

IN THE MATTER OF the *Coroners Act*, R.S.O. 1990, c.C.37;

AND IN THE MATTER OF the Inquest concerning the deaths of Jethro Anderson,  
Reggie Bushie, Robyn Harper, Kyle Morrisseau, Paul Panacheese,  
Curran Strang, Jordan Wabasse

AND IN THE MATTER OF an Inquest by Jury

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PRESIDING CORONER: Dr. David Eden  
Heard: Thursday, November 5, 2015  
at the Thunder Bay Courthouse, Room 206,  
125 Brodie Street North, Thunder Bay, Ontario

EXCERPT: ALLAN SHORROCK

REPRESENTATIVE COUNSEL:

Trevor Jukes, Amy Leaman, Karen Shea	Coroner's Counsel
Brian Gover, Ted Marrocco, Gary Hopkinson Justin Safayeni	City of Thunder Bay Police Services & Thunder Bay Police Services Board
Stephen Wojciechowski, Kathleen Kreps, Dawne Latta	City of Thunder Bay
Lisa La Horey, Erin Rizok	Province of Ontario
Julian Falconer, Meaghan Daniel, Samantha Ramage	Nishnawbe Aski Nation & Deputy Grand Chief Fiddler
Christa D. Big Canoe, Jonathan Rudin	Counsel for the Families

(i)  
I N D E X

	Chantelle Bryson	Provincial Advocate for Children and Youth, Irwin Elman
5	Kent Elson	Ontario First Nations Young Peoples Council of the Chiefs of Ontario
	Gregory Tzemenakis, Agnieszka Zargorska	Aboriginal Affairs & Northern Development Canada
10	Etienne Esquega	Northern Nishnawbe Education Council
	Shelley Garr	Coroner's Constable
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T A B L E O F C O N T E N T S

<u>WITNESSES:</u>	<u>Exam.</u> <u>in-Ch.</u>	<u>Cr-</u> <u>exam.</u>	<u>Re-</u> <u>exam.</u>
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JUROR #4

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E X H I B I T S

EXHIBIT NUMBER

ENTERED ON PAGE

33 Missing Person Report for Jethro Anderson  
dated October 29, 2000, at 11:12 p.m.

5

25 34 Copy of Thunder Bay Police Media Release  
of missing person report

38

35 Handwritten Missing Person's Report

66

30 \*\*\*\*\*

THURSDAY, NOVEMBER 5, 2015

U P O N R E S U M I N G :

...JURY POLLED AND PRESENT (9:17 a.m.)

...EXCERPTS

MS. LEAMAN: Mr. Coroner, our next witness is Wayne Shorrock.

CORONER'S CONSTABLE: Please state your name in full and spell your first and last name?

ALLAN SHORROCK: Allan Wayne Shorrock, A-L-L-A-N S-H-O-R-R-O-C-K.

ALLAN WAYNE SHORROCK: SWORN

EXAMINATION IN-CHIEF BY MS. LEAMAN:

Q. Good morning, Mr. Shorrock?

A. Good morning.

Q. Where are you currently employed?

A. The Ontario Police College.

Q. And what is your job there?

A. I'm an instructor with the Ontario Police College.

Q. And what do you teach?

A. I teach major case management investigation as well as homicide investigation.

Q. And you were previously employed by the Thunder Bay Police Service?

A. That is correct from 1977 until 2007.

Q. And in 2007 you retired; is that correct?

A. That is current in January 31<sup>st</sup> of 2007.

Q. And what was your position and rank when you retired?

A. I was a Staff Sergeant with the Thunder Bay Police at that time.

Q. I'm going to take you back to October and November of the year 2000. Can you tell us what was your rank and position at that time?

A. In the Thunder Bay Police at that time I was part of the Criminal Investigation Team, so while I was a Staff Sergeant in the role of a Criminal Investigation Branch and it's called Detective Sergeant.

Q. Okay. And can you tell us, what is the Criminal Investigation's Branch?

A. The Criminal Investigation's Branch is an investigative branch within the Police Service that deals with complex criminal investigations tasked with either long outstanding investigations that may be ongoing for a long period of time or that are very complex in nature and require additional investigative training.

Q. And can you also explain to us the structure of the Criminal Investigation's Branch and your role in that structure as the detective sergeant?

A. At that time as detective sergeant I was the operational manager of the Criminal Investigation's Branch. I had at that time I believe five teams that reported to me. One team was a drug investigation team that was seconded to a joint force operation. There were three investigative teams that had a detective that was in charge of that team and a number of detective constables who worked for that detective as well as specialized units of fraud, youth, and a general investigative team.

Q. And how would you as...

MS. BRYSON: Could we just ask the witness to slow down a little bit. Everyone's trying to

take notes, thank you.

A. No worries.

MS. LEAMAN: Q. So how, how would you, as the  
detective sergeant, know what was going on with the  
5 investigations in the branch?

A. Two methodologies; one, briefings by the  
detective on-duty. At that time our shift structure was  
composed of six days on and three days off for the  
detective and constable teams. They worked in dayshift  
10 from eight o'clock in the morning until four o'clock in  
the afternoon and an afternoon shift from 4:00 p.m. until  
midnight. There was always two units that were on and one  
unit that was off. The detectives would brief me if there  
was something significant. As well, our record's  
15 management system was an electronic system where I would  
have reports on my workstation that I could access every  
day.

Q. And how were the reports put into the  
system?

A. The reports were transcribed and entered  
20 into the system so they were available to me in electronic  
format.

Q. So who, who was putting them into the  
system?

A. The reports would be going into the  
25 system from the officers. They would be dictated and then  
transcribed by our records staff. Then the reports would  
go to their supervisor for approval and be available for  
myself.

30 Q. And in terms of the timing, when were the  
officers dictating? What was the policy of when they were  
to dictate their reports?

A. The policy varied with respect to the exigency of the investigation. If it was a very serious criminal offence the expectation was the reports were done before the officers went home. If it was more routine in nature, then the officers tended to do them towards the end of the shift, but sometimes if a last minute call came up they may not get it done until the next day.

Q. So if I, I take you back to and again we're talking about October/November 2000, did you take notes at the time of your involvement?

A. Yes I did.

Q. Okay. And they were done at the time?

A. Yes they were.

Q. And do you need them to refresh your memory today?

A. Yes I do, please.

MS. LEAMAN: And Mr. Coroner, would that be acceptable?

THE CORONER: You may do that.

A. Thank you, sir.

MS. LEAMAN: Thank you. And I should note for the record that Mr. Shorrock is also going to be referring to reports that he authored. He's told us those were also made contemporaneously.

THE CORONER: Okay, thank you.

MS. LEAMAN: Q. Okay. Now, you've told us in your role as detective sergeant that you were reviewing reports on your records management system. I'm going to show you a document.

A. Thank you.

Q. Can you tell us what that document is, Mr. Shorrock?

A. This document is a transcribed report of a missing person report. The missing person report originated with an officer I'm going to believe at the front desk in our resource centre and indicates that there is a missing person reported by a Dora Morris and the missing person is Jethro Anderson and he has not been seen for 24 hours. He is a resident of a Northern community and attends the Dennis Franklin Cromarty School.

Q. And can you tell me what the date of the report is?

A. The 29<sup>th</sup> of October.

Q. And the time?

A. It is 11:12 p.m.

MS. LEAMAN: And can this be made the next exhibit please?

COURT REPORTER: Exhibit 33.

THE CORONER: Yes.

**EXHIBIT NUMBER 33: Missing Person Report for Jethro Anderson dated October 29, 2000, at 11:12 p.m. - Produced and Marked.**

MS. LEAMAN: Q. Now, can you tell us in 2000 when a missing person's report was made at the desk, can you tell us what happened to the paperwork?

A. The missing person report when it comes into the front desk is either done by way of telephone or walk-in. So an individual walks in or calls our resource centre, the front desk, makes a report with respect to a missing person. The officer who takes the report completes a paper-based copy that is then rolled up into a cylinder, placed in a pneumatic tube and sent from our resource



centre which is located at the front of the police station to the second floor where our record section is. A record's clerk removes that report, enters the information on the Canadian Police Information Centre, CPIC generally referred to, does checks on that and then transcribes the report and that's the document I'm working from is that report that's eventually transcribed. When the paper report is completed by the CPIC terminal operator, the records person, it is then re-sent back down the tube to the officer who's created the report for their supervisor to review, to ensure that it is complete, clarify any outstanding issues if there are any on the report and then to make a copy and send it to the Criminal Investigation Branch.

THE CORONER: Ms. Leaman, it may be worth while getting the CPIC defined a little bit more for the jury.

MS. LEAMAN: Q. Oh. Can you explain what CPIC is for the jury?

A. The Canadian Police Information Centre is a national database used by police services to communicate information. In the case of a missing person one of the things that we do is we query that individual so we do a check on the system to determine if that person has ever been entered before or is currently entered because a missing person may be missing from somewhere else and now being missing reported for us and it allows us to have additional information. It also allows us once we enter that information to share it with every other police service across Canada.

Q. We've talked about some general information and some background. I now want to take you - I'd now like to talk about your - your individual direct involvement in

the Jethro Anderson case. Can you tell us how and when you first became involved in the case?

A. On Monday, November 6<sup>th</sup>, my practice is because I'm off on Fridays at that particular time in my career, attending a management training course at Lakehead University, so when I come in Monday morning my standard practice is to attend the briefing by the Uniform Branch at 7:45 in the morning for two reasons. One, as the criminal investigation operational manager I want to be present in the room if there's something I want to communicate to them and second of all I want to learn from them if there's anything of import that I need to know from the Criminal Investigation Branch. Following that what I start to do is go through our records management system which is available on my desktop to see what the occurrences are and I learned that there is a meeting at ten o'clock in the morning on Monday, November 6<sup>th</sup>, at the Dennis Franklin Cromarty School. It is a meeting of volunteers, Northern community members and members from NNEC and the Dennis Franklin Cromarty School dealing with a missing person; therefore, I believe it's imperative that as the operational manager of the group that's going to have carriage of that investigation, that I attend the Dennis Franklin Cromarty School. I also bring with Mr. Detective Vilcek because I believe that when we attend there, there will probably be people in that group that have additional information or may have new information that will help us in our search to locate Jethro.

Q. So you come back on the 6<sup>th</sup>. I just want to note that the next witness will be Detective Bystrican who I expect will talk about steps that he took starting on the 4<sup>th</sup>, but at some point you did become aware. Now, you said

you've come back on-shift and you go right to this meeting, but at some point you become aware that Detective Bystrican was taking steps as of November 4<sup>th</sup> in this investigation?

A. Yes. After the meeting I go back and now  
5 I'm going through our database looking for the specific occurrences that relate to the Jethro Anderson missing person report and I start to find those. Unfortunately, the first thing in the morning I just don't have time to read all the reports and to me it's more important that I  
10 attend that meeting because, one, I want to connect with that community and assure them that the Criminal Investigation Branch is there to do what we can for them and number two, is to ascertain any new leads to try and locate this missing 15-year-old boy.

15 MS. LEAMAN: Okay. So Mr. Coroner, I'm going to provide the witness with a report of a Detective Vilcek who Mr. Shorrock has said he took with him to the meeting. The report was not authored by him and he'll explain that, but  
20 he's going to use it for the purposes of - it refers to him and steps he took. He's going to use it for the purposes of referring to and refresh his memory on his own involvement.

THE CORONER: Okay.

25 MS. LEAMAN: Thank you.

A. Thank you.

Q. Now, why would it have been that Detective Vilcek who was the one preparing the report?

A. Detective Vilcek was the detective in  
30 charge of the team on dayshift so therefore I wanted to bring Detective Vilcek with me and then it was his decision with respect to which team members or all the team members

that he would decide to deploy in the investigation.

Q. Can you tell us what happened at the meeting on November 6<sup>th</sup> that you've referred to?

A. We met with a number of people at the, at the school including a number who were on with respect to a teleconference from Kasabonika Lake. During that information we heard from Dora Morris who was the person who had reported Jethro missing. We also spoke with an Allan O'Keese who provided us with some additional information. As well, we interviewed Debbie Anderson who is the sister of Jethro Anderson and from there determined another - sorry, determined a number of investigative avenues that remained to be done. A number of people had been identified by the persons present as people who may have information with respect to the whereabouts of Jethro, may have information with respect to narrowing the timeline as to when Jethro was last seen and where he was last seen. As well, as an opportunity in at least two locations to ascertain if video surveillance had captured Jethro at any of those locations that were suggested by these people.

Q. So I'm just going to get you to back up. You mentioned an Allan O'Keese. What did Mr. O'Keese tell you?

A. Mr. O'Keese indicated that he knew Jethro Anderson, that Allan had also come into Thunder Bay from Kasabonika Lake, that when he was - on Thursday the 2<sup>nd</sup> of November Mr. O'Keese states that he was on one of the city transit buses at the Brodie Street Bus Terminal and he saw a male with an unknown female that he believed to be Jethro seated on the bus.

Q. So was the - does this relate to some of the video surveillance you mentioned?

A. Yes. Given that information, one of the tasks that I created for the investigators was to ascertain from Thunder Bay Transit if the Brodie Street Bus Terminal had video surveillance and in fact it did and to obtain the video surveillance.

Q. So moving forward on November 6<sup>th</sup>. Did you also get a voicemail that caused you to do something?

A. Yes. When I returned to the office one of the things I checked of course was my voicemail and one of the calls on my voicemail was from a local solicitor Mr. Bruzzese who indicated that he'd been retained by a client by the name of Noah Sutherland who believed that he had information on Jethro Anderson and that we could contact Noah Sutherland through his office. So therefore, I created an assignment for the afternoon shift which was Detective Constables Hurd and Bystrican to locate and interview Noah Sutherland.

