



## KIM ROSSMO

### Sterling Prize in Controversy 2005

SIMON FRASER UNIVERSITY

#### Loyalty to the Truth

Mario Stefani, a Venetian poet, is quoted in John Berendt's new book, *The City of Falling Angels*, as saying "Telling the truth is the most anticonformist act I know." However, a friend of mine once remarked that he did not find pursuit of the truth "controversial" – just uncommon.

What is truth? There are both objective and subjective "truths." In Akira Kurosawa's film, *Rashomon* (1950), the details of a brutal crime are recounted differently by the killer, the victim, his wife and a witness. Each of these individuals distorts the objective truth into a subjective truth, for reasons of personal interest.

So first let us distinguish truth from belief. What we believe is our "truth." What we "know" determines our beliefs. There are people who believe in Bigfoot, in a flat earth, in weapons of mass destruction in Iraq, and in intelligent design. There are others who do not believe in these phenomena. Therefore, they have different subjective "truths" (though arguably there is an ultimate objective truth in most cases).

Sources of knowledge include deduction, induction, authority, faith and intuition. Sources of deceit (or "untruths") include lying, aggrandizing, minimizing, omission (Mark Twain's "silent lie"), distraction (as we see in United States politics right now), and bias.

If we all believed in the same thing, there would be only one "truth," and there would be no controversy. Of course, this is rarely the situation.

In a perfect world, there would be a direct and unbiased relationship between the accumulation of evidence and our realization something is true. As evidence accumulates, our certainty should increase. But objective certainty and personal realization do not always track well because of personal biases. If the outcome is neutral, the relationship may be one-to-one. If the realization is undesirable, it may take more evidence (a higher level of certainty) to convince us that something is true. The greater the undesirability of the realization, the greater this distortion may be. Conversely, we may believe in desirable outcomes sooner than is justified by the evidence.

I want to go off on a tangent to make a point here. One of the things I am proud of is that geographic profiling is now being used in other disciplines. While it is common for criminology to borrow from the more senior sciences of chemistry, physics or biology, it is uncommon for them to borrow from criminology. We have worked with biologists from the University of London to study bat, bee and mosquito movements. With zoologists from South Africa we have examined predation patterns of Great White sharks off Cape Town. I recently saw a slide of a shark leaping into the air. People don't believe sharks can do that. Yes, they can. In this slide, the one-tonne shark was completely in the air, pirouetting around, tail up, head down, with a Cape Fur seal firmly in its jaws. Very impressive, very interesting, and very scary.

Now, because I was working on this project, I decided to watch Steven Spielberg's film, *Jaws* (1975). In the movie, the Mayor of Amity Island refuses to believe there is a shark problem and refuses to close the beaches. He is worried about the loss of summer business, especially over the Fourth of July weekend. It takes four deaths before he realizes the true nature of the situation. He explains the first three deaths as "boating accidents," or attributes them to a shark already caught, even though physical evidence shows the deaths were not accidents, and the caught shark had too small of a bite radius. The last attack occurs while the mayor's own children are playing on the beach. He lied to himself. He really believed there was no shark problem because he let his personal bias distort the relationship between evidence and "truth."

How do we discover the truth? We need objective scientific and logical tests, and comprehensive knowledge bases.

In 1969, 16-year-old David Milgaard was arrested for the murder of Gail Miller and spent 23 years in prison. Professor Neil Boyd and I conducted an independent assessment of the case. Amongst other things, we read the trial transcript, reviewed the evidence, visited the murder scene, interviewed witnesses and did a geographic/temporal analysis. This last was accomplished with a video camera and timer. We determined that some witnesses could not have been in the right place at the right time for Milgaard to have had an opportunity to commit the crime. It wasn't proof of innocence, but it did raise some serious doubts.

