

Commission of Inquiry
Into the Wrongful
Conviction of David Milgaard
before
THE HONOURABLE MR. JUSTICE
EDWARD P. MacCALLUM

Transcript of Proceedings
and
Testimony before the Commission
sitting at the
Radisson Hotel at
Saskatoon, Saskatchewan

On Tuesday, August 30th, 2005

Volume 65

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

MR. HODSON: The next witness is

Mr. Stanley Gus Weir. I think he goes by Gus
Weir; is that right?

MR. WEIR: Well, no, my full name is
Stanley Henry Angus Weir.

MR. HODSON: Perfect.

STANLEY HENRY ANGUS WEIR, sworn:

BY MR. HODSON:

Q Good morning Mr. Weir, thank you for agreeing to
testify before this Commission. I should point
out that Mr. Weir is represented by counsel, Marv
Henderson, who is present in the hearing today.

If we can call up -- I
understand that you reside in Saskatoon; is that
correct?

A Yes.

Q And your age currently?

A 74.

Q And I understand that you were a member of the
Saskatoon City Police Service from 1960 until your
retirement in 1988; is that correct?

A That's correct.



1 Q If we could call up 325562 which is part of doc ID
2 325555 and, Mr. Weir, this is a document that
3 we've obtained from the Saskatoon Police Service
4 that sets out a summary of your years of service
09:03 5 and the positions you held with the police. Do
6 you see that?

7 A Yes.

8 Q And you would have started as a constable and when
9 you retired you were a patrol staff sergeant; is
09:03 10 that correct?

11 A Yes, that's right.

12 Q And the time period that we're most interested in
13 is 1969 to 1971 and it appears from this that on
14 July 1st, 1969 you went from being a first class
09:04 15 constable to a morality officer; is that correct?

16 A That's correct.

17 Q And what would a first class constable, what would
18 the general duties be of that?

19 A Well, they were varied. I was in traffic at one
09:04 20 time, I was court officer at one time and --

21 Q Would it be a uniformed position, sir?

22 A Yes, it was.

23 Q And then on July 1st, 1969 you became a morality
24 officer; is that correct?

09:04 25 A That's right.



1 Q So on the date of the Gail, of Gail Miller's
2 murder, which is January 31, 1969, you would have
3 been a first class constable; is that right?

4 A That is correct.

09:04 5 Q And then on July 1, 1969 you became a morality
6 officer and you held that position until,
7 according to this document, January 1 of 1972 when
8 you became a detective; is that correct?

9 A That's correct.

09:05 10 Q And I will be spending most of my time this
11 morning, Mr. Weir, talking about your involvement
12 while you were in morality. I understand, as far
13 as the Gail Miller murder investigation, would it
14 be fair to say that your involvement was minimal
09:05 15 or minor?

16 A I was court officer at his preliminary.

17 Q Okay. And were you involved in any significant
18 degree in the investigation do you recall?

19 A No.

09:05 20 Q And I understand that in February of 1970 you
21 became involved in the investigation of the rape
22 complaint of (V5)-- (V5)---; is that correct?

23 A I'm not sure of the dates.

24 Q I think the records show February 21, 1970, and
09:06 25 I'll show you those documents in a moment.



1 A Yeah.

2 Q And is that correct, that you were the officer in
3 charge of the (V5)--- rape investigation file?

4 A It was assigned to me.

09:06 5 Q Yes. If we could call up 325569 and go to page
6 571, please, and, Mr. Weir, this is an
7 organizational chart from the 1969 annual report
8 of the city police, Saskatoon City Police Service,
9 and I just want to ask you a few questions about
09:06 10 this, and again I want to focus on the time while
11 you were in morality, sir, so from July, '69
12 through until 1972 when you were in morality, and
13 the records seem to indicate that at the time
14 there were eight morality officers, being
09:07 15 Cressman, Lewis, Weir, Lindgren, Valila, Henschel,
16 Mann and Phillips. Does that sound about right?

17 A No, that's not correct. Cressman was there, Lewis
18 had been promoted to detective and I replaced him
19 in morality, and Lindgren was there, Valila was
09:07 20 there. Henschel and Mann and Phillips had all
21 been promoted out of there and they -- morality
22 sergeants aren't right. Ah, Fred Martin wasn't
23 there, Youth Sergeant Malanowich was there and I
24 think his designation was lieutenant.

09:08 25 Q I'm sorry, who was lieutenant?



1 A John Malanowich, and my supervisors at the time
2 that I was in morality were Craig, Parker and
3 Arndt, that was the morality sergeants. Inspector
4 Nordstrom was in charge and Malanowich was not
09:08 5 actually in the office, he was a lieutenant in
6 charge of youth.

7 Q Right. I believe the designation there is youth
8 sergeant, there's a Y there.

9 A Yeah.

09:09 10 Q Just back if I may on those names, some of these
11 may have been in positions prior to July 1, '69
12 when you joined?

13 A That's correct.

14 Q So from '69 to '72 your recollection is that
09:09 15 Craig, Parker and Arndt were the morality
16 sergeants?

17 A Yes, that's right.

18 Q And some of the officers as morality officers you
19 indicated got promoted, and would that be, to move
09:09 20 from morality officer to detective, would that be
21 considered a promotion?

22 A Yes.

23 Q And promotion in the sense of rank, pay or what do
24 you mean by that?

09:09 25 A Well, morality officers were -- the uniform



1 equivalent was corporal and which is one rank
2 below sergeant which is, was a uniform designation
3 of a detective.

4 Q So as far as seniority is concerned at the time,
09:10 5 sir, was there a distinction then between
6 detectives and morality officers by way of rank?

7 A Yes, there was.

8 Q And what did that, what did that mean at the time
9 back in '69, '70, to have a higher rank, if
09:10 10 anything?

11 A Ah, we, I suppose -- our plate was pretty full.
12 Major crime I guess was, such as murder and break
13 and enter and so on were investigated by
14 detectives. We were in charge of gaming, liquor,
09:10 15 bootleggers, rapes, people who were exposing
16 themselves and, you know, the so-called minor
17 crime I guess.

18 Q If we could just go back to the previous page,
19 please, 70, 325570, and turn it around, please, so
09:11 20 here I think, and again this is information from
21 the city police report -- if you could just expand
22 that area, please -- and I think you touched on
23 that, investigation of moral offences, Liquor Act,
24 gaming, youth section, is that a fair description
09:11 25 of the morality work or responsibility at the



1 time?

2 A Well, we didn't have that much to do with youth.
3 That was, come under the direction of Lieutenant
4 Malanowich and I think he had probably three or
09:12 5 four officers assigned to him.

6 Q Are you able to -- you talked about, I think you
7 said rapes and people exposing themselves. Are
8 you able to give us any breakdown of, if we say
9 categorize a group of offence as rape, sexual
09:12 10 assaults, indecent exposures on the one hand and
11 the rest of the work morality was doing on the
12 other hand, such as liquor, gaming, any type of
13 proportion, was it 50/50 or can you help us out on
14 what was the work load in morality at that time
09:12 15 broken down between sexual offences and everything
16 else?

17 A Well, it was difficult to categorize that. I
18 never really ever thought about it other than --
19 as far as we were concerned, I was probably
09:13 20 personally carrying upwards to 20 files and you
21 were usually working with a partner and he also
22 would have 20 files, so it would end up you would
23 be working on 40 files so to speak and, you know,
24 as far as the Liquor Act was concerned, special
09:13 25 occasion permits were a big thing at that time and



1 we were in charge of seeing that the special
2 occasion permits were in order and, you know --

3 Q So in -- I'm sorry, but back to the question of
4 some sense of the extent to which your duties were
09:14 5 devoted to investigating sexual offences versus
6 others. Are you able to give us, and I appreciate
7 that it's a difficult question, but are you able
8 to give us some sense of what time morality --
9 what time morality officers devoted to those?

09:14 10 A Well, not really because, like I said, our plate
11 was pretty full and so, you know, we spent what
12 time we could and the thing was that --

13 Q But would the liquor and gaming investigations
14 comprise a significant part of your work at the
09:15 15 time?

16 A Yes, they would.

17 Q Go to the next page, please.

18 A We were also in charge of bootleggers and so, you
19 know, it was, it was difficult to categorize.

09:16 20 Q If we can just go back to morality, again, and
21 we've talked about the chain of command, and
22 putting aside for the moment the individuals that
23 held the position of morality sergeant, I think
24 you said Arndt, Parker and Craig, did you, in
09:16 25 again '69 to '72, did you report to morality



1 sergeants then; they were your direct supervisors?

2 A Yup.

3 Q And just briefly, what role did they play in your
4 investigations, the files that you were
09:16 5 investigating?

6 A Well, they would review the reports that you left
7 on the files, and they would determine whether or
8 not it required further investigation or whether
9 it didn't.

09:17 10 Q And I believe you said earlier, and we've heard
11 other evidence, that files were generally assigned
12 to one or two individuals; is that correct?

13 A Yes.

14 Q And so, and we'll deal with the (V5)-- (V5)---
09:17 15 file a bit later, I think you said that file was
16 assigned to you?

17 A Yes.

18 Q And who would do the assigning?

19 A Well, I don't really know whether it was the
09:17 20 inspector or one of the sergeants, but I assume it
21 was the sergeants.

22 Q But someone higher up than morality officers --

23 A Oh yeah.

24 Q -- would make the decisions then?

09:17 25 A Yeah.



1 Q And what did it mean; what was your understanding
2 of your responsibility when you were assigned a
3 file?

4 A Well, you investigated it, and you followed all
09:17 5 leads.

6 Q And as an officer in charge, then, did you -- were
7 you the primary decision-maker on what should be
8 followed up and how and who should do it?

9 A Yes.

09:18 10 Q And so that -- and I think you mentioned morality
11 sergeants would review the file as well; is that
12 correct?

13 A That's correct.

14 Q Now you had mentioned earlier about having a
09:18 15 partner and then having, in effect, 40 files, I
16 think you said, instead of just the 20. Can you
17 explain how, what you meant by that, and how the
18 partners worked at the time?

19 A Well, as I recall, the evening of the (V5)--
09:18 20 (V5)--- rape I was working with Ivan Lindgren, and
21 so anyway we were assigned to the initial
22 investigation when her complaint came in, and so
23 subsequently the file was returned to me for
24 further investigation. So as far as, Ivan was
09:19 25 probably carrying 20 files and I was carrying 20



1 files at the time, and so we would split our
2 investigations. We were aware of one another's
3 files, and if something came up that, like a lead
4 in one of his files, that's the one we would work
09:19 5 on. And --

6 Q And did you generally work in pairs, then, when
7 you were out investigating?

8 A Yes.

9 Q And so you, if you and Mr. Lindgren were on a
09:19 10 shift together, you would be either working on his
11 files or your files; is that fair?

12 A That's correct.

13 Q And we'll look at the (V5)-- (V5)--- file
14 specifically, but in those reports we see a number
09:20 15 of other officers taking statements and doing some
16 other follow-up work; would you be the one who
17 would be delegating or seeking assistance from
18 those other -- in other words directing that work
19 to be done, or tell us how, how other officers
09:20 20 would be working on files that you had
21 responsibility for?

22 A Well, first of all, when I was off shift maybe
23 some information would come in and the other
24 officers who were working at the time would follow
09:20 25 it up and leave an investigation report on my



1 file.

2 Q So if someone -- some information came in on the
3 file, you were off shift, either a morality
4 sergeant or someone could ask a morality officer
09:21 5 to follow up and they would do work on your file
6 and leave a report; is that fair?

7 A That's correct.

8 Q Yeah. Can you tell us about your practices, and
9 the practices at the time, about preparing
09:21 10 investigation reports?

11 A Well they were -- some people typed their own
12 investigation reports, I didn't type so we left
13 them on Dictaphone, you would dictate a report on
14 a Dictaphone belt and you would then forward it to
09:21 15 central records for one of the typists to type the
16 report.

17 Q If we can just pause there for a moment, what was
18 the purpose of the investigation report, in your
19 view?

09:22 20 A Well it, the investigation report was actually
21 kind of a running commentary, I guess, on the
22 status of the investigation.

23 Q Okay. And so what would you include in an
24 investigation -- just generally, what information
09:22 25 would you include in a report?



1 A Well you would include such things as an interview
2 of the complainant and her take on what
3 transpired.

4 Q If you are investigating leads or eliminating
09:23 5 suspects, things of that nature, would those be
6 included in investigation reports?

7 A Yes, they would.

8 Q And who would be reading these? Who did you
9 understand would be -- who were you communicating
09:23 10 with when you prepared a report?

11 A Well, first of all, I guess you are communicating
12 with yourself in that it's a kind of a status of
13 the investigation and, you know, you would
14 probably include such things as when you
09:24 15 investigated a lead.

16 Q Okay.

17 A And --

18 Q Who read these reports, who would get copies, who
19 would see these reports; what was your
09:24 20 understanding of that?

21 A Well there was three copies; one, the master copy
22 was in central records; and the other, what you
23 called the working copy, which was in the hands of
24 the investigator; and there was a third copy,
09:24 25 apparently, and I don't know what the purpose of



1 that was.

2 Q And you say 'apparently'; do you know that there
3 was a third copy or --

4 A Yes, there was a third copy.

09:24 5 Q And where was it kept and what was its purpose?

6 A I don't know.

7 Q And how do you know there was a third copy?

8 A Well it was common knowledge that there was third
9 copies around.

09:25 10 Q We heard evidence from Mr. Wood, Jack Wood; you
11 remember Mr. Wood as being the superintendent at
12 the time?

13 A Yes.

14 Q That investigation reports would generally flow
09:25 15 through the chief's office, through Mr. Wood's
16 office, and then down through to the Inspector
17 Nordstrom or to Lieutenant Short in detectives or
18 Mr. Penkala, depending upon what division was
19 handling the matter. Do you recall that
09:25 20 happening; do you know whether your senior people
21 were reviewing these reports?

22 A Well, I don't think they reviewed all the reports,
23 major crime probably they would. Maybe that was
24 the purpose of a third copy, I don't know.

09:26 25 Q All right. And what role did Inspector Nordstrom



1 play? We've talked about the morality sergeants
2 and I think, when we looked at the chart, the
3 morality sergeants reported to Inspector
4 Nordstrom; is that correct?

09:26 5 A Umm, yes, theoretically.

6 Q Okay. You say 'theoretically'; what about in
7 practice?

8 A Well, originally Inspector Tradewell (ph) was in
9 charge of morality and he had one sergeant, hmm,
09:26 10 Louis Langford was morality sergeant, and then
11 when Nordstrom became morality inspector the chief
12 assigned three sergeants to help him.

13 Q Okay. And why was that; do you know?

14 A I have no idea.

09:27 15 Q What was your view of Mr. Nordstrom's involvement
16 in the morality division in '69 to '72 when you
17 were there?

18 A Umm, I don't know if I had a view. He was my
19 boss.

09:27 20 Q I appreciate that. Did you have concerns about
21 his abilities as inspector, or what he did at the
22 time?

23 A Yes.

24 Q And what were they?

09:27 25 A Well, I think that the fact that the chief



1 assigned three sergeants, he also had concerns
2 about his ability.

3 Q Were you aware that the chief had concerns or are
4 you surmising that?

09:28 5 A I'm surmising that.

6 Q And so you, you read into the fact that the chief
7 put three morality sergeants in to reflect on
8 Inspector Nordstrom's competence as an inspector,
9 is that what you are saying?

09:28 10 A Yes.

11 Q And did you have, again from 1969 to 1972 you were
12 in morality, what were the concerns that you had
13 with respect to Inspector Nordstrom's competence;
14 can you give us the specifics where you felt he
09:28 15 was lacking?

16 A Umm, well at one time he had asked me to
17 investigate a gambling concern in the basement of
18 a north-end service station, and I said there was
19 no basement in the place and he said, well, his
09:29 20 information was that there was a -- there was
21 gambling going on there. So I went to City Hall
22 and I got the blueprint for the original
23 construction of the business, which showed there
24 was no basement in the place, and he wouldn't
09:29 25 still believe me. So I don't know what to say.



1 Q Is it fair to say, Mr. Weir -- and please correct
2 me if I'm wrong -- that you and Inspector
3 Nordstrom did not get along too well while you
4 were there?

09:30 5 A No, we didn't.

6 Q Okay. And is it also fair to say, from what you
7 have said, that on occasion Inspector Nordstrom
8 would give you instructions on particular files?

9 A Yes.

09:30 10 Q And that happened from time to time?

11 A Yes.

12 Q And again, without getting specifics, is it fair
13 to say that you did not view Inspector Nordstrom
14 to be a good inspector at the time, is that fair,
09:30 15 you doubted his abilities or his competence, or
16 had concerns about it?

17 A Well, the man is dead, I mean I don't really want
18 to --

19 Q I appreciate that, sir.

09:31 20 A Umm --

21 Q And let me just -- I am looking for any
22 information that might assist this Commission in
23 looking at what may have happened in 1969, '70,
24 and '71, and we're dealing specifically with
09:31 25 morality files, so I'm talking about operational



1 things, not personal things.

2 A Well, I don't know what your question is.

3 Q I'm just -- and you may have answered it, I think
4 you said you could not point to any specifics, but
09:31 5 that you had concerns about his abilities as an
6 inspector; is that fair?

7 A Well I was glad when I got promoted out of
8 there, --

9 Q Okay.

09:31 10 A -- I'll put it that way.

11 Q If we could just get back to the documents for a
12 moment, what -- you talked about central records,
13 did the originals go to central records, was that
14 your understanding?

09:32 15 A Yes.

16 Q And so, if you took a handwritten statement, would
17 the original go to central records; is that --

18 A Yes.

19 Q And then a copy would be on -- you had a
09:32 20 working -- let's take a file that you were looking
21 after, you would have a working copy, is that
22 correct?

23 A Yes.

24 Q And what were the rules, if any, that related to
09:32 25 central records as to who could get files or who



1 could -- who could get access, at the time, to
2 central records?

3 A Well I guess anybody could. You weren't allowed
4 to take them, the original out of central records,
09:32 5 but you could view it.

6 Q Do you recall, and I appreciate this is a while
7 ago, do you remember if you had the ability to
8 photocopy those reports? We've heard some
9 evidence that photostatic copies existed back in
09:32 10 1969 and '70; do you remember whether you could go
11 and make a copy of the file?

12 A Yes.

13 Q You could do that?

14 A Yup.

09:33 15 Q And who could take the original out?

16 A Umm, I don't really know, I don't think the
17 original was ever supposed to leave central
18 records.

19 Q Yeah. Are you --

09:33 20 A You were supposed to make copies of them.

21 Q Did you ever, or are you aware of any occasions
22 where the central records file would be removed
23 for a specific purpose and then returned, or
24 something of that nature?

09:33 25 A No, I'm not aware of that.



1 Q And then can you tell us what was the general
2 practice, and again I'm talking about morality
3 1969 to '72, what would happen when a file was
4 concluded; what was the process?

09:33 5 A Well, umm, you would leave a concluding report on
6 the file and it would be reviewed by the -- well,
7 your superiors, and it would either be filed or
8 returned to you as --

9 Q Okay. Let's take a case where it's going to be
09:34 10 filed, let's say it's successfully concluded or
11 it's determined no further investigation so it's
12 going to be concluded, someone superior to you
13 would -- I'm sorry, you said you would make a
14 concluding report and someone senior, which would
09:34 15 either be a morality sergeant or the inspector, is
16 that fair, --

17 A Yeah.

18 Q -- would either accept -- would accept your record
19 and say 'yes, it should be concluded' or send it
09:34 20 back and say 'no, do something else'; is that
21 fair, is that correct?

22 A Yes.

23 Q In the case where they accepted and said 'yes,
24 we're going to conclude it', what was your
09:34 25 understanding of what would happen then?



1 A Well, it would be filed, and I don't really know
2 what the process was.

3 Q Let's talk about in your case; if you concluded a
4 file, what would happen to your working copy of
09:35 5 the file?

6 A Umm, you know, I don't really know, I don't
7 remember.

8 Q Okay. Would there be any need for you to keep it?

9 A No.

09:35 10 Q And I think we have heard evidence, or will hear
11 evidence from others, that -- suggesting that when
12 a file was concluded, that the working copies were
13 destroyed or removed, and other copies other than
14 the central records copy; are you familiar at all
09:35 15 with that?

16 A Well, I assume that's what happened, I don't
17 really know.

18 Q And I take it, sir, that as far as where you kept
19 your working files, would there be any need to
09:36 20 keep a working file of a file that's concluded?

21 A No.

22 Q And do you believe -- would it be also fair to say
23 that, somehow, that the working copy would either
24 be removed or delivered by you or somehow taken
09:36 25 out of your possession?



1 A Umm, yes, I -- yeah, that's fair to say.

2 Q Now in a case, you said in some cases the superior
3 would send back the file, and let me give you an
4 example where you -- you write a report saying,
09:36 5 you know, 'I think we should conclude this file,
6 we have no further leads', a senior officer could
7 get back to you and say 'no, I think you should
8 keep it open and continue to investigate'; is that
9 what you were telling us, something of that
09:36 10 nature?

11 A Yes.

12 Q And so then you would continue to, I take it, take
13 the direction and you would continue on; is that
14 fair?

09:37 15 A Umm, yes.

16 Q What would happen in cases, sir, where you would
17 conclude a file that had no further leads and it
18 was determined that, for various legitimate
19 reasons, that no further work could be done, the
09:36 20 suspect had not been caught, but a file was
21 concluded? Do you understand that scenario?

22 A Yes.

23 Q And so I take it then there would still be a copy
24 of that file in Central Records; is that fair, or
09:37 25 there should be?



1 A Yes.

2 Q And was there any process or system in place that
3 would -- I mean, did the police keep track of
4 unsolved files that had been concluded? Do you
09:37 5 know what I mean?

6 A I don't really know. If something came up, like,
7 more information came up on a file that you had
8 concluded, you would reopen the file.

9 Q So if something came up, you had the ability to go
09:37 10 back, find the file and retrieve a copy or
11 retrieve the file; is that --

12 A Yeah, right.

13 Q Okay. What about decisions to lay a charge,
14 criminal charge, back again when you were morality
09:37 15 officer, '69 to I think January 1 of '72, who made
16 the decision -- let's assume you've investigated a
17 file, you have a suspect and you believe a charge
18 should be laid. Who could make that decision and
19 how did it happen?

09:38 20 A The city prosecutor.

21 Q And that would have been Ben Wolff at that --

22 A Well, he was one of them. I don't recall who was
23 there.

24 Q When you say city prosecutor, would that be a
09:38 25 different position than the Attorney General's



1 agent at the time, which was Mr. Caldwell I
2 believe?

3 A Well, you would either take the file -- depending
4 on the seriousness of the file, if it was a bylaw
09:38 5 matter, you would take it to the city prosecutor
6 and if it was a criminal file you would probably
7 take it to Mr. Caldwell.

8 Q Okay. So a rape file would, you would think you
9 would have taken it to Mr. Caldwell?

09:39 10 A Yes.

11 Q And that would be before or -- just tell me the
12 sequence of who within the police, if anyone,
13 could make the decision to lay a charge for rape
14 at the time?

09:39 15 A Well, I think it would reside with the Attorney
16 General's representative.

17 Q Okay. So let's say you have -- could Inspector
18 Nordstrom or one of the morality sergeants make
19 the decision to swear an information and lay a
09:39 20 charge?

21 A Well, Sergeant Goa was the senior court officer
22 and he usually swore the informations.

23 Q Yes, but would he make the decision as to -- I'm
24 trying to get, Mr. Weir, who would make a decision
09:40 25 to lay a charge. Let's just take a step back.



1 You as an investigating officer find a suspect,
2 and let's talk about a rape charge, you have a
3 suspect and you believe that you have sufficient
4 evidence to lay a charge, you have identification,
09:40 5 etcetera, what is the process, do you go to your
6 senior officer or do you go to Elmer Goa, do you
7 go to Mr. Caldwell? What do you do to cause a
8 charge to be laid?

9 A Well, a lot of times we would take it directly to
09:40 10 one of the agents for the Attorney General. It
11 depended on the circumstances. If you were going
12 off shift, for instance, you would probably talk
13 it over with one of your senior officers and would
14 suggest that he take it to the Attorney General or
09:41 15 the Attorney General's rep and request a charge be
16 laid.

17 Q At the time, sir, did you have the authority to
18 actually go to Elmer, within the police
19 department, without going to either the city
09:41 20 prosecutor or the Attorney General, to cause a
21 charge to be laid for rape?

22 A No.

23 Q And was it your understanding then that someone
24 outside the police service had to be involved in a
09:41 25 decision to lay a charge for rape?



1 A I think that's fair, yeah.

2 Q And is that based on your recollection and
3 personal experience or can you tell us the basis
4 upon which you are saying that?

09:41 5 A Well, I think it was procedure.

6 Q Okay. And then once a charge was laid, what role
7 if any then did you play -- if it was your file
8 and a charge was laid for rape, what would happen
9 to the file once the charge was laid, to your
09:42 10 physical file, your working copy?

11 A It would probably go to the prosecutor.

12 Q Okay. And did you, if it was your file, did you
13 prepare a report or a summary for the prosecutor
14 or did you just -- I'm just talking generally.

09:42 15 A Well, in the old days we prepared our own
16 summaries, but --

17 Q I hate to ask it, but when were the old days,
18 prior to 1969 or after, and again, you were in
19 morality in July of '69. When you were in
09:43 20 morality, is that considered to be the old days?

21 A I think that's fair.

22 Q Okay. Carry on.

23 A Well, they had a case prep officer and cases later
24 on went to the case prep officer and he decided if
09:43 25 you needed more investigation or you needed



1 another statement or whatever.

2 Q Was that Elmer Ullrich do you recall?

3 A Well, he was a case prep officer at one time.

4 Q And in some cases, sir, did you just simply send
09:44 5 your file to the prosecutors without going through
6 the case prep do you know?

7 A Well, again, it depended on the circumstances. A
8 lot of times you would discuss it with the
9 prosecutor and he would advise you as to whether
09:44 10 or not there were missing --

11 Q And cases where a file had charges laid and gone
12 to the prosecutor then, I take it in some cases
13 you would hear further from the prosecutor if
14 either you were required to do further work or
09:44 15 appear in court; is that --

16 A That's correct.

17 Q And were there other cases where you might not
18 hear at all from the prosecutor after charges had
19 been laid?

09:44 20 A No, that's correct.