Q. So I'm going to now move forward to November 7<sup>th</sup>. What investigative steps were you involved in on November 7<sup>th</sup>?

A. On November 7<sup>th</sup> I received a phone call from a gentleman by the name of Chris Achneepineskum who lives in the north area of the city on Wentworth Crescent. Chris had provided me with information that on October 29<sup>th</sup> while down at the Kaministiquia River Overlook he has found a baseball cap that he now believes is the one that belongs to the missing person Jethro Anderson. He tells us - tells me specifically that when he recovered the cap it had mustard on it so he had washed it and he'd been wearing it until he saw the cap and realized it might be significant. I made arrangements with him at that time that two investigators would attend at his residence at 4:30 that

afternoon and obtain the cap from him.

MS. LEAMAN: So I'm going to move forward to November 8<sup>th</sup> and again Mr. Coroner we have a report that was authored by a Detective Vilcek, but it refers to Mr. Shorrock's own involvement and he's going to use it to refresh his memory of his own involvement.

THE CORONER: You may.

A. Thank you.

MS. LEAMAN: Q. Can you tell us what steps you took on November 8<sup>th</sup>?

A. On November 8<sup>th</sup> I returned to the Dennis Franklin Cromarty School with Detective Vilcek for a number of reasons. One, I want to update the volunteers, the family, the concerned members that I'd met with on Monday with respect to the investigation, what we had uncovered to date, what remained to be done and I also wanted to have a positive identification of the hat made by a family member to in fact determine who owned the hat and if it was Jethro's. My next step was to conduct a ground search with the Tactical Services Unit in the area where the cap was located because that now narrowed our area of search.

Q. And can you explain what a Tactical Unit is?

A. In the Thunder Bay Police Service we have an Emergency Tactical Unit which is a number of members who receive a lot of specialized training that deal with emergency situations such as hostage and barricaded persons, but they also supplement other roles such as ground searches whereby they conducted in those days what's called a grid search where an area is laid out into a confined grid marked-off so that as every officer walks

that grid if something is located it can be geographically placed where it is located and described, so that if we had to go back and replace it we can do that. Today in modern society we'd be using a GPS program.

5 Q. And was there anything else that happened on November 8<sup>th</sup>?

A. The cap was positively identified by Dora Morris as belonging to Jethro and also our Aboriginal Liaison Officer Charlene Brideau was present and she  
10 provided some information with respect to a Skylar McGraw who thought that he had heard two girls say that they'd seen the subject, the missing person Jethro Anderson in Intercity Mall. Constable Brideau was requested to take a poster, a picture of the missing person Jethro and go to  
15 Intercity Mall and ascertain if anyone could identify or say that they had seen Jethro.

Q. And do you know the results of that investigation?

A. I believe that there was no success. He  
20 had no identification made by the store owners.

Q. And you had previously mentioned a task to obtain the video footage from the Brodie Bus Terminal?

A. That is correct.

Q. What's happening with that at this point?

25 A. At this point, we've obtained video from the 7-Eleven store which had to be converted because of the format that it was captured in. We had to have someone convert it from a four picture to a single picture which was being done. We also had the film or sorry the video  
30 surveillance from the Brodie Street Bus Terminal. It was assigned to Constable Bystrican to have members of the search team who were familiar with Jethro view the video

footage at the Balmoral Street Station to determine if they saw Jethro in it.

5 MS. LEAMAN: So I'm going to move forward now to November 9<sup>th</sup>. Mr. Coroner, I'm going to pass up to the witness a report from November 9<sup>th</sup> that was authored by Lees(ph). Mr. Shorrock has indicated in his role as, his role in the Criminal Investigation Branch he would have been reviewing reports on the system and familiar with what's happening.

10 MR. FALCONER: Well, in my respectful submission is that, while we obviously want to move these matters along and there's going to be times a witness uses another document, but there ought to be some foundation beyond what was just said. In other words, it's for the witness to testify as to their knowledge of the document and its reliability.

15 THE CORONER: And are you going to do that with the witness, Ms. Leaman?

20 MS. LEAMAN: I'm sorry?

THE CORONER: Are you going to do that with the witness?

MS. LEAMAN: Yes.

25 THE CORONER: Okay.

MR. FALCONER: Thank you.

A. Thank you.

30 MS. LEAMAN: Q. Can you tell me what the document is that I've passed up?

A. This is a transcribed report from an original occurrence, a supplemental report done by Sergeant Higgins. Sergeant Higgins was our volunteer dive master in



the year 2000. At that time the Thunder Bay Police had a volunteer Underwater Search Unit that has since been closed down and we now rely on the O.P.P. to provide their dive team. Sergeant Higgins and two volunteers, Constable Louis and Constable Zenia both are trained divers and used the Coast Guard boat and conducted an underwater search with a camera of the area in the Kaministiquia River off of the Kaministiquia River Outlook at the foot of Donald Street.

Q. And you would have been aware that that search was being conducted at that time?

A. Yes, I would have got a copy. This report is what I would have received.

Q. I'm going to take you forward now to November 15<sup>th</sup>. Now, can you tell us after, after November 9<sup>th</sup> what we've talked about now, would you ever have had any direct involvement between November 9<sup>th</sup> and November 15<sup>th</sup> with the Jethro Anderson case?

A. No direct involvement.

Q. Okay and why was that?

A. I am on-duty the 9<sup>th</sup> and 10<sup>th</sup> or sorry, on the 9<sup>th</sup> of November. On the 10<sup>th</sup> of November I'm at Lakehead University attending the Business Leadership course and I'm off on the weekend and it's the Remembrance Day weekend, so I don't actually come back to work until Tuesday the 14<sup>th</sup> of November.

Q. And I'm going to take you forward to November 15<sup>th</sup>, 2000. Can you tell me what happened on November 15<sup>th</sup> with regard to the Anderson case if anything?

A. On November 15<sup>th</sup> at 8:30 in the morning part of the senior officer meeting and my role as the manager of the Criminal Investigation Branch I wanted to address what I saw as a systemic issue that arose out of the Anderson

investigation. There'd been a gap between when the row port was intaked at the front desk at the resource centre until a criminal investigation team became involved and it was my concern that we wanted to ensure that there were no such systemic issues following that. So I wanted to alert the senior management team which is the chief, the deputy chief, and the various branch inspectors that we had seen this and based on my notes the chief indicated that he wanted any deviations that were observed following that to be reported to him.

MS. LEAMAN: Those are my questions for this witness. Mr. Shorrock, thank you. Some of the other lawyers will have questions for you now.

THE CORONER: Ms. Big Canoe?

MS. BIG CANOE: Sorry, we didn't have a form come around, but...

CROSS-EXAMINATION BY MS. BIG CANOE:

Q. Good afternoon or good morning, sorry. I want to make sure I'm appropriately addressing you now that you're retired. What is the appropriate I give to you?

A. Mr. Shorrock is just fine, thank you.

Q. Mr. Shorrock, thank you. Mr. Shorrock, my name is Christa Big Canoe. I am the lawyer for the family, Jethro's family particularly Jethro's mother Stella and his two aunts Salama and Genevieve. I'm only going to have a few questions for you and it's mostly just to clarify an understanding. And so I do want to take you back and have you reference your notes that Mr. Coroner says you're allowed to look at particularly the November 6<sup>th</sup> notes, the handwritten notes and not the occurrence report.

A. Sorry, yes.

Q. Do you have it in front of you?

A. I do.

Q. Thank you. At the very - the entry that's  
5 indicated at 10:00 a.m. regarding the meeting at DFC with  
the community members and it lists some of the names like  
Mr. Brad Anderson. At the bottom of the note there's - at  
that bottom of the page there's a note regarding the fact  
that Dora had contacted the school; is that correct?

10 A. "Dora reported to the NNEC counselor  
advised some 24..." I believe it says "...24 hours later, to  
wait another day or so."

Q. Correct and sir what does the next sentence  
say?

15 A. "Dora phoned police October 29<sup>th</sup> and  
reported him missing."

Q. Okay, so that's a contemporaneous note  
taken at the time of the meeting. So was it Dora who would  
have told you that and you would have written it or was it  
20 something that was just reported as part of the meeting?

A. Something that was reported as part of  
the meeting.

Q. Okay, but there is an indication that at  
some point that Dora at the time had indicated that she had  
25 called the police and then also went and did the report?

A. Yes.

Q. Okay, thank you. There was mention - sorry,  
there was mention as well in that meeting that you had heard  
from various community members, but all of their names were  
30 not taken down at that time. This was more for the purpose  
of gathering information; is that fair to assume?

A. Yes and my role was more to answer the

questions from the operational management perspective. Detective Vilcek was the investigator and who would be more focused on obtaining the information to continue the investigation.

5 Q. Right, so at that very preliminary stage you, you weren't speaking directly with the family or a family representative or next of kin and you were simply for the purposes to gather information to start the process. Is that a fair assessment?

10 A. What we wanted to find was who had information that would help us locate and hopefully find Jethro Anderson.

Q. Okay. And so and this is just something that Amy or sorry Ms. Leaman put before you in Exhibit 33 and you've already explained this well, so I'm not going to re-ask you questions about that. But you also explained, sorry, the entry or entry times of the original report that on this exhibit shows that it was 2000-10-29 so October 29, 2000, but the entry time into sort of the new system appears to be 2011-05-13 and now because this is an exhibit before the jury I want to just address the subject line. So Anderson, Jethro Gregory in parenthesis it says [deceased] but then also has his birth date. Is it fair to assume that that's information, the parenthesis, obviously happened after as part of the input process and not at the time of the missing person's report was made?

25 A. Yes.

Q. Okay, thank you. And I just wanted to clarify that so it was clear for everyone's understanding. You had no direct involvement between November 9<sup>th</sup> to the 15<sup>th</sup> because you weren't on-shift?

30 A. Correct.

Q. Okay. And then on the November 15<sup>th</sup> and I just want to ask a little more about sort of the gap in time between the report and going to, was it the major case investigation or another department?

5 A. It went into the Criminal Investigation Branch.

Q. Branch, thank you, but you had said that one of the things that you had identified was a gap in the time in reporting between when reports made, as you've  
10 explained, and to when it went to the branch and that you were then tasked with - am I fair, is this correct that you were then tasked to indicate any deviations?

A. Yes.

Q. And did you actually indicate what any of  
15 those deviations were?

A. We didn't find any further deviations and I finished my tenure in the Criminal Investigation Branch in 2001.

Q. Okay. And so was there any between the  
20 times we're talking about November 15<sup>th</sup>, 2000, until when you finished your time in 2001, was there more involvement you had in the investigation of the Anderson death?

A. No.

MS. BIG CANOE: Okay. Those are my questions.  
25 Thank you very much. Other lawyers will be asking questions as well.

THE CORONER: Has the sheet gone around?

MR. FALCONER: It hasn't gone around. There was  
30 - I just frankly Dr. Eden, the Vilcek reports that were in issue, I had electronic copies, but didn't have hardcopies with me today and my friend was kind enough to just share them with

*Allan Shorrock - Cr-ex. by Mr. Falconer*

me now. Would this be an appropriate time for a break? It'll speed up my cross-examination.

THE CORONER: It's a bit early, but yes, I'll allow it, so 20 minutes, please.

5

R E C E S S

U P O N R E S U M I N G :

THE CORONER: Mr. Falconer.

10

CROSS-EXAMINATION BY MR. FALCONER:

Q. Good morning, Mr. Shorrock?

A. Good morning.

15

Q. My name is Julian Falconer along with Meaghan Daniel. I represent Nishnawbe Aski Nation. I want to go back to the systemic issue that you were assisting my friend Ms. Leaman, with respect to you were testifying that some days after there was a senior officer's meeting; is that right sir?

20

A. That's correct sir on the 15<sup>th</sup> of November.

25

Q. And you'll forgive me, but we went through that evidence pretty quickly so I'd like to slow it down a little bit and just understand what the context was for the discussion that led to your view there was a systemic gap. What was the context?

30

A. Following the finding of Jethro Anderson and looking at the reports, what I saw was a gap between the 29<sup>th</sup> of October when Dora Morris reported Jethro missing and when the Criminal Investigation Branch became involved.

Q. And what date did the Criminal Investigation Branch become involved?

A. On the 4<sup>th</sup> of November, sir.

Q. So just trying to be a spectacular mathematician, we're talking about six days?

A. That would be correct, sir.

5 Q. And your point I take it is that the Criminal Investigation Branch should have been involved six days earlier; is that right?

A. At a minimum of five days, sir.

10 Q. Okay. And why is that? Can you assist the jury with why it's important to involve the Criminal Investigation Branch early?

A. The Criminal Investigation Branch has the ability to carry on an investigation unlike the frontline uniform officers, in that we have additional training as well we have the ability to stay focused on the  
15 investigation. We don't have demand calls taking us from call to call.

Q. So it's a question of expertise, right?

A. That's part of it sir, yes.

20 Q. And it's a question of resources because you're able to marshal resources at a particular incident, right?

A. That is correct, sir.

25 Q. And in the case of Jethro Anderson and we'll get into it in a minute why, but in the case of Jethro Anderson his being missing received neither the expertise nor the resources for some six days; am I right?

A. That is correct, sir.

30 Q. Can you explain to the jury why and we hear the, the Law and Order stuff, the First 48 Hours in television shows and all that and I don't want to diminish this, but can you explain to a jury why especially on a

potential death case why the first hours or early days are important in any investigation?

