

**IN THE MATTER OF THE THOMAS R. BRAIDWOOD, Q.C.,
COMMISSIONS OF INQUIRY UNDER THE *PUBLIC INQUIRY ACT*,
SBC 2007, c. 9**

Room 801
Federal Courthouse
701 West Georgia Street
Vancouver, B.C.

April 14, 2009

PROCEEDINGS AT
HEARING (DAY 35)

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Commissioner:	T.R. Braidwood, Q.C.
Commission Counsel:	A. Vertlieb, Q.C.
Associate Commission Counsel:	P. McGowan
Counsel for Zofia Cisowski:	W. Kosteckyj, S. Whiteley, S. Parhar

(ii)

Counsel for Government of Canada:	J. Brongers, H. Roberts
Counsel for Vancouver Airport Authority:	D. Stewart, C. Friesen, B. Ergun
Counsel for B.C. Civil Liberties Association:	G. Pastine, S. Dubinsky
Counsel for Government of Poland:	D. Rosenbloom
Counsel for Corporal Benjamin Robinson:	R. Harris
Counsel for Constable Gerry Rundel:	T. Beaubier
Counsel for Constable Bill Bentley:	D. Butcher
Counsel for Constable Kwesi Millington:	R. Hira, Q.C.
Counsel for Public Service Alliance of Canada:	C. Buchanan, B. Matthews
Counsel for City of Richmond:	J. Goulden, M. Kleisinger, G. Trotter
Counsel for TASER International, Inc.	D. Neave
Registrar:	L.N. Giles
Court Recorder:	P. Kealy, C.V.R., C.M.
Transcriber:	D. Rochfort

Vancouver, B.C.
April 14, 2009

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2
3
4 THE REGISTRAR: The hearing is now resumed.

5 THE COMMISSIONER: Good morning, all.

6 MR. VERTLIEB: Thank you, Mr. Commissioner. Just to
7 outline today for you, I'd like to deal in a
8 moment with some exhibits that were marked for
9 identification, and then get into the evidence of
10 Peter Dore who worked for Marquise at the airport
11 and his evidence will be brief, from our
12 perspective.

13 Then we have Mr. Sambrook, who was the main
14 Operations person at the airport on the evening of
15 the event. In the afternoon, Ms. Roberts wants to
16 speak with you about our plans to call officers
17 Lemaitre and Carr, and so we've told Ms. Roberts
18 that she can discuss that with you.

19 Then we have Corporal Basra, who is the RCMP
20 officer who was part of the critical incident
21 debriefing, and that will cover the evidence that
22 we hope to get through today.

23 If I may then just simply turn to some
24 exhibits that were marked for identification.
25 You'll recall that early on in the proceedings,
26 counsel for TASER wanted a number of reports
27 marked as exhibits and we had asked that we have
28 some time to consider those reports, and we've now
29 been able to do so. What I'd like to do is just
30 turn to those exhibit reports. They're marked
31 Exhibits A through G. And, in order, it's the
32 report of a Dr. Lee; next, a report of a Dr. Lu, a
33 psychiatrist; next, a report of Dr. Sloane; then a
34 report of Dr. Di Maio and a report from a Dr.
35 Pollanen, and two testing reports, one by Stephen
36 Palmer and one by a Mr. Lokaj. Those are
37 respectively marked A through G, and I'd ask that
38 they now be marked as exhibits proper in the case.

39 THE COMMISSIONER: Yes, I think that's an appropriate
40 move.

41 THE REGISTRAR: Do you wish them to be marked
42 individually?

43 THE COMMISSIONER: Yes, individually.

44 MR. VERTLIEB: Yes.

45 THE REGISTRAR: The Exhibit A for Dr. Lee will be
46 marked as 76. Dr. Lu will be 77. Sloane will be
47 78, Di Maio will be 79 and it's Rabbin, is it,

1 will be 80, and --

2 MR. VERTLIEB: Pollanen? Mr. Giles, did you say
3 Pollanen?

4 THE REGISTRAR: Just a sec. Let me go through this
5 again. A will be marked as 76, B will be 77, C
6 will be 78, D will be 79, E will be 80, F will be
7 81 and G will be 82. That covers them all?

8 MR. VERTLIEB: Yes, Mr. Giles, thank you.

9 THE REGISTRAR: Thank you.

10

11 EXHIBIT 76: Report of Dr. Lee, formerly
12 marked Exhibit A

13

14 EXHIBIT 77: Report of Dr. Lu, formerly
15 marked Exhibit B

16

17 EXHIBIT 78: Report of Dr. Sloane, formerly
18 marked Exhibit C

19

20 EXHIBIT 79: Report of Dr. Di Maio, formerly
21 marked Exhibit D

22

23 EXHIBIT 80: Report of Dr. Pollanen, formerly
24 marked Exhibit E

25

26 EXHIBIT 81: Testing report of Mr. Stephen
27 Palmer formerly marked Exhibit F

28

29 EXHIBIT 82: Testing report of Janusz Lokaj
30 formerly marked Exhibit G

31

32 MR. VERTLIEB: Now, Mr. Commissioner, we don't propose
33 to call those witnesses *viva voce*. We're content
34 to have those reports marked.

35 I should tell you that counsel for TASER has
36 suggested some names of experts that they -- that
37 TASER feels has knowledge that might be of
38 assistance, and we're attempting to get reports
39 from those people and arrange to have them give
40 evidence by video conference or however is most
41 convenient. We're also working on obtaining
42 reports from independent consultants retained
43 directly by the Commission. We're working to get
44 reports to our colleagues and have those people
45 give evidence.

46 So we're working on the medical evidence. As
47 you can appreciate, it's not easy because we're

3
Peter Dore
In chief by Mr. Vertlieb

1 dealing with people who live in different parts of
2 the continent and have their own schedules, so
3 we're trying to work around the schedules of these
4 people but also fit the schedule of the
5 Commission, keeping in mind that you have been
6 very clear about your desire to move this along
7 with dispatch, and move it to a conclusion. We're
8 attempting to do that in accordance with your
9 instruction.