21 Q That's correct?

22 A Yeah.

23 Q And so what was your practice, Mr. Weir, at the
24 time about informing victims of offences about
09:45 25 either conclusion of a file or disposition of



1 offences?

2 A Well, that was kind of hit and miss.

3 Q Okay. And what do you mean by that?

09:45 4 A Well, sometimes they were informed, sometimes they
5 were not.

6 Q Okay. And was there a reason that they were
7 informed or not informed?

8 A Well, just as an instance, I think there was a
9 rape file that Larry Fisher was charged with and
09:45 10 the victim said that she never knew he was charged
11 and one of the reasons for that is that I think
12 that was Gordon Lewis' file and he was promoted
13 out of morality into detectives and his files,
14 while in morality, were never re-assigned to
09:46 15 anyone and so it was just left in limbo and --

16 Q And are you telling us that by recollection, sir,
17 or how do you know that?

18 A Ah, well, there were no follow-ups on the
19 investigation and there was no indication on the
09:46 20 file. I read that file and there were no
21 indication that anything happened to that file
22 after Lewis left morality.

23 Q Okay. When you say you read it, I believe it's
24 the (V2)----- file you are referring to?

09:47 25 A I don't recall.



1 Q That's the name of the person, one of the victims
2 of Mr. Fisher that he was convicted for in 1971
3 and the records indicate that Mr. Lewis was the
4 officer in charge of that file. I think you told
09:47 5 us you read the file. When did you read the file?

6 A It was on the documents that Mr. Henderson
7 supplied to me.

8 Q Okay. In connection with these proceedings?

9 A Yes.

09:47 10 Q Okay. We'll get to those documents a bit later.
11 I don't believe the (V2)----- file was found, I
12 believe there was one statement.

13 A Well, I don't know.

14 Q Okay. Maybe just go back. Let's just talk about,
09:48 15 again generally, if you have a rape file where you
16 have made the decision that you have enough
17 evidence to lay a charge, I think you said you
18 would go to a prosecutor and someone senior. At
19 that point, sir, was it your practice to inform
09:48 20 the victim that a charge was going to be laid?

21 A Yes.

22 Q And so it was your practice to inform the victim
23 or the complainant that we have a suspect, we're
24 going to lay a charge, and that was your practice?

09:48 25 A Yes.



1 Q And was it something that you followed all the
2 time or was it hit and miss as you described
3 before? Are you able to tell us?

4 A Well, I don't know where you are coming from here.
09:48 5 If you are referring to the Fisher file --

6 Q No, sir, I will go through the (V5)-- (V5)--- file
7 with you and go through the reports. I'm just
8 talking, sir, your general practices at the time.

9 A Well, I think the general practice was to inform
09:49 10 the victim.

11 Q And once a charge was laid, I think you told us it
12 would go to a prosecutor and you may or may not
13 hear further from the prosecutor depending upon
14 what happened; is that fair?

09:49 15 A That's correct.

16 Q And what would be situations where you might not
17 hear anything further on a file from the
18 prosecutor?

19 A Well, if it was complete.

09:49 20 Q If there was a guilty plea entered, for example,
21 what would happen, would you normally, again
22 general practice, would you expect to hear from
23 the prosecutor that a guilty plea had been entered
24 on the file that you had investigated?

09:49 25 A No, you would read the court documents or the



1 docket and, you know, you would read the court
2 docket to determine the outcome.

3 Q And so again at that point I take it that if you
4 read the court docket, you might learn that one of
09:50 5 the files you investigated, there had been a
6 guilty plea; is that fair?

7 A That's right.

8 Q And then would it be your practice to inform the
9 victim or complainant of the fact that the accused
09:50 10 entered a guilty plea and the matter had been
11 completed?

12 A That's right.

13 Q So that would be your practice?

14 A Yeah.

09:50 15 Q And did you have a system in place where you would
16 follow up your files in the court docket to make
17 sure you got them all or was it just based on
18 recollection when you read through the court
19 docket?

09:50 20 A Well, it was kind of based on recollection.

21 Q Are you able to, from your own personal
22 observation or recollection at the time, are you
23 able to tell us about what the practices were
24 amongst other morality officers at the time, and
09:51 25 I'm not asking you to speculate, but just whether



1 you know whether there was any other system in
2 place or what generally other morality officers
3 did as far as notifying victims?

4 A I don't really know.

09:51 5 Q Okay. Can we just turn, again, 1969 to the end of
6 '71 when you were in morality, what was the
7 relationship between morality and detectives as
8 far as working together on files, things of that
9 nature?

09:51 10 A It was good.

11 Q And were there occasions where, when you were in
12 morality, that you would assist a detective on a
13 file that was in detectives?

14 A Yes.

09:51 15 Q Were there occasions where a detective would
16 assist you on one of your morality files or a
17 morality file?

18 A Yes.

19 Q And what types of situations would those be, sir,
09:52 20 just generally?

21 A Well, for instance, the night of the (V5)--
22 (V5)--- file, Detective Sergeant Ray Mackie came
23 down and assisted Lindgren and myself, you know,
24 to investigate the thing.

09:52 25 Q And would that be unusual, for Detective Sergeant



1 Mackie from detective division to assist you on a
2 file?

3 A No.

4 Q That had happened before -- had it happened before
09:52 5 on other files?

6 A Well, I can't think of any specific instances, but
7 I don't see why not.

8 Q Okay. Now let's go to 1969 -- or pardon me,
9 February of 1970, you've been in morality for
09:53 10 about seven months, is that fair, when, at least
11 according to the record, when the (V5)-- (V5)---
12 rape occurred; is that fair?

13 A Yeah.

14 Q And I think you said you were a court officer
09:53 15 during the David Milgaard proceedings; is that
16 correct?

17 A That's right.

18 Q And so is it fair to conclude that you would have
19 had at least a general knowledge of the fact that
09:53 20 Mr. Milgaard had been charged and convicted of the
21 murder of Gail Miller?

22 A Yes.

23 Q And would you have any other knowledge, detailed
24 knowledge about the evidence or the circumstances
09:53 25 of the murder, things of that nature?



1 A No.

2 Q Now, if I could ask you to -- again let's go back
3 to February of 1970 at the time of the (V5)--
4 (V5)--- rape file. As I mentioned, you had been,
09:54 5 I think, in morality for seven months. Were you
6 aware at that time of earlier unsolved rapes in
7 Saskatoon?

8 A Yes.

9 Q And generally or specifically or can you help us
09:54 10 out?

11 A Well, I recall reading those files to see if there
12 was any correlation between my file and those
13 files.

14 Q Which files are you referring to when you say
09:54 15 those files?

16 A The unsolved rapes.

17 Q Okay. How many are you thinking of?

18 A I'm thinking of four specifically. There may have
19 been others. I don't recall.

09:55 20 Q Now, you are familiar, sir, today, with the fact
21 that Larry Fisher was convicted of the rape of
22 (V1)--- (V1)-, (V2) (V2)- (V2)----- that occurred
23 in October, November of 1968 and the indecent
24 assault on (V3)-- (V3)----- in November of 1968,
09:55 25 you are now aware of that today, sir?



1 A Yes, but I don't think he should have been charged
2 with rape.

3 Q Why is that?

4 A Because Larry Fisher was, in the (V5)-- (V5)---
09:55 5 file and the others that I read, he ejaculated
6 before he entered them.

7 Q Okay. You are saying it shouldn't have been rape,
8 I'm sorry, is that what --

9 A Well, that's right, it should have been indecent
09:56 10 assault. I mean, I don't know the present
11 workings of the *Criminal Code*, but at that time
12 maybe the charge was appropriate, I don't know.

13 Q So let me just clarify that. You are saying that
14 Mr. Fisher was the perpetrator of a crime on (V1)-
09:56 15 and (V2)-----, but you are saying you don't think
16 it should have been rape; is that --

17 A No.

18 Q It should have been some other crime?

19 A That's right.

09:56 20 Q Like indecent assault. So at the time in 1970
21 when you have the (V5)-- (V5)--- file, were you
22 aware of the unsolved files relating to (V1)---
23 (V1)-, (V2) (V2)- (V2)----- and (V3)-- (V3)-----?

24 A Yes.

09:56 25 Q And how were you aware of those?



1 A Because I had read them, you know. We were
2 searching for any answer and we were searching for
3 any similarities.

4 Q Do you have a recollection of drawing a similarity
09:57 5 between the (V5)-- (V5)--- file and those three
6 previous ones?

7 A No, I can't say that I did.

8 Q Now, one record indicates that at least one of
9 those files was concluded, the (V1)--- (V1)- file,
09:57 10 before you joined morality.

11 A Yes, I think that one was.

12 Q Do you remember where you got that file when you
13 read it?

14 A Well, I would assume that I got it from Central
09:57 15 Records.

16 Q And do you have a recollection, and let's just go
17 back to reviewing unsolved rape files, and I think
18 you said you would have reviewed, I thought you
19 said four. Was there a fourth one -- first of
09:58 20 all, were the four that you said, were those
21 (V1)-, (V2)-----, (V3)-----, were they three of
22 the four?

23 A I don't remember really specifically which files I
24 read, you know. That's a long time ago.

09:58 25 Q Well, let's just go back then to the (V1)-,



1 (V2)-----, (V3)----- . Do you have a recollection
2 today of having read those files as part of your
3 work on the (V5)-- (V5)--- investigation?

4 A Well, I read a file that was assigned to Gordon
09:58 5 Lewis who I replaced in morality and I indicated
6 before that this file wasn't really assigned to
7 anybody after Lewis left and I assume that that's
8 why she later stated that she had not been
9 informed that Fisher was charged.

09:59 10 Q When did you read this file of Lewis' that you
11 recall?

12 A Well, it was sometime after. Probably during the
13 summer of 1970.

14 Q So while you were working on the (V5)-- (V5)---
09:59 15 investigation?

16 A Yeah.

17 Q Okay. And you say it was one of Lewis' files, and
18 do you remember what the file was about or who the
19 complainant was?

09:59 20 A No, I don't really recall.

21 Q And do you know if it was a rape file?

22 A Yeah, it was rape or indecent assault, one or the
23 other.

24 Q And do you know if it was a file that was a
10:00 25 complainant that Larry Fisher subsequently pled



1 guilty to?

2 A I don't know.

3 Q Okay. So again back to my question about a
4 specific recollection of having read either of
10:00 5 those three files or any of those three files, are
6 you able to tell us whether you have a
7 recollection today of having read those three
8 specific files as distinct from rape files or
9 morality files?

10:00 10 A No.

11 Q Now, I take it at the time, Mr. Weir, there would
12 have been, when you were in morality, there would
13 be a number of other unsolved files; is that fair,
14 at any given time?

10:00 15 A Oh, yeah.

16 Q And in addition to the (V1)-, (V2)----- and
17 (V3)----- files, which we now know by the records
18 were unsolved at the time of the (V5)-- (V5)---
19 file, would there have been other unsolved rape
10:01 20 and/or indecent assault files?

21 A I don't really recall.

22 Q I'm wondering if we could bring up a document,
23 here, it's doc. ID 306437. And, Mr. Weir, this is
24 the 1969 annual report of the police department,
10:02 25 it's a document that was prepared sometime in



1 1970. There is a reference Mr. Commissioner, in
2 this, to the fact that Mr. Milgaard was convicted
3 of Gail Miller's murder, so presumably it was
4 drafted sometime after January 30th of 1970. If
10:02 5 you could go to page 306474, please. And, Mr.
6 Weir, this is a summary prepared by the city
7 police of offences, and if we could just call out
8 the -- actually, let's keep the -- that's fine.
9 So you will see what it does, it shows -- and I'm
10:02 10 focusing on Rape and Other Sexual Offences, Other
11 Sexual Offences would be indecent assault, is that
12 correct, that would be one that would fall in that
13 category?

14 A Umm, yeah.

10:03 15 Q And so I think what this shows under the first
16 column is Reported for 1969, 1968, so there would
17 be eight rapes reported in 1969, 14 in 1968, and
18 then 42 -- 42 Other Sexual Offences in '69 and 41
19 in '68, and there is a column Unfounded, and then
10:03 20 Actual I think simply subtracts the Unfounded, and
21 then over here it indicates how many charges were
22 laid in '68-'69 for the Rapes and Other Sexual
23 Offences, and then Otherwise Dealt With, I'm not
24 sure what that means. But if I look at that, and
10:03 25 according to these numbers, it would appear --



1 let's just take 1968, and we can go back, it looks
2 like in 1968 there was 14 rapes reported, 14
3 actual rapes, and five charges laid; do you see
4 that?

10:04 5 A Yes.

6 Q Which would suggest that there would be, for 19 --
7 for the period 1968, nine unsolved rapes, --

8 A Umm --

9 Q -- according to this document?

10:04 10 A There was -- well, you say 'unsolved rapes'?

11 Q I shouldn't say 'unsolved', let me rephrase that,
12 there was nine reported rapes for which charges
13 had not been laid or Otherwise Dealt With?

14 A Well, umm, that again is up to interpretation
10:04 15 because --

16 Q Tell you what, Mr. Weir, let me just go through
17 these other numbers and then what I want to ask
18 you is your recollection at the time and whether
19 you are able to elaborate what might be in this
10:04 20 report or dispute it; okay? So if we just go
21 through in '68, as far as Rapes it appears that
22 there's nine rapes from 1968 that charges weren't
23 laid, in 1969 there was nine reported -- or eight
24 reported, one Unfounded, so seven Actual, and five
10:05 25 Charged, so two reported rapes and one otherwise,



1 so it looks like one rape in '69 where there
2 wasn't a charge. If we go to Other Sexual
3 Offences in 1968 there appears to be 41, Actual,
4 14 Charged, five otherwise, and so about 22 Other
10:05 5 Sexual Offences for which charges weren't laid.
6 And then in 1969, again 42 Actual, 15 charges, 5
7 otherwise, so about 22 offences that charges
8 weren't laid. And I appreciate this isn't your
9 document, this is a report at the time. I would
10:05 10 like to get, Mr. Weir, your recollection of, again
11 when you joined morality and the 2 years that you
12 were in morality, 2 1/2 years, a sense as to
13 whether does that sound right as far as the number
14 of unsolved rape and sexual offence files?

10:06 15 A I really don't know, because by Charge and
16 Otherwise, I don't know what they mean by
17 'Otherwise'.

18 Q No. And I appreciate, sir, it's not your
19 document, I'm just -- my question is this. This
10:06 20 is an historical document that we've received that
21 indicates offences and charges. I want to know
22 what you recall generally while you were in
23 morality, as far as unsolved rapes and sexual
24 offences, were there none, were there lots; are
10:06 25 you able to tell us at all?



1 A Well you don't know, umm, I just don't recall.

2 Q All of the rape files that you investigated, are
3 -- do you recall whether you solved them all?

4 A No, I, --

10:07 5 Q Pardon me?

6 A -- as far as I recall I didn't solve any of them.

7 Q Okay. When I say 'solved', that were solved by
8 someone?

9 A Yes.

10:07 10 Q Okay. You are saying none of -- you didn't solve,
11 or you didn't end up with charges on any of them,
12 of your files, is that -- were they --

13 A Nope.

14 Q And how many rape files would you have
10:07 15 investigated while you were in morality?

16 A Umm, I think one, that I recall.

17 Q The (V5)-- (V5)---?

18 A Yeah.

19 Q Okay, is -- would that have been the only rape
10:07 20 file that you were assigned, that you had
21 responsibility for?

22 A As far as I recall, yes.

23 Q Now back at the time, again in February of 1970
24 when you were, I think you were called, you were
10:08 25 the, one of the first officers to go and see



1 (V5)-- (V5)---, is that correct, and then you
2 became the officer in charge of that file?

3 A Yes.

4 Q Do you recall looking at other files, other rape
10:08 5 files or indecent assault files at the time,
6 unsolved, to see whether or not the perpetrator of
7 the (V5)-- (V5)--- rape may have been someone who
8 committed an earlier offence?

9 A Yes.

10:08 10 Q And you recall looking at that?

11 A Yes.

12 Q Okay. And what do you recall?

13 A I couldn't really see any similarities.

14 Q Between other offences --

10:08 15 A Yeah.

16 Q -- that you looked at? And so were you looking
17 for a serial rapist, then, when you were
18 investigating on the (V5)-- (V5)--- file? Do you
19 know what a serial rapist is?

10:09 20 A Well, yeah, I -- I guess I know what a serial
21 rapist is. But the thing is there was all sorts
22 of theories flying around the police station, and
23 everybody had his own personal theory on -- some
24 of them were a serial rapist and --

10:09 25 Q Let me put it this way, a repeat offender, someone



1 who had committed rapes earlier; were you looking,
2 on the (V5)-- (V5)--- file were you looking for
3 someone who you thought had committed previous
4 rapes?

10:09 5 A Umm, that's a possibility.

6 Q And do you recall that at all or --

7 A Well I recall investigating, or going on with that
8 theory, but I didn't know specifically, at that
9 time, whether or not -- that that category fit.

10:10 10 Q If we could call up 261590, please. And, Mr.
11 Weir, this is a copy of the general occurrence
12 report dated February 21, 1970, Officers Weir and
13 Lindgren; do you see that?

14 A Yeah.

10:10 15 Q You are familiar with this type of report, this is
16 the occurrence report?

17 A Yeah.

18 Q Correct?

19 A Yeah.

10:10 20 Q And it's Division Assigned To, Morality. Now I
21 believe this is James G. Kettles, the chief's
22 signature, there; are you able -- and I believe
23 that's what it says. Are you able to tell us,
24 assuming that is his signature, do you know why
10:11 25 the chief would be -- have his signature on this



1 file or on this occurrence report?

2 A Well, it was a rubber stamp, and I don't know who
3 put it there.

4 Q This is a replica signature, is that what you are
10:11 5 saying, --

6 A Yes.

7 Q -- like a stamp? And do you know on what
8 occasions that stamp would appear on your reports
9 or --

10:11 10 A Umm, well, I -- I don't really recall.

11 Q Okay. If we could just go to the second page of
12 this report, please, and when we get to the end it
13 appears that you are the author of this report.
14 If you like I can show you the last page, but
10:11 15 we'll get there --

16 A No, that's fine.

17 Q Okay.

18 A Umm, I recall the report.

19 Q Okay. In this part of the report, if we could
10:11 20 just call that out, and earlier on in the report
21 it talks about taking (V5)-- (V5)--- to the
22 hospital and then here it talks about getting --
23 it says you received two glass tubes and Dr.
24 Kavanagh stated that these tubes contain a portion
10:12 25 of a solution which was injected into the vaginal



1 cavity of (V5)-- (V5)--- and then withdrawn, and
2 then number 2 was the blood. And I'm wondering if
3 you can tell us, was -- as to how this came about;
4 did you ask Dr. Kavanagh to do this?

10:12 5 A Yes.

6 Q Okay. And was that -- and what was the purpose of
7 this?

8 A Well the purpose was to ascertain whether or not
9 she had actually been raped or not.

10:12 10 Q And was that a standard procedure at the time,
11 then, to get a vaginal I think 'aspirate' is the
12 term, or to get -- to have a doctor check the
13 contents?

14 A Yes.

10:13 15 Q And then I believe there's later reports where it
16 would have been sent to the RCMP lab, do you
17 recall that, for analysis?

18 A I don't think it was ever sent.

19 Q Okay. I think there might be a report later, but
10:13 20 would someone have looked at that to determine
21 that she had been raped?

22 A Umm, yes, but it ended up that she wasn't raped.
23 She had had intercourse with her boyfriend, later
24 her husband, on the kitchen floor of the -- and so
10:13 25 it was his sperm.



1 Q And do you recall concluding that it was his
2 sperm, or may have been his sperm, or --

3 A Yes.

4 Q So your recollection is, then, that there was no
10:13 5 ejaculation, then, in connection with the
6 incident, or no -- no intercourse?

7 A No.

8 Q I'm sorry, you were agreeing with that? Put it
9 this way; tell me what you concluded at the time
10:14 10 as to whether or not there had been intercourse
11 between the assailant and (V5)-- (V5)---?

12 A Well, she said, or she said that he didn't enter
13 her --

14 Q Okay.

10:14 15 A -- vaginal area.

16 Q Yes. And did you reach a conclusion that -- you
17 talked about the boyfriend/subsequent husband of
18 her and some evidence there, and I'm trying to
19 understand whether you reached a conclusion at the
10:14 20 time, based on that physical evidence and (V5)--
21 (V5)---s' statement, as to whether or not the
22 assailant had intercourse with her?

23 A Well I reached the conclusion that he didn't have
24 intercourse with her.

10:14 25 Q Okay, yeah, that's what I was trying to get at.



1 If we can go to the next page, please. And again,
2 I don't propose to go to (V5)-- (V5)---s'
3 statement, but this report summarizes part of it
4 and there is a mention in here to (V5)-- (V5)---
10:15 5 saying that she observed the assailant in the bus
6 and, for some reason, paid particular attention to
7 his construction boots. And we'll see that later
8 on in the reports, that you are looking for people
9 who may have orange construction boots, do you
10:15 10 recall that as being a --

11 A Yes.

12 Q Go to the next page. I should pause there. In
13 going through this summary I don't believe there
14 is a reference in there to (V5)-- (V5)--- saying
10:15 15 she observed a knife, that the assailant had a
16 knife; do you recall that at all, as to whether or
17 not --

18 A Umm, no, I don't recall that she made reference to
19 a knife.

10:15 20 Q Okay. Do you have a recollection -- and the
21 documents obviously speak for themselves, I
22 believe the statement and -- or subsequent
23 statements suggest that there may have been a
24 knife but I'm not sure that she ever stated; do
10:16 25 you recall whether she ever stated that she saw a



1 knife?

2 A No, I don't recall.

3 Q And it looks here, again, that you brought her
4 down to the police station and then looked through
10:16 5 the ACME system from '53 to '45, 1945, with
6 negative results, and I presume those are dates of
7 birth of suspects, is that fair, or people of --
8 you would have a book of photos?

9 A Umm, that's right.

10:16 10 Q And would they be known sexual offenders, known
11 offenders, or how would you get into that book?

12 A No, it was a general view of people who were
13 charged with an offence during that, that period
14 of time.

10:16 15 Q And down at the bottom here, and again I don't
16 propose to go into detail, but it looks as though
17 at 2:00 in the morning you and Lindgren called at
18 the home of a fellow there who it says was
19 well-known to the department, and then on to the
10:17 20 next page. It looked as though that morning you
21 checked out a potential suspect and then
22 concluded:

23 "There was no evidence of any
24 construction boots in the house.";

10:17 25 do you recall that?



1 A Yes.

2 Q Was that -- did I summarize that correctly, you
3 had a person of interest nearby and you went and
4 checked him out?

10:17 5 A Yes.

6 Q If you can go to the next page, please. And this
7 is Lindgren's report of the same date, and I think
8 your report says he was with you, is that right?

9 A That's right.

10:17 10 Q And I don't propose to go through these in detail,
11 Mr. Weir, but we see examples, there, of going to
12 talk to the bus driver to see if you could get
13 anybody who might have seen the assailant on the
14 bus; do you remember that being one of the
10:18 15 investigative steps that you took?

16 A Yes.

17 Q And then as well in the reports we see, if we
18 could go to the 261597, and again it looks like
19 you did some door-to-door checks, people in the
10:18 20 vicinity; is that -- those are steps you would
21 have taken at the time?

22 A Yes.

23 Q Now when we see on this report at the top, if we
24 could just call that up, it says Further
10:18 25 Investigation and then Prosecution Entered, and I



1 see 'yes', we see that on a number of reports; who
2 would write that in and what does it mean?

3 A Well you would leave an investigation report, and
4 you would send it to your superior officer, and he
10:18 5 would view it and he would write the 'yes' in
6 there. I don't know who wrote that but --

7 Q That would be a senior person who reviewed this?

8 A Yup.

9 Q And would that be a message back to you, then, to
10:19 10 say 'keep investigating'?

11 A Well, probably, it was more for the record than
12 for the investigating officer. All that means is
13 that further investigation was required and we
14 probably knew that.

10:19 15 Q So that was my question. This, the significance
16 of this would be that further investigation is
17 required on this file, is that fair?

18 A Yeah.

19 Q Okay.

10:19 20 A Right.

21 Q If we could go to page ending 601, please. And,
22 again, this is a report of Henschel but it just
23 talks about footprints going to a house and a
24 person of interest there in the first paragraph.

10:20 25 And then if you could scroll down to that



1 paragraph, and I don't know that you were present
2 at this time, Mr. Weir, but they -- anyway they
3 took a photograph of this person of interest and
4 showed a group to (V5)-- (V5)--- at her home,
10:20 5 viewed them, and said none were the assailant. Do
6 you have a recollection of showing (V5)-- (V5)---
7 photographs -- and there is a further one later
8 with a fella by the name of Robert Hay which I
9 will be getting to -- but do you have a
10:20 10 recollection of showing photographs, from time to
11 time, to Ms. (V5)---?

12 A Umm, yes.

13 Q And did you recall if that happened on more than
14 one occasion?

10:20 15 A Well, I can't really say at this time, I think it
16 probably did but --

17 Q And then if we could go to 261693, please -- or,
18 sorry, 603. And this is Mr. Valila's report,
19 again of February 22nd, if we could just go to the
10:21 20 next page he concludes saying:

21 "Upon returning to the Police Station, I
22 advised M/Sgt. Arndt and Det./Sgt. R.
23 Mackie, regarding our investigation at
24 115 Ave. V So., and this matter was then
10:21 25 left up to them for further



1 investigation as they deemed fit."

2 And, again, I see the name Mackie; does that
3 surprise you that Mackie and Arndt would be
4 receiving a report on this file and deciding what
10:21 5 further investigation was necessary?

6 A No.

7 Q That had happened -- had that happened before,
8 that detectives --

9 A Well, Detective Sergeant Ray Mackie was in on the
10:21 10 initial investigation, so there was nothing
11 outstanding about that procedure.

12 Q And I think you said he was there, was he, on the
13 day -- the day of the incident --

14 A Yes.

10:22 15 Q -- with you? If you can go to the next page,
16 please. And this is a report of Mackie February
17 22nd, 1970, which is the same date of the report
18 of Valila, and he talks here about he and
19 Detective Karst going to check something out at
10:22 20 the King George Hotel. And again, as the officer
21 in charge of this file, was there anything unusual
22 about Detective Sergeant Mackie and Detective
23 Karst doing the work that's recorded in this
24 report?

