

# **Missing Women Commission of Inquiry**

## **Final Submissions\***

**Made on behalf of the Families of Dianne Rock, Georgina Papin,  
Marnie Frey, Cynthia Dawn Feliks, Cara Ellis, Mona Wilson,  
Helen May Hallmark, Dawn Crey, Angela Hazel Williams,  
Jacqueline Murdock, Brenda Wolfe, Andrea Joesbury, Elsie Sebastian,  
Heather Bottomley, Andrea Borhaven, Tiffany Drew, Angela Jardine,  
Stephanie Lane, Tanya Holyk, Olivia Williams, Debra Jones,  
Janet Henry, Marie Lorna Laliberte, Sereena Abotsway,  
Dianne Melnick, and Marcella Creison**

**Cameron Ward, Neil Chantler & Robin Whitehead**

**A. Cameron Ward & Company**

**58 Powell Street**

**Vancouver, B.C.**

**V6A 1E7**

\*This version of the Families' final submissions has been edited for public consumption in accordance with the undertaking imposed upon counsel by the Commission.

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>5</b>
<b>2</b>	<b>PROBLEMS WITH THE COMMISSION’S PROCESS.....</b>	<b>6</b>
2.1	PROBLEMS ASSOCIATED WITH DOCUMENT PRODUCTION .....	8
2.1.1	<i>The Families’ requests for further and better production .....</i>	<i>9</i>
2.1.2	<i>The Families’ Application for further and better production .....</i>	<i>13</i>
2.1.3	<i>Documents absent from the Commission’s final report.....</i>	<i>19</i>
2.2	PROBLEMS ASSOCIATED WITH THE WITNESS LIST .....	23
<b>3</b>	<b>OUR CLIENTS.....</b>	<b>31</b>
3.1	THEMES ARISING FROM THE FAMILIES’ TESTIMONY.....	33
3.2	SUMMARIES OF FAMILY WITNESS TESTIMONY .....	35
3.2.1	<i>Lynn Frey .....</i>	<i>35</i>
3.2.2	<i>Lori-Ann Ellis.....</i>	<i>41</i>
3.2.3	<i>Donalee Sebastian and Ann-Marie Livingston.....</i>	<i>46</i>
3.2.4	<i>Margaret Green.....</i>	<i>51</i>
3.2.5	<i>Ernie Crey .....</i>	<i>55</i>
3.2.6	<i>Angel Wolfe.....</i>	<i>58</i>
3.2.7	<i>Lilliane Beaudoin.....</i>	<i>61</i>
3.2.8	<i>Lila Purcell .....</i>	<i>64</i>
3.2.9	<i>Daphne Pierre.....</i>	<i>68</i>
3.2.10	<i>Sandra Gagnon.....</i>	<i>71</i>
3.2.11	<i>Marilyn Renter.....</i>	<i>74</i>
3.2.12	<i>Bonnie Fowler, Cynthia Cardinal, and Elana Papin .....</i>	<i>78</i>
3.2.13	<i>Lisa Bigjohn .....</i>	<i>81</i>
3.2.14	<i>Chris Joseph.....</i>	<i>83</i>
<b>4</b>	<b>THE DECISION TO STAY THE CHARGES AGAINST PICKTON IN 1998.....</b>	<b>84</b>
4.1	SCOPE OF THE INQUIRY .....	85
4.2	THE EVIDENCE.....	91
4.3	CJB’S SUGGESTED FINDINGS OF FACT.....	91
4.4	RELATED DOCUMENTS.....	91
4.5	TESTIMONY .....	97
<b>5</b>	<b>OTHER SPECIFIC FINDINGS OF FACT .....</b>	<b>104</b>
5.1	SENIOR POLICE MANAGEMENT FAILED TO PROVIDE ADEQUATE RESOURCES, LEADERSHIP AND OVERSIGHT .....	104
5.1.1	<i>VPD .....</i>	<i>104</i>
5.1.2	<i>RCMP – Coquitlam Detachment.....</i>	<i>106</i>
5.1.3	<i>RCMP and VPD – Project Evenhanded .....</i>	<i>114</i>
5.2	THE VPD’S FAILURE TO ISSUE A WARNING MAY HAVE PUT WOMEN’S LIVES AT RISK AND WAS UNREASONABLE IN THE CIRCUMSTANCES.....	115
5.3	THE VANCOUVER POLICE NATIVE LIAISON SOCIETY WAS UNABLE TO CARRY OUT THE IMPORTANT WORK IT WAS SET UP TO PROVIDE .....	123

<b>6</b>	<b>DISCRIMINATION PLAYED A SIGNIFICANT ROLE IN THE FAILED MISSING WOMEN INVESTIGATIONS.....</b>	<b>128</b>
6.1	THE IMPACT OF DISCRIMINATION ON THE TAKING OF MISSING PERSON REPORTS...	130
6.1.1	<i>Discrimination by Civilian Clerk Sandy Cameron.....</i>	<i>130</i>
6.1.2	<i>Discrimination Associated with the VPNLS.....</i>	<i>134</i>
6.2	COMPLICITY AND COMPLACENCY WITHIN THE VPD .....	140
6.3	DISCRIMINATION ASSOCIATED WITH E-COMM AND MISSING PERSON REPORT TAKING CRITERIA .....	143
6.4	DISCRIMINATION ASSOCIATED WITH THE VPD’S MEDIA MESSAGING.....	148
6.4.1	<i>Discriminatory Effects of the Messages Conveyed to the Media .....</i>	<i>149</i>
6.4.2	<i>Discrimination Associated with VPD Media Personnel.....</i>	<i>154</i>
6.5	VPD MANAGEMENT FAILED TO RECOGNIZE & ADDRESS SYSTEMIC DISCRIMINATION	155
6.6	PREJUDICE WITHIN THE INQUIRY PROCESS ITSELF .....	156
<b>7</b>	<b>EVIDENCE OF TECHNICAL INCOMPETENCE AND LACK OF ACCOUNTABILITY IN MISSING PERSON INVESTIGATIONS.....</b>	<b>162</b>
<b>8</b>	<b>SUPPORT FOR A RECOMMENDATION FOR COMPENSATION TO THE VICTIMS’ FAMILIES.....</b>	<b>162</b>
<b>9</b>	<b>CONCLUSION.....</b>	<b>165</b>

*We always call our families "circles" and when that circle is broken, it takes a very long time to mend. And I hope that now, when they go forward to search for women, they don't look at their background, they look at the person.*

Lila Purcell, Aunt of Tanya Holyk, deceased<sup>1</sup>

---

<sup>1</sup> Hearing Transcript, April 16, 2012, p. 32.

# 1 INTRODUCTION

1. On behalf of the families of twenty-six murdered and missing women (the “Families”), we submit that the Missing Women Commission of Inquiry (the “Commission”) had an obligation to the Families, and to all Canadians, to conduct an open, thorough and independent public inquiry into the matters set out in its Terms of Reference.<sup>2</sup> With the greatest of regret, and nearly 21 months since the Order in Council that established this Commission, the Families contend that it has failed to fulfill this obligation and properly achieve its mandate. This Commission failed to ensure its process was open, thorough, and independent, and failed to conduct evidentiary hearings that were fair and in accordance with the rules of natural justice.
2. That said, for some family members, their participation in this process was not in vain. Some had waited more than a decade for the opportunity to tell their family’s story in a public forum where they could finally express their frustration and disappointment with the police and government institutions that had failed them. For some, this was partly to humanize and memorialize their loved ones. For others, particularly those who did not get a trial, it was to give them some sense of closure.
3. The Families also had many long-standing questions about how Robert William Pickton was permitted to carry on his crimes for so many years and why the police

---

<sup>2</sup> The Terms of Reference are as follows:

4 (a) to conduct hearings, in or near the City of Vancouver, to inquire into and make findings of fact respecting the conduct of the missing women investigations;

(b) consistent with the [*sic*] *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337, to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault;

(c) to recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides;

(d) to recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations;

(e) to submit a final report to the Attorney General or before December 31, 2011.

agencies were not able to apprehend him sooner. Some felt the missing women investigations suffered from more than just technical investigative failings, but also systemic prejudice and ignorance within the various police agencies in regards to these women and their families, many of Aboriginal backgrounds.

4. Unfortunately, for reasons that will be discussed below, many of the Families' questions remain unanswered, and many new questions have arisen.
5. In these submissions we will elaborate on our clients' concerns about the Commission's process, summarize the family witnesses' evidence, and make the argument for various findings of fact including that direct systemic discrimination played a significant role in the failure of the missing women investigations from January 23, 1997 to February 5, 2002 (the "Period of Reference").

## **2 PROBLEMS WITH THE COMMISSION'S PROCESS**

6. As mentioned above, the Families have grave concerns about the manner in which this Commission was managed. The process was not open; it was highly secretive. Important procedural decisions were made privately, without hearings, and without consultation. As an example, before hearings began, the Commission entered into private agreements with the Vancouver Police Department ("VPD"), Royal Canadian Mounted Police ("RCMP") and Criminal Justice Branch ("CJB") - the very organizations under scrutiny - regarding the process by which documents would be selected, redacted, and disclosed. The Families and other interested parties were excluded from these critical discussions. As a further example, correspondence on matters of procedure and evidence passed privately between the Commission and the institutional participants on a regular and frequent basis. From the Families' perspective, these private communications would have been completely inappropriate in a judicial proceeding, and were even more so in a public inquiry.

7. The hearings were not thorough; the Commission failed to call material witnesses, failed to compel the production of numerous classes of relevant documents, failed to follow the evidentiary trail wherever it led, and failed to ensure parties had an adequate opportunity to cross-examine important witnesses. The Terms of Reference, widely criticized as being too narrow to encompass many of the important societal factors that led to the tragedy of murdered and missing women, were interpreted narrower still. Critical issues, such as the role that systemic racism and sexism played in the failed police investigations, were hardly explored. Many stones were left unturned.
8. The Commission was not independent; it allowed senior police officers to set its agenda, and delegated much of its fact-finding responsibility to Deputy Chiefs Doug LePard and Jennifer Evans. These procedural decisions were entirely inconsistent with the findings of recent public inquiries into policing, which have recognized that real and perceived biases exist when police investigate police.<sup>3</sup> From the Families' perspective, the Commission abdicated its responsibility to conduct a probing search for the truth and enabled the police to cover up or whitewash the true extent of their misfeasance. These officers applied their own filters to the evidence before it was tendered to the Commission. Even if our conclusion on this point is not shared by others, it ought to be common ground that the Commission should not have created the potential for this to happen and should have ensured that it kept its distance from any real or perceived police influence. Unfortunately, for all of the parties participating in the Inquiry, that did not occur.
9. The Families question the sincerity of the Provincial Government in calling this public inquiry. The Provincial Government gutted this process from the outset, by denying funding to 13 of the 14 interest groups and coalitions of interest groups that had been granted standing. Those groups, and their critical voices, were essentially shut out of this Inquiry process. Comments to the effect that "they could have

---

<sup>3</sup> For example, see the Interim Report issued by the Davies Commission of Inquiry into the Death of Frank Paul, dated February 12, 2009 and the Phase 2 report issued by the Braidwood Commission on the Death of Robert Dziekanski, dated May 20, 2010.

participated anyway” were misguided and ill-informed, to be charitable. The notion that this Inquiry “would not be adversarial” and that lawyers were thus unnecessary was patent nonsense from the outset, as was apparent from first day of evidentiary hearings. One would not deny the need for doctors in the event of a public health crisis. This was a complex, highly contentious legal proceeding that required significant time and resources in order to participate in a meaningful way.

10. In addition, the Provincial Government’s unprecedented decision to refuse funding to many of the groups granted standing left the Families and their small legal team with an inordinate, if not impossible task: to probe into the failures of powerful government and police institutions that have essentially unlimited resources and an enormous interest in protecting the public’s faith in their integrity. The playing field at this Inquiry was not level. Many times the Families questioned whether it was in their interest to see this process through to completion, thereby lending it some sense of legitimacy. Arguably, had the Families dropped out, the Inquiry would have been rendered an absurd and meaningless exercise whereby police institutions pointed fingers at one another and demanded more resources.

## **2.1 Problems Associated with Document Production**

11. From our earliest involvement with this Commission’s process, we perceived what we considered to be fundamental flaws in the Commission’s approach to compelling document production from the institutional participants under scrutiny. We have long made these concerns known to the Commission and generally consider them to have fallen on deaf ears. From our clients’ perspective, the Commission’s approach to document production has grievously harmed the legitimacy and effectiveness of this public inquiry, and permitted the institutional participants to escape a careful examination of their past conduct, as the Terms of Reference required. We have included this section of our written submissions to ensure the Families’ concerns are clear.



### ***2.1.1 The Families' requests for further and better production***

12. By way of background, the Families were granted advance standing on January 4, 2011 in accordance with the Commissioner's recognition that they had "a unique and direct perspective to bring to the Commission's work."<sup>4</sup> On May 2, 2011, the Commissioner's Ruling on Participation and Funding Recommendations confirmed the Families' "full participant standing" at the Inquiry. This provided the Families, through counsel, the right to appear at the evidentiary hearings, cross-examine witnesses, and access the disclosure, among other things.
13. Despite several written requests to Commission Counsel for disclosure of documents that would allow us to begin preparations for the evidentiary hearings, we would not have access to any documents until June 7, 2011. On that date, the Commission's Manager of Records and Empirical Research provided our office with instructions to access the "Concordance" database.<sup>5</sup> By this time it had been more than eight months since our office had first been in communication with the Commission, and more than six months since the families had been granted advance standing. It was also more than six months since Dep. Chief Evans had apparently been provided access to documents for the preparation of her report.<sup>6</sup> Four months remained until the commencement of the evidentiary hearings.
14. Immediately upon accessing the Concordance database we perceived problems with this method of disclosure, including lack of identification of, and disorganization of, materials disclosed, unacceptable delays when browsing, printing or saving documents, inaccurate search results due to crude OCR scan technology, and arbitrary limitations on access to the database from different computers, even within the same office.

---

<sup>4</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 4.

<sup>5</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 11.

<sup>6</sup> Hearing Transcript, January 6, 2012, p. 106.

15. As well, we immediately perceived problems with the content of the disclosure. From our perspective, based primarily on years of experience in civil litigation and administrative matters involving RCMP and VPD files, entire classes of documents that ought to have been disclosed had not been disclosed. Many documents that had been disclosed had first been thoroughly redacted.
16. In the ensuing months before the commencement of evidentiary hearings, we communicated our concerns to Commission Counsel about the method and adequacy of document disclosure several times, both in writing and during the course of several meetings.<sup>7</sup>
17. On September 23, 2011, for example, our office wrote to Commission Counsel expressing concerns about the adequacy of document disclosure and identifying a number of classes of documents in which disclosure appeared to be inadequate.<sup>8</sup> These classes of documents included VPD and RCMP members' notebooks; VPD, RCMP and 911 radio communications; email communications generated by the VPD, Vancouver Police Board ("VPB"), Vancouver Police Union ("VPU"), Government of Canada and the Criminal Justice Branch; transcripts of the preliminary inquiry, voir dire and criminal trial involving Robert Pickton; and investigative records related to the disappearance of Cara Ellis, whose family we represent. It is important to note that these classes of documents, of clear potential relevance to the Terms of Reference, had not been adequately disclosed with less than three weeks remaining before the commencement of evidentiary hearings.
18. In response to that request we received the notebooks of Sgt. Field, Det. Little, Det. McKnight, Mr. Oger, Staff Sgt. Clary, Sgt. Davidson, Cpl. Henley, Sgt. Kingsbury and Cst. Yurkiw. Those were disclosed on October 18, 2011, one week after the evidentiary proceedings had already begun. These were investigators who formed a

---

<sup>7</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 15.

<sup>8</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 21.

part of the Missing Persons Unit and Project Evenhanded, and their notes were clearly relevant to the Terms of Reference.

19. On October 6, 2011, just a few days before these evidentiary proceedings began, we delivered an application for further record production to Commission Counsel identifying numerous classes of documents in which we felt disclosure had been inadequate.<sup>9</sup> It would be some months before our application was heard.
20. In addition, on October 24, 2011, Mr. Ward wrote to Commission Counsel requesting “all records in the possession or control of the Provincial Government (including the Premier or Attorney General) and VPB (including members and the Mayor) that relate to the missing women investigations...”. At that time we had yet to receive any meaningful disclosure from these parties, despite their obvious connection to the issues at the heart of this Inquiry.
21. Many of our early requests for disclosure of documents were summarized in a letter from the Commission’s Executive Director (John Boddie) to all counsel dated November 30, 2012.<sup>10</sup> In this letter, Mr. Boddie notes that over 60 document requests had been received to date. Mr. Boddie enclosed a chart in which these requests were delineated into categories “Requested and Disclosed”, “Outstanding Disclosure Requests”, “Insufficient Clarity of Request”, “Relevance Not Clear” and “Not Available”. While many of our requests had been acted upon, the point is that numerous classes of documents had not been disclosed to this Commission in a timely way. In our view, the Commission’s passive approach to compelling document production had failed to ensure meaningful and thorough disclosure from the institutional participants, particularly the RCMP. As will be discussed later, we submit the RCMP should have been put under a legal obligation to produce all relevant documents in its possession or control to this Inquiry. It is regrettable that this did not occur.

---

<sup>9</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 26.

<sup>10</sup> Exhibit 95, Affidavit of Robin Whitehead sworn February 11, 2012, at paragraph 38.

22. Another way to demonstrate the failure of the Commission's efforts to compel production of documents in a timely manner is by turning to the Concordance database itself. A data field in Concordance identifies the date on which a document was uploaded to the database. This date generally coincides roughly with the date on which a document was first produced to participants, often by email or by hand in the hearing room. This information allows us to state with accuracy that of the 9549 total documents on the Concordance database as of June 1, 2012, 2151 documents, or 23% of the total, were uploaded since the commencement of evidentiary hearings on October 11, 2011. Obviously, in any Inquiry process some documents are going to be identified as relevant and disclosed after the commencement of hearings, but it seems this was too often the case during this process. It certainly made the task of staying on top of the documentary record and preparing for upcoming witnesses very difficult.
23. It is worth noting that various witnesses shared our concerns about the state of document disclosure at this Inquiry. For example, Dep. Chief Evans testified that she was "very frustrated" with document disclosure during the course of her report's preparation, and that she had concerns relevant documents were not being provided to her by the VPD and RCMP.<sup>11</sup> She further testified that she thought it was "ridiculous" that some documents were disclosed to her only after she had conducted related interviews.<sup>12</sup> Detective Constable Lori Shenher, in her testimony, agreed it was "glaringly obvious" to her that her own investigative notes from the period under review had not been disclosed to Dep. Chief LePard or Dep. Chief Evans, or returned to her despite her numerous requests.<sup>13</sup> Sgt. Connor, in his testimony, revealed that no one had even asked him to produce his relevant emails for the benefit of this Inquiry.<sup>14</sup> Morris Bates, in his testimony, explained that he had "5000" files, or "24 boxes" of files related to his work at the Vancouver Police

---

<sup>11</sup> Hearing Transcript, January 18, 2012, p. 114.

<sup>12</sup> Hearing Transcript, January 18, 2012, p. 118.

<sup>13</sup> Hearing Transcript, January 31, 2012, p. 228.

<sup>14</sup> Hearing Transcript, February 7, 2012, p. 120-1.

and Native Liaison Society (“VPNLS”) that were “gone”.<sup>15</sup> Cheryl Tobias, counsel for the RCMP, acknowledged that only 200,000 pages of Project Evenhanded documents, or 10% of the total of 2 million pages, were considered relevant to the inquiry.

### ***2.1.2 The Families’ Application for further and better production***

24. On February 13, 2012, approximately four months into the hearings, and after literally dozens of exchanges with Commission Counsel on the issue of the inadequacy of disclosure, we brought an application for a number of orders respecting the production of documents (the “Application”). The Application was heard over the course of 1.5 days, with responses from the VPD, RCMP, CJB, and the two independent counsel for the DTES and Aboriginal interests, respectively.
25. The orders we sought were directed at several institutional participants, including the VPD, RCMP and CJB, as well as third parties such as the City of Vancouver, E-Comm, and the Organized Crime Agency of British Columbia (“OCABC”), which we believed may have been in possession of relevant documents that had not been disclosed to the Inquiry. Some orders sought included both a general order for production of documents as well as specific orders for production of identifiable classes of documents. For example, we sought an order that the RCMP “...deliver to the Commission copies of all relevant records in its possession or control, including but not limited to...” and then listed a number of more specific classes such as specific correspondence, specific officers’ notes, and records relating to the well-publicized allegations of gender discrimination and workplace harassment raised by Corporal Catherine Galliford.
26. Generally speaking, our application sought to place the institutional participants, and some third parties, under a legal obligation to produce relevant documents to this Inquiry. With the exception of the VPD and CJB, no institutions were under

---

<sup>15</sup> Hearing Transcript, April 2, 2012, pp. 137-8.

such an obligation. It seemed to us that no harm could possibly come from issuing such a ruling: if all relevant documents had already been produced, the institutional party would simply have to advise the Commission of this fact in response to the ruling. Moreover, the orders we sought, if granted, might have restored some faith among the general public that this Commission was sincere in its efforts to conduct a meaningful probe into the failed missing women investigations, and not prone to being diverted or deceived by the institutional participants under scrutiny.

27. Generally speaking, the respondents' reply submissions to our application were based on the argument that an order for production was unnecessary: the VPD and CJB had already been subpoenaed, the RCMP had willingly cooperated with the requests of Commission Counsel, the production of specific classes of documents was already underway, and the remaining specific documents sought were irrelevant or of low probative value..<sup>16</sup>
28. It is worth elaborating on the issue of the Commission's legal jurisdiction to subpoena the RCMP in this case. Counsel for the Department of Justice relied on *Attorney General of Quebec and Keable v Attorney General of Canada et al.*<sup>17</sup> ("Keable") to argue that this Commission could not subpoena the RCMP because of inter-jurisdictional immunity.<sup>18</sup> Indeed, whereas the RCMP operates under federal authority, this Commission of Inquiry was created under the provincial *Public Inquiry Act*.<sup>19</sup> Thus, the Commission is limited in its powers to compel federal institutions. However, in the Families' submission, *Keable* does not prevent a provincial commission of inquiry from compelling the RCMP to produce documents in all circumstances, and did not in this case.
29. In *Keable* at page 242, Justice Pigeon for the majority places two limits on provincial inquiries. First, the provincial inquiry must not engage as an alternate to

---

<sup>16</sup> Hearing Transcripts, February 13, 2012 and February 14, 2012.

<sup>17</sup> *Attorney General of Quebec and Keable v Attorney General of Canada et al.* [1979] 1 S.C.R. 218.

<sup>18</sup> Hearing Transcript, February 13, 2012, p. 117.

<sup>19</sup> *Public Inquiry Act*, SBC 2007, c.9.

the criminal procedures provided by the federal government. Second, it may not inquire into the administration and management of a federal agency such as the RCMP. The Terms of Reference for this Inquiry did not require the Commission to approach either of these limits.

30. A similar issue arose out of the Braidwood Commission into the Death of Robert Dziekanski. RCMP officers involved in Mr. Dziekanski's death challenged Commissioner Braidwood's ability to issue notices of misconduct to them, and his ability to make findings of misconduct against them. These officers argued, among other things, that this would infringe upon federal jurisdiction to manage and administer the RCMP. Their challenges were quashed by Commissioner Braidwood and their subsequent application for judicial review was dismissed by the Honorable Mr. Justice Silverman of the BC Supreme Court. Ultimately, the issue went before the BC Court of Appeal. The Honourable Madam Justice Saunders, upholding the lower decisions and writing for the Court, held: "[a]ny analysis must be directed to the substance of the Commission's action or anticipated action in order to determine its vires."<sup>20</sup>
31. This Inquiry is neither an alternate to the criminal process, nor is it inquiring into the administration and management of the RCMP. A primary purpose of this Inquiry is defined by section 4 (a) of the Terms of Reference: "to inquire into and make findings of fact regarding the conduct of the missing women investigations." To do so does not require inquiring into the administration and management of the RCMP. The purpose of a subpoena in this case would have been to compel disclosure of all documents relevant to the Commission's fact finding mission.
32. From the Families' perspective, this Commission had the legal authority to subpoena the RCMP, and ought to have done so for many important reasons. One was the public's perception of the integrity of this process. To use the old aphorism: not only must justice be done, it must also be seen to be done. The public may

---

<sup>20</sup> *Bentley v. Braidwood*, 2009 BCCA 604.

rightly wonder why a “handshake agreement” between the Commission and the RCMP, reached behind closed doors, was sufficient assurance for the Commission that the RCMP would produce all documents relevant to the Terms of Reference. After all, it was the RCMP’s conduct during the missing women investigations that was under scrutiny. As well, the public may rightly wonder how other institutional priorities may have affected the RCMP’s decisions about what documents to produce to this Commission, in the absence of any legal obligation to produce all relevant documents. Even if there is no reason for the public to be concerned, this Commission should have done everything in its power to instill confidence in the public that this was a *bona fide* inquiry.

33. On March 2, 2012, the Commissioner released his ruling, denying the Families’ application in its entirety. While we are obliged to respect the Commissioner’s ruling, it is incumbent upon us to point out some of the more troubling outcomes of the decision from the perspective of the Families.
34. First, the ruling put an unnecessary and disconcerting amount of stock in the integrity of the police and government institutions under scrutiny. In direct response to our Application, but without informing the Families, Commission Counsel appeared to have carried out various inquiries as to the availability of specific classes of documents sought in our application. In many cases, Commission Counsel was apparently informed by an institutional participant that the documents sought did not exist. In these cases, the Commissioner refused to grant the order for production on the basis that such an order would be unnecessary. Unfortunately, and with respect to the Commissioner’s ruling, this missed the point of our application. From the Families’ perspective, the party in possession of the documents ought to have been put under a legal obligation to produce the documents first, and *then* the matter of availability resolved. This would have ensured transparency and maintained the Families’, and perhaps the public’s, faith in this process.



35. Second, even when the availability and relevance of a specific class of undisclosed documents was acknowledged, the order for production of these documents was denied on the basis that voluntary production was apparently underway. Reasons given included: VPD counsel had advised that a search for additional notes of Constable Dave Dickson was underway;<sup>21</sup> additional RCMP notes continued to be disclosed on an ongoing basis;<sup>22</sup> the CJB had advised that additional disclosure would be made available;<sup>23</sup> Commission staff were taking steps to obtain E-Comm records and reports;<sup>24</sup> and VPD and RCMP counsel had advised that they continued to search for other identified documents.<sup>25</sup> With respect to the Commissioner's ruling, this also missed the point of our application. An order for production, perhaps including a deadline for production, would have ensured timely production of this increasingly-late disclosure, while maintaining the Families', and perhaps the public's, faith in the process. As it turns out, original investigative documents for some of the missing women were never disclosed, despite assurances by counsel that efforts were underway to locate them.
36. Third, a decision was made about the relevance and probative value of specific classes of documents prior to a review of those documents. For example, on behalf of the families we have advanced the theory that the Organized Crime Agency of BC was monitoring the Hells Angels' activity on and around the Picktons' properties and would be in possession of documents relevant to the missing women investigations. These documents might contain information that would have assisted the missing women investigations, but which were not shared with the Missing Persons Unit, or Project Evenhanded, for example. In one sentence, our application for production of these documents was denied: "There is no evidence of a nexus between David Pickton, the Hells Angels and Piggy's Palace on the one hand and the Terms of Reference on the other."<sup>26</sup> Evidence of just such a nexus is scattered

---

<sup>21</sup> Ruling on Document Disclosure Application, March 3, 2012, p. 5.

<sup>22</sup> Ruling on Document Disclosure Application, March 3, 2012, p. 6.

<sup>23</sup> Ruling on Document Disclosure Application, March 3, 2012, p. 8.

<sup>24</sup> Ruling on Document Disclosure Application, March 3, 2012, p. 11.

<sup>25</sup> Ruling on Document Disclosure Application, March 3, 2012, p. 12.

<sup>26</sup> Ruling on Document Disclosure Application, May 2, 2012, p. 10.

throughout the exhibits, as, for example in the files pertaining to the City of Port Coquitlam's attempts to close Piggy's Palace. The Families submit the OCABC documents may well contain information that is at the heart of this Inquiry's mandate, and ought to have been reviewed before any determination as to their relevance was made. Unfortunately, from the Families' perspective, this Commission was unwilling to look under that stone.

37. It is unfortunate, from the Families' perspective, that this Commission appears not to have learned from previous commissions of inquiry in which document disclosure from an institutional participant has been problematic. In the Braidwood Commission of Inquiry, late disclosure by the RMCP forced Commissioner Braidwood to adjourn the closing submissions and reconvene the evidentiary hearings more than three months later. In the Somalia Commission of Inquiry, an entire chapter of the final report had been dedicated to the Commission's struggles to obtain disclosure from the Department of National Defence, which was under scrutiny in that case.<sup>27</sup> Portions of the related Executive Summary read as follows:

The *Inquiries Act* provides commissioners appointed under its terms with broad powers of investigation and the right of access to any information considered relevant to the subject under study. Actions leading directly or deliberately to delay in producing documents or the alteration of documents and files ordered for the purposes of fulfilling a mandate under that Act should be viewed by all Canadians as an affront to the integrity of the public inquiry process and to our system of government. In that light, the story of noncompliance with the orders of a public inquiry and the nature of the role played by SILT [the Somalia Inquiry Liaison Team] in that story, which is recounted in Chapter 39, becomes all the more shocking.

On a surface level, the events described in Chapter 39 suggest either a lack of competence or a lack of respect for the rule of law and the public's right to know. Digging deeper, the difficulties we encountered involved tampering with and destruction of documents. The

---

<sup>27</sup> "Chapter 39," *Report of the Somalia Commission of Inquiry*, July 2, 1997. Online: <http://www.dnd.ca/somalia/somaliae.htm>.

cumulative effect of these actions on our work cannot be overstated. We depended on the receipt of accurate information from the Department on a timely basis in order to decide which issues to investigate and how the hearings were to be conducted. The fact that the production was not timely and the documents were incomplete to such a great extent meant that the work of the Inquiry was delayed and that our staff were constantly occupied with document-related issues.<sup>28</sup>

38. Unfortunately, as the above passages demonstrate, the Families' concern about the potential harm caused to this Inquiry by the failure of an institutional participant to be open and forthcoming with documents is not without precedent.
39. To date, the Families remain dissatisfied with the state of document disclosure at this Inquiry, and are concerned that numerous classes of documents and specific documents were not critically examined at this Inquiry and may never see the light of day. In some cases, the Families accept that documents had been deliberately destroyed for legitimate reasons, and in accordance with document retention and archival policies. It is, however, unfortunate that this Inquiry was called so many years after the events in question, and that the documentary record has been allowed to erode to this extent. In other cases, the absence of certain document and classes of documents is more concerning.

### ***2.1.3 Documents absent from the Commission's final report***

40. By way of example, we list the following specific documents and classes of documents, a proper analysis of which will be absent from this Commission's final report:

#### ***1. Records in the possession of OCABC***

As suggested above, OCABC may have been monitoring the activities of the Hells Angels and their associates on and around the Picktons' properties.

---

<sup>28</sup> "Executive Summary," *Report of the Somalia Commission of Inquiry*, July 2, 1997. Online: <http://www.dnd.ca/somalia/somaliae.htm>.

The Picktons were widely known to associate with the Hells Angels and to be frequent hosts to Hells Angels' parties and events, particularly at Piggy's Palace, a fact mentioned throughout RCMP civilian employee Bev Hyacinthe's interview statements. In our submission, these records may contain information which could have assisted the missing women and Pickton investigations and is thus directly relevant to issues at the heart of this Commission's mandate.

***2. Records in the possession of the RCMP related to the widely-published allegations of sexism and harassment made by former media liaison Corp. Catherine Galliford***

These records may have demonstrated that sexism was prevalent among the male-dominated ranks of the RCMP during the Period of Reference and may have influenced decision-making with respect to the missing women and Pickton investigations.

***3. The Shenher manuscript***

Det. Cst. Lori Shenher wrote a 320- page manuscript about her experience as lead investigator of the missing women files during her time with the VPD's Missing Persons Unit. It contains numerous candid and revealing remarks about sexist and dismissive police attitudes held by VPD officers with whom Det. Cst. Shenher worked. After a formal application by the families and independent counsel for the DTES, this document was ruled inadmissible.

***4. The CJB's file related to Robert Pickton's charges of attempted murder, etc.***

The inability of the CJB to produce this file was particularly concerning given that one of the Terms of Reference specifically called for an inquiry into the CJB's decision to stay the charges, and given the CJB's own document retention policies, which required this file to be archived for a period of 75 years. Notwithstanding these document retention policies, the

CJB claimed the file was destroyed in error sometime after August 31, 2001, when a records destruction authorization appears to have been issued. This file may have contained charge assessment memoranda or other memoranda explaining the rationale for the stay decision which would have been directly relevant to this Commission's mandate.

**5. *VPD officers' emails generated during the Period of Reference***

The VPD advised the Commission that, with the exception of some emails that were printed and kept in the physical files, emails generated during the Period of Reference were destroyed in accordance with its document retention policies. In our submission, these might have provided a window into police attitudes towards the missing women and the related investigations that are not reflected in their more formal investigative notes, reports and communications.

**6. *Original police documents relating to the investigations into the disappearances of Marie LaLiberté, Tiffany Drew and Cara Ellis, among others***

A number of Project Evenhanded documents were produced to this Inquiry that consist of summaries of steps taken in relation to the investigation into specific missing women. These were generally created after Robert Pickton's arrest in February, 2002. These documents refer, in cursory fashion, to numerous source documents such as police interviews with suspects and associates, and database searches. They do not include police notes and correspondence, or, in many cases, even dates when steps in the investigations were taken. Standing alone, these documents do not explain when the police took steps to find the missing women, why steps were taken, or what they learned in the course of their investigation. We sought disclosure of the original investigative documents in our application but no order for their production was made, and the vast majority of these documents were never disclosed. This is particularly troubling as perhaps no

class of documents is more directly relevant to the issues at the heart of this Commission's mandate.

**7. *Records relating to the meeting of April 9, 1999, attended by several high-ranking members of the VPD and RCMP, Attorney General Ujjal Dosanjh, cabinet ministers and their aides***

By April, 1999, the unfolding crisis of missing women from the DTES had aroused such public attention that a meeting was convened of several high-ranking members of the VPD and RCMP, the Attorney General, and various cabinet ministers and their aides. This would have been a critical time to engage a coordinated, well-funded, multi-faceted approach to solving the problem, but we know that nothing resulted from this meeting. Remarkably, no agenda, contemporaneous notes or meeting minutes were produced to the Commission by any party in respect of this meeting.

