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Vancouver, BC

April 5, 2012

(PROCEEDINGS RECOMMENCED AT 10:00 A.M.)

THE REGISTRAR: Order. The hearing a now resumed.

MS. BROOKS: Good morning, Mr. Commissioner.

THE COMMISSIONER: Good morning.

MS. BROOKS: So we have the continuation of Detective Constable
Shenher, and Ms. Narbonne is up first today.

MS. NARBONNE: Good morning, Mr. Commissioner.

THE COMMISSIONER: Good morning.

MS. NARBONNE: Suzette Narbonne, I'm counsel for aboriginal
interests.

LORI SHENHER: Resumed

CROSS-EXAMINATION BY MS. NARBONNE:

Q Detective Constable, you were previously examined
by my predecessor Ms. Gervais. I have some
questions. Some might be some overlap, I'm going
to do my best not to overlap, but I tried to
familiarize myself as best I can with the
transcripts. What I didn't see in the evidence is
what is your current position at VPD?

A I'm detective constable in the Emergency and
Operations Planning Section, and I do -- I assist
with the resourcing of large events in the City of
Vancouver.

1 Q Okay. Was there a point when you left and then
2 went back or do -- I'm not clear on that.

3 A Okay. Just to explain, I guess, after this
4 investigation I went to the Diversity Relations
5 Section and I was only there a brief period of
6 time, maybe three months, and then I went into
7 Financial Crime Section. I was there for -- well,
8 up until the birth of my second son, which was
9 February 2003, and then after that mat leave I
10 came back in 2004 and I was there until 2005 in
11 May when I transferred to the Emergency
12 Operational Planning Session.

13 Q Okay. Thank you.

14 A You're welcome.

15 Q When you testified back in end of January,
16 beginning of February, I have a note that my
17 friend Mr. Gratl asked you if you'd ever put
18 anything in writing about Ms. Cameron's abusive
19 racist conduct, and at that point you testified
20 not that I can recall. I see it in your
21 manuscript. I'm guessing you were referring to I
22 never put anything in writing to the VPD; is that
23 right?

24 A Exactly, yes.

25 Q You remembered that you had a manuscript where you

1 talked about it; right?

2 A Yes, absolutely. No, I think I was referring to
3 had I made a formal complaint or anything like
4 that, and I hadn't.

5 Q Okay. And do you know personally what, if
6 anything, has changed at missing persons?

7 A Well, I know that in general terms, you know, I
8 haven't worked there since this time, but I know
9 shortly after I left Deputy LePard implemented or
10 instituted I guess an audit which was done by
11 retired Sergeant John Schouten.

12 Q Yes.

13 A And it was an audit of that whole unit. And as a
14 result of that audit several recommendations were
15 made which I know were enacted. One of the first,
16 and I think the most important ones, was that that
17 unit was given a full time sergeant to preside
18 over two detectives, and it's my understanding
19 there are always now two detectives in there.
20 It's not a one or maybe none situation anymore,
21 it's always two. Ms. Cameron left that unit, I'm
22 not exactly sure when, but I think very shortly
23 after I did or around that time, and the clerk in
24 there now is Emir Fitzgerald who's an excellent
25 employee. She worked actually with Project Amelia

1 for quite a while as well, and she's been in there
2 ever since. And my -- again understanding that I
3 haven't worked for that section for a long time, I
4 understand it's much more efficient, there are a
5 lot more checks and balances in terms of
6 reporting, and bring forward dates and all that
7 kind of thing are now implemented in this there.

8 Q Now, one of the things we saw in -- we've seen in
9 the evidence is at least a suggestion that the way
10 that office was structured was sometimes a barrier
11 to people reporting missing people. Personally do
12 you have any view of that one way or the other
13 from your interaction with that department?

14 A Well, my understanding, and you know it's only my
15 understanding, is that because there were extended
16 periods of time, this is before I came to that
17 unit, because there were extended periods of time
18 where there was no police officer there at all or
19 you had someone who was ill, I know the person who
20 I replaced had a heart condition and was on and
21 off for extended periods of time, so I do know
22 that Sandy Cameron was essentially running the
23 office, and she sort of had a world unto her own
24 there and I really don't know -- it's sort of one
25 of those things where once I came in there I would

1 come to learn little snippets of things as to how
2 she had managed things in the past, and then I
3 would try to make changes as best I could or to
4 speak to Sergeant Field and we tried to make
5 changes as best we could, and I think I've
6 testified before about Sergeant Field and I
7 working fairly closely together to try to rewrite
8 policy in there.

9 Q So because -- I guess taking me back to my
10 question a little bit, some of the things that you
11 observed there at that time, and we're going to go
12 forward here, because where I want to get is some
13 useful recommendations because that's what the
14 commission is here for, but back at that time the
15 conduct of Ms. Cameron that you talk about in your
16 manuscript, things like saying to someone this is
17 Canada, stuff like that, do you agree with me that
18 those sounded like barriers so people would be
19 less inclined to want to talk to her?

20 A Absolutely. And just to be clear, I recognized
21 that almost from the first day I was in there and
22 I had to try to, you know, I think as
23 diplomatically as possible take some of those
24 responsibilities away from her and start to take
25 them on myself.

1 Q Now, moving forward now. The recommendations that
2 you say were -- your understanding were
3 implemented at missing persons, is it your view
4 that those will be of assistance in helping people
5 to report, making people comfortable reporting,
6 making sure that something happens?

7 A Well, again appreciating I can't speak to any of
8 the specifics around it, I think it's detailed
9 fairly well in Deputy LePard's report.

10 Q Yes.

11 A But I think just by virtue of the personnel that
12 are in there I could see no problems of a systemic
13 nature that would be barriers to people reporting
14 or anything like that now.

15 Q Okay.

16 A I've certainly heard nothing to that effect as far
17 as complaints.

18 Q Okay. And knowing the people who are there, which
19 you do; right?

20 A Yes.

21 Q Do you -- would you expect there to be abusive
22 racist conduct towards people who report?

23 A No, I wouldn't. No. I would be shocked at this
24 stage.

25 Q Okay. One of the things that I read through here

1 is a suggestion that maybe at missing persons they
2 could record the calls sort of like they do at
3 9-1-1. Do you know -- firstly, is that the case
4 now?

5 A I don't know.

6 Q Would that be something you would recommend they
7 do?

8 A I think it wouldn't hurt to record all of our, you
9 know, phone lines. I don't know, maybe that's a
10 bit draconian, but I wouldn't see the harm in
11 that.

12 Q Okay. Moving on. Ms. Gervais asked you some very
13 specific questions about the aboriginal community
14 and whether it would have been helpful from your
15 perspective if you had known the background of the
16 women, and you told her that of course it would
17 have helped.

18 A Yes.

19 Q That's my paraphrase, not your words. Did you --
20 in your manuscript you talk about how it was
21 important for you to know who they were, and you
22 italicized that in your manuscript. Do you still
23 feel that way, that it's helpful to the
24 investigation to know who these people really are?

25 A Well, I think it's especially important in missing

1 persons files and in homicide files because very
2 often the details of someone's life, within those
3 details you're going to find clues to where they
4 may have had conflict and someone who would
5 potentially want to do them harm. So I think it's
6 vitally important. I don't think you could -- and
7 it includes race or cultural background
8 absolutely. And again as I said to Ms. Gervais I
9 just think it was really a -- I wouldn't say an
10 oversight, but just something that we just did not
11 have the time and resources to look into and it's
12 unfortunate.

13 Q And going forward would you say there should be
14 this sufficient person power to make those kinds
15 of inquiries?

16 A Absolutely.

17 Q Did you yourself make any -- Ms. Gervais asked you
18 about sort of the groups in the community of the
19 Downtown Eastside community. Did you yourself
20 contact -- and I'm specifically talking about the
21 aboriginal women. Okay. Did you contact the
22 families of the aboriginal women who were missing?

23 A Like any more than anyone else or less or --

24 Q Yeah, did you make special efforts yourself? What
25 did you do?

1 A Well, I did what I did with everyone, and that's
2 not to say that I think that their issues are the
3 same, but I approached their investigations the
4 same as I did with everyone so I made attempts to
5 contact the families in the same way.

6 Q Okay. Do you think the issues are the same or do
7 you think the background plays a big part?

8 A Background is huge, absolutely, and I don't
9 subscribe to the -- some of the theories that the
10 First Nations people are just the same as any
11 other cultural group. I've heard people say well,
12 the same as any other immigrant group, and I find
13 that fairly offensive, as do you, obviously
14 because clearly First Nations are First Nations.
15 But unfortunately within the police community
16 sometimes there's that attitude that they're just
17 another cultural group, and I think their issues
18 are very distinct.

19 Q Right. Is there any specific cultural awareness
20 training available now where something that has
21 changed since the Pickton matter?

22 A Not that I'm aware of. It's not to say no, I just
23 really am not aware of any.

24 Q Would it be useful in your opinion?

25 A Absolutely.

1 Q Would that be something you would recommend?

2 A Certainly, yes.

3 Q Do you yourself know if the way people look for
4 missing aboriginal people has changed since
5 Pickton?

6 A I really couldn't speak to that, I just don't
7 know.

8 Q Okay. And I'm going to give you an opportunity,
9 because I don't see it in the transcript, to let
10 us know what recommendations, if any, you would
11 make to the commissioner, because you were so on
12 the ground floor here in this investigation?

13 A Well, I think some of the things that I had
14 suggested before I think I still believe all of
15 them. But with respect to First Nations I think
16 that there needs to be an understanding among
17 police people of, you know, the history of
18 colonization, the history of genocide, that has to
19 be understood.

20 Q Yes.

21 A I don't think it is. And I don't think, as I said
22 earlier, training per se is not the same as
23 understanding, and I think experience with First
24 Nations is very important, and so I don't know how
25 you -- I'd have to think on how you could

1 implement something like that that would be more
2 of an exposure on a more intensive level --

3 Q Right.

4 A -- to First Nations community and First Nations
5 interests and issues, history. You know,
6 obviously it's a very broad area, but it's not the
7 same as, you know, sitting down for an hour and
8 learning about First Nations people --

9 Q Yes.

10 A -- any more than it's sitting down for an hour and
11 learning about Caucasian people. And so I think
12 it really comes down to understanding and
13 appreciating the differences in the First Nations
14 communities as opposed to, as I said, some other
15 cultural group. That distinction has to be made,
16 and I don't think it's been made yet.

17 Q So you know where you'd like to see us ending up,
18 you're not quite sure yet how we're going to get
19 there?

20 A Exactly.

21 MS. NARBONNE: Thank you. Those are the questions I have.

22 Ms. Hunt will have some questions for you.

23 THE WITNESS: Thank you.

24 THE COMMISSIONER: Thank you.

25 MS. HUNT: Elizabeth Hunt, co-counsel with Suzette Narbonne for

1 the interests of the aboriginal people.

2 **CROSS-EXAMINATION BY MS. HUNT:**

3 Q Detective Shenher, I'm just interested about your
4 manuscript and the time that you wrote it.

5 Particularly I just wanted to ask you at the time
6 that you wrote it you were a junior constable, and
7 this is in your information, I just want to
8 contextualize your manuscript a little bit more to
9 truly understand where you were coming from as an
10 individual woman within the community upon which
11 you were working. You were a junior, you were a
12 female. Could I ask about your orientation.

13 A Sure. I'm identified as a lesbian.

14 Q And at the time that you wrote this manuscript did
15 you feel that your -- well, here let me just ask
16 this first. Do you feel that the people that you
17 were serving were the people that were the most
18 marginalized people in our societies by race, by
19 addiction, by poverty, by being female, did you
20 feel that those are basically the community of the
21 Downtown Eastside?

22 A I definitely felt like the women that I was
23 looking for were among that most marginalized
24 community, yes.

25 Q And the whole community as a whole?

1 A Yes, for the most part.

2 Q And you made some comments throughout your
3 manuscript, we're just getting familiar with it,
4 and I'm sorry, we're new, so if we're repeating
5 ourselves, but I really am trying to get at the
6 heart of as a lesbian female junior there wasn't
7 much room in the police culture for that sex and
8 orientation and also age?

9 A Well, I think, you know, really my experiences as
10 a lesbian in the VPD have actually been fairly
11 positive. I think we're quite progressive in that
12 respect. I think that -- you know, I'll be honest
13 when I was going through recruiting in 1990 and
14 some of the questions, kinds of personal questions
15 which are normal, you know, who was your last
16 boyfriend and that kind of thing, those were
17 difficult because I really wasn't out at that
18 point. And it wasn't so much that I wasn't
19 publicly out, it was that still I hadn't come to
20 terms with some of those issues myself, so I
21 really wasn't ready to certainly come out to my
22 workplace, nor did I feel a need. I've always
23 sort of been of the opinion that people are people
24 and I -- I grew up in Alberta in a Catholic family
25 and, you know, I didn't have any sort of sense of

1 the queer community or that there even was one. I
2 mean, none of these things were ever presented to
3 me as options for living. So it's not -- you
4 know, I had a lot of my own internalized
5 homophobia and I think that -- so I was fairly
6 private about that at the time, and I certainly
7 when I did come out it wasn't some great
8 announcement. It was, you know, a first partner
9 that I might work with in a car, you know, talking
10 about what we're doing on the weekend sort of
11 thing and I might say what I was doing on the
12 weekend, and that sort of -- you know, I just
13 thought that to me is appropriate. Whether you're
14 gay or straight or anything else that's the kind
15 of conversations that you have at work. I had no
16 negative repercussions that I'm aware of as a
17 result of people coming to know that about me. I
18 don't feel in any way at the VPD that its ever
19 been a hindrance to me moving forward or getting
20 the jobs I've wanted to get, and I don't -- I
21 don't know of anyone else -- you know, I can't
22 honestly speak to the gay male experience, I think
23 that's probably quite different, but I really
24 haven't had any negative repercussions that way.
25 I don't know if that answers your question.

1 Q Yeah, it helps to inform now. I'm looking back
2 when you wrote this manuscript and I didn't see
3 you identifying yourself as -- I mean we can't
4 help but identify ourselves as being female, and
5 you can't help to identify yourself as being
6 young, but your orientation given the culture that
7 you wrote in this manuscript didn't -- I would
8 test you to say that it wasn't a culture where you
9 could come out and be accommodated to bring your
10 lesbian partner with you to a staff party and to
11 talk about how you're going to do family planning?

12 A Well, actually that's kind of funny, because I did
13 bring my partner to a VPD Christmas dance, it's a
14 fairly big occasion, and this was -- I can't
15 remember exactly when, maybe '94 or '95, and that
16 was something I don't think that had happened
17 before. And at the party, at the dance I really
18 didn't have -- didn't have a sense, I don't know
19 what people were saying behind our backs, I have
20 no idea, but my sense was that there wasn't an
21 issue at all. But where I actually had some
22 repercussions were from some of the other lesbians
23 on the department who were closeted who actually
24 came up to me after the fact and said you're
25 putting a lot of pressure on us by being out

1 essentially. And I found that a little bit -- I
2 was obviously upset by that and bothered because
3 what does what I do have anything to do with what
4 you do. But that was three different people that
5 had a concern, and who weren't even at the party
6 but just heard about it and then had a problem
7 with it. So, you know, I don't really know, but
8 at the time I don't think it was so much that it
9 was an issue, it was just people hadn't been
10 exposed to that, if you will.

11 Q So they would have an issue with predominant
12 culture by your manuscript seeing as they would
13 have an issue with sex trade workers, if you were
14 poor. Like there's a hierarchy of who is
15 important and who's not important, and you thought
16 because you were part of that culture they
17 accommodated your orientation, is that what you're
18 saying?

19 A No, I think what I'm trying to say is that there's
20 been a lot of times in my career where I actually
21 have felt -- where I've forgotten I'm a minority
22 or I've thought -- I've just thought I'm another
23 employee here and so my minority status, whether
24 it's, you know, being as a woman I'm a visible
25 minority whereas as a lesbian I'm an invisible

1 minority, but I tend to forget it and so I assume
2 others do. I'm sure they don't at particular
3 stages, but it certainly -- I guess if what you're
4 getting at is it certainly impacted how I felt
5 about the women that I was looking for in terms of
6 definitely identifying what it's like to be a
7 minority and what it's like to be part of a
8 community that's marginalized and has been, you
9 know, historically not treated very well,
10 certainly that definitely informed me throughout
11 the investigation and throughout my career.

12 Q Yeah, I would in reading your manuscript suggest
13 that you identified more with the people that you
14 were serving as minorities than you identified
15 with a male dominated, and I would say probably
16 Caucasian group of police officers?

17 A Absolutely. Certainly in those early days
18 absolutely.

19 Q And that's in the context of what I was asking.

20 A Certainly. Thank you.

21 Q Do you feel more assimilated with this culture now
22 or do you feel that you've been -- that minority
23 issues are being taking their rightful place
24 within these institutions?

25 A I do certainly feel more assimilated now, and I

1 think the VPD -- even by virtue of the fact I
2 think when I came on the job there were somewhere
3 around 30 women on the job, the percentage was
4 very low, and now I don't know the exact numbers
5 but I think we're well over a couple of hundred,
6 maybe 300. So when you start to have a critical
7 mass not only of women, but just a lot of
8 excellent, excellent people who are starting --
9 not starting, but who started to come into the
10 organization, so it's a much, much more welcoming
11 place I think than it was initially when I came
12 into it.

13 Q So you said you do feel more assimilated into it,
14 and from the aboriginal historical perspective the
15 assimilation has been very negative due to
16 colonial policies and legislation, and you say you
17 feel more assimilated into it, and that means
18 basically from an historical aboriginal
19 perspective you leave who you are outside the door
20 and you become this paramilitary, as your evidence
21 was that this is a paramilitary force that we are
22 working with, and we put on our uniform and we
23 follow the laws that we are to enforce. I'm just
24 generally laying this out for asking you about
25 this. Do you feel that this sort of being more

1 assimilated into this culture is a type of
2 policing -- a way of policing that will serve a
3 community that has basically an epidemic of
4 dependency?

5 A Well, I think if I understand your question, you
6 know, I think the danger is if you become blindly
7 assimilated. And I think that my experience has
8 been that I have -- my comfort level within the
9 organization has grown, but I certainly have my
10 eyes wide open. And certainly since my experience
11 on this investigation, and if I separate myself
12 out of this equation and look in general terms of
13 what you're saying I think definitely the
14 paramilitary structure is problematic, and I think
15 that -- you know, again what I'd said earlier
16 about understanding First Nations issues as
17 opposed to just being, you know, handed a pamphlet
18 or something I think is very important. That's
19 what really needs to happen. And I think that if
20 people are not blindly assimilated into a culture
21 I think they can retain that openness to question
22 when they see things happening that aren't right,
23 and I think that's something that -- you know,
24 when I decided to stay at the VPD that was a
25 decision I made for myself is that if I was going

1 to stay I had to try to make a difference. And I
2 don't know how successful I've been, but in my own
3 way I've tried to do that and tried to have my
4 eyes wide open as to things we can do better.

