions of VPD, p. 40; based on evidence of Cpl. Connor at Transcript, February 9, 2012, p. 93.
- 1395 Closing Submissions of Canada, p. 62-63.
- 1396 Transcript, February 6, 2012, p. 112-114.
- 1397 Closing Submissions of VPD, p. 45-48.
- 1398 Transcript, February 9, 2012, p. 78; Exhibit 45D, p. 4-5.
- 1399 Transcript, February 9, 2012, p. 96; Exhibit 45D, p. 6-7.
- 1400 Transcript, May 15, 2012, p. 26.
- 1401 Transcript, May 15, 2012, p. 25.
- 1402 Exhibit 34, p. 89.
- 1403 Exhibit 1, p. 300-301.

- <sup>1404</sup> Exhibit 1, p. 300; *Police Act*, RSBC 1996, c 367, s. 26(2).
- <sup>1405</sup> Exhibit 1, p. 300.
- <sup>1406</sup> Exhibit 1, p. 238-239.
- <sup>1407</sup> Exhibit 1, p. 299.
- <sup>1408</sup> Exhibit 1, p. 330-331.
- <sup>1409</sup> Exhibit 1, p. 299.
- <sup>1410</sup> Exhibit 1, p. 301.
- <sup>1411</sup> Closing Submissions of Marion Bryce, p. 23.
- <sup>1412</sup> Exhibit 113, p. 11.
- <sup>1413</sup> Transcript, November 24, 2011, p. 90-95; Transcript, January 19, 2012, p. 72-76; Transcript, February 1, 2012, p. 124-139; Transcript, February 8, 2012, p. 133-135; Transcript, February 9, 2012, p. 74-77.
- <sup>1414</sup> Exhibit 34, p. 89.
- <sup>1415</sup> Transcript, January 19, 2012, p. 57-59.
- <sup>1416</sup> Transcript, January 19, 2012, p. 59.
- <sup>1417</sup> Transcript, December 15, 2011, p. 140-141.
- <sup>1418</sup> Transcript, December 15, 2011, p. 142.
- <sup>1419</sup> Transcript, December 15, 2011, p. 142-143.
- <sup>1420</sup> Exhibit 34, p. 88.
- <sup>1421</sup> Transcript, February 20, 2012, p. 104-105 (T. Blythe).
- <sup>1422</sup> Exhibit 34, p. 89.
- <sup>1423</sup> Exhibit 34, p. 89.
- <sup>1424</sup> See for example, the brief description of joint meetings set out above.
- <sup>1425</sup> Exhibit 1 (LePard Report), p. 234, 239.
- <sup>1426</sup> Exhibit 1 (LePard Report), p. 233-234.
- <sup>1427</sup> Exhibit 34 (Evans Report), p. 212.
- <sup>1428</sup> Exhibit 157, p. 58-59.
- <sup>1429</sup> Transcript, April 25, 2012, p. 223-224 (F. Biddlecombe).
- <sup>1430</sup> Transcript, April 25, 2012, p. 111-112 (F. Biddlecombe).
- <sup>1431</sup> Exhibit 45A, p. 39, 41-43.
- <sup>1432</sup> Transcript, May 24, 2012, p. 91.
- <sup>1433</sup> Exhibit 199NR, p. 16-17; Transcript, May 23, 2012 p. 30-31.
- <sup>1434</sup> Exhibit 214, p. 7-8; Transcript, May 24, 2012, p. 7-8, 79-80, 92, 100.
- <sup>1435</sup> Transcript, April 27, 2012, p. 168-169.
- <sup>1436</sup> Transcript, April 27, 2012, p. 144-145.
- <sup>1437</sup> Exhibit 34, p. 49.
- <sup>1438</sup> Transcript, January 12, 2012, p. 131; Transcript, May 24, 2012, p. 100-101.
- <sup>1439</sup> Exhibit 1, p. 239-240.
- <sup>1440</sup> Exhibit 215.
- <sup>1441</sup> Transcript, January 12, 2012, p. 131-133; Exhibit 199, p. 9.
- <sup>1442</sup> Exhibit 1, p. 238-239.
- <sup>1443</sup> Closing Submissions of Canada, p. 97.
- <sup>1444</sup> Exhibit 34, p. 172.
- <sup>1445</sup> Exhibit 1, p. 246.
- <sup>1446</sup> Exhibit 1, p. 316.
- <sup>1447</sup> Exhibit 34, p. 179.
- <sup>1448</sup> Transcript, February 7, 2012, p. 121.
- <sup>1449</sup> Exhibit 199, p. 4.
- <sup>1450</sup> Exhibit 199, p. 40.
- <sup>1451</sup> Exhibit 199, p. 38-46.
- <sup>1452</sup> Exhibit 199, p. 40.
- <sup>1453</sup> Exhibit 199, p. 5.
- <sup>1454</sup> Exhibit 199, p. 41.
- <sup>1455</sup> Exhibit 199, p. 5.
- <sup>1456</sup> Exhibit 199, p. 12.
- <sup>1457</sup> Exhibit 34, Appendix C.
- <sup>1458</sup> Exhibit 34, Appendix C.
- <sup>1459</sup> Exhibit 45A, p. 83.
- <sup>1460</sup> Exhibit 83, p. 19.
- <sup>1461</sup> Transcript, January 31, 2012, p. 6-7.
- <sup>1462</sup> Transcript, May 14, 2012, p. 23-24.
- <sup>1463</sup> Exhibit 45F, p. 283-336.
- <sup>1464</sup> Exhibit 182, p. 60; Transcript, February 23, 2012, p. 176-177.
- <sup>1465</sup> Transcript, January 31, 2012, p. 86; Transcript, May 11, 2012, p. 44-47.
- <sup>1466</sup> Transcript, November 7, 2011, p. 115.
- <sup>1467</sup> Transcript, November 7, 2011, p. 115-116.
- <sup>1468</sup> Transcript, November 30, 2011, p. 144-146; Transcript, January 30, 2012.
- <sup>1469</sup> Transcript, May 14, 2012, p. 59, 116.
- <sup>1470</sup> Exhibit 182, p. 60.
- <sup>1471</sup> Exhibit 182, p. 60.
- <sup>1472</sup> Transcript, May 14, 2012, p. 183-184.
- <sup>1473</sup> Transcript, May 14, 2012, p. 184.
- <sup>1474</sup> Transcript, January 31, 2012, p. 100-101; Exhibit 83, p. 393-394.
- <sup>1475</sup> Transcript, January 31, 2012, p. 100-101; Exhibit 83, p. 393-394.
- <sup>1476</sup> Transcript, May 15, 2012, p. 281.
- <sup>1477</sup> See Volume IIB Part 3A.
- <sup>1478</sup> Transcript, April 26, 2012, p. 120-121.
- <sup>1479</sup> Transcript, May 24, 2012, p. 74.
- <sup>1480</sup> Transcript, April 26, 2012, p. 67-73.
- <sup>1481</sup> Exhibit 146, p. 1-2.
- <sup>1482</sup> Exhibit 146, p. 8.
- <sup>1483</sup> Exhibit 146, p. 8.
- <sup>1484</sup> Exhibit 146, p. 17.
- <sup>1485</sup> Exhibit 146, p. 7.
- <sup>1486</sup> Transcript, April 23, p. 156- 157; Exhibit 146, p. 7.
- <sup>1487</sup> Exhibit 146, p. 3-5.
- <sup>1488</sup> Exhibit 147, p. 156-164.
- <sup>1489</sup> Exhibit 148, p. 27.
- <sup>1490</sup> Transcript, April 25, 2012, p. 144-145.
- <sup>1491</sup> Transcript, April 23, p. 137-138.
- <sup>1492</sup> Transcript, April 23, p. 136; Transcript, April 24, 2012, p. 88-90.
- <sup>1493</sup> Exhibit 148, p. 29-34; April 23, 2012, p. 119-120, 205.
- <sup>1494</sup> Exhibit 148, p. 33-34; April 24, 2012, p. 90-92.
- <sup>1495</sup> Exhibit 1, p. 262-264.
- <sup>1496</sup> Exhibit 1, p. 262-264.
- <sup>1497</sup> Transcript, April 25, 2012, p. 170-201.
- <sup>1498</sup> Transcript, May 9, 2012, p. 120-122; Closing Submissions of Fell and Wolthers, p. 49-51.
- <sup>1499</sup> Transcript, May 9, 2012, p. 24-25.
- <sup>1500</sup> Exhibit 146, p. 190-195; Transcript, April 25, 2012, p. 31-35, 153-158.
- <sup>1501</sup> Transcript, April 25, 2012, p. 23-24.

