



Overview of Weekly Proceedings for the Missing Women Commission of Inquiry

By Robyn dean Gervais, Independent Counsel for Aboriginal Interests, Missing Women Commission of Inquiry

The purpose of this overview is to provide readers with a brief summary of the proceedings of the Missing Women Commission of Inquiry for the week of February 13 to February 16, 2012. Readers are welcome to distribute this summary to any person or organization they think may benefit from it.

Readers are also welcome to follow my Twitter feed at RobynGervaisMWI, or to visit the website of Harper Grey LLP (<http://www.harpergrey.com>), the firm of Bryan Baynham, Q.C., who is providing *pro bono* counsel.

A. CAMERON WARD'S APPLICATION FOR PRODUCTION OF DOCUMENTS

On February 13, 2012, Commissioner Oppal heard an application from Cameron Ward, counsel for the victims' families, for production of further documents. The full text of the application is set out in my summary for the week of February 6 – 9, 2012. The application was argued by Mr. Ward's co-counsel, Neil Chantler. Other parties delivered their responses on February 13 and the morning of February 14, 2012.

Jason Gratl, who is representing Downtown East Side community interests, supported the application for certain classes of documents among those requested by Mr. Ward & Mr. Chantler. I did likewise. The classes of documents whose production I support are listed in my summary for the week of February 6 – 9.

The Vancouver Police Department ("VPD") and the Department of Justice/RCMP argued against the application on the grounds that they have already produced all relevant documents. They vehemently denied allegations that they have attempted to withhold important documents from the Commission, and added that some documents had been destroyed in accordance with each agency's retention policies. Other documents were not disclosed because neither agency felt that they were relevant. They also argued that the disclosure protocol in place between the Commission and the Department of Justice is adequate. The Commissioner hopes to render a decision on February 20, 2012.

Documents From the Vancouver Police and Native Liaison Society

The Vancouver Police and Native Liaison Society ("VPNLS") was tasked with bridging the gap between Aboriginal residents of the Downtown East Side and the VPD. Its offices were located in the same building as the VPD's Missing Persons Unit at 312 Main Street.

Documents created by the VPNSL have not been released to the Commission. In December 2011, I contacted counsel for the VPD to request that these important documents be disclosed, but they informed me that they could not find them. However, this week I successfully located them myself through a potential witness. The Commission will issue a summons for the documents and I will review them for relevancy.

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B. INSPECTOR DON ADAM

RCMP Inspector Don Adam (“Adam”) was the Special Project Coordinator for the RCMP’s “E” Division Major Crime Section. In November 2000, Adam was assigned to lead a joint forces operation (“JFO”) with the VPD to conduct a review of the missing women investigations. This JFO came to be known as Project Evenhanded.

In early 2001, Project Evenhanded began a review of historic criminal files to develop a list of persons of interest that could be linked forensically to three unsolved homicides from Agassiz, BC, which were known as the “Valley Murders”. Officers reviewed the missing women files from both Project Amelia and the RCMP. The logic behind their review was that if an offender(s) were identified with DNA from the Valley Murders, it was thought that it might lead to the person responsible for the other missing women of the Downtown East Side.

Direct Testimony of Inspector Don Adam

Inspector Adam gave his direct testimony on February 15th and part of February 16th. My cross-examination of Adam will likely take place on, or soon after, February 24, 2012.

During his direct testimony, Adam addressed the history of the missing women investigation, investigative strategies, and the evolution of Project Evenhanded’s operational plan.

Adam testified that in early November 2000, senior managers of both the RCMP and VPD met to discuss the possibility of creating a joint task force to investigate the unsolved homicides of sex-trade workers, including 27 women from Vancouver’s Downtown East Side. He indicated that the purpose of the joint task force was to review the scope and status of missing and murdered sex-trade workers throughout the province, and to determine how the RCMP could assist in the investigations.

Adam testified that the mandate of Project Evenhanded also included investigation into historical murders of sex-trade workers. These included a cluster of murders that occurred in Agassiz during the late 1980s known colloquially as “The Valley Murders”, and the murder of a woman known only as Jane Doe, whose bisected skull was found beside the Lougheed Highway near Mission, BC. Robert Pickton was subsequently charged in Jane Doe’s murder, although the charges were later dropped. Project Evenhanded also investigated the murder of Mary Lidguerre, whose remains were found on Mount Seymour in 1996, as well as other missing women from the DTES.

Adam informed the Commission that the Project Evenhanded file review was necessary to bring investigators up to speed on the scale and scope of the problem of missing sex trade workers in British Columbia, before moving forward with the investigation.