**8. *Records relating to the "brainstorming session" of May 13, 1999***

On May 13, 1999 a well-attended "brainstorming session" was held at 312 Main Street including representation from police units such as DISC, VICE, Burnaby RCMP, the Criminal Profiling Unit, the Provincial Unsolved Homicide Unit and the Sexual Offence Squad. The meeting was called to discuss the missing women investigations.<sup>29</sup> Pickton was discussed as a suspect, according to Det. Cst. Shenher. Despite the obvious significance of this meeting, the only handwritten notes produced to this Inquiry related to the attendance of Bev Zaporozan, the sole representative from the Burnaby RCMP. Incidentally, those notes also referred to Pickton being discussed as a suspect, something that another attendee, Deputy Chief LePard, adamantly denied.

---

<sup>29</sup> Exhibit 83, Tab 1.

## **9. *Cst. Dave Dickson's Notebooks from the Period of Reference***

Cst. Dickson played a significant and longstanding role in the missing women investigations. In March, 1997, he created and investigated a list of 71 sex trade workers believed to be missing. On April 9, 1999, he was assigned to the missing women investigations on a full-time basis. He remained part of the missing women working group until June 2000. Only 7 pages of notes from Cst. Dickson's log book were disclosed to this Commission, comprising notes from 23 days of work.<sup>30</sup> The Families' submit this disclosure cannot possibly be complete.

## **2.2 Problems Associated with the Witness List**

41. The Families submit that this Inquiry failed to hear from many important witnesses who may have provided valuable evidence that could have assisted the Commissioner with his mandate. Unfortunately, from the Families' perspective, this failure reflected on the integrity of the entire process. Too often, the Commission refused to hear "the "other side of the story", accepting the police version of events as articulated by Dep. Chief LePard in his report or a police witness on the stand.
42. For example, the Commissioner rejected our application to have Bill Hiscox called, essentially concluding that Dep. Chief LePard had already told Mr. Hiscox's story, and had conceded the police found him to be reliable. From the Families' perspective, Mr. Hiscox ought to have been provided an opportunity to tell his version of the story on the witness stand, which, in our submission, would have differed from the police version in some significant respects. Dep. Chief LePard and Sgt. Connor gave evidence that police were unable to find Mr. Hiscox during the Period of Reference, that he was "unavailable" and had "fallen off the map". Mr. Hiscox later swore an affidavit in which he deposed that he was in regular contact with rehabilitation services, the justice system, probation officers, and social

---

<sup>30</sup> Exhibit 95, Tab 66.

assistance services, and could easily have been located by police during this time period. That affidavit was not admitted into evidence.

43. As well, the Commission allocated disproportionate time to police witnesses, at the expense of community and other non-police-interest witnesses. Dep. Chief LePard was afforded 14 days on the witness stand, compared to 7 days for all family witnesses. As another comparison, witnesses from the various police departments, governments, and the Criminal Justice Branch totaled 53, compared to 26 witnesses who were not affiliated with these institutions.<sup>31</sup>
44. Finally, the Commission did not provide adequate notice to participants of upcoming witnesses, hampering our ability to properly prepare for cross-examinations. The Commission's witness list was amorphous and ever-changing. Often participants were given less than two days' notice of upcoming witnesses. In one surprising incident, a police witness appeared on a panel with no prior notice to participants at all.<sup>32</sup>
45. From the Families' perspective, this Commission did not complete its work because it failed to hear from the following witnesses, all of which would have assisted the Commissioner in achieving his mandate:

***1. Ross Caldwell***

Ross Caldwell was reportedly the second person to provide significant information to police about Pickton. In mid-July, 1999, Mr. Caldwell provided information to Detective Constable Mark Chernoff of the VPD that Ms. Lynn Ellingson had told him that she had been witness to Pickton hanging a woman in the barn on the Picktons' property and stripping flesh off her legs. Further, Pickton had told Mr. Caldwell personally that he could

---

<sup>31</sup> These numbers do not accord with the Commission's purported total number of witnesses, but were based on the witness list published on the Commission's website, which we have determined is missing the names of some witnesses.

<sup>32</sup> See Hearing Transcript, March 5, 2012, p. 78, where Mr. Ward objected to the appearance of Insp. Chris Beach as the fourth member of the VPD's District 2 witness panel.



dispose of a body “without a trace” if needed. At the end of July, 1999, Mr. Caldwell told Det. Cst. Chernoff and Lepine that he had observed handcuffs and a semi-automatic rifle in Pickton’s trailer and a “special” freezer in Pickton’s barn, from which he had been served a strange meat he came to believe was human. He further advised that Pickton had regular cock fighting events in the barn. This information became the catalyst for an in-depth investigation into Pickton.

## **2. *Lynn Ellingsen***

Lynn Ellingsen lived on Pickton’s property in 1999 and was witness to an incident involving a woman hanging in Pickton’s barn. She would eventually become the source of the information provided to police by informants Mr. Caldwell, Ms. Leah Best, and Mr. Ron Menard. RCMP Corporal Frank Henley and VPD Detective Bruce Ballantyne interviewed Ms. Ellingsen for the first time on August 10, 1999, and accepted her denial of the information brought to police by the informants, and concluded that the informants must have been lying. In his report, Dep. Chief LePard writes that Ms. Ellingsen’s denial was “utterly lacking in credibility – she did not simply deny seeing the body, but denied telling anyone the story of seeing the body, and this flew in the face of direct evidence from three witnesses.”<sup>33</sup>

## **3. *David Pickton***

David Pickton lived at 953 Dominion Ave. with his brother Robert throughout the entire Period of Reference. He was well known to police, known to be associated with members of British Columbia’s most notorious criminal organization, the Hells Angels, and was considered a person of interest during the missing women investigations. He co-owned the Picktons’ properties on Dominion Ave. and Burns Rd. which were known by the police to be hives of illegal activity, including cockfighting, illicit alcohol and drug use, prostitution and petty theft. Despite all this unlawful

---

<sup>33</sup> Exhibit 1, p. 26.

activity at the Picktons' properties, and despite the RCMP's frequent attendances there, possibly as many as 49 murders were perpetrated. Women's remains and DNA were found on land that David Pickton occupied with his brother.

#### **4. *Brian Oger***

Brian Oger was a civilian employee with Project Evenhanded during the Period of Reference. During the course of his assigned work in data entry, Mr. Oger made insightful observations about the ongoing missing women investigations. He was sufficiently troubled by what he observed that he was motivated to write a 15-page report entitled "The Serial Killer Theory: A Report on the Downtown East-side Missing Prostitutes", while still employed with Project Evenhanded. While his report was written for the purpose of internal discussion, it made its way up the chain of command faster than anticipated, and Mr. Oger soon became the subject of reprimand and criticism by some members of both police departments. Dep. Chief Evans describes Mr. Oger's essay as "one of the most compelling documents reviewed" in the course of her work for this Commission.<sup>34</sup>

#### **5. *Bev Hyacinthe***

Bev Hyacinthe was a civilian employee at the Coquitlam RCMP Detachment during the Period of Reference. She was employed as a telecoms operator. Ms. Hyacinthe knew the Picktons personally and provided information to Sgt. Connor in September, 1998 and August, 1999 that assisted in the missing women investigations, including information about the character of Ms. Lisa Yelds, and the cock fighting that took place on the farm. Ms. Hyacinthe apparently told Sgt. Connor that Robert Pickton was aware that the police were conducting surveillance on him. On February 1, 2002 - just days before Robert Pickton's arrest - Ms. Hyacinthe was interviewed by Sergeant Bill Fordy. She provided him with significant information about

---

<sup>34</sup> Exhibit 34, p. 8-35.

the Picktons and their association with Hells Angels gang members. In her interview she mentions that her son had found bloody clothing in Robert Pickton's truck. After Pickton's arrest in 2002, Ms. Hyacinthe told investigators that she had seen Robert Pickton hanging around with Dawn Crey at Piggy's Palace at a New Years Eve party in 1999.

**6. *Peter Ritchie, Q.C.***

After the March 23, 1997 incident, Robert Pickton first retained Crossin & Scouten, the law firm that was acting for him and his siblings in the civil litigation surrounding Piggy's Palace. About a week later, he hired lawyer Peter Ritchie, who attended with his client when he was booked and fingerprinted. In January, 1998, the Crown stayed all five serious charges against Pickton. The Crown file was subsequently destroyed. Mr. Ritchie may have been involved in the decision to stay the charges and would have communicated with the Crown about the decision.

**7. *Peder Gulbransen***

In August, 1999, Peder Gulbransen was the Crown Counsel assigned to the Pickton investigation. Around that time, Mr. Gulbransen advised Sgt. Connor that he would require a warrant in order to conduct video/electronic surveillance of Pickton's property. No warrants were obtained. In 2002, Mr. Gulbransen was involved in advising Sgt. Conner with respect to the search warrant for Pickton's trailer.

**8. *VPD Sergeant Brian Honeybourne***

Sgt. Brian Honeybourne was seconded to the Provincial Unsolved Homicide Unit ("Unit") during the Period of Reference. He appears to have been the only member of that Unit to have attended the February 10, 1999 meeting with the Missing Women Review Team, at which it was determined that no assistance of that Unit would be provided. Sgt. Honeybourne also attended the September 16, 1999 meeting at which media strategy was discussed and

tempers erupted over an alleged leak and the press release proposed by Detective Inspector Kim Rossmo.

***9. VPD Inspector Gord Spencer***

In April, 2000, Insp. Gord Spencer replaced Acting Inspector Dan Dureau as the head of the VPD's Major Crimes Section. At the time, Insp. Spencer was overseeing the Home Invasion Task Force and the missing women investigation. In November, 2000, Insp. Spencer received a memo from Sergeant Geramy Field (whose surname has changed to Powell) requesting more resources, but he does not appear to have acceded to that request.

***10. VPD Detective Phil Little***

Det. Phil Little was assigned the role of suspect review and prioritization with the Joint Forces Operation (JFO) in February, 2001, and could have provided evidence with respect to the prioritization of Robert Pickton during the Period of Reference.

***11. RCMP Constable Nathan Wells***

On February 5, 2002, Coquitlam RCMP Cst. Nathan Wells executed a search warrant on the Pickton trailer for an unrelated criminal offence. He was apparently acting on a tip. He was a very junior member who presumably sought assistance from his colleagues. This search led to the eventual arrest of Robert Pickton.

***12. RCMP Sergeant (now Commissioner) Robert Paulson***

As a member of the RCMP's Southwest Major Crime group, then Sgt. Robert Paulson was extensively involved in the missing women's investigations. His name appears hundreds of times in the documents disclosed to the Commission. According to Dep. Chief Evans, in March of 2000, Sgt. Paulson and Sgt. Davidson "approached Chief Superintendent Bass with a proposal to create a coordinated effort to review the unsolved

homicides and the Missing Women”.<sup>35</sup> Despite these efforts, it would take another year before the JFO was formed.

### ***13. Corporal Catherine Galliford***

Cpl. Catherine Galliford provided a statement to this Commission that contains allegations that she experienced sexual discrimination and harassment while working on Project Evenhanded as a media liaison. Cpl. Galliford could have provided important evidence regarding systemic discrimination within the RCMP and the ways in which this discrimination impacted the investigation into the missing women and Robert Pickton. Cpl. Galliford could also provide important information regarding the media strategy of Project Evenhanded and their failure to warn DTES sex trade workers of the danger they faced from a serial killer.

### ***14. Inspector Peter Ditchfield***

Then Insp. Peter Ditchfield of the RCMP reportedly oversaw the investigation known as Project Nova, which demonstrated how the Hells Angels structure and networks operated in the Lower Mainland. The investigation reportedly involved the execution of 57 search warrants, the laying of charges against 76 people and the seizure of some \$12 million worth of drugs, cash, property and weapons. The investigation secured a number of convictions including those of Francisco Pires, Ronaldo Lising and Romano Brienza. The investigation undoubtedly involved the use of wiretaps, agents and/or undercover operators targeting members and associates of the Hells Angels who themselves were associated with the Picktons and the gatherings they held, including the parties held at Piggy's Palace. Insp. Ditchfield could have provided material evidence regarding the extent of the RCMP's knowledge of the Picktons' criminal activities and their asserted inability to "get on the ground" by entering the property.

---

<sup>35</sup> Exhibit 34, pp. 8-32, 33.

### ***15. Chief Constable Chambers***

Inexplicably, Chief Constable Chambers was not called as a witness, although he was in command of the VPD during the early part of the Terms of Reference.

### ***16. Cst. Anne Drennan***

Cst. Drennan was the public face of the VPD while women were going missing from the DTES. She maintained, apparently on directions from superiors, that there was no evidence of a serial killer when, in fact, Det. Cst. Shenher was actively pursuing the theory that Pickton was responsible.

### ***17. Detective Al Howlett***

Det. Al Howlett was the sole detective within the VPD Missing Persons Unit prior to Det/Cst. Shenher's arrival in 1998. Det. Howlett was a primary investigator on several missing women files including Angela Jardine, Stephanie Lane and Olivia Williams. He was involved in problematic work on the Marnie Frey file which was not transferred to the VPD at the appropriate time. Det. Howlett received the tip from Mr. Wayne Leng regarding information passed to the VPD by Mr. Hiscox. Det. Howlett worked closely with Det/Cst. Shenher on the missing women files and assisted in several interviews, including interviewing Mr. Hiscox. Det. Howlett was a member of the Missing Women Working Group and attended several important Missing Women Working Group meetings including the meeting on February 10, 1999 during which Provincial Unsolved Homicide investigators are believed to have refused to become involved due to a lack of bodies. Det. Howlett could have provided crucial information relating to failures to achieve basic investigative steps on several early missing women files.

### **3 OUR CLIENTS**

46. In August, 2010, shortly before the Provincial Government's official announcement of the Commission, we were retained by the families of three of Robert Pickton's victims to represent their interests in the event this long-anticipated inquiry finally materialized. These families were among the many that had been calling for a public inquiry into the tragedy of murdered and missing women from the DTES for more than a decade. We immediately wrote to the Office of the Attorney General to advise that we had been retained in this capacity.
47. At the commencement of evidentiary hearings on October 11, 2011, our client list had grown to 18 families, all of whom had a direct and substantial interest in the outcome of this Inquiry. These families were from across British Columbia, including Prince George, Sparwood, Rosedale, Coldstream, Campbell River, Victoria, Fanny Bay, Surrey and Chilliwack. Some were from across the country, in Edmonton, Calgary, and North York, Ontario, or across the border in Washington State.
48. By the end of the evidentiary hearings our client list had grown to 26 families. At least one member of each of these families had approached us with an interest in participating in these proceedings. We turned no one away, provided he or she had a direct familial relationship to a woman whose disappearance and related police investigation overlapped with the Period of Reference. We considered any such person to have a legitimate interest in, and potentially information to offer, this Inquiry. We were the only team of lawyers funded by the Province to represent families of murdered and missing women at this Inquiry, and we accepted that role as both an honour and an enormous responsibility.
49. We speak of our clients as "the family of" their missing daughter, sister or mother so as not to exclude members of the family who were not the first to approach us. Every family is, of course, shaped by culture, circumstances and the unique

personalities of the individuals involved, and we have been loath to define the concept of “family” with any rigour. Any member of a family we represent has been welcome to share ideas, provide input, and draw from this process. Many did.

50. Family members participated in this process to the degree with which they were comfortable. Some family members wished to bring their stories to the inquiry as witnesses, while some preferred to remain observers and learn from the experiences of other families. Some family members wished to see copies of documents related to the police investigation into their loved one’s disappearance, and there was a formal process put in place by the Commission to allow for this. This involved the family member or members entering into a Confidentiality Agreement that essentially mirrored the Undertaking most counsel had been required to sign in order to access the Concordance database.
51. One can hardly imagine the pain and suffering these families have endured. For many, the tragedy began when their daughters, sisters or mothers embarked on a path that lead to Vancouver’s DTES, and the cycle of drug dependence and sex trade work that often followed. Most of these families have lost loved ones in perhaps the most egregious circumstances possible, and to arguably the worst sexual predator and murderer in Canadian history.
52. A few families had already been forced to relive their loved one’s demise in graphic detail through years of preliminary hearings, voir dire and trial. Many had been told they would have no justice for their loved one’s murder: that , according to then Attorney General Oppal it was in the public’s interest to stay Robert Pickton’s remaining 20 charges in the event his appeals failed. These latter families have been forced to live with the notion that it was too expensive to put their loved one’s murderer on trial. These families, in particular, placed an enormous amount of hope in this Inquiry. To them, it offered a sense of justice they had been long denied.



53. All of our clients have shown enormous courage by participating in this process, and for many it has been at great personal sacrifice to their relationships, jobs and emotional health. These sacrifices have been in search of one thing – the truth – these families stand to gain little else from this process. Some family members sat patiently and attentively in the public gallery day after day, month after month. Many followed the hearings by watching the video-feed streamed over the internet.

### **3.1 Themes Arising from the Families' Testimony**

54. In total, 20 family members, representing 14 of the families we represent, took the witness stand over the course of 7 days from October 24 – 27, 2011 and April 16 – 18, 2012. While every family's story was unique, many common themes emerged.
55. One after another they expressed their sheer frustration and disappointment at how the police had handled their family's case. With few exceptions, family witnesses reported police attitudes of indifference towards their missing daughter, sister or mother. Many believed their loved ones' personal circumstances – drug addiction, poverty, social status or occupation as sex trade workers – had impacted the willingness of the police to investigate their disappearance. Some felt the missing women were treated as second-class citizens. Some reported outright disrespect, prejudice, or incompetence.
56. Some family witnesses reported being deeply offended by comments made to them by VPD civilian employee Sandra Cameron and other members of the respective police departments. One family member took it upon herself to file a formal complaint, another wrote a letter outlining what she felt was atrocious conduct by Ms. Cameron. Some reported being told by police that their loved one might be on a cruise, a vacation, or avoiding contact with family, all of which they knew was nonsense. Some were told "she'll just turn up - they always do." As we now know, their loved ones did not turn up, and these comments and the general attitude of the police were deeply hurtful to the families.

57. For one family witness, reporting her sister missing to the RCMP was like “reporting a lost wallet” because the police reaction was so indifferent. In some cases families were forced to practically beg and plead with police to take their missing person report seriously. Some made several reports to police, sometimes years apart, in an effort to get police to instigate an investigation. Even when a missing person report was taken, some family witnesses reported delays of weeks or even months before police appeared to take a single investigative step in a search for their loved one.
58. Others reported investigative leads that simply were not followed. The most obvious investigative step in a missing person investigation – attending the last known place of residence – sometimes took the police weeks, months or even years, if it was done at all. In many cases family members were never interviewed, despite possessing knowledge that might have assisted in the investigation. In some cases ex-boyfriends, friends and associates of the missing woman were not interviewed for weeks or months, if at all.
59. Even where an investigation into a woman’s disappearance was ongoing, the lack of dedicated family liaison officers – despite major case management principles – left many family members in the dark. Many reported having no knowledge that an investigation was unfolding, while the documentary record shows steps had been taken. In many cases, the families of these missing women were ignored by police.
60. Lack of communication between police departments was also a common theme. Often, police failed to share missing person reports and other related information between departments, or shared it only after lengthy delays, inevitably hampering an investigation.
61. Some family members felt compelled to conduct their own search for their missing loved one. Some put up posters, called hospitals, morgues and jails, and visited former haunts and service providers in hope of gathering information about their

loved one's whereabouts. Some trolled the streets of the DTES, often at great personal sacrifice, in a desperate search for answers. Often, these family members were compelled by a sense that the police were not doing enough.

### **3.2 Summaries of Family Witness Testimony**

62. These summaries are not intended to be comprehensive, rather, we have chosen aspects of the family witnesses' testimony that provide context and may assist the Commissioner with his mandate under the Terms of Reference. There were many other compelling aspects to each witness's testimony; reference should be made to the transcripts for a more thorough review.
63. We have generally referred to the missing women and their family members by first name. This is not intended to be informal or show any disrespect, but rather for clarity since relatives often share a family name.

#### **3.2.1 Lynn Frey**

64. Lynn Frey is the stepmother of Marnie Frey, who disappeared from the DTES in or about August, 1997 at the age of 24. Lynn has lived with Marnie's natural father, Rick Frey, at their home in Campbell River since 1988, and together Lynn and Rick shared responsibility for raising Marnie. Lynn is employed full time as a care aide at the Comox Valley Senior's Village, while Rick is a fifth-generation commercial fisherman. Lynn and Rick are raising Marnie's daughter. Lynn testified at the Inquiry on October 24, 2011.
65. Marnie was born in the Campbell River General Hospital on August 30th, 1973. Lynn described her as a "typical 14-year-old. She was energetic, full of life, loved people, loved animals. ... She would give her shirt off her back to anybody."<sup>36</sup> In her teenage years, Marnie began associating with a "bad crowd" of youths in Campbell River, and began using drugs such as marijuana, hash, and cocaine.

---

<sup>36</sup> Hearing Transcript, October 24, 2011, p. 14.

66. Marnie moved to Vancouver in 1995 at the age of 21 and took up residence at the Balmoral Hotel on Hastings. Despite moving away, she always maintained close contact with her parents, calling home almost every day. Marnie didn't have her own phone, but "knew she could phone home anytime day or night and call collect, it didn't matter where she was, and she continued to do that," Lynn testified.<sup>37</sup> Marnie was very close to Lynn, and told her everything about her life in the DTES. Marnie told Lynn she was using drugs and working in the sex trade to support her cocaine and heroin dependency. She told Lynn that working in the sex trade was "really scary" and that she was "ashamed" to be doing it. Lynn practically begged her to come home to Campbell River.
67. The last months of her life, in the summer of 1997, Marnie lived in a residence near Kingsway in Burnaby. She was still in regular contact with her family in Campbell River. She continued her struggles with addiction, and her work in the sex trade to support her addiction. Her physical appearance had begun to show signs of prolonged drug abuse. The last time Marnie phoned home was on her birthday, August 30, 1997. Lynn had sent Marnie a package of clothing, homemade bread and money by bus. Lynn expected to hear from Marnie later that day when Marnie received the package, but that phone call never came.
68. After a couple of days Lynn began to feel that something was wrong and so she called the RCMP's Campbell River Detachment. She spoke to a female civilian dispatcher and provided a description of Marnie, including that Marnie was a drug user and sex trade worker in the DTES, and explained the circumstances of her disappearance. Lynn asked the dispatcher to contact the VPD to determine whether Marnie was incarcerated. The dispatcher suggested Marnie might be "on holiday". Nothing was said about a formal missing person report, or whether a file was opened. Ultimately, Lynn was told "if you haven't heard from her in a week or two

---

<sup>37</sup> Hearing Transcript, October 24, 2011, p. 16.

phone us back.”<sup>38</sup> Lynn was left with the impression “...they just didn’t care. [Marnie] was just in the Downtown Eastside, out of their jurisdiction, out their community and it’s Vancouver’s problem.”<sup>39</sup>

69. A couple of weeks later, Lynn contacted the Campbell River RCMP Detachment again. This time she was put through to Sergeant Dwight Dammann, who told her to “wait” and “give it a couple more weeks.”<sup>40</sup> Sgt. Dammann did not offer to contact the Vancouver Police Department or take any proactive steps in a search for Marnie. Lynn had several dealings with Sgt. Dammann and Constable Dave Paddock over the next few weeks, but despite her urging, nothing appeared to be done by these officers to commence an investigation for Marnie.
70. When Marnie failed to call on Lynn’s birthday on November 5, 1997, the Freys knew something was terribly wrong. Birthdays were important in their family. Marnie had never disappeared like this before and had never been reported missing before. Lynn believed Marnie could be dead, but could not get any assistance from the police. Lynn travelled to Vancouver to search the streets of the DTES herself. She testified:

I had a picture of Marnie blown up and I had it in my hand and my foster sister was with me and we walked up and down the streets and looked in back alleys, garbage dumpsters, anywhere, asking anybody on the street if they knew her by her first name, which was Kit. They said they knew who she was. Some said they just seen her. They were all confused, of course. There was two Vancouver City police officers on a horse, each had a horse, right by the Balmoral Hotel, and I stopped them and asked them, "Excuse me, sir, could you tell me, have you seen my daughter?" And he said, "Yeah, ma'am, I see a lot of young ladies daughters around here," and left.<sup>41</sup>

---

<sup>38</sup> Hearing Transcript, October 24, 2011, p. 28.

<sup>39</sup> Hearing Transcript, October 24, 2011, p. 39.

<sup>40</sup> Hearing Transcript, October 24, 2011, p. 39.

<sup>41</sup> Hearing Transcript, October 24, 2011, p. 46.

71. In November, 1997, Lynn paid a personal visit to the Campbell River RCMP Detachment in a further effort to engage the police. She testified:

They said they were going to look for Marnie and find out what's happened, but without any bodies, no clues, no dead women being found anywhere that she obviously just didn't want to get into contact with you. Maybe she's gone to treatment, maybe she's in the hospital, maybe she's married and has a different life and doesn't want to have anything to do with her family, which is total bullshit because that isn't Marnie. I knew they just didn't care.<sup>42</sup>

72. Lynn repeatedly contacted the Campbell River RCMP throughout the fall of 1997. She expressed her concerns about Marnie's whereabouts to the RCMP on multiple occasions. Meanwhile, she was carrying out her own search for Marnie by contacting hospitals in Vancouver, asking for Marnie or any unidentified women. From Lynn's perspective, the RCMP did not believe that Marnie was actually missing. Lynn was not aware of a single investigative step taken by the Campbell River RCMP in response to her desperate pleas for help.

73. Through the months of November and December, 1997, Lynn made numerous trips to Vancouver to search for Marnie. From time to time she would approach VPD officers, show them photos of Marnie, and ask for their assistance. "...[T]hey just didn't really care. They were too busy" she testified.<sup>43</sup> Another officer told her Marnie "could be on a cruise, could be in detox, maybe just didn't want to have any contact with the family" and suggested that "if [Marnie] wants to contact you she will contact you."<sup>44</sup> Lynn felt "lost, empty, like I was garbage."<sup>45</sup> Lynn met other family members searching for their loved ones, and began to understand that the problem of missing women from the DTES was widespread.

---

<sup>42</sup> Hearing Transcript, October 24, 2011, p. 47.

<sup>43</sup> Hearing Transcript, October 24, 2011, p. 55.

<sup>44</sup> Hearing Transcript, October 24, 2011, p. 57.

<sup>45</sup> Hearing Transcript, October 24, 2011, p. 51.

74. At first, Lynn did not call the VPD herself because she expected the Campbell River RCMP to get the VPD involved. She also felt a sense of reluctance borne out of her experience with the RCMP: "...I had no response with the Campbell River RCMP so why would the Vancouver City Police care? The RCMP didn't care. She was just a low life prostitute."<sup>46</sup>
75. Finally, in January, 1998, the Campbell River RCMP transferred the file to the VPD. That Spring, Lynn received a call from Det. Cst. Lori Shenher, who had been assigned the file and was taking steps to investigate Marnie's disappearance. Lynn and Det. Cst. Shenher stayed in regular contact, speaking at least twice per week. Lynn provided new information to Det. Cst. Shenher whenever she could. They developed a good relationship, and Lynn found Det. Cst. Shenher to be "very caring."<sup>47</sup> However, as time went on the investigation appeared "stuck."<sup>48</sup>
76. In September, 1998, during one of her visits to Vancouver to search for Marnie, Lynn stumbled across some startling information. Through her investigative efforts in the Downtown Eastside, she heard rumours that Marnie may have ended up in a "woodchipper," and was probably dead. She heard other rumours about a pig farm owned by a man named "Willy," located about 45 minutes away, near a "fast-flowing river." Her foster sister, Joyce Lachance, had been assisting Lynn in her search for Marnie. Joyce lived in Port Coquitlam, and was familiar with the Pickton pig farm. Joyce was an acquaintance of Ms. Gina Houston, and had even been a babysitter for Ms. Houston's children. Joyce and Lynn decided to pay the Pickton property a visit.
77. Lynn testified that she and Joyce travelled to the Pickton property one night in September, 1998. She recalled pulling their vehicle into the driveway, and described a large fence, with ditches on either side, and a sign reading "beware of pitbull with AIDS." Lynn got out of their vehicle and made an attempt to climb the fence before

---

<sup>46</sup> Hearing Transcript, October 24, 2011, p. 44.

<sup>47</sup> Hearing Transcript, October 24, 2011, p. 57.

<sup>48</sup> Hearing Transcript, October 24, 2011, p. 53.

she was frightened away by two dogs. Little did Lynn know at the time, but she had come across what would eventually be determined to be Marnie's final resting place, years before police would arrest Pickton.

78. The next day, Lynn contacted Det. Cst. Shenher and shared the information they had received about a "woodchipper," and advised her of their visit to the pig farm. Det. Cst. Shenher had already heard the name Pickton and advised Lynn that she was following up on this "person of interest." Lynn is not sure what steps Det. Cst. Shenher took in response to this information.
79. On April 20, 1999, then Mayor of Campbell River, Jim Lorne, wrote two letters on behalf of the Freys to then Attorney General Ujjal Dosanjh and then Mayor of Vancouver, Philip Owen, urging them to "explore every possible action to solve this disturbing case."<sup>49</sup> In Lynn's opinion, Mayor Owen didn't care about their missing daughter. She testified: "...because she was an addicted prostitute he just didn't give a damn. That's the truth of this whole matter; they just didn't give a damn."<sup>50</sup> Lynn does not believe there was any response to Mayor Lorne's letters.
80. When asked what more she wished the police had done to search for Marnie, Lynn testified:

I wish they would have taken us seriously. I wish they would have done accountability and justice. This is still going to continue to happen. There's going to be prostitutes and drug addicted women forever, but when somebody goes missing let's get on it and look for them. Why wait? Because they're lower sided than you or I? It doesn't make any difference. Their blood goes through their veins the same as everybody else and they're human beings. They just have an addicted [*sic*] problem, a disease, and people have to acknowledge the disease.<sup>51</sup>

---

<sup>49</sup> Exhibits 12 and 13.

<sup>50</sup> Hearing Transcript, October 24, 2011, p. 76.

<sup>51</sup> Hearing Transcript, October 24, 2011, p. 77.



### 3.2.2 *Lori-Ann Ellis*

81. Lori-Ann Ellis is the sister-in-law of Cara Ellis, who disappeared from the DTES in or about 1996 at the age of 26. Lori-Ann married Cara's brother, Steven John Ellis, in 1990, and together they live in Calgary, Alberta. Lori-Ann is employed with a real estate company. She testified at the Inquiry on October 24 and 25, 2011.

82. Cara Ellis was born in Foothills Hospital in Calgary, Alberta, on April 13, 1971. Her parents William ("Bill Sr.") and Judith had three children: Bill Jr., Steven, and Cara. Lori-Ann described Cara as someone who

...loved her family. She adored her brothers. They were older, but when they were together, she was the boss. She called the shots. She loved them with all her heart. To see her was to know that. She may have kept secrets from her family about her life in Hastings, but one thing she could not hide was her love.<sup>52</sup>

83. After Bill Sr. and Judith separated in 1977, Cara and her siblings moved between families for a few years, while both parents struggled to support the children financially. Bill Sr. eventually gained custody, but his ability to support Cara did not last long and she was eventually placed in a group home. At about age 13 or 14, Cara began living on the streets, commencing work in Calgary's sex trade. She also developed a heroin dependency. She moved to Vancouver's DTES in order to support her drug habit.

84. Despite moving away, Cara maintained regular contact with her family in Alberta, especially with her father Bill Sr. and brother Bill Jr. The longest she would go without contacting them was two months. She made regular calls and would occasionally make her way home to Calgary to visit. In June, 1990, Cara and Lori-Ann met during one of those visits, when Cara, aged 19, came to Calgary for a few days to attend her father's third wedding. Cara and Lori-Ann felt a deep connection and spent much of their time together during that visit.

---

<sup>52</sup> Hearing Transcript, October 25, 2011, p. 43.

85. Cara told Lori-Ann about her life living and working in the DTES, and described the dangers associated with being a sex trade worker, and the decisions she made to ensure her safety. Lori-Ann testified:

These girls had rules for themselves. They knew that every day could be their last. They knew that, even though they had to do deplorable things for their next fix, they had to be careful. They had regular guys that they would go with. They had a comfort zone. As long as things went well, they were able to stay in their comfort zone. There were, however, times when they got [...] drug sick. They would shiver and puke and they would ache to their very soul. They needed a fix and now were willing to do anything to get it. They would step out of their comfort zone and take chances they would not normally take. They would make bad choices. They would go on dates that, to say the least, were risky. When they were not sick, they would never think to go out with bad dates. When the drug sickness hit, they would take their chances. A bad date list is out there. The girls knew it. The cops knew it.<sup>53</sup>

86. Between 1990 and 1996, Cara was incarcerated for a variety of crimes. But even while incarcerated, Cara stayed in touch with her family, exchanging regular letters with her father and stepmother Crystal.<sup>54</sup> In these letters, Cara talked about how much she loved her family and how much she missed them. For Lori-Ann, the letters show that Cara “really made an effort to try to keep connected with her family [...] She talks about how important it is, that she is promising that she will stay in touch with the family.”<sup>55</sup> Cara also wrote about her addictions and her desire to go into rehabilitation.

87. Bill Sr. and Crystal visited Cara in jail, taking with them gifts of makeup, cigarettes, and money, until cutting Cara off in 1996, fearing the gifts were being used to buy

---

<sup>53</sup> Hearing Transcript, October 25, 2011, p. 45.

<sup>54</sup> Exhibit 16.

<sup>55</sup> Hearing Transcript, October 25, 2011, p. 4.

drugs. It was around this time, when Cara was released for the last time from prison, after serving a year and a half for attempted murder following an altercation with a drug dealer, that the family lost contact with Cara. Initially, the family believed Cara's silence was due to anger at having been financially cut off. They waited for her to get back in touch, but after six months had passed with no contact from Cara, they knew something was wrong.

88. In July 1998, Lori-Ann took her children to Vancouver for a long-planned summer holiday. She testified that Cara's disappearance had changed the trip's purpose for her: "in my mind, I knew, when I left Calgary [...] that I was taking this trip to fulfill a promise I made to my husband that I would find his sister."<sup>56</sup> On July 22, 1998, Lori-Ann walked the streets of the DTES looking for Cara. She met numerous people in her search, including sex workers and drug dealers. Many of them knew Cara. Some told Lori-Ann that Cara was "probably just one of the other girls who's gone missing."<sup>57</sup> Lori-Ann began to realize that Cara's disappearance might not be an isolated case.
89. The next day, Lori-Ann called the VPD and asked to speak to the Missing Persons Unit. She was put through to a male officer who confirmed he was a member of that Unit. She advised that she would like to report her sister-in-law as missing. The officer requested basic information about Cara's appearance and residence, and when she was last seen, which Lori-Ann provided. Lori-Ann was advised the officer was writing the information down. She provided her and other family members' contact information, and requested the VPD call them if they learned anything. She was told they would look into it. The conversation lasted "the better part of an hour."<sup>58</sup>
90. During her testimony, Lori-Ann she described how "terrible" it felt to have to tell her husband, upon her return to Calgary, that she had not been able to find his sister.