- <sup>1502</sup> Transcript, April 25, 2012, p. 199-200.
- <sup>1503</sup> Exhibit 146, p. 60.
- <sup>1504</sup> Exhibit 146, p. 149-152.
- <sup>1505</sup> Exhibit 146, p. 192.
- <sup>1506</sup> Exhibit 174, p. 65.
- <sup>1507</sup> Exhibit 174, p. 67-68.
- <sup>1508</sup> Exhibit 174, p. 70-73.
- <sup>1509</sup> Exhibit 174, p. 77.
- <sup>1510</sup> Exhibit 146, p. 189; Exhibit 174, p. 86-93.
- <sup>1511</sup> Exhibit 174, p. 95-98.
- <sup>1512</sup> Exhibit 146, p. 56.
- <sup>1513</sup> Exhibit 174, p. 109-116.
- <sup>1514</sup> Exhibit 174, p. 121-124.
- <sup>1515</sup> Exhibit 174, p. 126.
- <sup>1516</sup> Exhibit 174, p. 126.
- <sup>1517</sup> Exhibit 146, p. 188-195; Exhibit 174, p. 132-139.
- <sup>1518</sup> Exhibit 146, p. 195; Exhibit 174, p. 139.
- <sup>1519</sup> *Police Act*, RSBC 1996, c 367.
- <sup>1520</sup> Exhibit 194, p. 86-321.
- <sup>1521</sup> Transcript, May 16, 2012, p. 7-8.
- <sup>1522</sup> Exhibit 194, p. 122.
- <sup>1523</sup> Transcript, May 16, 2012, p. 25-27, 46-47, 67, 71-72, 77.
- <sup>1524</sup> Transcript, May 16, 2012, p. 7.
- <sup>1525</sup> Transcript, May 16, 2012, p. 8.
- <sup>1526</sup> Closing Submissions of the VPD and VPB, p. 104-105.
- <sup>1527</sup> Transcript, May 16, 2012, p. 64-65; Exhibit 194, p. 123.
- <sup>1528</sup> Transcript, May 16, 2012, p. 9.
- <sup>1529</sup> Transcript, May 16, 2012, p. 12.
- <sup>1530</sup> Transcript, May 16, 2012, p. 15.
- <sup>1531</sup> Transcript, May 16, 2012, p. 43-44, 62-63.
- <sup>1532</sup> Transcript, May 16, 2012, p. 44-47, 62-63, 89.
- <sup>1533</sup> Transcript, May 16, 2012, p. 41, 49.
- <sup>1534</sup> Transcript, May 16, 2012, p. 71.
- <sup>1535</sup> Transcript, May 16, 2012, p. 47, 77.
- <sup>1536</sup> Transcript, May 16, 2012, p. 19-20.
- <sup>1537</sup> Read-in by Associate Commission Counsel, Transcript, May 16, 2012, p. 20-21; Exhibit 194, p. 129.
- <sup>1538</sup> Exhibit 194, p. 251.
- <sup>1539</sup> Transcript, May 16, 2012, p. 21.
- <sup>1540</sup> Exhibit 194, p. 27-28; Transcript, May 16, 2012, p. 30-31.
- <sup>1541</sup> Exhibit 194, p. 29-30; Transcript, May 16, 2012, p. 31-32.
- <sup>1542</sup> Exhibit 194, p. 31-32.
- <sup>1543</sup> Exhibit 194, p. 33-34.
- <sup>1544</sup> Exhibit 194, p. 35.
- <sup>1545</sup> Exhibit 194, p. 36-41.
- <sup>1546</sup> Exhibit 194, p. 42.
- <sup>1547</sup> Exhibit 194, p. 43-47.
- <sup>1548</sup> Exhibit 194, p. 48-49.
- <sup>1549</sup> Exhibit 194, p. 50-51.
- <sup>1550</sup> Exhibit 194, p. 52.
- <sup>1551</sup> Exhibit 194, p. 53-54.
- <sup>1552</sup> Exhibit 194, p. 55-56.
- <sup>1553</sup> Exhibit 194, p. 57.
- <sup>1554</sup> Exhibit 194, p. 58.
- <sup>1555</sup> Exhibit 194, p. 59.
- <sup>1556</sup> Exhibit 194, p. 67.
- <sup>1557</sup> Exhibit 194, p. 70-71.
- <sup>1558</sup> See for example, Exhibit 194, p. 29.
- <sup>1559</sup> Exhibit 194, p. 27-71; Transcript, May 16, 2012, p. 41-45, 88-89.
- <sup>1560</sup> Transcript, May 16, 2012, p. 67.
- <sup>1561</sup> Exhibit 194, p. 72-77.
- <sup>1562</sup> Transcript, May 16, 2012, p. 74.
- <sup>1563</sup> Exhibit 194, p. 78-83.
- <sup>1564</sup> Exhibit 194, p. 75.
- <sup>1565</sup> Transcript, May 16, 2012, p. 41; Transcript, May 16, 2012, p. 88.
- <sup>1566</sup> Exhibit 194, p. 79.
- <sup>1567</sup> Transcript, May 16, 2012, p. 76.
- <sup>1568</sup> Transcript, May 16, 2012, p. 76.
- <sup>1569</sup> Transcript, May 16, 2012, p. 76.
- <sup>1570</sup> Transcript, May 16, 2012, p. 162-163.
- <sup>1571</sup> Exhibit 194, p. 332.
- <sup>1572</sup> Exhibit 194, p. 347-353.
- <sup>1573</sup> Exhibit 194, p. 383-390.
- <sup>1574</sup> Exhibit 194, p. 369-371.
- <sup>1575</sup> Exhibit 194, p. 378.
- <sup>1576</sup> Exhibit 194, p. 462-464.
- <sup>1577</sup> Exhibit 194, p. 466.
- <sup>1578</sup> Exhibit 194, p. 468.
- <sup>1579</sup> Exhibit 194, p. 469-476.
- <sup>1580</sup> Exhibit 194, p. 475.
- <sup>1581</sup> Transcript, May 16, 2012, p. 164-166.
- <sup>1582</sup> Transcript, May 16, 2012, p. 52-54.
- <sup>1583</sup> Closing Submissions of the VPD and VPB, p. 105-106.

