



Overview of Weekly Proceedings for the Missing Women Commission of Inquiry

By Robyn dean Gervais, Independent Counsel for Aboriginal Interests, Missing Women's 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 January 16 to January 20, 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. PROCEDURAL CHANGES AND ADDITIONAL COUNSEL

The Commission has begun sitting additional hours, with proceedings now beginning on some days at 9:00 a.m. and finishing at 4:00 p.m. We have also begun sitting on Fridays when necessary. I understand that the Commission schedule will continue to be fluid for the foreseeable future in order to allow for a flexible process for each witness.

On January 16, 2012, a number of new lawyers appeared as counsel for various Vancouver Police Department ("VPD") and Royal Canadian Mounted Police ("RCMP") officers. The lawyers acting for the newly-represented individuals are as follows:

1. Rick Peck is acting for Deputy Commissioner Gary Bass (RCMP);
2. David Butcher is acting for Staff Sergeant Brock Giles (VPD);
3. Rick Henderson is acting for former Deputy Chief Constable Gary Greer (VPD);
4. Ravi Hira, Q.C. is acting for Inspector Earl Moulton (RCMP);
5. Edward Greenspan, Q.C. is acting for former Chief Constable Terry Blythe and former Deputy Chief Constable John Unger (VPD);
6. Greg DelBigio, Q.C. is acting for former Deputy Chief Brian McGuinness (VPD);
7. Janet Winteringham, Q.C. is acting for former Inspector Don Adam (RCMP).

On January 20, 2012, on behalf of the newly-arrived lawyers, Mr. Peck requested additional time to prepare for their cross-examinations of Deputy Chief Constable Jennifer Evans ("Evans") of the Peel Regional Police. Commissioner Oppal remarked that the slow speed of the inquiry threatened to erode public confidence in the fairness of these proceedings, but obliged Mr. Peck's request. As a consequence, Ms. Evans will return to face further cross-examination.

CROSS EXAMINATION OF DEPUTY CHIEF CONSTABLE EVANS

Bryan Baynham, Q.C., who is assisting me in my role as independent counsel for Aboriginal interests, conducted the cross-examination of Deputy Chief Constable Evans.

Out the outset of his cross-examination of Evans, Mr. Baynham informed the Commission that he wanted to establish two principal points: 1) that little was done in the way of thorough investigational work, and that police contact with the missing women's Aboriginal communities was insufficient; and 2) that neither the RCMP nor the VPD responded in a quick or coordinated fashion to reports of women who had gone missing. He used the examples of three of the missing Aboriginal women, Tanya Marlo Holyk, Olivia Gayle William and Brenda Ann Wolfe, to illustrate his points.

Ms. Evans agreed with Mr. Baynham that, where a missing person is of Aboriginal ancestry, it would be appropriate for the police to canvass that person's extended family & friends, as well as members & leaders of their Aboriginal community. She agreed that band councils, matrilineal family networks, urban Aboriginal support organizations (including front door societies, social workers & First Nations political organizations) are all valuable sources of information that can and should be canvassed by police. Evans also agreed that it was vitally important for the police to communicate regularly with the Aboriginal community in order to keep them apprised of updates in the investigation. Mr. Baynham suggested to Evans that it is common in Aboriginal cultures for people to maintain close relationships with family members beyond their nuclear family, and that police should keep this in mind when evaluating who in the community would be able to provide information about the missing person.

Regarding the need for a quick and coordinated police response to missing person reports, Evans agreed that quick action is required because the best chance for obtaining helpful information generally occurs in the immediate hours and days after someone disappears. She also agreed that because possible explanations for any given disappearance range from the innocent to serial murder, police ought to treat all missing person incidents as "worst case scenarios" until they are proven otherwise. As well, she agreed that police ought to be able to receive and respond to missing person reports twenty-four hours a day, that whoever is responsible for receiving and dispatching such reports ought to have appropriate training & experience, and that once it is determined that a case is sufficiently serious, senior management must be alerted as soon as possible in order to guarantee that appropriate resources are devoted to locating the missing person. Evans agreed that the VPD and RCMP placed insufficient emphasis on the proper intake and distribution of missing person reports, and that jurisdictional confusion between the two forces sometimes resulted in inappropriate delays before action was taken.

Mr. Baynham questioned Evans about a memorandum written on March 12, 1997 by VPD Constable Dave Dickson ("Dickson"), in which Dickson reported on a group of 71 missing women that he had recently investigated. Of the women on Dickson's list, seven were victims of unsolved homicides and two had simply disappeared. However, Dickson wrote that he had "accounted for all but one", and Baynham suggested to Evans that this was not an accurate representation of his findings. Evans partially agreed, but added that she thought that the Provincial Unsolved Homicide Unit ("PUHU") was looking into the nine unsolved murders and disappearances. She also countered the suggestion that this was the VPD & RCMP's first indication that a serial killer was at work, since she could not perceive any linkage between the nine unsolved cases.

Evans confirmed for the Commission that there were numerous complaints about the difficulty of filing missing person reports with the VPD. A great many of these complaints cited rude and dismissive treatment by a civilian clerk named Sandy Cameron who worked in the Missing Persons Unit. Evans agreed that VPD Inspector Fred Biddlecombe ("Biddlecombe") had been made aware of the problem in a memo dated January 9, 1998, in which the author informed him that reporters were often told that they couldn't file a

missing person report if they were not related to the missing person, or if less than twenty-four hours had elapsed since their disappearance. The memo also noted that reporters were often dismissed with the excuse that “just because you haven’t heard from someone doesn’t mean that they’re missing”.