---

<sup>56</sup> Hearing Transcript, October 25, 2011, p. 9.

<sup>57</sup> Hearing Transcript, October 25, 2011, p. 11.

<sup>58</sup> Hearing Transcript, October 25, 2011, p. 14.

Still, Lori-Ann was sure at this point that the police were going to look for Cara, “because to think anything else would just be unbelievable.”<sup>59</sup>

91. Meanwhile, as the family waited in Calgary, they continued the search for Cara on their own. Lori-Ann and Steve spent their Saturday nights watching a police-themed television show filmed in downtown Vancouver, hoping to see Cara on the streets. Lori-Ann also notified the Calgary RCMP of Cara’s disappearance. The RCMP advised her to contact Vancouver hospitals, jails, rehabilitation centres, and the Red Cross, but took no proactive steps in this search.
92. Lori-Ann expressed tremendous frustration at her inability to engage the police in a meaningful search for Cara. She felt she had information that may have assisted the police in the investigation. She had a return address from letters Cara had sent the family, the name and photographs of her boyfriend, her banking information, and her probation and rehab records. Neither the VPD nor the RCMP seemed willing or interested to take this information and advance the search for Cara.
93. The VPD, in particular, never showed any interest in speaking to Cara’s family. A month after returning home, in August, 1998, Lori-Ann contacted the Missing Persons Unit again. The staff member who answered the phone was very negative. She told Lori-Ann that “[i]f Cara wants to be found, she will be found. Why don't you leave us alone and let us do our job.”<sup>60</sup> She also told Lori-Ann that Cara was “probably on vacation.” Lori-Ann was insulted: “it took me and my husband three years to save for us to go to Vancouver. How [...] can someone earning, like, a hundred dollars a month on welfare be able to go on vacation?”<sup>61</sup>
94. Lori-Ann began to lose faith in the VPD. Her conversation with the Missing Persons Unit staff member left her feeling like “I wanted to get on the plane and come back to Vancouver and take up the search myself.” But this was not something the family

---

<sup>59</sup> Hearing Transcript, October 25, 2011, p. 17.

<sup>60</sup> Hearing Transcript, October 25, 2011, p. 21.

<sup>61</sup> Hearing Transcript, October 25, 2011, p. 21.

could afford. In fact, Lori-Ann's family was in financially dire times. Even the calling cards they had been using to contact the VPD had become unaffordable. All the family could do now was wait.

95. The family's next contact with police was nearly four years later, in 2002. Lori-Ann had seen a TV news report about Pickton's arrest. The report ended with a request that viewers who knew anyone who was a sex trade worker or drug addict in Vancouver to contact the police. Lori-Ann contacted Victim Services, who requested basic information on Cara, such as where she had been living, her lifestyle, her drug addiction, and her work in the sex trade.
96. In March 2002, two members of the Missing Women's Task Force visited Lori-Ann. They asked questions about Cara's lifestyle, her contact with her family, and her friends in the DTES. Lori-Ann provided information about Cara's boyfriend, Stan, who she believed was a member of the Hells Angels motorcycle gang.<sup>62</sup>
97. On January 26, 2004, three members of the Missing Women's Task Force, Ms. Freda Ens, Ms. Marilyn Johnny and Mr. Murray Lund, travelled to Calgary to inform the family that Cara's remains had been found on Pickton's farm. Later that year, Ms. Ens, Ms. Johnny and Mr. Lund made another trip to Calgary and attended a memorial service for Cara. Lori-Ann testified:

...the day before the memorial, they had come to get some information, including DNA, from my husband and his brother for the investigation, and I was in the middle of making coffee for everyone and serving them cookies and whatnot, being a good hostess, and Murray Lund turned to me and he said, "By the way, Lori-Ann, I found that missing person report that you put in in '98. It was in a filing drawer and it had never been actioned," and I almost dropped the coffeepot.<sup>63</sup>

---

<sup>62</sup> Hearing Transcript, October 25, 2011, p. 26.

<sup>63</sup> Hearing Transcript, October 25, 2011, p. 23.

98. No copy of that report was ever provided to Lori-Ann, nor has a copy been produced for this Inquiry, despite numerous requests. The VPD has advised the Commission that no such report can be found.

99. Lori-Ann described the VPD's response to her missing person report in 1998 as "shameful". She testified:

When someone calls to get help from the people who are there to keep the peace and to take care of you in situations that aren't normal, everyday situations, when they turn their back on you, I think that's shameful. And I think every person in Vancouver should be standing up and making them accountable for taking their pay cheque, cashing it in the bank every two weeks and not doing their job.<sup>64</sup>

### ***3.2.3 Donalee Sebastian and Ann-Marie Livingston***

100. Donalee Roberta Sebastian is the daughter of Elsie Louise Sebastian, who disappeared from the DTES in 1992 at the age of 40 and whose fate remains unknown. Donalee is a member of both the Gitksan and Pacheedaht First Nations, and identifies with the Hagwilget Village band in Hazelton, British Columbia. She currently lives in Victoria, where she is a nursing student. She testified at the Inquiry along with her sister Ann-Marie Livingston on October 25, 2011.

101. Elsie and her parents and siblings were all residential school survivors. Elsie began attending the Port Alberni Residential School at the age of five. There, she became malnourished and suffered regular and severe beatings. Donalee believes that what her mother endured in the residential school was "an inherent crime."<sup>65</sup> She testified:

The residential school was genocide for our people, and Elsie was part of that and she was lost to it. And I think it's very key and why we have so many Aboriginal people

---

<sup>64</sup> Hearing Transcript, October 25, 2011, p. 34.

<sup>65</sup> Hearing Transcript, October 25, 2011, p. 115.

ending up on the Downtown Eastside, living high risk lives, ending up in IDU [injection drug use].<sup>66</sup>

102. Donalee testified that the multigenerational effects of the residential school system had a significant impact on Elsie's ability to raise her children. Nonetheless, Donalee described her mother with the greatest fondness: "She was a smart woman, she was a loving woman, and she did the best she could with what little skills that she was given."<sup>67</sup>

103. Elsie was 16 when she left residential school. She gave birth to her first child shortly thereafter but had to give that child up for adoption. In 1973, while living in Victoria, she began a relationship and gave birth to Ann-Marie at the age of 21.

104. Elsie met Donalee's father in 1975. They were married and had two children. Donalee described her parents' marriage as "very strong," at first, in part because they both had the shared history of childhoods damaged by residential schools. However, both parents struggled with drinking, and Elsie, a prescription drug dependency as well. They separated when Donalee was 10. The children stayed with Elsie.

105. Elsie and the children moved to a transition home, where Donalee said they were "looked down on" because they were Aboriginal.<sup>68</sup> At least one social worker refused to record Elsie's reports of violence against the children by various men in the building. Meanwhile, Elsie did her best to get her life back on track, attending detoxification and treatment programs, and attempting to complete Grade 12. Despite this, her numerous challenges led her to relapse.

106. Elsie entered a violent relationship and began using drugs. Donalee testified that "...the few relationships that she [Elsie] did have, it was with men that were violent,

---

<sup>66</sup> Hearing Transcript, October 25, 2011, p. 115.

<sup>67</sup> Hearing Transcript, October 25, 2011, p. 107.

<sup>68</sup> Hearing Transcript, October 25, 2011, p. 84.

and so she would call the police and ask for help.”<sup>69</sup> Eventually child welfare became involved, and Donalee was put into foster care in Prince George.

107. Even after the separation, Elsie stayed in regular contact with the children. Donalee testified that Elsie “would always connect with us, regardless of her drinking.”<sup>70</sup> Elsie would make a special effort to reach out on birthdays with cards or phone calls.

108. By July, 1992, Elsie had made her way to the DTES. Her addictions had worsened, and she was working in the sex trade to support those addictions. That summer, at age 16, Donalee visited their mother for the last time. Donalee testified that “when I saw her, she wasn't the same woman that I knew when I was 12.” Elsie had become “frail” and now showed signs of extensive drug use. It was evident to Donalee that “the addiction had taken over [Elsie’s] life.”<sup>71</sup>

109. Donalee did not hear from her mother following that visit to Vancouver. When the silence became prolonged, and other relatives had received no word from Elsie, Donalee began to fear the worst. The family began a search for Elsie.

110. In the fall of 1992, Ann-Marie and Ms. Livingstone attended the Downtown Eastside in search of Elsie. As part of their search they attended the VPLNS, where they spoke with Mr. Morris Bates, who was a friend of the family. Mr. Bates apparently advised them to “prepare themselves,” because “nobody wants to look for 40-year-old native woman. They’re not interested in looking for her.”<sup>72</sup> Mr. Bates was, of course, referring to the VPD. The family was left with the impression that the disappearance of an older, drug-using, Native woman would not be a priority for the VPD.

---

<sup>69</sup> Hearing Transcript, October 25, 2011, p. 87.

<sup>70</sup> Hearing Transcript, October 25, 2011, p. 65.

<sup>71</sup> Hearing Transcript, October 25, 2011, p. 66.

<sup>72</sup> Hearing Transcript, October 25, 2011, p. 69.



111. In 1994, Donalee called the VPD from Hazelton in an effort to engage the VPD in a search for her mother. By that time she felt “it had gone on too long.”<sup>73</sup> Elsie had always contacted them around birthdays and other important events, and Donalee was about to graduate from high school. Donalee spoke to a woman at the VPD who told her “if Elsie doesn't want to be found, she won't be found” and “she's probably on holiday.”<sup>74</sup> She was told looking for a native woman in the DTES was “near impossible.”<sup>75</sup>
112. Donalee was angered by the suggestion that Elsie had the financial capacity to go on holiday, and that she had been advised her to carry out her own search for Elsie. Donalee was told to leave messages with a number of DTES community organizations, and if she was “lucky,” Elsie would see a message on a board. Desperate and frustrated, Donalee wrote a letter to the VPD describing Elsie and requesting their assistance, she testified. The VPD was unable to produce her letter to the Inquiry.
113. That same year, Donalee's uncle Russell created a missing person poster for Elsie, which was sent to the VPD. That poster ended up in the hands of Mr. Bates at the VPNLS. Mr. Bates would later testify he made inquiries and was told by Cst. Dave Dickson that Elsie had been seen around Oppenheimer Park..<sup>76</sup> Without any follow-up, the VPNLS file was closed and the family was advised that Elsie was alive and well.<sup>77</sup> Tragically, Cst. Dickson and Mr. Bates had made a mistake. When Russell travelled from Port Alberni to Vancouver to find Elsie, he could not find her. The VPD was notified of this but no further steps appear to have been taken and another missing person file does not appear to have been opened at that time.

---

<sup>73</sup> Hearing Transcript, October 25, 2011, p. 70.

<sup>74</sup> Hearing Transcript, October 25, 2011, p. 70.

<sup>75</sup> Hearing Transcript, October 25, 2011, p. 71.

<sup>76</sup> Hearing Transcript, April 2, 2012, p. 117.

<sup>77</sup> Exhibit 123, Tab 2.

114. In 1999, Donalee again contacted Mr. Bates at the VPMLS.<sup>78</sup> She advised him that Elsie was still missing, and again provided as much information as she could about Elsie. Mr. Bates told her it was “like looking for a needle in the haystack,” and that a search for Elsie wouldn’t happen “because she was a much older native woman.”<sup>79</sup> Mr. Bates told her that younger, non-Aboriginal women would get priority over her mother, based on her age, race, and addictions.<sup>80</sup>

115. As an aside, Mr. Bates, in his testimony, confirmed his opinion that Elsie’s age, race, and addictions would all have affected the VPD’s willingness to engage in a search for her.<sup>81</sup> Mr. Bates made no efforts to engage the VPD’s Missing Persons Unit in response to Donalee’s report in 1999.

116. In 2001, Ann Livingston, Donalee’s aunt, reported Elsie Sebastian missing to the VPD.<sup>82</sup> On this occasion the report was finally taken. The report referenced the family’s earlier attempts to report Elsie missing. The comments section noted that an earlier attempt to report was made in 1992.<sup>83</sup>

117. Elsie has not been connected to Robert Pickton or the Pickton property. To date, her disappearance remains a mystery. The family has many unanswered questions, including why the VPD refused to take their repeated missing person reports seriously over the course of nearly a decade. On at least four occasions the family made efforts to engage the VPD in a search for Elsie. All of these efforts seem to have been ignored, except perhaps by Mr. Bates, although his efforts were hardly what one would expect of an official response. Donalee testified:

I feel frustrated and I feel let down. I feel like there is no closure. I feel like we went on with the rest of our childhood and teenage and, and adult lives without her.

---

<sup>78</sup> Exhibit 123, Tab, 6.

<sup>79</sup> Hearing Transcript, October 25, 2011, p. 93.

<sup>80</sup> Hearing Transcript, October 25, 2011, p. 93.

<sup>81</sup> Hearing Transcript, April 3, 2012, pp. 77-78.

<sup>82</sup> Exhibit 123, Tab 7.

<sup>83</sup> Hearing Transcript, October 25, 2011, pp. 90-91, and Exhibit 123, Tab 7.

And I, I feel like my, my brother and my sister and I have suffered far too long.<sup>84</sup>

118. To date, no funeral or memorial service has been held in Elsie's honour. Donalee testified:

Traditionally, our people will mourn for four days. They will have a prayer service or a memorial. They will have the funeral and then they will have the feast. Elsie never got any of that, and Elsie deserves that. It's in her inherent right to have that and she hasn't been granted that.<sup>85</sup>

### **3.2.4 Margaret Green**

119. Margaret Ann Green is the legal guardian of two children of Angela Hazel Williams. Angela disappeared from the DTES in early December, 2001, at the age of 31, and was later determined to have died on December 13th. Margaret is presently retired, but was previously employed as the full time organizer of the Community Directions project in the DTES, with an office next door to the VPD station on Main Street. She is now retired and lives in Fanny Bay. Margaret and Ashley, Angela's eldest child, testified together on October 26, 2011.

120. Angela was born on October 1, 1970 in Kingcome Village, British Columbia. Her parents were both of First Nations origin, and she was registered with her mother's band, the Tlowitsis on Turnour Island. Angela's parents, and the aunt who would eventually raise her, were all survivors of the residential school system. Angela's father brought her up on Gilford Island until age three, and then she moved to Campbell River under the care of her aunt. The family environment was one characterized by "great gentleness and kindness to the children."<sup>86</sup>

121. In 1998, in her late 20s, Angela moved with her partner and children to Vancouver. Her life had been difficult, and she had developed drug and alcohol dependencies.

---

<sup>84</sup> Hearing Transcript, October 25, 2011, p. 102-103.

<sup>85</sup> Hearing Transcript, October 25, 2011, p. 103-104.

<sup>86</sup> Hearing Transcript, October 26, 2011, p. 4.

In May 2000, after Angela failed to return home for two days, her partner called the Ministry of Children and Family Development. The Ministry apprehended the children. Temporary guardianship of the two youngest children, then aged 3 and 1, went to Margaret.

122. Margaret testified that Angela's relationship with the children remained "very close" over the next two years. She visited the children at least once per week. On December 9, 2001, she visited the children for the last time. Margaret testified that there was nothing unusual about that visit, other than the elder daughter advising that she was moving to her father's place in Port Hardy. Angela seemed comfortable with that decision. She had been off drugs for nearly a week. She was expected to return for another visit on December 16<sup>th</sup>.
123. When Angela failed to visit the children on December 16<sup>th</sup>, Margaret was concerned. When there was no contact from Angela before Christmas, Margaret knew something was wrong. This was very unusual for Angela. After dinner on Christmas Day, 2001, Margaret attended the Downtown Eastside with a picture of Angela, seeking any information on her whereabouts. Margaret visited community service providers such as WISH, the Carnegie Centre, and the Contact Centre. She encountered three people who recognized the photograph of Angela; they had not seen Angela in weeks. That night, Margaret received permission from Angela's sister and aunt to report Angela missing to the police.
124. The next day, December 26, 2001, Margaret went to the VPD station at 312 Main Street to report Angela missing. Margaret attended the counter and was asked: "does she [Angela] have an alcohol problem? Does she have a drug problem? Is she a prostitute?"<sup>87</sup> Margaret advised the staff member, a female, that Angela did have addictions and that she did occasionally engage in street-level sex work. Margaret provided information about Angela's age, height, weight and race; the scar on her

---

<sup>87</sup> Hearing Transcript, October 26, 2011, p. 15.

forehead; the rose tattoo on her back; the clothes she had been wearing when last seen. Margaret provided both her own and Angela's contact information.

125. Margaret got the impression that the police would not move swiftly. She testified:

I started to have the feeling that it was -- you know,  
nothing much would happen in the Christmas holidays. ...  
They kept saying well, you know, it's the holidays or I  
don't know who will be here tomorrow.<sup>88</sup>

126. Margaret expressed concern in her testimony that Angela's addictions and work in the sex trade were of such importance to the police. Years later, Margaret would review the police reports that were filed regarding Angela's disappearance and death. Margaret testified that "every page of the police report" made reference to Angela being a drug addict and prostitute, leading her to wonder how this language might have shaped the police response to Angela's disappearance.<sup>89</sup>

127. Margaret and other members of the family spent that holiday season putting up "missing" posters in the Downtown Eastside. They visited community organizations and service providers in a desperate search for Angela. Margaret testified that period was "immensely stressful on [Angela's] children, and directly impacts [...] holidays to this day."<sup>90</sup>

128. Angela's sister Karen was assisting with the family's search by speaking to people on the street in the Downtown Eastside in an attempt to gather information about Angela. On December 30, 2001, Karen learned a newspaper had recently reported the body of an unidentified "Aboriginal or Asian" woman had been discovered in Surrey. The unidentified female had a rose tattoo that was similar in description to Angela's. Another sister, Eliza, called the Surrey RCMP to advise them the unidentified body might be Angela's.

---

<sup>88</sup> Hearing Transcript, October 26, 2011, p. 16.

<sup>89</sup> Hearing Transcript, October 26, 2011, p. 34.

<sup>90</sup> Hearing Transcript, October 26, 2011, p. 47.

129. On January 2, 2002, after messages back and forth, Margaret finally spoke to a member of the Surrey RCMP. Margaret was told that the body found in Surrey was a possible match, and asked to provide Angela's dental records. On January 3, 2002, the coroner called Margaret to tell her there had been a match. The previously-identified body was Angela.
130. Margaret would eventually learn that Angela's body had been found on December 13, 2001, and that Cst. Tim Shields, of the Surrey RCMP, had sent an email to Sgt. Don Adam, of Project Evenhanded, on December 21, 2001, advising him that an unidentified female's body had been found.<sup>91</sup> Attached to that email was a news release, containing numerous details of the body, including details of the rose tattoo. The Surrey RCMP had been in possession of this information since December 13<sup>th</sup>, and Project Evenhanded, as early as December 21<sup>st</sup>. Angela's family had been begging the VPD to get involved in her search as early as December 25<sup>th</sup>, and could have been advised right away that her body had been found if the RCMP had shared that information with the VPD. There was an unfortunate disconnect between the VPD's Missing Persons Unit and the Surrey RCMP that resulted in unnecessary suffering for this family.
131. The police initially presumed Angela had died of a drug overdose, and advised the family accordingly. But a subsequent autopsy suggested that Angela had succumbed to manual strangulation.
132. Margaret testified that the police were too quick to jump to the conclusion that Angela had overdosed, based on her Aboriginal status and past history of drug use. She testified: "I really think this is another case of racial stereotyping."<sup>92</sup> It was a "huge concern" for her that the police had presumed this was an overdose: "what investigation was not done, what evidence was not collected, and what leads were

---

<sup>91</sup> Document marked for identification as "C", entitled: Facsimile Transmittal Sheet with attached documents (13 pages) related to the death of an unidentified female.

<sup>92</sup> Hearing Transcript, October 26, 2011, p. 33.

not followed up?”<sup>93</sup> Margaret felt that the Surrey RCMP’s “tunnel vision” was a consequence of their having insisted on “linking the cases of these three ‘prostitutes,’” despite the differences between the cases.<sup>94</sup>

133. In her own testimony, Ashley asked, “why no one cared enough to take this case properly from the beginning. Was it because she was native? Was it because she used to use drugs?”<sup>95</sup> She continued: “[i]t’s ten years later and the chances of finding out what exactly happened are really -- I know it’s never going to happen, but if they had taken [care of] it properly from the beginning I could know what happened to my mother.”<sup>96</sup>

### 3.2.5 *Ernie Crey*

134. Ernie Walter Crey is the brother of Dawn Theresa Crey, who was last seen on Nov. 1, 2000. He was born in 1949 to Ernest and Minnie (Charlie) Crey, who had nine children together. Ernie also has two half siblings. He has five adult children of his own between the ages of 27 and 37, all of whom are university-educated. Ernie testified at the Inquiry on October 26<sup>th</sup> and 27<sup>th</sup>, 2011. He was joined by his sister, Lorraine Crey, on his second day of testimony.

135. Ernie graduated from high school, earned a diploma in social work from what is now Thompson Rivers University, and after working in the hotel industry, “got bitten by the social work bug” and in the 1970s began a long career devoted to bettering the conditions and lives of his people. He worked with the Company of Young Canadians, the Union of BC Indian Chiefs, the United Native Nations, the Public Service Commission of Canada, and the Department of Fisheries and Oceans, Sto:lo Nation fisheries, and the Sto:lo Tribal Council.

---

<sup>93</sup> Hearing Transcript, October 26, 2011, p. 32.

<sup>94</sup> Hearing Transcript, October 26, 2011, p. 45.

<sup>95</sup> Hearing Transcript, October 26, 2011, p. 35.

<sup>96</sup> Hearing Transcript, October 26, 2011, p. 36.

136. Among his many accomplishments, Ernie was involved in cultural sensitivity training with the RCMP in two back-to-back sessions in the 1970s, helping inform police officers, whom he said had a profound lack of understanding of Aboriginal societies and cultures, about Indigenous difference, and enhancing awareness of Aboriginal history and the effect of laws on Aboriginal peoples. The police pursued this program, Ernie believes, because they thought it would make policing of Aboriginal communities more effective. Ernie found this work beneficial, and says that the “knot-heads” who started out with the most deeply ingrained stereotypes often were the ones for whom the program was most successful. He did similar work again with VPD officers in the 1990s.
137. Ernie expressed disappointment that these programs, to his knowledge, no longer exist, and he believes they should be continued. In his view, it is important for police officers to be trained on developments in Aboriginal law, including Aboriginal rights, the re-emergence of Aboriginal traditions of law and punishment, and the particular problems faced by Aboriginal peoples living in urban areas. He also believes police departments and other government agencies that interact with Aboriginal communities should recruit more Aboriginal people. In his view, this will have the effect of increasing confidence and pride in the police within the Aboriginal community.
138. Ernie testified that the perception of police among Aboriginal peoples has not been good, but is slowly improving. This negative view of the police is rooted in the history of police officers rounding up Aboriginal children to enforce their attendance at residential schools, and the conflicts that arose with Aboriginal families and the community as a result. Ernie noted that because the police are often called into difficult situations, such as when social workers are apprehending a family’s children to take them into custody, there is often a feeling distrust towards the police. He suggested participation in community and cultural events by police officers could go a long way towards rebuilding trust.



139. Ernie co-authored a book with Suzanne Fournier, published in 1997, *called Stolen From Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities*, about the effects of the residential and child welfare system. The book “has become sort of standard fare in social work programs across the country,” and is intended to add to social work education personal stories of Aboriginal youth and families that tend to be absent from textbooks. The book is also intended for general readership, and Ernie has received feedback from non-social worker readers who say it has deepened their understanding of Aboriginal peoples and society.
140. Dawn was born on October 26, 1958 and would have celebrated her 53rd birthday on the day Ernie began his testimony. Dawn and all of her siblings were placed in foster care at an early age. Ernie did not see her again until approximately 1965, when his foster mother arranged a meeting between them. After this meeting they kept in touch, occasionally catching up on each others’ lives.
141. In the 1980s, during her 20s, Dawn developed significant problems with addictions. Members of the family tried in vain to get her treatment. Dawn eventually moved to the DTES.
142. Lorraine had “a pretty close relationship” with her sister Dawn. At the time of Dawn’s disappearance, Lorraine was living in Vancouver and working as a property manager for Lu’ma Native Housing in Vancouver. She visited with Dawn on a weekly basis. In December, 2000, she was the first member of the family to notice that Dawn had gone missing.
143. On December 11, 2000, Dawn’s doctor reported her missing to the VPD after she failed to make an appointment. Lorraine reported her missing shortly thereafter. Lorraine was asked few questions about her missing sister.

144. In the following months the family desperately sought answers and action, and made efforts to engage the media with the issue of missing Aboriginal women from the DTES. Ernie testified that he had heard rumours about a serial killer preying on Aboriginal women in the DTES, and he felt the police were not doing enough about it. He had noticed common experiences between many of the women who had gone missing, such as placement in foster care. Ernie hoped that media coverage would prompt the police to take the issue more seriously.
145. Lorraine testified that approximately one year went by before she had any further contact with police in regards to Dawn's disappearance.
146. Ernie was told Dawn was on the list of missing women at a meeting with the Missing Women Task Force in 2001. He felt no assurance they were investigating her disappearance. Ernie testified that the families were told not to speak to the media, that the media were not their friends. This bothered Ernie because he felt the media was bringing valuable attention to the case. He also felt that much of the information he received about the investigation came from the media.
147. Dawn's DNA was eventually found on a women's undergarment in Pickton's trailer. Pickton was never charged with Dawn's murder, although the police have advised the family that Pickton was likely responsible.

### **3.2.6 *Angel Wolfe***

148. Angel Wolfe is the daughter of Brenda Wolfe, who was last seen in February, 1999 while living in the DTES. Angel was six years old when her mother disappeared. On December 17, 2007, Robert Pickton was convicted of second degree murder in relation to Brenda's disappearance. Angel testified on October 27, 2011, accompanied by her stepmother Bridgett Perrier. Angel prepared a statement which she read aloud.

149. Angel remembers her mother, Brenda, as being “a very happy person, loved music and always dancing -- was always dancing and singing.”<sup>97</sup> This was despite the fact that Brenda's husband was verbally and physically abusive. Although Brenda tried to leave him several times, as Angel points out, “it never worked out.”<sup>98</sup> Eventually, Brenda “fell hard into her addiction,” and Angel permanently moved in with her father, his girlfriend (Bridget), and her grandmother.<sup>99</sup> Brenda would call regularly to talk to Angel and check in on her, but at some point Brenda suddenly stopped calling. Bridget knew that this was uncharacteristic of Brenda, since Brenda would have called to let her know if she was in the hospital or in jail. Out of concern, Bridget called a family member in Vancouver, but was told that Brenda had not been seen for a while.

150. Around this time, Angel testified that her dad started to lose himself to drugs and alcohol. As a result, she was placed into a native home by the Children's Aid Society (CAS), which was eventually shut down following allegations of physical and sexual abuse. Angel was eventually placed into a Jewish foster home where she spent most of her childhood growing up.

151. When Angel was eight years old, a police officer came to her foster home. She was told that the police may have found her mother's remains “on a pig farm.” The officer then proceeded to question her about her mother, without giving her a chance to even grasp the devastating news that she had just been told. Angel felt angry, abandoned and out of place. She explained:

I was very confused about my identity, did not identify myself as a native for the longest time [...] My mom was murdered, and in the area I was living in I was -- it was very rich, and all my friends' moms started reading the

---

<sup>97</sup> Hearing Transcript, October 27, 2011, p. 69.

<sup>98</sup> Hearing Transcript, October 27, 2011, p. 69.

<sup>99</sup> Hearing Transcript, October 27, 2011, p. 70.

papers, and you would be amazed at how many mothers didn't want their children hanging out with me.<sup>100</sup>

152. Once Angel was older and started reading more about her mother and the other women that had been murdered by Robert Pickton, she started to see the problematic ways in which the police and media were framing the murders. She explained:

Brenda Ann Wolfe was my mother. She was an aboriginal woman who was killed by Robert Pickton. He got away with this because, like my mom and many of these women, they were of high-risk groups and of a marginalized community. They were already forgotten in society's eyes. The police ignored the problem almost for two decades [...] it took 31 women to just vanish off the streets before authorities couldn't -- couldn't ignore it any longer.<sup>101</sup>

153. In July of 2013, the missing women's task force came to Angel's house and showed her grotesque pictures of the crime scene layouts on the Pickton farm. Angel testified: "let me tell you in the air of that room all I could feel was error."<sup>102</sup> Angel was offered \$10,000 by the Crime Victims Unit for the death of her mother, but, in her words:

That amount is nothing. My mom will never be there to see me graduate, to walk me down the aisle or to stand beside me when I give birth, and for them to put a money -- a price tag on my mother hurts me.

154. Angel ended her statement with the following recommendations:

Canada needs to wake up and see the body count. 600 plus missing or murdered Anishnawbek women in Canada. It's an atrocity. This is genocide. What can we do so that these women are accounted for? We need to keep up this dialogue and continue more inquiries such as this. We need more detox beds, more treatment centres,

---

<sup>100</sup> Hearing Transcript, October 27, 2011, p. 73.

<sup>101</sup> Hearing Transcript, October 27, 2011, p. 73.

<sup>102</sup> Hearing Transcript, October 27, 2011, p. 77.

disinvolvement of the current police board and new creation of a new board with aboriginal and community representation, ongoing support and funding for the children of the victims that -- and get the guidelines and all the, you know, things you need, because it's really horrible, and have our traditional counsellors we want to work with and go through our sorrow with. And, yeah, I want more traditional counsellors for kids and more supports for the kids and the victims . . ."<sup>103</sup>

### **3.2.7 Lilliane Beaudoin**

155.Lilliane Beaudoin is the stepsister of Dianne Rock, who disappeared from the DTES in or about October 19, 2001 at the age of 43. Lilliane currently lives in Welland, Ontario with her husband Rene and two children. Lilliane is employed as a healthcare aide and her husband works as mobile crane operator. She testified on October 27, 2011.

156.Dianne was born on September 2, 1967 and was 4 years old when she was adopted in 1971 by Lilliane's parents, Ella and Denis. Lilliane has fond memories of Dianne when she was younger and describes her as being "a spunky little one [...] She just loved being with my -- my daughter. They grew up together, my daughter was born in '71, so the two of them were just like two sisters."<sup>104</sup>

157.Dianne moved out of her family home and into her own apartment around the age of 15, while pregnant with her first child. Three years later, at the age of 18, she was married. Dianne would have three children by the age of 20. When things in Dianne's marriage started getting "rough", she and her husband separated. Shortly after, she met her second husband, and they eventually moved to the Vancouver area along with her three children and his child from a previous marriage.

158.Dianne stayed in close touch with her family back in Ontario. She would call home at least once a month, and her mother would visit her twice a year. For the period

---

<sup>103</sup> Hearing Transcript, October 27, 2011, p. 78.

<sup>104</sup> Hearing Transcript, October 27, 2011, p. 82.

1993 to 2000, Lillian describes Dianne as “doing quite well”. She was working as a health care aide and caring for a disabled individual in the evenings.

159. In 2000, however, Dianne’s life took a turn for the worse. She separated from her second husband and moved into her own apartment with her three children. She started using drugs and entered a relationship with a man who was physically abusive towards her. She became embroiled in a battle for custody of the children.

160. In February, 2001, Dianne’s mother visited for the last time. She witnessed the addiction and abuse that Dianne was coping with at that time. Dianne stole some money from her, probably to support her drug habit. Dianne and her mother had a falling out, and the family lost touch with Dianne for a while.

161. In August, 2001, Dianne phoned Lilliane, hoping to speak to their mother. She “sounded very lonely, very distraught”, Lilliane testified.<sup>105</sup> Her mother was not available and the conversation was brief. Lilliane would later learn that Dianne had been the victim of a horrible assault around that time, in which she was allegedly held captive, beaten and raped at the Pickton property for an extended period of time before escaping. Lilliane does not believe Dianne reported this incident to police.

162. On October 17, 2001, Dianne called her son on his birthday. She told him she would see him on the weekend, but she did not show up. No member of the family would hear from her again. In November, Lilliane received a call from Dianne’s daughter, asking whether Lilliane had heard from Dianne. She had not.

163. At the end of November, 2001, Lilliane received a telephone call from a man who identified himself as a VPD officer, whom she would later determine to be Sgt. Ted van Overbeek. He asked if she had heard from Dianne, which she had not. When Lilliane inquired as to the purpose of the call, he advised her “we have two bags of

---

<sup>105</sup> Hearing Transcript, October 27, 2011, p. 92.

Dianne's clothes.”<sup>106</sup> She testified: “I asked him if there was something wrong, if Dianne had done something wrong for them to be looking for her, and he refused to answer.”<sup>107</sup> The call lasted a couple of minutes. Sgt. Van Overbeek did not ask for contact information for any other family members.

164. Sgt. Van Overbeek gave Lilliane no indication that Dianne had been reported missing or that she was a part of a larger investigation into the disappearances of numerous women from the DTES. Rather, Lilliane got the impression that Dianne had simply “skipped out on her rent” and was hiding from the authorities. Lilliane testified:

had he said that there was a possibility that Dianne was missing, my mother and I would have been on the first plane down there to Vancouver to see what was going on because that was certainly unlike Dianne.<sup>108</sup>

165. Lilliane would later learn that Sgt. Van Overbeek was in possession of more than just “two bags of clothing.” Rather, Dianne had left behind significant possessions such as her divorce papers, personal hygiene items, and a hairdryer - items that Lilliane felt were quite important to Dianne. Lilliane testified she would have been “very concerned” had she been provided more information about the items police had recovered from Dianne's room.

166. The next police contact with the family came on April 1st, of 2002, when two officers attended Dianne's eldest daughter's house to advise her that Dianne had been murdered by Robert Pickton. The story made headline news the following day, before all members of the family had been contacted. Dianne's sister in Edmonton learned of Dianne's murder on the cover of the newspaper.

---

<sup>106</sup> Hearing Transcript, October 27, 2011, p. 95.

<sup>107</sup> Hearing Transcript, October 27, 2011, p. 95.

<sup>108</sup> Hearing Transcript, October 27, 2011, p. 98.