A homicide detective from the Vancouver Police Department (VPD) asked me what I was doing having any involvement with the Milgaard case. I said there were lots of reasons to question his guilt. He told me, "We don't do that sort of thing." I looked at him and replied that we had a fundamental difference of opinion regarding what it meant to be a police officer. Our job is justice and the protection of the public. Furthermore, if Milgaard didn't kill Gail Miller, then the real killer was still out there. In this case, that killer was Larry Fisher.

I have been following the Commission of Inquiry into the Wrongful Conviction of David Milgaard. A former Saskatoon police inspector testified he wanted to follow up on information that might have helped exonerate Milgaard. A former detective said he did his part to inform superiors about weaknesses in the case. The Crown prosecutor who handled the original murder trial confessed he had questions about the case.

I find such testimony difficult to swallow. We spoke to some of these people. They were not interested in re-examining the evidence or in establishing what really happened (the truth). They wanted the Milgaard matter to go away. But now, in hindsight, suddenly everyone had doubts.

We are not seeing a lot of loyalty to the truth here. But I suspect many of these people believe they are being factual because they have reconstructed the past.

This reminds me of a scene from Robert Bolt's film, *A Man for All Seasons* (1960), in which Sir Thomas More chastises, "You see, we speak of being anchored to our principles. But if the weather turns nasty you up with an anchor and let it down where there's less wind, and the fishing's better. And 'Look,' we say, 'look, I'm anchored! To my principles!'"

Let us now turn to the Vancouver Downtown Eastside Missing Women case, also known as the Pickton Pig Farm serial murders. The killer of these women is what is known as a stealth predator. Stealth predators commit their murders in such a fashion that authorities are not aware that a crime has occurred. They often target marginal victims, such as prostitutes, runaways, the homeless and the elderly. The only indications police may have are missing person reports. Many are custodial killers — nurses, orderlies or doctors — who camouflage their murders as natural cause deaths.

Examples of stealth killers include:

Dr. H. H. Holmes, who murdered young women visiting the 1893 World's Fair in Chicago;

Fred and Rosemary West, who sexually assaulted runaway young girls in England and buried them in their backyard;

Donald Harvey, a hospital orderly who thought of himself as "The Angel of Death;"

Jeffrey Dahmer, who picked up young men from Milwaukee's gay clubs and dismembered their bodies in his apartment;

Dorothea Puente, who drugged old-age pensioners before burying them under her lawn;

Juan Corona, who killed indigent Mexican field workers and buried them on his ranch in California;

John Wayne Gacy who picked up young boys in Chicago and buried them in his basement after strangling them; and

Dr. Harold Shipman, whose elderly female patients' deaths appeared to be from natural causes.

Stealth predators are very dangerous because they are difficult to detect and their crimes challenging to investigate. Their victim counts can be very high. The police do not have the classic signs of a murder because there is no crime scene. But just because a case is difficult, does not mean it is impossible. It does mean, however, that a different approach may be required.

Community groups in the Downtown Eastside were the first to notice the pattern of missing women. These groups brought the problem to the attention of VPD's patrol officers, and the patrol inspector for that area asked for my assistance. At this time there were 28 identified missing women from Vancouver's rough Skid Row area, all sex trade workers, many of them drug addicted. I had worked in the Skid Row area twice, for a total of eight years, and I know the area well. A common method of finding someone is to follow his or her welfare cheque. If a person on welfare moves to another city, one of the first things they do is go to the nearest welfare office and change their address so they can keep receiving their cheques. This was not happening with the missing women. They had fallen off the face of the map. This suggested foul play.

Unfortunately, the management of VPD's Major Crime Section did not believe — in fact, did not want to believe — a serial killer was operating in the Downtown Eastside. The inspector assigned a junior detective from Missing Persons to find the missing women. The tool you select to solve a problem says much about how you define the problem. The detective found a few of the women, but she also discovered many more missing person cases.