#### Part Four

<sup>1</sup> *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484, para. 111 (per Cory and Iacobucci, JJ.).

<sup>2</sup> *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484, para. 48 (per L'Heureux-Dubé and McLachlin, JJ.).

<sup>3</sup> Closing Submissions of the Families, p. 130-134.

<sup>4</sup> Closing Submissions of the Families, p. 130, 137-140.

<sup>5</sup> Closing Submissions of the Families, p. 134-137.

<sup>6</sup> Closing Submissions of the Families, p. 142.

<sup>7</sup> Closing Submissions of the Families, p. 153-154.

<sup>8</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 5.

<sup>9</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 31.

<sup>10</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 29.

<sup>11</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 47.

<sup>12</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 50-51.

<sup>13</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 3.

<sup>14</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 4.

<sup>15</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 4-5.

<sup>16</sup> Closing Submissions of Independent Counsel for Aboriginal Interests, p. 5.

<sup>17</sup> Closing Submissions of Independent Counsel for

Aboriginal Interests, p. 5.

<sup>18</sup> Closing Submissions of Crab Water for Life Society (Mr. Larson), p. 2.

<sup>19</sup> Closing Submissions of Crab Water for Life Society (Ms. White), p. 1.

<sup>20</sup> Transcript, June 5, 2012, p. 186.

<sup>21</sup> Closing Submissions of VANDU.

<sup>22</sup> Closing Submissions of VANDU.

<sup>23</sup> Closing Submissions of VANDU.

<sup>24</sup> Closing Submissions of VPD and VPB, p. 84.

<sup>25</sup> Closing Submissions of VPD and VPB, p. 84.

<sup>26</sup> Closing Submissions of VPD and VPB, p. 84.

<sup>27</sup> Closing Submissions of VPD and VPB, p. 84.

<sup>28</sup> Closing Submissions of VPD and VPB, p. 84-102.

<sup>29</sup> Reply Submissions of the Government of Canada, p. 23, pp. 31-32.

<sup>30</sup> Reply Submissions of the Government of Canada, p. 31-32.

<sup>31</sup> Reply Submissions of the Government of Canada, p. 32-33.

<sup>32</sup> Closing Submissions of the VPU, p.1.

<sup>33</sup> Closing Submissions of the VPU.

<sup>34</sup> Closing Submissions of the VPU, p.5-6.

<sup>35</sup> Transcript, May 9, p. 120-122.

<sup>36</sup> Closing Submissions of Acting Sgt. Fell and Retired Cst. Wolthers, p. 51.

<sup>37</sup> Reply Submissions of Retired Insp. Biddlecombe, p. 2.

<sup>38</sup> Closing Submissions of Retired CC Blythe and Retired DCC Unger, p. 3.

<sup>39</sup> Closing Submissions of Retired CC Blythe and Retired DCC Unger, p. 3.

<sup>40</sup> Transcript, January 25, 2012, p. 69, 26; Exhibit 67, p. 11.