10:22 25 A No, there's not, because I was probably off.



1 Q And is there a reason they would be doing it
2 rather than another morality officer?

3 A Umm, well again, who left this?

4 Q This is Mackie's report at the bottom, Detective
10:23 5 Sergeant Mackie.

6 A Well he was on my initial investigation and that,
7 you know, he -- there's nothing unusual about
8 that.

9 Q Okay.

10:23 10 COMMISSIONER MacCALLUM: Does that say 695
11 or 605?

12 MR. HODSON: 605.

13 COMMISSIONER MacCALLUM: 605?

14 MR. HODSON: Correct? Yeah, 261605.

10:23 15 BY MR. HODSON:

16 Q And then we see here there is a reference to
17 Albert Cadrain and, at that time, did the name
18 Albert Cadrain mean anything to you?

19 A Umm, --

10:23 20 Q Mr. Cadrain was a witness in the David Milgaard
21 proceedings.

22 A Hmm. Well, unfortunately, we canvassed the area
23 as far east as Avenue P and we should have
24 probably gone one more block --

10:24 25 Q Okay.



1 A -- and we'd have landed on Fisher.

2 Q Okay. And my question about Mr. Cadrain; do you
3 have a recollection of Mr. Cadrain being involved
4 in the investigation at the time?

10:24 5 A No.

6 Q Go, then, to page 261618 please.

7 COMMISSIONER MacCALLUM: And which
8 investigation are you asking him about, sorry?

9 MR. HODSON: This is still (V5)-- (V5)---,
10:25 10 this is all --

11 COMMISSIONER MacCALLUM: Okay, thank you.

12 BY MR. HODSON:

13 Q And, again, this is a February 25, 1970 report in
14 the (V5)-- (V5)--- investigation, and this is your
10:25 15 report, and again it talks about a suspect being
16 identified. And then if you could scroll down,
17 please, and then here it says:

18 "She was again shown the ACME system and
19 made no identification. It was
10:25 20 attempted to have her make a composite
21 picture without success."

22 And then:

23 "She was then shown a group of pictures
24 selected by myself ...",
10:25 25 which I think you're the author, and then a



1 number of names; do you have a recollection of
2 that, Mr. Weir?

3 A Yes.

4 Q And it would appear from this that you showed her
10:25 5 the ACME system again, asked her to make a
6 composite, and then you showed her some photos of
7 a number of people, and if you go to the next page
8 it talks about other pictures, and I think we've
9 heard other evidence that these numbers mean that
10:26 10 they would be on a police file somewhere?

11 A Umm, yes, that's an FBS number.

12 Q Right. And then if we could just scroll down a
13 bit, please, your report indicates she didn't
14 identify anybody. And then here, scroll a bit
10:26 15 further, it talks about a call from the hospital
16 about a fellow with a human bite on the right
17 thumb. In an earlier report there was a reference
18 to the fact that (V5)-- (V5)--- said she bit the
19 finger of her assailant; do you remember following
10:26 20 that up as a potential source of --

21 A Yes.

22 Q -- information? And I take it from the reports, I
23 don't want to go through them, but you put the
24 word out with the hospitals that, if anybody
10:26 25 reported an injured finger, to let the police know



1 as it may be the person who was bit; --

2 A Yes.

3 Q -- is that correct? And then, again, to 261627.

4 Again these are all, Mr. Commissioner, of the

10:27 5 (V5)-- (V5)--- file. And again, this is March the

6 8th, 6th or 8th of '70, your report, and again

7 talks about a suspect with a pair of orange

8 construction boots that you eliminated. Do you

9 recall generally looking for people, a person with

10:27 10 construction boots, being a person of interest; is

11 that correct?

12 A That's correct.

13 Q And then go to 261630, and this is a March 11th

14 report, so this is a couple weeks after the rape.

10:27 15 And this is your report, Mr. Weir, and it states

16 that:

17 "(V5)-- (V5)--- contacted the writer on

18 March ...",

19 6th or 8th:

10:28 20 "... /70, reporting that she had seen

21 the person as she identified as

22 assailant, at Asquith ... on Mar.

23 6/70.",

24 and then goes on to talk about the person's name

10:28 25 possibly being Bob or Rob Hays; do you recall



1 that being an avenue that you pursued?

2 A Yes.

3 Q And it looks here that Mrs. -- that Ms. (V5)---
4 contacted you; is that correct?

10:28 5 A Yes.

6 Q Would you have had a fair bit of contact with her,
7 then, in the course of this investigation?

8 A Yes.

9 Q Phone calls and visits; is that fair?

10:28 10 A Yes.

11 Q And then if we go to the next page, please. And
12 this just records, Mr. Weir, your -- there are
13 some steps you take here to try and identify this
14 fellow over the next couple of months and get a
15 photograph; do you remember following up on this
16 Robert Hays fellow to see if you could identify
17 who he was?

18 A Yes.

19 Q And then at some point I believe he was eliminated
10:29 20 as a suspect; is that correct?

21 A Yes.

22 Q And that was by Ms. (V5)--- confirming that he was
23 not the person, is that correct, or how did that
24 come about?

10:29 25 A Umm, well it came about by the fact that he was



1 not in Saskatoon on the date in question.

2 Q Okay. So then he was eliminated?

3 A That's right.

4 Q Okay. And then the next number of reports, if we
10:29 5 can go to the next page, we'll just see the dates;
6 April 10th again talks about Hays, and then the
7 next page, his April 22nd report, and I think
8 again your report looking for Mr. Hays, and then
9 the next page, April 29th, 1970, and again Mr.

10:29 10 Hays; so it appears that this -- these reports --
11 and I'm going sequentially with what's in the
12 file, Mr. Weir -- it looks as though -- and go to
13 the next page, May 10th, 1970. And, again, that
14 Mr. Hays; that appears to be who you are following
10:30 15 up with, is that correct?

16 A Umm, it would appear that way.

17 Q And then again the next page, June 3rd, 1970, and
18 then again it looks like Robert Hay. And at this
19 point you -- it says here:

10:30 20 "On May 29th/70 I called at the home of
21 (V5)-- (V5)--- where the pictures were
22 shown to her in the numerical order of
23 1 - 10. When Ms. (V5)--- looked at the
24 group, she never even hesitated but went
10:30 25 immediately to #6 at which time I



1 observed what in my opinion was some
2 genuine agitation on the part of the
3 complainant. Her immediate exclamation
4 was that was him. Followed by the fact
10:31 5 that she could not be exactly sure but
6 it sure looked like him."

7 And, again, I think this report indicates that
8 this was a photograph of Robert Hay. Do you
9 recall, again we've touched on a couple of
10:31 10 situations where you showed her photographs, do
11 you recall this incident?

12 A Ah, vaguely.

13 Q Again, it would appear that sometime after this
14 date, then, after she identified Mr. Hay as it's
10:30 15 indicated here, you would have eliminated him as a
16 suspect?

17 A Yes.

18 Q And then 261 -- actually, this is probably a good
19 spot to break, Mr. Commissioner.

10:30 20 COMMISSIONER MacCALLUM: Okay.

21 (Adjourned at 10:31 a.m.)

22 (Reconvened at 10:53 a.m.)

23 BY MR. HODSON:

24 Q If we can go back to doc ID 261590 which was the
10:53 25 collection of the (V5)-- (V5)--- file. That's all



1 one doc ID, Mr. Commissioner, and they are all,
2 they are consecutive, and go to page 261638, and I
3 think when we left off, Mr. Weir, we were in about
4 June of 1970. This is a report of June of, June
10:53 5 28th, 1970 on the (V5)-- (V5)--- file and it
6 appears here that you interviewed on June 28th an
7 individual who was in police custody at the time.
8 He had been arrested on the previous evening,
9 related a charge of rape which had similar
10:54 10 circumstances surrounding this occurrence. I
11 think you then questioned him and eliminated him
12 or he denied it. It would appear from this, sir,
13 that you would have followed up with someone who
14 was in custody with a similar rape that had
10:54 15 happened; is that -- do you recall that?

16 A Yeah.

17 Q Next is 261639 and again this is July 14th, 1970.
18 On July 12th you went to (V5)-- (V5)---s' house
19 where she was shown a group of pictures, including
10:54 20 the individual from the previous report. She
21 stated that the, whatever, assailant or the person
22 was definitely not among the photos, the assailant
23 was definitely not among the photos, and then you
24 pointed out this individual who had been in
10:55 25 custody on rape and she said it's definitely not



1 him. So it would appear again a situation where
2 you showed her some photographs; is that fair?

3 A Yeah.

4 Q Now, the next report on the file is 261640 and,
10:55 5 sir, this is a February 5, 1971 report, it has
6 your name on it at the bottom, I'll just read it,
7 it says:

8 "On Feb. 4/71 I returned the articles
9 seized from the complainant on the
10:55 10 evening of the occurrence. A signed
11 receipt was obtained for all of these
12 articles and is attached to this
13 occurrence.

14 This complainant has since been
10:55 15 married. Her married name now being
16 Wilkening. This couple now resides at
17 209 Vancouver Ave. South in a basement
18 suite.

19 The situation concerning this
10:56 20 occurrence and the alleged mental
21 condition of the accused was explained
22 to this girl and her parents. At the
23 present time these people appear to be
24 completely satisfied with the actions
10:56 25 taken re this occurrence. This therefor



1 is a concluding report."

2 And it has your name at the bottom. Do you see
3 that?

4 A Yeah.

10:56 5 Q And is this your report, sir?

6 A No.

7 Q And on what basis do you say that?

8 A Well, first of all, it doesn't include the name of
9 the person responsible, so why would I leave a
10:56 10 concluding report that doesn't include the name of
11 the perpetrator, and where would I find out -- I
12 don't recall leaving this report.

13 Q Okay.

14 A And I don't recall returning her clothes to her,
10:57 15 and where would I find out that he was mentally,
16 shall we say, challenged. No, I don't think I
17 left that report.

18 Q Okay.

19 A I tried to explain that to the RCMP who
10:57 20 interviewed me in 1992, but they kept claiming
21 that my name was on it and that I had just forgot
22 and I don't recall ever having left that report,
23 and I read a subsequent report where the RCMP had
24 interviewed (V5)-- (V5)--- and they claimed that
10:58 25 I'm the one who brought her possessions back to



1 her, her clothes, and they showed her the report
2 that I left, or allegedly left and I don't think I
3 left that report at all.

4 Q Okay. And you've had a chance, sir, and I think
10:58 5 I've gone through all of the other reports in the
6 (V5)-- (V5)--- file that bear your name, and do
7 you accept that those are all your reports?

8 A Yup.

9 Q And I'll come back to this a bit later. Is it
10:58 10 possible that you left this report and you don't
11 recall or are you telling us you didn't leave it?

12 A No, I'm telling you that I didn't leave it.

13 Q And do you have any explanation as to how your
14 name would end up being on the report?

10:59 15 A Not really.

16 Q Can you tell us what -- it says here "further
17 investigation" and I think when I showed you that
18 before it said "yes". This one, I'm not sure, can
19 you tell us what that says?

10:59 20 A It's filed.

21 Q And what is that, what's the significance of that?

22 A Well, that means the file is concluded.

23 COMMISSIONER MacCALLUM: Can you point to
24 that again? I'm sorry, I didn't see it.

25 BY MR. HODSON:



1 Q Right here. Putting aside for a moment that you
2 don't -- you say this isn't your report, this
3 would be a concluding report; is that fair?

4 A Well, I don't really know. The circumstances were
10:59 5 such that my file disappeared, the (V5)-- (V5)---
6 file, and I inquired about it and I was told
7 summarily by Inspector Nordstrom that it had been
8 taken care of and it was no longer my concern.

9 Q When was that?

11:00 10 A Well, that was sometime when he and Karst had
11 apparently gone to Winnipeg to interview Fisher
12 and I don't know specifically when that was.

13 Q But your recollection -- I'm sorry, you went and
14 asked Nordstrom about the (V5)--- file?

11:00 15 A Yeah, because it was gone.

16 Q And this was after you had heard from Mr. Karst
17 that he had gone to Winnipeg?

18 A No.

19 Q When was it that you went and looked for your
11:01 20 file?

21 A Well, I didn't believe Nordstrom and so I went and
22 made a copy of that file and I carried that file
23 until, well, sometime after when I was in
24 detectives.

11:01 25 Q Okay. So you went to detectives January of '72?



1 A Yeah.

2 Q What did Inspector Nordstrom tell you about the
3 (V5)-- (V5)--- file?

4 A He said it was taken care of and it was no longer
11:01 5 my concern.

6 Q Okay. And you chose not to believe him on that,
7 is that what you said?

8 A That's right.

9 Q And why was that?

11:01 10 A Because I didn't believe him on a lot of things he
11 said, and why wouldn't he tell me that he had been
12 to Winnipeg, you know, how was it taken care of.
13 I didn't understand it.

14 Q And how did you find out -- did you find out at
11:01 15 some point that he did go to Winnipeg?

16 A Yeah, I found out later in detectives in
17 conversation with Detective Karst that he and
18 Nordstrom had gone to Winnipeg and I was
19 flabbergasted, I couldn't understand why Nordstrom
11:02 20 would accompany Karst to -- I had no quarrel with
21 Karst going to Winnipeg, but I certainly had
22 quarrel with Nordstrom going to Winnipeg.

23 Q Why was that?

24 A Because he wasn't an investigator.

11:02 25 Q Was Mr. Karst an investigator?



1 A Yeah.

2 Q Did your concern with him going have anything to
3 do with who might get credit for solving the file
4 or getting the suspect?

11:02 5 A Well, I think that was his original intention, was
6 that he was going to appear as the big
7 investigator and -- Nordstrom that is, and it
8 backfired.

9 Q And how did it backfire?

11:03 10 A Well, I think it ended up Karst told me that
11 Nordstrom started out to interview Fisher and he
12 upset Fisher so bad that the Winnipeg police had
13 to take him out of the room and Karst ended up
14 taking his statements.

11:03 15 Q And Mr. Karst has testified, number 1, that he
16 doesn't recall having that discussion with you
17 and, number 2, he doesn't recall the incident, but
18 he has said that it would not be his practice --
19 or that it would not be likely that Nordstrom
11:03 20 would be the one taking this statement, it would
21 be Karst, and secondly, that he would never ask an
22 inspector to leave the room.

23 A Well, I don't know who asked the inspector to
24 leave the room, but I assume it was the Winnipeg
11:04 25 police.



1 Q And when you received this information from Mr.
2 Karst, when was that?

3 A I think it would be in 1974. I'm not sure. It
4 was the occasion of the conclusion of the Dora
11:04 5 Baker murder.

6 Q I'm sorry, the name, Dora Baker?

7 A Dora Baker murder, we were investigating that, and
8 whenever that was, that was the occasion.

9 Q And was Inspector Nordstrom still with the force
11:04 10 at that time?

11 A No.

12 Q He had retired?

13 A Yup.

14 Q And so again what if anything did you do after you
11:04 15 had this discussion with Mr. Karst then?

16 A I didn't really do anything other than I threw
17 away the copy of the file that I had.

18 Q And that would be your working copy?

19 A Yeah.

11:05 20 Q Had you still --

21 A Well, I made my -- my working copy had disappeared
22 and I had gone to CR and got the original file and
23 made a copy of it which I was carrying.

24 Q And when did you do that?

11:05 25 A When Nordstrom told me it was none of my business.



1 Q And when would that have been?

2 A That was -- well, I assume it was when Fisher was
3 captured in Winnipeg.

4 Q What caused you to go to Nordstrom to ask about
11:05 5 this file?

6 A Because my file disappeared, my working copy.

7 Q So let's try and go through this chronologically.
8 We went through the reports and there are, I think
9 the last report was July 14th, 1970, the February
11:06 10 5, 1971 concluding report. Now, we know from the
11 record that on October 22nd, 1970 that a statement
12 is given by Mr. Fisher and Mr. Karst as witness
13 and confessing to the (V5)--- and (V3)-----
14 offences, okay, and then do you have any
11:06 15 recollection, Mr. Weir, becoming aware that
16 someone was in Winnipeg apprehended for either the
17 (V5)--- matter or some other matter?

18 A No.

19 Q I thought you had just told me that Nordstrom told
11:06 20 you that and you didn't believe him?

21 A Well, he told me that it was, the file had been
22 taken care of and that it was no longer my
23 concern --

24 Q Okay. And I think what you said --

11:07 25 A -- is what he told me.



1 Q And this was prompted by the fact that your
2 working copy file was gone; is that right?

3 A Yeah, right.

4 Q And would this have been, in time frame, would
11:07 5 this -- we know October 22nd, 1970 was when Mr.
6 Fisher gave the statement confessing to the
7 (V5)--- rape. Would it have been in and around
8 that time, are you able to --

9 A What are you referring to?

11:07 10 Q When you had this -- when you learned that your
11 working file had gone missing, would it have
12 been --

13 A It was around that time.

14 Q So --

11:07 15 A I don't specifically recall. I may have been off
16 duty, you know, on days off or something, and when
17 I came back, you know, you have a file folder and
18 the (V5)--- file was missing, so I inquired about
19 it and that was the answer I got.

11:08 20 Q So sorry, let me just -- so would it be -- for
21 example, if you were called in, let's say
22 Mr. Lindgren has a file and he's on a day off and
23 something comes in and somebody wants to confess
24 to one of his files and you are asked to take a
11:08 25 statement, would you go and take his working copy



1 or what would you do, what file would you go and
2 get?

3 A I would take his working file.

4 Q So the fact that your working copy file was gone,
11:08 5 was that unusual?

6 A Well, there had to be a reason and I asked it.

7 Q And if someone was going to take a statement on
8 that file, would that be a logical reason?

9 A Yes.

11:08 10 Q So you noticed the file was missing and you went
11 to Inspector Nordstrom first?

12 A Yes.

13 Q And said my (V5)-- (V5)--- file is missing?

14 A Yup.

11:09 15 Q And his reply was -- can you recall to the best of
16 your recollection what it was that he said?

17 A The matter had been taken care of and it was no
18 longer my concern.

19 Q Okay. And so the fact that he is the inspector
11:09 20 and you are a morality officer, would you not take
21 direction from him?

22 A Well, yes.

23 Q And in this case, and I think you said this, you
24 chose not to; is that fair?

11:09 25 A Well, I didn't believe him.



1 Q And what did you think, that he made it up or
2 what, what was going through your mind at the
3 time?

4 A I didn't know what the deal was. Why wouldn't he
11:09 5 tell me that he had been to Winnipeg and that
6 Larry Fisher was responsible.

7 Q Okay. So then I think you said you then went to
8 Central Records and got another copy?

9 A Yeah.

11:10 10 Q And a photocopy?

11 A Yes.

12 Q And do you remember who you got it from or who was
13 there?

14 A Well, I don't recall the specific girl, but I
11:10 15 would ask for the file and they would bring it to
16 the counter, the Central Records counter and I
17 would ask them to make a copy of a file and that
18 was the procedure.

19 Q So then let's -- so then you've got a copy of the
11:10 20 file?

21 A Yup.

22 Q And what did you continue to investigate, or did
23 you continue to investigate?

24 A Well, I was waiting for something, some
11:10 25 information to come about who was responsible



1 and --

2 Q From who?

3 A Well, from anybody.

4 Q I'm sorry, I don't follow. Were you investigating
11:11 5 or were you waiting for someone within the police
6 to tell you that something had happened on the
7 file?

8 A Yeah, that's right.

9 Q The latter?

11:11 10 A Yeah.

11 Q So you were not investigating any further then?

12 A Not really. I carried the file as a matter of
13 interest.

14 Q Okay. What was your interest in carrying the
11:11 15 file?

16 A Well, I wanted to know what the conclusion was.

17 Q Did you ever go back and ask anybody?

18 A No, I didn't, because when you have 20 files and
19 one is allegedly concluded, it kind of goes on the
11:11 20 back burner.

21 Q So is it your evidence, sir, that as a result of
22 your discussion with Inspector Nordstrom, you
23 formed a belief that the file had been concluded
24 or had been dealt with?

11:12 25 A I didn't know.



1 Q Okay.

2 A Because nobody would offer me any information.

3 Q Okay. When you say nobody, other than Inspector
4 Nordstrom, who did you ask?

11:12 5 A Well, I don't think I asked anybody because why
6 wouldn't you go to the person who originally told
7 me it was no longer my concern.

8 Q Okay. Well, let me ask you the question you just
9 asked me and have you answer it.

11:12 10 A No.

11 Q Okay. So you didn't go back to Inspector
12 Nordstrom to find out what had happened?

13 A No, because he and I didn't see eye to eye to
14 start with.

11:12 15 Q Okay. So just so that -- I think you said it
16 would have been around the time of October, 1970
17 when your file is missing. At that point you make
18 a copy from Central Records; correct?

19 A Yup.

11:13 20 Q Do you recall seeing anything on that file when
21 you got a copy of a statement from Larry Fisher or
22 from someone confessing to the crime?

23 A No.

24 Q So you have your copy of the file. Did you take
11:13 25 any further steps yourself in investigating the



1 (V5)-- (V5)--- rape?

2 A No. It was originally, or it was theoretically
3 concluded.

4 Q Pardon me?

11:13 5 A It was theoretically concluded according to
6 Nordstrom.

7 Q So you were -- although you said you didn't
8 believe him, you were prepared to accept the fact
9 that someone else was dealing with it? I'm trying
11:13 10 to understand, sir, what you were thinking at the
11 time, and if you weren't going to take any further
12 steps on it, was that because you thought it had
13 been concluded or someone had been arrested or
14 identified or what?

11:14 15 A I didn't know.

16 Q So if you would have had a better relationship
17 with Nordstrom and respected his decision, would
18 you otherwise have simply carried on and let him
19 deal with that file, or let me rephrase it this
11:14 20 way, was the reason you went and got a copy of the
21 file and kept it for interest was because of what
22 you thought about Inspector Nordstrom at the time?

23 A I guess so.

24 Q And let me give you a name, a Morality Sergeant
11:14 25 Arndt, was he a fellow you reported to at the



1 time?

2 A Yes.

3 Q Did you respect his judgment and his competence?

4 A Yes.

11:14 5 Q If Mr. Arndt had told you the same thing Inspector
6 Nordstrom had told you about the file, would that
7 have been enough for you to close it in your mind
8 and move on to other things?

9 A I don't think he knew.

11:15 10 Q No, no, I appreciate that. I'm just trying to
11 identify, if the information about the file being
12 no longer your concern, or whatever the words that
13 Mr. Nordstrom had used, if those words had been
14 spoken to you by someone like Mr. Arndt, a senior
11:15 15 person to you, is that something where you would
16 have said okay, fair enough, I trust Arndt, it's
17 dealt with, I'm no longer concerned with the file
18 any more?

19 A Well, in the first instance, Arndt would have told
11:15 20 me who was charged.

21 Q Okay.

22 A And --

23 Q Did you ask Inspector Nordstrom when charges were
24 laid and who was charged?

11:15 25 A No.



1 Q Why not?

2 A Because you didn't ask Nordstrom anything.

3 Q Why not?

4 A Because he gave me his answer when he said that
11:16 5 the file was dealt with and no longer was my
6 concern and so that precluded any other questions
7 that you would ask him.

8 Q Was there anybody else in the police force at the
9 time that you could go and find out whether or not
11:16 10 someone had been charged or arrested, was there
11 another way you could get that information?

12 A No.

13 Q Okay. So then there was some suggestion, and I'll
14 show you the documents a bit later, Mr. Weir, but
11:16 15 there's some suggestion, in fact I think it's
16 (V5)-- (V5)--- who had said on a number of
17 occasions that in the fall of 1970, which would be
18 around the time we're talking about where you say
19 your file went missing, that she was shown a
11:16 20 photograph, a Polaroid picture of Larry Fisher by
21 you and that she identified him as the assailant,
22 and she also has said, I think on at least one
23 occasion, that on February 5 she recalls, the same
24 day as your concluding report, recalls meeting
11:17 25 with you on that day as well, at one point she had



1 said that, and I know, I think you said earlier
2 the RCMP told you that. This has been put to you
3 before, but let me ask you this, are you saying
4 (V5)-- (V5)--- is mistaken?

11:17 5 A Yes.

6 Q Okay. Do you have any recollection of taking a
7 photograph of Larry Fisher, or someone who was in
8 custody in Winnipeg and showing it to (V5)--
9 (V5)---?

11:17 10 A No.

11 Q Is it possible you did and you don't recall?

12 A No, I don't think so, because where would I get a
13 Polaroid picture.

14 Q Inspector Nordstrom.

11:17 15 A I don't think so.

16 Q Okay. Now, as far as the concluding report on
17 February 5, 1971, and again I think when Miss
18 (V5)--- testified before the Commission she was
19 not able to say as far as an individual who she
11:18 20 recalled I think coming to her residence, but
21 talked generally and confirmed the information in
22 the concluding report that she recalls being told
23 information of that nature. Can you think of any
24 reason, if someone else went and followed up with
11:18 25 her, that they would put your name on the report?



1 A No.

2 Q If we could just go back again on the (V5)--
3 (V5)--- file and I went through, not in detail,
4 but I went through all the investigation reports
11:18 5 for that file, and I don't believe in any of those
6 reports, Mr. Weir, is there any reference to the
7 (V1)-, (V2)-----, (V3)----- rapes, nor is there
8 any mention of drawing a connection between the
9 (V5)--- rape and the (V1)-, (V2)-----, (V3)-----
11:19 10 rapes, nor is there any suggestion in there of
11 looking for someone who had committed these
12 earlier rapes as the perpetrator of the (V5)--
13 (V5)--- file, and I'm wondering, Mr. Weir, is
14 that -- can we -- do you recall whether or not in
11:19 15 the course of the investigation those were things
16 that were on your mind and, if they were, why they
17 wouldn't be in the reports?

18 A Well, they were on my mind certainly, but unless
19 you can draw a correlation, why would you put them
11:19 20 in the report.

21 Q Well, let me give you what we've heard from some
22 other officers such as Lieutenant Penkala on other
23 files, is that you would put that information down
24 so that other officers working on the file and
11:19 25 your superiors might know what the officer in



1 charge is thinking and what are possible leads and
2 things of that nature.

3 A Well, I can't speak for other officers, but as far
4 as I'm concerned, I refuse to speculate in any of
11:20 5 my investigations as to what might occur.