We know a lot more about serial murderers now than we did 20 years ago. One of the ways to identify the presence of a stealth killer is to apply spatial-temporal clustering techniques used by epidemiologists to detect disease outbreaks. For example, if there are too many reports of cholera, in too small an area, in too short a time period (a cluster), then an epidemic may be occurring. They then try to determine the vector (cause) of the disease outbreak. The same methods could be applied to the missing women situation. I am going to show you some graphs, numbers and statistics, but we should always remember we are talking about crime victims who are real people.

We collected data on unfound missing persons back to 1978, and found that we only had one, none, or, at the most two, such cases annually. This changed in 1995, when the numbers began to rise dramatically. Between 1995 and 1998 there was a large, and statistically significant, increase. There was a cluster – too many events, in too short a time period, in too small an area, for the missing women situation to be due to chance.

The Major Crime Section inspector explained this result by arguing that there had not been enough time for these missing persons to be found. Given another five years, the cluster will flatten out. He was almost successful in getting the investigation completely closed down at this point.

I argued we should verify that assumption by looking at the data. The deputy chief constable in charge of the Investigation Division agreed. The Major Crime Section inspector was wrong. When we looked at national-level data we found that most people are only missing for two days. After two months, nearly every missing person is found. I applied this missing person survival rate (i.e., how long missing persons stay missing) to the missing women data, and concluded that over the course of time we could expect to only find two more women. This still left far too many cases. The Major Crime Section management remained unconvinced. They also became personally antagonistic.

I proposed four critical analytic questions that any theory accounting for the problem of the missing women had to be able to answer:

Why was this happening now and not before?

Why was this happening in Vancouver and not in Edmonton, Regina, Winnipeg or other cities with Skid Rows?

Why had no bodies been found?

Why were only women, and not men, going missing?

Some of the theories put forward by the Major Crime Section were:

The women were only missing, and would eventually be found (this turned out not to be true).

The women were the victims of pimp murders (you do not kill 28 working women to make a point).

The women were the victims of drug murders (the drug trade involves more men than women, so why were there no missing men?).

The women had died as a result of drug overdoses (why were their bodies not found, and why were there no missing men?).

The women had died naturally, but hospitals were not keeping proper records (why had this not happened before, and why were there no missing men?).

The women were the victims of multiple “little” serial killers, but not of one big one (this is just bizarre, as well as incredibly unlikely).

As you can see, every one of these theories is inadequate in explaining the four critical analytic questions. The last retreat of the Major Crime Section was to argue there was nothing they could do because no bodies had been found. This is equivalent to a fire department saying they cannot respond because they only see smoke, not fire.

As we now know, the women were killed, and Willie Pickton has been charged with 27 counts of murder. He was arrested in February 2002, and the case is expected to go to trial in the fall of 2006. Police have collected 100,000 exhibits and something like 200,000 DNA samples. The cost of the investigation to date exceeds \$100 million. Interestingly, Pickton took pig remains from his farm in Port Coquitlam to the rendering plant on Vancouver’s harbour front, near to where the missing women worked the streets. In 2004, Health Canada issued a warning that human DNA may have contaminated some of the pig meat from Pickton’s farm.

I first heard of Willie Pickton as a major suspect in 1999. Apparently he had come to the attention of both the VPD and the RCMP in 1998. What is particularly sad is that there are now 11 DNA-confirmed victims who were killed after Pickton was on the police radar screen. These murders were very likely preventable.

The missing women were victimized three times. First of all, by whatever it was that forced them to turn to a street life. Then by their murderer. And finally, by how their disappearances were improperly investigated. This is not acceptable in the type of society we like to believe we live in.

No one wants a killer to go free. And no one wants a victim to be unavenged. I am positive these sentiments are true of the VPD Major Crime Section. However, would the same thing have happened if the women had disappeared from Kitsilano or Vancouver’s Westside. The answer is an emphatic no.