5 Q So now that you are at the VPD again do they have
6 -- you're saying on page 89, I can take you, I
7 know you know the page when you said things were
8 getting better, it has to. Is there equal
9 opportunity and diversity policies within the
10 department now? I know my co-counsel asked some
11 questions about that, but specifically is there
12 exact policies on different areas of equity and
13 diversity?

14 A I'm not sure if there's actually policy to sort of
15 affirmative action type policy in our hiring or in
16 our promoting or anything, I'm not aware of that,
17 but certainly it could be I'm just not aware of
18 it.

19 Q Do they have anti-discrimination policies?

20 A We have harassment policies that include race and
21 orientation. All the things in the Human Rights
22 Code are included in our harassment policy.

23 Q You have sexual harassment and --

24 A I think it may even be called workplace harassment
25 and discrimination, but I think discrimination is

1 in there, is included.

2 MS. HUNT: Thank you. Those are my questions.

3 THE COMMISSIONER: Thank you, Ms. Hunt.

4 MS. HUNT: Thank you.

5 THE COMMISSIONER: Yes, go ahead.

6 MR. COOPER: Mr. Commissioner, Seth Cooper, I'm an articling
7 student with Jason Gratl who is counsel for
8 affected Downtown Eastside individuals and
9 organizations.

10 **CROSS-EXAMINATION BY MR. COOPER:**

11 Q Detective Constable Shenher, I have some questions
12 for you. Do you have your manuscript -- your
13 manuscript in front of you?

14 A I do.

15 Q Would you please turn to page 184. I'm just going
16 to read a passage starting at the second main
17 paragraph there. To give some background to this
18 passage Constable Dan Dickhout, he was the officer
19 in charge of the VPD Missing Persons Unit
20 beginning in May of 1999?

21 A He was actually -- he wasn't an officer in charge,
22 he was a detective constable, and he was the
23 missing persons detective in there, and I believe
24 at some point also the coroner's liaison
25 constable. But he was a constable in there, he

1 wasn't actually in charge.

2 Q I see. But he was supervising the new missing
3 persons files, he had conduct of those files as
4 they were reported?

5 A He had conduct of them, yes.

6 Q Thank you. And just to read the passage starting
7 at unfortunately:

8 Unfortunately under Dan Dickhout's care
9 several of the more recent missing women
10 files...

11 And you list them:

12 ... Sereena Abotsway, Brenda Wolfe, Jennifer
13 Furminger...

14 Just to be clear, I'm going to stop there, these
15 women were reported missing after January of 1999?

16 A I'm not exactly sure when they were reported
17 missing. I know they were after my time.

18 Q I see, but they were what you considered to be the
19 recent ones?

20 A I think so, but I do think that I may have done a
21 small amount of work with Dan on Jennifer
22 Furminger.

23 Q Okay.

24 A I'm just not sure. Somewhere in kind of the mid
25 -- mid 1999.

1 Q Okay. Thank you. I'll start again.

2 Unfortunately under Dan Dickhout's care
3 several of the more recent missing women
4 files, Sereena Abotsway, Brenda Wolfe,
5 Jennifer Furminger, that would end up
6 becoming the first seven murder victims
7 Pickton were charged with, were not
8 investigated any faster than our original 27
9 had been and this time there really was no
10 excuse. The very things we had complained
11 about early on, lack of timely reporting,
12 very cold...

13 And you're referring here to leads:

14 ... or no places at all to search, lack of
15 witnesses were improving thanks to increased
16 awareness among sex trade workers, their
17 friends and families and street support
18 workers. They were doing their part and
19 reporting faster and with better information.

20 And this is the key part:

21 However, once these files made it to the VPD
22 Missing Persons Section they sat,
23 investigated with seemingly little urgency,
24 again, lack of will, incompetence and proper
25 training, and no clear policy for the

1 handling of these cases to blame.

2 Did I read that passage accurately?

3 A Yes, you did.

4 Q And to clarify, you're referring to a backlog of
5 missing women beginning in 1999, 18 of whom would
6 eventually be added to a second poster of missing
7 women, but not until sometime in late 2001?

8 A Well, I don't know if I would call it a backlog,
9 but as I testified yesterday I think this -- this
10 was my impression at the time, it's -- I have
11 nothing really to change that impression, it's
12 probably a little harsh, but my understanding, my
13 presumption because of what I came to learn
14 obviously later with the Pickton investigation was
15 that obviously they mustn't -- you know, if we had
16 a sense that we didn't have a lot of '99 files,
17 which obviously there were, although some of these
18 are later than '99, but, you know, as I mentioned
19 yesterday the Cara Ellis file is a good example,
20 that was one that we should have been well aware
21 of and we weren't. I can only presume that things
22 fell through the cracks that shouldn't have, and
23 that's what I'm speaking to in this paragraph is
24 that part of -- part of -- several of these files
25 are after my time so I -- probably in fairness to

1 Dan Dickhout I can't speak to whether they were
2 actually in his custody after I left or the newer
3 ones, but I think clearly there was a problem or
4 these would have obviously been investigated and
5 dealt with in a better way.

6 Q Okay. So just to summarize then, lack of will,
7 incompetence and proper training, no clear policy
8 were to blame, that's a little bit harsh, but it
9 accurately represents your view then?

10 A It represents my view, and I have no proof of
11 that, it's my sense and my opinion and a
12 presumption that I have, yes.

13 Q Thank you. And that accurately represents your
14 view now as well?

15 A Yes.

16 Q Thank you. I'm just going to continue reading at
17 the bottom of the page, the last paragraph:

18 From Geramy...

19 And meaning Sergeant Geramy Field:

20 ... right up the chain of command in the
21 investigation division management delegated,
22 deferred and sloughed off any sort of
23 decision making or policy to make it easier
24 to quickly determine whether we had more
25 victims. We had learned nothing. When I

1 would ask the question of who was to
2 investigate new cases of missing, drug
3 addicted sex trade workers from the Downtown
4 Eastside I was encouraged by Geramy...

5 Again Sergeant Field:

6 ... to just take each case as they come and
7 assign them to whoever is available. As
8 evidenced with Fell and Wolthers there was no
9 clear delineation of roles, no clearly
10 defined expectations of people within the
11 offices of missing persons and the MPRT.

12 Which is the Missing Persons Review Team:

13 We would continue to fly by the seat of our
14 pants, a strategy that had been so clearly
15 ineffective over the previous years.

16 Is that -- did I read that accurately?

17 A Yes, you did.

18 Q Thank you. And does that accord with your
19 understanding at the time?

20 A Well, again I think that what I've said earlier
21 would apply here as well, and it's my presumption
22 because really in the absence of any indication
23 otherwise that's how it seems to me. You know, I
24 want to be clear. I had the utmost respect for
25 Sergeant Field both professionally and personally,

1 I think she put her heart and soul into this, but
2 she just wasn't supported by any planning, any
3 sort of structure that could support her, and she
4 was doing two jobs at once. So I think that lack
5 of strategic planning, which I think I spoke of
6 yesterday as well, was definitely a problem. And
7 again with benefit of hindsight, you look and
8 clearly these things happen, and perhaps my
9 language is strong, and too strong perhaps, as far
10 as, you know, I can't prove these things, these
11 are my sense of what happened.

12 Q Okay. Could you please turn to page 189 of your
13 manuscript, and this is a new chapter in the
14 manuscript. In here you're writing about the
15 period of time immediately post arrest in February
16 of 2002 sort of just prior to the search of the
17 Pickton farm; is that right?

18 A I believe it's the search has begun, but it's
19 prior to the arrest.

20 Q Okay. I'm just going to start reading half way
21 through the second paragraph where it says this
22 was the beginning:

23 This was the beginning of the band wagon
24 jumping. Those who prior to this search
25 could not distance themselves from this file

1 far enough were now scrambling to get
2 seconded out to Surrey to work on it. This
3 would grow to become so distasteful I would
4 barely cope with being in the VPD building.
5 People who would not have pissed on these
6 women if they were on fire were now seeing
7 this investigation as a career maker, a
8 stepping stone to reaching their
9 investigative potential. This is a great
10 investigation...

11 You write sarcastically there:

12 Disgust rose in my stomach like a tidal wave.
13 Did I read that accurately?

14 A Yes.

15 Q And that's fairly colourful imagery, Detective
16 Constable Shenher, people who would not have
17 pissed on these women if they were on fire. These
18 are investigators within the VPD?

19 A Some, yes.

20 Q And there were enough of them that you felt the
21 need to leave the VPD building entirely?

22 A Yes.

23 Q And who were you referring to specifically, can
24 you think of any names?

25 A No, I can't think specifically of any names, it's

1 just people I sort of bump into in my day, people
2 in my own office at times, people that might call
3 me, things I was hearing, it was sort of a
4 combination of all of those things, and it just
5 made it very difficult to be there.

6 Q Thank you. Now, you testified at these hearings
7 on February 1st of this year, and my friend
8 Mr. Ward asked you if it would be fair to say that
9 an attitude at the senior levels of the VPD that
10 the women who were going missing were less
11 important, less valuable as people than, say, the
12 residents of Vancouver's west side, and you
13 answered that you think about that a lot, that
14 it's a factor everywhere in society, but that
15 you've never encountered or haven't encountered
16 others apart from those that you mentioned in your
17 testimony in the senior management where that was
18 an attitude that was at least voiced. You were
19 saying that you never encountered or have
20 encountered in senior management where that
21 attitude was voiced.

22 Now, at several points in your manuscript you
23 refer to the management of the VPD differently.
24 Certainly at page 39 of the manuscript you refer
25 to the missing women's investigation in just the

1 last sentence as:

2 An investigation they...

3 Meaning the management:

4 ... could care less about.

5 Sorry to jump around a little bit. If you go to
6 page 185 of the manuscript you say:

7 As easy and convenient as it would be to
8 simply blame Geramy...

9 Meaning Geramy Field:

10 ... for the management of this investigation,
11 I saw several parallels between our two
12 positions. Simply put she was me but one
13 rank higher facing all the same frustrations,
14 sexism and disbelief these women had met with
15 foul play, perpetuated by policemen
16 determined to stay rooted in ignorance and
17 bureaucracy rather than face the overwhelming
18 evidence we had presented that these women
19 were not off working in Hawaii, had not found
20 religion, nor had they left the life to marry
21 some logger in Spusm.

22 And over the page on page 186 of your manuscript
23 you write:

24 The police culture is so powerful and
25 pervasive when you are within it you are

1 lulled into believing that your actions and
2 motivations are ethical and right. Only with
3 the benefit of distance and perspective have
4 I seen how helpless either Geramy or I, or
5 any individual would have been to encourage a
6 more directed, concentrated, properly
7 resourced investigation into these
8 disappearances.

9 Now, there are others that my friend Mr. Ward took
10 you to yesterday, but at this point I would just
11 wish to ask which characterization about systemic
12 bias amongst the VPD management is the truth, the
13 characterizations in your manuscript written two
14 years after the investigation or the evidence that
15 you gave this commission in February?

16 A Well, I would say they're both the truth, if that
17 makes sense, because my evidence is what I'm able
18 to say with some degree of certainty as far as
19 proving it in a court, I guess, if you will, with
20 what's more factual, I think. And I think what's
21 in here, these are my impressions and
22 presumptions, and they're based on -- again with
23 looking back in hindsight it's very difficult for
24 me to point to anything else other than the
25 conclusions that I draw in this manuscript, and so

1 that's -- that's really my answer. I don't think
2 it's -- I really don't think they're mutually
3 exclusive.

4 Q Okay. You mention in -- you also mentioned to
5 Mr. Ward that there was systemic bias or systemic
6 issues at play, but -- sorry, elements of systemic
7 issues, but again not spoken. You said that that
8 sort of bias is difficult to pinpoint; is that
9 correct?

10 A That is, and I think that's really what I was
11 trying to say in my previous answer is that, you
12 know, I certainly don't want to come and sit here
13 and make unfounded allegations, you know, against
14 individuals or against my organization if I can't
15 substantiate them. So these are impressions and
16 that was my testimony and I stand by both.

17 Q Okay. Now, in a hierarchical structure like the
18 Vancouver Police Department is it fair to say that
19 there are those who project elements of the
20 dominant culture and there are those that reflect
21 them? Do you know what I mean by that?

22 A I think to some degree I do, and I would agree
23 with that, yes.

24 THE COMMISSIONER: I don't know what you mean by that.

25

1 MR. COOPER:

2 Q I suppose what I mean is some members within the
3 VPD are more actively engaged in creating a
4 culture of sexism or bias, whereas others simply
5 fall into line and replicate that. If you're
6 perhaps in a management role you might both
7 project it and replicate it at the same time?

8 A I think that's probably accurate. I mean I
9 certainly don't think there's anyone walking
10 around consciously and deciding which camp they're
11 in, but I think I've spoken to that in the past in
12 terms of the culture being very pervasive and very
13 powerful, and it's when you're in it, I think
14 anyone who's in any sort of profession where
15 there's a culture, which I think is pretty much
16 any profession, you become that culture. And
17 there may be some people that perpetuate it more
18 than others, but I think the vast majority of
19 people get sucked along by the culture.

20 Q Sure. So you're saying that it's difficult to --
21 would it be fair to say that it's difficult to get
22 a sense of who's projecting it and who's simply
23 reflecting it, the culture of systemic bias or
24 sexism?

25 A I would take that even a little further and say I

1 I think it's very difficult to even be -- to
2 really be consciously aware that there is a
3 culture when you're immersed in it.

4 Q So you're immersed in it, it's almost as if it's
5 in the very air you breathe there?

6 A Yes.

7 Q Thank you. At page 167 of the manuscript you
8 reference a December 1999 request to Sergeant
9 Geramy Field, a request that you be added as an
10 acting sergeant within the Missing Persons Review
11 Team, and you write that it's to deal with the
12 problems that you had identified with Constables
13 Fell and Wolthers, specifically their incompetence
14 and unwillingness to co-operate with the team. Is
15 that correct, you made a written request to be
16 made an acting sergeant?

17 A I did, but my request was actually to have
18 Detective Ron Lepine made as the acting sergeant
19 as he was the senior -- he was the senior man in
20 the office or for me to be considered, but for
21 someone to be made as a -- as a -- we needed a
22 full-time supervisor, but I had given both of us
23 as an alternative.

24 Q And so you wrote that you should be considered as
25 well?

1 A Yes.

2 Q And --

3 A In the absence -- if they weren't willing to give
4 up Ron Lepine then I would be willing to try and
5 do that. I didn't at that time think that that
6 would be necessarily an effective way to supervise
7 those individuals, but I thought that at least
8 with some of the authority of a rank it might help
9 in my efforts with them.

10 Q Okay. And do you have a copy of that written
11 request that you made? I'm not sure if we have a
12 copy in the --

13 A I know there's been some discussion about it, but
14 I know there was one. It was on a VPD 68, and I
15 wrote it to Geramy and it went to Dan Dureau who
16 was the acting inspector at the time, and then I
17 remember Geramy Field came back to me and said --
18 verbally said, "Dan says no," and I remember this,
19 "Lori needs to understand that this thing isn't
20 going on much longer."

21 Q Okay. Thank you. Still referring to page 167 of
22 your manuscript, is it your opinion that Sergeant
23 Field was reluctant to deal with the problems that
24 you identified with Constables Fell and Wolthers?

25 A I don't think that it was a reluctance. I think

1 that it was twofold. I think part of it was the
2 fact that Sergeant Field was doing two full-time
3 jobs and really just was stretched. She was
4 running a homicide squad at the same time that she
5 was supervising the Missing Persons Review Team,
6 so she was stretched so thin and already very busy
7 with investigative matters to then deal with
8 personnel issues I think was very difficult. I
9 think the second issue was I honestly -- and I
10 think that this is something she had said to me at
11 some point, she had not ever had difficult to
12 manage people under her command before. She had
13 mostly -- she said -- I remember her saying she
14 was very lucky because she had had very
15 professional and self-directed people and so this
16 was something new in her experience.

17 Q Okay. Now, but you did make a request, you did
18 bring it to Sergeant Field's attention the issues
19 that you were having with Fell and Wolthers?

20 A Yes, I did.

21 Q You mentioned at page 174 you say:

22 I again expressed my concerns to Geramy...
23 Referring to the problems you were having with
24 Fell and Wolthers. There's more discussion of it
25 at 175.

1 THE COMMISSIONER: You know, I've heard a lot about Fell and
2 Wolthers in the main part of her
3 cross-examination, and I don't know if we really
4 need to get into Fell and Wolthers again unless
5 there's something new that comes out of the
6 manuscript, and I didn't see anything new about
7 Fell and Wolthers.

8 MR. COOPER: Yes, Mr. Commissioner.

9 Q Detective Shenher, it's also true -- you said that
10 it was twofold the reasons that Sergeant Field
11 wouldn't remove Fell and Wolthers. But isn't it
12 also the case that --

13 MR. CROSSIN: No, that's not right. She didn't say -- her
14 evidence isn't that there's two reasons Field
15 wouldn't remove Fell and Wolthers.

16 THE COMMISSIONER: Yeah, we've gone over -- we've gone over
17 this at length about the role of Fell and Wolthers
18 and, you know, their trip to Alberta and what they
19 did and what they didn't do and the expectations
20 and the friction, and I don't see anything new
21 here. You know, the purpose of this, to bring
22 Detective Constable Shenher back, is to examine
23 those things in the manuscript that counsel didn't
24 have an opportunity to examine, it's not to take a
25 second run at cross-examination of her. And, I

1 don't know, unless you can tell me that this is
2 something that's new, but I haven't heard anything
3 new yet.

4 MR. COOPER: I'll cut right to the chase then.

5 THE COMMISSIONER: All right.

6 MR. COOPER:

7 Q Sergeant Field was afraid to get rid of Fell and
8 Wolthers because they were appointed by
9 McGuinness, who would be Inspector McGuinness.
10 You write that in your manuscript at page 177.

11 THE COMMISSIONER: Okay. Just don't answer that.

12 MR. WOODALL: Mr. Commissioner, this raises one of the issues
13 that I raised yesterday. This witness has her
14 impressions of what went on, but obviously she
15 doesn't know --

16 THE COMMISSIONER: She can't tell us why McGuinness did
17 something.

18 MR. WOODALL: Right. And it won't be of assistance to you for
19 her to offer what is at best an impression here.

20 THE COMMISSIONER: I agree with you.

21 MR. COOPER:

22 Q And so -- but Geramy Field didn't express that to
23 you?

24 A I don't recall her saying she was afraid, I just
25 recalled it that that was one of the factors that

1 she felt made it difficult to try to manage them,
2 that was all.