A. In any investigation the sooner that the officers that are involved in the investigative unit become engaged, the clearer the memories are of potential witnesses. The greater the opportunity exists to recover evidence if there is evidence and it just increases the opportunities to have better leads or to find leads and to be able to talk to people who have a much clearer recall of it because it's very close to their memory.

Q. And would you agree with me that one of the advantages to the early intervention of criminal investigators is in addition to memories is actually getting access to witnesses, right?

A. The Criminal Investigation Branch by virtue of their ability to apply more resources, yes, they can, they can find - or they can also utilize the Uniform Branch to help locate witnesses, yes sir.

Q. And as days go by people who might have seen things may have left the scene if not the city, right?

A. Yes sir.

Q. And that's why it's important to have a timely intervention, correct?

A. That is certainly part of it yes. The other part is we have a missing person.

Q. Now, accepting your professionalism in identifying this systemic gap because it's there in your notes that you picked up on this and you took steps, so accepting that can you offer your understanding of how this happened?

A. I can only speculate, sir. I have no knowledge as to how that gap occurred. I pointed it out



because I saw the gap existed, but why it existed I don't know sir and I left that with the senior officers of our service to make that determination and to remedy that systemic issue.

5 Q. Well, I thought you said that you were the manager in charge of these very units?

A. I'm in charge of the Criminal Investigation Branch, yes sir.

10 Q. Yes. Now, it's come to your attention that there is, there is a serious error that's been made and you're telling me that in that senior officers' meeting there was no discussion as to why this serious error was made?

15 A. I have no recollection of that conversation sir.

Q. Would you agree with me that one potential reason for the serious error being made was that the officer didn't take the report seriously. That's a potential, correct?

20 A. It could be a potential sir, but the report was taken and the report was submitted.

25 Q. Well, no, I'm referring to involving the Criminal Investigation's Branch. That the disappearance of Jethro Anderson was not taken as seriously as some other disappearances might be taken. That's one possibility, agreed?

A. I don't believe so, sir.

30 Q. No. So you don't know why the gap, but now when I put possibilities to you, you can rule them out; is that fair?

A. In my opinion sir, if you're asking my opinion I don't believe so, sir.

Q. And you'd agree with me if I go over the gaps that don't particularly reflect well on the Thunder Bay Police Service or the rationale's for those gaps, you'll be able to eliminate those, right, but then you will not be able to tell me why it happened; am I right that you'll be able to eliminate...

THE CORONER: Mr. Falconer, that's more argumentative.

MR. FALCONER: I agree. That's a terrible question. I object to my own question. Can I win this one?

THE CORONER: Your objection is upheld.

MR. FALCONER: Thank you.

Q. We heard some pretty disturbing evidence in this room and we heard the evidence of Ms. Morris, Dora Morris. She quotes a police officer, "He's just out there partying. He's just out there like any Native kid that drinks all the time." I take it that you and I can agree that is a highly inappropriate thing for an officer to say?

A. Yes, sir.

Q. And that this a comment which I take it you didn't hear the comment, right?

A. I did not sir or I would have addressed it.

Q. You would have?

A. Yes sir.

Q. And you'd agree with me that that comment would suggest a bias against Aboriginal youth; would you agree with that?

A. I'd have to understand the entire comment and in the context it was made in, sir. Is it that the

officer's commenting on a missing 15-year-old specifically,  
I don't know sir.

Q. "He's just out there partying. He's just  
out there like any Native kid that drinks all the time."

5 Again, I ask you the question, you'd agree with me that  
that statement reflects a bias against Aboriginal youths?

A. By that officer.

Q. Yes. And that kind of bias could cause  
someone to not take the disappearance particularly  
10 seriously, would you agree with that?

A. It could.

Q. Right.

A. But it did not in my unit, sir.

Q. No, because you know why the gap happened,  
15 right? You know why, yes?

A. No, I do not know why the gap happened,  
sir.

Q. You do not know why it wasn't reported to  
criminal investigations for some six days, right? You do  
20 not know why, but you can assure us it's not the bias  
reflected in this statement, agreed?

A. I can only speak for my unit and our  
investigation, sir.

Q. In a senior officers' meeting you did  
25 your job and identified a gap, right?

A. Correct, sir.

Q. As you sit here today you recall that  
meeting, agreed?

A. I do, sir.

30 Q. Right and that's because that's a pretty  
serious gap, agreed?

A. Agreed.

Q. You recall a candid exchange among senior officers around a serious gap in a death investigation, agreed?

A. Agreed.

5 Q. You just can't remember why the gap happened, right?

A. Sir, I don't know why the gap occurred, but to me any gap irrespective of who it is particularly with a young person is a serious systemic issue that  
10 needs to be addressed.

Q. Right, but how do you trust it if you don't why it happened?

A. You start by at least highlighting the fact that it's occurred and then seek to find out how it  
15 occurred and then remedy it, sir.

Q. Okay. I don't want to - I've been accused of, of being like a furniture maker and pounding the furniture too much, so I don't want to wreck the furniture, all right. I just need to finish this small question. If  
20 you're with senior officers, you're identifying a gap, it's a serious one, are you quite certain as you're sitting in front of this jury today nobody brought up why it happened? All the officers chatting who are in charge, nobody says this is why it happened?

25 A. Not to my recollection sir as to why, why it happened. That does not mean that it was not a question that they asked and then started their own work on it.

30 Q. Okay, because you'd agree with me knowing why something happened helps you to fix it, right?

A. Exactly sir that's why we're here today.

Q. Fair enough. Now, in that context of why

we're here today, would you also agree with me that in your experience whether in an obviously impressive experience as, as a criminal investigator and then an Ontario Police College teacher that the reinvestigation by the Ontario Provincial Police that has taken place in this place is quite exceptional; would you agree with that?

A. I haven't seen it and I have no knowledge of that, sir.

Q. You have no knowledge of the fact that a reinvestigation of all seven deaths took place under the title and I'll provide it to you. I can see that Officer Lorrie is actually here today, but under the title "Project Middleborough", a reinvestigation of the seven deaths under the serious case management reinvestigation protocol that costs millions of dollars and it involved years of reinvestigation. You can't help me whether that's exceptional?

THE CORONER: Actually, Mr. Falconer, I think it may be reasonable to find out to what extent the witness knows about this.

MR. FALCONER: Okay, fair enough.

Q. Did you know that the Ontario Provincial Police reinvestigated these deaths?

A. No, I did not, sir.

Q. You did not?

A. I did not. I was never contacted. I was not interviewed.

Q. You're the first officer called to testify about Jethro Anderson's - the investigation of Jethro Anderson's death and you're saying that you have had nothing to do with the O.P.P. or the reinvestigation; is that true?

A. That's true.

Q. Do you know who they talked to in respect of Jethro Anderson's death...

MR. HOPKINSON: Objection.

Q. ...in terms of the Thunder Bay Police?

MR. HOPKINSON: Objection, Dr. Eden.

A. No I do not, sir.

THE CORONER: No, don't. Once someone makes an objection Mr. Falconer and Mr. Shorrock...

MR. HOPKINSON: Sir, I believe Mr. Falconer is doing exactly what he objected to himself earlier this morning. He's asking the witness to give evidence about what other parties did or didn't do.

MR. FALCONER: Well, it's perfectly - what I objected to is going into somebody's mind, Dr. Eden. This witness may have been advised. He's here as the lead officer on this death. He, I assume, will have been apprised of how it was reinvestigated or at least the involvement that the Thunder Bay Police had with it. He can tell us what he's been told or what he hasn't been told about that. It's not about getting into somebody's mind. It's about imparting information to us. He was put forth as the first witness to assist us on this death investigation and that includes by the way referring to other, other officers' incident reports and purporting to be the senior officer involved. So I think, with respect, if he was advised then we should hear what it is.

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5 MR. HOPKINSON: Dr. Eden, the witness's response to Mr. Falconer's original question was quite emphatic. He does not - like he was not involved in the reinvestigation. He doesn't know anything about it. He doesn't know anything about it. Based on that answer I don't see how Mr. Falconer can then ask him questions about why he doesn't know what the O.P.P. did or why he wasn't interviewed. He doesn't have the capacity to answer those questions.

10 THE CORONER: Thank you, Mr. Hopkinson. So, Mr. Falconer, you can put questions in this area to the witness within the witness's own knowledge.

15 MR. FALCONER: And I'm just going to look for some clarifications. I'm going to ask the witness not to answer anything yet. I did not hear the witness say that he hasn't been told anything about it, so if he did say that then I missed that part. That's where we were in the question. So I'd like to know whether the witness was advised.

20 THE CORONER: You can ask him what he knows. I think the concern is asking him about things that he - to ask him what he doesn't know. So you're free to ask him what he knows, go ahead.

25 MR. FALCONER: All right.

30 Q. So, sir, what I'm trying to get at is with the size of the Project Middleborough and the huge investigation conducted by Inspector Lorrie, were you given any information about the O.P.P. reinvestigation?

A. No sir, I was not.

Q. Thank you. Now, moving away from this specific case, would you agree that a reinvestigation involves large resources and doesn't happen in every case; would you agree with that?

5 A. Yes sir.

Q. And it usually happens because there is a concern about the original investigation and without identifying the concern, that's when it usually happens, agreed?

10 A. A concern or a belief that the reinvestigation will elicit new information or new evidence.

Q. Now, one of the realities of this particular death is that there was an early discussion about the notion of a suicide pending toxicology results, right?

A. Not that I'm aware of, suicide, no sir.

Q. Would you agree with me that it's important in the early days or early weeks of a death investigation that you need to remain open to any possibilities and that identifying a suicide in early days potentially creates the notion of tunnel vision; would you agree with that?

25 A. The object of the, of the investigation is to avoid tunnel vision. The object of the exercise is to let the evidence implicate or exonerate and to conduct a thorough and rigorous investigation and follow all of the leads.

Q. And so one of the things that's important in a case when you're investigating a death is to remain open to the options, agreed?

30 A. Yes sir, take it where the evidence leads



you, sir.

Q. Can you explain why this particular death would have been cited as no foul play being suspected?

A. I would have to base my answer on the reports that were submitted both from the attending coroner, any autopsy, postmortem, as well as the officers involved, sir.

Q. Right. And the reason you cite all those factors is because once those - that information comes in it's appropriate to make that kind of call that no foul play is suspected, right?

A. It certainly provides us with additional information, but there are still witnesses to be interviewed, statements to be corroborated if possible.

Q. What you wouldn't do is declare that no foul play is suspected before, for example, the postmortem came in, correct?

A. Correct.

Q. Right. And the reason you wouldn't do that is it would reflect the close mind to the possibilities, agreed?

A. Yes sir.

Q. A kind of tunnel vision, agreed?

A. Yes sir.

Q. Right. I'm showing you a copy of the November 11<sup>th</sup>, 2000, Thunder Bay Police media release. Could you take a look at that, please? And this of course is part of your brief that I'd like to share it with the jury as well.

THE CORONER: Well, first of all, I'll have a look at it. Was this given to the - has the witness had an opportunity to review this?

MR. FALCONER: It is three paragraphs. I'm happy to wait. It's a two-liner and I'm happy to wait while the witness looks at it again.

5 THE CORONER: But was the witness given prior notice of this particular document; that's the question?

MR. HOPKINSON: He was not, no.

10 MR. FALCONER: Was the witness given - may I answer, Dr. Eden, thank you. Was the witness of the Thunder Bay Police Service given prior notice of what the Thunder Bay Police Service said about the death he's in charge of? I would think...

15 THE CORONER: I'm just asking whether the witness was given prior notice of the document. If he was given prior notice of it then that's fine if it was a document he generated, that's fine. I'm just making sure that the witness is aware of it. And Ms. Bryson, you had something to add?

20 MS. BRYSON: Yeah. I would like if we can get prior notice of what coroner counsel is going to provide to witnesses because we're surprised...

25 THE CORONER: Actually, Ms. Bryson, that's not...

MS. BRYSON: ...so we can then...

THE CORONER: No, Ms. Bryson...

MS. BRYSON: ...do in turn...

30 THE CORONER: ...that's going into an area that's not the issue right here, so.

MS. BRYSON: But it does link to this area.

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THE CORONER: No, no, Ms. Bryson, you can comment on the issue before me, but not introduce new issues.

5 MS. BRYSON: It is on that issue because helps us determine then which documents we would like to put forward, but we, we need notice of what's being put forward so we can determine what to put forward.

10 THE CORONER: So, they're two separate issues.

MR. FALCONER: Can I briefly interrupt? I'm hoping Mr. Shorrock is reading the three paragraphs while we do all this. He's nodding in the affirmative. I'm delighted because I'm hoping to just move on.

15 THE CORONER: Yes and the principle here is that I just want to be sure that the witnesses have enough time to review documents and that's because there have been previous times at inquests where a document has been put to a witness and the witness felt obliged to answer questions without adequate time to look at it.

20 MR. FALCONER: That's fair.

THE CORONER: That's my basic concern, so on that basis you can proceed.

25 MR. FALCONER: I'll ask that foundation question first of all.

Q. Sir, you're looking at a media release dated November 11<sup>th</sup> and it occupies three-quarters of a page, right?

30 A. Correct, sir.

Q. Would you like to take some more time and read it?

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A. No, I'm fine, sir.

Q. Have you had adequate time to read it?

A. I have, sir.

Q. All right. Will you please read out above  
5 the words "for more information"? Read out the last two  
lines above those words.

A. "At this point foul play is not suspected,  
but a postmortem will be conducted tomorrow morning to  
try to determine a cause of death".

10 Q. Now, would you agree with me that the  
statement "foul play is not suspected" is something that  
you and I just discussed; would you agree with that?

A. Yes sir.

Q. Would you agree with me the one thing you  
15 and I were clear on is that you would wait for the  
postmortem before you would say something like this,  
agreed?

