

FORSAKEN

The Report of the Missing Women Commission of Inquiry

VOLUME IIA

Nobodies:

How and Why We Failed the Missing and Murdered Women
Part 1 and 2

The Honourable Wally T. Oppal, QC
Commissioner

British Columbia
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INTRODUCTION TO VOLUME II

A. Introduction and Overview

Nobodies

In this second volume of my report, I set out and discuss the factual evidence regarding the police investigations and make findings of fact and reach conclusions concerning how and why we, as a society and through our police forces, failed the missing and murdered women. In the cold hard light of 2012, using an objective test and avoiding the unerring eye of hindsight, I conclude that the missing and murdered women investigations were a blatant failure. My findings about the investigations build on the evidentiary foundation concerning the women's lives elaborated upon in Volume I and summarized here.

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: violence, poverty, addiction, racism, mental health issues, intergenerational impact of residential schools and so on. 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. The women's life stories, also profiled in Volume I, show that while not every woman experienced each of these marginalizing conditions, most had experienced several of them.

Experts, community witnesses and family members provided evidence about the conditions of the women's lives. Some of the police officers who testified also had a keen understanding of the dynamics in the DTES and the women's situations. 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 find 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. There is no dispute that women engaged in the survival sex trade are at an extremely elevated risk for various forms of severe violence. In a study of 255 women with comparable life experiences to the missing and murdered women, all of the participants reported fearing violence and its pervasive influence on their lives and being victims to extreme forms of male domination.¹

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, based on the evidence considered in Volume I, 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.

Despite the strains and struggles of addiction and poverty, many of the women had maintained strong relationships with family members and friends and were valued members of the DTES community. Their marginalized status, however, resulted in the women being seen as “nobodies” in the eyes of much of society. The term “nobodies” is a harsh one and I choose to use it deliberately giving it its everyday meaning: The women were persons of no importance or influence. Often they were treated not as persons at all, but as “sub-humans” – diminished in the eyes of many by their “high-risk lifestyle.” Like poor women across Canada and around the world, their devalued social status made them the target of predators. Among the questions I have had to consider in the inquiry is whether their status as nobodies also had an impact on the police investigations. It is a difficult question, but it has been placed squarely before the Commission.

The Commission’s approach

The Commission’s fact-finding mandate is a large and complex one. Under Term of Reference 4a, I am required to inquire into the investigations of close to 70 missing and murdered women involving the work of several policing agencies over a five-year period. In addition, Term of Reference 4b obliges me to inquire into the Criminal Justice Branch’s decision to stay proceedings against Robert Pickton on January 26, 1998.

I have taken a number of steps to assist the reader in navigating these complex sets of facts. First, I include an overview of the policing agencies, key VPD and RCMP personnel involved in the missing and murdered women investigations during the reference period, and a glossary of abbreviations. These are designed to serve as an introduction and guide to the organizational and individual actors, and police terminology and acronyms to which I refer throughout the volume. Second, I have taken a layered approach to setting out and discussing the facts: narrative, analytical and explanatory. While this approach adds to the length of my report, I anticipate that it will make this complex story more comprehensible to a broader range of readers, particularly those with little knowledge about the missing and murdered women cases. Third, I include a timeline of critical events as a summary guide that can be used as a reference by readers as they navigate through the report.

The Commission’s approach is focused on determining the reasonableness

of police actions and omissions in light of the context of the marginalized living conditions and vulnerabilities of the victim group set out earlier in this document. The framework of analysis is structured by human rights standards; the structure and organization of policing in British Columbia; missing person policies and practices in place during the terms of reference; and lessons learned from serial predator investigations, particularly the *Bernardo Review*, in which Mr. Justice Campbell integrated knowledge derived from other challenging cases. Like my Ontario colleague, Mr. Justice Campbell, I focus on systemic failures rather than individual failures. My perspective is foremost oriented to the future: It is aimed at contributing to a safer future rather than attributing blame for past inadequacies and breakdowns. Nevertheless, improvements can only be made when failures are fully recognized, acknowledged, understood and rectified. To do so, one must include addressing underlying causes, not simply the manifestations or consequences.

I conclude that the initiation and conduct of the missing and murdered women investigations were a blatant failure. I hasten to add these systemic police failures were not all encompassing. In the midst of the gross systemic inadequacies and repeated patterns of error, there were hard working individual police officers who acknowledged the crisis and strived valiantly to solve the disappearances of the missing women. I acknowledge, in particular, the diligent and passionate efforts made by Det. Cst. Lori Shenher, Cpl. Mike Connor, Det. Cst. Mark Chernoff, Det. Ron Lepine, Cst. Dave Dickson and Det. Insp. Kim Rossmo. They are a credit to policing and to our community.

Steps taken to avoid hindsight bias

It is easy to be wise in hindsight, and I have been mindful of this in identifying the limitations of the missing and murdered women investigations. The dangers of hindsight bias were highlighted by many of the Participants in submissions to the Commission.

Ms. Vanessa Christie who, along with Mr. Edward Greenspan, represented DCC Terry Blythe and DCC John Unger, offered this definition of hindsight bias from a study prepared for an Ontario Commission of Inquiry:

Studies are clear that tunnel vision is reinforced by other cognitive distortions, including “hindsight bias”, or more colloquially the “I-knew-it-all-along” syndrome. In hindsight people tend to believe that an outcome was inevitable, or at least was much more predictable than people originally thought. This often involves people projecting new knowledge into their understanding of past events -- without any recognition that their perception of events in the past has been coloured by the new information.²

Hindsight bias is a particular problem in reviews of serial killer investigations. As Mr. Justice Campbell wrote:

It is easy with hindsight knowing now that Bernardo was the rapist

and the killer to ask why he was not identified earlier for what he was, but the same question and the same problems have arisen in so many similar tragedies in other countries, because serial predators pose a unique challenge to all law enforcement agencies.³

For these reasons, Mr. Justice Campbell focuses on systemic problems and solutions and I follow suit.

In his opening submissions on behalf of the Vancouver Police Department (VPD), Sean Hern said:

First, the evidence you hear about the police investigations into the missing women will always be overshadowed by our present knowledge of the terrible reality of what was occurring. Because of that, I submit that you must always keep in mind that you are reviewing the investigation with the benefit of hindsight. When all of us look back at the investigation now, we cannot help but view the events through the prism of knowledge we have since obtained that there was in fact a serial killer at work and that killer was indeed Pickton. While at different times in the investigation the number of people had strong suspicions that this was the case, they were nevertheless theories to be weighed and considered against others that were being perused and against a frighteningly large number of suspects capable of committing these crimes that live among us.

The hindsight that we now have is similar to looking down at the landscape from above from a bird's eye view. Today we see one clear path connecting the Downtown Eastside to the horrors of the pig farm, but during the investigation itself, the investigators stood on the surface of a flat landscape with hundreds of possibilities and few landmarks to guide them. There was little to suggest to the investigators which way to turn to find the missing women and all reasonable possibilities had to be explored.

Mr. Commissioner, yes, there were shortcomings in the investigation, but the fact of our hindsight bias must always be kept in mind in this inquiry if the investigation is to be assessed fairly and realistically.⁴

I agree that hindsight should not be used to judge past efforts of individuals who did not know what is known today. I fully accept the submissions of the VPD, Vancouver Police Union (VPU) and the Government of Canada on behalf of the RCMP that all of the officers involved in the investigations acted in good faith.

Mr. Hern said:

We say no individual officer involved in this case acted in anything other than good faith. [They] did what they thought was right at the time in challenging circumstances. None of them committed misconduct or improprieties and certainly none of them were responsible for the failure of the investigation.⁵

On behalf of the VPU, David Crossin said:

Ultimately you will in fact assess the effort and decision making of

Field and Shenher. You will no doubt do so by standing in their shoes, resisting, as has been mentioned from time to time, the luxury and comfort of 20/20 hindsight. You may well find mistakes were made. Few of us in this room could withstand the kind of scrutiny that we are about to embark upon. You may well find a particular judgment or course of action was off the mark, but you may also find the unique nature of the circumstances was a significant factor.⁶

On behalf of the Government of Canada, Cheryl Tobias told the Commission:

It is all too easy, Mr. Commissioner, with the benefit of hindsight to take issue with the past work done and decisions made by individuals in circumstances where they did not have all of the information that is known today. And while fair and constructive criticism by a commission of inquiry is to be expected when warranted, we trust that the commission will not have as its focus the desire to make findings of misconduct or otherwise to punish officials whose good faith and sincere wish that Pickton had been caught earlier cannot be doubted.⁷

My role is not to be an armchair quarterback, but at the same time it is my responsibility to determine if errors were made and make findings of fact concerning any examples of incompetence and failed decisions. Ms. Tobias submitted that the standard applied by the Commission should be: “So, how do you take the standard, what was, what would reasonable officers have done in comparable circumstances, and translate it in concrete terms into these investigations? In concrete terms, what could we legitimately expect the police to have done?”⁸ In her submissions, reasonableness is defined by the policies and the practices of the time and informed by the learning of the *Bernardo Review*.⁹ I accept this basic proposition and have applied it throughout my report.

Everything appears much more predictable in light of Pickton’s arrest and subsequent conviction. I agree with numerous Participants’ position that I cannot focus solely on the question of why the police didn’t arrest Pickton sooner, which would itself “bring to wit a hindsight bias.”¹⁰ To do so would be to oversimplify the situation, both as it existed during the terms of reference and today. This is not the Pickton Inquiry but, rather, an inquiry into a much broader investigation of missing and murdered women. I would add that it is essential not to focus on Pickton alone, even knowing his terrible crimes. We still do not know the fate of the other missing women; this is the ongoing work of the JFO initiated during the terms of reference, Project Evenhanded, which continues to operate today. While Pickton is behind bars, other serial predators, or potential serial predators, are at large.

Hindsight is the wrong lens, but it is impossible to be entirely free of it. When applied prospectively it is less problematic and even necessary. As Mr. Hern said: “Hindsight is essential to keep in mind when looking at past conduct but, of course, we also need 20/20 vision, not to judge, but to learn from past events.”¹¹ My function is to review the investigations retrospectively and prospectively.

A concern about hindsight bias does not mean blanket acceptance of submissions that certain facts were unknown to the police; to do so would be to abdicate my responsibility to inquire into what went wrong. In analyzing the evidence before the Commission, I have had to distinguish between what was known by police at various points in the investigations and what was knowable by them at the time. For example, in the *Bernardo Review* Mr. Justice Campbell finds that the police were unable to see the linkages between the cases but that “All this information was readily available but there was no system to put it together and it got lost in the overall mass of investigative information.”¹² The linkages were there to be made, but inadequate systems created barriers to police successfully doing so.

Janet Winteringham is therefore not quite right in her submission on behalf of Sgt. Don Adam: “The Commission must put himself [sic] in the position of the investigator and assess the relevant events as they unfolded through the eyes of the investigator with all of that imperfect information that was given to the investigator at the time.”¹³ I agree with Independent Counsel for DTES Interests, Mr. Jason Gratl, when he points out that police are responsible to take steps to ascertain facts and risks and that the “mantra” of hindsight bias cannot be used as a shield to my review.¹⁴ He goes on to say the police were, in fact, aware of the risks.

I am particularly mindful that I must guard against advancing an inappropriate level of certainty as to outcome. As Ms. Tobias pointed out: “It’s not a formula. And it’s impossible to predict, even in hindsight, if they had taken certain steps, what the outcome might have been, and of course the outcome of every step defines what the next step should be.”¹⁵ No one can say with certainty that if a specific step or steps had been taken Pickton would undoubtedly have been caught sooner. At the same time, it is clearly within my purview to conclude that it is entirely possible that Pickton would have been apprehended sooner.¹⁶ Or perhaps not: we will never know. The Commission was not established to engage in speculation. Mark Skwarok stated it best in his submissions on behalf of Det. Insp. Rossmo when he reminded us all that:

[T]he point of this exercise is not necessarily to look back with the 20/20 vision of hindsight and see what happened. What needs to be done is look at what should have happened. Even if those efforts would not have borne fruit it’s still important to know what should have happened.¹⁷

Overview of Volume II

In Part 1, I set out my findings of fact and conclusions regarding the Coquitlam RCMP investigation of the March 23, 1997 assault on Ms. Anderson, the charging of Robert Pickton in connection with the Anderson assault, the steps taken by Crown Prosecutors to prosecute the case, and the decision to stay the proceedings against Pickton in January 1998.

In Part 2, I set out a narrative chronological account of the four overlapping and intersecting series of investigations, which together comprise the missing women investigations. The four investigations are:

- The individual missing women investigations carried out by various police agencies;
- The overarching VPD's investigation into missing women from the DTES;
- The Coquitlam RCMP investigation into Robert Pickton; and
- Project Evenhanded, which is a joint forces operation of the RCMP and VPD.

These investigations layer one over another: common events recur within these separate narratives in order to provide a fuller account of what took place. These sections contain an overview of my findings of fact to provide the reader with a clear account of the steps taken in the investigation. The findings of fact serve as the platform upon which I carry out my analyses and explanations of the police failures. This section is then drawn together and summarized in a timeline of critical events.

In Part 3, I move beyond the narration of facts to analyze what went wrong in the police investigations and how these amounted to critical police failures. I conclude that there were seven critical police failures, or patterns of error, that had a detrimental impact on the outcomes of the missing and murdered 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 follow Major Case Management practices and policies;
- V. Failure to consider and properly pursue all investigative strategies;
- VI. Failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies; and
- VII. Failure of internal review and external accountability mechanisms.

The Commission's work does not end with this description of what went wrong and how it went wrong. Given that my mandate requires me to make recommendations for improvements in the initiation and conduct of investigations into missing women and suspected multiple homicides, I am bound to inquire into the underlying causes of the police failures: I must determine why these critical police failures occurred. In this section, I consider and make findings of fact concerning the seven potential overarching reasons for the failures proposed to the Commission:

- I. Discrimination, systemic institutional bias, and political and public indifference;
- II. A want of leadership;
- III. Poor systems, limited and outdated policing approaches and standards;
- IV. Fragmentation of policing;
- V. Inadequate resources and allocation issues;
- VI. Police force structure and culture, personnel issues and inadequate

training; and
VII. Allegations of conspiracy and cover-up.

In Part 5, the conclusion to Volume II, I summarize the main findings of fact and conclusions.

B. Guide to Policing Agencies

These charts are designed to provide a snapshot of the teams of officers who worked on the missing women investigations and the organizational hierarchy within which they operated. These teams are described in greater detail in the narratives that follow.

CHART IIA-1: PROPOSED MEMBERS OF THE MISSING WOMEN WORKING GROUP (SEPTEMBER 1998)

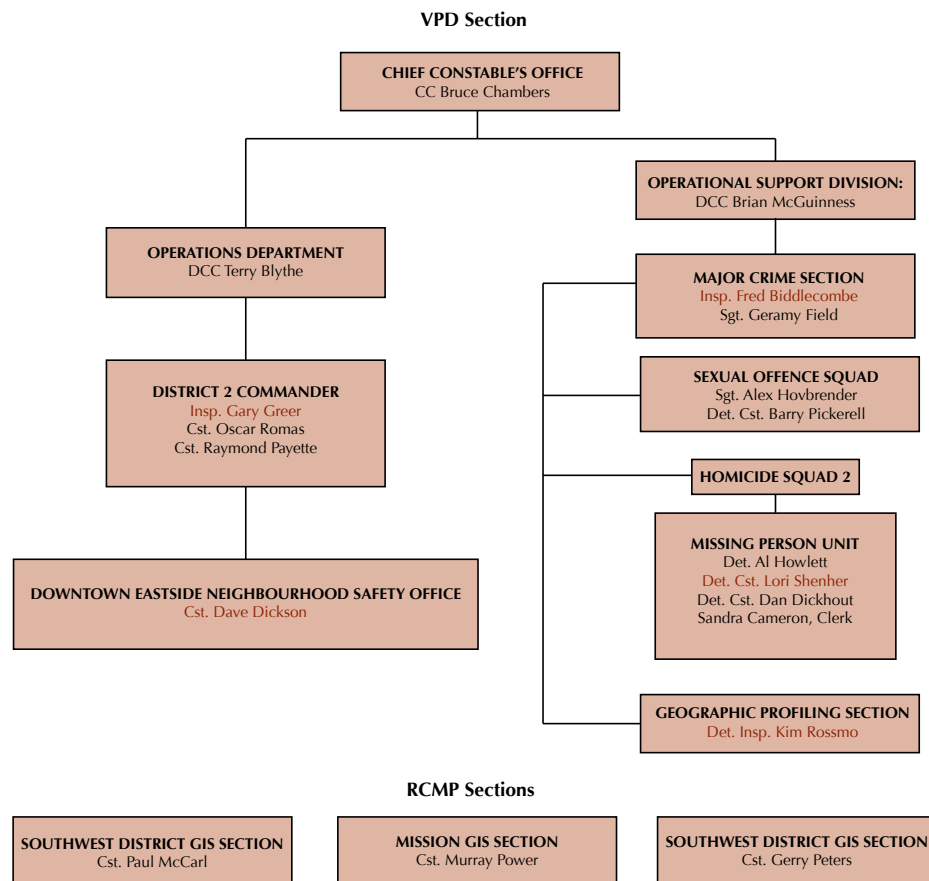
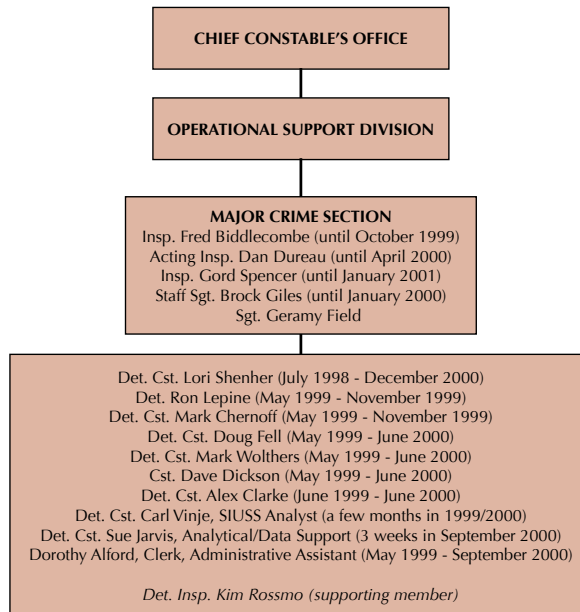


CHART IIA-2: MISSING WOMEN REVIEW TEAM (MAY 1999 - 2000)



**Not all of the individuals listed worked during the entire existence of the Missing Women Review Team. Not all of the individuals listed were assigned full-time. Officers working less than full-time would also report to their "other" respective management.*

CHART IIA-3: PROJECT EVENHANDED

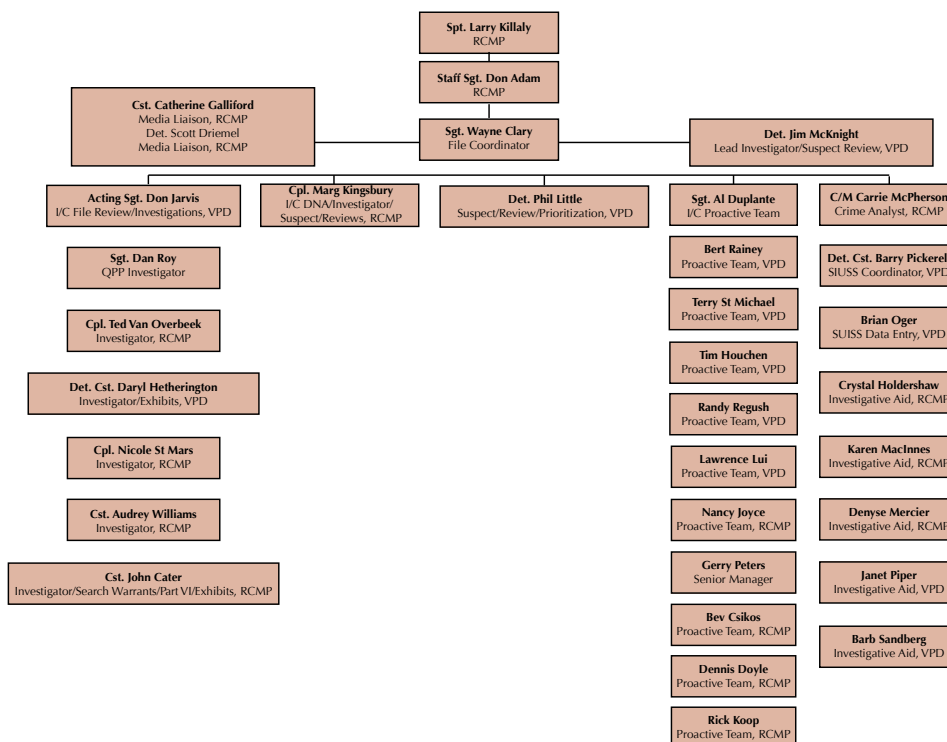


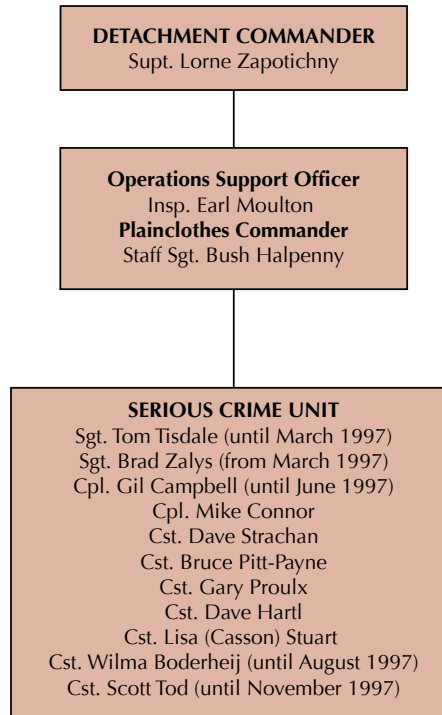
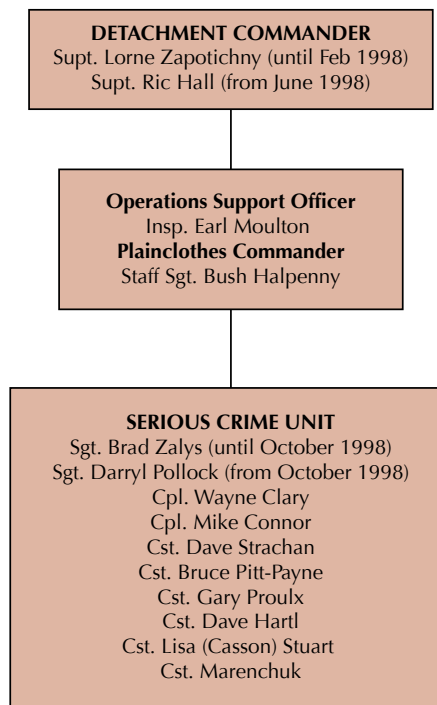
CHART IIA-4: COQUITLAM SERIOUS CRIME UNIT - 1997**CHART IIA-5: COQUITLAM SERIOUS CRIME UNIT - 1998**

CHART IIA-6: COQUITLAM SERIOUS CRIME UNIT - 1999

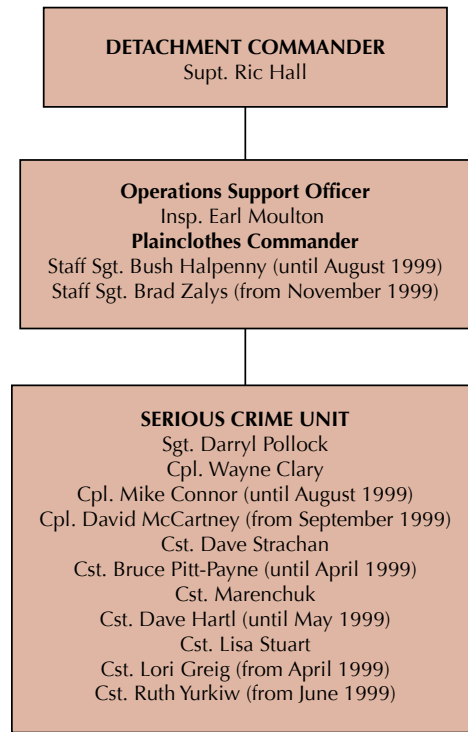


CHART IIA-7: COQUITLAM SERIOUS CRIME UNIT - 2000

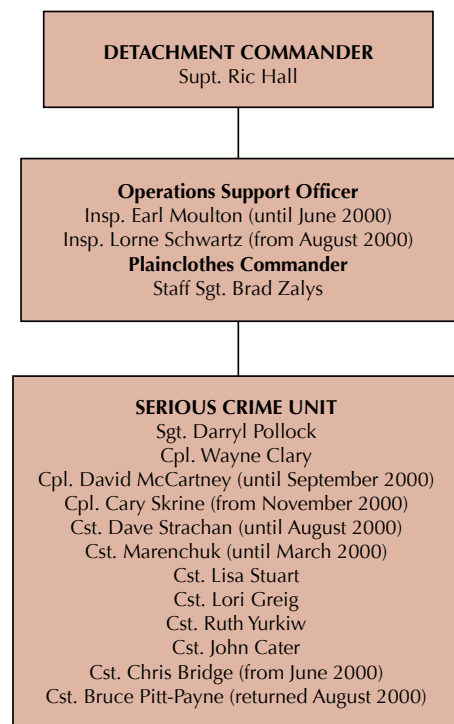
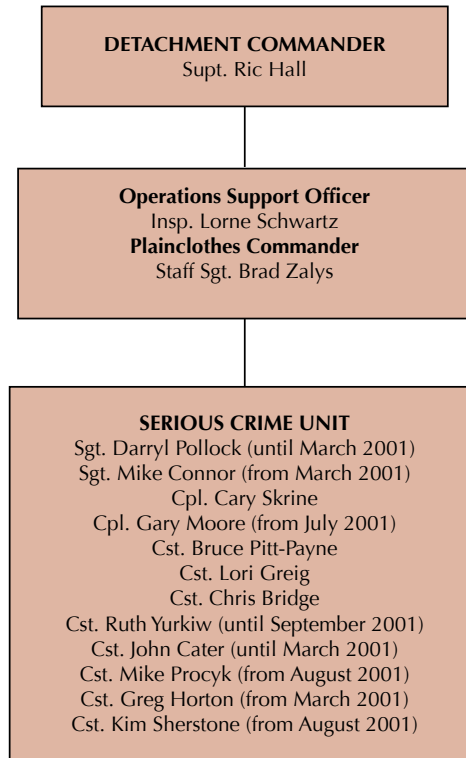
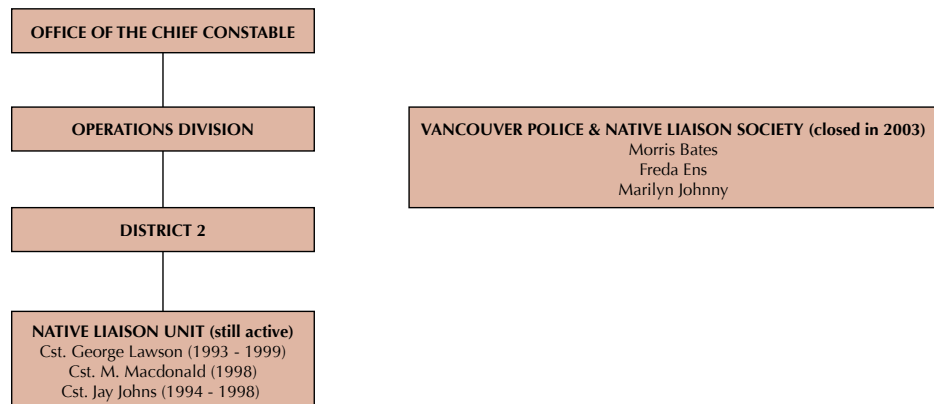


CHART IIA-8: COQUITLAM SERIOUS CRIME UNIT - 2001**CHART IIA-9: VANCOUVER POLICE NATIVE LIAISON UNIT/VANCOUVER POLICE & NATIVE LIAISON SOCIETY**

C. List of Key VPD and RCMP Personnel

This list of key VPD and RCMP personnel is reproduced from the *LePard Report*,¹⁸ with only minor revisions. It contains a short description of the police officer's role in the missing women investigations. The last known rank at the time the *LePard Report* was written is listed first for each officer, followed in parentheses by any prior ranks that were attributed to the members during the Missing Women Investigation.

Inspector (Sergeant, Staff Sergeant) Don ADAM (RCMP) – In 2000, then-Sergeant Adam was a Special Projects Investigator in the RCMP's E Division Serious Crimes Unit. On January 17, 2001, the Joint Force Operation first met and began the initial phase of its investigation into the missing women. Then-Sergeant Adam was assigned as the JFO team commander and continued in that role until mid-2004. The JFO investigative team would eventually swell to over 280 police and civilian employees at its peak.

Ms. Dorothy ALFORD (VPD) – From May 1999 to September 2000, Ms. Alford was a VPD civilian employee who performed clerical support and data entry for the MWRT analytical database, SIUSS.

Detective Bruce BALLANTYNE (VPD) – Detective Bruce Ballantyne, a VPD detective seconded to the Provincial Unsolved Homicide Unit, was assigned to conduct a background profile of Ross Caldwell on August 5, 1999. Detective Ballantyne and Corporal Henley (RCMP), also assigned to PUHU, interviewed Lynn Ellingsen at the Whalley RCMP office on August 10, 1999.

Assistant Commissioner (Superintendent) Gary BASS (RCMP) – From 1997 to July 2000, Gary Bass was the Superintendent in charge of the RCMP E Division Serious Crime Unit, of which the Provincial Unsolved Homicide Unit (PUHU) was a part. He was then promoted to Assistant Commissioner, Officer in Charge of Criminal Operations E Division, responsible for operational oversight of all municipal, provincial and federal policing activities in British Columbia.

Inspector Chris BEACH (VPD) – From January 1999 to November 2001, Inspector Beach was Commanding Officer of District 2, which includes the DTES. He then became Inspector in Charge of the Major Crime Section from November 2001.

Inspector Fred BIDDLECOMBE (VPD) – From January 1998 to his retirement in October 1999, Inspector Biddlecombe was the Officer in Charge of the Major Crime Section.

Chief Constable (Deputy Chief Constable) Terry BLYTHE (VPD) – From August 1996 to June 1999, Deputy Chief Constable Blythe was in charge of the Operations Division. In June 1999, he was promoted to Acting Chief Constable, then appointed Chief Constable in December 1999, a position he held until his retirement in August 2002.

Sergeant Wade BLIZARD (RCMP) – A member of the Provincial Unsolved Homicide Unit.

Acting Inspector (Sergeant) Al BOYD (VPD) – In charge of a Homicide Squad, Sergeant Boyd was also responsible for the Missing Persons Unit from September 1998 to March 1999. He became Acting Inspector in Charge of the Major Crime Section from February to November 2001.

Deputy Commissioner Bev BUSSON (RCMP) – Head of the BC Organized Crime Agency from May 1999 to March 2000, she then became Deputy Commissioner and Commanding Officer E Division.

Ms. Sandy CAMERON (VPD) – A civilian employee who, from 1979 to November 2001, performed clerical support for the Missing Persons Unit. In this capacity, she had contact with several friends and family members of the missing women until 1998 when Detective Constable Lori Shenher took over this responsibility.

(Former) Chief Coroner Larry CAMPBELL – A former RCMP member, Mr. Campbell established the first Vancouver District Coroner's office in 1981. In 1996, he was appointed BC Chief Coroner, a position from which he retired in 2000. He was elected to a three-year term as Mayor of the City of Vancouver in November 2002.

Constable John CATER (RCMP) – A member of the Coquitlam RCMP detachment. On January 19, 2000, he and Constable Ruth Yurkiw interviewed Pickton. Cst. Cater was assigned to Project Evenhanded in November 2001.

Chief Constable Bruce CHAMBERS (VPD) – Chief Constable of the VPD from August 1997 to June 1999.

Detective Constable Mark CHERNOFF (VPD) – From May to November 1999, Homicide Squad member Detective Constable Chernoff was assigned as an investigator in the MWRT. He was later assigned to Project Evenhanded to assist with the Pickton investigation for several months in 2002.

Ms. Melissa CLARK (VPD) – A civilian employee in the position of Freedom of Information Coordinator who assisted the MWRT members in their search for the missing women by meeting with representatives from agencies such as the Coroner's Service and the Public Trustee regarding accessing medical services records.

Detective Constable Alex CLARKE (VPD) – Assisted the MWRT in June 1999 and was assigned to the team full-time from July 1999 through March 2000. From February to June 2001, she assisted Project Evenhanded by reviewing historical homicide files provided by PUHU and ViCLAS.

Sergeant (Corporal) Mike CONNOR (RCMP) – A member of the Coquitlam RCMP Serious Crimes Unit who investigated Pickton for a serious assault on a sex trade worker (at the farm in March 1997). From August 1998 until he was promoted out of the investigation in August 1999, Corporal Connor acted as the Pickton file coordinator and lead investigator; interviewed key witnesses including Hiscox, Menard, Yelds and Best; and engaged RCMP specialty units to conduct surveillance and take aerial photos of the Pickton property. In March 2001, he returned to Coquitlam RCMP Serious Crimes Unit as Sergeant in Charge of the unit.

Staff Sergeant Keith DAVIDSON (RCMP) – A criminal profiler with the Behavioural Science Group of the RCMP's E Division Major Crime Section. Staff Sgt. Davidson provided criminal profiling advice to the MWRT and Project Evenhanded, and met with Coquitlam RCMP members about the Pickton file.

Detective Constable Dan DICKHOUT (VPD) – The Coroner's Liaison Officer in 1998 who assisted the MWRT with various investigative activities, including records searches, and interviews. Detective Constable Dickhout was a Missing Persons Unit investigator from January 2001.

Constable Dave DICKSON (VPD) – Highly regarded by the Downtown Eastside community and having many years of policing experience in the area, he was assigned in March 1997 to assist the Provincial Unsolved Homicide Unit to investigate 71 Aboriginal women purportedly murdered in or missing from Vancouver. He worked on a part-time basis for the MWRT from April 1999 to June 2000.

Constable Anne Drennan (VPD) – Media Liaison officer for the VPD from 1994 – 2001. Constable Drennan was responsible for press briefings and media releases during the Missing Women Investigation until she was re-assigned in June 2001.

Acting Inspector (Staff Sergeant) Dan DUREAU (VPD) – Assigned as Acting Inspector in Charge of the Major Crime Section in October 1999 (following the retirement of Inspector Biddlecombe). Promoted to Inspector of another section in April 2000.

Detective Constable Doug FELL (VPD) – Originally "on loan" from the provincial Coordinated Law Enforcement Unit, Detective Constable was assigned to the MWRT on a full-time basis from July 1999 to May 2000.

Sergeant Geramy FIELD (VPD) – From June 1998 to April 2001, Sergeant Field was in charge of a homicide squad and also held administrative responsibilities for the Missing Persons Unit, with the exception of September 1998 to March 1999 when she was seconded to CLEU. Sergeant Field was assigned as the Sergeant in Charge of the MWRT from May 1999 to May 2001, but still retained her full-time responsibilities for a Homicide Squad and the Missing Persons Unit.

Corporal Scott FILER (RCMP) – A geographic profiler in the RCMP E Division Major Crime Section who met with the MWRT and Coquitlam RCMP about the Missing Women Investigation and Pickton.

Ms. Emer FITZGERALD (VPD) – A VPD civilian employee who provided clerical support to Sexual Offence Squad, Ms. Fitzgerald temporarily assisted the MWRT with SIUSS data entry.

Staff Sergeant Brock GILES (VPD) – Second-in-command of the Major Crime Section from August 1997 to January 2000.

Deputy Chief Constable (Inspector) Gary GREER (VPD) – Inspector in Charge of District 2 (within which the Downtown Eastside is situated) from 1996 to January 1999; later promoted to Deputy Chief Constable in Charge of Operations, a position he held from April 2000 until his retirement in June 2003.

Constable Lori GREIG (RCMP) – A member of the Coquitlam RCMP Serious Crime Section who visited Pickton's trailer in November 1998 and, in August 1999, was assigned to develop a profile of Ron Menard.

Superintendent Ric HALL (RCMP) – Supt. Hall was the Officer in Charge of the Coquitlam Detachment of the RCMP from May 1998 until October 2004.

Acting Inspector (Staff Sergeant) Doug HENDERSON (RCMP) – Staff Sgt. Henderson was in charge of the Provincial Unsolved Homicide Unit. On November 21, 2000, as Acting OIC of E Division Major Crime Section, Acting Insp. Henderson met with Inspector Spencer and others, and it was agreed that a JFO was required to investigate the missing women case.

Corporal Frank HENLEY (RCMP) – On August 10, 1999, Corporal Henley and Detective Ballantyne, members of the Provincial Unsolved Homicide Unit, interviewed Lynn Ellingsen at the Whalley RCMP office. Corporal Henley participated in a second, albeit brief, interview of Ms. Ellingsen later that month and did not believe the informant information about Pickton was credible.

Sergeant Carl HETHERINGTON (VPD) – A member of the Homicide Squad, in October 2001, Sergeant Hetherington was directed to conduct a review of the Missing Persons Unit policies, with specific attention to the conduct of Sandy Cameron.

Detective Constable Daryl HETHERINGTON (VPD) – A member of the Vice Unit, Detective Constable Hetherington was assigned to work with Project Evenhanded in October 2001.

Sergeant Brian HONEYBOURN (VPD) – Seconded to the Provincial Unsolved Homicide Unit from the VPD. In February 1999, Sergeant

Honeybourn attended a meeting to discuss any new information about Pickton and to determine the viability of continuing the investigation into Pickton.

Detective Al HOWLETT (VPD) – The sole Missing Persons Unit investigator, until Detective Constable Shenher joined him in 1998 to investigate the increasing reports of women missing from the DTES. Detective Howlett assisted the MWRT with various investigative activities, including records searches and interviews.

Sergeant Jim HUNTER (RCMP) – An RCMP polygraphist with the RCMP's E Division who was involved in the RCMP Coquitlam Pickton investigation in 1999.

Acting Sergeant Don JARVIS (VPD) – An Acting Sergeant from Homicide, Jarvis was assigned to Project Evenhanded in October 2001.

Detective Constable Sue JARVIS (VPD) – In September 2000, Detective Constable Jarvis assisted the MWRT with SIUSS data entry and analysis. For medical reasons, she was able to spend only three weeks with the MWRT.

Detective Constable Jay Johns (VPD) – From 1994 to 1998, Det. Cst. Johns was assigned to work with the Vancouver Police Native Liaison Society.

Corporal Nels JUSTASON (RCMP) – A member of the E Division Major Crime Section. In August 1999, he and Corporal Nash were assigned to develop a "Letter of Agreement" and a "Threat Assessment" regarding the informant Caldwell.

Detective Trish KEAN (VPD) – In early 2001, Detective Kean, a member of the Sexual Offence Squad, assisted the Project Evenhanded by examining historical cases of assault on sex trade workers spanning 1986 through 1999 to determine if there was any evidence suitable for DNA analysis.

Superintendent (Inspector) Larry KILLALY (RCMP) – Supt. Killaly was in charge of the E Division Major Crime Section in 2001. He approved Project Evenhanded's operational plans, and met with the VPD in November 2001 to discuss a JFO proposal to field a semi-covert team of 12 officers in the Downtown Eastside.

Corporal Margaret KINGSBURY (RCMP) – Corporal Kingsbury attended various multi-jurisdictional meetings about the Missing Women Investigation in 1999 and became an active member of the JFO when it formed in January 2001.

Detective Constable George LAWSON (VPD) – Mr. Lawson was assigned to work with the Vancouver Police Native Liaison Society from 1993 to 1999.

Detective Ron LEPINE (VPD) – From May to November 1999, Detective Lepine was loaned from the Homicide Squad to the MWRT.

Detective Phil LITTLE (VPD) – Detective Little was assigned from the Homicide Squad to Project Evenhanded in the role of Suspect Review/Prioritization in February 2001.

Acting Inspector (Staff Sgt.) Doug MACKAY-DUNN (VPD) – From April 1998 to April 2000, Staff Sgt. Mackay-Dunn was working as a staff sergeant in District 2, which includes the Downtown Eastside.

Constable Paul MCCARL (RCMP) – Constable McCarl was the lead investigator in “The Valley Murders” from 1995 through 2001.

Corporal David MCCARTNEY (RCMP) – Member of the Coquitlam RCMP Serious Crime Unit from September 1999 to September 2000. Corporal McCartney conducted a file review in early 2000 of the Coquitlam RCMP Pickton investigation, which resulted in a “game plan” for the investigation to move forward.

Deputy Chief Constable Brian MCGUINNESS (VPD) – In charge of the VPD Operations Support Division (which included the Major Crime Section) from 1994 to March 2000.

Detective Jim MCKNIGHT (VPD) – Assigned from the VPD’s Homicide Squad to Project Evenhanded in the role of Lead Investigator/Suspect Review in February 2001. He was later assigned as Acting Sergeant and held the role of Primary Investigator for the JFO until he retired from the VPD in November 2003.

Inspector Earl MOULTON (RCMP) – Inspector Moulton was the Coquitlam RCMP’s Operations Officer from June 1996 to June 2000.

Mr. Brian OGER (VPD) – A civilian employed by the VPD as a data entry clerk, who was assigned to Project Evenhanded. In August 2001, he wrote a memo showing what he believed was clear evidence that a serial killer was responsible for the missing women and that he was still active.

Detective Frank OWEN (VPD) – In mid-1999, VPD Robbery Squad analyst Detective Owen assisted the MWRT with data analysis using SIUSS, when he was available and on an overtime basis.

Corporal Russ NASH (RCMP) – A member of E Division Major Crime Section who, with Corporal Justason, was assigned to develop a “Letter of Agreement” and a “Threat Assessment” regarding the informant Mr. Caldwell.

Constable Barry PICKERELL (VPD) – A Sexual Offence Squad analyst who was made available on an overtime basis in 1999 to assist the MWRT with

data analysis using SIUSS. He later joined the JFO and retired in 2003.

Sergeant Darryl POLLOCK (RCMP) – Sergeant Pollock was Officer in Charge of Coquitlam RCMP's Serious Crime Unit from October 1998 to March 2001. Sergeant Pollock was Corporal Mike Connor's supervisor during his involvement in the Pickton investigation in 1998-1999, and assigned Constable Yurkiw to the Pickton file following Corporal Connor's promotion.

Sergeant Cathy ROBERTSON (RCMP) – Sergeant Robertson was Officer in Charge of Coquitlam RCMP detachment's Drugs and Burglary unit, who managed resources for surveillance of Pickton and inquiries with the RCMP's Special "I" Unit in August 1999.

Detective Inspector Kim ROSSMO (VPD) – The first police officer in Canada to earn a PhD in Criminology; in 1996, he developed a criminal investigation technique called "geographic profiling" and created and ran the Department's Geographic Profiling Unit. He assisted with the analysis of the missing women.

Detective Constable Jim SCOTT (VPD) – A member of the Sexual Offence Squad, Detective Constable Scott met with Staff Sergeant Adam of Project Evenhanded in October 2001 about seeking information from women who had survived attacks where it appeared they were going to be killed.

Detective Constable Lori SHENHER (VPD) – Assigned to the Missing Persons Unit in July 1998 to investigate the escalating number of reports of missing women from the Downtown Eastside. From May 1999, Detective Constable Shenher was the key investigator and file coordinator for the MWRT. In December 2000, at her request, Detective Constable Shenher was transferred to the VPD Diversity Relations Unit.

Inspector Gord SPENCER (VPD) – In charge of the VPD Major Crime Section from April 2000 to January 2001, Inspector Spencer assisted Sergeant Field in advocating for a JFO with the RCMP.

Deputy Chief Constable John UNGER (VPD) – In command of the Operations Division from September 1998 to April 1999, and again from June 1999 until he took command of the Operational Support Division from April 2000 to December 2002.

Constable (Corporal) Ted VAN OVERBEEK (RCMP) – In 1999, he was working at the Burnaby RCMP in the Criminal Intelligence Section. In August 1999, he received information about Pickton from an informant, Ms. Best, which he passed on to Coquitlam RCMP. In May 2001, he began working as an investigator for Project Evenhanded.

Constable Paul VERRAL (VPD) – A member of the Forensic Identification Squad who assisted Project Evenhanded in 2001 by reviewing historical

homicide files. In May 2001, Constable Verral was assigned to the JFO full-time and was responsible for VPD historical file reviews, reporting to Detective McKnight.

Detective Constable Carl VINJE (VPD) – Assisted the MWRT with data analysis using SIUSS on an overtime basis in mid-1999. At the time, he was an analyst on loan from the Coordinated Law Enforcement Unit to work in the VPD’s Home Invasion Task Force.

Constable Nathan WELLS (RCMP) – A junior member of the RCMP Coquitlam Detachment who obtained a search warrant on February 4, 2002, in relation to information he received that Pickton was in possession of an illegal firearm.

Detective Constable Mark WOLTERS (VPD) – A member of the District 2 “Drug Enforcement and Education Team” who was assigned to the MWRT from July 1999 to May 2000.

Constable Ruth YURKIW (RCMP) – A member of the Coquitlam RCMP Serious Crime Unit from June 1999. In August 1999, she replaced Corporal Connor as the lead investigator in the Pickton investigation, continuing until August 2001 when she retired from the RCMP. She and Constable Cater interviewed Pickton on January 19, 2000.

Staff Sergeant Brad Zalys (RCMP) – Sgt. Zalys was Officer in Charge of Coquitlam RCMP’s Serious Crime Unit from March 1997 until October 1998. In November 1999, he was promoted to Staff Sergeant in charge of all “plainclothes” units (which included the Serious Crimes Unit).

D. Selected Glossary of Abbreviations

E Division	RCMP Headquarters in British Columbia
AG	Attorney General of British Columbia
BCCLA	British Columbia Civil Liberties Association
BCPMPC	British Columbia Police Missing Persons Centre
CC	Chief Constable
CEDAW	Committee on the Elimination of Discrimination against Women (UN)
CJB	British Columbia Criminal Justice Branch
Comm Centre	Vancouver Police Department Communications Centre
CPC	Canadian Police College, Ottawa, Ontario
CPC-RCMP	Commission for Public Complaints Against the RCMP
CPIC	Canadian Police Information Centre

Cpl.	Corporal
CRAB	CRAB-Water for Life Society
Cst.	Constable
D2	Vancouver Police Department District 2 (includes Downtown Eastside)
DC	Deputy Chief
DCC	Deputy Chief Constable
Det.	Detective
Det. Cst.	Detective Constable
Det. Insp.	Detective Inspector
DEYAS	Downtown Eastside Youth Activities Society
DTES	Downtown Eastside Neighbourhood in City of Vancouver
E-COMM 9-1-1	Emergency Communications for SW British Columbia
Evans Report	Report prepared for Missing Women Commission by Deputy Chief Jennifer Evans, Peel Regional Police
FBI	Federal Bureau of Investigation (U.S.)
FNS	First Nations Summit
FPT MWWG	Federal-Provincial-Territorial Missing Women Working Group
Insp.	Inspector
JFO	Joint Forces Operation
JIBC	Justice Institute of British Columbia, New Westminster, BC
LePard Report	<i>Missing Women Investigation Review</i> , prepared by DCC Doug LePard, Vancouver Police Department
Lower Mainland	Metropolitan Area in southwestern British Columbia
MCM	Major Case Management
MCS	Vancouver Police Department Major Crime Section
MPI	Missing Persons Index
MPU	Vancouver Police Department Missing Persons Unit
MWRT	Vancouver Police Department Missing Women Review Team
MWTF	Missing Women Task Force
MWWG	Vancouver Police Department Missing Women Working Group

NCMPUR	National Centre for Missing Persons and Unidentified Remains
NDDB	National DNA Data Bank of Canada
NWAC	Native Women's Association of Canada
NWPS	New Westminster Police Service, New Westminster, BC
OIC	Officer in Charge
OPCC	Office of the Police Complaint Commissioner (BC)
PACE	Prostitution Alternatives Counselling and Education
PEEL	Peel Regional Police (Ontario)
POCO	Port Coquitlam, BC
POI	Person of Interest
PPCMP	Provincial Partnership Committee on Missing Persons (Saskatchewan)
PRIME-BC	Police Records Information Management Environment for British Columbia
PRP	Peel Regional Police (Ontario)
PUHU	Provincial Unsolved Homicide Unit
RCMP	Royal Canadian Mounted Police
SFU	Simon Fraser University, Burnaby, BC
Sgt.	Sergeant
SIUSS	Special Investigative Unit Support System (database)
Staff Sgt.	Staff Sergeant
Supt.	Superintendent
UBC	University of British Columbia, Vancouver, BC
UHU	RCMP Major Crime Section, Unsolved Homicide Unit
UN	United Nations
VANDU	Vancouver Area Network of Drug Users
ViCAP	Violent Criminal Apprehension Program (U.S.)
ViCLAS	Violent Crime Linkage Analysis System
VPB	Vancouver Police Board
VPD	Vancouver Police Department
VPNLS	Vancouver Police and Native Liaison Society
WISH	Women's Information and Safe House (WISH) Drop-In Centre

A note about police databases

I have attempted to minimize the use of jargon in this report. In setting out the facts of these investigations, however, it is impossible to avoid the acronyms of five police databases which figure prominently in this narrative: CPIC, NCIC, ViCLAS, SIUSS and PIRS.

CPIC (Canadian Police Information Centre) is the Canadian database for police information. It contains criminal record information, missing person information, persons of interest, stolen property data, vehicle information and other police related data. **NCIC** (National Crime Information Centre) is the U.S. equivalent; it is operated by the FBI.

ViCLAS (Violent Crime Linkage Analysis System) is a national analytical database developed in the 1990s. It is designed to compare crimes and develop a list of potential suspects based on a number of factors. The lead investigator completes a comprehensive workbook and the information is loaded into the ViCLAS system.

SIUSS (Special Investigative Unit Support System) is the comprehensive intelligence database and analytical software program used by the VPD to support the Missing Women Investigation. It is designed to look for links between pieces of information.

PIRS (Police Information Retrieval System) was the RCMP system for keeping police information and allowed sharing of information between detachments. It is now obsolete.

PART ONE

THE INVESTIGATION OF THE ANDERSON ASSAULT
AND THE CROWN DECISION TO STAY THE 1997
CHARGES AGAINST PICKTON

PART 1 – THE INVESTIGATION OF THE ANDERSON ASSAULT AND THE CROWN DECISION TO STAY THE 1997 CHARGES AGAINST PICKTON

On March 23, 1997, a violent altercation took place between Robert Pickton and a woman who, due to a publication ban, was referred to as “Ms. Anderson” throughout the hearings.¹⁹ I shall refer to her as Ms. Anderson and the incident as the “Anderson assault” in this report. Following an RCMP investigation of these events, Pickton was charged with attempted murder, assault with a weapon, unlawful confinement and aggravated assault. A trial was set for February 2-6, 1998. Crown Counsel stayed the prosecution of these charges on January 26, 1998 (“the Stay Decision”).²⁰ The investigation into the Anderson assault, the charges, and the prosecution by the Criminal Justice Branch in 1997 and 1998 were the closest that authorities came to potentially convicting Pickton for a serious crime until his arrest in February 2002.

My Terms of Reference require me to inquire into and make findings about the Stay Decision in a neutral and non-evaluative manner. For reasons that I will explain in this part, legal restrictions based on the constitutional principle of prosecutorial independence make it impermissible to ask Crown Counsel to justify or in any way second-guess the Stay Decision.

I must begin by acknowledging and addressing an important perspective informing the public criticisms of the Criminal Justice Branch’s decision to stay the proceedings. Viewed in retrospect, the significance of the Stay Decision appears immense because Pickton remained at large. From this vantage point, the Stay Decision is inexplicable in light of what was later learned about his activities and subsequent successful prosecution for the murders of numerous women. Inevitably, some people ask: “How could he be released to go on to murder so many women?” This perspective informed the submissions of Mr. Ward, Counsel for the Families, who emphasized that understanding the Stay Decision is of utmost importance to his clients.²¹ Throughout the hearings, Counsel for the Families expressed their concerns regarding the Stay Decision and the murders that followed the decision to stay these charges. Viewed from the perspective of the families, Pickton’s release meant that he was then free to murder their loved ones.

The seriousness of the Stay Decision cannot be overlooked; however, caution must be used in ascribing weight to the decision based on the future events. I accept the submission of the Criminal Justice Branch that the evidence against Pickton was not overwhelming and conviction was not guaranteed. No one can say with certainty what the outcome would have been had the Crown proceeded with the charges against Pickton in January 1998. It is highly unfair to speculate on potential consequences.

The overarching purpose of this Inquiry is to inquire into and report on the missing women investigations from January 1997 to February 2002, and

this is the context of my review of the investigation and prosecution of the Anderson assault. The primary focus in this part is therefore on the RCMP's investigation of the Anderson assault, the communications between the Crown and the RCMP regarding the investigation, the steps taken to further the investigation and prosecution, and the evidence available to the Crown in deciding whether to proceed with the prosecution. In an epilogue to this part, I review evidence uncovered after the Stay Decision through subsequent VPD and RCMP investigations into the missing women. By rounding out the story of what could have been known in 1997/1998, this epilogue assists in providing the full framework for my analysis of this specific investigation and serves as a bridge to the remainder of the inquiry into the missing women investigations.

I cannot ignore the fact that Pickton went on to murder many women after the charges against him were stayed. However, I cannot speculate on the outcome of prosecution nor draw a straight line between the Stay Decision and these events. Attempts by Counsel for the Families and others to draw these unfounded conclusions are the products of understandable passion and anger, but they are misguided. My responsibility is to review the facts dispassionately to contribute to a full public airing of the Stay Decision, within the boundaries established by the vital principle of prosecutorial immunity, and to draw out any lessons to be learned from these events.

A. Ms. Anderson's Courage

Ms. Anderson courageously survived Pickton's attack. Numerous times she came to the justice system to tell her story and, ultimately, her story and her courage helped to stop Pickton. For this we are all extremely grateful.

Ms. Anderson not only survived the assault but she has also rebuilt her life and, I am told, is healthy and stable, and well-connected to her family and community. Commission staff interviewed Ms. Anderson on several occasions and it was the intention of Commission Counsel to call her as a witness at the Inquiry. However, Ms. Anderson elected not to testify because of strong privacy concerns, a need to protect herself and her family, and a well-founded desire to put these traumatic events behind her.²²

Ms. Anderson's decision was an important reminder to the Commission about the degree of vulnerability experienced by members of this victim group. Despite having physically overcome the assault, participating as a witness in Pickton's trial, and knowing that Pickton was in jail, the Commission hearings were intimidating for Ms. Anderson. However, she was willing to assist in any way she could and did, in fact, assist in many ways other than giving evidence.

I fully accept and respect Ms. Anderson's decision in this regard. While her perspective would have undoubtedly been helpful to me, the focus of my Inquiry is on the actions and decisions of police and Crown Counsel; her decision not to testify did not detract from my ability to inquire into these events in any substantive way.

B. The Commission's Mandate with Respect to the Stay Decision

A commission's terms of reference determine the mandate of the commission; they serve to empower the commission while, at the same time, restricting the scope of the inquiry. It is clear that my mandate with respect to the Stay Decision is a narrower one in comparison with the other terms of reference that guide the work of the Commission. The purpose of the inquiry is to provide a full public airing of this issue in order to contribute to a better understanding of prosecutorial discretion and to assist in learning from the experience in this case. In this preliminary section, I review the scope of my mandate in some detail in order to frame my inquiry under Term of Reference 4b and to ensure public understanding of the constitutional principle of prosecutorial independence and the important role this principle plays within our justice system.

Term of Reference 4b and the protection of prosecutorial independence

My mandate to inquire into the facts concerning the Anderson assault is based on the first two paragraphs of my Terms of Reference:

4 The Terms of Reference of the inquiry to be conducted by the commission are as follows:

- (a) to conduct hearings, in or near the City of Vancouver, to inquire into and make findings of fact respecting the conduct of the missing women investigations; and
- (b) consistent with the *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337, to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault.

The importance of prosecutorial independence

The constitutional principle of prosecutorial independence is one of the fundamental tenets of our justice system. The Attorney General exercises authority delegated by the sovereign, and this delegation is recognized in s. 135 of the *Constitution Act, 1867*. The gravity of the power to bring, manage and terminate prosecutions, which lies at the heart of the Attorney General's role, has given rise to an expectation that he or she will be, in this respect, fully independent from the political pressures of government and others. It is a constitutional principle in this country that the Attorney General must act independently of partisan concerns when supervising prosecutorial decisions.

The Supreme Court of Canada has recognized, in the strongest terms, that prosecutorial independence from both political interference and judicial review is a cornerstone of the rule of law:

*The quasi-judicial function of the Attorney General cannot be subjected to interference from parties who are not as competent to consider the various factors involved in making a decision to prosecute. To subject such decisions to political interference, or to judicial supervision, could erode the integrity of our system of prosecution. Clearly drawn constitutional lines are necessary in areas subject to such grave potential conflict.*²³

A decision of the Attorney General within the authority delegated by the sovereign is not subject to interference by other arms of government. An exercise of prosecutorial discretion will, therefore, be treated with deference by the courts and by other members of the executive, as well as statutory bodies like provincial law societies and commissions of inquiry. Prosecutorial discretion is not reviewable except in cases of flagrant impropriety. However, decisions that do not go to the nature and extent of the prosecution, such as the decisions that govern a Crown prosecutor's tactics or conduct before the court, do not fall within the scope of prosecutorial discretion.²⁴

For example, Canadian courts have held that it is impermissible for law societies to review whether or not charges are laid²⁵ and to review which witnesses are called by the prosecution.²⁶ However, law societies can review an allegation that a Crown prosecutor acted dishonestly or in bad faith failed to disclose relevant information.²⁷ The Supreme Court has distinguished between powers and decisions that are protected exercises of prosecutorial discretion and those that are not:

“Prosecutorial discretion” is a term of art. It does not simply refer to any discretionary decision made by a Crown prosecutor. Prosecutorial discretion refers to the use of those powers that constitute the core of the Attorney General's office and which are protected from the influence of improper political and other vitiating factors by the principle of independence.²⁸

The core elements of prosecutorial discretion include: (a) the discretion whether to bring the prosecution of a charge laid by police; (b) the discretion to enter a stay of proceedings in either a private or public prosecution; (c) the discretion to accept a guilty plea to a lesser charge; (d) the discretion to withdraw from criminal proceedings altogether and (e) the discretion to take control of a private prosecution.²⁹ This list is not exhaustive.

Society has a shared interest in safeguarding prosecutorial independence. It is this principle and practice that puts the prosecutor in a situation where he or she can make the right decision in a case without fear or being subjected to improper pressure from another source, whether it be the media, politicians, the police, a victim seeking revenge or even a misguided public opinion. Prosecutorial independence is essential to the ability of Crown Counsel to make the objective and often difficult decisions required by the law and our justice system.

Decisions that are integral to prosecutorial discretion are beyond scrutiny

except by the legislature³⁰ and by a commission of inquiry established with a specific mandate to review the exercise of prosecutorial discretion.³¹ However, even within these exceptional circumstances, such as this Commission of Inquiry, the review must be carefully circumscribed to ensure that the principle of prosecutorial independence is safeguarded.

The ruling in Davies and the Davies Report

Term of Reference 4(b) specifically requires me to follow the *British Columbia Court of Appeal's decision in British Columbia (Attorney General) v. Davies*³² [Davies] in my inquiry into and fact-finding concerning the Stay Decision. I would be bound by this decision in any event, just as my powers are circumscribed by other court decisions relevant to a public inquiry's jurisdiction.

The *Davies* decision was made in the context of the Court's judicial review of the ruling of Commissioner William Davies, Q.C., concerning the extent of his ability to review the decision of the Criminal Justice Branch that no charges were warranted in the Frank Paul case. Commissioner Davies was appointed to investigate and report on the circumstances of Frank Paul's death in December 1998 and the official response by five public agencies to his death. Mr. Paul, a homeless Aboriginal man and chronic alcoholic, died alone and cold after being arrested for being in a state of intoxication in a public place and then being left by police officers outside at night.³³

At the *Davies* Inquiry, the Criminal Justice Branch (CJB) took the position that no individual prosecutor involved in the Frank Paul case could be subjected to questioning about the facts he or she considered in reaching the decision that no charges were warranted, nor questioned on matters relating to the exercise of discretion in the case.³⁴ In his ruling on this matter, Commissioner Davies concluded that he was authorized to inquire into the charge assessment processes including an examination of all relevant information and documents, and the questioning of the individuals who made charge assessments. He emphasized that this questioning could include an examination of their charge/no-charge decisions and the reasons for them, but that he did not propose to express any opinion about those decisions.³⁵

The CJB sought judicial review of Commissioner Davies' ruling. The British Columbia Supreme Court upheld the Commissioner's decision:

I also consider it beyond the scope of the Inquiry to require any individual who made a decision not to charge anyone with respect to the death of Mr. Paul to second guess his or her decision or to justify it. The Commissioner is entitled to look at the facts that were before the individuals who made those decisions, get the facts related to the decisions, but not challenge or debate with those individuals the propriety of their decisions. In that way, the Commissioner may open the doors he wishes to open but, at the same time, minimize any transgression into the lawful independence of the CJB [Criminal Justice Branch].³⁶

The CJB appealed this decision but the Court of Appeal for British Columbia dismissed the appeal.³⁷ The Court of Appeal confirmed that the court extends a broad immunity to the Crown in respect of prosecutorial discretion:

Prosecutorial independence is a constitutionally protected value. Even if their statutory mandates extend to inquiring into issues touching on prosecutorial discretion, tribunals must not proceed in a fashion that is apt to place undue pressure on the Attorney General or on Crown counsel such that their independence may be compromised. A tribunal may be required to adjust its procedures, or even limit the scope of its inquiries, to avoid interfering with prosecutorial discretion. If a tribunal fails to do so, the courts undoubtedly possess the power to protect constitutional norms by restricting the scope of inquiries.³⁸

The Court of Appeal said that, at the same time, courts must be alive to the very real need for public confidence in the prosecutorial system:

Prosecutorial independence is, undoubtedly, a sacrosanct value. That does not mean, however, that all attempts to establish a form of public accountability for exercises of prosecutorial discretion ought to be eschewed.³⁹

Review of prosecutorial discretion must respect this delicate balance between protection from unwarranted interference and the need to ensure public confidence in the system.

The Court's decision hinged on that fact that the Davies Commission, like the Missing Women Commission, had been established for the express purpose of inquiring into the exercise of prosecutorial discretion, among other matters. The Attorney General is entitled to establish a system to review exercises of prosecutorial discretion and to take steps to satisfy the public that prosecutorial discretion is being exercised in a principled way.⁴⁰ The Attorney General is in a unique position to gauge the necessity for a public airing of issues surrounding prosecutorial discretion, and to balance the need for prosecutorial independence with public accountability:

Thus, it will be a rare case where a commission of inquiry that is established with a specific mandate of inquiring into an exercise of prosecutorial discretion, and which is established with the apparent approval of the Attorney General, will be found by a court to constitute an unlawful interference with prosecutorial independence. In these circumstances, given that the decision whether to lay charges has long since been taken, the review of what took place has the function of enhancing rather than detracting from prosecutorial independence.⁴¹

The Court of Appeal cited with approval the conclusion of the Supreme Court judge, which is set out above.⁴²

The Court of Appeal emphasized that the real threat to prosecutorial independence comes from challenges to prosecutorial discretion at the time that a charge decision or a stay decision is being made and the review

of such decisions when they remain live issues. A review of a prosecutorial decision after the fact by a Commission set up in the public interest with a specific mandate to do so is entirely different. With respect to the Frank Paul Inquiry, the Court said:

Some members of the public suggest that there is systemic discrimination against vulnerable people, particularly those of Aboriginal origin. The Commission is intended to ascertain and report to the government on the validity of those concerns and, if necessary, to propose changes to systems and procedures to meet them. This is not a judicial function; it is an investigative function assigned to a jurist with a view to improving the service provided by the Criminal Justice Branch.⁴³

The Court noted that the Davies Inquiry had not been established to determine whether charges be laid, as that decision had long since been taken:

Instead, the tribunal is required to review what took place in the aftermath of Mr. Paul's death, with a view to recommending procedures that will improve the exercise of prosecutorial discretion in the future. As such, its function is to enhance, rather than detract from prosecutorial independence.⁴⁴

I find the approach taken by Commissioner Davies particularly instructive. In reviewing the evidence on the CJB response to the Frank Paul case, Commissioner Davies framed his inquiry into the CJB's activities on the basis of integrity:

To maintain the public's trust and confidence, and to be deserving of the independence our law affords them, Crown prosecutors must conduct themselves with integrity. By "integrity" I mean that prosecutors must honestly and faithfully strive to fulfill the duties and responsibilities that accompany their unique role as independent, "quasi-judicial" ministers of justice. If prosecutors act with integrity, they, and the Criminal Justice Branch as a whole, will enjoy the confidence of reasonable members of the public, even when fulfilling their duties requires them to make difficult or unpopular decisions.⁴⁵

The integrity of the prosecutorial decision was assessed by posing and answering two questions: (1) Was any prosecutor subjected to internal or external pressures or influences respecting the charge assessment decision, and if so, what was the source and nature of those pressures or influences? And (2) did each prosecutor "fairly, independently, and objectively" examine the available evidence? He found that the CJB and the individual prosecutors acted with integrity. However, he did find shortcomings in the CJB's response to Paul Frank's death.⁴⁶ In particular, Commissioner Davies found that:

- the Crown should not accept inadequate or incomplete reports to Crown Counsel from the police;⁴⁷
- written charge assessment reports should be prepared for complex

- cases,⁴⁸ and a file management system should be implemented to encourage the timely completion of charge assessments;⁴⁹
- the need for a written policy concerning no-charge decisions and the circumstances in which they should be subject to reconsideration;⁵⁰ and
- the need for changes to the policy concerning notification of family members concerning charging decisions.⁵¹

Commission's approach to Term of Reference 4(b)

The main function of this Inquiry with respect to Term of Reference 4(b) is to make public the steps taken by the Crown in reaching the decision to stay the charges. It is understandable that the loved ones of the missing and murdered women want to understand how the Stay Decision was made. As set out in my mandate, it is my role to inquire into these events and make findings of fact to inform the public about the Stay Decision. It is extremely important for the public to know these facts; they have a right to know.

My mandate requires me to make neutral findings of fact in a non-evaluative manner. I must not express an opinion on the ultimate decision to stay proceedings nor substitute its decision since this would violate the principle of prosecutorial independence. According to Davies, my focus must be on getting the facts related to the decisions but not “challenge or debate” with Crown Counsel the propriety of their decisions.⁵²

As a result of the *Davies* decision, Commissioner Davies ruled that the following types of questions would be inappropriate in the context of a commission of inquiry into matters involving prosecutorial discretion:

Accordingly, questions which ask a witness if they would have made the same decision if they knew of additional facts, or if the facts were different, are not appropriate. It is not only the form of such questions that is objectionable. Any questions which in substance attempt to second-guess the decisions are not permissible. Questions that refer to or rely on facts known subsequently, including questions which seek to put findings of the first Commission to the witness, are effectively attempts to second guess the witness and are not permissible. Questions that seek to add to or subtract from facts known to a witness, coupled with a suggestion that the decision could have been different, are inappropriate for the same reason.⁵³

However, it is equally clear from *Davies* which must be read in light of the Supreme Court of Canada's decision in *Krueger*, I can review and critique steps related to the prosecution and the steps taken (or not taken) to prepare for trial. As discussed above, courts have held that prosecutorial discretion does not bar a review of decisions made in the course of the litigation outside of the core function of prosecutorial discretion.

While I cannot, and will not, question or second-guess the Crown's Stay Decision under my Terms of Reference, I am required to inquire into the missing women investigations. This means I need to make findings

of fact including steps that were taken, and those that were not taken, which would include the RCMP investigation of the Anderson assault and subsequent involvement of the Crown. In this way, there is overlap in Terms of Reference 4(a) and 4(b) in terms of setting out the narrative of what happened in the missing women's investigations. Accordingly, where this part of the report inquires into the activities of the RCMP and CJB with respect to the investigation and its impact on the prosecution, I do engage in a review of the reasonableness of the steps taken.

I note that Counsel for the CJB, Counsel for Mr. Romano, and Counsel for the RCMP have drawn on evidence elicited after the Stay Decision to justify decisions that were made during the course of the investigation into the Anderson assault and the subsequent prosecution.⁵⁴ Similarly, where appropriate, I have considered evidence that was developed after the 1997/1998 investigation and prosecution in my analysis. Where I have relied on evidence known after the Stay Decision, the timing of the evidence is clearly noted.

Finally, I understand my jurisdiction extends to examining the general policies and practices of the RCMP and the Crown with respect to investigations and prosecutions so as to understand the framework in which the parties were operating in 1997 and 1998. Investigations and prosecutions do not operate independently of the other. For our justice system to be successful, the Crown and policing agencies must work together; this requires comprehensive, clear, effective and respectful communications. Implicit within my mandate is the jurisdiction to make policy recommendations that arise directly from my findings of fact, including recommendations designed to enhance the relationship between the police and the prosecution, particularly with respect to the treatment of vulnerable witnesses.

Preliminary issue: The destruction of the Crown File

The CJB informed the Commission that the Crown file on the Anderson assault had been inadvertently destroyed in 2001. I accept the following evidence regarding the handling and destruction of the Crown file.

The evidence on the handling of the Crown file was presented in the affidavit of Mr. Andrew MacDonald, Acting Regional Crown Counsel for the Fraser Region in New Westminster, British Columbia.⁵⁵ At the relevant time, the Crown's obligations with respect to storage, retention and destruction of files was governed by a policy entitled *Document Disposal Act – Disposal of Documents in Crown Offices*.⁵⁶ Pursuant to paragraph 3 of this policy, files to be archived included: (a) high public profile cases, (b) significant cases, and (e) all serious personal injury cases as defined in section 752 of the Criminal Code. Files involving the following offences specifically designated for archival purposes include sexual assault, aggravated assault, assault causing bodily harm, attempted murder, and unlawful confinement. Section 5 of the policy stipulates: "When in doubt Crown Counsel should err on the side of archival review."