6 Q If you had drawn a connection in your mind in 1970
7 when you were working on the (V5)--- file, if in
8 your mind you had thought the person who raped
9 (V5)-- (V5)--- may be the same person who raped
11:20 10 (V1)-, (V2)-----, (V3)----- or someone else,
11 because of similarities, location, modus operandi,
12 anything that might in your mind cause you to
13 think that your suspect might be someone who
14 committed a previously unresolved rape, is that
11:21 15 something you think you would have put in your
16 report?

17 A Not necessarily without some foundation.

18 Q Well, let's assume that the foundation is that you
19 believed it and that you were operating on that
11:21 20 basis in directing your investigation, would you
21 have --

22 A Well, you are putting words in my mouth.

23 Q I'm trying not to. Let me ask you the question.
24 My question is this, is if you would have thought
11:21 25 that, is that something you would have put in your



1 report?

2 A Well, I didn't think it.

3 Q Okay. And that would explain, sir, why it's not
4 in your report; is that right?

11:21 5 A That's right. The only relationship that I
6 concluded was that Fisher ejaculated before he got
7 into any of his suspects and so, you know --

8 Q And when did you reach that conclusion?

9 A Well, that was the only similarity in any of the
11:22 10 files that I read.

11 Q Was this based on a reading you had later in time
12 or back at the time you were investigating the
13 (V5)-- (V5)--- rape?

14 A Well, I think it was a conclusion I reached at the
11:22 15 time of the investigation, but --

16 Q Is that something you recall or are you assuming
17 that you did? Do you understand my question?

18 A I seem to recall that, yeah.

19 Q And so you recall that as being a similarity?

11:23 20 A Yeah. But, you know, I don't know whether it's
21 noteworthy or not, and didn't at the time.

22 Q Now, at what point, and I think we've talked about
23 late 1970 when you got a copy of the file and then
24 the documents suggest that in December of 1971 --
11:23 25 or pardon me, in December of 1970 Larry Fisher was



1 actually charged with the rape of (V5)-- (V5)---
2 as well as (V1)-, (V2)----- and the indecent
3 assault of (V3)-- (V3)----- . Were you aware of
4 that at the time, that a charge had been laid in
11:23 5 connection with (V5)-- (V5)---?

6 A No.

7 Q And that in December of '71, the following year,
8 Mr. Fisher pled guilty and was convicted of the
9 rape of (V5)-- (V5)---. Were you aware of that at
11:24 10 that time?

11 A No.

12 Q When did you become aware that an individual,
13 whether it be Mr. Fisher or not, that someone had
14 been convicted of the rape of (V5)-- (V5)---?

11:24 15 A Probably in '74.

16 Q And that was at the -- that's when you have a
17 discussion with Mr. Karst; is that right?

18 A Yeah.

19 Q And that was -- and, I'm sorry, that's when you
11:24 20 learned that, from Mr. Karst that he and Nordstrom
21 had gone to Winnipeg?

22 A Yes.

23 Q Okay. And what do you recall of that discussion?

24 A Well, it's difficult to say because we were
11:25 25 talking in general terms about taking accuseds'



1 statements and Karst kind of smiled and said that
2 one of the prime requisites of taking an accused's
3 statement is not to annoy the accused and he said
4 a perfect example of that was when he and Karst
11:25 5 had gone to Winnipeg --

6 Q He and Nordstrom? I'm sorry, you said he and
7 Karst.

8 A Yeah, Nordstrom, had gone to Winnipeg and
9 apparently Nordstrom had annoyed Fisher.

11:27 10 Q And did he tell you it was in connection with the
11 (V5)-- (V5)--- matter, or rapes, or what --

12 A Yeah. I might have learned, prior to that, that
13 Fisher had been charged in Regina. I don't recall
14 that.

11:27 15 Q Okay.

16 A But, at any rate, Karst indicated that he and
17 Nordstrom had gone to Winnipeg to interview
18 Fisher.

19 Q And at that time, then, did you draw a connection,
11:27 20 though, to the (V5)-- (V5)--- file that you were
21 investigating?

22 A Well yes I did, and I assumed that Fisher had been
23 appearing in Court in Saskatoon, but apparently
24 that wasn't the case.

11:28 25 Q Yeah. Is --



1 A I didn't learn until sometime later that Fisher
2 had been transported to Regina.

3 Q Okay. I think earlier in your evidence you said
4 on one occasion you were flabbergasted, was this
11:28 5 the incident when you learned this, is that what
6 you are --

7 A Yeah, right.

8 Q And what was it that flabbergasted you, sir?

9 A Well why, why one of the morality sergeants -- I
11:28 10 have no quarrel with Karst going to Winnipeg, but
11 I certainly had a quarrel with Nordstrom going to
12 Winnipeg, and I couldn't understand why Parker or
13 Craig or Arndt hadn't accompanied --

14 Q So if Karst had said that he and Arndt or he and
11:29 15 Craig had gone, that wouldn't have caused you any
16 concern?

17 A No.

18 Q Okay. And was there anything else, when you
19 learned that, that caused you to be, I think your
11:29 20 words were, flabbergasted?

21 A (Laughs) Well, no, other than Nordstrom going to
22 Winnipeg.

23 Q And did it connect in your mind the fact that, at
24 least a couple of years prior, Nordstrom had told
11:29 25 you that the file had been taken care of?



1 A Yes.

2 Q And did, in your mind did you connect the two,
3 that that's maybe how it was taken care of, or
4 tell me what you were thinking?

11:29 5 A Well, I didn't really know, other than I still
6 wasn't aware that Fisher had been transported to
7 Regina.

8 Q Okay. So is that something that, when you talked
9 to Mr. Karst, then, did that come up or did Mr.
11:30 10 Karst indicate what had happened to Mr. Fisher?

11 A No. I don't think Karst knew.

12 Q So when and how did you find out that Mr. Fisher
13 -- or so let me pause there. So about 1974 you
14 are aware that Mr. Fisher confessed to the (V5)--
11:30 15 (V5)--- rape; is that right? And I'm, please tell
16 me if I'm wrong, I'm just trying to summarize what
17 you have told us; is that correct?

18 A Yes.

19 Q And that he had been convicted somewhere, you
11:30 20 didn't know where, you presumed Saskatoon; is that
21 what you told us?

22 A Yes.

23 Q Okay. What about the other, the (V3)-----,
24 (V1)-, (V2)----- rapes; do you recall those being
11:30 25 discussed in this conversation or was it just the



1 (V5)--- matter?

2 A No, I think Karst advised me that he had taken
3 statements on four rapes, he didn't really specify
4 who they were.

11:31 5 Q Okay. So the names, you are telling us he didn't
6 say the names, or did he say the names to you of
7 the complainants?

8 A No, I think I might have asked him if (V5)--
9 (V5)--- was one of them and he agreed that it
11:31 10 possibly was, I don't -- I don't recall.

11 Q And the name Larry Fisher; was that mentioned at
12 this discussion?

13 A Yes.

14 Q Okay. So then, then I think -- and please correct
11:31 15 me if I'm wrong, Mr. Weir -- I think you told us
16 earlier that, when you found out this information,
17 you went and disposed of the working file that you
18 had kept on (V5)-- (V5)---; is that correct?

19 A Yeah, I threw it out.

11:32 20 Q And you were in detectives, you had been in
21 detectives since '72; is that correct?

22 A Yes.

23 Q Were there any other morality files that you took
24 with you when you went from morality to
11:32 25 detectives?



1 A No.

2 Q What was the practice when you left morality, what
3 happened to the rest of your files that you were
4 working on, were they reassigned?

11:32 5 A They may have been. I don't know.

6 Q But did you take any of them, were you instructed
7 to take any of them with you to continue working
8 on while you were in detectives?

9 A Nope.

11:32 10 Q And my understanding, and please correct me if I'm
11 wrong, is that when an officer moves from morality
12 the files would generally be assigned to other
13 morality officers; is that -- would that have been
14 the practice at the time?

11:32 15 A It may have been. I don't know.

16 Q And did you take any -- so again we're in 1974,
17 you think; did you then go back to Inspector
18 Nordstrom or did anybody -- did you talk to
19 anybody else about these matters, about the (V5)--
11:33 20 (V5)--- matter?

21 A Well Nordstrom was retired by that time, and I
22 think Inspector Charlie Short was in charge of
23 morality at that time, and he would have no
24 knowledge of the situation so there would be no
11:33 25 use discussing it with him.



1 Q Okay. So do I take it, from that, that you did
2 not discuss it with him?

3 A No.

4 Q Okay. So did you do anything, Mr. Weir, after you
11:33 5 learned this information from Mr. Karst; did you
6 do anything further in connection with the (V5)--
7 (V5)--- file? You told us you threw it away; did
8 you take any further steps to get any further
9 information about what may have happened?

11:34 10 A No.

11 Q What's your recollection of the last time you
12 spoke to (V5)-- (V5)---?

13 A Probably in the summertime of 1970. Umm, the file
14 was still open, but I didn't have any information
11:34 15 to leave a report on, and when you and
16 Mrs. Enweani came to me -- when I retired they
17 gave me my memo books and I put them in a box and
18 put them upstairs in the, in my, in the attic of
19 my garage, and when you and her were there I
11:35 20 thought 'well, I'll go to' -- after you left I
21 thought 'I'll go to the garage and see if my memo
22 books can maybe jog my memory', and so anyway they
23 are all missing from the time that I was in
24 morality.

11:35 25 Q Okay. I think you referred to an interview in



1 connection with this Commission of Inquiry, is
2 that correct, you had talked about -- and I think
3 it was in October when we had asked you for some
4 information and I believe had asked for notebooks?

11:36 5 A Yeah.

6 Q So you've checked and you do not have any of your
7 notebooks from the time you were in morality; is
8 that --

9 A That's right.

11:36 10 Q Do you have other notebooks?

11 A Yes.

12 Q Did you make it -- oh, I'm sorry?

13 A All the time that I was, up to the period when I
14 was in uniform and got promoted to morality they
11:36 15 are all there, and all the time that I was in
16 detectives they are all there, but the only ones
17 that are missing are when I was in morality.

18 Q And you say those were given to you when you were
19 -- given back -- let me back up. What was your
11:36 20 practice as far as what you did with your notebook
21 when you were done with it while you were on the
22 job?

23 A Umm, you turned it into CR and they, umm, they
24 filed it, you know.

11:37 25 Q Yes?



1 A If you have pertinent notes you would sometimes
2 carry two or three books, but when they were no
3 longer pertinent you turned them into CR and they
4 filed them.

11:37 5 Q And then when you retired I think you said the
6 police then gave you your notebooks back?

7 A Yes.

8 Q And then up until last October or thereabouts of
9 last year did you have occasion to go look at
11:37 10 those notebooks through the --

11 A No, no, I didn't. I assumed they were all there,
12 and I had no interest in the notebooks, and so I
13 just assumed they were all there.

14 Q Okay. And have you made any inquiries to see
11:38 15 where they might be?

16 A (Laughs) No.

17 Q Okay. Now --

18 A No, I haven't.

19 Q -- I would like to move ahead to about 1991, and
11:38 20 you would have been retired for at least a couple
21 of years, and do you recall being interviewed by
22 Mr. Graham of the Police Commission in connection
23 with an investigation over missing files; do you
24 remember that?

11:38 25 A Umm, I don't recall. I was interviewed by two



1 police officers and I was -- from the RCMP, and I
2 was interviewed by a *Globe and Mail* reporter, and
3 I was having some health difficulties at that
4 time, so I -- I don't really remember who --

11:39 5 Q Okay. What I will do, Mr. Weir, is I'll go
6 through some of the written documents and the
7 statements and see if that can assist your
8 recollection, I -- and what I am trying to
9 identify, and maybe once we go through the
11:39 10 documents I'll come back and ask you as to when,
11 the first time you would have been contacted about
12 this matter, about the David Milgaard matter or
13 the rape files in 1991, whether it was Police
14 Commission, the RCMP, a reporter, or are you able
11:39 15 to -- and I can go through the documents with you
16 first, if you like, or are you able to tell us,
17 from your recollection, as to the first contact
18 you would have had, again, after you retired?

19 A I don't know the sequence --

11:40 20 Q Okay.

21 A -- of --

22 Q Well, we'll go through the documents, and maybe
23 that will assist. The first is 330982. And that
24 may be part of a bigger document, I'm sorry, I
11:40 25 think that may be part of the record that we



1 received from the Police Commission, I don't have
2 a doc. ID. 330982, it's his handwritten
3 statement.

4 KARA ISABELLE: (Assistant document manager)

11:41 5 We just have to load it in.

6 BY MR. HODSON:

7 Q There is a typed version, but I wouldn't mind just
8 getting the version with the signature, if I can.
9 My apologies for that. This, Mr. Weir, is
11:41 10 September 25, 1991, and just at the bottom
11 right -- if we can have that called out, please --
12 is that your signature?

13 A Umm, yes.

14 Q Okay.

11:42 15 A It is.

16 Q Okay. Can we just go back to the top, please.
17 And I think this is part of a report that the
18 Police Commission did that they started in the
19 fall of 1991, and there was a fellow by the name
11:42 20 of Bill Graham, and I think that's his signature
21 here, and a fella by the name of, I think, Gary
22 Treble who were doing an investigation into
23 missing files at the Saskatoon Police Service;
24 does that sound familiar?

11:42 25 A Umm, no, I don't recall, no.



1 Q Okay. And if we could maybe just go through this,
2 is this your handwriting, or is that Mr. Graham's;
3 do you know?

4 A I think that's Mr. Graham's.

11:42 5 Q Okay. It says, "I went to morality in July of
6 1969 and then was Court Officer on Milgaard prelim
7 so around September of 69 is when I actually went
8 to morality.

9 On February 21/70 I started the
11:43 10 investigation of a rape of (V5)-- (V5)---. That
11 file was active for about a year.

12 Roughly August of 71 I went to
13 the detectives and didn't have association with
14 those files." Now let me just pause there. In
15 the document that I showed you earlier, Mr. Weir,
16 right at the start, it had you going to detectives
17 on January 1, 1972, and here you say August of
18 1971, which may well be correct. Do you remember,
19 was it August of '71 or January of '72 that you
11:43 20 went to detectives?

21 A Umm, January '72 I think is when I officially
22 went. Umm, he asked me for a date and I had no
23 documentation and so I said 'roughly'.

24 Q Okay, no, I appreciate that. I'm trying to find
11:44 25 out, it may well have been August of '71, I'm not



1 -- the document that I showed you --

2 A No, I don't think it was.

3 Q Okay.

4 A I think it was January of '72 that --

11:44 5 Q Okay. And then it says here, "I kept ...", and
6 they are talking about the (V5)--- file, "I kept a
7 copy of this file because it was a high profile,
8 there was about six really bad rapes over the
9 period of a year or six months. We never resolved
11:44 10 any of them, they stuck in your craw." And do you
11 recall -- if I've got that, that is 'craw', isn't
12 it -- do you recall saying that or putting that in
13 a statement to the Police Commission?

14 A I probably did say it. I don't recall.

11:44 15 Q Do you know, it says here, "... six really bad
16 rapes over the period of a year or six months.";
17 do you remember, do you remember that?

18 A Well, then again, they are talking in generalities
19 here.

11:44 20 Q Yes.

21 A And so whether it was six or four, or whatever, I
22 don't really know.

23 Q Yeah. But I appreciate, and actually I think
24 these are -- this is your statement, Mr. Weir.

11:45 25 A Yeah, that's right.



1 Q Yeah.

2 A Uh-huh.

3 Q So, again, do you have any reason to dispute what
4 you would have recalled and told them at the time?

11:45 5 A No, I don't really, other than it's talking in
6 generalities.

7 Q Okay. If we could scroll down, please. It says,
8 "About four or five years later in casual
9 conversation Ed Karst told me that the (V5)---
11:45 10 file had been concluded. I was really hot about
11 that because no one had told me." If I could just
12 pause there, would that be the same exchange, and
13 I think you said you thought it was 1974 at the --

14 A Yeah.

11:45 15 Q Yeah, so that's what you are talking about here?

16 A Yeah.

17 Q Okay. And then it says, "After that I went
18 searching for this file and couldn't find it."
19 And you had earlier told us that you actually had
11:46 20 the file and threw it away?

21 A Well, yeah, okay. I went for the original copy of
22 the file, to see what the disposition was, and I
23 couldn't find it.

24 Q Okay. I think earlier, and I had asked you that
11:46 25 question, and you said the only thing you did



1 after you learned of this information was threw
2 the file away?

3 A Well that was my copy.

4 Q Right. Okay. Do you have a recollection, then,
11:46 5 are you telling us that, after you learned this
6 from Mr. Karst, you went to central records to
7 find a copy?

8 A Yeah, the original.

9 Q The original, and did you find it there?

11:46 10 A No.

11 Q Then why would you throw away your copy?

12 A Well why would I keep it?

13 Q Well, central records did not appear to have a
14 copy, why wouldn't you give it to them?

11:46 15 A Well, maybe I had threw it away before that, I
16 don't know. I don't recall the sequence of
17 events.

18 Q Okay. Do you have a recollection, after talking
19 to Mr. Karst, of going to central records to look
11:47 20 for the original (V5)-- (V5)--- file?

21 A Right.

22 Q You do have a recollection of that?

23 A Yes.

24 Q Do you have a recollection of throwing away your
11:47 25 working copy of the (V5)-- (V5)--- file?



1 A Yes.

2 Q After hearing from Mr. Karst about the statement
3 from Mr. Fisher?

4 A Yes.

11:47 5 Q And I guess I'm just wondering, Mr. Weir, if you
6 had discovered that the central records file for
7 (V5)-- (V5)--- was gone, and you had a copy of it,
8 would it not make sense to give that copy to
9 central records or to give it to somebody?

11:47 10 A Well the thing was that my copy didn't contain the
11 alleged report that I allegedly left, and it
12 didn't have the Court disposition on it, so why
13 would I keep it?

14 Q Okay. Is that what -- is that the reason you
11:48 15 threw it out then?

16 A Yeah.

17 Q Okay. Did you tell anybody you were throwing out
18 what appeared to be perhaps the only remaining
19 file documents in the (V5)-- (V5)--- matter?

11:48 20 A No.

21 Q Okay. And what was your purpose of going to
22 central records?

23 A Because I wanted the original file, and usually
24 they have the disposition, and who's charged.

11:48 25 Q So you didn't find it there, --



1 A No.

2 Q -- and are a police officer at this time, did you
3 not think of going somewhere else and saying two
4 things; number 1 'the file is missing'; and 2,
11:48 5 'I'm looking for information on the disposition'?

6 A No.

7 Q I think you said Detective Short or Short was in
8 charge of morality at the time?

9 A Yes, he was.

11:49 10 Q And you had a detective sergeant in detectives
11 that you could have gone to, I presume?

12 A Well, what's the purpose.

13 Q Well I take it, when you went to central records,
14 it was to gain information about what had
11:49 15 happened; correct?

16 A Yes.

17 Q And when you went there you didn't find it,
18 therefore, your quest for information was not met;
19 is that fair?

11:49 20 A That's right.

21 Q And the reason to go elsewhere would be to find
22 out information that you thought you could get
23 from central records, and I take it you didn't?

24 A No, I didn't.

11:49 25 Q Okay. And then the next page of this statement



1 says, "Inspector Nordstrom and Ed Karst had gone
2 to Winnipeg to investigate Fisher in relation to
3 these rapes." And is that something you would
4 have told them?

11:50 5 A Yes.

6 Q I think you had told us earlier that when you
7 talked to Mr. Karst in '74, or thereabouts, that
8 you -- I think you said you asked him about
9 (V5)---, and you thought there were other rapes,
11:50 10 but you didn't remember or there was no discussion
11 about which ones they were; is that correct?

12 A No, I recalled Karst having said there was -- he
13 took four statements, --

14 Q Okay.

11:50 15 A -- four different occurrences, and --

16 Q Okay. And I think, and please correct me if I'm
17 wrong, but the only name was (V5)--- which you
18 asked him and he confirmed; is that right?

19 A That's right.

11:50 20 Q And do you recall the names of the other three
21 being mentioned at the time?

22 A No. I don't think Karst knew.

23 Q And why do you say that?

24 A Because why would he know. He took statements a
11:51 25 number of years before that, and he had no real



1 interest in the files, so he probably didn't
2 recall their names.

3 Q Okay. If we could go to, again I think it's in
4 the same documents, page 330978. And these are, I
11:51 5 think, Mr. Graham's notes of the interview with
6 you of the same date before the statement is
7 taken. If you could go to the next page, please.
8 And, Mr. Weir, these are Mr. -- I think Mr. Graham
9 or Mr. Treble's notes, someone else's notes of a
11:52 10 conversation with you, these are not your
11 statement or your notes; do you understand that?

12 A Umm, right.

13 Q Okay. And so in these notes the author writes:

14 "Gus did not remember the specifics of
11:52 15 the other rapes that had occurred at the
16 time but had excellent recall of the
17 (V5)-- (V5)--- file which he worked on.
18 He says he kept a copy of the file in
19 his drawer at work and even after the
11:52 20 file was inactive he kept going back and
21 knocking on doors trying to get leads."

22 And do you recall saying something like that to
23 the off -- to these people in 1991?

24 A Umm, I don't recall, but it sounds reasonable.

11:52 25 Q And when would you have been, I'm trying to



1 understand the time frame here when would you have
2 been going back and knocking on doors trying to
3 get leads, would that have been at what time
4 period?

11:53 5 A Well, Lindgren and I were partners in detectives
6 as well as from the morality days, and we were
7 partnered again in detectives, and it was on our
8 mind.

9 Q Okay. Is it your evidence, sir, that after you
11:53 10 went to detectives in 1972, that -- did you
11 continue to go back, knock on doors, and try to
12 get leads --

13 A I --

14 Q -- on the (V5)-- (V5)--- file?

11:53 15 A -- don't really recall knocking on doors, but we
16 were always cognizant of the fact that this file
17 allegedly was unsolved.

18 Q Allegedly was what?

19 A Unsolved.

11:54 20 Q Who alleged that?

21 A Umm, well, myself.

22 Q Okay.

23 A Umm --

24 Q And Mr. Nordstrom alleged something else; is that
11:54 25 correct?



1 A Yes.

2 Q Okay. So back here, and let me ask this a bit
3 more pointed if I can, you had told us earlier
4 this morning that you did not continue to
11:54 5 investigate the file after you went and got a copy
6 of the working file in the late '70s, I think
7 that's what you said?

8 A Well --

9 Q And my question here; are you talking in this
11:54 10 statement about before or after that time frame?
11 I'm trying to understand what you are talking
12 about in 1991 when you said you kept going back
13 and knocking on doors trying to get leads?

14 A Well, like I say, I don't know whether we were
11:54 15 knocking on doors or not, but it was in our mind,
16 and we were looking for anything which would point
17 to who was responsible.

18 Q In the (V5)-- (V5)--- matter?

19 A Yeah.

11:55 20 Q And was that when you were a detective?

21 A Yup.

22 Q So from '72 onward?

23 A Yup.

24 Q And when you -- do you remember gaining
11:55 25 information?



1 A Nope.

2 Q And would you prepare a report on leads that you
3 followed up or doors you knocked on?

4 A Nope.

11:55 5 Q Would you stay in touch with (V5)-- (V5)--- to let
6 her know that you are still looking out and you
7 are finding out information?

8 A No, umm, I don't think that I ever talked to her
9 again.

11:55 10 Q Okay. When you were doing, going back and
11 knocking on doors trying to get leads, did you
12 take any active steps other than thinking about
13 it?

14 A Not really.

11:56 15 Q And, if you did take an active step you, would you
16 have prepared a report on that?

17 A Umm, yes, I think we would have.

18 Q And just down at the bottom it says here:

19 "During a social event, he thinks it may
11:56 20 have been four or five years later, and
21 (later when asked by Gary he thought it
22 may even be up to eight years after) Ed
23 Karst said that he and Nordstrom had
24 gone to Stoney Mountain to interview
11:56 25 Fisher on these rapes. Apparently



1 Nordstrom had screwed up the interview,
2 had to be separated from Fisher and
3 Karst made the best of a bad scene."

4 And is that an accurate recording of what you
11:56 5 would have told them?

6 A Ah, yeah, I think so.

7 Q And would this have been, are you able to tell us,
8 would this have been the first time you were asked
9 about your discussion with Mr. Karst then, at this
11:55 10 interview in 1991?

11 A Ah -- what's the question again?

12 Q Okay. If we go back, and again I think you said
13 you thought it was 1974, I think here you said it
14 might have been up to eight years later, at some
11:56 15 point in the '70s Mr. Karst told you something
16 about his trip to Winnipeg with Mr. Nordstrom and
17 my question is did, in the years that followed up
18 until this interview, would you have discussed
19 that with anybody or would this have been the
11:56 20 first occasion when you were asked --

21 A No, it was the first occasion.

22 Q It was the first?

23 A Yeah.

24 Q And do you remember Stony Mountain being mentioned
11:56 25 by Mr. Karst as to where he went with Inspector



1 Nordstrom?

2 A I don't know. They may have supplied that
3 information, you know, I don't recall.

4 Q And then here, and again this is what they put in
5 their notes:

6 "Weir obviously has very little respect
7 for Nordstrom's ability and feels that
8 Kettles (chief) promoted him and placed
9 him in morality to pad his pension and
10 not because of his organizational skills
11 or investigational ability."

12 And would that be something that you either
13 recall saying or that you would have thought at
14 the time?

15 A Well, it was what I thought at the time.

16 Q And then if you could scroll down, please, it
17 says:

18 "Weir was really angry about not being
19 told of the clearance of the files and
20 says shortly after this he went to the
21 central records & looked high and low
22 but couldn't find any of the files
23 related to the four rapes."

24 And I think, Mr. Weir, you had told us earlier
25 that it was the (V5)--- file that you had gone to



1 look for here. Do you recall telling these
2 officers that you looked for all four rape files?

3 A Well, I probably did. I looked first for the
4 (V5)-- (V5)--- file --

11:58 5 Q Okay.

6 A -- it wasn't there, so why wouldn't I look for the
7 other three.

8 Q How do you know their names?

9 A Well, I -- it's probably not hard to figure out.
11:58 10 You go to Central Records and you inquire who
11 complained about rapes and, you know, and they
12 bring it up, so you would find out from Central
13 Records.