A. Yes sir.

Q. So to be fair to you, you didn't author  
20 this release did you?

A. No sir I did not. I had no knowledge of it.

Q. Right. You were the senior guy on this  
death. You're the lead witness on this death, but you  
didn't have any knowledge of the release that was issued  
25 at the time, fair?

A. On that date, no sir.

Q. Right, because as far as you're concerned  
Mr. Shorrock based on the candor you've engaged in with  
us and we have lots of feedback so I apologize. It's  
30 because I'm an ADD guy and I've got to keep moving, but  
you'd agree with me Mr. Shorrock that you wouldn't issue  
a release like this, correct?

A. I would not suggest that we had made any determination other than if we'd identified the person.

Q. And the reason you are of that candid view and I appreciate your candor is that this sends the message that you've arrived at a determination if not a preliminary one, right?

A. People reading that would believe that foul play had been ruled out by the Police Service when I don't believe it had been.

Q. Right. And the reason you're concerned and you wouldn't do this is it reflects a closed mind?

A. Potentially yes sir.

Q. Just like the person who said he's probably out there with just like all the other Native kids drinking, right, that closed mind, right?

A. I'm going to think that - and I'm, you know, I can't speak for the immediate officer who created this media release, but I'm, I'm of the belief that he is trying to suggest that...

Q. Well, wait, I apologize for interrupting you.

A. Yeah.

Q. You don't know - you didn't know about the release, right?

A. No.

Q. You didn't have anything to do with creating it, right, but you're about to tell us why you did it.

A. No sir, I'm about to tell you why I think he might have done it, but I do not know.

Q. What do you think? Do you think you're in a position to tell us why the person that you don't know

who authored this did something?

THE CORONER: Well, again, Mr. Falconer, that's...

MR. FALCONER: A triple negative?

THE CORONER: That's getting rather metaphysical.

MR. CORONER: All right. Let me rephrase. May I rephrase?

THE CORONER: And what we've allowed in the past is to allow a witness to give their understanding in certain circumstances and you can ask the witness for his understanding if he feels confident enough to provide one.

MR. FALCONER: Fair enough. What I'm going to respectfully do is rephrase.

Q. Would you agree with me that it's not helpful for you to tell us the motivations of a person whose identity you do not know?

A. Yes sir.

Q. And you don't know the identity of who did this release, correct?

A. No I do not.

Q. Thank you. Now, what I do want to ask you about because you're a senior investigator is we did hear from Dr. Toby Rose, a forensic pathologist, and she testified about the seven deaths along with a very senior toxicologist. The part that I want to ask you about in your testimony is that she testified that "We count on a high degree of delivery..." I apologize. "We count on a high degree of delivery from those investigators at the time of the incident." She, she referred to how important that she put it, the story is. Would you agree with her?

A. I think that any person engaged in a multidisciplinary investigation would rely on as much information as possible to help them make their determination.

5 Q. She specifically said that it is difficult in respect of a drowning and we used Mr. Morrisseau, the death of Mr. Morrisseau. We used his death, Kyle Morrisseau's death as an example where it would be very difficult to distinguish between an accidental drowning or  
10 a deliberate killing caused by someone who rolled somebody into the river, all right. That's the context of the questions I asked her, right. And she advised in all candor to the jury that it would be difficult to tell the difference between the two and that's why we rely on the  
15 competence of early effective high degree investigations. Does that make sense to you?

A. Yes sir and I also rely on forensic pathology, the Centre of Forensic Sciences and the Coroner's Office to assist me in trying to make a determination as to  
20 the manner mechanism of death.

Q. And the one way to rely on them is to receive a postmortem report?

A. That is certainly part of that process, yes sir.

25 Q. And you'll want to read the report before you draw a conclusion as to the circumstances of the death, right?

A. Yes sir.

30 Q. So in this case, not exactly ideal and I'm going to put a series of circumstances that make it not exactly ideal. Firstly, those with the expertise and resources to investigate a disappearance in the death

were not brought in for some five or six days, correct?

A. Correct.

Q. Secondly, an officer, as yet unidentified, utters to the aunt who's the boarding parent a racist epitaph indicating insensitivity at best, agreed?

A. Of that officer, yes.

Q. And by November 11<sup>th</sup> before the receipt of a postmortem foul play has already been ruled out, correct?

A. In a media release sir, yes.

10 Q. Do the Thunder Bay Police have any other way of communicating to the public?

A. I, I don't understand your question, sir.

Q. Fair enough. It was a difficult question. When the Thunder Bay Police wish to communicate to the public about an investigation you'd agree with me a major way of doing it are press releases?

A. That is correct, sir.

Q. And so while you say it's in a release, but it didn't - you leave the impression it barely happened, as far as the public is concerned including the parents, the families, the community members, the only message they would reasonably have is that foul play had already been ruled out, correct?

A. From the media release, yes sir.

25 Q. Yes, the media release created by the Thunder Bay Police Service, yes?

A. By the media release person, yes sir.

Q. Yes and you'd agree with me that not just, not just Ms. Morris, but anybody reasonably including all these people in this gallery would expect to be able to trust the media release that says Thunder Bay Police Service, right?



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A. The media release goes out to the media outlets and they choose to publish what they choose to publish. We have no control over that. We release the information to them, sir. Yes, I would like to believe that when we release a media release that the public believe what we are telling them.

MR. FALCONER: Right. I'm filing this as the next exhibit, Dr. Eden.

THE CORONER: The media release.

MR. FALCONER: Yes.

THE CORONER: All right.

COURT REPORTER: Thirty-four.

MR. FALCONER: Q. And I'm sharing copies with the jury and I'm asking you to confirm sir that the Thunder Bay Police logo is on the top of this release?

A. Yes sir it is.

Q. This isn't a document that was interpreted by the media, this is the document created by the Thunder Bay Police, correct?

A. Yes sir.

**EXHIBIT NUMBER 34: Copy of Thunder Bay Police Media Release of missing person report - Produced and Marked.**

Q. Would you be able to assist me? I have a missing person's report that looks like October 29<sup>th</sup>, but it says cancelled on it. Could you take a look at this and just tell me if you've ever seen it before?

A. I have not seen this report, sir.

Q. Would you agree with me that the word "cancelled" is in block letters in a form fashion; it

doesn't look scrawled on there?

A. Yes sir.

Q. It looks like it was affixed to the document, part of the document process, document labeling  
5 process?

A. Yes sir.

Q. One of the reasons criminal investigations might not have been brought in, is it might be that in fact the missing person's report was cancelled, true?

10 A. It could have been sir. I can't speak to what occurred.

MR. FALCONER: Those are my questions, thank you.

15 THE CORONER: Thank you, Mr. Falconer. Ms. Bryson?

CROSS-EXAMINATION BY MS. BRYSON:

Q. Hi, Mr. Shorrock, my name is Chantelle Bryson. I'm a lawyer from Thunder Bay and I represent the  
20 Provincial Advocate for Children and Youth. I just want to go back to Exhibit 33 the missing person's report that Ms. Leaman provided to you.

A. Yes I have it, thank you.

Q. Okay. And I'm just wondering it says  
25 about halfway down "disability/dependency alcohol" and based on your involvement in the case did you have - was there any knowledge of a disability or a dependency with Jethro Anderson?

A. No, ma'am.

30 Q. Okay. And I realize this is a standard form so they probably just put it in somewhere that this had been mentioned, right, but my question is you have a

young boy who just turned 15, like just; had been in town a very short time. How is alcohol use relevant to a search investigation?

A. The only relevance that I would attach to the use of alcohol is it may have contributed to the missing person not knowing where they are if they've perhaps consumed too much. That's about all I can contribute that to.

Q. But to your knowledge of review of the case no one knew what he consumed at that time, right?

A. A number of witnesses are interviewed and a number of statements are taken by officers with respect to the observations that these people made of Mr. Anderson in their observations about whether or not he'd been drinking or what they thought he'd been drinking.

Q. But not on October 29<sup>th</sup> they hadn't?

A. No.

Q. No, okay, so that wouldn't affect how a search was conducted or the timing of the search, alcohol use?

A. No.

Q. Okay. And I also just want to correct because when you read off from this report you said Dennis Franklin School, but isn't it true that it actually says the Native School?

A. Yes it does.

Q. Okay. And I'm just wondering when I look at this report I find, you know, just even as a parent very sparse. Isn't it usual or would it be usual to ask someone making a missing person's report where was the last place they were seen?

A. Yes.

Q. Okay and it doesn't appear that that was done?

A. It's not on this form, no.

Q. No. And when they were last seen?

5 THE CORONER: Excuse me, isn't it there on "last seen by".

MS. BRYSON: Okay, but that's by whom, right. Oh okay, that's the address, okay.

10 Q. Would it be relevant to ask who their friends were? Where they like to hang out?

A. Yes.

Q. What they like to do?

A. Yes.

15 Q. It doesn't appear that any of that was asked?

A. And I think that is because the officer is going to send it to the criminal investigation where those very questions will be asked.

20 Q. Do you think it would be a good idea because we're working on recommendations that when you have a very, very, young person new to town to ask those questions at the very first opportunity?

25 A. I think it's certainly something to explore from a perspective of. The people that have the greatest knowledge of the individual that can assist in the, the earliest location are of the most value.

Q. Thank you. And similarly to try to find out what they were wearing right away, would that be a good idea?

30 A. There should be a clothing description in the missing person's report.

Q. No.

A. It may not have been transcribed here. It may have been actually on the original report taken by the officer.

5 Q. Okay, so I want to ask about the transcribing process a little bit because we've seen this report as well as a further report that Ms. Leaman showed you where they're taken on October 29<sup>th</sup> or another date in 2000 around the time, but not entered until 2011 or 2012. Why is that?

10 A. The entry date that is appearing on that, on that format, I'm not sure where that comes from in the reports that are transcribed. So what you should have, the two dates that should appear on the report is the date and time the report was taken and the date and time  
15 the report was actually entered into the system. Given that these reports indicate that it was in 2011 or sorry...

Q. Well, the MPR one here is May 13<sup>th</sup>, 2011, right, the one we're looking at?

20 A. Yeah and that's impossible and it was already in the system long before 2011.

Q. So we just don't have the original?

A. I can't explain. I do not know why this entered time and date is so different from the reported  
25 date and time.

Q. Because we see that on a bunch of reports.

A. Okay.

30 Q. So I'm just trying to, to ask and I have no idea about police systems so help here because you said it goes through the pneumatic tube, the written report, and it goes to someone on the second floor and is this their job to put it into this?

A. Yes. What you have in front of you is the transcription of a physical paper copy report. They've transcribed it and now it's been printed from our record's management system.

5 Q. But it appears that wasn't done with this report?

A. I can't explain the dates.

Q. Okay. So once it gets put into this what happens to this; where does it go?

10 A. This report is actually electronic. It is sitting as data and it is sitting on...

Q. Right.

A. ...a number of desktops including the one in my office.

15 Q. Okay, but we don't have any evidence that that was done on October 29<sup>th</sup>; would you agree with that?

A. No, we do not.

Q. And so you said your first engagement was going to this large meeting at Dennis Franklin Cromarty School on November 6<sup>th</sup>, 2000?

A. That is correct.

Q. And would you agree that was actually eight days after Jethro went missing?

A. Yes.

25 Q. And then you talked about the dive team and they didn't go out until November 9<sup>th</sup>, so now we're on day 11?

A. But our, our involvement started on the 4<sup>th</sup> of November and with the location of the cap we were, we were now in a much narrower search area. There'd been a number of reports that had sightings of Jethro in a number of areas within the city both in the North Ward

and in the South Ward, so at that point we were still trying to corroborate where he was last seen. With the location of the cap we now had a much more finite area and it was determined that that would be the next course of action.

Q. So are you suggesting that you had no information before November 9<sup>th</sup> that Jethro had been with his friends at the waterfront?

A. We had that information, but we also had contrary information so we needed to corroborate all the information and try and make a determination. We...

Q. But, I'm sorry...

A. ...were simply trying to find the, the missing person.

Q. Right, but if you had information beforehand that he was last seen at the waterfront drinking with his friends, wouldn't you agree that would be a good place to start?

A. It would be one of the places, but we also had evidence from friends that they saw him at the Brodie Street Bus Terminal. We had evidence from someone that said that they saw him in the 7-Eleven store in the north part of the city. We have no reason to doubt any of those people and they're all investigative leads that need to be investigated.

Q. And I agree. I think when you have a barely 15-year-old boy that all leads should be investigated, but why wasn't the waterfront investigated earlier?

THE CORONER: It sounds like the witness has said there was some investigation at the waterfront; am I wrong?

MS. BRYSON: I didn't hear that.

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5 THE CORONER: I may be wrong, but I may be wrong. Okay, you're certainly free to clarify that with him. And the reason I'm asking is that there's a difference between an investigation of the waterfront which would be - where there's a possibility for rescue as opposed to a dive team where we're talking about recovery of a body rather than prevention of death. So that to me is an evidentiary matter here.

10 MS. BRYSON: All right.

15 Q. But wouldn't you agree when you have a very young person you have this massive community outpouring looking for this young man that it would be as important to investigate the waterfront including potential recovery of a body right away?

A. But we didn't know that he was in the water. It was certainly an area to look at, but it was simply one of a number of areas to look at.

20 Q. And I want to also ask a couple of questions about the meeting regarding the gap, this October 29<sup>th</sup> to November 6<sup>th</sup> gap. What did you do at that meeting to find out why it happened?

25 A. I identified that there was a potential systemic issue here that there was a gap. I wanted to make my managers aware and that we needed to address it either through a policy change and as well to have them instigate an investigation to determine how it happened.