Mr. MacDonald's affidavit sets out the process by which files were stored and decisions made regarding retention and destruction.⁵⁷ Closed files would be dated three years forward and then moved to the closed file room. The three-year forward date was the first date that a concluded file could be removed from the concluded file room and either destroyed or archived. Archived files were put into secure storage for 75 years. Files sometimes stayed in the closed file room for longer than three years.⁵⁸

After three years, a decision was made as to whether the file should be destroyed or archived according to Crown policy. Lists were prepared with the name of the accused, the offence with which the accused was charged, and the file number. Separate lists were compiled for the files to be destroyed and those to be archived. A "File Destruction Authorization" form was sent to the Regional Crown Counsel Office in New Westminster, where the manager of administrative services endorsed the form and sent it back to the Port Coquitlam office. Prior to the destruction of any files, approval for destruction was required from the Ministry Records Officer or his/her designate in Victoria. Pending that approval, the documents designated for destruction were boxed and kept in a separate area of the Port Coquitlam Crown Counsel office.

The Ministry Records Officer or his/her designate reviewed the list of files designated for destruction to ensure compliance with the policy. If a file was not approved for destruction, the administrative assistant was instructed to physically remove the file, send it for archiving, and amend the lists accordingly. When approval was received, steps were taken to have the files shredded through a confidential mobile shredding service. Upon the designated files being shredded, confirmation of destruction was sent to the Ministry Records Officer.

The Pickton file was closed on January 26, 1998, and hence it was scheduled to be removed from the closed file on or after January 26, 2001. The Pickton file was inadvertently placed on a list indicated for destruction. Approval for the destruction of the Pickton file, which was listed in a Record Destruction Authorization form for a total of 121 boxes, was submitted in July 2001 and approved on August 1, 2001.⁵⁹ The list was 79 pages long.⁶⁰

The Pickton file was one that involved allegations of a "serious personal injury offence" and, according to Crown policy, should have been archived. Other files where "serious personal injury offences" had been charged were also destroyed in this group of files, contrary to policy.⁶¹ Under cross-examination, Mr. MacDonald confirmed: "And, in fact, the list that I have provided that were [sic] with the batch of files destroyed in this -- with this batch of files includes a large number, in fact, of robbery, aggravated assault, assault causing bodily harm files."⁶²

This error was not detected by the administrative support person who pulled the file, the Administrative Crown Counsel who was responsible for overseeing the process, or the Ministry Records Officer or designate.⁶³

Mr. MacDonald acknowledged that this was a failure of the quality control process due to repeated error; that is, different people repeated the same error.⁶⁴ He testified that there was a notation on the file that “all sexual assaults/high profile cases have been pulled,” which indicates a misunderstanding of what the policy actually required.⁶⁵ These lists are now created through a computerized system: the human factor has been taken out.⁶⁶

There was no evidence as to the specific date when the files were destroyed: confirmation was provided but it was not dated, and there was no actual receipt from the mobile shredding company.⁶⁷

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.⁶⁸

The Commission was able to reconstruct the Crown file in large measure.⁶⁹ This situation is not ideal and there remain gaps in the record. In particular, the loss of the file put Ms. Randi Connor and Mr. Romano, the two Crown Counsel who acted on the Pickton file in 1997-1998, at a disadvantage in the sense that they could not refer to their notes in preparing to testify at the Inquiry. Furthermore, the file would have contained written reasons for the Stay Decision⁷⁰ and the notes from the victim services worker.⁷¹ In addition to explaining how the file came to be destroyed, Mr. MacDonald testified to the challenges of recounting the events and details associated with the Anderson assault without having access to the Crown file.⁷² Nevertheless, the Commission was ultimately able to carry out its fact-finding mandate.

C. The Assault and the Investigation

This section sets out a narrative of the investigation of the Anderson assault up to the point of the preparation and delivery of the Report to Crown Counsel (RTCC). Here I focus, in some detail, on delineating what the police and the prosecution knew about Pickton in 1997-1998. I begin with a brief chronological overview to orient the reader. I then present the steps taken in the investigation of the Anderson assault as it unfolded in “real time” before the police had spoken with Ms. Anderson and Pickton. Additional context of what happened is provided through summaries of the interviews of Ms. Anderson and Pickton.

Chronological overview

Late on March 22, 1997 or in the early morning of March 23, Robert William Pickton was involved in a violent altercation with Ms. Anderson. Both Ms. Anderson and Pickton were hospitalized after the assault. Pickton was released from hospital on March 28, 1997, and was not arrested. The RCMP undertook an investigation of the Anderson assault and prepared a Report to Crown Counsel [RTCC], which was delivered on April 1, 1997.

On April 1, 1997, Pickton was arrested and charged with attempted murder, assault with a weapon, forcible confinement and aggravated assault. The charges initiated a Crown prosecution. Pickton appeared at his bail hearing on April 8, 1997, and bail was granted. A trial was set for five days from February 2-6, 1998. On January 26, 1998, the Criminal Justice Branch of the Ministry of the Attorney General entered a stay of proceedings for the four charges [the Stay Decision].

The RCMP investigation

Corporal Connor, then of the RCMP Serious Crime Section, Coquitlam Detachment, was the lead investigator of the 1997 Pickton incident. He testified that this meant he was in charge of the investigation, was responsible for ensuring that all of the evidence was collected, and that the witnesses were properly interviewed to ensure the speed and flow of the investigation.⁷³ The location of the alleged offence was on the 900 block of Dominion Avenue in Port Coquitlam, within his policing jurisdiction of Coquitlam and Port Coquitlam. The investigation is summarized in Corporal Connor's Detailed Narrative contained in this RTCC dated April 1, 1997.⁷⁴

In the early morning of March 23, 1997, Sgt. Buerk is dispatched when a 911 call is received reporting an unknown female has been stabbed and raped. He is flagged down by a couple in a car, Witness #1 and Witness #2, who had picked up the victim, Ms. Anderson, and called 911. Sgt. Buerk obtains a brief statement from Ms. Anderson before she is taken by ambulance to the Royal Columbian Hospital. Another officer obtains a statement from these witnesses. Ms. Anderson's personal effects are seized as evidence; these include drugs, money and handcuffs that had been attached to her wrist when she was picked up by the couple. Sgt. Buerk is advised by dispatch that Pickton is at Eagle Ridge Hospital suffering from a stab wound to his throat.

Within a few hours of the 911 call, police arrive to initiate a search, but initially search the wrong residence.⁷⁵ More than 12 hours after the call, Corporal Connor and Constable Casson arrive at the correct crime scene on Pickton's farm, obtain statements from Pickton's niece and gain her consent to enter Pickton's trailer. They observe blood on the floor, doors and walls, a broken window, a condom on the table and syringes on the floor. They observe blood near and on Pickton's truck.

A few hours later, Corporal Connor completes a request for a Search Warrant for Pickton's trailer and truck and it is approved. Evidence is then gathered and various items are seized including three hairbrushes, a sleeping bag, condoms, and various items with blood on them. Blood samples are taken from the wall in the trailer and other forensic evidence, including photographs of blood transfer patterns and blood castoff patterns, is also taken.⁷⁶ Evidence is also gathered from Pickton's truck including a woman's bra and numerous blood samples.⁷⁷

Also on March 23, 1997, Staff Sergeant Giffen interviews Pickton in the emergency room at the Eagle Ridge Hospital and then escorts him to Royal Columbian Hospital; a decision had been made to transfer him there by medical personnel. Hospital staff locate a handcuff key on Pickton that fits the handcuff that Ms. Anderson is wearing. The key, along with both Pickton's and Ms. Anderson's clothing, is seized. Bandages that were going to be thrown into a wastebasket by medical staff are also seized.

On March 24, 1997, Corporal Connor and Constable Casson attend the Royal Columbian Hospital to obtain a formal statement from Pickton. Pickton refuses to give a statement on the advice of his lawyer but is cooperative. Pickton appears to be in pain and has an 8" wound on the left side of his neck. Although Pickton had lost a lot of blood, the wound was largely superficial. Pickton's lawyer advises Corporal Connor that Pickton is willing to give a statement once the pain medication is out of his system. This interview did not take place.

On March 25, Corporal Connor calls the Royal Columbian Hospital but is told that Ms. Anderson is still unconscious. On March 26, Sgt. Field, of the VPD, responds to Corporal Connor's query about Ms. Anderson, telling him that she was known to the VPD Vice Unit as having a history of prostitution in the DTES (although Ms. Anderson disputes this).⁷⁸

On March 27, 1997, Constables Casson and Strachan attend the Royal Columbian Hospital to obtain a statement from Ms. Anderson. This interview is taped. A blood sample and medical release form is obtained from her. The medical report shows that Ms. Anderson had suffered two stab wounds – one in the chest and one in the abdomen – and that the wounds were life-threatening in nature; she had died, as her heart had stopped as a result of these wounds, but was revived by hospital staff.

On March 28, 1997, Pickton is released from the Royal Columbian Hospital. Based on Pickton's medical condition, Corporal Connor decides not to arrest him and incarcerate him over the Easter long weekend as it "creates a hardship for the staff at this point."⁷⁹ Corporal Connor requests that if the criminal charges were approved, an Arrest Warrant be issued.⁸⁰

On Saturday March 29, 1997, Corporal Connor sends out a CPIC message to all Lower Mainland RCMP detachments and municipal police departments to inform them of the offence and to advise that Pickton should be considered a danger to sex trade workers.⁸¹

On Tuesday April 1, 1997, Corporal Connor completes the RTCC concerning the incident and recommends three charges against Pickton: attempted murder, assault with a weapon, and unlawful confinement.⁸² Corporal Connor has not met Ms. Anderson but includes a transcript of the RCMP interview with Ms. Anderson in the RTCC.

Interview of Ms. Anderson

The main source of information concerning what transpired on March 23, 1997 was an interview of Ms. Anderson by two RCMP officers, Constable Casson and Constable Strachan⁸³ on March 27, 1997. The interview took place four days after the incident and while Ms. Anderson was still in hospital. The interview began at 10 a.m. and lasted for an hour and 12 minutes. Several times Ms. Anderson expressed discomfort and pain; she had undergone surgery in the days before the interview. Prior to this interview with police officers, Ms. Anderson had spoken with a social worker at the hospital about the assault.⁸⁴

Ms. Anderson stated that she was hitchhiking on her way to the Princeton Hotel, located at Victoria Drive and Powell Street in the DTES, at approximately 11:45 p.m. on March 22, 1997. Pickton picked her up at Cordova and Princess in a red pickup truck.⁸⁵ Pickton offered her \$100 for a blowjob if she agreed to go with him to his residence in Port Coquitlam. Ms. Anderson suggested that she could perform the act for \$40 in a safe location about six blocks away from the pick-up spot. She resisted Pickton's request to go to Port Coquitlam but eventually agreed when Pickton promised to bring her back to the DTES within a few hours, by 2 a.m. During the interview, Ms. Anderson expressed concern that she might be "at fault" because she agreed to go with him.⁸⁶ She had never seen Pickton before.⁸⁷ The real issue was whether she felt safe to *agree to* or to *refuse* his request.

The drive from the DTES to 935 Dominion Avenue in Port Coquitlam took between 30 and 50 minutes. Ms. Anderson stated that Pickton seemed like a loner, noting that he "just sat there, didn't want to talk."⁸⁸ She noted that Pickton took a longer route, going to the end of the "freeway" (United Boulevard) and then backtracking to Port Coquitlam. He was driving slowly, not speeding.⁸⁹ En route to his property, she wanted him to stop at a gas station so she could use the washroom but Pickton would not stop. She told the investigators: "*But I know now why he wouldn't pull in, he didn't want no one to see me. Cause I wasn't expected to get out of there, I'm sure I wasn't. I just, I just wanted to get that in.*"⁹⁰ No further information was sought as a result of this statement.

Ms. Anderson elicited the following information from Pickton during the drive:

- she asked him three times during the drive to his place whether he was all right, because he didn't "look like [he was] very good"⁹¹ (no further information was sought about why she believed he did not look very good);
- she asked him about his truck; he had a hard hat and work boots in his truck and "had stuff for doing cement or something,"⁹²
- she asked him if he did drugs: he said he didn't,⁹³ and
- she doesn't think she asked him if he drank alcohol.⁹⁴

Pickton told her that he would go to the DTES once a week to get prostitutes. She didn't know if he always went to the same place; and when asked by the police whether Pickton said how long he had been going once a week, she responded that she did not know.⁹⁵ While in the truck, she had given Pickton her phone number so he wouldn't have to go looking for girls.⁹⁶ When asked by the investigators, she said that she did not recall seeing a bra in the truck but if there was one it wasn't hers.⁹⁷

The road to Pickton's trailer on the property was very long; there was a fence and gate.⁹⁸ Pickton had lots of dogs but Ms. Anderson only saw one black dog, Sam, who was tied up on the porch.⁹⁹ She noted that there was a house on the left closer to the gate and that they travelled down a little dirt road through the property to a little trailer. There were vehicles, campers, motor homes, tractors and trucks on both sides of the road.

Pickton's trailer had two doors; they entered by the "back" door. Upon entering the trailer, Pickton listened to his phone messages. He then changed his request from a blowjob to sexual intercourse, still for \$100. She agreed and again expressed concern to police that this might put her at fault.¹⁰⁰ She was not asked whether she felt free to refuse the request.

Pickton refused to pay her until after the act; he also refused to let her use the phone before the act. Pickton put out a quilt on the carpet; there was no bed in the room.¹⁰¹ It is at this point in the interview that Ms. Anderson says *"I know it, I just know there's broads on that property,"*¹⁰² in an apparent reference to the missing women. However, substantive follow-up questions were not asked. She told the officers that the act lasted approximately 5 minutes.¹⁰³ When asked by the police whether Pickton was violent during the sexual act, Ms. Anderson didn't understand the question; when asked if he was hitting her during sex, she said no.¹⁰⁴ When she said he wasn't hitting her, she asked *"Does that still make it any different?"*¹⁰⁵ She said she *"over did him, so he wouldn't be excited."*¹⁰⁶

Pickton would not let Ms. Anderson use his phone after the act; he wouldn't let her near the phone.¹⁰⁷ She went to the bathroom and when she came out she started looking in the phone book on the desk to get the number for the Cordova Room where she had paid to stay that night with a friend.¹⁰⁸ Pickton grabbed her hand and stroked it, as if to trick her, then put the handcuff on her left wrist.¹⁰⁹ She had not seen Pickton get the cuffs.¹¹⁰ When asked about what Pickton said and whether his demeanour changed at that point, Ms. Anderson said that he might have said *"you're a little bitch"* or something like that,¹¹¹ and that his expression did not change.¹¹²

Ms. Anderson told the investigators that her first thought after he handcuffed her was *"...what's this guy doing. Is he a psycho or what. And then I just, I went just like I seen red. I went ballistic";* she agreed that she was *"fighting for her life."*¹¹³ They fought in the trailer for a while, she said:

...when I turned back around he slapped the handcuffs on me and

then I started fighting him, and we fought and we fought and we fought and I started hitting him with any object I could get ahold of. And then I spotted a knife. I got ahold of this knife and I jugged him right across his [jugular], I slashed him over his ... and he was still trying to hook me up with the other, the other side of the [handcuff] ...he was trying to hook me not to my other wrist, to some object. He was trying to hook me to something and I just kept fighting and fighting and I was putting my elbow through his windows trying to get out and he was holding his neck like this and I could just see the blood gushing out. And I was going at, going at him like this trying to stab him some more. And then finally he said he gave up and I said "you're a fuckin' liar, you're a liar". I said "you stay away from me", I says "I'll kill you". I said "get away from me, I'll kill you, let me out that door".¹¹⁴

She repeated and elaborated on aspects of this statement in later parts of the interview emphasizing how hard she struggled: "We fought and fought and fought."¹¹⁵

Ms. Anderson clarified that Pickton did not try to hook her wrists together but tried to hook her to an object, or to himself.¹¹⁶ She confirmed that at first she was "striking him with anything I could get ahold of. I was trying to knock him out."¹¹⁷ He was striking at her with a 2-foot board or stick. She had seen a knife on the kitchen table so she kept fighting him towards this knife and finally got hold of the knife and went for his neck right away.¹¹⁸ She described the knife as smooth and thin with a black hard plastic handle and an 8-10" blade.¹¹⁹

Ms. Anderson kept trying to convince Pickton to let her go and eventually he agreed to let her out of the trailer. He appeared to be dizzy at this point. He opened the door (same door they had come in) and then went into the room at the very back of the trailer. Ms. Anderson told him to stay there while she went outside. When she tried to exit he put her in a headlock; she still had the knife at this time.¹²⁰ There was some confusion about whether Pickton may have gotten the knife away from her inside; however if he did, she got it back and convinced him to back away.¹²¹

It is unclear when the altercation moved outside. Once they were outside and got to the truck, Ms. Anderson told the investigators that she thought "that's it, I'm history, he's got me now." She apologized and begged: "please let me go"; she offered "a thousand bucks." He said "yeah, okay" but she didn't believe him, she thought "he would just say that to shut me up." Pickton got the knife back, stabbed her in the stomach/abdomen: "He put the knife in me and then he lifted it up"; once she was stabbed she thought "I'm done, I'm stabbed, I'm gonna die."¹²² Then all of a sudden she felt him go limp.¹²³ She got the knife back by grabbing it, which is how she cut her hand. At this point they were both too weak to do anything.¹²⁴ Ms. Anderson could not recall if Pickton said anything during this part of the altercation.¹²⁵

Pickton collapsed, "like he had no more energy." She told the investigators

that she slid out from under him, ran around the truck and stood on the other side of the truck and just stared at him for a couple seconds and when she could see him going slowly down, she just bolted.¹²⁶ Ms. Anderson made her escape by running through the property all the way to the end of the property. She had to stop and catch her breath along the way.¹²⁷ She climbed the fence to get out.¹²⁸ At the end of the road there were two houses; she chose the one with a light on, and when nobody answered she tried to pop out windows to get in. She was yelling for help and went down a stairway, put her elbow through the living room window, and tried to bang out other windows. A car that was driving by backed up and stopped.

Ms. Anderson walked toward the car, still clutching the knife, which she dropped when asked to do so by the driver. She begged the driver and companion to take her to the hospital. The couple helped her into the car, called 911 and drove her to meet an ambulance.¹²⁹ On the way, they flagged down Sgt. Buerk, who was responding to the call.

Corporal Connor, Constable Casson and Constable Strachan believed Ms. Anderson was being truthful about the events,¹³⁰ although Corporal Connor never met Ms. Anderson.¹³¹ The transcript of this interview, upon which this summary is based, is the only statement the police took for Ms. Anderson. There is no evidence that she reviewed the transcript or signed her statement.

Facts about Ms. Anderson known to the police

In March 1997, police knew enough about Ms. Anderson to ascertain that she was a vulnerable witness. First, they knew that Ms. Anderson had suffered severe life-threatening injuries consisting of two stab wounds, one of her chest and the other in the abdomen: her abdomen had been slit open.¹³² She had lost almost three litres of blood and her pulse was at “0.”¹³³ There were smaller injuries on her hands and left forearm.¹³⁴ Ms. Anderson had died twice on the operating table and had been revived.¹³⁵

Upon reviewing the transcript from the RCMP’s interview of Ms. Anderson, it would have been plain that Ms. Anderson was extremely vulnerable. She was heavily addicted to serious drugs. She told the investigators that she had a heroin habit and that she had done one \$20 paper (or “point”) of heroin to straighten her out about an hour and a half before meeting Pickton. According to her, it wasn’t really enough to straighten her out, and not enough to get her high, and she was still drug sick.¹³⁶ She told the officers that she had also had half a beer and taken coke earlier in the day.¹³⁷ She said she did not use drugs at Pickton’s trailer: “No I didn’t have any. If I had any I would have did it all before.”¹³⁸

She clarified that she had coke papers (for smoking cocaine) and coke in one needle, but would not do that in the presence of a stranger due to paranoia when high. The coke needle would have been in the inside

pocket of her coat and might have contained 10 units, which may have been squeezed out during the fight. She also said she had 3 or 4 needles with her, kept in a belt bag.¹³⁹ Ms. Anderson's addiction had reached the point where she would become drug sick if she did not inject the drugs.¹⁴⁰ She asked the police if they were going to charge her, presumably for drug possession.¹⁴¹

Ms. Anderson had experienced violence and abuse and had been engaged in the survival sex trade in the past. She said she "wasn't a regular whore"; she had quit working seven years earlier when she became involved in a relationship, although she would sometimes sneak away (not often, maybe once a week) to go "do it."¹⁴² She had been assaulted before,¹⁴³ but not by a client.¹⁴⁴

Ms. Anderson had unstable and insecure living arrangements. She was living in the DTES but only paying for one night at a time; she lived on the street intermittently. She had no money, not even a dime when she arrived at the hospital, and needed a toothbrush and toothpaste.¹⁴⁵ She had asked an officer to inquire about retrieving the money she had in her possession that night (\$140).¹⁴⁶ She had two children who were living with other family members; she did not live with them.

Ms. Anderson was concerned for her safety and about the next steps in the investigation and prosecution. She told police that she believed that "she wasn't meant to get out alive" and that missing women would be found on the property.¹⁴⁷

She expressed her interest in the case and asked the officers: "what's going to happen about all this?"¹⁴⁸ At several points during the interview she expressed concern that she was in some way to blame. It is troubling that Ms. Anderson felt that she was responsible for the violence perpetrated against her. She expressed concern that she thought Pickton had been released, and that he would have gotten rid of the evidence.¹⁴⁹ However, investigators did not seek clarification of what evidence he would have disposed.

Interview with Robert Pickton

Pickton was interviewed by Staff Sergeant Giffin on March 23rd at 2:37 a.m. at Eagle Ridge Hospital.¹⁵⁰ Pickton was conscious and coherent and confirmed that he understood. When asked what had happened, he said that it had happened about an hour earlier. He told the officer that he had picked up a girl on the road when she was hitchhiking somewhere in Vancouver. He did not know her name. When he took her to his residence she "went crazy" and broke a window with her elbow. When asked how she got the knife, Pickton advised that it was a kitchen knife that was out on the table – that the woman had picked up and was waving around. She ended up cutting him. When asked if it was "a prostitute thing gone very wrong," Pickton did not say anything. Pickton did volunteer the fact that

the girl would have a handcuff on her, and that he had gotten them with the intention of getting her under control and she was “going crazy.”¹⁵¹ Pickton did not provide the police with a formal statement.

Facts about Robert Pickton known to the police

Pickton did not have a criminal record.¹⁵² He lived on the same property as his brother, David Pickton, and niece, but in a different residence.¹⁵³ Pickton was employed on the property as a “farmer” as well as in demolition with his brother and had considerable wealth.¹⁵⁴ Pickton was known by the RCMP to associate with members of the Hells Angels motorcycle gang¹⁵⁵ who socialized at a nightclub or “booze can” on the Pickton property known as “Piggy’s Palace.” David Pickton claimed that his brother did not smoke, drink alcohol, take drugs, have a girlfriend/wife, pick up prostitutes, or own a pair of handcuffs.¹⁵⁶

Limitations of the investigation

The Government of Canada submits that the RCMP’s investigation was reasonable and provided sufficient evidence to proceed to trial.¹⁵⁷ It was also argued the investigation of the Anderson assault effectively built a foundation for future investigations of Pickton by collecting evidence of “investigative value.”¹⁵⁸ I find there were serious limitations on the initial investigation of the Anderson assault by the Coquitlam RCMP in 1997. Ms. Anderson played an important role in Pickton’s eventual conviction, but police obtained more substantial evidence about the Anderson assault after they arrested Pickton on February 5, 2002 including through a more in-depth interview with Ms. Anderson on February 12, 2002.

Upon reviewing the transcript from the RCMP’s interview of Ms. Anderson, it is clear that 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. For example, there was substantial evidence provided by Ms. Anderson that makes the assault seem like it was not a “one-off.”

The initial interviews contained several pieces of information suggesting that the assault on Ms. Anderson was not a unique event:

- According to Ms. Anderson, Pickton told her that he went downtown to pick up women once a week; she didn’t know if he always went to the same place.¹⁵⁹
- According to Pickton’s brother, David, Pickton did not “have a girlfriend/wife, pick up prostitutes or own a pair of handcuffs.”¹⁶⁰ However, David Pickton’s evidence is inconsistent with what the police knew from their investigation.
- There was a woman’s bra in the truck which Ms. Anderson said did not belong to her.¹⁶¹
- There were many unused condoms found in the trailer, including some in a desk drawer. There were more condoms than Ms.

Anderson claimed to have had with her that night and in packages of a variety of different colours than the ones she said she brought with her, which had white packaging.¹⁶²

- There were three hairbrushes (including one with a pink handle) found in the trailer, which was odd considering Pickton was balding.¹⁶³

Independent of Ms. Anderson's interview, evidence found at the trailer suggested some potentially suspicious activities,¹⁶⁴ including cuffs and key and alcohol swabs.¹⁶⁵ Further, I note that the search of Pickton's trailer did not occur until approximately 12-14 hours after the incident.¹⁶⁶ His niece had already been inside the trailer when police arrived.¹⁶⁷

Most importantly, Ms. Anderson expressed the belief that what had happened to her was not a "one-off." After being questioned regarding the bra in the truck and the quilt that Pickton placed on the floor, Ms. Anderson said: "I know it, I just know there's broads on that property."¹⁶⁸ This is an excerpt from the interview with Ms. Anderson following that statement:

Cst. Strachan:	What makes you think that?
Ms. Anderson:	I just have a feeling there is. I just have a feeling there's girls on that property somewhere cause there's lots missing from downtown.
Cst. Strachan:	People that you know?
Ms. Anderson:	Uh huh.
Cst. Strachan:	Is there any recently and can you remember any names at all?
Ms. Anderson:	Um I'd have to go look at the sheet at the needle exchange. But I just bet you that you'll at least find one anyways if that place was hunted down. But maybe not now cause he's been released, right. He <u>probably just got rid of it</u> . You know what I mean? ¹⁶⁹

Instead of asking what "it" was that Pickton would get rid of, or inquiring further about the basis for her statement, the officer moved on to a line of questioning about whether Ms. Anderson had ever been beaten by a client before. Pickton's trailer was not searched again after Ms. Anderson was interviewed; accordingly, the evidence she gave regarding the possibility that others may have been assaulted or even killed on the property was not investigated at that time. Further, her offer to go to the needle exchange to identify the missing women she knew personally was never pursued.

I find the lack of follow-up to these comments to be patently unreasonable.

The RCMP did not take additional steps in this regard. In fact, Pickton was only interviewed once and the interview was short, although understandably so given that the altercation had just taken place, he was hospitalized, and he was in pain. The interview took place before Pickton's trailer was searched and before Ms. Anderson was interviewed.

Similarly, although the continuation report notes that Constable Strachan advised that Pickton was investigated by Surrey detachment approximately seven years before for a rape and stabbing,¹⁷⁰ this was not followed up during the investigation and it was not mentioned in the RTCC. According to the continuation report, Cst. Strachan would be conducting further inquiries into the Pickton investigation.¹⁷¹ Cpl. Connor told the Commission that in April 1997 he made inquiries regarding the CPIC request from the Surrey detachment about this incident but that Surrey said the file no longer existed. He called Sgt. Don Adam, who was involved in the file. Sgt. Adam said, after checking at home for notes, that he had no notes and didn't recall the incident. Corporal Connor didn't speak with an actual investigator.¹⁷² In addition, Cst. Strachan did a PIRS check on Pickton.¹⁷³

Cst. Strachan was not included on the RTCC proposed witness list even though he:

- Gathered evidence at the Pickton trailer.¹⁷⁴
- Was aware of previous investigation of Pickton in Surrey detachment regarding the rape and stabbing from seven years ago, and advised Corporal Connor of the same.¹⁷⁵
- Was going to make further inquiries regarding the rape and stabbing from seven years ago.¹⁷⁶
- Interviewed David Pickton.¹⁷⁷
- Interviewed Ms. Anderson (including pursuing key questions regarding the missing women).¹⁷⁸

There were a number of additional reasonable steps that were not taken by the Coquitlam RCMP. Further inquiries into Pickton's activities would likely have led to information that Pickton engaged in other illegal or troubling activities. Furthermore, there is no evidence that the police took any steps to find out more about Pickton by, for example, interviewing neighbours and so on. The possibility and value of a further and more thorough search of the trailer was not fully canvassed by the RCMP.

Cpl. Connor's CPIC message warning that Pickton was a potential danger to women, particularly women engaged in the sex trade, indicates that he did not consider this an isolated event.

That this investigation was incomplete is also borne by the fact that the transcript of Ms. Anderson's interview was treated as her statement. There is no evidence that the RCMP compiled this interview into a chronological statement. There is no evidence that the RCMP confirmed the interview transcript with Ms. Anderson. In fact, the evidence is that the RCMP did not meet with her again before the Stay Decision, even though at the end of the interview they told her they would review her statement, would have to go over it a little bit more, and they could talk about it afterward.¹⁷⁹

D. The Stay Decision

In this section of the report, I summarize the activities of the CJB relevant to the decision to stay the charges against Pickton stemming from the

Anderson assault. In addition to the testimony provided by Cpl. Connor and documentary evidence, I rely on the testimony of Mr. Richard Romano (now Judge Romano, of the Provincial Court of British Columbia); Administrative Crown Counsel who conducted the assessment of the charges against Pickton and assigned the Pickton file to Ms. Connor; Ms. Randi Connor, who has served as Crown Counsel in the Fraser Region since 1982; and Roxanna Smith, a victim services worker who was present during Ms. Connor's interview of Ms. Anderson. Given that the last name is the same, I will refer to the police officer as Cpl. Mike Connor and the prosecutor as Ms. Randi Connor throughout this section to avoid confusion.

Roles of Crown Counsel

The mandate of the Criminal Justice Branch is set out in the *Crown Counsel Act*¹⁸⁰ and the *Crown Counsel Policy Manual*.¹⁸¹ The Crown is responsible for reviewing the RTCC, and through the charge approval process, making the decision regarding which charges are to be laid and whether to proceed with them.¹⁸²

Crown Offices are typically comprised of two Crown Counsel serving in two capacities: Administrative Crown and Trial Crown.

Administrative Crown Counsel are responsible for running the office, overseeing staff and staffing procedures, dealing with courthouse issues, attending meetings, ensuring that trial schedules are updated, and that each opened file is assigned to a prosecutor.¹⁸³ Administrative Crown Counsel also have a supervisory role over Trial Crown Counsel, and are available to assist junior and senior Trial Crown with problems that they encounter with files. This assistance includes discussion and decision making on the steps required.¹⁸⁴ The role of Administrative Crown Counsel is akin to an office manager's role.¹⁸⁵

Mr. Romano explained that charge approvals and trial scheduling were the primary tasks of Administrative Crown Counsel, although the role sometimes included attending court for bail hearings, conducting the occasional trial, sitting on committees and attending meetings.¹⁸⁶ Prosecuting or Trial Crown Counsel are responsible for preparing for trial and trying the case. The pre-trial stages of a case, including preliminary hearings and disclosure often occur before a case is assigned to a Crown for trial.¹⁸⁷ The pre-trial tasks, including court appearances on pre-trial issues, are shared among prosecutors within a Crown Office until a Trial Counsel is assigned.¹⁸⁸

Victim Support Services

There are two types of victim services programs in British Columbia: police-based victim services (the Victim Assistance Program) and Crown Victim Services. These services are foremost witness support programs with the responsibility of assisting the victim in their role as a witness in the criminal justice process. They can refer victims and witnesses to other resources that are focused on providing support.

The Coquitlam Victim Assistance Program, provided by the RCMP, focuses on work in the community with the police. For example, they may attend calls with the police and conduct court orientation when the Crown Victim Services are not involved.¹⁸⁹ Crown Victim Services are stationed in the courthouse and only work with individuals who will be testifying in court (i.e. potential witnesses). Their focus is on court orientation such as helping an individual understand what the courthouse will look like, where to sit, and what the proceedings will be like.¹⁹⁰

The Report to Crown Counsel

In British Columbia, when a suspected criminal incident has occurred, the police conduct an investigation and then produce a Report to Crown Counsel (RTCC). The RTCC sets out the findings of the investigation and recommends the charges to be laid for the incident or that charges should not be laid.¹⁹¹

The lead investigator is responsible for producing the RTCC, which sets out the findings of the investigation, which is likely to include information about the parties involved in the incident and their accounts of what occurred, lists of witnesses and their evidence, other evidence collected in the investigation and how that evidence was assembled, and results and reports from any laboratory testing. The Crown Prosecutor relies on the evidence detailed in the RTCC for prosecution.

The RTCC is also the basis for the Administrative Crown's charge approval process. Additionally, the Crown relies on the RTCC for trial preparation, to assess witnesses, and to ensure that the elements of the charge are met. The Crown must disclose the RTCC to defence counsel.

The RTCC contained the following notes regarding Ms. Anderson:

“With respect to the victim, she has a criminal record and it is attached hereto. ... Members who have been in contact with her state she is intelligent and a well meaning individual. Given her circumstances there appears not to be any problem in locating her at or when required for court etc.”¹⁹²

Cpl. Mike Connor testified that when he prepared the RTCC he had “no misgivings” that Ms. Anderson would attend court when the trial was scheduled.¹⁹³ He believed her statement.¹⁹⁴ The RTCC describes Ms. Anderson's March 27, 1997, statement to Cst. Casson and Cst. Strachan as “consistent with accounts to Witnesses 1 & 2 and social worker at RCH.”¹⁹⁵

The RTCC recommended the charges of attempt murder, assault with a weapon, and unlawful confinement.¹⁹⁶ Cpl. Mike Connor's routine practice with serious files was to hand deliver his RTCC to the person in charge of Crown Counsel in Port Coquitlam.¹⁹⁷

The summary of Ms. Anderson's interview in the RTCC does not include

any evidence regarding missing women.¹⁹⁸ The RTCC does include some evidence to support a charge of kidnapping:

- *\$100 offer for a \$20 act;*
- *Pickton's persistence that they go from Cordova and Princess to Port Coquitlam for simple sexual act, reasonable to examine how Ms. Anderson was expected to return downtown;*
- *Pickton's refusal to stop so she could use washroom;*
- *Pickton changing act from fellatio to sex, when already on his property and when she was unable to leave / refuse / change her mind;*
- *Pickton's refusal to pay after the act;*
- *Pickton's refusal to let Ms. Anderson use the phone; and*
- *Pickton's use of handcuffs.*

However, Cpl. Connor testified that he did not consider kidnapping to be an appropriate charge, and Crown did not suggest a charge of kidnapping.¹⁹⁹ The record of the CPIC report that is contained in Corporal Connor's Continuation Report²⁰⁰ was not included in the RCMP Continuation Report contained in the RTCC.²⁰¹

Charge Assessment and Approval

The Crown Policy Manual contains "Charge Approval Guidelines" which guide prosecutorial discretion throughout the charge approval process.²⁰² The charge approval standard requires Crown Counsel to review the available evidence and determine: (1) whether there is a substantial likelihood of conviction; and, if so, (2) whether a prosecution is required in the public interest. A substantial likelihood of conviction exists where Crown Counsel is satisfied there is a strong, solid case of substance to present to the Court. In determining whether this standard is satisfied, Crown Counsel must determine: (a) what material evidence is likely to be admissible; (b) the weight likely to be given to the admissible evidence; and (c) the likelihood that viable, not speculative, defences will succeed.

The "substantial likelihood of conviction" threshold is the highest standard in Canada. Some other provinces use a "reasonable likelihood of conviction" test, while Ontario applies a "reasonable prospect of conviction" standard. The charge approval standard has been the subject of some contention over the years and the charge approval process is currently under review.²⁰³

The Charge Approval Guidelines contains a provision that acknowledges that exceptional circumstances may require that a prosecution proceed even though the usual evidence threshold may not be satisfied at the charge approval stage.²⁰⁴ The policy provides that a lower "reasonable prospect of conviction" charge approval standard may be applied "in cases of high risk violent or dangerous offenders or where public safety concerns are of paramount consideration." (Emphasis added.) Such cases must be discussed with Regional Crown Counsel or designate prior to making the charging decision.²⁰⁵

In the charge approval assessment process, the Administrative Crown Counsel reviews the RTCC and considers whether the recommended charges are appropriate, whether other charges need to be laid, and whether the charges should be approved. In conducting the charge approval, the Administrative Crown Counsel also determines if the file should be designated a “Red File,” which indicates to the Trial Crown that the file will require extra preparation time.

The Charge Approval policy states that Crown Counsel should, when appropriate, communicate with those affected (including the police) so that they understand the reasons for the charge assessment decision.

Mr. Romano testified that the basic reason for a Red File designation was to “give anybody that was going to be handling the conduct of the prosecution to be aware from the outset that this case needed advance preparation.”²⁰⁶ He testified that, typically, through their trial scheduling, Administrative Crown would provide Trial Crown with approximately four months advance notice of a Red File. He stated that he would indicate the Red Files in the Crown’s schedules, which set out the trial assignments for the next four months, on average, so that when they received their schedule they would see “I’ve been assigned this Red File” and that he “would hope that they would have plenty of time to look at it in advance.”²⁰⁷

Major Crime files, including all murders and complex files, such as gang-related cases, are prosecuted by the Major Crime Crown from New Westminster. These are also designated Red Files. Mr. Romano testified that the prosecutors of these files would be provided with more than four months advance notice.²⁰⁸

Mr. Romano performed the charge assessment for the Anderson assault. He concluded that the Crown had sufficient evidence to meet the two-part test set out in the Charge Approval Policy, and approved the charges on April 1, 1997.²⁰⁹ On review of the RTCC, including the three charges proposed by Corporal Connor (attempted murder, assault with a weapon, and forcible confinement) Romano added a fourth count of aggravated assault. The four counts were:

Count #1

Robert William PICKTON, that on or about the 23rd day of March, 1997 at or near the city of Port Coquitlam, in the Province of British Columbia, did attempt to murder, [Anderson], by stabbing her repeatedly with a knife contrary to Section 329 of the Criminal Code of Canada.

Count #2

Robert William PICKTON, that on or about the 23rd day of March, 1997 at or near the city of Port Coquitlam, in the Province of British Columbia, did in committing an assault on, [Anderson], use a weapon, to wit; a brown handled kitchen knife, contrary to Section 267(a)(a) of the Criminal Code of Canada.

Count #3

Robert William PICKTON, that on or about the 23rd day of March, 1997 at or near the city of Port Coquitlam, in the Province of British Columbia, did without lawful authority confine, [Anderson], contrary to Section 279(2) of the Criminal Code of Canada.

Count #4

Robert William PICKTON, that on or about the 23rd day of March, 1997 at or near the city of Port Coquitlam, in the Province of British Columbia, did endanger the life of, [Anderson], thereby committing an aggravated assault, contrary to Section 268(2) of the Criminal Code of Canada.²¹⁰

Mr. Romano testified that his practice was to review the RTCC.²¹¹ He assigned a “Red File” designation; he also indicated the length of the Crown’s case would be 2-3 days and that there would be approximately 16 Crown witnesses.²¹² Mr. Romano’s charge approval does not indicate any concerns with the evidence or the witnesses. He testified that he considered the file to be “a very serious case.”²¹³

Mr. Romano testified that he designated the case as a “Red File” based on the seriousness of the charges, the complexity of the charges, and the advance preparation that would be required, given the number of days scheduled for the trial time.²¹⁴

Bail Assessment

The RTCC contained the following notes regarding Pickton:

With respect to this individual he has no criminal record. Subject has been confirmed to live at 953 Dominion St. Port Coquitlam where he stays, albeit in a different residence on the property, with his brother (Witness 10) and his niece (Witness 9). This subject is also employed on the property as a “farmer” as well as [sic] demolition with his brother. This subject or [sic] has considerable wealth as well. The accused and brother do associate with members of the Hell’s Angels Motorcycle Gang. For the above reasons, Corporal CONNOR would not have objections to him being released from custody (when Warrant is executed) but under conditions as noted below

- (1) Large cash bail
- (2) Not to have any contact direct or indirect with victim and witnesses save and except witnesses who are family related
- (3) Report to Bail Supervisor twice a week
- (4) No-go area where prostitution is taking place
- (5) No contact with females, for the purpose of soliciting that female, to undertake a sexual act
- (6) No alcohol or illegal drug use and to submit a blood test at the demand of the police.²¹⁵

Mr. Romano appeared as Crown Counsel for the Pickton bail hearing on Tuesday, April 8, 1997.²¹⁶ Pickton appeared with his defence counsel, Mr. Peter C. Ritchie. Mr. Romano never met Ms. Anderson.²¹⁷ Pickton was granted bail on the following conditions:

- \$2,000 cash bail;
- Not to have any contact direct or indirect with victim and witnesses save and except witnesses who are family related;
- Report to Bail Supervisor twice a week;
- No-go area where prostitution is taking place;
- No contact with females, for the purpose of soliciting that female, to undertake a sexual act; and
- No alcohol or illegal drug use and to submit a blood test at the demand of the police.

These conditions on release were generally in keeping with Cpl. Mike Connor's recommendations in the RTCC. Notably, the RCMP's bail assessment did not propose the "no firearms" or "no weapons" conditions, and this was not obtained.²¹⁸ The fact that the "standard conditions" had been applied in granting bail was later used to assess Pickton as not providing a particular danger.²¹⁹ Ms. Randi Connor testified that:

A pretty standard condition would be no firearms or no weapons and it's not there. So the conclusion that I take from that is he was not considered by Corporal Connor to be someone that couldn't be out on bail in terms of the risk factors that were being considered here.²²⁰

There is no evidence that steps were taken to advise Ms. Anderson of these bail conditions or to confirm her safety at the time that bail was granted.

Steps Taken to Advance the Prosecution

After the charge approval stage, unless a case is specially assigned, the file enters an administrative process where it goes to disclosure court, arraignment court, and set down on trial lists. Throughout this administrative process it will be handled by different prosecutors, and it won't come into any individual prosecutor's control until that prosecutor is assigned as Trial Crown for that file.²²¹ Mr. Romano agreed that an in-depth file analysis does not typically occur until the Trial Crown is assigned to the case.²²²

In the absence of the Crown file (see earlier in this document regarding its inadvertent destruction) and their notes therein, the witnesses had difficulty recalling the steps taken by the Crown with respect to the Pickton prosecution. Accordingly, the following chronology has been reconstructed based on the limited documents available which include correspondence records disclosed by the RCMP from communications between the Crown Office and the RCMP, and correspondence records obtained from Pickton's defence counsel, Mr. Ritchie. The following is a brief summary based on these communications of the documented steps regarding disclosure and moving the case towards trial.

The evidence shows that after the charges were approved, the Pickton file progressed through disclosure court and various pre-trial conferences and hearings before it was assigned to Ms. Randi Connor. Various Crown Counsel including Mr. Romano, Ms. Jacinta Lawson and Ms. Randi Connor conducted these hearings.

On April 14, 1997, Mr. Ritchie wrote to the Crown Counsel's Office requesting further disclosure regarding the case.²²³ On April 16, 1997, Mr. Romano wrote Cpl. Mike Connor a memorandum including a copy of Mr. Ritchie's April 14, 1997 request for particulars and asking that responses be provided to Mr. Ritchie. Mr. Romano also advised Cpl. Mike Connor that Ms. Anderson's criminal record was provided to defence counsel. Mr. Romano asked Cpl. Mike Connor to inform Ms. Anderson of this disclosure and advise her that the Crown office anticipated her record would be put to her in cross-examination.²²⁴ Cpl. Mike Connor wrote a responding memorandum to Mr. Romano regarding the disclosure requests, also dated on April 16.²²⁵ In this memorandum, he explained the investigative reasoning for the decision not to obtain further medical records and the decision not to forward the exhibits to the laboratory.²²⁶ The basis for the decision is that such evidence is not always needed when "the parties to the offence have been identified and both parties are alive to provide the details as to what happened etc."²²⁷

Mr. Romano appeared in court on this file on April 21, 1997. He testified that this was the last time that he looked at the Pickton file: "then that file was off my desk and on its way to disclosure court, and I would have never looked at the file again."²²⁸ Mr. Romano told the Commission that he did not anticipate problems based on the nature of the complainant that she was a sex trade worker and likely a drug addict, but rather because of the nature of the complaint itself.²²⁹ He also said: "all serious and sensitive cases are red files but not all red files are serious and sensitive."²³⁰ In his testimony, Mr. Romano had first disputed whether he knew of Ms. Anderson's drug addiction at the time, but later in his testimony he agreed that he did.²³¹

The first disclosure court appearance was on May 20, 1997, as recorded in the Record of Proceedings.²³² Although the evidence shows that Ms. Randi Connor appeared as Crown Counsel during a preliminary hearing in April 1997, this was before Ms. Randi Connor had been assigned as Trial Crown on the file. She testified that she did not recall this appearance.²³³

Ms. Anderson's criminal record indicates that she had dealings with police in May, June and August 1997, in relation to other incidents.²³⁴

The Pickton file was addressed in disclosure court on May 20²³⁵ and June 2, 1997.²³⁶ In a memorandum to Cpl. Mike Connor regarding exhibits and analysis from B. MacLean, Port Coquitlam Disclosure Court date May 20, 1997, Mr. MacLean asks: "Have you heard from victim?"²³⁷ There is no evidence concerning his response.

On August 29, 1997, the RCMP sent the Forensic Laboratory Report from Cst. Paradis to Crown Counsel.²³⁸ The report is consistent with Ms. Anderson's account: she had heroin in her system and cocaine in her possession.

On October 22, 1997, the Pickton file was returned from disclosure court to the Port Coquitlam Crown Office. Mr. Romano received a letter seeking

admissions from Mr. Ritchie.²³⁹ Forensic analysis was initiated in October for blood and photographs and received in December. Later that month, the Crown Office received a Forensic Laboratory Report regarding photographs and interpretation of blood at the crime scene.²⁴⁰

Throughout the course of the conduct of a prosecution, counsel is expected to assess the amount of time that will be required for the trial. The results of preliminary hearings, pre-trial conferences, disclosure and admission, and general preparation of the evidence, help counsel assess whether the original amount of time allotted for a trial will be sufficient or in excess of what is required to try the case. Court dates for a hearing may be determined in a pre-trial conference before a judge, and Crown and defence counsel may make submissions on the expected length of the trial.

Pre-trial conferences between counsel before a trial management judge serve to deal with preliminary matters prior to the hearing of the case. Ms. Randi Connor explained that one of the purposes of these conferences is to determine how much court time should be set aside and, to the extent possible, narrow the issues. Typically judges will also encourage counsel to obtain admissions of facts for issues that will not be contentious. Ms. Randi Connor testified that it is normal for judges to ask counsel to deal with admissions in advance of the trial.²⁴¹

On November 4, 1997, Ms. Randi Connor appeared as Crown Counsel when the trial dates of February 2-6, 1998, were confirmed for the Pickton file.²⁴² Thus while Mr. Romano's original assessment was that this matter would take two to three days of court time, five days were designated, suggesting that more preparation time would be required than in the original assessment.

In addition to the Forensic Laboratory Report received in October, the Crown Office received a further Forensic Laboratory Report on December 4, 1997, regarding evidence seized from the scene analyzing bloodstains, bandages with blood, knife with blood from both Ms. Anderson and Pickton, syringes with her blood, and a soiled condom that matched Pickton's DNA.²⁴³

On December 9, 1997, a subpoena was issued to Ms. Anderson asking her to appear at 9 a.m. on February 2, 1998.²⁴⁴ There is no evidence that the subpoena was served on Ms. Anderson. After conversations between Cpl. Mike Connor and Ms. Randi Connor, the lab received Ms. Anderson's statement (notes from the interview taken in hospital). On December 20, 1997, Crown Counsel received a Forensic Laboratory report incident.²⁴⁵

Ms. Randi Connor faxed the laboratory report to Mr. Ritchie on January 9, 1998.²⁴⁶ Ms. Randi Connor did not have any independent memory of sending this fax.²⁴⁷ Mr. Ritchie wrote to Ms. Randi Connor on January 13, 1998, seeking disclosure and admissions.²⁴⁸ A memo from Cpl. Mike Connor to Ms. Randi Connor dated January 15, 1998, provides answers to Mr. Ritchie's requests for disclosure, particularly with respect to Ms.

Anderson's statements to the social worker at the hospital shortly after the assault.²⁴⁹ He advises that he will see if the social worker took notes of this conversation. In a further memo dated January 22, 1998, Cpl. Mike Connor follows up on the issue of disclosure of the social worker's notes, informing Ms. Randi Connor that the social worker didn't make notes and didn't recall her statement.²⁵⁰

The Assignment of Ms. Randi Connor as Trial Crown

In the absence of the Crown file, Mr. Romano and Ms. Randi Connor were unable to determine precisely when Mr. Romano assigned the file to Ms. Randi Connor. The evidence indicates that Mr. Romano assigned the file to Ms. Randi Connor sometime after October 22, 1997 and sometime before January 9, 1998.

Mr. Romano testified that Trial Crown is not assigned to a file until a trial date is actually set.²⁵¹ Ms. Randi Connor testified that there are two ways that Trial Crown will learn of a file on their list: either the Administrative Crown Counsel will speak with the Crown Prosecutor about the file, or the Crown Prosecutor will just see the file on their list.²⁵² Mr. Romano did not have an independent recollection of when he assigned the file to Ms. Randi Connor, but he estimated it was in late October or early November 1997.²⁵³ Ms. Randi Connor did not have any independent recollection of when the file was assigned to her.²⁵⁴ Ms. Randi Connor said she had no specific recollection of discussing the Pickton file with Mr. Romano at the time of the assignment.²⁵⁵ Ms. Randi Connor testified that murder cases were not common in the courts but not unheard of.²⁵⁶

At the time Mr. Romano assigned her to prosecute the Anderson assault, Ms. Randi Connor had approximately 15 years of experience as Crown Counsel;²⁵⁷ Ms. Randi Connor was called to the bar in 1980 and began working as Crown Counsel in 1982.²⁵⁸ Ms. Randi Connor testified that she had experience with very serious trials in the past in both the Provincial Court and in the British Columbia Supreme Court.

Mr. Romano and Ms. Randi Connor had worked together since 1989.²⁵⁹ He explained his various reasons for assigning the file to Ms. Randi Connor.²⁶⁰ He testified that "she was and in my opinion is a perfect fit to prosecute that case";²⁶¹ "I was very confident in her decision-making ability and judgment, and that's in large part the reason she was assigned this case now that I look back on it."²⁶²

Mr. Romano stated that Ms. Randi Connor was senior to him at the bar²⁶³ and "the senior Crown" in the Port Coquitlam office at that time.²⁶⁴ He testified that it was his experience that female complainants are more comfortable with female Crown and so his practice was to try to assign female Crown prosecutors to assault cases involving female complainants.²⁶⁵

Mr. Romano described Ms. Randi Connor as an "experienced prosecutor"

who he regarded as “competent” and “diligent.”²⁶⁶ He described her as having “sound judgment”²⁶⁷ and “very aggressive”²⁶⁸ and agreed that she had “good decision making skills.”²⁶⁹ He stated she was a “hard-nosed” prosecutor who would not easily or readily back away from a case unless she had a good reason for doing so.²⁷⁰ Mr. Romano agreed that he “had absolute confidence in [Ms. Randi Connor’s] ability to prepare and take the case through to conclusion.”²⁷¹ He testified that he would assign the case to her again.²⁷²

Ms. Randi Connor testified that she believes she had previously conducted an attempted murder case before, but she could not recall the details.²⁷³ Ms. Randi Connor testified that by this time in her practice she had had previous experience working with people without fixed addresses or telephone numbers.²⁷⁴ She also testified that her Crown Prosecutor experience included working with people who were addicted to heroin, cocaine and other drugs; she noted that a person’s drug addiction will be noted in a pre-sentence report or it will be identified in the file.²⁷⁵ However, Ms. Randi Connor stated that she did not have any formal training for dealing with people who were actively under the influence of narcotic drugs.²⁷⁶ She testified that she had entered many stays of proceedings during her career, although not as many in such serious cases as the Stay Decision involving Pickton.²⁷⁷

Steps Taken to Prepare for Trial

Preparation for a trial generally involves several steps: assembling the evidence needed to prove each element of the case, developing the theory of the case, legal research, developing expert evidence (if required), interviewing witnesses, and arranging for the attendance of police witnesses. The amount of time needed for preparation depends upon the complexity of the case as assessed by Crown Counsel. As noted above, the Red File designation alerts Crown Counsel that additional preparation time is required for the prosecution, including additional time with witnesses, particularly a reluctant or vulnerable witness or complainant. The steps regarding disclosure and expert evidence were set out above.

Preparation time

Mr. Romano testified there were no formal policies or practices in place requiring Trial Crown to review a Red File once it has been assigned; he explained that “[t]he approach is entirely up to the individual prosecutor.”²⁷⁸ The four-month notice provided the prosecutor with the necessary preparation time for dealing with the complexities of the case, including handling challenging witnesses. Mr. Romano told the Commission that he would:

...hope and assume that when [prosecutors] see the Red File they’re aware that they’ve been assigned this file and they will take the file well in advance of the trial date and review it and made the decisions in terms as to how they are going to approach the

prosecution, which would be to prepare it well in advance of the trial date in contrast to something say as simple as a shoplifting case, which most Crown would be quite capable of picking up on the day of the trial and running the trial.²⁷⁹

While the date of Ms. Randi Connor's assignment to the Pickton prosecution is uncertain, it is clear that she had less than four months preparation time: she was assigned some time after October 22 and likely after November 4, 1997. The trial was set for February 2, 1998. Mr. Romano testified that if the file was assigned in late October/early November, this would provide Ms. Randi Connor with three months to prepare the case for trial.²⁸⁰ He further agreed that Ms. Randi Connor's preparation for the trial would be complicated by the fact that she would have other files on her schedule in the weeks leading up the trial.²⁸¹

Ms. Randi Connor testified that her understanding of the purpose of the Red File designation was for cases such as this one where there was a vulnerable witness, or cases involving a large number of witnesses, or cases that are factually complicated (such as those involving wiretaps or a number of search warrants where the evidence obtained on the warrants was critical).²⁸² Ms. Randi Connor recognized the Pickton prosecution as a Red File involving attempted murder and a vulnerable witness, it was a file that required extra preparation.²⁸³

Mr. Romano testified that, as Administrative Crown Counsel, he would try to schedule time for Trial Crown to have preparation time during the week before a Red File trial, and that if a prosecutor requested extra time to prepare for a trial he "would make every effort to make sure they got the additional time they needed."²⁸⁴ Ms. Randi Connor testified that while it was normal practice for Mr. Romano to arrange for preparation time for counsel who had Red Files, she could not recall if she was required to attend court for three or four days following January 26th, or if this time had been booked off for her to prepare to prosecute the Pickton file.²⁸⁵

Assessing and developing the case

When questioned about developing a theory of a case, Ms. Randi Connor testified her first step in preparing a case for trial was to review the RTCC to "[l]earn the facts of the case and figure out a plan in terms of what's going to be required time-wise to prosecute it and the theory – well, I suppose I would agree with that. But in some cases it's pretty straightforward what the issues are."²⁸⁶ Ms. Randi Connor testified that her assessment would include consideration of the available evidence, whether it will be admitted, the probative value of that evidence, the weaknesses in the case, what defences are available to the accused, and if they are viable defences.²⁸⁷

Ms. Randi Connor agreed that all of these considerations are reflected in the charge approval guidelines, and that the relevant considerations are what material evidence is likely to be admissible, the weight to be attached to that evidence, and the existence of viable, not speculative, defences.²⁸⁸

She told the Commission that Crown Counsel assess the substantial likelihood of conviction at all stages of the prosecution, as standard is not only applied at the charge assessment stage.²⁸⁹

Ms. Randi Connor testified that “because it was a serious case” it received the Red File designation, which would have alerted her that the file was “a file [she] should pay attention to and look at sooner rather than later.”²⁹⁰

Ms. Randi Connor told the Commission that she considered the case to be “serious and very disturbing.”²⁹¹ She agreed “absolutely” that the file detailed a “horrific event.”²⁹² She testified that she considered all of the charges to be serious, and that the attempted murder charge was the most serious.²⁹³

Ms. Randi Connor also told the Commission that she was enthusiastic about the file, that she was prepared to continue with the file, and that she intended to do so.²⁹⁴ She had experience with difficult files and that “the fact that a file was a challenge or was difficult wouldn’t have prevented me from wanting to proceed with it. I was aware of the difficulties with the file, but my intention was to proceed.”²⁹⁵ Ms. Randi Connor told the Commission that certain aspects of the file troubled her from the very beginning; however, she did not contemplate a stay of proceedings at that time.²⁹⁶

Ms. Randi Connor considered the case to be relatively straightforward from an evidentiary perspective.²⁹⁷ She testified that she did not contact the police to make further inquiries regarding the evidence, such as the suspicious circumstances of the handcuffs on Ms. Anderson’s wrist and the key in Pickton’s pocket.²⁹⁸ Ms. Randi Connor testified that the RCMP investigation was appropriate and that the Stay Decision was not a result of any deficiencies in the RCMP investigation.²⁹⁹

The RTCC included interviews that the complainant and the accused had with police setting out their accounts of the Anderson assault. Ms. Randi Connor testified that it was clear from the witness interviews that an altercation had taken place.³⁰⁰ She said the evidence of both parties “dovetailed” except with respect to how the incident started.³⁰¹ According to Pickton’s interview, Ms. Anderson had a dangerous outburst and he handcuffed Ms. Anderson in order to get her under control.³⁰² Ms. Randi Connor considered Pickton’s account of the events could possibly have been true.³⁰³ According to Ms. Anderson’s interview with police, Pickton placed the handcuff on her in an act of aggression and she grabbed the knife and cut his throat to defend herself. Based on the evidence, Ms. Randi Connor viewed the case as a “he said, she said” case.³⁰⁴

Legal research

It is reasonable to expect that counsel will conduct legal research to obtain a clear understanding of the elements of the offence. This understanding

serves to inform the counsel's prosecution of the charges and to ensure that the necessary facts are elicited from the witnesses called. Such legal research is particularly important with complex prosecutions or charges with which counsel has limited experience. In such cases it would be reasonable for counsel to research the evidence required to prove the case; this research enables counsel to form questions to put to the witnesses in interviews, enabling the necessary evidence to be on the record during examination.

Ms. Randi Connor told the Commission that by the time of the Stay Decision she had not conducted any legal research regarding the elements of the offence.³⁰⁵ While Ms. Randi Connor testified that "at some point [legal research] would have been absolutely essential to make submissions to the court," she disputed that legal research to determine what facts she would need to elicit from the witness would be necessary to prepare a case for trial in advance of interviewing witnesses. She had access to file folders full of legal research at the office.³⁰⁶ Ms. Randi Connor testified that she would rely on the testimony of the witnesses based on their accounts of the events: "I don't think [that review of the legal tests in advance of interviews] would have been necessary because the facts I would have elicited from the witnesses would have been to tell me what happened and go into all the details."³⁰⁷

Ms. Randi Connor's original assessment of Ms. Anderson

Ms. Randi Connor testified that she was horrified by Ms. Anderson's injuries;³⁰⁸ that Ms. Anderson's injuries were serious and that the case was very disturbing.³⁰⁹

She said that she recognized that Ms. Anderson was a vulnerable person.³¹⁰ The reasons for Ms. Randi Connor's assessment are unclear. Ms. Randi Connor said she "absolutely" agreed with the following description regarding the vulnerability of sex trade workers put to her under cross-examination by Mr. Ward:

It is well accepted among those familiar with the administration of criminal justice that sex trade workers are immensely vulnerable and are often the target of dangerous and violent offenders, some under the guise of an apparent self-righteous bent as to sex trade workers, some driven by a hatred of women, the easiest targets of that sector of our society being sex trade workers who are out there offering to accompany people they don't know.³¹¹

Ms. Randi Connor's testimony that she understood Ms. Anderson to be vulnerable is inconsistent with the actions that she took. Ms. Randi Connor appeared confused when questioned about offering services to assist vulnerable witnesses: "I know that as part of the Victims Services mandate they would advise her about what was available in terms of counseling, that type of thing, but I'm not sure what you mean by 'assist services.'"³¹² Evidently, Ms. Randi Connor did not consider it her responsibility to offer these services to Ms. Anderson.

Based on her review of the RTCC, Ms. Randi Connor concluded that Ms. Anderson was addicted to drugs, including heroin, and that her drug problem had been longstanding.³¹³ She identified the following information in the RTCC as the basis for her conclusion: the witness sheet in the RTCC indicated that Ms. Anderson “is a heroin addict”³¹⁴ and a comment from a nursing staff recorded in the RTCC stated that Ms. Anderson had visible track marks on the inside of her thigh.³¹⁵

Ms. Randi Connor testified that there was nothing in the interview transcript that would cause her to disbelieve Ms. Anderson’s evidence.³¹⁶ She noted that it is difficult to assess credibility based on printed transcripts; however, she agreed that in addition to the 75-page document from the interview of Ms. Anderson, she would have also had access to the audiotape.³¹⁷ Ms. Randi Connor testified that she did not listen to the audiotape even though she had previously relied on audio-recordings, but did read the statement.³¹⁸ She accepted that listening to the tape taken close to the time of the event would have provided a sense of how Ms. Anderson described the events.³¹⁹

Ms. Randi Connor stated that she assumed the transcript was transcribed correctly and “at that point [she] hadn’t gotten to the point that [she] had concerns about whether it was transcribed properly.”³²⁰ She testified that since her intention was to interview Ms. Anderson and find out in person how she sounded and expressed herself, she did not see why she would need to review the audiotape.³²¹ Ms. Randi Connor testified to viewing video statements in other cases to see how a child witness presented in order to assess the child’s maturity.³²²

Ms. Randi Connor testified that she considered Cpl. Mike Connor’s inclusion of Ms. Anderson’s criminal record as an “additional step.”³²³ She interpreted Ms. Anderson’s criminal record (which included convictions for possession of narcotics for the purposes of trafficking, possession of a narcotic, and a number of convictions for theft-under) as consistent with consistent drug use dating back to 1985.³²⁴

The RTCC did not include a phone number or address for Ms. Anderson.³²⁵ It indicated that Ms. Anderson could be contacted through Cpl. Mike Connor.³²⁶

Ms. Randi Connor told the Commission that she considered herself to be in a “very bad situation” because she had “the combination of an extremely serious case, a vulnerable victim, bad injuries, and you’ve also got problems with the case. That – that’s a really bad combination.”³²⁷ She went on to explain that, although there was no reason to disbelieve what was in Ms. Anderson’s interview,

At the end of the day no matter how serious I felt the file was, when it came time to get ready for trial I didn’t have the witness. And she had to be not only credible, and I agree with you about the statement, but really, really a good witness because there was this

-- there were other problems to overcome, and the other problems were when she initially talked about what had happened she said that she was raped, and we know that that wasn't true. Now, it's understandable why she would want to not be telling people why she was actually there, but then there's a second statement to the social worker in the hospital where she says that there was no intercourse at all, and then we have the statement to the police. It wasn't a matter of not believing her, but the other problem was that we have an accused with a slash to his throat giving a version of events that fits perfectly with what the victim was saying except on one crucial point, and that was the whole case, which was how did this altercation start. So at the end of the day looking at it in terms of was there an explanation given that could reasonably be true; yes, there was. There were some big, big problems that went beyond the complainant's statement.³²⁸ (Emphasis added.)

Ms. Randi Connor's original assessment of Robert Pickton

Ms. Randi Connor told the Commission that prior to receiving and reviewing the RTCC, she had no prior knowledge of Robert Pickton.³²⁹ Ms. Randi Connor testified that she did not make further inquiries regarding whether Pickton had been involved in any other events:

...because there was nothing about a problem with him in the Report to Crown Counsel, and of course that's all I had at the time. There's mention of him and his brother having some association with the Hells Angels but I don't recall anything in the Report to Crown Counsel about him being involved in anything prior.³³⁰

The RTCC did not include any CPIC searches of the accused.³³¹ Ms. Randi Connor testified that she did not request any CPIC searches from the RCMP and it would have been unusual to do so since there was no criminal record.³³²

As stated above, Ms. Randi Connor testified that she interpreted the RCMP's decision not to propose the standard "no firearms" or "no weapons" condition in the bail assessment indicated that the RCMP considered the risk factors were not sufficiently severe to preclude bail.³³³

Admissions and agreed upon statements of facts

Typically Crown Counsel and defence counsel will prepare the admissions to be entered at trial and negotiate an agreed upon statement of facts. Mr. Romano explained that the law stipulates that defence counsel cannot prepare the admissions and then put them to the Crown; instead, the Crown is required to prepare admissions, then seek the statements of fact to be admitted, and then see whether the defence counsel can agree to the admissions.³³⁴ Mr. Romano agreed that it would take some time to prepare the admissions given the extensive range of matters at issue in the trial: the charges of attempted murder and unlawful confinement; evidence including a knife, blood, and drugs; photographic evidence, both still photographs and video, taken of the interior of Pickton's trailer by Cpl. Mike

Connor or someone under his supervision; some of the evidence items would have been passed from one person to another, requiring evidence of continuity.³³⁵

Pickton's counsel, Mr. Ritchie, wrote to Crown Counsel twice requesting that admissions be drawn up.³³⁶ Ms. Randi Connor testified that she had not begun drafting the admissions for the trial when she met with Ms. Anderson on January 23rd or 26th, 1998.³³⁷ Ms. Randi Connor testified that she would sometimes prepare her admissions during the course of the hearing and that they only needed to be entered before the close of the Crown's case.³³⁸

Mr. Roberts, Counsel for Marion Bryce (mother to Patricia Johnson, one of the missing and murdered women), asked Mr. Romano whether he considered one week to prepare the admissions to be "a pretty short period of time to try to get an agreement on the admissions of fact on [the] various subject matters."³³⁹ Mr. Romano disagreed on the basis that he has "walked into court the day of a trial while we're in the process of completing the admissions."³⁴⁰ He would not accept that it might be too short a period of time.³⁴¹

Preparing witnesses for trial

Before trial, Crown Counsel will prepare their witnesses. The amount of preparation time will depend on the witness and the evidence they are expected to provide for the prosecution. Crown Counsel will arrange with staff or organize a taxi to pick up witnesses who do not have their own transportation.³⁴²

There are various mechanisms available to Crown Counsel when they have difficulty reaching a witness or when there is concern regarding whether witnesses will attend trial. Crown Counsel can contact the police and request that they locate a witness. Police may be asked to escort witnesses who are reluctant to attend interviews or court. The Victim Assistance Program is also available to assist police and the Crown to contact a witness, or to bring them to an interview or court. Crown can also issue subpoenas to witnesses. A subpoena is an order of the court that makes an offence of the failure to appear at trial.

Ms. Randi Connor agreed that, without any admissions from Mr. Ritchie or an agreed statement of facts negotiated with him, she still needed to interview eight police witnesses, the complainant, the two civilians who had picked the complainant up bleeding on the side of the road, the medical witnesses who would prove the clinical records showing the extent of her injuries, and any other witnesses required to prove the Crown's case.³⁴³ She told the Commission that "anyone who's done Provincial Court work will tell you it's not unusual in a morning, busy morning in Provincial Court to interview six or seven witnesses between 9:00 and 9:30."³⁴⁴

The Commission heard evidence that it is routine procedure to notify potential police witnesses of a trial date by way of Law Enforcement Notification (“LEN”) documents. In 1997/1998, routine procedure had Crown Counsel support staff automatically generate the LEN documents and send them out to police.³⁴⁵ Ms. Randi Connor testified that when the evidence is complicated, Crown will want to make sure that the interviews were done in advance; but when the evidence is straightforward, it is possible to do the police interviews during the course of the trial.³⁴⁶

Ms. Randi Connor told the Commission that she had not interviewed any of the police witnesses prior to her meeting with Ms. Anderson, and she reasoned that she had the five days that were set for trial to prepare her police witnesses.³⁴⁷ Ms. Randi Connor testified that she didn’t know but it was possible that she had requested that a secretary set up interviews with the police in the week before the trial.³⁴⁸

Ms. Randi Connor testified that she did not believe that it was necessary to interview “peripheral witnesses” because the evidence of bystanders did not raise any particular concerns in her mind.³⁴⁹ She would, however, have interviewed them before putting them on the stand.³⁵⁰

Typically, witnesses are required to address medical evidence, photographic evidence, forensic evidence (e.g. blood tests) and other toxicology matters. In some cases expert witnesses are required for this purpose.³⁵¹ This evidence must be arranged in advance of the hearing dates and the experts scheduled to attend trial.³⁵² Mr. Romano did not know whether Ms. Randi Connor had prepared these witnesses and scheduled them for the trial.³⁵³

Additional steps are often required to notify and prepare reluctant witnesses and vulnerable complainants for trial. Crown Victim Services is available to assist Crown Counsel prepare vulnerable complainants or witnesses for trial. Roxanna Smith testified to the services that the Crown Victim Service workers provide:

- If a potential witness needed counselling services, the Crown victim service workers make referrals to resources in the community;³⁵⁴
- If a potential witness fears for their own personal security, the Crown victim service workers “bring it to the attention of Crown so they could deal with those issues;”³⁵⁵ and
- If a potential witness has any special needs, the Crown victim service workers make referrals to the appropriate agencies to assist.³⁵⁶

There is no evidence of subpoenas being issued to any witnesses other than Ms. Anderson and police witnesses. Ms. Randi Connor testified that she did not believe she had interviewed the other witnesses to prepare them for trial.³⁵⁷ Ms. Randi Connor agreed that it would have been important to obtain the evidence of Witnesses 1 and 2 regarding how Ms. Anderson appeared when they picked her up to take her to the ambulance and with compiling the facts of what had occurred. However, she testified that she did not get to this point in her preparation for trial. Ms. Randi Connor

testified that she had read their statements and was not concerned about their evidence.³⁵⁸

Preparing and interviewing Ms. Anderson

There was very little contact between the justice system and Ms. Anderson between the time she gave her statement to police on March 27, 1997, and when she was interviewed by Ms. Randi Connor in late January, 1998.