<sup>41</sup> Closing Submissions of VPD and VPB, p. 87.

<sup>42</sup> Closing Submissions of VPD and VPB, p. 95.

<sup>43</sup> Closing Submissions of VPD and VPB, p. 88-94.

<sup>44</sup> Reply Submissions of Government of Canada, p. 26, 31-35.

<sup>45</sup> Closing Submissions of VPD and VPB, p. 100-101; Transcript, November 29, 2011, p. 88-91; Transcript, December 15, 2011, p. 49-50.

<sup>46</sup> Closing Submissions of VPD and VPB, p. 101-102; Exhibit 48.

<sup>47</sup> Transcript, April 25, 2012, p. 214-215.

<sup>48</sup> Reply Submissions of Government of Canada, p. 33.

<sup>49</sup> Exhibit 146, p. 120-130; Exhibit 146, p. 119; Exhibit 98, p. 176. Also Special "I" file was named "Project Elderberry (Hooker Murders)" (Exhibit 146, p. 114-115).

<sup>50</sup> Exhibit 111, p. 8.

<sup>51</sup> Transcript, May 24, 2012, p. 136.

<sup>52</sup> Transcript, May 24, 2012, p. 136-137.

<sup>53</sup> Transcript, February 29, 2012, p. 115-116.

<sup>54</sup> Reply Submissions of the VPD, p. 3.

<sup>55</sup> Reply Submissions of the VPD, p. 3.

<sup>56</sup> See review of the evidence on this point in Volume IIB, Part 3C.

<sup>57</sup> Here I am paraphrasing the duty to accommodate in the provision of public services as delineated by the Supreme Court of Canada in *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human*

*Rights)*, [1999] 3 S.C.R. 868 building on the Court's holding in *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3 para. 68.

<sup>58</sup> Transcript, February 9, 2012, p. 69.

<sup>59</sup> Transcript, February 9, 2012, p. 69-70.

<sup>60</sup> See for example: Transcript, May 24, 2012, p. 146; Transcript, March 6, 2012, p. 208; Transcript, November 8, 2011, p. 150-151

<sup>61</sup> Closing Submissions of VPD and VPB, p. 99-100.

<sup>62</sup> Transcript, March 6, 2012, p. 114.

<sup>63</sup> Closing Submissions of VPD and VPB, p. 95.

<sup>64</sup> Transcript, March 8, 2012, p. 162.

<sup>65</sup> Exhibit 146, p. 137-138; discussed in Volume IIB, Part 3C.

<sup>66</sup> Transcript, November 22, 2011, p. 30-36.

<sup>67</sup> Transcript, November 22, 2011, p. 41-42.

<sup>68</sup> Reply Submissions of Government of Canada, footnote 84.

<sup>69</sup> Exhibit 146, p. 212-217.

<sup>70</sup> Closing Submissions of Independent Counsel for DTES Interests, p. 29-30.

<sup>71</sup> Closing Submissions of VPD and VPB, p. 6-7.

<sup>72</sup> Reply Submissions of Government of Canada, p. 34.

<sup>73</sup> Reply Submissions of Government of Canada, p. 34.

<sup>74</sup> Reply Submissions of Government of Canada, p. 34.

<sup>75</sup> Closing Submissions of VPD and VPB, p. 99; Transcript February 1, 2012, p. 43-44, p. 89, p. 91.

<sup>76</sup> Transcript, June 5, 2012, p. 180.

<sup>77</sup> Transcript, January 17, 2012, p. 151.

<sup>78</sup> Transcript, November 21, 2011, p. 75.

<sup>79</sup> Canada, Commission of Inquiry into the Deployment of Canadian Forces to Somalia, *Dishonoured Legacy: The Lessons of the Somalia Affair. Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia* (Ottawa: Public Works and Services Canada – Publishing, 1997), p. 9-10.

<sup>80</sup> Transcript, February 23, 2012, p. 166.

<sup>81</sup> Transcript, January 11, 2012, p. 40.

<sup>82</sup> Transcript, February 21, 2012, p. 178.

<sup>83</sup> Transcript, April 5, 2012, p. 82; Transcript, April 25, 2012, p. 22- 23.

<sup>84</sup> Transcript, November 8, 2011, p. 120.

<sup>85</sup> Transcript, April 24, 2012, p. 212-213.

<sup>86</sup> Transcript, May 11, 2012, p. 23.

<sup>87</sup> Transcript, February 23, 2012, p. 36-37.

<sup>88</sup> Transcript, May 14, 2012, p. 86; Transcript, May 15, 2012, p. 64.

<sup>89</sup> Transcript, February 23, 2012, p. 174.

<sup>90</sup> Exhibit 34, p. 212.

<sup>91</sup> Exhibit 34, p. 212.

<sup>92</sup> Exhibit 34, p. 212.

<sup>93</sup> Exhibit 34, p. 45.

<sup>94</sup> Closing Submissions of Retired DC Greer, p. 2.

<sup>95</sup> Transcript, January 16, 2012, p. 40.

<sup>96</sup> Exhibit 34; Transcript, January 16, 2011.

<sup>97</sup> Transcript, January 16, 2012, p. 99-100.

<sup>98</sup> Exhibit 34, p. 192.

<sup>99</sup> Transcript, November 21, 2011, p. 87.

<sup>100</sup> Exhibit 1, p. 211.