14 Q Do you have a recollection of looking for, back
11:58 15 when Mr. Karst told you about the interview with
16 Mr. Fisher, do you have a recollection of going to
17 Central Records and looking for the (V1)-,
18 (V2)----- and (V3)----- files?

19 A Well, not specifically the names, but I no doubt
11:59 20 went to Central Records and looked for the files.

21 Q And why do you say that?

22 A Well, why wouldn't I?

23 Q I don't know. I'm asking you, sir, to tell us how
24 you can say you did, and if you don't recall, the
11:59 25 basis upon which you are saying you think you did.



1 A Well, I was interested.

2 Q Okay.

3 COMMISSIONER MacCALLUM: You are telling me
4 now that you don't recall exactly, you just
11:59 5 assume that you would have done that?

6 A Well, Mr. Commissioner, I don't know how to phrase
7 it, but I went for the (V5)-- (V5)--- file and I
8 couldn't find it, so I no doubt would inquire as
9 to who else was raped at that time and I can't see
12:00 10 why -- why I would not look for any of the files
11 that were related to Fisher.

12 BY MR. HODSON:

13 Q Was there a system that you could go with the name
14 Fisher and check in the records to find the
12:00 15 complainants?

16 A Yup.

17 Q Where was it?

18 A Well, it would be in Central Records.

19 Q And how were those names catalogued?

12:01 20 A Well, I don't really know at this specific time.

21 MR. HODSON: This might be an appropriate
22 spot to break, Mr. Commissioner.

23 COMMISSIONER MacCALLUM: Yes.

24 (Adjourned at 12:01 p.m.)

01:30 25 (Reconvened at 1:30 p.m.)



1 BY MR. HODSON:

2 Q Good afternoon Mr. Weir. If we could go back to
3 042831, please, and if we could go to page 042844,
4 and this is in the Commission report, Mr. Weir.
01:31 5 Following this, if I can go to the next page,
6 please, and actually the next page ending 846,
7 this is an excerpt from a report of the Centurion
8 Ministries, some individuals who were
9 investigating these matters on behalf of David
01:31 10 Milgaard, and do you recall ever having a
11 discussion with anybody from the Centurion
12 Ministries, either a Paul Henderson -- does that
13 name ring a bell?

14 A No.

01:31 15 Q And in this report, this is an excerpt, and this
16 is their report, it says:

17 "This was the one case in which I was
18 given access to police reports."

19 And then it has a name blocked out,

01:31 20 "... and source for us on internal
21 police problems, somehow managed to get
22 into the department computer and obtain
23 the file."

24 And I think they are referring to the (V5)---
01:32 25 file.



1 "I reviewed it at his home but was not
2 allowed to keep the reports or make
3 copies of them."

4 Etcetera, and in the Police Commission report
01:32 5 someone speculated or said that you might be one
6 of the persons who would be this internal source,
7 and I believe that has been put to you before,
8 but were you a source of information to the
9 Centurion Ministries, did you provide any police
01:32 10 information to them?

11 A No.

12 Q And as well there's a reference, if you can just
13 bear with me, in this report, if you could go
14 back -- actually, if you could call up -- I don't
01:33 15 know if we need to call it up, but in the report
16 here there's a reference that says, and this is
17 from I think Mr. Henderson interviewing (V5)--
18 (V5)--- about a recollection of a detective's
19 comment that the rape was similar to the Gail
01:33 20 Miller case, and do you recall saying that to
21 (V5)-- (V5)--- or words to that --

22 A No.

23 Q Did you, and again back in 1970 when you were
24 involved in the (V5)-- (V5)--- investigation, at
01:33 25 that time, sir, when you were working on that



1 file, did you draw any connection between the
2 (V5)-- (V5)--- rape file and the Gail Miller
3 murder?

4 A No.

01:33 5 Q And do you recall whether or not you ever drew a
6 connection at that time, 1970, '71, between the
7 Gail Miller murder and previous sexual assaults or
8 rapes, rape files?

9 A No.

01:33 10 Q So if we could go to, just for the dates to
11 assist, Mr. Weir, when I showed you before the
12 break your statement to, I think it was Mr. Graham
13 and Mr. Treble, I think that was September 25th of
14 1991, okay, so that's September 25, that was the
01:34 15 statement when the people were looking for the
16 missing files. I think that report was made, or
17 the date of the report that they published was
18 November 18th, 1991.

19 I now want to go to 004286,
01:34 20 please, and this is a newspaper article of
21 December 7th, 1991 and so it's within a couple of
22 months after that, and David Roberts and Timothy
23 Appleby. I think you told us this morning you
24 remembered talking to a reporter from *The Globe*
01:35 25 and *Mail*; is that correct?



1 A That's right.

2 Q And do you remember how many times or whether it
3 was by phone, in person or what do you recall?

4 A No, he came to my house by taxi and had the taxi
01:35 5 wait while he interviewed me at length, which I
6 couldn't understand.

7 Q What, that he had the taxi wait or that he
8 interviewed you at length?

9 A Well, both.

01:35 10 Q Okay. And that was -- do you recall whether you
11 would have talked to him by telephone prior to
12 that?

13 A I don't remember.

14 Q Okay.

01:35 15 A At that time in 1991 I was having some health
16 problems and so my recollection of events then is
17 somewhat suspect.

18 Q Okay. And I don't mean to delve into your health
19 problems, but you say your recollection. Are you
01:36 20 telling us your recollection today of events from
21 1991 is suspect or that your recollection in 1991
22 would have been suspect, or both?

23 A Well, I think my recollection in '91 would have
24 been impaired. I don't think it is today.

01:36 25 Q Okay. So you are telling us in '91 you think that



1 your memory would not have -- I think your words
2 were impaired; is that correct?

3 A Right.

4 Q And today you are saying you don't think it -- you
01:36 5 think it's better today or less impaired today
6 than it was in 1991; is that it?

7 A That is fair.

8 Q And so in this statement there's a reference at
9 the bottom -- and Mr. Lindgren I think you said
01:37 10 was your partner at the time; is that correct?

11 A That's right.

12 Q Do you remember when you were talking to Mr.
13 Karst, I think in or about 1974, or whatever the
14 discussion was when you learned of his visit to
01:37 15 Winnipeg, do you remember if Mr. Lindgren was
16 there at the time or who else was present?

17 A No, I don't recall, because Lindgren quit the
18 force and I don't know what year that was, but --
19 actually, I kind of forget who my partners were at
01:37 20 that time. I think it was Yakabowski and Hobman.
21 We worked in groups of four.

22 Q Just back to when you had the discussion with Mr.
23 Karst, I think you said it was at a social event?

24 A Yeah.

01:38 25 Q Do you recall who else was there, who was present



1 when you and Mr. Karst had this discussion or you
2 heard about his trip to Winnipeg?

3 A Oh, Tom Vanin was there.

4 COMMISSIONER MacCALLUM: Banin?

01:38 5 MR. HODSON: Vanin, V-A-N-I-N.

6 A And Hughey Frazer was there and inspector -- or
7 Deputy Frazer was there and -- I don't really
8 recall who all was there.

9 COMMISSIONER MacCALLUM: You had asked him
01:38 10 if Lindgren was there, that was the time you were
11 speaking about was it?

12 MR. HODSON: Yes.

13 COMMISSIONER MacCALLUM: Was Lindgren
14 there?

01:39 15 A No, I don't think he was there. I think he had
16 retired prior to that.

17 BY MR. HODSON:

18 Q And this discussion with Mr. Karst then again in
19 about 1974, whatever date it was, was it a
01:39 20 discussion -- and I'm talking specifically about
21 when he talked about taking Mr. Fisher's statement
22 in Winnipeg. Was it a discussion amongst a group
23 or was it a discussion with you or do you recall?

24 A It was a discussion with me. I think first of all
01:39 25 we had discussed taking accuseds' statements and



1 Karst had made the comment that Nordstrom really
2 demonstrated how not to take an accused's
3 statement.

4 Q Do you know whether or not, based on your
01:40 5 recollection, whether or not this conversation,
6 did it include Mr. Vanin, Mr. Frazer, others who
7 were there, or was it just between you and -- and
8 I know you can't speak for those other people, but
9 whether it was something that was said to a group
01:40 10 of people or to you directly?

11 A Well, I think it was said to the group. We were
12 discussing the value of accuseds' statements.

13 Q Okay. And then just to go to what Lindgren says
14 here:

01:40 15 "Karst and Nordstrom went down there to
16 talk to Fisher," recalled retired
17 Saskatoon Detective Ivan Lindgren, one
18 of the rape investigators. After Mr.
19 Fisher confessed, Mr. Lindgren added,
01:40 20 "Karst or Nordstrum should have left a
21 note on the file to indicate it was
22 closed. It's a real mystery."

23 And then up to the next:

24 "Mr. Lindgren's former partner, Gus
01:41 25 Weir, said he learned about Mr. Fisher's



1 Winnipeg confessions only in the
2 mid-1970s, from Mr. Karst.

3 He [Insp. Nordstrum] took Karst
4 because Karst was high-profile," Mr.
01:41 5 Weir said. "Nordstrum upset Fisher to
6 the point where Winnipeg police had to
7 ease him out of the interview room.
8 Karst had to take over on his own."

9 And I think that's consistent with what you've
01:41 10 told us today as to what you recall being told;
11 is that fair?

12 A That's right.

13 Q If we could then go to 039200, please, and this is
14 a story in the *StarPhoenix* December 27th, 1991 and
01:41 15 it's got up here page 1 of 2, and I don't have any
16 questions on this page, but just to show you that
17 this is the start of the article, and if you could
18 call up 039202, please, and I believe this was
19 with Dave Yanko of the *StarPhoenix*. Do you
01:42 20 remember talking to a Mr. Yanko of the
21 *StarPhoenix*?

22 A No. I remember talking to *The Globe and Mail*, but
23 I don't recall having talked to Mr. Yanko.

24 Q Do you recall, other than the one incident with
01:42 25 Mr. Roberts when he was in front of your house in



1 a taxi cab, do you remember any other occasions
2 when you talked to reporters from anywhere?

3 A No.

4 Q Is it possible you did and you don't recall today?

01:42 5 A Well, that's possible.

6 Q Okay. If we go here, and I'll just read what it's
7 reported you said, it says:

8 "Fisher's four victims were never told
9 he was apprehended because the morality
01:43 10 department officers investigating the
11 four assaults were not notified
12 themselves."

13 And then:

14 "I heard about the file being solved and
01:43 15 I was just flabbergasted," says Gus
16 Weir, a retired officer who investigated
17 one of the Fisher rapes.

18 Weir continued to investigate
19 the case even after Fisher confessed
01:43 20 because it was not until "several years
21 later" that he discovered that the
22 rapist had been apprehended.

23 Weir said he was recently
24 surprised to learn partial files on two
01:43 25 of Fisher's victims had been located.



1 He was unable to find any of
2 them when Karst's comments moved him to
3 search for the files in the central
4 records department.

01:43 5 Weir said he sees nothing
6 suspicious in Karst being dispatched to
7 take Fisher's Winnipeg confessions."
8 Now, again that part that I read to you, sir, you
9 are able to tell us whether that's something you
01:43 10 did say or that you would have said to the
11 reporter?

12 A It's something I would have said.

13 Q Okay. And, if we can just go back, it says here:
14 "Weir continued to investigate the case
01:45 15 even after Fisher confessed ...",
16 and we know from other documents that the Fisher
17 confession was October 22nd, 1970, and I went
18 through the file and the (V5)--- file with you
19 earlier, the last report that you have
01:45 20 acknowledged you authored I think was in July of
21 '70, and I'm wondering, sir, whether -- and I
22 think, and please correct me if I'm wrong, when I
23 asked you these questions earlier I think you
24 said that you did not take any further steps to
01:45 25 investigate after --



1 A Umm --

2 Q -- after at least when you went to get your
3 working copy, your working file back, in or about
4 October of 1970?

01:45 5 A That's correct.

6 Q So, this statement here, are you able to tell us
7 what you would have said or what you would have
8 meant?

9 A Umm --

01:46 10 Q Or whether you said it?

11 A Well it's common knowledge that I continued, or I
12 carried a copy of the file, the (V5)-- (V5)---
13 file into when I was still in -- or when I was
14 promoted to detective, because I didn't know what
01:46 15 had happened --

16 Q Okay.

17 A -- on the file.

18 Q Is 'carrying the file' different than
19 'investigating'?

01:46 20 A Yes.

21 Q Okay. Can you tell me, and we touched on this
22 earlier, it says in this report, and it's
23 attributed to you, that you continued to
24 investigate the case even after Fisher confessed
01:46 25 because it was not until, quote:



1 "... 'several years later' that he
2 discovered the rapist had been
3 apprehended."

4 And I -- is the 'several years later' the
01:47 5 discussion with Mr. Karst; is that when you
6 discovered it?

7 A Yeah, that's right. And as far as continuing to
8 investigate, to carry the file and have it with
9 you doesn't mean that you are actively
01:47 10 investigating it, I may have used that term but it
11 was probably a poor choice of words.

12 Q And what would be a better choice of words to
13 describe what you did back in or about October of
14 1970, and onward, as far as the (V5)-- (V5)---
01:47 15 file?

16 A Well, I went to CR and I obtained a copy of the
17 file, and I had it in my locker up at the
18 detective office in case something new came up.

19 Q And did anything new come up prior to your
01:48 20 discussion with Mr. Karst in or about 1974?

21 A No.

22 Q So from the time you got the file from central
23 records, which I think you said was around October
24 1970, is that fair, --

01:48 25 A That's probably fair.



1 Q -- until 1974, or thereabouts, when you learned
2 from Mr. Karst, did you take any steps to
3 investigate the (V5)-- (V5)--- rape?

4 A No.

01:48 5 Q And then it goes on to say:

6 "Weir said he recently was surprised to
7 learn partial files on two of Fisher's
8 victims have been located."

9 And this article would be within about a month
01:49 10 after the Police Commission had done their
11 review; do you know where you would have learned
12 about the files being located?

13 A Umm, it was probably from a reporter who advised
14 me that the files had been relocated.

01:49 15 Q Because prior to this, and I think you told us
16 this morning, you had checked the central records
17 in '74 and couldn't find them; is that fair?

18 A That's right.

19 Q So up until around this point it was your belief,
01:49 20 was it, that the files, at least the (V5)--- file,
21 could not be located?

22 A That's correct.

23 Q And did you tell anybody that you had thrown out
24 your working copy of the file in 1974 when asked
01:49 25 about the missing files either by the Commission



1 or by a reporter?

2 A No.

3 Q Why not?

4 A Well what was the point.

01:50 5 Q Okay. If we could go to the, back to the main
6 page, please. And it talks to Mr. Lindgren, it
7 says:

8 "But Ivan Lindgren, Weir's morality
9 division partner at the time, questions
01:50 10 Karst's Winnipeg assignment.

11 'Why the hell wouldn't they
12 send a morality detective down?' says
13 Lindgren, now retired.

14 Henry Henschel, another retired
01:50 15 morality officer, said 'it wouldn't be
16 too uncommon' for Karst to take a sexual
17 assault statement.

18 But he also allowed: 'It
19 certainly doesn't make too much sense
01:50 20 that they would draw on somebody from
21 detective division.' "

22 If I can pause there, and I think you've given
23 your view earlier -- and please correct me if I'm
24 wrong -- that it was Nordstrom going to Winnipeg
01:51 25 that concerned you, not Detective Karst; is that



1 fair?

2 A That's right.

3 Q And if we can go back to the main page, it says:

4 "Weir, who notes it was a jury and not
01:51 5 Saskatoon Police who convicted Milgaard,
6 believes missing information about
7 Fisher is indicative of the incompetence
8 found in the upper echelons of all
9 Canadian police forces at the time.

01:51 10 'You had to be there to know
11 what was going on,' he says.

12 The problem had much to do with
13 the calibre of officer attracted to the
14 force decades earlier, when wages were
01:51 15 low and the work was drudgery.

16 Their promotion through the
17 ranks was accelerated when the post-war
18 boom saw police forces expand as fast as
19 their cities.

01:51 20 'It was a common disease right
21 across Canada.' "

22 And would you have or did you provide that
23 information or statements to the media at that
24 time, Mr. Weir?

01:51 25 A Yes.



1 Q And can you tell us what you meant by that? And
2 let's just go down about 'the incompetence found
3 in the upper echelons of all Canadian police
4 forces'; what were you referring to?

01:52 5 A Well I think probably Inspector Nordstrom
6 exemplified what I was talking about.

7 Q Okay. Anybody else?

8 A Umm, no, I don't think so.

9 The problem was -- I was at a
01:52 10 convention in Winnipeg, I believe, of the
11 federation of police officers, and there was a
12 chap there who had a little too much to drink, and
13 he got talking about we were all suffering from
14 the Second World War blues. And somebody
01:53 15 questioned him as to what he meant by that, and he
16 said that, "well", he said, "the depression came
17 along and people were forced into the armed
18 services, they were told when to get up, when to
19 go to bed, and what direction to shoot", and he
01:53 20 said "they come out of the army or the armed
21 forces and", he said, "unfortunately they didn't
22 know what to do and so they joined the local
23 police department, and they were told when to get
24 up in the morning, when to go to bed, when to show
01:54 25 up for work, and which direction to shoot". And



1 he said, "that's what I mean by the Second World
2 War blues", and it was probably true.

3 Q Is that something you believed in 1991, then, when
4 this article was run?

01:54 5 A Yeah.

6 Q Okay. Now it talks about:

7 "... believes missing information about
8 Fisher is indicative of the incompetence
9 found in the upper echelons of all
01:54 10 Canadian police forces at the time."

11 You told us this morning that you threw out or
12 disposed of the (V5)-- (V5)--- file, at least
13 your working copy?

14 A Yeah.

01:55 15 Q And I'm wondering, sir, if that is -- would that
16 be considered missing information?

17 A No, I don't think so.

18 Q And why not?

19 A Because it wasn't complete to start with. It had
01:55 20 no Court disposition on it, and it didn't have the
21 report that's attributed to me on it, and why
22 would I keep it.

23 Q Well, and we touched on this this morning, but the
24 fact is that months prior to this you were being
01:55 25 questioned about the fact that there was an



1 investigation because none of the files, at least
2 the four Fisher files, couldn't be located?

3 A Yeah.

4 Q And it doesn't appear, at least I wasn't able to
01:55 5 see it anywhere in the interviews or the reports
6 or the news, media reports, a suggestion from you
7 that you actually had a copy in 1974 and disposed
8 of it?

9 A Well I -- my copy wasn't complete.

01:56 10 Q Okay.

11 A And it had no information on it that was pertinent
12 to the case at the time.

13 Q Was it not all the investigation reports, and the
14 statement from (V5)-- (V5)---, and the work that
01:56 15 you had done on the file up until that point?

16 A Yes, it was.

17 Q And so the only thing that would be missing is
18 what you said, the concluding report, correct, and
19 the Fisher statement; is that right?

01:56 20 A Well, yeah, but what's -- what's the point? What
21 is your point?

22 Q No, I'm just wondering what was on the file. The
23 file that you had, the working copy, would have
24 been the file except for you said it wasn't
01:56 25 complete. I just want to identify what you



1 believe was missing from it, and I think you said
2 the concluding report, which was attributed to you
3 which you say was not yours, --

4 A Yeah.

01:57 5 Q -- and the Court disposition; is that right?

6 A Yeah.

7 Q Would there normally be, when a matter is disposed
8 of in Court, is there some type of document that
9 would go in the police file?

01:57 10 A Umm, I would think so.

11 Q Yeah. And is it something that the prosecutor
12 would prepare or the police would prepare?

13 A No, I think the prosecution would prepare it.

14 Umm, you know, it would be the Court disposition.

01:57 15 Q Okay. If we could go to 046384, please. And, Mr.
16 Weir, these are, just at the top, the title on
17 this is Notes From Taped Gus Weir Interview April
18 3, 1992, and I believe they were provided by David
19 Roberts to the RCMP in their investigation in
01:58 20 1993, and I think you've had a chance to look at
21 these prior to your testimony here; is that
22 correct?

23 A Umm, probably, yeah.

24 Q Yeah. And do you remember when you met with Mr.
01:58 25 Roberts, I think you said it was in your home, do



1 you recall if you tape-recorded the interview?

2 A I think he did, yeah.

3 Q Yeah. And I think, prior to testifying here, you
4 had a chance to review -- and I will go through
01:58 5 these specifically -- but, just generally, are you
6 able to tell us whether you acknowledged that
7 these would be either notes of or a transcript of
8 the interview?

9 A Umm, --

01:58 10 Q Now before you answer, sorry, in fairness it's not
11 verbatim, it's not a question and answer format,
12 Mr. Weir. It says Notes From Taped Gus Weir
13 Interview, and then bold appears to be what the
14 reporter says, and then some quotes which I think
01:59 15 are attributed to you.

16 A Well, first of all, I don't think he recorded
17 accurately my replies, and I think he was
18 interested in selling newspapers, he wasn't
19 interested in what I actually had to say.

01:59 20 Q And why do you say that, sir?

21 A Well he told me at one time that he was going to
22 solve this file.

23 Q And what did you surmise from that, positive or
24 negative, or not?

01:59 25 A What do you mean?



1 Q Well you had said that -- your comment was that
2 you had the impression that he was simply trying
3 to sell newspapers and I said 'what caused you to
4 think that', and you said 'because of his comment
02:00 5 that he was trying to solve it', and let me put it
6 this way; did you see anything wrong with that?

7 A Yes.

8 Q And what was that?

9 A Well I don't see how he was going to solve it or
02:00 10 get to the bottom of what transpired without,
11 first of all, forensic evidence.

12 Q Okay. So why don't we do -- why don't we go
13 through the document, Mr. Weir, and I'll ask you
14 questions about whether or not you recall saying
02:00 15 this or would have thought it at the time, okay?
16 And if we can start -- okay?

17 A Okay.

18 Q If we can start off with the first, and I think
19 the bold words are Mr. Roberts', a summary
02:00 20 saying -- "suggesting you were duped by colleagues
21 in 70/71 when you told (V5)-- (V5)--- Fisher was
22 in mental institution in Manitoba." And you are
23 quoted as saying, "Well as I recall I don't
24 remember anything about Fisher at all. I don't
02:01 25 know. I recall telling (V5)-- about some guy who



1 I think at the time of the invest was somewhere up
2 in Humboldt or the northeast corner but I don't
3 remember. My recollection of it is that I really
4 didn't know anything about Fisher until, you know,
02:01 5 he copped out in Regina." Then in brackets,
6 "(this is at odds with what he told Sask. Police
7 Commission)", and then, "I'm not aware of ever
8 having told (V5)-- about Fisher."

9 Now, again, are you able to tell
02:01 10 us whether that's something that you would have
11 said to Mr. Roberts at the time?

12 A That's right, I would have said that to him,
13 because I didn't know about Fisher.

14 Q And then he, it appears, is putting to you that,
02:01 15 "(V5)-- (V5)--- says you showed her a photo of
16 him,", and you answer, "well okay, she may have
17 said that, but with the controversy that's on she
18 may have thought it was Fisher, but I don't recall
19 it being Fisher." And, again, is that something
02:02 20 you said or you think you would have said to Mr.
21 Roberts?

22 A I think that's fairly accurate.

23 Q And then it goes on, it says, "what about your
24 last entry in her file, the accused's alleged
02:02 25 mental state etc." -- and that's, I believe, the



1 February 5th report that I showed to you
2 earlier -- and your answer is, "I don't recall
3 that being Fisher", and then, "who would the
4 accused have been then if not Fisher", answer, "I,
02:02 5 well I -- okay, well first of all if it says
6 Fisher". And then attributed to Mr. Roberts, "it
7 doesn't say Fisher". And then your answer
8 attributed to you, "well okay, it's strange that
9 it doesn't say who it was because I recall showing
02:02 10 her a picture, and it was a question if whether or
11 not this guy was a mental case, and this guy
12 apparently had been charged with some sexual
13 offences and he as a matter of fact, and I said
14 charged with some sexual offences you see, and so
02:02 15 he therefore came up as a possible suspect in this
16 matter, you see, and as I recall of course we
17 didn't have the luxury of travelling". And then
18 Roberts says "a reference to some guy name Haye or
19 Hayes", "I might have been referring to this Hayes
02:03 20 when I said that because I don't ever recall
21 Fisher's name coming up."

22 If I could pause there, does
23 that sound like something you would have said at
24 the time to Mr. Roberts?

02:03 25 A I think that's probably fairly accurate, because I



1 think I was referring to Hays and Roberts was
2 referred to Fisher, and that's why I said that I
3 don't recall Fisher's name ever having come up.
4 And I don't think that I -- like what happened
02:03 5 here is the RCMP apparently showed (V5)-- (V5)---
6 the alleged report that I'm alleged to have left,
7 and she felt that if I said it, because my name
8 was on the bottom of it, that probably that was
9 right.

02:04 10 Q Okay.

11 A I don't think, I honestly don't think she, she --
12 I don't ever recall talking to her and I don't, I
13 don't ever recall having left that report, and
14 because my name was on the bottom of it the RCMP
02:04 15 assumed that I had left it and they assumed that
16 (V5)-- (V5)--- -- they used that report to jog her
17 memory.

18 Q Okay.

19 A And I don't think that was right.

02:04 20 Q Okay. I will go through, Mr. Weir, the dates and
21 the reports of all of those. And this report is
22 April of '92, the RCMP were not involved, at least
23 when they interview (V5)-- (V5)---, until 1993,
24 but I'll show you those when we get to them.

02:05 25 Okay?



1 A Okay.

2 Q So at this time, I think we ended off here, and
3 then Mr. Roberts says to you, "I was thinking that
4 would be why you were so mad at Karst years
02:05 5 later", and attributed to you, "oh, I wasn't mad
6 at Karst as far as that's concerned. I mean Karst
7 was no different from me. He was just doing what
8 he was told and as far as I'm concerned I'm
9 satisfied that Eddie himself wouldn't be part of
02:05 10 any conspiracy for him to go to Winnipeg as
11 opposed to me. That could have happened any
12 number of ways."

13 Is that something you did say or
14 would have said?

02:05 15 A I think that's something I would have said.