The RCMP investigators made inquiries as to Ms. Anderson's whereabouts on their own initiative shortly after charges were laid.³⁵⁹ Her file was referred to RCMP Victims Services on April 10, 1997, and they were in touch with Ms. Anderson shortly after the charges were laid.³⁶⁰ A Coquitlam Victim Assistance Program volunteer, Richard Mehner, spoke with Ms. Anderson by telephone on April 14, 1997. According to Mr. Mehner's notes, Ms. Anderson was "fine and did not require counselling referrals," and that "all she wanted from us was court updates."³⁶¹ The Victims Assistance Program attempted to contact Ms. Anderson numerous times.³⁶²

In May 1997, Cst. Lisa Casson had determined that Ms. Anderson had returned to sex trade work and had no fixed address.³⁶³ On July 12, 1997, a Victim Assistance Program volunteer contacted the RCMP to inquire as to whether they had any other contact information for Ms. Anderson.³⁶⁴ Ms. Anderson's mother became the primary contact. The records indicate that Victim Assistance Program volunteers placed numerous calls to Ms. Anderson's mother to provide updates on the status of the prosecution.³⁶⁵

There is some confusion about whether Ms. Randi Connor set up a meeting with Ms. Anderson before January 23, 1998, at 222 Main Street, which Ms. Anderson is said to have not attended.³⁶⁶ Ms. Anderson's mother kept a log of calls from Ms. Randi Connor and her log lists calls beginning on January 9, 1998.³⁶⁷

Cpl. Mike Connor testified that his assistance was not requested in ensuring that Ms. Anderson attend for an interview.³⁶⁸ It was common practice that if Crown was having difficulties finding a witness or getting a witness to appointments for Crown to ask the investigator to go out and find them; the investigator would then go out and offer the witness a ride, pick them up, and take them to an interview or to court.³⁶⁹ Cpl. Mike Connor testified he was usually able to find someone; he had in the past been asked to find people addicted to heroin to take them to interviews or to court.³⁷⁰ However, Ms. Randi Connor says she doesn't know when she tried to contact Corporal Connor to try to find out how she was going to be located, but that she did do so.³⁷¹ I am unable to reach a conclusion in regard to this conflicting evidence.

On January 17, 1998, a volunteer from the Victim Assistance Program called Ms. Anderson's mother and asked that she request Ms. Anderson call them back. Ms. Anderson called back in 30-35 minutes and expressed interest

in having a court escort accompany her on the February 2, 1998 trial date. The Victim Assistance Program took steps to arrange for this escort.³⁷²

Ms. Randi Connor testified that, based on her review of the RTCC, she recognized Ms. Anderson as a vulnerable complainant and had concluded Ms. Anderson had a serious drug problem. Ms. Randi Connor testified that she knew this file would require extra preparation time and that, although the December 1997 subpoena notified Ms. Anderson to attend the hearing for 9 o'clock on the February 2, 1998, the morning of the trial, it was not her intention to wait until then to interview her.³⁷³

As noted earlier, Ms. Randi Connor explained that she could not recall when she contacted Cpl. Mike Connor to try to locate the witness.³⁷⁴ Ms. Randi Connor testified that she knew she was calling Ms. Anderson's mother by January 9, 1998, three weeks before trial, which she reasoned "should have been enough time to meet with her more than once."³⁷⁵ Ms. Randi Connor did not have any specific recollection of what she told Ms. Anderson's mother, although she agreed that she would have told Ms. Anderson's mother that she was calling to arrange for Ms. Anderson to meet with her so that she could prepare her for trial.³⁷⁶ She testified she had provided her home phone number to Ms. Anderson's mother and that this was not an uncommon practice for her.³⁷⁷

There is no evidence that the subpoena issued to Ms. Anderson on December 9, 1997, for the five days of trial set to begin on February 2, 1998,³⁷⁸ was actually served on Ms. Anderson. Ms. Randi Connor testified that if the subpoena had not been served, it was her practice to serve it when a witness came to see her for an interview.³⁷⁹

Ms. Randi Connor testified that she would have arranged for Ms. Anderson to attend the Port Coquitlam courthouse for a meeting through her mother.³⁸⁰ Ms. Randi Connor testified that Ms. Anderson arrived at the office voluntarily by way of a taxicab and that police or Victim Services did not escort her.³⁸¹ The date of the meeting was either Friday, January 23, 1998, or Monday, January 26, 1998.³⁸² Ms. Randi Connor testified that she, Ms. Anderson, and Ms. Roxana Smith from Crown Victim Services, attended the meeting.

Ms. Randi Connor testified that the meeting "wouldn't have been brief" and she estimated the meeting lasted "possibly an hour, maybe longer, but [she couldn't] be 100 percent certain."³⁸³ After being shown Ms. Anderson's statement in which she described the meeting as starting sometime in the early afternoon and continuing until dark, Ms. Randi Connor still had trouble identifying the length of the interview.³⁸⁴

Ms. Randi Connor told the Commission that she knew Ms. Smith "pretty well" in that she knew Ms. Smith had been a Victim Services worker for a while before the interview, and that she was not new to the office.³⁸⁵ Ms. Randi Connor testified that Ms. Smith was a good victim services worker,

and that she would have been in the Crown Counsel offices and available to Crown often.³⁸⁶ Ms. Randi Connor testified that she could not recall if Ms. Smith was in the Crown office prior to the meeting with Ms. Anderson.³⁸⁷

Ms. Smith had a very limited recollection of the meeting and did not review her notes as she did not have access to the file.³⁸⁸

- She could confirm the year of the meeting was 1998;
- She could not confirm the date;
- She recalled being asked by the Crown to attend the meeting;
- She recalled being in the meeting room with the Crown and Ms. Anderson;
- She could not recall the length of the meeting;
- She could not recall when the meeting began;
- She could not recall how Ms. Anderson appeared; and
- She could not recall her impressions of Ms. Anderson's health at that time.³⁸⁹

Ms. Smith testified that she was not aware of having any prior experience dealing with heroin users.³⁹⁰ She also testified that she would not believe herself to have personal knowledge of how heroin use might present.³⁹¹ Ms. Smith stated that "I remember on meeting [Ms. Anderson] I hadn't met anyone who had worked on the streets before and she looked like a regular person to me. That stuck in my mind."³⁹² Ms. Randi Connor testified that she believed that Ms. Smith had been a victim services worker for a while and that she was surprised by Ms. Smith's statement.³⁹³ Ms. Randi Connor testified that she did not recall discussing with Ms. Smith her impressions of Ms. Anderson.³⁹⁴

Regarding her interview of Ms. Anderson, Ms. Randi Connor testified that, "[t]o the best of my recollection, my impression was that she was under the influence of drugs."³⁹⁵ Although she couldn't recall details of what was discussed at the meeting without her notes, Ms. Randi Connor did recall the condition that Ms. Anderson was in, "and it was bad."³⁹⁶ Ms. Randi Connor agreed that she knew, prior to dealing with her, that Ms. Anderson was a vulnerable person.³⁹⁷ She also agreed that she knew, prior to dealing with her, that Ms. Anderson was suffering from a severe addiction problem.³⁹⁸

Regarding her experience working with a wide variety of witnesses, Ms. Randi Connor noted her work as a child sexual abuse specialist in the 1980s as being the most difficult and challenging. She explained that in this role she dealt with sexually abused children and was very familiar with witnesses who have trouble communicating or were "scared out of their minds." Ms. Randi Connor described these children as "damaged witnesses."³⁹⁹

Ms. Randi Connor told the Commission that Ms. Anderson was nodding off, falling asleep, with her head dropping down, and was not able to articulate the evidence.⁴⁰⁰ Under examination, she stated it is possible

that she asked Ms. Anderson how much sleep she had the night before; however, it was her “impression was it wasn’t a lack of sleep, it was more serious than that. In my observations it was drugs.”⁴⁰¹ Ms. Randi Connor distinguished Ms. Anderson’s behaviour from someone who is tired from lack of sleep by drawing on her experience of interviewing police officers who are exhausted after working a night shift.⁴⁰² Ms. Randi Connor testified she probably did not ask Ms. Anderson when she last ate, and noted that she considered this to be an odd thing to ask somebody.⁴⁰³

Ms. Randi Connor had no recollection of asking Ms. Anderson about whether her drug use had escalated since the assault or whether she was intimidated by Pickton. She did not think that she would have because her “drug problem was not new” and therefore such a question would be unsuitable.⁴⁰⁴ Ms. Anderson’s drug problem had existed since 1985 and was ongoing.⁴⁰⁵

Ms. Randi Connor told the Commission that Ms. Anderson was “incoherent” – however, she clarified that she did not use that descriptor to mean that Ms. Anderson was unable to say a few words. Ms. Randi Connor explained that by “incoherent” she meant that she was not able to have a “meaningful discussion with her and have her responsive to questions.” Although Ms. Anderson was speaking, Ms. Randi Connor testified that Ms. Anderson was “not communicating the evidence.”⁴⁰⁶

Ms. Randi Connor told the Commission that she “really was just not able to conduct the interview that [she] needed to do with her.”⁴⁰⁷ She explained that it was her practice, in a normal interview, to provide a witness with a copy of their statement and have them sit and review it to refresh their memory; and then review the statement in detail. She noted that with Ms. Anderson she “... just wasn’t able to do that with her.”⁴⁰⁸ Ms. Randi Connor testified that she had to “be very careful in my interview with [Ms. Anderson]” because she would have to disclose to defence counsel any information that is different from their statement or in addition to their statement.⁴⁰⁹ It is standard practice that Crown Counsel must take very careful notes during this type of interview and disclose the information to defence counsel.⁴¹⁰ Ms. Randi Connor explained that she “needed to get a sense of how [Ms. Anderson] was going to respond to cross-examination, and what (sic) was really important in this case because it really -- the whole case as I saw it turned on that moment when the altercation began.”⁴¹¹

The meeting ended. There is no evidence that Ms. Randi Connor spoke with Ms. Anderson about going home and getting some sleep, and coming back another day to prepare her for trial.⁴¹² Ms. Randi Connor testified that she does not recall asking Ms. Anderson to come back for another interview because, in her opinion, this:

...was not a new situation for her. I had been attempting to get a hold of her for a while. The file indicated that there was a drug problem with this person from way, way back. If I felt that it was a temporary condition and we could fix it by having her come back

I would have done that. My opinion based on what I saw and my review of the file was that it wasn't a temporary condition."⁴¹³

Ms. Randi Connor testified that it was not an uncommon practice for her to provide her home phone number to witnesses, and that she had provided it to Ms. Anderson's mother. She stated "[i]t's possible" that she provided Ms. Anderson with her own contact information, although, she reasoned, she would already have access to it through her mother.⁴¹⁴

Ms. Randi Connor told the Commission that she would not have notified Ms. Anderson that "the case was in peril" or that she was thinking seriously of directing a stay of proceedings because she would have had to have spoken with Mr. Romano before making that decision.⁴¹⁵ She testified that she may have told Ms. Anderson that she wouldn't be calling her for the trial on February 2, 1998; however, she would not have explained further that this meant that she was going to be directing a stay of proceedings based on what she was hearing because she needed to speak with Mr. Romano "before [doing] anything formal."⁴¹⁶

Ms. Randi Connor testified that a circumstance in which she may discuss a decision to stay with the complainants prior to entering the stay would be when dealing with a child witness whose family is protesting the prosecution and asking that it not proceed.⁴¹⁷

At the close of the interview, Ms. Anderson said that she was afraid and asked to be walked out to the taxicab. Ms. Randi Connor testified that although it had been suggested to her that she walked Ms. Anderson out to a taxicab, she could not confirm if this was the case.⁴¹⁸ There is no evidence that she inquired as to whether Ms. Anderson's safety concerns regarded Pickton.

No consideration given to rehabilitation

Ms. Randi Connor's testimony indicated that she did not consider trying to get Ms. Anderson into rehabilitation treatment to prepare her to be a better witness. She understood that Victim Services could advise Ms. Anderson about counselling services, but could not think of what "assist services" could be made available to Ms. Anderson.⁴¹⁹ She testified that she was "not sure what would have been available at that point;"⁴²⁰ "[i]t was beyond that by the time I did the interview."⁴²¹ Ms. Randi Connor agreed that she would not be able to force Ms. Anderson into a rehabilitation program.⁴²² Ms. Randi Connor agreed that she had no medical evidence about whether Ms. Anderson would be a candidate for such a program.⁴²³

Mr. Romano testified that rehabilitating a witness in Ms. Anderson's condition could begin when the trial date had been set because the Crown would know when the witness would be required in a sober state to be able to testify.⁴²⁴

Ms. Smith could not recall any steps she had taken in respect of Ms. Anderson, such as referring her to any counselling services.⁴²⁵ At the relevant time there were no official RCMP policies for witness management. However, when requested by Crown Counsel, the RCMP could bring a witness to pre-trial interviews or court. The RCMP could also provide drug counselling or other rehabilitative support to ensure a drug-addicted witness would be competent to give testimony at trial.⁴²⁶ These steps require the consent and cooperation of the witness.⁴²⁷ I accept the Government of Canada's submission that "[i]t would have been unreasonable to expect the police to take independent steps to ensure that Ms. Anderson was rehabilitated before trial."⁴²⁸

The Stay Decision

As noted above, the charge approval standard carries throughout the course of the prosecution, including at trial.⁴²⁹ Accordingly, Crown Counsel is responsible for assessing a prosecution to determine whether or not a prosecution should proceed. In so doing, Crown Counsel must continue to apply the two-part test: (a) whether there is a substantial likelihood of conviction; and, if so, (b) whether a prosecution is required in the public interest. In discharging their charge assessment responsibility with respect to a decision to stay a prosecution, Crown Counsel must fairly, independently, and objectively examine the available evidence.

The "substantial likelihood of conviction" does not mean that Crown Counsel must be absolutely certain of a conviction before a prosecution will proceed; rather, Crown Counsel must be satisfied, based on the evidence gathered by the investigative agency, that there is a strong, solid case of substance to present to the court. (Emphasis added.) The case need not be rock-solid. In deciding whether there is a "substantial likelihood of conviction," Crown Counsel will again consider: (i) what material evidence is likely to be admissible in court; (ii) the weight that will likely be given to the admissible evidence; and (iii) the likelihood that viable, not speculative, defences will succeed.⁴³⁰

With respect to the entry of stays of proceedings, generally the reasons for the entry of the stay should always be noted in the file; this notation is unavailable given the destruction of the Crown file.

Ms. Randi Connor testified that she entered the stay of proceedings on Monday, January 26, 1998, for the Pickton prosecution that was set to begin on Monday, February 2, 1998. Ms. Randi Connor could not determine whether she made the Stay Decision date on Friday, January 23 or Monday, January 26, 1998. Ms. Randi Connor testified that she made the decision based on her meeting with Ms. Anderson, which occurred on either Friday, January 23 or Monday, January 26, 1998. Ms. Randi Connor testified that she wasn't satisfied under the policy guidelines that they could proceed with this case because of the condition of the complainant.⁴³¹

Ms. Randi Connor relied almost exclusively on the RTCC and her single interview with Ms. Anderson in making the Stay Decision.⁴³² She knew that there was outstanding evidence and unanswered requests from defence counsel.⁴³³

Mr. Romano testified that the normal practice regarding the role of Administrative Crown Counsel on a decision to stay proceedings in a serious case would depend on the Trial Crown assigned to the file.⁴³⁴ He testified that it was practice in the office for a Trial Crown to discuss a decision to stay proceedings with the Administrative Crown Counsel as this ensured that the Administrative Crown Counsel would not be caught by surprise if anybody, such as a police officer or complainant, called with concerns about the decision.⁴³⁵ He explained that when the Trial Crown is experienced, he would be less involved.

Mr. Romano testified that he did not recall the nature of Ms. Randi Connor's discussion with him regarding the Stay Decision:

I can't recall the conversation, so I don't know what the details -- whether it was a situation where Randi [Connor] was -- was asking me, bouncing ideas off me as to the other alternatives or whether she was simply explaining to me, "This is the decision I am going to make. This is why I'm making the decision."⁴³⁶

No consideration given to an adjournment

Ms. Randi Connor was of the view that she had no basis for requesting an adjournment. She did not have any information to support a submission that Ms. Anderson was getting treatment for her addiction.⁴³⁷ (Although assistance in this regard was never offered.) There is no evidence that Ms. Randi Connor took steps to obtain this information.

No consideration given to exceptional circumstances

There is no evidence that in making the stay decision, Ms. Randi Connor considered the exceptional circumstances exception, which is a part of the "Charge Approval Guidelines" and also carries throughout the course of the prosecution. It provides that exceptional circumstances may require that a prosecution proceed even though the usual evidential threshold may not be satisfied at the charge approval stage, and that in these cases a lower "reasonable prospect of conviction" charge approval standard may be applied "in cases of high risk violent or dangerous offenders or where public safety concerns are of paramount consideration." (Emphasis added.) Such cases must be discussed with Regional Crown Counsel or designate prior to making the charging decision.⁴³⁸

Ms. Randi Connor told the Commission that she considered that the policy regarding "Stays of Proceedings – Serious and Sensitive Cases" ["Serious and Sensitive Case Policy"] did not apply to this file. This policy requires that approval be obtained from Regional Crown Counsel in consultation

with the Assistant Deputy Attorney General before a stay of proceedings is entered. A “serious and sensitive case” is one that (1) involves a set of alleged facts that would be seen as shocking to the sensitivities of a reasonable person; or (2) has, or possesses the potential to have, a high public profile for whatever reason.⁴³⁹

Ms. Randi Connor testified that the case was serious in that the injuries were serious, but she maintained that the case was not a “serious and sensitive case” under the meaning of this policy.⁴⁴⁰ She testified that it would be a rare situation that would invoke the policy requiring that a stay of proceedings for a serious and sensitive case be approved by Regional Crown Counsel in consultation with the Assistant Deputy Attorney General, and that it did not apply to standard cases, and not to a case such as the Pickton prosecution.⁴⁴¹ Ms. Randi Connor maintained, nonetheless, that “at the end of the day it doesn’t make a difference because ... it didn’t meet the substantial likelihood of conviction test.”⁴⁴²

Mr. Romano also testified that, in his view, the Serious and Sensitive Case Policy would not have applied in this case.⁴⁴³

Counsel for the CJB has submitted that in the circumstances, the exceptional circumstances portion of the “Charge Approval Guidelines” did not apply because Robert Pickton was not yet recognized as a high risk, violent or dangerous offender. This is highlighted by “the relatively lax conditions” of release proposed by the RCMP in the RTCC.⁴⁴⁴

After the close of hearings, Counsel for the CJB advised the Commission in a letter to Commission Counsel that the “Stays of Proceedings – Serious and Sensitive Cases” was not in place at the time of the Stay Decision because, on May 1, 1997; that policy was replaced with a new policy entitled “Resolution Discussion and Stays of Proceedings” [“Resolution Discussion Policy”].

I note that the Resolution Discussion Policy was not put to any witnesses and was not entered in evidence. Accordingly, I make no findings of fact based on this policy. It is interesting to note that the Resolution Discussion Policy is consistent with the previous Serious and Sensitive Case Policy in that it sets out that public safety and public interest factors ought to be considered when discussing the resolution of a charge. I also note that several times in the Resolution Discussion Policy there are references to discussions about possible resolutions of charges, including stay decisions. For example, the Resolution Discussion Policy states that Crown Counsel shall discuss with Regional Crown Counsel or designate a proposed decision to direct a stay of proceedings for a charge of attempted murder. Also, for such a case, Crown Counsel shall discuss the proposed stay or disposition with the victim or the victim’s family, and advise them that their views will be made known to and considered by Regional Crown Counsel or designate. Given the similarities in the principles underlying both policies, the fact that the policy changed in May 1997 does not impact on my analysis. (Emphasis added.)

Crown communications with police regarding Stay Decision

While decisions with respect to prosecutions are within Crown prosecutors' discretion, Crown Counsel do have a responsibility to communicate their decisions to the relevant police agency.⁴⁴⁵ These communications serve several important functions to ensure the efficient allocation of police resources on prosecutions that are moving forward, including notifying police witnesses who may have been called to testify and directing victim service resources to witnesses on active prosecutions. Police are also available to assist the Crown in contacting witnesses and preparing them for trial.

These communications can also serve as an opportunity for Crown Counsel and police to determine if any steps can be taken to strengthen a case for trial, including addressing gaps in evidence and preparing a witness for trial. Notifying police when a decision to stay is entered may lead the police to identify additional evidence that will assist the prosecution and could result in re-opening the case. Mr. Romano testified that the investigative practices of the police can have a direct impact on the viability of a prosecution.⁴⁴⁶

Ms. Randi Connor called Cpl. Mike Connor approximately one week before trial to inform him that a stay of proceedings would be entered; this was the first time that Cpl. Connor was informed of the Crown's concerns about Ms. Anderson's ability to give evidence.⁴⁴⁷

Cpl. Mike Connor testified it was his usual practice to ask for a memo setting out the reasons for the stay.⁴⁴⁸ He recalled that it was a "fairly short" telephone conversation on January 26, 1997.⁴⁴⁹ Cpl. Mike Connor testified that Ms. Randi Connor did not consult with him prior to making the decision to stay⁴⁵⁰ and that the Crown makes unilateral decisions "from time to time."⁴⁵¹ Cpl. Mike Connor did not have a working relationship with Ms. Randi Connor; he testified that he did not recall having Ms. Randi Connor as "one of [his] Crowns" before the Anderson case.⁴⁵²

Cpl. Connor told the Commission that he recalled Ms. Randi Connor's reasons for the stay:

- Ms. Anderson had failed to attend meetings, was heavily drug addicted, and would not provide a full account of the incident;⁴⁵³
- So "the likelihood of conviction wasn't there;"⁴⁵⁴
- Ms. Anderson was not making her appointments (& Ms. Randi Connor had tried several times to have her attend the office), and she was needed to ensure conviction on the file;⁴⁵⁵ and
- Ms. Anderson "was the case" so was needed to ensure conviction on the file.⁴⁵⁶

Ms. Randi Connor testified that she did not specifically recall telling Corporal Connor that if Ms. Anderson received assistance and could be prepared for trial, that she would consider re-opening the case.⁴⁵⁷ Ms. Randi Connor testified that it is assumed that the police know this to be the case with a proceeding that has been stayed.⁴⁵⁸

Cpl. Mike Connor testified that he did not offer RCMP assistance to prepare Ms. Anderson for trial when Ms. Randi Connor called about the stay because it was his impression that she had already decided to enter the stay.⁴⁵⁹ This is consistent with Ms. Randi Connor's testimony that she had already decided before calling Cpl. Mike Connor and was not calling him to discuss options. She testified that the decision to stay was solely within the Crown's prosecutorial discretion and that she was not seeking Cpl. Mike Connor's approval to make the Stay Decision.⁴⁶⁰

Ms. Randi Connor testified to the avenues available to police officers who had problems with a decision.⁴⁶¹ Mr. Romano testified that police could appeal Crown decisions if they did not agree with them.⁴⁶²

At the relevant time, the *Crown Counsel Policy Manual* "Quality Control – Charge Approval – Police Appeal Regarding Crown Decision" policy (dated January 1, 1991) provided guidance on what steps were available to the police if they disagreed with a charge assessment decision by the Branch.⁴⁶³ This policy provides that police are supposed to communicate to Crown Counsel if they disagree with a decision "rejecting a charge." The policy sets out a series of steps for review from discussion with the Crown Counsel, Administrative Crown, Regional Crown and eventually an appeal to the Assistant Deputy Attorney General. If the police remained unsatisfied with the Criminal Justice Branch's decision, they swear an information (a formal legal step), which would initiate a criminal proceeding. It is not clear whether the policy applies to a decision to stay proceedings; most of the policy is focused on the initial decision to lay a charge.

Cpl. Mike Connor did not dispute Crown Counsel's decision. He testified that Ms. Randi Connor's reasoning "made very much sense to me."⁴⁶⁴ Cpl. Mike Connor had never met Ms. Anderson.⁴⁶⁵ Ms. Randi Connor testified that she did not recall any protest from Cpl. Mike Connor when she advised him of the Stay Decision.⁴⁶⁶ Ms. Randi Connor noted that "when it's an evidentiary problem police -- well, in some cases they understand that."⁴⁶⁷

Communications with Ms. Anderson after the Stay Decision

Witnesses were de-notified of their requirement to attend the trial on Friday, January 30, 1998; the trial had been scheduled to commence on Monday, February 2.

Ms. Randi Connor testified that she had a vague recollection of advising Ms. Anderson's mother of the stay; however, she noted that this would have taken place after the discussion with Mr. Romano which followed the meeting with Ms. Anderson. The RCMP Victim Services records indicate that Ms. Anderson's mother was contacted regarding the trial on January 26 and 30, and that by January 30, she had been notified of the Stay Decision and had spoken with her daughter. The evidence is unclear regarding Ms. Anderson communicating to Ms. Randi Connor that she was upset about the Stay Decision. Ms. Randi Connor says, "it just didn't happen."⁴⁶⁸

No consideration given to re-opening the proceedings

Once a decision has been made to stay charges, Crown Counsel have one year in which to re-open the proceedings. Crown Counsel may reopen a prosecution that has been stayed if there is significant new evidence or significant changes in the factual circumstances giving rise to the stay.⁴⁶⁹ Ms. Randi Connor and Mr. Romano both told the Commission that it is extremely rare to re-open a case that has been stayed.⁴⁷⁰ Ms. Randi Connor testified that she entered hundreds of stays during her 30 year career and only recalled one specific incidence of reactivating a stay in her career, and that although “it does happen from time to time” it is not “a common occurrence.”⁴⁷¹ In re-examination, Ms. Randi Connor clarified that she had not entered hundreds of stays for “such serious cases as this.”⁴⁷²

Ms. Randi Connor did not discuss with Cpl. Mike Connor that she could re-open the case if Ms. Anderson was better prepared for trial; however, she “would have anticipated that because it was a stay and not a final determination that if he had information that she was doing well, we could have revived the case.”⁴⁷³ Ms. Randi Connor testified that she did not put a note in the Anderson file to check if Ms. Anderson’s situation had changed because she expected the police to come back to her if they wanted to re-open the case, since they are “the ones out there dealing with the people.”⁴⁷⁴

Under cross-examination, Ms. Randi Connor would not agree that it would be unfair to expect the police to proactively monitor victims of stayed prosecutions.⁴⁷⁵ Ms. Randi Connor testified that she would expect that:

[i]f you have a case that you’ve been involved in such as Mike Connor and Lisa Casson and you’ve got concerns about the accused, you’ve got concerns about the victim and you know that there’s a stay of proceedings because of the victim’s drug problem, I would anticipate that they would follow through with that.⁴⁷⁶

Further, Ms. Randi Connor disputed that the Crown or the Crown Victim Services should take a similar proactive approach with victims because “we’re not investigators. We’re not out on the street dealing with these people.”⁴⁷⁷ She further elaborated that it is not the job of Crown Victim Services to investigate because they are not able to make a decision as to whether or not an RTCC should be submitted. The police are the ones who decide that there is sufficient evidence; and when there is a stay of proceedings or a file is rejected for lack of evidence, the police can go out and continue to investigate.⁴⁷⁸

Ms. Randi Connor testified that her decision to stay the proceedings provided for the prosecution to be re-opened in the event that Ms. Anderson’s ability to testify changed.⁴⁷⁹ She told the Commission that if Ms. Anderson “had come back clean and sober, [she] would have considered re-opening the case.”⁴⁸⁰ Ms. Randi Connor testified that, for her to consider re-opening the prosecution, Ms. Anderson would have had to demonstrate a significant and long-term change in her drug dependency. Ms. Randi Connor testified that

Ms. Anderson's ability to have a "good day" while still "deeply entrenched in addiction" would not have been an adequately significant change to alter her assessment of Ms. Anderson's ability to give evidence at trial; although Ms. Randi Connor said that she could not say "for sure because it didn't happen."⁴⁸¹

Under re-direct by Counsel for the CJB, Ms. Randi Connor agreed that if Ms. Anderson was upset about the decision to stay the proceedings, she herself could have gone to the police or Victim Services, or the Crown, if she felt she was in good enough condition, and say: "Look, I've cleaned up my act. I'm in good shape. Can we go ahead."⁴⁸²

Ms. Randi Connor testified that there would also be challenges for the police to re-lay any information initiating a new criminal proceeding after the one-year period for the stay had elapsed. These challenges include determining what had changed since the previous stay was entered and concerns regarding abuse of process.⁴⁸³

Cpl. Mike Connor told the Commission that in August 1998 he received second-hand information that Pickton was inquiring about Ms. Anderson and that he intended to harm her. He told Ms. Anderson that only her first name was used, so Pickton didn't know her last name.⁴⁸⁴ This information was received well within the year period in which a Stay Decision can be lifted. However, Cpl. Mike Connor testified that this information did not provide any new evidence or change in circumstances regarding Ms. Anderson's ability to testify.⁴⁸⁵ Cpl. Mike Connor believed that because the threats were not directly to Ms. Anderson (they were "secondhand"), they didn't have enough to warrant a criminal charge; but he felt he had a duty to warn her.⁴⁸⁶ Cpl. Connor told the Commission about his impressions of Ms. Anderson when he called to advise her of the threats: "...*she was surprisingly very -- well, keeping in mind she was drug addicted previously, she was normal. She was polite. She was very cooperative, very engaging in this phone conversation.*"⁴⁸⁷ (Emphasis added.)

In his testimony, Deputy Chief Constable LePard testified that Crown Counsel's recommencement of the prosecution against Pickton for the 1997 Anderson incident would have been an appropriate strategy to consider in September 1998.⁴⁸⁸

Summary of evidence regarding the Stay Decision

Due to the protections afforded to prosecutorial independence, both Commission Counsel and Participants' Counsel were not permitted to put questions to Ms. Randi Connor 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 Ms. Randi Connor's decision. Different decisions can be considered reasonable, and in these circumstances two reasonable people could make different decisions based on the same facts.

In the absence of the Crown file I have been unable to fully assess the work Ms. Randi Connor conducted on the file. Based on the testimony and the evidentiary record available and with due consideration given to submissions made on behalf of all Participants, I make the following conclusions based on the above findings of fact regarding the January 26, 1998 decision to stay the proceedings against Robert William Pickton.

With respect to her circumstances as a prosecutor, Ms. Randi Connor had 16 witnesses left to prepare one week before a five-day trial. The evidence shows that LENSs were issued to the police witnesses as a routine matter. There is no evidence that Ms. Randi Connor contacted the other witnesses for the trial, therefore I find as fact that she had not contacted them. The case posed many difficulties for Ms. Randi Connor: she was facing potential challenges to evidence seizure, a claim of self-defence by Pickton, Defence Counsel had previously challenged the Crown in this case with respect to disclosure issues, and in the days before the trial admissions had not been prepared and no legal research had been undertaken.

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. Ms. Randi Connor told the Commission that she had difficulties reaching Ms. Anderson and that she had one meeting. All of the other evidence, however, shows Ms. Anderson could be contacted through her mother and that she returned calls quickly.

Ms. Randi Connor knew the following about Ms. Anderson from her statement to the RCMP:

- She was drug addicted and would get sick without her drugs;
- She had children;
- She was sometimes homeless;
- She was not a “regular” sex trade worker;
- She was aware Pickton had been released;
- She believed “she wasn’t meant to get out alive;” and
- She believed that missing women would be found on the property.

Ms. Randi Connor knew from the RTCC that Ms. Anderson had almost died as a result of the injuries sustained in the assault, that the evidence was consistent with her statement, and that the police considered Ms. Anderson to be a credible witness. In her testimony, Ms. Randi Connor said that she knew at the time of her decision that Ms. Anderson was a vulnerable witness.

Based on her interview with the complainant, Ms. Randi Connor perceived Ms. Anderson as severely drug-addicted and found that Ms. Anderson could not review the 75-page witness interview. The police had not summarized the interview into a proper statement and this documentation had not been reviewed or signed off on by Ms. Anderson either before or after the RTCC was completed. Ms. Randi Connor did not organize, distill or summarize the evidence to facilitate Ms. Anderson’s review or preparation. There is no evidence that Ms. Randi Connor took any steps to adapt her interviewing

technique to take into account Ms. Anderson's vulnerable situation. She did not ask if Ms. Anderson had slept or eaten.

Ms. Randi Connor determined that Ms. Anderson could not articulate the evidence in a way that Ms. Connor considered necessary for the trial and that Ms. Anderson could not be prepared for trial in one week.

Ms. Connor was of the view that she had no basis for requesting an adjournment. She did not have any information that Ms. Anderson was getting treatment for her addiction to support an adjournment submission. During the interview, Ms. Randi Connor did not inquire about Ms. Anderson's drug use. Ms. Connor was not aware of rehabilitation services to which she could refer Ms. Anderson, did not inquire about such services, and did not refer Ms. Anderson to any services.

In the circumstances, Ms. Randi Connor decided that she could not prosecute the case and she entered a Stay Decision after conferring with Mr. Romano. There is no evidence that Ms. Randi Connor considered re-opening the proceedings.

E. Epilogue: The Story of the Missing Women Begins with the Anderson Assault

Buried within Ms. Anderson's interview regarding Pickton's assault on her are early indications of what happened to the women who went missing from the DTES and were murdered by Pickton. This information was not fully appreciated at the time and came into clearer focus in subsequent interviews with Ms. Anderson by VPD Detective Constable Shenher in August 1998, and by Project Evenhanded in 2002 after Pickton's arrest. Corporal Connor was in touch with Ms. Anderson on a couple of occasions after the Stay Decision, notably to advise her of a reported verbal threat on her life made by Pickton.

For example, Ms. Anderson told Det. Cst. Shenher that during the drive to Port Coquitlam she noticed Pickton slowed the truck several hundred metres from a red light to time it so that by the time they reached the intersection the light would be green; she felt in retrospect this was a deliberate attempt to eliminate any chance of her getting out of the vehicle.⁴⁸⁹ She also recalled it being odd that when they arrived at the trailer Pickton stopped her as they were walking from the truck to the trailer. After she walked across a gravel walk he made her wait while he laid down a piece of plywood over a dirt portion that goes from the end of the gravel to the door of the trailer. She felt he did not want her to walk on the dirt so as not to leave marks on it. Det. Cst. Shenher asked if it was possible that it was wet or raining and Pickton just didn't want them to track in mud, but she couldn't recall; she felt if it was about making a mess in the trailer the plywood would be down permanently and not need to be moved into place by Pickton. She recalls thinking his behaviour was strange in this regard. When asked about her comments there must be other women on Pickton's property, she said that

was her suspicion, based on what happened to her.⁴⁹⁰ Ms. Anderson also recalled that Pickton got out of the truck and locked the gate when they drove in.

In her testimony, Det. Cst. Shenher related the following to the Commission about her interview with Ms. Anderson:

I said, "I really think you're the only one who's gotten away from him." And she sort of nodded and said, "I think so too." And I said, "You know that he's trying - - he's been trying to bring you back out to the farm. He wants to kill you." And she said, "Well, no. I didn't know." And I said, "Well, you know, I don't know what your plans are when you leave here, but this might be a - - a really good opportunity for you to clean up or try to - - to try to make a new start because I'm very concerned." And I expressed my concern. I said, "I'm really worried that you'll go back to the Downtown Eastside because someone" - I said, "So far it seems like no one has agreed to this proposition that he's made, but", I said, "I'm very, very worried about you." And she said she was - - you know, I mean if I had a dollar for every time I heard this, but she said, "Well, I'm going to get out. I'm going to get clean. I'm going to get my kids back." And all I could do was hope that her hope was genuine, that she could do that.⁴⁹¹

Det. Cst. Shenher found Ms. Anderson was very open to speaking with her.⁴⁹² She testified: "There was nothing in my interactions with [Ms. Anderson] that would have made me question her credibility at all."⁴⁹³ At the time of this interview, Ms. Anderson was incarcerated; she was sober and not using drugs.

In the course of preparing his report on the missing women investigations, DCC LePard interviewed Det. Cst. Lori Shenher regarding her meeting with Ms. Anderson in 1998. DCC LePard summarized Shenher's evidence as follows:

On August 21st, 1998, Shenher located and interviewed [Ms. Anderson]. She found her credible and still very frightened of Pickton. Detective Shenher described being "struck with her statement - it was almost verbatim her statement to the Mounties. She had a great memory for detail and it was obviously very traumatic; she was reliving it."⁴⁹⁴

Det. Cst. Shenher's interview of Ms. Anderson took place within the one-year period during which the stay of proceedings could have been lifted. Additionally, this information could and should have been more fully pursued in the context of the missing women and Pickton investigations. This is further discussed in the section below reviewing the investigative strategies.

When interviewed in 2002, Ms. Anderson provided more graphic evidence of the extent to which Pickton's trailer was a containment space and the modalities he employed: the front door was cemented shut, the windows were unbreakable plexiglass, and he had a roll of plastic sheeting that he used under the sleeping bag/quilt.⁴⁹⁵

As far as is known, Ms. Anderson provides the only first-hand account from a target prey of Robert Pickton.

Had the RCMP or the Crown undertaken further interviews with Ms. Anderson, it is reasonable to expect that they could have obtained the additional evidence from Ms. Anderson that is set out for each of these post-stay interviews. This evidence could have changed the investigation in 1997-1998 and, perhaps, the Stay Decision.

F. Conclusion on Term of Reference 4(b)

I conclude that the stay decision was made with integrity and according to Criminal Justice Branch policy in place in 1997 and 1998.

Leaving aside the serious problems I have identified in the RCMP's investigation of this matter, once the investigative file was sent to the Crown, Crown Counsel Richard Romano carried out the charge assessments independently of the police, as he is required to do. Once the RCMP delivered the Report to Crown Counsel, the police did not participate in the prosecution. Generally, the communications between the Crown Counsel and the police were appropriate and respected the independence of their respective areas of responsibility.

I have concluded that while there was no overt bias on the part of Crown Counsel Randi Connor in exercising her decision to stay the proceedings in this case, Ms. Anderson's vulnerability was not accommodated in the process of preparing her to be a trial witness for the prosecution.

Ms. Randi Connor testified that she made the Stay Decision on the basis that she could not proceed given that Ms. Anderson was unable to testify and that her testimony "was the case." I accept her evidence.

I express no conclusion as to whether the proceedings against Pickton should have been stayed. I reject entirely, however, the submissions made to me that the Stay Decision was straightforward. I conclude this was a decision on which reasonable people could reach different conclusions. Any interpretation of judgment or evaluation in these findings should be discouraged, as that is not my intention. I am mindful that it is easy to criticize from a distance with ample opportunity for review.

Perhaps more importantly, my review of the evidence on the Stay Decision has led me to recognize the profound linkages between paragraphs 4(a) and 4(b) of my Terms of Reference.

Investigation and prosecution go hand in hand. The relationship between the investigator and the prosecutor is akin to the one between an architect and an engineer – they are parallel professions that interact, respect and engage each other in dialogue. For our justice system to work effectively the Crown and policing agencies must work together; this requires

comprehensive, clear, effective and respectful communications. This is particularly the case where the investigation and prosecution are centered on vulnerable victims and/or witnesses. I address policy issues related to the treatment of vulnerable witnesses in the criminal justice system in Volume III of my report, which sets out my policy recommendations.

Ms. Anderson is a spectacular survivor; she gave the justice system a second chance, which it objectively had not deserved. It is only fitting that her legacy include policy changes that facilitate the investigation and prosecution of violence against vulnerable women and, more specifically, the treatment of vulnerable witnesses like her by all justice system personnel.

During the course of the criminal justice process, Ms. Anderson shifted from being a victim of crime to being the RCMP's complainant to being the Crown's witness. In the end, she was nobody's victim. This is not a criticism of the prosecution's actions in this case. It is a general critique of the criminal justice process, which continues to be deficient in its capacity to meet the needs of victims, particularly victims of sexual violence.

PART TWO

OVERVIEW OF THE INVESTIGATIONS

PART 2 – OVERVIEW OF THE INVESTIGATIONS

This narrative account of my findings of fact is designed to provide the reader with a clear account of the steps taken in what I describe as four overlapping but separate investigations during the Terms of Reference between January 23, 1997 and February 5, 2002. This narrative overview provides the factual foundation for the more in-depth analysis in Part 3 and Part 4 that are aimed at explaining and understanding the investigations and their impact.

The four investigations are the individual missing women investigations carried out by various police agencies, the comprehensive VPD's investigation into missing women from the DTES, the Coquitlam RCMP investigation into Robert Pickton, and the joint forces operation of the RCMP and VPD into missing women in the Province known as Project Evenhanded. These investigations layer one over another; the common events that recur within these separate narratives provide a fuller account of what took place.

In approaching my findings of fact in this way, I have attempted to create a balance between telling the big story and the many, many smaller stories that are encompassed within it so as to provide as accurate and understandable an account as possible.

A. Individual Missing Women Investigations

Investigations Profiled

Fourteen of the individual missing women investigations are described in this section. They serve as representative case studies of the total number of missing women files. The following criteria assisted in the selection of these case studies: cases reported to different police agencies, cases reported at different times over the Terms of Reference, a range of comprehensive and less comprehensive investigations, investigations with enough information available to enable an account of the investigation, and investigations of women who both were and were not Pickton's victims in recognition of the broader story of missing women in British Columbia.

Where possible, the investigations profiled reflect the participation of family members in hearings. However, in several cases the nature of the issues arising in the investigation dictated that they should be covered in Part 3 of this volume. For example, the accounts of Elsie Sebastian and Cara Ellis are addressed in some detail with respect to reporting practices at the VPD Missing Person Unit. Unfortunately, in the case of Patricia Johnson, while Patricia's mother Marion Bryce testified at the hearings, there is simply not enough information on record to permit a robust account of her investigation. However, her investigation is addressed in Part 3.

The accounts of the 14 individual missing women investigations are set

out in chronological order by date of acceptance of the report. All of the missing women investigations have been reviewed and each is touched upon to some degree in Part 3, where I review and analyze the critical police failures experienced in the investigations.

I accept the fact that I have an incomplete record on the individual missing women investigations and therefore cannot make a detailed assessment or findings about any failings with respect to each of these investigations. I acknowledge that information was missing from the files reviewed by the Commission due to incomplete recording at the time of the investigations and also due to loss of material over time.

The VPD has pointed out that some information has been lost due to the re-ordering of files by Project Evenhanded, their production in the criminal process, and their return and production to this Inquiry by the RCMP.

Testimony of families is not always accurate or complete regarding the investigations because family members were not and could not be fully apprised of each step. While the passage of time can assist in the reflective process and the ability to see the connections between events, time is the enemy of accuracy in the details.

Det. Cst. Shenher testified that DC Evans' review of the files, while not necessarily incorrect, may be incomplete because DC Evans was not privy to more information when she prepared her assessment. For example, in some instances the family contact was at the initiation of the families who said "unless you have something new you don't need to call" and DC Evans would not likely have known about that arrangement.¹ Det. Cst. Shenher agreed that in hindsight some investigations were incomplete in the sense that there were certain investigative steps that should have been performed but were not.² She thought, at the time, that the investigations were complete, and likened them to homicide investigations based on feedback she was receiving:

I took my lead in terms of whether this was being adequately done by the feedback I was receiving from my supervisor, and it was my understanding that this was what could be expected to be done on these files, and so at the time it wasn't really until I started to question that, but I did just that and questioned it.³

But now she knows that "clearly it was inadequate."⁴

At the same time, it is clear from the available evidence that I can make general comments about the conduct of the investigations. While not every single step is captured in the record, I have enough evidence to set out my impression of the amount of time given to the file, the level of urgency or prioritization assigned to it, the attempt to conduct follow-up on known leads, the coordination between agencies, and the amount of contact between police and family members.

Throughout the report, I refer to the individual missing women by their first name after they are first introduced to the reader. I do so in order to set apart the women from relatives and other individuals referenced in the report and out of respect for their distinct status. My use of first names accords with how family members referred to the women during the hearings; other witnesses followed this practice. For readability, and to protect the identity of individuals whose names are not part of the public record, I refer to them using fictional initials (A.A., B.B., C.C., etc.). In some cases, these individuals were persons of interest. Only one initial (A., B., C., etc.) is used for instances when the individual is known to be a woman.

Tanya Holyk

Like many of the missing women, the specific date that Tanya Holyk disappeared is unclear. The Commission was informed that on October 27, 1996, Tanya Holyk had planned to celebrate her Aunt Lila Purcell's birthday with the rest of the family, but she did not appear.⁵ It was also put forward that Tanya's mother, Dorothy Purcell, last saw Tanya on October 29, 1996: after arguing with her boyfriend, A.A., Tanya left her and Dorothy's home, returning once that evening before leaving again, never to return.⁶ That night, Dorothy Purcell phoned Lila Purcell to tell her Tanya hadn't come home. Dorothy Purcell began searching for Tanya and called friends or people who might have seen her, to no avail.⁷

On November 3, 1996, Dorothy Purcell reported Tanya missing to the VPD and said that she had last been seen October 29, 1996. The report noted that Tanya had an 11-month-old child whom she left with her mother.⁸ Police were soon informed of two persons of interest in Tanya's disappearance: A.A., Tanya's boyfriend at the time she disappeared, and B.B., the father of her baby.⁹

Between November 6 to November 26, 1996, Dorothy Purcell and Sandra Cameron, a VPD civilian employee who provided clerical support to the VPD Missing Persons Unit (MPU), had contact about Tanya's disappearance; however, there is contention about the substance of that contact. In Ms. Cameron's testimony and logs of the investigation she indicated that Dorothy Purcell was, at first, not concerned about Tanya's absence, saying that she was "probably just having a break from the baby."¹⁰ However, a letter later written by Dorothy Purcell states that the suggestions that Tanya was partying came from Ms. Cameron.¹¹ Ms. Cameron's notes also indicate that Tanya used to "run" in the past,¹² a fact Lila Purcell doesn't believe to be true.¹³

Of the greatest concern about the contact between Dorothy Purcell and Ms. Cameron during this time are the allegations of demeaning treatment. Ms. Purcell wrote a letter on January 22, 1997, in which she describes how Ms. Cameron had treated her and recounted how Ms. Cameron spoke of Tanya, calling Tanya a "coke head" who abandoned her child, and that Ms. Cameron said the police would not waste their time trying to find Tanya.¹⁴

These allegations were also noted by Freda Ens of the Vancouver Police Native Liaison Society (VPNLS), who wrote a letter of complaint regarding this and other concerns she had about Ms. Cameron.¹⁵ Det. Cst. Shenher also recounted this allegation in her testimony when she described the time she introduced Dorothy Purcell to Ms. Cameron in the office, and how distraught Ms. Purcell was as a result. Ms. Purcell told Det. Cst. Shenher that Ms. Cameron had told her that if she was a better mother, Tanya wouldn't be missing and how the police wouldn't look for drug addicts or "hookers" because they were not reliable.¹⁶ Ms. Cameron denied this.¹⁷

Ms. Cameron closed the missing person report for Tanya on November 26, 1996. According to Ms. Cameron's notes, Dorothy Purcell contacted her regarding a call she had received about Tanya and provided Ms. Cameron with the phone number. Ms. Cameron called the number and spoke to the female who answered, who when asked whether Tanya's boyfriend A.A. was there, replied that Tanya was with him that morning.¹⁸ Ms. Cameron testified that the woman volunteered Tanya's name before Ms. Cameron mentioned it.¹⁹ Ms. Cameron stated that, as a result, she and Dorothy Purcell agreed to cancel Tanya's missing person report. Ms. Cameron testified that she did not know if there was a detective in the MPU at the time to review this decision to close the file.²⁰ Dorothy Purcell disagreed that she had agreed to the file being closed, as evidenced in her letter. In the letter, Ms. Purcell recounted how, when telling her of the file closure, Ms. Cameron said that Tanya wasn't missing, just out having fun. Ms. Purcell countered by questioning Ms. Cameron whether Tanya's boyfriend A.A. could have set up the call so the police would stop looking for Tanya.²¹

The same day Ms. Purcell wrote her letter of complaint, January 22, 1997, she again reported Tanya missing, this time to the VPNLS. In the report, Ms. Purcell told police that she had not seen Tanya since the initial report. She also provided detailed information about her last sighting of Tanya, on October 29, 1996, when Tanya left after having an argument with A.A., and about the child custody dispute Tanya had had with B.B.²² On January 23, 1997, police contacted Ms. Purcell and Tanya was entered on CPIC as missing; the entry stated "Abduction by stranger."²³

The VPD initiated an investigation on January 28, 1997. Police contacted Ms. Purcell and relied on the extensive notes taken at the time of the first reporting.²⁴ For the initial investigation, it appears that the investigative steps were conducted by Cst. Johns from the VPNLS, who testified that he was assisting the file but not responsible for it.²⁵ He left a message with the MPU on January 30 saying that they were making inquiries, and in March 1997 was in contact with the MPU regarding his continued attempts to locate Tanya's boyfriend, A.A., who was a person of interest in her disappearance.²⁶

After this date, there is a gap in the investigation log for over a year.²⁷ It is unclear whether this is a gap in the records or whether no investigative steps were taken. Unfortunately, Cst. Johns does not remember if he took any investigative steps during this time.²⁸

Det. Howlett received the file on March 16, 1998.²⁹ That day, Det. Howlett conducted police records checks and attempted to contact Dorothy Purcell. On the 17th, police checked Tanya's welfare file, finding four addresses associated to her file, and interviewed Ms. Purcell, who provided more detail of what happened on the last night Tanya was seen. In March, police attempted to get photos and dental records for Tanya and learned that A.A. had been deported in December 1997. On April 8, 1998, police distributed MP posters for Tanya.³⁰ Also in April and May, police followed up on welfare, medical and dental records and interviewed the father of Tanya's child, B.B. Background checks were carried out on B.B. during the month of May and police learned of an alleged assault B.B. had committed on another woman. Tanya's information was added to the FBI database, NCIC, on May 29, 1998.³¹

On July 7, 1998, police again checked government records.³²

Police made numerous attempts to contact the woman assaulted by B.B., eventually interviewing her on September 17, 1998. She provided detail about Tanya's relationship with B.B. and the night she went missing.³³ A few other investigative steps were taken in September and October 1998. During that time, police also had contact with Dorothy Purcell, who provided information that A.A. was in Seattle trying to return to Canada.³⁴

On April 23, 1999, there was an internal VPD request for street names/aliases of all missing women, including Tanya. On April 28, 1999, police checked Vital Statistics for any birth, death or marriage associated to Tanya.³⁵

On May 1, 1999, VPD Vice Unit provided a street name for Tanya's boyfriend, A.A., and an officer was assigned to locate him on August 15, 1999.³⁶ It does not appear that police ever interviewed A.A.

On October 26, 1999, police requested an offline CPIC search for Tanya.³⁷

On November 5, 1999, police again contacted the woman who was assaulted by B.B., but she had no new information.³⁸

On January 21, 2000, police learned that the Ministry of Health records indicated that Tanya's last hospital visit was in 1995.³⁹

On September 9, 2000, police learned of possible matches on NCIC on Tanya in New Mexico and Texas.⁴⁰

On January 9, 2001, police requested Tanya's welfare files. These files were reviewed on May 15, 2001; at this time police learned that her welfare file was opened in April 1996 and closed in November 1996.⁴¹

On December 2, 2001, police conducted a file review: several tasks were added to a "to do" list. A more detailed "to do" list was compiled on December 10, 2001.⁴² There is no evidence that these tasks were completed.

On December 31, 2001, the police reached an agreement with the BC Cancer Agency for DNA of missing women, including Tanya, for identification.⁴³ This would allow police to compare the DNA to any crime scenes or unidentified human remains they might uncover as a result of their investigations.

On October 2002, the family was informed that Tanya's DNA had been found on the Pickton farm.⁴⁴

Lila Purcell testified that she was unaware of much of what was being done in Tanya's case and that the police should have engaged with the family more than they did. Lila Purcell does not recall being interviewed, or recall any of Tanya's family members being interviewed.⁴⁵ She testified that she felt if the investigation had been done properly, perhaps Pickton would have been found sooner, saving lives and sparing families what her family had to go through losing Tanya. She stated, "She was a large part of all of our lives. It was like losing my own child. And I just wish more had been done."⁴⁶

The investigation of Tanya Holyk's disappearance is marked by relatively little activity and major delays. The initial report was cancelled without visual contact and verification that Tanya was safe. Ms. Purcell complained of inappropriate comments and behaviour by Ms. Cameron in the initial investigation of the missing person report. She sought help from VPNLS, but although they took a report, very little else was done.

Tanya's file should not have been closed without police confirming that Tanya was safe. DC Evans testified that this was not a proper way to end the investigation: someone from the police department should have physically verified that Tanya was still alive.⁴⁷

There also appears to be significant gaps in the investigation, from when Tanya was first reported missing in November 1996 to Det. Howlett's takeover of the file in March 1998, 15 months later. DC Evans stated that, based on the information provided, a serious investigation should have been conducted within a matter of days.⁴⁸ The interview of B.B., a person of interest, did not occur for nearly a year and a half; it should have occurred earlier.⁴⁹

Few active investigative steps were taken on the file. For example, it does not appear police ever visited Tanya's last known address or canvassed the neighbourhood, and it is fair to assume that this was not done as these steps would have been noted in the file. In addition, police never interviewed A.A., a person of interest: DC Evans stated that he should have been interviewed soon after the information was received, noting that if he had been flagged on CPIC, immigration officers could have alerted police before deporting him and given them an opportunity to interview him.⁵⁰

In addition, police had limited contact with family members during the

investigation. It appears that contact stopped with Tanya's mother, Dorothy Purcell, in 1998. Contact up until that point was sporadic.

Olivia William

Olivia William was reported as missing to the Smithers RCMP Detachment on March 27, 1997, by a social worker from the Ministry of Social Services and Housing (MSSH), Barbara Lagimodière.⁵¹ Ms. Lagimodière reported that Olivia usually called every three weeks to check on her children, but she had not been heard from since December 1996. Olivia was a resident of Tachet, BC. She was known to be engaged in the sex trade and a drug user, and to have a severe case of Hepatitis B. She had recently given birth to a child.⁵² When asked about the significance of a report made by a social worker, DC Evans said:

For the most part if the police receive a call from a social worker, they would take it seriously because the social worker has a lot of information with regards to the individual and if they're dealing with a social worker, it would indicate as well that there was issues obviously going on with this individual, so much so that the social worker is the one making a call.⁵³

On March 27 and 29, 1997, Smithers RCMP officer Cst. Cooke conducted a PIRS check on Olivia and entered Olivia on CPIC as missing.⁵⁴ After that, nothing appears to have been done for a month, until the RCMP phoned MSSH on April 26, 1997. MSSH provided information linking Olivia to Vancouver: Olivia had unpicked-up mail at Sheway, a pregnancy outreach program located in the DTES.⁵⁵

On May 24, 1997, Cst. Cooke received a message from Olivia William's sister, Violet Zehmke, who had received a message from Cora Patrick, another sister, that a man claiming to be a detective wanted a picture of Olivia William because a body had been found in Vancouver. Cst. Cooke determined that the VPD did not have any unidentified bodies at the time, and advised Ms. Zehmke that the call was probably a practical joke.⁵⁶

The first contact the RCMP had with the VPD on Olivia's file occurred on May 26, 1997 when the Smithers RCMP sent a memo to the VPD that included the details of the report and a photograph of Olivia.⁵⁷ The memo noted that she was believed to be involved in prostitution in the Hastings area, her sister had not heard from her since December 15, 1996, after Olivia had given birth to a baby, and Olivia had been receiving mail at Sheway. The memo also included a request to locate Olivia and notify the Smithers RCMP.⁵⁸ When it was suggested the delay in contacting the VPD was too long, DC Evans stated: "I agree. Yes. I don't understand the delay there."⁵⁹

Also on May 26, Olivia's father contacted the Smithers RCMP about Olivia. Shortly after, Band Chief Palmatter also contacted the Burns Lake RCMP Detachment about Olivia's investigation. During this time, there appear to

be issues concerning which RCMP detachment community members were supposed to contact.⁶⁰

Both RCMP detachments followed up with the VPD on the file on May 28, 1997. They checked whether the VPD had the file, and advised that if the RCMP continued to investigate, it would need Olivia's photograph and dental records.⁶¹ In the June 3 fax from members of the Burns Lake RCMP to the Smithers RCMP, it was noted that "on examining our file closer, we feel that maybe this missing person file should have gone to Vancouver City in the first instance as the only connection we have is that the social worker who made the complaint lives in this area."⁶² It is unclear who was in charge, or if anyone was in charge, at this stage.⁶³

On June 4, 1997, the Smithers RCMP received information from a social services worker⁶⁴ who advised that she received a phone call from Olivia on December 16th, three weeks after she had her child. She had tried to get money. The social worker provided police information on Olivia's last address on East Hastings Street and last social worker, Michelle Godin. The RCMP member phoned Ms. Godin, who explained that the last time she had seen Olivia was in the fall, before she had her baby, and she believed Olivia had been reported missing to the VPD.⁶⁵

On June 4, 1997, a Smithers officer sent a message to the VPD that Olivia had been reported to Smithers RCMP but should have been reported to the VPD.⁶⁶ On June 13, 1997, the VPD acknowledged receipt of Olivia's photograph, which was circulated to the Vice Unit. On June 16, 1997, the Smithers RCMP faxed Olivia's missing person file to the VPD. The Smithers RCMP removed Olivia from CPIC and closed their file.⁶⁷

Nearly a month passed before the VPD opened a missing person file for Olivia. On July 4, 1997, a VPD missing person report was created for Olivia, reported by Barbara Lagimodière,⁶⁸ and she was added to CPIC by the VPD.⁶⁹ When questioned whether the police should have moved more quickly, DC Evans testified before the Commission that the trail had not been cold because Olivia William had given birth in Vancouver in December 1996; therefore timeliness was key. There would have been records but no one followed up.⁷⁰

In July 1997, the police attempted to get Olivia's photograph and have her dental records entered on CPIC. On July 8, 1997, the VPD contacted the reportee, Ms. Lagimodière, to see if Olivia had contacted her sister Violet Zehmke; almost a week later the police were informed that Ms. Lagimodière had not yet spoken to Violet Zehmke.⁷¹

It appears that nothing further was done on the file for almost a year, until June 2, 1998, when Ms. Lagimodière was contacted for a photograph, updated on the investigation, and told that Global TV was doing a news story.⁷² On June 17, 1998, police conducted a file review and checked police records, in which no associates of Olivia nor any criminal activity or warrants were listed.⁷³

On September 17, 1998, a ViCLAS booklet on Olivia was entered.⁷⁴

From September to November 1998, the police were in contact with a family friend who had phoned concerned about the investigation and Herbert William, Olivia's uncle, about getting a photograph of Olivia.⁷⁵ Sandy Cameron stated in a memo that she had a good relationship with Herbert William, who she had met face to face on a number of occasions and who called her from Burns Lake just to talk: "he has always played an active role in trying to find Olivia and has always kept abreast of what we have done."⁷⁶

A missing person poster for Olivia was distributed by the VPD, but the date is unknown.⁷⁷

In early February 1999, Cst. Cooke at the Smithers RCMP faxed the VPD information that Victor William, Olivia's brother, had found a purse on a shelf at home with a letter dated July 31, 1996, from Canada Post that advised the purse was found in the mail and returned. Cst. Cooke examined the purse and located some cards and notes all dated prior to the date Olivia was last seen.⁷⁸ Canada Post advised on February 16 that it was unable to determine from where the purse was mailed.⁷⁹

In February of 1999, police searched PIRS and RMS for Olivia, but the results were negative.⁸⁰ In March 1999, Olivia was added to NCIC and the VPD corresponded with the sheriff's office regarding found human remains in California, but they determined that the remains were not Olivia's.⁸¹

In February and April of 1999, the police received some tips regarding Olivia, including that she had been seen and that she had stolen money from three drug dealers who then caused her harm. Police also identified a number of Olivia's associates who might have had information of her whereabouts and a person of interest in the investigation. Police searched PIRS and CPIC for information on an associate and the person of interest. The latter was found to be wanted in Burnaby and was added to CPIC. He was interviewed in April 1999.⁸²

On April 20, 1999, Olivia's uncle, Herbert William, called the VPD; police gave him an update on the investigation and told him that the VPD would be on TV that night about the investigation.⁸³ On November 18, 1999, Herbert William advised police that he received information that Olivia was collecting welfare in Chilliwack.⁸⁴ He also contacted the police on November 15, 2000, when he was in Vancouver.⁸⁵

In February 2001, police received another tip that Olivia had been seen at a Native Friendship Centre in Mission, BC.⁸⁶

From April 1999 to January 2001, police conducted further database searches for information on Olivia, including a search of Vital Statistics, a CPIC offline search, and a search of the Ministry of Health and Welfare

records. In May 2001, Olivia's welfare file was reviewed, revealing that it was opened June 1996 and closed February 1997; one associate was listed on the file.⁸⁷

On January 2, 2002, police contacted Herbert William; he advised police that he would be the family contact for the investigation and provided his contact details.⁸⁸ On January 31, he was contacted about the spelling of Olivia's name: he informed police that William is spelt without an 's'.⁸⁹ It is possible the wrong spelling affected police database searches.

Olivia's brother Chris Joseph testified at the Inquiry. He was unaware of any charges that have ever been laid in connection with Olivia's disappearance and is not aware of any connection to Pickton.⁹⁰ He had no direct involvement with the police in relation to her disappearance.⁹¹ However, he testified about how difficult it was for him to have his sister vanish. He expressed his frustration with police, saying that if they had looked into Pickton earlier and listened to the community, some of the women who appear on the missing women poster would be alive today.⁹² When Mr. Joseph testified at the Inquiry, he said that Olivia's last name was "Williams." For the purpose of this report, we have used "William."

In reviewing the investigation into Olivia William's disappearance, it appears to me that there was minimal family contact; while the police were in contact with family members, it was often on the initiation of the family member. Although Olivia was initially reported as missing by a social worker in 1997 and 1998, Olivia's sisters, father, brother, uncle, Band Chief Palmatter, and a family friend each phoned the police concerned about Olivia and the investigation. Another of Olivia's brothers also provided information regarding Olivia's found purse to the police in 1999. In spite of this, contact with the family was limited and became more so after 2000.

During the initial period, no one agency seemed to have conduct of Olivia's file and no substantive investigation was undertaken. It took three months for the file to be appropriately transferred to the VPD, the police agency with jurisdiction where Olivia had gone missing. Little actual investigation on the file was completed by either the RCMP initially or by the VPD; it was clearly not treated as urgent. Most investigative actions focused on getting a photograph of Olivia, adding her dental records to CPIC, and searching databases. The police did not appear to attend Olivia's last known address. They conducted only a single interview during the investigation, of a person of interest, two years after Olivia was reported missing. There is no indication that police interviewed friends, family or associates, including one specifically identified associate considered to have relevant information. Further, it appears that police did not follow up tips to completion.⁹³ Police also failed to use community resources, even though they knew that Olivia had connections to Sheway.

A file review was carried out in June 1998 but it did not appear to prompt further investigation. Police did little immediately after the review except attempt to get a photograph of Olivia.⁹⁴ Olivia is still missing.

Janet Henry

Sandra Gagnon last spoke with her sister Janet Henry on June 25, 1997.⁹⁵ Three days later, June 28, 1997, Ms. Gagnon filed a missing person report with the VPD.⁹⁶ She phoned 911 and said she was worried about her sister. In particular, Ms. Gagnon was worried that Janet may have overdosed or committed suicide in her room, and had called 911 so police would check Janet's room.⁹⁷ When Ms. Gagnon and her sister Dorothy first met with the VPD they told them about Janet and that it wasn't like her to go missing.⁹⁸

In the missing person report, Janet's address was listed as the Holborn Hotel. It was noted by police that staff at the hotel left a note for her, which hadn't been removed, and the bartender of Dodson House hadn't seen her. Janet's boyfriend, C.C., was also listed on the report.⁹⁹ On the VPD *Missing Persons Supplementary Report*, remarks indicated possible foul play and instructed to refer the file to Det. Steinbach in missing persons.¹⁰⁰

Ms. Gagnon attempted to search for Janet herself by walking around the DTES, speaking with people around the community and putting up posters.¹⁰¹ She phoned the human resources office on a number of occasions to ask if Janet picked up her cheque and asked at the bank if Janet had cashed any cheques.¹⁰²

Ms. Gagnon appears to have been the subject of racist and demeaning conduct by Ms. Cameron. Det. Cst. Shenher testified that Ms. Cameron may have behaved in a racist way towards Ms. Gagnon, summarizing that the contact between them was not good.¹⁰³ Ms. Gagnon had complained to Det. Cst. Shenher about how she was treated by Ms. Cameron telling her that she had tried to communicate information about Janet Henry's file through Ms. Cameron but was met with difficulty. Although Det. Cst. Shenher couldn't remember specifics when she was testifying, she generally remembered that Ms. Gagnon complained of racist treatment.¹⁰⁴ Of Ms. Gagnon, Ms. Cameron recalled that she phoned the office almost daily and they spoke for long periods of time. Ms. Cameron testified that she thought they had a good relationship and that Ms. Gagnon did not have trouble communicating information about the file to Ms. Cameron and she did not subject Ms. Gagnon to racist treatment.¹⁰⁵

Freda Ens knew Janet Henry from the VPNLS, as Janet would come into their office. Ms. Ens didn't hear right away that Janet was missing and police were investigating.¹⁰⁶

On July 14, 1997, as a result of a tip, a CPIC message was sent to the Ganges RCMP/Salt Spring Island from the VPD requesting them to be on the lookout for Janet Henry, with a description of her.¹⁰⁷

On July 17, 1997, three weeks after she was reported missing, Det. Steinbach searched Janet's room at the Holburn Hotel, her last known address, and spoke to the landlord. The landlord stated he hadn't heard from Janet since

her disappearance and her room was paid up until July 28. Ms. Gagnon and a TV crew were the only ones who had been in the room since her disappearance; however, an Aboriginal male had tried to gain entry.¹⁰⁸ Ms. Gagnon had gone to Janet's room with the media because she wanted to make sure Janet wasn't there.¹⁰⁹ She thought police would have checked Janet's room right away.¹¹⁰

When Det. Steinbach did go into Janet's room, he seized photos and paper, a locked suitcase, and a paper bag filled with toiletries. He noted the bureau was empty and there was no wallet or ID, food, or cleaning supplies, and that the room was neat. He also noted there was no HIV medication of any type, even though Janet was HIV positive.¹¹¹

On July 18, 1997, Det. Steinbach noted that he spoke to welfare. He also noted that Janet's family had been calling and that Janet was on no apparent drug treatment. He called Ms. Gagnon and learned that she thought an identified male, Louie, had been in the room, but it was not known if this was before or after Ms. Gagnon had been there. She told the detective that Louie had told her that Janet's boyfriend, who he identified as D.D., said Janet was dead. Ms. Gagnon also told Det. Steinbach when Louie had last seen Janet and discussed C.C. Sandra told him of her last contact with Janet and their plans to meet on June 25.¹¹²

On July 22, 1997, Ms. Gagnon phoned police for an update. That day, police also attempted to contact Louie. Police tried to contact him again the next day.¹¹³

On July 23, 1997, Ms. Gagnon went to the police station and spoke to Det. Steinbach. She brought in 19 pictures of Janet. The same day, Det. Steinbach phoned Janet's dentist and noted he would send a letter the following day to get her dental records. He noted the name and contact information of Janet's doctor, who had last seen her in December 1996. He also noted information about Janet's daughter, whom Janet last saw in May.¹¹⁴

On July 28, 1997, Det. Steinbach was in contact with the coroner's office, which stated they had no Jane Does within the last couple of months.¹¹⁵

On July 29, 1997, Ms. Gagnon called the police and provided information from Louie about seeing Janet two days before she went missing. Det. Steinbach called Louie to arrange an interview, and interviewed him that day.¹¹⁶ On July 30, 1997, police called a male in relation to Janet's file.¹¹⁷

On August 5, 1997, Det. Steinbach noted that he had x-rays to forward to the coroner.¹¹⁸ On the same day, Louie called police for an update and provided information that a woman had seen Janet a week prior at 1st Avenue and Commercial Drive in Vancouver. Louie had gone to that location and spoke to people he knew, but none had seen Janet.¹¹⁹ On August 6, 1997, Ms. Gagnon called police, providing information about

C.C. She phoned twice more, about welfare and about a meeting with her sister, Dorothy.¹²⁰

On August 7, 1997, police called Louie and let him know that the phone numbers of the person he had identified were incorrect. Louie identified a person Janet feared, E.E., and provided information about C.C. He also discussed his last sighting of Janet.¹²¹

On August 14, 1997, Det. Steinbach spoke with Cst. Dave Dickson, who provided information about C.C. The same day, Louie called for an update, and also provided additional information about C.C.¹²²

On August 19, 1997, Ms. Gagnon called the police and provided information that C.C. was living at the Holborn. The same day, police left a message for Ms. Gagnon, created a missing person poster, and attended at the Holborn Hotel to see C.C., leaving a card for him. Det. Steinbach noted he would give some posters to Sandra Gagnon.¹²³ On August 20, 1997, police distributed posters of Janet.¹²⁴

On September 2, 1997, Ms. Gagnon called police and identified a male who Janet spent time with last fall; Det. Steinbach again noted that he would get Ms. Gagnon some posters.¹²⁵

On September 9, 1997, Sandra Gagnon left a message for Det. Steinbach; a new police officer advised her he was away indefinitely and to contact the newly assigned officer,¹²⁶ Det. Howlett.¹²⁷ Ms. Gagnon called and left messages on September 17, September 30 and October 3: police noted these were a few of the logged calls. On numerous other occasions, Ms. Gagnon called and they discussed Det. Steinbach being off, that all posters had been produced and released to media, and they had not had any other tips.¹²⁸

On September 28, Ms. Gagnon called police and provided info about D.D. and police noted that Det. Steinbach was interested in speaking to that person of interest. On October 6, 1997, police called Ms. Gagnon, who provided an alias C.C. used and information that he had assaulted Janet. Another male called the office looking for information on the file; police did not provide it, but the male did return Janet's things to Ms. Gagnon.¹²⁹

On October 20, 1997, Ms. Gagnon left a message for police, providing information she learned in the DTES about a male pimping Janet.¹³⁰

On October 21, 1997, a woman referred to as A. in the police file called police and said she had information about Janet/Janet's pimp; police advised they would have someone go to speak with her. On October 22 the police went to her address, but no one answered the door. Also on October 22, the police attended an address listed in the file as E.E.'s address, but the address did not exist.¹³¹

On October 27, police attempted to find E.E. and tried to contact Louie. The next day, police spoke to E.E.'s probation officer: she informed police that she had concerns about his possible involvement in Janet's disappearance; that she believed E.E. had started drinking again; that he had a long history of sexual assault and two recent sexual assault cases; and that he felt anger towards Janet Henry.¹³²

On October 30, 1997, police tried to contact Louie and A.¹³³

On November 10, 1997, Det. Little from Homicide reviewed the file and concurred with the to do list completed by Ms. Cameron.¹³⁴ On the November 12, Det. Lepine and Det. Little conducted a taped interview of C.C., as a person of interest. The detectives also attended a hotel on Pender Street to find D.D. There, police spoke to the hotel manager about D.D., who agreed to page police when D.D. returned. The same day, D.D. called Det. Little, advising him that he would call back for an interview the week of November 17 to 20. On November 18, D.D. called the police; an interview was set for November 20.¹³⁵

On November 19, 1997, police attended an address for E.E., but he was not there. Police left the building manager their card, and the manager agreed to page Det. Little when E.E. arrived.¹³⁶

On November 20, 1997, D.D. did not show up for his scheduled interview. That day, Det. Hutton and Det. Little attempted to find both D.D. and E.E. Det. Little and Det. McKnight found E.E. at his residence and interviewed him.¹³⁷

On November 20, 1997, Det. Little phoned Ms. Gagnon. She returned the call later that day. Det. Little provided her with an update and Ms. Gagnon identified two males she didn't trust.¹³⁸

Ms. Gagnon had expressed her concerns about E.E. to police; she thought he might have been involved with Janet's disappearance because he had served jail time for sexually assaulting her. During her hearing testimony when speaking of the investigation into E.E., she remembered that police got his probation officer to speak with him and that he passed a lie detector test. Police told Ms. Gagnon that E.E. wasn't responsible for Janet's disappearance.¹³⁹

On November 24, 1997, D.D. called police and scheduled an interview for November 26.¹⁴⁰

On November 26, 1997, police contacted BC Tel, looking for contact information for Louie and A. Police then contacted Louie and scheduled him for an interview on November 28.¹⁴¹

On November 26, police interviewed D.D. and noted that there was nothing significant from the interview.¹⁴²

On November 27, 1997, police interviewed Louie. Again, it was noted that no new information was forthcoming.¹⁴³

The same day, police contacted government social services for A.'s contact information. On December 9, 1997, police again searched for an address for A.¹⁴⁴

In March 1998, Cst. Dave Dickson made inquiries in the DTES about Janet Henry.¹⁴⁵

On May 20, 1998, police interviewed a person of interest, F.F.¹⁴⁶ The next day, police sent a letter to the Prince Rupert RCMP, requesting follow-up and providing posters.¹⁴⁷ On June 15, 1998, police received the statement of G.G. via the Prince Rupert RCMP.¹⁴⁸

On August 13, 1998, Ms. Gagnon called Det. Cst. Shenher and arranged a meeting. During the conversation, Ms. Gagnon mentioned that C.C. and D.D. might have information about Janet's disappearance.¹⁴⁹ On August 25, Det. Cst. Shenher interviewed Ms. Gagnon and noted that there was not much new information; however, Ms. Gagnon provided information about persons of interest and associates of Janet's. Ms. Gagnon also provided more information regarding her concern about Louie; Det. Cst. Shenher told her she would be interviewing him again in a week and asking him to take a polygraph.¹⁵⁰

On August 26, 1998, Ms. Gagnon provided Det. Cst. Shenher information about a new person of interest, whose name she heard in connection with Janet.¹⁵¹ On September 29, 1998, Sandra left a message for Det. Cst. Shenher, wanting an update. Det. Cst. Shenher called her back.¹⁵²

The police log ends in 1998, although it is believed that investigation continued into 2002.