Mr. Baynham also led Evans through the stories of three of the missing women: Tanya Marlo Holyk, Olivia Gayle William, and Brenda Ann Wolfe.

Tanya Marlo Holyk (“Holyk”) was an Aboriginal woman, who spent her teenage years with her mother, Dorothy Purcell (“Purcell”), in Vancouver. She was first reported missing by Purcell on Nov. 3, 1996, to Sandy Cameron in the Missing Persons Unit. However, Cameron cancelled this report on Nov. 29, 1996 after receiving unconfirmed second-hand information that Holyk was alive and well. Purcell was repeatedly subjected to verbal abuse by Cameron, and finally gave up trying to get Cameron to take Holyk’s disappearance seriously and filed a second missing person report with the Native Liaison Unit on January 23, 1997. Holyk’s DNA was eventually discovered on Robert Pickton’s (“Pickton”) farm, although charges against him for her murder were stayed.

Evans was not sure why Holyk’s name did not appear on Constable Dickson’s list of seventy-one missing women, even though both reports of her disappearance were received by the VPD *before* Dickson was assigned to conduct his review. However she did agree that it was entirely inappropriate for Cameron to cancel the initial missing person report without corroborating that Holyk was alive, and that her treatment of Purcell and was inexcusable. She further agreed that the VPD ought to have investigated Holyk’s then-current boyfriend, as well the father of her child, since both men had possible motives to harm her. The boyfriend was never interviewed in relation to her disappearance, and the father of her child was not interviewed until more than a year and half had passed since she was first reported missing. Evans confirmed that this too was unacceptable.

Olivia Gayle William (“William”) was an Aboriginal woman who was originally from Burns Lake, B.C.. She went missing from the Downtown East Side around December of 1996. She gave birth to a child in Vancouver a short time before she went missing. Her disappearance was reported by a social worker to Smithers RCMP on March 27, 1997. It was determined that her mail (including welfare cheques) had not been picked up for three months, and on May 26, 1997, the VPD was first contacted and asked to look for Williams and to update Smithers RCMP. Also on May 26, 1997, William’s father contacted the RCMP seeking information about his daughter’s disappearance, and they received a similar request from Chief Emma Palmatier on June 3, 1997. On June 16, 1997, Smithers RCMP finally forwarded their files to the VPD – three weeks after requesting that the VPD assume carriage of the investigation. The VPD themselves did not formally open an investigation into William’s disappearance until July 4, 1997 – nearly *three months* after she was initially reported missing. William has never been found and her fate remains unknown.

Evans agreed that police ought to take seriously missing person reports filed by social workers, since oftentimes people on social assistance are already at higher risk of suffering violence. Evans also agreed that it took far too long for the VPD to assume responsibility for the file, and that the intervening period of confusion over which agency should investigate was unacceptable. She said that Smithers RCMP ought to have forwarded the initial missing person report to the VPD immediately upon receiving it. Finally, she agreed that there were avenues of investigation that were not pursued by either the VPD or the RCMP, such as contacting the hospital where William gave birth, and visiting her last known address.

Brenda Ann Wolfe (“Wolfe”) was originally from Saskatchewan and was last heard from on February 17, 1999. She was reported missing to the VPD on April 25, 2000. Wolfe worked as a bouncer in a Downtown East Side bar, and she was also involved in the sex trade. She was well-liked by her fellow sex trade workers because she would frequently provide protection for them. Elaine Allen, who worked at Women’s

Information and Safe House (“WISH”), remembered her as a very warm-hearted and caring individual. Wolfe’s file was forwarded to the Missing Women Review Team on June 21, 2000, and the RCMP/VPD joint task force (“Project Evenhanded”) did not take ownership of her file until November of 2001 – more than two years after she was last seen alive. Wolfe’s tragic fate became clear when her jawbone was discovered in a pig trough on the Pickton farm.

Evans agreed that very little investigative work was done to find her, and that because Wolfe was so well-known in the Downtown East Side community, there was a great deal that police could have learned about her had they bothered to try. However, they did not contact Wolfe’s family or community in Saskatchewan, her doctor, nor her social worker, and it took police nearly one year from the time she was reported to visit her last known address. Evans also agreed that there was little evidence that the Missing Women Review Team did any meaningful follow-up work upon receipt of her file, since the team was winding down its operations at the time.

To conclude her cross-examination by Mr. Baynham, Evans agreed that the missing women investigation was plagued throughout by barriers to reporting missing persons. She agreed that a provincial “clearing house” for missing person reports might create better consistency in terms of the initiation of such reports, as well as to facilitate their immediate dispatch to the appropriate police force. Finally, she testified that police should not wait for a public outcry before commencing investigation. She told the Commission that all missing person reports should be given immediate priority regardless of what neighbourhood they happened to disappear from.

B. THIS WEEK: VPD AND RCMP MEMBERS

Proceedings will re-commence on Tuesday, January 24, 2012 at 10:00 am with the testimony of Dr. Kim Rossmo, who formerly worked for the VPD as a geographic profiler. Following Dr. Rossmo’s testimony, we will hear evidence from VPD Detective Constable Lori Shener, who provided much of the groundwork on the missing women investigation. She will be followed on the stand by retired Staff Sergeant Mike Connor, the Coquitlam RCMP officer who investigated Robert Pickton from 1998 to late 1999, before he was promoted and transferred out of that investigation. After Connor, the Commission will hear testimony from retired RCMP Inspector Don Adam who, in November 2000, was assigned to conduct a review of the missing person investigation known as Project Evenhanded. We do not yet know who will testify following Inspector Adam.

I will continue to provide daily updates of witness testimony on my Twitter page @RobynGervaismwi. Readers are welcome to follow me on Twitter.

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

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