167. Lilliane felt the police paid inadequate attention to the needs of Dianne's family, both in apprising them of her disappearance and in bringing them news of Dianne's murder. She testified:

I felt it was very insensitive of them [the police] to -- not speak to us, not to let us know what was going on, not to say anything to us. It -- it was very devastating to hear it the way that we did hear it and having to approach my mother, you know, in her seventies, go and approach her and tell her that her youngest daughter was just murdered by this pig farmer [...] I thought it was very insensitive that no one came to the home to tell the mother of this girl that her daughter was murdered, very insensitive.<sup>109</sup>

### 3.2.8 *Lila Purcell*

168. Lila Purcell is the aunt of Tanya Holyk, who disappeared from the DTES around October, 1996 at the age of 20. Lila is the youngest sister of Tanya's mother, Dorothy Purcell, who is now deceased. Lila was born in Port Douglas and is a member of the Douglas Band, part of the Skatin First Nation. She was raised in Agassiz and then moved to Vancouver where she earned a Business Diploma in microcomputer business applications. She testified on April 16, 2012.

169. Tanya was born on December 8, 1975 at Grace Hospital in Vancouver, and raised in Lytton, BC until age three. When her parents separated she was taken back to Vancouver to live with her mother Dorothy. Lila, also a single mother at the time, would move in with Dorothy for a period of time, raising their daughters together "like sisters."<sup>110</sup>

170. Tanya had a happy, normal childhood, and attended various schools in Vancouver. Shortly after turning 18, Tanya moved in with a man, became pregnant and gave birth to a son.

---

<sup>109</sup> Hearing Transcript, October 27, 2011, p. 102-103.

<sup>110</sup> Hearing Transcript, April 16, 2012, p. 8.



171. Circumstances led Tanya to develop a cocaine addiction, which she supported by “working on the street” in the DTES. When she became pregnant, Tanya sought rehabilitation for her addiction, managing to successfully stay sober during her pregnancy.<sup>111</sup> Unfortunately, she would relapse after her son’s birth.
172. In the months leading up to Tanya’s disappearance in October, 1996, Lila kept in regular contact with her. Tanya would frequently visit Lila and her daughter at their home. Lila and Tanya saw each other socially, and played on a recreational baseball team together.
173. On October 27, 1996, Tanya had planned to celebrate Lila’s birthday with family, but she did not appear. Attempts made by Dorothy and Lila to contact her were unsuccessful. After a few days of not hearing from Tanya, Dorothy and Lila began searching for Tanya themselves, canvassing friends and acquaintances.
174. The lack of contact from Tanya was completely uncharacteristic. Lila explained:
- She was very close with her son and, and it's not the type of thing she would have done. She would always at least phone if she was going to be gone. If she wasn't expected back, she would make sure that her mother or somebody knew where she was. If she couldn't get a hold of her mother, somebody would get in touch.<sup>112</sup>
175. This prompted Dorothy to report Tanya as missing to the VPD’s Missing Persons Unit on November 3, 1996. Dorothy was put in touch with civilian clerk Sandy Cameron. Over the next few weeks Dorothy and Ms. Cameron had several interactions. The written record is telling. Ms. Cameron’s notes suggest that she had dealt with Dorothy in the past and that Tanya used to “run” in the past. Lila does not believe those comments to be true.

---

<sup>111</sup> Hearing Transcript, April 16, 2012, p. 12.

<sup>112</sup> Hearing Transcript, April 16, 2012, p. 15.

176. At the end of November, 1996, there was an unusual incident where Dorothy received a “hang up” phone call. She returned the call and spoke to an unidentified woman who advised that Tanya had been seen in the company of a man at a party the night before. Dorothy provided this information to Ms. Cameron in hope that the Missing Persons Unit would follow up.
177. Ms. Cameron failed to conduct appropriate follow up and closed the file. Dorothy was upset, and recorded her complaints about Ms. Cameron in a letter, dated January 22, 1997.<sup>113</sup> In this letter Dorothy explained that she had been referred to Ms. Cameron after calling 911, and believed her to be a police officer. She describes how Ms. Cameron had referred to Tanya as a “coke head” who had “abandoned her child.” She describes how Ms. Cameron had threatened to call Social Services to apprehend the baby, and how Ms. Cameron suggested Tanya must not care about her baby. She describes how Ms. Cameron suggested “the police were not going to waste their time trying to find [Tanya].”<sup>114</sup>
178. After this complaint, Dorothy sought the assistance of the Vancouver Police Native Liaison Society in her search for Tanya. A second missing person report was taken by Native Liaison officer Constable Jay Johns, on January 23, 1997.<sup>115</sup> While it appears Cst. Johns agreed to take responsibility for the investigation, very little was done. The written record suggests that routine steps in a missing persons investigation, such as interviewing the missing woman’s ex-boyfriend, or speaking to family members, were not taken. In fact, it appears Cst. Johns did practically nothing. Lila was unaware of a single step taken by the police to investigate Tanya’s disappearance through 1997, despite the family’s efforts.
179. The record suggests that Det. Howlett of the VPD’s Missing Persons Unit assumed Tanya’s missing person file in March, 1998, approximately 15 months after Tanya’s

---

<sup>113</sup> Exhibit 119, Tab 1.

<sup>114</sup> Hearing Transcript, April 16, 2012, p. 23.

<sup>115</sup> Exhibit 123, Tab 13.

disappearance. On April 21, 1998, Det. Howlett interviewed Tanya's ex-boyfriend for the first time in relation to Tanya's disappearance.

180. Lila does not recall ever being interviewed by the police in relation to Tanya's disappearance, despite how close she was with Tanya before the disappearance. She maintains that she was able and willing to be interviewed throughout the investigation. She is not aware of any other members of the family being interviewed, nor of the police attending Tanya's last known place of residence. Dorothy and Lila did not have "any real contact with the police" during its investigation.<sup>116</sup> The family had "no knowledge that anything was being done."<sup>117</sup>

181. In October, 2002, the family was informed that Tanya's DNA had been found on the Pickton property. Although Robert Pickton would be charged in her murder, those charges would be stayed.

182. Lila is frustrated with the VPD's handling of Tanya's missing persons investigation. She believes that "there wasn't enough done to try to find her."<sup>118</sup> If "more had been done" to locate Tanya, had Robert Pickton been "found sooner," Lila is certain that "more lives would have been saved and no further families would have gone through" what her family did with losing Tanya.<sup>119</sup> It felt to Lila that the VPD "had better things to do than to look for her."<sup>120</sup>

183. Lila recommends the police deal with families more closely in missing persons investigations, keeping families up to date on any developments and ensuring that concerns are being taken seriously. Further, Lila testified that it may be helpful for officers to undergo training that could teach them to empathize with women of vulnerable backgrounds. Reminding them that these women "could be their own

---

<sup>116</sup> Hearing Transcript, April 16, 2012, p. 36.

<sup>117</sup> Hearing Transcript, April 16, 2012, p. 37.

<sup>118</sup> Hearing Transcript, April 16, 2012, p. 36.

<sup>119</sup> Hearing Transcript, April 16, 2012, p. 36 and 37.

<sup>120</sup> Hearing Transcript, April 16, 2012, p. 40.

children” and that they come from families that love them.<sup>121</sup> Perhaps through understanding, the police would take missing person reports involving women from vulnerable backgrounds more seriously.

184. Tanya was a large part of Lila and her family’s life.<sup>122</sup> To Lila, losing Tanya was like losing her own child, and she is still coping with this loss. Lila hopes that the lives of the women that went missing, including her niece, were “not in vain.”<sup>123</sup>

### **3.2.9 Daphne Pierre**

185. Daphne Anne Pierre is the sister of Jackie Murdock, who disappeared from the DTES around November, 1996, at the age of 25. Daphne is the eldest of 15 siblings while Jackie is the youngest. Daphne was born in Vancouver, but raised in Fort St. James where the family resided. After marrying, Daphne settled in Prince George with her husband. Both spent many years working in the forestry industry before retiring. Daphne and her husband have eight children and eleven grand children. Daphne testified on April 16, 2012.

186. Jackie was also born in Vancouver and raised in Fort St. James. The family belonged to the Takla Lake First Nation, which is part of the Carrier Nation. Jackie has five children and two grandchildren.

187. As a child, Daphne remembers Jackie as a “really happy little girl.”<sup>124</sup> In their younger days, Daphne would dress Jackie up as a doll and watch her “dancing around” with her sisters.<sup>125</sup> When Jackie was 12, she was put into foster care in Prince George. Shortly thereafter, Jackie ran away from her foster home, returning to her family in Fort St. James 150 km away. At an early age, Jackie developed addictions that would persist throughout her life.

---

<sup>121</sup> Hearing Transcript, April 16, 2012, p. 37.

<sup>122</sup> Hearing Transcript, April 16, 2012, p. 37.

<sup>123</sup> Hearing Transcript, April 16, 2012, p. 37.

<sup>124</sup> Hearing Transcript, April 16, 2012, p. 102.

<sup>125</sup> Hearing Transcript, April 16, 2012, p. 102.

188. In or about July, 1996, Jackie and her parents had a falling out, and Jackie left their home and hitchhiked to Vancouver. There was no contact between Jackie and her family for several months. Her parents became worried and urged Daphne, who was then living in Surrey, to look for her. For weeks, Daphne and her husband drove to the DTES in search of Jackie.

189. In the first week of November, 1996, Daphne found Jackie outside of the Balmoral Hotel. Daphne urged Jackie to return to Fort St. James to live with their parents, but Jackie refused.

190. The next contact with Jackie was approximately one month later, in the second week of December, 1996. Jackie phoned Daphne from a cellphone while driving with a male friend in Surrey. Daphne invited them to stop by her home, since they were nearby, but Jackie refused. Jackie promised to stay in touch.

191. No one from the family had any further contact with Jackie. In February or March, 1997, Daphne and her husband moved back up north to Prince George.

192. By August, 1997, the family was sufficiently concerned about Jackie's well being to contact the police. On August 14, 1997, Daphne attended the RCMP's Prince George Detachment to report her sister missing. A male officer took her report and told her that he would send it to the VPD's Missing Persons Unit. He asked questions about where and when Jackie was last seen. He advised Daphne to complete some investigative steps herself, such as checking with local hospitals.

193. The documents disclosed by the RCMP to this Inquiry, which were put to Daphne, suggest that the Prince George Detachment did not send the file to the VPD's Missing Persons Unit.<sup>126</sup> Rather, it was assigned to a Cst. Campbell, who appears to have maintained conduct of the file and taken some investigative steps over the

---

<sup>126</sup> Exhibit 141, Tabs 8-20.

following months. Daphne was not advised of these steps, nor was she advised that the RCMP had kept the file rather than sending it to Vancouver.

194. In November, 1997, Cst. Campbell received information that Jackie had been treated at Vancouver's St. Paul's hospital for a non-life threatening injury in July of that year. The RCMP claims to have informed Daphne of Jackie's hospital visit and subsequently closed the file. However, on March 11, 1998, a few months after closing Jackie's missing persons file, the RCMP reopened the file after discovering that Jackie's alleged hospital treatment was an error. Jackie was still missing.
195. Daphne denies ever being informed by the RCMP of these developments. After returning to Vancouver in 1998, Daphne turned to the Vancouver Aboriginal Friendship Centre Society ("VAFCS") for assistance in finding her sister. A staff member at the VAFCS sent a fax to Mr. Morris Bates at the VPNLS. Mr. Bates, in turn, was successful at engaging the VPD's Missing Persons Unit, which requested Jackie's missing person file from the Prince George RCMP on September 8, 1998.<sup>127</sup> This was approximately one year since Daphne had originally reported Jackie missing to the Prince George RCMP. The file was finally in Vancouver. Following that transfer, Daphne had some dealings with Lori Shenher and other investigating officers, but there were never any significant updates.
196. Daphne relayed to the VPD the details of her last conversation with Jackie: that Jackie had called from an unknown male friend's cell phone. Daphne was apparently told to make her own inquiries with her telephone company to obtain the number of the friend's cell phone.
197. In 2004, Jackie's DNA was identified on a condom found on the Pickton property. Although the police believed that Robert Pickton had murdered Jackie, they were unable to find any of her remains or belongings. In 2010, Project Evenhanded

---

<sup>127</sup> Exhibit 141, Tabs 14 and 15.

decided to close Jackie's missing persons investigation but did not charge Pickton in her murder, as there was insufficient evidence.

198. Daphne believes that the police must "do a better job finding... missing loved ones."<sup>128</sup> She hopes that the commission will recommend reforms that will require the police to take a more proactive role in investigating missing person cases.

199. Daphne is "not very satisfied" with the decision to close the investigation into Jackie's disappearance.<sup>129</sup> Her family has no closure, as no one has been charged, and Jackie's true fate has not been determined. Daphne testified: "For as long as I live on this earth, I am not going to quit. I am not going to stop looking for her till I find her remains. I don't care how long it takes."<sup>130</sup>

### **3.2.10 Sandra Gagnon**

200. Sandra Gagnon is the younger sister of Janet Henry, who disappeared from the DTES in or around June 1997. Sandra and Janet were two of 11 children born to Elizabeth and Patrick Henry, who are now deceased. Sandra was born in Alert Bay and raised there, as well as in Kingcome Inlet and Vancouver. Sandra spent much of her childhood in foster care. She testified on April 16<sup>th</sup>.

201. Janet was born on April 10, 1961, also spending much of her childhood in foster care, away from her family. However, Janet was still close with her siblings, particularly Sandra. The two were "always there for one another."<sup>131</sup> The two lived together for a period in Maple Ridge, and Sandra even served as the maid of honour at Janet's wedding.<sup>132</sup>

---

<sup>128</sup> Hearing Transcript, April 16, 2012, p. 129.

<sup>129</sup> Hearing Transcript, April 16, 2012, p. 128.

<sup>130</sup> Hearing Transcript, April 16, 2012, p. 131.

<sup>131</sup> Hearing Transcript, April 16, 2012, p. 150.

<sup>132</sup> Hearing Transcript, April 16, 2012, p. 150.

202. In the early 1980s, shortly after the birth of her daughter, Deborah, and a divorce with her husband, Janet would experience an event that “may have changed the rest of the course of her life.”<sup>133</sup> Janet was drugged and abducted by Clifford Olson, the notorious Canadian serial killer. Although Janet survived, unable to remember anything that happened to her, it had a significant impact upon her.
203. Janet eventually ended up in the DTES, residing at the Holburn Hotel, developing an addiction and working in the sex trade. After a vicious sexual assault, Janet would also develop suicidal tendencies. Despite the support from her family, particularly Sandra, who at one point rented her an apartment outside of the DTES to help her overcome her issues, Janet’s struggles persisted.
204. Throughout Janet’s life, she kept in regular contact with Sandra. Even when Janet lived in the DTES they would talk “every day or every other day.”<sup>134</sup> Therefore, when Sandra had not heard from Janet for a few days, she became concerned. Due to Janet’s history, Sandra was worried that she may have fallen victim to another violent assault or have taken her own life. On June 28, 1997, three days after last speaking to Janet, Sandra filed a missing person report with the VPD.
205. Sandra took an active role in Janet’s search. She maintained constant and regular contact with the VPD, and canvassed and posterized the DTES with Janet’s picture and information. Sandra used the media to help draw attention to her sister’s disappearance, and often appeared in the news.
206. Sandra was driven to take an active role in Janet’s search due to the family’s personal history. Levina, Sandra and Janet’s older sister, was raped and killed when they were children. The emotions Sandra felt when Levina died reemerged when Janet disappeared, compelling her to do all that she could to find her. However,

---

<sup>133</sup> Hearing Transcript, April 16, 2012, p. 151.

<sup>134</sup> Hearing Transcript, April 16, 2012, p. 152.



Sandra never thought her search for Janet would have turned into something “this ugly.”<sup>135</sup>

207. The VPD took three weeks to search Janet’s room at the Holburn Hotel, her last known address. This was even though Sandra, at the time of filing the missing person report, informed the VPD of her fear that Janet may be injured or dead in her room. The lack of urgency that the VPD exhibited continued throughout their investigation of Janet’s disappearance. Interviewing potential witnesses and following up leads immediately may have located Janet. Sandra believes that “if there was something done right from the beginning,” her sister, like so many others, would not be missing.<sup>136</sup>

208. Sandra also believes that the VPD did not take Janet’s disappearance seriously, on account of her background and personal circumstances. The VPD’s judgment of Janet’s background and lifestyle prevented them from carrying out their duties immediately and with the sense of urgency the situation required. Had the VPD considered Janet to be a “human being,” instead of an HIV+ native woman living in the DTES with substance abuse issues, more would have been done sooner.<sup>137</sup>

209. Although no trace of Janet has been found on the Pickton property, the police have told Sandra that it is “almost certain that Janet ended up on his farm.”<sup>138</sup> However, they also acknowledged that “there isn’t anything else that they can do” to help uncover what exactly happened to Janet or locate her remains.<sup>139</sup> Project Evenhanded has apparently closed its investigation into Janet’s disappearance.

---

<sup>135</sup> Hearing Transcript, April 16, 2012, p. 149.

<sup>136</sup> Hearing Transcript, April 16, 2012, p. 165.

<sup>137</sup> Hearing Transcript, April 16, 2012, p. 165.

<sup>138</sup> Hearing Transcript, April 16, 2012, p. 167.

<sup>139</sup> Hearing Transcript, April 16, 2012, p. 167.

### 3.2.11 Marilyn Renter

210. Marilyn Renter is the stepmother of Cindy Feliks, who disappeared from the DTES in the fall of 1997. Marilyn met Cindy's father Don Feliks while living in Detroit. In 1960, Marilyn and Don moved to Vancouver and were married. Marilyn adopted Don's four children. After the couple's separation, Marilyn continued to raise the children, including Cindy. She presently lives in Rosedale, BC. After 25 years with the Canadian Ministry of Fisheries and Oceans, Marilyn is now retired. She testified on April 17, 2012.

211. Cindy was born on December 12, 1954 and grew up primarily in the Kitsilano neighborhood of Vancouver. Marilyn described Cindy as a young girl:

Well, any of my girls that I raised I raised them to stand up for themselves and not to let anybody walk on them, so Cindy was very strong headed, strong willed. She was very, I guess you could say, tough. She wouldn't let anyone walk on her. And when she went into sports in high school, she was very fond of swimming, and became quite good at it. And just to make a little story short. She was swimming for the school in meets, and she was so good she was beating all the competition so they upped her one level, and of course she wasn't winning then and she dropped out. But that was Cindy. And like I said very strong headed. Very pleasant lady, girl growing up. Typical teenager. She loved her friends, had a lot of friends, was very popular. And it's unfortunately we had to move to a few schools before, but she always fit in with the school so there was no problem there. And that's about it, she was a typical girl.<sup>140</sup>

212. In her teens Cindy went to Florida to visit her father. During that visit her father became abusive towards her, and asked her to sleep with him. Marilyn testified that this event changed Cindy, and after her return home she began running away and using drugs.

---

<sup>140</sup> Hearing Transcript, April 17, 2012, p. 23-24.

213. In 1976, Cindy married Terry Mongovious, and together they had a daughter named Theresa. Shortly after the birth of their daughter, their relationship fell apart.

214. Cindy was very close with her sister Audrey. The two of them “were like peas in a pod,”<sup>141</sup> and they were frequently mistaken for one another. Marilyn testified that Cindy often used Audrey’s name when she had dealings with the police, and Audrey would then be “hailed into court” because of something Cindy had done. “Cindy made it like a game,”<sup>142</sup> Marilyn explained.

215. By the time Cindy was an adult, she had developed serious substance abuse issues and was also involved in the sex trade.

216. Marilyn described Cindy’s last year of life, from 1996 to 1997. Cindy moved around frequently, though mostly in the Kingsway area of Vancouver. She apparently spent time in the DTES. From time to time she would stay with Marilyn: “maybe two or three days till she got filled up with ice cream and all the sweets that she wanted, and cleaned out the fridge, had showers, got a fresh change of clothes and then she’d be gone.”<sup>143</sup> Marilyn was aware that Cindy was supporting her drug habit by working in the sex trade.

217. Despite her lifestyle, Cindy kept in regular contact with Marilyn, phoning at least once a month and staying at Marilyn’s home whenever she needed to. Cindy was frequently arrested, and would often turn to Marilyn for help. The two had an open and honest relationship, where Cindy “talked about everything” with her stepmother.<sup>144</sup>

218. Marilyn last saw Cindy in December, 1996, when the family came together to celebrate Christmas. After occasional phone calls in the months that followed,

---

<sup>141</sup> Hearing Transcript, April 17, 2012, p. 26.

<sup>142</sup> Hearing Transcript, April 17, 2012, p. 26.

<sup>143</sup> Hearing Transcript, April 17, 2012, p. 28.

<sup>144</sup> Hearing Transcript, April 17, 2012, p. 29.

Marilyn last heard from Cindy in the summer of 1997. That summer, friends and family began asking Marilyn if she had seen Cindy. People began to get worried that something had happened to her. In August, 1997, Marilyn believes Audrey may have reported Cindy missing to the VPD, but no record of that report was produced to this inquiry.

219. Marilyn was unaware that Audrey had reported Cindy missing in 1999, but a VPD Missing Person Report dated February 5, 1999 was contained in the file produced to this Inquiry.<sup>145</sup> A note on the report suggests that the file was to be sent to the Surrey RCMP Detachment in accordance with Cst. Shenher's instructions. The Surrey RCMP was unable to produce any records to this Inquiry confirmed that it did receive the file.

220. Marilyn testified that she was unaware the VPD was in regular contact with Audrey during that time, but feels they should have contacted her as well. At no point was she interviewed in relation to Cindy's disappearance, before Robert Pickton's arrest. All that time she was able and willing to be interviewed and in possession of information about Cindy that might have assisted an investigation into her disappearance. Marilyn's relationship with Audrey – like many families' relationships – was not always good, and Marilyn wishes the police had insisted on interviewing other members of the family, including herself. She testified:

Well, from 1997 to 2001 I was kept in the dark. I knew nothing about what the Vancouver Police Department or the New West police department were doing.<sup>146</sup>

221. In 2001, the record shows that Audrey reported Cindy missing again, this time to the New Westminster Police Department. Marilyn was unable to comment about this.

222. That year, Audrey appeared for the first time on a VPD missing person list published in the Vancouver Sun.

---

<sup>145</sup> Exhibit 139, Tab 1.

<sup>146</sup> Hearing Transcript, April 17, 2012, p. 47.

223. When news broke of the search on the Pickton property, Marilyn did not anticipate it would involve her daughter. “I didn't really pay any attention to it because I didn't think that that would be a place that Cindy would go to,”<sup>147</sup> she testified. But on December 2, 2002, Marilyn received a telephone call from a female RCMP member, who informed her that Cindy's DNA had been found on the Pickton property. Marilyn testified:

That floored me, absolutely took the wind right out of my sails at seven o'clock in the morning. And I found that irreprehensible they would actually phone me about the death of my daughter at the Pickton farm when I had no idea that she was even going there or anything like that.<sup>148</sup>

224. Marilyn feels a personal visit by the police, perhaps with Victims Services, would have been a much more appropriate way to bring her this news.

225. This type of insensitive treatment would only continue. After repeatedly requesting further information on the discovery Cindy's DNA and other details related to her disappearance, Marilyn was rebuffed by investigators, claiming her stepdaughter's disappearance was an “ongoing investigation.”<sup>149</sup> It was during a *voir dire*, held prior to Robert Pickton's murder trial, where it was revealed to Marilyn how Cindy's DNA was identified. An expert witness was on stand, describing how investigators had identified each of the missing women found on the Pickton property. Cindy's DNA was found in the core of a meat package found in Pickton's freezer. Marilyn, who was in the gallery, nearly fainted when she heard this news.

226. Marilyn is disappointed that the police did not consult or include the families in their investigations as closely as they should have. Family members should have been regularly informed of an investigation's status and developments. In the future,

---

<sup>147</sup> Hearing Transcript, April 17, 2012, p. 46.

<sup>148</sup> Hearing Transcript, April 17, 2012, p. 46-47.

<sup>149</sup> Hearing Transcript, April 17, 2012, p. 47.

she hopes those investigating missing persons will be in contact with family members on a regular basis.

227. Marilyn is also critical of the lack of priority the VPD and RCMP gave to cases involving missing women from vulnerable backgrounds. She does not believe that the police should “treat prostitutes and drug addicts as if they’re second class citizens and throwaway people.”<sup>150</sup> The police should have treated these women the same they do any other person, acting with the same level of urgency, importance and respect.

228. Marilyn hopes the commission will make reforms to address the deficiencies in policing she experienced first hand during Cindy’s disappearance.

### ***3.2.12 Bonnie Fowler, Cynthia Cardinal, and Elana Papin***

229. Bonnie Fowler, Elana Papin and Cynthia Cardinal are sisters of Georgina Papin, who went missing from the DTES in or about March, 1999. Members of the family belong to both the Enoch Cree Nation and Ermineskin Cree Nation, First Nation communities located near Edmonton, Alberta. Georgina and her siblings were raised apart from each other, as they were either placed in residential schools or foster care at an early age. Bonnie, Elana and Cynthia took the witness stand together on April 17, 2012.

230. Georgina was born in Edmonton on March 11, 1954 to Maggie Rattlesnake and George Papin, both of whom are now deceased. At the age of one, Georgina was placed in foster care. After years of abuse and neglect, she ran away from her foster home at the age of 12, finding her way to Calgary. At 14, Georgina moved to Las Vegas. With her limited education and no money, Georgina turned to the sex trade to support herself. Eventually, Georgina would move back to Canada, settling in the Lower Mainland.

---

<sup>150</sup> Hearing Transcript, April 17, 2012, p. 51.

231. Georgina kept in contact with her siblings throughout her time away, especially her elder sister Debbie. However, when Debbie died in 1988, Georgina was devastated, finding “solace in using drugs.”<sup>151</sup> Georgina would develop significant addiction issues and have frequent encounters with the police.

232. For a period in her life, Georgina overcame these issues, finding strength in her children and Aboriginal roots. Georgina started traditional Native dancing and became a proud Cree woman. She also became active in the community, particularly with the Mission Friendship Centre, where she would teach children arts and crafts. Georgina would also visit correctional facilities and sing for aboriginal inmates, teaching them about their culture, so they could have pride in their heritage.

233. However, the breakdown of the relationship with her boyfriend plunged Georgina once again into depression and addiction. Georgina’s seven children would be taken away from her and placed in foster care, which had a devastating effect upon her. Georgina would once again become active in the sex trade, frequenting the DTES from her home in Deroche, B.C.

234. The last time Bonnie and her sisters heard from Georgina was in March, 1999. Georgina had phoned to invite them to join her in celebrating her birthday. However, when Georgina’s birthday came around, they received no word from her. Bonnie still holds on to the gift teddy bear she had bought Georgina for her birthday, which serves as a reminder of her sister’s memory.

235. Two years later, in March, 2001, on what would have been Georgina’s 47<sup>th</sup> birthday, Bonnie and Kathleen Smith, Georgina’s friend, reported her missing to the VPD’s Missing Persons Unit. A few days later, Bonnie and Kathleen also reported Georgina missing to the Mission RCMP. Bonnie describes the process of reporting

---

<sup>151</sup> Hearing Transcript, April 17, 2012, p. 62.

Georgina missing similar to as if she were “reporting a missing wallet.”<sup>152</sup> It made her feel as if “it wasn’t a big deal” for the VPD and RCMP, making her question whether she “was overreacting” by reporting her missing.<sup>153</sup>

236. Bonnie and her siblings were not contacted during the investigation into Georgina’s disappearance. They were unaware that her disappearance was being investigated in relation to the larger investigation into women missing from the DTES. Only in September, 2002, after Robert Pickton had been arrested, did Project Evenhanded contact the family, informing them that Georgina’s DNA had been found on the Pickton property. Pickton would eventually be charged and convicted of Georgina’s murder.

237. Bonnie feels as if the family was “kept in the dark as to what they were doing to find her.”<sup>154</sup> There was “no contact” from the VPD or RCMP with respect to their investigation into Georgina’s disappearance.<sup>155</sup> Bonnie considers the police’s failure to contact the family in order to update them on the status of their search to be the investigation’s “biggest mistake.”<sup>156</sup> This would have provided them comfort, hope and assurance that something was being done. Bonnie believes the action of the police officers involved was “shameful and they should all be held accountable.”<sup>157</sup>

238. Bonnie also believes that the police “lacked understanding and compassion” towards missing women like Georgina who came from vulnerable backgrounds.<sup>158</sup> The police were negligent and “used poor judgment” during their investigation.<sup>159</sup> Had the police taken the disappearance of these women seriously and acted sooner, their “sister and the majority of these women would be alive today.”<sup>160</sup> The lack of

---

<sup>152</sup> Hearing Transcript, April 17, 2012, p. 77.

<sup>153</sup> Hearing Transcript, April 17, 2012, p. 77.

<sup>154</sup> Hearing Transcript, April 17, 2012, p. 64.

<sup>155</sup> Hearing Transcript, April 17, 2012, p. 68.

<sup>156</sup> Hearing Transcript, April 17, 2012, p. 80.

<sup>157</sup> Hearing Transcript, April 17, 2012, p. 68.

<sup>158</sup> Hearing Transcript, April 17, 2012, p. 64.

<sup>159</sup> Hearing Transcript, April 17, 2012, p. 64.

<sup>160</sup> Hearing Transcript, April 17, 2012, p. 66.



police understanding towards these women still persists, according to Bonnie, as “women and children continue to be violated, targeted... and murdered” in the Lower Mainland to this day.<sup>161</sup>

239. Although Bonnie and her family have worked with organizations providing victim support and found comfort in the relationships they have formed with other victims’ families, they still hold on to “pain and anger” and are unsure of “how to release it.”<sup>162</sup> They want to heal their family from the pain caused by Georgina’s disappearance and murder. They hope the commission, through its findings and recommendations, will help them do this.

### **3.2.13 Lisa Bigjohn**

240. Lisa Bigjohn is the sister of Mona Wilson, who went missing from the DTES in or about November, 2001. Lisa belongs to the O’Chiese First Nation, near Rocky Mountain House, Alberta. The eldest of six siblings, Lisa has four daughters and three grandchildren. Lisa is a residential school survivor. She testified on April 17, 2012.

241. Mona was born on January 30, 1975. Like her siblings, Mona was placed in foster care. Although Lisa did not remain in contact with Mona during their childhood, she is aware that Mona ended up on the streets “at a very young age.”<sup>163</sup>

242. After years of searching for Mona, Lisa reconnected with her in 2000. Mona was interested in reuniting with her family, as well as becoming more aware of her aboriginal roots. Mona also “wanted to change her life around,” she wanted to leave “the dark world” that she was living in at the time.<sup>164</sup> In 2001, after being released from a correctional facility, Mona planned to reconnect with her family and reform her life. However, shortly after her release, Mona disappeared.

---

<sup>161</sup> Hearing Transcript, April 17, 2012, p. 66.

<sup>162</sup> Hearing Transcript, April 17, 2012, p. 69.

<sup>163</sup> Hearing Transcript, April 17, 2012, p. 112.

<sup>164</sup> Hearing Transcript, April 17, 2012, p. 113.

243. Upon hearing of Mona's disappearance, Lisa initiated a campaign to find her younger sister, traveling to Vancouver and canvassing the DTES for any information she could find. Lisa also contacted the VPD in relation to Mona's disappearance. However, the VPD did not seem interested in her sister's disappearance and were unwilling to help, leading Lisa to develop "hate and bitterness."<sup>165</sup> This frustrated Lisa, leading to confrontations with the VPD, which in a number of instances led to her arrest.

244. During their multiple interactions with Lisa, the VPD never informed her that Mona's boyfriend had reported her missing to the Missing Persons Unit on November 30, 2001. This was despite Lisa approaching the VPD, including the Missing Persons Unit specifically, about Mona's disappearance. However, even though the VPD had been informed of Mona's disappearance, she does not believe that they did enough to locate her.

245. Lisa attributes the difficulty she had with the VPD and their unwillingness to sufficiently investigate Mona's disappearance to her sister's background and personal circumstances. She believes that the VPD considered Mona to be a "nobody" that allowed them to do "nothing."<sup>166</sup> Had the police taken the disappearances of women from the DTES seriously, acted sooner, many, including Mona, may still be alive today.

246. Mona's DNA was found on the Pickton property and Robert Pickton was eventually convicted of her murder. Lisa was never informed directly by Project Evenhanded of their discovery of Mona's DNA. The family realized this through media reports, including the extremely graphic details related to her murder.

---

<sup>165</sup> Hearing Transcript, April 17, 2012, p. 122.

<sup>166</sup> Hearing Transcript, April 17, 2012, p. 125 and 137.

247. Lisa and her family are still coping with the loss of Mona, which she describes as “living in hell.”<sup>167</sup> Lisa is “sick and tired of the system failing” individuals from vulnerable backgrounds.<sup>168</sup> She hopes that the commission will recommend reforms to compel the police to act in missing persons cases, regardless of the backgrounds and personal circumstances of the individuals involved. Further, she hopes that increased social support mechanisms are provided to street involved communities, particularly those with experiences similar to Mona’s struggles, such as addiction, involvement in the sex trade and homelessness.

#### **3.2.14 Chris Joseph**

248. Chris Joseph is the elder brother of Olivia Williams, who was last seen on December 6, 1996 in the DTES. There have been no charges laid in relation to Olivia’s disappearance, and no connection made to Pickton or the Pickton property. Chris was born in 1971 on the Babine Lake Nation Reserve, located on Burns Lake, and is a member of the Babine First Nation. At the age of 4, Chris’s mother died, making him and his two younger sisters, Olivia and Winnie, wards of the state. Chris testified on April 18, 2012.

249. Olivia was born on January 19, 1975. After being placed in foster care, Olivia lived on an isolated reserve near Smithers. Chris routinely saw Olivia growing up, describing her as a good, caring child who “was always there if anybody needed help.”<sup>169</sup>

250. Chris last saw Olivia in 1995. Olivia was 20 at the time and pregnant with her second child, living in a Burns Lake hotel. Shortly afterwards, Olivia left Burns Lake. Chris and his family never heard from her again.

---

<sup>167</sup> Hearing Transcript, April 17, 2012, p. 131.

<sup>168</sup> Hearing Transcript, April 17, 2012, p. 137.

<sup>169</sup> Hearing Transcript, April 18, 2012, p. 6.

251. Olivia went missing in the DTES on December 6, 1996. Chris was aware of Olivia's addiction, as well as her involvement in the sex trade. Chris attributes the vulnerable situation Olivia was in at the time of her disappearance to the sexual abuse she experienced as a child, their parents' addictions and the family's residential school legacy.