On January 19, 1999, Det. Cst. Shenher wrote a letter to Debra, Janet's daughter, telling her that police were doing everything they could and sympathizing with her pain.¹⁵³

During the investigation, investigators questioned whether Janet might be a possible victim of Pickton, based on information provided by informants. In 1999, when told by an informant that an associate has seen a purse belonging to a Native female in Pickton's trailer approximately two years before, Det. Cst. Shenher noted in her log that Janet Henry went missing in July 1997.¹⁵⁴ Det. Cst. Shenher testified that when she heard about the purse she immediately thought of Janet Henry, wondering if it was possibly her purse. She recalled speaking to Ms. Gagnon shortly after to get a sense of whether Janet had a purse that had a First Nations dreamcatcher or anything similar on it, which would match the informant's description of the purse.¹⁵⁵

On April 20, 2000, Det. Cst. Shenher sent a CPIC message to the Calgary Police requesting assistance with the comparison of names and photos regarding Janet Henry, in response to a tip that Janet was living there under a different name. The investigation revealed this was not Janet Henry.¹⁵⁶

Ms. Gagnon made enormous efforts to bring community attention and police action to the situation of the missing women. She went to the media frequently, including appearing on The Vicki Gabereau Show with Det. Cst. Shenher, and sent letters to the Mayor and Chief of Police asking for a task force to be created. The Native Women's Association of Canada flew her to Ottawa to speak to Parliament.¹⁵⁷

Although she cannot remember details of what the police did, Ms. Gagnon believes that the VPD didn't take Janet's missing person report seriously.¹⁵⁸ However, she had good working relationships and respect for several VPD members including Det. Cst. Shenher and Sgt. Clary.¹⁵⁹ That said, Ms. Gagnon was hurt by comments she heard that police made, for example, that "the women were ugly anyway."¹⁶⁰

Police told Ms. Gagnon it is almost certain Janet ended up on Pickton's farm, but no charge was laid. Janet Henry's file is closed: police have told Ms. Gagnon that they cannot take the investigation any further than they have.¹⁶¹ No charges have ever been laid in connection with her disappearance.¹⁶²

During her testimony, Ms. Gagnon told the Commission about her family and the tragedies she has suffered, losing many of her loved ones in heartbreaking circumstances. She described losing her sister, Janet, and her involvement in the investigation as "one of the biggest things" she had ever been through, and likened it to a "living nightmare."¹⁶³ She expressed anger towards the police for not taking her sister's case seriously from the beginning.¹⁶⁴ The Commission also heard about Ms. Gagnon's incredible grace and dignity in the face of terrible circumstances.¹⁶⁵

In reviewing the investigation into Janet Henry's disappearance, I note that the initial investigation was slow: nothing active appears to have been done for three weeks. Specifically, during this time, police did not search Janet's residence, in spite of Ms. Gagnon's concerns that Janet may have overdosed or committed suicide in her room. After three weeks had passed, it seems police then engaged in a fairly active investigation. However, it also appears from the information reviewed that the investigation slowed down considerably in 1998.

The various police officers on the file kept very regular contact with Ms. Gagnon throughout 1997 and into 1998, although that was usually on the initiation of Ms. Gagnon, not police. That said, police did follow up on information Ms. Gagnon provided, particularly with respect to persons of interest and other men she identified who might have had knowledge of Janet's disappearance.

Police followed up on three men identified as possible persons of interest in relation to Janet's disappearance, including interviewing them within five months. They also attempted to follow up with a woman involved in the sex trade who might have had information about Janet. Homicide officers Det. Lepine and Det. Little, in addition to a number of other officers from outside the MPU, were actively involved in the file for a period of time, including conducting a review of the file and finding and interviewing persons of interest. This seems to indicate Janet's file was treated more seriously than some others, and accords with the occurrence report that noted that foul play was possible.

However, police did not appear to seek information from DTES service providers. For example, police did not tell the VPNLS that Janet was missing when she was first reported, in spite of the fact that Freda Ens had a relationship with her.

Jacqueline Murdock

Jacqueline Murdock's sister, Daphne Pierre, was last in contact with Jacqueline in the second week of December 1996. When she hadn't heard from Jackie, as she was called by family members, in February or March 1997, Ms. Pierre spoke to her mother and learned that her mother, Evelyn Murdock had not heard from Jackie either.¹⁶⁶ On August 14, 1997, Ms. Pierre reported Jackie missing to Cst. Jeff Campbell of the Prince George RCMP.¹⁶⁷

Jackie was listed as last seen leaving town for Vancouver or Fort St. John, and the date of occurrence was listed as November 1996.¹⁶⁸ Ms. Pierre provided police with information about her last contact with Jackie. The RCMP officer told Ms. Pierre to check hospitals and treatment centres in Prince George and advised that the file would be sent to the VPD.¹⁶⁹

The documents in evidence indicate that Jackie's file was not sent to the VPD, but assigned to Cst. Campbell of the Prince George RCMP, who took some investigative steps over the following months. Ms. Pierre was not advised of those steps or that the file was not sent to Vancouver.¹⁷⁰ Ms. Pierre also testified that the RCMP never requested a photo of Jackie. The police used a photo of Jackie from when she was arrested.¹⁷¹

On September 3, 1997, Ms. Pierre left a message at the detachment that her mother, Ms. Murdock, was living at a new address.¹⁷² The person receiving the note had no idea what the message was referring to.¹⁷³ On September 9, 1997, Ms. Pierre's info was provided to Cst. Campbell, who advised her that he was investigating the file.¹⁷⁴ Cst. Campbell had attended Ms. Murdock's residence on September 7, but failed to make contact; Ms. Murdock subsequently attended the detachment and provided information from Jackie's sister-in-law, Patti Murdock: when Patti Murdock had last seen Jackie, Jackie had said she needed to get to a hospital. Ms. Murdock also identified Jackie's ex-boyfriend.¹⁷⁵ The next day, a few other steps were

taken on the file, including requesting Jackie's dental records and PIRS search. A press release and photograph was provided to the media liaison section.¹⁷⁶

On September 9, 1997, Supt. Hall (Officer in Charge of the Prince George RCMP Detachment) sent a letter to the VPD requesting a search of VPD records to see if any officers had had contact with Jackie in the past six months and whether they had an address for her; he also requested their "task force" be on the lookout for her, and advised that a photo would be forwarded.¹⁷⁷

Starting on September 28, 1997, Cst. Campbell began contacting various hospitals to check for records of Jackie. On October 1, 1997, Cst. Campbell contacted St. Paul's and was informed that the hospital had a listing for Jackie. Cst. Campbell requested a medical release form.¹⁷⁸

On October 2, 1997, without having obtained a release form or reviewed the hospital records, the police closed Jackie's missing person file and removed her from CPIC because she had apparently attended St. Paul's hospital for a non-life-threatening injury in July 1997. St. Paul's had an address for Jackie, but would not release it without a medical release form.¹⁷⁹ There is contradictory evidence about whether Cst. Campbell informed or attempted to inform Jackie's family of the file closure.¹⁸⁰

The file was re-opened and re-entered on CPIC on March 11, 1998 after police discovered that Jackie had not, in fact, visited the hospital, and thus Jackie was still missing.¹⁸¹

On April 1, 1998, Ms. Pierre phoned the Prince George RCMP and left a message that the Tatla Band Office had called her mother and advised Jackie may have been found deceased in Vancouver, but Ms. Pierre had called the VPD and this was not the case. On April 3, 1998, Cst. Campbell contacted Ms. Pierre and briefed her on the status of the investigation and outlined avenues still under investigation.¹⁸² On April 4, 1998, he also sent a letter to the VPD requesting assistance in locating Jackie.¹⁸³

Between April 4 and July 14, Cst. Campbell contacted Health Canada and the Workers Compensation Branch to request Jackie's dental records, the BC Coroners Service to compare information about Jackie to found unidentified bodies, and Canada Customs and the U.S. Border Patrol to inquire whether she had tried to cross the border.¹⁸⁴

Ms. Pierre also attempted to find Jackie during this time: she called places all over Canada to try to make a connection with Jackie's file. She told the Commission that she also contacted the media, which would not assist her because, she was told, media must be contacted by the police.¹⁸⁵

In 1998, when Ms. Pierre returned to Vancouver, she spoke with someone named Rusty from the Vancouver Aboriginal Friendship Centre about Jackie's

disappearance.¹⁸⁶ The Vancouver Aboriginal Friendship Centre provided information to Morris Bates at the VPNS about Jackie's disappearance and contact information for Ms. Pierre.¹⁸⁷ In turn, the VPD MPU received information about Jackie from Mr. Bates¹⁸⁸ and on September 8, 1998, Det. Cst. Shenher sent a CPIC message to Prince George RCMP regarding the file.¹⁸⁹

Ms. Pierre was not informed at the time that it took one year for the file to be transferred to the VPD.¹⁹⁰ Rather, she had assumed the VPD were already looking for Jackie because she understood that the file was sent to the VPD long before.¹⁹¹

Jackie's file was forwarded to the VPD in early September 1998. However, the Prince George RCMP offered to provide assistance going forward by obtaining statements from the last persons to speak with Jacqueline Murdock:¹⁹² getting these statements does not appear to have been done during the terms of reference. The VPD missing person file for Jacqueline Murdock was opened on October 30, 1998.¹⁹³

In September 1998, the VPD, mainly Det. Cst. Shenher, conducted welfare checks, learning that Jackie last collected in November 1997; spoke to Cst. Campbell of the RCMP; checked RMS, finding that Jackie's last contact with the VPD was in 1995 when she was charged with soliciting; checked PIRS, where the last entry was in October 1993; and conducted checks of other government records.¹⁹⁴

Det. Cst. Shenher spoke to Ms. Pierre on September 9, 1998, who provided information about Jackie. Ms. Pierre left a message for Det. Cst. Shenher on October 21 and 27; Det. Cst. Shenher returned the call on October 27, and spoke to her on October 28. Through speaking to Ms. Pierre, a person of interest was identified and checked on PIRS.¹⁹⁵ According to Ms. Pierre's testimony, following the transfer to VPD and starting in 1998, Ms. Pierre had some dealings with Det. Cst. Shenher, with whom she spoke at length and called all the time, and other officers.¹⁹⁶ Ms. Pierre also became more involved with the VPNS and often had contact with Marilyn Jonny and Freda Ens.¹⁹⁷

Police submitted a ViCLAS booklet for Jacqueline Murdock on December 23, 1998.¹⁹⁸

In 1999 and onwards, VPD officers took a number of steps to investigate Jackie's disappearance. They attempted to gather medical records for Jackie related to her broken jaw;¹⁹⁹ obtained DNA from Ms. Pierre;²⁰⁰ and were in contact with Ms. Pierre regarding tips she had identifying potential persons of interest and alleged sightings. These tips were assigned to Cst. Dickson, Det. Cst. Wolthers and Det. Cst. Fell for follow-up. In October 1999, tips were specifically assigned to Det. Cst. Fell regarding source information about a person who might be responsible for Jackie's disappearance and a tip handwritten on a missing person poster of Jackie. Det. Cst. Fell and Det.

Cst. Wolthers also interviewed Ms. Pierre. The VPD also made requests of the Prince George RCMP to locate and interview a person of interest in Jackie's disappearance.²⁰¹ In addition, police added Jacqueline Murdock's file to NCIC²⁰² and requested an offline CPIC search.²⁰³

Jackie's file was eventually transferred to Project Evenhanded. At this time, Cst. Cater reviewed the file and listed inquiries to be conducted. These included following up on persons of interest, interviewing Jackie's ex-boyfriend, interviewing and considering a polygraph of a person of interest, and updating database checks, among others.²⁰⁴

In 2004, Jackie's DNA was found on Pickton's farm.²⁰⁵ There is some evidence that had police requested DNA testing on items seized during the investigation into the Anderson assault in 1997, Jackie could have been connected to Pickton earlier.²⁰⁶

During her testimony, Ms. Pierre spoke of her love of Jackie and how deeply she misses her, stating that she will not stop searching until she finds her sister's remains to bring home. She is not satisfied that the investigation into her sister's disappearance has been stopped.²⁰⁷

Although a missing person file for Jacqueline Murdock was opened immediately when her sister, Daphne Pierre, reported her missing, the Prince George RCMP closed the file based on information that she was a patient at St. Paul's Hospital before she was reported missing. This information turned out to be wrong, and her file was re-opened five months later.

Inter-jurisdictional issues were also an issue of the investigation: the file was taken by the Prince George RCMP and not transferred to the VPD for a year despite the RCMP requesting the VPD's assistance with the file. The VPD did not appear to respond to these requests.

The investigation into Jacqueline Murdock's disappearance was not treated with urgency; it appeared to be a full two years, from 1997 to 1999, before any tips were substantively assigned for follow-up, such as identifying sources and interviewing anyone. Prior to 1999, the investigation comprised of database searches, providing a picture of Jackie to Customs/border patrol, tracking down dental records, communication with family, and contacting hospitals. As with other files, there was not much substantive investigation on this file. However, the investigation became more active later, during which time the police conducted some interviews and followed up on some tips, collected DNA and searched databases.

Ms. Pierre had some concerns about the amount and quality of communication she had with the police. In particular, she claims she was not informed that the RCMP was not immediately transferring the file to the VPD by the RCMP or that the RCMP found information that Jackie had been in a hospital and, as a result, closed the file.

Marnie Frey

Marnie Frey's last contact with Rick and Lynn Frey, her father and stepmother, was on August 30, 1997, on her 24th birthday. Ms. Frey had told Marnie that she had a package for her birthday, a package that was supposed to arrive that day, but she never heard back from Marnie about the gift.²⁰⁸ Ms. Frey testified that she phoned the Campbell River RCMP a couple of days later and spoke to a female civilian member, who suggested Marnie was on holidays and was an adult and not missing. Ms. Frey was told to phone back if she hadn't heard from Marnie in a few days.²⁰⁹ Ms. Frey stated that she spoke with several officers at the detachment over the next few months but her report was not accepted.²¹⁰ Sgt. Dammann of the RCMP believes the first contact he had with Ms. Frey about Marnie's disappearance was months later, in December 1997.²¹¹

Marnie did not call on Ms. Frey's birthday on November 5, 1997, so Ms. Frey travelled to Vancouver to search for Marnie. She did so numerous times. She testified that she had interactions with police on the street when she was looking for Marnie: when shown a photo of Marnie and asked if they knew her, they said they "see a lot of young daughters around here" and left.²¹²

On December 29, 1997, Sgt. Dammann received a call from Ms. Frey to report that Marnie had not called home for Christmas. Sgt. Dammann opened a missing person file, in which it is noted that her family had not had contact with Marnie since August 1997.²¹³ Ms. Frey informed Sgt. Dammann that in August 1997, Marnie was living in the East Hastings area of Vancouver and had an acute heroin and cocaine addiction, and that she was concerned that Marnie had met with foul play or had overdosed. She advised him Marnie was working as a sex trade worker but did not have a pimp, was receiving social assistance, and regularly contacted the family for money. Sgt. Dammann told Ms. Frey that he would forward a copy of the file to the VPD since Marnie was believed to be living in Vancouver; they might have had recent contact with Marnie or information on unidentified bodies. He told Ms. Frey he would do as much as he could from Campbell River.²¹⁴ His understanding was that because Marnie was missing from the DTES, it was basically the VPD's file; he assumed VPD was doing a missing person investigation as well.²¹⁵

Over the course of the years, Ms. Frey searched for Marnie extensively in the DTES. She met Cst. Dave Dickson, who knew Marnie but said he hadn't seen her in a while. During her searches, she made contact with many agencies including WISH and the Salvation Army and met other people who were also looking for missing women, including, in the spring of 1998, Wayne Leng and Maggie de Vries who were searching for Sarah de Vries.²¹⁶ On one search, a police officer told her to stop looking, saying: "I'm sure if she wants to contact you she will contact you." The officer also suggested Marnie might be on a cruise.²¹⁷

Ms. Frey testified that she heard, in relation to the missing women, about a wood chipper on a property 45 minutes travel from the DTES.²¹⁸ She testified that as a result of this information, she and a relative, Joyce Lachance, went to Pickton's farm in September 1998 but did not make it over the fence into his property.²¹⁹ She said that she went to the farm a dozen times.²²⁰ She recalled telling this information to Det. Cst. Shenher,²²¹ but Det. Cst. Shenher testified she was never informed about Pickton or any visit to his farm by Ms. Frey before 2002. However, Det. Cst. Shenher stated that Ms. Frey did provide information about a chipper situated in a hotel on Cambie Street in Vancouver, information Det. Cst. Shenher investigated.²²² Wayne Leng testified that he went to the farm with others in 1998 but did not recall Lynn Frey telling him that she had gone at the time.²²³ Maggie de Vries also did not hear about Ms. Frey and Ms. Lachance visiting the farm until after Pickton's arrest.²²⁴

Sgt. Dammann did some basic initial searches on Marnie's file in the last days of December 1997, including searching for her dental records and blood type. He made inquiries with MHR and other agencies and learned that she had last received social assistance at the end of September 1997 and had no fixed address at that time. Marnie had no further contact with MHR after that.²²⁵ Sgt. Dammann also made inquiries with welfare authorities across Canada.²²⁶

On December 31, Sgt. Dammann added Marnie as missing to CPIC. Through the Fort Nelson RCMP, contact was made with Marnie's biological mother, who had not heard from Marnie for several months but provided names of other people who may have been in contact with her. A search was done on the found human remains database and contact made with the VPD Coroner's Liaison Unit. These searches were negative.²²⁷

Over the next few months, Ms. Frey and Sgt. Dammann were in regular contact. He followed up on information that she provided to him about Marnie; this included contact with some agencies in the DTES and following up with a friend of Marnie's through the VPD.²²⁸ On April 20, 1998, Sgt. Dammann called Ms. Frey with an update and asked if she or her husband would like help through RCMP Victim Services; Ms. Frey said she would gladly accept it.²²⁹

Ms. Frey stated that she also called the VPD in early 1998, and they took her information, but she never got a return call. She phoned on numerous occasions and was finally connected to Det. Cst. Shenher, who had already received a report of Marnie's disappearance.²³⁰ Det. Cst. Shenher was very compassionate and caring and the Freys had regular dealings with Det. Cst. Shenher from then on.²³¹

In August 1998, during an investigation into alleged sexual assaults, an officer with the VPD Sexual Offences Squad learned of a female reported missing in August 1997, Marnie Frey, who was reported missing in Campbell River because that was where her stepmother made the report, even though

Marnie had been living in the DTES. He passed this information on to the MPU.²³² It was after this report that the VPD took over the file.

Marnie's file was transferred to the VPD in August 1998, and Sgt. Dammann did no further work on it.²³³ On September 4, 1998, the VPD created a missing person report for Marnie, listing her date last seen as August 1997, and Ms. Frey as the reportee.²³⁴

Det. Cst. Shenher actively investigated this file in the fall of 1998, including interviewing a person of interest and following up on alleged sightings. She learned of Marnie's involvement with drug gangs and her earlier experiences of violence, including being held against her will for three days.²³⁵ She also received some information that Marnie was in Coquitlam.²³⁶ A missing person poster was distributed in October 1998.²³⁷ Due to Ms. Frey's active efforts, many potential leads were uncovered but none led to substantive information about Marnie's whereabouts or what had happened to her.

On Nov 25, 1998, police conducted a PIRS search, which turned up some of the events already investigated and the names of three people associated with Marnie.²³⁸ Marnie's ViCLAS booklet was submitted December 23, 1998.²³⁹

The investigation continued in 1999 and Det. Cst. Shenher interviewed several people said to have information about Marnie; several persons of interest were also identified.²⁴⁰ On April 20, 1999, Jim Lorne, Mayor of Campbell River, wrote to Attorney General Ujjal Dosanjh and Vancouver Mayor Philip Owen about the Missing Women Investigation and Ms Frey.²⁴¹

At points during the investigation, Ms. Frey believed that Marnie was still alive because of the information she was uncovering and several reported sightings.²⁴²

The detailed log of the VPD's investigation into Marnie's disappearance ends in the summer of 1999. However, some further investigative steps were apparent from the Commission record: on January 17, 2000, a tip was added to Marnie's file with information from Mr. Frey about a person of interest.²⁴³ There are handwritten notes by Det. Cst. Shenher dated January 18, apparently in relation to an interview of someone who was willing to take a polygraph.²⁴⁴ On March 10, 2000, a Forensic Lab Report was received stating that no DNA profile was obtained from an exhibit for Marnie Frey; evidently police were attempting to create a DNA profile for Marnie.²⁴⁵ A file review by Project Evenhanded in October 2001 indicates that the VPD started to follow up on information that Marnie's biological mother provided regarding persons of interest, but it does not appear that the VPD ever completed the follow-ups.²⁴⁶

Ms. Frey expressed the opinion that not enough was being done to search for Marnie in 1997-1999; she wishes the police had taken the family's concerns seriously. She believes Mayor Owen "just didn't give a damn."²⁴⁷

However, she was not aware of all of the steps taken by police²⁴⁸ and the police didn't report to her everything they were doing. Ms. Frey thinks that Det. Cst. Shenher treated the investigation as if Marnie was still alive; she never gave Ms. Frey any idea or thoughts that she had possibly met with foul play.²⁴⁹

Marnie Frey's remains were found on Pickton's farm. During the course of the post-2002 investigation into Pickton, evidence was gathered revealing she had been seen on the farm on at least four or five occasions.²⁵⁰

Ms. Frey testified that she wished police had taken her and her husband seriously, been accountable and "done justice."²⁵¹ She also recalled encountering a lack of compassion and sensitivity from police, specifically telling of an incident in which Det. Little, while taking DNA from Mr. Frey, commented that "by the time they're 24 they're done." This comment was a real blow to the Freys because Marnie had just turned 24 when she disappeared.²⁵²

Speaking of her love for Marnie, Ms. Frey read a poem for her which ended with the lines:

*Think of Marnie as living
in the hearts of those she's touched,
for nothing loved is ever lost
and Marnie was loved so much.*²⁵³

In my review of the investigation into Marnie's disappearance, I note that there was good cooperation between the RCMP and the VPD on this investigation, but a lack of recognition by the VPD of its responsibility for the file. The VPD did not take responsibility for the investigation into Marnie's disappearance until September 1998, despite being informed of her disappearance by the Campbell River RCMP on December 29, 1997.

The investigation, both by the RCMP initially, and the VPD after the file was transferred, was fairly active. Interviews were carried out with numerous individuals; however, interviews were not done with all of the persons of interest identified. In addition, some contact was made with organizations in the DTES about Marnie, including WISH, a drop-in centre for survival sex workers. However, it appears that all tips were not followed up to conclusion. For example, it seems as though the tip that Marnie was in Coquitlam may not have been followed up.

Police were in contact with Marnie's family members regularly, initiated by both the police and family members, particularly Ms. Frey. That said, there are diverging recollections about the Freys' contact with police regarding when Marnie was initially reported missing and whether they provided police with information about Pickton.

Sarah de Vries

Maggie de Vries last saw her sister, Sarah de Vries, on Christmas in 1997 when Sarah had come to Maggie de Vries' house for breakfast with her friend Wayne Leng. After Christmas, Ms. de Vries received one e-mail from Sarah, but did not see her again.²⁵⁴

Mr. Leng last saw Sarah on April 13, 1998. Sarah had called from the Beacon Hotel, where she was staying. Mr. Leng picked Sarah up and brought her to his house for a little while, then took her back to the Beacon Hotel. She told him that she would call him, but he never heard from her again.²⁵⁵

Approximately eight days after he last saw Sarah, Mr. Leng began looking for her. He spoke to H.H., Sarah's ex-common-law spouse who was also worried about her, and a number of people in the neighbourhood; nobody had seen her.²⁵⁶ He then attended the VPD and called 911 to report Sarah missing; however, when he revealed that he was not a family member, he was told he could not make a report. Mr. Leng then phoned Ms. de Vries, who immediately called 911 and filed a missing person report.²⁵⁷

Sarah was reported missing to the VPD on April 21, 1998, having been last seen on April 13, 1998. It was noted that she had been living common-law with H.H. until a few months prior; she stayed at the Beacon Hotel periodically, where Mr. Leng had dropped her off; and Mr. Leng had asked Sarah's friends about her, to no avail.²⁵⁸ When Ms. de Vries made the report, she was told that a police officer would contact her.²⁵⁹

On April 24, 1998, the VPD MPU searched police records – CPIC, CNI and PRIS – and welfare records for information on Sarah.²⁶⁰ On April 27, 1998, it was noted in the log that Sarah's welfare records indicated she was of no fixed address and had to see her worker to pick up her cheque, which she had not done that month.²⁶¹

The same day, the file was assigned to Det. Howlett of the MPU. In his notes, he stated that he left a message on Ms. de Vries' answering machine.²⁶² However, Ms. de Vries testified that there was a gap of time between when she made the report and when she was first contacted by Det. Howlett, which seemed like a long time to her, but later clarified that it may have taken a few days after he initially contacted her for them to actually speak to one another.²⁶³ According to Det. Howlett's notes, they first spoke on May 4, 1998. That day, Ms. de Vries provided details on the circumstances of Sarah's disappearance, telling Det. Howlett that Mr. Leng would have the most immediate information. She also advised that she did not have Sarah's dental information.²⁶⁴

In April or May 1998, Cst. Dickson looked into Sarah's disappearance, apparently in the DTES.²⁶⁵

On May 4, 1998, the same day he spoke to Ms. de Vries, Det. Howlett left a message for Mr. Leng. They spoke the following day. Mr. Leng informed Det. Howlett of Sarah's boyfriend, I.I., and they scheduled an interview for the next day.²⁶⁶ Mr. Leng recalled that he asked Det. Howlett if he should come in to speak to him that afternoon, but Det. Howlett replied that there was no hurry.²⁶⁷

Also on May 5, police received information about a person, "Coco," who partied with Sarah the night she disappeared, and may have been the last person to see her in the area.²⁶⁸

As planned, police interviewed Mr. Leng on May 6, 1998. He told police about his relationship with Sarah and her history with H.H. and I.I., that Sarah was seen with Coco at H.H.'s house the night she disappeared, Sarah and Coco had left the house at 5 a.m., information from other people about Sarah's possible plans, and about a "bad date" she had experienced.²⁶⁹

The same day, police spoke with H.H. and scheduled an interview with him. Police also received information about a nickname for a female associate of Sarah's, apparently identifying Coco, and a tip from DEYAS that Sarah sometimes visited friends and family in Calgary.²⁷⁰

On May 12, 1998, police attended I.I.'s residence, but he was not at home. The following day, Det. Howlett interviewed H.H. and another female associate of Sarah's, B. H.H. described his history with Sarah and the last time he saw her: on April 14 in the early morning, Sarah and Coco had come to his house to borrow a coat.²⁷¹

Det. Howlett created and distributed a missing person poster for Sarah on May 14, 1998. On May 19, police received Sarah's dental information from H.H. and called a doctor about Sarah, but soon learned the doctor had no history of treating Sarah.²⁷²

On May 20, 1998, Mr. Leng attended the VPD. He told police that he had spoken to C., who might have been the last person to see Sarah. On May 25, 1998, police contacted I.I., who agreed to call to arrange an interview.²⁷³

On May 27, 1998, H.H. and B. gave clothing they believed belonged to Sarah to the police. Two days later, police received information from someone that Sarah had been strangled, but the source would not say who strangled her. That same day, police added Sarah to NCIC.²⁷⁴

On June 1, 1998, police phoned C., the woman Mr. Leng identified as possibly the last person to see Sarah.²⁷⁵ In the later part of June, police received information about two different sightings of Sarah, and did work to follow those up.²⁷⁶

In late July, police received two tips from Mr. Leng that he had received on his 1-800 number: one in which the caller stated that "Sarah was dead," which Det. Cst. Shenher eventually determined to be a hoax; and one from

“Bill,” who was quickly identified as Bill Hiscox, who identified Pickton as a suspect in the Missing Women Investigation.²⁷⁷

It appears that Det. Cst. Shenher took over the investigation from Det. Howlett almost immediately after the police received the two tips from Mr. Leng.²⁷⁸ Det. Cst. Shenher conducted significant follow-up on both tips. To determine who left the voice recorded message that Sarah was dead, Det. Cst. Shenher conducted follow-up on information received from the public about the caller’s identity based on his voice, including information on several (six) potential individuals as the caller. In her follow-up, Det. Cst. Shenher conducted interviews with the persons alleged to be the voice on the tape and communicated with people who knew or identified those persons as possibly responsible. This follow-up continued into 1999.²⁷⁹ Det. Cst. Shenher eventually received information that I.I. had left the message to “wind up” Mr. Leng. She was satisfied this was true, and left it at that.²⁸⁰

Police, namely Det. Cst. Shenher and Cpl. Connor of the Coquitlam RCMP, also conducted significant follow-up investigation on the information provided by Mr. Hiscox. Det. Cst. Shenher thought the information in the initial tip was compelling, and quickly made contact with Cpl. Connor about Pickton. She discovered Mr. Hiscox’s identity and interviewed him.²⁸¹ Further information on this point can be found in other sections of the report; however, it is mentioned here because much of the work done on the informant Mr. Hiscox appears within the log for Sarah de Vries’ investigation; this work was not separated out for some time.²⁸²

In addition, after receiving these tips Det. Cst. Shenher was in contact with Mr. Leng regarding the importance of providing his tips to police (perhaps because a tip was provided to media first)²⁸³ and with Ms. de Vries about the new tips. On August 4, 1998, police also contacted Pat de Vries, Sarah’s mother, and received a new contact for her for the summer. Police attempted to contact Pat and Maggie de Vries, speaking to Maggie de Vries, again on August 14 and 15.²⁸⁴

On August 14, police met “Sylvia,” who said she was with Sarah when she went missing; police provided her with contact information and asked her to call when she wasn’t working.²⁸⁵ Police learned her phone number was not in service on August 19.²⁸⁶

On August 17, 1998, police spoke with J.J., who expressed concern about H.H. and said that the voice on the tape sounded like him. The next day, police interviewed Mr. Leng, who said that Sarah and another woman, D., had been “pulling rips” (stealing from drug dealers) frequently before she went missing and identified two people who could help identify Sarah’s drug dealers. Mr. Leng also agreed to take a polygraph.²⁸⁷

On August 27, 1998, Det. Cst. Shenher wrote an internal memo to Acting Insp. Dureau about the Missing Women Investigation indicating that Sarah’s investigation had generated two persons of interest.²⁸⁸

On September 2, 1998, Maggie de Vries called Det. Cst. Shenher for an update. On September 11, 1998, Det. Cst. Shenher left a message for Mr. Leng, trying to find contact information for "Sophie."²⁸⁹

On September 17, 1998, police submitted a ViCLAS for Sarah.²⁹⁰

On October 6, 1998, Det. Cst. Shenher interviewed K.K., who had seen Sarah go into a lane with a customer the night she went missing. The same day, Mr. Leng called police for an update and provided information about a sighting of Sarah in the United Kingdom. On October 8, 1998, police determined the person in the U.K. was not Sarah.²⁹¹

Police followed up on a customer of Sarah's, L.L., in early October. They interviewed him and gathered information about Sarah's life with H.H. and I.I., and information about M.M., identified as Sarah's closest friend.²⁹²

Police provided copies of Sarah's missing person poster to the needle exchange and DEYAS on October 13, 1998, fully distributing the posters on October 23, 1998.²⁹³

October 20, 1998, Ms. Cameron phoned Maggie de Vries about Sarah's dental information and made arrangements for her records to be provided for CPIC charting.²⁹⁴

Mr. Leng called Det. Cst. Shenher on October 27, 1998. He asked whether Sarah was on the VPD's website and informed Det. Cst. Shenher he was still attempting to get Sarah's drug dealer to contact the police; he also advised of the memorial service to be held on May 12, 1999. Det. Cst. Shenher was in contact with Maggie de Vries on November 4, 1998 and again on December 23, 1998, discussing information relating to a person of interest and to the planning of the memorial service. The VPD offered to invite other family members to the memorial, and advised Maggie de Vries they wished to tape the memorial for the investigation.²⁹⁵

On December 29, 1998, Mr. Leng contacted the police and made an appointment to speak to them on January 6; on that date, he advised police that I.I. was in jail. On January 19, 1999, Mr. Leng provided police with his updated pager number.²⁹⁶

Det. Cst. Shenher interviewed H.H. on January 21, 1999. He identified M.P. as a suspect; described a "bad date" Sarah had had four or five years ago, when she was taken to Coquitlam in a Firebird, an assault he believed was reported to police; and discussed an American male who had offered to take Sarah away. He also offered to take a polygraph. On February 18, 1999, Det. Cst. Shenher received letters from Sarah's family about a "bad date."²⁹⁷

On March 3, 1999, Det. Cst. Shenher received information that Sarah was seen on Main Street, information that she determined was likely unfounded.²⁹⁸

On March 23, 1999, Det. Cst. Shenher attempted to determine I.I.'s address and learned that he was in custody. Police confirmed that he was at the institution, where they attended on March 25 to interview him. I.I. spoke about his relationship with Sarah, and expressed his belief that Sarah was dead because she hadn't called him. He also discussed L.L. and Mr. Leng, whom he identified as Sarah's customers and people police should consider as suspects. He also agreed to a polygraph.²⁹⁹

On March 26, 1999, police spoke with both Maggie de Vries and Mr. Leng. Mr. Leng provided information about C., indicating that she was missing. He also identified someone who could attest to I.I.'s violent nature.³⁰⁰

Det. Cst. Shenher spoke to I.I. on April 6, 1999, confirming his scheduled polygraph on April 13, 1999. Although the polygraph on April 13, 1999 was discontinued because of his lack of sleep, his polygraph was completed the following day.³⁰¹

In April, police followed up on a tip that Sarah had been seen, but determined the person was not Sarah.³⁰² Additionally, on April 22, 1999, Cst. Dickson spoke to women around the Franklin Street area about Sarah, including Sylvia, and the next day Det. Cst. Shenher arranged an appointment with C. for April 26; however, C. did not attend the appointment.³⁰³

On April 29, 1999, police received information that N.N. was Sarah's drug dealer. The next day, police arranged an interview with N.N. for May 4. It does not appear that N.N. was interviewed until June 8, 1999, when he provided details about Sarah and discussed H.H. and Mr. Leng.³⁰⁴

In May, the Missing Women's Memorial was held. Police were in contact with Mr. Leng and left a message for Maggie de Vries. Police also spoke to L.L., who was upset with Mr. Leng's involvement; police also received information from another source about L.L. Police learned that Mr. Leng was planning searches with a private investigative firm; on June 1, 1999, police spoke to Mr. Leng expressing concerns about civilian searches. Police also asked him to change his website.³⁰⁵ According to Mr. Leng, Det. Cst. Shenher asked him to take down anything related to the VPD, but he did not comply.³⁰⁶

Also on June 1, 1998, police attempted to contact C., leaving a voicemail message for her. However, on July 29, 1999, police learned the contact numbers they had for C. no longer belonged to her.³⁰⁷

From then on, the investigation appeared to become more focused on database searches and checks: on October 26, 1999, police requested an offline CPIC search on Sarah; on January 21, 2000, police checked Ministry of Health records, learning there were no records of hospital attendances for Sarah; on November 6, 2000, police received information from ICBC that there was no activity on Sarah's account; and in May 2001, police reviewed Sarah's welfare file, which was opened October 1997 and closed in May 1998 and listed three addresses and three associates.³⁰⁸

During that time, police also received some information about Sarah and had contact with Mr. Leng: on March 2, 2000, police received information about a scar Sarah had received from a bad date from a source who was interviewed in relation to Andrea Borhaven's missing person investigation; on March 9, April 13, April 27, October 24, and November 16, 2000, Mr. Leng was in contact with police, relaying concerns, providing his new contact details, and providing names and numbers from Sarah's address book.³⁰⁹

On October 15, 2001, Cst. Jarvis conducted a file review of Sarah's file. This appears to be the first file review that was conducted of the file. In the review, potential suspects were listed, including Pickton.³¹⁰ On October 25, 2001, police checked RCMP E Division records regarding Sarah, a search that was negative. The same day, Mr. Leng provided a new phone number.³¹¹

On November 30, 2001, police conducted another file review, noting interviews and follow-up that needed to be conducted. Project Evenhanded conducted another review of Sarah's file in mid-December 2001.³¹² These reviews did not appear to generate further activity, as the only action on the file after this date was police determining that Sarah was not the woman suggested in information from Mr. Leng about a sighting.³¹³

Both Maggie de Vries and Mr. Leng did a great deal to get the public's attention both on Sarah's case and the larger case of the missing women. They both also tried to search for Sarah, putting up posters in the DTES and, in Mr. Leng's case, setting up a tip line and a website. In addition, Maggie de Vries organized a memorial in her sister's and the other missing women's memories. This is discussed in greater detail in a later section of the report.

Although there appeared to be some delay before Sarah's missing person file was passed to the investigator and before the investigator contacted Maggie de Vries and Mr. Leng, the investigation was fairly active once it began. However, the police did not go through Sarah's property or follow up with associates listed in her address book, which were all available through Mr. Leng; DC Evans stated this should have been done.³¹⁴

Overall police, particularly Det. Cst. Shenher, conducted a great deal of follow-up on tips. One of the tips identified in the investigation was that Pickton was responsible; however, this tip was not followed up to conclusion, as Pickton was not fully investigated to the point that he could be eliminated as a suspect or arrested.

Cynthia Feliks

Marilyn Renter, stepmother to Cynthia Feliks, last saw Cindy on Christmas of 1996. She last spoke to her in June or July of 1997, after Cindy had been deported and spent time in jail, about which Cindy had phoned Ms. Renter.³¹⁵ By the summer of 1997, the family had lost contact with her.

Both Cindy's daughter and her sister, Audrey Feliks, phoned to ask if Marilyn had heard from Cindy; Ms. Feliks said Cindy's friends had also been asking about her. So in July or August 1997, Ms. Feliks told her mother she would report Cindy missing to the VPD. Ms. Renter's husband was ill and dying at the time, so she was not involved in the report.³¹⁶ However, Ms. Renter surmises that because Ms. Feliks was not in a good state of mind, she did not report Cindy missing in 1997.³¹⁷

On February 5, 1999, Ms. Feliks reported Cynthia missing to the VPD. The report lists that Cindy was last seen at a hotel on King George Highway in Surrey, includes a description of her, that her previous married name was Mongovious, and that she worked as a prostitute in Burnaby and Vancouver.³¹⁸ Cindy was added to CPIC as missing by the VPD on the same day.³¹⁹ A later addition to the report lists Ms. Renter as Cindy's stepmother, but includes the instruction "do not contact."³²⁰ Ms. Renter did not know about the other reports that Ms. Feliks made, including this first report in 1999, and was surprised that Ms. Feliks had her listed as "do not contact" on the VPD report.³²¹

It was noted on the report that Cindy's file was transferred to Surrey on February 11, 1999, perhaps because it was the location of where she was last seen.³²² It appears the VPD closed its file and removed its CPIC entry on Cindy on Feb 11, 1999.³²³ The RCMP stated that it could not find an RCMP missing person file relating to Cynthia Feliks; therefore, it appears that the file was never opened in Surrey.³²⁴ There is no evidence that VPD did follow-up to confirm that the Surrey RCMP was investigating the file.

Apparently unrelated to the missing person report for Cindy Feliks, on June 1, 1999, the VPD was investigating a tip that Cindy Mongovious could be missing. The tip was assigned to Cst. Dave Dickson.³²⁵ On July 29, 1999, a further tip was assigned to Det. Cst. Shenher to follow up on information from Cst. Brian Ball of PUHU that Cindy Mongovious could be missing.³²⁶

On August 26, 1999, police received a tip in relation to Cindy, which again indicated that she was missing. Det. Yeo interviewed a confidential source, a friend of Cindy's. This friend was concerned that something bad must have happened to her because she always kept in touch with him and she would have returned immediately to Canada if she had been deported to the U.S. He also provided background information about Cindy.³²⁷ This source also provided information about a male who held a female associate of Cindy's captive in a trailer for three weeks. The male had told her he was going to kill her, and that there were seven bodies buried on his property.³²⁸ It is unclear to what extent this tip was followed up, although it appears that, because the source was hard to reach, the tip was closed.³²⁹

Apparently there was also follow-up requested to determine if Cindy should be added to the list of missing women in October 2000.³³⁰

With regard to whether the VPD was aware Cindy was missing at this

time, Det. Cst. Shenher states in her testimony that the VPD had some information she was missing and other information that perhaps she had gone to the United States. However, she did not seem to suggest that police investigated to determine whether Cindy was in fact missing.³³¹

On January 8, 2001, Ms. Feliks reported Cindy missing again, this time to the New Westminster Police Department (NWPS). Ms. Feliks provided background and family information, including identifying Cindy's adoptive mother as Marilyn Kraft (Marilyn Renter was known as Marilyn Kraft in the past). Ms. Feliks told police she believed she last saw Cindy in 1997, and that Cindy usually worked in the DTES.³³² Cst. Ward of the NWPS conducted records checks, including CPIC, PIRS and NCIC. He learned that Cindy was deported on July 30, 1997; was arrested in Burnaby on November 26, 1997, and issued an outstanding warrant after she did not attend court; and had not been seen since.³³³ Regarding Cindy, Cst. Ward noted: "Feliks has an extensive criminal record that indicates a pattern of behaviour. Feliks was getting arrested quite frequently up until her disappearance."³³⁴

Cst. Ward carried out follow-up steps such as seeking dental and medical records and checking her welfare records, learning welfare's last contact with Cindy was in 1996. Cst. Ward was unable to locate Cindy's doctor.³³⁵

On January 16, 2001, the NWPS informed the VPD that Cindy had been reported missing, that she was most likely missing from the DTES, and requested to add her to the list of missing women.³³⁶ Cst. Ward spoke to VPD Det. Leggett several times in anticipation of the file being taken over by the VPD.³³⁷ On January 17, 2001, Leggett informed Cst. Ward that the VPD would not be taking the file but would assist.³³⁸ However, it does not appear that the VPD assisted other than providing a photograph of Cindy.

On January 17, 2001, Cst. Ward of the NWPS spoke with Ms. Feliks, and attended a previous known address of Cindy's listed on CPIC. The manager at the address said Cindy did not rent or lease an apartment there from 1995 to 1998.³³⁹

On August 17, 2001, Cst. Ward received Cindy's photograph from the VPD; on August 20, 2001, a poster was distributed.³⁴⁰ In September, Ms. Feliks contacted the NWPS and provided additional background information on Cindy, including the name of her methadone doctor. They also discussed trying to gather items that might have Cindy's DNA on them, such as old hairbrushes or clothing.³⁴¹

It appears that in September 2001, Project Evenhanded took over the file because it was thought that Cindy had gone missing from the DTES.³⁴² On October 30, 2001, the file was reviewed. The same day, welfare checks were conducted.³⁴³ On November 8, 2001, Cindy was added, along with 17 others, to the official missing women list by Project Evenhanded.³⁴⁴ On November 26, 2001, a sighting of Cindy was investigated, her previous address was investigated, and potential sightings discovered.³⁴⁵ In early

2002, police sought further background details from Cindy's family members and police sought to obtain her DNA.³⁴⁶

Ms. Renter testified that she had no contact with police during the investigation and knew nothing about what was done: "I wasn't notified at all. I was in the dark." She was able and willing to be interviewed. She got the impression nothing was being done. However, she later came to learn that the police were having regular contact with Ms. Feliks.³⁴⁷

On December 2, 2002, the RCMP phoned Ms. Renter in Calgary, to tell her Cindy's DNA had been found on the farm. They did not send anyone to her house, so she heard the news when she was alone: "That floored me, absolutely took the wind right out of my sails at seven o'clock in the morning."³⁴⁸ She later learned, during the voir dire, that Cindy's DNA was found in packages of meat in Pickton's freezer; learning this horrific news caused her to nearly faint in the courtroom.³⁴⁹ Ms. Renter described her loss, and the heartbreak the past 15 years has caused her family, and the families of the missing women.³⁵⁰

A review of Cindy's missing person investigation reveals that it was plagued with inaction and inter-jurisdictional problems. The VPD closed Cynthia Feliks' 1999 missing person report, apparently to transfer it to the Surrey RCMP, but Surrey did not open a file. The VPD had three further tips in the summer of 1999 that Cindy was missing, but it is unclear what action, if any, they took. There is no indication that the VPD did any active follow-up or investigation, even in light of a tip of bodies buried on a property in Richmond from a source who was an associate of Cindy's. When the NWPS accepted the report two years later, the VPD refused to take it from the NWPS. The NWPS carried on with the investigation, doing a fair job, until it was taken over by Project Evenhanded. In summary, an investigation into Cindy's disappearance did not occur until years after she was first reported missing.

Brenda Wolfe

Brenda Wolfe had kept in touch with Angel Wolfe, her daughter, by phone. They talked regularly until the calls stopped when Angel was six years old. Ms. Wolfe's stepmother, Bridget Perrier, knew something was wrong. So Ms. Perrier spoke to her sister, who was in BC, asking her to look out for Brenda and later heard that she hadn't been seen.³⁵¹

Brenda used to go to WISH. Elaine Allan, who worked there and knew Brenda, said that Brenda was not a regular patron; however, WISH staff had noticed she "wasn't around" anymore.³⁵²

On April 25, 2000, Brenda was reported missing to the VPD by her sister, Patricia Belanger. She had last been seen in February 1999, in Vancouver. Remarks in the Occurrence Report noted that she had been evicted and was living in downtown Vancouver.³⁵³ Her former landlord was identified

as the person who last saw her, and his contact information was provided.³⁵⁴

On April 28, 2000, Ms. Belanger provided police with a photograph of Brenda.³⁵⁵ She also wrote a letter to the VPD thanking them for their help and advising that they had given the family hope again.³⁵⁶ She provided additional photos of Brenda a few weeks later.³⁵⁷

The VPD MPU carried out some background checks on Brenda in May 2000. On May 24, 2000, the VPD created a missing person poster.³⁵⁸ On June 9, 2000, members returned a call from Ms. Belanger and discussed the posters, welfare checks, and that Brenda used to hang out at Carnegie Centre.³⁵⁹ Members “assured her that [they] were doing everything [they] could to help her find Brenda.”³⁶⁰ That day, the VPD learned that Brenda had not picked up her March 1999 cheque and that her welfare file was cancelled shortly thereafter.³⁶¹

On June 21, 2000, Brenda’s missing person file was given to the review team preparing the transfer of files to Project Evenhanded.³⁶² It appears the review team only entered Brenda’s information onto SIUSS on July 12, 2000, then returned the file to the MPU, apparently to Cst. Dickhout,³⁶³ for follow up.³⁶⁴

On November 16, 2000, police confirmed that Brenda’s welfare account was closed on March 5, 1999.³⁶⁵

A further file review was conducted on January 23, 2001³⁶⁶ and posters were provided to Cst. Dickson.³⁶⁷ On January 24, 2001, police conducted a Vital Statistics query for birth, death or marriage records, learning on February 5, 2001, that the results were negative.³⁶⁸ On January 24, police redistributed Brenda’s missing person poster. Project Evenhanded recommended adding Brenda to the missing women list on January 31, 2001.³⁶⁹

On February 13, 2001, police conducted a file review and discussed the file with Cst. Dickson. Police also left a message for Ms. Belanger, speaking with her the next day, February 14, 2001. She detailed areas where she and friends had looked for Brenda, provided names of two of Brenda’s friends who might be helpful, gave details regarding Brenda’s reserve in Saskatchewan, and gave details about Brenda’s ex-husband, O.O., who had threatened her in the past. Patricia had spoken with O.O. and relayed what she thought was a strange conversation; she also advised police that Brenda had stated in a past letter, “If I go missing O.O. will have something to do with it.”³⁷⁰

On February 19, 2001, police conducted checks on O.O., a person of interest, and learned of two past assault occurrences on November 7, 1996 and July 22, 1998, in which he was suspected of assaulting Brenda; he was acquitted of one charge and one charge was stayed.³⁷¹ On February 21, 2001, police were informed by Brenda’s children’s social worker that O.O. was in police custody, and that the children had not had any contact

with Brenda since the children left BC.³⁷² Police determined O.O. was in custody at Guelph Correctional Centre and called the Centre, but there was no immediate response.³⁷³

On February 20, 2001, police were told that someone from Downtown Eastside Youth Activities Society (DEYAS) had heard that Brenda had gone to Manitoba.³⁷⁴ To follow up, police obtained contact numbers for Manitoba and Saskatchewan Native groups from a native liaison.³⁷⁵

On February 22, 2001, police requested an offline CPIC query on Brenda. Her missing person poster was mailed to the RCMP D Division in Manitoba for distribution.³⁷⁶ Following up on the offline CPIC query results, the VPD contacted the Calgary Police on March 7, 2001, regarding a CPIC query they had conducted on Brenda on December 30, 2000; Calgary responded the next day that it was a background check for placing her children in care.³⁷⁷

On March 8 and 13, 2001, police attempted to contact P.P., Brenda's residence manager, by attending the residence.³⁷⁸ On March 15, 2001, police contacted P.P. by phone. P.P. told police that Brenda had left on her own, but there had been problems and the police had attended. Brenda had also been having boyfriend problems, but P.P. did not know the name of her boyfriend. P.P. said he would call the police back with further details.³⁷⁹

On March 22, 2001, the VPD sent a request to the Guelph Police to conduct an interview of O.O. He was interviewed by Guelph Police on April 16 and provided the following information:

- He and Brenda had 2 children together; O.O. had received court custody of them in November 1998.
- His last contact with Brenda was by phone in February 1999. During the talk, she stated that she was going "to disappear off the planet."
- Background information on Brenda's associates, drug use, and medical doctors.
- Investigative suggestions.³⁸⁰

On April 5, 2001, Project Evenhanded members discussed Brenda's investigation.³⁸¹ Follow-up was done with a welfare office in April and May and more posters were distributed.³⁸²

On June 6, 2001, police conducted a phone interview of a man identified as Brenda's ex-boyfriend. He had read a newspaper article and arranged the interview. He informed police that he and Brenda were together in 1998 and he last had contact with her in the winter of 1998-99, when they had discussed Brenda going back to her kids or going home to dry out. He stated that his sister might have more information.³⁸³

On June 6, 2001, police submitted a ViCLAS sheet for Brenda and on October 4, 2001, Brenda was added to NCIC.³⁸⁴

On October 25, 2001, police conducted a query of BC Medical Health Claims, learning that Brenda's last contact with that agency was on February 8, 1999, and details about her medical doctor. Police contacted Ms. Belanger for dental information and parental DNA. A cross-Canada and Washington State welfare check was carried out; March 5, 1999 was confirmed as the last date that Brenda collected welfare in BC.³⁸⁵

On November 8, 2001, Brenda was added to the list of missing women along with 17 other missing women.³⁸⁶

Brenda's DNA was found on Pickton's farm and Pickton was convicted of her murder.³⁸⁷ In her foster home, and when she was eight years old, Ms. Wolfe was informed by a police officer that her mother's remains had been found on a pig farm. She was then questioned by police, which to her felt like an interrogation.³⁸⁸ Ms. Wolfe described her horror in learning about her mother's death within the narrative of her life growing up in a foster home without her mother. Ms. Wolfe spoke of how, over time, she accepted her mother's death and learned to identify with her Aboriginal heritage, ultimately finding support in her community. She expressed her anger that it took police so long, and so many women's disappearances, to act.³⁸⁹

The missing person investigation of Brenda was very slow and inactive. Police did little more than welfare searches and background checks; while they added her name to NCIC and ViCLAS, they conducted almost no active investigation. There were many delays and gaps in the investigation and a general failure to follow up on information. For example, no apparent steps were taken to follow up with people in the DTES who knew Brenda. Her last known address was not attended until almost a year after she was reported missing. While interviews were carried out of two persons of interest, family members were not interviewed and only contacted by phone. There was sporadic contact with her sister, Ms. Belanger, the reportee. Brenda's file was reviewed four times and was provided to both the review team and Project Evenhanded, but the reviews resulted in little action. Project Evenhanded first considered Brenda's file in April 2001, but she was not added to the list of missing women until October/November of that year.

Dawn Crey

In December 2000, Lorraine Crey, Dawn Crey's sister, first noticed Dawn was missing.³⁹⁰ The last time she spoke to her, Dawn mentioned being afraid of a man at the Roosevelt Hotel.³⁹¹ Ms. Crey went looking for Dawn at the Roosevelt Hotel but was told that Dawn had moved to the Balmoral Hotel; she immediately went to the Balmoral, but was told Dawn never moved in. However, this information was false.³⁹² She searched the streets and questioned people about Dawn for four weeks before reporting Dawn missing. Ms. Crey knew Dawn's associates and places she frequented, but no one had seen her.³⁹³

On December 11, 2000, Dawn was reported missing to the VPD by her doctor at the Downtown Clinic, Dr. Susan Burgess. She had been last seen on November 1, 2000. Dr. Burgess told the police that her checks on Dawn through the hospital and Pharmacare computer records were negative and that Dawn felt unsafe at the Balmoral Hotel, her residence.³⁹⁴

Ms. Crey later reported Dawn missing to the VPD. Of her reporting experience, Ms. Crey testified that “they didn’t question me about missing from where. I just gave them her name, and that’s all they asked.” She also noted that police didn’t ask if Dawn was afraid of anybody³⁹⁵ and that it was approximately one year before investigating police officers asked about Dawn’s last place of residence.³⁹⁶

The investigation does not appear to have begun until January 3, 2001, when police received a tip that Dawn was seen outside the Vancouver Pretrial Centre. This information was not confirmed.³⁹⁷ On January 12, 2001, a warrant was issued for Dawn’s arrest.³⁹⁸ On January 25, 2001, VPD police checked welfare and learned that Dawn’s file was closed on December 2000 and the last contact was on November 8, 2000.³⁹⁹ On the same day, police checked CABS [VPD’s Computerized Arrest and Booking System] and VPD Vice Unit files with negative results.⁴⁰⁰ On January 29, 2001, VPD police checked police records and requested a CPIC offline search.⁴⁰¹

On January 31, 2001, a missing person poster for Dawn was posted online and at WISH.⁴⁰² The same day, the VPD MPU informed Project Evenhanded members that Dawn was reported as missing, identifying her as an additional missing woman. Notes from the meeting indicate that Dawn was last seen at St. James Service seeking money and that her file, along with other new missing women files, were being followed up by the VPD MPU.⁴⁰³ Specifically, it appears that Cst. Dickhout was conducting follow-up on Dawn’s missing person investigation.⁴⁰⁴

On February 1, 2001, both Ernie Crey (Dawn’s brother) and Ms. Crey left voice messages for the police.⁴⁰⁵ The next day Ms. Crey again phoned the police and provided information about the Balmoral Hotel. A few days later, she provided the police with background information about Dawn.⁴⁰⁶ On February 5, 2001, police called the Creys.⁴⁰⁷

There were several reported sightings of Dawn. On February 6, 2001, Chief Wayne Bobb of the Seabird Island Nation reported to police a possible sighting of Dawn in the Upper Fraser Valley. On February 12, 2001, police also received information that Dawn was last seen in the last month and a half.⁴⁰⁸

On February 13, 2001, Cst. Dickson conducted a file review of the investigation into Dawn’s disappearance. On the same date, police picked up what was believed to be Dawn’s property from the Balmoral. Police scheduled Ms. Crey to look at the property; however, on February 15,

2001, police learned the belongings were not Dawn's and on February 20 returned the property to the Balmoral.⁴⁰⁹

On February 20, 2001, police received information that Dawn might be at Riverview Hospital. That day, police had contact with Ms. Crey about the Riverview information. The next day, police determined Dawn was not there, but provided a photograph of her to Riverview. On February 22, Riverview requested a colour photograph, which the police provided on February 27.⁴¹⁰

On March 14, 2001, a police Records Management System (RMS) query located an occurrence about an assault in 1999. On March 22, 2001, police conducted another file review. A ViCLAS booklet on Dawn was also submitted.⁴¹¹

On April 5, 2001, Dawn Crey's investigation was discussed at a Project Evenhanded meeting, along with the files of Deborah Jones, Brenda Wolfe and Georgina Papin.⁴¹²

On May 2, 2001, police received a tip about a possible sighting of Dawn in Mission, BC.⁴¹³ On July 10, 2001, police received a message from Ms. Crey that Dawn may have been found.⁴¹⁴

In July and August, the VPD MPU discussed the file with Project Evenhanded, apparently in preparation for the file to be forwarded to the joint forces operation. On July 4, 2001, police reviewed Dawn's file, with Cst. Dickhout from the VPD MPU providing an update to Det. McKnight. Cst. Dickhout advised he was still conducting investigative follow-up on this and other files, but that the files would probably be forwarded to Det. McKnight in the near future.⁴¹⁵

On August 28, 2001, VPD MPU officers again reviewed the file with Det. McKnight of Project Evenhanded.⁴¹⁶ At this time, the initial investigation was considered almost completed. It had taken seven months to determine that Dawn was "missing," an amount of time Project Evenhanded leader Sgt. Adam considered to be unacceptable.⁴¹⁷

On September 25, 2001, police identified Dawn's address as of September 28, 2000. They also received information from E. that Andrea Joesbury and Dawn had lived in the same room at the hotel, but at different times, and noted they were both missing.⁴¹⁸

On October 3, 2001, police requested a Vital Statistics search and on October 4, 2001, added Dawn to NCIC.⁴¹⁹ On October 10, 2001, Victims Services was updated. On October 11, 2001, police received information from Dr. Adilman at the Native Health Clinic who was the doctor for three missing women: Sereena Abotsway, Dawn Crey and Michelle Gurney.⁴²⁰

Mr. Crey attended a meeting of the families called by the VPD/RCMP task

force in October of 2001; this was his first contact with the VPD about his sister's case. At that meeting, he testified that he "was not provided with any assurance that the VPD had already been investigating Dawn's disappearance."⁴²¹ A senior officer told the families they wouldn't share anything with the families that would compromise their investigation and that the media, the press, and the reporters "are not your friends." Mr. Crey testified that he was concerned about this attitude because "if it hadn't been for a few campaigning journalists I don't know that there would have been as much attention focused on the disappearances from the Downtown Eastside."⁴²²

On October 15, 2001, police conducted a file review of the investigation into Dawn's disappearance. Over the next month, the police carried out a number of background checks with BC Vital Statistics records, RCMP records, medical records, and welfare records in Canada and Washington State. They learned that Dawn last had contact with a DTES clinic on November 3, 2000.⁴²³

In November, Dawn Crey was officially added to the Missing Women Investigation and Project Evenhanded determined that an in-depth investigation into Dawn's disappearance would be initiated. Police gathered information from Dawn's family members, including her dental records and a new photograph of her.⁴²⁴

On December 11, 2001, police received a tip that Dawn was last sighted in Surrey, BC, the week of November 11 to 18.⁴²⁵

Dawn's DNA was found on the Pickton farm. In 2004, police told Mr. Crey that her DNA had been found. In July 2010, police provided more detail to Mr. Crey; at his home police showed him a photograph of a woman's undergarment in Pickton's trailer, on which Dawn's DNA had been found. They said Dawn was very likely killed by Pickton.⁴²⁶

During the Pickton investigation, police found that Dawn was reported to have attended a New Year's party on Pickton's property in December 1999 and was witnessed in the company of Pickton;⁴²⁷ however, this evidence was not accepted by investigators, who believed the woman was likely someone else.⁴²⁸

Mr. Crey made extensive efforts to get media and public attention to Dawn's disappearance and more generally to the issue of missing women. He testified that he was familiar with this issue beginning in the early 1990s.⁴²⁹ He saw a commonality in the missing women's experience: many had been separated from their immediate families and placed in foster care or institutional care of one sort or another.⁴³⁰ He was concerned that police were not taking the disappearances seriously⁴³¹ and, in particular, that police were saying that the women could be anywhere: he knew Dawn didn't fit that profile, having lived in the DTES for 20 years.⁴³² He thought that by speaking out he could prompt the police to do more.⁴³³

Mr. Crey was disparaged by a VPD public relations staff member in a memo to the Vancouver Police Board (VPB) on May 15, 2002, saying that he:

*...disowned his sister years prior to her disappearance because of her drug addiction and sex trade; only recently has he become a grieving brother; orchestrated a press conference at the memorial at the Pickton site in an attempt to obtain funds from the federal government...*⁴³⁴

Mr. Crey continues to hope and speak for change.⁴³⁵

Ms. Crey stated that it will take her time to forgive the VPD.⁴³⁶

The missing person investigation into Dawn's disappearance started slowly: in the first six weeks, it appears nothing was done. Even after the investigation began, it was clearly not treated urgently. Police never visited the Balmoral Hotel to conduct interviews or investigate, even though it was immediately identified as Dawn's residence and they had information that Dawn felt unsafe there. Police did recover property at first believed to be Dawn's from the hotel, but apparently did not seek out her property when they learned the items did not belong to Dawn.

The only interview the police conducted was of Ms. Crey in November 2001, almost a year after Dawn was reported missing. Police did conduct regular file reviews, but the reviews did not spur much, if any, investigative action. The investigation was, for the most part, confined to database searches and distributing Dawn's missing person poster.

Georgina Papin

The last time her sisters heard from Georgina Papin was in March 1999, when Georgina invited them to celebrate her birthday. After this, they had no further contact, and her sisters did not see Georgina for her birthday.⁴³⁷

It appears that Georgina was last seen by her cousin, Sharon Baptiste. She had been with Georgina at the Astoria Hotel when Pickton and another man "lined up" Georgina and Ms. Baptiste as "dates" (referring to a paid sexual exchange). Pickton gave money to Ms. Baptiste to get drugs before they left, but Ms. Baptiste took the money and didn't return. She never saw Georgina again. A week or two later, Ms. Baptiste saw Pickton at the Astoria again, and asked him where her cousin was. In response, Pickton said he took Georgina and assaulted her.⁴³⁸

Georgina had a big presence in the community. Her loss was felt immediately at WISH; it was "like a light went out."⁴³⁹ Ms. Baptiste often mentioned to WISH's Elaine Allan that Georgina had been missing since she left with a "guy": she was convinced the "date" Georgina left with was responsible for her disappearance,⁴⁴⁰ but it was not until after Pickton was arrested that Ms. Baptiste told Ms. Allan the details and identified Pickton as the "date."⁴⁴¹ After Ms. Baptiste approached Ms. Allan at WISH about

Georgina's disappearance, Ms. Allan told Cst. Dickson he should speak to Ms. Baptiste about her cousin because she was talking to Ms. Allan about it a lot. However, Ms. Allan did not speak to Cst. Dickson about Georgina's disappearance.⁴⁴²

Realizing that Georgina was missing, Georgina's sister, Bonnie Fowler, and Georgina's friend and sister-in-law, Kathleen Smith, tried to find her in the DTES.⁴⁴³

On February 26, 2001, Stony Plain RCMP in Alberta did a CPIC search on Georgina due to Georgina's relatives' concerns and request for assistance in locating her. Stony Plain RCMP did not list her on CPIC as missing as she had left the area in good health.⁴⁴⁴

On March 11, 2001, Cst. Joyce of Mission RCMP was contacted by Ms. Smith, who reported that she had last see Georgina on March 2, 1999, when she dropped her off at the Friendship Centre on East Hastings Street, Vancouver. Ms. Smith had told Georgina that she could not stay with her because of her heroin use.⁴⁴⁵ Ms. Smith told police that Georgina left behind several children and that no one had heard from her since 1999.⁴⁴⁶ The Mission RCMP created a missing person file for Georgina with a notation made on the continuation report that the information was to "pass on" to VPD missing persons.⁴⁴⁷

Ms. Fowler also reported Georgina missing to Mission RCMP sometime after these initial reports.⁴⁴⁸ According to Ms. Fowler, the police did not think it was such a big deal. They suggested that maybe she was overreacting. After making a report, Ms. Fowler did not hear back from the RCMP until 2002.⁴⁴⁹

Because Georgina was reported missing by multiple people, there is some discrepancy within police documents as to who was the reportee. On initial missing person documents, Ms. Smith is listed as the complainant/reportee;⁴⁵⁰ whereas Ms. Fowler is noted as a reportee in an October 31, 2001 continuation report by Project Evenhanded.⁴⁵¹

On March 14, 2001, a missing person report for Georgina was created by the VPD; on the VPD report Ms. Smith is named as the reportee, with the date last seen as March 2, 1999. The report also identified Georgina's common-law spouse.⁴⁵² The same day, the VPD entered Georgina on CPIC as missing.⁴⁵³ On March 15, 2001, the VPD CPIC missing person entry was removed⁴⁵⁴ and changed to "ASSREQ" (Assistance Requested).⁴⁵⁵ An entry was made on the VPD missing person report log to the effect that information had been provided to the VPD so the VPD would assist the Mission RCMP.⁴⁵⁶ It appears that Mission RCMP continued to have carriage of the investigation into Georgina's disappearance.