Adam testified that a major difficulty for investigators was that unlike most murders, which begin with a body and a crime scene that serve as the starting point of the investigation, Project Evenhanded investigators had the benefit of neither of these clues in any of the disappearances they were investigating. He added that the investigation was further hampered by the lack of a comprehensive DNA data bank that would be used to deposit DNA from family members of the missing women. The BC Coroner’s office had in their possession human remains belonging to 130 people that had not been processed for DNA, so there was no way of knowing if the remains belonged to one of the missing women. Further, the SIUSS database, which was used to collect and link information from disparate crimes, was not functioning adequately.

Adam testified that investigators from Project Evenhanded met in January 2001 to discuss the DNA testing backlog, lab pressures, suspect prioritization, the missing person data bank, and the unidentified human remains still in the possession of the Coroner's office. As of March 2001, Detectives Phil Little and Jim McKnight were the lead VPD investigators posted to Project Evenhanded.

Adam also testified that Project Evenhanded's investigative strategy contained seven steps, all of which operated simultaneously. These steps were: 1) suspect prioritization; 2) confirmation that the missing women cases were historical and not ongoing (this was later proven to be a mistaken assumption); 3) identification of targeted offenses and crime scene data; 4) resolution of lab backlog issues; 5) identification of the unidentified human remains in possession of the Coroner's Service; 6) assessment of the problems surrounding the SIUSS database, and; 7) development of an operational plan.

Adam testified that he cautioned team members against focusing solely on one suspect to the exclusion of others. To ensure that that wouldn't happen, he ordered the prioritization of suspects into three categories. Priority one suspects were individuals with a history of serious violent crimes against sex workers. Priority two suspects were persons associated with sex trade workers from the Downtown East Side and who had a history of violence against them. Priority three suspects covered all other remaining persons of interest. Adam testified that by the fall of 2001, Project Evenhanded had identified approximately 30 priority one suspects.

He also testified that Evenhanded was focused on confirming whether the theory that women were no longer going missing was in fact true. Adam indicated that he was told by the VPD that women had stopped going missing in January 1999.

In January 2001, VPD Sergeant Geramy Field reported to Adam that the VPD would add three more women to the list of those who had gone missing, and they agreed to issue a press release to inform the public that the VPD's Missing Person Unit was actively investigating these new disappearances. However, Adam indicated that Project Evenhanded eventually took over the new files from the VPD.

He also testified that Project Evenhanded members were tasked with resolving the forensic lab issues that were hampering development of the missing persons databank. To this end, an agreement was reached with the forensic lab to treat the missing women as homicide victims, which would allow for the development of victim DNA profiles.

Adam informed the Commission that he tasked team members with liaising with the Coroner's Service to follow up on unidentified human remains in their possession. He also indicated that they assessed the capabilities of the SIUSS database, and eventually chose to switch to a more appropriate electronic file management system.

In April 2001, Evenhanded created an operational plan that included four phases: 1) review murders, attempted murders, and sexual assaults against sex trade workers to obtain crime scene DNA that could be submitted to the DNA data bank; 2) review and prioritize suspects; 3) obtain DNA samples from each suspect for comparison to DNA already in the data bank, and; 4) if there was a match between crime scene and suspect DNA, conduct an investigation to either confirm or eliminate that suspect.

Adam testified that until August 2001, Project Evenhanded members had been operating under the assumption that women were no longer going missing. However, in August 2001 it became apparent that there were a large number of missing women who had disappeared recently. He told the Commission that in a normal year, roughly 20 000 people are reported missing in B.C. Team members had to review each new missing person report to determine if there was a connection to the on-going missing women

investigations. This became costly and time-consuming. Further, Adam conceded that he did not appreciate nor understand the tremendous stresses under which the VPD was operating because they were responsible for investigating all of the new missing women reports made in Vancouver. Adam indicated that because of these investigational pressures, some delays occurred. This led him to amend the operational plan and request additional resources.

Adam also discussed the creation of the proactive investigational team. In August 2001, Adam met with the Green River Task Force and Spokane police (both in Washington State) because of their extensive experience in investigating serial killers. According to Adam, that meeting “changed everything” in his mind and validated the need for a proactive approach to the investigation whereby the police would attempt to be one step ahead of the killer rather than several steps behind.

Adam was questioned about why a proactive team was not created before August 2001. He responded that he did not do so because he needed to fully understand the situation before making further plans. Further, he had been under the assumption that the killer was no longer active which, if true, would eliminate the need for a proactive approach. He readily admitted that he was responsible for the decision not to investigate proactively sooner, and stated that he wished he had met with Green River Task Force and Spokane police earlier.

Adam testified that creating the proactive team required a tremendous amount of work and planning. The team created and managed daily logs to compare the activities of sex workers and johns in the Downtown East Side. He also discussed his desire to foster trust and cooperation from the community, although he later admitted that he never once visited the streets of the Downtown East Side while leading Project Evenhanded.