252. The VPD did not involve Chris directly in their investigation of Olivia's disappearance.

253. Chris firmly believes that had the police listened to the families and acted sooner, many of the missing women, including his sister, would still be alive today.

#### **4 THE DECISION TO STAY THE CHARGES AGAINST PICKTON IN 1998**

254. The Commission was established to address public concern that problems within the criminal justice system may have allowed Robert Pickton to elude capture and punishment for at least five years, during which period he murdered as many as 49 vulnerable women.

255. As noted above, section 4(b) of the Terms of Reference requires the Commission:

consistent with the [sic] British Columbia (Attorney General) v. Davies, 2009 BCCA 337, to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault.

256. The significance of this section of the Terms of Reference is obvious. Pickton was charged in relation to his attack on a drug-addicted Vancouver sex trade worker named "Anderson" at his home on March 23, 1997. His five-day trial was scheduled to commence on February 2, 1998 in the Provincial Court at Coquitlam. After the

CJB decided to enter a stay of proceedings, Pickton was able to participate in the murders of many more vulnerable Vancouver women before he was finally apprehended on February 5, 2002.

257. Although members of the VPD and the Coquitlam RCMP considered Pickton a prime suspect in the disappearances of Sarah de Vries and other women from Ms. Anderson's community as early as August, 1998, the 1997 charges were never reinstated.

258. The Families submit that the CJB failed to handle the prosecution of Pickton with the vigour and level of preparation that a case of attempted murder demanded. The CJB displayed the same institutional bias against Ms. Anderson that plagued the police investigations into the disappearances of Pickton's other victims.

#### **4.1 Scope of the Inquiry**

259. Although paragraph 4(b) is poorly worded, the Families submit that it requires the Commission to inquire into all aspects of the stay decision and to make findings of fact in a manner that is consistent with the Court of Appeal's decision in *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337 ("*Davies*").

260. Counsel for the CJB and Richard Romano (as he then was) argue that the Commission cannot be critical of the office of Crown Counsel or its individual members and that it cannot make any recommendations to government respecting the CJB's work.

261. If their assertions are accepted, then the Commission will effectively be emasculated in a way that government, the public and the Families could not have wanted or expected.

262. While Crown lawyers generally enjoy immunity from *judicial review*, that is, review of their conduct by *courts*, administrative tribunals frequently review the

conduct of prosecutors. Several commissions of inquiry have criticized the conduct of prosecutors and made recommendations to improve the quality of service to the public.

263. As the Court of Appeal observed, such inquiries have had no ill effects:

[82] It is noteworthy that commissions of inquiry under the *Public Inquiry Act* are rare. It is not realistic to expect that the remote possibility of a public inquiry into the exercise of prosecutorial discretion in an individual case will have any negative effect on prosecutorial independence.

[83] In this regard, the respondent notes that Canada has seen several public inquiries that have examined exercises of prosecutorial discretion in the past, without apparent objection or ill effect on prosecutorial independence: e.g., the Grange Inquiry (The Royal Commission of Inquiry into Certain Deaths at the Hospital for Sick Children, *Commissioner's Report* (Toronto: Ontario Ministry of the Attorney General, 1984)); the Hickman Inquiry (Royal Commission on the Donald Marshall, Jr. Prosecution in 1989-1990, *Commissioners' Report, Volume I: Findings and Recommendations* (Halifax: The Inquiry, 1989)); the Owen Inquiry (Discretion to Prosecute Inquiry, *Commissioner's Report* (Victoria: The Inquiry, 1990)); the Kaufman Inquiry (The Commission on Proceedings Involving Guy Paul Morin, *Report of the Commission* (Toronto: Ontario Ministry of the Attorney General, 1998)); the Cory Inquiry (The Inquiry Regarding Thomas Sophonow, *The Investigation, Prosecution and Consideration of Entitlement to Compensation* (Winnipeg: Manitoba Justice, 2001)); the Taman Inquiry (Taman Inquiry into the Investigation and Prosecution of Derek Harvey-Zenk (Roger Salhany, Commissioner), *Report of the Taman Inquiry* (Winnipeg: The Inquiry, 2008)); and the MacCallum Inquiry (The Commission of Inquiry into the Wrongful Conviction of David Milgaard, *Report of the Commission* (Saskatoon: The Inquiry, 2008)).<sup>170</sup>

---

<sup>170</sup> (*Attorney General*) v. *Davies*, 2009 BCCA 337.

264. The Families submit that the decision in *Davies* in no way prevents the Commission from conducting a thorough fact-finding analysis of the CJB's handling of the Pickton prosecution, including offering such constructive criticism as may be warranted.

265. *Davies* arose from a provincial public inquiry into the death of Frank Paul, a disadvantaged alcoholic Aboriginal man who died of hypothermia on December 5, 1998 after members of the VPD dragged him out of the Vancouver Jail and deposited him in an alley in an industrial area of the city. Mr. Paul's family and their supporters were concerned that the Crown declined, on five separate occasions, to lay criminal charges against the police officers who were involved in his death. The terms of reference required Commissioner William Davies, Q.C. to, among other things, "make findings of fact regarding circumstances relating to Mr. Paul's death, including findings of fact respecting the response of ... the Criminal Justice Branch of the Ministry of Attorney General to the death of Mr. Paul".

266. The CJB argued before Commissioner Davies that, notwithstanding the direction in the Terms of Reference, he could not inquire into the exercise of prosecutorial discretion, subpoena past or current Crown Counsel to testify about their decisions or compel the production of documents related to them. The CJB took the position that the principle of Crown immunity from judicial review precluded the Commissioner from taking such steps.

267. Commissioner Davies disagreed and found no such immunity existed in the context of the Frank Paul Inquiry. The CJB applied to the Supreme Court of British Columbia for judicial review of Commissioner Davies' decision. Melnick J. dismissed the CJB's Petition and the CJB appealed to the Court of Appeal. The Court of Appeal dismissed the appeal and the CJB's application for leave to appeal to the Supreme Court of Canada was dismissed.<sup>171</sup>

---

<sup>171</sup> *Attorney General of British Columbia v. William H. Davies, Q.C., Commissioner*, 2010 CanLII 17152 (SCC).

268. The Court of Appeal rejected the CJB's arguments that the principle of prosecutorial immunity or the concept of solicitor-client privilege prevented Commissioner Davies from making an inquiry into the Crown's decision-making. The Families submit that the following passages in the judgment of the Court of Appeal are binding and apply with equal force in this case:

[69] This is not a case in which a tribunal is relying on broad, general powers of investigation to support a foray into issues touching on prosecutorial discretion. Rather, this is a case where a fact-finding and advisory body has been established for the express purpose (among others) of inquiring into the exercise of prosecutorial discretion by the Criminal Justice Branch.

.....

[77] The role of the Attorney General in the establishment and continuation of the Commission of Inquiry is of great importance. Prosecutorial discretion, ultimately, rests with the Attorney General. As the Attorney General concedes on this appeal, he is entitled to establish a system to review exercises of prosecutorial discretion, and for improving the policies that govern its exercise. He is also entitled to take steps to satisfy the public that prosecutorial discretion is being exercised in a principled way. The Attorney General is in a unique position to gauge the necessity for a public airing of issues surrounding prosecutorial discretion, and to balance the need for prosecutorial independence with public accountability. Thus, it will be a rare case where a commission of inquiry that is established with the specific mandate of inquiring into an exercise of prosecutorial discretion, and which is established with the apparent approval of the Attorney General, will be found by a court to constitute an unlawful interference with prosecutorial independence.

.....

[80] The tribunal is a specialist tribunal, specifically established to examine, among other things, the responses



of the Criminal Justice Branch to Mr. Paul's death. The Commissioner is a highly respected jurist with experience in criminal law, and he is assisted by legally trained individuals. This is not, in the words used in *Krieger*, a situation in which we need fear "interference from parties who are not as competent to consider the various factors involved in making a decision to prosecute."

.....

[91] The Commission's mandate in this case does not violate the principle of prosecutorial independence. The Commission was carefully established to inquire (on behalf of the executive) into exercises of prosecutorial discretion. In this case, the participation of the Attorney General in its establishment, its specific terms of reference and expertise, and the limitations on its functions suggested by the Commissioner's stated understanding of his mandate, are all important factors demonstrating that the constitutional principle of prosecutorial independence is not at risk.<sup>172</sup>

269. The CJB relies heavily on a passage in *Davies* and, with respect, misinterprets the decision. Paragraph 90 reads as follows:

[90] We also note the observations made by Melnick J. with respect to the mandate and procedures of the Commission (at paras. 68 – 71), with which we agree:

[68] ... [I]t may be, at the discretion of the Commissioner, that he deems it unnecessary to have every single individual involved provide testimony before him in order to be in a position to provide a full and complete report on the response of the CJB. But that is for him to decide.

[69] I also consider it beyond the scope of the Inquiry to require any individual who made a decision not to charge anyone with respect to the death of Mr. Paul to second guess his or her decision or to justify it. The Commissioner is entitled to look at the facts that were before the individuals who made those decisions, get the

---

<sup>172</sup> *Davies*, supra, paras. 69, 77, 80 and 91.

facts related to the decisions, but not challenge or debate with those individuals the propriety of their decisions. In that way, the Commissioner may open the doors he wishes to open but, at the same time, minimize any transgression into the lawful independence of the CJB.

[70] As the Commissioner has pointed out, he has tools at his disposal with respect to reviewing documents or hearing from witnesses in camera and the capacity to decide that, in the public interest, certain evidence should not be released to the public. He will have to cross those bridges when he gets to them, ever sensitive to the fine line he walks at this point in the Inquiry.

[71] I would expect that persons who may be called to give evidence who are no longer employed by the CJB may wish to be represented by counsel and that the CJB will provide funding for them to have counsel or make such other arrangements as are suitable between the CJB and those individuals. That is, of course, up to the parties involved and is not a direction.<sup>173</sup>

270. Here, the Court of Appeal was approving the procedural aspects of the Commission's task, not carving out restrictions on the Commissioner's ability to make such findings of fact or draw such conclusions as he may see fit. The four quoted paragraphs form the judgment of Melnick J. address the number of witnesses to be called, the manner in which the witnesses are to be treated *when they testify*, i.e. that they are not to be argued with or second-guessed *when they are on the stand*, whether some evidence may be received privately and the prospect that the CJB may wish to assist its former employees, respectively. Contrary to the submissions of the CJB and Mr. Romano, nothing in the Court of Appeal's judgment restricts the ability of this Commission to thoroughly discharge its fact-finding obligations with respect to the stay decision. No doors have been bolted; rather, the door is wide open because this is a review being conducted by a tribunal established for that specific purpose.

---

<sup>173</sup> *Davies*, supra, para. 90.

## **4.2 The Evidence**

271. The evidence pertaining to this issue is incomplete. The Commission's fact-finding obligation has been hampered by the premature destruction of Crown Counsel's file and the lack of testimony from key witnesses, including Ms. Anderson, her mother, Peter Ritchie, Q.C. and Geoff Baragar. However, it is submitted that the available evidence clearly discloses that Crown Counsel failed to prepare the case for trial and made a unilateral decision to stay the charges without first consulting either the complainant or the RCMP. In particular, after Crown Counsel determined that Ms. Anderson was impaired by drugs about a week before the trial was to commence, she did not afford Ms. Anderson, her mother, the Victims Services caseworkers or the RCMP an opportunity to get the complainant cleaned up sufficient to testify for the Crown. In the year after the charges were stayed, there was no follow up by Crown Counsel with the complainant or the RCMP and VPD investigators to consider whether, in all of the circumstances, the charges should be reinstated.

## **4.3 CJB's Suggested Findings of Fact**

272. The Families take no issue with this Commission making the findings of fact set out at subparagraphs 100 (b), (d), (e), (f), (g), (j), (l), (o), (q), (t), (u), (v), (w), (x), (ff), (gg) and (ll) of the Written Submissions of the Criminal Justice Branch filed herein. The remaining suggested findings of fact set out in paragraph 100 and the balance of paragraph 101 of the CJB Submissions are matters in dispute. The Families' position with respect to the material facts is addressed below.

## **4.4 Related Documents**

273. Since the CJB file was destroyed, the contents of RCMP file 97CQ10797D offer the best available documentary evidence on the conduct of the case. Exhibit 2B (Appendix H to the Williams report) is the principal source of these records. The file reveals that the RCMP devoted considerable resources to the case.

274. Sixteen members of the Coquitlam RCMP detachment were sufficiently involved in the investigation to be notified to attend the trial as witnesses (and then de-notified on January 27, 1998).<sup>174</sup> Three search warrants were obtained and executed<sup>175</sup> (on 930 Dominion Ave., 953 Dominion Ave. and Pickton's vehicle) and 56 physical exhibits were seized and catalogued.<sup>176</sup> Blood samples were obtained and sent to a forensic laboratory for analysis. The RCMP identified sixteen civilians as potential witnesses, including four hospital physicians.<sup>177</sup> They obtained statements from many of them, including Brian Strilesky, Maria Mills, Ingrid Fehlauer, Tammy Humeny and David Pickton.<sup>178</sup>

275. The incident occurred in the early morning hours of March 23, 1997. At 1:45 a.m., Sgt. Buerk of the Coquitlam RCMP was dispatched to respond to a complaint of a rape and stabbing. Two minutes later, he was flagged down at the intersection of Lougheed Highway and Coast Meridian Road by civilians Mr. Strilesky and Ms. Mills, who had Ms. Anderson, covered in blood and with a pair of handcuffs on her left wrist, in the back seat of the Dodge Shadow Mr. Strilesky was driving. Sgt. Buerk had a brief conversation with Ms. Anderson, who repeatedly said, "I'm hurt so bad, I'm going to die."<sup>179</sup>

276. RCMP Cst. Paradis arrived within five minutes and noted defensive wounds to Ms. Anderson's outer right hand. She told him that she was dying and that she had also stabbed her attacker. An ambulance arrived, the attendants transferred Ms. Anderson to it, and they left the scene for Royal Columbian Hospital, accompanied by Cst. Paradis.<sup>180</sup>

---

<sup>174</sup> Exhibit 2B, Tab 26. The 16 members were Connor, White, Kent, Slade, Arsenault, Rutherford, Paradis, Casson, Seward, Syer, Giffin and Buerk.

<sup>175</sup> Exhibit 2B, Tabs 17, 19 and 20.

<sup>176</sup> Exhibit 2B, Tab 5.

<sup>177</sup> Exhibit 2B, Tab 26. The four physicians were Dr. Vince, Dr. Burgess, Dr. Innes and Dr. Lee.

<sup>178</sup> Exhibit 2B, Tabs 31-40.

<sup>179</sup> Exhibit 2B, Tab 2.

<sup>180</sup> Ibid.

277. Sgt. Buerk spoke further with Mr. Strilesky and Ms. Mills, and was directed to 930 Dominion Ave., where he noticed a smashed front window and considerable blood on the front door. Four RCMP constables arrived and then the five police officers kicked the back door in and searched the premises. They found a marijuana grow operation inside, but no occupants.<sup>181</sup>

278. At 2:30 a.m., Sgt. Buerk recovered a bloody knife from the driveway at 930 Dominion Ave. Five minutes later he was notified that a man had been admitted to Eagle Ridge Hospital with a stab wound to his throat.<sup>182</sup>

279. At 2:37 a.m., RCMP Staff Sgt. Giffin attended Eagle Ridge Hospital, found Pickton there and questioned him. There is no indication that Pickton had defensive arm or hand wounds. Pickton said he had picked up a woman hitchhiking but did not acknowledge she was a prostitute or that sexual contact had occurred. He said that the woman had suddenly “gone crazy” and he used handcuffs to “get her under control.” Staff Sgt. Giffin searched Pickton and seized the key that was later determined to fit the handcuffs, as well as \$900.00 in cash. He escorted Pickton and an ambulance to Royal Columbian Hospital.<sup>183</sup>

280. Mr. Strilesky was interviewed by RCMP Cst. Casson on March 23, 1997. He described hearing the sound of broken glass as he was driving west on Dominion Ave., just past the Carnoustie Golf Club. He braked and backed up. He described what he saw next:

...a woman was running up the driveway towards the car,  
or walking towards my car, obviously in some kind of  
distress. As she got closer I saw she was covered in blood.  
She had a large kitchen knife in her right hand and what

---

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

appeared to be a handcuff on her left wrist. She pleaded for us to help her, that she had been stabbed...<sup>184</sup>

281.Mr. Strilesky said “the girl was very concerned that she was gonna be dying and she said in case I die tell them I stabbed him in the neck.”<sup>185</sup>

282.Ms. Mills was Mr. Strilesky’s passenger. She was interviewed by the RCMP twice on the day the incident occurred. She called 9-1-1 after they rescued Ms. Anderson and described her saying, “I’m going to die, if I die I want you to know, where you found me, it was across from where you found me, there was a trailer at the back and there’s four cars.”<sup>186</sup>

283.On March 26, 1997, Cpl. Connor spoke to Sgt. Geramy Field about the VPD’s knowledge of Ms. Anderson. He also noted that Pickton had been investigated by the Surrey RCMP detachment seven years earlier in respect of a rape and stabbing.<sup>187</sup>

284.Ms. Anderson was interviewed at 10:00 a.m. on March 27, 1997 (four days and eight hours after the attack) by Cst. Casson and Cst. Strachan. Both the tape recording and transcript are in evidence. Ms. Anderson provided a lucid and credible account of the attack and said, presciently, “I just have a feeling there’s girls on that property somewhere cause there’s lots missing from downtown.”<sup>188</sup>

285.Cpl. Connor delivered a message to all Lower Mainland detachments and police departments, to Sgt. Field and to the ViCLAS Unit containing a full description of Pickton and the following description of the incident:

Once inside his [vehicle] a deal was made for sexual favours. One hundred dollars was offered by PICKTON but on condition she go to his residence. She was hesitant

---

<sup>184</sup> Exhibit 2B, Tab 38.

<sup>185</sup> Exhibit 2B, Tab 38.

<sup>186</sup> Exhibit 2B, Tab 35.

<sup>187</sup> Exhibit 2B, Tab 2.

<sup>188</sup> Exhibit 2B, Tab 30.

but agreed. At one point in time en route to Port Coquitlam she felt uneasy and asked PICKTON to pull over so she could use the facilities (leave him) however, he refused to pull over. Subject drove out to Port Coquitlam and entered his residence (mobile home on twenty or so acres) and both parties engaged in sexual intercourse. PICKTON used a condom and left same on the coffee table. [Anderson] went to the bathroom exited and asked for her money. PICKTON refused to pay. She asked to use the telephone and PICKTON wouldn't allow it. [Anderson] was looking at a telephone book when suddenly from behind PICKTON put a handcuff on her, immediately fearing for her life and before the other handcuff loop could be put on the other wrist she began to fight with PICKTON. He fought back until she was able to grab a filleting knife with eight inch blade and slashing at PICKTON, during the process his throat was slashed almost from ear to ear. PICKTON, however, was able to get the knife away from her and stabbed her to the hilt of the knife in the chest, the fight continued whereupon [Anderson] was able to get out of the residence. Approximately ten feet away from the door she again was tackled to the ground, PICKTON was able to get the knife away from her and stabbed her in the upper abdomen and pulling the knife upward. PICKTON passed out due to blood loss and [Anderson] was able to get help from passer's by.

286. Both parties eventually taken to Royal Columbian Hospital where [Anderson] died in the Emergency Room however she was revived by Hospital Staff. Only yesterday were investigators able to speak to [Anderson] and were unable to determine what had occurred. During the course of the investigation used condom seized as well as his hospital bandages etc. it our intention to use DNA testing to determine identity of blood stains at scene/vehicle etc:

It has been determined that [Anderson] is an East Hastings area and PICKTON is known to frequent that area weekly (?).

Given the violence shown by PICKTON towards prostitutes and women in general, this information is being forwarded to your attention should you have like

offences etc. We suspect that in the near future we will have photographs of this subject.<sup>189</sup>

287. There was a very strong case against Pickton. The Crown apparently had no difficulty in determining that the evidence supported laying the three charges recommended by police and in fact adding a fourth charge, aggravated assault. Thus, by April 1, 1997, the Crown determined that there was a substantial likelihood of conviction and that the prosecution was in the public interest.

288. The strength of the Crown's case is illustrated by Det. Cst. Shenher's assessment that, had Ms. Anderson died, a murder conviction would have been a "slam dunk".<sup>190</sup> Cpl. Connor testified that finding the handcuff key in Pickton's possession made the attempted murder case a "slam dunk".<sup>191</sup> In other words, without Ms. Anderson's testimony, the circumstantial evidence against Pickton was overwhelming. Pickton would have been prosecuted for murder based on the testimony of the civilians who rescued Ms. Anderson, the medical professionals who observed and treated her knife wounds, the police investigators who found and seized the handcuffs, key, knife and clothing and the forensic experts who connected the weapon to Pickton and the wounds. Pickton could only have avoided a murder conviction if he could have offered a credible theory of self-defence sufficient to raise a reasonable doubt as to his guilt.

289. Ms. Connor's repeated assertion that Ms. Anderson "was the case" is a convenient and overly facile excuse for staying the charges that cannot withstand serious scrutiny. Even if Ms. Anderson was capable of mumbling only a few simple responses to questions put to her on the witness stand, the circumstantial evidence was overwhelming and Pickton patently had serious credibility issues to overcome if he took the stand in his own defence. The most obvious of these, quite apart from his general demeanour (which the Commission has observed on video and would

---

<sup>189</sup> Exhibit 2B, Tab 26.

<sup>190</sup> Hearing Transcript, January 30, 2012, pp. 95-96.

<sup>191</sup> Hearing Transcript, February 7, 2012, p. 71, ll. 11-21.



have been apparent to the police investigators who dealt with him) was his refusal to acknowledge to police that Ms. Anderson was a sex trade worker.

290. Ms. Anderson “died” on the operating table but was revived. The fact that she survived and lived to talk about her experience should have strengthened a competent prosecutor’s case, not weakened it.

## 4.5 Testimony

291. Roxanna Smith had no recollection at all of the meeting involving her, Ms. Connor and Ms. Anderson. Judge Romano had no recollection of a meeting with Ms. Anderson to discuss the stay decision. This lack of recall is understandable, since the events took place fourteen years earlier. Busy professional people would likely not recall isolated, routine, work-related discussions from a decade and a half earlier without the benefit of their contemporaneous notes.

292. Ms. Connor too had no recollection of the following:

- a) any prior attempted murder prosecution(s) she had handled;<sup>192</sup>
- b) when the Pickton file was assigned to her;<sup>193</sup>
- c) how the file came to her;<sup>194</sup>
- d) whether she attempted to draft admissions of fact;<sup>195</sup>
- e) what day of the week Ms. Anderson came in for a pre trial meeting;<sup>196</sup>
- f) how long the meeting lasted;<sup>197</sup>
- g) what was said;<sup>198</sup>
- h) when she spoke to Mr. Romano, or how long that meeting was;<sup>199</sup>
- i) whether she spoke to other colleagues about the case;<sup>200</sup>

---

<sup>192</sup> Hearing Transcript, April 10, 2012; p. 30, ll. 5-11.

<sup>193</sup> Hearing Transcript, April 10, 2012; p. 26, ll. 23-25.

<sup>194</sup> Hearing Transcript, April 10, 2012; p. 30, ll. 22-24.

<sup>195</sup> Hearing Transcript, April 10, 2012; p. 59, l. 25.

<sup>196</sup> Hearing Transcript, April 10, 2012; p. 79, ll. 21-23.

<sup>197</sup> Hearing Transcript, April 10, 2012; p. 82, ll. 10-13.

<sup>198</sup> Hearing Transcript, April 10, 2012; p. 87, ll. 1-3.

<sup>199</sup> Hearing Transcript, April 10, 2012; p. 101.

<sup>200</sup> Hearing Transcript, April 10, 2012; p. 102.

- j) what she told Cpl. Connor about the stay;<sup>201</sup>
- k) whether she escorted Ms. Anderson outside and whether it was dark out.<sup>202</sup>

293. Ms. Connor, however, purported to have a fairly detailed recollection of Ms. Anderson's demeanour at the meeting, in marked contrast to Ms. Smith's inability to recall anything about Ms. Anderson.

294. It is submitted that Ms. Connor obviously relied on documents she had been provided with to reconstruct a plausible account of what transpired. In particular, she reviewed a copy of a record of lawyer Don Celle's meeting with Ms. Anderson on February 9, 2012. It is submitted that Ms. Connor prepared to testify at the Inquiry as a lawyer would prepare to present a case; by reviewing all the available material at her disposal. She and her counsel should have resisted that temptation, for the Commission did not receive Ms. Connor's untainted personal recollection.

295. It is unlikely that busy Crown Counsel would have met for several hours with a witness who was totally incapable of communicating. It is equally unlikely that, had Ms. Anderson been uncommunicative due to drug ingestion, that Ms. Smith would not have been pressed into service to assist her, for that was her job.

296. Furthermore, if Ms. Anderson was in such "bad shape" that she was incapable of understanding things or communicating with others, she could not have been capable of taking the steps that resulted in her arrival at the Crown office; she could not have mentally processed where or when to meet the taxi even if it had been arranged for her. She could not have undertaken the thought process involved in conveying, as she apparently did, that she was so afraid of Pickton that she wanted an escort to accompany her outside because it was dark.

---

<sup>201</sup> Hearing Transcript, April 10, 2012; p. 104.

<sup>202</sup> Hearing Transcript, April 11, 2012; p.30.

297. The circumstantial evidence leads to an irrefutable inference that Ms. Anderson's condition was not nearly as hopeless as Ms. Connor suggested.

298. It is respectfully submitted that the Commission should attach no weight at all to Ms. Connor's testimony about the meeting with Ms. Anderson, especially since she based her evidence about Ms. Anderson's state on the record of Mr. Celle's interview of Ms. Anderson, who herself did not take the witness stand.

299. Even if Ms. Anderson was under the influence of a narcotic and "nodding off" on January 23 or 26, 1998, whatever day it was that she met with Ms. Connor and Ms. Smith, she would have been capable of testifying at trial, with a minimum of the assistance or management police officers and Crown employ routinely.

300. Ms. Anderson gave at least three lucid accounts of Pickton's near fatal attack on her. The first was on March 27, 1997, which, as Mr. Doust pointed out in oral argument, was after she had been in hospital for four days. The second was on August 21, 1998, when Det. Cst. Shenher interviewed her at Burnaby Correctional Centre for Women after waiting "a couple of days."<sup>203</sup> Ms. Anderson's third formal account of the attack was in April of 2003, when she was called as a Crown witness at Pickton's preliminary inquiry on the multiple first degree murder charges he was then facing. Ms. Connor testified that she had spoken with her friend and colleague Geoff (not Jack) Baragar about how he had been able to put Ms. Anderson on the stand:

Q And based on those discussions what did you learn with respect to how it was that the Crown was able in 2002 -- 2003, pardon me, April 2003 to facilitate Ms. Anderson testifying at the preliminary inquiry on behalf of the Crown?

A I did have a discussion with Mr. Baragar about that. I'm a little uncomfortable because this is hearsay from Mr.

---

<sup>203</sup> Hearing Transcript,, January 30, 2012, pp. 84-85. Mr. Doust incorrectly referred to the period being "several days" at para. 87 of the CJB submission.

Baragar to the best of my recollection, and he would be the best person to ask, but my understanding was that even then when she came in for an interview she wasn't in great shape. My understanding was that there were two police officers that brought her in and that they took her away to a hotel for a night and -- to get her -- to get her in shape to testify, that the police helped him with that, and that what Mr. Baragar told me to the best of my recollection was that he was really worried about whether he was going to be able to put her on the stand, but the police took her away and did something, so she was able to testify. Now, like I say, the best evidence on that would come from Mr. Baragar. That's my best recollection of my conversation with him.<sup>204</sup>

[emphasis added]

301. Based on this evidence, the Commission must find as fact that Ms. Anderson was capable of giving a lucid account of what had happened to her on March 23, 1997 if she was prevented from ingesting drugs for between one and four days.

302. Crown Counsel deal with substance-using witnesses regularly. Here, the Crown had between seven and ten days to prepare Ms. Anderson to testify on the first day of the trial, and even longer, if she was to be put on the stand later in the week. All Ms. Connor or Mr. Romano had to do on January 23 or 26, 1997 was to make arrangements with Ms. Anderson's mother, the Crown or police victims assistance personnel, or the RCMP to take care of Ms. Anderson so that she was clear-headed and lucid at trial. No such attempts were made.

303. It is most unfortunate that Ms. Anderson herself did not testify. For her, as opposed to Ms. Connor and Ms. Smith, a meeting to prepare to testify at the trial of the man who had nearly killed her would be totally outside the realm of her experience and likely unforgettable. She could have likely provided the best evidence as to what actually happened at the pivotal meeting. She told Mr. Celle that she was furious when she learned that the charges had been stayed and that she had an angry

---

<sup>204</sup> Hearing Transcript, April 11, 2012; pp. 79-80.

telephone conversation with the prosecutor. Ms. Connor denied that Ms. Anderson's account was accurate but allowed that such a reaction would be understandable:

Q And you could well understand in the case of Ms. Anderson why she in particular would be so upset; after all, as you alluded to yesterday, the criminal justice system had used its full force against her in securing convictions against her for possession and eight counts of theft, but now that she needed help from the criminal justice system to try to put away someone who had nearly killed her the system wasn't responding, so you would agree that in her circumstances frustration and anger would be a reasonable reaction, fair?

A Yes, and that's a common reaction when cases don't proceed, absolutely.<sup>205</sup>

304. It is also very unfortunate that Ms. Anderson's mother was not called as a witness.

She could have testified about her dealings with the Crown and whether she would have been prepared, if asked, to spend a few days to help her daughter get ready to testify at trial.

305. The evidence reveals that Ms. Connor had not commenced any trial preparation by the date of her meeting with Ms. Anderson. She had not interviewed Mr. Strilesky, Ms. Mills, any medical personnel or any of the sixteen RCMP members listed as witnesses for the trial. She had not commenced drafting the admissions of fact requested by Judge Holmes nor discussed their content with Mr. Ritchie. There is no evidence that the Crown had obtained certified copies of medical records or even made any copies of the documents that would be tendered at trial. The cross-examination of the accused would be an important aspect of the trial, yet there is no evidence that Ms. Connor had even started thinking about it. She had not put together any brief of authorities. In short, before Ms. Anderson walked into the office, Ms. Connor herself had done no trial preparation at all.

---

<sup>205</sup> Hearing Transcript, April 11, 2012, p. 39.

306. The lack of preparation for this important case attracted criticism from the RCMP, whose members would be very well acquainted with trial preparation procedures. On December 11, 1997, Staff Sgt. Giffin wrote a memorandum to Mr. Romano as follows:

1. On 97.12.10 this detachment received Law Enforcement Notifications for the above-noted matter. These notifications involved 8 members of this watch. All members have been asked to attend at 0900 for an interview and a trial time for 0930 hrs. This date is also a day off.
2. I would ask that you review this matter in an effort to try and reduce costs, give members unfettered time off, and reduce the stress on the counsel trying to do 8 interviews in thirty minutes.
3. Thank you.<sup>206</sup>

307. Although Staff Sgt. Giffin was not called as a witness to explain what he meant, the memo was obviously a pointed suggestion to Crown Counsel that they address their preparation of the RCMP witnesses earlier than one-half hour before the commencement of trial.

308. Every trial lawyer knows that success depends on careful trial preparation, a fact the Commissioner can certainly take judicial notice of. We sought, unsuccessfully, to have Mr. Ritchie called as a witness, to obtain factual evidence about the state of defence readiness for trial. We can only speculate that Mr. Ritchie, a senior respected member of the criminal defence Bar, had done a great deal more preparation for this serious case than Ms. Romano had. We also sought to elicit Mr. Ritchie's evidence about any discussions he had with the Crown that may have influenced the stay decision.

---

<sup>206</sup> Exhibit 2B, Tab 23.

309. It is submitted that the Commission should find that the Crown used Ms. Anderson's drug abuse history as an excuse to avoid a trial for which it was inadequately prepared.
310. There was no justification for leaving the first Crown interview of the complainant in such a serious case to such a late date. The RCMP's Victim Services log reveals that their personnel spoke to Ms. Anderson on April 14 and 26, 1997, obtained her mother's phone number on May 27<sup>th</sup> and spoke to her for the first time on July 22, 1997. They unsuccessfully attempted to telephone Ms. Anderson's mother several times between August 2 and 26, 1997 (traditionally a summer holiday period for many) and then allowed about three months to elapse before making the next attempt on November 20, 1997.<sup>207</sup> There is no indication that Ms. Connor or any other CJB personnel attempted to contact Ms. Anderson or her mother during that period. Certainly the Crown and authorities have ample resources at their disposal to locate and speak with anyone if they consider it necessary.
311. Ms. Anderson seemed ready and willing to testify. When an RCMP Victim Services worker contacted Ms. Anderson's mother on January 17, 1998, Ms. Anderson called back 35 minutes later to confirm that she was interested in having a court escort take her to the first day of trial. At 2:00 p.m. on January 26, 1998, a different worker (apparently) confirmed with Ms. Anderson's mother that her daughter was required to attend court at 9:30 a.m. on February 2, 1998.<sup>208</sup>
312. The Crown stayed the charges because, in the opinion of two prosecutors, Ms. Anderson lacked the capacity to testify when Ms. Connor interviewed her and she would continue to lack the necessary capacity at a later date. For the prosecutors to decide to stay the charges, not adjourn the trial, they had to have concluded that Ms. Anderson was permanently incapacitated. If that decision was correct, then no person who attempted to murder an incapacitated person could ever be successfully

---

<sup>207</sup> Exhibit 2B, Tab 27.

<sup>208</sup> Exhibit 2B, Tab 27.

prosecuted. Alcoholics, drug addicts, the mentally infirm, the very young, could all be viciously attacked with impunity. No right-thinking Canadian would countenance such a state of affairs.

## **5 OTHER SPECIFIC FINDINGS OF FACT**

### **5.1 Senior Police Management Failed to Provide Adequate Resources, Leadership and Oversight**

313. The Families contend that the failure of senior VPD and RCMP management to provide adequate resources, leadership and oversight played a major role in the failed missing women investigations. The reasons for these failures, from the Families' perspective, will be explored more in the later section on "discrimination," but we intend to point out a few examples here of how these failures actually impacted the missing women investigations and allowed Robert Pickton's killing spree to continue for so long.

#### **5.1.1 VPD**

314. From the Families' perspective, VPD management showed an outright contempt for the missing women. A symptom of this contempt was the inadequate provision of staff and resources to the unfolding crisis as more and more women were reported missing from the DTES. The resources, staff and oversight applied to the missing women investigations, particularly in the early years of the Period of Reference, were grossly disproportionate to the amount provided to the Home Invasion Task Force.