- <sup>101</sup> Transcript, February 21, 2012, p. 58, 80-81; Transcript, February 22, 2012, p. 67-70.
- <sup>102</sup> Transcript, February 21, p. 178.
- <sup>103</sup> Transcript, April 26, 2012, p. 120-121.
- <sup>104</sup> Transcript, April 26, 2012, p. 121.
- <sup>105</sup> Transcript, March 6, 2012, p. 100.
- <sup>106</sup> Transcript, March 6, 2012, p. 101.
- <sup>107</sup> Transcript, March 6, 2012, p. 102.
- <sup>108</sup> Transcript, February 21, p. 79.
- <sup>109</sup> Transcript, February 21, p. 79-80.
- <sup>110</sup> Transcript, February 20, 2012, p. 58.
- <sup>111</sup> Transcript, February 21, 2012, p. 178.
- <sup>112</sup> Transcript, April 26, 2012, p. 106.
- <sup>113</sup> Transcript, April 26, 2012, p. 106-107.
- <sup>114</sup> Transcript, April 26, 2012, p. 120.
- <sup>115</sup> Transcript, April 26, 2012, p. 121.
- <sup>116</sup> Transcript, April 26, 2012, p. 121.
- <sup>117</sup> Exhibit 34, p. 53.
- <sup>118</sup> Exhibit 34, p. 193.
- <sup>119</sup> Transcript, February 23, 2012, p. 113-114.
- <sup>120</sup> Exhibit 83, p. 23.
- <sup>121</sup> Transcript, January 31, 2012, p. 37.
- <sup>122</sup> Transcript, April 25, 2012, p. 97-99.
- <sup>123</sup> Transcript, April 26, 2012, p. 136-138, 211-213, 216-217.
- <sup>124</sup> Transcript, April 26, 2012, p. 138.
- <sup>125</sup> Transcript, April 26, 2012, p. 158.
- <sup>126</sup> Transcript, April 24, 2012, p. 165-166.
- <sup>127</sup> Transcript, April 25, 2012, p. 240.
- <sup>128</sup> Transcript, May 11, 2012, p. 98-99.
- <sup>129</sup> Transcript, May 11, 2012, p. 99.
- <sup>130</sup> Transcript, May 11, 2012, p. 98-99.
- <sup>131</sup> Transcript, May 11, 2012, p. 99-100.
- <sup>132</sup> Transcript, February 23, 2012, p. 95-98; Exhibit 183, p. 13.
- <sup>133</sup> Exhibit 2C, p. 586, 612, 608.
- <sup>134</sup> Exhibit 182, p. 199.
- <sup>135</sup> Exhibit 2C, p. 285; Exhibit 108, p. 127.
- <sup>136</sup> Transcript, April 25, 2012, p. 3-4.
- <sup>137</sup> Transcript, April 26, 2012, p. 157-158.
- <sup>138</sup> Transcript, February 23, 2012, p. 117-118.
- <sup>139</sup> Transcript, February 23, 2012, p. 102-103.
- <sup>140</sup> Transcript, February 23, 2012, p. 114-115.
- <sup>141</sup> Transcript, November 23, 2011, p. 162.
- <sup>142</sup> Transcript, January 18, 2012, p. 88.
- <sup>143</sup> Exhibit 1, p. 210.
- <sup>144</sup> Exhibit 149, p. 22-44.
- <sup>145</sup> Transcript, April 24, 2012, p. 157-158.
- <sup>146</sup> Transcript, April 25, 2012, p. 150.
- <sup>147</sup> Transcript, April 24, 2012, p. 161.
- <sup>148</sup> Transcript, April 26, 2012, p. 131.
- <sup>149</sup> Transcript, April 26, 2012, p. 111.
- <sup>150</sup> Transcript, April 26, 2012, p. 119-120.
- <sup>151</sup> Transcript, April 26, 2012, p. 110.
- <sup>152</sup> Exhibit 34, p. 202.
- <sup>153</sup> Exhibit 168, p. 183-185; Exhibit 34, p. 202.
- <sup>154</sup> Transcript, February 29, 2012, p. 10.
- <sup>155</sup> Exhibit 34, p. 201-202.
- <sup>156</sup> Exhibit 34, p. 58.
- <sup>157</sup> Exhibit 34, p. 212.
- <sup>158</sup> Transcript, February 20, 2012, p. 151; Transcript, April 24, 2012, p. 201.
- <sup>159</sup> Transcript, February 20, 2012, p. 151; Transcript, February 21, p. 59-62.
- <sup>160</sup> Transcript, February 9, 2012, p. 181-182.
- <sup>161</sup> Exhibit 34, p. 74.
- <sup>162</sup> Exhibit 34, p. 196.
- <sup>163</sup> Closing Submissions of the Families, p. 109-110.
- <sup>164</sup> Transcript, June 4, 2012, p. 109.
- <sup>165</sup> Transcript, February 2, 2012, p. 118-119.
- <sup>166</sup> Exhibit 1, p. 331.
- <sup>167</sup> Exhibit 1, p. 259.
- <sup>168</sup> Exhibit 45B, p. 239-240.
- <sup>169</sup> Exhibit 1, p. 258; Exhibit 45B, p. 3.
- <sup>170</sup> Exhibit 45B, p. 151.
- <sup>171</sup> Exhibit 45B, p. 307, 313.
- <sup>172</sup> Exhibit 1, p. 260-261.
- <sup>173</sup> Transcript, April 26, 2012, p. 106-107.
- <sup>174</sup> Transcript, February 20, 2012, p. 150-151; Transcript, March 6, 2012, p. 61.
- <sup>175</sup> Transcript, March 6, 2012, p. 72-73.
- <sup>176</sup> Transcript, March 6, 2012, p. 72-73.
- <sup>177</sup> Transcript, January 16, 2012, p. 44.
- <sup>178</sup> Exhibit 34, p. 61.
- <sup>179</sup> Exhibit 1, p. 211.
- <sup>180</sup> Exhibit 34, p. 193.
- <sup>181</sup> Transcript, November 21, 2011, p. 83.
- <sup>182</sup> Transcript, January 25, 2012, p. 84; Transcript, January 30, 2012, p. 38-40; Transcript, April 4, 2012, p. 110; Transcript, May 24, 2012, p. 13-14.
- <sup>183</sup> Transcript, January 24, 2012, p. 117-118.
- <sup>184</sup> Closing Submissions of VPD and VPB, p. 85.
- <sup>185</sup> Closing Submissions of VPD and VPB, p. 85-86.
- <sup>186</sup> Closing Submissions of VPD and VPB, p. 86.
- <sup>187</sup> See discussion in Volume III, Part 2 and Part 7.
- <sup>188</sup> Closing Submissions of the Government of Canada, p. 49-50.
- <sup>189</sup> Closing Submissions of the VPD and VPB, p. 29.
- <sup>190</sup> Transcript, April 5, 2012, p. 4.
- <sup>191</sup> Transcript, April 23, 2012, p. 48-49.
- <sup>192</sup> Transcript, January 16, 2012, p. 20.
- <sup>193</sup> Exhibit 47, p. 14-67.
- <sup>194</sup> Exhibit 37, p. 68-96.
- <sup>195</sup> Transcript, November 22, 2011, p. 59.
- <sup>196</sup> Exhibit 1, p. 292-296.
- <sup>197</sup> Transcript, November 7, 2012, p. 54.
- <sup>198</sup> Transcript, November 22, 2011, p. 35.
- <sup>199</sup> Transcript, January 26, 2012, p. 96.
- <sup>200</sup> Transcript, January 24, 2012, p. 30.
- <sup>201</sup> Transcript, November 30, 2011, p. 137.
- <sup>202</sup> British Columbia, Commission of Inquiry into Policing In British Columbia, *Closing the Gap: Policing and the Community – Report of the Commission of Inquiry into Policing in British Columbia*, The Recommendations (Vancouver, BC: 1994), p. 27.
- <sup>203</sup> Exhibit 194, p. 108.
- <sup>204</sup> Transcript, March 5, 2012, p. 121-129, 131; Transcript, March 6, 2012, p. 91-94; Transcript, March 8, 2012, p. 70-79.
- <sup>205</sup> Transcript, June 4, 2012, p. 105.