16 Q Is that the truth?

17 A Yes.

18 Q Okay.

19 A Yes.

02:05 20 Q Then it says --

21 A Yes, I wasn't mad at Karst.

22 Q It says, "there certainly were people who are
23 grandstanding and people who have vested interests
24 in their image, and those people are chiefs of
02:06 25 police and the like. I am satisfied in my own



1 mind that the people I was dealing with at that
2 time, the investigators at that time, were acting
3 in good faith. I'm not saying we weren't wrong,
4 Christ I make mistakes every day and I made them
02:06 5 then. This is why I say, as far as Eddie is
6 concerned, that I think probably Eddie had some
7 misgivings when he was investigating Milgaard, he
8 probably had some misgivings about the witnesses."

9 And, again, is that -- are those
02:06 10 words, are those words you would have said to Mr.
11 Roberts?

12 A Yes, that's right.

13 Q And here, when we're talking about 'grandstanding'
14 and 'people with vested interests', who and what
02:06 15 are you referring to?

16 A Well I was referring to Nordstrom.

17 Q And what would his -- what do you mean by
18 'grandstanding' and 'a vested interest'?

19 A Well Nordstrom's career wasn't what you would call
02:06 20 stellar, he was Court officer prior to his being
21 named inspector, and he was made night inspector,
22 and he certainly wasn't outstanding as a night --
23 or as a uniform inspector. And I think the chief
24 put him in charge of morality and, like I said, he
02:07 25 saddled him with three morality sergeants to keep



1 him on the straight and narrow, and I think that
2 one of the reasons he went to Winnipeg with Karst
3 was that this was gonna be his opportunity to
4 prove that the chief made no mistake in appointing
02:08 5 him to morality inspector, and it backfired.

6 Q Did you have a belief at that time, or at any
7 subsequent time, that Inspector Nordstrom was
8 seeking to take credit for solving either the
9 (V5)--- rape file or the other three files that
02:08 10 Mr. Fisher pled guilty to?

11 A Well I have no proof.

12 Q That wasn't my question; whether you thought that
13 at the time or now?

14 A Well I think that now.

02:08 15 Q And then you say here, you say, "I think probably
16 Eddie has some misgivings when he was
17 investigating Milgaard, he probably had some
18 misgivings about the witnesses."; what are you
19 referring to there?

02:08 20 A Well I think you would probably have to refer to
21 Eddie's testimony at this --

22 Q I'm wondering what -- I'm sorry, my question was
23 whether there was something specific you were
24 referring to when you made this comment? And I'm
02:09 25 not asking you to speculate, put yourself in his



1 shoes, I'm just wondering, when you said this to
2 Mr. Roberts, whether there was anything in
3 particular you were referring to or thinking at
4 the time?

02:09 5 A Well I think everybody has reservations, you know.
6 Like I said, I don't speculate or I didn't
7 speculate on any investigation that I participated
8 in, you know, you either have hard facts or you
9 don't. And as far as Eddie was concerned,
02:10 10 witnesses are fraught with different views quite
11 times, and I think Eddie had reservations about
12 some of the witnesses.

13 Q And, again, is that just your feeling or
14 speculation or is there something specific at the
02:10 15 time that you were aware of?

16 A No, I think, I think -- Eddie was a pretty good
17 investigator and I don't see why he wouldn't have
18 misgivings, or -- without hard evidence.

19 Q Yeah. If you could scroll down, please. Then
02:10 20 there's words which I think are attributed to Mr.
21 Roberts, "yeah. Milgaard is a weird character.
22 There were those Charles Manson killings the same
23 time. Again the theory: Supposing you heard of
24 Fisher because Karst and Nordstrom went down to
02:11 25 Winnipeg. He was charged December/70 and then you



1 show (V5)-- pictures of Fisher and says he's in a
2 looney bin so no trial." And then attributed to
3 you, "You see the first thing is Karst wouldn't
4 have had an axe to grind or he wouldn't have told
02:11 5 me. Karst, or K had no idea when he went down to
6 see F about the rape files. Maybe the regular
7 guy, rape investigator, was on vacation or
8 something and there was a tendency to think they
9 send you out of town and it was a holiday. He had
02:11 10 seven kids and he didn't want to go to Winnipeg so
11 you had two different trains of thought. You had
12 an administration which couldn't cope with the
13 times, and so I go along with the theory that all
14 of these things that were happening were ...",
02:11 15 next page, "... a big deal to the administration
16 but they weren't to us ... it's very easy to build
17 evidence around somebody that you are sure is
18 guilty and boy you got a watch that shit."

19 Do you, is that something you
02:12 20 would have said to David Roberts?

21 A Yeah, I think so, yeah.

22 Q And then, again, it's put to you, "but Hayes
23 wasn't charged, Fisher was charged, and so when
24 you refer to the accused the accused must have
02:12 25 been Fisher". And I think he is talking about



1 that concluding report. And then attributed to
2 you it says, "well, and it seems to me there was
3 one guy that had been brought up as a possible
4 suspect, maybe by the RCMP, I'm not sure, and it
02:12 5 turns out it was dice we couldn't -- and he could
6 have been in Saskatoon at that time but there was
7 a gap we couldn't really confirm, but on balance
8 you look at it all and say it is unlikely he was
9 the guy". And then it's put to you "so you think
02:12 10 (V5)-- must be wrong?" "Well I think so. With
11 all the hype over the years she's thinking well he
12 must have told me about Fisher but I don't really
13 honestly think so because the reason being was my
14 astonishment years later. I mean if I'd have
02:13 15 known his name and that I'd asked her before I
16 wouldn't have been nearly as surprised with Karst,
17 you know, because, you know, at the time I had to
18 get a picture of the son of a bitch to see who he
19 was. As a matter of fact I had to get faxed (in
02:13 20 1976?) in from the crime centre in Ottawa and I
21 got the picture. I mean you close these files off
22 from active investigation but they are never
23 really closed, closed but you are not longer
24 actively pursuing them, and I carried major files
02:13 25 that were never really solved and I carried them



1 for a long time". And "so you got the pix of
2 Fisher after Karst told you about him but you
3 couldn't find the files but you got the pix",
4 "Well okay but ...", and then end of tape.

02:13 5 Do you recall saying that to
6 Mr. Roberts?

7 A No, I don't recall saying that to him. I think,
8 there again go back to the report, the concluding
9 report that's on the (V5)-- (V5)--- file that's
02:14 10 attributed to me. In the first instance, why
11 would I leave a concluding report and not put in
12 the name of the accused.

13 Q Did you contact the crime centre in Ottawa to get
14 a picture of Larry Fisher?

02:14 15 A I may have.

16 Q Do you recall that?

17 A No, I don't recall that, but this is -- there is a
18 report somewhere that I showed (V5)-- (V5)--- a
19 Polaroid snapshot.

02:14 20 Q Yeah.

21 A And I can't figure that out either, because why
22 wouldn't I contact the Crime Index in Ottawa for a
23 photo of Fisher when he was already serving in
24 Prince Albert Penitentiary?

02:15 25 Q I'm wondering, I think you said you don't recall,



1 then, contacting to get a photograph of Larry
2 Fisher; is that your evidence?

3 A Well I don't know whether I did or not.

4 Q I --

02:15 5 A I just don't know.

6 Q Okay. If we can go to 039567, please. And this
7 is May 2nd, 1992, so it's about a month after the
8 taped interview, at least the date on the tape of
9 the Roberts transcript, and this is a *Globe and*
02:15 10 *Mail* article again by Mr. Appleby and David
11 Roberts. And this is the front page, I wish to go
12 to the second page, which is a different doc. ID,
13 it's 039421, please.

14 And in this article they talk
02:15 15 about Mr. Fisher being arrested and Karst and
16 Nordstrom were dispatched to interview him and
17 then it says:

18 "By all accounts, the interview was not
19 a success; Det. Gus Weir, a former
02:15 20 Saskatoon morality-squad investigator,
21 says today that Mr. Karst later bragged
22 of having to pull Inspector Nordstrom
23 from the interview. It was Det. Karst
24 who ended up taking Mr. Fisher's
02:15 25 confession."



1 And I take it, sir, that's something you would
2 have said to Mr. Roberts?

3 A No. If I said it, it was a poor choice of words
4 because I've never heard Eddie Karst brag about
02:15 5 anything.

6 Q Do you want to take a break, Mr. Weir?

7 A Yeah.

8 MR. HODSON: Okay.

9 (Adjourned at 2:16 p.m.)

02:30 10 (Reconvened at 2:30 p.m.)

11 BY MR. HODSON:

12 Q Just go back to 039421, please, just again this is
13 the interview we were talking about before, or the
14 article before we broke, May 2nd, 1992, and it
02:30 15 talks here about, and again this is May of '92:

16 "In an interview last fall, however, Mr.
17 Weir (who is also retired) remarked that
18 the Winnipeg police-station interview by
19 the Saskatoon police officers was a
02:30 20 "classic example of how not to do it."
21 Mr. Weir suggested Inspector Nordstrum
22 was far from the police force's most
23 experienced interrogator."

24 A couple of things, it talks about an interview
02:30 25 that would be in the fall of '91. Do you



1 remember that?

2 A Now, okay --

3 Q In fairness, Mr. Weir, that taped -- when we went
4 through the taped discussion with Mr. Roberts, the
02:31 5 date on there is April 3rd, 1992. I can't tell
6 you that that's the date of the interview, so
7 we'll hear evidence about that later, so --

8 A No, I -- well, I would suggest it was before that
9 because I don't know when he wrote the article,
02:31 10 but as I recall, there were a series of people
11 interviewing me and he was amongst those people.

12 Q Okay. And when you talk here about "classic
13 example of how not to do it," I think you've
14 already told us what your views were of Inspector
02:31 15 Nordstrom's involvement and is that what you are
16 referring to here or is there anything in
17 addition?

18 A No, that's a fair comment.

19 Q Okay. Go back to the main article, please, and
02:31 20 then if we can go to there, it says:

21 "A second victim --"

22 And it uses a pseudonym,

23 "-- "Donna (V5)-----", who was raped on
24 Feb. 21, 1970 ..."

02:32 25 And that's the date of (V5)-- (V5)---, and I



1 believe Miss (V5)--- either testified or has said
2 elsewhere that this reference is to her and that
3 she did talk to *The Globe and Mail*, or to some
4 reporter, and it says:

02:32 5 "... says she identified Mr. Fisher as
6 her attacker when she was shown a single
7 photograph of him by Det. Weir in the
8 fall of 1970. (Standard police
9 procedure is to place suspects in a
02:32 10 "gallery-pack" of mug shots.)

11 "It was one of those Polaroid
12 pictures of Fisher alone," she recalled
13 in an interview from her rural
14 Saskatchewan home last week. "It was
02:32 15 just one picture. Just him. I
16 identified him. I was sure. Then they
17 said he was responsible for two other
18 rapes in Saskatoon. They told me he was
19 in a mental institution. Then they
02:33 20 left."

21 So I think, Mr. Weir, this would be, this is
22 before the RCMP are involved, at least according
23 to the documents, they interviewed her in 1993,
24 so it would appear in May of 1992, when Mr.
02:33 25 Roberts is reporting, that based on a discussion



1 with (V5)-- (V5)---, she is saying that you
2 showed her the photograph. Do you see that?

3 A Well, I didn't show either one of those people --

4 Q Okay. No, fair enough.

02:33 5 A -- a photograph. First of all, where would I
6 get a --

7 Q No, and I appreciate that, Mr. Weir, you've told
8 us what your position is on that. I was just
9 pointing out earlier in one of your answers you
02:33 10 talked about the RCMP talking to (V5)-- (V5)---.
11 I was just pointing out here that this is May of
12 '92 and a reference to (V5)-- (V5)--- talking to
13 the reporter, that's all.

14 A Yeah.

02:33 15 Q You see that?

16 A Yeah.

17 Q Okay. Go back to the main page, please, and then
18 it says:

19 "This week, Gus Weir refused to confirm
02:34 20 or deny being duped by his police
21 colleagues into believing Mr. Fisher was
22 in a mental institution. Last fall,
23 however, he told The Globe he was
24 amazed -- and livid -- when he was told
02:34 25 by Mr. Karst many years later that Mr.



1 Fisher had indeed pleaded guilty in 1971
2 in Regina to the Saskatoon rapes."

3 And it certainly appears from this, Mr. Weir,
4 that -- do you recall when I showed you the tape
02:34 5 dated April 3, 1992 of the interview with
6 Roberts, I think the very first question he had
7 was about whether you were being duped. Do you
8 remember when I showed you that?

9 A Yeah.

02:34 10 Q Yeah. So it appears from this, at least according
11 to this article, that Mr. Roberts is saying that
12 he talked to you last fall as well as this week,
13 which would be around the spring of '92. Do you
14 see that?

02:34 15 A Well, I refused to confirm or deny being duped by
16 my police colleagues into believing that Mr.
17 Fisher was in a mental institution because I
18 didn't know.

19 Q I'm sorry, my question was simply that the
02:35 20 reference here, it looks as though Mr. Roberts is
21 saying that he talked to you twice, once just
22 prior to May of '92 and once in the fall of 1991,
23 and I'm just wondering if you are able to, I think
24 you told us you only remembered one occasion?

02:35 25 A Yeah, I think so.



1 Q Is it possible you would have talked to him on
2 another occasion or occasions, either by phone
3 or --

4 A I don't think so because I had to throw him out of
02:35 5 the house on the first basis.

6 Q And why was that?

7 A Because he was putting words in my mouth and he
8 was, as far as I was concerned, as I said before,
9 doing the article to his liking.

02:36 10 Q And when you say you threw him out of the house, I
11 take it you asked him to leave; is that what
12 you --

13 A Yes, I asked him to leave.

14 Q If we could go to 034641, please, and this, Mr.
02:36 15 Weir, now we go ahead to March of '93 and that's
16 about a year -- well, sorry, about 10 months after
17 the May article, and these are handwritten notes
18 of an interview conducted by I think Officer Gagne
19 and -- I'm not sure who else. Do you remember
02:36 20 being interviewed by two RCMP officers in about
21 1993?

22 A Yes.

23 Q And do you know what they were investigating or
24 what they were doing at the time?

02:37 25 A Well, they were talking about what we're talking



1 about today.

2 Q Okay. If we can just go to the next page, please,
3 I think it's 40. Thank you. And again, Mr. Weir,
4 these are the RCMP officer's notes of their
02:37 5 discussion with you, okay, it's their notes as
6 opposed to a transcript, do you understand that,
7 and I just want to ask you some questions about
8 what they wrote down based on their interview with
9 you and it says:

02:37 10 "A number of newspaper articles
11 concerning Weir's statements regarding
12 no knowledge of Fisher as a suspect were
13 discussed with Weir."

14 Scroll down:

02:37 15 "To begin with, Weir denies showing
16 (V5)-- (V5)--- a Polaroid picture of
17 Fisher in the fall of 1970. The only
18 pictures he showed (V5)--- are a number
19 of them on 70 July 14. He remembers
02:37 20 this because he had enquiries done by
21 our members at some detachment and a
22 picture of this suspect was received and
23 included in the photo line-up."

24 And then:

02:38 25 "(Suspect Robert Hay)."



1 And does that sound like an accurate recording of
2 what you would have told them at the time?

3 A Yes.

4 Q And then the next page, number 6, it says:

02:38 5 "Weir further stated that he was unaware
6 of Fisher as a suspect at the time
7 therefore it makes it impossible for him
8 to have shown (V5)--- a picture."

9 Is that correct?

02:38 10 A Yes, that's right.

11 Q And then scroll down, number 7:

12 "When approached about the fact that
13 charges against Fisher had been laid in
14 Dec 1970 including one for the (V5)---'
02:38 15 rape, Weir stated that he was unaware of
16 this. The first time he learned of the
17 charge against Fisher was some years
18 later when Ed Karst mentioned it."

19 And is that something you would have told them?

02:38 20 A That's right.

21 Q And then down at the bottom:

22 "After reading Weir's police report
23 dated 71 Feb 5 he couldn't remember
24 where he had received the information
02:39 25 about "the alleged mental condition of



1 the accused" nor why he had entered this
2 on his report as he still didn't know
3 that Fisher was a suspect. He also
4 couldn't remember why the file had been
02:39 5 concluded but he is positive that it
6 wasn't because Fisher had been
7 identified as the assailant. Weir
8 restated that he had no knowledge that
9 charges had been laid in Dec '70."

02:39 10 And again is that something that, is that an
11 accurate recording of what you would have told
12 them?

13 A Yeah.

14 Q Now, in this -- and if we can just go back to the
02:39 15 top, it appears that they were asking you about
16 the concluding report, about why you would have
17 used the words "the alleged mental condition of
18 the accused", and it records here that you didn't
19 know why you would have entered that into the
02:40 20 report, and I don't believe it says here that you
21 didn't author the report. Would you agree with
22 that reading of it? Let me restate that. When I
23 look at what I just read there, according to what
24 the RCMP are writing, they put to you the February
02:40 25 5, '71 concluding report and they ask you about,



1 you know, the alleged mental condition of the
2 accused and your entering that information and I
3 think your answer is you couldn't remember when he
4 had received the information about the accused, or
02:40 5 about the alleged mental condition of the accused
6 nor why he had entered this on his report. Do you
7 see that?

8 A Ah --

9 Q And sorry, my question is, according to this
02:40 10 report it appears that the RCMP are saying you
11 weren't denying that it was your report, you were
12 questioning --

13 A Well, I was, but they didn't believe me because my
14 name was on the bottom of it.

02:41 15 Q Okay. Do you recall whether you would have told
16 the RCMP you didn't author the report?

17 A Yes. Well, I don't know whether I told them I
18 didn't author the report, but I said I couldn't
19 remember authoring the report, and again, the
02:41 20 report is so full of inconsistencies that I don't
21 think I left it.

22 Q And what report is full of -- the RCMP report?

23 A Well, no, the --

24 Q Oh, I'm sorry.

02:41 25 A -- the concluding report.



1 Q The concluding report, I'm sorry. If we can just
2 go on to the next page, please, it says here:

3 "The relationship between morality &
4 detectives was good and information was
02:42 5 shared constantly."

6 Is that something you told the RCMP?

7 A Yes.

8 Q And scroll down, paragraph 12:

9 "He doesn't remember why Karst would
02:42 10 have gone to Wpg. instead of him to
11 interview Fisher on the rapes but it may
12 have been that he was tied up with some
13 other matter or on holidays. Also it
14 could have been for the fact that Karst
02:42 15 was their top investigator at the time."

16 Again, is that an accurate recording of what you
17 would have told the RCMP?

18 A Yeah, that's right.

19 Q And that's what you believed at the time and now?

02:42 20 A Yes.

21 Q And then again scroll down to 14, it says:

22 "As he was unaware of Fisher as a
23 suspect in a number of rapes he couldn't
24 have made a connection between the rapes
02:42 25 & the murder."



1 And is that an accurate recording of what you
2 would have told the RCMP?

3 A Well, he couldn't have made a connection between
4 the rapes and the murder. Well --

02:43 5 Q I think they are talking about the Gail Miller
6 murder and the rapes that Larry Fisher pled guilty
7 to, I believe.

8 A I may have said it. I don't know. I think they
9 are taking license with what I said there.

02:43 10 Q Okay. And is there something there that you don't
11 agree with or that you would say differently?

12 A Well, I would leave off "and the murder".

13 Q Pardon me?

14 A I would leave off "and the murder" because -- I
02:43 15 don't know about that 14 statement. I think
16 probably I said something else, but --

17 Q Okay.

18 A -- or phrased it differently.

19 Q If we could then go to 070544, please, and this is
02:44 20 the RCMP report of June, '93, so this is after
21 they met with you and they are talking to (V5)--
22 (V5)---, and if we could just go to the next page
23 and it's reported here, it says:

24 "She also recalled contacting Det. Weir
02:44 25 and telling him of a possible suspect in



1 Asquith. This person was later
2 identified as Robert Hay and after
3 further scrutiny of his picture she
4 eliminated him as a suspect."

02:44 5 And do you disagree with that?

6 A No.

7 Q And then the next page, it says:

8 "(V5)-- stated that she was also shown a
9 line-up (photos) with negative results.

02:45 10 She does remain adamant that in
11 the fall of 1970 Det. Weir came to her
12 residence and produced a single photo of
13 a man which she identified as her
14 assailant. This man was Larry Fisher
02:45 15 and Det. Weir told her that he had
16 admitted to her assault & others. Also
17 he had informed her that Fisher was
18 presently in a mental institution or
19 something to that effect."

02:45 20 And so this is where (V5)-- (V5)--- has told the
21 RCMP that and I think you told us, Mr. Weir, you
22 take issue with that?

23 A Yes, I do.

24 Q And then the next page, paragraph 10 -- so that
02:45 25 reference I think she said in the fall of 1970 was



1 the photograph and then:

2 "(V5)-- couldn't remember the date when
3 Det. Weir last contacted her but it was
4 when they had returned some of her
02:46 5 articles. During their talk she
6 remembers Weir's partner saying
7 something to the effect of "Fisher
8 usually admits to his crime."

9 And then:

02:46 10 "When shown Weir's police report dated
11 71/02/05 she remembers the comments
12 concerning the alleged mental condition
13 of the accused but can't remember if she
14 was told that a charge had been laid."

02:46 15 So I think she told the RCMP that she also met
16 with you on February 5, '71 or at a time when the
17 file was concluded and I think you've told us you
18 take issue with that; is that fair?

19 A That's correct, I take issue with it. I think the
02:46 20 scenario is that if you go back to the start of
21 this RCMP report, (V5)-- is trying to forget about
22 the matter, she says that, and I take issue with
23 the fact that the RCMP showed her what was alleged
24 to be my concluding report and so she thinks that
02:47 25 -- she doesn't really remember, but she thinks



1 that if I said it, it must be true.

2 **Q** And, sorry, are you suggesting then that her
3 memory of the concluding meeting is based upon
4 reviewing your concluding report?

02:47 5 **A** That's right.

6 **Q** And what about the reference in her statement
7 about being shown the Polaroid in the fall of
8 1970?

9 **A** Somebody else showed her that, not me.

02:48 10 MR. HODSON: Thank you, Mr. Weir. Those
11 are all of my questions. I can canvass -- I
12 presume we should, we will not take the break
13 scheduled for three? Should we carry on? I can
14 check to see who is cross-examining.

02:48 15 COMMISSIONER MacCALLUM: First just find
16 out.

17 MR. HODSON: I think we have got
18 Ms. McLean, Mr. Elson, Mr. Gibson and perhaps Mr.
19 Wolch. I'm not sure whether anybody cares who
02:49 20 goes first. Is there someone who would like to
21 go first? I think Mr. Elson has said technically
22 he should go last being a police witness.

23 COMMISSIONER MacCALLUM: That would appear
24 to be so. Is there any objection to that?

02:49 25 MR. HODSON: I don't see anybody getting



1 up.

2 COMMISSIONER MacCALLUM: It's between Mr.
3 Wolch and Ms. McLean then who is to go first.

4 MR. WOLCH: I have no questions at this
02:49 5 time.

6 COMMISSIONER MacCALLUM: Oh, okay. Go
7 ahead.

8 **BY MS. McLEAN:**

9 Q My questions are primarily administrative, sir,
02:49 10 and I'm simply suggesting that perhaps if I
11 followed the police counsel, that my questions
12 might end up getting answered that way. In any
13 event, my name is Joanne McLean, I represent Joyce
14 Milgaard.

02:50 15 If I can go back to what you
16 were talking about this morning about the master
17 copies and the working copies of files, and you
18 told us the master copy was kept in Central
19 Records; correct?

02:50 20 A Yes.

21 Q And is that actually the original documents? Do
22 you understand what I mean?

23 A Well, when documents are typed --

24 Q Yes.

02:50 25 A -- they're typed in triplicate.



1 Q Using carbons?

2 A Yes.

3 Q Okay.

4 A And the number 1 copy goes to Central Records, the
02:50 5 number 2 copy goes to the investigator and the
6 number 3 copy, I don't know where it goes.

7 Q That's that third copy you were talking about
8 earlier?

9 A Yeah.

02:50 10 Q When you say number 2 copy and number 1 copy, was
11 there a special form used at any time that
12 indicated that this is a number 1 copy or a number
13 2 copy?

14 A I don't recall there being a designation, it was
02:51 15 just that the number 1 copy, or the top copy went
16 to Central Records.

17 Q And it's pretty obvious that it's a top copy
18 because you don't have that carbon --

19 A That's right.

02:51 20 Q Yeah.

21 A Yeah.

22 Q And did you have a practice of numbering the pages
23 that were in your working copies of files?

24 A No. I relied on the dates that I left a report
02:52 25 and usually when I received a copy of my



1 investigations from CR, I would initial them.

2 Q And when you say you received a copy of your
3 investigations from CR, you mean when you received
4 I guess a carbon copy of a report that had been
02:52 5 typed up?

6 A Yeah.

7 Q Okay. And then you would put that into your
8 working file having initialed it?

9 A That's right, yeah.

02:52 10 Q Okay. That's so for investigative reports. What
11 about things like correspondence or handwritten
12 notes, would those make their way into both the
13 investigative file and the master copy?

14 A It would depend on what they pertained to.
02:53 15 Usually what would happen is that I don't think
16 there would be any handwritten notes. If another
17 officer left an investigation report, it would
18 come back to me to be attached to the working copy
19 and the number 1 copy would go to Central Records.

02:53 20 Q Okay. Now, Central Records, is this a place where
21 you had direct access to the file itself or is it
22 the type of situation where you would ask a clerk
23 to pull a file out for you?

24 A It was -- well --

02:53 25 Q Or both, it could be both.



1 A Well, it was probably both, but you would ask a
2 clerk to pull a file.

3 Q Okay. Just briefly, when you were telling us
4 earlier that you had gone and asked for the (V5)--
02:54 5 (V5)--- file from Central Records --

6 A Yeah.

7 Q -- and you had also asked for a copy of that file;
8 correct?

9 A Right.

02:54 10 Q This is in 1974ish --

11 A Yeah.

12 Q -- after you had spoken to Mr. Karst, you remember
13 talking about that?

14 A Yeah.

02:54 15 Q So when you went to Central Records on that
16 occasion, you would ask for the original file to
17 actually be brought to you or did you simply ask
18 for the file to be copied?

19 A No, I asked to read the file and I would then
02:54 20 decide if I wanted a copy.

21 Q Okay. And do you have a recall, a recollection of
22 reading that file, the (V5)--- file that they
23 brought to you?

24 A No, because they couldn't find it. It was
02:55 25 missing.



1 Q Okay. We may be talking at cross purposes here.
2 You spoke to Mr. Karst in about 1974?

3 A Yup.

4 Q And after speaking to him -- oh, sorry, I may be
02:55 5 misleading you. You had your working copy of your
6 file in your desk or in your file cabinet, your
7 own working copy?