3 Q Okay. But you did provide her with --

4 THE COMMISSIONER: Okay. Just a minute. Yes.

5 MR. DELBIGIO: Mr. Woodall made an objection, the objection was
6 sustained, and then the next line of --

7 THE COMMISSIONER: I can't hear you. Sorry.

8 MR. DELBIGIO: Mr. Woodall made an objection, that objection
9 was sustained, and as I understand the next
10 question is --

11 THE COMMISSIONER: It's the same question.

12 MR. DELBIGIO: -- harkening back into the same territory.

13 THE COMMISSIONER: Yeah.

14 THE REGISTRAR: I'd like to remind counsel to name themselves
15 when they come forward, please. Thank you.

16 MR. DELBIGIO: DelBigio for McGuinness.

17 MR. COOPER: Excuse me, Mr. Commissioner, if I made that error.

18 THE COMMISSIONER: I understand. It's easy to make. I just
19 ask you to move on.

20 MR. COOPER: Okay. Now, Mr. Commissioner, do I have your leave
21 to continue this line of questioning?

22 THE COMMISSIONER: Sorry?

23 MR. COOPER: Do I have your leave to continue this line of
24 questioning? I believe there's some new material
25 here.

1 THE COMMISSIONER: Well, ask the question and I'll deal with
2 it.

3 MR. COOPER: Okay.

4 Q Detective Shenher, you provided Sergeant Field
5 with an ultimatum that it was either Fell and
6 Wolthers left or you would leave; is that correct?

7 THE COMMISSIONER: What's wrong with that question?

8 MR. WOODALL: The problem is that this is just a gloss on the
9 information we've already discussed, it's not new
10 in any sense. The friction is not new, the fact
11 that she had discussions with Sergeant Field is
12 not new, and this question, in my submission, is
13 just going over old ground.

14 THE COMMISSIONER: It's marginal. I don't want to stop your
15 cross-examination, I don't want to curtail it, I
16 want you have to full opportunity to ask all the
17 questions, but I don't need to hear the same
18 things that have already been canvassed. You may
19 not have been in the room when she was
20 cross-examined at length in all of these. And
21 other people have been cross-examined in this
22 area. I don't need to hear the same stuff over
23 and over again.

24 MR. COOPER: I'll move on, Mr. Commissioner. Thank you.

25 Q Detective Shenher, you gave some evidence

1 yesterday about your early days at the Vancouver
2 Police Department noting that this was a very
3 difficult period of time for you, the one that you
4 spent at the Strike Force; is that correct?

5 A I think I characterized it more that the Strike
6 Force can be a difficult place to work, but my
7 experience there for the most part was positive,
8 but that didn't stop me from seeing how it
9 negatively affected others.

10 Q Oh, I see. And you described it as something less
11 than a nightmare, but still just a difficult place
12 to work?

13 A Well, that's not entirely accurate either. I
14 think it was every woman's waking nightmare, and
15 something to the effect that it's a difficult
16 place for men as well or it can be. It's a place
17 sometimes where people are excessively hard on
18 each other to the point where I think we eat our
19 own a little bit in there. It's much better now.
20 They have a female inspector in there now, not
21 that it has to be a female, but she's somebody who
22 has actually addressed some of the cultural issues
23 in that section. But that was my evidence to my
24 experience at the time, yes.

25 Q Okay. And, sorry, what year was that?

1 A I was in the Strike Force from May of '96 until
2 July of '98.

3 Q Okay. And you found the conditions that made it
4 difficult to work there as a woman existed upon
5 your arrival there?

6 A Certainly I observed those conditions. As I said,
7 you know, I was able to function at a level I
8 think above some of the challenges that others had
9 there, but I certainly wasn't immune to seeing
10 what others went through.

11 MR. COOPER: Thank you, witness. Mr. Commissioner, those are
12 my questions.

13 THE COMMISSIONER: Thank you, Mr. Cooper. Okay. How long are
14 you going to be?

15 MR. DICKSON: Perhaps five minutes.

16 THE COMMISSIONER: Okay.

17 MR. DICKSON: It's Tim Dickson for the Vancouver Police
18 Department, Mr. Commissioner.

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

20 Q Detective Constable Shenher, yesterday Mr. Ward
21 was asking you questions about your research
22 materials on Lisa Yelds. Do you recall that?

23 A I do.

24 Q And he was asking you whether you had seen that
25 research in the disclosure, and I believe you said

1 you hadn't?

2 A That's correct.

3 Q And I think you testified that that research was
4 derived from information that you had received
5 from Corporal Mike Connor and from Bill Hiscox; is
6 that right?

7 A Yes.

8 Q And was there any information in your research
9 that was not in the notes of your interviews with
10 Bill Hiscox or in Mike Connor's file?

11 A Probably not. I just do remember that I
12 culminated it all into a tip file on Lisa Yelds
13 specifically, but that certainly it would have all
14 been covered in those two areas.

15 Q Okay. So what I'm hearing then is that your
16 research materials were a compilation of
17 information from Mike Connor's file and from your
18 notes of your interviews with Bill Hiscox and
19 there was not any other further information?

20 A No, just that that information didn't seem to be
21 available to the Evenhanded investigators when
22 they spoke with me.

23 Q Yes. And Mr. Ward was asking you whether that
24 research included information on Lisa Yelds'
25 connections with bikers. Do you recall that?

1 A I do.

2 Q And I'm not certain why Mr. Ward was asking you
3 those questions, but I have a theory, and I want
4 to address that issue by asking you the questions
5 that Mr. Ward did not ask you. And that is was
6 there any suggestion at all in that research of
7 Coquitlam RCMP or any other police being involved
8 with the Hells Angels?

9 A No.

10 Q Was there any suggestion whatsoever in that
11 research that Pickton was not to be investigated
12 because the RCMP wanted to focus on investigating
13 the Hells Angels?

14 A No.

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

16 THE COMMISSIONER: Thank you.

17 MR. MAJAWA: Andrew Majawa for the Government of Canada.

18 THE COMMISSIONER: How long are you going to be?

19 MR. MAJAWA: I expect to be in the neighbourhood of 20 to 25
20 minutes. I have a number of issues that arose
21 yesterday during Mr. Ward's examination.

22 THE COMMISSIONER: You what?

23 MR. MAJAWA: But they are all entirely new matters.

24 THE COMMISSIONER: But yesterday when we asked for estimates as
25 to how long she'd be under cross-examination we

1 got one hour, and here we are --

2 MR. MAJAWA: My estimate was 20 minutes, Mr. Commissioner.

3 THE COMMISSIONER: Well, you know, you may be 20 minutes, but
4 we're into an hour and a half. And, you know, I
5 need to know some estimate of the time, I think
6 I'm entitled to that courtesy, and yesterday late
7 in the day it was going to be an hour and here we
8 are --

9 MR. MAJAWA: Well, Mr. Commissioner, my estimate was 20
10 minutes, 20 to 25 minutes. I intend to be that
11 length of time. I don't believe that my -- our
12 questions should be curtailed because other
13 counsel have taken extra time. We have serious
14 matters that need to be addressed.

15 THE COMMISSIONER: Just a minute. Just a minute. Yes.

16 MR. HIRA: It's Ravi Hira for Earl Moulton. I know that
17 Mr. Vertlieb said an hour, but the numbers that he
18 read out to lead up to the hour, in other words
19 the time estimates, didn't equal an hour, they
20 were in excess of an hour.

21 THE COMMISSIONER: All right. I was told an hour and now --

22 MR. HIRA: I know that, and I did the math, it didn't make
23 sense, but I just --

24 THE COMMISSIONER: Okay. Yeah, we'll start you. Go ahead.

25

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

2 Q Now, I understand, Detective Constable Shenher,
3 that you began writing this manuscript in mid 2002
4 and completed it in early 2003?

5 A That's correct.

6 Q And I take it that you principally relied on your
7 memory and perhaps your notes in terms of
8 compiling the information that's in there; is that
9 right?

10 A That's correct.

11 Q You didn't review the Coquitlam RCMP file with
12 respect to Pickton to come up with the portions
13 about that portion of the investigation, did you?

14 A No, I didn't.

15 Q And you didn't speak with Corporal Connor to check
16 any of the facts that you put into the manuscript,
17 did you?

18 A Not after I spoke with him in the investigation,
19 no.

20 Q For the purposes of the manuscript during the
21 period of 2002 to 2003 you didn't speak with him?

22 A No.

23 Q And the same goes for Inspector Don Adam, you
24 didn't speak with Adam about the facts that are
25 related in your manuscript about Project

1 Evenhanded either, did you?

2 A No.

3 Q And I assume that if you had gone -- if this
4 manuscript had gone further for publication you
5 would have done more fact checking to ensure that
6 the facts that are relayed were actually accurate;
7 is that correct?

8 A That may have been, yes.

9 Q And yesterday you testified about a portion in
10 your manuscript where you describe having heard
11 that Pickton was putting women in the pens with
12 the pigs and perhaps shooting them after or
13 letting the pigs, I believe you used the word,
14 savage them afterwards. Do you recall that
15 testimony?

16 A I do.

17 Q You recall that portion of your manuscript?

18 A I do, yes.

19 Q And you testified that you don't recall who you
20 heard that from; is that right?

21 A Well, I did. I actually heard that from Dave
22 Dickson via the two female witnesses that he heard
23 that from.

24 Q You never confirmed that with anyone at Project
25 Evenhanded; is that right?

1 A That's correct.

2 Q And are you aware -- well, of course, if you had
3 any evidence of that -- you didn't have any
4 evidence of that yourself, did you?

5 A No.

6 Q If you had any evidence of that it would have been
7 your duty to bring that forward to the
8 investigators who were investigating the case?

9 A Of course.

10 THE COMMISSIONER: Just a minute. Yes.

11 MR. CROSSIN: I must say I don't understand this
12 cross-examination.

13 THE COMMISSIONER: I don't either.

14 MR. CROSSIN: This witness isn't purporting to give factual
15 evidence on a lot of this stuff.

16 THE COMMISSIONER: I know that. I don't know why --

17 MR. MAJAWA: Mr. Commissioner, the statement that was made
18 in --

19 THE COMMISSIONER: I know, but she's made it clear that she's
20 heard it thirdhand, so how much more examination
21 do you need? And what am I supposed to do with it
22 anyway if it's thirdhand, so why do I need to go
23 hear this stuff that's thirdhand and she's put
24 that caveat in already.

25 MR. MAJAWA: In my view it needs to be clear that it's

1 thirdhand, that it was a rumour. So I'll ask the
2 question --

3 THE COMMISSIONER: Well, she made that clear yesterday that it
4 was thirdhand, so.

5 MR. MAJAWA:

6 Q Is it fair to say that that was a rumour that you
7 had heard and nothing more?

8 A No, I wouldn't characterize that as a rumour.
9 That was something that an investigator had told
10 me from his specific dealings with two witnesses.

11 Q Are you aware that there was no evidence found by
12 Project Evenhanded in respect of that part of your
13 manuscript?

14 A Yes, and that was because those two women had an
15 initial meeting with some investigators out there
16 and didn't like the way they were treated and
17 decided they didn't want to be part of the
18 investigation.

19 Q Now, I'm certainly not going to go through the
20 manuscript page by page, but I would like to cover
21 a few topics that are new in there, and only a
22 few. I understand that you were away, and it's at
23 page 130 of your manuscript you say that you were
24 away for the month of July, 1999?

25 A For most of it, yes.

1 Q And during your absence I take it you weren't
2 being kept up to date on what was going on in the
3 Coquitlam investigation of Pickton?

4 A Well, that's not entirely correct. Mark Chernoff
5 called me at one point when he received the tip,
6 when he was assigned the tip from Sergeant Field
7 from Jim Brown about Caldwell and his information
8 about Lynn Ellingsen. He called me because he
9 found that so interesting and thought that it must
10 be my source, that he didn't know who Caldwell was
11 yet, and he said is this your source, and we had
12 to compare notes and we really weren't sure at
13 that point whether it was actually the same source
14 information.

15 Q So it's fair to say that the information then that
16 is in the manuscript about the actions that were
17 taken in July is based on part what you received
18 from Chernoff or Lepine, but not on your firsthand
19 knowledge. Is that fair to say?

20 A That's correct, yes.

21 Q And the same in my review of the documents, you
22 were present for one meeting in August. Do you
23 recall being present for one meeting with
24 Coquitlam investigators in the beginning of
25 August, August the 3rd?

1 A Yes.

2 Q And then there are some other references that are
3 made in your manuscript, page 134, to meetings on
4 August the 4th and August the 5th. Any references
5 to those meetings I take it again are just based
6 on information you're receiving from Detectives
7 Chernoff or Lepine; is that right?

8 A I think that was my testimony initially when I
9 appeared here.

10 Q So I just want to ask you a few questions about
11 your understanding of the initiation of the
12 surveillance that was going on with Pickton during
13 the --

14 THE COMMISSIONER: Yeah, yeah. I know this objection is
15 coming. This is -- tell me how this relates to
16 the manuscript?

17 MR. MAJAWA: Right. Sure. Page --

18 THE COMMISSIONER: No, no, it's in the manuscript, but this is
19 evidence that we've heard before from her.

20 MR. MAJAWA: There is a suggestion in the manuscript as to who
21 was conducting the surveillance.

22 THE COMMISSIONER: Well, I know, but we heard that before in
23 the trial proper, in the hearing proper the first
24 time she testified, and from others. So, you
25 know, I want -- I don't know how many times I have

1 to say this. The purpose of bringing her back is
2 to cross-examine her or examine her on matters
3 that are in the manuscript and were not raised
4 before, it's not to have a second run at this, and
5 I've heard this in other parts of the hearing.

6 MR. MAJAWA: Mr. Commissioner, I'm not attempting to have a
7 second run at it, I'm attempting to establish the
8 inaccuracy in the manuscript, and establish
9 whether or not that is accurate or not.

10 THE COMMISSIONER: All right.

11 MR. MAJAWA: And Mr. Ward has sought to have this entered as --

12 THE COMMISSIONER: Just a minute. Okay. I want to hear the
13 objection.

14 MR. CROSSIN: It's not evidence.

15 THE COMMISSIONER: Sorry?

16 MR. CROSSIN: The manuscript is not evidence.

17 THE COMMISSIONER: Oh, I know that.

18 MR. CROSSIN: This witness's testimony is the evidence. This
19 witness's testimony is as she may state X. If she
20 says Y in the manuscript, I mean you could
21 cross-examine her going to her credibility.

22 THE COMMISSIONER: Yeah, I know, that's a fundamental rule of
23 evidence. I agree with you that it is not -- the
24 manuscript is not evidence. It is similar to a
25 prior inconsistent statement in which case the

1 prior inconsistent statement is never admissible
2 for the truth of the contents contained therein
3 unless it's adopted as being true. Now, that's a
4 basic rule of evidence. If it's a prior
5 consistent statement contained in the manuscript
6 then it often becomes self-serving, so it's not
7 admissible on those grounds either. But the prior
8 inconsistent statement, if that's what it is,
9 becomes evidence only if the witness adopts it as
10 true. In Mr. Ward's cross-examination yesterday
11 there are a number of statements that he put to
12 her she adopted them as being true, therefore they
13 become evidence. But the other -- Mr. Crossin's
14 point is well taken in that it's not evidence
15 what's in this transcript.

16 MR. MAJAWA: I understand Mr. Crossin's point.

17 THE COMMISSIONER: Yeah.

18 MR. MAJAWA: And Mr. Ward sought to have it introduced as
19 evidence, and at the time you had stated that you
20 would not accept it to be introduced, but that you
21 would still provide him with an opportunity to
22 convince you whether or not it should be
23 introduced. Now, if your analogy is --

24 THE COMMISSIONER: That's a different issue about the
25 admissibility of the document. That's what I said

1 to him. But the cross-examination on a statement
2 in the document is not admissible except to test
3 credibility and all of those other factors that
4 I've already alluded to.

5 MR. MAJAWA: My understanding of what Mr. Ward was intending to
6 do with having the document entered as an exhibit
7 was to have it entered, and I under -- I take your
8 point, I understand your point, but was to have it
9 entered for the truth. And my understanding of
10 your ruling, perhaps I was mistaken, was that at
11 the time you weren't going to do that, but that
12 you were going to allow him to convince you later
13 of that possibility. If that was to in fact
14 happen I wanted to take the opportunity to point
15 out some of the errors, not all of them, some of
16 them and see if she still -- Detective Constable
17 Shenher still believes that and point out what the
18 real true basis of this manuscript is. It is, as
19 I fully understand and appreciate, a manuscript
20 that was not intended to be her evidence in this
21 hearing, but based on what Mr. Ward sought to do
22 with it I do need to ensure that my client's
23 interests that are affected by this are covered
24 and addressed. So that's my intention.

25 THE COMMISSIONER: Well --

1 MR. MAJAWA: I will -- if it's not going to go in for the truth
2 of its contents I can curtail a fair bit, but I
3 did not have that assurance, so.

4 THE COMMISSIONER: Well, I think I understand what you're
5 saying. The fact is I said to Mr. Ward I'd give
6 him an opportunity at the end of the day to argue
7 as to the admissibility of the document, that I
8 was inclined at that stage to say no, but I'll
9 leave it open to him to argue it. But that
10 doesn't mean that -- in any event, I don't want to
11 go and restate what I've said. Go ahead.

12 MR. MAJAWA:

13 Q Perhaps I'll put it this way. There are a number
14 of meetings that you reference in the manuscript,
15 and from my reading it is very difficult to
16 determine whether or not you were actually present
17 at that meeting or whether you were relaying
18 secondhand information. Is that fair to say?

19 A I think my evidence in chief was dealt with all --
20 and in cross-examination dealt with all the
21 meetings that I attended. What I wrote here, and
22 if I wasn't clear I'll be clear now, this was --
23 and I know this was in my evidence as well, was
24 that at that point in the investigation I was
25 mainly at the office, I was mainly dealing with

1 finding and identifying four of the missing women
2 that we ended up locating, I was busy with other
3 things, but I was receiving regular reports from
4 Detective Constable Chernoff and Detective Lepine,
5 and that's where I was basing this information on
6 was what they were telling me directly. And I
7 don't think I've ever characterized this as fact,
8 and I don't intend to now. That's where it came
9 from for me.

10 MR. MAJAWA: Thank you, Detective. Perhaps maybe now would be
11 a good time for the break. If I could have a few
12 moments to review my notes I may be able to
13 curtail this.