30 Q. Okay. And who headed up that investigation to find out why it happened?

A. I left it with the senior officers. Ma'am, I don't know who did that.



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Q. Do you know who those officers are?

A. I don't recall all of them sorry.

Q. And no one ever got back to you in that regard about their findings of why that happened?

5 A. No and I wouldn't expect them to either.

Q. Was there anything to your knowledge that arose out of that meeting in terms of an implementation change?

10 A. There could have been, but I'm not aware of it.

Q. But you certainly agree that it required a change?

A. Yes I do.

15 Q. Okay and based on someone finding out why it happened as Mr. Falconer asked?

A. Yes.

Q. So in your review of reports that were coming in, did you come across a report of one of your officers who had actually picked up Roberta Skunk, Chantelle Skunk, and Noah Sutherland in the early hours of October 29<sup>th</sup> near the waterfront?

A. I believe that was one of the uniformed officers Constable Miller.

25 Q. Right and that Chantelle Skunk had blood on her face?

A. Yes.

Q. And Roberta Skunk had blood on her hands?

A. Yes.

30 Q. And did you follow-up in your investigation as soon as you reviewed that with Roberta Skunk and Chantelle Skunk about that?

A. That would have been assigned to one of the investigators and I believe that was Detective Constable Bystrican that interviewed those two.

Q. Okay, I will ask him then. Did you have any contact with the coroner Dr. Dupuis about this case?

A. I did not.

Q. Okay, because you said that you would rely on the Coroner's Office to help you. Did you reach out to him?

A. I expect Detective Kiviaho did. That's - Detective Kiviaho was in charge of the sudden death investigation, so as an experienced investigator I would believe that that's part of what he would have done.

Q. Okay. And so, and then I just have one more question.

MR. FALCONER: It's just one of these out of the bag and it's too late to object, but I'm going to anyway on this basis. If the witness is going to testify about what someone knew or did, it shouldn't be sheer and absolute speculation. It should be based on actual knowledge. Based on the answer I just heard, it would have been sheer speculation and the difficult part, the unenviable part we're in is we're not even going to hear from that officer. So we're put in this bizarre position where we've got speculative evidence and we don't get access to the officer that this officer is telling us would have done this great job. So it's a problem.

MS. BRYSON: Yes.

THE CORONER: Mr. Hopkinson?

5  
10  
MR. HOPKINSON: Yes sir. If I understood the witness's evidence though I believe the witness was saying what he would have believed would have been done and I take that to be normal process as he would interpret it. He's not offering evidence what he's speculating was done, but what he would expect to be done. I think that's slightly different and that may be helpful to you.

15  
THE CORONER: Okay. And I think this is another of those cases where it's reasonable for the witness to provide an understanding and then the basis upon which they have that understanding and we've heard some possibilities here.

MR. FALCONER: May I reply?

THE CORONER: Yes.

20  
25  
30  
MR. FALCONER: Thank you. I would have thought this witness would have testified that what he would have expected to have been done is the criminal investigation would have been brought in on day one and had we not had clear proof that didn't happen we would be left with the impression under this theory of evidence that that was done. I think if a witness has no foundational knowledge about the facts then he ought not to testify. And this is a situation where the witness is not saying I have a reason to believe a) or b) because I know about a) or b), he's simply saying a) or b) might have happened.

5 THE CORONER: Mr. Falconer, that's not the case in this setting. So the witness can provide his understanding and the basis for it and the jury will assign their weight and reliability to that evidence. If it's a situation where such evidence would be speculative I wouldn't allow it. This is a situation where I'm satisfied that it's not speculative.

10 MR. FALCONER: And I appreciate that. So Dr. Eden, could he advise us then what his basis for the information is.

THE CORONER: And that was my ruling, so.

MR. FALCONER: Thank you.

15 MS. BRYSON: I'm lost, so I'm going to ask a different question and perhaps - unless Mr. Falconer wants to pass me a question and then I'll ask it.

20 MR. FALCONER: All I'm looking for is Dr. Eden's ruling. Dr. Eden has ruled that the witness is required having speculated that X happened, is required to provide the basis for the speculation.

THE CORONER: No, I did not say it was a speculation, Mr. Falconer.

25 MR. FALCONER: It's a little bit self-serving. So having testified, having testified that X happened he's required to provide the basis...

30 THE CORONER: And he testified about his understanding about what would have happened. That was the evidence we heard. So perhaps Ms. Bryson may or may not do a follow-up question and if not I'll ask coroner's counsel to do

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that in the re-exam.

MS. BRYSON: Okay.

THE CORONER: You may proceed Ms. Bryson.

MS. BRYSON: Yes, I sort of lost the train of  
5 thought there.

Q. So what I want to know is that you're the  
lead guy on this, right?

A. I'm the overall manager.

Q. Right.

A. There are - there are a number of  
10 detectives that are taking the lead.

Q. Right, but it would - wouldn't it be your  
job to ensure that the people under you were doing their  
job, like just to boil it down?

A. Yes.

Q. To have that circle back to you that  
someone actually did these things?

A. Yes.

Q. Okay. And then I just have one more  
20 question about missing person's reports. So you said, you  
know, it's up to the media to do whatever they do. So are  
you saying at the time there was no protocol between the  
Thunder Bay Police and our local media about whether they  
would actually publish a missing person's report?

A. My understanding with respect to the  
25 media ma'am is that we provide them with the information.  
We don't control whether they publish it or not.

Q. Okay, but my question was did you have a  
protocol with the local media to ensure that what you  
30 gave them would be published?

A. Well, what we had with them is we would  
give them the information. They chose whether to publish

it or not.

Q. Okay, but would you agree that it would be a good idea to have an actual protocol with them, an agreement that you knew they would publish it?

5 A. I think that that's asking the media outlet to choose to be operated by the Thunder Bay Police. We provide them with the information. They choose whether they wish to publish it or not.

10 Q. Okay and if you're not going to have a protocol with them, would you agree it would be a good idea to have your own methodology of publishing then to ensure that it's actually going to the public?

15 THE CORONER: Actually, let me think about this because it doesn't sound to me like that's the only alternative here and perhaps a middle ground would be for there to be protocol, but still to allow the news people to decide whether or not to publish.

MS. BRYSON: Well, I would prefer both.

20 THE CORONER: Well, actually Mr. Hopkinson has something to add. Sorry, Ms. Bryson, Mr. Hopkinson has something to add.

25 MR. HOPKINSON: Dr. Eden, also, Ms. Bryson hasn't actually asked any foundational questions to establish that this witness is in the capacity to give opinion evidence on this issue in his capacity as detective sergeant in CIB. He's being asked to give opinion evidence. I suppose some opinion evidence could be more valuable than others, but I don't think the foundation has been provided at all to suggest that his  
30 opinion on this matter would be of any

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assistance to the jury.

5 THE CORONER: Thank you. And Ms. Bryson, just to assist you, the area of evidence concerning communication between police and media to ensure the public is aware of a missing person is squarely before us and of course any questions going to this witness have to be within this witness's own knowledge and experience.

10 MS. BRYSON: Q. And the witness stated that it was up to the media to decide. So how did you know that?

A. How did we know which, ma'am?

15 Q. How do you know that it was up to the media to decide and there wasn't some formal arrangement; how do you know that?

A. Because we send them the media releases. After that it's their choice to whether they publish them or not.

20 Q. But I'm asking you how you know that? Was that part of your job?

A. How we know the media release is sent to them?

25 Q. No, how do you know it's up to them. How do you have this knowledge of this statement that you said the media will do what they want or not want essentially; how do you know that?

A. Because I don't control the media, ma'am.

30 Q. Right, but so you never had a conversation with the media, for example, the Chronicle Journal. You never went and had a conversation with the Chronicle Journal to find out that they wouldn't publish stuff?

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THE CORONER: Actually, was this published? I understand that it was published. So I'm just wondering what the factual foundation for your question here is?

5 MS. BRYSON: Q. Well, the witness is saying he has no control of what the media does, right, whether they're going to - and so this goes to Jethro as well as others. So whether they're going to publish or not is not in your control; isn't that what you said?

10 A. Yes.

Q. Okay. And I'm asking how you know that because your lawyer would like me to establish that?

A. Because I don't control the media, ma'am.

15 Q. But I asked you did you have any communication with the media to find out what their protocol is on publishing or not publishing something as important as a missing person's report of a barely 15-year-old child?

A. No ma'am, I did not have that conversation.

20 Q. Okay, who would know that?

A. I think our media relations officer would be the best person - position to provide that information.

25 Q. Okay, and then again, would you agree as we're looking forward to recommendations in hindsight that it would be a good idea to understand firmly that the media is going to publish a missing person's report of a 15-year-old child?

30 THE CORONER: Ms. Bryson, that's a recommendation about the conduct of the media, so I don't think that a police officer who retired from service in 2007 can speak to that recommendation.



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MS. BRYSON: Okay, would you agree that at the time you were still with the service it might have been a good idea to have a protocol to ensure publication in various media sources immediately of a missing person's report of a 15-year-old child?

A. I think it's a very good idea. I also know that we did do media releases. I mean we sent them in.

Q. Right, but you didn't know that they would go anywhere?

A. No ma'am I did not.

MS. BRYSON: Thank you.

THE CORONER: Thank you, Ms. Bryson. Yes, Mr. Esquega?

CROSS-EXAMINATION BY MR. ESQUEGA:

Q. Good morning, sir.

A. Good morning.

Q. My name is Etienne Esquega. I represent the Northern Nishnawbe Education Council who operates the Dennis Franklin Cromarty High School. Earlier in your testimony you've talked about your unit and how you - the Criminal Investigation's Branch, right?

A. Correct.

Q. And as part of that branch you have a tactical unit that assists you?

A. The tactical unit is actually attached to the Uniform Branch, sir.

Q. Okay. And you mentioned that that branch, that tactical unit, you use them for many reasons including getting on the ground and doing grid searches?

A. Correct.

Q. And I'm just curious to know what's the -  
how large of an area can a grid search be?

A. I can't speak from personal knowledge in  
that I've not done a grid search. I've asked for them to be  
5 done and left it in the hands of the tactical supervisor  
and tactical group to conduct it. Limitations, I can't say,  
sir.

Q. Have you ever had one done of the entire  
downtown Fort William area around here?

10 A. No sir.

Q. Is it normally restricted to a much smaller  
geographic area from your experience?

A. In my experience, yes.

Q. Then you mentioned that you came onboard  
15 on November 6<sup>th</sup>; is that right?

A. That is correct.

Q. And at that point you were relying upon the  
notes of other officers to give you a briefing of where  
things were at?

20 A. Yes sir.

Q. And on November 6<sup>th</sup>, first you mentioned  
going to the Dennis Franklin Cromarty High School to meet  
with the search team that was assembled over that?

A. The search team, the volunteers, as well  
25 as the teleconference with the members from Kasabonika  
Lake, sir.

Q. And in your notes, your handwritten notes  
did you have a chance to review those before you got here?

A. Yes sir.

30 Q. There's a note in there about something  
about inquiring from the Osnaburgh girls as to whether or  
not they had boyfriends?

A. Yes sir.

Q. And I'm assuming that the Osnaburgh girls were known by that point on November 6<sup>th</sup> to be Roberta Skunk and Chantelle Skunk?

5 A. Yes sir.

Q. And do you know at that point if they had been interviewed?

A. No sir.

10 Q. Do you know when they were interviewed after that?

A. Not specifically. That was done I believe by Detective Constable Bystrican.

15 Q. Okay. And do you have doctor - I'm sorry, Detective Constable Bystrican notes in front of you or the occurrence report?

A. No I do not.

Q. And but you reviewed those too?

A. No I did not.

20 Q. Not today? Do we have those? How about Kiviaho?

A. No, again, I did not review his notes and I did not have his notes.

Q. But at the time you would have reviewed his occurrence reports?

25 A. Yes.

Q. And his occurrence reports and I'll just tell you what it says. Unfortunately I don't have a copy to give to you because I would have. Do we have a copy? The one dated November 4<sup>th</sup>.

30 THE CORONER: Mr. Hopkinson?

MR. HOPKINSON: Dr. Eden, if he's going to be asked to review detailed information from

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someone else's report, he should be provided with a copy of it.

THE CORONER: Well, it depends. Is this a short excerpt Mr. Esquega or is it a...

MR. ESQUEGA: Well, it's the first page of it.

MS. LEAMAN: It's not a short document, Dr. Eden.

THE CORONER: Is there a paper copy of it that we can examine?

MS. LEAMAN: I have it.

MR. ESQUEGA: Q. And I'll just walk you through it, but I understand that you have - you mentioned...

THE CORONER: Mr. Esquega, let's give the witness a moment to refresh himself on it.

MR. ESQUEGA: Sure.

A. Thank you.

THE CORONER: You may proceed Mr. Esquega.

MR. ESQUEGA: Q. And I bring this report to your attention and it's dated November 4<sup>th</sup>, 2000, and in it your detective is having a meeting with an employee of my client Mr. Brad Anderson. And it's noted in there that Brad Anderson was the head counselor of NNEC at the time, right?

A. Yes sir.

Q. And in the second paragraph of that report he talks about the Native Community of being very concerned about the missing youth who has not been found since October 28<sup>th</sup>.

A. That is correct sir, based on that report.

Q. And he's looking for an update from what, from what I gather here and he's giving you an update as well as to what the search party has been doing by this point.

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A. Yeah, he's giving that to Detective Kiviaho, yes.

Q. Yes. And he notes that they have a group of volunteers who will be conducting a ground search and he notes in there that the area to be searched is along the Kam River behind the CP Rail Station area of the Rowing Club; see that?