10 THE COMMISSIONER: All right. Thank you very much, Mr.
11 Vertlieb. And you say now that the next witness
12 is who?

13 MR. VERTLIEB: Is Peter Dore, D-o-r-e. He is here in
14 the courtroom.

15 MR. DORE: Good morning.

16 THE REGISTRAR: Good morning, sir. I understand you
17 wish to be affirmed.

18 MR. DORE: I do.

19

20

PETER DORE, a witness,
affirmed.

21

22

23 THE REGISTRAR: Would you state your full name, please.

24 A Peter Ronald Dore.

25 THE REGISTRAR: And would you spell your surname?

26 A D-o-r-e.

27 THE REGISTRAR: Thank you. You may be seated.

28 Counsel.

29 MR. VERTLIEB: Thank you, Mr. Giles.

30

31 EXAMINATION IN CHIEF BY MR. VERTLIEB:

32

33 Q Mr. Dore, we're going to be brief with your
34 evidence because we've heard so much in the weeks
35 preceding about the events at the airport from the
36 perspective of people, such as yourself, who
37 worked at the airport.

38 Very briefly, though, for the benefit of the
39 Commissioner, you worked for the airline industry
40 for many years, specifically for Canadian
41 Airlines, formerly CP, et cetera?

42 A That's right, 32 years with Canadian Airlines, and
43 then another additional three years with Air
44 Canada.

45 Q When you finished your work in the airline
46 industry, you then started with -- work at the
47 airport as a customer service agent?

- 1 A That's right.
- 2 Q Working for a company that we've heard called
3 Marquise?
- 4 A Actually, before Marquise came along, another
5 company had the contract with YVR. I believe they
6 were called the Personnel Department. I spent one
7 year with them before Marquise was awarded the
8 contract and took over.
- 9 Q Okay. And Marquise is a company that contracts
10 with the airport to provide services for different
11 passengers at the airport.
- 12 A Correct.
- 13 Q Now, we've heard, just so you know, from Patricia
14 Hunter. She's a co-worker of yours?
- 15 A Correct.
- 16 Q And she was on duty at the material time of Mr.
17 Dziekanski's arrival?
- 18 A That's right.
- 19 Q And so the Commission has already heard from her,
20 and many of the participants have asked her
21 questions, so we're not going to cover the same
22 ground with you, but I want you to be aware of her
23 having been here before you.
- 24 You were away on holiday, and therefore
25 weren't able to come in the order that Ms. Hunter
26 gave evidence; is that correct?
- 27 A That's correct.
- 28 Q Okay. What I want to do is simply deal with your
29 recall of the events relating to a Mr. Robert
30 Dziekanski. You know the gentleman we're speaking
31 about?
- 32 A I do.
- 33 Q You were on duty in the area, in the Customs Hall
34 before people would go to the primary inspection
35 line?
- 36 A That's correct.
- 37 Q You were wearing your uniform for customer service
38 agents?
- 39 A I was.
- 40 Q And it's a colour of jacket that describes you; is
41 that correct?
- 42 A Some people wear a vest, some people just wear the
43 shirt without the vest. I just wear a coloured
44 shirt, the uniform shirt and the pants.
- 45 Q You remember seeing and having a brief dealing
46 with Mr. Dziekanski?
- 47 A I do.

5
Peter Dore
In chief by Mr. Vertlieb

1 Q Okay. What I want to do is show you a video from
2 the airport that brought him into the Customs
3 Hall. I just want you to watch this so you can
4 see Mr. Dziekanski coming into the airport Customs
5 Hall area as he comes down the large escalator,
6 okay?
7 A Okay.
8 Q Now, I know that you don't -- you don't see him
9 with the other group of people coming. You only
10 meet him when he's by himself. So let's just have
11 that played so you can see the chronology.
12 MR. VERTLIEB: Mr. Lunn, will you be able to show us
13 that?
14 MR. LUNN: Yes.
15 MR. VERTLIEB:
16 Q This is video footage provided, Mr. Dore, by the
17 airport. You know they have cameras in different
18 places?
19 A Right.
20 MR. VERTLIEB: You go ahead, please, Mr. Lunn. What
21 time is -- Mr. Lunn, do you have the time of this
22 actual video clip?
23 MR. LUNN: Yes, this is the first video, 24401, Part 1,
24 and the time is 3:34:20.
25 MR. VERTLIEB: This is on October 13, Mr. Dore.
26 A Right.
27 Q You know from hearing about this incident that Mr.
28 Dziekanski arrived in the afternoon and was in the
29 airport for a number of hours.
30 A I do. I know that.
31 Q Obviously you don't know what happened in those
32 hours when he was in the airport after he crossed
33 the primary inspection line.
34 A Correct. I don't know.
35 Q Okay. So just watch here. We'll just find Mr.
36 Dziekanski.
37 MR. VERTLIEB: Go ahead, Mr. Lunn, please.
38 MR. LUNN: It should be coming up now.
39
40 (VIDEO BEING PLAYED)
41
42 MR. VERTLIEB:
43 Q Do you see him emerge in the screen there, Mr.
44 Dore?
45 A I do.
46 Q The gentleman in the light-coloured coat?
47 A Correct.

6

Peter Dore

In chief by Mr. Vertlieb

1 Q Just watch him when he gets at the bottom of the
2 elevator -- or escalator.

3 MR. VERTLIEB: Just stop a second.

4 Q You see him go out of view. What would -- what
5 area of the airport might there be where Mr.
6 Dziekanski has gone?

7 A There's no exit from the Customs Hall at that
8 point. He's actually heading towards an elevator,
9 a secure elevator that would go up to level 3 and
10 level 4. There'd be no way for anybody to get out
11 of the room. You'd have to have a special Prox
12 card to access the elevator. There's nowhere he
13 could have gone from there.

14 Q And there's no washroom back there?

15 A Not on that side. It would be on the opposite
16 side of the escalators.

17 Q All right.

18 MR. VERTLIEB: Mr. Lunn, just keep playing that. Mr.
19 Lunn, approximately how long is it before Mr.
20 Dziekanski appears back in the picture?