14 THE COMMISSIONER: Okay. Thank you.

15 THE REGISTRAR: We will now recess for 15 minutes.

16 **(PROCEEDINGS ADJOURNED AT 11:10 A.M.)**

17 **(PROCEEDINGS RESUMED AT 11:27 A.M.)**

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

19 THE COMMISSIONER: Mr. Majawa.

20 MR. MAJAWA: Thank you, Mr. Commissioner. I've reviewed my
21 notes. I have just two or -- sorry, one actual
22 area to cover.

23 THE COMMISSIONER: All right.

24 MR. MAJAWA: It should only be a few moments.

25 Q And it's in relation, Detective Constable Shenher,

1 to testimony that you gave yesterday in response
2 to a question from Mr. Ward. And you stated that
3 shortly after you joined Project Evenhanded in
4 February of 2002 that you were somewhat concerned
5 about the approach that was being taken to
6 Ellingsen's information. Do you recall that?

7 A I do, yes.

8 Q Are you aware at the time that on February the 9th
9 that there was a meeting of the investigators who
10 had been before you joined and they discussed the
11 possibility of Ms. Ellingsen being involved in the
12 murders?

13 A I believe I did know that there was some
14 discussions, yes.

15 Q Are you aware that Ms. Ellingsen was subsequently
16 arrested on the 10th of February for conspiracy,
17 brought into the detachment and questioned over
18 two incidents for more than ten hours with respect
19 to that?

20 A I believe I was, but also my impression was that
21 there was still discussion around the veracity of
22 what she had seen or her information as to what
23 she had seen in the barn.

24 Q Are you aware that Corporal Dhillon -- do you know
25 who Corporal Dhillon is?

1 A No.

2 Q Are you aware that there was a team prior to
3 Project Evenhanded that was dedicated to planning
4 the interviews for the high profile witnesses such
5 as Yelds, Houston, Ellingsen, are you aware of
6 that?

7 A Yes.

8 Q If I told you that Corporal Dhillon was one of the
9 members of that team you wouldn't know that
10 though?

11 A I don't know to see. There were a lot of people
12 out there that I didn't -- I just knew faces.

13 Q So you wouldn't be aware then of the steps that
14 Corporal Dhillon was taking in the period after
15 Ms. Ellingsen was released on the 11th of February
16 and when she was brought back in again on the 24th
17 of February for further interviews, you weren't
18 aware of the steps that he was taking to
19 facilitate those further interviews, would you
20 have?

21 A No, that's correct. And just to be clear, the
22 information in the manuscript relates to my
23 impressions of Inspector Adam's sense of whether
24 Ellingsen was a viable target or not.

25 Q Are you aware that Inspector Adam was then at a

1 meeting on the 17th of February -- well, first of
2 all before I go there, you would accept that there
3 were investigative meetings that took place that
4 you weren't part of?

5 A Yes, and I -- maybe I can save you some trouble.
6 I don't profess to be aware of all the different
7 investigative meetings that took place. What I'm
8 speaking to here is my impressions in the roundup
9 in the morning and evening meetings as to whether
10 she was someone who was going to pursue it or not.
11 That's what I'm speaking to here.

12 Q Would your impression be different if you had
13 known that there were meetings being conducted
14 where it was -- the undercover operation assigned
15 to Ellingsen was given the highest priority, would
16 that change your impression at all?

17 A No, because it was still my impression the way she
18 was being discussed that she was continually being
19 -- I shouldn't say continually being dismissed,
20 but I had a sense that it was an expectation that
21 she was not going to be a fruitful avenue of
22 investigation. That was the impression I was
23 getting.

24 Q Are you aware that -- you're aware that
25 Ms. Ellingsen eventually came in on the 24th of

1 February and then from that point on there were a
2 number of interviews that were conducted. Are you
3 aware of that?

4 A Yes, I am.

5 Q And you're aware that Mr. Pickton was arrested on
6 the 22nd of February?

7 A Yes.

8 Q Are you aware that Ms. Ellingsen has expressed
9 great fear with respect to Mr. Pickton before he
10 was in jail?

11 A Yes.

12 MR. MAJAWA: Those are my questions. Thank you.

13 THE WITNESS: Thank you.

14 THE COMMISSIONER: Thank you, Mr. Majawa.

15 MS. BROOKS: So, Mr. Commissioner, on the list next I have
16 Mr. DelBigio, but I notice that he's not --

17 THE COMMISSIONER: Oh, here he comes.

18 MR. DELBIGIO: It's Greg DelBigio for Mr. McGuinness.

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

20 Q Officer, you recall that I asked you questions
21 back in February?

22 A Yes.

23 Q And at that time in the answers that you gave, to
24 my questions anyway, you answered truthfully and
25 accurately and completely?

1 A That's correct.

2 MR. DELBIGIO: Thank you.

3 THE COMMISSIONER: Now, I like that cross-examination. That
4 should be a model for all lawyers.

5 MR. WARD: Well, Cameron Ward, counsel for 25 missing women. I
6 respectfully have to disagree. That was no
7 cross-examination on this book, and it shouldn't
8 have even happened.

9 THE COMMISSIONER: Well, Mr. Ward, from time to time -- we're
10 dealing with a very serious matter and it takes a
11 toll on all of us, and I can tell you that it's
12 very difficult, and it doesn't hurt from time to
13 time to have a bit of a lighter moment, and that's
14 the only purpose. Maybe it doesn't help me, but,
15 you know, I don't fault anybody for that.

16 MR. WARD: Well, you certainly fault me whenever I step out of
17 line.

18 THE COMMISSIONER: You know, I've given you more leeway than
19 anyone else, so I don't want to hear you
20 complaining about the -- and I give you more
21 leeway because you're acting for the families
22 here, and so I've done that. So I make no
23 apologies for that, and if you think that I'm
24 being unfair to you you're wrong, and I'm not.
25 I've done my best to accommodate you, the

1 inquiry's done its best to accommodate you. I
2 don't know why we're in this discussion.

3 MR. WARD: I don't either.

4 THE COMMISSIONER: Well, we were fine until you got up.

5 MR. WARD: Well, I objected to that so-called
6 cross-examination. It was inappropriate and
7 should not have occurred.

8 THE COMMISSIONER: Okay.

9 MR. WARD: And the record will show how the families have been
10 treated in this hearing room, and I have records
11 of how the families have been treated outside the
12 hearing room in this process, and I'm concerned,
13 gravely concerned about both. And I've said that
14 before and I say it again.

15 THE COMMISSIONER: Concerned about what?

16 MR. WARD: The way the families and I have been treated.

17 THE COMMISSIONER: Well, tell me how the families have been
18 treated? We've done our best to accommodate them,
19 and I've told them how understanding we are, I've
20 told them to speak up whenever they want, we've
21 accommodated them, so for you to suggest that
22 they've been treated unfairly I don't think is
23 fair at all, and I've always said that I'm here
24 for them. And this is a hearing where we have to
25 hear all sides, and within that context, you know,

1 we're doing our best to accommodate, and I can
2 tell you that.

3 MR. WARD: All right. Well, you asked me a question and I'll
4 answer it. You asked me to tell you how the
5 families have been treated unfairly.

6 THE COMMISSIONER: Okay.

7 MR. WARD: The record will show how the families and their
8 counsel have been treated in the hearings. It's
9 been transcribed. Outside the hearings I've
10 maintained a record of how I and the families have
11 been treated by commission counsel staff, and it
12 has been dismissive, it has been insensitive, it
13 has been inappropriate in respect of their
14 interests in endeavouring to get to the bottom of
15 the matters that are the subject matter of this
16 inquiry's terms of reference. I can tell you that
17 my clients are extremely distressed by the way
18 these hearings have been conducted, and they're
19 especially distressed by the suggestion that we
20 are going to be stopping in a few weeks before we
21 have got to some 31 or two witnesses on the
22 commission's witness list. They're especially
23 distressed that I went to the time and trouble of
24 putting together a written application for 20
25 witnesses that the families wanted to have called

1 and heard at this inquiry, and to read in the
2 *National Post* on two separate occasions that
3 commission staff have advised that the application
4 will be dismissed, although I haven't yet heard
5 that in the hearing room. They're especially
6 distressed by the contents of yesterday's *National*
7 *Post* article which you covered yesterday, and by
8 this morning's revelations in this morning's
9 *National Post* that the Evans' report was
10 apparently ghostwritten by Mr. Boddie, a 16 year
11 employee of the Vancouver Police Department.
12 There are grave concerns on the part of my clients
13 about the independence of this commission, about
14 the way it's conducted this process, and about the
15 degree to which it has bona fidedly -- or, pardon
16 me, let me restate that, the degree to which it's
17 gone to discharge its mandate. And my clients,
18 the families, intend to pursue these matters with
19 vigour in the appropriate forum.

20 THE COMMISSIONER: Well, I'm sorry that you rely on what you
21 read in the *National Post* as opposed to what you
22 hear in this courtroom, and I know of no --
23 there's no evidence that I know of, not one
24 scintilla of evidence to suggest that someone has
25 been a ghostwriter for the deputy chief who wrote

1 that. There's absolutely no evidence. And if you
2 choose to believe some reporter who wants to put
3 in statements of that sort that's for you to
4 consider. You want to believe that, fine. And
5 the -- I don't know where the *National Post* finds
6 out that we've dismissed matters without being
7 dismissed in this courtroom. That hasn't taken
8 place. I'm sorry that you rely on outside
9 extraneous sources as opposed to what goes on in
10 this courtroom. The fact is that whatever
11 applications you have made I have dealt with them
12 in this courtroom. And so, in any event, I don't
13 want to get into it.

14 You've made comments here about commission
15 counsel. He's -- associate counsel are here
16 today, but I think that it's appropriate that you
17 make those allegations when he's here, and he'll
18 be back next week, and I'll be pleased to hear
19 from you. You make allegations often and then
20 nothing happens. You talk about a coverup. And
21 you were going to call some officer named Carol.
22 You haven't even interviewed her. I hear nothing
23 more. So these allegations that are made out of
24 the blue never seem to be substantiated. I'm
25 prepared to hear all of that. I'm here to hear

1 you. But, you know, it's no good -- it doesn't
2 help me, it doesn't help anyone else in this room
3 if you're going to make allegations and then you
4 don't substantiate them. But I take very
5 seriously your allegation here that commission
6 counsel has been dismissive, and I think that's
7 something that Mr. Vertlieb should deal with, and
8 make that allegation when he's here.

9 MR. WARD: I have --

10 THE COMMISSIONER: A lot of the times applications are made by
11 you and then we don't see you for a week, and
12 that's happened a number of times in the past.
13 The Shenher document is a perfect example of that.
14 You were critical of the commission for not ruling
15 on it when you weren't even around for a week.
16 And then we had trouble getting Mr. Crossin here
17 because he had other commitments. I try to
18 accommodate everybody, I try to be fair to
19 everybody here. You make some suggestions that, I
20 think with the greatest of respect, are so
21 ill-founded. For instance, when the lawyers
22 representing the police appeared here you got up
23 and you objected to them. You know -- you know as
24 a lawyer with many years experience that the
25 police have a right to be here because they have

1 been the subject of much criticism. That's the
2 basis of our system, that is if you're going to
3 make allegations of wrongdoing against somebody we
4 give them an opportunity to be heard. And I'm not
5 particularly happy with having 19 lawyers in the
6 room, but that was another one of your arguments
7 that you made in this hearing.

8 So, in any event, I'm not going to go on any
9 further, I think that if you're going to make
10 allegations concerning the conduct of commission
11 counsel then I suggest you make them next week and
12 Mr. Vertlieb I'm sure will be here and he'll
13 respond to them.

14 MR. WARD: Mr. Vertlieb is well aware of them, but I'll be
15 happy to make them in the open hearing room if
16 that's appropriate.

17 THE COMMISSIONER: Okay.

18 MR. WARD: And on that last point about counsel, and I'm not
19 going to address those remarks, others can be the
20 judge of wether your comments are fair or not, but
21 on the one about the police officers' lawyers,
22 Mr. Commissioner, my point at the time was that
23 for many months prior to and after the
24 commencement of the hearings the police officers'
25 interests appeared to have been adequately

1 represented by teams of lawyers from the
2 Department of Justice, from the Vancouver Police
3 Department, from the Vancouver Police Union, and
4 Vancouver Police Board, and what I was concerned
5 about was having a dozen or more new lawyers come
6 in and assert that they all had the right not to
7 be heard, not to have their clients heard, there's
8 no doubt that their clients ought to be heard and
9 have every right to be heard, but they had new
10 rights to conduct cross-examinations, multiple,
11 multiple cross-examinations of every witness,
12 which of course has had the effect of prolonging
13 these hearings which has adversely affected my
14 clients' interests in ensuring that we have a
15 thorough and complete and adequate fact finding
16 investigation into these matters. The government
17 has said you must finish by June 30th, and because
18 all these police officers' lawyers showed up and
19 exercised what you indicated were their rights to
20 cross-examine the hearings were prolonged with the
21 consequence we won't get to 30 or more witnesses
22 on the commission's list. That is something our
23 clients are so concerned about that we --

24 THE COMMISSIONER: Look, you don't need to repeat yourself.

25 I've heard you about the 30 or more witnesses,

1 Mr. Ward. And there are no new rights. They
2 didn't have any new right to cross-examine. I try
3 to control the cross-examination as carefully as I
4 can, I want to ensure that everybody has an
5 opportunity to be heard. And I've said to you
6 before that it would be a lot easier for me the
7 fewer lawyers we have in the room. However,
8 that's not really a serious comment, because
9 everybody has a right to be heard whose interests
10 are affected. That's a part of the system. And I
11 can't tell the lawyers who come here representing
12 the police that they don't have any right to
13 cross-examine. They have that right. And, in any
14 event, I don't want to go on any further, and
15 thank you for -- yes.

16 MR. DICKSON: Mr. Commissioner, Tim Dickson for the department.
17 I just want to make a very quick comment on the
18 record because Mr. Ward raised Mr. Boddie and his
19 employment in the past with the VPD, and I just
20 what to note for the record that that was 24 years
21 ago that he left the department. The department
22 had nothing whatsoever to do with him coming to be
23 employed by the commission.

24 THE COMMISSIONER: And it's completely irrelevant right now as
25 far as this hearing is concerned. Yes.

1 MR. DELBIGIO: Mr. Commissioner, I will draw a distinction
2 between Mr. Ward's objection to my
3 cross-examination and his other comments. With
4 respect to the objection I submit that my
5 questions were perfectly proper. It might be that
6 at the end of the day somebody will attempt to
7 draw a distinction between the officer's testimony
8 in February and her impressions as they're
9 contained in the unpublished manuscript, and to
10 the extent that one day this commission is
11 required to consider whether or not there are
12 inconsistencies I submit that my cross-examination
13 was perfectly proper. Thank you.

14 THE COMMISSIONER: Thank you. Okay. Who is next?

15 MS. BROOKS: Mr. Hira is next.

16 THE COMMISSIONER: Okay. Mr. Hira.

17 MR. HIRA: For the record, Ravi Hira. Mr. Commissioner, I will
18 be about ten minutes.

19 THE COMMISSIONER: All right.

20 MR. HIRA: But I need leave from you to ask two questions or
21 bring up two facts that you do not have that this
22 witness has firsthand knowledge of and that are
23 relevant to your fact finding mandate. I've
24 discussed these facts with Mr. Crossin, and he
25 doesn't have a problem with them. I've discussed

1 the facts with Mr. Vertlieb, and he doesn't have a
2 problem with them. I cannot honestly say to you
3 that they arise from the manuscript, that's why I
4 need leave.

5 THE COMMISSIONER: All right.

6 MR. HIRA: And Mr. Ward is aware of these facts and he doesn't
7 have a problem either.

8 THE COMMISSIONER: All right. Okay. Let's just go.

9 MR. HIRA: So let's just deal with those two facts first.

10 THE COMMISSIONER: Okay. That's fine.

11 **CROSS-EXAMINATION BY MR. HIRA:**

12 Q Officer, you interviewed Ms. Anderson on August
13 21, 1998; is that correct?

14 A That's correct.

15 Q And I have a copy of the interview with me. I
16 wonder whether I might provide a copy to the
17 witness, to the commissioner, Mr. Crossin, and to
18 commission counsel. I'm going to read to you,
19 Officer, one sentence in that interview and ask
20 you whether that is what she said to you.

21 MS. NARBONNE: I'm just wondering if there's a copy for the
22 aboriginal interests as well so we can at least
23 see it. I don't mind sharing, but if we could
24 just have a copy.

25 THE COMMISSIONER: That's a good point.

1 MR. HIRA:

2 Q And that is in the fourth paragraph, the paragraph
3 that starts she stated Pickton. The third
4 sentence reads:

5 She recalls he told her he tended to come
6 down there and pick up women every second
7 Friday night.

8 First, have I read that correctly?

9 A Yes.

10 Q That's what she told you?

11 A That is.

12 Q That is that '97, '98 every second Friday night he
13 was coming down to the Downtown Eastside to pick
14 up women?

15 A Apparently so, yes.

16 Q Did you tell your Strike Force or did you initiate
17 a surveillance to deal with this information from
18 Ms. Anderson?

19 A No, I did not.

20 Q And I'm going to suggest to you that this
21 interview was not provided to the Coquitlam RCMP.
22 Would you agree with me or disagree with me?

23 A I can't recall honestly.

24 Q Fair enough. Let's go to the next point. You
25 gave evidence on January 30, 2012 about a meeting

1 with the attorney general, two other cabinet
2 ministers, some deputy ministers, then
3 Superintendent Bass, Deputy Chief McGuinness,
4 Sergeant Boyd, others from the Provincial Unsolved
5 Homicide Unit. Do you recall giving that evidence
6 to that effect?

7 A I do, yes.

8 Q I'm going to suggest to you that that meeting took
9 place at the provincial cabinet offices near the
10 Pan Pacific Hotel?

11 A No, I don't believe that's true. I believe it was
12 in the 800 Hornby Street.

13 Q Thank you. It's your recollection that the
14 meeting took place at 815 Hornby Street; is that
15 correct?

16 A That's correct, because I recall us having coffee
17 in the Starbucks down below first.

18 Q Thank you. Now, I'm going to suggest to you that
19 there were two meetings, one with the attorney
20 general and the deputy attorney general Ms.
21 Maureen Maloney, QC, and at the first meeting --
22 and that meeting took place at 815 Hornby and it
23 was attended by you, another Vancouver police
24 officer, the attorney and the deputy attorney.
25 Would you agree with me or disagree with me?

1 A No, I disagree.

2 Q Fair enough.

3 A I'm not aware of any meeting at the Pan Pacific
4 Hotel, but I'm aware of the meeting at 815 Hornby
5 with the people that I testified to.