A. Yes sir.

Q. And the reason they're doing a ground search is that this area - and he also notes the reason why they're doing a ground search around this area is because that is the area where Jethro Anderson's known to hang around in and drink.

A. Yes.

Q. And the last sentence says the Native Community is concerned that Anderson may have fallen into the river.

A. Yes.

Q. Going down to the next, the next paragraph, your detective again notes that he gave Brad Anderson five safety vests to be worn by the ground searchers?

A. Correct.

Q. And that you had received permission from CP Railroad to conduct the search in that area?

A. Yes.

Q. I'm not sure who received that information, the permission, do you?

A. Reading this I can't tell you sir.

Q. Well you know that permission was given and then down below it says Brad Anderson wanted to know, the next paragraph, Brad Anderson wanted to know if the Thunder Bay Police could sent divers into the Kam River

or to have the river dragged; do you see that?

A. Yes sir.

Q. And he was advised, I guess Brad was advised that the decision will be up to the senior officers. And it says, it should be noted that there is no evidence that Jethro was near the river at that time, at the time he went missing. See that?

A. Yes.

Q. So I guess the question I have and Ms. Bryson has asked you this, I'm just curious to know when did that area around the river become an area of concern for the investigative team?

A. When the hat was positively identified.

Q. And what day was that?

A. I believe that was the 9<sup>th</sup> of November. Sorry, the 8<sup>th</sup> of November.

MR. ESQUEGA: That was on the 8<sup>th</sup> of November, okay, thank you. I have no further questions, thank you.

Q. Sorry, I just have a couple of other questions for you. You mentioned the typical - that there are senior officers' meetings in your earlier testimony today?

A. Yes.

Q. What is a typical senior's officer meeting?

A. What is a typical senior officer's meeting? They're generally held in the morning of the weekdays when the senior management team is onboard and it is an opportunity for the various branches to provide any information as well as to receive any direction or directives from the senior management team.

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Q. And so you mentioned how often they occurred, you said once a week?

A. Sometimes every day, sometimes once a week; depends on the availability of the senior command staff at their control.

Q. And who's required to attend those meetings?

A. Generally it is the - all of the senior officers so that is all of the inspectors which are the branch commanders, the deputy chief, and the chief, as well as from time to time myself as the operational manager to the Investigation Branch was there.

Q. And then you mentioned a particular meeting that you had to attend and you mentioned that some senior officers were present when you noticed the, I guess the variation in the timeframe as to when your branch got involved. Do you recall who was present at that meeting?

A. No sir, I'm sorry I do not.

MR. ESQUEGA: Thank you.

THE CORONER: Okay, thank you, Mr. Esquega. Mr. Gover or Mr. Marrocco?

MR. GOVER: I believe we're further down the list. I believe maybe the City and Canada might be going first and then we would go and then Mr. Hopkinson would go.

THE CORONER: Sorry, I skipped Mr. Tzemenakis.

MR. TZEMENAKIS: I have no questions thank you, Mr. Coroner.

MR. CORONER: And actually my order says Thunder Bay Police and then Thunder Bay Police Association.

MR. GOVER: In that case it is my turn.

CROSS-EXAMINATION BY MR. GOVER:

Q. Mr. Shorrock, my name is Brian Gover. We've met yesterday and today and as you know I'm one of the lawyers for the Thunder Bay Police Service, the Chief of Police, and the Thunder Bay Police Services Board and I'm assisted by Mr. Marrocco and someone you haven't met Mr. Safayeni. I'd like to return to the, the electronic missing person report that you identified earlier today and it became Exhibit 33; do you have that in front of you, sir?

A. I do, sir.

Q. Now, I understand that in your police career you also served as a watch commander; is that right?

A. I did sir for the first three years on my return from the Ontario Police College in my first secondment from 1995 until 1999.

Q. And I know that Ms. Bryson will ask us to slow down if we keep at this pace. And you're aware of the process then by which a handwritten report taken in the resource centre or the front desk is translated into the electronic version of the report that we have as Exhibit 33; is that correct?

A. I am sir based on the year 2000.

Q. Yes and that's our focus here and I'll show you what I understand to be the missing person report taken at the desk at 8:20 p.m. or 2020 hours on Sunday?

A. That time is 2:30 sir. Well, that's missing a missing person report at 8:20 correct.

Q. At 8:20 and this is on Sunday, October 29<sup>th</sup>, 2000; is that correct?

A. That is correct.

Q. And we've discussed this with a previous witness and this is a missing, this is a missing person



report that was made by Dora Morris; is that correct?

A. Dora Morris is reporting this to Constable Whitehurst.

Q. Right. And we have reviewed this with Ms. Morris. Apparently the probable destination was indicated as unknown Intercity Mall; is that correct? And I can show you where. You may not remember these forms.

A. Yes, unknown Intercity Mall.

Q. And that's what the U/K denotes; does it sir?

A. That's what it denotes, unknown.

THE CORONER: I'll just ask, is the court reporter able to hear Mr. Gover from there?

COURT REPORTER: Not as good.

THE CORONER: Okay, so please let us know if you can't and I'll remind counsel to wherever possible to use the podium.

MR. GOVER: I will and it's just because of this issue that I approach the witness and while I'm over here.

Q. This indicates he's missing from a location; is that correct sir?

A. Yes.

Q. And what's that?

A. Missing, missing from 114 North Mark Street.

Q. And we can do this quickly because we reviewed this with Ms. Morris yesterday. The report narrative indicates "Dora Morris advised the front desk and that her nephew Jethro Anderson left for the mall yesterday and hasn't been heard from in over 24 hours. Anderson is from up North and attempted..." pardon me

"...attended the Native School here. He drinks alcohol and did this once before he came to TBay" have I read that correctly, sir?

A. Yes sir.

5 Q. Now, there's a notation in the bottom right-hand corner and can you tell us what this means; it's in handwriting?

A. There's a handwritten inscription in the bottom right-hand corner and someone's initials followed  
10 by what I believe to be a badge number which is 1176 which indicates to me that it is a civilian member and then it states to all units. I believe that is the com-centre operator indicating that it has been broadcast to all of the uniform cars, all of the officers that had  
15 their radios on at that time.

Q. And that was at what time sir?

THE CORONER: Yes, Ms. Bryson?

MS. BRYSON: I was waiting for Mr. Falconer to  
20 jump up and say, you know, what's the foundation of that belief? Does he know that? Because we have this issue; no one has seen this. The jury doesn't have it. We've heard evidence it's cancelled and the witness is now  
25 saying he believes it went to all officers, but we don't know that.

THE CORONER: Well, Ms. Bryson, I've previously ruled on this, so he can give his understanding of the reason for his understanding and the jury can determine the credibility of that. So  
30 I'll allow the question on that basis.

MR. GOVER: Q. And just to be clear about this Mr. Shorrocks, in answering my question you were drawing on

your experience of 30 years in the Thunder Bay Police Service as well as your time as a watch commander; is that correct?

A. That's correct sir. I'm basing it mostly on my time as a watch commander where there is the report that I would have dealt with in that manner.

Q. And you've already answered my next question, but why is it that as a watch commander you had to deal with forms like this?

A. The resource centre is located within the front of the Balmoral Street Police Station, the watch commander as the staff sergeant in charge is ultimately responsible for all the policing that occurs during that watch or that shift. One of the things they're responsible for is some of the reports that come in if they're assigned to that watch commander. So in some cases for instance as a watch commander I had a desk officer that was assigned to me, therefore any of the reports that he did would appear on my cue for me to review.

Q. You've indicated that based on all of that experience your understanding was that this was broadcast to all units and was this at 2119 hours sir?

A. Yes sir.

Q. And that's just under an hour within receiving a report; is that right?

A. That's correct, sir.

MR. FALCONER: Well, with all due respect, Mr. Gover took that extra leap that frankly is an unfair question with respect and that is you've indicated based on your understanding it was X. Well, that couldn't be because he doesn't know that it was X.

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He's saying the process would be X, not that it did happen. He couldn't testify that it happened because he's already said he doesn't know.

5 THE CORONER: I didn't hear that in the question Mr. Falconer, so.

10 MR. FALCONER: Well, the exact words used by Mr. Gover were based on your understanding this happened and what I'm saying is that in fact it's not the witness's evidence. It couldn't be because he doesn't know if it happened. He's saying what the process would be, which I get, which is fine as long as that's the evidence, but the question then went that step further based on what the process would be that's what happened. Well, I'm not trying to sound overly esoteric, but the bottom line is we don't know what happened because we don't have a witness that can testify as to actually what happened.

15 THE CORONER: So your points are taken Mr. Falconer and if the jury are uncertain they can certainly ask questions of the witness in that regard. Okay, Mr. Gover?

20 MR. GOVER: Thank you, Mr. Coroner. And Mr. Coroner, I'm going to ask that the handwritten missing person's report be marked as the next exhibit. And I believe we have been distributing copies to the jury?

25 MR. JUKES: Not up to this point.

30 THE CORONER: Sorry, Exhibit 33 was the typed version, right.

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MR. GOVER: The typed version and Exhibit 34 was the media release. So this would be Exhibit 35.

THE CORONER: And is this a document that Ms. Morris viewed?

MR. GOVER: It is the same document, yes.

THE CORONER: So that can be the next exhibit which I believe 35.

**EXHIBIT NUMBER 35: Handwritten Missing Person's Report - Produced and Marked.**

MR. GOVER: Ms. Leaman has hardcopy and we can distribute them appropriately. I actually have to stand away from the podium Mr. Coroner.

Q. And you've described the process by which what we now have as Exhibit 35 is sent for transcription already in your testimony; is that right sir?

A. That's correct, sir.

Q. Now, you've also told the jury what the Canadian Police Information Centre is?

A. Yes sir.

Q. And that notification was made I understand of the Ontario - the Canadian Police Information Centre later that evening. Do I understand that?

A. That would have been part of that process sir whereby when the report is, is sent up to the record's section for transcription so it turns into the electronic document that we saw from the paper-based one we currently have. Part of that process is that the information is entered onto CPIC.

Q. Now, we've heard evidence that what we now have is Exhibit 35 was cancelled at some point; is that correct?

A. I was shown that, yes sir.

5 Q. And when a missing person's report is made does it remain outstanding indefinitely regardless of events that transpire in the meantime?

A. No sir. When Mr. Anderson's body was recovered that would result in the cancellation of the  
10 missing person report. It would also have to be removed from CPIC because it would remain on CPIC until such time as we had an ability to justifiably cancel it.

Q. So at that point when Jethro Anderson's body was found on November the 11<sup>th</sup>, 2000...

15 A. Positively identified.

Q. Positively identified, what happened to the missing person's report according to your understanding of the process?

A. My understanding of the process is that  
20 once the investigating officers completed their report it would be transcribed by the records section. There would be an indication in there that a missing person report incident number is cancelled by virtue of the location of the individual.

25 Q. Now, you've described the technology available to you as the officer in charge of the Criminal Investigation Bureau and elsewhere in the Thunder Bay Police Service in the fall of 2000. Are you able given your experience in policing to answer this question and if  
30 you're not let me know. Was that technology available here in the fall of 2000 consistent with what other police services of similar size in Ontario had at that time?

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A. Yes sir.

Q. Now, you've described a meeting that took place at Dennis Franklin Cromarty School on November 6<sup>th</sup>, 2000; is that correct sir?

5 A. Yes.

Q. And that was at - it began at approximately 10:00 a.m.?

A. Yes sir.

10 Q. Do you recall if Dora Morris was at that meeting?

A. Yes sir it's in my notes that Dora provided some information.

15 Q. And that information included her indication that she had reported this to an NNEC counselor; is that correct?

A. That is correct sir. It's near the bottom of the page 7 of my notes.

Q. And can you read that sentence to us, please?

20 A. "Dora reported to NNEC counselor; advised some 24 hours later to wait another day or so. Dora phoned police on October 29<sup>th</sup> and reported him missing."

25 Q. By the way, missing person's reports when made to the Thunder Bay Police Service in October 2000, was there any means of prioritizing missing person's reports at that time?

30 A. Our missing person policy that existed at that time had a protocol for prioritization. If the young person was under 12 years of age, was between 12 and 15 years of age and had never run away before, there were concerns with respect to either dementia, developmental, or other challenges and that would change the priority on

that missing person report.

Q. And we know that Jethro Anderson had just turned 15 on October 1<sup>st</sup>, 2000, and that he had run away once before when he was 13 and he'd been away for three days. Where would he have fit in, in that priority structure?

A. He would not have been a high - he would not have been an immediate priority. He would have been slightly below that. The expectation is based on that priority is that it goes to the Criminal Investigation Branch for follow-up.

Q. Now, you were asked questions about tunnel vision and although the answer to this question may be obvious. I'd like you to define tunnel vision for the jury, please?

A. Tunnel vision was probably best described at the *Kaufman Inquiry* of the Christine Jessop homicide abduction in that what Justice Kaufman found is that investigators were fixated on a particular individual to the exclusion of all others. And what they did is they ignored evidence to the contrary and chose to in fact go back and re-interview a number of two key witnesses a number of times and convinced them to change their recollection of the time when Christine could have went missing.

Q. And the *Kaufman Inquiry* had reported just a few years before this investigation was undertaken; is that right?

A. That's correct, sir.

Q. So insofar as you were concerned as the officer in charge of this investigation, was it ever infected with tunnel vision?



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A. No sir.