21 MR. LUNN: Another 30 seconds.

22 MR. VERTLIEB: Thank you.

23 MR. LUNN: I can fast forward if you like.

24 MR. VERTLIEB: There we are. Just go regular speed.

25 Q You see Mr. Dziekanski walking there, pulling the
26 black suitcase or black suitcases.

27 A I do.

28 Q Okay.

29 MR. VERTLIEB: Now, just stop there a second, Mr. Lunn,
30 please.

31 Q So he's with other people in the Customs area.
32 This is as you're proceeding to the first
33 inspection line.

34 A That's correct.

35 Q We've already heard many people call that the PIL,
36 Primary Inspection Line. That's the terminology
37 you use as well?

38 A That's correct.

39 Q So at this point in time, where were you in the
40 airport building? Where were you standing as part
41 of your job?

42 A I was directly in front of the PIL, several feet
43 in front of the PIL itself.

44 Q And what was your job?

45 A In that work area, I'm basically there to queue
46 people if necessary. If the volume required it,
47 I'd be there to queue people up, answer any

7
Peter Dore
In chief by Mr. Vertlieb

1 questions that may be, you know, asked to me,
2 asked of me.

3 Q Okay. And how busy was the airport at the time
4 that we're dealing with?

5 A As far as I was concerned, it was quite quiet.

6 MR. VERTLIEB: Keep running the video please, Mr. Lunn,
7 just so that Mr. Dziekanski clears out of the
8 view.

9 Q Would that be the -- the direction he's walking,
10 Mr. Dore, would that be the direction to the
11 primary inspection line?

12 A That's right.

13 Q Okay. Now, there's nothing else on this video
14 that's going to help with your evidence, so we
15 won't go back to that, Mr. Dore.

16
17 (VIDEO STOPPED)

18
19 MR. VERTLIEB:

20 Q You did deal with Mr. Dziekanski that afternoon?

21 A I did, very, very briefly.

22 Q And, brief as it was, tell us what you recall of
23 his appearance was (sic)?

24 A Well, as the gentleman approached me, I didn't
25 expect him to stop right in front of me, but he
26 did, about two to three feet away from me, face to
27 face, very brief eye contact. He had a very
28 disturbed -- what I would call a disturbed look in
29 his face. The man was sweating profusely. I
30 wasn't sure why he'd stopped right in front of me
31 as most passengers will just proceed to a Customs
32 officer. So I was slightly taken aback for a
33 brief minute.

34 Realizing he didn't want to seem to
35 communicate with me, I just made a gentle hand
36 gesture that he should proceed to the officer that
37 was seated approximately 20 to 25 feet in front of
38 us. So I basically just turned him over to CBSA.
39 He had no questions directed my way.

40 Q So you had no conversation with him?

41 A No, none.

42 Q Did you see him go to the desk to fill in the
43 declaration card?

44 A He didn't go to the desk where the declaration
45 cards are. He just walked right to the officer at
46 the PIL.

47 Q Right. And then after he went to that officer, do

1 you remember what he did?

2 A I recall that the officer left his seat, left his
3 position at the PIL, walked the gentleman back to
4 the table where the 311's are kept.

5 Q What's the 311?

6 A The 311 is the Canada Customs form that's required
7 by all passengers entering the country.

8 Q Thank you.

9 A And the CBSA officer opened the translation book
10 to indicate -- to give him some help to fill out
11 the form.

12 Q Do you remember what language the book was opened
13 to?

14 A It was Polish.

15 Q Did Mr. Dziekanski then stay at that area with the
16 open book and the Polish translation?

17 A He did.

18 Q Okay. Did you give him any help at all in
19 completing that form?

20 A I didn't.

21 Q Did you speak with him in any way?

22 A No, not at all.

23 Q Okay. After some time the form was completed?

24 A I can only assume it was completed.

25 Q Did you see him go back to the primary inspection
26 line officer?

27 A I saw him go back to the line, yes.

28 Q Did you see him actually clear that line and go
29 into the baggage area?

30 A The last I saw of Mr. Dziekanski was passing --
31 pass the PIL. I saw -- I could see his upper
32 body, his shoulders, and that was the only
33 observation I made. Whether he turned to his left
34 or to his right, I have no recollection.

35 Q Was that the last you saw of Mr. Dziekanski?

36 A That's right.

37 MR. VERTLIEB: Thank you. Those are all my questions.

38 MR. KOSTECKYJ: Sir, my name is Walter Kostekyj. I am
39 counsel for --

40 MS. FRIESEN: I'm sorry.

41 MR. KOSTECKYJ: I'm sorry -- oh.

42 MS. FRIESEN: Weren't quick enough on the draw. Mr.
43 Commissioner, Cherise Friesen for the airport.

44 THE COMMISSIONER: Go ahead.

45

46

47

Peter Dore

Cross-exam by Ms. Friesen (for Vancouver Airport Authority)

1 CROSS-EXAMINATION ON BEHALF OF VANCOUVER AIRPORT
2 AUTHORITY:
3

4 Q Mr. Dore, can you tell the Commission what your
5 training is?

6 A Well, we receive training from time to time.
7 Customer service training is our main focus, of
8 course. That's our position, we are customer
9 service representatives. We also receive training
10 from time to time concerning issues with CBSA,
11 what we can do and what we're not to do. It's
12 their -- it's their work office, and we're very
13 limited in what we can do. We're there to
14 basically assist passengers in any way we can, and
15 get people to the correct area, when applicable,
16 answer questions concerning baggage, et cetera.

17 Q And on that day, were your shift hours
18 approximately 9:30 a.m. to about 4:30 or five
19 o'clock p.m.?

20 A It was about 9:00 to 5:00, 9:00 to 5:30, something
21 in that very close vicinity.

22 Q What, if any, assistance can you provide to
23 passengers with respect to the E311 form?

24 A It's very limited. We've been told on many
25 occasion that this is a personal declaration
26 between the passenger and the CBSA people. Quite
27 often a passenger will just briefly ask us, oh, is
28 my form complete? We can scan it quickly and
29 confirm that it's complete or perhaps they forgot
30 to answer a question or sign it at the bottom.
31 Other than that, we're very limited in how far we
32 can go concerning the 311.