6 Q Fair enough. I'm going to suggest to you that
7 that meeting took place some weeks before the
8 April 9, 1999 meeting that you testified about.
9 Would you agree with me or disagree with me?

10 A No, I would disagree with that.

11 Q And I'm going to suggest to you that Ms. Maloney,
12 QC, was concerned about the efforts undertaken to
13 date by the Vancouver City Police Department
14 regarding the missing women file and suggested
15 that more work needed to be done and perhaps
16 another meeting. Do you have any recollection of
17 that?

18 A I have no recollection, and I honestly couldn't
19 even say if I would know who she was in the
20 meeting. I don't recall any of that.

21 Q Thank you. And one more question on this with the
22 attorney general. Did you ever make a business
23 case for any more resources for the missing women
24 investigation to the attorney general?

25 A No.

1 Q Thank you. Now, those are the two new areas,
2 Mr. Commissioner, and I only have one question
3 regarding the manuscript, and this is this,
4 Detective Constable. There were -- you had
5 Detective Constables Lepine and Chernoff that
6 assisted you in the Missing Persons Review Team;
7 correct?

8 A That's correct.

9 Q You will agree with me that due to resource issues
10 that they got pulled away from your team and
11 involved in investigating other Vancouver
12 homicides. Would you agree with that proposition?

13 A Well, I would agree in part. In terms it wasn't
14 -- when they were pulled away it wasn't a
15 definitive final thing, they sometimes were able
16 to come and work on Missing Persons Review Team
17 items sporadically intermixed with that other work
18 they were doing. It wasn't sort of a definitive
19 end of assignment, if you will.

20 Q And you wrote:

21 And they could be easily pulled away from the
22 MPRT if they were to catch a murder at any
23 given time.

24 And that's at page 99. Would you agree with that?

25 A I would, but I think -- I think if I can give some

1 context around it, I think my intent in making
2 that statement was to show that although they were
3 assigned to us on paper they were still -- both
4 Detective Constable Chernoff and Detective Lepine
5 and Sergeant Field were still in the homicide
6 rotation, on the call rotation, and that I think
7 is what I would allude to there.

8 MR. HIRA: Thank you. Those are my questions,
9 Mr. Commissioner.

10 THE COMMISSIONER: All right. Thank you, Mr. Hira.

11 THE WITNESS: Thank you.

12 THE COMMISSIONER: Any further? Yes, Ms. Christie. I think
13 Ms. Christie is next.

14 MR. WARD: Excuse me. I rise in respect of the
15 cross-examination that was just concluded to make
16 what may be an application, but it is this. I'm
17 not aware of any documents that have been
18 disclosed to us to this point that support the
19 suggestion number two made by Mr. Hira that there
20 was a meeting involving Maureen Maloney, QC,
21 Attorney General Dosanjh and the witness at the
22 time specified, so I rise simply to apply or to
23 seek that there be evidence adduced in some
24 fashion to support that suggestion, and if need be
25 that Ms. Maloney and Mr. Dosanjh appear to

1 establish the foundation for that suggestion.

2 THE COMMISSIONER: That's a fair -- is Ms. Maloney testifying?

3 She is.

4 MS. BROOKS: Yeah, we're just finalizing the witness list, but
5 she has been placed on it.

6 THE COMMISSIONER: All right. Thank you. Yes.

7 MS. CHRISTIE: Thank you, Mr. Commissioner. It's Vanessa
8 Christie on behalf of former Chief Constable Terry
9 Blythe and former Deputy Chief Constable John
10 Unger. I will be no longer -- probably not as
11 long as I promised yesterday, Mr. Commissioner.

12 **CROSS-EXAMINATION BY MS. CHRISTIE:**

13 Q I want to direct you, Detective Constable Shenher,
14 to very specific portions of the manuscript that
15 were put to you yesterday specific to either Terry
16 Blythe or John Unger, so I will stick to those
17 topics. One of the things that was put to you
18 yesterday, Detective Constable Shenher, was at
19 page 32, if you have the manuscript there in front
20 of you just for your ease of reference. It was a
21 passage read to you I believe by Mr. Ward
22 yesterday, but this was part of the comment and I
23 just want to get your evidence on this, if I can,
24 please. It's in relation to Brian McGuinness, and
25 it's about two-thirds of the way down the page.

1 It says:

2 His support of Chambers would prove to be his
3 undoing, an incredibly short-sighted backing
4 of a man seen as an outsider whose days were
5 numbered long before he ever set foot in VPD
6 headquarters at 2120 Cambie Street.

7 McGuinness was no match for the Teflon coated
8 future Chief Constable Terry Blythe who laid
9 the groundwork for Chambers' demise and took
10 scalps of people like McGuinness when his
11 chance came.

12 That's what was read to you yesterday. You recall
13 that?

14 A Yes, it was.

15 Q I just want to ask you or put to you, Detective
16 Constable Shenher, you weren't in any way involved
17 in the so-called demise, as you put it, of
18 McGuinness; is that correct?

19 A No, not at all.

20 Q You were not privy to any kind of meetings as to
21 why McGuinness left the department, I take it?

22 A No. As I said I have no factual information to
23 back this. These are my impressions, that's
24 simply all.

25 Q And you can't say that -- when you say no match

1 for the Teflon coated future Chief Constable Terry
2 Blythe, you can't even say, Detective Constable
3 Shenher, that it was Terry Blythe who was
4 responsible for him leaving. Is that fair?

5 A No, that's correct. I think I testified to that
6 yesterday that I was just speaking in general
7 terms of his reputation for being someone who
8 could. He had a good reputation and he is very
9 politically astute, and that's all I was trying to
10 say there.

11 Q Speaking of former Chief Constable Blythe, he had
12 a good reputation?

13 A Yes.

14 Q So when you say Teflon coated or when you use that
15 term in your manuscript, Detective Constable
16 Shenher, are you using that in the positive
17 fashion toward former Chief Constable Blythe?

18 A Well, I wouldn't go that far. As I said yesterday
19 it was a nickname, Teflon Terry, and it was just
20 in reference to nothing ever seemed to stick to
21 him, and I don't know what that was in reference
22 to. I don't know whether that would be a positive
23 or a negative type of characterization of someone,
24 but my dealings with him certainly were all
25 positive.

1 Q Your dealings with former Chief Blythe were all
2 positive?

3 A Yes. When I was in the Diversity Section I had
4 some dealings with him and he was very positive.

5 Q And with respect to your contact, was that
6 personal contact you had with former Chief Blythe
7 in the Diversity Section?

8 A Yes, it was. And --

9 Q Sorry. Go ahead.

10 A He was the chair of the chief's Diversity Advisory
11 Committee and that was part of my role was to
12 facilitate meetings of that committee and that
13 sort of thing, so I had some fairly regular
14 interactions with him.

15 Q Okay. And the regular interactions you had with
16 him at that time, what time period are we talking
17 about by the way?

18 A That would be quite shortly after I left the
19 Missing Women's Review Team, sort of --

20 Q Toward the end of 2000?

21 A -- spring of 2001.

22 Q Okay. And about how long were your interactions
23 with him, what time of period are we talking
24 about, several months?

25 A Three months. I was only there for three months.

1 Q And during that time period, Detective Constable
2 Shenher, you never witnessed any sort of sexism
3 from former Chief Blythe?

4 A No.

5 Q Or racism?

6 A No.

7 Q Or negative comments about the missing women
8 investigation?

9 A No. I don't believe we even really discussed
10 that.

11 Q I take it it's fair to say, Detective Constable
12 Shenher, you don't have any personal knowledge of
13 the day-to-day business of a chief constable, is
14 that fair?

15 A No, and as I said these were my impressions, I
16 don't purport to have had that.

17 Q With respect to bringing -- trying to bring
18 something to the attention of a senior management,
19 and we'll talk about that in just a second, but
20 did you ever try to bring any of your concerns
21 specifically to the attention of former Chief
22 Blythe with respect to the concerns you've raised
23 on the missing women investigation generally?

24 A Not in general. I think the only time I even had
25 any dealings with him in that investigation was

1 with respect to being asked to respond to that
2 memo that Detective Constables Fell and Wolthers
3 had written to him. That was it.

4 Q Okay. And so he was never dismissive of you then
5 in any of your concerns about the missing women
6 investigation?

7 A No, I don't think I had any face-to-face dealings
8 with him during that time.

9 Q Which would be typical, I take it, from your role,
10 and you had supervisors, many people in between
11 you and the chief constable?

12 A Yes. And to be clear I don't think I've ever had,
13 nor would I today have an expectation that it
14 would be the chief's role to shepherd or spearhead
15 an investigation to go in the right direction. I
16 think that's more the purview of an inspector or
17 deputy as I understand it.

18 Q Thank you. With respect to John Unger, former
19 Deputy Chief Constable John Unger, and I'm sorry
20 to have to raise this with you again 'cause it has
21 been raised and I seek leave for a very short
22 time, Mr. Commissioner, if I can just to raise
23 this again, 'cause Detective Constable Shenher was
24 a bit cut off yesterday in her testimony, but you
25 never heard Deputy Chief Unger say the words

1 fucking whores; is that right?

2 A That's correct.

3 Q Or anything of that nature. You never personally
4 heard him speak negatively or in any kind of
5 derogatory fashion, offensive fashion like that
6 towards women?

7 A Not that I can recall, no.

8 Q And when you speak specifically in the manuscript,
9 I don't think I need to take you there
10 necessarily, Detective Constable Shenher, but in
11 the manuscript you speak of a senior management
12 meeting or a senior management meeting where he
13 supposedly has made these comments; right?

14 A Yes.

15 Q You were not part of any senior management meeting
16 where these comments were made?

17 A No.

18 Q Obviously, you've said you never heard them. But
19 do you know when this meeting was supposed to have
20 taken place?

21 A Not specifically, no.

22 Q And you don't have -- I think you had indicated
23 prior, Detective Constable Shenher, I assume this
24 is still your evidence, you don't have any source
25 even for who told you that information or who was

1 saying that information?

2 A No, that's correct. I heard it a from a couple of
3 different sources, and I really couldn't recall
4 who it was. As I said it was water cooler type
5 conversation, that was it.

6 Q I take it you'll agree with me, Detective
7 Constable Shenher, that those are -- I think
8 anybody would agree, those are offensive comments
9 to make; right?

10 A Yes.

11 Q And you quote those comments in your manuscript;
12 right?

13 A Yes.

14 Q I know you have said things about, you know, the
15 manuscript was a draft, it wasn't -- this version
16 at least wasn't meant for public consumption;
17 right?

18 A That's correct.

19 Q Would you agree with me that -- and you have a
20 journalism background; right?

21 A Yes.

22 Q That that would not be responsible journalism to
23 report that kind of a comment without a source, is
24 that fair?

25 A Absolutely. And just to expand on that, as I said

1 this was very much a first pass. I have always
2 protected the integrity of this manuscript since
3 the time it was written, and I know that the
4 publisher had done the same, and it was always my
5 understanding that just basically it was my
6 thoughts, my experiences, my impressions subject
7 to, you know, careful vetting by an errors and
8 omissions lawyer, my own ability to perhaps resile
9 from some of these comments or to decide really
10 what was fair and what wasn't. As I said, you
11 know, I wrote this from a very bitter place, and I
12 felt that there was room within that process if I
13 were to have published it to have obviously
14 produced something that would have been a
15 responsible -- a responsible document that would
16 certainly have been fair to the people's interests
17 that I was representing here.

18 Q Right. As it stands with your knowledge base that
19 would not be a responsible piece of journalism to
20 report that comment?

21 A I think it would have to be couched by obviously
22 me saying that these were just things I heard,
23 these were my impressions, this was the rumour
24 essentially.

25 Q With respect to, and this is my last area of

1 questioning, Detective Constable Shenher, but you
2 make some pretty, or at least I'm going to couch
3 it as sweeping generalizations in the manuscript
4 about -- specifically about senior management or
5 upper management. Would you agree with that
6 comment?

7 A I would, yes.

8 Q Okay. I take it fair to say, Detective Constable
9 Shenher, that senior management or upper
10 management that's not one person, that's a group
11 of people; right?

12 A Yes.

13 Q Many people?

14 A Yes.

15 Q Anybody from the inspector level up. Is that your
16 definition.

17 A It would have been at that time, yes.

18 Q Okay. And that group of people obviously over
19 time changes as different people come and go from
20 the organization?

21 A Yes.

22 Q All right. So is it fair to say that when you
23 make the comments about senior management, the
24 negative comments that you've made, and I won't go
25 through them all, some of them have been put to

1 you in the last couple of days, comments from the
2 manuscript where you generalize about senior
3 management, is it fair to say that that doesn't
4 necessarily apply to everyone who fills those
5 positions at any given time; is that right?

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

7 Q And I'll just end on this, Detective Constable
8 Shenher. Would you agree with me that, and it's
9 something that this inquiry is dealing with
10 actually, but painting everyone with the same
11 brush, so to speak, and it's a term we've heard
12 here, painting everyone with the same brush is a
13 dangerous thing to do, would you agree with that?

14 A I would agree with that in general terms. I
15 think, and I understand what you're referring to
16 here, I certainly think that those kinds of
17 generalizations would have been dealt with through
18 the editing and publication process.

19 Q Right.

20 A And I also think that -- and I would have to
21 really allude back to my testimony yesterday which
22 is from my perspective at the time, and given that
23 the right things, you know, with respect to some
24 of the Pickton information clearly didn't happen,
25 those are presumptions, it was my impression that

1 even if there were people in the senior management
2 at the senior management level were aware of the
3 details of the file and in a position to make a
4 decision. Clearly no one did, and that's really
5 one of those generalizations come from it, and I
6 certainly allow that this could have been
7 characterized, or would have been I think in the
8 final product have been characterized in a more
9 specific way.

10 MS. CHRISTIE: Right. Okay. Thank you. Those are all my
11 questions. Thank you, Mr. Commissioner.

12 THE COMMISSIONER: Thank you. Yes.

13 MR. HIRA: Just a housekeeping matter. I wonder whether the
14 Anderson 1998 statement could be marked for
15 identification only, the statement that I used.

16 THE COMMISSIONER: Oh, I see.

17 MR. HIRA: For identification only at this stage.

18 THE COMMISSIONER: Okay. With that caveat we'll mark it then.

19 THE REGISTRAR: Is that the one that was just handed in a
20 moment or two ago?

21 MR. HIRA: Yes.

22 THE REGISTRAR: Okay. For identification only that will be
23 marked as for identification CC.

24 **(EXHIBIT CC FOR IDENTIFICATION:**
25 **Anderson 1998 Statement)**

1 MR. HIRA: Thank you.

2 MS. BROOKS: Mr. Commissioner, I don't have anyone else on my
3 list of people who would like to ask Detective
4 Constable Shenher questions.

5 THE COMMISSIONER: All right. Okay.

6 MS. BROOKS: So she can be excused.

7 THE COMMISSIONER: So she can be excused?

8 MS. BROOKS: Yes.

9 THE COMMISSIONER: All right. I want to thank you sincerely
10 for coming back and we appreciate your attendance
11 here.

12 THE WITNESS: Thank you very much.

13 **(WITNESS EXCUSED)**

14 MS. BROOKS: Mr. Commissioner, next I'd like to file an
15 affidavit of Murray Lunn, and I've provided
16 Mr. Giles with the affidavit. Mr. Lunn is a
17 retired staff sergeant of the RCMP, he retired in
18 2005, and in 2003 he worked as Project
19 Evenhanded's family liaison officer. His
20 affidavit is very short. It responds to evidence
21 of Lori-Ann Ellis who testified that in the summer
22 of 2004 he had found a 1998 missing person report
23 that she'd made to the VPD sitting in a filing
24 drawer, and that the report had never been
25 actioned, and he testifies in his affidavit that

1 he recalls meeting with her but he didn't have
2 that conversation and has no knowledge of the
3 report. So he's available, he's here for
4 cross-examination, I understand that Mr. Ward
5 would like to ask him some questions, so perhaps
6 he can be called.

7 THE COMMISSIONER: All right. Thank you.

8 THE REGISTRAR: Good afternoon, sir. Would you put the
9 microphone on. Push the red button.

10 **MURRAY LUNN: AFFIRMED**

11 THE REGISTRAR: Would you state your name, please?

12 THE WITNESS: Murray Lunn.

13 THE REGISTRAR: Thank you. Counsel.

14 THE COMMISSIONER: Have a seat, sir.

15 MS. BROOKS: And it's my understanding that only Mr. Ward has
16 questions for Mr. Lunn, but perhaps his affidavit
17 could be marked as the next exhibit NR.

18 THE COMMISSIONER: Thank you. Yes.

19 THE REGISTRAR: That will be marked as Exhibit 128NR.

20 MR. MAJAWA: Sorry, perhaps before it's marked as NR, it does
21 not need to be NR.

22 THE COMMISSIONER: Sorry?

23 MR. MAJAWA: This exhibit can go in without the NR notation, it
24 can go in as an exhibit proper right now.

25 THE COMMISSIONER: All right.

1 THE REGISTRAR: That will be marked then as Exhibit 129.

2 (EXHIBIT 129: Document entitled: Affidavit of
3 Murray Lunn dated February 28, 2012)

4 MR. WARD: And it's Cameron Ward, counsel for the families of
5 25 missing and murdered women, including the
6 family of Cara Ellis.

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

8 Q Sir, you swore this affidavit at the end of
9 February of this year; correct?

10 A Yes, that's correct.

11 Q And the sole purpose of this affidavit was to
12 address testimony that my client Lori-Ann Ellis
13 gave in this commission's hearing; correct?

14 A Correct.

15 Q And so when you were involved in preparing this
16 affidavit you must have looked at some documents
17 to get the dates referred to in paragraphs 8, 9
18 and 10, did you?

19 A Is that 8, 9 and 10 of my affidavit?

20 Q Correct.

21 A Yes.

22 Q All right. May I see the e-mail referred to at
23 paragraph 8, please, because I've looked
24 everywhere and I don't seem to have a copy.
25 Perhaps your counsel could help. We couldn't find

1 this in the disclosure.

2 THE COMMISSIONER: Mr. Majawa?

3 MR. MAJAWA: Andrew Majawa for the Government of Canada.

4 You'll note that the e-mail is after the terms of
5 reference.

6 MR. WARD: Well, but --

7 THE COMMISSIONER: Well, I know, but that doesn't answer the
8 concern that he has. The fact is that he relied
9 on this and --

10 MR. MAJAWA: We can provide it, but it is --

11 THE COMMISSIONER: You can provide it?

12 MR. MAJAWA: I believe so. I'll have to go back and check, but
13 I do not have it with me right now. But I just
14 note that it is post the terms of reference.