315. That Task Force was conducting an investigation into serial break-ins at private dwellings that occurred in Vancouver during the Period of Reference. Dep. Chief LePard testified that: the Home Invasion Task Force interviewed over 200 possible suspects; there was no resistance by the VPD to issuing a \$100,000 reward; there



was no resistance to calling it a “task force”; geographic profiling techniques were applied that allowed the VPD to canvass 2600 homes; reviews were conducted of all similar offences or offences of a suspicious nature within a 24-hour period of each home invasion; over 290 tips were received and reviewed; the Special Investigative Unit Support System (SIUSS), a computer database, was operated by sufficient data analysts and data entry personnel; forensic examination of dental impressions left in food at a crime scene was conducted and consultation with forensic experts took place.<sup>209</sup> These efforts may have been entirely warranted, except when one considers the finite resources of the VPD and the competing demands for resources in other important investigations.

316. A stark contrast existed between the considerable effort and resources devoted to what was essentially a series of property crimes and the effort and resources devoted to the investigation into the disappearances of the missing women. As Dep. Chief LePard acknowledged, “More resources could have been applied. It was within the capacity of the VPD to do that.”<sup>210</sup> Despite this capacity, the VPD management refused to call a task force, failed to provide adequate SIUSS support personnel, and declined to interview any but a few of the many suspects identified in response to the unfolding missing women crisis.

317. Rather than investigate missing women from the DTES, the VPD applied significant resources to the enforcement of drug laws, deploying roughly 30 officers from 1999 until 2001 through Project DEEP to crack down on the illegal drug trade in the DTES.<sup>211</sup> Dep. Chief LePard agreed the VPD had prioritized these problems above the missing women:

Q I just mention it because it seems pretty clear that the priority was on interdiction of street level drug trafficking rather than Missing Women Review Team resources; is that correct?

---

<sup>209</sup> Hearing Transcript, November 30, 2011, p 21-26.

<sup>210</sup> Hearing Transcript, November 30, 2011, p. 28.

<sup>211</sup> Hearing Transcript, November 30, 2011, p. 29.

A There certainly was more of a focus on that issue, I agree with you.<sup>212</sup>

318. The VPD could have applied more resources to the investigation into missing women. We suggest there was a failure of VPD management to provide adequate resources, leadership and oversight. Additional resources could and should have been provided.

### **5.1.2 RCMP – Coquitlam Detachment**

319. The Coquitlam RCMP failed to apply sufficient resources to the Pickton investigation despite having information suggesting Robert Pickton had murdered at least one woman and been charged with the attempted murder of another. Superintendent R.J. (Bob) Williams testified as follows in his cross-examination by Mr. Ward:

Q Do you, sir, agree with this proposition based on your 42 years of RCMP experience: Once Connor of the Coquitlam RCMP received clear, credible information in August of 1998 that Robert William Pickton might be the person responsible for the sex trade worker disappearances, he and the RCMP had a positive obligation to either rule him out as the suspect or confirm him to be the suspect as quickly as they could?

A That's a normal course of action, yes.

Q And you would agree, based on what actually happened, that from August, 1998 up until February 5, 2002, the RCMP failed to do either of those things, rule him out or confirm him as the person responsible, correct?

A I believe in looking at the global -- the big picture there was a number of suspects that were involved and they were working on. Obviously they didn't apprehend him or rule him out prior to February of 2002. We now know

---

<sup>212</sup> Hearing Transcript, November 30, 2011, p. 31.

that. That's -- I mean he wasn't arrested until February, 2002, so it appears that he wasn't eliminated as a person of interest nor was he arrested prior to that date.

Q And my point is that according to policing practices as you understand them, one of those two things had to be done. He had to be ruled out or he had to be confirmed, right?

A That's normally the practice that we would do.<sup>213</sup>

320. According to Supt. Williams' understanding of the RCMP's normal practices, the Coquitlam detachment failed to take action to either rule him out or confirm that he had murdered at least one missing woman. The Coquitlam RCMP detachment failed to devote the resources necessary to the investigation, despite having these resources available.

Q You've touched on in your evidence the issue -- I'm moving to another subject -- touched on in your evidence the issue of resources?

A Yes, sir.

Q And that inadequate resources may have been a factor in failing to move the investigation into Pickton along further than it went; is that fair?

A Resources are always an issue, major files like this in some cases, or some parts of the investigation there may have been inadequate resources or reasons for not having enough resources.

Q But would you accept this: That the RCMP as an institution, given its stature as Canada's national police force and the resources at its disposal, would have had ample resources if it had been serious about investigating the issue of dozens of missing women and the possible link to the Port Coquitlam property of William Pickton? There would have been ample resources available?

---

<sup>213</sup> Hearing Transcript, January 12, 2012, p. 11-12.

A It would depend on the investigation, yes.<sup>214</sup>

321. Superintendent Ric Hall, the officer in charge of the Coquitlam Detachment during the Pickton investigation was ultimately responsible for making resource allocation decisions. He testified that he had essentially no knowledge of the ongoing Pickton investigation because he believed the investigation had ended following the interviews of Ellingsen in August 1999. He testified that he was completely unaware that the Pickton investigation had been put on hold due to a lack of resources and had simply assumed his subordinates would come to him with concerns.

Q Page 69 of your interview with Deputy Chief Evans at line 10 Jennifer Evans asks:

How was it that -- like, I understand Brad Zalys, at one point is going to Earl Moulton saying, "Pickton is still a priority, we've still got to work on this," and he's being told that "priority of the day takes precedence over Pickton, because we have to deal with what comes through the door." How do you defend the fact, though, that you've got 27 missing women, that how is that not a priority over an attempt murder or a priority over a home invasion or a robbery?

Your answer:

Good question. Uhm, alls I can say is that, at the time, dealing with what was happening now, obviously had to take precedence. And I can't speak on behalf of the investigators because clearly, they were still running with this or had knowledge of it, but that information wasn't being passed to me, and I hate to say, I didn't know of it. I think that's a fair statement.

Your comments to Deputy Chief Evans suggested it was the responsibility of the investigators, like Zalys, Connor and Yurkiw, perhaps Inspector Moulton as well, to come to you with information about the Pickton investigation; is that correct?

---

<sup>214</sup> Hearing Transcript, January 12, 2012, p. 30-31.

A If they thought that they had to, yes.

Q Did you believe you had any responsibility to be proactive and seek out further information about the Pickton investigation?

A I worked on what I believed was -- had happened or how the investigation into the information on the single incident had come to an end.

Q You had plenty of opportunity to ask for an update at the management committee meetings, for example; would you agree with that?

A Yes, but I was also working under the assumption that it wasn't going any further, had not gone any further.

Q Were you aware at that time that the crisis of missing women from Vancouver's Downtown Eastside was continuing and was a major issue of public concern?

A Yes.

Q Were you aware of the regular media articles on the subject?

A Yes.

Q None of that prompted you to ask for an update on the Pickton investigation?

A Did not.<sup>215</sup>

322. These comments reveal a lack of interest and diligence in ensuring that cases were appropriately investigated and a “hands off” approach by RCMP management that allowed what should have been a priority case to be completely starved of resources, while many less critical cases took priority.

---

<sup>215</sup> Hearing Transcript, February 23, 2012, p. 116-118.

323. Inspector Earl Moulton, who was in charge of Coquitlam Major Crimes during the Pickton investigation testified that resources were scarce and additional support would not be made available to the Pickton investigation.

Q Let's turn to tab 20. This references a discussion, Mr. Moulton, you had with Staff Sergeant Zalys. This is April 18, 2000. It does say that after -- that Zalys after speaking with you, Mr. Moulton, still considered the Pickton file a priority. However, there would be no additional resources to assist and the unit would have to investigate when time permitted and to do, "the best we can when we can." These words, "the best we can when we can" are attributed to having come from you.

MR. MOULTON: I don't have an independent recollection of having that conversation but the gist of it I would adopt. Whether I said those particular words, I would accept the basis of them is that we had a very finite number of resources to meet the demands that we had at the time and the allocation of those resources was made against the probability of successfully employing those resources.

324. Instead of making resources available to an investigation into a suspected serial killer, the Coquitlam Detachment, under the supervision of Supt. Hall and Insp. Moulton, prioritized incoming Major Crime files over the ongoing serial murder investigation of Robert Pickton.

325. Staff Sergeant Brad Zalys, who did not testify before this Commission, wrote notes that clearly indicate that he was well aware that this prioritization led old files to be neglected. In handwritten notes regarding a meeting with Insp. Moulton on December 21, 1999, he wrote:

-had spoken with Insp. Moulton since returning to [illegible] about workload and shortages in SCU [Serious Crimes Unit] -- with two members away for long period of time (was supposed to end in Dec but unlikely) many old files continue to be neglected --said he understood --

priority to serious new files & work on old ones when we can – not happening!<sup>216</sup>

326. These notes were followed by notes on April 18, 2000, in which Sgt. Zalys wrote:

Email sent to Insp. Moulton, Insp. Debolt, Supt. Hall & Christine Stanley to deal with deficiencies in interview room – sent April 13<sup>th</sup>.

-issues have not been addressed

-also discussed Pickton vs. Karaoke file previous week – drop Pickton for time being – no resources.<sup>217</sup>

327. In a final set of handwritten notes dated February 8, 2002, three days after the Pickton farm raid, Sgt. Zalys wrote:

-spoke to Supt. Hall with Schwartz present

-he skimmed over Sgt. Connor's affidavits from summer of 99

-asked why operation was dropped.

-told him I was i/c 'B' Watch then but was told 'E' Major Crime thought there was no validity to it & that Insp. Moulton determined it was getting too expensive to continue so it was terminated against Sgt. (then Cpl.) Connor's wishes & great reluctance<sup>218</sup>

328. Sgt. Zalys' comments indicate that Insp. Moulton deprioritized the investigation and decided that it was not worthy of the resources devoted to other ongoing investigations in Coquitlam. Furthermore, it is clear from these notes that Supt. Hall had no idea that the investigation had been dropped and knew nothing about the circumstances in which it was discontinued.

---

<sup>216</sup> Exhibit 108, Tab 6.

<sup>217</sup> Exhibit 108, Tab 6.

<sup>218</sup> Exhibit 108, Tab 6.

329. The lead investigator on the Pickton file following Cpl. Connor's promotion was Constable Ruth Yurkiw, whose testimony supports the notion that the Coquitlam detachment deprioritized the file. She testified that priority was given to other incoming Major Crimes files over the Pickton investigation, leading to no work being done on the file for significant periods of time.

Q ... It's important we have a sense of how you were viewing this Pickton investigation. What priorities were you giving it in your mind and, therefore, what percentage of your time was spent on it during the months you were on the file?

MS. CHAPMAN: When Homicide files and other high priority Major Crime files came in they were acted on on a priority basis. The Pickton file was always a priority but it didn't have continuing action because there wasn't incoming tips to further the investigation.

Q So you were not working on it every day?

MS. CHAPMAN: No.

Q Were you working on it every week?

MS. CHAPMAN: Not -- at some times, no.

Q Would there be times when you might not work on the Pickton file for even a matter of a couple of months?

MS. CHAPMAN: Yes.<sup>219</sup>

330. The timeline detailing the Coquitlam Serious Crime Unit's work throughout the Period of Reference indicates that files that took priority over the Pickton investigation included bank robberies, assaults, arsons, illegal gambling, death threats, perjury, home invasions and criminal harassment. While many of these crimes are serious in nature, it is very surprising that with a growing body of evidence suggesting that Robert Pickton had murdered at least one sex trade worker

---

<sup>219</sup> Hearing Transcript, May 14, 2012, p. 48.



and had attempted to murder another, this file was dropped in favour of investigating what were, in some cases, property crimes.

331. On April 18, 2000, Cst. Yurkiw met with S/Sgt. Zalys and advised him that she “wasn’t able to do anything on the file given the recent homicide and it’s [sic] ongoing investigation.” Sergeant Darryl Pollock would later offer a similar excuse. According to a timeline prepared by Sgt. Connor, they were told by S/Sgt. Zalys, who had recently consulted with Insp. Moulton that:

Insp. Moulton still considered the Pickton file a priority. However, there would be no additional resources to assist and the Unit would have to investigate when time permitted and to do the ‘best we can’.<sup>220</sup>

332. From April 18, 2000 until the Pickton farm was raided, no investigative action was taken on the file with the exception of Constable Dave Strachan comparing Pickton’s DNA to another crime scene and Constable Kim Sherstone locating and then losing Ms. Ellingsen.<sup>221</sup> Although six members of the Coquitlam RCMP met and were to handle various tasks in furtherance of the Pickton investigation, including obtaining a search warrant and arranging surveillance, nothing seems to have been followed through. Five of the members in attendance were not called as witnesses to explain how or why these lapses occurred.

333. For nearly two years while Robert Pickton actively murdered women from the DTES, no one at the Coquitlam detachment was taking any steps to monitor the suspected serial killer. This failure seems to have been due to the complete disinterest on the part of RCMP senior management, who had been alerted to the problem of insufficient resources and chose to prioritize other files.

---

<sup>220</sup> Exhibit 108, Tab 8, p. 133.

<sup>221</sup> Exhibit 108, Tab 8, p. 133-p. 158.

### **5.1.3 RCMP and VPD – Project Evenhanded**

334. Project Evenhanded also responded with a complete lack of urgency to the increasing number of missing women. Sergeant Don Adam admitted in his testimony that he failed to ensure that women were confirmed missing in an adequate time frame.<sup>222</sup> As a result, Project Evenhanded did not recognize in a timely way that a serial killer was actively preying on women throughout 2001. While the Coquitlam detachment had dropped the Pickton investigation for other priorities, Project Evenhanded was busy conducting a file review and had taken no steps to address the potential threat of a serial killer. This did not change until January 2002, several months after the disappearances of Dawn Crey, Andrea Joesbury, Mona Wilson and Brenda Wolfe, cases that should have alerted police to the ongoing nature of the investigations. Even VPD civilian clerk Mr. Brian Oger had recognized the ongoing nature of the disappearances, as he described in his report five months before Project Evenhanded changed its focus. In all that time, police took no active steps to protect sex trade workers in the DTES from the ongoing threat of a serial killer.

335. Sgt. Adam testified that he was already aware that there was likely an active serial killer before Mr. Oger issued his report in August 2001.<sup>223</sup> If his evidence is accepted, it is even more difficult to comprehend why Project Evenhanded did not take steps to protect sex trade workers or warn them of the ongoing threat to their safety. From the Families' perspective, Sgt. Adam ought to have ensured that women reported missing were in fact confirmed missing on a priority basis, so that steps could be taken to protect lives if indeed women were still going missing. This error of judgment may have cost several women their lives.

---

<sup>222</sup> Hearing Transcript, February 29, 2012, p. 117.

<sup>223</sup> Hearing Transcript, February 16, 2012, p. 172-173.

## **5.2 The VPD's Failure to Issue a Warning May Have Put Women's Lives at Risk and Was Unreasonable in the Circumstances**

336. Throughout the Period of Reference, the VPD failed to effectively warn the public it had evidence that numerous sex trade workers may have met with foul play and a serial killer may be responsible. Rather than issue a warning, the VPD publicly denied any such evidence and minimized the likelihood of a serial killer. In so doing, the VPD may have alleviated community fears and discouraged sex trade workers in the DTES from making behavioural changes that might have enhanced their safety. In our submission, the failure to issue a warning to the public was unreasonable in the circumstances, and put sex trade workers at increased risk of harm.

337. Perhaps the most significant event with respect to the failure to warn was the decision not to issue Det. Insp. Rossmo's press release in September, 1998. The press release was designed to inform the public that a VPD "working group" had been formed to investigate the "possibility of a serial killer," in direct response to the increasing number of missing women from the DTES, and the apparent linkages between these cases. As we heard repeatedly in the course of this Inquiry, the press release was quashed by Inspector Fred Biddlecombe, who found it "inaccurate and quite inflammatory."<sup>224</sup>

338. Insp. Biddlecombe himself was unable to comment on his decision to quash the press release, but other witnesses felt his decision had much to do with an apparent personality conflict he had with Det. Insp. Rossmo.<sup>225</sup>

339. Most police witnesses agreed that Det. Insp. Rossmo's press release ought to have been issued at that time. Dep. Chief LePard agreed in his testimony that issuing the press release "would have been the right thing to do", and agreed that the warning

---

<sup>224</sup> Hearing Transcript, January 25, 2012, p. 42.

<sup>225</sup> Hearing Transcript, November 7, 2011, p. 174-176.

would have been justified if it saved “one woman”.<sup>226</sup> Det. Cst. Shenher agreed “it certainly wouldn’t have hurt” to put out a warning to the Aboriginal communities, both urban and rural, including the VPNLS.<sup>227</sup> Inspector Gary Greer testified the VPD “probably should have put out that media release”.<sup>228</sup> Dep. Chief Evans concluded that the failure to issue a media release by the VPD was a “mistake”.<sup>229</sup> Inspector Chris Beach testified “in hindsight it obviously would have been a worthwhile thing”.<sup>230</sup> Insp. Dureau, when asked if he saw any harm in releasing it, testified: “if I had a chance to do a little research on it, probably not, no.”<sup>231</sup> Even Insp. Biddlecombe testified that he “wouldn’t object to it” if looking at it “in today’s light.”<sup>232</sup>

340. There were a number of reasons to issue the press release in September, 1998. First, the public was already concerned about the number of women reportedly missing from the DTES, and was calling on the VPD for action. Staff Sergeant Doug Mackay-Dunn noted: “it did not appear to my view that we were doing everything that we could be doing.”<sup>233</sup> S/Sgt. Mackay-Dunn added that the press release may have served the purpose of preventing crime:

if Rossmo had been believed by the senior management earlier, actions would have been taken, and this would have been resourced, and lives would have been saved. And I think that's critically -- that's an important issue.<sup>234</sup>

341. As well, the press release may have served a political purpose for the VPD. S/Sgt. McKay-Dunn testified:

A press release issued by the Vancouver Police Department at that time clearly stating that it's their belief

---

<sup>226</sup> Hearing Transcript, November 21, 2011, p. 132.

<sup>227</sup> Hearing Transcript, February 1, 2012, p. 115.

<sup>228</sup> Hearing Transcript, March 6, 2012, p. 42.

<sup>229</sup> Exhibit 34, p. 8-145.

<sup>230</sup> Hearing Transcript, March 6, 2012, p. 36-7.

<sup>231</sup> Hearing Transcript, April 24, 2012, p. 179.

<sup>232</sup> Hearing Transcript, April 24, 2012, p. 176.

<sup>233</sup> Hearing Transcript, March 6, 2012, p. 46.

<sup>234</sup> Hearing Transcript, May 6, 2012, p. 51.

-- considered belief based on the information provided by the expert, Dr. Kim Rossmo, Detective Inspector Kim Rossmo of international repute, that it would cause the city council to reconsider its position on funding this particular project, Mr. Commissioner. This is -- that would also serve a -- shall I say a political purpose that would have at the end of the day benefited the investigation and again have saved lives.<sup>235</sup>

342. Dep. Chief Evans, when asked what investigative purpose might have been served by the VPD's active denial of evidence of a serial killer, "saw no reason why they wouldn't put out a public warning to the community."<sup>236</sup> She agreed that a warning might have changed people's behaviour, enhanced their safety, and prompted witnesses to come forward. Dep. Chief LePard agreed a warning had the potential to encourage tips.<sup>237</sup>

343. Sgt. Field defended her public statements in 1999 and 2000, reported in the media, that there was "no evidence of a serial killer." She claimed she meant "hard evidence," and that the tips from Mr. Hiscox and the statistical report by Det. Insp. Rossmo, for example, were not of the sort that would justify a warning to the public.<sup>238</sup>

344. *[This paragraph removed in accordance with the undertaking imposed on counsel by the Commission].*<sup>239</sup>

345. At the very least, a warning to the public should have been issued in 2001, when the VPD had even more evidence of a serial killer. Chief Terry Blythe admitted that the VPD believed there was the "possibility" of an active serial killer operating within the DTES as of June 22, 2001, and that Project Evenhanded was operating on the assumption that there was a serial killer.<sup>240</sup>

---

<sup>235</sup> Hearing Transcript, March 6, 2012, p. 53.

<sup>236</sup> Hearing Transcript, January 16, 2012, p. 190.

<sup>237</sup> Hearing Transcript, November 8, 2011, p. 15.

<sup>238</sup> Hearing Transcript, April 25, 2012, p. 10-12.

<sup>239</sup> PEEL-004-000609.

<sup>240</sup> Hearing Transcript, February 21, 2012, p. 170.

346. Chief Blythe agreed no warning was issued, however, and suggested, surprisingly, the responsibility to warn the community of a potential serial killer belonged to Cst. Dickson and the VPNLS.<sup>241</sup> Meanwhile, Detective Constable George Lawson, an Aboriginal Liaison Officer with the VPNLS during the Period of Reference, denied anyone from the VPD communicated *anything* to him about the missing women investigations.<sup>242</sup> Blame can hardly fall on Cst. Dickson or the VPNLS, in our submission.

347. Various VPD witnesses, such as Dep. Chief LePard<sup>243</sup> and Cst. Dickson,<sup>244</sup> justified the failure to warn based on preconceived notions about sex trade workers, in particular, that sex trade workers would not alter their behaviour in response to such a warning. Sgt. Field testified that “there was nothing specific to warn about” and that “because we didn't have anything specific like a description or anything else to go on my general feeling at the time was that it wouldn't have been too productive.”<sup>245</sup>

348. In our submission, these preconceived notions were based on ignorance, paternalism and prejudice against sex trade workers. There was much to gain by issuing a warning, and little to lose.

349. For example, the evidence at this Inquiry suggests that sex trade workers would in fact have altered their behaviour in response to a warning from the VPD. Sex trade workers had altered their behaviour in the past in response to various threats. Jaimie Lee Hamilton testified that during the HIV/AIDS scare sex trade workers began using condoms to prevent infection.<sup>246</sup> Several witnesses testified that “bad date sheets” have been and continue to be used on a regular basis to share information

---

<sup>241</sup> Hearing Transcript, February 22, 2012, p. 99-102.

<sup>242</sup> Hearing Transcript, April 2, 2012, p. 145-6.

<sup>243</sup> Hearing Transcript, November 30, p. 16-20.

<sup>244</sup> Hearing Transcript, March 8, 2012, p. 12.

<sup>245</sup> Hearing Transcript, April 24, 2012, p. 172.

<sup>246</sup> Hearing Transcript, February 27, 2012, p. 158.

about potential predators. Ms. Hamilton testified that a “postering campaign” by Wayne Leng and Maggie DeVries helped to raise awareness in the community, and affected people’s behaviour:

...as much as possible, to take steps, to work in pairs,  
uhm, be clustered together, keep an eye out on the bad  
date lists...<sup>247</sup>

350. Ms. Hamilton challenged critics who believed a warning would have had no impact on sex trade workers, who were too entrenched in their addictions to change their behaviour:

...I say that’s hogwash. That’s an absolute distortion. Of course the women will pay attention because it’s -- we’re talking about violence. No one wants to be harmed or be the victim of assault or rape. So, we owe it to marginalized communities that assists them in any way we can [*sic*].<sup>248</sup>

351. Ms. DeVries added:

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

352. Dep. Chief LePard accepted that “some” sex trade workers are capable of changing their practices and patterns of behaviour. Dep. Chief LePard acknowledged the effectiveness of programs geared at training sex trade workers how to diffuse and prevent dangerous situations, and weekly safety meetings with Cst. Dickson at the WISH Drop-In Centre.

---

<sup>247</sup> Hearing Transcript, February 27, 2012, p. 148.

<sup>248</sup> Hearing Transcript, February 27, 2012, p. 152.

353. In our submission, the issue of whether a warning would have made an impact on the behaviour of sex trade workers is irrelevant. The police are obliged to warn members of the public of potential harm in accordance with the *Police Act* and the common law. Moreover, the police should have given sex trade workers the *option* of making changes to their behaviour. Ms. Devries alluded to this in her testimony:

And I think that it's just simply not -- it's, it's up -- the women need to be -- we all need to be given the information that we have the right to have, and other people thinking they know what we're going to do with that information, is no reason to withhold it from us. It's simply nobody else's business to make that decision for us and withhold information from us because they think we won't use it correctly. It's ridiculous to say.<sup>249</sup>

354. Det. Insp. Rossmo provided similar testimony:

It's not our job or our -- it's not our right to not warn people about potential risks. I had some knowledge of this from some involvement of the case in Ontario, *Jane Doe v. The Metropolitan Toronto Police*, where the police were criticized by Justice MacFarland for not warning the community about a serial rapist operating in that city, and I thought that it was incumbent upon us even though we didn't know exactly what was happening to say that these concerns have been brought to our attention and people should be aware of them.<sup>250</sup>

355. It is worth elaborating on Det. Insp. Rossmo's reference to the Ontario Supreme Court's decision in *Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police* (1998) 160 DLR (4th) 697. In that case, the Metropolitan Toronto Police ("Toronto Police") were found to have failed in their duty to warn the community about an active, serial rapist. In familiar fashion, Toronto Police had believed a warning would cause hysteria and panic, and might compromise the investigation. Toronto Police were found to have based these beliefs on stereotypes and prejudice. MacFarland J. held:

---

<sup>249</sup> Hearing Transcript, February 27, 2012, p. 155-6.

<sup>250</sup> Hearing Transcript, January 24, p. 44.



In my view, the police failed utterly in their duty to protect these women and the plaintiff in particular from the serial rapist the police knew to be in their midst by failing to warn so that they may have had the opportunity to take steps to protect themselves.

It is no answer for the police to say women are always at risk and as an urban adult living in downtown Toronto they have an obligation to look out for themselves. Women generally do, every day of their lives, conduct themselves and their lives in such a way as to avoid the general pervasive threat of male violence which exists in our society. Here police were aware of a specific threat or risk to a specific group of women and they did nothing to warn those women of the danger they were in, nor did they take any measures to protect them.<sup>251</sup>

356. It is important to note the obvious fact that police are not experts on the behaviour of sex trade workers. Police attitudes about the likely response by sex trade workers to a general warning are likely based on anecdotal experience and coloured by conscious or unconscious biases.

357. Ms. Devries made another important point, that a warning by the police might have made an impact on Pickton himself:

A warning might have at least given him pause. Maybe there would have been one night when he wouldn't have gone out and there would be one woman who would still be here with us today if a warning had been issued.<sup>252</sup>

358. The idea that a public warning “might have at least given [Pickton] pause” is certainly logical, and further support for the notion that a warning may have been effective.

359. Some police witnesses distinguished a “general” warning from the warnings in a bad date sheet, such as to watch out for a specific make or model of vehicle. It was

---

<sup>251</sup> *Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police* (1998) 160 DLR (4th) 697 at paras 161-2.

<sup>252</sup> Hearing Transcript, February 27, 2012, p. 156-7.

suggested at the Inquiry that such a warning would have been of such generality as to have had no effect on the behaviour of sex trade workers. It is conceded that the generality of the potential warning about an active serial killer may have rendered it less effective than a more specific warning. However, this by no means negates the significant reasons to issue the warning as described above.

360. A more likely explanation for the VPD's failure to issue a warning was suggested by Det. Insp. Rossmo:

No police agency wants to have a serial murder case. It creates a lot of problems, it creates political pressure, it generates media interests, it might raise levels of community fear, it requires them to respond with a suitable level of resources when maybe they'd rather be doing something else with their resources. In some cases I'm aware of the political reaction has been huge. And in the United States where there are places where the political influence on the police departments is much greater than in the United States I've even been aware of instances where the mayor has told the police chief we do not have a serial murder case even when it's clearly obvious they do. So it is difficult and one of the most challenging types of police investigations, and police departments don't want one, and historically many have responded by denying the existence of something they don't want.<sup>253</sup>

361. In summary, there were significant reasons to issue a public warning, and no significant reasons not to. Moreover, the VPD were obliged by law to issue a warning. The decision not to may have put women's lives at further risk of harm and was unreasonable in the circumstances.

---

<sup>253</sup> Hearing Transcript, January 24, 2012, p. 44.

### **5.3 The Vancouver Police Native Liaison Society Was Unable to Carry Out the Important Work it Was Set Up to Provide**

362. The VPNLS was meant to act as a “bridge” between the Aboriginal community of the DTES and the VPD, but it was more like a drawbridge: sometimes open, but often closed.<sup>254</sup> It was formed, according to Morris Bates, because “there was too many cases that were just slipping through the cracks [*sic*]” and to develop “trust” between the police and the Aboriginal community.<sup>255</sup> Arguably, however, the VPNLS was little more than a public relations exercise, ostensibly created to improve service to the Aboriginal community, but afforded few resources and little respect by the rest of the Department.

363. Mr. Bates and Ms. Freda Ens, both civilian employees of the VPNLS, carried out the organization’s functions to the best of their abilities. They were assisted by two aboriginal liaison officers, Cst. Jay Johns and Det. Cst. George Lawson, who spent the bulk of their time outside of the office, networking with the community, and having little to do with the day-to-day activities of the VPNLS. Both Mr. Bates and Ms. Ens expressed their frustrations with the responsibilities placed on them and their inability to effectively engage the Missing Persons Unit when needed.

364. The VPNLS was held out to the public to be a “quasi police station,”<sup>256</sup> essentially a part of the VPD<sup>257</sup>, or another access point to the VPD<sup>258</sup>, and through which the public, particularly Aboriginal residents of the DTES, could engage the services of the police without the need to call 911 or enter the main police station. A brochure distributed to promote the VPNLS encouraged the reporting of very significant crimes to the VPNLS including murder, sexual assault and missing persons.<sup>259</sup>

---

<sup>254</sup> Hearing Transcript, April 3, 2012, p. 83.

<sup>255</sup> Hearing Transcript, April 2, 2012, p. 62.

<sup>256</sup> Hearing Transcript, April 3, 2012, p. 81.

<sup>257</sup> Hearing Transcript, April 3, 2012, p. 82.

<sup>258</sup> Hearing Transcript, April 3, 2012, p. 83.

<sup>259</sup> Exhibit 119, Tab 14.

Indeed, dozens of people each week called or came by the VPNLS's offices, many to report missing family members or friends.

365. In practice, however, these missing person reports rarely made their way to the VPD's Missing Person Department. No one at the VPD would take the reports,<sup>260</sup> and Mr. Bates and Ms. Ens both testified that they were simply unable to "get things upstairs." Mr. Bates explained:

Well, it's a real lot to find someone, but it's quite a process to get them listed, to get them upstairs. I mean, it was just so hard to get an instant [*sic*] report taken.<sup>261</sup>

...

They kept saying, "Oh, I think she's in treatment." You couldn't get it past the second floor. It became very frustrating. That's where you get -- if you can't file a missing person's report -- if you don't get a missing's report, nobody's going to know. If you can't get it up past the second floor, nobody's going to care. That's where it sits.<sup>262</sup>

...

We couldn't get it up. I can only take them up there and say, "We've got a lady that would like to report a missing person." On some of the stuff, like, they would go to Missing Persons. They come down. If they're not going to move on the case, it might be like you go missing, they don't -- they don't have a police file on you until eight months later that they say, "Oh, yeah. Okay. We'll start looking at this case."<sup>263</sup>

366. By "upstairs" and "the second floor" Mr. Bates literally meant upstairs in the VPD's Main Street station where the offices of the Missing Persons Unit were located. Here worked Ms. Sandy Cameron, the Missing Persons Unit's civilian intake

---

<sup>260</sup> Hearing Transcript, April 2, 2012, p. 67.

<sup>261</sup> Hearing Transcript, April 2, 2012, p. 65.

<sup>262</sup> Hearing Transcript, April 3, 2012, p. 21.

<sup>263</sup> Hearing Transcript, April 3, 2012, p. 81.

person, who was a “significant obstacle” to filing a missing person report.<sup>264</sup> “You can’t get it past her desk, it doesn’t exist.” Mr. Bates testified.<sup>265</sup> This Inquiry has heard that Ms. Cameron was racist and prejudicial toward drug users and sex trade workers and often refused to open a missing person file, insisting that missing women had gone on holiday, entered treatment, or were unwilling to be found. Without her approval, it seems a missing person report would not result in an open file or any further action. Mr. Bates explained:

Somebody in Missing Persons has got to take the report. You've got to have somebody who takes it, and you can only take it over to Missing -- you can show up in Missing Persons and say, "I'd like to report somebody missing." Well, right away, as soon as you do that, they say, they'll go, "Okay." They'll just profile you right then. Right then. And if they profile you, you're not going to get it upstairs. Okay. And you've got to have an instant [*sic*] number. They've got to take a file. And you couldn't get -- you couldn't get through the door to list them as missing, and by the time they went missing -- like, you couldn't get it past the second floor. Okay. There's no way you could get it.<sup>266</sup>

367.Unable to engage the VPD’s Missing Persons Unit, Mr. Bates did everything he could to help people who came to the VPNLS, often in desperation, in a search for their loved one. He routinely contacted the Coroner’s Service, hospitals, jails, band offices, and community service providers in his own investigation for information about missing persons - often with success. Mr. Bates was apparently well known for finding missing people. He made it sound easy: “It's a very small, little community down there, everybody knows each other, and you can find these people.”<sup>267</sup>

368.Neither Mr. Bates nor Ms. Ens, however, had any formal training in missing person investigations, or access to CPIC, PIRS, or any of the other police databases that act

---

<sup>264</sup> Hearing Transcript, April 2, 2012, p. 111.

<sup>265</sup> Hearing Transcript, April 2, 2012, p. 12.

<sup>266</sup> Hearing Transcript, April 2, 2012, p. 66.

<sup>267</sup> Hearing Transcript, April 2, 2012, p. 87.

as crucial tools in any missing person investigation. Mr. Bates testified that he did not open a physical file, did not take detailed notes of his efforts, had no “bring forward” or reminder system in place, and did not follow any formal procedures for finding people. His efforts, however enthusiastic and well-intentioned, were no substitute for a proper missing person report and the efforts of trained officers with the VPD’s Missing Persons Unit. Mr. Bates and Ms. Ens agreed that the VPNLS was in no way meant to replace the responsibilities of the Missing Persons Unit.<sup>268</sup>

369. Given their extensive contacts and relationships with the community, Mr. Bates and Ms. Ens could have been treated by the VPD’s Missing Persons Unit as valuable sources of information, and used to assist with many missing person files. It appears, however, they were completely ignored. Det. Cst. Shenher, despite her role as the only full time officer at the Missing Persons Unit and her apparent dedication to the task, did not have a working relationship with the VPNLS. Mr. Bates testified: “...we never ever saw her. She never even came in”.<sup>269</sup>

370. Perhaps no case better exemplifies the VPNLS’s limitations with respect to missing person investigations than that of Elsie Sebastian. Ms. Sebastian disappeared from the DTES in or about 1992 and was originally reported missing that year to the RCMP’s Port Alberni Detachment. Several family members made attempts to get the VPD involved, in 1993, 1994, 1999 and 2001,<sup>270</sup> but it appears very little was ever done, and Ms. Sebastian’s fate has never been determined. In 1994, after being rebuffed by Ms. Sandy Cameron, Ms. Ann Livingston, a relative of Ms. Sebastian, approached the VPNLS as a last resort. On her behalf, Mr. Bates spoke with Cst. Dave Dickson, who believed he had recently seen Ms. Sebastian in Oppenheimer Park. On the basis of this unconfirmed report, his search for Ms. Sebastian was concluded and the family was advised that Elsie was alive and well. But Cst. Dickson had been mistaken: there was another woman by the name of Elsie spending time around Oppenheimer Park. No one had confirmed whether Cst.