MR. FALCONER: Well, I object to that question. He just asked the witness for a conclusion about the frame of mind and the perspective of other officers where he's already said he has no knowledge of such as the officer who uttered the racist epitaph, such as that those who issued the press release. He can't - he's also told us that he's unable to speak for some of the other officers in the investigation. So he can speak to what he did and his conclusions weren't the subject of tunnel vision. He can't speak about the rest of the investigation. He specifically doesn't know why as we sit here today there was a failure to report it for six days. Again and how can he tell us whether that wasn't a product of tunnel vision because he doesn't know why.

THE CORONER: Mr. Gover? Okay, I'll allow Ms. Big Canoe first.

MS. BIG CANOE: Sorry, the families are in support with the position that Mr. Falconer has just raised because he clearly indicated he can't speak on behalf of others and that sounded too conclusive with all due respect.

MS. BRYSON: The same as my friend Ms. Big Canoe, we also point out that the report hasn't been produced and for instance we were asked to produce the *Goudge Report* if we want to talk about recommendations, we even suggest the *Kaufman Report* should be produced then if we're going to talk about that.

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5 THE CORONER: Okay, Ms. Bryson. I think that's enlarging the objection to a different area. So if that's a matter you want to raise you can raise it at a separate time. The objection is to this question. Is there any other counsel who wishes to comment on the area of this objection? No, so Mr. Gover you may respond.

10 MR. GOVER: Thank you. You'll recall that the question was prefaced with these words, "Insofar as you were concerned as the officer in charge of this investigation." Now, we've heard evidence already that as the officer in charge Mr. Shorrock read the occurrence reports, read officer's notes and so on. And 15 the jury will be able to assess the evidence in this respect. So in my submission, this is really a question that's properly put to an officer in charge and as for the tunnel vision point of course, tunnel vision is something 20 that others have explored in cross-examination most notably Mr. Falconer himself and merely asking for a definition which took us to the *Kaufman Inquiry* is how this arose, but now having been raised by Mr. Falconer I ought to be permitted in my respectful submission to ask 25 him and of course Mr. Falconer suggested there was tunnel vision around the periphery. I'm asking the question directly. Prefacing in the way I am about whether this officer observed 30 any tunnel vision in the investigation conducted by the Criminal Investigation Branch of which he was the officer in charge.

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5 THE CORONER: So Mr. Gover, yes, the issue has been raised in previous cross-examinations and the witness can answer the question within his personal knowledge.

MR. FALCONER: Am I not able to reply?

THE CORONER: Pardon?

MR. FALCONER: I made an objection. He's responded. I thought I'd be...

THE CORONER: I'm sorry, Mr. Falconer.

10 MR. FALCONER: I apologize for the trouble this is going to cause, but it's obvious to me that in order to properly reply to what Mr. Gover just said I'm going to have to ask for the witness to be excused because it goes right to his evidence.

15 THE CORONER: Let's excuse the witness and the jury then.

MR. FALCONER: To be honest, I don't need the jury excused because they've heard it. It's the witness, but if you feel that it's appropriate then that's fine. I just want you to know that's not...

20 THE CORONER: Well, at this point, we can save them some travel members of the jury. So if the witness can leave briefly.

25 ...WITNESS STANDS DOWN

MR. FALCONER: Thank you, Dr. Eden.

30 THE CORONER: And Mr. Falconer, I apologize. I should have given you a chance to reply. That was my omission.

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MR. FALCONER: And I appreciate the apology and I thank you, Dr. Eden. I certainly didn't take it any other way. It's just a simple oversight. Dr. Eden, the reason I was asking for the witness to be excused is, first of all, I want to say, this isn't, you know, this isn't about a perjuring witness or something of that nature, of that level of extreme, but this is about self-serving evidence. And this witness has repeatedly answered in a fashion where he has...

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THE CORONER: Excuse me, well, actually then at this point Mr. Falconer because we're entering a new area, I think we will need to excuse the jury. So members of the jury, disregard Mr. Falconer's comments just now and we'll excuse you.

...JURY EXITS

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THE CORONER: You may be seated and Mr. Falconer, you may continue.

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MR. FALCONER: When I use the term "self-serving" he's extremely selective in what he remembers and doesn't remember. Examples, I don't know why X happened, but when I put obviously unflattering or unfavorable versions of why X happened such as the failure to involve the Criminal Investigation Bureau for some five or six days, he explains how he can eliminate certain possibilities. It's extremely selective on how he gives his evidence. I asked him specifically whether he agreed with me that

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foul play being identified and concluded before the postmortem report would be a reflection of tunnel vision and he said yes. I specifically took him through that why he wouldn't do it and he said yes, that's right. Then I showed him the position that Thunder Bay Police Service took publically and there is no way of knowing who gave the direction on behalf of the Thunder Bay Police Service to make the declaration it did. He said he didn't, but we have no way of knowing who is responsible for the declaration in the exhibit, the Thunder Bay Police Service media release. Why does this matter? Because he himself has said that that reflects tunnel vision, so for him to be...

...PAUSE (ELECTRONIC FEEDBACK)

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MR. FALCONER: Obviously the Thunder Bay Police have control over the audio. For him to be permitted to now comment in this fashion for the whole investigation not being tunnel vision simply runs completely contrary to the positions he's taken. He's told us he doesn't know why certain things that reflect tunnel vision were said, so how could he possibly opine for the jury it wasn't tunnel vision. That's my difficulty. He has put himself in a corner on this and it's not just this issue. It's not just the issue of the media release. It's the issue of who made the comments that in his mind reflect the close mind about the Native youth. He says he doesn't know who did

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it. Obviously it could easily have been part of his investigation team. He says he doesn't know why it took five or six days to involve the Criminal Investigations. All I'm saying is there are too many things for which he cannot account for. For him to then turn around and give opinion evidence to the jury that he's capable of concluding there wasn't tunnel vision in this case, in my respectful submission, he has gone way too far in telling us what he doesn't know. He's not in a position to give the testimony. I accept Dr. Eden that the manner of proceeding where a witness gives their opinion and then gives the basis for it is appropriate in most cases, but I say he's disentitled himself from making that broad declaration and if he's entitled to I get - I want the right with respect to re-examine him on it because he has gone way - he's gone way too far in telling us what he doesn't know from a self-serving point of view. And for him to come back now and draw this broad conclusion as if he were in a position to know these things that he's told us he doesn't know, in my respectful submission it's not proper.

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THE CORONER: Thank you, Mr. Falconer. So before I proceed further, there's been a few irregularities during the hearing of this objection. There's my own oversight and also its customary during objections as we all know that final remarks will address any arguments made during the objection, but will not raise

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new ones. So Mr. Falconer you've made  
substantial new arguments here that were not  
made originally and I think in fairness we  
should offer other counsel an opportunity to  
respond to them and so I'll offer that option  
to everybody and you can have the final word.

MR. FALCONER: Well, I have no objection.

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MS. BIG CANOE: If I may. So I actually did raise  
a concern when I said that - when I actually  
talked about him coming to a conclusion after  
he's made a statement and clearly so that is an  
inconsistent statement and so to have him make  
an inconsistent statement after clearly, so  
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when I stood up, I just had phrased it fairly  
short for the purpose of efficiency. What the  
families concern would be is he's clearly  
answered, had been asked and answered questions  
and clearly he didn't have knowledge. So now  
for him to, to make a conclusive statement is  
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problematic which of the two answers, you know,  
and you make the argument that there's  
potential for the jury to weigh and balance  
this, but he's already asked and answered and  
now he's put himself in a position where he's  
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stated that he doesn't have the knowledge in  
order to answer such a conclusive statement.

THE CORONER: Thank you, Ms. Big Canoe. Ms.  
Bryson?

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MS. BRYSON: And following up on that, if  
they're to accept the latter what's attempted  
to be achieved from Mr. Shorrock, that could  
affect the recommendations of the jury to cure

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the problems that he already admitted, that he didn't know or, you know, to have recommendations in that regard about the missing links of the delay and other matters that Mr. Falconer referred to. So it does have a very serious impact on the purpose of this inquest. If they're to accept that there was no tunnel vision after he said he didn't know, he didn't know there was, that's going to have a huge impact on recommendations at the end of the day which makes it wholly improper in our view.

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THE CORONER: Okay, thank you Ms. Bryson. Mr. Tzemenakis?

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MR. TZEMENAKIS: Some observations, number one, the issue didn't arise in-chief and so the fact that it arose in cross-examination may have caught the police parties a little bit off guard when they asked the question, but it seems to me that the process I would have expected to see and perhaps a process we can follow, is to allow the witness to answer the question to establish the basis to why that witness holds that belief and then if appropriate allow NAN and other parties the opportunity to re-examine him on that point because that may bring out new evidence and it may resolve this issue going forward, thank you.

MR. FALCONER: Sounds good to me.

THE CORONER: I'll consider my thoughts on that. Mr. Hopkinson?



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5 MR. HOPKINSON: Yes, Dr. Eden. As you know I didn't make any submissions on the objection main, but I do want to address some of the comments Mr. Falconer made in responding to Mr. Gover and I'm here to - my task is to protect the reputational interests of the individual officers and I take great issue with Mr. Falconer's characterization of this witness's evidence as selective and self-serving. I would submit to you sir that this witness has been 10 forthcoming, has been candid, scrupulously candid and made concessions that Mr. Falconer himself has appreciated. And that to not - so it's inaccurate to describe him that way to you. It is improper to have made those comments to this jury before they were released and those are all my comments.

15 THE CORONER: Thank you. And I will say Mr. Hopkinson I do share your concerns about proceeding in the presence of the jury when the witness's integrity is going to be impugned. So Mr. Falconer you're aware of that. I'm not going to make a finding on that, but it's a concern I share. Mr. Gover?

20 MR. GOVER: Thank you, Mr. Coroner. Of course you're right that there's a new basis for objection that's been injected in the reply. It had to do with now those who oppose liability to ask this question, an area in 25 which they've ventured. They say this is self-serving, they say he's selective in what he remembers and doesn't remember and they 30

*Allan Shorrock - Cr-ex. by Mr. Gover*

5 say it may be inconsistent with answers they  
gave to - he gave to them. And of course the  
jury is ideally positioned to assess the  
evidence, to weigh it and that's without any  
need for further cross-examination. My  
10 friends have had ample opportunity to cross-  
examine already. They've got their answers  
and this shouldn't take them by surprise that  
when they ask questions suggesting tunnel  
vision in some respects by the Thunder Bay  
Police Service that I'll ask them questions  
as well and maybe I will get some different  
answers. That should not be any basis for  
reopening their cross-examination and in my  
15 submission you may wish to hear from  
coroner's counsel about that. My submission  
is it's a perfectly proper question. I should  
not be foreclosed from entering into this  
area. I should not be stuck with the record  
20 that my friends have created. That's not what  
the forensic process is about and at this  
point, in my submission, the question is a  
proper one. The jury can address it, can  
weigh it and what you've heard by way of  
25 objection from my friends is really something  
that should be the subject of submissions at  
the end of the inquest when all counsel have  
the ability to make submissions about how the  
evidence should be weighed, thank you.

30 THE CORONER: Other than coroner's counsel,  
is there anybody from whom I haven't heard  
who wishes to make submissions at this point?

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Okay, does coroner's counsel have anything to add?

MS. LEAMAN: Mr. Coroner, I can echo Mr. Gover's comments that the issue was raised for the first time in cross-examination and that does entitle him some basis to explore it with the witness.

THE CORONER: Okay, Mr. Falconer?

MR. FALCONER: I'm not going to address the question of whether somehow my reply changed what I was addressing. I'm not sure there's a lot of time he put into this. I started my submissions with the statement in response to what Mr. Gover said. I stated my submissions with the statement that the witness wasn't perjuring himself or anything of that nature and I wasn't suggesting that. What I was saying was that his evidence was selective and self-serving and in particular the "I don't know" when it served him. I don't know about A and I don't know about B. Well, I say picture this Dr. Eden, a witness takes the stand. It's a doctor and I ask the doctor, well, can you account for why your colleague who is in surgery with you would have used instrument X versus Y and that instrument's clearly a mistake and the witness says, well, yeah, I was at the, at the surgery, but I have no idea why he did that. And then later somebody like Mr. Gover gets up, would you agree with me that that was a fine piece of surgery and everything went according to how it should have and the

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witness says yes. The only problem is the witness has completely disintegrated himself from giving that opinion evidence because of what he said before which is he does not know. So he does not know why it took five or six days to bring in criminal investigators and he agrees that one of the possible explanations is that it wasn't taken seriously. It's a possible explanation, but he does not know. He does not know who uttered the racist statement concerning the Aboriginal youth that is "he's just off like all the other Native kids drinking". He doesn't know who uttered it, including of course members of his own team. And finally, of course he does not know who and why foul play was ruled out publically before a postmortem. Now, when he does not know all these things it is not helpful or probative to have him opine that there was no tunnel vision in the case especially when he's the one that testified that that press release is a reflection of tunnel vision. So what is happening here? A self-serving statement is elicited by the police from the police, but at a certain point you can't hold your nose anymore. If he doesn't know all this stuff then he can't possibly reasonably opine there was no tunnel vision since he doesn't know his own investigation. My submission is this is not about being afraid of an area, so when coroner's counsel said that they're entitled latitude to explore, I didn't rise and object

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5 that Mr. Gover raised the *Kaufman Inquiry*. I  
didn't object to that. I didn't object to him  
putting the tunnel vision issue to the witness.  
I think he's well placed to do that and I think  
coroner's counsel is right, it should be  
10 explored. That's not my issue. He is eliciting  
conclusive opinion evidence from a lead  
investigator who disqualified himself from  
giving that evidence when he told us all the  
things he does not know. And this is important  
because this evidence could have - this witness  
could have a certain authority with this jury  
and I say despite the reputational concerns  
15 expressed by one of my friends, this witness  
has to live with his evidence, that he  
magically or conveniently doesn't know when  
it's embarrassing. And I say with respect, once  
he doesn't know he doesn't know and that's what  
we have to live with. If Mr. Gover wants to ask  
20 the question differently, which is, based on  
what you saw and what you know, not as the lead  
investigator, just based on what you know, then  
I have no difficulty with it because he's  
already told us he doesn't know the key issues,  
25 but he went much further than that. He said as  
"the lead investigator was there tunnel  
vision". Well, in my respectful submission,  
that's probative of nothing by virtue of the  
frailties and I apologize for being so long,  
30 but this is quite, in my respectful submission,  
a key issue. Thank you for your patience.