15 THE COMMISSIONER: Where is it, in your office?

16 MR. MAJAWA: I'm not aware right now at this point, I will have
17 to check and see.

18 THE COMMISSIONER: But you have it?

19 MR. MAJAWA: I must have it somewhere, so --

20 THE COMMISSIONER: Okay. Well, look, we're going to have to
21 come back after in the afternoon anyway, so I
22 would ask that you go and do your best to find it.

23 MR. MAJAWA: I wonder what --

24 MR. WARD: And the notes or documents that gave this witness
25 these specific dates. He swore an affidavit about

1 events that occurred nine years ago.

2 THE COMMISSIONER: I'm with you, and I'm -- defence counsel or
3 counsel is entitled to have that document which
4 goes to the basis of the affidavit, and he's
5 obviously relied on some documents in order to
6 prepare this affidavit. So that's not unfair at
7 all, he's entitled to that.

8 MR. MAJAWA: I don't disagree. This is the first I've heard
9 that Mr. Ward would like this document.

10 MR. WARD: Well, with respect it isn't. I raised it in a
11 meeting --

12 THE COMMISSIONER: Sorry.

13 MR. WARD: I raised this issue in a meeting a couple of days
14 ago with counsel, and I've made a blanket request
15 that police witnesses bring with them the notes
16 from the relevant time period. So may I ask that
17 question just before we leave this issue?

18 Q Sir, did you bring your own notes, your notebooks
19 with respect to the dates referred to in this
20 affidavit, did you bring those with you today?

21 A I don't have my own notebooks, no.

22 Q Aren't you supposed to keep them forever? Well,
23 you're a former member of the RCMP?

24 A That's correct.

25 Q And there's a policy that you keep notes of your

1 activities while on service; correct? Policy or
2 practice.

3 A Practice, yes.

4 Q And you yourself as an RCMP member kept notes and
5 kept notebooks; correct?

6 A Yes, I did.

7 Q And you would have made some notes of some of the
8 incidents described in your affidavit, but
9 apparently not all; correct?

10 A Not all.

11 Q All right. But some?

12 A I would have to refer to what notes that I do
13 have.

14 Q Well, when you swore this document knowing it was
15 your evidence under oath, and to ensure the
16 reliability of the testimony you were giving about
17 years -- about events occurring nine years ago you
18 must have gone back to your records?

19 A I did see documents, yes. I don't have those with
20 me.

21 Q Well, sir, are you aware that I have made on many
22 occasions a request that any police officer coming
23 to give evidence on the witness stand bring their
24 notes in respect of the events, the dates covered
25 by their testimony?

1 A I'm not aware of anything that you have done, sir.

2 MR. WARD: All right. Well, on that basis, Mr. Commissioner,
3 let's --

4 MR. MAJAWA: Mr. Commissioner, sorry to interrupt, but at this
5 point I draw your attention to paragraph 7, and
6 Mr. Ward's attention to paragraph 7 as well, where
7 Mr. Lunn testifies in his affidavit that as the
8 family liaison officer he did not take
9 investigative notes because his position involved
10 speaking with family members and not gathering
11 evidence or conducting investigations.

12 MR. WARD: I certainly saw that, but my point is that --

13 THE COMMISSIONER: He said he made notes.

14 MR. WARD: The witness went to some records to prepare this
15 document. I haven't seen the records. I think
16 it's only fair that the records be produced so
17 that I can cross-examine on the content given that
18 this content has been determined to be relevant.

19 THE COMMISSIONER: I appreciate that. You know, if I stand
20 this down till two o'clock will that help?

21 MR. MAJAWA: I would expect it would, but perhaps -- I don't
22 know if we need to -- it is 12:15. I expect that
23 it would, yes.

24 THE COMMISSIONER: Okay. I made other commitments because I
25 thought we were going to be done by a particular

1 time, but I can easily come back here at two
2 o'clock. But this obviously is important, it goes
3 to the basis of what the cross-examination is
4 about, so.

5 MR. MAJAWA: There is another witness today as well, I believe,
6 so we'll be coming back anyways.

7 THE COMMISSIONER: Okay. And is there any issue regarding what
8 disclosure is needed for that witness?

9 MR. MAJAWA: I haven't been made aware of any issues. Perhaps
10 Mr. Ward and I can discuss that afterwards.

11 MR. WARD: There is, and I circulated an e-mail this morning.
12 While I have some of the next witness's notes, I
13 do not have any notes respecting the 1999 matter
14 he refers to in his affidavit which I consider to
15 be one of the focal points of my
16 cross-examination, his 1999 interaction with Leah
17 Best, and I've asked that the notebook for that
18 period be brought.

19 MR. MAJAWA: Perhaps Mr. Ward and I can discuss this, that
20 particular aspect outside of the --

21 THE COMMISSIONER: Is any of that available?

22 MR. MAJAWA: Can I discuss that with Mr. Ward? I'm not -- I
23 don't believe that there were any notes for that,
24 but --

25 THE COMMISSIONER: Okay. Well, I'd like to get -- I don't want

1 to bring this witness back on another day, but on
2 the other hand I'm not going to force Mr. Ward to
3 cross-examine if the proper documents that he's
4 asked for haven't been produced, so.

5 MR. MAJAWA: We'll do our utmost to locate them over the lunch
6 break, and I think we should be able to do that.

7 THE COMMISSIONER: All right. We have one other witness.

8 MR. MAJAWA: That's my understanding, yes.

9 THE COMMISSIONER: All right.

10 MR. WARD: And, again, it's a witness called for
11 cross-examination, it's Mr. VanOverbeek, and I'm
12 content to start now, I don't expect to be
13 terribly long with him, but that would make things
14 efficient if we --

15 THE COMMISSIONER: We're coming back at two o'clock then.

16 MR. WARD: Okay.

17 THE COMMISSIONER: I'd ask that you canvass all of this to find
18 out so that we don't have to bring him back.
19 Bring them back. All right.

20 THE REGISTRAR: The hearing is now adjourned till two p.m.

21 **(PROCEEDINGS ADJOURNED AT 12:20 P.M.)**

22 **(PROCEEDINGS RESUMED AT 2:08 P.M.)**

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

24 THE COMMISSIONER: Have we been able to get all the documents
25 that are needed here?

1 MR. MAJAWA: Yes, Mr. Commissioner. There's one document that
2 we are waiting for, but Mr. Ward is content to
3 proceed now.

4 THE COMMISSIONER: Thank you.

5 MR. WARD: That's right. I am grateful for my friends getting
6 this together for me and providing it quickly, and
7 I'm ready to go.

8 THE COMMISSIONER: Yes, go ahead.

9 **MURRAY LUNN: Resumed**

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

11 Q Now, Staff Sergeant Lunn, I'm instructed that
12 Lori-Ann Ellis, Cara Ellis's sister, may have had
13 somewhere around six to eight telephone
14 conversations with you about her sister's case.
15 Does that sound correct?

16 A I'm not exactly sure of the number, but, yes, I
17 did talk to her several times on the phone.

18 Q And is it fair to say that you usually didn't make
19 notes of telephone conversations like that with
20 family members of the missing?

21 A No, if it was noteworthy I would make notes on it.

22 Q And in your role, sir, as FLO or Project
23 Evenhanded's family liaison officer how many
24 families and family members were you dealing with
25 in that capacity?

1 A Probably somewhere around a hundred.

2 Q Now, I'm instructed by Ms. Ellis that about three
3 or four weeks prior, she's not sure, but about a
4 month before the meeting you describe in paragraph
5 10 of your affidavit that occurred on or about
6 July 6, 2004 she had a telephone conversation with
7 you in which she asked you what had happened to
8 what she then characterized as the 1997 missing
9 persons report into the disappearance of her
10 sister Cara Ellis. Does that sound correct?

11 A It was three or four months did you say?

12 Q Three or four weeks.

13 A Three or four weeks. I can't recall that.

14 Q And you don't have a note of that?

15 A No.

16 Q But there may have been a conversation to that
17 effect?

18 A There may have, yes.

19 Q Do you recall her expressing a concern over the
20 fact that Cara Ellis had been reported missing
21 years earlier, but that she had been unable to
22 ascertain what, if anything, the Vancouver Police
23 had done with respect to the report?

24 A I don't recall that.

25 Q I'm further instructed in that conversation about

1 a month before your meeting you responded to Ms.
2 Lori-Ann Ellis that you would look into the matter
3 because it would be a serious oversight if the
4 report wasn't available. Did that occur?

5 A I can't remember whether that occurred or not.

6 Q Okay. It may have occurred, but you have no note
7 of it so you can't verify it all these years
8 later?

9 A That's right.

10 Q Now, given that you were dealing with about a
11 hundred family members and hearing all sorts of
12 things from them during this time it's entirely
13 possible, I suggest, that a conversation like that
14 occurred, but that you simply have no recollection
15 of it today?

16 A Like what?

17 Q A conversation where Ms. Lori-Ann Ellis asked you
18 what had happened to the '97 missing persons
19 police report in respect of her sister Cara Ellis,
20 and your response, according to her instructions
21 to me, that you would look into that because it
22 would be a serious oversight if the report no
23 longer existed?

24 A That's true.

25 Q All right. And what you've done is you've sworn

1 this affidavit, as I think you mentioned before
2 lunch, to address a passage from Lori-Ann Ellis's
3 testimony back in October of last year for this
4 commission in which she said:

5 At the meeting in July in Calgary Murray
6 Lund...

7 Which is a mistake in either her -- the name she
8 gave you or the transcript, it's actually Lunn:

9 ... but Murray Lunn turned to me and he said,
10 "By the way, Lori-Ann, I found that missing
11 persons report that you put in in '98. It
12 was in a filing drawer and it had never been
13 actioned."

14 And that's right, isn't it, this affidavit sworn
15 at the end of February was for the sole purpose of
16 addressing that statement that Ms. Ellis made in
17 her testimony?

18 A That's correct.

19 Q All right. You have no notes of what happened at
20 that meeting; correct?

21 A At the meeting at --

22 Q The one described in paragraph 11.

23 A Yes, I do not have notes.

24 Q All right. And so you were basing the content of
25 your affidavit on what you recalled approximately

1 eight and a half years later when you swore the
2 affidavit?

3 A Yes.

4 Q So eight and a half years later one brief
5 face-to-face encounter with one of a hundred or so
6 family members relating to this matter you're able
7 to say that -- you're able to swear under oath
8 that that statement by you was never made. Is
9 that your evidence?

10 A Absolutely.

11 Q All right.

12 A If I could enlarge a little bit on that. I
13 noticed when I was going over that on the bottom
14 of page 32 on line -- it started line 23:

15 But the day before the memorial, they had
16 come to get some information, including DNA,
17 from my husband and his brother...

18 And then it leads into the statement that I had
19 so-called found the missing person report.

20 Q Yes, you're referring to Exhibit B, the transcript
21 extract?

22 A Yes, I am.

23 Q Yes.

24 A I was not an investigator, I did not go to collect
25 DNA, I don't even know how to collect DNA, and

1 that and -- so I was not there to collect DNA, I
2 was there as a family visit, and there is no
3 possible way that I would have said that I had
4 found a missing person report.

5 Q All right. So it's possible that given your
6 testimony Ms. Ellis may be mistaken when she
7 attributed the comment to Murray Lund. Is that
8 one explanation for this from your standpoint,
9 that another officer who had come to collect DNA
10 may have made that statement? You have no
11 knowledge?

12 THE COMMISSIONER: Just a minute. Don't answer that.

13 MR. MAJAWA: Mr. Ward is asking the witness to speculate on
14 something that he possibly -- he couldn't possibly
15 know. It's better saved for argument, I would
16 suggest.

17 THE COMMISSIONER: Yeah, I think you're right.

18 MR. WARD: I agree. I agree.

19 Q Okay. Sir, I'm just going to turn very quickly to
20 the documents that I understand you went to in
21 order to get information used to prepare the
22 affidavit, and I'm going to pass you one set of
23 those, if I may, with two extra copies for the
24 commission. And I just want to have you confirm
25 what these are quite quickly. Sir, it would

1 appear that Project Evenhanded maintained a
2 typewritten log in the form of these first four
3 pages in which actions were notes, and if you go
4 to page 3 the actual content of phone messages was
5 transcribed. Do I have that correct? So at page
6 3 of the document, the third page in there are
7 verbatim transcripts of messages left by Lori-Ann
8 Ellis with the Project Evenhanded office; is that
9 right?

10 A Yes.

11 Q So when you deposed, for example, in paragraph 9
12 of your affidavit that on December 1st, 2003
13 Lori-Ann Ellis, Cara Elli's sister-in-law --
14 sorry, paragraph 9, Lori-Ann Ellis called the
15 Project Evenhanded tip line, you're referring to
16 tip number 2485 which is a verbatim message of the
17 message she left on the telephone line on that
18 occasion; correct?

19 A Yes.

20 Q All right. And then just skipping on to the
21 last -- not the last, but the next pages after the
22 fourth page of the typewritten log there are what
23 appear to be copies of notebook entries. Are
24 these yours?

25 A Yes, they are.

1 Q And, in fact, on the second page it would appear
2 that you did make notes of a conversation with
3 Ms. Ellis on November 24th, 2003; is that right?
4 You say at the bottom, if I could just take you
5 down to the bottom:

6 Speak to Lori-Ann Ellis about her
7 sister-in-law about the news release. She
8 has a ring that Cara's father made that is
9 unique and she will e-mail it to me...

10 And so on; right?

11 A Yes.

12 Q And just to put that -- explain what that was
13 about. She had learned, I understand, that by
14 this time, 2003, that apparently according to news
15 of Pickton's legal proceedings he was said to have
16 kept trophies and she wondered whether Cara
17 Ellis's ring might be among the trophies, she
18 contacted you about that, and she subsequently
19 sent you a photograph by e-mail of that ring?

20 A Yes.

21 Q All right. And the last group of documents is the
22 record of the actual e-mail with a photo attached
23 that was sent, the last page is the e-mail that
24 was sent from Ms. Ellis to Evenhanded, and then
25 the fourth to last page is Marg Kingsbury's, of

1 Project Evenhanded, e-mail on to you passing the
2 photo along; correct? Take your time, there's a
3 lot in that question.

4 A Yeah, I misunderstood. I think that it's where I
5 passed it on to Corporal Kingsbury.

6 Q Oh, indeed, I'm sorry, I got that wrong, I
7 couldn't see it. So just to recap, what happened
8 was Ms. Ellis sent you an e-mail November 24th,
9 2003 in furtherance of the telephone call sending
10 a photograph of the ring, you received that,
11 passed it on to, was it Sergeant Kingsbury? I
12 forget her rank.

13 A I believe at the time she was a corporal.

14 Q Corporal. Pardon me, Corporal Kingsbury. And
15 that's what happened, isn't it?

16 A Yes.

17 Q All right. And we've heard, sir, in this
18 proceeding about a retention period for e-mails.
19 You were able when you swore your affidavit in
20 February of 2012 to retrieve copies of these
21 e-mails from 2003; correct?

22 A I did not retrieve them.

23 Q All right. Well, someone retrieved them in order
24 to assist you in preparing your affidavit?

25 A Yes.

1 MR. WARD: Thank you. I'd ask that this package be marked as
2 an exhibit, and those are my questions.

3 THE COMMISSIONER: Is there any objection?

4 MR. WARD: It should be NR I think is the qualification on
5 that.

6 THE COMMISSIONER: Yes.

7 THE REGISTRAR: Those documents will be marked as Exhibit
8 number 130NR.

9 **(EXHIBIT 130NR: Document entitled: Bundle of**
10 **documents related to Project Evenhanded, including**
11 **handwritten notes)**

12 THE COMMISSIONER: Yes.

13 MS. BROOKS: I don't believe there's any more questions for
14 this witness, Mr. Commissioner.

15 THE COMMISSIONER: All right. Thank you.

16 MS. BROOKS: He can be excused.

17 THE COMMISSIONER: You're done, Mr. Ward?

18 MR. WARD: Yes, thank you.

19 THE COMMISSIONER: All right. Thank you, sir.

20 **(WITNESS ASIDE)**

21 MS. BROOKS: Next, Mr. Commissioner, I'd like to file the
22 affidavit of Ted VanOverbeek. And he is a retired
23 RCMP officer, he was sergeant when he retired, and
24 he was an investigator with Project Evenhanded
25 from May 2001 until September 2004. And his

1 affidavit deals with five matters. I'll just very
2 briefly outline them for you. He provides
3 evidence that he received the Leah Best
4 information at the Burnaby RCMP detachment in
5 August of 1999 and he relayed that information to
6 the Coquitlam RCMP detachment. He also provides
7 evidence about the file reviews that he conducted
8 with Project Evenhanded of violent crimes against
9 sex workers to identify potential persons of
10 interest and DNA, and as part of those file
11 reviews he also looked at the 1997 attempt murder
12 file. His affidavit speaks to Evenhanded's
13 investigation of the eight -- additional 18 women
14 that were identified in August of 2001, and
15 specifically he gives evidence about the
16 investigation that he did into the disappearance
17 of Angela Joesbury. He responds to testimony by
18 Lilliane Beaudoin about discussions that she said
19 that she with him about the investigation into her
20 adoptive sister Dianne Rock. And finally he makes
21 a point of correction about the Angela Williams
22 file, and he states that he has determined that
23 there was not a second autopsy conducted which is
24 an error that I understand he made on a
25 continuation report earlier. So that's what his

1 affidavit speaks to, and I understand that

2 Mr. Ward has some questions for him.

3 THE COMMISSIONER: All right. Thank you.

4 MS. BROOKS: And it should be marked as the next exhibit,
5 please.

6 THE COMMISSIONER: You don't have any objections, Mr. Majawa?

7 MR. MAJAWA: No, just it be marked as NR.

8 THE COMMISSIONER: All right. Thank you.

9 THE REGISTRAR: Yes, the affidavit will be marked as 131NR.

10 **(EXHIBIT 131NR: Document entitled: Affidavit of**
11 **Ted VanOverbeek dated March 29 2012)**

12 THE REGISTRAR: Good afternoon, sir.

13 **THEODORE VANOVERBEEK: Affirmed**

14 THE REGISTRAR: Would you state your name, please?

15 THE WITNESS: Theodore Henry VanOverbeek.

16 THE REGISTRAR: Thank you, counsel.

17 MR. WARD: Sir, I'd like -- sorry, Cameron Ward, counsel for --

18 THE REGISTRAR: Microphone.

19 MR. WARD: Yes, that too. Cameron Ward, counsel for families
20 of 25 missing and murdered women.

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

22 Q And, sir, I'd like to turn to the first of the
23 matters that my friend Ms. Brooks identified, and
24 that is the subject you cover at paragraphs 3 and
25 following of your affidavit described as the

1 interaction with Leah Best. And I understand that
2 in August of 1999 you were employed at the Burnaby
3 RCMP detachment and that one day, in fact August
4 6, 1999, Leah Best and a male person came in to
5 the detachment and had a conversation with you?