8 A Well, it was in my locker. It wasn't in my file
9 folder because it was just a matter of interest to
02:55 10 me.

11 Q Okay, I'm sorry, I have confused you, sir, I don't
12 mean to interrupt you, but I've certainly confused
13 you. You had your original working file, the one
14 that disappeared, okay, that's the one I'm talking
02:55 15 about, your original working investigative file.

16 A No, I didn't. It disappeared when Fisher was
17 charged.

18 Q Correct. That's the file I'm talking about, your
19 original working file.

02:56 20 A Yeah.

21 Q It disappeared sometime in the fall of 1970?

22 A Right.

23 Q After that you made another copy of it and you
24 kept that copy in your desk?

02:56 25 A Right.



1 Q Okay. That's the one I should have been talking
2 about. When you noticed that your original
3 investigative file was missing, you went to
4 Central Records; correct?

02:56 5 A Well, I went to the inspector first asking what
6 had happened to it.

7 Q Uh-huh.

8 A And he told me that the matter had been taken care
9 of and it was no longer my concern.

02:56 10 Q And you were not satisfied with that answer were
11 you?

12 A No.

13 Q Did you speak to any of the other officers in
14 morality about it?

02:57 15 A Well, we may have -- I think I talked to Morality
16 Officer Valila and he had a file, a rape file, and
17 the same thing had happened to him and he had
18 inquired with the inspector and he received
19 basically the same answer that I had, and so, you
02:57 20 know, you are carrying 20 files, so when -- if
21 somebody else solves a file for you, you move on
22 because you've got other fish to fry.

23 Q Uh-huh.

24 A And so something about Nordstrom's answer and his
02:58 25 demeanour was such that it prompted me to go to



1 Central Records and ask for a copy of the file.

2 Q Now, on that occasion did you simply ask them for
3 a copy of the file or did you --

4 A Yes.

02:58 5 Q -- ask to read the original?

6 A No, I asked to, for a copy of the file as it was
7 constituted at that time.

8 Q And this would have been relatively quickly after
9 talking to Mr. Nordstrom, say within a couple of
02:58 10 weeks?

11 A Yeah.

12 Q And did you at any point when you received your
13 working copy, did you compare it to the original
14 that was in Central Records to make sure they
02:58 15 hadn't missed any pages?

16 A No, I -- the girls in Central Records were fairly
17 competent and I was satisfied that they would copy
18 the entire file.

19 Q Now when you were talking earlier this morning
03:00 20 about having charges laid and meetings with
21 prosecutors, am I correct that sometimes the
22 police officer would go and meet with the
23 prosecutor and take a copy of the file with him?

24 A Yes.

03:00 25 Q And sometimes they would go and just take a



1 summary of the file with them?

2 A Umm, what do you mean by 'summary'?

3 Q Just a written summary of the highlights of the
4 case for example; did that ever happen?

03:00 5 A No, I think he would take the file complete with
6 your final investigation, you know.

7 Q Okay. And --

8 A And you would have the prosecutor review it and --
9 to see if charges were warranted.

03:01 10 Q Okay. And what file would be taken on that
11 meeting, would it be the investigative file, the
12 master file, or would another copy be made for the
13 purposes of that meeting?

14 A No, you would take your working file.

03:01 15 Q And if the prosecutor wanted to review your
16 working file what would be your procedure, then,
17 would you --

18 A Well you would either -- you'd probably discuss
19 the highlights of it, and he would make
03:01 20 suggestions whether it needed additional work or
21 whether it needed additional statements or
22 whatever, and you would then take it back and do
23 what he suggested.

24 Q Would there be occasions where you would leave the
03:02 25 investigative file with the prosecutor to look it



1 over for a few days perhaps?

2 A Umm, well yeah, okay.

3 Q Would it -- would that happen as opposed to --

4 A I think that would be a fair assumption.

03:02 5 Q Would that happen as opposed to simply having
6 another copy made for the prosecutor?

7 A Umm, no, I think that would happen.

8 Q 'That would happen' meaning the first, that the
9 original investigator's, the investigator's file
03:02 10 would be left with the prosecutor on the case?

11 A Yes. Yes.

12 Q Do you remember an Officer Goa -- am I saying it
13 correctly -- responsible for signing the -- for
14 swearing the informations when charges were laid?

03:03 15 A Yes.

16 Q And perhaps we could have 067734 up please. This
17 is the information sworn by Elmer Goa, and it's
18 not the (V5)--- file, but it is the (V2)-----
19 assault.

03:03 20 A Okay.

21 Q And there is another one, I don't happen to have
22 the right number, apparently, for the (V5)--- one,
23 but there is an information that is similar in all
24 respects to this, sir, in regards to (V5)--
03:03 25 (V5)---.



1 A Yes.

2 Q You understand that?

3 A Yes.

4 Q And I think you've probably seen it in the course
03:03 5 of preparing?

6 A Yes.

7 Q Can you tell us how Mr. Goa would ordinarily get
8 his information to swear an information; would he
9 be talking to the officer in charge of a file,
03:04 10 reading reports, some combination of the two?

11 A Well he probably had a copy of my and whoever
12 officer was responsible for this investigation, he
13 probably had the working copies, and under the
14 instructions of the Attorney General's
03:04 15 representative he would have sworn the
16 informations.

17 (Discussion off the record)

18 BY MS. McLEAN:

19 Q The right number, 152334. This is actually the,
03:05 20 what's coming up now is going to be the
21 information that relates to Ms. (V5)--- --

22 A Okay.

23 Q -- so we can talk directly about this information.
24 Did Mr. Goa speak to you about this case?

03:05 25 A No.



1 Q And had you had other cases where somebody had
2 been arrested and been charged as a result of your
3 investigation?

4 A Umm, I don't know whether I understand your
03:05 5 question.

6 Q I'm not surprised. Let me try it again. In the
7 course of your police career you were the officer
8 in charge of a number of files?

9 A Yes.

03:05 10 Q And, on occasion, those files resulted in an
11 arrest?

12 A Yes.

13 Q And would Officer Goa, or somebody in his
14 equivalent position, swear out informations in
03:06 15 those cases?

16 A Yes.

17 Q And, in those cases, was it Mr. Goa's practice to
18 speak to you as an investigating officer --

19 A No.

03:06 20 Q -- or simply to rely on your reports?

21 A No, he would rely on the reports.

22 Q Okay. And you told us, I think this morning, that
23 you would learn of guilty pleas by watching the
24 Court dockets?

03:06 25 A That's right.



1 Q And how would you learn of arrests or charges
2 being laid -- not arrests, but charges being laid?

3 A Well, it's probably a complicated process, in that
4 let's presume that I'm on a day off --

03:06 5 Q Uh-huh?

6 A -- and some officer comes up with some information
7 which pertains to my file --

8 Q Uh-huh?

9 A -- which results in a charge.

03:07 10 Q Perhaps a statement admitting to the crime?

11 A Yeah.

12 Q Okay.

13 A Okay. So he would go to my file folder and pull
14 the file and leave an investigation report on it
03:07 15 and then take it to the, you know, either a
16 superior officer or the Attorney General's rep,
17 and Elmer would then swear an information, and I
18 really wouldn't find out about it until I inquired
19 as to what happened to my working copy and
03:08 20 somebody would say 'well, okay, some other
21 officer, when you were on days off --'

22 Q Uh-huh?

23 A -- 'looked after it, and it's now gone to
24 prosecution.'

03:08 25 Q So when you noticed that your (V5)-- (V5)--- file



1 was missing you didn't make those general
2 inquiries, within the office, about what had
3 happened to it?

4 A Yes I did.

03:08 5 Q You did? Okay. You told us about one officer,
6 Valila, said a similar thing had happened to him?

7 A Yup.

8 Q But did you talk to, say, the detective sergeants
9 in morality, the ones that are supposed to be
03:08 10 keeping Inspector Nordstrom on the straight and
11 narrow?

12 A No. I talked to Nordstrom.

13 Q Okay. And, having spoken to Nordstrom and not
14 been satisfied with the answer he gave you, did
03:09 15 you go to any of his detective sergeants to make
16 inquiries?

17 A No.

18 Q And why not?

19 A Well he was the head honcho and, you know, if he
03:09 20 couldn't supply me with an answer there was little
21 doubt his subordinates were going to know about
22 it.

23 Q Okay. Could we look at 261053, please. This is
24 the letter, sir, that was written in March of
03:09 25 1971, it goes out over the signature of Mr. Corey,



1 and it's to the Attorney General in March of 1971,
2 and this letter outlines the four charges that
3 were laid against Larry Fisher as of March 17th,
4 1971. I think you've seen that document
03:10 5 previously; haven't you?

6 A Umm --

7 Q Maybe years ago?

8 A I may have. I don't recall ever having seen it.

9 Q Okay. I think you were shown it in one of the
03:10 10 prior meetings with the RCMP, but if you could
11 just take a moment now to quickly review with me,
12 it's written by Mr. Corey and I believe he has
13 told on a previous occasion that that simply would
14 have been a letter that was prepared by somebody
03:10 15 else and it just went out on his signature, that
16 he had no personal knowledge, I believe is what he
17 said about it. In any event, it says that:

18 "... there are four criminal charges
19 outstanding in Saskatoon against Larry
03:10 20 ... Fisher.",

21 and one is the (V1)- rape in October of 1968, one
22 is the (V2)----- one in November of 1968, and
23 then there is the (V3)----- November of 1968,
24 and the final one there is your, your case, the
03:11 25 (V5)-- (V5)--- assault.



1 A Yeah.

2 Q It then goes on to list details of many of the
3 incidents that took place here; do you have any
4 recollection of looking at something similar to
03:11 5 this?

6 A Umm, --

7 Q And I don't mean in 1971, sir, I mean in the last
8 10 or 12 years?

9 A No, I don't think so. I don't recall ever having
03:11 10 seen this article or letter.

11 Q Okay. And in order for somebody to write a letter
12 like this, where they have got details of the
13 offence and they have references to showing photos
14 of Mr. Fisher and whether or not the victim is
03:12 15 able to identify Fisher, having that kind of
16 details; would you agree with me, sir, that this
17 letter had to have been prepared by somebody who
18 had looked at the actual documents or spoken to
19 somebody who had?

03:12 20 A Well, it probably was. You see, I don't know
21 Deputy Corey's scenario, whether he was a typist
22 or not, and so he could have left a report on the
23 Dictaphone.

24 Q Certainly. What I am really asking, though, is
03:13 25 the content of the report rather than the typing



1 of it. In order to put in things like how
2 Ms. (V1)- had described her assailant -- maybe we
3 can move down to Ms. (V5)---, please, it's number
4 4. Yeah.

03:13 5 A Umm --

6 Q In order to put in that the man had followed
7 Ms. (V5)--- after she had left a bus, and that he
8 had ran into a yard and then he jumped out at her
9 and dragged her into the yard where he had
03:13 10 assaulted her, in order to get that kind of
11 information into a letter like this somebody would
12 have to either read those original reports or talk
13 to somebody who had; correct?

14 A Well, it could be that the court preparation
03:14 15 officer read the reports and maybe included this
16 information and it went out over the signature of
17 the deputy.

18 Q Right.

19 A Umm --

03:14 20 Q So that you agree with what I suggested, then,
21 that it was either prepared by somebody who had
22 read the report?

23 A Yes.

24 Q Or it's prepared by somebody who had talked to
03:14 25 somebody else who had read the report?



1 A That's right.

2 Q Okay. If somebody had gone to -- I'm finished
3 with that, thank you. If somebody had gone out as
4 a result of a tip to investigate somebody who was
03:15 5 a suspect on one of your files would you expect to
6 see an investigative report in your investigative
7 file?

8 A Yes.

9 Q And did you ever see anything indicating that
03:15 10 somebody had gone to speak to Mr. Fisher, or was
11 thinking about going to see Mr. Fisher, or was
12 requesting information about Mr. Fisher out of the
13 jurisdiction?

14 A No.

03:15 15 Q You were asked this morning about when you were
16 looking into the similarities or reading about the
17 outstanding sexual assaults. This is back at the
18 time of your (V5)-- (V5)--- started.

19 A Yeah.

03:16 20 Q You told Commission Counsel that one of the things
21 that you would have done is to read through the
22 other outstanding cases; do you remember talking
23 about that?

24 A Yes.

03:16 25 Q And he told you that one of the cases was



1 concluded, already, at the time that you started
2 the (V5)--- case; do you remember Commission
3 Counsel discussing that with you?

4 A No.

03:16 5 Q Okay. And I think, if we speak of the (V1)-
6 assault, there was a report generated by Officer
7 Cressman that indicates in May of 1969 that that
8 file should just be dormant now because it's, it's
9 not been satisfactorily resolved, so I think
03:16 10 that's the one Commission Counsel was referring to
11 this morning. So if the (V1)- assault was
12 finished as a case, it had stalled, how would you
13 have been able to read up about it when you
14 started working on the (V5)-- (V5)--- file in
03:17 15 1970?

16 A I would go to central records and request a copy
17 of it.

18 Q How would you know what to request?

19 A Well, I don't know, other than I maybe talked to
03:17 20 Cressman and he said that he had a file that was
21 now dormant, and I would ask him what, --

22 Q Okay.

23 A You know, there are various ways.

24 Q Okay. That's one way, Officer Cressman could have
03:17 25 given you the name of a file that sounded a little



1 bit similar that hadn't been solved?

2 A That's right.

3 Q Okay. And you would have said, 'oh, do you
4 remember the name', and he would say '(V1)-', and
03:17 5 off you would go, then, to central records and get
6 it?

7 A Yeah.

8 Q What other ways could you get it if you didn't
9 know the name?

03:18 10 A Well you would ask for outstanding rapes in
11 whatever year, --

12 Q Okay.

13 A -- and they would drag up the information on CPIC,
14 and you would investigate the appropriate names.

03:18 15 Q Okay. Any other ways that you can think of?

16 A No. They are the most common ways.

17 Q Okay. Was there a way of checking for suspects in
18 the same kind of way; could you ask them for any
19 information that was in various files about
03:18 20 somebody that had been questioned about other
21 offences?

22 A Well you would, you'd go to central records --

23 Q Uh-huh?

24 A -- and you would make a note of the suspects after
03:19 25 reading the files.



1 Q All right. If you had -- I'm going to take 'you'
2 out of it -- but if I had gone in 1970 to central
3 records with the name of Larry Fisher and said 'he
4 has never been arrested here before but can you
03:19 5 run a search of our files and see if his name has
6 ever turned up', would that be something that
7 could be done then, or not, in 1970?

8 A Umm, you could probably run his name, but it might
9 not show up.

03:19 10 COMMISSIONER MacCALLUM: Do you mean it's
11 through CPIC or central records?

12 BY MS. McLEAN:

13 Q No, I'm talking about the central records, if
14 there was something there that would enable --
03:20 15 because you said that they could run a search
16 looking for unsolved rapes?

17 A Yeah.

18 Q I'm wondering if they could also run a search for
19 a particular name to see if that name appears in
03:20 20 the files anywhere?

21 A Well, it might appear, but unless he was charged
22 with a criminal offence it probably wouldn't show
23 up. He might have a driving offence.

24 Q Uh-huh?

03:20 25 A But then why would you search for the name Larry



1 Fisher?

2 Q Well, if he had just confessed to a bunch of other
3 rapes, I might want to see whether or not he had
4 been involved in any other cases either as a
03:20 5 witness or somebody that had been suspected; would
6 there be a way of doing that?

7 A Umm, well I presume there is, but I don't really
8 understand your question. I mean your question
9 was while I'm investigating the (V5)-- (V5)--- you
03:21 10 asked if I could bring up the name Larry Fisher.
11 Well, contrary to -- or prior to Fisher being
12 charged with (V5)-- (V5)---, we would have no
13 reason to look up his name.

14 Q That's correct. We've moved on past that,
03:21 15 actually. After Mr. Fisher confessed and gave a
16 statement in October of 1970 or September of
17 1970--

18 A Yeah.

19 Q -- his name is now known; agreed?

03:21 20 A Yes.

21 Q And sometime after that it became known to you?

22 A Yes.

23 Q But his name becomes known, at least in the fall
24 of 1970, as a serial, repeat sexual offender;
03:22 25 agreed?



1 A No, because his name wasn't in the central records
2 filing system, because the reports were all
3 missing and there was no indication that his name
4 was ever -- was ever recorded.

03:22 5 Q Okay. Could I talk to you about the index card
6 system?

7 A Okay.

8 Q When there is a --

9 COMMISSIONER MacCALLUM: I would like to
03:22 10 take a break, a short break. Let's take ten
11 minutes.

12 (Adjourned at 3:22 p.m.)

13 (Reconvened at 3:35 p.m.)

14 BY MS. McLEAN:

03:35 15 Q I just want to go back briefly, sir, to something
16 I just asked you about earlier. If you had been
17 on vacation or leave, or otherwise absent, and
18 somebody else had worked on one of your files and
19 taken a confession from somebody else, I asked you
03:35 20 earlier whether you would expect to see a copy of
21 that confession in your file and you said 'yes';
22 right?

23 A Yes.

24 Q Okay.

03:35 25 COMMISSIONER MacCALLUM: I think he --



1 would expect to see a note on the file is what
2 you asked him before, am I right, not the
3 confession?

4 MS. McLEAN: No, I asked you about the
03:36 5 actual statement.

6 COMMISSIONER MacCALLUM: Oh, did you?
7 Okay.

8 BY MS. McLEAN:

9 Q So maybe you can't, maybe this never happened with
03:36 10 you, but did you ever have an occasion where
11 somebody had taken a statement, a confession, on a
12 file that you had been working on?

13 A I can't remember specifically but I think that
14 probably is a fair assessment.

03:36 15 Q Or you may have done it for somebody else's file?

16 A Yes.

17 Q Okay. And you certainly didn't go around with
18 laptop computers in 1970s, so if you had been in a
19 situation or an officer had been in a situation
03:36 20 where they are taking a confession and are taking
21 it down by hand and having it signed, there would
22 only be one original copy of that confession;
23 correct?

24 A That's right.

03:36 25 Q And what would be the practice as to where that



1 original handwritten confession would end up,
2 would it go to the central records or into the
3 investigator's file, or can you tell?

4 A It would, I think it would go to central records.

03:37 5 Q And on its way to central records it would stop
6 and be typed into a transcribed form?

7 A No, it would have been copied.

8 Q Photocopied, Xeroxed?

9 A Yeah.

03:37 10 Q What was the practice with respect to having
11 statements typed up rather than simply in the
12 handwritten form?

13 A I don't think it was common practice.

14 Q It wasn't common practice to type them?

03:37 15 A No.

16 Q Okay. So what you would end up with in your
17 investigator's file is a photocopy or a Xerox copy
18 of the original handwritten document?

19 A Yes, that's right.

03:38 20 Q Now where I started just before the break, just to
21 talk about index cards, do you remember the
22 indexing system there, sir, for occurrences?

23 A Well, I guess so. I don't know what you refer to
24 as the indexing?

03:38 25 Q Index cards?



1 A Index?

2 Q Do you remember a system where index cards were
3 created when a -- when an occurrence had been
4 reported, and it would have the name of the
03:38 5 alleged victim, and it would have an occurrence
6 number; do you remember any system like that?

7 A Yeah.

8 Q And do you remember that in that system, if
9 somebody had been charged or convicted of the
03:38 10 offence, that their name would also be written on
11 the card in a cross-referencing way?

12 A Yes.

13 Q And do you remember there being cards for the
14 sexual assault case that you were working on with
03:39 15 (V5)-- (V5)---?

16 A I don't recall, really.

17 Q You don't recall that specifically?

18 A No.

19 Q Whose responsibility would it have been to create
03:39 20 the original card?

21 A Umm, the supervisor in CR, probably.

22 Q Okay. And whose responsibility would it be to
23 enter the name of anybody who had been charged
24 and/or convicted of an offence?

03:39 25 A Well, I'm not that familiar with the process.



1 Q Okay. Do you have familiarity with looking at
2 those cards at any time after they'd been created?

3 A No.

4 Q Okay. I just want to touch on what you were
03:40 5 talking about, now, with the copy of the file that
6 you kept after your original working copy had
7 disappeared. Are you with me, are we talking
8 about the same one now?

9 A Well, I don't know.

03:40 10 Q Okay. Your original investigator file disappeared
11 shortly before you talked to Mr. Nordstrom back in
12 1970?

13 A Yes.

14 Q And then you obtained another copy, or a copy from
03:40 15 central records, as the file then existed in
16 central records?

17 A That's correct.

18 Q And that file you say you carried with you and, by
19 that, you mean you kept it in your locker or you
03:41 20 had it available to you?

21 A Yes.

22 Q That file did not contain Larry Fisher's
23 confession to the rape of (V5)-- (V5)---; did it?

24 A No.

03:41 25 Q And it did not contain any information indicating



1 that Detective Karst and Inspector Nordstrom had
2 been to Winnipeg to interview Mr. Fisher?

3 A No.

4 Q And it didn't contain anything about Mr. Fisher
03:41 5 confessing or denying other sexual assaults in
6 Saskatoon in the fall of 1968 --

7 A No.

8 Q -- or 1969?

9 A No.

03:41 10 Q What were you -- I really don't understand what
11 your purpose was in having, now, a copy of a file
12 that is not complete. It's got everything in it
13 up until the last time you dealt with it; is that
14 right?

03:42 15 A That's right.

16 Q And then you had this conversation with Inspector
17 Nordstrom that leaves you very unsatisfied with
18 his answer but certainly suggests to you that the
19 file is over; am I right?

03:42 20 A Yes.

21 Q What is your purpose in having a copy of that
22 file?

23 A Well I guess I didn't believe him.

24 Q But what is it you are going to accomplish or
03:42 25 achieve or do with that file, regardless of



1 whether or not you believed him?

2 A Well I was looking for a resolution to the file,
3 you know, other than his summary dismissal of me.

4 Q Could you tell me what you mean by 'you were
03:43 5 looking for a resolution'; you were looking within
6 the file to see if there was a resolution of it?

7 A Umm, well, you could say that.

8 Q What do you mean when you say you were 'looking
9 for a resolution'; how does that relate to you
03:43 10 having a copy of the file now?

11 A Well I was looking for any additional answer or
12 information which would lead me to believe that
13 somebody had been charged or that the file was
14 resolved, and Nordstrom wasn't giving me that
03:43 15 answer, so I was seeking information elsewhere.

16 Q So how does having possession of a file that
17 contains none of that information address your
18 concerns, how does that help you solve those
19 questions?

03:44 20 A Well I guess I wanted to refer to the file when I
21 finally got an answer.

22 Q And when you finally got an answer from whom?

23 A From Karst that Fisher was charged.

24 Q But you didn't know you were going to get that
03:43 25 from Detective Karst?



1 A No.

2 Q So what was your purpose in simply holding onto
3 the file?

4 A Well, up until that time I had no idea who -- or
03:43 5 anyone was charged with.

6 Q And the ways that you could have found out -- let
7 me back up a minute. You understood in some way,
8 shape or form that Inspector Nordstrom was trying
9 to convey to you that somebody had been charged;
03:44 10 is that your understanding of what he was trying
11 to convey?

12 A No.

13 Q What did you think he was trying to convey to you?

14 A That the matter had been resolved and that it was
03:44 15 no longer my concern.

16 Q Okay.

17 A And I didn't know whether anybody was charged or
18 whether the rape was unfounded.

19 Q Right.

03:44 20 A Or what the deal was.

21 Q It could have been any of those things?

22 A Yes.

23 Q Okay. So you had ways in which -- you told us
24 earlier this morning ways that you could check to
03:45 25 see whether or not somebody had pled guilty to an



1 offence or perhaps find out whether or not
2 somebody had been charged by checking the court
3 dockets for instance?

4 A Yes.

03:45 5 Q And you could speak to prosecutors?

6 A Yes.

7 Q You could speak to Mr. Goa, the fellow that was,
8 had the duty of squaring information?

9 A Well, I don't think Elmer knew.

03:45 10 Q Okay. Well, Elmer, Mr. Goa, swore an information
11 in respect to (V5)-- (V5)--- charging Larry Fisher
12 with her rape --

13 A Yes.

14 Q -- in December of 1970?

03:45 15 A Right.

16 Q So he had to have known about Mr. Fisher and Miss
17 (V5)--- at least by December of 1970?

18 A Probably, yeah.

19 Q And he was somebody that you knew whose job it was
03:46 20 to swear the informations when directed to do so
21 by the prosecution?

22 A Yes.

23 Q And did you speak to Mr. Goa at all about whether
24 or not he had sworn out any informations or
03:46 25 whether anybody had been charged with (V5)--



1 (V5)---' rape?

2 A No.

3 Q Why not?

4 A Well, like I said, we were carrying upwards to 20
03:46 5 files and when somebody told me that a file was
6 concluded, I had other fish to fry, and so I kind
7 of put it out of my mind, you know. On top of
8 that I didn't have a court docket from Regina
9 where he was charged, I looked on the court
03:47 10 dockets to see if Larry Fisher was charged, but I
11 couldn't see it.

12 Q Okay. When did you look at court dockets with
13 respect to Larry Fisher?

14 A Well, I don't know specific dates. It was around
03:47 15 the time that Nordstrom informed me that it was no
16 longer my concern.

17 Q Okay. So sometime in around when Nordstrom talked
18 to you, then what did you do about checking court
19 dockets?

03:47 20 A Well, I checked the court dockets in Saskatoon. I
21 assumed that he would be charged in Saskatoon.

22 Q Okay. So what do you see on a court docket, is
23 that just names of accused or is it -- what's on
24 the court docket that you would check?

03:48 25 A Well, the date and the offence and whether



1 somebody pled guilty or not to a specific charge.

2 Q Okay. So on a court docket with respect to the
3 rape of (V5)-- (V5)---, you would see the date of
4 February 21 or 22 of 1970 as the offence date;
03:48 5 yes?

6 A Well, if it was in Saskatoon. I had no access to
7 Regina.

8 Q Correct. We're talking about what you would have
9 been looking for. You would have been looking for
03:48 10 an offence date that matched the offence date for
11 (V5)-- (V5)---?

12 A That's right.

13 Q You would have been looking for an offence of
14 rape?

03:48 15 A Yup.