33 Q Could you please explain why you must allow the
34 passengers to complete that form independently?

35 A Well, it's a personal declaration. It's strictly
36 between the passenger and CBSA.

37 Q What is your training, Mr. Dore, with respect to
38 passengers who have moved on to communicate
39 directly with the Customs officials in the pre-PIL
40 area where you worked.

41 A Well, once they're there, our job is completed.
42 They're now in the hands of CBSA and they take it
43 from there. We're not to interfere unless
44 required to do so.

45 Q Did the Customs officials speak to you before
46 returning to the booth at all?

47 A I recall the gentleman at the booth saying just

- 1 the words, "He's Polish."
2 Q And how did you know that the Customs official had
3 brought Mr. Dziekanski to the Polish translation
4 page?
5 A Well, he walked -- he walked him to the desk and
6 opened up the book to the appropriate page,
7 whereupon Mr. Dziekanski started to fill out the
8 311.
9 Q And how did you know that it was the Polish
10 translation page?
11 A Well, at the beginning I had to assume it was
12 because the gentleman from CBSA said he's Polish,
13 so that was an assumption on my part, but later, I
14 looked over at the book and I saw it was on a
15 page, the top of it said "Polski".
16 Q Now, what is your training with respect to a
17 medical emergency?
18 A We receive training every two years for first aid,
19 including the use of the defibrillator and any
20 other training that we get from the people who
21 come out to the airport to give it to us. They
22 issue us a certificate. I believe it's good for
23 two years.
24 Q What procedure do you follow -- if there is a
25 medical emergency, what is the procedure that you
26 follow?
27 A The first thing we do is call 9-1-1, and then once
28 we've talked to them and answered any questions,
29 we call Airport Operations, but 9-1-1 is the very
30 first thing we have to do.
31 Q Now what, if anything, did you observe about Mr.
32 Dziekanski's ability to walk?
33 A Nothing unusual whatsoever.
34 Q And what were your observations with respect to
35 the appropriateness of Mr. Dziekanski's behaviour?
36 A Sorry, would you repeat that, please?
37 Q What were your observations with respect to the
38 appropriateness of Mr. Dziekanski's behaviour?
39 A Well, other than what I thought was a very strange
40 almost wild look in his eyes -- we only looked
41 eyes for a brief second. I was probably face to
42 face with the gentleman three or four seconds
43 before I indicated that he should proceed to the
44 CBSA officer.
45 Q Did he display any suspicious behaviour?
46 A None.
47 Q Did you feel threatened by Mr. Dziekanski?

11

Peter Dore

Cross-exam by Ms. Friesen (for Vancouver Airport Authority)

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 A No, I didn't.

2 Q What is your training with respect to any security
3 issues that you may observe?

4 A Well, there are security people in the Customs
5 Hall, so they're there to approach if anything
6 should happen. Before -- or if there wasn't
7 anybody in sight, there's always usually somebody
8 from CBSA that you'd report whatever was happening
9 to them. As far as security, there are a few
10 people stationed at various points in the Customs
11 Hall.

12 Q And was this a circumstances where you felt you
13 needed to report anything to security?

14 A Not at all.

15 Q And just getting back to your comments about
16 medical procedures and protocols, was there
17 anything in this circumstance that warranted any
18 action on your part with respect to medical
19 procedure?

20 A Nothing at all.

21 MS. FRIESEN: Thank you. Those are my questions.

22 MR. KOSTECKYJ: Walter Kosteckyj, counsel for Ms.
23 Cisowski.

24

25 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
26 CISOWSKI:

27

28 Q Sir, I just have a couple of questions for you,
29 but you indicated that -- or you seemed to
30 indicate in your evidence here that you found it a
31 little unusual that Mr. Dziekanski stopped in
32 front of you; is that accurate?

33 A That's accurate.

34 Q Now, as I understand it, you were wearing a
35 uniform of sorts, correct?

36 A That's right.

37 Q So you do have some official look to you as you're
38 standing there in line in front of the people
39 entering the PIL, correct?

40 A Some people would think so.

41 Q Yeah. You wear a distinctive shirt, distinctive
42 uniform, and that's so that people recognize you
43 as some form of airport official, correct?

44 A Correct.

45 Q All right. So, now -- and Mr. Dziekanski stopped
46 in front of you to see if you would give him any
47 direction, and when you gave him direction, he

1 followed your direction, correct?
2 A He did.
3 Q All right. Now, you also -- you gave a statement
4 to the RCMP, do you remember that?
5 A I do.
6 Q And have you had a chance to review that statement
7 before --
8 A I have.
9 Q -- you came. Sorry?
10 A I have.
11 Q Okay. Now, you gave that statement on December
12 the 18th, 2007, correct?
13 A That's correct.
14 Q And that was some months after this event had
15 transpired.
16 A Correct.
17 Q And I gather from looking at that statement that
18 you had had the occasion to discuss this incident
19 on at least a number of occasions with your co-
20 worker, Patricia, correct?
21 A That's right.
22 Q 'Cause you refer to that in the statement, that
23 you and Patricia had opportunity over the few
24 months to compare notes and to discuss what you
25 saw on that particular evening, correct?
26 A We did talk about it.
27 Q Sorry, what is Patricia's --
28 MS. FRIESEN: If the statement will be put to the
29 witness -- I ask that the witness actually have a
30 copy of the statement in front of him if details
31 of the statement will be put to the witness.
32 THE COMMISSIONER: We're not there yet.
33 MS. FRIESEN: Okay. Thank you.
34 MR. KOSTECKYJ:
35 Q Now, sorry, Patricia's name, sir?
36 A Patricia Hunter.
37 Q Yes. And you know that she's given evidence here
38 previous to this.
39 A I do.
40 Q Yeah. Now, the only point I make about this
41 statement is with respect to your discussions with
42 Ms. Hunter are that you and she had numerous
43 opportunities to discuss what you saw that evening
44 before you gave the statement on December the
45 18th; correct?
46 A Correct.
47 Q Now, one of -- you saw Mr. Dziekanski when he was