- <sup>206</sup> Transcript, May 16, 2012, p. 15-16, 28, 182-183, 185.
- <sup>207</sup> Transcript, May 16, 2012, p. 21-23.
- <sup>208</sup> Closing Submissions of VPD and VPB, p. 85-86.
- <sup>209</sup> See discussion in Volume I, Part 5B, The Structure of Policing in British Columbia.
- <sup>210</sup> Exhibit 34, p. 89.
- <sup>211</sup> Bernardo Review, p. 322-327.
- <sup>212</sup> Exhibit 1, p. 39-40, 241, 291.
- <sup>213</sup> Exhibit 214, p. 8-9; Transcript, May 24, 2012, p. 60-63.
- <sup>214</sup> Exhibit 1, p. 327.
- <sup>215</sup> Exhibit 182, p. 13-17.
- <sup>216</sup> Exhibit 199, p. 4.
- <sup>217</sup> Transcript, May 14, 2012, p. 85.
- <sup>218</sup> Transcript, May 15, 2012, p. 11-14; Transcript, February 23, 2012, p. 70-71; Exhibit 106, p. 175-192.
- <sup>219</sup> Transcript, May 14, 2012, p. 85.
- <sup>220</sup> Exhibit 106, p. 21.
- <sup>221</sup> Exhibit 106, p. 15.
- <sup>222</sup> Transcript, February 23, 2012, p. 68.
- <sup>223</sup> Transcript, February 23, 2012, p. 65.
- <sup>224</sup> Exhibit 183, p. 267-303.
- <sup>225</sup> Exhibit 183, p. 269.
- <sup>226</sup> Transcript, May 15, 2012, p. 14; Exhibit 183, p. 267-294.
- <sup>227</sup> Exhibit 183, p. 279.
- <sup>228</sup> Transcript, May 14, 2012, p. 198.
- <sup>229</sup> Exhibit 194, p. 391.
- <sup>230</sup> Exhibit 1, p. 223.
- <sup>231</sup> Exhibit 1, p. 224.
- <sup>232</sup> Exhibit 1, p. 228.
- <sup>233</sup> Exhibit 1, p. 230-231.
- <sup>234</sup> Exhibit 1, p. 226.
- <sup>235</sup> Transcript, February 20, 2012, p. 36.
- <sup>236</sup> Transcript, February 20, 2012, p. 93-94.
- <sup>237</sup> Transcript, February 20, 2012, p. 34-35.
- <sup>238</sup> Exhibit 119, p. 40, 44, 48, 51-52.
- <sup>239</sup> Transcript, May 24, 2012, p. 17-18.
- <sup>240</sup> Exhibit 34, p. 199-201.
- <sup>241</sup> Transcript, January 26, 2012, p. 19.
- <sup>242</sup> Transcript, January 24, 2012, p. 142-143.
- <sup>243</sup> Exhibit 2, p. 27.
- <sup>244</sup> Exhibit 72, p. 66.
- <sup>245</sup> Exhibit 83, p. 8-10, 17.
- <sup>246</sup> Exhibit 83, p. 227.
- <sup>247</sup> Exhibit 83, p. 497, 501; Exhibit 153, p. 13.
- <sup>248</sup> Transcript, April 27, 2012, p. 157.
- <sup>249</sup> Exhibit 83, p. 114.
- <sup>250</sup> Exhibit 83, p. 487.
- <sup>251</sup> Exhibit 83, p. 487.
- <sup>252</sup> Exhibit 83, p. 488.
- <sup>253</sup> Exhibit 83, p. 488.
- <sup>254</sup> Exhibit 45A, p. 87.
- <sup>255</sup> Exhibit 45A, p. 88.
- <sup>256</sup> Exhibit 146, p. 236.
- <sup>257</sup> Exhibit 146, p. 236.
- <sup>258</sup> Transcript, May 14, 2012, p. 111.
- <sup>259</sup> Exhibit 173, p. 169; Exhibit 182, p. 16.
- <sup>260</sup> Exhibit 2C, p. 285; Exhibit 108, p. 127.
- <sup>261</sup> Exhibit 108, p. 127.
- <sup>262</sup> Exhibit 34, p. 78.
- <sup>263</sup> Exhibit 105, p. 2.
- <sup>264</sup> Exhibit 45C, p. 173-186, 189; Exhibit 98, p. 6.
- <sup>265</sup> Exhibit 98, p. 6-7, 196-202; Exhibit 45A, p. 135; Exhibit 182, p. 227.
- <sup>266</sup> Exhibit 45A, p. 141.
- <sup>267</sup> Exhibit 173, p. 32.
- <sup>268</sup> Exhibit 173, p. 54.
- <sup>269</sup> Exhibit 45C, p. 230-232.
- <sup>270</sup> Transcript, May 15, 2012, p. 281-282.
- <sup>271</sup> Transcript, May 15, 2012, p. 298.
- <sup>272</sup> Transcript, May 15, 2012, p. 67.
- <sup>273</sup> Transcript, February 23, 2012, p. 120.
- <sup>274</sup> Transcript, April 26, 2012, p. 174.
- <sup>275</sup> Transcript, April 27, 2012, p. 159.
- <sup>276</sup> Transcript, November 30, 2011, p. 28.
- <sup>277</sup> Exhibit 34, p. 192.
- <sup>278</sup> Transcript, February 21, 2012, p. 73-74.
- <sup>279</sup> Transcript, February 21, 2012, p. 80.
- <sup>280</sup> Exhibit 34, p. 203.
- <sup>281</sup> Transcript, March 5, 2012, p. 217.
- <sup>282</sup> Closing Submissions of VPD and VPB, p. 85-86.
- <sup>283</sup> *The Collins English Dictionary*, online edition, *sub verbo* "organizational culture."
- <sup>284</sup> A.R. Gehl, *The Dynamics of Police Cooperation in Multi-Agency Investigations Finding Common Ground* (M.A. Thesis, Royal Roads University, 2001), p. 65.
- <sup>285</sup> A.R. Gehl, *The Dynamics of Police Cooperation in Multi-Agency Investigations Finding Common Ground* (M.A. Thesis, Royal Roads University, 2001), p. 43-49.
- <sup>286</sup> Transcript, January 24, 2012, p. 119.
- <sup>287</sup> Transcript, January 24, 2012, p. 120.
- <sup>288</sup> Transcript, January 31, 2012, p. 128.
- <sup>289</sup> Closing Submissions of VPD and VPB, p. 85; Transcript, June 5, 2012, p. 43.
- <sup>290</sup> Exhibit 83, p. 17.
- <sup>291</sup> Transcript, November 23, 2011, p. 160.
- <sup>292</sup> Transcript, November 23, 2011, p. 162.
- <sup>293</sup> Transcript, February 22, 2012, p. 207.
- <sup>294</sup> Transcript, January 18, 2012, p. 116.
- <sup>295</sup> Transcript, February 1, 2012, p. 242.
- <sup>296</sup> Transcript, January 30, 2012, p. 26-27.
- <sup>297</sup> Transcript, February 1, 2012, p. 181.
- <sup>298</sup> Transcript, February 2, 2012, p. 109.
- <sup>299</sup> Transcript, January 30, 2012, p. 28-29.
- <sup>300</sup> Transcript, May 9, 2012, p. 82-83.
- <sup>301</sup> Transcript, April 26, 2012, p. 20-21.
- <sup>302</sup> Transcript, January 30, 2012, p. 29.
- <sup>303</sup> Transcript, January 30, 2012, p. 28.
- <sup>304</sup> Transcript, February 22, 2012, p. 175.
- <sup>305</sup> Exhibit 34, p. 62.
- <sup>306</sup> Transcript, March 12, 2012, p. 33, 42.
- <sup>307</sup> Transcript, April 26, 2012, p. 158; Transcript, February 20, 2012, p. 50-51.
- <sup>308</sup> Transcript, January 25, 2012, p. 71.
- <sup>309</sup> Transcript, January 30, 2012, p. 36.
- <sup>310</sup> Transcript, January 30, 2012, p. 35.
- <sup>311</sup> Transcript, January 24, 2012, p. 122.
- <sup>312</sup> Transcript, February 1, 2012, p. 44.
- <sup>313</sup> Transcript, April 4, 2012, p. 91.