On March 15, 2001, Ms. Fowler provided information to Cst. Joyce of the Mission RCMP regarding Georgina's children, brother and ex-husband and

told police that Georgina had not picked up her cheque from her reserve in Alberta. She also advised that Georgina frequented friendship centres and bars.⁴⁵⁷

On April 4, 2001, the Mission RCMP detachment advised Project Evenhanded that Georgina was missing.⁴⁵⁸ The following day, Georgina's investigation was discussed at a Project Evenhanded meeting, along with other "new" or newly identified, missing women files.⁴⁵⁹

On April 5, 2001, Cst. Joyce phoned Sally Thomas at the Enoch reserve in Stony Plain, Alberta. Ms. Thomas told Cst. Joyce that she had not heard from Georgina for over two years, since approximately December 1999, but that prior to that, Georgina had contacted her once a month. Police also phoned Mission Social Services, learning that their last contact with Georgina in Mission was on May 28, 1998. She was reported to be in Regina, Saskatchewan in June 1998.⁴⁶⁰

The VPD entered Georgina's information into the SIUSS database on May 8, 2001, and advised the Mission RCMP that they had done so. The VPD also suggested to Cst. Joyce that she make a missing person poster for Georgina and speak to anyone who may have seen her.⁴⁶¹

Cst. Joyce continued to investigate Georgina's disappearance throughout 2001. During this time, she interviewed Georgina's ex-common-law spouse; learned the identity of another former common-law spouse; checked whether Georgina was in the U.S. through Interpol; contacted ViCLAS to determine if Georgina's remains had been found but were unidentified; and received CPIC offline search results and followed up with Regina Police Services, Abbotsford Police, and Stony Plain RCMP regarding their CPIC queries of Georgina since she was last seen. Police received a tip of a sighting of Georgina in Merritt on July 1, 2001. Cst. Joyce also spoke with family members to gather more information and to obtain familial DNA and conducted follow-up on a tip that A.D. may have been in contact with Georgina in spring 2001, eventually interviewing A.D. Police also sought Georgina's medical records, although there were difficulties in accessing those records. A ViCLAS booklet was submitted on August 21, 2001.⁴⁶²

Georgina's file was taken over by Project Evenhanded in October 2001 and officially added to the Missing Women Investigation on November 8, 2001. Cst. Williams was assigned the file and, during an initial file review, identified a number of additional investigative strategies to be pursued. On October 31, 2001, it was discovered that Georgina's social assistance file had been closed in July 1998 because she had not picked up her welfare cheque. Project Evenhanded also made contact with Georgina's family members.⁴⁶³

Although Project Evenhanded took over the investigation, Cst. Joyce remained involved, providing assistance. On November 27, Cst. Joyce interviewed Q.Q. regarding a sighting of Georgina in July 2001 and

provided this info to Cst. Williams of Project Evenhanded.⁴⁶⁴ Cst. Joyce also interviewed R.R. on January 2, 2002, who told her that he last saw Georgina in 1999 or 2000 at the Balmoral Hotel and provided information about Georgina, her drug use, and the location in Vancouver where she worked. He repeatedly talked about a dream he had about her.⁴⁶⁵ On January 18, 2002, Cst. Joyce interviewed S.S., who told her about his last sighting of Georgina in Vancouver.⁴⁶⁶

Family members testified that they were unhappy with the level of contact and communication police had with them. Bonnie Fowler testified there was no contact from the police after she reported her sister missing in Mission until September 2002: "We were kept in the dark as to what they were doing to find her." She asked why police did not contact members of her family to ask questions.⁴⁶⁷ Family members wanted to know more about the progress of the investigation and had more information to contribute.⁴⁶⁸ Georgina's sister, Cynthia Cardinal, also testified that she would have liked to have been contacted by the police; the family was given no chance to provide information that could have added to the investigation. She was of the opinion that the people who were interviewed in the investigation were randomly selected; they didn't know Georgina.⁴⁶⁹

In September 2002, two officers went to Ms. Fowler's house to tell her that they had found Georgina's DNA on the Pickton farm.⁴⁷⁰

From a statement prepared by her family, Ms. Fowler read of their grief and anger about the police investigation of Georgina's disappearance, the lack of care about the missing women, and the continued disappearance of women and children.⁴⁷¹ She also spoke of the family's wish to be closer with Georgina's children, who were placed in foster care, stating: "We want to be able to heal with Georgina's children as we have all been affected by her gruesome murder. We want them to know that we will always be there for them."⁴⁷²

In reviewing Georgina's missing person investigation, I note that a number of police departments/jurisdictions were involved in the file. For the most part, the co-ordination and co-operation between jurisdictions was good, with one exception: the Stony Plain RCMP did not provide information that Georgina could have been missing to other detachments and apparently did not act on the family's concerns. The first suggestion that Georgina was missing was made to the Stony Plain RCMP, when concerned family members contacted them. However, they did not make a missing person report because she had left the area in good health.

Georgina was then reported as missing to the Mission RCMP, and days later, to the VPD. The Mission RCMP continued to carry the file, with the VPD's role to provide the Mission RCMP with assistance.

Project Evenhanded was aware that Georgina had been reported missing less than a month after she was reported; however, they did not take over

the investigation for seven months. After Project Evenhanded took carriage of the file, Cst. Joyce from Mission RCMP continued to assist, conducting interviews of people within her jurisdiction.

There was some active investigation of Georgina's disappearance and some family contact, although the latter was somewhat sporadic. Family members felt that they had more information to provide to the police about Georgina.

Police apparently failed to take a number of investigative steps. For example, there is no record of any attempt by police to attend Georgina's last known residence. One glaring omission was the lack of use of community resources. In particular, staff and members at WISH (Ms. Allan and Georgina's cousin, Ms. Baptiste) may have been able to provide the police with useful information, but there is no record that the police spoke to them. Similarly, friendship centres were not contacted even though police had been told that Georgina frequented them. It is possible that police did not engage DTES community organizations because Cst. Joyce, in Mission, had carriage of the file; perhaps if the VPD had assumed responsibility, it would have been more able to conduct the investigation in the DTES, where Georgina was reported last seen.

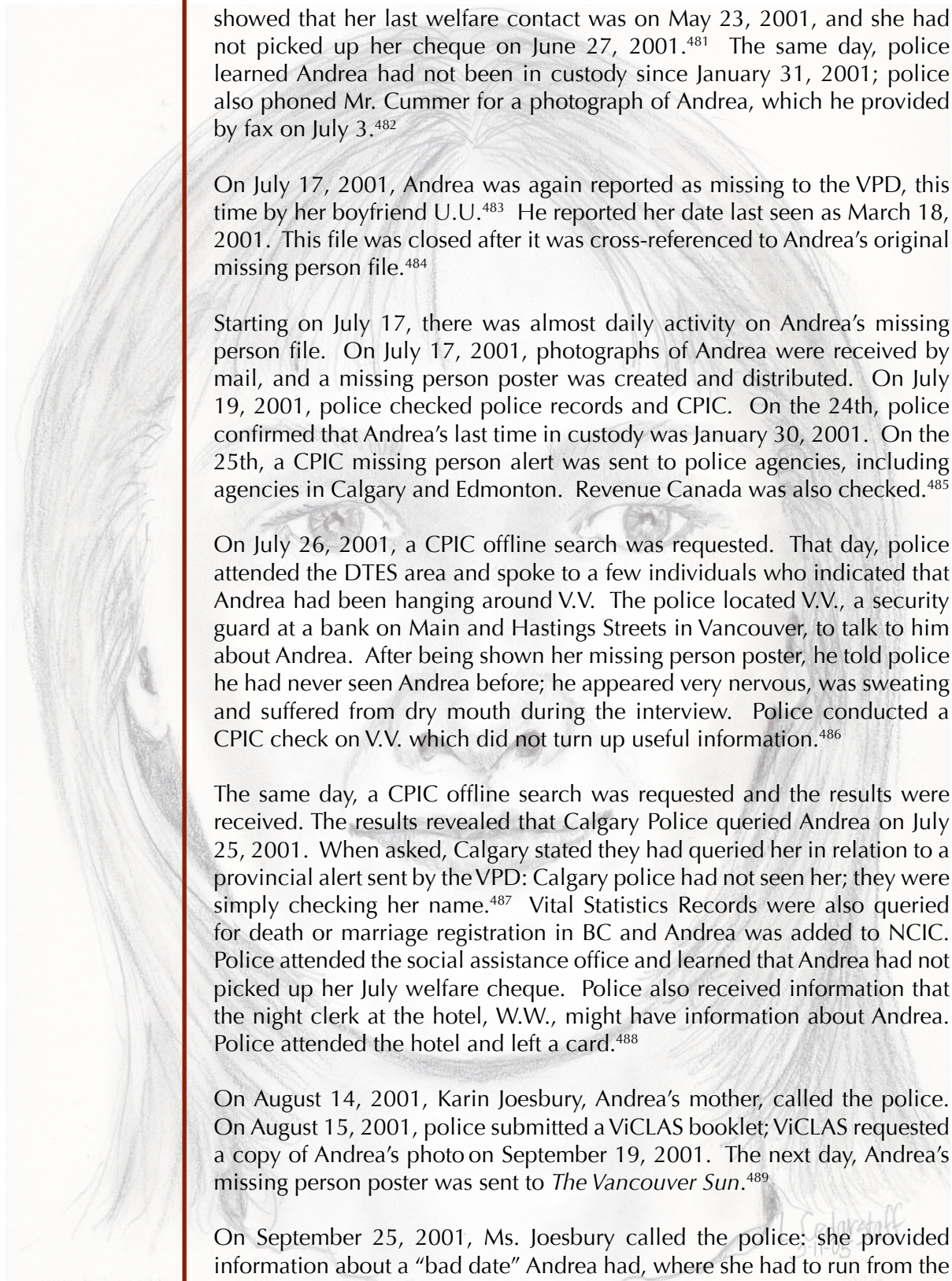
The investigation was not treated urgently, particularly not by Project Evenhanded; once they had carriage of the file, they did not appear to do any active investigation on it.

Andrea Joesbury

Andrea Joesbury was reported as missing to the VPD by her nurse, T.T., on June 8, 2001. T.T. told police Andrea had been last seen on June 5, 2001.⁴⁷³ T.T. also told police that Andrea was on methadone and had missed her treatments, which she had never done before, and she had not been seen at her residence at the Roosevelt Hotel for the past three days. T.T. told police that medical staff was very concerned about Andrea because her disappearance was really out of character. T.T. described Andrea as a very cute young girl, with an elfish way about her.⁴⁷⁴ The next day, police added Andrea to CPIC as missing.⁴⁷⁵ On June 11, 2001, the police called Andrea's hotel residence, the Roosevelt, but there was no answer so they left a message. Members of the VPD attempted to call again on June 15, but again there was no answer.⁴⁷⁶

Police contacted the reportee, T.T., on June 14, leaving a message for her. On June 15, T.T. was contacted again. She told police she had not seen Andrea since she was reported missing.⁴⁷⁷ On June 19, 2001, Jack Cummer, Andrea's grandfather, called the VPD, advising that he wanted to be kept informed of the status of the investigation.⁴⁷⁸

On June 28, the investigator received the file:⁴⁷⁹ it appears that Det. Leggett of the VPD MPU mainly conducted the initial investigation into Andrea's disappearance.⁴⁸⁰ That day, police queried Andrea's welfare file, which



showed that her last welfare contact was on May 23, 2001, and she had not picked up her cheque on June 27, 2001.⁴⁸¹ The same day, police learned Andrea had not been in custody since January 31, 2001; police also phoned Mr. Cummer for a photograph of Andrea, which he provided by fax on July 3.⁴⁸²

On July 17, 2001, Andrea was again reported as missing to the VPD, this time by her boyfriend U.U.⁴⁸³ He reported her date last seen as March 18, 2001. This file was closed after it was cross-referenced to Andrea's original missing person file.⁴⁸⁴

Starting on July 17, there was almost daily activity on Andrea's missing person file. On July 17, 2001, photographs of Andrea were received by mail, and a missing person poster was created and distributed. On July 19, 2001, police checked police records and CPIC. On the 24th, police confirmed that Andrea's last time in custody was January 30, 2001. On the 25th, a CPIC missing person alert was sent to police agencies, including agencies in Calgary and Edmonton. Revenue Canada was also checked.⁴⁸⁵

On July 26, 2001, a CPIC offline search was requested. That day, police attended the DTES area and spoke to a few individuals who indicated that Andrea had been hanging around V.V. The police located V.V., a security guard at a bank on Main and Hastings Streets in Vancouver, to talk to him about Andrea. After being shown her missing person poster, he told police he had never seen Andrea before; he appeared very nervous, was sweating and suffered from dry mouth during the interview. Police conducted a CPIC check on V.V. which did not turn up useful information.⁴⁸⁶

The same day, a CPIC offline search was requested and the results were received. The results revealed that Calgary Police queried Andrea on July 25, 2001. When asked, Calgary stated they had queried her in relation to a provincial alert sent by the VPD: Calgary police had not seen her; they were simply checking her name.⁴⁸⁷ Vital Statistics Records were also queried for death or marriage registration in BC and Andrea was added to NCIC. Police attended the social assistance office and learned that Andrea had not picked up her July welfare cheque. Police also received information that the night clerk at the hotel, W.W., might have information about Andrea. Police attended the hotel and left a card.⁴⁸⁸

On August 14, 2001, Karin Joesbury, Andrea's mother, called the police. On August 15, 2001, police submitted a ViCLAS booklet; ViCLAS requested a copy of Andrea's photo on September 19, 2001. The next day, Andrea's missing person poster was sent to *The Vancouver Sun*.⁴⁸⁹

On September 25, 2001, Ms. Joesbury called the police; she provided information about a "bad date" Andrea had, where she had to run from the car naked as the client was getting crazy. The same day, police received information from E. that Andrea and Dawn Crey had lived in the same room at the hotel, but at different times, and noted they were both missing.⁴⁹⁰

On September 27, 2001, police checked Andrea's pharmacy and discovered that she last picked up her medication on June 6, 2001. The pharmacy had returned the June 7, 8 and 9 items for pick up. A welfare check showed that her file was still closed.⁴⁹¹

On October 3, 2001, Andrea's missing person poster was provided to the Vice Unit. On the 4th, a supplemental report was completed, indicating that a dental chart was not available but a photograph was. On the 10th, Andrea's family contact information was provided to VPD Victim Services so they could be invited to the family meeting on October 14.⁴⁹²

On October 17, Cst. Van Overbeek of Project Evenhanded conducted a file review, in preparation of taking over the file from the VPD MPU. A notation of the review focused on the interview of V.V. and his appearance of nervousness.⁴⁹³ Cst. Van Overbeek testified that he also determined that little had been done on the file:

I recall that when I reviewed the VPD missing person file for Angela [sic] Joesbury it was apparent that the initial investigators had not completed basic investigative steps for a missing person case. On October 17, 2001, I reviewed the VPD file for Ms. Joesbury and I recall that from reviewing the file, that the VPD never interviewed [U.U.], Ms. Joesbury's boyfriend, who reported Ms. Joesbury missing to the VPD on July 17, 2001...One of my first investigative steps was to interview Mr. [U.U.]⁴⁹⁴

On October 26, 2001, Cst. Van Overbeek made contact with Mr. Cummer. Mr. Cummer told him that Andrea contacted him from time to time on her birthdays or when she needed money, and had recently been diagnosed as having Hepatitis C and HIV, though she had a positive attitude about it. He had last talked to her approximately two months before her disappearance. Mr. Cummer also relayed his concerns about Andrea's boyfriend/pimp U.U., with whom Andrea had a child. Mr. Cummer did not know who Andrea's dentist was, but thought Ms. Joesbury, Andrea's mother, might know. That day, Cst. Van Overbeek made a note of U.U.'s criminal record. On October 29, 2001, Cst. Van Overbeek left a message with Karin Joesbury regarding the identity of Andrea's dentist.⁴⁹⁵

On October 30, 2001, police checked with welfare agencies across Canada and Washington State. The searches revealed that Andrea's BC file was closed on October 1 because she hadn't pick up her cheque and no other files had been opened for Andrea after that.⁴⁹⁶

Cst. Van Overbeek's notes from the file review he conducted on November 1 focus on U.U., and he concludes that Andrea should be added to the list of missing women.⁴⁹⁷ At the November 8 Project Evenhanded meeting, it was recommended Andrea be added to the list of missing women and investigative steps were discussed.⁴⁹⁸ On November 14, 2001, police received information from a DTES clinic confirming that Andrea had been treated on June 5, 2001.⁴⁹⁹

On November 25, 2001, after the family meeting organized by Project Evenhanded, Cst. Van Overbeek interviewed Ms. Joesbury. She discussed Andrea's relationship with U.U., including information from Ms. Joesbury's other daughter that U.U. had said he didn't know what had happened to Andrea, and information from Andrea's friend F., who said that Andrea was hiding from U.U. Ms. Joesbury also identified a friend of Andrea's, G., who introduced Andrea to U.U., and was living in Texas.⁵⁰⁰

On the 26th, Cst. Van Overbeek and Sgt. Jarvis interviewed U.U. He discussed his relationship with Andrea. He denied ever hitting her and stated he was against her being a "street worker." He told police that he was in custody when Andrea went missing, a fact confirmed by records. He offered to take a polygraph and told police he would try to find an Aboriginal sex trade worker with whom Andrea went to Surrey for "tricks."⁵⁰¹

On November 27, 2001, Cst. Van Overbeek spoke on the phone with G., a former friend of Andrea's. She gave police information about Andrea's drug use and shared her belief that U.U. pimped Andrea.⁵⁰²

On November 28, 2001, Sgt. Jarvis checked with BC Medical, learning that Andrea's last treatment at St. Paul's Hospital was in May 2001.⁵⁰³

On December 4, 2001, Cst. Van Overbeek interviewed Andrea's friend, F. She identified a daily customer of Andrea's, telling police that he was friends with a desk clerk at the Roosevelt Hotel, Steve. F. also said she had seen Andrea with Deanna [sic] Taylor (apparently referring to Dinah Taylor, an association of Robert Pickton), a sex trade worker, daily. F. told police she didn't think U.U. was responsible for Andrea's disappearance and provided other information about U.U. and Andrea.⁵⁰⁴

On December 5, 2001, Cst. Van Overbeek attempted to speak to Steve, the clerk at the Roosevelt Hotel. He was not at the hotel, but police spoke to two other clerks, who told police of a rumour that no one had seen or heard from Andrea since she and Deanna [sic] Taylor had taken a "trick" to the Coquitlam area. They also said that a bank security guard visited Andrea regularly. Cst. Van Overbeek's file notation at this point indicates that four leads required follow-up, including the information regarding Deanna [sic] Taylor and the security guard V.V.⁵⁰⁵

The same day, police also received a page from Lyla Joesbury, Andrea's grandmother, saying that Karin Joesbury was not handling the situation well and asking them to phone her next week.⁵⁰⁶

On December 10 and 11, 2001, Cst. Van Overbeek visited and interviewed Andrea's relatives on Vancouver Island; her father Kevin Joesbury and her mother Karin Joesbury both provided DNA samples.⁵⁰⁷

On the 18th, Cst. Van Overbeek attended the residence of Dinah Taylor, having obtained her address from the welfare office. He was told that she had moved but did drop in for mail, so he left his business card.⁵⁰⁸ He

also contacted V.V.'s employer, and learned that V.V. was no longer with the company. Cst. Van Overbeek then left a message at V.V.'s home phone number.⁵⁰⁹

At this time, Mona Wilson disappeared and Cst. Van Overbeek was assigned to her investigation because it was new.⁵¹⁰ It appears that no more investigation was done on Andrea's disappearance until the Pickton farm was searched, with the exception of the agreement with the BC Cancer Agency for police's use of her DNA for identification purposes.⁵¹¹

Pickton was convicted of murdering Andrea Joesbury.⁵¹² Evidence in a Report to Crown Counsel regarding the charges against Pickton showed that Andrea "had been seen alive and well on the Pickton farm."⁵¹³

Unfortunately, no members of Andrea's family testified at the Commission so I cannot comment, as I have for the other investigations, on how the investigation impacted Andrea's family or on questions they may have. However, it is apparent from the missing person report and file that Andrea's disappearance caused her family, friends and medical caregivers concern and grief, and that Andrea was dearly loved. It is also apparent that her mother, Ms. Joesbury, believed the police failed Andrea, as she filed a suit against them for negligence in failing to fulfill in their duty.⁵¹⁴

Andrea's file was pursued more vigorously and with more on-the-ground investigative work in comparison with other missing women investigations. However, the initial period of the investigation was slow, especially in light of the fact that the report was made swiftly and was deemed urgent by the reportee. The reportee was acutely aware of Andrea's medical condition and that the disappearance was out of character for her, and the concerns expressed by Andrea's family and common-law boyfriend. The first six weeks of the investigation involved the usual background checks but no active investigation: specifically, Andrea's residence was not visited until two months after she was reported missing.

Once active investigating began, police did investigative work within the DTES community. Both the VPD and Project Evenhanded investigations included attending the DTES and speaking with members of the community, which led to information about Dinah Taylor and a person of interest in the investigation, U.U. However, police apparently did not attend WISH, where Andrea was known to be "every night."⁵¹⁵

Unlike some other files, file reviews of Andrea's investigation, specifically the review of the Project Evenhanded investigator, Cst. Van Overbeek, were productive and did result in further follow-up.

Mona Wilson

Mona Wilson was reported missing to the VPD on November 30, 2001, by her common-law spouse, X.X., who had not seen her since November 23,

2001.⁵¹⁶ He reported that she was on methadone, which she was supposed to pick up daily from the East End Pharmacy, but she hadn't picked it up for seven days. The reportee last saw Mona getting into a vehicle; they had been walking along the street when an airport taxi pulled up and the passenger propositioned Mona. Mona left in the vehicle and she was not seen again.⁵¹⁷

The VPNSL was involved in passing the report of Mona's disappearance to the VPD. X.X. had come into the VPNSL office one day in a panic. He returned the next day and spoke to Morris Bates and Cst. Tony Sartori, telling them that Mona had not picked up her social services cheque or her methadone. The VPNSL members called Det. Howlett of VPD MPU, who came to take the report. Mr. Bates testified that Det. Howlett said, "She's dead."⁵¹⁸

On December 4, 2001, the file was transferred to Project Evenhanded⁵¹⁹ and it was treated as a homicide investigation right from the beginning.⁵²⁰

On December 10, 2001, information thought to be related to Mona Wilson was obtained from the Prince Rupert RCMP.⁵²¹

On December 11, Cst. Cater and Cst. Williams attempted to re-interview Mona's common-law spouse, X.X. They obtained Mona's file from staff at the Lookout (an emergency shelter in the DTES) and attended her last known address listed in the Lookout file. They also attended the St. James Community Centre and interviewed staff, who advised that they had not seen Mona and thought it unusual.⁵²² On the 12th, Cpl. Zaporozan interviewed X.X. in relation to when he last saw Mona; X.X. also identified another person of interest, Y.Y..⁵²³ On the 13th, Cpl. Zaporozan contacted the Prince George and Whitehorse RCMP detachments to obtain information on Y.Y., resulting in the RCMP establishing periodic surveillance of his residence. Cpl. Zaporozan did a PIRS query on Y.Y. and obtained his driving and vehicle ownership record. The next day, Whitehorse RCMP advised of additional vehicles seen at Y.Y.'s residence.⁵²⁴

On December 18, 2001, Cpl. Zaporozan attended the Lookout to try to interview X.X. He interviewed X.X. the next day, at which time he was provided with information on another potential person of interest.⁵²⁵ On December 27, Sgt. Clary also spoke with X.X.⁵²⁶

On January 2, 2002, Cst. Cater spoke with staff at St. James Community Service Society about Mona's disappearance and Cpl. Zaporozan tried to locate X.X.⁵²⁷

On January 3, 2002, Cpl. Zaporozan and Cst. Cater attended the residence of Ada Wilson, Mona's sister, to discuss the investigation with her.⁵²⁸ Ms. Wilson told police she had not seen Mona for several months and was concerned, particularly as Mona had not made contact during Christmas. Ms. Wilson advised that the only other family Mona had was a sister who

had not seen or been in contact with Mona for years, and family in another location whom Mona had never met. Ms. Wilson said she would advise her sister of the situation.⁵²⁹ Other steps were also taken that day:

- Cpl. Zaporozan and Cst. Cater attended several other addresses associated with Mona, but they appeared to be unconnected to her;⁵³⁰
- Cst. Cater phoned a person listed as Mona's emergency contact;⁵³¹
- Cpl. Zaporozan made inquiries at Dr. Dick's office to determine the last date Mona filled her methadone prescription and learned she was last seen in the office on November 23;⁵³²
- Cst. Cater reviewed the investigative file and identified the next steps, which were to issue a BOLF (be on the lookout for) request for Y.Y. and interview Y.Y.;⁵³³
- The BOLF was issued; and⁵³⁴
- Mr. Bates was interviewed regarding Mona's disappearance.⁵³⁵

On January 7, 2002, Cst. Cater did a PIRS query regarding various individuals known to be connected to Mona and Cst. Williams obtained Mona's pap smear from the BC Cancer Agency.⁵³⁶ These investigative avenues were followed up over the next few days. A tip was received about a sighting suggested to police that the date last seen for Mona should be changed to December 1, 2001.⁵³⁷ Other informants provided last seen dates ranging from November 25 to mid-December.⁵³⁸

On January 10, Ms. Wilson phoned police and was given an update.⁵³⁹

On January 14, five more women, including Mona Wilson, were added to the list of missing women.⁵⁴⁰ A press release was sent out the following day.⁵⁴¹ Police continued to follow up on the various persons of interests and associates.⁵⁴²

On January 16, 2002, a tip was received about a sighting of Mona in White Rock the day before.⁵⁴³ Other tips were followed up on throughout the month of January.⁵⁴⁴

One of Mona's sisters, Lisa Bigjohn, testified about her efforts to find Mona. After learning of Mona's disappearance, Ms. Bigjohn came from Kamloops to Vancouver to look for her sister. She spoke to people in the DTES, went to the friendship centre, and spoke to police and the VPNLS.⁵⁴⁵ Ms. Bigjohn testified that VPNLS workers weren't interested but told her to speak to VPD.⁵⁴⁶ However, when she told the VPD about Mona, they did not write anything down but only checked her address and name, nothing more.⁵⁴⁷ Ms. Bigjohn also testified that when she approached police, they had a "bad" and "ignorant" attitude towards her.⁵⁴⁸ She was sometimes arrested for what she said to police⁵⁴⁹ (although it is unclear if this was in relation to looking for her sister). The VPD did not inform Ms. Bigjohn that Mona had been reported missing by her boyfriend on November 30, 2001.⁵⁵⁰ Ms. Bigjohn spoke of the hate and bitterness she experienced when she was looking for her sister: no one cared or assisted her, or offered her any

support or comfort; she was made to feel like a nobody.⁵⁵¹

Mona's DNA was found on Pickton's farm and Pickton was convicted of her murder.⁵⁵² Project Evenhanded never directly informed Ms. Bigjohn that Mona's DNA had been found on the farm; instead she learned it through the media.⁵⁵³ She spoke of the pain she lives with, knowing how her sister died and living without her. She questioned why the system that was supposed to protect her sister and the other missing women failed.⁵⁵⁴ Mona's niece and Ms. Bigjohn's daughter, Susan Robinson, spoke about her aunty, and told of the pain caused by knowing Mona did not have the support in her life that she needed.⁵⁵⁵

This overview of the investigation into Mona's disappearance reveals an example of a much more active investigation. Project Evenhanded took over her investigation very quickly, within five days of her missing person report, and police immediately started following up on tips about persons of interest, including requesting part-time surveillance on one and speaking to others. The investigation lasted a little over two months, and during that time police:

- Identified and conducted follow-up on four men in relation to Mona, and conducted a few interviews with her common-law spouse, X.X., who reported her missing and was also a person of interest;
- Visited a number of addresses associated to Mona, trying to find a residence for her;
- Spoke with witnesses regarding sightings of Mona;
- Spoke with a friend and associate; and
- Interviewed her sister, Ada Wilson.

In addition, police used community resources, speaking to staff at the Lookout and St. James Community Centre about Mona. However, they did not appear to contact anyone at WISH, where Mona attended.

Mona's sister, Ms. Bigjohn, undertook her own search for Mona in the DTES. She said she spoke to police about Mona, but they did not tell her Mona had been reported missing and did not assist her. A police document states that Ms. Wilson indicated to an officer that she would inform Mona's other sister, who was not in contact with Mona.

Dianne Rock

In late August 2001, Dianne Rock called her sister, Lilliane Beaudoin, asking to speak to her mother, Ella Marin, who was not at home. To Ms. Beaudoin, Dianne sounded lonely and distraught. Ms. Beaudoin later learned, from reading Stevie Cameron's book *On the Farm*, that the reason Dianne had called was because she had been held captive and was beaten and raped. Ms. Beaudoin surmised that Dianne had probably wanted to speak to their mother about this traumatic and frightening experience. Information about this horrific assault was revealed at Pickton's trial, when a nurse spoke

about treating Dianne for that injury. Apparently Dianne had been partying at Pickton's farm, where she was held captive for two days. When she escaped, Dianne called her girlfriend to pick her up on Lougheed Highway. When her friend picked her up, she saw that Dianne's clothes were ripped, she had handcuff marks on her wrists and ankles, and was badly hurt; however, Dianne refused to go to the police.⁵⁵⁶

The last contact Dianne had with her family was on October 17, 2001, when Dianne phoned her son for his birthday. She said she would see him on the weekend, but then failed to show up. The family did not take any action at that time; they did not know she was on the streets or involved in the sex trade.⁵⁵⁷ However, in early November, Dianne's daughter phoned Ms. Beaudoin asking if they had heard from Dianne.⁵⁵⁸ After another phone call in December, Ms. Beaudoin thought Dianne had maybe run away.⁵⁵⁹

Ms. Beaudoin testified that at the end of November 2001, she received a call from Cst. Van Overbeek at the VPD to ask if she had heard from Dianne. When asked why, he told her they had two bags of her clothing. Ms. Beaudoin asked if something was wrong, but he refused to answer.⁵⁶⁰ She was left with the impression that Dianne had skipped out on her rent; she did not know Dianne's life was in danger or that she hadn't been seen for a while.⁵⁶¹ If he had told her then, Ms. Beaudoin stated that she and her mother would have gone to Vancouver to see what was going on. She also said she would have been very concerned if Cst. Van Overbeek had described the type of items Dianne had left behind at the hotel because they were not simply bags of clothing but included important personal papers and other items that were known to be important to Dianne.⁵⁶² After this conversation, Ms. Beaudoin said she had no further contact with the police.⁵⁶³

Cst. Van Overbeek has no recollection of a conversation with Ms. Beaudoin at any time.⁵⁶⁴ He does not remember a conversation like the one described by her in her testimony.⁵⁶⁵

On December 13, 2001, Dianne was reported as missing to the VPD by a social worker, H. Her date last seen was listed as October 19, 2001. The file states that Dianne was last seen by a social worker at the Marr Hotel, she had not picked up her welfare cheque, and she suffered from depression. The report notes that Dianne might have frequented the Evelyn Centre on Alexander Street in Vancouver. As well, the report identifies Dianne's ex-husband and notes she has three children.⁵⁶⁶

It appears the police did not conduct any investigation into Dianne's disappearance for four days, until December 17, 2001, when the file was turned over to Project Evenhanded. Cst. Van Overbeek testified that he was unaware of any investigative steps being taken between the report of Dianne being missing and his assignment to the file.⁵⁶⁷

Project Evenhanded treated Dianne's investigation as a homicide investigation right from the beginning.⁵⁶⁸

On December 17, 2001, police took several steps in the investigation and learned some important facts. A CPIC query revealed that Dianne's missing person report had not been entered on CPIC. The file noted it would be added that day. The file also noted that a social worker, I., was waiting for permission to release Dianne's file to police. On being contacted by police, the Marr Hotel informed police that Dianne's rent was paid directly to the hotel. Police also learned that Dianne's social assistance payments from November/December had not been cashed.⁵⁶⁹

On December 18, 2001, Cst. Van Overbeek went to the Marr Hotel, Dianne's last known address, to look for her personal effects.⁵⁷⁰ He learned that Dianne moved into the hotel in the summer of 2001, and during the first week of November 2001, Dianne told the manager she was going into rehab.⁵⁷¹ Dianne's December rent was not paid, so at the end of November the hotel cleaned the room and packed her belongings into plastic bags.⁵⁷² Police searched her personal items, and found divorce papers from her ex-husband and a business card from the Union Gospel Mission.⁵⁷³ Police contacted the Mission, learning that Dianne spoke to them in October 2001 about her addiction and mentioned wanting to return to Ontario.⁵⁷⁴ Cst. Van Overbeek did not think to try to locate personal items that might be a source of DNA.⁵⁷⁵

On December 18, 2001, police interviewed a Ministry of Children and Families financial officer. The file review revealed Dianne's maiden name, Marin; the names of her two daughters; the contact details of her ex-husband, mother and boyfriend; and her bank and vehicle information. Dianne had informed the worker she was abused by her boyfriend, Z.Z. Her October 1 welfare cheque had been cashed.⁵⁷⁶

After visiting the Marr Hotel, Cst. Van Overbeek contacted Dianne's next of kin for more information on her.⁵⁷⁷ In particular, he phoned Ms. Marin, Dianne's mother, to gather more information on Dianne for the investigation. The discussion focused on Dianne's background; people with whom she might have been close in Vancouver; her relationship with Z.Z.; and the last time Ms. Marin had heard from Dianne, which was an argument in early 2001 that resulted in the family ceasing contact with Dianne in April 2001. Ms. Marin also said that Dianne's daughters were unable to locate her. Cst. Van Overbeek does not recall discussing Dianne's clothing.⁵⁷⁸ He remembers informing Ms. Marin that the reason they were investigating was because Dianne had gone missing.⁵⁷⁹

On December 19, police conducted background checks on Dianne and Z.Z., a person of interest. They learned that Z.Z. had a peace bond prohibiting contact with his ex-wife and daughter and learned of an alias Dianne had possibly used. They also learned that Dianne had last had contact with her bank on September 1, 2001, and had last contact with the DTES Native Health Centre on September 27, 2001.⁵⁸⁰

On December 20, 2001, police tried to locate Z.Z. Police learned from Port Moody police records that Z.Z. had assaulted Dianne when she attempted to move out on May 9, 2001, and A.B. drove Dianne to get her belongings.

The records also showed that on October 22, 2001, police did a residence check at the home of Z.Z. to see if he knew where one of Dianne's daughters was, who was missing. Police found that he no longer lived at the address.⁵⁸¹

On January 2, 2001, a missing person poster for Dianne was created and distributed.⁵⁸²

On January 10, 2002, police attended the address for A.B. stated on the Port Moody police report, but the address did not exist.⁵⁸³ On January 14, 2002, police contacted Dianne's daughter. She told police that she did not have any of her mother's belongings. Police also left a message for Ms. Marin.⁵⁸⁴

On January 14, 2002, Dianne was added to the list of missing women and the following day police issued a news release about five additional women who had been added to the list of missing women, including Dianne.⁵⁸⁵

On January 16, 2002, police spoke to Dianne's ex-father-in-law. He had kept in touch with Dianne after the divorce by helping her financially. He last saw Dianne in the summer of 2001. He had been out of the country from October 2 to November 2, and when he returned, he had a phone message from Dianne stating that she was in trouble and needed money. Dianne had told him that her relationship with Z.Z. was abusive. Dianne's ex-father-in-law did not know A.B.⁵⁸⁶

On January 16, 2002, police conducted police records checks, learning a number of things. On September 23, 2001, Dianne was associated with a person arrested relating to outstanding warrants. On May 21, 2001, Dianne and A.B. were involved in an argument, and police were called. A.B. left before police arrived, and police apprehended Dianne's daughter, who had been reported missing.⁵⁸⁷ The next day, police queried medical records, which revealed no contact with Dianne.⁵⁸⁸

On February 5, 2002, Ms. Beaudoin heard about Pickton's arrest on the news.⁵⁸⁹ On April 1, 2002, two officers attended Dianne's eldest daughter's home to advise her that Pickton had murdered Dianne. The next day, Ms. Beaudoin received a message from Dianne's daughter. When Ms. Beaudoin got the message, she immediately phoned the VPD, who told her it was going to be on the news within half an hour. They told Ms. Marin, Dianne's mother, before the news aired, but Denise, another one of Dianne's sisters, read the news while she was at work. Ms. Beaudoin testified that it was very insensitive of the police to not speak with the family or say anything to them about Dianne. She would have appreciated someone telling her what took place in person, including that Dianne was reported missing.⁵⁹⁰

According to police records, on April 2, 2002, Cst. Van Overbeek spoke to René Beaudoin, Lilliane Beaudoin's husband, regarding charges against Pickton. Mr. Beaudoin requested Cst. Van Overbeek call him if Dianne's body was found and told police that he would pass the information to Ella Marin, requesting that police not contact Ms. Marin directly.⁵⁹¹

Ms. Beaudoin testified about the impact her sister's murder, the investigation, and the criminal justice process had on her, describing how she wakes up in cold sweats from nightmares. She also spoke of the never-ending effect the case has had on the lives of those she loves and those she lost.⁵⁹²

My review reveals that the initial investigation into Dianne's disappearance was not conducted until four days after she was reported missing: Dianne was not added to CPIC as of December 17, although she was reported missing on the 13th. When the investigation began, it was not conducted by the VPD; rather, Project Evenhanded took responsibility for the investigation shortly after the report.⁵⁹³

Once the investigation began, it was characterized by more active investigation than many of the other missing women investigations. Dianne's investigation only lasted two months before Pickton was arrested. However, in those two months police took a number of active investigative steps:

- The police visited Dianne's last known address within five days, representing a delay, but a shorter delay than in most cases;
- The police contacted the United Gospel Mission about Dianne; however, it appeared they failed to contact the Evelyn Centre, although they had information that she went there;
- Cst. Van Overbeek went through her belongings, which was a good investigative strategy;⁵⁹⁴
- The police interviewed an MCF financial officer;
- The police tried to locate Z.Z. and A.B.; and
- The police spoke to Ella Marin, Dianne's ex-father-in-law and one of Dianne's daughters.

There is conflicting evidence about contact between the police and families at the time of reporting and when police advised of the charges against Pickton for Dianne's murder. However, it can be noted that there was relatively little family contact during the short investigation.

Angela Williams

Angela Williams last visited her children and Margaret Green, their guardian, on December 9, 2001. She was supposed to visit again on December 16, but she did not, nor did she contact her family at Christmas.⁵⁹⁵

On December 13, 2001, a deceased female was found near a roadside in Surrey. The Surrey RCMP attended the scene, treating the death as suspicious.⁵⁹⁶ She was found face down on the side of a road unlikely to be used by a pedestrian, especially during the night.⁵⁹⁷ The December 14 report indicates that based on the location, the body may have been dumped there.⁵⁹⁸

The body was examined on the scene. Cpl. Attew, with the Surrey RCMP, found no visible defensive wounds or signs of trauma other than a small amount of blood from the right eye and nose area. Coroner Chico Newell

also attended the scene and examined the body; he noted that the skull revealed no signs of trauma.⁵⁹⁹

Evidence was collected at the scene. The Surrey RCMP Forensic Identification Unit assisted with collecting evidence: they found a jacket, fibres and hairs on the woman's clothing; took photos and video of the scene, in particular of tire marks; and collected fingerprints of the woman, for which no matches were found. In addition, a police dog with Cst. Ducros conducted a search.⁶⁰⁰ Officers also apparently received a witness report: a few moments prior to being found, one witness had seen a female walking down the road clutching her stomach and she appeared to be in distress.⁶⁰¹

On December 13, 2001, Coroner Newell advised Surrey investigators of a missing woman from Burnaby; however, it was determined she was not the deceased.⁶⁰² An autopsy was performed on December 14, 2001. The autopsy revealed that there was some bruising on the woman's neck, which was unlikely to be the cause of her death but could not be ruled out. The autopsy could not determine the cause of death; a toxicology examination was required.⁶⁰³

On December 19, 2001, a photo of the deceased female was sent to the Surrey RCMP Vice unit and all members of the Surrey RCMP, but no identification was made as a result.⁶⁰⁴ On December 21, 2001, Surrey RCMP issued a press release with a composite image of the victim and basic information about where she was found and her clothing in the hopes of identifying the woman. The press release stated the death was being treated as suspicious, but the cause of death was not known.⁶⁰⁵

The information in the press release was e-mailed to Sgt. Adam at Project Evenhanded on the date it was released.⁶⁰⁶

Also on December 21, 2001, Sylvia Port of ViCLAS Rapid Identification Program contacted the Surrey RCMP regarding a possible identity of the victim, but the result was negative.⁶⁰⁷ On December 24 and 25, 2001, Surrey RCMP received seven calls with tips about the found woman's identity: all were eliminated.⁶⁰⁸

Officers considered the possibility that this woman was in some way related to two other women who had been recently found dead from overdoses.⁶⁰⁹ Meanwhile, Angela's family was searching for her. After Christmas Day dinner in 2001, Ms. Green went to the DTES, with a picture of Angela, trying to find her. She visited agencies including WISH, the Carnegie Centre and the Contact Centre. Three people recognized her but told Ms. Green that they had not seen her for weeks.⁶¹⁰ On the 26th, 2001, Ms. Green reported Angela missing to the VPD. She was reported as last seen on December 9, 2001.⁶¹¹ The same day, she was added to CPIC as a missing person.⁶¹² Ms. Green made the report in person. She testified that the person asking the questions focused on Angela's alcohol and drug use and involvement in prostitution. Although Ms. Green didn't feel sloughed off, she had a

feeling nothing much would happen in the Christmas holidays, and that the police thought “oh, another missing woman.”⁶¹³ In her testimony, Ms. Green wondered how the focus in the documents on Angela and other women being drug addicts and prostitutes might have shaped how police thought of the women.⁶¹⁴

After Ms. Green reported Angela missing, Angela’s family members made posters about her disappearance, posting them in the DTES.⁶¹⁵ Ms. Green testified that the week of searching was very stressful to the children and impacts their enjoyment of holidays to this day.⁶¹⁶

In late December,⁶¹⁷ Karen, Angela’s sister, learned that a newspaper article recently reported an unidentified woman found in Surrey who had a rose tattoo similar to Angela’s.⁶¹⁸ That same day, Eliza Willier, Angela’s sister, phoned the Surrey RCMP to advise them the body that was found in Surrey might be Angela’s.⁶¹⁹ Ms. Willier faxed Surrey RCMP a copy of Angela’s missing person poster and description.⁶²⁰

On December 31, 2001, Port of ViCLAS contacted the VPD and advised them Angela might be the deceased female found in Surrey. The VPD faxed a copy of the missing person report to the Surrey RCMP.⁶²¹

The same day, the Surrey RCMP phoned Ms. Green’s family’s house in Vancouver and spoke to Ms. Green’s son, but wouldn’t leave a further message for her. Ms. Green returned the call on January 1, but she recalls that the person she was trying to reach wasn’t available.⁶²² Ms. Green called Cst. Marshall of Surrey RCMP on January 2, informing him that Angela was missing and had not been seen since December 9. Cst. Marshall advised her he believed the forensic dentist was comparing Angela’s charts with the found female; Ms. Green provided contact info for Angela’s dentist and dentist.⁶²³ The match was made on January 3: Angela had been found.⁶²⁴

Ms. Green questions why it took so long to identify Angela’s body, which she attributes to a lack of communication between VPD and Surrey RCMP.⁶²⁵

In her testimony, Ms. Green stated that the Coroner had told her that the first autopsy was inconclusive because there was a presumption when the first autopsy was done that Angela had died of a drug overdose; however, the toxicology reports had come back negative except for traces of cocaine indicating use a week or more earlier.⁶²⁶ The Coroner was gentle and respectful and told her how to tell Angela’s children.⁶²⁷

Cst. Van Overbeek reviewed two Delta files of women who had died from overdoses to determine if there was any link to Angela’s case.⁶²⁸ At a January 7 meeting, Cst. Van Overbeek told Project Evenhanded members that he had reviewed the two overdose cases and was meeting with the investigator on Angela’s file.⁶²⁹

On January 8, 2002, Cst. Shields issued a press release requesting the

public's assistance in the investigation of the death of Angela Williams. It again noted that the death was being treated as suspicious.⁶³⁰

On January 9, 2002, the Coroner reported that he needed to conduct a further examination to determine Angela's cause of death. Cpl. Attew contacted the Coroner to discuss the possibility of death by strangulation: he advised he had not ruled strangulation out due to bruising on her throat and that he would perform a full post-mortem report.⁶³¹

In mid-January, Cpl. Attew began to investigate Angela's death and was advised by Ms. Willier that Angela had a drug problem and worked as a sex trade worker. During a second interview, Ms. Willier remembered details about potential persons of interest. Cpl. Attew also interviewed Margaret Green, who provided background information on Angela.⁶³²

A ViCLAS report was submitted on January 16, as "sudden death, foul play suspected."⁶³³

The investigation continued and the Coroner concluded on May 22, 2002, that Angela's cause of death was undetermined. Cpl. Attew noted in the file that there were concerns about bruising and an investigation would try to piece together her movements before her death.⁶³⁴ On December 11, 2002, the Coroner provided Cpl. Attew his Judgment of Inquiry into Angela's death, which stated that her cause of death was undetermined.⁶³⁵ Angela's case remains unsolved and is still an open investigation.⁶³⁶

From January 2002 to October 2003, Project Evenhanded conducted multiple reviews of the file to determine if it contained anything to assist the investigation of the missing women or to link Angela to Pickton. However, Project Evenhanded determined there was no evidence of a link to either.⁶³⁷

There is conflicting evidence about whether the police presumed Angela died of a drug overdose and whether police ordered a second autopsy. Ms. Green testified that the assumption of an overdose was very clear and affected the conduct of the investigation.⁶³⁸ In her view, the first two officers had tunnel vision about the link between Angela's case and the two other overdose victims and that this was a result of racial stereotyping.⁶³⁹ She also testified that the Coroner had told her there was a presumption of drug overdose that affected the first autopsy.⁶⁴⁰ However, Cpl. Hall reviewed the file and did not find any indication of a presumption on the part of the police, coroners or pathologist that Angela's death was due to an overdose.⁶⁴¹

The media may have presumed that Angela died of an overdose. After the toxicology report found she did not die of a drug overdose, an article in *The Vancouver Sun* was still trying to link the three cases. In addition, in an attempt to show Angela as a person, they published a picture of Angela and her daughters, which was devastating to her daughters.⁶⁴²

There was also conflicting evidence on whether a second autopsy or toxicology report was requested or performed. On January 8, 2002, Cst. Van Overbeek reviewed the file and noted “it was felt by both investigators and the Coroner’s Office that she had probably overdosed. Since this was not the case the Coroner ordered a second autopsy which was to be done 2002-01-07 to attempt to establish a cause of death.”⁶⁴³ However, in his review Cpl. Hall concluded that there is no record of a second autopsy or toxicology report being requested or performed. He confirmed with BC Coroner’s Service that they were not performed.⁶⁴⁴ After he was apprised of Cpl. Hall’s conclusions, Cst. Van Overbeek reviewed his file and realized that he had been mistaken. In 2012 he realized that he had mistaken the notation that the toxicology reports were going to be looked at again to mean that another autopsy was going to be performed.⁶⁴⁵

Ms. Green had asked police to call her when there was new information, and Ms. Willier, and later Ms. Green, asked for regular updates. Police have been in contact with the family a few times over the years but there had been no new information from the investigation.⁶⁴⁶ On June 2007, two members of Surrey RCMP accompanied Ms. Green and two of Angela Williams’ children to the location where Angela was found at the family’s request.⁶⁴⁷ Ms. Green reports that on this occasion one of the officers spoke to her about Angela’s death:

He took me aside and he said, ‘You’ll have to tell her this gently,’ but he said, ‘It’s pretty clear to us that she died from manual strangulation.’ He says the only thing – as far as we’re concerned it’s murder, but we can’t determine at this point how premeditated or intentional it was.⁶⁴⁸

Ms. Green’s recollection of this conversation was disputed by the RCMP.⁶⁴⁹

Ashley Smith, Angela’s daughter, testified that she wants to know why the case wasn’t investigated properly from the beginning and questions if it was because her mother was Aboriginal and used drugs.⁶⁵⁰

There is no record that any steps were taken in the missing person investigation other than adding Angela to CPIC. Angela’s family informed police that the woman found deceased in Surrey was likely Angela; police had not made this link despite very similar descriptions. The link was made on December 31 because of suggestions from Angela’s family, and Angela was reported on December 26. It is unclear why this could not have been done in the first 24 hours.

In the next three sections, I provide a factual overview of the VPD Missing Women Investigation, the Coquitlam RCMP Investigation of Robert Pickton, and the Joint Forces Operation involving the VPD and RCMP E Division known as Project Evenhanded. Because this is meant to be a factual overview, I have not provided references for all of the events. References are provided for quotes that are directly reproduced from the evidence. I consider these events more fully in Part 3 and Part 4 of this volume.

B. The VPD Missing Women Investigation

The missing and murdered women problem predates the Terms of Reference

The Commission's mandate begins on January 23, 1997, when the VPD opened a missing person file for **Tanya Holyk, who was reported missing** by her mother, Dorothy Purcell. As I outlined in the previous section Ms. Purcell had initially reported Tanya missing several months before; she struggled to have the report accepted and acted upon.

The missing and murdered women problem did not arise spontaneously on this date; this situation predates the Terms of Reference in many important respects. An understanding of these origins is essential.

By January 23, 1997, 15 women with links to the DTES had already been reported missing to the VPD or RCMP detachments. **Rebecca Guno, Sherry Rail, Marlene Abigosis, Elaine Allenbach, Taressa Williams, Ingrid Soet, Nancy Clark, Kathleen Wattle, Elsie Sebastian, Leigh Miner, Angela Arsenault, Mary Lidguerre, Dorothy Spence, Catherine Knight, Diana Melnick, Catherine Gonzalez, and Frances Young, were reported missing** between June 1983 and January 1997.

By January 23, 1997, members of the missing women's community had already noted a dramatic increase in the number of women who were going missing from their neighbourhood. Many suspected foul play may have been involved in those disappearances. The concern was evidenced publicly:

- On February 14, 1991, the Women's Memorial March held its first march to recognize missing and murdered women in the DTES. It was spurred, in part, by the 1991 murder of a woman in the DTES (her name is not spoken out of respect for the wishes of her family).
- In November 1996, community activist Jamie Lee Hamilton planted white crosses on the lawn of City Hall in remembrance of the missing and murdered women engaged in the sex trade.

By January 23 1997, some family members were complaining that they met barriers when trying to report a missing woman to the VPD, and there was some awareness that the staffing of the Missing Person Unit (MPU) was insufficient. Tanya Holyk's mother, Dorothy Purcell, sent a letter of complaint about her experience with the MPU on January 22.

By January 23, 1997, members of the Vancouver Police and Native Liaison Society were already taking steps to help the community search for their loved ones, often in response to the complaints noted above.

By January 23, 1997, police forces in British Columbia were aware of an elevated number of homicides among women engaged in the sex trade. In the early 1990s, several case conferences were held to consider the

possibility of a serial killer being responsible for the deaths of 25 women, 15 of whom were street-involved, in the Lower Mainland. This cooperative joint forces venture was called Project Eclipse.

By January 23, 1997, Robert Pickton, who would become a top suspect in the Missing Women Investigation, was emerging on the police radar, although he had not been charged and had no criminal record at this time. He had been brought to the attention of police in connection with a 1989 sexual assault in Surrey and had been the subject of several CPIC queries. He could be considered innocent in the sense that he had never been convicted of a criminal offence, but nevertheless, Pickton's name was known to the RCMP.

Early signs of a problem are ignored or misinterpreted

In February 1997, the First Nations Summit writes to the VPD asking for an update on criminal investigations into the murders of 55 Aboriginal women in the Vancouver area over the last 10 years. The First Nations Summit also writes to Attorney-General Ujjal Dosanjh requesting his intervention in this serious matter. The Attorney General responds on June 18, 1997, urging the First Nations Summit to provide any information regarding these cases to the police.

The newly-created Provincial Unsolved Homicide Unit (PUHU), an integrated unit with representatives of RCMP and municipal police departments, including the VPD, is tasked with investigating this list. Cst. Dave Dickson, a community liaison officer in the DTES, takes on this duty.

This task is misinterpreted as looking for missing women; the initial request regarded homicide investigations.

Cst. Dickson researches an expanded list of 71 names and reports that he is able to account for all but three of the missing women. He suspects that two of the women that he has been unable to locate have met with foul play. Many years later, questions surface about the accuracy of his information and whether some of the women had truly been located.

VPD senior management erroneously interpret this as meaning there is not a missing women problem.

Also on February 26, 1997, DCC Rollins briefs the Vancouver Police Board on the scope of the missing persons reports currently under investigation by the VPD. There are seven outstanding cases for 1996.

In early March 1997, **Stephanie Lane is reported missing.**

On March 23, 1997 the Anderson assault takes place. The Coquitlam RCMP investigates, as has been outlined in detail in Part 1 of this volume.

At this time, Pickton is identified as a possible suspect for offences against women in the sex trade. Cpl. Connor sends a CPIC message to all RCMP Detachments and police departments in the Lower Mainland to inform them of the assault and to advise that Pickton should be considered a danger to sex trade workers.

Olivia William is reported missing to the RCMP Detachment in Smithers by her social worker on March 27, 1997. The VPD is contacted for assistance in locating her on May 26, 1997, given that she was last seen in DTES. The VPD confirms that it will take over the investigation in July 1997.

Kellie (Richard) Little is reported missing to the RCMP in Agassiz by her neighbour on April 30, 1997.

Janet Henry is reported missing to the VPD by her sister on June 28, 1997.

Jacqueline Murdock is reported missing to the RCMP in Prince George on August 14, 1997.

Frances Young's mother writes to the VPD asking about the investigation into her daughter's disappearance, who had been reported missing in April 1996, and a response is sent confirming that an intensive investigation has taken place and there is no evidence of homicide.

Pickton is queried on CPIC by the VPD on December 24, 1997, and on February 25, 1998. The reasons for these queries are not noted and could be a result of routine traffic stops; however, the CPI query could have established that Pickton was in the DTES on these dates.

Marnie Frey is reported missing to the RCMP in Campbell River on December 29, 1997. (Marnie Frey's last contact with her family was August 30, 1997. Her stepmother has said that she contacted police a few days later, but a report was not taken. The RCMP lists Marnie Frey as reported missing on December 29, 1997.)

In January 1998, Sgt. Cooper of the Homicide Squad, writes a memo regarding barriers to making missing person reports at the VPD. The Coroner's liaison and Freda Ens and Morris Bates of the Vancouver Police Native Liaison Society had informed him about this situation. He notes that, in particular, Aboriginal family members are experiencing serious problems in reporting their loved ones missing. Sgt. Cooper emphasizes that any of the missing person cases could be potential homicides and should be treated seriously. He recommends that all personnel be directed to take missing person reports and that missing person procedures be reviewed. His memo is not acted upon.

The VPD Missing Person Unit (MPU) is staffed by a part-time detective, Det. Howlett and a civilian clerk, Sandra Cameron, who serves as Missing Persons Coordinator. They are not advised of the concerns about the

functioning of the MPU. The MPU has low status and few resources: no computer, no car and no place to meet with reportees. An assignment here is considered by some to be a “pre-retirement” position.

Kerry Koski is reported missing to the VPD on January 29, 1998.

Inga Hall is reported missing to the VPD on March 3, 1998.

Sherry Irving is reported missing to the Stl 'Atl' Imx Tribal Police (Pemberton) on March 20, 1998.

Elaine Dumba is reported missing to RCMP Coquitlam on April 9, 1998.

Sarah de Vries is reported missing to the VPD on April 21.

Cindy Beck is reported missing to the VPD on April 30. It is mistakenly believed that Taressa Williams has been located.

Realization grows that the VPD MPU is not able to adequately investigate the reports of the growing number of missing women.

A suspicious pattern is recognized by some and a working group is formed

Det. Cst. Lori Shenher joins the MPU in July 1998. She came from the Strike Force and her training was limited to patrol; she had no homicide experience. Det. Cst. Shenher is assigned specifically to find the missing women, deceased or alive. She is given no clear direction of what to do or whether she is to treat the files as homicide or missing person files.

Det. Cst. Shenher is given responsibility for the missing women investigations under the supervision of Sgt. Geramy Field, who is the officer in charge of the MPU and a homicide team. Sgt. Field divides her time between the two and estimates that she would only spend 5 per cent of her time on missing persons.

Wayne Leng establishes a 1-800 number for information about the disappearance of his friend, Sarah de Vries. He receives a call saying Sarah is dead. Another tipster provides information about a man named “Willie” who has bragged about being able to dispose of bodies by grinding them up to feed to his pigs, and that a female who has been to Willie’s trailer has seen women’s identification and clothing. This same information is received twice on the Crime Stopper’s tip line in July and August, 1998. This information is first received seven days after Det. Cst. Shenher starts her new position. It is eventually learned that all three calls were made by Bill Hiscox.

Det. Cst. Shenher attempts to make contact with Mr. Hiscox but is initially unsuccessful. When she does make contact, she finds that Mr. Hiscox has compelling information about Pickton as a suspect in the murder of one or more women on his property in Coquitlam.

In August, 1998, Det. Cst. Shenher contacts Cpl. Connor of Coquitlam RCMP and he shares his information about Pickton. He emphasizes that he views Pickton as dangerous to sex trade workers, and they discuss the Anderson assault. Det. Cst. Shenher interviews Ms. Anderson and learns more details about Pickton's assault on her. Ms. Anderson is very cooperative and credible; she is sober and in jail during the interview. Her biggest concern is Pickton finding her. The two women agree that Ms. Anderson was the only one who got away from Pickton.

In July 1998, the VPD take over the investigation of Olivia William's disappearance from the Smithers RCMP. In August-September, 1998, Marnie Frey's file is transferred to the VPD from the Campbell River RCMP.

On August 27, 1998, six weeks after being assigned to the Missing Women Investigation, Det. Cst. Shenher prepares an important memo to acting head of the Major Crime Section, Acting Insp. Dureau (replacing Insp. Biddlecombe, who is absent), providing him an overview of the investigation and efforts to date to locate the missing women. In the memo, Det. Cst. Shenher reports:

- She has been liaising with members of the Native community since a large percentage of the missing women are Native American;
- The women are of varied races and the common thread is that they are or have been engaged in the sex trade and have intravenous drug dependencies;
- She is still compiling a list of missing women in conjunction with the Native community and outside jurisdictions;
- She is trying to determine if any of the missing women have left the area voluntarily. At this point, none of the cases fall into that category and the victims have gone missing under suspicious circumstances;
- She has looked at each case to determine if anyone had someone in their lives with a serious motive to harm them. It doesn't appear this is the case;
- She has looked at the women's drug connections; however, there doesn't seem to be a link;
- Two persons of interest have come up in the Sarah de Vries investigation – follow up is being done on both of them;
- She is not in a position to say whether one specific person is responsible but she does believe they will find that these cases are related and should be treated as such.

On the same day as Det. Cst. Shenher's memo, Cst. Dickson provides his update: there are 35 missing women in the Vancouver area and an additional 18 unsolved female homicides. He indicates that most of the women on the list are street-involved.

In September 1998, an ad hoc multidisciplinary inter-jurisdictional working group is formed to investigate whether the disappearances of the women are related – or could be the work of a serial killer. This Missing Women Working Group (MWWG) is formed as a result of several VPD members'

growing apprehension that the women's disappearances are a serious and concerning trend.

The MWWG is initiated by two officers: Insp. Greer and Det. Insp. Rossmo. Det. Insp. Rossmo is a criminal profiler and specialized analyst who has worked in the DTES, has familiarity with the survival sex trade, and has worked on Project Eclipse and investigations of other serial predators. Representatives of the RCMP E Division are invited to participate in the working group: Provincial Unsolved Homicide Unit [PUHU] sends two officers who are working on "The Valley Murders" to the meeting but declines to participate in an ongoing way due to workload issues.

The initial purpose of the group is not to investigate the missing women cases, but only to try to determine "what is going on."

Det. Insp. Rossmo prepares a Strategic Blueprint for discussion by the MWWG. The Strategic Blueprint contains an initial analysis of the situation and plans to carry out statistical and other analyses to determine the probability that a serial killer (or killers) is responsible for the women's disappearances. It also contains proposals for initiatives to increase the safety of women in the DTES and a media release about the MWWG partially designed to serve as a public warning.

The MWWG meets twice: the VPD group meets on September 4, 1998, and a larger group meets on September 22, 1998. They discuss issues including protocols for the investigation, a media approach, and limiting access to investigative files other than for immediate investigators. Concerns are expressed about the list of women and an untimely press release.

Insp. Biddlecombe is away when the MWWG is formed. Upon his return he disagrees with this approach and, particularly, the media release. There is a clash between Insp. Biddlecombe and Insp. Greer and between Insp. Biddlecombe and Det. Insp. Rossmo.

Det. Insp. Rossmo prepares a revised Strategic Blueprint and contact list for DTES MWWG members. His blueprint sets the objective: "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." The main steps outlined are developing a list, linkage analysis and investigation.

It proves impossible to mend the rift, and the short-lived MWWG is disbanded, in part, because of Insp. Biddlecombe's insistence that the file was the responsibility of the Major Crime Section. This promising, innovative approach, which showed an early recognition of the benefit of breaking down silos within and between police agencies, died in infancy. This was an important missed opportunity.

Effectively a one-woman investigation

Following the collapse of the MWWG, Det. Cst. Shenher is left to work on her own: she is effectively a one-woman investigation.

In early September 1998, Det. Cst. Shenher reaches Mr. Hiscox by phone and obtains further details concerning his tip about Pickton. He describes the Anderson assault and states that Pickton wants Anderson brought to the farm so that he can “finish her off.” Mr. Hiscox has received most of this information from a female, later identified as a childhood friend of his, Lisa Yelds. Ms. Yelds has told Mr. Hiscox that Pickton is “creepy” and that she is afraid that he might be responsible for the current missing women from the DTES and for some in the 1970s. Det. Cst. Shenher tells Mr. Hiscox that she would like to speak to Ms. Yelds and he advises her that he will think about how best to approach Ms. Yelds, but that it will be difficult as she is strongly anti-police.

Det. Cst. Shenher’s immediate supervisor, Sgt. Field, is assigned to the Coordinated Law Enforcement Unit (CLEU) from mid-September 1998 to March 1999. Det. Cst. Shenher essentially works on this important tip without a VPD senior officer providing ongoing guidance, although she does seek advice from senior officers from time to time.

She follows up on other investigative avenues, particularly the information gathered from Ms. Anderson. She develops a list of males who have used handcuffs during sexual assaults and any homicides in which there is evidence of handcuff use.

Det. Cst. Shenher has some difficulties in meeting with Mr. Hiscox or even reaching him on the phone. However, over time, it is clear that he is providing the information out of concern for the women and is bending over backwards to assist within the limits of his somewhat disordered life marked by mental and physical health issues, including addiction. He is credible and his information is, for the most part, consistent from one telling to the next.

At their second meeting, Mr. Hiscox tells Det. Cst. Shenher that according to Ms. Yelds, Pickton ordered a bunch of syringes, half new and half used; this seemed odd to Ms. Yelds since Pickton is not an IV user. He says that Pickton wants to find Ms. Anderson and the syringes are in some way related to her. Ms. Yelds had also referred to the women’s purses, jewellery and bloody clothing that Pickton keeps in his trailer as “trophies.”

Det. Cst. Shenher relays this information to Cpl. Connor, who is keen to interview both Mr. Hiscox and Ms. Yelds.

Helen Hallmark is reported missing to the VPD on September 23, 1998.

Det. Cst. Shenher speaks with Mr. Hiscox a third time in October 1998.

She advises him that the RCMP is going to approach Ms. Yelds and Mr. Hiscox is concerned about this. Det. Cst. Shenher asks if he will speak with Cpl. Connor. The three meet the next day or the day after, and Mr. Hiscox tells Cpl. Connor the information Ms. Yelds has told him about Pickton. On October 16, 1998, Pickton is added to CPIC as “Special Interest Police” with remarks indicating “violent towards sex trade workers.”

In early November, Det. Cst. Shenher leaves a message for Cpl. Connor indicating that her supervisor, Staff Sgt. Giles is prepared to request resources to advance the investigation with the Coquitlam RCMP. The investigation could include an undercover operation, witness protection for their source, and aircraft for FLIR and land photography. A joint submission to the PUHU is suggested.

Up until this point Det. Cst. Shenher had been handling the informant Mr. Hiscox; however, given the information he was providing related to a suspect in Coquitlam’s jurisdiction, Cpl. Connor was working cooperatively with Det. Cst. Shenher. Det. Cst. Shenher was assisting the Coquitlam RCMP, and the Coquitlam RCMP was making the investigative decisions about what should be done relative to the information.

A month after the working group was dissolved, on November 5, 1998, Cst. Dickson continues to be concerned about the number of women going missing. He writes a memo to the management of District 2 in the DTES, providing his growing list of the missing women, and suggests that a task force be created. Cst. Dickson writes the memo to spur things along. This clearly shows that the frontline police officers are concerned that not enough is being done to address this ongoing problem.

In early November, Det. Cst. Shenher gives two photos of Pickton to DISC (Deter and Identify Sex Trade Customers) to show to women engaged in the sex trade to see if any identify him as a “bad date.” None of the women approached identified Pickton. It appears that the approach was misguided in the sense that a “bad date” from the women’s perspective was someone who was violent or didn’t pay for services rendered. Later on, police learned that Pickton was seen as a “good date” because he was generous with both money and drugs. A well-intentioned strategy went awry because of lack of knowledge of and communication with the community.

In early December, Det. Cst. Shenher e-mails Insp. Greer suggesting that she hold a community meeting to alleviate community concerns about the growing number of missing women. Very little dialogue with the community was taking place at this time.

Det. Cst. Shenher and Det. Howlett reach out to other agencies for assistance with some of the missing women investigations including the Port Alberni RCMP, the Stripper North America Exotic Dancers and Las Vegas Police Department. The Burnaby RCMP is contacted to see if there have been any reports of missing street-involved women. One missing person, Angela Arsenault, fits this profile.

The VPD takes over Jackie Murdock's case from Prince George RCMP in November 1998.

Angela Jardine is reported missing to the VPD on December 6, 1998.

Andrea Borhaven is reported missing to RCMP in Vernon on December 14.

Michelle Gurney is reported missing to the VPD on December 21.

Marcella Creison is reported missing to the VPD on January 11, 1999.

On January 19, 1999 Det. Cst. Shenher learns from ViCLAS that Pickton and another person of interest are suspects in a 1985 homicide and there may be linkages to the missing women cases. ViCLAS requests a list of possible missing women who are engaged in the sex trade and are drug users.

A joint meeting is held between representatives of the VPD, RCMP and PUHU in early February 1999. The focus is on Pickton as a suspect and a number of strategies are agreed upon, including checking with the VPD Vice Unit for more information on him and doing a blitz photo canvass of him with women working on several of the strolls.

PUHU maintains its position that it cannot get involved in the investigation until there is evidence that a homicide has occurred. Although there were strong suspicions about Pickton, PUHU officers maintained that the women were missing as there was no evidence of a crime.

Coquitlam RCMP is unable to assist with the photo canvass in the DTES due to what is considered to be a higher priority file, involving HSBC bank robberies. The photo canvass is carried out on February 19 and 20 by Det. Cst. Shenher and other VPD members: 80 women are approached but no one identifies Pickton. A subsequent meeting with 50 women leads to the same result.

A few months later, Pickton's photograph is identified to the New Westminster Police Service (NWPS) by several women engaged in the sex trade in New Westminster. In April, Pickton is also a suspect in the rape of a woman engaged in the sex trade. In later May, a woman identifies Pickton as the man who tried to pick her up on the stroll in New Westminster and threatened to punch her in the face if she did not get in his truck. However, Pickton is not identified in a photo lineup by the sexual assault victim.

Jacqueline McDonell is reported missing to the VPD on February 22, 1999. The investigation of the missing person Taressa Williams is transferred to the VPD in March.

In late February, Det. Cst. Shenher makes contact with police agencies across Canada to see if they have similar issues with missing women

engaged in the sex trade. She continues to try to follow up with Mr. Hiscox by contacting his parents.

Det. Cst. Shenher writes to Staff Sgt. Davidson of the RCMP E Division Criminal Profiling Unit asking him to review the case of the missing women as well as information about a program called STALK (System To Apprehend Lethal Killers). While a full criminal profile is not possible because of lack of information about the perpetrator, Staff Sgt. Davidson does offer to do an assessment.

In early March, Sgt. Field returns from the temporary transfer to Coordinated Law Enforcement Unit. After almost five months of working under an acting supervisor, Det. Cst. Shenher finally has a proper supervisor.

Community pressure builds

While Det. Cst. Shenher struggles to advance the Missing Women Investigation, community pressure for a more active police response continues to build in the DTES. Activists including Jamie Lee Hamilton take a number of actions to bring attention to the situation:

- In June 1997, the media is informed about the large number of murders of women engaged in the sex trade and that these women are not valued by society;
- On January 22, 1998, Ms. Hamilton delivers 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;
- On February 3, 1998, she attends City Council to demand a meeting with Mayor Owen to discuss action for the murdered women and to demand an emergency grant for Grandma's House;
- On September 4, 1998, the President of the BC Civil Liberties Association (BCCLA) writes to Chief Constable Chambers about the dismal record of protecting those in the street-level trade, and prosecuting those who assault and kill them; and
- In January 1999, Ms. Hamilton writes to VPD requesting information on the missing women situation.

The missing women issue is discussed at the DTES/Strathcona Police Liaison Committee meeting on February 9, 1999. Det. Cst. Shenher reports that the total number of missing women is considered to be 30 at this stage: six from 1978 to 1992, and 24 from 1995 to the present (11 in 1998, eight in 1997, two in 1996, and three in 1995). The ethnic breakdown is reported: eight are First Nations; four are African-American; and 18 are Caucasian. Det. Cst. Shenher asks the community to forward any information they have, no matter how small it may seem.

A concerted campaign to get a response from public authorities is initiated by family members and community members at this time. One of the main strategies is a letter-writing campaign:

- In February, Maggie de Vries writes to the Minister of Equality inviting her to attend and say a few words at a memorial service for Sarah de Vries to be held in May;
- In March 1999, Sandra Gagnon writes a letter to Mayor Owen, copying CC Chambers, regarding her missing sister Janet Henry, and asking that a task force be established;
- Also in March, Maggie de Vries makes a similar suggestion in a letter that is sent to the Attorney General, the Mayor, CC Chambers and others. Her letter also requests public acknowledgement of the possibility of abduction and murder, the offer of a reward and the offer of protection for witnesses; and
- Wayne Leng and others send similar letters over the next few months.