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5 THE CORONER: Thank you, Mr. Falconer. I will  
read my finding into the record. The issue of  
tunnel vision has been canvassed with the  
witness during cross-examination. Other parties  
whether or not they represent the witness may  
cross-examine on the evidence provided by the  
witness and elicit more detail about the extent  
and nature of the tunnel vision. So I will  
allow the question within those constraints.  
10 You may recall the witness and the jury,  
please.

...WITNESS RETURNS TO STAND

...JURY ENTERS

15 THE CORONER: Mr. Gover, you may proceed.

MR. GOVER: Thank you, Dr. Eden.

Q. Mr. Shorrock, my question to you was so  
far as you were concerned as the officer in charge of the  
investigation did tunnel-vision infect the investigation  
20 conducted by the Criminal Investigation's Branch?

A. And my answer is no sir.

Q. I'd like to return to Exhibit 34 if I may.  
It's the media release. Do you have a copy of it in front  
of you?

25 A. Yes sir I do.

Q. Thank you. And you've been taken to the  
concluding portion of the media release where it says "At  
this point, foul play is not suspected, but a postmortem  
will be conducted tomorrow morning to try to determine a  
30 cause of death." Have I read that correctly, sir?

A. You have, sir.

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Q. And you've told us that this was not authored under your auspices?

A. Negative sir, no it was not.

Q. Thank you. And so far as you were concerned on November 11<sup>th</sup>, 2000, had you ruled out the prospect of foul play?

A. No sir.

Q. And there's mention here of the postmortem examination as an experienced homicide investigator and someone who now teaches homicide investigation and major case management. How important is the postmortem examination to determining whether there's any determination as to foul play or otherwise?

15 THE CORONER: Mr. Gover, I'm going to allow the question, but I think it's pointing out to the jury that this is calling for opinion evidence and what Mr. Gover said is not qualifying this witness to give you an expert opinion. So the fact that somebody has substantial experience doesn't make them an expert. So I'm going to allow the question, but it's within Mr. Shorrock's knowledge and experience, but it's not an expert opinion.

20 MR. GOVER: That's fair enough and thank you very much, Dr. Eden.

Q. Sir, as a police officer who relies on forensic pathologists and coroners to provide us with information that may in fact be evidence, postmortems are extremely important to us.

30 Q. And that's in determining cause of death and whether or not you can rule out foul play; is that fair?

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A. Yes sir.

MR. GOVER: Thank you very much. Those are my questions. Thank you, Dr. Eden.

5 THE CORONER: Thank you. Actually I just checked with the jury and given that its 12:40 and it's been a while since we've taken a break and I think we have at least 20 more minutes. I'm wondering whether you want to go to one o'clock or whether you'd like to break now for lunch.

10 MS. DANIEL: Yes, we can keep going.

THE CORONER: Okay, thank you very much.

MR. HOPKINSON: And doctor, I'd likely don't have that much, that many questions.

15 THE CORONER: And part of the reason I said that is I did not want you to feel rushed at all.

MR. HOPKINSON: I appreciate that sir, but I'm going to try to be as economical as possible. I'm sure everyone will appreciate it.

20 CROSS-EXAMINATION BY MR. HOPKINSON:

Q. Mr. Shorrock, you obviously know who I am. I just remind the jury that I'm counsel for the Thunder Bay  
25 Police Association. Mr. Shorrock, Ms. Bryson suggested to you that it would be part of your responsibility and your duties in CIB to ensure that people under your command were doing their job. Do you remember her asking you that?

A. Yes sir.

30 Q. At any time and I'm talking about while these events were occurring, as the detective sergeant in the CIB, did you have any reason to assess that anyone



under your command in CIB was not doing their job?

A. No sir.

Q. It was also suggested to you that it would have been a good idea for the police to have obtained  
5 details of what the missing person, what Jethro Anderson was wearing the last time he was seen; do you recall that question?

A. Yes I do.

Q. You'd been asked during your evidence to  
10 review the missing person's report that has the - was filed as Exhibit 35. Do you have that in front of you?

A. I do, sir.

Q. Okay, looking at that exhibit, looking at that document do you see any information entered on that  
15 document which is from October the 29<sup>th</sup>, do you see any information on that document indicating clothing last seen wearing?

A. Yes sir. There's a specific line that says "clothing last seen wearing".

Q. And what information is entered there sir?

A. Black Fubu hat, Fubu hockey-type sweater, tan jacket with black white stripes, Fubu jeans.

Q. Thank you. Just to clarify, you were also asked questions, extensive questions about media relations  
25 or liaison. I just want to clarify, as detective sergeant in CIB is it your responsibility to liaise with the media about ongoing cases?

A. My practice is to liaise with our media liaison officer and allow them to do that.

Q. Thank you. And my final question, but it's a bit involved. My friend counsel for NNEC had you look at  
30 an occurrence report entered by Detective Kiviaho; do you

remember that?

A. Yes sir.

Q. And you reviewed that occurrence report from the November the 4<sup>th</sup>?

5 A. I have that sir.

Q. Okay. Coming out of the questions about that report by Kiviaho you were asked a question about when, when you first became aware and sorry and I apologize. I'm not sure whether the question was when you personally first became aware, when CIB first became aware that the Kam River Park location was a relevant location to the investigation and I heard you say in response to that question that it was November the 8<sup>th</sup>?

A. That is correct, sir.

15 MR. HOPKINSON: All right. I'm going to show you a document and Dr. Eden I - perhaps could I just be given a moment out of professional courtesy to my friends I perhaps alert them to the document I'm about to use.

20 MR. FALCONER: I appreciate my friend's courtesy.

MR. HOPKINSON: Thank you for that indulgence.

Q. I'm going to ask you to review a document and you're being asked to look at this document for the first time. So I'm wondering if before I ask you questions about it you could take some time to review the first page and a half of that document. Have you read at least the first page and a half of that document?

A. I have sir.

30 Q. Okay. And could you tell us please what the document is?

A. The document is a report by Constable Bystrican as a detective constable who has been conducting interviews and investigation assignments from Detective Kiviaho.

5 Q. Okay and when is that report from, sir?

A. The 5<sup>th</sup> of November, sir.

Q. Okay. And does that report disclose any information obtained by Detective Constable Bystrican with respect to the location of Kam River Park?

10 A. Yes sir it does.

Q. Can you tell us what that information is in the report, sir?

A. The last paragraph of page 1 indicates that a witness, Chantelle Skunk, advised him that on Saturday the 28<sup>th</sup> of October she'd been with Anderson at the Kam River Park and she was there with a number of other people.

15 Q. Okay and are the other people disclosed?

A. They are, sir. One was her sister Roberta Skunk, Marlene Kwandibens, April Waboose and Trudy Neekan and another female she didn't know the name of and a male also, unknown.

Q. Okay. So on the basis of that report it would appear that information was obtained by Detective Constable Bystrican on the 5<sup>th</sup> of November about Jethro Anderson being in the company of others in the Kam River Park on the 29<sup>th</sup>, sorry, 28<sup>th</sup>?

20 A. Yes sir.

Q. Yes. Now, you gave evidence earlier that when you came back on November 6<sup>th</sup> you gave evidence that your first priority was to attend a meeting at Dennis Cromarty School and then you gave evidence that after that you were coming up to speed, that's my phrase, clearly

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coming up to speed on, on reports that had been entered on the system of activity, CIB activity, investigative activity prior to the 6<sup>th</sup> you returned to the office?

A. That is correct, sir.

5 Q. Are you able to tell me whether or not you would have seen that report at that time?

A. My recollection from many years ago is I believe I saw it, but I cannot positively at this point say yes I did or no, I did not, sir. I cannot remember.

10 MR. HOPKINSON: Thank you, those are all my questions.

THE CORONER: Mr. Hopkinson. Members of the jury, do you have questions of this witness? Yes, go ahead.

15 JUROR NUMBER 4: Do you think it's possible that the pathologist was aware of the information in the media release?

A. That would be speculation on my part.

20 THE CORONER: Yes, I don't think that's something that this witness can answer.

JUROR NUMBER 4: Would the police have given the pathologist the information that no foul play was suspected?

25 A. Again, I wasn't the one that had the conversation with the pathologist, but our practice would be and I can speak for myself only is that...

30 THE CORONER: And actually it sounds, again, that being speculation, so it's a valid question, but one that I don't think this witness is in position to answer. It's a question that I wished I thought of myself,

thank you. Are there - do you have more questions?

JUROR NUMBER 4: Okay. There was a follow-up, but I don't think I can ask it.

5 THE CORONER: It raises an issue that may require more exploration, but not through this witness.

10 MR. FALCONER: Dr. Eden, I actually had a question arising from the questions by the jury, so if there's a protocol of process issue I'd be happy to address you about it in the absence of the jury or I can just ask my question if that's okay?

15 THE CORONER: Perhaps you can see if coroner's counsel can put it to the witness in re-exam.

MR. FALCONER: All right, that could work.

20 THE CORONER: So I've got a question for the witness, so perhaps you could have a quiet consultation with coroner's counsel while I ask my question.

MR. FALCONER: Fair enough.

25 THE CORONER: So Mr. Shorrock, you were asked about immediately putting out a press release when a 15-year-old student is reported missing and I wonder if you could comment on the possible advantages and disadvantages of issuing an immediate press release when a 15-year-old is reported missing. The reason I'm asking is that the jury would need to hear some balanced evidence about the value of a potential recommendation.

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A. The challenge with the media release particularly if it's a 15-year-old who does not want to be found and that's always the underlying issue is we want to locate the individual. If they don't want to be found and we do an immediate press release we have to balance whether we release it or not, with it is it going to, you know, have that person identified and brought in or is it going to cause them to go into greater hiding knowing that they've been reported missing and now not only is the family and perhaps friends, but now the police looking for them.

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THE CORONER: Thank you. And I'm also wondering if people knew that there would be an immediate press release would that perhaps discourage people from reporting a missing person to police?

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A. It might, sir. I mean the, the other, it's that balance, that weight with respect to how do we encourage the public to report to us and how do we do it in a manner that ensures that they entrust us with a) the information and b) to do it properly and be efficient and effective with it.

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THE CORONER: And are there circumstances where an immediate press release might hamper the investigation or even put the missing person at risk?

A. Yes sir, there are. There are cases where releasing that information may in fact put the missing person in jeopardy. It may in fact be

an abduction. It may be something criminal in nature and the fact that the police are now engaged could create greater risk.

5 THE CORONER: So then would it be reasonable for the jury to consider a recommendation that a media release go out as early as possible taking into account the safety of the missing person and the needs of the investigation?

10 A. That would be to me the most prudent course of action and ultimately what we want to do is find the individual. Whatever course of action that we choose there's got to be one that keeps that person safe and that helps us locate them.

15 THE CORONER: And my next question is about resource use because of the fact that the Thunder Bay Police Service has finite resources?

20 A. They do, sir. And every investigation has a consumption of resources and it's a balance between the current investigation and the pressure of the new investigations that are coming in. When we tend to examine something in isolation we forget that there are a lot of other things going on at the same time of varying degrees of importance and it's constantly that balance that we have to make with respect to the resources we have and how do we best use them appropriately to have good outcomes.

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30 THE CORONER: So given the case that Jethro Anderson was missing and given the possibility that on the one hand he might be

*Allan Shorrocks - Re-ex. by Ms. Leaman*

alive and the possibility that he might have died, where should the priority be for investigative resources on rescuing him or on recovering his body?

5 A. I think based on the information that we knew at the time sir the priority should be on believing we have to rescue him. We didn't know at that time that he was definitely deceased and to me I want to operate from the premise that there's going to be good news at the end of the day and I'm going to bring somebody home to their parents.

10 THE CORONER: So if you believe that the missing person may be alive that would be where the priority would be?

15 A. Yes sir.

THE CORONER: Thank you.

20 MS. LEAMAN: Just one question on re-direct Mr. Coroner and on Mr. Falconer's assistance and this is to I think address the question the jury may be having.

RE-EXAMINATION BY MS. LEAMAN:

25 Q. In your experience, was it a matter of practice for the police to be sharing preliminary theories about the investigation with the pathologist?

30 A. The police would be expected to share with the coroner or pathologist the information with respect to what they found and the information that they had from witnesses so that the coroner and pathologist could draw their conclusions based on the information the police were able to provide.



*Allan Shorrock - Re-ex. by Ms. Leaman*

MS. LEAMAN: Thank you.

THE CORONER: Thank you, Ms. Leaman and Mr. Falconer for that. And I'd like to thank you Mr. Shorrock for attending in court today. We will stop at this point. I think I hear some tummies rumbling and we will resume at 2:10, please.

...EXCERPT CONCLUDED

(12:57 p.m.)

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FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

I, **Margote Tristan Olson**, certify that this is a true and accurate transcript of the recording of the Inquest with Jury on November 5, 2015, taken from Recording #2015-11--05-Eden

November 19, 2015

Date

Margote Tristan Olson,  
Certified Court Reporter/  
Court Transcriptionist

Transcript Requested .....	November 8, 2015
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