It is distressing the police have not learned the hard lessons already taught by the Clifford Olson, Paul Bernardo, Green River and Yorkshire Ripper cases. Neither the VPD nor the RCMP is blameless in this matter. Both agencies failed to deploy sufficient investigative resources in a timely manner. Underlying this is a political problem. Policing in the Lower Mainland is fractured and Balkanized. Unlike Toronto or Montreal or Calgary or Edmonton, the Greater Vancouver region has multiple police forces, some municipal, others RCMP detachments. Communication and cooperation were not as they should have been, and this case fell between the cracks, with terrible consequences.

It is important to stress that the VPD, like any large organization, is not monolithic. Other members of the department believed there was a serial murderer preying on the women of the Downtown Eastside. It is frustrating that we came close, but because one or two cogs within the command and control structure were not turning properly the largest serial murder case in Canada’s history was fumbled.

What now? Pickton's criminal trial will occur next year; its purpose is to establish criminal guilt or innocence. The VPD has done a comprehensive, no-punches-pulled, internal review of what happened — and did not happen — during this investigation. I must give them credit for engaging in such a difficult self-examination. There may also be an external review. Such reviews help identify systemic organizational problems. Two civil suits, which will try to place legal blame, have been filed against the VPD. There will be multiple books and documentaries, the better ones of which will provide a historic record of the case. And there has been some political discussion regarding the larger social issues, which could lead to policy changes that may help prevent future tragedies of this type.

At the end of the day, we need to figure out how we can make things better. One of the problems with civil suits or criminal trials is that they have a narrow focus, and can be a distraction from the larger issues. We can blame all we want, but if we do not see systemic changes in criminal investigations, policing operations and in how government handles marginalized groups in our society, then the Missing Women case will be an even greater disaster than it has been.

What went wrong? Let us consider this question from an analytical, and not a blame, perspective. Like an iceberg, much lies below the surface. The primary responsibility, of course, lies with the killer, the crimes, and what caused the murderous urges. The abusive backgrounds that drove some of the victims to drugs and the dangers of the street have a supporting role. Finally, social attitudes and government apathy, personified by insufficient resources and a poor police investigation, also share blame.

How can we prevent criminal investigative failures like this? In a forthcoming article in the FBI Law Enforcement Bulletin, I discuss the need for open inquiries, the importance of avoiding premature conclusion and tunnel vision, the benefit of brain-storming and devil's advocates, the value of expert opinions and external reviews, and the lessons that can be learned from investigative debriefings and "autopsies." None of these initiatives are comfortable, but they can help improve the investigative process.

The British have an interesting system. If a murder remains unsolved after one year, the file goes to a detective from another police agency. This investigator looks for mistakes and omissions. The external review policy produces two benefits — a more thorough initial investigation, and an independent second opinion. This policy has contributed to a homicide clearance rate of over 90 per cent in the United Kingdom; by comparison, in 2003 British Columbia police only solved 62 per cent of all murders.

Loyalties often conflict, and loyalty to the truth can clash with loyalty to our organization. Complicating this conflict is the reality that organizational loyalty is multidimensional. Do we mean loyalty to our leaders, to our colleagues, to the community or the customer? Maybe, in the end, we just have to be loyal to ourselves.

I have met many brave police officers. But I have also seen officers who were street brave become organizational cowards. Fear of transfer or loss of promotion results in timid and sycophantic behaviour in some individuals. This avoidance of career risk is a result of the "tyranny of the bureaucracy." One of the fundamental problems in Canadian policing is its insularity. Because personnel can only enter a police organization at two levels — at the bottom, as a constable, or at the top, as a chief — officers are often too scared to tell the emperor he has no clothes. Darwin's theory of evolution, the survival of the fittest, applies to government bureaucracies. People will do whatever they believe is necessary to organizationally survive.

For the final word, let us return to *A Man for All Seasons*, and the warning of the Common Man: "It isn't difficult to keep alive friends — just don't make trouble — or if you must make trouble, make the sort of trouble that's expected...."