16 Q And you would have been looking at the names of
17 the accused?

18 A Yup.

19 Q And you didn't see Larry Fisher's name anywhere in
03:49 20 there?

21 A No.

22 Q In Saskatoon?

23 A No.

24 Q In that 1970-'71ish period?

03:49 25 A No.



1 Q And then later on -- was it while you were talking
2 to Detective Karst that you learned that the
3 guilty plea had happened in Regina?

4 A No, I don't think so. I'm not aware that Karst
03:49 5 even knew that he had been transported to Regina
6 because Karst had no interest in the file at all
7 other than he was charged with taking a statement
8 and other -- when he got back to Saskatoon, he
9 probably put it out of his mind because he had
03:49 10 other things to concern himself with.

11 Q And did you understand at any time from Detective
12 Karst that he knew ahead of time that he was going
13 to be taking statements from Mr. Fisher that were
14 confessions?

03:50 15 A No.

16 Q And did you understand from him that he was
17 going -- or had gone to Winnipeg to interrogate or
18 to question Mr. Fisher not knowing what his
19 response would be?

03:50 20 A Well, I don't really understand your question.

21 Q Okay. If I can paraphrase a little of Detective
22 Karst's evidence before this Inquiry, if I recall
23 correctly he testified that he knew ahead of time
24 that Mr. Fisher was admitting to two sexual
03:50 25 assaults of the four outstanding ones to which he



1 ultimately pled guilty, but initially he was
2 admitting to only two of them, one of them (V5)--
3 (V5)---'?

4 A Yes.

03:51 5 Q And Mr. Karst was uncertain as to whether or not
6 he would have done much reading up on the offences
7 because he was simply going to take a statement
8 from somebody who was already admitting them.

9 A Well, I don't think the intention was that Karst
03:51 10 was going to take any statements, I think he was
11 under the impression that he was accompanying
12 Inspector Nordstrom who was going to take the
13 statements.

14 Q All right. And would there be any need to take
03:51 15 somebody particularly skilled in questioning if
16 you are going to just take a statement from
17 somebody who has already confessed? Like,
18 couldn't Inspector Nordstrom just have taken a
19 regular patrol officer with him?

03:51 20 A Yes, he could have. The ultimate would have been
21 for him to take a morality sergeant.

22 Q Somebody that knew something about the outstanding
23 files?

24 A That's right.

03:52 25 MS. McLEAN: Thank you, sir, those are all



1 my questions.

2 COMMISSIONER MacCALLUM: Mr. Wolch, do you
3 have any questions?

4 MR. WOLCH: Not at this time.

03:52 5 COMMISSIONER MacCALLUM: Not at this time?

6 MR. WOLCH: No, unless something arises
7 after.

8 COMMISSIONER MacCALLUM: Well, these people
9 have the right to go last. They are acting for
03:52 10 the police.

11 MR. WOLCH: If they raise something new.

12 COMMISSIONER MacCALLUM: If it's something
13 new?

14 MR. WOLCH: That's all I'm saying.

03:52 15 COMMISSIONER MacCALLUM: Okay. Mr. Gibson?

16 **BY MR. GIBSON:**

17 **Q** Thank you. Mr. Weir, my name is Bruce Gibbon and
18 I act for the RCMP. I'm not going to be very long
19 with you and I'm going to concentrate on an area
03:52 20 that I don't think is going to be very
21 controversial, just sort of the dealings with the
22 RCMP that you had and some of the steps that they
23 took. You recall, I believe your evidence was
24 that you recall meeting with the RCMP in 1993?

03:53 25 **A** Yes.



1 Q And I think, correct me if I'm wrong, that you
2 recall that the RCMP were investigating
3 allegations of wrongdoing in relation to the city
4 police and justice officials in relation to the
03:53 5 investigation of the murder of Gail Miller and the
6 subsequent prosecution of David Milgaard?

7 A Yes.

8 Q And again, that's in 1993 and that's going back
9 then about 24 years to investigate a matter.

03:53 10 Would you agree with me on that?

11 A No, I think it's more like 14 or 15.

12 Q Okay. In 1993 --

13 A '93, 2003.

14 Q Yes, to 1969, if we do the math, and I'm not
03:53 15 saying I'm right, but I think it's about 23, 24
16 years.

17 A Oh, I see.

18 Q Yes.

19 A Well, I misunderstood your question.

03:54 20 Q Okay. So I guess we're on common ground then that
21 the RCMP is looking at a matter that occurred many
22 years prior to 1993?

23 A Yes.

24 Q And have you been involved in investigations where
03:54 25 you are going and talking to someone about an



1 event that occurred 10, 15, 20 years prior to?

2 A I can't recall right offhand.

3 Q You would agree with me, I'm sure, that people's
4 memories will fade over time and that people may
03:54 5 not have much of a recollection of what occurred
6 23, 24 years prior to?

7 A That's right.

8 Q Okay. And again I think you indicated that when
9 the RCMP came out to speak with you, they reviewed
03:55 10 some documents with you --

11 A Yes.

12 Q -- from the original investigation files?

13 A Yes.

14 Q And again I'm assuming you don't think that
03:55 15 there's anything untoward about doing that?

16 A No, no.

17 Q And again, when they went out and spoke with
18 (V5)-- (V5)--- and put documents to her, again,
19 you are not saying that there's anything untoward
03:55 20 about doing that either are you?

21 A No.

22 Q And Mr. Hodson showed you a number of documents
23 and you may recall the newspaper article that he
24 showed you this afternoon, just for the record,
03:55 25 and I don't think we have to put it up, it's



1 039421, and it was a May 2nd, 1992 article that
2 referenced a discussion with the reporter and Miss
3 (V5)--- where she made a statement that you had
4 shown her a picture of Larry Fisher and that it
03:56 5 referenced something about him being in a mental
6 institution or some concern about his mental
7 faculties. Do you recall that allegation being
8 out there prior to you speaking with the RCMP?

9 A I don't know whether it was prior or not.

03:56 10 Q Okay. Well, let me just stop you there. As a
11 matter of record this afternoon, Mr. Hodson put up
12 that article of May 2nd of 1992 and it's a matter
13 of record Mr. Hodson put to you your interview
14 with the RCMP, the document number being 034641
03:56 15 which references a discussion between you and the
16 RCMP March 9th of 1993, so it was a number of
17 months prior to the RCMP coming out to see you.
18 Would you agree with that?

19 A Well, it may well have been.

03:56 20 Q And again, I'm not trying to tax your memory, but
21 if that's what the record indicates, you are not
22 going to take issue with that?

23 A No, I'm not.

24 Q And if we go to that RCMP continuation report of
03:57 25 034641 at 639, please, and again if we could call



1 out the bottom part, please, and it says:

2 "After reading Weir's police report
3 dated 71 Feb 5 he couldn't remember
4 where he had received the information
03:57 5 about "the alleged mental condition of
6 the accused" nor why he had entered this
7 on his report as he still didn't know
8 that Fisher was a suspect."

9 And again, Mr. Hodson went through that with you,
03:57 10 and I believe your evidence this afternoon was
11 when you spoke with the RCMP you couldn't recall
12 whether you told them that you may not have
13 authored that document or not, I think your
14 recollection was you don't remember whether you
03:58 15 told them that or not. Is that fair to say?

16 A I don't think that's fair. I tried to leave them
17 with the impression that I hadn't doctored the
18 report and --

19 Q Now, if I recall correctly, and I guess we could
03:58 20 call your testimony up, you specifically said to
21 Mr. Hodson earlier this afternoon, "I can't recall
22 if I told them I didn't author the report. I may
23 have said I can't remember drafting the concluding
24 report." That you don't remember drafting it is
03:58 25 different than saying you didn't draft it, is that



1 fair to say, and that was your evidence earlier
2 today. So is your evidence now changing?

3 A Well, I suppose it is because --

4 Q Okay, let's clarify that then.

03:58 5 A I tried to leave them with the impression that I
6 didn't author that report.

7 Q And short of telling them that you didn't author
8 that report, what did you say then?

9 A I said I couldn't remember leaving that report.

03:59 10 Q Then I think we're on the same page.

11 A Yeah.

12 Q Very good.

13 A I think we are.

14 Q Now, we have the allegation out there from Miss
03:59 15 (V5)--- in 1992 which I referenced earlier in the
16 newspaper article, we have the RCMP report of
17 March of 1993 where you say you can't recall
18 whether you authored the report or not and then I
19 take it that, from your earlier evidence, if we go
03:59 20 to Miss (V5)---' discussion with the RCMP, and
21 that's continuation report 070544 at 542, again, I
22 think you said you took issue with item 8 here,
23 and again I just want to clarify what you mean by
24 taking issue with that where it says:

04:00 25 "She does remain adamant that in the



1 fall of 1970 Det. Weir came to her
2 residence and produced a single photo of
3 a man which she identified as her
4 assailant. This man was Larry Fisher
04:00 5 and Det. Weir told her that he had
6 admitted to her assault & others. Also
7 he had informed her that Fisher was
8 presently in a mental institution or
9 something to that effect."

04:00 10 Now, I'm assuming you take issue with whether you
11 told her that, but you don't take issue with the
12 RCMP putting that information to her to get her
13 side of that?

14 A Well, I think we have to go back to the idea that
04:01 15 the RCMP showed her the investigation report that
16 had my name on it that I say I didn't leave and
17 she assumed that if my name was on the bottom of
18 it, I must have shown her that.

19 Q Now, you'll agree that we just referenced an
04:01 20 allegation from Miss (V5)--- a few months before
21 where she made that same allegation prior to any
22 contact with the RCMP, you will agree to that?

23 A Well, I don't really know.

24 Q And again, all I'm saying is there's not a great
04:01 25 deal turning on this, you are not saying that it's



1 inappropriate for the RCMP to put a document to
2 her and get her side of the story, if I understand
3 you correctly what you are taking issue with is
4 you don't think that you were the person that
04:02 5 showed her that. You are not taking issue --

6 A That's right.

7 Q You are not taking issue with what the RCMP did,
8 that's all I'm getting at.

9 A That's right, yeah.

04:02 10 MR. GIBSON: And that's all I needed to ask
11 you. Thank you, sir.

12 **BY MR. ELSON:**

13 Q Mr. Commissioner, Ms. Knox indicated that she
14 might ask some questions after me. In light of
04:02 15 the fact that I do have the right to go last, I
16 have no objection in the event she wishes to do
17 that.

18 Mr. Weir, my name is Richard
19 Elson and I represent the chief of police and the
04:02 20 Saskatoon Police Service. I wanted to ask some
21 questions that really follow from some rather
22 important questions that I thought Ms. McLean
23 asked you this afternoon representing
24 Mrs. Milgaard and it's with respect to the records
04:03 25 and the maintenance of records with the Saskatoon



1 City Police as it was known at that time.

2 I believe in answering

3 Ms. McLean's questions, and also in answering Mr.

4 Hodson's questions, you indicated that

04:03 5 investigation reports would be in triplicate, that

6 was your evidence; correct?

7 A Right.

8 Q And one copy would be retained by the investigator

9 who authored the report; is that correct?

04:03 10 A That's correct.

11 Q And one copy would be kept in the master file, and

12 I believe your answer was you didn't know where

13 the third copy would go?

14 A No.

04:03 15 Q All right. I also understood that you knew Elmer

16 Goa to be the court officer at the time the

17 information was laid against Larry Fisher; is that

18 correct?

19 A That's correct.

04:03 20 Q And did you have occasion to speak with Elmer Goa

21 about various investigations in which you were in

22 charge within the morality division?

23 A Well, first of all, I was a court officer under

24 the direction of Elmer Goa, or Sergeant Goa, and I

04:04 25 knew him quite well and I don't really know what



1 your question is.

2 Q All right. What I'm getting at specifically is
3 that when you would be in charge of an
4 investigation or dealing with an investigation in
04:04 5 morality, and I'm not talking about the (V5)--
6 (V5)---, I'm talking about any investigation --

7 A Yeah.

8 Q -- and assume that it is your conclusion or your
9 recommendation that charges should be laid, you
04:04 10 would either present that to your superiors and
11 subsequently you might have conversation or a
12 discussion with Elmer Goa who would ultimately
13 swear the information against the accused you were
14 investigating; is that fair?

04:05 15 A Not necessarily.

16 Q Not necessarily. But you would agree with me that
17 there would be occasions when you might have
18 discussions with Mr. Goa, with Sergeant Goa I
19 should say?

04:05 20 A I can't think of any circumstances. My contact
21 would be limited to, say, the prosecutor or the
22 agent for the Attorney General.

23 Q All right. There was no prohibition against you
24 speaking with Sergeant Goa about any file in which
04:05 25 you would have been involved would there?



1 A No.

2 Q And in light of the fact that you had previously
3 worked with him when you were a court officer, you
4 would agree with me that if there was something
04:06 5 you wanted to know from Sergeant Goa, there was
6 nothing stopping you from getting it?

7 A No.

8 Q Now, I believe, and I want to make sure I heard
9 your evidence in this respect correctly when you
04:06 10 were answering Ms. McLean's questions, I believe I
11 heard you say that you would have an investigation
12 file such as the one you had with respect to the
13 investigation of the allegations made by (V5)--
14 (V5)--- and that would be your working file, and I
04:06 15 understood you to say you would retain that in
16 your office. Did I understand your evidence
17 correctly?

18 A Well, not necessarily retain it in the office.

19 Q Where would that be retained?

04:06 20 A Well, my working copies were on the street with me
21 in a folder.

22 Q Let's talk about occasions where you would go
23 home, you are on days off, and I understood you to
24 say in answering questions of both Ms. McLean and
04:07 25 Commission Counsel that at any one time you might



1 have 20 files on the go at any one time. Would
2 that be a fair comment?

3 A Yeah.

4 Q On the occasions when it would be your days off
04:07 5 and you would not be having a file in your
6 possession, in your personal possession in your
7 car, where would those 20 some odd files be
8 located?

9 A In the filing cabinet which was in the office and
04:07 10 anybody had access to it. They were all kept
11 there.

12 Q And I understood you also to say that, for
13 example, if Officer Lindgren was working on a day
14 when you had a day off and was following up one of
04:07 15 your files, he was quite welcome to access any one
16 of those 20 some odd files in order to work on it
17 or deal with it in some way?

18 A Yes.

19 Q So if you came back from a day off and you found a
04:08 20 file to be missing, a working file to be missing,
21 there would be any number of explanations as to
22 why that file might be missing from that filing
23 cabinet wouldn't there?

24 A Well, that's speculation.

04:08 25 Q Well, I'm getting -- what I'm getting at is you



1 would come back, and there would have been
2 occasions in the past prior to 1970 in which you
3 would have perhaps come back to the office and a
4 file would not be in the filing cabinet, that had
04:08 5 happened; did it not?

6 A That's right.

7 Q All right. And one of the explanations could be
8 that another morality officer had pulled that file
9 from the cabinet for the purposes of following up
04:09 10 an investigation?

11 A That's correct.

12 Q That's one of the possible explanations?

13 A Yeah.

14 Q I also understood you to say in answering one of
04:09 15 Ms. McLean's questions that it's possible Elmer
16 Goa might have that file and use that file for the
17 purpose of swearing out an information?

18 A I don't think so. I don't know what the process
19 was in swearing informations on criminal files,
04:09 20 but I think it would be in the possession of the
21 city prosecutor or the Attorney General's
22 representative and they would prepare a list for
23 Sergeant Goa of the informations they wanted
24 sworn.

04:10 25 Q My information, when you had answered my question



1 earlier and you indicated where the three files
2 went, you indicated that you couldn't recall where
3 the third file went.

4 A Yeah.

04:10 5 Q I am instructed that the practice then is, as it
6 is now; namely, that that third file would be kept
7 in Central Records and would be referred to as
8 either a court or administration file that would
9 specifically be used for the purposes of giving to
04:10 10 the court officer and then ultimately to be used
11 or given to the prosecutor if a file progressed
12 further. Is that -- do you recall the third file
13 being used for that purpose?

14 A No, I don't recall that. So what's your point?

04:11 15 Q Well, my point is, is that there was, you were
16 aware that there was an investigation report,
17 whenever there was an investigation report the
18 file would have to be maintained in triplicate,
19 and my question to you is are you aware, have I
04:11 20 refreshed your memory with respect to the purpose
21 of the third copy; namely, to be used as a court
22 file that would be used by the court officer?

23 A No, you haven't refreshed my memory.

24 Q All right. When you were a court officer, would
04:11 25 you ever have occasion to access a file for the



1 purposes of swearing out an information?

2 A Well, I dealt mainly with night court and traffic
3 court, so I don't know what the procedure was
4 for --

04:11 5 Q -- for other offences?

6 A For other offences.

7 Q All right. When you indicated that you obviously
8 knew Detective Karst and subsequently during the
9 1970s you had occasion to work with him because
04:12 10 you transferred from morality to the detective
11 division, and I take it that after the transfer to
12 the detective division you worked fairly closely
13 with Detective Karst; is that a fair comment?

14 A Well, he wasn't in my group. We worked in groups
04:12 15 of four and I worked with Lindgren, Yakabowski and
16 Forsyth and he worked with Oleksyn and I don't
17 know who his other two partners were.

18 Q And it would be fair though, notwithstanding the
19 fact that you might now have worked as closely
04:13 20 with Detective Karst as my question would have
21 suggested, it would be fair to say that you were
22 aware of Detective Karst's reputation within the
23 detective division; is that a fair comment?

24 A Yes.

04:13 25 Q And would you agree with me that he had a



1 reputation within the detective division and
2 indeed throughout the Saskatoon City Police as a
3 very good investigator?

4 A Yes.

04:13 5 Q And you would also agree with me that he had a
6 reputation for integrity and honesty within the
7 police service as well; is that correct?

8 A Yes.

9 Q Now, my understanding from the evidence you have
04:13 10 given is that you had a conversation with
11 Inspector Nordstrom and that conversation would
12 have been in the fall of 1970, and specifically
13 it's my understanding that the conversation you've
14 referred to throughout your evidence was the
04:13 15 conversation that was prompted by you finding the
16 (V5)--- file missing, that you then went to
17 Nordstrom and asked what's going on, words to that
18 effect; is that correct?

19 A That's correct.

04:15 20 Q And I also understood your evidence to be that the
21 (V5)--- file was found by you to be missing, the
22 working copy that is, sometime in the fall of
23 1970?

24 A That's right.

04:15 25 Q And that would have been roughly, looking at it



1 from hindsight, around the same time as Inspector
2 Nordstrom and Detective Karst travelled to
3 Winnipeg in order to interview Larry Fisher?

4 A That's right.

04:15 5 Q And you were put off by the answer you received
6 from Nordstrom; correct?

7 A That's correct.

8 Q And you did not know whether or not charges were
9 laid, or whether or not the file had been resolved
04:15 10 in some other way, other than with charges being
11 laid?

12 A No.

13 Q You would agree with me that it would have been
14 very easy for you to determine whether or not
04:16 15 charges were laid by simply going to Sergeant Goa
16 and asking whether or not him or another court
17 officer under his authority had sworn out an
18 information related to the (V5)-- (V5)---
19 complaint?

04:16 20 A Umm, yes and no.

21 Q All right. Could you explain that, please?

22 A Well in the first instance Nordstrom was my
23 superior, and I would expect that he would answer,
24 why would I go to Goa?

04:16 25 Q Let me put a scenario to you, and I understand,



1 and you've made your comments and I respect your
2 opinion with respect to Inspector Nordstrom.
3 Inspector Nordstrom made it fairly clear to you
4 that he would not be forthcoming with the
04:17 5 information you were seeking about what was going
6 to happen or what had happened to the (V5)--
7 (V5)--- file; correct?

8 A That's right.

9 Q As a result of him not being forthcoming with the
04:17 10 information you had other sources from which you
11 could receive that information; correct?

12 A Well, umm, yes and no.

13 Q Would --

14 A Umm --

04:17 15 Q You could have received it from Sergeant Goa?

16 A I perhaps could have.

17 Q You indicated, in answering Ms. McLean's
18 questions, that what you did is you looked at the
19 court dockets for Larry Fisher's name.

04:17 20 A Yes.

21 Q I had understood you to say that you had no
22 knowledge of Larry Fisher's name until after Eddie
23 Karst had mentioned it to you some years later?

24 A That's right.

04:17 25 Q So why would you be looking for Larry Fisher's



1 name in 1970 if you were not aware of Larry
2 Fisher's name until sometime later?

3 A Because Nordstrom had indicated to me that the
4 matter had been resolved, and it was not my
04:18 5 concern any more, and so I perused the dockets to
6 see if anybody was charged with rape.

7 Q All right. So you weren't looking for, in answer,
8 then, to Ms. McLean's question you said that you
9 were looking for Larry Fisher's name and you
04:18 10 didn't see it; you are now saying that you were
11 looking at the dockets to determine whether or not
12 somebody was charged with rape?

13 A Yeah, well, okay. Maybe I answered that question
14 originally as looking for a Larry Fisher's name,
04:18 15 but that's not particularly the case, because I
16 didn't know Larry Fisher's name so why would I
17 look for it.

18 Q Which is what prompted my question, Mr. Weir. Mr.
19 Weir, I also understood your evidence this
04:19 20 morning, in answering Commission Counsel's
21 questions, to say that -- Mr. Hodson was quite
22 appropriately trying to probe your memory to
23 determine when you might have had the conversation
24 with Detective Karst in which Detective Karst
04:19 25 described for you the events that occurred in



1 Winnipeg when Larry Fisher was being interviewed;
2 do you recall Mr. Hodson asking you those
3 questions this morning?

4 A Yes I do.

04:19 5 Q And I believe, in answer to one of the questions,
6 you had indicated that it was a social occasion,
7 and when you were trying to identify a time period
8 you had indicated that it was, you thought, 1974,
9 around the time that the Dora Baker murder file
04:20 10 was concluded; do you recall having given that
11 answer this morning to Commission Counsel?

12 A Yes I do.

13 Q I take it, sir, that you were involved in the Dora
14 Baker investigation during the 1970s?

04:20 15 A Yes.

16 Q And I take it that Detective Karst was also
17 involved in the Dora Baker investigation in the
18 1970s?

19 A Yes.

04:20 20 Q Were you and Detective Karst working together at
21 that time?

22 A No, he was working with Tom Vanin and I was
23 working with Detective Hobman, and --

24 COMMISSIONER MacCALLUM: Detective who?

04:20 25 BY MR. ELSON:



1 Q I'm sorry, what was that name?

2 A Hobman.

3 Q Hobman, H-O-B-M-A-N?

4 A Yes.

04:21 5 Q Okay. Please continue?

6 A And the nature of any major crime like that is
7 that everybody works with everybody and, like you
8 know, you lap over, there is no more partners,
9 everybody conjoins in the investigation.

04:21 10 Q The circumstances of the social occasion, was it
11 just a get-together, you were having coffee or
12 something around the time of that investigation;
13 is that when this was discussed?

14 A Yes.

04:21 15 Q All right. Mr. Weir, we have had an opportunity
16 during the lunch hour to try and find the
17 occurrence number with respect to the Dora Baker
18 file.

19 Mr. Commissioner, we have not
04:21 20 been able to yet pull the actual file, but we do
21 have an occurrence number, and that occurrence
22 number with respect to the Dora Baker
23 investigation is 10080/77?

24 And my understanding, Mr. Weir,
04:22 25 is that the reference to '/77' means that the Dora



1 Baker occurrence was sometime within the calendar
2 year 1977?

3 A That is probably correct.

4 Q Do you remember the name of the person who was
04:22 5 eventually charged with the offence in the Dora
6 Baker investigation?

7 A Umm, no, that -- it escapes me. He lived on 9th
8 Avenue somewhere.

9 Q Would the name Donald Tait ring a bell?

04:22 10 A Yes, that's right.

11 Q I understand that in 1970, after having the
12 conversation that you did with Inspector
13 Nordstrom, that you were curious as to the
14 disposition of the (V5)-- (V5)--- file; is that
04:23 15 correct?

16 A Yes.

17 Q And you were so curious you went to the trouble of
18 examining the Court dockets to determine whether
19 or not somebody had been charged with rape?

04:23 20 A That's right.

21 Q Is that correct? And yet you were not so curious
22 to find out the disposition of that matter until
23 Detective Karst told you seven years later in
24 1977?

04:23 25 A Well, that's right, because we were carrying



1 numerous files and I had, like I said before, I
2 had bigger fish to fry.

3 Q So the curiosity was not an over-powering
4 curiosity; was it?

04:23 5 A No, no it wasn't.

6 Q And so you were perfectly prepared to wait until,
7 somewhere along the line, somebody provided you
8 with information?

9 A That's right.

04:23 10 Q And then you would be flabbergasted by whatever
11 that information might be?

12 A Well I don't know whether I -- I don't agree with
13 your connotation of 'flabbergasted'.

14 Q Thank you. I have no further questions.

04:24 15 MS. KNOX: Mr. Commissioner, I do have some
16 questions arising, I am going to take more than
17 the five minutes that my watch tells me I have,
18 and it would actually help me if I could have a
19 brief meeting with Mr. Hodson and bring some
04:24 20 documents to have put to the witness with these
21 questions. I think if I can meet with him at
22 4:30 and we could prepare for it, I think we
23 would save some time in the morning.

24 MR. HODSON: I'm fine with that. I know
04:25 25 that, I think Mr. Weir and his counsel were



1 hoping to be done today.

2 A Well, that's okay.

3 MR. HODSON: I expect it will be fairly
4 brief tomorrow?

04:25 5 MS. KNOX: Yes, and --

6 MR. HODSON: And that's fine, that's quite
7 fine with me, if it's fine with --

8 MS. KNOX: If the witness would prefer to
9 go I could certainly go through, there are just a
04:25 10 couple of areas I want to cover with him, but
11 there are particular documents I have in mind
12 arising from some questions that were asked by
13 Ms. McLean and Mr. Elson that may assist him in
14 responding to the questions that I have.

15 MR. HODSON: Yes. It doesn't affect our
16 schedule in getting done this week, I can tell
17 you that, if we defer Mr. Weir until tomorrow. I
18 was just thinking that he probably wishes to be
19 elsewhere.

04:25 20 COMMISSIONER MacCALLUM: I'm sure, but
21 we'll adjourn until 9:00 tomorrow.

22 (Adjourned at 4:25 p.m.)
23
24
25



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contain a true and correct transcription of our shorthand
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Karen Hinz, CSR

Official Queen's Bench Court Reporter

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Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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