Finally, with the assistance of the media, recognition of the missing women problem expands beyond the neighbourhood and begins to permeate public awareness in the Lower Mainland. While there had been small neighbourhood events about the missing women in the past, significant public demonstrations about the missing women are held for the first time in spring 1999.

This campaign brings results. In early April, the Attorney General holds a meeting with police representatives about the missing women. In her capacity as lead investigator, Det. Cst. Shenher is directed to write a letter to the Attorney General apprising him of the situation. It is unusual that someone of her rank would be given this responsibility. In the letter, she provides background on the investigative steps taken to locate the 27 women and tells him that posters have been distributed to various community agencies and hospitals. She mentions that she is in contact with PUHU and RCMP Serious Crime Unit. She notes: "From a potential suspect standpoint, we have had very few leads" and "there is no evidence of a person or persons preying on these women. That does not mean that we do not think it is a possibility, only that we have to weigh this with all other possibilities. We cannot investigate a murder without a body, witnesses, time of crime or a suspect, and we have none of these things." She concludes: "We do not know if these cases are linked but as time passes we view this as a stronger possibility."⁶⁵¹

The Vancouver Police Board (Board) addresses community concerns about the women's disappearances at its meeting in late April 1999. The focus is on the issue of the reward. In the lead up to the meeting, a report is prepared by the VPD for the Board. It is noted that media interest is getting intense and that interviews should be limited.⁶⁵² The VPD writes and sends a report to the Board stating that the VPD does not support the reward and downplays the risk that a serial killer is responsible for the women's disappearances. The issuance of the reward generates some controversy: on the one hand police oppose the reward, on the other hand the community and the Attorney General support the reward.

Initially, Mayor Owen is dismissive of the idea, and is quoted in the

Vancouver Sun on April 6, 1999 as saying: “There’s no evidence that a serial killer is at work... I don’t think it is appropriate for a big award for a location service.”⁶⁵³ In the end, the Board approves a reward for the missing women and continues to renew it for years to come.

The missing women problem is finally recognized: Project Amelia is established

Up until this time, only Det. Cst. Shenher had been assigned to work on the missing women files. Her work includes investigating individual files, conducting a linkage analysis, looking for patterns, contacting family members, and following up with various agencies. She is severely overstretched. It finally looks as though help is forthcoming; this assistance is long overdue.

In early April, Insp. Beach decides that Cst. Dickson is needed to assist with the missing women investigations given the growing community concern that there is a serial predator, despite the lack of usual indicators such as crime scenes, victims or bodies. Insp. Beach expresses the view that they should investigate the serial killer theory “to the fullest, no matter the likely outcome.”⁶⁵⁴ However, Cst. Dickson’s full-time assignment to the missing women investigations is short-lived as the community wants him to maintain his overall function as police-community liaison in the DTES.

In early May, Sgt. Field makes notes that Det. Cst. Shenher is doing everything and needs to delegate. She is concerned that there are no controls in place on the tip line. Det. Cst. Shenher writes a memo for Sgt. Field recommending that the investigation move from an individual file focus to a suspect-based one. She suggests strategies to accomplish this and sets out what is needed such as portable radios, car radios, a cellphone and a database system in order to track information. Over the course of her first year on the job, Det. Cst. Shenher learns from other lead investigators of potential multiple homicides that she needs a large team to do the job properly – many more investigators will be needed to carry out a suspect-based investigation.

A brainstorming meeting is held on May 13, 1999, with an expanded number of VPD members and representatives of the National Crime Faculty (UK), the Burnaby RCMP, and RCMP Criminal Profiling. A number of investigative strategies are discussed: publicizing pictures of the missing women on billboards, analysis of the last four years of DEYAS bad trick lists, analysis of bad trick police calls, identifying missing women who had large amounts of cash or drugs that could enable them to travel, inquiring with other departments about investigative techniques and potentially related cases, and looking at other dumpsites. Pickton is discussed at this meeting, among other suspects.

Following this meeting, Det. Cst. Shenher writes to Sgt. Field requesting additional resources: two additional investigators, an analytical database

and an entry clerk. Sgt. Field supports these requests for additional resources and the operational plan to move to a suspect-based investigation and forwards it up the chain of command to Insp. Biddlecombe who also supports this request.

Andrea Borhaven's missing person file is transferred from Vernon to the VPD in May 1999, as she was last seen in the DTES.

On May 20, 1999, Insp. Biddlecombe confirms that a "mini task force" will be established since a number of investigative tasks need to be carried out more thoroughly. On May 25, the Missing Women Review Team (MWRT), also known as Project Amelia, becomes operational with the following team members:

- Sgt. Field is in charge (although not full-time – it is estimated that she spends 5-30 per cent of her time on the MWRT);
- Det. Cst. Shenher is the lead investigator – full-time;
- Cst. Dickson still has some patrol duties; he is supposed to spend half of his time with the MWRT, but in practice it is less than that;
- Det. Lepine and Det. Cst. Chernoff are full-time investigators, although they face some pressures as members of the Homicide Squad;
- Det. Vinje is the SUISS data analyst (on loan from CLEU and not full-time);
- Ms. Dorothy Alford is to provide clerical support; and
- Det. Insp. Rossmo continues to work on profiling as needed.

Detective Lepine is the only team member with extensive experience in homicide investigation. Staff Sgt. Giles will liaise with Chief Supt. Gary Bass to ensure access to RCMP sex trade worker homicide files.

Despite earlier requests for information about the missing women, Det. Insp. Rossmo learns of the missing women statistics for the first time as a result of Det. Cst. Shenher's presentation at the DTES community meeting. He notes the dramatic increase in 1997 and 1998 and the community concern. He expresses the opinion that the change over three years is statistically significant. Det. Insp. Rossmo prepares an updated case analysis on May 25, 1999, and provides a summary of his conclusions to senior management:

- (1) The number of women's disappearances during the previous 30 months is statistically significant and is unlikely to have occurred by chance;
- (2) It is likely that only two of the women will be located;
- (3) The most likely explanation for the majority of them is a single murderer (or partner murderers) preying on women engaged in the survival sex trade;
- (4) It is not possible to conduct a full profile of the offender due to lack of information.

This case analysis garners the attention of senior managers to a limited extent: finally the problem is recognized.

A number of investigative avenues are pursued. These avenues include exploring potential linkages between the missing women investigations and “The Valley Murders” (three women from the DTES found murdered near Agassiz) and/or the Mary Lidguerre homicide on Seymour Mountain. The Downtown Eastside Youth Activities Society (DEYAS) “bad date” list is reviewed and noted by the VPD. Women who have reported specific incidents of violence and anyone with further information about the missing women are asked to come forward. Contact is made with Spokane Washington and Green River investigators regarding their investigations into the murders of women engaged in the sex trade in the Pacific Northwest.

Several family members of the missing women express their dissatisfaction with the quality of the investigations and the lack of communication. The families of Tanya Holyk, Angela Jardine and Leigh Miner make written complaints, although only Ms. Jardine’s complaint is made through the formal process. Some family members who are unhappy with the police actions hire a private investigator.

Julie Young is reported missing to the VPD on June 10, 1999, having been previously reported missing on March 11, 1999 to Hope RCMP.

The MWRT pursues a number of avenues to gain more information: profiling and background checks on suspects, developing strategies for getting information from the community, setting up a tip line, building up the missing person databases and gathering victim DNA. They face obstacles in obtaining medical records because of statutory privacy and protection of personal information requirements.

It is quickly realized that the team is not big enough to pursue the investigative strategies identified. More assistance is required with data entry to facilitate the processing of the voluminous information being gathered. Sgt. Field advises her superiors that this is “absolutely essential.” Within the first month of the MWRT, Det. Cst. Shenher writes a memo to Sgt. Field requesting six more investigators, but is told that no one is available. However, within a month, three members are added to the MWRT: Det. Cst. Fell, Det. Cst. Wolthers and Det. Cst. Clark (who is on light duties). Det. Cst. Fell and Det. Cst. Wolthers are added by DCC McGuiness in an unorthodox manner and they prove to be uncooperative team members.

In early June, an MWRT information sheet is distributed to patrol members advising that they are investigating 30 missing women and asking for assistance. Det. Cst. Shenher prepares a “Sex Trade Worker Questionnaire” and the MWRT administers the questionnaire at the First United Church on June 8, 1999.

RCMP Criminal Profiler Staff Sgt. Davidson continues to work on the profile, but his progress is slowed by other priorities. In mid-June, Staff Sgt. Davidson provides his Profile Report on the missing women cases under the name “Project Orion” (hunting for the hunter). He stipulates that missing

person cases are usually considered unsuitable for this technique because there are no crime scenes; however, he has used certain assumptions in completing this initial profile. He recommends that investigators share any new information in the investigation with him to keep the profile as accurate as possible. Pickton's background is consistent with this profile but there is no evidence that the two were compared; it is unclear if or how the assessment was utilized in the investigation.

The MWRT is investigating six persons of interest in June 1999, but little work is accomplished. Pickton is among the prime suspects.

Det. Cst. Shenher and Sgt. Field are taped for an episode of *America's Most Wanted*. Over 100 tips are generated when the show is aired on July 31, 1999, but none of them turn out to be productive.

The MWRT holds a meeting with family members on June 24, 1999. An update is provided and family members submit samples for DNA analysis. Det. Cst. Shenher creates a family contact list and contact schedule. She recognizes the importance of communication with family members, but she is overburdened with responsibilities.

The MPU begins to contact family members to get familial DNA as a way of linking the missing women to unidentified human remains.

Det. Cst. Shenher creates an MWRT Information Handling Form with a view to gathering and recording information consistently and in a detailed fashion for when it is eventually added to SIUSS.

The \$100,000 reward offer is announced on July 27, 1999; funds for the reward will come from the City of Vancouver, the Province and the VPD. In later July, Det. Cst. Shenher sends a memo to all VPD divisions, departments, and Community Safety Offices advising that the MWRT is investigating 31 missing women and asks that the poster advertising the reward be displayed.

The MWRT continues to check government records. The team members believe the only way they can be sure that the women have not been victims of foul play is to exhaust all registries nationwide, in the hope of locating them safe and sound. This approach is actually contrary to many missing person policies. Normally, a report of a person who is missing for longer than the average of two to three days is investigated on the basis that foul play is assumed.

In mid-July 1999, information comes from a second source, determined to be Ross Caldwell, which corroborates information from the first source, Mr. Hiscox, in important ways. Mr. Caldwell provides information about Pickton to the Coquitlam RCMP, who passes the information to the VPD. Mr. Caldwell has information about Pickton from Ms. Ellingsen who had said she witnessed, but did not take part in, a murder. Mr. Caldwell

believes that this homicide occurred between February and April 1999. Ms. Ellingsen had also told Mr. Caldwell that Pickton said that if she ever needed to get rid of a body, he could do it. For some time, it is unclear whether Mr. Hiscox and Mr. Caldwell are referring to the same or different women; it is eventually clarified that it is two women, Lisa Yelds and Lynn Ellingsen.

Det. Cst. Chernoff meets with Mr. Caldwell on July 19, 1999, and again on July 26, in the company of Det. Lepine. They discuss the involvement of Ms. Ellingsen and how she helps Pickton to pick up women from the DTES because he can't get them on his own. Fewer women will go with him, either because they are afraid of him or for other reasons. Mr. Caldwell says that Pickton said he sometimes wears wigs when he goes downtown, and that he keeps the wigs in his office desk drawer.

Mr. Caldwell also recounts details concerning Ms. Ellingsen having witnessed Pickton skinning a hanging body in his barn. Notably, Ms. Ellingsen is reported to have said that she did not realize that human fat is yellow (a fact that Cpl. Connor confirms is unique to humans). Mr. Caldwell had observed handcuffs under Pickton's bed and had been told that Pickton had a hollowed-out wall in his trailer where he kept his guns and "stuff." Pickton told him that he could get rid of bodies without a trace. Ms. Ellingsen was reported to have been trying to blackmail Pickton. This information is shared with other members of the MWRT, Insp. Biddlecombe and Cpl. Connor. On July 29 and 30, Det. Cst. Chernoff and Det. Lepine meet with members of the Coquitlam RCMP and RCMP E Division Major Crime to discuss potential joint strategies for investigating Pickton.

Other persons of interest are also investigated during this time frame.

Insp. Biddlecombe tasks Det. Cst. Clark with reviewing indigent burial records, which turns out to be time-consuming. The MWRT continues to identify additional investigative avenues that cannot be pursued because of insufficient personnel: it is noted that duties are doubling up.

Laura Mah is reported missing to the VPD on August 3, 1999.

A joint meeting of the VPD, Coquitlam RCMP, RCMP E Division Major Crime and PUHU is held in Port Coquitlam on August 3, 1999. Det. Cst. Chernoff and Det. Lepine are committed to a joint operation focusing on Pickton. They meet again with Mr. Caldwell and discuss the possibility of him serving as an agent, to which he is agreeable. Mr. Caldwell agrees to provide a written statement and to officially become a witness. However, a subsequent interview on August 5 does not go well as Mr. Caldwell has been up all night and appears to be under the influence of drugs. Differences of opinion about Mr. Caldwell's credibility are expressed between members of the joint investigation.

The MWRT ascertains that Jacqueline McDonnell went missing during the

period when Ms. Ellingsen is alleged to have said she saw a body hanging in the barn and witnessed the homicide by Pickton. Det. Cst. Shenher provides information about Jacqueline to Det. Ballantyne of PUHU, who is assisting in the joint work on this file.

Det. Cst. Shenher continues to contact agencies for information about the missing women. Two of the women from the original list of 31 are found: one had died in hospital in Edmonton; another had died of a heroin overdose. Several other street-involved women are reported missing but are found within a relatively short period of time.

At an MWRT meeting on September 29, Det. Cst. Chernoff and Det. Lepine provide an update on the Pickton investigation, which they are working on with Coquitlam RCMP. They note:

- Problems with Ms. Ellingsen and the differences of opinion between the VPD and RCMP concerning the veracity of her story;
- The possibility of an undercover operation;
- The assignment of Cst. Yurkiw to replace Cpl. Connor, who was promoted and not allowed to keep this file assignment;
- Any physical evidence on the Pickton property is likely destroyed; and
- Credibility of Mr. Caldwell is an issue.

The MWRT is continually generating and updating lists of persons of interest: Pickton is always on the list, though many other men are also identified.

An MWRT status report by Sgt. Field on October 21, 1999, provides an overview of where matters stand as of that date. The list of 31 missing women is now 29 because, as noted earlier in this document, two have been located and confirmed as deceased. There have been no more reported disappearances of women who fit the profile since January 16, 1999. There have been 537 tips received. SIUSS data entry is very time-consuming and is backlogged. A number of persons of interest have been investigated (some by the VPD and some by other agencies) and the MWRT is working closely with other agencies and with PUHU. Of the 13 persons of interest, the majority of resources have focused on Pickton. RCMP Coquitlam is investigating Pickton for a homicide in their jurisdiction and Det. Cst. Chernoff and Det. Lepine are liaising with Coquitlam on that investigation. There are two other strong suspects. Investigative difficulties have been experienced surrounding the fact that most of the women are reported long after they have disappeared, and there is no forensic evidence or witnesses to any of the disappearances. The memo does not convey the wedge created by the disagreement between VPD and Coquitlam RCMP.

Project Amelia winds down but continues as Project Evenhanded is formed

On December 9, 1999, Sgt. Field indicates that the MWRT may begin to wind down because no new women have been reported missing and

they have no further investigative avenues to pursue. This assessment is incorrect on two levels: women continue to disappear but are not being identified quickly enough, and many investigative avenues outlined above have not been carried out to fruition.

Sgt. Field concludes that they are basically back at “square one.” The Coquitlam RCMP is still investigating Pickton, but he is not a priority for them. They are still waiting for an updated profile from RCMP. Det. Cst. Shenher meets with RCMP officers on December 16 to provide information about the VPD investigation and to receive an update on the ongoing investigation into the Agassiz homicides. Several other tips are received and pursued but do not lead to anything.

The MWRT is never officially disbanded, although its activities begin to slow down and personnel return to other duties over the following months.

Wendy Crawford is reported missing to RCMP Chilliwack on December 14, 1999.

On December 21, Det. Cst. Shenher and Det. Cst. Clark meet with representatives from various provincial record-keeping offices (Coroner’s Office, BC Ministry of Health, Public Trustee of BC, Glenhaven Funeral Home, VPD Privacy Coordinator) to see if anything has been overlooked that could assist in locating the missing women. Det. Cst. Shenher follows up with the Coroner’s Office. She also conducts a national search of the missing women on PIRS.

In an update from Det. Cst. Shenher to Sgt. Field on January 7, 2000, she reports on the assistance she is receiving from the Coroner’s Office and notes that the five women located to date have been located using medical records. She recommends contacting the First Nations Summit for assistance and that Indian Affairs should be contacted again with the full list of missing women.

By this time, Det. Lepine and Det. Cst. Chernoff have returned, full-time, to their homicide duties. Det. Cst. Fell and Det. Cst. Wolthers are continuing to work on the sexual assault charges with the person of interest that they have been pursuing (Niedermier). The MWRT reports that all 10 women reported missing in 1999 were found within two weeks. However, women who were reported missing in 1999 but had gone missing earlier had not been found; the MWRT did not record this information in reports to senior management. No new women had been added to the list since January 1999. If no new information was found, Sgt. Field reported that Det. Cst. Clark would be able to return to her duties as well.

Det. Cst. Shenher continues to contact agencies with respect to information on the missing women and Sgt. Field meets with RCMP profilers to discuss three suspects, one of whom is Pickton. It is decided that they should look at unsolved homicides of street-involved women in Edmonton and Calgary.

A file review is also suggested, to compare the missing women cases to unsolved homicides of women with a similar profile.

On February 10, 2000, members of the MWRT meet with representatives from the RCMP to discuss “The Valley Murders” and the missing women from the DTES. Several persons of interest are discussed, including Pickton. Several specific investigative strategies are agreed upon, including the need for a formal joint forces operation.

Det. Cst. Shenher provides a further update to Acting Insp. Dureau on February 11: SIUSS has a second data entry person being trained, 22 of the 27 missing women now have DNA on file, there are no new missing women, and the person of interest pursued by Det. Cst. Fell and Det. Cst. Wolthers (Niedermier) will be charged. There are many persons of interest, but nothing concrete to indicate that they are involved in the women’s disappearances. Once the bad date sheets are reviewed, the VPD will have covered every avenue discussed.

In February 2000, the MWRT continues to operate. Det. Cst. Shenher is focusing on the bad date lists and DNA. Det. Cst. Clark is also checking on the bad date lists and doing CPIC searches of the suspects. SIUSS data entry is almost caught up. Det. Cst. Fell and Det. Cst. Wolthers are putting together a package for the Crown in regard to charges against the person of interest they are pursuing.

Around this time, the VPD and the RCMP begin earnest discussions about a joint forces operation, which is detailed in the section below.

A status report is provided to the Vancouver Police Board on February 23, 2000, which notes that of the initial list of 31 missing women, 27 still remain missing; and the RCMP are going to approach their boss, Chief Superintendent Gary Bass, for funding and resources for the following:

- Attempt to profile the suspect(s);
- Re-open the Pickton file;
- Assist with SIUSS data entry and analysis;
- Improve co-ordination between the unsolved prostitute homicides and the missing women from the DTES; and
- Propose a joint forces task force.

Failing funding from the RCMP, they are prepared to go to the Attorney General.

Det. Cst. Clark returns to her post in March 2000. Her manual search of the 6300 indigent burial records had not resulted in any findings.

Jennifer Furminger is reported missing on March 30, 2000.

In April, several women in the DTES identify Pickton from a group of photographs shown to them by Det. Cst. Fell and Det. Cst. Wolthers. Other

members of the MWRT are not advised of this information. Shortly after, the two constables go to Lethbridge to arrest the suspect they had been investigating.

Brenda Wolfe is reported missing to the VPD on April 25, 2000.

An extension of another year is sought for the missing women reward in April 2000.

While the joint force operation is being developed, the VPD continues investigating the missing women files and eventually a division of labour is agreed upon. Actions that are within the VPD purview with respect to individual women investigations are set out here. VPD resources are also supporting the joint forces operation, Project Evenhanded, as set out below in Section D.

With the wind-down of the MWRT, it is decided that the Sexual Offences Squad (SOS) will follow up on any sexual assault files and PUHU or some other formed task force will look at the unsolved homicides of women engaged in the sex trade and the missing women. Sgt. Field meets with RCMP Staff Sgt. Henderson and the profiling unit and they discuss the RCMP taking over the missing women file "since it falls within their parameters." He agrees to conduct a review.

In May 2000, Lethbridge psychologists interview Niedermier, the individual pursued by Det. Cst. Fell and Det. Cst. Wolthers, and conclude that Niedermier could be responsible for most, if not all, of the missing women.

On May 12, Det. Cst. Fell and Det. Cst. Wolthers submit a memo up through the chain of command to CC Blythe indicating that they believe that a serial killer or killers were involved in the missing women's disappearances. In response, Sgt. Field maintains that "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."⁶⁵⁵ An internal investigation of Det. Cst. Fell and Det. Cst. Wolthers commences.

Also as the MWRT is winding down, in May 2000, Sgt. Field and Det. Cst. Shenher bring attention to some of the problems they had experienced throughout the investigation with Det. Cst. Fell and Det. Cst. Wolthers. From their perspective, these problems involved investigative techniques, personality issues, and their unwillingness to be part of the team.

Cst. Gunn of the Chilliwack RCMP forwarded an information package on the missing person file of Wendy Crawford to the VPD as a possible missing woman to add to the VPD's list.

Sgt. Field informally seeks input on the missing women investigations at professional development events including homicide conference and Major Case Management. The common suggestion made is to start a joint forces operation.

The reduced MWRT continues to investigate focusing on the most recent missing, from 1995 to 1999. Steps continue to be taken to determine if there are linkages between the missing women and unidentified remains, both in Canada and the U.S.

SIUSS updates their system without consulting the VPD, which delays the turnover of the files to PUHU. At that time it was estimated that they wouldn't be ready until October.

In October 2000, Det. Cst. Shenher and Det. Cst. Dickhout meet with the Spokane Task Force in Washington in regards to killer Robert Lee Yates. Yates did spend some time in BC, but the timeline is still being worked on. They learn from the Washington investigators that Yates was considered a "model date, generous and non-violent." This information is provided to Sgt. Field. Sgt. Field contacts Det. Insp. Rossmo requesting a follow-up on his original assessment and a review of new information. This is considered a priority.

Sgt. Field notes that Jennifer Furminger should be added to the list of missing women.

At a November 2000 profiling seminar with Det. Insp. Rossmo, Cpl. Filer, and Staff Sgt. Davidson, Sgt. Field notes that they conclude that the Agassiz murders and missing women files are connected and a task force is needed.

Det. Cst. Shenher prepares to leave the Missing Women Investigation and contacts family members and others to let them know. In her November 21 memo providing an overview of the investigation of the missing women to date, Det. Cst. Shenher highlights a number of points. When she joined the unit in July 1998 there were 19 missing women, by the end of the year there were 25, and by the end of 1999 there were 32 (four were located: two alive and two deceased). Three potential suspects stood out, of whom one is Pickton. They had recently learned that Pickton had been interviewed but they did not know the content of the interview. Nine people from the victim files still needed to be located and interviewed (this had been assigned to Det. Cst. Fell and Det. Cst. Wolthers but not completed). The investigative avenues explored are listed. Victim files still need to be entered onto SIUSS. A review is needed for new ideas. In her opinion, there is a need to focus more attention on possible suspects and locating the women's bodies.

Det. Cst. Shenher leaves the Missing Persons Unit at the end of November 2000. Sgt. Field notes in her timeline that at this point there are no new missing women in Vancouver, but there may be one from Chilliwack and one from Victoria.

Dawn Crey is reported missing to VPD on December 11, 2000.

Debra Jones is reported missing to VPD on December 25, 2000.

Cynthia Feliks is reported missing to the NWPS on January 8, 2001.

NWPS does a CPIC check of Pickton on January 21, 2001. There is a complaint of Dinah Taylor loitering in front of the Money Mart on Columbia; her “boyfriend” picks her up and it is Pickton. NWPS and VPD query Pickton on CPIC on January 23.

On January 25, 2001, Sgt. Field writes a memo to Insp. Spencer explaining the merger of Project Amelia into Project Evenhanded. She indicates that there is common agreement that the DTES missing women are directly linked to the Agassiz homicides. Two of Project Amelia’s suspects have been cleared by DNA. She comments: “The only theory we are left to work with is that there is one or more serial killers who have been successful in the removal of the women from the DTES and is adept at disposing of their bodies.”⁶⁵⁶ VPD’s MPU continues to handle information on missing women.

On February 21, 2001, the Vancouver Police Board rejects the creation of the position of Sex Trade Worker Liaison Officer as proposed by PACE.

In a Board Report to request renewal of the reward, Det. McKnight says that of the original missing women list, 25 are still missing, two women have been located alive and two located deceased. Although there have been no further additions to the list since January of 1999, three further women who fit the profile are being actively reviewed.

In responding to media questions in April 2001, Sgt. Field indicates: “We believe one or more serial killers are responsible for many of the women.”⁶⁵⁷

On March 14, 2001 **Georgina Papin is reported missing** to the Mission RCMP and to the VPD.

Elsie Sebastian is reported missing to VPD on May 16, 2001; she had previously been reported missing to Port Alberni RCMP in 1993 and the Vancouver Police Native Liaison Society in 1994 and 1999.

Patricia Johnson is reported missing to VPD on May 31, 2001. She is reported missing to RCMP by her cousin on September 25, 2001.

Andrea Joesbury is reported missing to VPD on June 8, 2001.

In the summer of 2001, some family members contact the VPD in light of media acknowledging a potential serial killer; some want to know why their relatives are not on the missing women poster. Complaints from the public are also received.

Sgt. Field’s memo to DCC Unger on July 11, 2001, sets out a timeline of events from the MWRT. She indicates that while she was in charge of the project she had been working off “the side of my desk” as she stayed in charge of a Homicide Team that included the Coroner’s Liaison and Missing Person Unit, remained on-call, and had acting duties at various times. There

was a constant ongoing dilemma regarding the serial killer theory. They first had to ascertain the number of missing women; then determine, without evidence or eyewitness accounts, what other factors could be responsible for the disappearances. Over 1300 tips were eventually received. As early as spring 1999, they had identified a potential link between the three Valley Murders and the missing women but they needed to do more background work before the RCMP would commit to being fully involved in the investigation.⁶⁵⁸

On August 10, Cst. Dickson attends VPD Sexual Offence Squad and tells Det. Scott of his concern that Pickton is a suspect in the murder of the missing women. Det. Scott speaks with Det. McKnight about Pickton being a suspect in a sexual assault in which the suspect claimed responsibility for the missing women. Det. Scott contacts RCMP Sgt. Connor for a photo of Pickton and asks about Pickton's current appearance. Sgt. Connor advises Pickton currently has a beard. In September, the victim does not identify Pickton in a photo line-up for this offense and someone else is eventually charged.

Sereena Abotsway is reported missing to VPD on August 22, 2001.

In a September 7, 2001 memo to DCC Unger, Insp. Boyd requests additional resources for Project Evenhanded. He states that from all indications women will continue to go missing so there is "considerable urgency to work quickly to identify a suspect or suspects."⁶⁵⁹ DCC Unger forwards this information to CC Blythe requesting that City Council be approached for funding for the JFO, noting that it is primarily a Vancouver file but RCMP have agreed to take a lead role.

On November 3, a male identified as a suspect in a sexual assault advises the victim that he was responsible for the disappearance of the missing women. Project Evenhanded works with the VPD in conducting surveillance and research on him. It turns out to be a dead end.

In the course of investigating sexual assault/forcible confinement files, the VPD Sexual Offence Squad members have been speaking with women engaged in the sex trade and learn of "survivor" stories that have never been reported to the police. There are numerous suspects from these stories. The message that women engaged in the sex trade have good information about offenders of which police are unaware is communicated up the command chain. In a memo from Insp. Morris to DCC Unger, she indicates: this information needs to be captured on a database; offenders who prey on women tend to be "good dates" that are popular and well-known; any information that these women can provide could be key to Project Evenhanded and current sexual assault investigations, and two clerical staff should be funded to assist in compiling this information.⁶⁶⁰

It is at this time, in the fall of 2001, that police fully recognize and support the need to work proactively in the DTES.

The VPD's focus on investigating the missing women files means that there is not enough time to stay in contact with families. Project Evenhanded detectives ask Victim Services for assistance. This is arranged, and family meetings begin to be held by Victims Services under the auspices of Project Evenhanded.

Information flows back to the VPD from the Project Evenhanded meeting with family members on October 14, 2001. There is concern that the VPD are not addressing safety issues, that missing person reports are not being taken unless multiple calls are made, and about the derogatory way MPU staff treats reportees and missing women's families. People want to know the process to lodge complaints. A review of MP policies, procedures and practices is to begin immediately, as is an investigation into the comments made by families about MPU clerk Sandra Cameron.

Mona Wilson is reported missing to VPD on November 30, 2001.

Angela Williams is reported missing to VPD on December 26, 2001.

The proactive team becomes operational on January 14, 2002. A Patrol Bulletin describes the MWTF "Street Crew": who they are, why they are out there, how to provide information, what types of information is needed, and what happens to the information. The team begins to interview sex trade workers, clients and persons of interest, and investigate various tips. Twelve plain clothes officers are put in place in the DTES (six each from the VPD and RCMP) in a semi-covert manner.

C. The Coquitlam RCMP Investigation of Robert Pickton

The Coquitlam RCMP's involvement begins with its investigation into the Anderson assault of March 23, 1997, near the outset of the Commission's Terms of Reference. The investigation into this incident was discussed in detail in Part 1. In the course of this investigation Cpl. Connor talks to Pickton but does not interview him. On March 29, 1997, he sends a CPIC message to all RCMP Detachments and police departments in the Lower Mainland advising them of the Anderson assault, linking it to the earlier query about Pickton's involvement in a sexual assault in 1989, and stating that Pickton is a likely suspect for offenses against women, particularly women engaged in the sex trade. Pickton is released on bail in April 1997. Charges regarding the Anderson assault are eventually stayed.

Pickton is investigated (in relation to missing women)

Over the course of 1997 and 1998, various RCMP officers conduct CPIC queries of Pickton, but there is no record of the reasons for these queries. A 911 hang up call from Pickton's trailer is received on August 12, 1998, but the officer thinks everything appears fine and concludes that it was an error. Cpl. Connor does not find out about this 911 call until almost a year later.

As outlined earlier, in August 1998, Cpl. Connor meets with Det. Cst. Shenher to exchange information and they begin to work together on the investigation. Cpl. Connor continues to follow up on Pickton and obtains the following: an intelligence profile from Coordinated Law Enforcement Unit, photographs, and an intelligence report. He shares these documents with U.S. Immigration and the VPD Sexual Offence Squad.

On September 22, 1998, after Det. Cst. Shenher relays Mr. Hiscox's information, Cpl. Connor speaks with Ms. Anderson and tells her about the second-hand threat. He reports that she says she is no longer working in the DTES and Cpl. Connor advises her that it is doubtful that Pickton knows her last name. Cpl. Connor asks her about the syringes found on the floor of Pickton's trailer after the assault. She says they could have been hers as she did have some in her fanny pack. Cpl. Connor follows up on this, but the fanny pack is not found. He also confirms that Pickton's seized bloody clothes have not been returned to him and that they are still in evidence.

Cpl. Connor speaks with police dispatcher/911 call operator, Bev Hyacinthe, and receives information about Lisa Yelds. Ms. Yelds is the woman who has provided the information to the informant Mr. Hiscox.

Cpl. Connor submits a surveillance request to RCMP Special "O" [specialized surveillance unit] for Pickton. Pickton's suspected criminal activity/offence is listed as: "Information of unknown reliability reveals that this subject is responsible for the disappearance of female prostitutes in Vancouver, Burnaby and New Westminster. He apparently brings them to his residence whereupon they are killed." The objective of the surveillance is listed as: "To establish life-style, associates, vehicles utilized by him. To determine the frequency of areas PICKTON visits areas worked by prostitutes." Cpl. Connor requests that if Pickton picks up a female in these areas, he should be stopped and the female removed from the vehicle.⁶⁶¹ He updates Det. Cst. Shenher about the surveillance.

Cpl. Connor investigates Pickton for approximately one year from the fall of 1998 to 1999. Surveillance is carried out on four days between October 1 to October 10, but does not reveal any important information.

On October 15, 1998, Cpl. Connor and Det. Cst. Shenher meet with Mr. Hiscox to discuss the information that he has been providing. New information is revealed that Ms. Yelds has told him that she had seen identification of a Native girl two years prior in Pickton's trailer. Det. Cst. Shenher provides a copy of her source contact ledger to Cpl. Connor. She forms the opinion that this woman might be Janet Henry.

On November 1, 1998, RCMP Cst. Greig attends the Pickton property regarding the theft of a compressor. She provides a report to Cpl. Connor, noting that she has heard that he may be interested, and advises that she did not see any identification in plain view.

On November 4, Det. Cst. Shenher leaves a message for Cpl. Connor indicating that her supervisor, Staff. Sgt. Giles, and the VPD are “more than willing to provide the monies to advance the investigation.”⁶⁶² This advancement could include funds for an undercover operation, witness protection for their source, aircraft for FLIR and land photography. A joint submission to PUHU is also proposed.

On November 4, Cpl. Connor sends a memo to Sgt. Blizzard of PUHU giving him a “heads up” that the VPD wants to discuss a Joint Forces Operation and Undercover Operation, and that Pickton possibly is involved with the missing women from the DTES. On the 5th, he requests that Air Services take aerial photos of the Pickton property. He recognizes that they are grounded due to budget restraint, but may be able to assist anyway since the pilots need to fly a certain number of hours to keep their flight certification.

On January 13, 1999, RCMP Coquitlam’s Cst. Strachan advises ViCLAS that Pickton and one other person of interest are now considered suspects in the 1985 Pauline Johnson homicide in Coquitlam. It is noted that both frequent the DTES strolls, both are prone to violence and both are possible suspects in some of the missing women files from Vancouver.

On March 20, Pickton and a female friend (Ms. Ellingsen) are checked on the 12th Street prostitution stroll in New Westminster and this information is entered on CPIC. Cpl. Connor and Det. Cst. Shenher are both made aware of this event. Pickton is considered a suspect in a sexual assault and attempted strangulation on a woman engaged in the sex trade in New Westminster on April 15, but the victim does not identify him in a police lineup.

At an April 21, 1999 meeting at the New Westminster Police Service, Cpl. Connor provides a profile and information on Pickton to the Coquitlam and Burnaby RCMP, NWPS, PUHU and the VPD. A plan is agreed upon at this meeting: all forces would show Pickton’s photo to sex trade workers; surveillance should be conducted to see about his contacts with sex trade workers; and if DNA is collected, it should be forwarded to the lab for comparison to the NWPS incident and other like offences. After the above is completed, the plan is to question Pickton’s niece about his relationship with sex trade workers.

On April 21, Cpl. Connor submits a second surveillance request to Special “O” for Pickton, “to establish his lifestyle, vehicles and associates and to determine the frequency with which he visits sex trade workers.” Surveillance is carried out from April 30 to May 7, 1999, as time permits. On May 1, another 911 call is received from Pickton’s property; it is investigated, but nothing seems out of the ordinary. On May 3, surveillance loses Pickton for 1.5 hours. Cpl. Connor forwards the surveillance reports to the VPD, NWPS and PUHU. A review shows that it looks like Pickton has only driven to and from work.

On July 20, Cpl. Connor speaks with Det. Cst. Chernoff about the information he has received from Mr. Caldwell. On July 29, Det. Cst. Chernoff and Det. Lepine meet with members of Coquitlam RCMP. The Caldwell information is reviewed and several investigative strategies are discussed as a joint operation: feasibility of physical and electronic surveillance, tracking devices and cameras, and an undercover operation. It is agreed that Coquitlam RCMP would be responsible for the homicide investigation into Pickton if the Caldwell information is accurate and verified.

Cpl. Connor carries out various follow-up tasks from this meeting. It is agreed that the VPD Strike Force will do surveillance on July 30 and Coquitlam RCMP will carry out daytime surveillance, with Special "O" covering the evenings. Det. Cst. Chernoff and Det. Lepine meet with Mr. Caldwell again and further information gleaned is passed on to Cpl. Connor. A suspect profile of Pickton is prepared, noting the Anderson assault, the 911 calls from the property, and the facts concerning Pickton frequenting the 12th Street stroll in New West. Cst. Fraser from NWPS advises that Pickton is considered a bad date by women working on that stroll. Surveillance, to date, is again inconclusive: it is noted that they can't see the trailer or what is going on in the property.

In August 1999, the NWPS initiates a sex trade worker identification program whereby women can consent to having photographs and fingerprints taken to assist with identification if they should meet with foul play. The women will be shown Pickton's photograph.

Joint operation is initiated

On August 3, 1999, a joint meeting of the VPD, RCMP E Division, Coquitlam RCMP and PUHU is held in Port Coquitlam. It is agreed that an investigative team will be formed and an operational plan put together. The VPD commits Det. Lepine and Det. Cst. Chernoff; RCMP Coquitlam commits Cpl. Connor, Cpl. Campbell and Sgt. Robertson; after the meeting, PUHU confirms that it will commit Det. Ballantyne and Cpl. Henley, and RCMP E Division offers Cpl. Justason and Cpl. Nash. Pickton is discussed as a strong suspect, and Det. Ballantyne's notes indicate that Pickton's file may be linked to the DTES missing women.

Surveillance of Pickton continues. On one day, Pickton drives around slowly in circles in downtown Port Coquitlam before returning home. On August 4, the Coquitlam surveillance team observes Pickton attending West Coast Reduction (a rendering plant) and the Patricia Hotel in the DTES. On August 6, Pickton is stopped twice with a young female in the vehicle. The child is returned to her home and police are informed that her parents know Pickton and they have no concerns.

Cpl. Connor pursues potentially more effective surveillance avenues including getting a warrant for installation of a camera. Det. Cst. Chernoff and Det. Lepine update him concerning Mr. Caldwell's willingness

to become an agent. Other steps are taken based on Mr. Caldwell's information, including completing a background check on Ron Menard (who has also provided information about Pickton to Mr. Caldwell).

On August 7, a third source, Leah Best, is interviewed by Cpl. Connor and Cst. Marenchuk. She describes what Ms. Ellingsen told her about a body hanging in a barn. A background check is done on Ms. Best.

At a joint meeting on August 9, all investigators involved provide updates on new information and surveillance. It is decided that Ms. Ellingsen will be interviewed but not pressed for information so that she will not have anything to report back to Pickton. An undercover operation to meet with Ms. Ellingsen is planned if she says nothing when interviewed.

On August 10, Det. Cst. Chernoff and Det. Lepine again interview Mr. Caldwell. He says that Ms. Ellingsen is blackmailing Pickton and that Pickton has asked Ron Menard to bring Ms. Ellingsen to him "to take care of her." Mr. Menard tells Mr. Caldwell that Pickton disposes of bodies in large drums and takes them to the recycling plant. Mr. Caldwell reiterates the information that he had previously provided in greater detail, and also informs police that he has seen a semi-automatic rifle with a big clip in Pickton's trailer. In the timeline that Cpl. Connor prepared after Pickton's arrest in 2002, he added the following:

At the end of this interview, I was convinced that Caldwell was telling us what Ellingsen told him. That contrary to some I felt that Caldwell would be an excellent witness against Ellingsen should the need arise. However, to get on the Pickton Farm legally, in my mind we still needed first hand current information as opposed to the second handed dated information we had."

On August 10, Det. Ballantyne and Cpl. Henley of PUHU also interview Ms. Ellingsen. She is confronted about her story of the body in the barn, and she denies telling the story. At a follow-up joint forces meeting, there is discussion about Ms. Ellingsen's credibility and whether she had mistaken a pig hanging in the barn for a human. Cpl. Clary is tasked with interviewing Mr. Menard and Ms. Yelds, but neither is at home when he attempts to do so.

At around this time, Bev Hyacinthe (a City of Coquitlam employee working as a police dispatcher/911 operator and a Pickton acquaintance) informs Cpl. Connor that Pickton is aware of the surveillance. Surveillance is discontinued on August 12, despite Pickton again attending West Coast Reduction that day. Cpl. Connor maintains he was not told at the time that Pickton had gone back to West Coast Reduction.

On August 12, Cpl. Connor interviews Mr. Menard on his front porch but is of the view that he was not that forthcoming because his girlfriend was present. Mr. Menard does say that Ms. Ellingsen had told him that she and Pickton had picked up a prostitute and that Ms. Ellingsen "couldn't believe how we finished her off like we did" or words to that effect. Cpl.

Connor also interviews Ms. Yelds that day, who tells him that Pickton is gentle and would not hurt a prostitute. Several days later he interviews Pickton's associate Pat Casanova, who reveals that Pickton told him that he knew police were asking friends questions about the missing women and he was worried.

Cpl. Connor investigates the story of the body hanging in the barn. He carries out research to confirm that pig fat is white rather than yellow and makes his own observations to this effect. He also learns that pigs are hoisted by their rear legs and decides that it is improbable that Ms. Ellingsen could have mistaken a pig for a human, even if she were intoxicated. He also learns that cocaine is not a hallucinogenic drug, but may cause paranoia.

Mr. Caldwell calls Det. Cst. Chernoff to tell him that he has spoken to Mr. Menard, who said that he did not tell the police anything about Pickton. Mr. Menard had told Pickton that the police were asking questions about him, but Pickton was unconcerned because the police couldn't find anything on the farm.

On August 19, Cpl. Connor and Sgt. Pollock re-interview Mr. Menard. He reveals that Ms. Ellingsen told him that Pickton was angry with the woman who slashed him and she went with him to find her, but they could not, so they picked up another woman instead. Ms. Ellingsen told him that both she and Pat Casanova had found body parts in the freezer. Mr. Menard had looked in the freezer, but only found pig parts. Mr. Menard denies going to the farm since the last time he spoke with Cpl. Connor.

The Pickton investigation unravels

On August 24, 1999, Det. Cst. Chernoff learns from Sgt. Pollock that Cpl. Connor is on approved leave; he has been promoted and will no longer be working on the Pickton case. Cst. Yurkiw will be handling the Pickton investigation now. At the joint forces meeting that day, the group discusses interview strategies for Ms. Ellingsen. Mr. Caldwell calls Det. Cst. Chernoff that day and tells him that Pickton has offered him a job. The following day, Mr. Caldwell does not show for a pre-arranged meeting and does not respond to any pages or messages.

On August 26, 1999, the team interviews Ms. Ellingsen. She continues to deny the information and agrees to take a polygraph test, which is scheduled for August 31. She is not home when police officers arrive to pick her up for the test and does not attend on her own. Police later learn that her lawyer had advised her not to take the polygraph. Sgt. Hunter, who had reviewed the video of her interview in preparation for administering the polygraph, suggests that Ms. Ellingsen be arrested and interrogated since, based on her admissions to other people, she is as much a suspect of a murder as a potential witness to the crime.

Later that day, next steps are discussed at a joint forces meeting. A decision

is made to approach Pickton and interview him with respect to the allegations and rumours.

On September 1, 1999, Sgt. Pollock and Cst. Yurkiw attend Pickton's residence to interview him. He is not present, but later contacts Sgt. Pollock and agrees to an interview. The next day, Pickton advises police that he is too busy during the day but they can interview him at night. Sgt. Pollock is unable to attend that evening. There is back and forth about when and where to interview him and his brother. Dave Pickton becomes involved.

On September 14, PUHU withdraws from the investigation as they are no longer needed. Ms. Ellingsen's refusal to take the polygraph ends PUHU's involvement. The VPD and Coquitlam RCMP will continue to attempt to re-interview Ms. Ellingsen.

On September 21, Cst. Yurkiw agrees with Dave Pickton's suggestion that they wait until rainy weather to interview Robert Pickton. Acquiescing to this request further derails the Pickton investigation.

On January 8, 2000, Cst. Yurkiw tracks down Gina Houston, a friend of Pickton's, in the hospital after she hears Ms. Houston's name on the announcement system, and discusses Pickton coming in for an interview. On the 10th, Ms. Houston leaves a voicemail for Cst. Yurkiw saying that they (she and Pickton) will come in for an interview. On the 12th, Cst. Yurkiw meets with Insp. Moulton to discuss Pickton; they go over the information they have about him. Cst. Yurkiw and Cst. Cater interview Ms. Houston and Pickton together on January 19: it does not go well and is inconclusive.

On February 9, 2000, a meeting of RCMP Coquitlam Major Crime Section members is held to discuss the Pickton investigation, following Cpl. McCartney's review of the Pickton investigation concluding that there is sufficient merit to proceed. A number of additional steps are agreed upon including re-interviewing Ms. Ellingsen; preparing a timeline of the investigation to date; getting further aerial photographs of the property; contacting ViCLAS and criminal profilers for assistance; and preparing a search warrant to intercept Pickton's conversations and address the possibility of conducting surveillance on the farm.

On February 10, Cst. Yurkiw reviews the Anderson assault file and flags points of interest in Ms. Anderson's witness statement. At a meeting of the Major Crime Section, tasks are given out. Cst. Cater is to gather information on Pickton to assist the criminal profiler, including developing an Indirect Personality Assessment. Cst. Yurkiw is to have the property re-photographed as well as prepare a timeline. Cpl. McCartney is assigned to start preparing an affidavit for the search warrant and authorization to intercept communications. Cst. Cater has learned that VPD Sgt. Butler had been a childhood friend of Pickton, and everyone agrees that this avenue should be pursued to gain more information.

At a February 14 meeting of the Coquitlam RCMP, RCMP Criminal Profilers and ViCLAS, further investigative steps are identified. Handcuffs from the Anderson assault should be sent to the lab to try to obtain DNA of other victims. They will obtain a list of victims from the VPD that have gone missing since 1997. They will determine if Ms. Anderson is still alive and review the Anderson assault file for the affidavit. Follow-up will be done with Ms. Ellingsen.

ViCLAS initiates a project to create a timeline of homicides and missing persons in the province of BC. Ms. Port of ViCLAS sends out a list of missing persons who have been on CPIC for more than 30 days and requests that each department conduct a file review on the files that belong to them.

On March 12, 2000, a file summary review for missing woman Elaine Dumba is completed. Delays are attributed to family members' failure to disclose information. Circumstances are suspicious, and the CPIC entry is to be modified from "Compassionate to Locate" designation – indicating that the reportee is seeking assistance to find a loved one rather than being worried about them – to "Missing." An internal review of the Elaine Dumba missing person file carried out in July 2000 is very critical of how the file was organized and handled.

Further aerial photographs are taken of the Pickton property. Investigation is stalled because of other priorities, including several recent murders. On April 18, 2000, Staff Sgt. Zalys speaks with Insp. Moulton about the Pickton and Karaoke murder files; he is told to drop Pickton for the time being. Insp. Moulton continues to see the Pickton file as a priority, but there are no further resources so investigators are told to investigate the Pickton file as time permits, doing the best they can. The two discuss Pickton again on April 25 and Staff Sgt. Zalys notes: "also discussed Pickton again – if he turned out to be responsible – inquiry! – deal with that if time comes!"⁶⁶³

On May 23, 2000, Cst. Cater completes his Indirect Personality Assessment of Pickton and forwards it to Staff Sgt. Davidson. The file is being maintained by Cst. Yurkiw.

On November 21, 2000, Cst. Strachan receives information from Cst. Yurkiw that "The Valley Murders" are connected by the same crime scene DNA. It is proposed that the DNA be compared to Pickton based on his blood-soaked bandages from the Anderson assault. This exhibit is deemed to be cast-off DNA and therefore legally obtained. It is sent to the lab for comparison.

Coquitlam file remains open after JFO established

On November 30, 2000, Cst. Yurkiw is advised that a Joint Forces Operation (JFO) is being established that will eventually have responsibility for cases like the Pickton investigation. In March 2001, Cpl. Connor is transferred back to the Major Crime Section in Coquitlam as the Non Commissioned Officer (NCO) in charge.

On March 30, 2001, Cpl. Henley of PUHU goes to the Pickton property to speak with Pickton. He tells Pickton that Ms. Ellingsen and Mr. Caldwell have been saying he killed a girl. Pickton admits to stabbing Ms. Anderson, but says that she stabbed him first. Cpl. Henley's meeting with Pickton is unplanned and done in total isolation from other police members.

On April 11, 2001, Coquitlam Serious Crime investigators discuss all outstanding major files and set the Pickton file as high priority. Cst. Yurkiw is to continue with the investigation. Information has been received by Cst. Horton that a Hell's Angel who worked at the "booze can" [illegal bar] near Pickton's was put through a grinder and fed to the pigs. It is agreed to give a package of Pickton information to Project Evenhanded, to carry out an undercover operation of Ms. Ellingsen, and to recommence surveillance on Pickton. The Pauline Johnson murder is set at medium priority. Sgt. Connor believes that Pickton could be a suspect in the Pauline Johnson murder as well, and a package on this case should also be forwarded to Sgt. Adam. None of these steps are carried out.

On April 11, Pickton is excluded as a suspect for "The Valley Murders" when lab reports show that his DNA does not match the crime scene DNA.

Cst. Yurkiw retires from the RCMP on August 8, 2001. Cst. Sherstone takes over the Pickton file. While the file remains open, there continues to be little or no actual investigation.

When he receives an update in September 2001 from Project Evenhanded, Sgt. Connor is unsure about whether the Coquitlam RCMP's work will be affected by it. Cst. Sherstone continues with the Pickton investigation, in particular by continuing to attempt to contact Ms. Ellingsen.

D. Project Evenhanded Investigation to February 5, 2002

A JFO is formally proposed

On February 10, 2000, members of the MWRT meet with representatives from the RCMP to discuss "The Valley Murders" and the 25 missing women from the DTES. Several persons of interest are discussed, including Pickton. Several specific investigative strategies are agreed upon. All information will be entered into SIUSS to find connections. Staff Sgt. Davidson and Cpl. Filer will submit a proposal to Chief Supt. Bass asking for funding and resources for the following: attempting to profile the suspects and re-opening the Pickton file (which had never been closed), assisting with SIUSS data entry, and improving co-ordination between the unsolved prostitute murders and the missing women from the DTES. A Joint Forces Operation (JFO) or joint forces task force will be proposed. If no funding is available from the RCMP, they are prepared to solicit the Attorney General.

On March 1, 2000, Chief Supt. Bass meets with Staff Sgt. Davidson, Sgt. Filer and Sgt. Paulson to discuss a proposed JFO dealing with serial cases.

Staff Sgt. Davidson is of the view that there are at least three active serial killers in BC and provides the name of three suspects, one of whom is Robert Pickton. It is agreed that they will start with “The Valley Murders” and that the group will be expanded as personnel becomes available. Staff Sgt. Davidson’s proposal for a JFO includes the following elements: identifying and collecting information on all relevant crimes, managing a large suspect pool, identifying and collecting relevant information on high priority suspects; managing co-ordination of DNA evidence, providing behavioural and geographical assessments/profiles using the suspect information and the profiles to match suspects, and conducting follow-up investigations for suspects.

In mid-November of 2000, RCMP Cst. McCarl, investigator on “The Valley Murders,” writes to Sgt. Field indicating he feels strongly that a serial killer is responsible for the DTES missing women and other missing women and homicides in the Lower Mainland and Vancouver Island. He further states that without a viable plan and dedicated resources assigned to the problem, the issue will not be resolved to an acceptable level of satisfaction. A task force of the VPD, RCMP, MCU and ViCLAS should be implemented immediately. Sgt. Field relays this information about the need for a JFO to Insp. Spencer.

On November 21, 2000, representatives of the VPD and RCMP meet to discuss the missing women and who should be in charge of a JFO. The following day, Acting Insp. Henderson writes to Assistant Commissioner Bass updating him on this meeting and advising him that for some time there has been an identified need for greater co-ordination, but it has not materialized. Major Crime Section Special Projects Coordinator Sgt. Adam has been assigned to carry out a file review and determine what additional investigative steps should be taken. Assistant Commissioner Bass responds: “I couldn’t agree more that we need to get on top of this. Let me know if there are any funding issues.”⁶⁶⁴

On November 27, Insp. Spencer writes to DCC Unger indicating the preparation of the files to transfer to the RCMP for the purpose of the file review. He has met with Staff Sgt. Henderson in regards to a JFO, and both have agreed to provide personnel.

On December 11, 2000, Sgt. Adam begins to review the MWRT files.

On the 12th he meets with Sgt. Field. They determine that the initial steps are to search for other victim files and brainstorm scenarios, to look at the strongest cases and leads, to prioritize a suspect list, and to establish investigative approaches.

Five more bodies are found: two in Chilliwack, one in Courtney, and two in Saanich.

In December, 2000, **Dawn Crey and Debra Jones are reported missing** to the VPD.

In January 2001, a meeting of RCMP and ViCLAS representatives is held. The items discussed include: high-risk victims and how they should be compiled; linking found human remains to the missing women, and how to compile a list from ViCLAS data (as prepared by ViCLAS analyst Ms. Port); manpower resources needed; the best way to develop a persons of interest list and what databases could be utilized; how to determine the number of files that fit the parameters of women engaged in the sex trade who have been murdered or missing; and how to identify foreign DNA in the files. Staff Sgt. Wozney feels that there will be resistance from municipal forces to have the RCMP review their files and that a presentation should be prepared for the Chiefs of each police department. Cpl. Kingsbury notes that Det. Cst. Fell's research in Alberta reveals that there may have been 17 murdered sex trade workers with 17 bodies found; but for now, the focus will be solely on BC.

Initial steps are taken to determine the parameters of the proposed JFO. ViCLAS queries resulted in the following information: 52 unsolved murders of sex trade workers, 52 solved murders of sex trade workers, 33 solved murders of female hitchhikers and 31 unsolved murders of female hitchhikers (16 of whom were sex trade workers).

On January 8, 2001, **Cynthia Feliks is reported missing** to the NWPS.

The JFO begins to be built and becomes known as Project Evenhanded. A meeting is held on January 17, 2001, to outline initiatives and assign tasks. Three initial goals are set: (1) identify all cases where there is DNA/forensic evidence and ensure that all exhibits are sent to the lab to be entered on the Crime Scene database; (2) identify all the missing women engaged in the sex trade; and (3) develop a person of interest list. Sgt. Adam notes that there are opposing views about "bleeding the existing suspects" or trying to create a comprehensive suspect list, and that Staff Sgt. Davidson is "quite strong that the killer of these women is one person (or that one has killed a lot of them)."⁶⁶⁵

Another focus is on reviewing all of the files. ViCLAS's Cpl. Kingsbury and Cpl. Lucas meet on January 23 and review the 83 unsolved cases of murdered women.

The first initial goal is on DNA collection. At a meeting on January 31, it is agreed that the VPD and the RCMP should explore the development of a policy in relation to a standard response to the missing person investigation. This would include where, when, and how long DNA samples of missing persons and their families are stored. Sgt. Field is to follow up with the BC Cancer Agency regarding DNA samples as they have DNA from pap smears of twenty of the missing women. A U.S. lab is to be contacted to determine if they can take samples. A data-mining project is also to be explored.

Sgt. Field and Ms. Port advise that five subsequent reported women have

been identified as missing: Dawn Crey, Wendy Crawford, Brenda Wolfe, Cindy Feliks and Debra Jones. Sgt. Adam will liaise with the Provincial “prostitution squads” to find out if RCMP detachments are keeping up to date on missing women from the sex trade: the purpose is to ensure that if there is an ongoing serial killer, they are not missing an accurate picture of how many women are going missing.⁶⁶⁶

Efforts to expand the National Crime Data Bank are also being made during this time. RCMP detachments are asked to upload information contained in operational files to the data bank.

Investigators express opposing views concerning the third initial goal of developing a person of interest list. One group would like to start obtaining cast-off DNA from suspects now, and the other would like to use enhanced computer linkage systems to produce a more comprehensive list. The latter perspective prevails. Sgt. Adam identifies a potential need to bring someone in to write a program that will read everyone’s data on different systems.”

On February 5, 2001, Staff Sgt. Davidson writes to Sgt. Adam advising that in 1991 they ran Project Eclipse, which brought together several profilers to examine the murders of 25 women, most of whom were engaged in the sex trade. He reviews the success and problems of this project. A similar 1993 project was run with fewer cases and more time; that worked much better.

Two VPD detectives join Project Evenhanded, Det. McKnight and Det. Little. They meet with the team on February 26. Several items are discussed: Sgt. Adam is to contact the lab to co-ordinate the inclusion of four suspects (one of which is Pickton); which data system should be used (RCMP’s E&R or VPD’s SIUSS); the need for dedicated exhibits personnel; the need for office space; liaison with ViCLAS; re-visiting the Agassiz sites; and the immediate need to develop and prioritize suspect lists. Once suspect lists and priorities are in order, the JFO will move to a Major Case Management model of operation, including assigning a file coordinator. At this time, five members are attached to Project Evenhanded. In a memo to Sgt. Field, Sgt. Adam outlines resource requirements: a case room, a file management system, a file coordinator (possibly Cst. McCarl), and an interim budget.

In March 2001, a review of the VPD missing women files begins. Det. McKnight meets with Det. Cst. Shenher regarding the files.

On February 26, 2001, **Georgina Papin is reported missing** to the Stony Plain RCMP. She is also reported missing to the Mission RCMP on March 11 and to the VPD on March 14.

On March 14, Sgt. Field sets out the updated duties and assignments for VPD members of Project Evenhanded. She is to oversee the investigation from the VPD standpoint and to liaise with Sgt. Adam, she will review suspect lists and re-run SIUSS for suspects once information is added, and she will review all tips. Emer Fitzgerald will work on data entry, review

binders to ensure data entry on SIUSS, set up binders, identify suspects from binders, and review files for exhibits already in the VPD's possession for possible DNA that could be linked to the missing women investigations. Cst. Clark (who is on light duties) will review historical cases for possible exhibits for DNA analysis and review exhibits held in the property office. Det. McKnight will be a primary investigator, set up a master file log, and co-ordinate VPD "missing" files. Det. Little will also be a prime investigator and co-ordinate suspect identification and searches. Senior management is wary of having Sgt. Field go to the JFO's satellite office in Surrey as she is needed at the VPD.

On March 20, Sgt. Adam prepares a memo for Sgt. Field with a rough outline of issues and operational goals. He notes the premises which they are operating under: some or all of the women have met foul play, and the killer(s) has successfully hidden their remains; there may be one or several killers who have done this; the most viable investigative technique is to focus on similar victims (DTES sex trade workers) where there are viable leads; and thus the primary focus will be murders in which bodies have been recovered and major sexual assaults (suspect DNA available). He also emphasizes the need to build Unknown Suspect DNA banks, which he estimates will take four to six months.

On March 21, 2001, **Yvonne Boen is reported missing** to Surrey RCMP.

On April 5, 2001, Project Evenhanded members meet with VPD MPU investigators, who advise that Dawn Crey, Deborah Jones, Brenda Wolfe and Georgina Papin are now missing. Project Evenhanded continues to consider which computer system to use. The Surrey RCMP is keeping track of active and non-active sex trade workers in the Surrey area and the NWPS is doing the same in New Westminster.

On April 19, 2001, the review of unsolved cases is completed. Sgt. Adam prepares a memo for distribution to various detachments outlining the file review and submission of exhibits. Over the course of the year, Project Evenhanded expands. In late April 2001, Sgt. Clary is added to Project Evenhanded to take on the role of File Coordinator. In early May 2001, Cpl. Van Overbeek joins as an investigator.

On May 1, 2001, Project Evenhanded meets and again discusses media. It is decided that there will be a joint media release stating that Project Evenhanded is a review process only and that it will be lengthy. The February 26 discussion about which data management system to use, E&R or SIUSS, continues.

By this time, the organizational plan for Project Evenhanded is finally beginning to take shape. The investigative objectives have been clarified: review the VPD investigation into 31 missing women; conduct a physical review looking for DNA of 74 solved and unsolved murders of street-involved women and 285 sexual assaults; conduct ViCLAS link analysis;

develop and consolidate suspect lists; obtain DNA from prioritized suspect list; and upon obtaining a DNA hit, conduct a full investigation.

The investigation will have four phases: (1) review identified murder, attempted murder, and sexual assault files for DNA and ensure it is included in the DNA bank; (2) review and prioritize suspect lists; (3) obtain DNA samples from these suspects for comparison to DNA obtained from (1); and (4) following a DNA hit, eliminate or confirm the suspect using primarily an undercover operation, interrogation or general search warrant. Senior management reviews and fully supports the plan.

In May 2001, RCMP Cpl. Van Overbeek begins a review of 116 cases of aggravated sexual assaults, sexual assaults with weapons, and sexual assaults causing bodily harm. VPD Det. Kean will review historical sexual assaults from 1990 to 1999, a total of 320 cases, for DNA exhibits. She estimates that it will take her seven months to complete this task. This search is later expanded to include the 1985 to 1990 period. Cst. Verral is to assist with these historical reviews.

At a May 9, 2001 meeting, it is decided to confirm whether the DNA lab will examine DNA from cases without a known sample from the victim. File reviewers are to identify suspects during the course of the review. It is confirmed that the VPD will follow up on leads as they pertain to missing persons. Work begins to develop a computer program that will allow for data to be collected from various databases.

Det. Little reviews Pickton as a person of interest. His notes from May 2001 indicate that the VPD had been investigating him regarding Sarah de Vries' missing person report. He pulls together the following information:

- Pickton runs a demolition business and a pig farm;
- He had been identified in an August 1998 Crime Stoppers tip regarding Det. Cst. Chernoff and Det. Lepine's investigation;
- His involvement in the Anderson assault;
- He is known to be violent towards sex trade workers, as evidenced by the New Westminster incidents;
- He picks up prostitutes in a vehicle and drives to his residence in Port Coquitlam;
- He has numerous vehicles/plates;
- He is known to handcuff his victims;
- Source information indicates he had been in possession of "bloody women's clothing" (this is discounted by investigators);
- Source information regarding a sex assault at Pickton's residence tells of seeing Pickton "skin a torso" that was hanging on his property;
- He has many freezers on the property;
- Source information given about Ellingsen's involvement is deemed "not credible": Ellingsen never showed for a polygraph;
- Pickton's DNA comparison to the Agassiz ("The Valley Murders") crime scene was negative.

Additional personnel are added to Project Evenhanded for the short term.

At a May 24 meeting, it is agreed that the VPD will continue to handle information on missing women, provide Project Evenhanded with copies of the information, and that Project Amelia files should continue to be updated with information from the bad date sheets and the DISC program concerning violent men.

On May 30, 2001, CC Blythe signs the Memorandum of Understanding between the VPD (Project Amelia) and RCMP (Project Evenhanded) for the VPD and on June 26 by Commissioner Busson for the RCMP.

In the summer of 2001, Sgt. Adam is on approved leave for two months. File review is seen to be going well. The next priority is managing the database system and hiring data entry personnel. Det. McKnight is reviewing the Pickton and Hiscox tip files. In June, many tip files are listed as requiring action: Pickton's tip file is one of them.

On June 19, 2001, **Heather Chinnock is reported missing** to the Surrey RCMP. An initial review of her file suggests that she has been kidnapped or murdered and that the investigation spans over several jurisdictions.

The RCMP add Elaine Dumba's missing person file to the Project Evenhanded files.

In early August, Pickton's DNA (gathered from the bandage discarded after the Anderson assault) is placed in the local DNA databank.

Project Evenhanded encounters a number of obstacles in building the DNA databank: exhibit retention and submission; mixed crime scene DNA cannot be entered into the National Data Bank (the victim's DNA has to be separated out); in many sexual assault cases, exhibits had been obtained but not sent in for analysis because if the victim could not be found, often the samples were destroyed after six months; and samples sent back to detachments from the local or national data banks were being destroyed. It is identified that policy is needed to address these problems.

Recognition that women continue to go missing

In mid-August 2001, CPIC queries conducted for all missing women in the province result in additional missing women being identified. It is also noted that there have been additional women missing from the DTES since the release of the 1999 missing women poster. Further resources will be needed. Women have never stopped disappearing; police had misinterpreted the information coming in.

Cst. McCarl requests that a list of all the names and birthdates of the missing women and dead victims being investigated by Project Evenhanded be prepared. He inquires whether an offline CPIC search had been done on all of the victims and then whether a secondary search of CPIC had been done to see if any suspects were checked at around the same time.

These two levels of search had not been done consistently throughout the investigations; this request was one way to narrow the suspect pool.

He admits that while this would be time consuming, it may be of assistance; it could place suspects in proximity of time or location of the missing women. This proposal is discussed at a Project Evenhanded team meeting on August 27, 2001.

In August, Brian Oger, a student hired by the VPD for data entry into SIUSS for Project Evenhanded, writes a serial killer theory essay and indicates that not enough is being done to solve the missing women cases. Criminal profiler Staff Sgt. Davidson later confirms the accuracy of the statistical analysis in the report. Mr. Oger is later investigated for a media leak.

On August 28, 2001, Det. McKnight submits a progress report, noting that the review of Project Amelia's 1348 tips identified 300 tips with persons of interest and background checks prioritized: there are 31 Priority 1 files, 60 Priority 2 files, and 101 Priority 3 files. Exhibits from the murder and attempted murder files have been sent to the lab. Sexual assault files still need to be reviewed. Additional files that may be related to the missing women have been found and further follow-up is needed.

On August 30, Staff Sgt. Adam presents a report to senior management listing four investigational problems: (1) a lack of recovered bodies eliminated forensic potential; (2) very loose time frames surrounding disappearances limited ability to investigate; (3) a large suspect pool; and (4) inadequate resources to conduct the exhaustive research required. He noted, "From all indications STWs are continuing to go missing. There is a significant urgency that we move quickly to identify a suspect if possible." Sgt. Adam notes that they are reviewing 107 murders and approximately 600 miscellaneous other offences; there are 24 DNA samples from the women but no DNA data bank in which to hold them; and there are potentially 22 additional missing women to add to the original list of 31. Consideration is given to adding more women to the poster. At the end of the meeting, a decision is made to increase the investigators on Project Evenhanded to review the missing women files and research the possible additional missing women files to decide if they "fit the profile."⁶⁶⁷ Months go by before Project Evenhanded shifts gears to a more proactive investigation.

In early September 2001 meetings of Project Evenhanded, it is noted that file reviews for Prince George and the Northern Interior have been completed, and Vancouver city files are next. A thorough investigation is needed for the recently reported missing women files. Overall, there are 3000 files to be reviewed. Four more investigators will be provided: two from each of the VPD and RCMP. The focus continues to be on reviewing files, not on pursuing active investigation. Fifty-three women are now considered as potentially missing from the DTES.

In September 2001, Det. Little prepares a short list of the prioritized persons of interest for Project Evenhanded: Pickton is listed as Priority 1.

Project Evenhanded continues to expand. It is agreed that the VPD Victims Services Unit will be responsible for communications with family members. A family meeting is held on October 14, 2001. Families are advised that they have 1000 suspects and that 25 new missing women have been identified. Sgt. Adam tells families that one of the major problems with this investigation is that there are no bodies, and the body of a murder victim is the starting point in any investigation. Without a body, there is virtually no forensic evidence. The team has instead decided to look historically at the murders of all women engaged in the sex trade and female hitchhikers. Information and questions stemming from this meeting are followed up. The families' anger with the police – especially the VPD – is communicated to senior management. Complaints are received about Sandra Cameron of the VPD MP Unit, and Sgt. Hetherington is assigned to investigate.

By October 18, 2001, SIUSS has been installed on one computer. Sgt. Adam will meet with key players from the VPD to develop joint strategies to deal with the current situation involving women engaged in the DTES sex trade. The United Native Nations is noted to be mounting an attack on the VPD for the way they have handled missing Aboriginal women.

On September 30, 2001, Project Evenhanded contacts NWPS about missing person Cynthia Feliks.

In October 2001, Project Evenhanded struggles with a lack of clarity about which missing women should be included in their investigation. For example, Heather Chinnock is considered not to have a “strong connection to the DTES” so should not be on Evenhanded's list.⁶⁶⁸ Many missing women files that match the profile are being held and investigated by the original agency (most files are held by the VPD and Lower Mainland RCMP Detachments). Det. McKnight believes that Project Evenhanded members should be assigned to contact the investigators of these files and determine the status of the investigation.

Since the original list of 31 missing women (four of whom were later found) was developed in 1999, 22 new missing women have been identified. Four out of this new group have been found, leaving 18 new missing women. This brings the list of missing women to 45.

On October 24, updates are provided at a joint meeting of members of Project Evenhanded and Project Amelia. Suspect prioritization continues, but there are 250-300 suspects/persons of interest remaining from Project Amelia files and new RCMP files also have to be reviewed. When this file review is complete, a list of the top 100 will be made.

Sgt. Adam's update of October 29, 2001, sets out the numerous obstacles facing the investigation. The VPD file review is going slowly and more help is needed. The DNA lab can only take 6-10 new cases from Project Evenhanded per month and the missing women work is the lowest priority because the files are still not connected to a crime. There are 18 missing

women which will soon be stated officially. Suspect prioritization is ongoing. Sgt. Adam could send people out to start collecting cast-off DNA but there is a lack of resources: other suspect DNA from the phase 1 review is still coming in and the lab already has more than it can handle. Det. McKnight advises that without assistance it will take Cst. Verral nine months to a year to review all of the VPD Sexual Offences Squad's files.

A proactive strategy is developed

On October 30, 2001, Project Evenhanded meets with DISC members and other VPD members to explore possible solutions for the DTES. They are advised that of the 2-3 reports of missing street-involved women VPD MPU receives per month, 60% are found within a week "from work at desk."⁶⁶⁹ Welfare is the main identifier to determine whether the women are still in the DTES. Assistance is needed for those women not found within a week. There is a discussion of working with Det. Cst. Dickhout and a "here and now" team to deal with the new missing women.⁶⁷⁰

In an October 31 memo, newly-promoted Staff Sgt. Adam notes: "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 fairly obvious."⁶⁷¹ There is a need to keep track of sex trade workers and to collect john information. Non-police agencies are assisting with collecting this information. Eight more officers are required to work in the DTES on these tasks.