6 A That's correct.

7 Q Now, I'm advised that you have checked your duty
8 notes, your notebooks, and you were unable to find
9 any notebook entry for this interaction with
10 Ms. Best?

11 A That's correct.

12 Q So is it the case that the evidence contained in
13 paragraphs 4 and 5 is your best recollection of
14 that -- of those events when you swore this
15 affidavit on March 29th, 2012?

16 A Yes, it is.

17 Q Are you able to provide any more information
18 beyond that set out in paragraph 4 about what
19 Ms. Best told you about this information she had
20 come into possession of. You say, and I'll just
21 repeat it:

22 Ms. Best told me that a friend of hers had
23 witnessed a body hanging in a barn at a pig
24 farm in Port Coquitlam.

25 As you reflect, as you did when you swore the

1 affidavit, on that day are you able to add any
2 more information, for instance who the friend was,
3 any more statements she may have made about the
4 circumstances in which she saw the body in that
5 location?

6 A Not really. We had a very brief conversation, and
7 because it was secondhand information I wanted to
8 -- before I got into a long drawn out conversation
9 with her I called Coquitlam detachment to see if
10 there would be any veracity to what she was
11 saying, and they indeed said yes, they were very
12 interested in speaking with her. At that time I
13 purposely didn't say any more, I didn't want to
14 corrupt anything that they would have, and made
15 arrangements for them to speak with her the
16 following day.

17 Q And if I can just pause there for a moment. I
18 would imagine, I suggest, that as an RCMP officer
19 serving at a front counter from time to time or
20 answering the phone, you would often get
21 information from members of the public that was
22 patently of no veracity whatsoever and you would
23 get people calling in with some reports that you
24 could immediately tell would be not worthy of
25 further attention. Is that fair?

1 A That's fair.

2 Q But in this case after speaking with this woman
3 and her companion face to face you felt that what
4 she was telling you was of sufficient significance
5 or import to make a call to Coquitlam; correct?

6 A Correct.

7 Q And you made the call to Coquitlam because that
8 was the jurisdiction in which she had reported
9 seeing the body?

10 A That's correct.

11 Q Now, would it be fair to suggest as well that in
12 your day-to-day work as an RCMP officer at that
13 time people wouldn't come in off the street
14 regularly with reports of seeing bodies?

15 A Correct.

16 Q It's unusual?

17 A Very unusual.

18 Q It's noteworthy, fair?

19 A Fair. I probably should have made notes, but I
20 did not.

21 Q That wasn't the tenor of the question, but it's
22 significant?

23 A Yes.

24 Q All right. And then in paragraph 5 after
25 receiving this information you say, and I'll just

1 read it, in the second sentence:

2 I believe I spoke with Corporal Mike Connor
3 when I contacted the Coquitlam detachment and
4 that I also spoke with Constable Marenchuk.
5 Just stopping you there. Is it your recollection
6 that you had two separate telephone conversations
7 or were you passed from one person to another or
8 can you recall?

9 A I can't recall. I knew Mike Connor previously.
10 And I know that I tried to remember who I called
11 and I thought it was Mike Connors, but there was
12 not two telephone conversations. I may have been
13 passed from Mike Connor to Marenchuk, I don't
14 know.

15 Q Okay. And just on that point that you knew Mike
16 Connor previously, can you just elaborate and
17 explain that, what the nature of your knowledge of
18 him was at that time?

19 A Well, we never worked in the same detachment in
20 the same unit, I just have known him over the
21 years being in the Lower Mainland and that type of
22 thing. I knew he was in Coquitlam GIS at that
23 time.

24 Q Were you on a first name basis with him?

25 A I guess you could call it that, yeah.

1 Q And in the next part of this paragraph you depose,
2 and I quote:

3 I recall that the Coquitlam member I spoke
4 with about Ms. Best's information was very
5 interested in the information from Ms. Best
6 and that I provided him with Ms. Best's
7 contact information so that an interview
8 could be arranged.

9 Just stopping there. That's true?

10 A Yes.

11 Q So you -- first, with respect to the statement
12 that the member was very interested, do you recall
13 any further discussion about the nature of the
14 interest in what you were telling the member
15 about, whether they had an ongoing file, an open
16 file, whether this might match something that they
17 were working on, anything?

18 A No. My basic recollection of the conversation was
19 when I called and spoke to who I believe was Mike
20 Connor and said, "Somebody's just come up to the
21 front corner here, a couple, and has relayed that
22 she was told by another person that she saw a body
23 hanging in a pig farm in Port Coquitlam." I
24 didn't know there was a pig farm in Port Coquitlam
25 at the time. I says, "Mike, is there anything to

1 this?" He goes, "Yes. We need to speak with
2 her." And it was later in the afternoon he said,
3 "Can you find out if she's available for an
4 interview tomorrow?" And I think I got off the
5 phone, they said yes. He said, "Get their address
6 and that and we'll make arrangements to go meet
7 with them or speak with them tomorrow."

8 Q Is it fair to say given that description of the
9 call that you perceived that Mike Connor was
10 treating this information with some seriousness
11 and some urgency?

12 A Yes, on both counts.

13 Q And is it also fair to say that if you made a
14 written note of Ms. Best's contact information or
15 address you've been unable to locate it?

16 A That's correct.

17 Q Is it likely that you took it down in some fashion
18 and then relayed it to Connor?

19 A It is possible.

20 Q And you say finally in this paragraph:

21 It is my understanding that Ms. Best attended
22 for an interview at the Coquitlam detachment
23 the following day.

24 And how did you come by that?

25 A Much later on I read a report where she was

1 interviewed by Coquitlam detachment members.

2 Q And when you say much later on, do I understand
3 that to be after you were assigned to Project
4 Evenhanded and after the Pickton farm was searched
5 on February 5th, 2002?

6 A I believe so.

7 Q And lastly on this point, did you then obtain any
8 information about the identity of the male
9 companion that came in with Ms. Best that day?

10 A I can't remember if I did or not.

11 Q You've been unable to find any identity for that
12 person, is that fair?

13 A That's correct. I don't know who that person was,
14 I don't remember.

15 Q Now, you said you knew Mike Connor. I'm going to
16 ask you about a couple of other members of the
17 Coquitlam detachment around that time and ask
18 whether you knew these individuals. Did you know
19 Darryl Pollock?

20 A Yes.

21 Q And did you know Jim Brown?

22 A No.

23 Q And how do you know Darryl Pollock?

24 A Once again I never worked with Darryl, but
25 attending different detachments I knew who he was,

1 and I think he knows who I am.

2 Q Would you consider yourself to have been on a
3 first name basis with him in the late 1990s?

4 A No, I wouldn't think so.

5 Q Okay. The next part of your affidavit I want to
6 ask you about is the -- is a portion of your sworn
7 testimony concerning the actions you undertook
8 after being appointed to Project Evenhanded in May
9 of 2001, and in particular paragraph 13 of your
10 affidavit on page 3. Now, it would appear that
11 about a month into your tenure with Project
12 Evenhanded you went to the Coquitlam detachment
13 and physically reviewed their file which was a
14 1997 file respecting the intent to murder of the
15 woman we call Ms. Anderson; is that right?

16 A That's correct.

17 MR. WARD: And, Mr. Registrar, I've earlier provided to the
18 commission the two binders that I understand or
19 have been informed is a copy of the file, and I'd
20 ask that they be shown to the witness. They're
21 marked Coquitlam 97-10797, Volumes 1 and 2.

22 THE REGISTRAR: One and two, right.

23 MR. MAJAWA: I just want to ensure that we're on the same page.
24 Is this Exhibit 2 that's being referring to or is
25 there --

1 THE REGISTRAR: No, it's not marked.

2 MR. MAJAWA: It's not been marked. Okay.

3 MR. WARD: It's not marked. It is what I was informed was
4 Exhibit H to the Williams report.

5 MR. MAJAWA: Tab H to the Williams report is part of the
6 Exhibit 2.

7 MR. WARD: I think they're separate documents, but this is what
8 -- this is a document I several weeks ago, months
9 ago even referred to, but it was not marked at
10 that time.

11 Q So, sir, I've shown you two big binders. I'm not
12 going to ask you to read through it, but if you
13 could perhaps turn to the index page, and if you
14 need to taking as much time as you require leaf
15 through it to confirm that that is the file that
16 you looked at when you went to Coquitlam on that
17 occasion?

18 A No, it's not.

19 Q It's not?

20 A No, it's not.

21 Q And how can you be so sure so quickly?

22 A Because the file that I reviewed in regards to the
23 attempted murder and assault on Ms. Anderson was
24 in a brown manila binder about this big.

25 Q And you're holding your fingers apart about two

1 inches?

2 A Roughly, yes.

3 Q Okay. And I may get an opportunity to try to
4 clear that up, but if you could put the binders
5 aside for the moment, please. When you looked at
6 the file at Coquitlam, the file they produced to
7 you, what was your -- what was your purpose first
8 of all?

9 A The purpose was -- there's different levels of the
10 purpose. First of all it was to identify anybody
11 who had picked up a sex trade worker from the
12 Downtown Eastside and had a violent confrontation
13 with them. Number one, that was to try to
14 identify suspects, and the second part was to see
15 on the files if there was DNA still available on
16 exhibits that we could use to put in the bank to
17 compare to the two known DNA hits we had on what
18 we call the valley girls and the alley girls.

19 Q And do you recall how it was or what it was that
20 led you to Coquitlam to look at this particular
21 file?

22 A I can't be sure, but I believe ViCLAS had run off
23 a list of -- and I can't really explain it 'cause
24 I really don't know how the whole ViCLAS system
25 works, but they identified that type of an assault

1 where a sex trade worker had a violent
2 confrontation and they identified the files and we
3 went out and reviewed them in various detachments
4 and police departments.

5 Q And ViCLAS, V-i-C-L-A-S, is a computerized record
6 keeping system that would provide you with
7 information of that nature?

8 A That's correct.

9 Q All right. Now, you made some notes about your
10 file review on this occasion; correct?

11 A Yes.

12 Q And a copy of those notes -- no, pardon me. I've
13 seen those notes, and you have too in preparing
14 your affidavit?

15 A The notes of?

16 Q The notes you made when you reviewed the file at
17 Coquitlam.

18 A Yes.

19 Q Did you discern from your file review of the '97
20 file that the suspect in that attempted murder was
21 a man named Robert William Pickton who was a pig
22 farmer in Port Coquitlam?

23 A I can't say I knew he was a pig farmer. I knew
24 his name was Robert William Pickton.

25 Q Did you read enough in the file to understand the

1 circumstances of the assault, basically what had
2 happened in the incident that gave rise to the
3 charges?

4 A I believe I read a portion of the report to Crown
5 counsel, yes.

6 Q And did you learn from the file review that the
7 charges against Mr. Pickton had been stayed?

8 A Yes, I did.

9 Q So you appreciated from your file review, and you
10 could confirm by accessing other police data, that
11 the man was still within the community?

12 A That's correct.

13 Q He hadn't been imprisoned and was in the
14 community?

15 A That's correct.

16 Q All right. When you went to the office to review
17 the file did you have any discussion about the
18 physical file, the file's contents, with Mike
19 Connor or anyone else there at the Coquitlam RCMP
20 detachment?

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

22 Q Did it cross your mind when you read over the '97
23 Coquitlam file that there may be a link between
24 what you were reading in the file material and the
25 matter we discussed earlier, the Leah Best

1 attendance at the Burnaby detachment two years
2 earlier?

3 A No, I did not make that connection at that time.

4 Q Do you recall making the connection later?

5 A Much later. The night I was informed of the
6 initial search in Coquitlam, and where it was,
7 that's when I made the connection.

8 Q And how did you -- how did you make that
9 connection then? What was the information that
10 brought those two matters together in your mind;
11 do you recall?

12 A As best I can remember it was a conversation early
13 next morning and at a briefing indicating what had
14 happened the night before and where we were, and
15 it mentioned the pig farm, and it was Robert
16 William Pickton also known as Willie, and I think
17 that's when I made the connection.

18 Q So on hearing that information just after you
19 learned of the search you connected the
20 information you were getting with both the file
21 review in which Robert William Pickton was the
22 accused and with Leah Best's report to you that
23 she had seen a person hanging in the barn, a woman
24 hanging in the barn?

25 A That's correct.

1 Q Okay. Now, speaking of your notes, counsel has
2 helpfully provided us with a copy of your
3 handwritten notes from the period May 17th, 2001
4 to March 14th, 2002. And you've had a chance to
5 review those?

6 A Yes, I have.

7 Q Would you agree that the only entry in your notes
8 between May 17th, 2001 -- and we can have a copy
9 put in front of you if it assists.

10 A Please.

11 Q Would you agree that the only entry in your notes
12 between May 17th, 2001, the day you started with
13 Project Evenhanded, and February 4, 2002, the day
14 before the search of Pickton's farm, the only
15 reference to Pickton as a possible suspect or
16 person of interest in the cases of the missing
17 women is the note of your file review on June
18 25th, 2001?

19 A That's correct.

20 Q All right. And you were working closely with Don
21 Adam and the Project Evenhanded team throughout
22 that time period?

23 A That's correct.

24 Q And in fact on the last of the dates I just
25 mentioned, February 4th, 2002, if you turn to your

1 note, please, you'll see that you had a team
2 meeting on that date. If you can confirm that?

3 A I'm just getting there.

4 Q I've got it at page 159.

5 A Okay. Yes.

6 Q I'm going to ask you to read the note over to
7 yourself and then confirm that you had a team
8 meeting with the rest of the Project Evenhanded
9 personnel, and did some other things that day, but
10 made no note of anything involving Robert Pickton
11 or search of Pickton's property?

12 A That's correct.

13 Q And it is the case then, I suggest, that as far as
14 you were concerned as a member of the Project
15 Evenhanded team, Project Evenhanded took no steps
16 in furtherance of an investigation of Robert
17 William Pickton as a possible suspect in the
18 disappearances of the missing women prior to the
19 search being conducted at the instance of Nathan
20 Wells?

21 A No, that's not exactly true. When I reviewed the
22 file in Coquitlam there was blood soaked bandages
23 as a part of the injury. In the day we couldn't
24 -- we did not automatically upload --

25 THE COMMISSIONER: That was the bandage that came from the

1 hospital?

2 THE WITNESS: That's correct. That's correct. And back in the
3 day it wasn't automatically put on the DNA
4 database. They didn't either have the technology
5 or the wherewithal, so you had to request that be
6 done. Knowing Willie was a suspect I sent an
7 e-mail to the lab requesting his DNA be placed in
8 the crime scene databank.

9 MR. WARD:

10 Q Quite so. And my apologies, it was an oversight
11 on my part, you described that activity in
12 paragraph 13 of your affidavit, I believe.

13 A Yes.

14 Q And just aside from that action, the action that
15 you took once you realized that the bandages had
16 been retained, the action you described with
17 respect to the DNA databank in paragraph 13, as
18 far as you know Project Evenhanded took no other
19 steps prior to the initiation of Nathan Wells'
20 search of the farm in respect of Pickton as a
21 suspect; is that correct?

22 A As far as I know, no.

23 Q Now, sir, the next matter I wish to turn to is
24 your evidence starting at paragraph 25 of the
25 affidavit related to your investigation of the

1 disappearance of Dianne Rock, who is the sister of
2 one of my clients, Lilliane Beaudoin. And you set
3 that out at paragraphs 25 and subsequent in your
4 affidavit, 25 to 28; correct?

5 A Correct.

6 Q Now, in the course of that investigation -- well,
7 let me back up. My apologies. In this time
8 frame, December 2001, you're working with Project
9 Evenhanded on the missing women file; right?

10 A Correct.

11 Q And how would you describe the assignment or the
12 task in summary terms, what did you understand the
13 mandate to be?

14 A For this particular --

15 Q No, I'm backing up. The overall mandate of your
16 team, Project Evenhanded, as you understood it in
17 2001?

18 A There was several -- various different mandates.
19 I believe what they were, number one, was to
20 initially identify any suspects, prioritize them,
21 obtain DNA from possible suspects to match to our
22 knowns in the alley girls and the valley girls,
23 and third to -- the other part was to get familial
24 DNA from these missing women because of course we
25 didn't have a crime scene and we wanted to get

1 familial DNA from the families.

2 Q All right. December 2001 you learn, I suggest, in
3 some fashion that a woman named Dianne Rock was
4 reported missing to the VPD on December 13, 2001?

5 A That's correct.

6 Q How did you acquire that information and when?

7 A I don't know. I would have been tasked to it.
8 The way the project worked, the team commander or
9 the file co-ordinator would task out different
10 assignments and pass them down to the
11 investigators.

12 MR. WARD: Excuse me, Mr. Commissioner, I'm just trying to
13 retrieve something.

14 Q Sir, I'm looking through your notes for assistance
15 on that point. Perhaps you could help me if your
16 notes disclose it. Starting at page 124 there's
17 an entry for December 13th, and I confess I've
18 been unable -- oh, wait a minute.

19 THE COMMISSIONER: Do you want some time?

20 MR. WARD: No, it's okay, Mr. Commissioner.

21 Q It would appear that you were tasked on December
22 18th?

23 A December 18th?

24 Q Yes. Is that right, page 127, that's your entry
25 with respect to attending the Marr Hotel?

1 A That's correct.

2 Q With respect to the five day interval between the
3 report of her disappearance and your going to the
4 Marr are you able to say based on your own
5 personal knowledge what, if any, investigative
6 steps had been done by either the Vancouver Police
7 Department or other law enforcement agencies in
8 respect of the disappearance report?

9 A I can't.

10 Q You went to the Marr Hotel, you learned that
11 Ms. Rock's belongings had been put in plastic
12 bags. Did you access those at any point?

13 A No. Correction. Yes, I did. Sorry. Yes, one of
14 the bags was open and there was some personal
15 documents in there. I think one was her final
16 divorce from her ex-husband, but it was -- that
17 was the only personal documents, the rest were
18 just household products, clothing.

19 Q With respect to attending at her last known
20 residence and looking for personal effects, was
21 one of your objectives to try to locate personal
22 items that might be the source of her DNA?

23 A No, I didn't. I never thought of that.

24 Q All right. My client Ms. Beaudoin has asked me,
25 and I'm going to make this request of you, she I'm

1 instructed wishes to recover some of Ms. Rock's
2 personal effects, and can you advise us how that
3 request might be best accommodated? Do you know
4 if those items are retained somewhere and whether
5 that can occur?