- 1 coming down the escalator in the photograph -- or,
2 rather, in the video that we saw earlier?
- 3 A Yes, I saw him.
- 4 Q And you saw that he was pulling hand luggage,
5 correct?
- 6 A I noticed that on the video, yes.
- 7 Q And do you recollect in your statement that you
8 thought that Mr. Dziekanski had no luggage of any
9 kind whatsoever with him?
- 10 A I recollect saying that I didn't notice anything
11 in his hand, that's correct.
- 12 Q And so your recollection, as far as the statement
13 goes, was wrong on that account, correct?
- 14 A That's right. I was wrong.
- 15 Q Now, you never considered Mr. Dziekanski any kind
16 of security issue? You never felt you had to
17 report him to anybody?
- 18 A No, I didn't.
- 19 Q No. And is it fair to say that this took on a
20 whole new meaning for you in terms of seeing Mr.
21 Dziekanski because of all the publicity that
22 transpired in the aftermath of all this?
- 23 A Well, I was very shocked to learn of what
24 happened. You know, I'd left shift shortly after
25 my dealings with the gentleman, and I didn't hear
26 anything about it till the next day and of course
27 I was very shocked to hear this.
- 28 Q Right.
- 29 A 'Cause nothing seemed very unusual.
- 30 Q And you heard the various pronouncements that were
31 made by the RCMP people about what had occurred
32 'cause that was broadcast on television and on
33 radio, correct?
- 34 A I heard some, yes.
- 35 Q Now, do you remember telling the police that you
36 thought that this gentleman, Mr. Dziekanski,
37 looked like a Polish seaman?
- 38 A I don't believe I said he looked like a Polish
39 seaman. I just remember remarking about the type
40 of jacket that he was wearing, and in my previous
41 experience many years before, working for Canadian
42 Airlines, I dealt with Polish seamen in groups, I
43 guess getting back to a ship, and they often wore
44 a jacket that was very similar.
- 45 Q When you saw -- when you first saw Mr. Dziekanski
46 then, you didn't form the impression that he was
47 Polish or a Polish seaman?

1 A No, I didn't establish that.

2 Q Sorry, sir, I'm just having a quick look through
3 your statement here. Here, I'm just going to take
4 you for a second -- I'm just going to pass this up
5 to you for a second, sir. It's your statement.
6 I'm just going to take you to page 14 for a
7 second, of your statement. I'm going to take you
8 to the very top where you're talking, and this is
9 your statement -- oh, it's page 14 of your 24-page
10 statement, right? And, sir, do you see where
11 you're saying there:
12

13 Oh, it's, I've, I've thought about this many
14 times since the incident, and I, and I can't
15 really explain it words. It's just a gut
16 feeling or instinct that you have when
17 someone's different to the point that you
18 really notice it. I mean, you know, as you,
19 as you said before, you see many people
20 working at an airport, but uh...
21

22 And then Constable Mulhall says, "Mm-hmm."
23

24 ...he had a very unusual look about him --
25

26 Do you see that, sir?

27 A I do.

28 Q

29 -- um, Patricia concurred --
30

31 That's Ms. Hunter, so that was obviously where you
32 and Ms. Hunter had discussed this before all this
33 giving statements to the police.

34 A That's right.
35

36 ...this probably has no bearing on any of
37 this, but she, at first mentioned, sh-she
38 thought he was Russian, just by his look. I
39 thought he was Polish right away --
40

41 Do you see that, sir?

42 A I do.

43 Q So when you talked to the --

44 MR. BUTCHER: Well, perhaps my friend --

45 MR. KOSTECKYJ: I'll --

46 MR. BUTCHER: -- could read the rest of the answer.

47 MR. KOSTECKYJ: I'll continue on.

15

Peter Dore

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

Cross-exam by Mr. Brongers (for Government of Canada)

1 -- because, i-in my experience many, many
2 years working at the airport, I used to deal
3 with a lot of Polish seamen, and they wore
4 light colored coats, and usually a three
5 quarter (3/4) length jacket in this part of
6 the world, it's baby blue, brown, grey,
7 black. But the Polish people seem to wear
8 this off-white color so that, that's what I
9 picked up on when I, I...

10

11

Okay.

12

13

...I, you know, just thought, no, he probably
14 is Polish.

15

16

Do you see that, sir?

17

A I do.

18

Q So when you were talking to the police officer and
19 being interviewed about this, you told him that
20 when you first laid eyes on this man, you thought
21 he was Polish. Is that fair?

22

A I did say that. I think probably my intention was
23 to say that I probably thought he was Polish. It
24 wasn't a definite thing. The jacket reminded me
25 of the days when I checked in a lot of Polish
26 seamen wearing similar coats.

27

Q My only point to all this is when you made these
28 statements to the police, you already had all of
29 this knowledge at your fingertips. You knew by
30 the time you gave this statement that he was
31 Polish, correct, sir?

32

A That's right.

33

Q And you knew by that stage of the game that the
34 police had said various things about Mr.
35 Dziekanski in terms of how he was acting that day,
36 correct?

37

A Correct.

38

MR. KOSTECKYJ: All right. Those are all my questions.

39

Thank you.

40

THE COMMISSIONER: Yes, Mr. Brongers.

41

MR. BRONGERS: Thank you, Mr. Commissioner. For the
42 record, Jan Brongers for the Government of Canada.