- <sup>314</sup> Transcript, April 4, 2012, p. 90.
- <sup>315</sup> Transcript, April 4, 2012, p. 127.
- <sup>316</sup> Transcript, April 5, 2012, p. 14.
- <sup>317</sup> Transcript, April 23, 2012, p. 198-199.
- <sup>318</sup> Transcript, April 23, 2012, p. 199.
- <sup>319</sup> Transcript, April 23, 2012, p. 203-205.
- <sup>320</sup> Transcript, April 27, 2012, p. 73.
- <sup>321</sup> Transcript, February 20, 2012, p. 140.
- <sup>322</sup> Transcript, May 11, 2012, p. 260.
- <sup>323</sup> Transcript, April 25, 2012, p. 57.
- <sup>324</sup> Transcript, April 5, 2012, p. 18.
- <sup>325</sup> Transcript, April 27, 2012, p. 62-64.
- <sup>326</sup> Transcript, January 25, 2012, p. 136.
- <sup>327</sup> Transcript, April 27, 2012, p. 62-64.
- <sup>328</sup> Transcript, April 25, 2012, p. 61.
- <sup>329</sup> Transcript, February 6, 2012, p. 136-137.
- <sup>330</sup> Transcript, February 7, 2012, p. 66.
- <sup>331</sup> Exhibit 214, p. 8.
- <sup>332</sup> Transcript, February 16, 2012, p. 181.
- <sup>333</sup> Transcript, February 6, 2012, p. 174.
- <sup>334</sup> Transcript, February 29, 2012, p. 32.
- <sup>335</sup> Transcript, January 11, 2012, p. 119-120.
- <sup>336</sup> Transcript, January 12, 2012, p. 32.
- <sup>337</sup> Transcript, November 7, 2011, p. 55.
- <sup>338</sup> Transcript, October 26, 2011, p. 80.
- <sup>339</sup> Transcript, October 27, 2011, p. 13-18.
- <sup>340</sup> Transcript, April 2, 2012, p. 46.
- <sup>341</sup> Transcript, April 24, 2012, p. 50.
- <sup>342</sup> Transcript, April 24, 2012, p. 51.
- <sup>343</sup> Transcript, April 25, 2012, p. 147.
- <sup>344</sup> Transcript, April 25, 2012, p. 148.
- <sup>345</sup> Transcript, February 1, 2012, p. 110.
- <sup>346</sup> Transcript, April 25, 2012, p. 147.
- <sup>347</sup> Transcript, January 12, 2012, p. 149-150.
- <sup>348</sup> Closing Submissions of the Families, p. 191.
- <sup>349</sup> Transcript, February 20, 2012, p. 166.
- <sup>350</sup> Transcript, February 20, 2012, p. 174.
- <sup>351</sup> Transcript, February 20, 2012, p. 175.
- <sup>352</sup> Transcript, February 21, 2012, p. 6.
- <sup>353</sup> R. v. Lyttle, 2004 SCC 5. In informal hearings such as a Commission of Inquiry, Counsel has more latitude than before a Court but the good faith basis for questions is the same. (BC Arbitration Board, Tio Tino Alcan Primary Metal v. CAW Canada Local 2301 2012 Carswell BC 955).
- <sup>354</sup> Transcript, February 21, 2012, p. 11.
- <sup>355</sup> Closing Submissions of VPD and VPB, p. 110-111.
- <sup>356</sup> Transcript, October 11, 2011, p. 98