---

<sup>268</sup> Hearing Transcript, April 3, 2012, p. 72.

<sup>269</sup> Hearing Transcript, April 2, 2012, p. 141.

<sup>270</sup> Exhibit 123, Tabs 1-7.

Dickson was correct, and the family was put through tremendous hardship as a result.

371. Arguably, none of this would have occurred had the Missing Persons Unit heeded the concerns of the family and conducted a proper investigation into Elsie's disappearance. The VP-NLS and its staff should not have been relied upon to find missing people. They did not have the resources or training for this important work.

372. In 1999, Ms. Sebastian's daughter, Donalee Sebastian, contacted Mr. Bates desperately seeking information about her mother. Mr. Bates explained to her that there was no point attempting to get the VPD involved because Ms. Sebastian was in her 40s, Aboriginal and a drug user. The VPD would have other priorities, he told her. On the witness stand, Mr. Bates accepted that he said these things to Donalee Sebastian, and confirmed that those were his true beliefs about the VPD at the time.<sup>271</sup>

373. Certainly, in our submission, the idea of a culturally-sensitive, community police station aimed at improving relations with the Aboriginal community was well-founded, if sincere. In practice, however, the VP-NLS seems to have amounted to little more than window dressing of a significant problem with the relationship between the VPD and the Aboriginal community. It appears the VPD did not take seriously the work done by the VP-NLS, did not afford it the respect it deserved, and did little to ensure that the VP-NLS was able to effectively carry out its mandate. Mr. Bates and Ms. Ens were completely unable to act as the "bridge" between the Aboriginal community and the VPD, at least with respect to missing person cases. From some families' perspective, the attitude of the Missing Persons Unit towards the VP-NLS reflected the Unit's attitude towards the Aboriginal community at large.

---

<sup>271</sup> Hearing Transcript, April 3, 2012, p. 75-77.

## 6 DISCRIMINATION PLAYED A SIGNIFICANT ROLE IN THE FAILED MISSING WOMEN INVESTIGATIONS

374. This section sets out the evidence and argument in support of a finding that direct and systemic discrimination - in the form of sexism, racism, and prejudice toward sex trade workers, drug users, and persons living in poverty - played a significant role in the failed missing women investigations. In other words, in the Families' submission, these forms of direct and systemic discrimination prevented the VPD and RCMP from appropriately reacting to the disappearance of the missing women and adequately investigating allegations that Robert Pickton was murdering women from the DTES. This Inquiry has heard ample evidence in support of this finding.

375. In *Andrews v. Law Society of British Columbia*<sup>272</sup> the Supreme Court of Canada enunciated a broad definition of "discrimination":

Discrimination is a distinction which, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, has an effect which imposes disadvantages not imposed upon others or which withholds or limits access to advantages available to other members of society. Distinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination, while those based on an individual's merits and capacities will rarely be so classed.

376. This definition of discrimination establishes and delineates the concepts of "direct" and "systemic" forms of discrimination. A useful breakdown of the differences between "direct" and "systemic" discrimination was provided by the Canadian Human Rights Commission's 2003 special report entitled *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*. The Commission wrote:

Direct discrimination is the term used to describe what happens when an individual or group is treated differently

---

<sup>272</sup> *Andrews v. Law Society of British Columbia* [1989] 1 S.C.R., p. 144..



in an adverse way based on characteristics that are related to the prohibited grounds of discrimination including gender, race and disability. This kind of discrimination tends to be easy to identify. When a guard uses racial slurs or when a policy unjustifiably singles out offenders with disabilities, we call this direct discrimination.

Systemic discrimination, on the other hand, is the creation, perpetuation or reinforcement of persistent patterns of inequality among disadvantaged groups. It is usually the result of seemingly neutral legislation, policies, procedures, practices or organizational structures. Systemic discrimination tends to be more difficult to detect.”<sup>273</sup>

377. Both the Canadian *Human Rights Act* and the B.C. *Human Rights Code* explicitly prohibit both direct and systemic discrimination in the provision of services.<sup>274</sup> The police provide a service to members of the public when they investigate and respond to crime. Police are obliged by law to provide this service free of direct or systemic discrimination.

378. It is important to recognize that intention to discriminate plays no role in the definition of discrimination adopted by the courts. While it may not have been the intention of the VPD or RCMP as institutions, or the intention of individual officers, to discriminate against the missing women or their families, the effect of their actions and inaction was, in several instances, in our submission, discriminatory.

379. In the Families’ submission, direct and systemic discrimination impeded the missing women and Pickton investigations in a number of ways, as will be discussed below. As well, the management of the VPD and RCMP utterly failed to recognize and appropriately address discrimination within their respective organizations.

---

<sup>273</sup> *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, Canadian Human Rights Commission (2003) s. 3.31 “Definition of Discrimination”, available online at: [http://www.chrc-ccdp.ca/legislation\\_policies/chapter3-eng.aspx](http://www.chrc-ccdp.ca/legislation_policies/chapter3-eng.aspx).

<sup>274</sup> S. 8, *B.C. Human Rights Code*, [RSBC 1996] c. 210. and s. 5, *Canadian Human Rights Act*, R.S.C., 1985, c. H-6.

## **6.1 The Impact of Discrimination on the Taking of Missing Person Reports**

380. As described above, several family witnesses testified that they encountered discrimination when attempting to report their loved one missing.<sup>275</sup> Some witnesses described encountering direct discrimination from Ms. Sandy Cameron, the VPD civilian clerk at the Missing Persons Unit who was tasked with taking missing person reports. Some witnesses reported encountering what might qualify as systemic discrimination against Aboriginal people, who were routinely directed to the VPNS. Some witnesses faced obstacles based on their family status in relation to the missing person whom they were attempting to report missing. Additionally, the formal and informal procedures governing reporting a missing person through the VPD Missing Persons Unit, E-Comm and the Public Information Counter constituted systemic discrimination against persons living in poverty and persons who had relocated to Vancouver from other parts of the province and country.

### ***6.1.1 Discrimination by Civilian Clerk Sandy Cameron***

381. Direct discrimination by Ms. Sandy Cameron and police staff working at E-Comm was responsible for substantially delaying, and possibly preventing, several missing women investigations. Trust between family members and the police was eroded by the harassment and offensive treatment they encountered when family members attempted to report their loved ones missing.

382. Ms. Cameron was a civilian staff member assigned to the Missing Persons Unit. She worked as the Clerk of Missing Persons from 1979 until she transferred to a position in the VPD archives in 2001.<sup>276</sup>

383. One potent example of Ms. Cameron's behaviour arises out of the case of missing woman Tanya Holyk, whose mother Ms. Dorothy Purcell first approached the VPD

---

<sup>275</sup> For examples, refer back to the evidence summaries of Lila Purcell and Lynn Frey.

<sup>276</sup> Exhibit 1, p. 351.

the Missing Persons Unit to report her daughter missing on November 3, 1996, a few days after she was last seen.<sup>277</sup> Dorothy's sister Lila Purcell testified at this Inquiry about the family's efforts to report Tanya missing. It is apparent from both the documentary record and from Lila Purcell's testimony that, when she reported Tanya missing, Ms. Cameron treated Dorothy in an offensive and discriminatory manner.

384. On January 22, 1997, Dorothy filed a letter of complaint against Ms. Cameron in response to what she felt were discriminatory comments made to her by Ms. Cameron and her general impression that Ms. Cameron held discriminatory beliefs about her and her daughter Tanya. The text of that letter reads as follows:

I went to the police station to report Tanya missing & they told me to call 911 and they referred me to Sandy Cameron whom I thought was a police officer. I told her when Tanya went out & described her & the clothes she was wearing. She asked me if she had a drug problem and I told her Tanya was in a rehab program before baby was born. She called a few days later and told me that Tanya was a coke head that abandoned her child. She went on and on about it and said she was going to call social services to apprehend the baby which made me feel even worse & I swore at her and told her to shut up, that I'm the one calling in and she has no right to be speaking about my daughter that way. She finally shut up and told me to go ahead. She called me one day and told me I must not care too much about Tanya because I haven't been calling her regularly. I was busy trying to find her and figured if she heard anything she'd call me. I had a phone call early in the morning and called her that I did a #69 and gave her the number & she called and the girl on the other end said [redacted] was there partying. Sandy asked her if [redacted] was with Tanya and she said yes. Sandy called me back and said Tanya was out having fun doing drugs and did abandon her child and the police were not going to waste their time trying to find her. I asked her if it occurred to her that that [redacted] set the call up so the police and everyone would stop looking for her. She told me again Tanya's a coke head that abandons her child &

---

<sup>277</sup> Exhibit 123, Tab 11.

hung up on me. I've been looking since by myself with the help of friends until someone steered me toward Native Police Liaison.<sup>278</sup>

385. It should be noted that Ms. Cameron denied making any of the derogatory statements attributed to her by Dorothy in her letter of complaint.<sup>279</sup> However, in our view the documentary record and Lila Purcell's testimony should be preferred.

386. The testimony of Freda Ens and Morris Bates suggest that several other family members experienced discrimination by Ms. Cameron. Ms. Ens testified that she informed Sergeant Bob Cooper of the Major Crime Unit that more than one client had reported being told "we're not a babysitting service"<sup>280</sup> by Ms. Cameron when they had called the Missing Persons Unit to report a family member missing. Also, concerns about Ms. Cameron's conduct were raised at the meeting held on October 14, 2001 by Project Evenhanded for family members of the missing women. In his notes regarding the meeting, Detective Jim McKnight wrote in a memo to Inspector Al Boyd of the VPD Major Crimes Unit:

Two family members complained of the way they were treated by staff assigned to Missing Persons, in particular Sandy Cameron. They stated she was rude and belligerent. Many felt she was a police officer and stated that they had learned she was a civilian employee. A majority of the family group supported this allegation and stated they would not deal with her again under any circumstances. Most wanted to ensure that you would be made aware of their comments, however none indicated that they were going to formally complain at this time.<sup>281</sup>

387. In her second interview with Dep. Chief LePard, Det. Cst. Lori Shenher, who worked in close proximity to Ms. Cameron in the Missing Persons Unit further confirmed Ms. Purcell's concerns. She provided that:

---

<sup>278</sup> Exhibit 119, Tab 1.

<sup>279</sup> Hearing Transcript, April 23, 2012, p. 100.

<sup>280</sup> Hearing Transcript, April 3, 2012, p. 124-125.

<sup>281</sup> Exhibit 146, p. 4.

Sandy Cameron was a big problem regarding the victim families. I would hear her on the phone a lot and the way she dealt with people generally wasn't great. I heard racist stuff. The only specific thing to the MW file was there was one day when I think Tanya Holyk's mother Dorothy Purcell, I think she's one of the 15 he's charged with, she came into the office to meet with me [...] Sandy was right there and I introduced them and it was not good. Sandy was stone faced and Dorothy went white. It was clearly very awkward, they didn't exchange pleasantries and Dorothy looked like she was going to break into tears, and she later did. She said Sandy wouldn't take her calls, then said if I'd been a better mother . . . that she'd been harsh. It seemed there had been racial undertones. She made it clear that it was so awful with her that she just stopped calling.

...

The nature of the office was that for months on end she was the only one in the office. I've heard her misrepresent herself on the phone as a police officer. I would confront her about it...I would get calls for Inspector Cameron. When I confronted her she would completely deny it. Her level of self awareness of [*sic*] was pretty low. Same with racial things, but not in reference to MW. For example, she was speaking to someone I assume was Asian. She was hollering into the phone, speaking slowly, finally she hollered into the phone, "speak English, this is Canada." I confronted her and she denied it was racist and said "if they can't speak English they should go back to their country.

...

There were sort of two sides of her. I definitely saw it go along racial lines. As she started to get a sense this was getting to be a bigger deal, she started to be a little easier to deal with. I think she picked and chose [who] to deal with, and I think it was along racial lines. Sandra Gagnon, sister of Janet Henry, who's native, I know she had contact with Sandy that was not good, even though Sandy

wouldn't say that. She thought when Janet went missing Sandy didn't treat her well."<sup>282</sup>

388. Det. Cst. Shenher recognized Ms. Cameron's behaviour as racist. Most VPD witnesses confessed knowledge of Ms. Cameron's behaviour and agreed it was inappropriate, implying varying degrees of complicity and complacency. From the Families' perspective, VPD management allowed Ms. Cameron to carry on in this fashion for far too long.

### ***6.1.2 Discrimination Associated with the VP-NLS***

389. Arguably, the Vancouver Police Department's use of and lack of respect for the good work of the Vancouver Police Native Liaison Service (VP-NLS) perpetuated the systemic discrimination against Aboriginal people. As described in a section above, the VP-NLS may have acted as a further barrier to reporting a missing person, rather than as the "conduit" or "bridge" to the VPD it was ostensibly set up to be.

390. While the VP-NLS operated out of the same building as the VPD station on Main Street<sup>283</sup> and advertised itself as being able to assist Aboriginal people to access police services, including Missing Persons,<sup>284</sup> the organization itself faced direct and systemic racism within the police department and may have had no greater access to the Missing Persons Unit than members of the general public. Systemic racism within the VPD caused barriers and delays to report taking for persons attempting to access police services through the VP-NLS, creating additional barriers to report taking for the Aboriginal community. Examples of these barriers are found upon review of the missing person files related to Elsie Sebastian, Dorothy Spence and Mary Lidguerre, as will be discussed further.

391. Elsie Sebastian's daughter Donalee testified that on several occasions she and other members of her family approached the VPD in an attempt to report Elsie missing. In

---

<sup>282</sup> Exhibit 146, pp. 6-7.

<sup>283</sup> Hearing Transcript, April 2, 2012, p. 139.

<sup>284</sup> Exhibit 119, Tab 14.

each instance they were either refused completely or a report was taken but no investigative steps appeared to have been taken in response. Her testimony was summarized in the respective section above.

392. Ms. Ens and Mr. Bates, two civilian employees of the VPNLS, faced direct discrimination in their interactions with Ms. Cameron when they attempted to submit missing person reports to the Missing Persons Unit. Mr. Bates testified at length about his inability to get a report “upstairs” because he was “profiled” immediately and refused service, even though he was an employee from a society meant to be working collaboratively with the VPD. His testimony in this regard was quoted in the respective section above.

393. Ms. Ens also experienced similar treatment during her involvement with the Mary Lidguerre file. She testified:

And going back to Mary, when Jack tried to report Dorothy as missing, and just like when I was trying to report Mary as missing, I was told, "Oh, she'll show up at the Sunrise behind a pint of beer. They always do," and Jack was given the same information. And for me it was really frustrating. And when Mary had gone missing -- because Mary was somebody that came into our office. If she didn't come in, she called. So we heard from her on a regular basis. And when she didn't show up -- we had appointments set up, and when she didn't show up, I knew something was wrong, and I had -- I was on holidays, but I start calling asking, you know -- well, Dave Dickson was one of the ones that I asked, "Have you seen Mary? Do you know where" -- you know, I was concerned. And when Dorothy went missing and Jack was basically told the same thing, I had called the Missing Person section and spoke to, I believe it was Jim Steinbeck, Steinbeck, and I had complained about, you know, the treatment I was given as someone trying to report someone as missing, and --

[...]

And so it was really frustrating to kind of get that -- that roadblock. And even though Mary went missing in July, was last seen in July of 1995 and Dorothy I think August of 1995, we didn't get missing person reports until November of 1995, and that we had to go in through the back door within the Vancouver Police Department.<sup>285</sup>

394. Although civilian clerk Ms. Cameron may have been responsible for much of the direct discrimination experienced by Ms. Ens and Mr. Bates, the VP-NLS and their clientele were also discriminated against by the VPD in a more general way. For example, when Ms. Ens and Mr. Bates attempted to complain about the treatment that their clients routinely received from Ms. Cameron, their complaints were not appropriately addressed by VPD management.

395. For example, in January of 1998, a meeting was arranged between Sgt. Cooper, Ms. Ens and Mr. Bates respecting their concerns about Ms. Cameron and the system in place for filing a missing person report. In a memo from Sgt. Cooper to Insp. Biddlecombe, the officer in charge of the Major Crimes Unit, including Missing Persons, on January 9, 1998, Sgt. Cooper writes:

On 98-01-07 myself and Det./Cst. TEMPEST, Coroner's Liaison, met with Freda ENS and Morris BATES of Police-Native Liaison. Both have received complaints in the recent past from people who have been rebuffed by staff at both the Public Information Counter and Communications when attempting to file Missing person reports. Among the reasons supplied for not taking the reports are:

1. That the reportee is only a friend of the missing person as opposed to a relative.
2. That the person must be missing for 24 hours before a report can be taken.
3. That just because the reportee has not seen the person doesn't mean they are missing.

---

<sup>285</sup> Hearing Transcript, April 2, 2012, p. 96-101.



This situation has become a source of great frustration for these people and has re-enforced the impression that because they are Native or residents of the Downtown Eastside, the police don't care about them and apply a different standard. While these people tend to live transient and more unstable life-style than most, if they care enough to contact the police they should be listened to and taken seriously.<sup>286</sup>

396. In response to the concerns, Sgt. Cooper suggested to Insp. Biddlecombe that a review of the Missing Persons policies should be conducted and in the meantime, the 24-hour policy should be suspended.<sup>287</sup> It does not appear that any consideration was given by Sgt. Cooper or Insp. Biddlecombe to how the issue of the perception of a different standard being applied to Native people or "residents of the Downtown Eastside" would be addressed or investigated.

397. In addition to complicity or complacency, there may have been active rejection of any complaints about racist conduct among the VPD. Ms. Ens' confirmed in her testimony that Sgt. Cooper had reacted in anger to the suggestion that Ms. Cameron's refusal to take reports was racist.<sup>288</sup>

398. Despite the attempts by Ms. Ens to draw attention to the problem of Ms. Cameron's discriminatory practice of refusing to take reports for missing women from the DTES, Aboriginal women, sex trade workers and drug users, Ms. Cameron remained in her position in Missing Persons for 3 more years before she voluntarily left for a different position within the VPD in 2001.<sup>289</sup>

399. Furthermore, the VPD actively referred Aboriginal clients away from the ordinary channels of access and toward the VP-NLS, which was given no police staff tasked with report taking functions. Mr. Bates accepted that the VP-NLS operated as a "quasi" police station and that the VP-NLS was listed as a referral for the VPD

---

<sup>286</sup> Exhibit 119, Tab 3.

<sup>287</sup> Exhibit 119, Tab 3.

<sup>288</sup> Hearing Transcript, April 3, 2012, p. 130.

<sup>289</sup> Hearing Transcript, April 23, 2012, p. 4.

Public Information Counter. Aboriginal clients would be referred to the VPNLS by the VPD or would engage the VPNLS directly. The VPD held the VPNLS out to be a separate point of access to police services.

MR. CHANTLER: You made a point of saying earlier this morning that it was the Vancouver Police Native Liaison Society. It was put out as a Vancouver Police office? [emphasis added]

MR. BATES: Yes.

MR. CHANTLER: Almost a quasi police station?

MR. BATES: Yes.

MR. CHANTLER: So when members of the public came to you, they thought they were engaging the Vancouver Police Department. They didn't see any difference between coming to you and going to 222 Main or calling 911, correct?

MR. BATES: Well, we don't take 911 calls.

MR. CHANTLER: They thought they were coming to you to engage the police in the same way they would if they phoned the police. They had a problem. They needed the police to get involved and investigate, so they'd come to you; is that correct?

MR. BATES: Yes. They could, yes.

MR. CHANTLER: I think -- I think you're agreeing with me there. It was a Vancouver Police office that was put out as part of the Vancouver Police Department?

MR. BATES: Yes. And we're on there as a referral, so they would -- like, it's hard getting in -- you go to the PIC [public information] counter, okay, and the PIC counter has got a piece of glass right there. And you've got a little hole there and you've got to talk to them and tell them, "Okay. I want to do this." And a lot of times they say, "You've got to go home." And they don't have a phone.

Well, we had an office sitting there with an officer. You can walk in and they say, "Okay. Then we'll make a call upstairs to see if we can get you in front of Missing Persons or have a detective come down." If you report a sex offence thing, we would phone for the Sex Offence Squad to come in and talk to you.

MR. CHANTLER: The VPNLS was put out to the public as another door, another access point to the Police Department?

MR. BATES: Yes.

MR. CHANTLER: But the bridge between you and the Vancouver Police Missing Persons Unit, it wasn't much of a bridge?

MR. CHANTLER: No

MR. BATES: No.

MR. CHANTLER: It was a drawbridge. It was open sometimes and it was closed a lot of the time; is that right?

MR. BATES: Yes.<sup>290</sup>

400. According to Mr. Bates, the VPNLS was created to prevent Aboriginal people from falling through the cracks of the legal system by providing accessible services.<sup>291</sup> However, the organization was marginalized and disempowered by the VPD itself, so rather than removing barriers to police services for Aboriginal people, it created a new obstacle. Aboriginal persons were referred away from those with the power to help them and toward an organization that was rendered completely powerless to help their clients and functioned as a decoy police station where members of the public believed they could report an Aboriginal woman missing.

---

<sup>290</sup> Hearing Transcript, April 3, 2012, p. 81-83.

<sup>291</sup> Hearing Transcript, April 2, 2012, p. 62.

401. Ultimately, families' experiences with the VP-NLS included incidents of both direct and systemic discrimination.

## **6.2 Complicity and Complacency within the VPD**

402. Ms. Cameron's employment over the course of 22 years in the VPD Missing Persons Unit suggests a much larger problem. Complaints about her conduct were widely known among the VPD ranks. In interviews with Dep. Chief Lepard, a shocking number of VPD members admitted knowledge of Ms. Cameron's appalling behaviour. Det. Cst. Shenher stated: "I don't want to be critical of Geramy [Field] but I went to her numerous times about my concerns about Sandy. Sandy was actually allowed to write policy for the office."<sup>292</sup> Det. Cst. Shenher also mentioned that "People took me to coffee and breakfast to warn me about Sandy Cameron. I had extensive discussions with Al Howlett, who she drove crazy."<sup>293</sup> Cst. Dave Dickson said: "I'd hear Sandy on the phone saying "we don't look for missing hookers . . . we don't look for hookers." She was rude on the phone, but I can't say she didn't do her job."<sup>294</sup> Detective Constable Dan Dickhout added: "Regarding Sandy on the phone, she was fairly abrupt on the phone, but you wouldn't know who she was talking to so it wasn't like I could tell her to smarten up. There were a few occurrences that you'd kind of go holy smokes..."<sup>295</sup> Sgt. Field said: "Cameron was a problem employee, she can be sweet as pie or very insensitive, 'you're not a true family member, I'm not going to take the report.'"<sup>296</sup>

403. Dep. Chief Rollins of the investigative division and Sgt. Cooper, were responsible for investigating the complaints against Ms. Cameron raised by Ms. Ens, Mr. Bates and Ms. Purcell.<sup>297</sup> From the Families' perspective, these officers did not address these complaints in a meaningful or effective way. Sgt. Hetherington was also

---

<sup>292</sup> Exhibit 146, p. 8.

<sup>293</sup> Exhibit 146, p. 9.

<sup>294</sup> Exhibit 146, p. 12.

<sup>295</sup> Exhibit 146, p. 17.

<sup>296</sup> Exhibit 146, p. 19.

<sup>297</sup> Exhibit 147, Tab 29.

clearly aware of these complaints against Ms. Cameron, as she responded to complaints against her in a letter sent to him on November 27, 2001.<sup>298</sup>

404. Senior officers were even well aware of Ms. Cameron's attitude and conduct. On January 23, 1997, Freda Ens sent Dorothy Purcell's letter of complaint to Chief Constable Canuel. The complaint was then assigned to Dep. Chief Rollins for investigation.<sup>299</sup> Missing woman Leigh Miner's sister Erin McGrath wrote an email including a complaint about Ms. Cameron's conduct to Det. Dickhout in July 2001, which was copied to Insp. Boyd.<sup>300</sup> Det. McKnight wrote a memo to Insp. Boyd following the October 2001 meeting with the victims' families. He informed Insp. Boyd of complaints by family members regarding Ms. Cameron's offensive conduct and her representation of herself as a police officer. He expressed that the majority of the families agreed that they would not deal any further with Ms. Cameron and that they wanted Insp. Boyd to know about their concerns.<sup>301</sup> Insp. Beach was also made aware of the problems with Sandy Cameron when provided with minutes of the meeting with families held on November 3, 2001.<sup>302</sup> One of the many comments by family members regarding Sandy Cameron was:

Having Sandy Cameron at missing person has created huge problems for all people reporting missing loved one.<sup>303</sup>

405. Meanwhile, Insp. Biddlecombe was made aware of concerns regarding Ms. Cameron's behaviour by Sgt. Cooper.<sup>304</sup>

406. Concerns about Ms. Cameron's conduct made it all the way to the top. In his interview with Dep. Chief LePard, Chief Blythe provided:

---

<sup>298</sup> Exhibit 147, Tab 40.

<sup>299</sup> Exhibit 147, Tab 29.

<sup>300</sup> Exhibit 147, Tab, 35.

<sup>301</sup> Exhibit 147, Tab 37.

<sup>302</sup> Exhibit 147, Tab 39.

<sup>303</sup> Exhibit 147, Tab 39.

<sup>304</sup> Exhibit 147, Tab 30.

My first involvement with the Missing Women Investigation was as the Deputy in Ops. I recall discussions in our SMT [senior management team] meetings where Brian McGuinness spoke around the whole issue of Missing Women. And the aboriginal community was really dissatisfied with our Missing Persons people, whether they were taking things seriously and they complained about Sandy Cameron. She often apparently pretended to be a detective and that was pretty concerning to all of us.<sup>305</sup>

...

The one thing I did hear about was Sandy Cameron and her attitude.<sup>306</sup>

407. What is clear from these admissions is that while Ms. Cameron's direct discrimination may not have been the norm, the entire system, from the Chief Constable down, was allowing direct discrimination to take place without significant consequences. Ms. Cameron's conduct was a part of a VPD culture that tolerated this conduct. No one from inside the VPD initiated a complaint against Ms. Cameron or took action sufficient to ensure that she would not impede future investigations.

408. In other words, the entire chain of command was complicit in systemic discrimination against sex trade workers, drug users and Aboriginal people by virtue of their refusal to take appropriate action to remove Ms. Cameron.

409. As was described earlier, Ms. Cameron's behaviour created obstacles to submitting missing women reports. In the Families' submission, the continuation of Ms. Cameron in her role, in the face of knowledge about her conduct, supports a finding that direct and systemic discrimination impeded the missing women investigations.

---

<sup>305</sup> Exhibit 146, p. 14.

<sup>306</sup> Exhibit 146, p. 15.

### **6.3 Discrimination Associated with E-Comm and Missing Person Report Taking Criteria**

410. The *de facto* policies for reporting a missing person in Vancouver during the Period of Reference were themselves discriminatory.

411. Ms. Rae-Lynn Dicks was an operator for E-Comm, the emergency communications centre that provided reporting services to the VPD. In her testimony, Ms. Dicks informed this Commission that E-Comm operators were instructed not to take a report if the reporter could not provide a fixed address within the City of Vancouver or if the reporter was not a relative of the missing person or someone responsible for them.<sup>307</sup>

412. The missing person reporting system employed during the Period of Reference discriminated in particular against sex trade workers and drug users, who frequently lived in temporary housing or shelters, and thus had no “fixed address.” Ms. Dicks testified that when a caller attempted to report someone missing who had no known fixed address, extra steps were required or in some cases a report was refused altogether. Ms. Dicks described the process as follows:

...if they were a person with no fixed address, I would then turn and go to my sergeant and ask -- give him the details, that, you know, this person may be a missing street worker or homeless, and the answer was always, "no home address, don't take the report." Quite simple. It was cut and dried. Uhm, there were times when, if the person would be talking to the reporter, the person phoning in, uhm, would say, "Well, if they received Welfare, they would pick up Welfare on a regular basis." Okay. So, then they were to call their social worker and find out what the home address was listed, because you have to have a home address for a Welfare cheque, right?

---

<sup>307</sup> Hearing Transcript, April 23, 2012, p. 59-60 and 80-81.

So, once we could find that out, then they could call back and we would go ahead and take the report.<sup>308</sup>

413. As a result of E-Comm's "no fixed address" policy, families attempting to report someone with no known fixed address would be bounced back and forth between the VPD Missing Persons Unit and E-Comm. Ms. Cameron testified that in some cases reporters would attempt to contact the VPD Missing Persons Unit directly after being turned away by E-Comm operators for failing to provide the correct information. Ms. Cameron was unaware of the E-Comm policy requiring a Vancouver address and would tell callers to call E-Comm back and tell them she had said they should take the report.<sup>309</sup> As Rae Lynn Dicks expressed in her testimony, this problem of callers being bounced back and forth between the Missing Persons Unit and the reporting centre was typical when missing person reports were taken directly through the VPD, before report takers moved to E-Comm, a distinct operation. She testified:

...very clearly, reports were not taken on missing women who were street workers and/or aboriginal, usually based on the criteria of no fixed address. That did change sometime around 1999 when we were moving over into E-Comm, and the dynamics there changed as well. We were no longer a part of the Department.<sup>310</sup>

414. Because their reports were not taken, it is impossible to know how many missing women would have been reported earlier if the VPD had recognized how problematic this criterion was and acted to inform its report takers, and later the E-Comm employees, of the importance of taking reports regardless of whether a fixed address could be named.

415. Missing person reports were also frequently refused on the basis that the person reporting the disappearance was not a direct family member. This requirement created barriers both to women whose contact with their family was hindered by

---

<sup>308</sup> Hearing Transcript, April 23, 2012, p. 4.

<sup>309</sup> Hearing Transcript, April 24, 2012, p. 2-3.

<sup>310</sup> Hearing Transcript, April 24, 2012, p. 196.



their poverty, drug use, physical distance, separation by foster care and residential schools, or whose closest family members were not biological parents, siblings or children.

416. Ms. Ens' attempt to report her personal friend Mary Lidguerre missing is one example of this problem. Ms. Ens testified that she was not permitted to make the report because she was not a family member. She eventually decided to circumvent the missing person reporting system entirely and convinced Det. Trish Kean of the Sexual Offence Squad (SOS) to take the report for her. She described her frustrations as follows:

MS. ENS: Well, when I talked to Detective Keen [*sic*], that was after we were really frustrated with the Missing Persons and not being able to report Mary Lidguerre as missing and Jack not being -- Jack Spence not being able to report his sister Dorothy as missing and the 12-year-old -- the grandmother of the 12-year-old. We can't get those missing persons taken and you can't get past Sandy Cameron in the Missing Persons Section. So because Trish Keen [*sic*] had known Mary and had worked with Mary on another file, I just called and said, "Look, we have no idea. Nobody seen's Mary. Nobody's heard from Mary. We can't get a missing person. I can't do a missing person report because I'm told I'm not a family member. And Jack couldn't report his sister missing. She was going to turn up behind a pint of beer." And so because of the connection we had with Trish Keen [*sic*] in Sexual Offence Squad, she said that she would take the report for us and go and talk to her supervisor to see if that would be something she would be able to do.<sup>311</sup>

417. The failure of the Missing Persons Unit and E-Comm to take reports from friends of a missing person was also documented by Sgt. Cooper, who informed Insp. Biddlecombe about the complaints he had received from Freda Ens and Morris Bates. In a memo, Sgt. Cooper, the officer in charge of Homicide, notes that the VPNS staff had received complaints from the public regarding being refused a

---

<sup>311</sup> Hearing Transcript, April 3, 2012, p. 118-119.

report on the grounds that “the reportee is only a friend of the missing person as opposed to a relative.”<sup>312</sup>

418. Ms. Dicks’ testified that she encountered discriminatory behaviour by VPD members routinely in her job with E-Comm. Her comments suggest that racism, sexism and homophobia were a regular part of the policing culture:

Q -- you testified about some statements that you heard.

MS. DICKS: Yes.

Q And one of them was by a sergeant supervising the 911 dispatch centre. When scum of the earth goes missing, we are not going to spend valuable time and money to go looking for them.

MS. DICKS: Yes, that's correct.

Q And that was a reference to missing aboriginal women who were drug addicted?

MS. DICKS: That's correct.

Q And the sergeant was Sergeant Ted Yeomans?

MS. DICKS: That's correct. And on more than one occasion. You know, it may not have been those exact words every single time, but it was that intent.

Q And he, as a joke, would imitate drunk, aboriginal women --

MS. DICKS: Yes.

Q -- in manner and speech?

MS. DICKS: Yes.

---

<sup>312</sup> Exhibit 119NR, Tab 29.

Q To elicit laughs from those around?

MS. DICKS: Yes.

Q And I suggest that the racism within the room, perpetuated by VPD sergeants, was not restricted only to aboriginals, but it also applied to other people of colour --

MS. DICKS: Yes.

Q -- who immigrated to Canada from elsewhere, correct?

MS. DICKS: Yes.

Q And --

MS. DICKS: And homosexuality and, uhm, there would be comments made about dumb blondes. There would be, you know, yeah.

Q And so this was -- is it fair to say that this was a pervasive culture within the male, the ranks of the male VPD members you worked with, over the course of your time handling 911 calls, such that they were demeaning towards women, towards people of other races, towards the less fortunate, --

MS. DICKS: Absolutely.

Q -- in both thought and action; is that right?

MS. DICKS: In both thought and action, absolutely. Even within the Department, if you had, you know, to make a discernment between a corporal and a civilian, uhm, you know, it was very, very clear that if it has boobs, it is to blame. So, the corporals that worked with us were mostly male. You know, if it's civilian, it's wrong and we were always to defer to the uniform. Uhm, if we had two police officers side by side and there was a dispute over who was right and who was wrong, the female lost. That was - - it was very clear. Even female police officers within the Department were not given the respect accorded.