43

44

CROSS-EXAMINATION BY MR. BRONGERS ON BEHALF OF THE
45 GOVERNMENT OF CANADA:

46

47

Q Mr. Dore, I just have a few questions following up

1 on what my colleague, Mr. Kosteckyj asked you with
2 respect to your statement to the police that Mr.
3 Dziekanski had no luggage with him, which you now
4 have confirmed that in fact you were wrong about
5 that, correct?
6 A That's right.
7 Q And you know that's wrong because of course you've
8 seen the video here. Did you see the video prior
9 to giving those statements to the police?
10 A No. Today is the very first time I've seen this
11 particular video.
12 Q Okay. Now -- so even though you now state that
13 what you said to the police at that time was
14 inaccurate, you'd agree with me, though, that when
15 you dealt with Constable Mulhall, you were being
16 as accurate as you could be at that time, right?
17 A That's right.
18 Q You weren't attempting to mislead Constable --
19 THE COMMISSIONER: Well, I'm wondering where all this
20 is going. Nobody's suggesting that you're
21 misleading anybody or --
22 MR. BRONGERS: No.
23 THE COMMISSIONER: Counsel never suggested that and,
24 quite frankly, I can't imagine what it matters in
25 this case whether he had a suitcase with him at
26 this stage or not in terms of the events we're
27 just seeing here. I'm trying to put some
28 relevance to all of this.
29 MR. BRONGERS: Thank you, Mr. Commissioner, yes. That
30 is exactly my point. I'm not attempting to impugn
31 the credibility of this witness. To the contrary,
32 attempting to have him confirm that he was being
33 as accurate as he could with the police --
34 THE COMMISSIONER: Well, the --
35 MR. BRONGERS: -- and the reason I do this, Mr.
36 Commissioner, if I may, is that when the four RCMP
37 constables testified, much time was spent by
38 counsel for Ms. Cisowski, counsel for Poland and,
39 to a lesser extent, counsel for the Commission,
40 attempting to highlight the fact that there were
41 some discrepancies with the statements that the
42 police officers made to the IHIT investigators,
43 and that those statements were somehow different
44 from what was on the video and suggesting there
45 was some nefarious explanation for this.
46 THE COMMISSIONER: Yes.
47 MR. BRONGERS: The point I'm trying to make is that

1 other witnesses, too, have had discrepancies
2 between what they told the police and that there
3 is a perfectly innocent explanation for that.
4 That is why it's relevant.

5 THE COMMISSIONER: Well, I'll even take judicial notice
6 of the fact that sometimes each of us may make a
7 mistake.

8 MR. BRONGERS: Well, then, that's all I need. Thank
9 you so much, Commissioner. I have no further
10 questions.

11
12 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
13 KWESI MILLINGTON:

14
15 Q Mr. Dore, my name is Ravi Hira, and I'm counsel
16 for Officer Kwesi Millington. I have some
17 questions about two aspects of your statement.
18 The first aspect is your observations regarding
19 his perspiration and sweating and the second
20 aspect is something that you alluded to in
21 questions from Ms. Friesen and also from Mr.
22 Kosteckyj, that strange look about him. So those
23 are the two things that I'm going to be examining
24 you on.

25 MR. HIRA: Mr. Commissioner, for your assistance, I
26 have an extra copy of the statement.

27 Q What I'm going to do is direct you to certain
28 points in the statement and just have you agree
29 whether or not what is said there is accurate.
30 Okay?

31 A Okay.

32 Q This statement was taken on December the 18th,
33 2007.

34 A I believe that's correct.

35 Q And present for the statement were not only
36 Constable Mulhall, but counsel, Mr. Dwight
37 Stewart.

38 A I believe that's correct.

39 Q And you haven't had an opportunity to review this
40 statement until recently?

41 A The last time I read it was last night.

42 Q Yes. In other words, it isn't something that
43 you've had at your disposal for -- since December
44 the 18th, 2007? You first saw it last night.

45 A I saw it previous to then, but that's the last
46 time I read it.

47 Q Fair enough. When you say you saw it previous to

1 then, you certainly didn't see it prior to 2009.

2 A That's correct.

3 Q All right. Let's just deal with something at page
4 2 of the statement. When you were making this
5 statement, you were trying to give your best
6 recollection of the events that you observed?

7 A Correct.

8 Q And at page 2 - and I'm looking at the first long
9 answer - you said:

10

11 Um, this fellow walked up to me with a, what
12 I thought at the time, was a very, I wouldn't
13 say I wo-I felt fearful, but I felt very
14 uncomfortable when I saw him and I can't
15 explain in words why, but, I've seen many,
16 many people over the years, uh, because I've
17 worked at airports for thirty-eight (38)
18 years.

19

20 Now, I've read a couple of sentences; is that
21 correct?

22 A Correct.

23 Q And that was an accurate recollection of your view
24 of him? You felt very uncomfortable, correct?

25 A That's right.

26 Q And just continuing with that theme, if I go over
27 to the next page, the second and third answers,
28 you said:

29

30 Um, so anyway, th-a, when he approached me,
31 I, as I said, I had this not pleasant
32 feeling, um, whether it's justified or not, I
33 mean...

34

35 The officer says, "Mm-hmm." And you continued:

36

37 ...sometimes you just go by gut instincts,
38 and, that's what I was ju-going by. Y-a, it
39 felt a little bit uncomfortable. He just
40 looked very, very strange to me, uh, he was
41 approximately two (2) feet from me, very,
42 very close, face to face...

43

44 The officer says, "Mm-hmm." You continue and say:

45

46 ...'cause I turned to meet him. And I noticed
47 immediately about him, um, sweating, what I

1 would use the word profusely. It wasn't
2 just...

3

4 The officer says, "Okay." You say:

5

6 ...little beads, it was like, large drops of
7 water. And I also noticed, uh, he was wearing
8 a light colored, I would say, offwhite beige
9 type jacket, which wasn't full length like a
10 coat, nor was it short like a bomber, it was
11 a, I would say, a three quarter (3/4) style.

12

13 You were asked questions and you gave answers in
14 response to those questions, correct?

15

A Correct.

16

Q And what I read to you is your best recollection
17 of the events?

18

A That's right.

19

Q You were trying to be accurate?

20

A I was.

21

Q And you were trying to describe two things: one,
22 this gut instinct and uncomfortable feeling that
23 you had, correct?

24

A Correct.