## GLOSSARY

<b>E Division</b>	RCMP Headquarters in British Columbia
<b>AG</b>	Attorney General of British Columbia
<b>BCCLA</b>	British Columbia Civil Liberties Association
<b>BCPMPC</b>	British Columbia Police Missing Persons Centre
<b>CC</b>	Chief Constable
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women (UN)
<b>CJB</b>	British Columbia Criminal Justice Branch
<b>Comm Centre</b>	Vancouver Police Department Communications Centre
<b>CPC</b>	Canadian Police College, Ottawa, Ontario
<b>CPC-RCMP</b>	Commission for Public Complaints Against the RCMP
<b>CPIC</b>	Canadian Police Information Centre
<b>Cpl.</b>	Corporal
<b>CRAB</b>	CRAB-Water for Life Society
<b>Cst.</b>	Constable
<b>D2</b>	Vancouver Police Department District 2 (includes Downtown Eastside)
<b>DC</b>	Deputy Chief
<b>DCC</b>	Deputy Chief Constable
<b>Det.</b>	Detective
<b>Det. Cst.</b>	Detective Constable
<b>Det. Insp.</b>	Detective Inspector
<b>DEYAS</b>	Downtown Eastside Youth Activities Society
<b>DTES</b>	Downtown Eastside Neighbourhood in City of Vancouver
<b>E-COMM 9-1-1</b>	Emergency Communications for SW British Columbia
<b>Evans Report</b>	Report prepared for Missing Women Commission by Deputy Chief Jennifer Evans, Peel Regional Police
<b>FBI</b>	Federal Bureau of Investigation (U.S.)
<b>FNS</b>	First Nations Summit

<b>FPT MWWG</b>	Federal-Provincial-Territorial Missing Women Working Group
<b>Insp.</b>	Inspector
<b>JFO</b>	Joint Forces Operation
<b>JIBC</b>	Justice Institute of British Columbia, New Westminster, BC
<b>LePard Report</b>	<i>Missing Women Investigation Review</i> , prepared by DCC Doug LePard, Vancouver Police Department
<b>Lower Mainland</b>	Metropolitan Area in southwestern British Columbia
<b>MCM</b>	Major Case Management
<b>MCS</b>	Vancouver Police Department Major Crime Section
<b>MPI</b>	Missing Persons Index
<b>MPU</b>	Vancouver Police Department Missing Persons Unit
<b>MWRT</b>	Vancouver Police Department Missing Women Review Team
<b>MWTF</b>	Missing Women Task Force
<b>MWWG</b>	Vancouver Police Department Missing Women Working Group
<b>NCMPUR</b>	National Centre for Missing Persons and Unidentified Remains
<b>NDDB</b>	National DNA Data Bank of Canada
<b>NWAC</b>	Native Women's Association of Canada
<b>NWPS</b>	New Westminster Police Service, New Westminster, BC
<b>OIC</b>	Officer in Charge
<b>OPCC</b>	Office of the Police Complaint Commissioner (BC)
<b>PACE</b>	Prostitution Alternatives Counselling and Education
<b>PEEL</b>	Peel Regional Police (Ontario)
<b>POCO</b>	Port Coquitlam, BC
<b>POI</b>	Person of Interest
<b>PPCMP</b>	Provincial Partnership Committee on Missing Persons (Saskatchewan)
<b>PRIME-BC</b>	Police Records Information Management Environment for British Columbia
<b>PRP</b>	Peel Regional Police (Ontario)
<b>PUHU</b>	Provincial Unsolved Homicide Unit

<b>RCMP</b>	Royal Canadian Mounted Police
<b>SFU</b>	Simon Fraser University, Burnaby, BC
<b>Sgt.</b>	Sergeant
<b>SIUSS</b>	Special Investigative Unit Support System (database)
<b>Staff Sgt.</b>	Staff Sergeant
<b>Supt.</b>	Superintendent
<b>UBC</b>	University of British Columbia, Vancouver, BC
<b>UHU</b>	RCMP Major Crime Section, Unsolved Homicide Unit
<b>UN</b>	United Nations
<b>VANDU</b>	Vancouver Area Network of Drug Users
<b>ViCAP</b>	Violent Criminal Apprehension Program (U.S.)
<b>ViCLAS</b>	Violent Crime Linkage Analysis System
<b>VPB</b>	Vancouver Police Board
<b>VPD</b>	Vancouver Police Department
<b>VPNLS</b>	Vancouver Police and Native Liaison Society
<b>WISH</b>	Women's Information and Safe House (WISH) Drop-In Centre