6 THE COMMISSIONER: Yes.

7 MR. MAJAWA: I'm happy to have a conversation with Mr. Ward for
8 counsel to accommodate that.

9 MR. WARD: Thank you.

10 THE COMMISSIONER: I'm sure you can accommodate his client's
11 request.

12 MR. MAJAWA: We certainly can if we have had that request made.

13 MR. WARD: All right. Thank you.

14 Q And the day you attended the Marr Hotel, as you've
15 set out in paragraph 26, you started contacting
16 next of kin to get more information about the
17 woman who had gone missing?

18 A That's correct.

19 Q And that's standard police investigative practice
20 in a case of this nature?

21 A I would think so, yes.

22 Q As is going to the person's last known residence
23 and looking for evidence that may be of
24 assistance?

25 A Well, yes. Although she wasn't in her residence

1 anymore, the room had been re-rented out.

2 MR. WARD: Mr. Commissioner, this would be a convenient time,
3 I'm moving on to another area.

4 THE COMMISSIONER: We will adjourn.

5 THE REGISTRAR: The hearing will now recess for ten minutes.

6 **(PROCEEDINGS ADJOURNED AT 3:02 P.M.)**

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

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

9 MR. WARD: I'm sorry, Mr. Commissioner, if I could just have
10 one moment.

11 THE COMMISSIONER: Yes. Do you want me to stand down or are
12 you all right?

13 MR. WARD: No, literally just a couple of seconds. Thank you
14 for that, I just needed to find something in a
15 database.

16 THE COMMISSIONER: All right.

17 MR. WARD:

18 Q Sir, I actually have one further question or group
19 of questions related to your investigation of
20 Dianne Rock's disappearance, and it has to do with
21 a concern expressed by my client Lilliane Beaudoin
22 about an aspect of it. My client testified, and
23 this is -- I'll get the reference in a moment,
24 Mr. Commissioner, but my client testified that she
25 believes she received a call from you, that's

1 Lilliane Beaudoin believes she received a
2 telephone call from you around the end of November
3 2001 asking whether she had seen or spoken to
4 Dianne. That she responded no, she hadn't, and
5 that according to Ms. Beaudoin when asked why you
6 were making the call you said, "We have two bags
7 of Dianne's clothes," and did not elaborate.
8 That's a summary of the evidence Ms. Beaudoin gave
9 earlier in this commission's hearings. And she
10 has instructed me that she has concerns about that
11 conversation, so I want to ask you whether you
12 recall a conversation like that occurring with
13 Ms. Beaudoin?

14 A I don't remember a conversation like that.

15 Q So as you say in your affidavit you simply don't
16 have a recollection of speaking with Ms. Beaudoin
17 at all?

18 A No, I do not. I remember speaking with Ella Marin
19 which is the mom, but I don't recall -- and later
20 on speaking with Rene, but not with Lilliane.

21 MR. WARD: All right. And just before I ask you a couple more
22 follow-up questions, Mr. Commissioner, the
23 testimony in question was in the transcript for
24 October 27th, 2011 at page 95.

25 THE COMMISSIONER: All right. Thank you.

1 MR. WARD: I've endeavoured to paraphrase it.

2 Q Is it your evidence based on your recollection
3 that when you had conversations with other family
4 members of Dianne Rock that you did say the reason
5 for your call, you did explain what you were
6 doing?

7 A Yes, the reason was that we were investigating her
8 as a missing person. She had gone missing.

9 Q And you have a distinct recollection of saying
10 that, do you?

11 A Yes, because the people we were calling were
12 family members, and our first step was to ensure
13 that they hadn't left Vancouver and gone to
14 various parts in Canada, maybe got off the street
15 and that type of thing, to ensure that they were
16 in fact truly missing.

17 Q And you understand that both Ms. Marin, Dianne's
18 mother, and Rene Beaudoin were residents of
19 Ontario at the time you were making your
20 inquiries?

21 A Yes, I believe Welland, Ontario.

22 Q Thank you. Now, the next matter is set out in
23 your affidavit starting at paragraph 29, and I
24 don't have much to ask you about this, only to ask
25 you if it's fair to summarize your involvement in

1 the investigation of the death of Angela Williams.
2 As I read your evidence in that respect you -- the
3 coroner's office initially felt that Ms. Williams
4 was the victim of a drug overdose, but after the
5 toxicology report came back it was clear that that
6 was not the case?

7 A I believe so.

8 Q And the error that you found in your continuation
9 report with respect to this particular matter is
10 that a second autopsy to try to ascertain the
11 cause of death was never actually done contrary to
12 what the continuation report suggested?

13 A That's correct. I mistakenly indicated that a
14 second autopsy was going to be performed when the
15 conversation I had with Corporal Attew, who was
16 the investigator at the time, said that they were
17 going to look again at the toxicology reports. I
18 mistakenly made the assumption that they were
19 going to do another autopsy.

20 Q And so just to summarize your investigative
21 results with respect to the case of Angela
22 Williams, her death was not due to a drug
23 overdose, the autopsy done on her body was
24 inconclusive, and as a result a cause of her death
25 remains undetermined?

1 A As far as I can remember, yes.

2 Q And it has been treated as a suspicious death and
3 perhaps a homicide, but the case has not been
4 resolved?

5 A As far as I understand, yes.

6 Q Now, sir, just moving on to some other aspects of
7 your involvement in the investigation, you
8 actually handled the second arrest of Robert
9 William Pickton after the search had been done in
10 February 2002; correct?

11 A I was part of the arrest team, yes.

12 Q And you were given an assignment and an outline of
13 how to proceed with that arrest and you executed
14 the arrest?

15 A Yes, I did.

16 Q And can you just describe that in a quick summary
17 how that occurred?

18 A I was tasked to be with Detective Phil Little from
19 the Vancouver Police Department and Sergeant
20 Hunter from the RCMP, this was the arrest, and it
21 was orchestrated by our interview interrogation
22 team. I was given the assignment to drive the
23 vehicle. And we had surveillance on Mr. Pickton
24 so we knew where to find him. We were to drive up
25 and Detective Little was to effect the arrest. As

1 part of the plan I was to search and pat him down
2 for any weapons, remove my handcuffs to go
3 handcuff him, that's when Sergeant Hunter would
4 step in and say they wouldn't be needed and he
5 would take over speaking with Mr. Pickton.

6 Q And to pinpoint that in time I'm looking at your
7 notebook entry at page 191, it was 2:15 in the
8 afternoon of February 22nd, 2002; correct?

9 A Just let me confirm that. That's correct.

10 Q And in short the arrest occurred without incident?

11 A Yes.

12 Q Now, lastly, sir -- well, I wanted to ask you
13 about the entry in your notebook that indicates --
14 that seems to indicate that your place in Project
15 Evenhanded was taken over by Tom -- Sergeant Tom
16 McCluskie on March 11th, 2002; is that right?

17 A Could you repeat that again?

18 Q It's page 204 of your notes, supervisor's meeting,
19 advised Sergeant Tom McCluskie would be taking my
20 place, and then your notes seem to end the next
21 day.

22 A That's correct.

23 Q But you continued on with Project Evenhanded?

24 A I guess right after the arrest of Willie Pickton
25 the team expanded from I don't know the numbers to

1 a bigger number, they brought in supervisors, and
2 basically the job that I had was being taken over,
3 going to be supervised by McCluskie.

4 Q And when you carried on with Project Evenhanded
5 you ended up working with Coquitlam RCMP Officer
6 Nathan Wells' informant that provided him with the
7 information to execute the search warrant; right?

8 A That's correct.

9 Q And in the course of working with him did you
10 learn that he had previously been used as an
11 informant with respect to law enforcement
12 operations conducted in respect of the Coquitlam
13 Hells Angels and Pickton properties and their
14 parties and gatherings that occurred before --

15 MR. MAJAWA: I have an objection, Mr. Commissioner.

16 MR. WARD: May I finish the question, please?

17 Q That occurred before February 5th, 2002?

18 THE COMMISSIONER: Okay. There's an objection.

19 MR. MAJAWA: Mr. Ward seems to be seeking information which may
20 be privileged if he's looking for information on
21 whether or not someone was an informant with
22 respect to a particular topic. As well I believe
23 that --

24 THE COMMISSIONER: Okay. Does it tend to identify the
25 informant?

1 MR. WARD: I haven't identified the informant.

2 THE COMMISSIONER: Yeah, that's the test. I mean I agree with
3 you that --

4 MR. MAJAWA: I believe that the person has -- he may not have
5 identified him, but the person who he's speaking
6 about has been publicly identified.

7 THE COMMISSIONER: Has been publicly identified?

8 MR. MAJAWA: I believe so. I'm not certain. So there is a
9 potential that if that is the case and then
10 there's a question about other issues then that
11 could be a problem.

12 THE COMMISSIONER: Okay. Are you able to ask the question
13 without identifying or appearing to identify the
14 informant?

15 MR. WARD: Let me try a different approach. I'm mindful of the
16 concern and of the law.

17 THE COMMISSIONER: Yeah.

18 MR. WARD:

19 Q Let me ask you this. Sir, after the farm was
20 searched, in the course of your further work with
21 Project Evenhanded did you review any files that
22 had been created during the period between 1997
23 and up to February 5, 2002 in regards to law
24 enforcement operations that were directed at or
25 included surveillance of members of the Coquitlam

1 or Haney Hells Angels, the Picktons, their
2 associates and their partying or their gatherings?

3 A No, I did not review any files.

4 Q You've indicated that you know Darryl Pollock and
5 Mike Connor; correct?

6 A Correct.

7 Q Are you aware of any operations that involve the
8 surveillance of Coquitlam Hells Angels or Haney
9 Hells Angels, the Picktons, and gatherings that
10 were occurring at their properties in the period
11 1997 to 2002 that were unrelated to the missing
12 women disappearances?

13 A No.

14 Q In particular, sir, did you -- all right. And you
15 understand in asking that question I'm asking you
16 for your evidence based on any source, whether
17 it's from a document or from discussions with
18 colleagues?

19 A Not as far as I remember.

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

21 THE COMMISSIONER: All right.

22 MS. BROOKS: I believe Ms. Hunt has a few questions and then
23 Mr. Dickson.

24 THE COMMISSIONER: All right. Thank you.

25 MS. HUNT: Elizabeth Hunt, counsel for the aboriginal

1 interests.

2 **CROSS-EXAMINATION BY MS. HUNT:**

3 Q I just had a couple of questions given your
4 testimony here today, more clarification
5 questions. Can you explain to me what you mean by
6 the term valley girls?

7 A There was -- when we began the investigation we
8 had three sex trade workers from the Downtown
9 Eastside --

10 THE COMMISSIONER: Three bodies were found near Agassiz; is
11 that correct?

12 THE WITNESS: Pardon me?

13 THE COMMISSIONER: Near Agassiz?

14 THE WITNESS: That's correct. And we referred to them as the
15 valley girls. And then the alley girls would be
16 -- I believe there is five that were found in
17 alleyways, also sex trade workers, murdered from
18 the Downtown Eastside.

19 Q Are those terms that you would use within your
20 department?

21 A Yes.

22 MS. HUNT: I don't have any further questions.

23 THE COMMISSIONER: Thank you.

24 MR. DICKSON: Yes, Mr. Commissioner, Tim Dickson for the
25 Vancouver Police Department.

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

2 Q Sergeant, I want to be clear on what file or files
3 you reviewed when you went out to Coquitlam RCMP
4 in 2001. Is it the case that you reviewed only
5 the Coquitlam RCMP's file relating to Pickton's
6 1997 attack on Ms. Anderson?

7 A That's correct.

8 Q And I take it then that means you did not review
9 their file on their subsequent investigation into
10 Mr. Pickton?

11 A No, I did not.

12 Q And why -- can you explain to me why you were
13 reviewing the 1997 file?

14 A We were reviewing the files to -- twofold. Number
15 one, to identify suspects, and the second portion
16 would be to see if we had DNA from a suspect.

17 Q And so as you just indicated there one of the
18 purposes of you going out to Coquitlam in 2001 in
19 June was to identify suspects, and that included
20 identifying suspects by reading the 1997 file?

21 A That's correct.

22 Q I understand that Phil Little and Jim McKnight had
23 already ranked Pickton as a priority one by June
24 of 2001. Were you aware of that?

25 A I was not aware of that.

1 Q When you went out to Coquitlam RCMP were you aware
2 that they had conducted an investigation of
3 Pickton after 1997?
4 A You mean Coquitlam detachment?
5 Q Yes.
6 A I don't know if I was aware of it or not.
7 Q Do you know if Evenhanded, by that I mean anyone
8 in Evenhanded, ever reviewed Coquitlam RCMP's
9 files relating to their investigation of
10 Mr. Pickton after 1997?
11 A I don't know if they did or not.
12 Q Do you know if Evenhanded had that file?
13 A I believe it was encompassed in Project Amelia.
14 Q I see. Project Amelia is the Vancouver Police
15 Department project you understand?
16 A That's correct.
17 Q You don't know if Coquitlam RCMP ever transferred
18 a copy of their file to Evenhanded?
19 A I don't know that.
20 Q When you were -- when you were out at Coquitlam
21 RCMP in 2001, I think you answered in response to
22 a question asked by Mr. Ward, that you did not
23 speak with Sergeant Connor; is that correct?
24 A That's correct.
25 Q And the context of that question I think was you

1 didn't speak to Sergeant Connor about the 1997
2 investigation?

3 A That's correct.

4 Q And I think you're saying that you weren't aware
5 there was a subsequent investigation, so clearly
6 you didn't speak to him about that either?

7 A That's correct.

8 Q Do you know if anyone ever did from Evenhanded?

9 A I can't answer that.

10 Q Do you know if anyone from Evenhanded ever spoke
11 to Constable Sherstone?

12 A I can't answer that.

13 Q Did Wayne Clary ever tell you that Sergeant Connor
14 had called him a number of times in the spring of
15 2001 urging Evenhanded to prioritize Pickton as a
16 suspect?

17 A I don't know that.

18 Q If I can have you turn in your affidavit to
19 paragraph 14. In that paragraph you say this:

20 My impression from reviewing the 1997 file
21 was that Pickton was a good suspect for the
22 missing women investigation, but I did not
23 consider him the number one suspect.

24 You're not suggesting, I'm sure, that it would be
25 appropriate to judge whether Pickton should be

1 your number one suspect based only on a review of
2 the 1997 investigation?

3 A Could you repeat that question, please?

4 Q Certainly. The question is this. In reference to
5 your paragraph 14 you're not suggesting there that
6 it is appropriate to judge Pickton and his
7 viability as a suspect based only on the 1997
8 file?

9 A That's correct.

10 Q You -- in order to judge his viability and
11 prioritize him you would need to look at all of
12 the information?

13 A Well, in the way that I was tasked to review these
14 files it was to find out who had committed these
15 types of acts before, and if we had DNA from them
16 we compare it to the two knowns we had.

17 Q Did you -- did you run a PIRS search on Pickton's
18 name before you went out to Coquitlam?

19 A I can't remember.

20 Q If you had run a PIRS search wouldn't that have
21 shown that there was an investigation by Coquitlam
22 RCMP after 1997?

23 A Possible.

24 Q And if your purpose was to go out to Coquitlam
25 RCMP in order to identify suspects wouldn't it be

1 important to note that there was that post 1997
2 investigation?

3 A It would have been important to know, but at the
4 time it wouldn't have changed what our goals were
5 initially. And eventually what happened when the
6 DNA came back it didn't match up to the victims in
7 the valley or the victims in Vancouver.

8 Q And why do you say -- why do you mention that?
9 I'm sorry. Are you saying that Evenhanded was
10 prioritizing suspects based on whether their DNA
11 matched the valley or the alley murders?

12 A No, not at all. What I'm trying to say is that we
13 had two knowns, a known suspect killer with the
14 valley girls and one known with the girls in the
15 alley. That's what we had known. Unfortunately
16 we didn't have any other knowns at the time.

17 Q Did you ever speak with anyone in Evenhanded about
18 the status of Coquitlam RCMP's investigation into
19 Pickton in 2001?

20 A No, I did not.

21 MR. DICKSON: Those are my questions, Mr. Commissioner.

22 THE COMMISSIONER: All right. Thank you. Any other
23 cross-examination? Mr. Majawa?

24 MR. MAJAWA: I just have a couple of questions for re-direct.

25 THE COMMISSIONER: All right.

1 MR. MAJAWA: Actually it's just one area.

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

3 Q Sergeant VanOverbeek, were there specific members
4 of Project Evenhanded who were tasked to
5 prioritize and identify suspects?

6 A They were.

7 Q And who were they, do you recall?

8 A I believe it was Sergeant McKnight and Sergeant
9 Phil Little. I believe that's who it was. I
10 can't be sure.

11 Q What was -- when you attended to Coquitlam to
12 review the 1997 file involving Ms. Anderson, what
13 was your objective in doing that?

14 A Our objective was to identify anyone who had
15 picked up a sex trade worker from Downtown
16 Eastside who had committed violence against them
17 and to see if there was any DNA, suspect DNA on
18 the file still remaining.

19 Q And would you be aware of whether or not Detective
20 Little or Sergeant McKnight had reviewed the
21 Pickton file, the Coquitlam '98 Pickton file at
22 any time?

23 A No.

24 MR. MAJAWA: Thank you. Those are my questions.

25 THE COMMISSIONER: All right. Thank you.

1 MS. BROOKS: I don't believe there's any other questions so the
2 witness can be excused.

3 THE COMMISSIONER: Thank you for appearing. I appreciate that.

4 THE WITNESS: Thank you very much.

5 **(WITNESS ASIDE)**

6 MS. BROOKS: And there's no more witnesses for today,
7 Mr. Commissioner. I can tell you that next week
8 Ms. Anderson is giving evidence on Tuesday and
9 Wednesday morning, and then Ms. Randi Connor on
10 Wednesday afternoon and Thursday.

11 THE COMMISSIONER: Okay. So next week we'll be doing the term
12 number two that deals with the stay of proceedings
13 against Pickton based on the 1997 incident?

14 MS. BROOKS: Yes. There will likely be some questions for
15 Ms. Anderson too that will touch on your first
16 term of reference.

17 THE COMMISSIONER: All right. Thank you. We'll adjourn.

18 THE REGISTRAR: The hearing is now adjourned for the day and
19 will resume on Tuesday at 9:30.

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1 **(PROCEEDINGS ADJOURNED AT 3:46 P.M.)**

2 I hereby certify the foregoing to be a
3 true and accurate transcript of the
4 proceedings transcribed herein to the
5 best of my skill and ability.

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