Q And you observed these things?

MS. DICKS: Absolutely.<sup>313</sup>

419. The VPD's approach to missing persons discriminated against sex trade workers and drug users by allowing requirements such as a fixed address and a family member reportee in order for a missing person report to be filed. These criteria may have been applied inconsistently and direct discrimination by E-Comm managers may have played a role in which reports were prevented based on these criteria. Regardless of the intention of those refusing to take the reports or instructing their subordinates not to take the reports, the effect of these criteria was to discriminate against the many missing women who had unstable living conditions and distance from family members.

420. These criteria led to a delay of nine years between when Elsie Sebastian first went missing in 1992 and when the VPD finally took a missing person report from Ms. Ann Livingston in 2001. It also led to a significant delay in Mary Lidguerre being reported missing, delaying what would later become a homicide investigation when her body was discovered in North Vancouver. Apart from hints in the police files referencing earlier attempts to report, it is impossible to know how many missing women reports were delayed or never taken because of direct and systemic discrimination at the reporting phase.

## **6.4 Discrimination Associated with the VPD's Media Messaging**

421. From the Families' perspective, the approach to the media and the messages relayed to the media by the VPD were discriminatory toward sex trade workers. As discussed above, the VPD openly denied the existence of any evidence of a serial killer preying on women from the DTES. These statements were factually untrue, put sex trade workers at risk by not warning them of a potential threat, and

---

<sup>313</sup> Hearing Transcript, April 23, 2012, p. 197-199.

disempowered them from making informed decisions that may have enhanced their safety and well-being.

422. In addition, degrading comments were made to the media by one VPD media liaison officer in particular, as will be discussed below. The families found these comments particularly offensive coming from a member of the VPD chosen to work on the issue of missing and murdered women from the DTES.

#### ***6.4.1 Discriminatory Effects of the Messages Conveyed to the Media***

423. There are numerous examples of the VPD's outright denial to the media that it was in possession of evidence a potential serial killer. Examples include:

Vancouver Sun, July 3, 1998: "Drennan said there is no indication that a serial killer is preying on the women."<sup>314</sup>

Vancouver Sun, September 18, 1998: [Quoting Insp. Greer] "We're in no way saying there is a serial murderer out there. We're in no way saying that all these people missing are dead. We're not saying any of that."<sup>315</sup>

Vancouver Sun, September 18, 1998: "Inspector Fred Biddlecombe who oversees the homicide, sex offence and missing persons sections is not ruling out the possibility of a serial killer, but he said there is no evidence to suggest that at this point."<sup>316</sup>

Vancouver Sun, February 15, 1999: "Police have repeatedly said that while they have not ruled out a serial killer in the Eastside, they think it's unlikely."<sup>317</sup>

The Globe and Mail, March 3, 1999: "Vancouver Police Spokeswoman Anne Drennan said in an interview the sharp increase in the number of missing prostitutes in the last two years 'is a cause for real concern' but does not point to a serial killer at work. A number of those missing

---

<sup>314</sup> Exhibit 35, Tab 5.

<sup>315</sup> Exhibit 35, Tab 7.

<sup>316</sup> Exhibit 35, Tab 7.

<sup>317</sup> Exhibit 35, Tab 9.

may have committed suicide, or moved away to escape the rough and dirty trade, Ms. Drennan said. ‘There is not a single piece of evidence to suggest a serial killer,’ she said, beginning with the fact that no Vancouver prostitutes are known to have been killed in the past 15 months.”<sup>318</sup>

The Province, April 7, 1999: “Drennan said there are no witnesses, no bodies and no common suspect. ‘There is absolutely nothing that has come to light that indicates there is a serial killer on the loose, as activists suggest, Drennan said.”<sup>319</sup>

Vancouver Sun, April 7 1999: “Police, however, maintain there is no evidence the women are victims of crime.”<sup>320</sup>

Vancouver Sun, April 26, 1999: “Vancouver police have steadfastly maintained that there is no evidence any of the missing women have been murdered – or that the cases are linked in any way.”<sup>321</sup>

Vancouver Sun, April 29, 1999: “[Deputy Chief] McGuinness acknowledged there have been no tips at all on the cases so far, despite heavy media coverage.”<sup>322</sup>

Vancouver Sun, June 4, 1999: “She [Sgt. Field] stressed that police have no evidence that a serial killer is at work in Vancouver [...] ‘We don’t have any suspect leads at this point, because again, we don’t have a homicide at this point.””<sup>323</sup>

Vancouver Sun, June 10 ,1999: ““The homicide detectives are being included in the working group only to give us a different perspective in terms of the style of the investigation,’ Drennan said. ‘This does not, in any way,

---

<sup>318</sup> Exhibit 146, p. 153-154.

<sup>319</sup> Exhibit 35, Tab 18.

<sup>320</sup> Exhibit 35, Tab 17.

<sup>321</sup> Exhibit 35, Tab 21.

<sup>322</sup> Exhibit 35, Tab 25.

<sup>323</sup> Exhibit 35, Tab 30.

indicate that, in fact, we believe that all these women have been victims of homicide.”<sup>324</sup>

Vancouver Sun, June 22, 2001: “Asked if police deliberately ignored Rossmo’s warning, Driemel said there was no hard evidence of a serial killer at the time and that no bodies have turned up.”<sup>325</sup>

424. Chief Blythe conceded, in his testimony, these media statements would have been approved by the Chief in daily morning meetings with the VPD media liaison officers.<sup>326</sup>

Insp. Beach, meanwhile, described his knowledge of the media process within the daily meetings of senior management in his testimony:

THE COMMISSIONER: So does that mean that when -- when the media relations officer appears before the TV cameras, that what she says or he says -- I guess it was Anne Drennan at that time -- do they clear all that with the chief’s office?

MR. BEACH: The process when I was a member of the department, Mr. Commissioner, was this: Each morning each deputy in each of the divisions would meet with his or her officers and senior NCOs and discuss issues relevant to that particular division. Subsequent, same day, later in the morning, the deputies or their designates would gather at headquarters with the chief constable or at least participate in a teleconference. And, again, there would be a roundtable discussion of overnight issues or over-the-weekend issues as well as any longer term issues. Media liaison personnel were present at the chief’s meetings. So the people who actually spoke to the media were present for the discussions with the chief constable and others and decisions would be made at that level in that forum about what was going to be said to the press. And there were operational reasons for that as well. You’ve heard evidence already about hold back

---

<sup>324</sup> Exhibit 35, Tab 33.

<sup>325</sup> Exhibit 146, p. 161-163.

<sup>326</sup> Hearing Transcript, February 21, 2012, p. 160-163.

information. So there's information in investigations that can't be released because they will jeopardize an investigation. But that's the forum. That's how -- that was the process by which any statement to the media would be made typically.<sup>327</sup>

425. Ultimately, the Chief Constables of the VPD, including Ray Canuel, Bruce Chambers and Terry Blythe were responsible for the official position enunciated by their media spokespersons. The VPD's own policy in January 1997 articulates that the Chief Constable "establishes and maintains an effective system of communication with [...] the Community" and "Represents the Department as appropriate in its relationship with the community [...] [and] promotes cooperation and goodwill between the Department and the citizens of Vancouver."<sup>328</sup>

426. The message communicated to the public throughout the Period of Reference was that there was no evidence of a potential serial killer or that the murders of women from the DTES were linked in any way. As late as June 22, 2001, VPD spokesperson Scott Driemel was refuting any evidence of a serial killer to the press, with the approval of Chief Constable Blythe. Chief Blythe testified:

Q So to your knowledge, there were no warnings being distributed on the street through those mechanisms you mentioned about a serial killer; isn't that right?

A The serial killer aspect, I don't believe, no.

Q When your representative Scott Driemel is asked about it on June 22, 2001, about the possibility of a serial killer, the response is that the possibility is being investigated and you're not going to rule it out?

A Yes.

Q Which you'll agree with me is not a warning that a serial killer is picking off sex workers in the Downtown Eastside one by one?

---

<sup>327</sup> Hearing Transcript, March 6, 2012, p. 37-38.

<sup>328</sup> Exhibit 52.



A It's a possibility but it's not something we were going to communicate to the community at that point in this investigation.<sup>329</sup>

427. To the contrary, there was mounting evidence throughout the Period of Reference that a serial killer or serial killers were responsible for the missing women. For example, in August, 1998, Mr. Hiscox had provided information to the VPD that Robert Pickton had purses, ID, jewellery and bags of bloody clothing of women in his trailer; that he regularly picked up prostitutes; that he had spoken to Lisa Yelds of hoping to “finish off” Ms. Anderson whom he had attempted to murder in March 1997; and that he had bragged to her that he could dispose of bodies.<sup>330</sup> This information was supported by information provided to police by Ross Caldwell and Leah Best in 1999.<sup>331</sup> On May 25, 1999, Insp. Rossmo submitted a “case analysis” in which he statistically analysed the missing women cases and concluded “1) The number of disappearances of sex trade workers from Vancouver’s Downtown Eastside during the previous 30 months is statistically significant and is unlikely to have occurred by chance; and 2) while it is not possible with available information to determine with certainty the cause of these disappearances, the most likely explanation for the majority of the cases is a single murderer (or partner murderers) preying on Skid Row prostitutes.”<sup>332</sup>

428. In his report, even Deputy Chief LePard admits that “Looking back, by June 1999 there was clear evidence (notwithstanding that it wasn’t physical evidence) that a serial killer was the most likely explanation for the Missing Women of the Downtown Eastside.”<sup>333</sup>

429. The Chief Constables who controlled media messaging for the VPD during the Period of Reference discriminated against sex trade workers by depriving them of the same protection against violent crime and murder that other members of our

---

<sup>329</sup> Hearing Transcript, February 10, 2012, p. 172.

<sup>330</sup> Exhibit 82, Section B, Tab 1.

<sup>331</sup> Exhibit 176, Tab 2.

<sup>332</sup> Exhibit 41, Phase 3, Tab 28.

<sup>333</sup> Exhibit 1, p. 193.

society are afforded. The VPD knew that one or more serial killers was the likely explanation for the missing women, but they actively misled the public, particularly sex trade workers, and thereby deprived them of information they could have used to enhance their safety and wellbeing. As noted above, the Families contend the VPD had a legal obligation to warn the public in this case.

#### ***6.4.2 Discrimination Associated with VPD Media Personnel***

430. One well documented instance of direct discrimination was a statement made by VPD media liaison Detective Scott Driemel. Det. Driemel profoundly offended family members of the missing women when he made offensive jokes referring to sex workers while in attendance at a conference at the Justice Institute of B.C. Det. Driemel was eventually reassigned following his reprehensible conduct after family members of the missing women called for his removal.<sup>334</sup> Chief Constable Blythe testified regarding the incident:

Q Sir, you mentioned in your interview with LePard something that happened with respect to another member of the Vancouver Police Department who was working on the missing women cases, in fact, he was working on the joint force operation in the latter part of the time period under review, and that's Scott Driemel. Did you relieve him of his duties?

A No, I did not.

Q He was relieved of his duties, was he not?

A He was moved to another position by my successor, yes.

Q That was because he had a problem -- according to you, he had a problem with jokes?

A He had -- he made an inappropriate comment at a meeting -- at a presentation, I believe, at the Justice Institute.

---

<sup>334</sup> Exhibit 146, p. 66.

Q And the inappropriateness was that he made jokes that were described as sexist and insensitive, referred to parts of women's anatomy and included a play on the word "hooker"; right?

A I don't recall the "hooker" comment and you're saying plural jokes. I understood it was one comment, one joke.

Q Driemel was the spokesperson for the department at the time this conduct occurred, wasn't he?

A Yes, he was.

Q To your knowledge, based on your long history with the department, his sexist and inappropriate remarks about women were reflective of the attitude that male members of the department held then, weren't they?

A No, I wouldn't agree with that at all.<sup>335</sup>

431. The Vancouver Sun reported that “Driemel made 4 jokes – at least 2 of them degrading to women – at a conference about media strategies for senior B.C. police officers and the Justice Institute in New Westminster.”<sup>336</sup> CTV reported a separate off-colour comment Det. Driemel made to an American journalist regarding women in the DTES.<sup>337</sup> As with Ms. Cameron, Det. Driemel’s conduct in his position with the VPD suggested a larger problem: that such conduct was condoned or at least tolerated by VPD management.

## **6.5 VPD Management Failed to Recognize & Address Systemic Discrimination**

432. Senior management of the VPD impeded the missing women investigations by uniformly failing to deal with discriminatory attitudes and behaviours prevalent within the department. As described above, this Commission heard considerable

---

<sup>335</sup> Hearing Transcripts, February 21, 2012, p. 88-89.

<sup>336</sup> Exhibit 146, p. 63-65.

<sup>337</sup> Exhibit 146, p. 61-62.

testimony from police, community and family witnesses describing systemic racism, sexism and other forms of prejudice within the culture of the VPD during the Period of Reference. Despite this, many senior officers from both the VPD and RCMP denied that they had ever witnessed or experienced such discrimination, or held these views themselves. Their categorical dismissal of the notion that such attitudes existed within their organizations, in the face of the evidence described above, reveals dishonesty, ignorance or willful blindness. Senior officers failed to accept any responsibility for prejudice and discrimination within their institutions.

433. Senior members of the VPD, including Chief Constable Blythe, Deputy Chief Brian McGuinness, Dep. Chief Unger, Inspector Biddlecombe and Insp. Dureau all shared their perspectives on discriminatory beliefs and behaviour within and by the Vancouver Police Department. These senior VPD members uniformly refuted the notion that sexism, racism or other biases played any significant role in the failed missing women investigations.

434. More surprisingly, some testified that they never witnessed prejudicial attitudes within the Department. Dep. Chiefs McGuinness and Unger denied ever witnessing racist or sexist behaviour in the VPD. Inspectors Dureau and Biddlecombe, two senior managers in charge of Major Crimes, denied observing any sexism or racism within the VPD, despite their lengthy service with the department. Not only is this contrary to the experiences of Det. Cst. Shenher, Ms. Dicks, Mr. Bates, Ms. Ens and many of the Families during the Period of Reference, but arguably it defies common sense.

## **6.6 Prejudice within the Inquiry Process Itself**

435. From the outset of the Missing Women's Inquiry, participants urged the Commission to seriously consider bias, intolerance and inequality which are significant problems embedded within the missing women tragedy. On October 12, 2011, the opening day of the Missing Women Commission of Inquiry's evidentiary

hearings, Grand Chief Ed John shared his expectations of what he hoped the Inquiry would accomplish:

We want and expect this inquiry to scrutinize what we see as systemic intolerance towards aboriginal peoples and advocate for a new reality, a new reality where aboriginal peoples are important and significant partners in this province and country, where aboriginal peoples can feel safe and secure knowing that these agencies set up to protect them will do so.<sup>338</sup>

436. In our opening statement, we expressed the Families' interest in exposing the prejudicial attitudes they had experienced during the Period of Reference and exploring whether these attitudes had played a role in the failed missing women investigations. Mr. Ward stated:

My clients want to know why the police were apparently so callous and indifferent. Was it because these women had the nine unfortunate characteristics that my friend Mr. Vertlieb listed? Did the police conclude because they were poverty-stricken, poorly educated residents of the Downtown Eastside, many of First Nations heritage, many addicted to drugs, many involved in the sex trade, many with criminal records that they simply didn't matter and that their disappearances were of no consequence?<sup>339</sup>

437. Commission Counsel made brief mention of the issue of bias in his opening statement, suggesting that the Commissioner should be alert to the possibility that there are "concerns that stereotypes or discrimination played a role in the investigation, and, therefore, you may need to consider whether the priority of the Pickton investigation was influenced by stereotyping, prejudicial beliefs or faulty assumptions by the police, and if so, how did this assessment of priority impact the resources the investigation received."<sup>340</sup>

---

<sup>338</sup> Hearing Transcript, October 12, 2011, p. 56.

<sup>339</sup> Hearing Transcript, October 11, 2011, p. 102.

<sup>340</sup> Hearing Transcript, October 12, p. 45-46.

438. The Commissioner, in his opening remarks, acknowledged the marginalization of the missing women and provided the following description of the problem addressed by the Commission:

The missing and murdered women were marginalized. They were women. Many of them were Aboriginal. Many were involved in the survival sex trade, drug addicted and impoverished. They were the most vulnerable to violence including sexual violence, and to murder. We must ask ourselves, is this acceptable? Is it acceptable that we allowed our most vulnerable to disappear, to be murdered? The question is upsetting. It challenges our fundamental values: we say that each one of us is equal; each one of us is worthy of the same protection from violence. But is it true? We must examine whether that is actually the case. Did these women receive the same protection of the police and the law that each of one of us would expect? And if not, how can we ensure that that this does not continue to happen? These are questions of the utmost public importance and ones that we seek answers to through the evidence that will be tendered in these hearings.<sup>341</sup>

439. The Commissioner's remarks suggest a recognition and understanding that prejudicial attitudes of the police and the role those attitudes played in the failed missing women investigations were important issues to be addressed by this inquiry.

440. The Commissioner also acknowledged that the violence and murder of marginalized women is a global problem and the equality of women in general and Aboriginal women in particular are issues that this Commission is situated to address. In doing so, the Commissioner was acknowledging that there are factors common to all marginalized women in Canada and throughout the world that influence the dangers posed to marginalized women and the way in which societies address (or fail to address) these dangers. If the problem is global in scope, the solution cannot be found simply in the unique policies and procedures of the Criminal Justice Branch, VPD and RCMP. The solution must address the universal problem of the

---

<sup>341</sup> Opening Remarks by the Commissioner Transcript, October 12, 2011, p. 3.

marginalization of women, including those who are impoverished, Aboriginal, working in the sex trade, and/or involved in drug use. The Commissioner remarked:

This Commission is about the safety and security of women, particularly vulnerable women. Few rights are more fundamental than the basic right to be safe from violence and murder. And yet, in British Columbia, across the country, and around the world, women continue to go missing and be murdered in high numbers. This is a global problem, one that disproportionately affects marginalized women. How we examine it and how we address it will speak volumes about the value we place on the equality and human rights of the most vulnerable and marginalized members of our community; as is often said, the greatness of a society can be measured by how it treats its weakest members.

As the first commission of inquiry in Canada to examine the tragedy of missing and murdered women, we have a tremendous opportunity. We can lead the way, show the rest of the country and the world, that women's safety and equal access to the protection of the police and the law is paramount to a just society.

The opportunity presents itself to not only demonstrate our commitment to the equality and safety of women, but to shed light on the particular and disproportionate level of violence faced by Aboriginal women in Canada. In conducting the Inquiry, this Commission can help to voice our commitment to protecting Aboriginal women from harm and ensuring their equal protection. This Commission can further demonstrate our commitment to protect all vulnerable and marginalized women, and our belief that we are all equal, all valued, and all deserving of protection.<sup>342</sup>

441. These remarks suggest that the factors causing the marginalization of women, drug users, Aboriginal persons, sex trade workers, and persons living in poverty, would be critical to examine as possible underlying causes for the failed missing women investigations.

---

<sup>342</sup> Opening Remarks by the Commissioner Transcript, October 12, 2012, p. 5.

442. Unfortunately, as this Inquiry proceeded it became apparent that a proper analysis of systemic sexism, racism and other biases was no longer on the agenda. From the Families' perspective, this was a huge disappointment. The Families urged the Commission to hear from Catherine Galliford, the former media liaison officer for Project Evenhanded, who recently had come forward with allegations of sexual harassment against her male colleagues while working on Project Evenhanded. These allegations were widely reported in the national media and outlined in a statement that was delivered to the Commission. From the Families' perspective, and as described earlier, Ms. Galliford's evidence may have confirmed that sexist attitudes impacted decisions made during the course of Project Evenhanded's work. The following discussion between Mr. Gratl and Mr. Oppal on this subject sets out the Commissioner's views in this regard:

MR. GRATL: ... I understand from an affidavit very lately provided by counsel for the Government of Canada that they take issue with the production of all Galliford documents on the footing that the RCMP is currently engaged in an internal investigation into those allegations of systemic discrimination and sexism. In my respectful submission that is not an excuse to withhold documents from this public inquiry.

THE COMMISSIONER: It may be interesting, the systemic gender discrimination if there is in the RCMP, but that's not really what we're here for. We're here to decide what went wrong in the Pickton investigation, to put it simply.

MR. GRATL: Yes, and the allegations Ms. Galliford brings forward deal with specifically Project Evenhanded and some of the key investigators.

THE COMMISSIONER: I don't know that. Commission Counsel has interviewed her and I don't know what the contents of that interview were, but I think it might be a bit premature to jump to conclusions from what we read in the media.



MR. GRATL: If we have allegations that key investigators are making jokes about the use of sex toys found on the Pickton farm we can be almost certain that there's an attitude towards sexual conduct and sexual misconduct that may have permeated the investigation.

THE COMMISSIONER: That's one thing, but to go into gender issues in the RCMP is something we're not really going to get into. Those allegations are -- those allegations are obviously relevant and we should hear them. Go ahead.<sup>343</sup>

443. After making these remarks the Commissioner ruled that Ms. Galliford would not be called as a witness and her statement would not be admitted into evidence.

444. Another example of the Commission's refusal to probe into issues of sexism and the role it played in the failed missing women investigations is the decision not to admit the Shenher manuscript into evidence. This document is replete with examples of police officers' conduct experienced by Det. Cst. Shenher during her time investigating the missing women that could be characterized as sexist and discriminatory. The Families' urged the Commission to accept this document into evidence, and supported an application brought by counsel for the DTES interests in this regard. Unfortunately, from the Families' perspective, the application was denied.

445. The Families submit that systemic biases such as sexism and racism played a significant role in the failed missing women investigations and ought to have been explored at this Inquiry. These issues and their impact on the missing women investigations ought to have been considered to fall squarely within the Terms of Reference. From the Families' perspective, the Commission's refusal to sincerely explore these issues may have reflected these very same biases.

---

<sup>343</sup> Hearing Transcript, February 13, 2012, p. 62-64.

## **7 EVIDENCE OF TECHNICAL INCOMPETENCE AND LACK OF ACCOUNTABILITY IN MISSING PERSON INVESTIGATIONS**

*[This section has been removed in accordance with the Undertaking imposed on counsel by the Commission]*

## **8 SUPPORT FOR A RECOMMENDATION FOR COMPENSATION TO THE VICTIMS' FAMILIES**

532. On behalf of our clients, we urge this Commission to issue a recommendation to the Federal and Provincial governments for the provision of fair and adequate compensation to all of the families of the murdered and missing women. Such a recommendation would be completely justified in the circumstances and not without precedent.

533. Previous commissions of inquiry such as the Walkerton Commission of Inquiry (the “Walkerton Inquiry”), the Canadian Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (the “Arar Inquiry”), and the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (the “Air India Inquiry”) have resulted in recommendations to government for compensation to the victims of those tragedies. Other inquiries, such as those into cases of wrongful conviction, have also resulted in recommendations for compensation.<sup>344</sup>

534. In 2002, two years after the town of Walkerton, Ontario was struck by an outbreak of *E. coli* that killed seven and hospitalized nearly 2500, the Walkerton Inquiry produced its final report. The Commissioner, Ontario Court of Appeal Associate Chief Justice Dennis O'Connor, harshly criticized the local municipal government

---

<sup>344</sup>E. Ratushny, *The Conduct of Public Inquiries: Law, Police, and Practice* (Toronto: Irwin Law, 2009) at p. 28.

and the provincial Ministry of Environment for, *inter alia*, being wilfully blind to shortcuts taken by local operators, ignoring third-party reports, not independently ensuring that the local water utility was up to code, and failing to have practices or equipment which would have detected and warned superiors of rising contamination levels. Commissioner O'Connor found local and provincial governments had failed to prevent the outbreak of *E. coli* or reduce its scope. The Walkerton Compensation Plan has since disbursed more than 72 million dollars in compensation to those who suffered in the tragedy.

535. In 2006, the Arar Inquiry produced its report examining the treatment of Canadian citizen Maher Arar by Syrian, American, and Canadian officials. The Commissioner, Justice Dennis O'Connor once more, held that a recommendation for compensation was warranted given the harms suffered by Mr. Arar and his family. Commissioner O'Connor urged the Government of Canada to avoid using a strictly legal assessment of its potential liability, and instead recognize and acknowledge Mr. Arar's suffering at the hands of Canadian law enforcement and intelligence agencies. Even after his return to Canada, the harm caused to Mr. Arar had continued. Improper and unfair leaks of information irreparably damaged his reputation, not only causing him severe emotional and psychological suffering, but harming his family as well. Commissioner O'Connor found that it would be in the public interest to compensate Mr. Arar. A settlement of 10.5 million dollars was later negotiated.

536. In 2010, the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 released its final report, nearly 5 years after the tragedy at the heart of its mandate. Commissioner John Major, formerly of the Supreme Court of Canada, remarked that:

The level of error, incompetence, and inattention which took place before the flight was sadly mirrored in many ways for many years, in how authorities, Governments, and institutions dealt with the aftermath of the murder of so many innocents.

537. Commissioner Major found that the families of the victims “had often been treated as adversaries; as if they had somehow brought this calamity upon themselves”. Rather than treating the families with care, respect, and compassion, the Canadian government seemed focused on self-justification, denial of responsibility, withholding information, and the preservation of its international reputation. Meanwhile, the government had ignored the suffering and needs of the families, compounding the immense tragedy of the attacks. Commissioner Major found that financial compensation to the victims' families would alleviate some of the harm caused to these families by the government's failures.

538. The sentiments echoed in the above-mentioned cases have obvious application to this Commission. As in Walkerton, governments and their agents in this case arguably succumbed to willful blindness, ignored the community's cries for help, and failed to ensure that adequate resources were applied to an impending crisis. As in Arar, the families of the murdered and missing women have been irreparably harmed by the failings of various levels of government. As in Air India, governments have arguably alienated, demeaned, and disenfranchised victims' families, both before and after the true extent of the tragedy was known.

539. Without exception, the family witnesses, who testified at this Inquiry spoke of the immense harm caused to them and their families by the loss of their mothers, sisters or daughters. Many spoke about their loss of faith in the justice system. Some have lost trust in the police, or feel the police will not help them in a future time of need. Some hold then mayors, Attorney Generals and other officials to account for failing to recognize the unfolding tragedy and failing to prioritize resources.

540. Many of these families have shown immense courage and made great sacrifices by participating in this Inquiry. It would be unconscionable to put these families through a civil trial in order to receive fair compensation. Moreover, wrongful death law in British Columbia is woefully inadequate. Organizations such as the Trial

Lawyers Association of BC and the BC Coalition of People with Disabilities have been campaigning for years for amendments to the current legislation.<sup>345</sup>

541. A recommendation for compensation does not require the Commissioner to overstep his jurisdiction. It is not a finding of civil liability. It is a recognition that families have suffered immense harm, and that government compensation would be appropriate in the circumstances. This is not to suggest that the government actors are solely responsible for the harm caused to the families - obviously this particular tragedy would not have occurred but for Robert Pickton himself. Governments, however, can and should provide the families of the murdered and missing women with fair and adequate compensation for the harm they have endured.

## 9 CONCLUSION

542. For reasons articulated above, the Families contend this Commission failed to complete its work. Despite its intended purpose, the Commission did not satisfy the Families, nor perhaps the general public, that it was able to complete an uncompromising, *bona fide* search for the truth. The tragedy of the missing women is unparalleled, and demanded and deserved a more thorough and sincere approach. The Families blame the Provincial Government for gutting this public inquiry from the outset and imposing unnecessary and unreasonable time constraints. The Families also blame the management of the Commission for making procedural decisions the Families consider to have adversely affected its integrity.

543. With that caveat, the Families contend that some findings of fact about the failed missing women investigations ought to be made. The following list is not exhaustive, and should not be considered to limit the above submissions in any way. The Families submit this Commission should make the following findings of fact:

---

<sup>345</sup> Currently in British Columbia civil claims for wrongful death are brought under provisions of the *Family Compensation Act*, RSBC 1996, c. 126. Some provinces, such as Alberta, Manitoba, Saskatchewan, New Brunswick, and Nova Scotia have amended legislation to allow claims for grief, lost care, and lost companionship.

1. Crown Prosecutor Randi Connor failed to handle the prosecution of Robert Pickton in 1998 with the vigour and level of preparation that a case of attempted murder demanded.
2. The Criminal Justice Branch used Ms. Anderson's drug use as an excuse to avoid a trial for which it was inadequately prepared.
3. Ms. Anderson would have been capable of testifying at trial had the Crown and police provided her with the assistance routinely employed in such cases.
4. VPD and RCMP senior management failed to provide oversight, leadership or accountability in relation to the missing women and Pickton investigations.
5. The VPD and RCMP gave inadequate priority to the missing women and Pickton investigations in relation to arguably less serious matters involving property and drug crimes.
6. The VPD had a duty to warn the public, particularly sex trade workers, that it had evidence of a potential serial killer. The VPD failed to do so, and this failure was unreasonable in the circumstances.
7. The VP-NLS was little more than a public relations exercise by the VPD, and was unable to provide the services that it was ostensibly set up to provide.
8. Direct and systemic discrimination played a significant role in the failed missing women investigations.
9. Civilian employee Sandy Cameron was discriminatory against Aboriginal persons, sex trade workers and persons with addictions, and this discriminatory conduct prevented and delayed some missing women from being reported missing.
10. The VPD had a culture in which direct and systemic racism, sexism and other prejudices were tolerated. Employees at all levels of the VPD, from the Chief Constable to civilian clerks, were complicit in the discriminatory conduct that impeded the missing women investigations.
11. VPD management actively lied to the public regarding the evidence of a potential serial killer. This misinformation was discriminatory in effect toward

sex trade workers in particular, who were disempowered from taking precautions to protect themselves.

12. The VPD and RCMP frequently failed to take missing person reports for missing women and significant delays resulted from these failures.
13. The VPD and RCMP frequently failed to confirm a missing woman had been located before closing a missing person file.
14. The VPD and RCMP frequently failed to cooperate in the transfer of missing women files, resulting in significant delays in some missing person investigations.
15. The VPD and RCMP frequently failed to identify, locate and interview friends and associates of the missing women.
16. The VPD and RCMP frequently failed to interview family members of the missing women and keep them adequately informed about the investigation.
17. The VPD and RCMP frequently failed to attend the last known residences of the missing women.
18. The VPD and RCMP frequently failed to adequately follow up on tips.

544. The Families have participated in this lengthy, often excruciating process in good faith and with the sincere hope that it would answer many of their longstanding questions about the failed investigations into their loved ones' disappearances and murders. At the end of eight months of evidentiary hearings, however, many of their questions remain unanswered, and many new questions have arisen. Some of our clients have been discouraged and disappointed by this process; some are completely outraged at the manner in which the hearings were conducted and the fact that the Commission did not complete its work.

545. The eventual discovery of a serial killer in 2002 was a shock to many of the Families, and the general public. Evidence that emerged out of Robert Pickton's trial, and the extraordinary way it concluded, fueled many family members' anger over the failure of police to apprehend Robert Pickton sooner. It also raised many troubling questions about the extent of the police institutions' knowledge about

Pickton during the Period of Reference. Many theories abounded as to how this tragedy was permitted to occur. The Families rightfully wanted to know what the police could have done to stop this tragedy, and how a similar tragedy could be prevented in the future. In many respects, the Families came to their own conclusions.

546. A commonly-held belief, we suggest, is that police prejudices against women, Aboriginals, sex trade workers, drug users and their families may have played a role in the failure to respond to the disappearance of these women in a more meaningful way. Another belief is that the Picktons' association with the notorious Hells Angels motorcycle gang at the infamous Piggy's Palace in some way played a role in the police departments' failure to intervene in Robert Pickton's activities. Another is that police knew more about the Picktons than they were willing to disclose publicly. Many believe, as the trial jury may have concluded, that Robert Pickton did not act alone.

547. Whether or not one subscribes to any of these theories, the fact is they emerged and continue to flourish, and they likely formed part of the impetus to convene this Commission. The Families contend the Commission had an obligation to the Families and the general public to probe into these theories and confirm or deny them. Section 4(a) of Terms of Reference could have been read to encompass these issues. Instead, that section was read narrowly, apparently to justify the refusal to explore these issues. From the Families' perspective, this refusal raised even more questions, such as whether or not the same prejudices or ulterior motives were still driving high-level, institutional decisions about this crisis.

548. It is not enough to suggest, as the police institutions have, that there is "no evidence" of systemic sexism or racism, for example, playing a role in the failed missing women investigations. In fact, there was evidence, particularly if one paid the slightest respect to the testimony of the Families. Moreover, this Commission failed to compel or consider documents and testimony that would likely have



supported the theory that systemic racism and sexism were at play. The police departments' "no evidence" line was all too familiar to the Families, and no better received in this incarnation.

549. However deficient the foundation of the Commission's final report, we suggest there was another benefit to holding these public hearings. The disappearance of dozens of women from the streets of Vancouver was a horrendous tragedy, but one that too easily gets pushed to the back pages of the newspapers, if given any print at all. The Inquiry brought the tragedy back to the front pages and into the daily discourse of the general public. The political will to prevent another similar tragedy demands the public to be attentive to and concerned about this issue. This tragedy must not be relegated to the history books, but must be a constant reminder of what can happen if we are not mindful of society's most disadvantaged members.

550. Women, particularly of Aboriginal decent, continue to go missing from the DTES, but the problem is not isolated to that community. In the past 30 years, dozens of women are suspected to have disappeared or been murdered along the Highway of Tears, the 800km section of highway between Prince George and Prince Rupert. Across the country, there are reportedly 600 cases of missing or murdered Aboriginal women.<sup>346</sup> In late 2011, the United Nations Office for the High Commissioner on Human Rights initiated an “inquiry procedure” into the issue of missing women in Canada, particularly those of Aboriginal decent.

551. There is much work left to be done.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

This 25<sup>th</sup> day of June, 2012

Cameron Ward

Neil Chantler

Robin Whitehead

On behalf of the families of Dianne Rock, Georgina Papin, Marnie Frey, Cynthia Dawn Feliks, Cara Ellis, Mona Wilson, Helen May Hallmark, Dawn Crey, Angela Hazel Williams, Jacqueline Murdock, Brenda Wolfe, Andrea Joesbury, Elsie Sebastian, Heather Bottomley, Andrea Borhaven, Tiffany Drew, Angela Jardine, Stephanie Lane, Tanya Holyk, Olivia Williams, Debra Jones, Janet Henry, Marie Lorna Laliberte, Sereena Abotsway, Dianne Melnick, and Marcella Creison

---

<sup>346</sup> Native Women’s Association of Canada, “What Their Stories Tell Us – Research Findings from the Sisters in Spirit Initiative”, March 31, 2010.