On November 5 and 6, 2001, Project Evenhanded meets with members of the Green River Task Force and the Spokane Serial Killer Task Force. Numerous lessons are learned, particularly with respect to the high value of liaison with people downtown, the need to share information with street cops, and that intelligence on the streets is the most important. Advice on data collection and analysis and task force organization is also gained. Specific key individual roles identified include an analyst, a media liaison, and a victim liaison. It is emphasized that assigned detectives need to remain long-term in the investigation but that burnout is a concern and developing a relationship with women who are part of the potential victim group is time-consuming but effective.

Following this consultation session, Project Evenhanded brainstorms investigative ideas and looks at weaknesses of the present investigational plan. There is clear agreement that the women are murder victims and not simply missing. There may be either one murderer or multiple murderers, and the team needs to remain open-minded and not put "its eggs all in one basket." Three scenarios are identified: (1) pursue the Valley murderer assuming that he is the killer of all 45; (2) if that doesn't work, draw up a list of "peripheral things" that can be covered [presumably referring to assorted investigative steps]; and (3) a here and now search of DTES.⁶⁷²

The revised operational plan prepared at the end of November adds the

proactive component to the existing strategies. Agencies in the DTES will be contacted for assistance.

On November 29, 2001, **Heather Bottomley is reported missing** to the VPD.

On November 30, 2001, **Mona Wilson is reported missing** to the VPD.

On November 30, the Green River Task Force arrests Gary Ridgway; he is charged with the murder of 49 women near Seattle. Project Evenhanded investigates to see if he was involved in BC missing and murdered women cases.

On December 4, 2001, a media release goes out seeking public assistance in locating the additional 18 women added to the list of missing women. The media release also notes that SIUSS data entry begins and a tip line is in place. Project Evenhanded has replaced Project Amelia. On January 15, 2002, a further media release goes out with the names of five additional missing women, bringing the total number of missing women to 50.

By January 2002, Project Evenhanded has reviewed 5000-6000 files of missing women, homicides of women, sexual assaults, and so on, with many thousands more to review. The proactive team, consisting of 12 investigators (six VPD and six RCMP) is deployed in the DTES on January 14, 2002. Active investigations are being carried out for recently added missing women. DNA confirms that the two 1988 Alley Murders in the DTES and the three "Valley Murders" are not connected: there were two serial offenders responsible for these murders.

On December 26, 2001, **Angela Williams is reported missing** to the VPD. A female body is located in Surrey and is identified as Angela. The cause of her death is undetermined but considered suspicious.

On February 1, 2002, Coquitlam RCMP's Cst. Wells conducts a CPIC query of Pickton in preparation of his warrant for a weapons search. His work is completely unconnected to the missing women investigations. At the February 4 Project Evenhanded meeting, a message is received from Coquitlam RCMP that it will be carrying out a weapons search of Pickton's farm the next day. Project Evenhanded team members are to be on hand outside the property in case Cst. Wells finds evidence related to the missing women.

During the search for weapons on February 5, 2002, RCMP officers quickly discover an inhaler with Sereena Abotsway's name on it, a wallet with Heather Bottomley's identification, and plastic bags containing women's clothing. The search is suspended, and Project Evenhanded begins preparation of an affidavit for a new search relative to the Missing Women Investigation.

Postscript: Pickton's crimes investigated and tried

Staff Sgt. Adam was of the view that it was after Pickton was arrested that the “real” investigation began. It was a massive investigation building on the evidence gathered during the Anderson assault in 1997, the VPD missing women investigations, Coquitlam RCMP’s investigation of Pickton and the first phase of Project Evenhanded’s work.

On February 8, 2002, **Tiffany Drew is reported missing** to the VPD.

On October 9, 2002, **Cara Ellis is reported missing** to Project Evenhanded. Family members stated they had reported her missing in 1998 but the VPD had no record of this report.

The DNA of 33 women was uncovered during a search and excavation of Pickton’s property. Pickton was charged with 27 counts of first-degree murder; one charge was dropped at a preliminary stage for lack of evidence. The judge severed the trial and proceeded with six of the murder charges first. The jury acquitted Pickton of first-degree murder but convicted him of second-degree murder on all six counts. The judge sentenced him to the maximum penalty of life imprisonment with no possibility of parole for 25 years. The verdict was appealed to the Court of Appeal and the Supreme Court of Canada. Both Courts upheld the conviction. The Crown prosecutors stayed the remaining 20 first-degree murder charges.

E. Timeline of Critical Events

This timeline provides a frame of reference for actions taken* regarding women reported missing from the Downtown Eastside between January 23, 1997 and February 5, 2002, as per the Commission’s mandate. Women reported missing after February 8, 2002 are not included in this timeline. (*There are discrepancies in several cases between the date family members stated they made a missing person report and when the police file was opened.)

COMMUNITY/ MISSING WOMEN

January 23, 1997 – Tanya Holyk reported missing to the VPD (for the second time), reported as last seen on October 29, 1996

January 23, 1997 – VPNSL Executive Director Freda Ens forwards the VPD a complaint from Tanya Holyk's mother

February 7, 1997 – First Nations Summit requests information from VPD on 55 female homicide victims believed to have First Nations ancestry

February 13, 1997 – First Nations Summit writes to the Attorney General requesting his intervention and the appointment of a special investigator to examine the homicides of 55 Aboriginal women

VPD

February 25, 1997 – VPD media release re: focus on pimps, johns and violence in sex trade

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

March 11, 1997 – Stephanie Lane reported missing to the VPD, reported as last seen on January 10, 1997

March 20, 1997 – VPD responds to First Nations Summit

March 27, 1997 – Olivia William reported missing to the Smithers RCMP, reported as last seen in December 1996

VPD

February 26, 1997 – DCC Rollins briefs the Vancouver Police Board on the scope of the missing persons reports currently under investigation by the VPD; seven outstanding cases for 1996

March 12, 1997 – Cst. Dickson reports on list of 71 women (expanded from First Nations List of 55 women)

March 12 - May 3, 1997 – Street Safety Unit Expanded Project on Prostitution: VPD actively enforcing prostitution laws to discourage street prostitution, in response to complaints from citizens in the Hastings North area

COQUITLAM RCMP

March 23, 1997 – Pickton/Anderson incident

March 26, 1997 – Cst. Casson and Cst. Strachan interview Ms. Anderson

March 29, 1997 – Cpl. Connor sends a CPIC message to all police departments in the Lower Mainland advising Pickton is a likely suspect for offenses against women

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

April 30, 1997 – Kellie (Richard) Little reported missing to the Agassiz RCMP, reported as last seen on April 24, 1997

VPD

April 30, 1997 – Vancouver Police Board meeting: discuss BCLAA’s proposal to not target sex trade workers but Board concludes it is unable to deal with the issue due to “lack of consensus concerning where street prostitution could be located within no impact and the legalization of bawdy houses.”

May 20, 1997 –Sgt. McKellar updates Insp. Greer on the Street Safety Expansion Program

COQUITLAM RCMP

April 1, 1997 – Crown Counsel approves charges against Pickton

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

June 1997 – Jamie Lee Hamilton informs the media about the large number of murders of STWs; she states STWs lives are not valued by society

June 28, 1997 – Janet Henry reported missing to the VPD, reported as last seen on June 25, 1997

VPD

June 18, 1997 – Attorney General responds to the First Nations Summit, urging the Summit to provide any information regarding these cases to the police

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

August 14, 1997 –

Jacqueline Murdock reported missing to the Prince George RCMP, reported as last seen in November 1996

December 29, 1997 – Marnie

Frey reported missing to the Campbell River RCMP, reported as last seen in August 1997

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

January 22, 1998 – Hamilton delivers 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

January 29, 1997 – Kerri Koski reported missing to the VPD, reported as last seen on January 7, 1997

February 3, 1998 – Ms. Hamilton attends City Council to demand a meeting with Mayor Owen and an emergency grant for Grandma's House

March 3, 1998 – Inga Hall reported missing to the VPD, reported as last seen on February 26, 1998

VPD

January 1998 – Sgt. Cooper advised Insp. Biddlecombe of concerns about missing persons reports not being taken, which was brought to his attention by Freda Ens and Morris Bates of the VPNS

COQUITLAM RCMP

January 26, 1998 – Charges against Pickton stayed

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

March 20, 1998 – Sherry Irving reported missing to the Stl'At'Imx Tribal Police, reported as last seen on December 25, 1996

March 1998 – Ada Prevost reported missing to the VPD (found in Arizona in 1999)
April 9, 1998 – Elaine Dumba reported missing to the Coquitlam RCMP, reported as last seen in 1989

April 21, 1998 – Sarah de Vries reported missing to the VPD, reported as last seen on April 13, 1998

April 30, 1998 – Cindy Beck reported missing to the VPD, reported as last seen in September 1997

VPD

Spring 1998 –Cameron brought the increase in MW to the attention of Insp. Biddlecombe

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

July 3, 1998 – *The Vancouver Sun* article: “Drennan said there is no indication that a serial killer is preying on the women.”

July 22, 1998 – Cara Ellis reported missing to the VPD according to her family members [VPD has no record of this report]

August 5, 1998 – Sheila Egan reported missing to the VPD, reported as last seen on July 14, 1998

VPD

July 20, 1998 – Det. Cst. Lori Shenher assigned to the Missing Persons Unit

July 27, 1998 – 1st informant Mr. William Hiscox called Wayne Leng’s tip line and Crime Stoppers with information that Pickton may be responsible for the missing women

August 6, 1998 – Mr. Hiscox calls Crime Stoppers again with more information about Pickton

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

August 6, 1998 – Det. Cst. Shenher contacts Cpl. Connor about the Mr. Hiscox tip regarding Pickton

COMMUNITY/ MISSING WOMEN

VPD

August 19, 1998 – Mr. Leng gives Det. Cst. Shenher a recording of his conversation with Mr. Hiscox; Det. Cst. Shenher attempts to contact Mr. Hiscox

August 27, 1998 – Det. Cst. Shenher reports to Acting Insp. Dureau on her investigation into the missing women files, noting she believes they will find that the cases are related

August 27, 1998 – Cst. Dickson submits list of 35 missing women and 18 unsolved homicides from the Vancouver area

COQUITLAM RCMP

August 12, 1998 – 911 call from Pickton's residence

August 19, 1998 – Cpl. Connor enters Pickton on CPIC in the "special interest to police" observation category

JOINT FORCES/ OTHER POLICE AGENCIES

August 18, 1998 – Det. Cst. Shenher meets with Cpl. Connor to discuss Pickton

COMMUNITY/ MISSING WOMEN

September 4, 1998 – BCCLA wrote to CC Chambers about the dismal record of protecting those in the street-level trade, and prosecuting those who assault and kill them

VPD

September 1, 1998 – DCC McGuinness updates DCC Blythe about the MW investigation, and advises Operations Support Division will cooperate

September 2, 1998 – Det. Cst. Shenher interviews Mr. Hiscox by phone: he advises Pickton has asked his friends to pick up Ms. Anderson so he could “finish her off”

September 4, 1998 – Det. Insp. Rossmo drafts a Strategic Blueprint for determining if a serial murderer(s) is preying upon women in the DTES, and a press release advising of the possibility of a serial killer; first Missing Women Working Group (MWWG) meeting

COQUITLAM RCMP

September – Cpl. Connor opens file on Pickton as a possible homicide suspect

JOINT FORCES/ OTHER POLICE AGENCIES

September 4, 1998 – Det. Insp. Rossmo sends a letter to Supt. Bass requesting a representative of the RCMP E Division become a member of the MWWG

COMMUNITY/ MISSING WOMEN

September 18, 1998 – *The Vancouver Sun* article quotes 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.”

September 23, 1998 – Helen Hallmark reported missing to the VPD, reported as last seen on June 15, 1997

VPD

September 14, 1998 – Insp. Biddlecombe memo to Insp. Greer re MWWG

September 18, 1998 – Det. Cst. Shenher interviews Mr. Hiscox: he advises Ms. Yelds had seen bloody clothing in bags in Pickton’s trailer; Pickton wanted syringes and to “get” Ms. Anderson; Pickton told Ms. Yelds he could dispose of a body by grinding it up

September 23, 1998 – Det. Insp. Rossmo prepares a revised Strategic Blueprint and contact list of DTES MP Working Group members

September 24, 1998 – Sgt. Field transfers to CLEU

COQUITLAM RCMP

September 22, 1998 – Cpl. Connor advises Ms. Anderson that Pickton had been talking about finding and harming her

September 24, 1998 – Cpl. Connor submits a request for surveillance to Special “O”

JOINT FORCES/ OTHER POLICE AGENCIES

September 9, 1998 – Det. Cst. Shenher advises Cpl. Connor of information from Mr. Hiscox that Pickton wants to “finish off” Ms. Anderson

September 16, 1998 – Supt. Bass declines Rossmo’s invitation due to workload but advises officers working on the Valley murders will attend

September 22, 1998 – Missing Women Working Group meeting

COMMUNITY/ MISSING WOMEN

October 13, 1998 - Det. Cst. Shenher interviews Mr. Hiscox again, advises him that Cpl. Connor wants to speak with Ms. Yelds

November 5, 1998 – Cst. Dickson, in a memo to Insp. Greer and Staff Sgt. Mackay-Dunn, again raises concerns over the growing number of missing women from the DTES

November 5, 1998 – Det. Cst. Shenher gives two photos of Pickton to DISC to show to women in the sex trade to see if any can identify him as a “bad date”

VPD

COQUITLAM RCMP

October 2-3, 1998 – Surveillance of Pickton by Special “O”

October 9-10, 1998 – Surveillance of Pickton by Special “O”

November 1, 1998 – Cst. Greig attends Pickton’s property about a theft

November 5, 1998 – Cpl. Connor requests aerial photography of Pickton’s property

JOINT FORCES/ OTHER POLICE AGENCIES

October 15 or 16, 1998 – Det. Cst. Shenher and Cpl. Connor meet with Mr. Hiscox

November 4, 1998 – Det. Cst. Shenher calls Cpl. Connor, offers him VPD resources to assist in the Coquitlam RCMP investigation of Pickton

November 4, 1998 – Cpl. Connor sends a memo to Sgt. Blizzard of PUHU giving him a “heads up” that VPD want to discuss a JFO and undercover operation

COMMUNITY/ MISSING WOMEN

December 6, 1998 – Angela Jardine reported missing to the VPD, reported as last seen on November 10, 1998

December 14, 1998 – Andrea Borhaven reported missing to the Vernon RCMP, reported as last seen on October 31, 1996

December 21, 1998 – Michelle Gurney reported missing to the VPD, reported as last seen on December 11, 1998

VPD

December 8, 1998 – Det. Cst. Shenher e-mails Insp. Greer suggesting that she speak to community groups

December 11, 1998 – Mr. Hiscox calls Det. Cst. Shenher, advises still wants to help

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

January 11, 1999 – Marcella Creison reported missing to the VPD, reported as last seen on December 27, 1998

January 15, 1999 – Wayne Leng sets up a website dedicated to the missing women

January 21, 1999 – Jamie Lee Hamilton writes to the VPD MPU requesting statistics on street-involved women who had gone missing or been murdered

VPD

January 19, 1999 – Det. Cst. Shenher learns from ViCLAS that Pickton and another person of interest are suspects in a 1985 homicide

COQUITLAM RCMP

January 13, 1999 – Cst. Strachan advises ViCLAS that Pickton is now considered a suspect in a 1985 homicide in Coquitlam

JOINT FORCES/ OTHER POLICE AGENCIES

February 3 or 10, 1999 – VPD investigators meet with PUHU, Cpl. Connor and other RCMP members regarding Pickton; PUHU declines involvement because of lack of information

COMMUNITY/ MISSING WOMEN

February 5, 1999 – Cynthia Feliks reported missing to the VPD, reported as last seen in 1997

February 9, 1999 – Det. Cst. Shenher presents the MW case at a DTES/Strathcona Police Liaison Committee Meeting at the Carnegie Centre

February 15, 1999 – Maggie de Vries writes to the Minister of Equality inviting her to attend a memorial service for Sarah de Vries to be held in May

VPD

February 9, 1999 - Det. Insp. Rossmo e-mails DCC McGuinness advising of the statistics Shenher presented at the Carnegie Centre; Insp. Beach e-mails DCC Blythe advising of the same

February 9, 1999 - Det. Insp. Rossmo e-mails DCC McGuinness graph showing increase in missing women

February 10, 1999 – Det. Cst. Shenher attempts to contact Mr. Hiscox and learns he is in custody.

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

March 1999 – Det. Cst. Shenher locates Ada Prevost in psychiatric hospital in the United States

March 11, 1999 – Julie Young reported missing to the Hope RCMP, reported as last seen on October 9, 1998

March/April 1999 – Community members advocate for reward and task force

March 26, 1999 – Sandra Gagnon writes a letter to Mayor Owen and CC Chambers about her missing sister Janet Henry, asking that a task force be established

VPD

February 13, 1999 – DCC McGuinness e-mails Insp. Biddlecombe, Sgt. Dureau and Staff Sgt. Giles about meeting on 24th, asking: “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 addressing etc.?”

February 19-20, 1999 – Det. Cst. Shenher and others canvass DTES sex trade workers; none admit to knowing Pickton

February 23, 1999 – Det. Cst. Shenher provides overview of investigation to CC Chambers

February 24, 1999 – meeting with DCC McGuinness, Insp. Biddlecombe and Det. Insp. Rossmo to discuss MW case

March 10, 1999 – Det. Cst. Shenher writes to Mr. Hiscox requesting he call her

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

February 25, 1999 – Det. Cst. Shenher leaves a message with Cpl. Connor advising there is a problem with her source, Mr. Hiscox

March 22, 1999 – New Westminster Police advise VPD and Coquitlam that Pickton checked on the 12th Street “stroll”

COMMUNITY/ MISSING WOMEN

March 30, 1999 – Maggie de Vries writes to the Attorney General, the Mayor, CC Chambers and others requesting public acknowledgement of possibility of murder; reward; task force; police protection for witnesses

April 4, 1999 – Wayne Leng writes to the Attorney General, the Mayor, CC Chambers and others in support of the reward and a task force for the missing women

April 9, 1999 – APBnews.com reports Mayor Owen as saying: “There’s no evidence that a serial killer is at work ... I don’t think it is appropriate for a big award for a location service”

VPD

March 18, 1999 – Det. Cst. Shenher receives results of offline CPIC search on Pickton

April 6, 1999 – Mr. Hiscox calls Det. Cst. Shenher, advises he is still seeing “those people”

April 9, 1999 – Insp. Beach assigns Cst. Dickson to assist with the MW investigation

April 19, 1999 – Det. Cst. Shenher and Det. Howlett meet with Mr. Hiscox, who has no new information

April 22, 1999 – CC Chambers signs a report to the Police Board, authored by Sgt. Field, outlining difficulties in the MW investigation

April 22, 1999 – Det. Cst. Shenher raises possibility of a public appeal for more information and an anonymous tip line

COQUITLAM RCMP

April 21, 1999 – Cpl. Connor submits a request for surveillance to Special “O”

April 30-May 11, 1999 – RCMP Special “O” conducts surveillance on Pickton as time permits

May 1, 1999 – 911 call from Pickton’s residence

JOINT FORCES/ OTHER POLICE AGENCIES

April 9, 1999 – Det. Cst. Shenher, DCC McGuinness and Acting Insp. Boyd provide a briefing on the MW investigation to Attorney General Dosanjh, other government officers, and RCMP Supt. Bass

April 21, 1999 – Multi-jurisdictional meeting held at NWPS to discuss Pickton, plan to conduct more surveillance

COMMUNITY/ MISSING WOMEN

April 12, 1999 – Maggie de Vries writes a piece for *The Vancouver Sun*: “The desperate quest for our missing sisters and daughters: Despite dedicated detectives, predators believe that women in the poorest part of our city are fair game”

May 12, 1999 – Memorial for missing women

VPD

April 23, 1999 – Det. Cst. Shenher e-mails Patrol re: MW aliases

April 28, 1999 – Police Board approves a reward for information on the MW case

May 7, 1999 – Sgt. Field discusses an action plan with Det. Cst. Shenher; notes Det. Cst. Shenher is doing everything and needs to delegate

May 13, 1999 – Det. Cst. Shenher recommends that the investigation become suspect-based and requests additional resources

May 13, 1999 – Odd Squad proposes a documentary on the missing women

May 14, 1999 – Det. Cst. Shenher writes to Sgt. Field requesting additional resources

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

May 13, 1999 – Brainstorming session at the VPD, with members from Burnaby RCMP and RCMP Profiling section

COMMUNITY/ MISSING WOMEN

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

May 18, 1999 –Sgt. Field writes to Insp. Biddlecombe advising that victim-based enquiries had been exhausted and supporting Det. Cst. Shenher’s request for more resources

May 19, 1999 –Insp. Biddlecombe writes to Acting DCC Doern supporting Det. Cst. Shenher and Sgt. Field’s requests but stating “The issue of where staff resources should be allocated from needs to be more fully explored given staff shortages throughout our Department.”

May 19, 1999 – Memos from Cst. Wickstead to Insp. Beach and others suggesting warning to STWs not to go on foreign freighters, and holding a Police/STW forum

COMMUNITY/ MISSING WOMEN

June 4, 1999 – *The Vancouver Sun* article: “Sgt. Field stressed that police have no evidence that a serial killer is at work in Vancouver.”

VPD

May 20, 1999 – Insp. Biddlecombe advises that a “mini task force” will investigate the missing women

May 25, 1999 – Missing Women Review Team “Project Amelia” begins

May 25, 1999 – Det. Insp. Rossmo provides Case Assessment that concludes a serial killer was the most likely explanation for the MW’s disappearances

May 27, 1999 – Det. Insp. Rossmo provides his Case Assessment to DCC McGuinness, Insp. Beach and Insp. Biddlecombe

June 3, 1999 – Det. Cst. Shenher requests information from Patrol

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

June 1, 1999 – Cst. Fraser of the NWPS wrote to Sgt. Burrows: “PICKTON is a growing concern” and should be considered a suspect in any assaults or missing persons in the area of 12th Street

COMMUNITY/ MISSING WOMEN

June 24, 1999 – MWRT meets with family members, collects familial DNA

VPD

June 8-16, 1999 – Insp. Beach meets with DES Safety Office to resolve community concerns about Cst. Dickson's assignment to the MWRT – agrees that Cst. Dickson will work 50% on the MWRT and 50% at the DES Safety Office

June 14, 1999 – Sgt. Field requests a full-time police analyst; denied by Insp. Biddlecombe

June 15-16, 1999 – MWRT meets with Spokane Task Force

June 16, 1999 – Sgt. Field receives Staff Sgt. Keith Davidson's criminal profiling report

June 22, 1999 – Det. Cst. Shenher's request for an additional six investigators denied

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

VPD

June 23, 1999 – MWRT meeting

- Suspect list numerous (30-40)
- Pickton noted as potential target
- SIUSS 1/3 of data entered
- Sgt. Field will do report re: resources needed.

[Note: The MWRT meets regularly while in operation; only some meetings are referred to in this timeline]

July – Det. Csts. Fell, Wolthers, and Clarke assigned to MWRT

July 16, 1999 – Sgt. Field receives call from Cst. Jim Brown (Coquitlam RCMP) about Mr. Caldwell; assigns tip to Det. Cst. Chernoff

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

July 20, 1999 – Cpl. Connor calls Det. Cst. Chernoff re: Mr. Caldwell's information

COMMUNITY/ MISSING WOMEN

July 27, 1999 – VPD release poster and reward for missing women

July 28, 1999 – Angela Jardine’s mother files a complaint about the VPD’s conduct of her missing person investigation

VPD

July 19, 1999 – First Caldwell debrief. Det. Cst. Chernoff attends Coquitlam RCMP to meet Mr. Caldwell. Mr. Caldwell advises:

- Girlfriend of suspect (‘Bob’ or ‘Robert’) told him about a homicide of a prostitute between February and April 1999
- Suspect told him that he can get rid of women without a trace

July 26, 1999 – Second Caldwell debrief. Det. Cst. Chernoff meets Mr. Caldwell in Burnaby. Mr. Caldwell provides further information about Pickton and “Lynn” – and the murder of a woman by Pickton

July 28, 1999 – Meeting re: Pickton with Det. Cst. Chernoff, Det. Lepine, Insp. Biddlecombe, Sgt. Field and Det. Cst.

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

July 21, 1999 – Det. Cst. Chernoff and Det. Lepine attend Agassiz RCMP re: “The Valley Murders”

July 22, 1999 – Det. Cst. Chernoff speaks with Sgt. Burrows (NWPS) re: Pickton

July 30-August 12, 1999
–Surveillance on Pickton by VPD Strike Force, Special “O” and Coquitlam RCMP

COMMUNITY/ MISSING WOMEN

July 31, 1999 – *America's Most Wanted* episode on the missing women

VPD

July 28, 1999 – Insp. Biddlecombe instructs Sgt. Field that the MWRT should check indigent burial lists for the MW because the rise in the number of women missing from the DTES coincides with the increase in deaths attributed to both AIDS and drug overdose

July 30, 1999 – Third Caldwell Debrief. Det. Cst. Chernoff and Det. Lepine meet Mr. Caldwell, who:

- Shows them Willie's property, trailer and barn, and points out "Lynn's" residence [Ellingsen]
- Provides further details about the Pickton property (drew diagrams), "Lynn" and his discussions with "Lynn"[Ellingsen]

COQUITLAM RCMP

August 4, 1999 – Cpl. Connor discusses the possibility of installing a Part VI application (for a wiretap) with Crown Counsel Peder Gulbransen

JOINT FORCES/ OTHER POLICE AGENCIES

July 31, 1999 – Meeting at Coquitlam RCMP with Det. Cst. Chernoff, Det. Lepine, Cpl. Connor and Cpl. Justason re: information provided by Mr. Caldwell and possible tactics

August 3, 1999 – Meeting in Coquitlam with Det. Lepine, Det. Cst. Chernoff, Insp. Biddlecombe, Sgt. Field, Det. Cst. Shenher (VPD); Insp. Moulton, Sgt. Robertson, Cpl. Connor (Coquitlam RCMP); Staff Sgt. Henderson, Staff Sgt. Rinn, Cpl. Justason (RCMP E Division) re: resources and financial assistance for Pickton investigation

COMMUNITY/ MISSING WOMEN

August 3, 1999 – Laura Mah reported missing to the VPD, reported as last seen in August 1985

VPD

August 4, 1999 – Fourth Caldwell debrief. Det. Cst. Chernoff and Det. Lepine meet with Mr. Caldwell: Mr. Caldwell provides information from Ron Menard re: Willie had been paying Ms. Ellingsen “extortion money” and Pickton wants to “do” Ms. Ellingsen. Mr. Caldwell agrees he would be willing to be an agent

August 4, 1999 – Det. Cst. Shenher leaves message for Mr. Hiscox to call her

August 5, 1999 – Det. Cst. Chernoff and Det. Lepine interview Mr. Caldwell

August 6, 1999 – Mr. Hiscox calls Det. Cst. Shenher, advises he has not seen Ms. Yelds recently

COQUITLAM RCMP

August 7, 1999 – Cpl. Connor and Cst. Marenchuk interview Leah Best

JOINT FORCES/ OTHER POLICE AGENCIES

August 4, 1999 – Meeting at Coquitlam RCMP with Det. Lepine, Det. Cst. Chernoff; Cpl. Connor, Sgt. Robertson, Cpl. Campbell, Cpl. Nash, Cst. Greig, Cst. Stuart; Cpl. Justason, Det. Ballantyne re: Pickton investigation tactics

August 4, 1999 – Surveillance observes Pickton drive to “Westcoast Reduction Limited” and the DTES

August 5, 1999 – Meeting at Coquitlam RCMP with Det. Lepine, Det. Cst. Chernoff, Insp. Moulton, Sgt. Robertson, Cst. Greig, Cst. Stuart, Cpl. Connor, Cpl. Nash, Det. Ballantyne and Cpl. Justason re: investigative strategies

COMMUNITY/ MISSING WOMEN

VPD

August 10, 1999 – MWRT meeting with Insp. Biddlecombe, Pickton investigation discussed

August 10, 1999 – Fifth Caldwell debrief. Det. Cst. Chernoff and Det. Lepine interview Mr. Caldwell

COQUITLAM RCMP

August 9, 1999 – Ms. Hyacinthe informs Cpl. Connor that Pickton is aware he is under surveillance

JOINT FORCES/ OTHER POLICE AGENCIES

August 9, 1999 – Meeting at Coquitlam RCMP with “investigators” re: Pickton file update

August 10, 1999 – Det. Ballantyne and Cpl. Henley interview Ms. Ellingsen

August 11, 1999 – Meeting at Coquitlam RCMP with Det. Lepine, Det. Cst. Chernoff, Cpl. Connor, Cpl. Clary, Cpl. Henley, Det. Ballantyne, Sgt. Pollock, Supt. Hall, Cpl. Nash, Cpl. Andrews, Cpl. Pridday, Cpl. Justason re: Ms. Ellingsen and Mr. Caldwell interviews and disagreement over reliability of the information

August 12, 1999 – Surveillance follows Pickton to West Coast Reduction; last day of surveillance on Pickton

COMMUNITY/ MISSING WOMEN

August 12, 1999 – Det. Cst. Chernoff advises Mr. Caldwell that Mr. Menard had been spoken to by police

August 14, 1999 – Mr. Caldwell advises Det. Cst. Chernoff that Mr. Menard had told Pickton about the police inquiries

August 17, 1999 – Sixth Caldwell Debrief. Det. Cst. Chernoff and Det. Lepine meet with Mr. Caldwell re: information from Mr. Menard

August 24, 1999 – Mr. Caldwell contacts Det. Cst. Chernoff; advises Pickton had offered him a job

August 25, 1999 – Mr. Caldwell does not show for meeting with Det. Cst. Chernoff and Det. Lepine, and does not respond to calls or pages

VPD

COQUITLAM RCMP

August 12, 1999 – Cpl. Connor interviews Ron Menard and Lisa Yelds

August 13, 1999 – Cpl. Connor visits a butcher in Langley

August 16, 1999 – Cpl. Connor interviews Pat Casanova

August 20, 1999 – Cpl. Connor transfers, no longer on Pickton file; Cst. Yurkiw takes over the file

JOINT FORCES/ OTHER POLICE AGENCIES

August 17, 1999 – Meeting at Coquitlam RCMP with Det. Lepine, Det. Cst. Chernoff, Cpl. Connor, Sgt. Pollock, Supt. Hall re: update on file

August 19, 1999 – Cpl. Connor and Sgt. Pollock interview Menard again

August 24, 1999 – Det. Cst. Chernoff contacts Sgt. Pollock who advises Cpl. Connor will no longer be working on the Pickton case

August 24, 1999 – Det. Cst. Chernoff and Det. Lepine meet with Sgt. Pollock and Cst. Yurkiw

August 26, 1999 – Cst. Yurkiw, Det. Lepine and Cpl. Henley interview Ms. Ellingsen

**COMMUNITY/
MISSING WOMEN**

VPD

September 2, 1999 – Odd Squad interviews Det. Cst. Shenher

September 14, 1999 – Sgt. Field updates Insp. Beach on the MW investigation, advising she still needs D2 manpower and will submit a proposal to Insp. Biddlecombe at the end of the month on “a course of future action”

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

August 31, 1999 – Ms. Ellingsen fails to show for polygraph; Det. Cst. Chernoff and Det. Lepine meet with Sgt. Pollock and Cst. Yurkiw

August 31, 1999 – Meeting re: “The Valley Murders” with VPD and ViCLAS members

September 1, 1999 – Sgt. Pollock and Cst. Yurkiw meet with Det. Cst. Chernoff and Det. Lepine and attempt to interview Pickton but he is not home; Pickton calls Sgt. Pollock and agrees to speak with him the next day

September 14, 1999 – Sgt. Pollock advises PUHU that Coquitlam no longer requires their assistance

COMMUNITY/ MISSING WOMEN

September 17, 1999 – MWRT locates woman who had been reported missing in April 1999 (she had died of a heroin overdose in 1994)

September 22, 1999 – MWRT locates woman who had been reported missing in April 1999 (she had died in Edmonton in February 1999)

September 23, 1999 – Lindsay Kines, “2 missing women confirmed dead”, *The Vancouver Sun*, p. B1, quotes VPD media spokesperson Cst. Anne Drennan: “The possibility of foul play, serial killer, multiple killers is still out there. And we’re not closing that door in any way.”

VPD

September 29, 1999 – MWRT meeting: Det. Cst. Chernoff and Det. Lepine raise problems with Pickton investigation: PUHU do not agree with Coquitlam on the veracity of Ms. Ellingsen’s story

October 5, 1999 – MWRT meeting with Staff Sgt. Giles: Pickton discussed

October 15, 1999 – Det. Cst. Shenher sends memo to all VPD staff providing an update on the MWRT

COQUITLAM RCMP

September 22, 1999 – Cst. Yurkiw calls Pickton to arrange an interview but agrees with his brother, Dave, to wait for rainy weather

JOINT FORCES/ OTHER POLICE AGENCIES

September 16, 1999 – Note by Cst. Yurkiw: “Geramy Field, Mark Chernoff & Ron Lepine VPD - stated there is no reason why they couldn’t go out & interview Pickton - person of interest”

COMMUNITY/ MISSING WOMEN

November 3, 1999 – VPD respond to Angela Jardine’s mother’s complaint

VPD

October 21, 1999 – Sgt. Field memo to DCC McGuinness: advises that Coquitlam RCMP are currently working with Det. Lepine and Det. Cst. Chernoff to develop further plans targeting Pickton, and that the MWRT will be re-evaluated in December and “Should the team continue on its current format, I am suggesting a full-time Sergeant be assigned to oversee the operation to its conclusion.”

November 3, 1999 – Det. Cst. Chernoff and Det. Lepine leave the MWRT

November 1999 – Det. Cst. Shenher requests Sgt. Field call Cpl. Connor “to reiterate our concerns”

December 7, 1999 – Shenher requests a full-time sergeant for the MWRT; two days later she notes her request was denied by Acting Insp. Dureau

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

October 27, 1999 – MWRT meets with RCMP Cst. McCarl, Supt. Bass and others; Fell and Wolthers provide information on Niedermier as a possible suspect in “The Valley Murders”

December 16, 1999 – Det. Cst. Shenher meets with “The Valley Murders” investigators

COMMUNITY/ MISSING WOMEN

December 14, 1999 – Wendy Crawford reported missing to the Chilliwack RCMP, reported as last seen on November 27, 1999

December 15, 1999 – MWRT locates woman who had been reported missing in 1991 (she had relocated)

December 16, 1999 – MWRT locates woman who had been reported missing in 1996 (she had relocated)

VPD

December 9, 1999 – Sgt. Field writes memo to Acting Insp. Dureau: no new women had been reported missing since January 1999; “Pickton is still being investigated by Coquitlam RCMP however it is not a high priority with them at this time”; and “a review in January will be more conclusive regarding a concluding date.”

December 11, 1999 – Sgt. Field meets with Det. Csts. Fell and Wolthers to discuss their duties

December 21, 1999 – Det. Cst. Shenher meets with representatives from various provincial record-keeping offices

COQUITLAM RCMP

December 29, 1999 – Cst. Yurkiw notes that the Pickton file is still under investigation but has not been actively investigated for two months

JOINT FORCES/ OTHER POLICE AGENCIES

December 16, 1999 – Det. Cst. Shenher meets with “The Valley Murders” investigators

COMMUNITY/ MISSING WOMEN

VPD

January 7, 2000 – Det. Cst. Shenher updates Sgt. Field re: her meeting with provincial record-keeping offices

January 10, 2000 – Sgt. Field writes memo to Acting Insp. Dureau: 27 women still missing, no mention of Pickton

January 20, 2000 – Sgt. Field writes memo to Acting Insp. Dureau: she is in discussion with RCMP Staff Sgt. Davidson about a proposal to formally review the Missing Women and compare them to the unsolved homicides of STWs

COQUITLAM RCMP

January 8, 2000 – Cst. Yurkiw spoke with Gina Houston about interviewing Pickton

January 12, 2000 – Cst. Yurkiw meets with Insp. Moulton re: Pickton file

January 19, 2000 – Cst. Yurkiw and Cst. Cater interview Pickton, with Ms. Houston present

February 9, 2000 – Coquitlam RCMP members meet to discuss a file review of the Pickton investigation: plan to obtain aerial photographs and seek warrants for wiretap and camera surveillance

JOINT FORCES/ OTHER POLICE AGENCIES

January 13, 2000 – Sgt. Field meets with Staff Sgt. Davidson and Cpl. Filer (E Division Profiling section); discuss formal review of the MW case and comparison to unsolved homicides of STWs

COMMUNITY/ MISSING WOMEN

VPD

February 11, 2000 – Det. Cst. Shenher updates Acting Insp. Dureau: no shortage of persons of interest; RCMP profilers will be submitting proposal to Supt. Bass for funding to “re-open the Pickton file” and propose a JFO; plan to meet again in 3 weeks

February 23, 2000 – VPD provides a report to the Vancouver Police Board advising of progress on the MW case and that RCMP profilers will be submitting proposal to Supt. Bass for funding to “re-open the Pickton file” and for a JFO

COQUITLAM RCMP

February 10, 2000 – Coquitlam RCMP members meet: plan to seek criminal profile, develop timeline, and prepare an affidavit for a wiretap

February 10, 2000 – Cst. Yurkiw requests aerial photographs of Pickton’s property

JOINT FORCES/ OTHER POLICE AGENCIES

February 10, 2000 – Meeting with Det. Lepine, Det. Cst. Chernoff, Det. Cst. Shenher (VPD); Staff Sgt. Davidson, Cpl. Filer (E Division Profiling section); Cpl. Kingsbury, Cpl. St. Mars, Cst. McCarl and Cst. Johnston: plan to ‘re-open’ Pickton file and commence a JFO

February 14, 2000 – Meeting with Coquitlam RCMP members and Staff Sgt. Davidson, Cpl. Filer (E Division Profiling section); suggestion to send the handcuffs seized after the 1997 attack to the lab in an effort to recover DNA from other victims

**COMMUNITY/
MISSING WOMEN**

March 18, 2000 – Dedication ceremony in Crab Park for missing women memorial park bench

March 30, 2000 – Jennifer Furminger reported missing to the VPD, reported as last seen on December 27, 1999

VPD

March 16, 2000 – Det. Cst. Clarke reports on search of 6300 indigent burial records; Det. Cst. Clarke leaves the MWRT

COQUITLAM RCMP

March 12, 2000 – Coquitlam RCMP investigator completes a file summary review for missing woman Elaine Dumba

**JOINT FORCES/
OTHER POLICE AGENCIES**

March 1, 2000 –Staff Sgt. Davidson and Cpl. Filer met with Supt. Bass and Sgt. Paulsen, with a proposal to set up a task force to investigate unsolved homicides of STWs and the MW cases; Supt. Bass decides to focus on Valley murders

COMMUNITY/ MISSING WOMEN

April 25, 2000 – Brenda Wolfe reported missing to the VPD, reported as last seen in February 1999

VPD

April 10, 2000 – Sgt Field memo to the Vancouver Police Board regarding renewal of the MW reward, noting: “This is a complex investigation that will remain open for many years. ... It is anticipated that current investigative strategies may lead to the location of other women. ... There have been no further additions to the list of missing women since January 1999”

April 5 & 12, 2000 – Det. Csts. Wolthers and Fell show Pickton’s photo to several STWs and three different women select Pickton’s photo

April 21, 2000 – Det. Csts. Wolthers and Fell execute an arrest warrant on Niedermier in Lethbridge, Alberta

COQUITLAM RCMP

April 18, 2000 – Insp. Moulton advises no additional resources available for Pickton file

April 25, 2000 – Staff Sgt. Zalys notes: “also discussed Pickton again – if he turned out to be responsible – inquiry! – deal with that if time comes!”

JOINT FORCES/ OTHER POLICE AGENCIES

**COMMUNITY/
MISSING WOMEN**

VPD

May 4, 2000 – Sgt. Field advises Det. Csts. Fell and Wolthers that the MWRT is winding down

May 9, 2000 – Det. Csts. Fell and Wolthers write to Sgt. Field expressing concern about the MWRT winding down

May 9, 2000 – Sgt. Field advises Insp. Spencer that the VPD investigation would be concluded and passed on to UHU or a task force

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

May 10, 2000 – Sgt. Field meets with Staff Sgt. Henderson, who agrees to conduct a review of the MW files

COMMUNITY/ MISSING WOMEN

VPD

May 10, 2000 – Det. Cst. Shenher writes overview memo to Sgt. Field stating the MWRT has a “large list of persons of interest, but none seems to have any solid links to our victims.” However “there are three men who stand out simply because of their involvement with and propensity toward violence against sex trade workers in this area. They are: William Robert Picton [sic], [A.C. and Niedermier]”

May 12, 2000 – Det. Cst. Fell and Det. Cst. Wolthers write to CC Blythe raising concerns about the MW Review Team

May 17, 2000 – Det. Cst. Shenher writes to Sgt. Field responding to Det. Cst. Fell and Det. Cst. Wolthers’ concerns

COQUITLAM RCMP

May 23, 2000 – Cst. Cater completes an Indirect Personality Assessment of Pickton

JOINT FORCES/ OTHER POLICE AGENCIES

**COMMUNITY/
MISSING WOMEN**

VPD

May 17, 2000 – Sgt. Field states, in memo to Insp. Spencer: “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.”

June 14, 2000 – Memo from DCC Unger forwarded to CC Blythe: a report from Insp. Spencer regarding failures by Det. Cst. Fell and Det. Cst. Wolthers

June 29, 2000 – Sgt. Field notes she advised the DCC that they needed more bodies to help with files but was told that she may have to wait until September

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

COMMUNITY/ MISSING WOMEN

VPD

July 5, 2000 – Det. Cst. Shenher writes to an *America's Most Wanted* producer stating “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”

July 7, 2000 – Det. Cst. Shenher writes to Acting Insp. Boyd requesting approval for SIUSS updates that would allow other info (such as Bad Date Sheets) to be entered into the system and searched

July 18, 2000 – Det. Cst. Shenher notes “PUHU file review put over to Sept. due to their manpower shortage.”

July 25, 2000 – Det. Cst. Shenher notes SIUSS at a standstill all week and no one trained to use the new Oracle-based system

COQUITLAM RCMP

July 21, 2000 – Coquitlam RCMP conducts an internal review of Elaine Dumba's missing person file

JOINT FORCES/ OTHER POLICE AGENCIES

**COMMUNITY/
MISSING WOMEN**

VPD

July 28, 2000 – Sgt. Field e-mails Cst. Drennan complaining that *America's Most Wanted* screening had “stirred up the ‘serial killer’ theory again”

September 14, 2000 – Acting Insp. Field updates Acting DCC Spencer on the status of the MWRT: currently assessing the information and PUHU would be assisting once the assessment was done

September 29, 2000 – Sgt. Field updates Insp. Spencer: further delay in handing the cases over to the RCMP, because the cases had yet to be fully entered into the SIUSS database

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

August 10, 2000 – Insp. Spencer writes to Acting Insp. Henderson (UHU) requesting the RCMP to conduct a review of the MW investigation

COMMUNITY/ MISSING WOMEN

October 20, 2000 – Det. Cst. Shenher advises MW family members that she will be leaving the MW investigation

VPD

October 12, 2000 – Det. Cst. Shenher updates Sgt. Field on her and Det. Cst. Dickhout's meeting with the Spokane Task Force about the serial killer Robert Lee Yates

October 12, 2000 – Sgt. Field requests Det. Insp. Rossmo's assistance with reviewing the file

October 17, 2000 – Sgt. Field updates Insp. Spencer: Cst. Jarvis is not available and they "once again" have no SIUSS data entry person

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

Fall 2000 – Cst. McCarl writes a note to Sgt. Field stating that he strongly believes a serial killer is responsible for the MW and the case will not be resolved without a viable plan and resources

COMMUNITY/ MISSING WOMEN

VPD

November 6-10, 2000 – Sgt. Field presents MW case at a profiling seminar, consensus that a serial killer likely responsible for MW and that a joint VPD/RCMP investigation needed

November 21, 2000 – Det. Cst. Shenher leaves the MPU; her final memo named Robert Pickton as one of the top three suspects, and her feeling that more follow up was necessary

November 23, 2000 – Sgt. Field writes to Insp. Spencer recommending an additional Sgt. position be assigned to the MPU, and stating that the MW case “is probably a year behind in reaching any conclusion due to the lack of adequate supervision and manpower.”

COQUITLAM RCMP

November 22, 2000 – Cst. Strachan sends Pickton’s DNA to lab for comparison with Valley Murders crime scene DNA

JOINT FORCES/ OTHER POLICE AGENCIES

November 21, 2000 – VPD and RCMP meet and agree to form a JFO; Acting Insp. Henderson assigns Sgt. Adam as commander of the JFO

November 30, 2000 – Sgt. Field advises Cst. Yurkiw that a JFO is being established

COMMUNITY/ MISSING WOMEN

VPD

November 27, 2000 – Insp. Spencer advises DCC Unger of plan for a JFO, attaching Shenher’s memo of November 17 and Field’s memo of November 22

December 13, 2000 – Sgt. Field updates Insp. Spencer on her meeting with Sgt. Adam on December 12

December 2000 – Det. Insp. Rossmo leaves the VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

December 11, 2000 – Sgt. Adam begins to review the MWRT files

December 12, 2000 – Sgt. Field and Sgt. Adam meet to discuss the JFO

COMMUNITY/ MISSING WOMEN

January 8, 2001 – Cynthia Feliks again reported missing, this time to the NWPS, reported as last seen in 1997

VPD

January 25, 2001 – Sgt. Field updates Insp. Spencer, summarizing the status of the MWRT and the progress made in creating a JFO with the RCMP

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

January 3, 2001 – Sgt. Adam meets with ViCLAS representatives; plan to search for potential victims and suspects

January 17, 2001 – Sgt. Adam meets with Sgt. Field and lab and ViCLAS representatives; opposing views about “bleeding the existing suspects” creating a comprehensive list

January 21, 2001 – NWPS checks Pickton in company of Dinah Taylor

January 23, 2001 – Cpl. Kingsbury and Cpl. Lucas review 83 unsolved cases of murdered women

January 31, 2001 – “Unsolved Hooker Task Force” meeting; Sylvia Port and Sgt. Field advise of five further MW (Feliks, Wolfe, Crey, Jones and Crawford)

COMMUNITY/ MISSING WOMEN

February 26, 2001 – Georgina Papin reported missing to the Stony Plain RCMP, reported as last seen on March 2, 1999

VPD

February 21, 2001 – Police Board meeting: VPD presents report rejecting PACE’s suggestion for a sex trade liaison officer, Board endorses VPD recommendation to not create a sex trade worker liaison officer position

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

February 5, 2001 – Staff Sgt. Davidson informs Sgt. Adam of Project Eclipse and a similar project in 1993

February 26, 2001 – Det. McKnight and Det. Little join the JFO; meeting with Sgt. Adam, Sgt. Field, Det. McKnight and Det. Little and Ms. Joyce. Sgt. Adam noted he would contact the lab “to coordinate the inclusion” of Niedermier, A.E., A.F., and Pickton

February 28, 2001 – Sgt. Adam sends Sgt. Field a memo outlining resource requirements

COMMUNITY/ MISSING WOMEN

March 21, 2001 – Yvonne Boen reported missing to the Surrey RCMP, reported as last seen on March 17, 2001

VPD

March 6, 2001 – Sgt. Field updates Acting Insp. Boyd on progress with the JFO

March 14, 2001 – Sgt. Field sets out the duties of those assigned to the JFO

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

March 12, 2001 – Sgt. Adam meets with Staff Sgts. Henderson, Rinn and Vandewalle; decide to complete file reviews for crime scene DNA before collecting cast-off DNA

March 20, 2001 – Sgt. Adam sends Sgt. Field a draft operational mandate for Evenhanded

March 21, 2001 – Det. McKnight meets with Det. Cst. Shenher to discuss the MW files and her notes

March 30, 2001 – Cpl. Henley visits Pickton

COMMUNITY/ MISSING WOMEN

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

April 26, 2001 –Sgt. Field responds to a journalist’s question: “We believe one or more serial killers are responsible for many of the women.”

April 11, 2001 – Lab results indicate Pickton is excluded as a suspect in the Valley Murders

April 11, 2001 – Coquitlam RCMP SCU meet to discuss their current workload and outstanding unsolved homicides; plan to forward information on Pickton to Project Evenhanded, recommence surveillance on Pickton, and carry out an undercover operation targeting Ms. Ellingsen

April 4, 2001 – Det. Little reviews Pickton file; categorizes him as Priority 1

April 5, 2001 – Det. Csts. Leggett and Dickhout (VPD MPU) meet with members of Project Evenhanded, and advise of 4 new MW cases (Crey, Jones, Wolfe and Papin)

April 26, 2001 – Sgt. Clary joins JFO as file coordinator

COMMUNITY/ MISSING WOMEN

May 16, 2001 – Elsie Sebastian reported missing to the VPD on May 16, 2001; reported as last seen in 1992 and previously reported missing to Port Alberni RCMP and the VPNSL

May 31, 2001 – Patricia Johnson reported missing to the VPD, reported as last seen on January 2, 2001

VPD

May 1, 2001 – Acting CC Daley and DCC Unger sign a report to the Police Board (authored by Det. McKnight) requesting renewal of the missing women reward

May 16, 2001 – Sgt. Field provides an overview of the MW file to Senior Management; notes state “It is now generally suspected that the actions related to these missing woman [sic] are the result of a serial killer”

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

May 1, 2001 – JFO team meets, decides on media release and continues to debate whether to go with SIUSS or E&R

May 2, 2001 – Sgt. Adam drafts an Operational Plan for Project Evenhanded

May 9, 2001 – JFO meeting: confirm that VPD will follow up MW leads; Cpl. Van Overbeek, Det. Kean, Det. Cst. Clarke and Cst. Verral review files for suspects and DNA exhibits

May 24, 2001 – Project Evenhanded meeting: agree that incoming information on MW or suspects will be handled by VPD with a copy to Evenhanded

May 30, 2001– VPD CC Blythe signs MOU setting up Project Evenhanded

COMMUNITY/ MISSING WOMEN

June 8, 2001 – Andrea Joesbury reported missing to the VPD, reported as last seen on June 5, 2001

June 15, 2001 – Debra Jones' sister e-mails the VPD asking why her sister is not on the missing women poster

June 19, 2001 – Heather Chinnock reported missing to the Surrey RCMP, reported as last seen on April 15, 2001

June 25, 2001 – Memorial ceremony for the Missing Women held at Crab Park in the DTES

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

June 6, 2001 – Supt. Killaly (OIC Major Crimes) signs Evenhanded's 1st Operational plan

June 6, 2001 – Sgt. Adam reports to management, stating he will be on leave for two months but does not feel it will impact this phase of Evenhanded "due to the review nature of the file"

June 26, 2001 – RCMP E Division Commanding Officer Busson signs MOU setting up Project Evenhanded

**COMMUNITY/
MISSING WOMEN**

July 3, 2001 – Leigh Miner’s sister e-mails Det. Cst. Dickhout; raises concerns about Ms. Cameron

July 21, 2001 – Complaint from a member of the public about the lack of response to the missing women, forwarded to the VPD and Sgt. Adam

VPD

July 11, 2001 – Sgt. Field provides a timeline of MWRT (Project Amelia) to DCC Unger, forwarded to CC Blythe and DCC Greer

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

COMMUNITY/ MISSING WOMEN

August 22, 2001 – Sereena Abotsway reported missing to the VPD, reported as last seen on August 1, 2001

VPD

COQUITLAM RCMP

August 2001 – Cst. Yurkiw retires, Pickton file assigned to Cst. Sherstone

JOINT FORCES/ OTHER POLICE AGENCIES

August 7, 2001 – Lab advises that Pickton's DNA is in the local DNA databank

August 14, 2001 – Cpl. Kingsbury searches CPIC for all missing women in BC; identifies additional missing women

August 22, 2001 – Cst. McCarl suggests to Sgt. Clary that offline CPIC searches may point to suspects

August 23, 2001 – JFO clerk Brian Oger completes report: "The Serial Killer Theory"

August 27, 2001 – JFO meeting: discuss offline CPIC searches to identify suspects

August 28, 2001 – McKnight meets with VPD MPU to review MW files; reports to Sgt. Adam and Insp. Boyd that may have additional MW, 31 Priority 1 suspects

**COMMUNITY/
MISSING WOMEN**

VPD

September 7, 2001 – Insp. Boyd writes to DCC Unger advising that 22 additional STWs “have surfaced which may match the profile of the original 31” and requesting four additional VPD staff for Evenhanded

September 10, 2001 – Unger sends memo to CC Blythe (cc DCC Greer) recommending that the Executive approach the City for funding for additional VPD staff for Evenhanded

COQUITLAM RCMP

September 7, 2001 – Sgt. Connor forwards Chief Supt. Macintyre’s e-mail about Project Evenhanded to the SCU, advising it may affect them given some suspects live in the area

**JOINT FORCES/
OTHER POLICE AGENCIES**

August 30, 2001 – Sgt. Adam briefs management, requests further resources noting: “From all indications STWs are continuing to go missing. There is a significant urgency that we move quickly to identify a suspect if possible.”

September 5, 2001 – Chief Supt. Macintyre e-mails LMD District Commanders advising that Evenhanded would be increased by 2 RCMP members and 2 VPD members

September 6, 2001 – Det. Little lists prioritized persons of interest, Pickton is Priority 1

COMMUNITY/ MISSING WOMEN

September 21, 2001 – Lori Culbert; Lindsay Kines and Kim Bolan, “Investigation turns up startling new numbers: Police to announce expanded probe; Women have history of drugs, prostitution and links to Downtown Eastside,” *The Vancouver Sun*, p. A1

September 23, 2001 – John Colebourn, “Police still leery of serial-killer theory,” *The Province*, p. A28, quotes VPD spokesperson Cst. Sarah Bloor as warning that it is premature to conclude a serial killer is active: “We just don’t have any concrete fact to suggest that.”

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

COMMUNITY/ MISSING WOMEN

September 24, 2001 – Two articles in *The Vancouver Sun*: Lori Culbert, “Families call for action: Aboriginal leader whose sister is missing tells memorial service: we ‘deserve better,’” p. A7; Kim Bolan and Lindsay Kines, “DNA samples are taken but not used: Coroner, police want data bank but B.C. has put it on hold,” p. A1

September 26, 2001 – Article in the *Vancouver Sun* about the need for regionalization, MCM training, and computer systems for easy sharing of information

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

September 24, 2001 – Det. McKnight arranges for Vancouver victim services to take over dealing with MW family members

COMMUNITY/ MISSING WOMEN

October 11, 2001 – Dr. Adilman of the Native Health Clinic contacts the VPD concerned that he had never been contacted even though he was the doctor for three missing women: Sereena Abotsway, Dawn Crey and Michelle Gurney.

October 14, 2001 – Evenhanded meeting with family members

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

October – JFO receives additional resources

October 10, 2001 – VPD considers Pickton as a suspect in a violent sexual assault

October 18, 2001 – Staff Sgt. Adam provides file status update: SIUSS operational on one computer; proactive phase of investigation will be researched with knowledgeable people in the VPD and the DTES

October 24, 2001 – Staff Sgt. Adam meets with former members of MWRT

October 29, 2001 – JFO meeting: 18 more women will likely be added to the list; issues with the lab and VPD file reviews

**COMMUNITY/
MISSING WOMEN**

VPD

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

October 30, 2001 – Staff Sgt. Adam meets with VPD members to “explore DTES situation and solutions”; Det. Dickhout advises VPD get 2-3 missing women engaged in the sex trade per month, 60% are found within a week

October 31, 2001 – Staff Sgt. Adam reports to Supt. Killaly outlining resource requirements for Evenhanded, noting “All evidence indicates that one or more serial killer(s) are going into the DTES to select women”

COMMUNITY/ MISSING WOMEN

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

November 23, 2001 –
Vancouver City Manager
declines to provide additional
funding to the VPD for
resources provided to
Evenhanded

November 5-6, 2001 –
Project Evenhanded members
meet with investigators from
Green River Task Force and
Spokane Serial Killer Task
Force

November 8, 2001 –
Evenhanded concludes 18
women should be added to
the MW list

November 14, 2001 – Insp.
Beach advises DCC Unger
of a meeting with Staff Sgt.
Adam, Staff Sgt. Henderson
and Supt. Killaly re: need
for additional resources for
Evenhanded

**COMMUNITY/
MISSING WOMEN**

November 25, 2001 –
Evenhanded meeting with
family members

November 29, 2001 –
Heather Bottomley reported
missing to the VPD, reported
as last seen in March 2001

November 30, 2001 – Mona
Wilson reported missing to
the VPD, reported as last
seen on November 23, 2001

VPD

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

December 2001 – Cst.
Sherstone attempts to contact
Ms. Ellingsen

COMMUNITY/ MISSING WOMEN

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

December 10, 2001 – Sgt. Cooper informs DCC Unger that Brian Oger is a suspect in the leaking of Evenhanded documents to the media

December 2, 2001 – Supt. Killaly (OIC Major Crimes) signs off Evenhanded's 2nd Operational Plan, which includes a proactive plan

December 4, 2001 – Release of poster with 18 additional missing women

December 6, 2001 – Project Evenhanded meeting: conclude original missing women (27) are missing; may be 2 more women missing ("awaiting word from Dan Dickhout") and 3 more arising from CPIC review

**COMMUNITY/
MISSING WOMEN**

December 13, 2001 – Dianne Rock reported missing to the VPD, reported as last seen on October 19, 2001

December 26, 2001 – Angela Williams reported missing to the VPD, reported as last seen on December 9, 2001

VPD

COQUITLAM RCMP

**JOINT FORCES/
OTHER POLICE AGENCIES**

COMMUNITY/ MISSING WOMEN

February 8, 2002 – Tiffany Drew reported missing to the VPD, reported as last seen in 1999

VPD

COQUITLAM RCMP

JOINT FORCES/ OTHER POLICE AGENCIES

January 14, 2002 – Proactive team begins work in the DTES

January 15, 2002 – Release of poster with 5 additional missing women

February 4, 2002 – Coquitlam RCMP advise Evenhanded members they will be searching Pickton's trailer the following day

February 5, 2002 – Coquitlam RCMP execute search warrant on Pickton's property

ENDNOTES

Introduction and Part One

- ¹ Transcript, October 19, 2011, p. 130-131; Transcript, October 17, 2011, p. 132-134.
- ² Transcript, June 6, 2012, p. 21-22 (Closing Oral Submissions of Retired Chief Cst. Blythe and Retired Dpt. Chief Cst. Unger); Bruce A MacFarlane, "Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System" (2008), p. 40-41 <http://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/policy_research/pdf/Macfarlane_Wrongful-Convictions.pdf>. Transcript, June 6, 2012 p.21-22; Study prepared for the Goudge Inquiry: "Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System." (2008)
- ³ Mr. Justice Archie Campbell, *Bernardo Investigation Review* (Ontario: June 1996), p. 6 [Bernardo Review]
- ⁴ Transcript, October 12, 2011, p. 133-134 (Opening Oral Submissions of VPD/VPB).
- ⁵ Transcript, June 5, 2012, p. 15 (Closing Oral Submissions of VPD/VPB).
- ⁶ Transcript, October 12, 2012, p. 158-159 (Opening Oral Submissions of VPU).
- ⁷ Transcript, October 12, 2012, p. 145 (Opening Oral Submissions of Canada).
- ⁸ Transcript, June 5, 2012, p. 57-58 (Closing Oral Submissions of Canada).
- ⁹ Transcript, June 5, 2012, p. 57-58 (Closing Oral Submissions of Canada).
- ¹⁰ Transcript, June 5, 2012, p. 57-58. (Closing Oral Submissions of Canada).
- ¹¹ Transcript, June 5, 2012, p. 16 (Closing Oral Submissions of VPD/VPB).
- ¹² Bernardo Review, p. 346.
- ¹³ Transcript, June 6, 2012, p. 54-55 (Closing Oral Submissions of Staff Sergeant Don Adam).
- ¹⁴ Transcript, June 4, 2012, p. 106-108 (Closing Oral Submissions of Independent Counsel for DTES Interests).
- ¹⁵ Transcript, June 5, 2012, p. 82. (Closing Oral Submissions of Canada).
- ¹⁶ Transcript, June 6, 2012, p. 69 (Closing Oral Submissions of Dr. or Det. Insp. Rossmo).
- ¹⁷ Transcript, June 6, 2012, p. 69 (Closing Oral Submissions of Dr. or Det. Insp. Rossmo).
- ¹⁸ Exhibit 1, p. 350-358.
- ¹⁹ The publication ban was ordered by Mr. Justice Williams of the BC Supreme Court in the course of the trial of Robert Pickton *R.v.Pickton*, 2010 BCSC 1198; Transcript, April 10, 2012, p. 14-15.
- ²⁰ While my terms of reference state that the Stay Decision was made on January 27, 1998, evidence at the Inquiry is that the decision was made on January 26, 1998.
- ²¹ Transcript, June 4, 2012, p. 23-24 (Closing Oral Submissions of Families).
- ²² Transcript, April 10, 2012, p. 14-17.
- ²³ *Krieger v. Law Society of Alberta*, [2002] 3 S.C.R. 372, 2002 SCC 65, para. 32. [Krieger]
- ²⁴ *Krieger*, para. 39, 47.
- ²⁵ *Hoem v. Law Soc. of B.C.* (1985), 63 BCLR 36 (BCCA), paras 58-59. [Hoem]
- ²⁶ *Cunliffe v. Law Soc. of B.C.; Bledsoe v. Law Soc. of B.C.* (1984), 11 DLR (4th) 280 (BCCA).
- ²⁷ *Krieger*, paras 5, 23, 39.
- ²⁸ *Krieger*, para. 43.
- ²⁹ *Krieger*, para. 46.
- ³⁰ *Hoem, supra*, para. 8, citing the trial judge p. 226
- ³¹ See discussion in *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337.
- ³² *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337 [Davies]
- ³³ *Alone and Cold; Criminal Justice Branch Response – Davies Commission Inquiry into the Response of the Criminal Justice Branch (B.C.), Final Report (May 19, 2011). ["Alone and Cold"]*
- ³⁴ *Alone and Cold*, p. 29.
- ³⁵ *Alone and Cold*, p. 29.
- ³⁶ *British Columbia (Criminal Justice Branch) v. Davies*, 2008 BCSC 817.
- ³⁷ The Supreme Court of Canada denied leave to appeal the *Davies* decision.
- ³⁸ *Davies*, para. 60.
- ³⁹ *Davies*, para. 61.
- ⁴⁰ *Davies*, para. 77, cited in *Alone and Cold*, p. 31.
- ⁴¹ *Davies*, para 77.
- ⁴² *Davies*, para 90, citing *British Columbia (Criminal Justice Branch) v. Davies*, 2008 BCSC 817, para. 69.
- ⁴³ *Davies*, para. 44.
- ⁴⁴ *Davies*, para. 79.
- ⁴⁵ *Alone and Cold*, p. 99.
- ⁴⁶ *Alone and Cold*, p. 106.
- ⁴⁷ *Alone and Cold*, p. 103, 147-150.
- ⁴⁸ *Alone and Cold*, p. 149, 151.
- ⁴⁹ *Alone and Cold*, p. 153-154.
- ⁵⁰ *Alone and Cold*, p. 103, 155-157.
- ⁵¹ *Alone and Cold*, p. 103, 157-158.
- ⁵² *Davies*, para. 90, citing *British Columbia (Criminal Justice Branch) v. Davies*, 2008 BCSC 817, para 69.
- ⁵³ *Alone and Cold*, p. 176.
- ⁵⁴ *Closing Submissions of CJB*, paras 26-27, 84-87, 101; *Closing Submissions of Mr. Romano*, para. 50; *Closing Submissions of Canada*, paras 74-75.
- ⁵⁵ Exhibit 135 (Affidavit of Andrew MacDonald, April 11, 2012).
- ⁵⁶ Exhibit 133, p. 254-255 (*Crown Counsel Policy Manual: Document Disposal Act – Destruction of Documents Held in Crown Counsel Offices*, October 1, 1999).
- ⁵⁷ Exhibit 135, para. 4.
- ⁵⁸ Exhibit 135, para. 4 C.
- ⁵⁹ Exhibit 135, paras. 5, 6.
- ⁶⁰ Transcript, April 12, 2012, p. 247-248.
- ⁶¹ Exhibit 135, para. 7.
- ⁶² Transcript, April 12, 2012, p. 230.
- ⁶³ Exhibit 135, para. 7.
- ⁶⁴ Transcript, April 12, 2012, p. 232-233.
- ⁶⁵ Transcript, April 12, 2012, p. 245.
- ⁶⁶ Transcript, April 12, 2012, p. 250-51.

- ⁶⁷ Transcript, April 12, 2012, p. 242-243.
- ⁶⁸ Exhibit 135; Transcript, April 12, 2012; Transcript, April 10, 2012, p. 66; Transcript, April 19, 2012, p. 15-16.
- ⁶⁹ The following documents were assembled to reconstruct the record in the absence of the Crown file: Exhibit 87; Exhibit 133, tabs 3, 6, 12, 14, 15, 17, 20, 23-27; Exhibit 134.
- ⁷⁰ Transcript, April 12, 2012, p. 236.
- ⁷¹ Transcript, April 18, 2012, p. 30.
- ⁷² Transcript, April 12, 2012, p. 233-235.
- ⁷³ Transcript, February 6, 2012, p. 25-26.
- ⁷⁴ Exhibit 87; Transcript, February 6, 2012, p. 26-27.
- ⁷⁵ Transcript, February 6, 2012, p. 60-61.
- ⁷⁶ Exhibit 133, p. 17.
- ⁷⁷ Exhibit 133, p. 15-16; Transcript, February 6, 2012, p. 133-136.
- ⁷⁸ Exhibit 87, p. 28; Exhibit 133, p. 130.
- ⁷⁹ Exhibit 87, p. 33; Transcript, February 8, 2012, p. 180-181.
- ⁸⁰ Exhibit 87, p. 33.
- ⁸¹ Transcript, February 6, 2012, p. 43-44; Closing Submissions of Canada, para 63; Exhibit 45, p. 225-226.
- ⁸² Exhibit 87; Exhibit 133, p. 99-137.
- ⁸³ Exhibit 133, p. 26-98.
- ⁸⁴ Exhibit 87; Exhibit 133, p. 99-137.
- ⁸⁵ Exhibit 133, p. 31-32, 83.
- ⁸⁶ Exhibit 133, p. 33.
- ⁸⁷ Exhibit 133, p. 31.
- ⁸⁸ Exhibit 133, p. 63.
- ⁸⁹ Exhibit 133, p. 54-55.
- ⁹⁰ Exhibit 133, p. 35-36.
- ⁹¹ Exhibit 133, p. 62-63.
- ⁹² Exhibit 133, p. 56.
- ⁹³ Exhibit 133, p. 92.
- ⁹⁴ Exhibit 133, p. 92.
- ⁹⁵ Exhibit 133, p. 83-85.
- ⁹⁶ Exhibit 133, p. 84.
- ⁹⁷ Exhibit 133, p. 85.
- ⁹⁸ Exhibit 133, p.29, p. 36-37.
- ⁹⁹ Exhibit 133, p. 62.
- ¹⁰⁰ Exhibit 133, p. 38-40.
- ¹⁰¹ Exhibit 133, p. 39, 85-86.
- ¹⁰² Exhibit 133, p. 85-86.
- ¹⁰³ Exhibit 133, p. 58.
- ¹⁰⁴ Exhibit 133, p. 40.
- ¹⁰⁵ Exhibit 133, p. 40.
- ¹⁰⁶ Exhibit 133, p. 95.
- ¹⁰⁷ Exhibit 133, p. 26, p. 40-41.
- ¹⁰⁸ Exhibit 133, p. 42, p. 88.
- ¹⁰⁹ Exhibit 133, p. 41-43, p. 95-96.
- ¹¹⁰ Exhibit 133, p. 42.
- ¹¹¹ Exhibit 133, p. 42.
- ¹¹² Exhibit 133, p. 94-95.
- ¹¹³ Exhibit 133, p. 72-73.
- ¹¹⁴ Exhibit 133, p. 27.
- ¹¹⁵ Exhibit 133, p. 43.
- ¹¹⁶ Exhibit 133, p. 27, p. 49.
- ¹¹⁷ Exhibit 133, p. 44.
- ¹¹⁸ Exhibit 133, p. 46-48.
- ¹¹⁹ Exhibit 133, p. 46-48, p. 79.
- ¹²⁰ Exhibit 133, p. 27-28, 52-53, 80.
- ¹²¹ Exhibit 133, p. 27, 51-52, 77-80.
- ¹²² Exhibit 133, p. 27-29, 52, 76-77, 79, 81-82.
- ¹²³ Exhibit 133, p. 28.
- ¹²⁴ Exhibit 133, p. 52-53, 82.
- ¹²⁵ Exhibit 133, p. 83.
- ¹²⁶ Exhibit 133, p. 28-29, 53.
- ¹²⁷ Exhibit 133, p. 28-30.
- ¹²⁸ Exhibit 133, p. 217.
- ¹²⁹ Exhibit 133, p. 30-31. This information is from the Project Evenhanded interview of Ms. Anderson on February 12, 2012.
- ¹³⁰ Transcript, February 6, 2012, p. 31.
- ¹³¹ Transcript, February 6, 2012, p. 31.
- ¹³² Exhibit 133, p. 120-123; Transcript, April 11, 2012, p. 103-104.
- ¹³³ Exhibit 133, p. 123.
- ¹³⁴ Exhibit 133, p. 123.
- ¹³⁵ Transcript, November 8, 2011, p. 63; Transcript, April 11, 2012, p. 103-104.
- ¹³⁶ Exhibit 133, p. 67-71.
- ¹³⁷ Exhibit 133, p. 70-71.
- ¹³⁸ Exhibit 133, p. 68, 91-92. Although in subsequent interviews with Project Evenhanded on February 12, 2012, she said that she had tried to use while in Pickton's washroom after the sex act but had missed her vein. Exhibit 133, p. 216, 222.
- ¹³⁹ Exhibit 133, p. 69, 90-92.
- ¹⁴⁰ Exhibit 133, p. 68.
- ¹⁴¹ Exhibit 133, p. 90-92.
- ¹⁴² Exhibit 133, p. 87.
- ¹⁴³ Exhibit 133, p. 50-51.
- ¹⁴⁴ Exhibit 133, p. 86.
- ¹⁴⁵ Exhibit 133, p. 93.
- ¹⁴⁶ Exhibit 133, p. 93.
- ¹⁴⁷ Exhibit 133, p. 85-86.
- ¹⁴⁸ Exhibit 133, p. 97.
- ¹⁴⁹ Exhibit 133, p. 86.
- ¹⁵⁰ Exhibit 133, p. 118.
- ¹⁵¹ Exhibit 133, p. 118.
- ¹⁵² Exhibit 133, p. 136.
- ¹⁵³ Exhibit 133, p. 127, 136.
- ¹⁵⁴ Exhibit 133, p. 127, 136.
- ¹⁵⁵ Exhibit 133, p. 136.
- ¹⁵⁶ Exhibit 133, p. 107, 127.
- ¹⁵⁷ Closing Submissions of Canada, paras 67-73.
- ¹⁵⁸ Closing Submissions of Canada, paras 67-73.
- ¹⁵⁹ Exhibit 133, p. 83-84.
- ¹⁶⁰ Exhibit 133, p. 16, 127.
- ¹⁶¹ Exhibit 133, p. 16, 126.
- ¹⁶² Exhibit 133, p. 17, 128, 132.
- ¹⁶³ Exhibit 133, p. 17, 127.
- ¹⁶⁴ Exhibit 133, p. 117,128.
- ¹⁶⁵ Exhibit 133, p. 128.
- ¹⁶⁶ Exhibit 133, p. 14.
- ¹⁶⁷ Exhibit 133, p. 13-14; Transcript, February 6, 2012, p. 58-62.
- ¹⁶⁸ Exhibit 133, p. 85-86.
- ¹⁶⁹ Exhibit 133, p. 85-86.
- ¹⁷⁰ Exhibit 133, p. 19.