25

Q And the second thing that you were trying to
26 explain was this profuse sweating.

27

A That's right.

28

Q And one of the things that you noticed was that
29 your colleague, Ms. Hunter, tried to make some
30 contact with Mr. Dziekanski, correct?

31

A I don't actually recall that part.

32

Q Well, she held up her clipboard, isn't that
33 correct?

34

A I believe so.

35

Q And you noticed that -- and on her clipboard there
36 was the E311 form, the Customs --

37

A Right, the Customs form.

38

Q -- declaration. And you noticed that he just
39 looked at it and ignored her.

40

A He didn't seem to react to it.

41

Q Yes. You described it as looking at it and
42 ignoring her. Is that a fair comment by me? And

43

if you need to refresh your memory from the

44

statement, this isn't a closed-book exam. I'm

45

looking at the bottom of page 4, going up to the

46

top of page 5, if you start with the second-last

47

answer and going to the first answer at the top of

1 page 5.
2 A Right.
3 Q Just --
4 A Right.
5 Q You noted that he looked at it and ignored her,
6 correct?
7 A That's right.
8 Q And that you thought was strange.
9 A I don't recall thinking it was strange. I just
10 noticed that he didn't seem to take any direction.
11 Q Right. And the other thing that you -- just
12 dealing with the first of those topics, the look
13 about him, you noted -- and I'm at page 15 of your
14 statement and I'm looking at the first long answer
15 starting with the words, "Well, I don't...". You
16 might want to just read that for a moment, to
17 yourself, not reading it aloud.
18 UNIDENTIFIED SPEAKER: Sorry, where are you?
19 MR. HIRA: I'm at page 15.
20 A Yes, I've had a chance to read it.
21 Q You described the look about him as being very
22 scare -- sorry, I beg your pardon. I lost my
23 point there. You described the look about him as
24 being a scary look.
25 A That's right.
26 Q You've described the look about him as suggesting
27 that he was a person of violence?
28 THE COMMISSIONER: No, no, that he could be a person of
29 violence.
30 MR. HIRA: Yes, sorry, Mr. Commissioner.
31 Q That he could be a person of violence.
32 A That's right.
33 Q And that you had a very uneasy feeling about the
34 look.
35 A That's correct.
36 Q And all those things were accurate?
37 A That's right.
38 Q And is it fair to say that he had a very disturbed
39 look in his eye?
40 A That's how I would describe it.
41 Q Okay. Now, dealing with the second point - that
42 is, the perspiration - and I'm at the bottom of
43 page 5 of your statement, the last answer at the
44 bottom of page 5. You recall him sweating
45 profusely; is that correct?
46 A I do.
47 Q And from time to time, mopping his brow with a

21

Peter Dore

Cross-exam by Mr. Butcher (for Constable Bentley)

1 handkerchief or a piece of cloth?

2 A That's correct.

3 MR. HIRA: Thank you, Mr. Dore, those are my questions.

4

5 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
6 BILL BENTLEY:

7

8 Q I just have one question and it's about your
9 background in the airline industry. How much of
10 your 35 years was spent dealing directly with
11 travellers and passengers?

12 A The bulk of it. I worked in an Operations
13 department for a short time when I was based in
14 Montreal and for a short period of time in
15 Vancouver, but I would say no more than two of
16 those 35 years I was in the Operations end of it.
17 I was basically, you know, out with the people on
18 the front desk or at the departure gates or, you
19 know, directly with the public.

20 Q And working for two large international airlines
21 throughout that whole period?

22 A That's correct.

23 Q And dealing with travellers from every corner of
24 the globe speaking every language imaginable.

25 A That's correct.

26 MR. BUTCHER: Thank you.

27 THE COMMISSIONER: That seems to be everyone. Thank
28 you very much for your time. We very much
29 appreciate it.

30 A Thank you, sir.

31

32 (WITNESS EXCUSED)

33

34 MR. HIRA: Mr. Commissioner, should the statement be
35 marked for identification?

36 THE COMMISSIONER: No, I don't think so.

37 MR. VERTLIEB: Mr. Commissioner, just to clarify
38 something I said at the beginning of today, we do
39 plan to call Dr. Lee and Dr. Lu. Both are here in
40 Vancouver and we plan to have them come viva voce.

41 The next witness is Mr. Greg Sambrook. What
42 I'd like to do is start with his evidence and then
43 find a time that's convenient to take the break.

44 THE COMMISSIONER: We'll take the morning break. Ten
45 minutes.

46 THE REGISTRAR: The hearing will now recess for ten
47 minutes.

22
Gregory Sambrook
In chief by Mr. Vertlieb

1 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)
2 (PROCEEDINGS RECONVENED)
3

4 THE REGISTRAR: The hearing is now resumed.
5 MR. VERTLIEB: Greg Sambrook, please, Mr. Commissioner.
6 THE REGISTRAR: Good morning, sir.
7 MR. SAMBROOK: Good morning.
8 THE REGISTRAR: Before you are seated, do you wish to
9 be sworn or affirmed? Sworn is on the Bible and
10 affirmed is not.
11 MR. SAMBROOK: I'll be sworn, please.
12 THE REGISTRAR: Sworn? Place your right hand on the
13 Bible, please.
14

15 GREGORY FRANCIS SAMBROOK, a
16 witness, sworn.
17

18 THE REGISTRAR: Would you state your full name, please?
19 A Gregory Francis Sambrook.
20 THE COMMISSIONER: Thank you, Mr. Sambrook.
21 THE REGISTRAR: Would you spell your surname?
22 A Surname is Sambrook, S-a-m-b-r-o-o-k.
23 MR. VERTLIEB: Thank you, Mr. Giles.
24

25 EXAMINATION IN CHIEF BY MR. VERTLIEB:
26

27 Q Mr. Sambrook, let's give the Commissioner your
28 background in the industry that you're in. Before
29 starting with the airport, you were with United
30 Airlines?