Adam believed that if his plan was executed properly, a pattern would emerge that would lead to the identity of the serial killer. Adam indicated that the other police agencies involved were all thrilled about adopting the proactive approach because it “was a long time coming”.

Adam also discussed how Project Evenhanded members handled new information, and testified that they needed to have a plan in place in order to capitalize on any new breaks in the investigation. Further, Adam discussed the investigation into Gary Leon Ridgeway (“Ridgeway”), the infamous Green River Killer of Washington state. It was known that Ridgeway was present in the Downtown East Side, and Adam identified him as a logical suspect worth investigating.

In October 2001, Adam finally drafted his Operational Plan. He stated at the time that he expected police would catch the serial killer within eight months, but admitted that for this to have come true, the killer would’ve had to keep killing in order to provide a trail for police to follow.

Adam then testified that Robert Pickton (“Pickton”) would not have been convicted without the efforts of Project Evenhanded. The rapport built by the proactive team in the Downtown East Side allowed many women to come forward to identify Pickton, which aided in his prosecution and conviction.

Adam Responds to Criticism

At one point in his testimony, Adam was asked to respond to criticisms of his approach to the investigation. In the following, I will breakdown each criticism and summarize Adam’s response:

Lack of Urgency

Deputy Chief Constable of the Peel Regional Police, Jennifer Evans (“Evans”), conducted an in-depth review of the missing women investigations, and prepared her findings in a detailed report. In that report, Evans was critical of the lack of urgency exhibited by Project Evenhanded, and questioned why the VPD, with fewer resources than the RCMP, was still investigating new missing women reports in 2001.

Adam stated that he does not believe that Project Evenhanded lacked urgency. Rather, he felt that time was needed to understand the challenges faced, and that the record of what he accomplished speaks for itself.

Historical Review of Past Cases

Project Evenhanded has been heavily criticized for conducting a historical file review while there was an active serial killer preying on the women of the Downtown East Side.

Adam testified that he was not completely sure that there was an active serial killer until August 2001. He also claimed that Evans did not realize the operational plan was fluid and therefore had to adapt to the changing and complex circumstances surrounding the investigation. He stated that critics created a “straw man attack” that did not reflect Project Evenhanded’s reality at that time. He clarified that he does not believe that the criticisms were malicious, so much as they were misinformed.

Pickton as Prime Suspect

Project Evenhanded has also been criticized for failing to take immediate action to investigate Robert Pickton, even though the VPD was aware that he was a prime suspect.

Adam commented that he knew of Pickton, but that he also knew of hundreds of other potential suspects. He testified that Pickton was never ignored by Evenhanded, but that the effort to compile a complete list of possible suspects required a great deal of time.

Cross-Examination of Inspector Adam

Commission Counsel Art Vertlieb, Q.C., asked Adam about Pickton’s attack in 1997 on a woman known in these proceedings only as “Victim 97” or “Ms. Anderson”. The Crown eventually stayed charges against Pickton for attempted murder and forcible confinement. Adam stated that he had no part in that investigation, nor did he ever read the file. He testified that as the commander of Project Evenhanded, his duty was to address issues pertaining to resources and funding, and that his subordinates were responsible for reviewing all files.

Adam stressed that Project Evenhanded members did *not* interview Ms. Anderson, despite being aware of the 1997 incident and Robert Pickton, because they were still creating a priority suspect list and he felt it would’ve been negligent to begin investigating one suspect before compiling a complete list. It never occurred to him to interview suspects while collecting and creating the suspect pool.

He also testified that prior to February 26, 2001, Project Evenhanded was not a functional joint task force because the requisite resources had not yet been allocated.

Adam's cross-examination was adjourned and will recommence on February 24, 2012.

C. NEXT WEEK:

Former Attorney General Ujjal Dosanjh was scheduled to testify this week. However, there has been a change to the witness schedule and former VPD Chief Constable Terry Blythe ("Blythe") will testify from February 20 – 21, 2012.

Blythe was the acting Chief Constable for the VPD beginning in June 1999 and became permanent in that role in December 1999. Blythe was aware of the missing women issue as early as March 1997, when he was informed that VPD Constable Dave Dickson had assisted the Provincial Unsolved Homicide Unit in researching a list of over 70 missing and murdered Aboriginal women. He was provided with information and updates on the case throughout its course.

On February 23 the Commission will hear evidence from RCMP Superintendent Ric Hall ("Hall"). Hall was the officer in charge of the RCMP's Coquitlam Detachment. He was not intimately involved with the investigation into Pickton as a suspect or Project Evenhanded.

It is anticipated that Don Adam will resume his testimony on February 24, 2012.

Please feel free to contact me if you would like to offer any comments, suggestions or insight.

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