- ¹⁷¹ Exhibit 133, p. 19.
- ¹⁷² Transcript, February 6, 2012, p. 48-51.
- ¹⁷³ Transcript, February 6, 2012, p. 56.
- ¹⁷⁴ Exhibit 133, p. 17-18.
- ¹⁷⁵ Exhibit 133, p. 10; Transcript, February 6, 2012, p. 56.
- ¹⁷⁶ Exhibit 133, p. 19.
- ¹⁷⁷ Exhibit 133, p. 16.
- ¹⁷⁸ Exhibit 133, p. 21-23.
- ¹⁷⁹ Exhibit 133, p. 97.
- ¹⁸⁰ Exhibit 165, p. 32-33 (*Crown Counsel Act*, RSBC 1996, c. 87, ss. 2 and 4(3)(a)).
- ¹⁸¹ Exhibit 165, p. 34-47 (*Crown Counsel Policy Manual*, 1991 and 1999); see also Exhibit 133, p. 242-246 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, March, 1996); Exhibit 133, p. 247-250 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997).
- ¹⁸² Transcript, April 10, 2012, p. 34; Transcript, April 19, 2012, p. 3-4.
- ¹⁸³ Transcript, April 10, 2012, p. 23-24.
- ¹⁸⁴ Transcript, April 10, 2012, p. 23-24.
- ¹⁸⁵ Transcript, April 10, 2012, p. 23.
- ¹⁸⁶ Transcript, April 19, 2012, p. 3.
- ¹⁸⁷ Transcript, April 19, 2012, p. 22-23, 63-64.
- ¹⁸⁸ Transcript, April 19, 2012, p. 22-23, 63-64.
- ¹⁸⁹ Transcript, April 18, 2012, p. 13-15.
- ¹⁹⁰ Transcript, April 18, 2012, p. 14-15.
- ¹⁹¹ Transcript, February 6, 2012, p. 28-29; Transcript, April 10, 2012, p. 33-34, 47-49; Transcript, April 19, 2012, p. 5, 44-45.
- ¹⁹² Exhibit 133, p. 135.
- ¹⁹³ Transcript, February 8, 2012, p. 176.
- ¹⁹⁴ Transcript, February 8, 2012, p. 91.
- ¹⁹⁵ Transcript, February 6, 2012, p. 30.
- ¹⁹⁶ Exhibit 133, p. 101; Transcript, February 6, 2012, p. 28.
- ¹⁹⁷ Transcript, February 6, 2012, p. 28-29.
- ¹⁹⁸ Exhibit 133, p. 21-23, 132-134.
- ¹⁹⁹ Transcript, February 9, 2012, p. 74-77
- ²⁰⁰ Exhibit 133, p. 10.
- ²⁰¹ Exhibit 133, p. 10, 19, 121, 130); Transcript, February 6, 2012, p. 48-51.
- ²⁰² Exhibit 133, p. 242-246 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, March, 1996); Exhibit 133, p. 247-250 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997); Exhibit 165, p. 34-47.
- ²⁰³ On February 8, 2012, the B.C. government announced that Gary McCuaig, QC, had been engaged as “an external expert to review B.C.’s criminal charge assessment process to determine whether it is the most effective model for making prosecution decisions”: *Media Statement: Criminal Justice Branch – Charge Approval Process*, February 20, 2012, online: <http://www.ag.gov.bc.ca/prosecution-service/media-statements/pdf/12-02-CJBChargeApprovalProcess-20Feb2012.pdf>.
- ²⁰⁴ Exhibit 133, p. 247-250 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997).
- ²⁰⁵ Exhibit 133, p. 242-246 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, March, 1996); Exhibit 133, p. 247-250 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997); Transcript, April 10, 2012, p. 38-40.
- ²⁰⁶ Transcript, April 19, 2012, p. 6-7.
- ²⁰⁷ Transcript, April 19, 2012, p. 7-9.
- ²⁰⁸ Transcript, April 19, 2012, p. 8-9.
- ²⁰⁹ Exhibit 133, p. 103; Transcript, April 10, 2012, p. 33; Transcript, April 19, 2012, p. 4, 10.
- ²¹⁰ Exhibit 133, p. 103.
- ²¹¹ Transcript, April 19, 2012, p. 5, 44-46.
- ²¹² Exhibit 133, p. 103.
- ²¹³ Transcript, April 19, 2012, p. 5.
- ²¹⁴ Transcript, April 19, 2012, p. 29-31, 44-46, 62-63.
- ²¹⁵ Exhibit 133, p. 136.
- ²¹⁶ Transcript, April 19, 2012, p. 23-24; Exhibit 133, p. 138-144.
- ²¹⁷ Closing Submissions of Romano, para 48.
- ²¹⁸ Exhibit 133, p. 136.
- ²¹⁹ Transcript, April 10, 2012, p. 45; Transcript, April 12, 2012, p. 34-36.
- ²²⁰ Transcript, April 10, 2012, p. 44-45.
- ²²¹ Transcript, April 19, 2012, p. 64-65.
- ²²² Transcript, April 19, 2012, p. 65-66.
- ²²³ Exhibit 133, p. 194-195.
- ²²⁴ Exhibit 133, p. 194-195; Transcript, April 10, 2012, p. 135-137; Transcript, April 19, 2012, p. 76-80.
- ²²⁵ Exhibit 133, p. 176-178.
- ²²⁶ Exhibit 133, p. 179.
- ²²⁷ Exhibit 133, p. 179.
- ²²⁸ Exhibit 133, p. 180-181.
- ²²⁹ Transcript, April 19, 2012, p. 30-31.
- ²³⁰ Transcript, April 19, 2012, p. 62-63.
- ²³¹ Transcript, April 19, 2012, p. 44-46.
- ²³² Transcript, April 19, 2012, p. 10-11.
- ²³³ Transcript, April 19, 2012, p. 30-31.
- ²³⁴ Transcript, April 12, 2012, p. 185.
- ²³⁵ Exhibit 133, p. 194.
- ²³⁶ Exhibit 133, p. 194.
- ²³⁷ Exhibit 133, p. 182.
- ²³⁸ Exhibit 133, p. 166-169.
- ²³⁹ Exhibit 133, p. 183-184.
- ²⁴⁰ Exhibit 133, p. 170-171 (re: blood); Exhibit 133, p. 173-175 (re: photographs).
- ²⁴¹ Transcript, April 10, 2012, p. 27-28.
- ²⁴² Transcript, April 10, 2012, p. 135-137; Transcript, April 19, 2012, p. 76-78; Exhibit 133, p. 183-184.
- ²⁴³ Exhibit 133, p. 170-171.
- ²⁴⁴ Exhibit 133, p. 172.
- ²⁴⁵ Exhibit 133, p. 173-175.
- ²⁴⁶ Exhibit 133, p. 188-189.
- ²⁴⁷ Transcript, April 10, 2012, p. 28.
- ²⁴⁸ Exhibit 133, p. 188-189.
- ²⁴⁹ Exhibit 133, p. 185-186.
- ²⁵⁰ Exhibit 133, p. 187.
- ²⁵¹ Transcript, April 19, 2012, p. 66.
- ²⁵² Transcript, April 10, 2012, p. 30-31.
- ²⁵³ Transcript, April 19, 2012, p. 10, 48.
- ²⁵⁴ Transcript, April 10, 2012, p. 26; Exhibit 133, 188, 194-195.
- ²⁵⁵ Transcript, April 10, 2012, p. 30-31.

- ²⁵⁶ Transcript, April 10, 2012, p. 30.
- ²⁵⁷ Exhibit 132; Transcript, April 10, 2012, p. 30.
- ²⁵⁸ Exhibit 132.
- ²⁵⁹ Transcript, April 19, 2012, p. 50-51.
- ²⁶⁰ Transcript, April 19, 2012, p. 12-13, 15, 50-52.
- ²⁶¹ Transcript, April 19, 2012, p. 13.
- ²⁶² Transcript, April 19, 2012, p. 12.
- ²⁶³ Transcript, April 19, 2012, p. 15.
- ²⁶⁴ Transcript, April 19, 2012, p. 13.
- ²⁶⁵ Transcript, April 19, 2012, p. 12-13.
- ²⁶⁶ Transcript, April 19, 2012, p. 51.
- ²⁶⁷ Transcript, April 19, 2012, p. 52.
- ²⁶⁸ Transcript, April 19, 2012, p. 12, 15, 51-52.
- ²⁶⁹ Transcript, April 19, 2012, p. 51.
- ²⁷⁰ Transcript, April 19, 2012, p. 51-52.
- ²⁷¹ Transcript, April 19, 2012, p. 52.
- ²⁷² Transcript, April 19, 2012, p. 52.
- ²⁷³ Transcript, April 10, 2012, p. 30, 57.
- ²⁷⁴ Transcript, April 10, 2012, p. 75-76.
- ²⁷⁵ Transcript, April 10, 2012, p. 89.
- ²⁷⁶ Transcript, April 10, 2012, p. 88-89.
- ²⁷⁷ Transcript, April 12, 2012, p. 206, 225.
- ²⁷⁸ Transcript, April 19, 2012, p. 67.
- ²⁷⁹ Transcript, April 19, 2012, p. 7.
- ²⁸⁰ Transcript, April 19, 2012, p. 66.
- ²⁸¹ Transcript, April 19, 2012, p. 66.
- ²⁸² Transcript, April 11, 2012, p. 137-138.
- ²⁸³ Transcript, April 11, 2012, p. 138.
- ²⁸⁴ Transcript, April 19, 2012, p. 66-67.
- ²⁸⁵ Transcript, April 11, 2012, p. 136.
- ²⁸⁶ Transcript, April 12, 2012, p. 187-188.
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- ²⁹⁰ Transcript, April 10, 2012, p. 31.
- ²⁹¹ Transcript, April 11, 2012, p. 104.
- ²⁹² Transcript, April 10, 2012, p. 95.
- ²⁹³ Transcript, April 10, 2012, p. 34.
- ²⁹⁴ Transcript, April 10, 2012, p. 99; Transcript, April 11, 2012, p. 144; Transcript, April 12, 2012, p. 68-69.
- ²⁹⁵ Transcript, April 11, 2012, p. 145.
- ²⁹⁶ Transcript, April 10, 2012, p. 51.
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- ²⁹⁸ Transcript, April 10, 2012, p. 54-55.
- ²⁹⁹ Transcript, April 12, 2012, p. 195-196, 199, 203.
- ³⁰⁰ Transcript, April 12, 2012, p. 150.
- ³⁰¹ Transcript, April 10, 2012, p. 55.
- ³⁰² Exhibit 133, p. 118.
- ³⁰³ Transcript, April 10, 2012, p. 54; Transcript, April 11, 2012, p. 97, 106-107.
- ³⁰⁴ Transcript, April 11, 2012, p. 132; Transcript, April 12, 2012, p. 198.
- ³⁰⁵ Transcript, April 10, 2012, p. 57.
- ³⁰⁶ Transcript, April 11, 2012, p. 17-18.
- ³⁰⁷ Transcript, April 10, 2012, p. 57; see also Transcript, April 11, 2012, p. 17-18.
- ³⁰⁸ Transcript, April 11, 2012, p. 107.
- ³⁰⁹ Transcript, April 11, 2012, p. 104.
- ³¹⁰ Transcript, April 10, 2012, p. 73, 88; Transcript, April 11, 2012, p. 104-107.
- ³¹¹ Transcript, April 11, 2012, p. 104-105.
- ³¹² Transcript, April 10, 2012, p. 95.
- ³¹³ Transcript, April 10, 2012, p. 88; Transcript, April 12, 2012, p. 15, 70-73.
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- ³¹⁶ Transcript, April 10, 2012, p. 111-112; Transcript, April 11, 2012, p. 94-97.
- ³¹⁷ Transcript, April 11, 2012, p. 96.
- ³¹⁸ Transcript, April 10, 2012, p. 58-59.
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- ³²⁰ Transcript, April 10, 2012, p. 59.
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- ³²³ Transcript, April 10, 2012, p. 53; Exhibit 133, p. 135, 137.
- ³²⁴ Transcript, April 10, 2012, p. 88-89.
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- ³²⁷ Transcript, April 11, 2012, p. 105-106.
- ³²⁸ Transcript, April 11, 2012, p. 106-107.
- ³²⁹ Transcript, April 10, 2012, p. 54; Transcript, April 11, 2012, p. 115-116.
- ³³⁰ Transcript, April 10, 2012, p. 53-54.
- ³³¹ Exhibit 87; Exhibit 133.
- ³³² Transcript, April 10, 2012, p. 53.
- ³³³ Transcript, April 10, 2012, p. 44-45; Transcript, April 12, 2012, p. 32-33; Exhibit 133, p. 135-136.
- ³³⁴ Transcript, April 19, 2012, p. 25-26; *Castellani v R*, [1970] SCR 310.
- ³³⁵ Transcript, April 19, 2012, p. 24-26.
- ³³⁶ Exhibit 133, p. 183-184 (letter from P. Ritchie, dated October 22, 1997); Exhibit 133, p. 188-189 (letter from P. Ritchie, dated January 13, 1998).
- ³³⁷ Transcript, April 11, 2012, p. 131-134, 167, 171.
- ³³⁸ Transcript, April 10, 2012, p. 59-61.
- ³³⁹ Transcript, April 19, 2012, p. 27.
- ³⁴⁰ Transcript, April 19, 2012, p. 27.
- ³⁴¹ Transcript, April 19, 2012, p. 27.
- ³⁴² Transcript, April 10, 2012, p. 81.
- ³⁴³ Transcript, April 11, 2012, p. 134.
- ³⁴⁴ Transcript, April 11, 2012, p. 134.
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- ³⁴⁷ Transcript, April 10, 2012, p. 67-68; Transcript, April 11, 2012, p. 134-135.
- ³⁴⁸ Transcript, April 11, 2012, p. 135.
- ³⁴⁹ Transcript, April 10, 2012, p. 55-56, 70-73.
- ³⁵⁰ Transcript, April 10, 2012, p. 68-72.
- ³⁵¹ Transcript, April 19, 2012, p. 31.
- ³⁵² Transcript, April 19, 2012, p. 31.

- ³⁵³ Transcript, April 19, 2012, p. 31-32.
- ³⁵⁴ Transcript, April 18, 2012, p. 17.
- ³⁵⁵ Transcript, April 18, 2012, p. 17-18.
- ³⁵⁶ Transcript, April 18, 2012, p. 18.
- ³⁵⁷ Transcript, April 10, 2012, p. 55-56.
- ³⁵⁸ Transcript, April 10, 2012, p. 55-56.
- ³⁵⁹ Exhibit 133, p. 145-160; Closing Submissions of Canada, para. 76.
- ³⁶⁰ Exhibit 133, p. 148.
- ³⁶¹ Exhibit 133, p. 148.
- ³⁶² Exhibit 133, p. 148-153.
- ³⁶³ Exhibit 133, p. 161.
- ³⁶⁴ Exhibit 133, p. 146, 150, 159.
- ³⁶⁵ Exhibit 133, p. 148-153.
- ³⁶⁶ Transcript, April 10, 2012, p. 79-82.
- ³⁶⁷ Exhibit 133, p. 190-192.
- ³⁶⁸ Transcript, February 6, 2012, p. 34-35.
- ³⁶⁹ Transcript, February 6, 2012, p. 35-36.
- ³⁷⁰ Transcript, February 6, 2012, p. 37.
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- ³⁷² Exhibit 133, p. 152, 160.
- ³⁷³ Transcript, April 11, 2012, p. 138-139.
- ³⁷⁴ Transcript, April 11, 2012, p. 139.
- ³⁷⁵ Transcript, April 11, 2012, p. 138-139.
- ³⁷⁶ Transcript, April 11, 2012, p. 139-140.
- ³⁷⁷ Exhibit 133, p.192; April 10, 2012, p. 82-83.
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- ³⁷⁹ Transcript, April 11, 2012, p. 126-127.
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- ³⁸¹ Transcript, April 10, 2012, p. 81-82.
- ³⁸² Transcript, April 10, 2012, p. 80-81 (R. Connor); Transcript, April 18, 2012, p. 15.
- ³⁸³ Transcript, April 10, 2012, p. 82.
- ³⁸⁴ Transcript, April 11, 2012, p. 149-150; Transcript, April 12, 2012, p. 26.
- ³⁸⁵ Transcript, April 10, 2012, p. 83.
- ³⁸⁶ Transcript, April 10, 2012, p. 83.
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- ³⁸⁸ Transcript, April 18, 2012, p. 15-16; p. 29-30.
- ³⁸⁹ Transcript, April 18, 2012, p. 15-16.
- ³⁹⁰ Transcript, April 18, 2012, p. 17.
- ³⁹¹ Transcript, April 18, 2012, p. 17.
- ³⁹² Transcript, April 18, 2012, p. 20.
- ³⁹³ Transcript, April 10, 2012, p. 84.
- ³⁹⁴ Transcript, April 10, 2012, p. 84.
- ³⁹⁵ Transcript, April 10, 2012, p. 84.
- ³⁹⁶ Transcript, April 10, 2012, p. 86.
- ³⁹⁷ Transcript, April 10, 2012, p. 41, 88.
- ³⁹⁸ Transcript, April 10, 2012, p. 88-89.
- ³⁹⁹ Transcript, April 10, 2012, p. 92; Exhibit 132 (*Curriculum vitae of R. Connor*).
- ⁴⁰⁰ Transcript, April 10, 2012, p. 85-88.
- ⁴⁰¹ Transcript, April 10, 2012, p. 87-88.
- ⁴⁰² Transcript, April 10, 2012, p. 91.
- ⁴⁰³ Transcript, April 10, 2012, p. 87-88.
- ⁴⁰⁴ Transcript, April 10, 2012, p. 96.
- ⁴⁰⁵ Transcript, April 10, 2012, p. 96-97.
- ⁴⁰⁶ Transcript, April 12, 2012, p. 25-27.
- ⁴⁰⁷ Transcript, April 10, 2012, p. 86.
- ⁴⁰⁸ Transcript, April 10, 2012, p. 84-86.
- ⁴⁰⁹ Transcript, April 10, 2012, p. 85.
- ⁴¹⁰ Transcript, April 10, 2012, p. 85-86.
- ⁴¹¹ Transcript, April 10, 2012, p. 85.
- ⁴¹² Transcript, April 10, 2012, p. 90-91.
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- ⁴¹⁴ Transcript, April 10, 2012, p. 82-83.
- ⁴¹⁵ Transcript, April 10, 2012, p. 93.
- ⁴¹⁶ Transcript, April 10, 2012, p. 94.
- ⁴¹⁷ Transcript, April 10, 2012, p. 93.
- ⁴¹⁸ Transcript, April 11, 2012, p. 29-30.
- ⁴¹⁹ Transcript, April 10, 2012, p. 95.
- ⁴²⁰ Transcript, April 10, 2012, p. 95.
- ⁴²¹ Transcript, April 10, 2012, p. 95.
- ⁴²² Transcript, April 12, 2012, p. 202-203, 212.
- ⁴²³ Transcript, April 10, 2012, p. 96-97.
- ⁴²⁴ Transcript, April 19, 2012, p. 70-71.
- ⁴²⁵ Transcript, April 18, 2012, p. 18.
- ⁴²⁶ Transcript, February 6, 2012, p. 35-36; Transcript, February 8, 2012, p. 177-178; see also Government of Canada Policy Forum Submissions, p. 138-142.
- ⁴²⁷ Exhibit 133, p. 148.
- ⁴²⁸ Closing Submissions of Canada, para. 78.
- ⁴²⁹ Exhibit 133, p. 247 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997).
- ⁴³⁰ Exhibit 133, p. 247-250 (*Crown Counsel Policy Manual: Charge Approval Guidelines*, May 1, 1997); Transcript, April 10, 2012, p. 36-37; Transcript, April 12, 2012, p. 189-190.
- ⁴³¹ Transcript, April 10, 2012, p. 98-100.
- ⁴³² Transcript, April 10, 2012, p. 52.
- ⁴³³ Transcript, April 10, 2012, p. 52.
- ⁴³⁴ Transcript, April 19, 2012, p. 12-14, 71-72.
- ⁴³⁵ Transcript, April 19, 2012, p. 71-72.
- ⁴³⁶ Transcript, April 19, 2012, p. 72-73.
- ⁴³⁷ Transcript, April 10, 2012, p. 97-98.
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- ⁴⁴² Transcript, April 12, 2012, p. 212.
- ⁴⁴³ Transcript, April 19, 2012, p. 62-64.
- ⁴⁴⁴ Closing Submissions of CJB, p. 35-36.
- ⁴⁴⁵ Transcript, April 19, 2012, p. 57-59; Transcript, April 19, 2012, p. 58; Transcript, April 19, 2012, p. 64; Transcript, April 19, 2012, p. 68; Transcript, April 19, 2012, p. 69-70.
- ⁴⁴⁶ Transcript, April 19, 2012, p. 57.
- ⁴⁴⁷ Transcript, February 6, 2012, p. 34.
- ⁴⁴⁸ Transcript, February 8, 2012, p. 178.
- ⁴⁴⁹ Transcript, February 10, 2012, p. 158.
- ⁴⁵⁰ Transcript, February 6, 2012, p. 34.

- ⁴⁵¹ Transcript, February 7, 2012, p. 139.
- ⁴⁵² Transcript, February 7, 2012, p. 139.
- ⁴⁵³ Transcript, February 8, 2012, p. 177.
- ⁴⁵⁴ Transcript, February 6, 2012, p. 35.
- ⁴⁵⁵ Transcript, February 7, 2012, p. 141.
- ⁴⁵⁶ Transcript, February 9, 2012, p. 158.
- ⁴⁵⁷ Transcript, April 10, 2012, p. 106.
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- ⁴⁵⁹ Transcript, February 8, 2012, p. 178.
- ⁴⁶⁰ Transcript, April 12, 2012, p. 204.
- ⁴⁶¹ Transcript, April 12, 2012, p. 205.
- ⁴⁶² Transcript, April 19, 2012, p. 73-74.
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- ⁴⁶⁵ Transcript, February 6, 2012, p. 31.
- ⁴⁶⁷ Transcript, April 12, 2012, p. 205.
- ⁴⁶⁸ Transcript April 10, 2012, p. 94; Exhibit 133, p. 15; Transcript, April 11, 2012, p. 38.
- ⁴⁶⁹ Transcript, April 12, 2012, p. 206; Transcript, April 19, 2012, p. 74-75.
- ⁴⁷⁰ Transcript, April 12, 2012, p. 206; Transcript, April 19, 2012, p. 74-75.
- ⁴⁷¹ Transcript, April 12, 2012, p. 206.
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- ⁴⁷³ Transcript, April 12, 2012, p. 205-206.
- ⁴⁷⁴ Transcript, April 12, 2012, p. 207.
- ⁴⁷⁵ Transcript, April 12, 2012, p. 209-210.
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- ⁴⁷⁸ Transcript, April 12, 2012, p. 210- 211.
- ⁴⁷⁹ Transcript, April 12, 2012, p. 206-207.
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- ⁴⁸⁴ Transcript, February 6, 2012, p. 41-42.
- ⁴⁸⁵ Transcript, February 6, 2012, p. 38-39.
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- ⁴⁹⁰ Transcript, January 30, 2012, p. 94.
- ⁴⁹¹ Transcript, January 30, 2012, p. 95.
- ⁴⁹² Transcript, January 30, 2012, p. 85-88.
- ⁴⁹³ Transcript, January 30, 2012, p. 92.
- ⁴⁹⁴ Exhibit 1 (*LePard Report*), p. 68.
- ⁴⁹⁵ Exhibit 133, p. 216, 219, 233, 235.
- ⁶ Exhibit 123, p. 49-50.
- ⁷ Transcripts, April 16, 2012, p. 13-14.
- ⁸ Exhibit 123, p. 45.
- ⁹ Exhibit 34, p. 489; Exhibit 64, p. 4.
- ¹⁰ Exhibit 34, p. 489; Exhibit 64, p. 4.
- ¹¹ Exhibit 64, p. 2-3.
- ¹² Exhibit 64, p. 4.
- ¹³ Transcripts, April 16, 2012, p. 18-19.
- ¹⁴ Exhibit 64, p. 2-3.
- ¹⁵ Exhibit 147, p. 124.
- ¹⁶ Transcript, January 31, 2012, p. 153-155; April 4, 2012, p. 155-156.
- ¹⁷ Transcript, April 23, 2012, p. 97-100.
- ¹⁸ Exhibit 34, p. 489; Exhibit 64, p. 4.
- ¹⁹ Transcript, April 23, 2012, p. 100-101.
- ²⁰ Transcript, April 23, 2012, p. 100-101.
- ²¹ Exhibit 64, p. 2-3.
- ²² Exhibit 34, p. 489; Exhibit 123, p. 48-51.
- ²³ Exhibit 34, p. 489.
- ²⁴ Exhibit 34, p. 489.
- ²⁵ Transcript, April 3, 2012, p. 90-92.
- ²⁶ Exhibit 34, p. 489-490.
- ²⁷ Exhibit 123, p. 53-54.
- ²⁸ Transcript, April 3, 2012, p. 90-93.
- ²⁹ Exhibit 123, p. 54; Transcript, April 16, 2012, p. 31.
- ³⁰ Exhibit 34, p. 490.
- ³¹ Exhibit 34, p. 490.
- ³² Exhibit 34, p. 490.
- ³³ Exhibit 34, p. 490.
- ³⁴ Exhibit 34, p. 490.
- ³⁵ Exhibit 34, p. 490.
- ³⁶ Exhibit 34, p. 490.
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- ³⁸ Exhibit 34, p. 490.
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- ⁴² Exhibit 34, p. 491.
- ⁴³ Exhibit 34, p. 491.
- ⁴⁴ Transcript, April 16, 2012, p. 34.
- ⁴⁵ Transcript, April 16, 2012, p. 27, 36-39 and 85-86.
- ⁴⁶ Transcript, April 16, 2012, p. 37.
- ⁴⁷ Transcript, January 19, 2012, p. 146-147.
- ⁴⁸ Transcript, January 19, 2012, p. 148-150.
- ⁴⁹ Exhibit 34, p. 492.
- ⁵⁰ Exhibit 34, p. 492.
- ⁵¹ Exhibit 34, p. 537; Exhibit 200A, p. 61; and Exhibit 200C, p. 404 and 407.
- ⁵² Exhibit 34, p. 537 and Exhibit 200A, p. 61.
- ⁵³ Transcript, January 19, 2012, p. 152.
- ⁵⁴ Exhibit 34, p. 537.
- ⁵⁵ Exhibit 200A, p. 62.
- ⁵⁶ Exhibit 200A, p. 62.
- ⁵⁷ Exhibit 34, p. 537.
- ⁵⁸ Exhibit 200A, p. 62-63.
- ⁵⁹ Transcript, January 19, 2012, p. 154.
- ⁶⁰ Exhibit 200A, p. 62-64 and Exhibit 34, p. 537.
- ⁶¹ Exhibit 34, p. 537 and Exhibit 200A, p. 63.
- ⁶² Exhibit 200C, p. 451.
- ⁶³ Transcript, January 19, 2012, p. 156-157.

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¹ Transcripts, February 1, 2012, p. 225.

² Transcripts, February 1, 2012, p. 225-226.

³ Transcript, February 1, 2012, p. 229-230.

⁴ Transcript, February 1, 2012, p. 230.

⁵ Transcripts, April 16, 2012, p. 13-14.

- ⁶⁴ Exhibit 34, p. 537.
⁶⁵ Exhibit 200A, p. 63.
⁶⁶ Exhibit 200A, p. 63 and Exhibit 34, p. 537.
⁶⁷ Exhibit 34, p. 537.
⁶⁸ Exhibit 147, p. 105.
⁶⁹ Exhibit 34, p. 537.
⁷⁰ Transcript, January 19, 2012, p. 158.
⁷¹ Exhibit 34, p. 537-538.
⁷² Exhibit 34, p. 538.
⁷³ Exhibit 34, p. 538.
⁷⁴ Exhibit 34, p. 254.
⁷⁵ Exhibit 34, p. 538.
⁷⁶ Exhibit 147, p. 167.
⁷⁷ Exhibit 34, p. 538.
⁷⁸ Exhibit 200A, p. 64.
⁷⁹ Exhibit 34, p. 538.
⁸⁰ Exhibit 34, p. 538.
⁸¹ Exhibit 34, p. 538.
⁸² Exhibit 34, p. 538-539.
⁸³ Exhibit 34, p. 539.
⁸⁴ Exhibit 34, p. 539.
⁸⁵ Exhibit 34, p. 540.
⁸⁶ Exhibit 34, p. 539.
⁸⁷ Exhibit 34, p. 538-539.
⁸⁸ Exhibit 34, p. 540.
⁸⁹ Exhibit 34, p. 540.
⁹⁰ Transcript, April 18, 2012, p. 2-3.
⁹¹ Transcript, April 18, 2012, p. 8.
⁹² Transcript, April 18, 2012, p. 9-10.
⁹³ Exhibit 34, p. 540.
⁹⁴ Exhibit 34, p. 538.
⁹⁵ Transcript, April 16, 2012, p. 155.
⁹⁶ Exhibit 139, p. 34.
⁹⁷ Transcript, April 16, 2012, p. 153-155.
⁹⁸ Transcript, April 17, 2012, p. 12.
⁹⁹ Exhibit 139, p. 34.
¹⁰⁰ Exhibit 139, p. 35.
¹⁰¹ Transcript, April 16, 2012, p. 163.
¹⁰² Transcript, April 17, 2012, p. 16.
¹⁰³ Transcript, November 28, 2011, p. 159-160.
¹⁰⁴ Transcript, January 31, 2012, p. 155.
¹⁰⁵ Transcript, April 23, 2012, p. 174-175.
¹⁰⁶ Transcript, April 2, 2012, p. 142-143.
¹⁰⁷ Exhibit 139, p. 36.
¹⁰⁸ Exhibit 139, p. 38.
¹⁰⁹ Transcript, April 16, 2012, p. 160 and Transcript, April 17, 2012, p. 13-14.
¹¹⁰ Transcript, April 16, 2012, p. 159.
¹¹¹ Exhibit 139, p. 38.
¹¹² Exhibit 139, p. 39.
¹¹³ Exhibit 139, p. 40.
¹¹⁴ Exhibit 139, p. 41.
¹¹⁵ Exhibit 139, p. 42.
¹¹⁶ Exhibit 139, p. 43.
¹¹⁷ Exhibit 139, p. 44.
¹¹⁸ Exhibit 139, p. 42.
¹¹⁹ Exhibit 139, p. 44.
¹²⁰ Exhibit 139, p. 44-45.
¹²¹ Exhibit 139, p. 46.
¹²² Exhibit 139, p. 47.
¹²³ Exhibit 139, p. 47.
¹²⁴ Exhibit 139, p. 47.
¹²⁵ Exhibit 139, p. 48.
¹²⁶ Exhibit 139, p. 49.
¹²⁷ Described as sole MPU investigator until Shenher joined in 1998 – Exhibit 1, p. 354 and accords generally with Sandra Gagnon’s memory – Transcript, April 17, 2012, p. 11.
¹²⁸ Exhibit 139, p. 49.
¹²⁹ Exhibit 139, p. 49.
¹³⁰ Exhibit 139, p. 50.
¹³¹ Exhibit 139, p. 50.
¹³² Exhibit 139, p. 50.
¹³³ Exhibit 139, p. 52.
¹³⁴ Exhibit 139, p. 52.
¹³⁵ Exhibit 139, p. 52.
¹³⁶ Exhibit 139, p. 52.
¹³⁷ Exhibit 139, p. 53.
¹³⁸ Exhibit 139, p. 53.
¹³⁹ Transcript, April 17, 2012, p. 14-15.
¹⁴⁰ Exhibit 139, p. 53.
¹⁴¹ Exhibit 139, p. 54.
¹⁴² Exhibit 139, p. 54.
¹⁴³ Exhibit 139, p. 54.
¹⁴⁴ Exhibit 139, p. 54.
¹⁴⁵ Exhibit 114, p. 65 and Exhibit 34, p. 242.
¹⁴⁶ Exhibit 139, p. 55.
¹⁴⁷ Exhibit 139, p. 55.
¹⁴⁸ Exhibit 139, p. 55.
¹⁴⁹ Exhibit 139, p. 55.
¹⁵⁰ Exhibit 139, p. 55-57 and Exhibit 221, p. 158.
¹⁵¹ Exhibit 139, p. 55.
¹⁵² Exhibit 139, p. 55.
¹⁵³ Exhibit 221, p. 161.
¹⁵⁴ Exhibit 34, p. 110.
¹⁵⁵ Transcript, January 30, 2012, p. 105.
¹⁵⁶ Exhibit 34, p. 334.
¹⁵⁷ Exhibit 34, p. 194 and 269; Transcript, May 16, 2012, p. 30-31; and Transcript, April 16, 2012, p. 145-147, 160 and 163.
¹⁵⁸ Transcript, April 16, 2012, p. 164-165.
¹⁵⁹ Transcript, April 16, 2012, p. 146-147; Transcript, April 17, 2012, p. 4, 10.
¹⁶⁰ Transcript, April 17, 2012, p. 3.
¹⁶¹ Transcript, April 16, 2012, p. 167.
¹⁶² Transcript, April 16, 2012, p. 142.
¹⁶³ Transcript, April 16, 2012, p. 165.
¹⁶⁴ Transcript, April 17, 2012, p. 4.
¹⁶⁵ Transcript, April 16, 2012, p. 147-149.
¹⁶⁶ Transcript, April 16, 2012, p. 109-111.
¹⁶⁷ Exhibit 200A, p. 44.
¹⁶⁸ Exhibit 200C, p. 6.
¹⁶⁹ Transcript, April 16, 2012, p. 111-113.
¹⁷⁰ Transcript, April 16, 2012, p. 115.
¹⁷¹ Transcript, April 16, 2012, p. 128.
¹⁷² Exhibit 200A, p. 44.
¹⁷³ Exhibit 139, p. 21.
¹⁷⁴ Exhibit 200A, p. 44.
¹⁷⁵ Exhibit 200A, p. 44-45.
¹⁷⁶ Exhibit 200A, p. 45.

- ¹⁷⁷ Exhibit 200A, p. 45; Exhibit 200C, p. 25.
- ¹⁷⁸ Exhibit 200A, p. 45-46 and Exhibit 139, p. 22.
- ¹⁷⁹ Exhibit 200A, p. 45-46; Exhibit 139, p. 23.
- ¹⁸⁰ Exhibit 139, p. 23; Exhibit 200A, p. 46; and Transcript, April 16, 2012, p. 117-118.
- ¹⁸¹ Exhibit 200A, p. 46; and Exhibit 139, p. 25.
- ¹⁸² Exhibit 200A, p. 46.
- ¹⁸³ Exhibit 200A, p. 47.
- ¹⁸⁴ Exhibit 200A, p. 47.
- ¹⁸⁵ Transcript, April 16, 2012, p.124.
- ¹⁸⁶ Transcript, April 16, 2012, p.119-122.
- ¹⁸⁷ Exhibit 123, p. 130.
- ¹⁸⁸ Exhibit 139, p. 29.
- ¹⁸⁹ Exhibit 123, p. 131-132.
- ¹⁹⁰ Transcript, April 16, 2012, p. 122.
- ¹⁹¹ Transcript, April 16, 2012, p. 120.
- ¹⁹² Exhibit 200A, p. 47.
- ¹⁹³ Exhibit 139, p. 20.
- ¹⁹⁴ Exhibit 139, p. 19 and 29.
- ¹⁹⁵ Exhibit 139, p. 19 and 29.
- ¹⁹⁶ Transcript, April 16, 2012, p. 133-135.
- ¹⁹⁷ Transcript, April 16, 2012, p. 125-126.
- ¹⁹⁸ Exhibit 34, p. 261.
- ¹⁹⁹ Exhibit 200C, p. 41 and Transcript, April 16, 2012, p. 136.
- ²⁰⁰ Exhibit 200C, p. 42-43.
- ²⁰¹ Exhibit 139, p. 30-32, Exhibit 200C, p. 40-50.
- ²⁰² Exhibit 200C, p. 54.
- ²⁰³ Exhibit 200C, p. 57-58.
- ²⁰⁴ Exhibit 200C, p. 75 and 79.
- ²⁰⁵ Transcript, April 16, 2012, p. 98.
- ²⁰⁶ Transcript, April 4, 2012, p. 68-73.
- ²⁰⁷ Transcript, April 16, 2012, p. 130-131 and 138-140.
- ²⁰⁸ Transcript, October 24, 2011, p. 34-35.
- ²⁰⁹ Transcript, October 24, 2011, p. 36-39.
- ²¹⁰ Transcript, October 24, 2011, p. 39-41, 46-48 and 94.
- ²¹¹ Transcript, April 4, 2012, p. 19-20.
- ²¹² Transcript, October 24, 2011, p. 41-42 and 45-46.
- ²¹³ Exhibit 127, p. 3 and 19.
- ²¹⁴ Exhibit 127, p. 3-4
- ²¹⁵ Transcript, April 4, 2012, p. 27-28.
- ²¹⁶ Transcript, October 24, 2011, p. 55-59 and 107.
- ²¹⁷ Transcript, October 24, 2011, p. 56-57.
- ²¹⁸ Transcript, October 24, 2011, p. 61-64 and 108-111.
- ²¹⁹ Transcript, October 24, 2011, p. 69-70.
- ²²⁰ Transcript, October 24, 2011, p. 125.
- ²²¹ Transcript, October 24, 2011, p. 121-122.
- ²²² Transcript, January 31, 2012, p. 143-144 and February 1, 2012, p. 90.
- ²²³ Transcript, February 28, 2012, p. 115-116 and 120-121.
- ²²⁴ Transcript, February 28, 2012, p. 121-122.
- ²²⁵ Exhibit 127, p. 4.
- ²²⁶ Exhibit 127, p. 5.
- ²²⁷ Exhibit 127, p. 5-6.
- ²²⁸ Exhibit 127, p. 6-10.
- ²²⁹ Exhibit 127, p. 10 and 37.
- ²³⁰ Transcript, October 24, 2011, p. 49-50.
- ²³¹ Transcript, October 24, 2011, p. 51.
- ²³² Exhibit 221, p. 35.
- ²³³ Exhibit 127, p. 13.
- ²³⁴ Exhibit 14, p. 1.
- ²³⁵ Exhibit 82, p. 27-33 and Exhibit 221, p. 41 and 61.
- ²³⁶ Exhibit 82, p. 30-31.
- ²³⁷ Exhibit 221, p. 42.
- ²³⁸ Exhibit 82, p. 27.
- ²³⁹ Exhibit 82, p. 27.
- ²⁴⁰ Exhibit 82, p. 23-27.
- ²⁴¹ Exhibit 12, p. 1-2 and Exhibit 13, p. 1-2.
- ²⁴² Exhibit 82, p. 23.
- ²⁴³ Exhibit 83, p. 98.
- ²⁴⁴ Exhibit 221, p. 58.
- ²⁴⁵ Exhibit 221, p. 59.
- ²⁴⁶ Exhibit 34, p. 381.
- ²⁴⁷ Transcript, October 24, 2011, p. 76-77.
- ²⁴⁸ Transcript, October 24, 2011, p. 130-132.
- ²⁴⁹ Transcript, October 24, 2011, p. 96.
- ²⁵⁰ Exhibit 65, p. 19.
- ²⁵¹ Transcript, October 24, 2011, p. 77.
- ²⁵² Transcript, October 24, 2011, p. 80-82.
- ²⁵³ Transcript, October 24, 2012, p. 89-90.
- ²⁵⁴ Transcript, February 27, 2012, p. 104-105.
- ²⁵⁵ Transcript, February 27, 2012, p. 136.
- ²⁵⁶ Transcript, February 27, 2012, p. 136-137.
- ²⁵⁷ Transcript, February 27, 2012, p. 124 and 136-137.
- ²⁵⁸ Exhibit 34, p. 569 and Exhibit 109, p. 6.
- ²⁵⁹ Transcript, February 27, 2012, p. 124.
- ²⁶⁰ Exhibit 34, p. 569.
- ²⁶¹ Exhibit 34, p. 596 and Exhibit 109, p. 8.
- ²⁶² Exhibit 34, p. 569.
- ²⁶³ Transcript, February 27, 2012, p. 124 and 138 and February 28, 2012, p. 112.
- ²⁶⁴ Exhibit 34, p. 596 and Transcript, February 27, 2012, p. 125.
- ²⁶⁵ Exhibit 114, p. 66.
- ²⁶⁶ Exhibit 34, p. 569.
- ²⁶⁷ Transcript, February 27, 2012, p. 124-125.
- ²⁶⁸ Exhibit 34, p. 569.
- ²⁶⁹ Exhibit 34, p. 569 and Exhibit 109, p. 90.
- ²⁷⁰ Exhibit 34, p. 569 and Exhibit 109 p. 9.
- ²⁷¹ Exhibit 34, p. 569.
- ²⁷² Exhibit 34, p. 569-570.
- ²⁷³ Exhibit 34, p. 569-570.
- ²⁷⁴ Exhibit 34, p. 570.
- ²⁷⁵ Exhibit 34, p. 570.
- ²⁷⁶ Exhibit 34, p. 570.
- ²⁷⁷ Exhibit 34, p. 570 and Transcript, January 31, 2012, p. 174-176.
- ²⁷⁸ Exhibit 109, p. 11-14.
- ²⁷⁹ Exhibit 34, p. 570-575.
- ²⁸⁰ Transcript, January 31, 2012, p. 174-176 and Exhibit 82, p. 309.
- ²⁸¹ Exhibit 34, p. 570-573; Transcript, November 7, 2012, p. 138-139; Transcript, January 30, 2012, p. 74-75.
- ²⁸² Transcript, January 31, 2012, p. 187-188.
- ²⁸³ Transcript, February 27, 2012, p. 163.
- ²⁸⁴ Exhibit 34, p. 570-571.
- ²⁸⁵ Exhibit 82, p. 326.
- ²⁸⁶ Exhibit 82, p. 323.
- ²⁸⁷ Exhibit 34, p. 571.

- 288 Exhibit 34, p. 572 and Exhibit 82, p. 220-221.
289 Exhibit 34, p. 572.
290 Exhibit 34, p. 572.
291 Exhibit 34, p. 572.
292 Exhibit 34, p. 572-573 and Exhibit 82, p. 318.
293 Exhibit 34, p. 572.
294 Exhibit 34, p. 573 and Exhibit 82, p. 317.
295 Exhibit 34, p. 573.
296 Exhibit 34, p. 573.
297 Exhibit 34, p. 574 and Exhibit 82, p. 313.
298 Exhibit 34, p. 574.
299 Exhibit 34, p. 574.
300 Exhibit 34, p. 574.
301 Exhibit 34, p. 574-575.
302 Exhibit 34, p. 575.
303 Exhibit 34, p. 575 and Exhibit 114, p. 138.
304 Exhibit 34, p. 575.
305 Exhibit 34, p. 575.
306 Transcript, February 28, 2012, p. 38-40.
307 Exhibit 34, p. 575.
308 Exhibit 34, p. 575.
309 Exhibit 34, p. 575-576.
310 Exhibit 34, p. 381 and 576.
311 Exhibit 34, p. 576.
312 Exhibit 34, p. 396 and 576.
313 Exhibit 34, p. 576.
314 Exhibit 34, p. 578.
315 Transcript, April 17, 2012, p. 29-31.
316 Transcript, April 17, 2012, p. 31-32.
317 Transcript, April 17, 2012, p. 33.
318 Exhibit 34, p. 425 and Exhibit 141, p. 1 and 2.
319 Exhibit 147, p. 109.
320 Exhibit 141, p. 2 and Transcript, April 17, 2012, p. 35.
321 Transcript, April 17, 2012, p. 34-36.
322 Exhibit 141, p. 1 and 2.
323 Exhibit 147, p. 110.
324 Exhibit 141, p. 3.
325 Exhibit 34, p. 425-426 and Exhibit 141, p. 5.
326 Exhibit 34, p. 425 and Exhibit 141, p. 7.
327 Exhibit 34, p. 425 and Exhibit 141, p. 9.
328 Exhibit 34, p. 425.
329 Exhibit 141, p. 10-11 and 14; Exhibit 141, p. 12-16.
330 Exhibit 34, p. 425.
331 Transcript, February 2, 2012, p. 7-8.
332 Exhibit 141, p. 17 and Exhibit 34, p. 425.
333 Exhibit 34, p. 425 and Exhibit 141, p. 17.
334 Exhibit 141, p. 17.
335 Exhibit 141, p. 17.
336 Exhibit 34, p. 426 and Exhibit 141, p. 17.
337 Exhibit 141, p. 17.
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339 Exhibit 141, p. 17-18.
340 Exhibit 34, p. 426 and Exhibit 141, p. 19.
341 Exhibit 141, p. 18 and Exhibit 34, p. 426.
342 Exhibit 34, p. 426 and Exhibit 141, p. 18.
343 Exhibit 34, p. 426.
344 Exhibit 34, p. 387.
345 Exhibit 34, p. 426.
346 Exhibit 34, p. 426.
347 Transcript, April 17, 2012, p. 37-44.
348 Transcript, April 17, 2012, p. 46.
349 Transcript, April 17, 2012, p. 49-50.
350 Transcript, April 17, 2012, p. 51-53.
351 Transcript, October 27, 2011, p. 70-71.
352 Transcript, November 2, 2011, p. 83.
353 Exhibit 34, p. 509 and Exhibit 83, p. 440.
354 Exhibit 83, p. 440.
355 Exhibit 34, p. 509.
356 Exhibit 34, p. 335.
357 Exhibit 34, p. 509.
358 Exhibit 34, p. 509.
359 Exhibit 34, p. 509.
360 Exhibit 83, p. 441.
361 Exhibit 83, p. 441.
362 Exhibit 34, p. 509 and Exhibit 83, p. 441.
363 Wolfe file was with Dickhout – Transcript, January 18, 2012, p. 68; lists Wolfe file as investigated by Dickhout, Exhibit 217, p. 100-101; Dickhout conducting follow up on McDonnell, Crey, Jones and Wolfe investigations in 2001 – Exhibit 21, p. 6; in May 1999, Dickhout in MPU with conduct of new MP files – Transcript, April 5, 2012, p. 21-25.
364 Exhibit 34, p. 509 and Exhibit 83, p. 441.
365 Exhibit 34, p. 509.
366 Exhibit 34, p. 509.
367 Exhibit 83, p. 441.
368 Exhibit 34, p. 509.
369 Exhibit 34, p. 509.
370 Exhibit 34, p. 509 and Exhibit 83, p. 441-443.
371 Exhibit 34, p. 509.
372 Exhibit 34, p. 509.
373 Exhibit 83, p. 444.
374 Exhibit 23, p. 509.
375 Exhibit 83, p. 444.
376 Exhibit 34, p. 509.
377 Exhibit 34, p. 509-510.
378 Exhibit 34, p. 510 and Exhibit 83, p. 444-445.
379 Exhibit 34, p. 510 and Exhibit 83, p. 445.
380 Exhibit 34, p. 510 and Exhibit 83, p. 445.
381 Exhibit 34, p. 510 and 360.
382 Exhibit 34, p. 510.
383 Exhibit 34, p. 510.
384 Exhibit 34, p. 510.
385 Exhibit 34, p. 510.
386 Exhibit 34, p. 387 and 510.
387 Exhibit 34, p. 509.
388 Transcript, October 27, 2011, p. 71-72.
389 Transcript, October 27, 2011, p. 71-77.
390 Transcript, October 26, 2011, p. 104.
391 Transcript, October 27, 2011, p. 50.
392 Transcript, October 27, 2011, p. 50-52.
393 Transcript, October 27, 2011, p. 51-52.
394 Exhibit 22, p. 1.
395 Transcript, October 27, 2011, p. 52-53.
396 Transcript, October 27, 2011, p. 53.
397 Exhibit 34, p. 417.
398 Exhibit 34, p. 417.
399 Exhibit 34, p. 417.
400 Exhibit 34, p. 417.
401 Exhibit 34, p. 352 and 417.

- ⁴⁰² Exhibit 34, p. 417.
- ⁴⁰³ Exhibit 34, p. 417 and Exhibit 98, p. 103.
- ⁴⁰⁴ Exhibit 34, p. 352; Dickhout conducting follow up on McDonnell, Crey, Jones and Wolfe investigations in 2001 – Exhibit 21, p. 6; in May 1999, Dickhout in MPU with conduct of new MP files – Transcript, April 5, 2012, p. 21-25; lists Dickhout as investigating file, Exhibit 217, p. 101.
- ⁴⁰⁵ Exhibit 34, p. 418.
- ⁴⁰⁶ Exhibit 34, p. 417-418.
- ⁴⁰⁷ Exhibit 34, p. 418.
- ⁴⁰⁸ Exhibit 34, p. 417.
- ⁴⁰⁹ Exhibit 34, p. 417-418.
- ⁴¹⁰ Exhibit 34, p. 417-418.
- ⁴¹¹ Exhibit 34, p. 417.
- ⁴¹² Exhibit 34, p. 417 and Exhibit 217, p. 5.
- ⁴¹³ Exhibit 34, p. 417.
- ⁴¹⁴ Exhibit 34, p. 418.
- ⁴¹⁵ Exhibit 34, p. 418 and Exhibit 217, p. 6.
- ⁴¹⁶ Exhibit 34, p. 418.
- ⁴¹⁷ Transcript, February 29, 2012, p. 113-114 and 117.
- ⁴¹⁸ Exhibit 34, p. 496.
- ⁴¹⁹ Exhibit 34, p. 418.
- ⁴²⁰ Exhibit 34, p. 380 and 418.
- ⁴²¹ Transcript, October 27, 2011, p. 5-6; Exhibit 98, p. 203.
- ⁴²² Transcript, October 26, 2011, p. 120-121.
- ⁴²³ Exhibit 34, p. 418 and Exhibit 98, p. 265.
- ⁴²⁴ Exhibit 34, p. 387 and 418.
- ⁴²⁵ Exhibit 34, p. 418.
- ⁴²⁶ Transcript, October 26, 2011, p. 55-57.
- ⁴²⁷ Transcript February 9, 2012, p. 4.
- ⁴²⁸ RTCC identifies that the woman in question was likely not Dawn Crey - Exhibit 65, p. 16-17.
- ⁴²⁹ Transcript, October 26, 2011, p. 109-111.
- ⁴³⁰ Transcript, October 26, 2011, p. 110-111.
- ⁴³¹ Transcript, October 26, 2011, p. 113.
- ⁴³² Transcript, October 26, 2011, p. 112-113.
- ⁴³³ Transcript, October 26, 2011, p. 114. See, for example, article “Dawn of Hope” about Dawn and her life (Exhibit 24).
- ⁴³⁴ Exhibit 194, p. 492.
- ⁴³⁵ Transcript, October 26, 2011, p. 135-144.
- ⁴³⁶ Transcript, October 27, 2011, p. 58.
- ⁴³⁷ Transcript, April 17, 2012, p. 63.
- ⁴³⁸ Transcript, November 2, 2011, p. 38-39 and 111-113.
- ⁴³⁹ Transcript, November 2, 2011, p. 83.
- ⁴⁴⁰ Transcript, November 2, 2011, p. 30.
- ⁴⁴¹ Transcript, November 2, 2011, p. 111 and 164-165.
- ⁴⁴² Transcript, November 2, 2011, p. 164-166.
- ⁴⁴³ Transcript, April 17, 2012, p. 63-64.
- ⁴⁴⁴ Exhibit 141, p. 26; Exhibit 200A, p. 51-52.
- ⁴⁴⁵ Exhibit 200A, p. 50.
- ⁴⁴⁶ Exhibit 141, p. 20.
- ⁴⁴⁷ Exhibit 200A, p. 50.
- ⁴⁴⁸ Transcript, April 17, 2012, p. 74-76.
- ⁴⁴⁹ Transcript, April 17, 2012, p. 77.
- ⁴⁵⁰ Exhibit 58, p. 3.
- ⁴⁵¹ Exhibit 200C, p. 155.
- ⁴⁵² Exhibit 58, p. 3 and Exhibit 141, p. 21.
- ⁴⁵³ Exhibit 141, p. 23.
- ⁴⁵⁴ Exhibit 141, p. 24.
- ⁴⁵⁵ Exhibit 200C, p. 174.
- ⁴⁵⁶ Exhibit 200A, p. 50 and Exhibit 141, p. 22.
- ⁴⁵⁷ Exhibit 200A, p. 50.
- ⁴⁵⁸ Exhibit 99, p. 15.
- ⁴⁵⁹ Exhibit 34, p. 360.
- ⁴⁶⁰ Exhibit 200A, p. 51.
- ⁴⁶¹ Exhibit 200A, p. 51.
- ⁴⁶² Exhibit 200A, p. 51-54 and Exhibit 141, p. 25-26.
- ⁴⁶³ Exhibit 200A, p. 54-55.
- ⁴⁶⁴ Exhibit 200A, p. 55.
- ⁴⁶⁵ Exhibit 200A, p. 55.
- ⁴⁶⁶ Exhibit 200A, p. 55.
- ⁴⁶⁷ Transcript, April 17, 2012, p. 64, 68 and 77-79.
- ⁴⁶⁸ Transcript, April 17, 2012, p. 77-80.
- ⁴⁶⁹ Transcript, April 17, 2012, p. 82-83.
- ⁴⁷⁰ Transcript, April 17, 2012, p. 79.
- ⁴⁷¹ Transcript, April 17, 2012, p. 60-69.
- ⁴⁷² Transcript, April 17, 2012, p. 65.
- ⁴⁷³ Exhibit 34, p. 495.
- ⁴⁷⁴ Exhibit 34, p. 495.
- ⁴⁷⁵ Exhibit 34, p. 495.
- ⁴⁷⁶ Exhibit 34, p. 495.
- ⁴⁷⁷ Exhibit 34, p. 495.
- ⁴⁷⁸ Exhibit 34, p. 495.
- ⁴⁷⁹ Exhibit 34, p. 495.
- ⁴⁸⁰ Exhibit 217, p. 101.
- ⁴⁸¹ Exhibit 34, p. 495.
- ⁴⁸² Exhibit 34, p. 495.
- ⁴⁸³ Andrea’s grandfather called him her pimp – see Exhibit 98, p. 262.
- ⁴⁸⁴ Exhibit 34, p. 495.
- ⁴⁸⁵ Exhibit 34, p. 495.
- ⁴⁸⁶ Exhibit 34, p. 495 and Exhibit 98, p. 262.
- ⁴⁸⁷ Exhibit 34, p. 495 and Exhibit 98, p. 262.
- ⁴⁸⁸ Exhibit 34, p. 495-496.
- ⁴⁸⁹ Exhibit 34, p. 496.
- ⁴⁹⁰ Exhibit 34, p. 496.
- ⁴⁹¹ Exhibit 34, p. 496.
- ⁴⁹² Exhibit 34, p. 496.
- ⁴⁹³ Exhibit 34, p. 496 and Exhibit 98, p. 262, Exhibit 131, p. 5.
- ⁴⁹⁴ Exhibit 131, p. 5.
- ⁴⁹⁵ Exhibit 34, p. 496 and Exhibit 98, p. 261-262.
- ⁴⁹⁶ Exhibit 34, p. 496.
- ⁴⁹⁷ Exhibit 34, p. 496 and Exhibit 98, p. 264.
- ⁴⁹⁸ Exhibit 34, p. 387 and 496.
- ⁴⁹⁹ Exhibit 34, p. 496.
- ⁵⁰⁰ Exhibit 34, p. 496 and Exhibit 98, p. 266.
- ⁵⁰¹ Exhibit 34, p. 496 and Exhibit 98, p. 267-268.
- ⁵⁰² Exhibit 34, p. 496 and Exhibit 98, p. 268-269.
- ⁵⁰³ Exhibit 34, p. 496 and Exhibit 98, p. 270.
- ⁵⁰⁴ Exhibit 34, p. 496, Exhibit 98, p. 271-272 and Exhibit 131, p. 5.
- ⁵⁰⁵ Exhibit 34, p. 497, Exhibit 98, p. 272-273 and Exhibit 131, p. 5.
- ⁵⁰⁶ Exhibit 34, p. 497 and Exhibit 98, p. 273.
- ⁵⁰⁷ Exhibit 34, p. 497 and Exhibit 98, p. 274-275.
- ⁵⁰⁸ Exhibit 131, p. 5-6, Exhibit 34, p. 497 and Exhibit 98,

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- ⁵⁰⁹ Exhibit 34, p. 497 and Exhibit 98, p. 276.
- ⁵¹⁰ Transcript, February 16, 2012, p. 12.
- ⁵¹¹ Exhibit 34, p. 497.
- ⁵¹² Exhibit 34, p. 495.
- ⁵¹³ Exhibit 212, p. 2.
- ⁵¹⁴ Exhibit 2A, p. 3-9.
- ⁵¹⁵ Transcript, November 2, 2011, p. 78-79 and 83.
- ⁵¹⁶ Exhibit 229, p. 39.
- ⁵¹⁷ Exhibit 299, p. 39-40.
- ⁵¹⁸ Transcript, April 2, 2012, p. 70-72 and 115-116.
- ⁵¹⁹ Exhibit 229, p. 2.
- ⁵²⁰ Transcript, February 16, 2012, p. 6 and 12.
- ⁵²¹ Exhibit 229, p. 2.
- ⁵²² Exhibit 229, p. 2 and 81.
- ⁵²³ Exhibit 229, p. 2.
- ⁵²⁴ Exhibit 229, p. 2.
- ⁵²⁵ Exhibit 229, p. 2-3.
- ⁵²⁶ Exhibit 229, p. 3.
- ⁵²⁷ Exhibit 229, p. 3.
- ⁵²⁸ Exhibit 229, p. 3.
- ⁵²⁹ Exhibit 229, p. 58.
- ⁵³⁰ Exhibit 229, p. 3.
- ⁵³¹ Exhibit 229, p. 3.
- ⁵³² Exhibit 229, p. 3 and Exhibit 229, p. 68.
- ⁵³³ Exhibit 229, p. 3.
- ⁵³⁴ Exhibit 229, p. 3.
- ⁵³⁵ Exhibit 229, p. 3 and 83.
- ⁵³⁶ Exhibit 229, p. 3.
- ⁵³⁷ Exhibit 229, p. 4 and p. 70-71.
- ⁵³⁸ Exhibit 229, p. 4-5.
- ⁵³⁹ Exhibit 229, p. 4.
- ⁵⁴⁰ Exhibit 34, p. 398.
- ⁵⁴¹ Exhibit 34, p. 399 and Exhibit 229, p. 4.
- ⁵⁴² Exhibit 229, p. 4-5.
- ⁵⁴³ Exhibit 229, p. 5.
- ⁵⁴⁴ Exhibit 229, p. 5.
- ⁵⁴⁵ Transcript, April 17, 2012, p. 119-121.
- ⁵⁴⁶ Transcript, April 17, 2012, p. 121-122 and 127.
- ⁵⁴⁷ Transcript, April 17, 2012, p. 120.
- ⁵⁴⁸ Transcript, April 17, 2012, p. 126.
- ⁵⁴⁹ Transcript, April 17, 2012, p. 126-127.
- ⁵⁵⁰ Transcript, April 17, 2012, p. 128-129.
- ⁵⁵¹ Transcript, April 17, 2012, p. 119-130.
- ⁵⁵² Transcript, April 17, 2012, p. 101.
- ⁵⁵³ Transcript, April 17, 2012, p. 129-130.
- ⁵⁵⁴ Transcript, April 17, 2012, p. 130-132.
- ⁵⁵⁵ Transcript, April 17, 2012, p. 140-144.
- ⁵⁵⁶ Transcript, October 27, 2011, p. 91-93.
- ⁵⁵⁷ Transcript, October 27, 2011, p. 94.
- ⁵⁵⁸ Transcript, October 27, 2011, p. 94.
- ⁵⁵⁹ Transcript, October 27, 2011, p. 99-100.
- ⁵⁶⁰ Transcript, October 27, 2011, p. 94-95.
- ⁵⁶¹ Transcript, October 27, 2011, p. 96-97.
- ⁵⁶² Transcript, October 27, 2011, p. 98-97.
- ⁵⁶³ Transcript, October 27, 2011, p. 99-100.
- ⁵⁶⁴ Exhibit 131, p. 6.
- ⁵⁶⁵ Transcript, April 5, 2012, p. 130-131.
- ⁵⁶⁶ Exhibit 34, p. 505.
- ⁵⁶⁷ Transcript, April 5, 2012, p. 128.
- ⁵⁶⁸ Transcript, February 16, 2012, p. 6.
- ⁵⁶⁹ Exhibit 34, p. 505.
- ⁵⁷⁰ Exhibit 34, p. 505; Exhibit 131, p. 6; and Transcript, April 5, 2012, p. 127-128.
- ⁵⁷¹ Exhibit 34, p. 505.
- ⁵⁷² Exhibit 34, p. 505 and Exhibit 131, p. 6.
- ⁵⁷³ Exhibit 34, p. 505.
- ⁵⁷⁴ Exhibit 34, p. 505.
- ⁵⁷⁵ Transcript, April 5, 2012, p. 128.
- ⁵⁷⁶ Exhibit 34, p. 505.
- ⁵⁷⁷ Transcript, April 5, 2012, p. 129.
- ⁵⁷⁸ Exhibit 131, p. 6, and Exhibit 34, p. 505-506.
- ⁵⁷⁹ Transcript, April 5, 2012, p. 132.
- ⁵⁸⁰ Exhibit 34, p. 505.
- ⁵⁸¹ Exhibit 34, p. 505.
- ⁵⁸² Exhibit 34, p. 505.
- ⁵⁸³ Exhibit 34, p. 505.
- ⁵⁸⁴ Exhibit 34, p. 506.
- ⁵⁸⁵ Exhibit 34, p. 506 and p. 399.
- ⁵⁸⁶ Exhibit 34, p. 506.
- ⁵⁸⁷ Exhibit 34, p. 506.
- ⁵⁸⁸ Exhibit 34, p. 506.
- ⁵⁸⁹ Transcript, October 27, 2011, p. 100.
- ⁵⁹⁰ Transcript, October 27, 2011, p. 100-103.
- ⁵⁹¹ Exhibit 131, p. 6-7 and 28.
- ⁵⁹² Transcript, October 27, 2011, p. 104-110.
- ⁵⁹³ Exhibit 34, p. 507.
- ⁵⁹⁴ Exhibit 34, p. 507.
- ⁵⁹⁵ Transcript, October 26, 2011, p. 10-13.
- ⁵⁹⁶ Exhibit 128, p. 2.
- ⁵⁹⁷ Exhibit 128, p. 2.
- ⁵⁹⁸ Exhibit 128, p. 2.
- ⁵⁹⁹ Exhibit 128, p. 2.
- ⁶⁰⁰ Exhibit 128, p. 2.
- ⁶⁰¹ Exhibit 128, p. 21.
- ⁶⁰² Exhibit 128, p. 2.
- ⁶⁰³ Exhibit 128, p. 3 and Exhibit 218, p. 3.
- ⁶⁰⁴ Exhibit 128, p. 3.
- ⁶⁰⁵ Exhibit 128, p. 3 and p. 17.
- ⁶⁰⁶ Exhibit 128, p. 3 and p. 18.
- ⁶⁰⁷ Exhibit 128, p. 4.
- ⁶⁰⁸ Exhibit 128, p. 4.
- ⁶⁰⁹ Exhibit 98, p. 289 and Exhibit 218, p. 1-2 and p. 10.
- ⁶¹⁰ Transcript, October 26, 2011, p. 13-14.
- ⁶¹¹ Exhibit 218, p. 7.
- ⁶¹² Exhibit 218, p. 8.
- ⁶¹³ Transcript, October 26, 2011, p. 14-17.
- ⁶¹⁴ Transcript, October 26, 2011, p. 33-34.
- ⁶¹⁵ Transcript, October 26, 2011, p. 17-18.
- ⁶¹⁶ Transcript, October 26, 2011, p. 47.
- ⁶¹⁷ There is some confusion regarding the exact dates of these events, but this does not affect my fact-finding.
- ⁶¹⁸ Transcript, October 26, 2011, p. 17-18.
- ⁶¹⁹ Transcript, October 26, 2011, p. 17-18.
- ⁶²⁰ Exhibit 128, p. 4.
- ⁶²¹ Exhibit 128, p. 4.
- ⁶²² Transcript, October 26, 2011, p. 19.
- ⁶²³ Exhibit 128, p. 4.
- ⁶²⁴ Exhibit 128, p. 5.
- ⁶²⁵ Transcript, October 26, 2011, p. 27-28.

- ⁶²⁶ Transcript, October 26, 2011, p. 19-20.
⁶²⁷ Transcript, October 26, 2011, p. 47-49.
⁶²⁸ Exhibit 98, p. 290.
⁶²⁹ Exhibit 98, p. 291.
⁶³⁰ Exhibit 128, p. 5 and Exhibit 128, p. 19.
⁶³¹ Exhibit 128, p. 5.
⁶³² Exhibit 128, p. 5-6.
⁶³³ Exhibit 128, p. 6.
⁶³⁴ Exhibit 128, p. 6.
⁶³⁵ Exhibit 128, p. 6.
⁶³⁶ Transcript, April 4, 2012, p. 77.
⁶³⁷ Exhibit 128, p. 3-4.
⁶³⁸ Transcript, October 26, 2011, p. 32.
⁶³⁹ Transcript, October 26, 2011, p. 32-34.
⁶⁴⁰ Transcript, October 26, 2011, p. 19-20.
⁶⁴¹ Exhibit 128, p. 9.
⁶⁴² Transcript, October 26, 2011, p. 45-46.
⁶⁴³ Exhibit 128, p. 9 and Exhibit 128, p. 21-22.
⁶⁴⁴ Exhibit 128, p. 9.
⁶⁴⁵ Transcript, April 5, 2012, p. 133.
⁶⁴⁶ Exhibit 128, p. 7-9.
⁶⁴⁷ Exhibit 128, p. 8.
⁶⁴⁸ Transcript, October 26, 2011, p. 32.
⁶⁴⁹ Exhibit 128, p. 10.
⁶⁵⁰ Transcript, October 26, 2011, p. 35-36.
⁶⁵¹ Exhibit 82, p. 284-285.
⁶⁵² Exhibit 194, p. 480.
⁶⁵³ Exhibit 194, p. 480.
⁶⁵⁴ Exhibit 114, p. 115.
⁶⁵⁵ Exhibit 83, p. 474.
⁶⁵⁶ Exhibit 151, p. 16.
⁶⁵⁷ Exhibit 104, p. 18.
⁶⁵⁸ Exhibit 114, p. 237.
⁶⁵⁹ Exhibit 98, p. 199.
⁶⁶⁰ Exhibit 45D, p. 4.
⁶⁶¹ Exhibit 45D, p. 4.
⁶⁶² Exhibit 82, p. 345.
⁶⁶³ Exhibit 108, p. 127.
⁶⁶⁴ Exhibit 98, p. 38.
⁶⁶⁵ Exhibit 45C, p. 94-95.
⁶⁶⁶ Exhibit 98, p. 70.
⁶⁶⁷ Exhibit 98, p. 186.
⁶⁶⁸ Exhibit 200A, p. 603.
⁶⁶⁹ Exhibit 98, p. 224.
⁶⁷⁰ Exhibit 45C, p. 46.
⁶⁷¹ Exhibit 98, p. 226.
⁶⁷² Exhibit 45C, p. 56-58.