31 A That is correct.

32 Q And how many years were you with United, and tell
33 the Commissioner what you did.

34 A I was with United Airlines from approximately 1988
35 to 1996. The role there was as a -- they called
36 it a customer service agent. With the airline
37 there, that entailed different aspects of the
38 operation.

39 Q We've heard from other customer service personnel.
40 These would be people who deal with passengers and
41 checking them in, helping with luggage and other
42 issues that passengers would have to deal with.

43 A Yes, and my role, part of that was working in the
44 terminal building as well as outside on the apron
45 with the aircraft.

46 Q Mr. Sambrook, do me a favour. Just pull the
47 microphone just a bit closer to you -- just pull

1 it a bit closer, thank you.
2 So you were with United Airlines about eight
3 years or so.
4 A Yes, sir.
5 Q Then you started as an employee of the airport in
6 1996?
7 A Yes, sir.
8 Q By the year of 2007 in the month of October, you
9 worked your way up the airport hierarchy so that
10 you were the chief Operations person the evening
11 of the Dziekanski incident.
12 A On the evening of the incident, my role or
13 position was Airport Operations Shift Manager.
14 Q Okay. So if someone said who is the big boss for
15 that shift in the airport operations, that person
16 would be you?
17 A I was the Airport Operations Shift Manager
18 responsible for my team within Airport Operations.
19 Q Okay. Tell us what jobs you had at the airport.
20 Very briefly go through your history, very
21 briefly, leading up to that job.
22 A I started as Airport Operations Officer, followed
23 by a term opportunity as a supervisor of
24 Operations Training, and then entered into the
25 role of -- I was called an Operations
26 Superintendent in 1999. That role continued
27 through up until the events of October 14.
28 Q Now, an AOO, that's the kind of work that someone
29 like Carla Hanson would be doing?
30 A That's correct.
31 Q We've heard from her, I'm sure you know that.
32 A Yes.
33 Q And we've heard from many people who worked at the
34 airport on the evening and early morning hours
35 relating to Mr. Dziekanski's death. So you're
36 familiar with the people who've come through the
37 Commission and given evidence to the Commissioner.
38 A I have a bit of an idea.
39 Q You were away during the time when the other
40 airport employees were called, and that's why
41 you're here now.
42 A That's correct.
43 Q There's a gentleman who gave lengthy evidence to
44 the Commissioner, a gentleman by the name of Bob
45 Ginter. He -- you know him and he reports to you?
46 A He did report to me at the time, yes.
47 Q Okay. Now, let's deal with the first involvement

Gregory Sambrook
In chief by Mr. Vertlieb

- 1 you had with Mr. Dziekanski's incident at the
2 airport. You were on duty. What hours were you
3 working the 13th and 14th of October, 2007?
4 A Typically I would work a night shift, which would
5 be from 6:00 p.m. to 6:00 a.m.
6 Q It's a 12-hour shift?
7 A Yes.
8 Q How many days a week?
9 A The schedule is four days on, four days off, two
10 days, two nights.
11 Q Have you looked at the transcription of the YVR
12 audio files prior to coming into the witness box?
13 A Yes.
14 Q So you're familiar with the recordings between
15 people such as Doug Byl, who worked for
16 Securiguard, Carla Hanson, et cetera?
17 A I've reviewed them, yes.
18 Q So you're comfortable with the knowledge of the
19 events having reviewed the transcript prepared by
20 the YVR people.
21 A I -- yes, I've read the transcripts you're
22 speaking of.
23 MR. VERTLIEB: Now, Mr. Commissioner, some time ago you
24 asked Mr. Stewart if he would mind putting in some
25 extra time to put the names beside the people that
26 are in the transcription, and Mr. Stewart has
27 kindly done that for you. Mr. Stewart has a
28 number of these copies for our colleagues here.
29 THE COMMISSIONER: Can anyone remember the name of the
30 original exhibit -- the number??
31 MR. VERTLIEB: Exhibit 26.
32 THE COMMISSIONER: Twenty-six? Well, this will be 26A.
33 THE REGISTRAR: Twenty-six A.
34 MR. VERTLIEB: So all Mr. Stewart's done for you, Mr.
35 Commissioner is put in the names of the people, so
36 if you look at the very top, for example, you'll
37 see where he's got Doug Byl's name and then
38 Servideo Agraviador. So that's just to help.
39 THE COMMISSIONER: Yes, Mr. Stewart, thank you.
40 MR. VERTLIEB: Mr. Stewart says we should mark it 26C.
41 THE COMMISSIONER: C.
42 THE REGISTRAR: I was just going to say, Mr.
43 Commissioner, but counsel has -- thank you.
44 THE COMMISSIONER: Thank you.
45
46 EXHIBIT 26C: Airport transcripts with names
47 added

1 MR. VERTLIEB:
2 Q Tell us what is the first involvement you had with
3 this matter?
4 A I first became aware that something was happening
5 when I was in my office and I overheard Carla
6 Hanson, the AOO, speaking on the phone to somebody
7 about something.
8 Q Which office were you in?
9 A I was in my office.
10 Q And where's that?
11 A That is inside of part of the Airport Operations
12 Centre.
13 Q And we've seen that marked as an exhibit. That's
14 the control room for the airport?
15 A I refer to it as the Airport Operations Centre.
16 Q Right. And that's where Ms. Hanson would be and
17 Ms. Staller, Byl and a number of other airport
18 employees.
19 A Yes, sir.
20 Q Do you have a separate office in there?
21 A Within the Operations Centre, there's a room
22 that's there and that's my office.
23 Q Now, how did you overhear Ms. Hanson?
24 A I was working at my desk and my ears tuned in to a
25 conversation she was having. I don't recall
26 exactly what was being said, but it was enough
27 that I got the sense that it was something out of
28 the ordinary.
29 Q Now, you have a radio with you? You have a
30 security radio that you carry with you to
31 communicate back and forth?
32 A Not normally, no.
33 Q Did you have that radio on your desk? Is that how
34 you heard Ms. Hanson, or could you hear her out in
35 the main area where she was working?
36 A I don't recall if the radio was on my desk. I
37 heard it by earshot. It was quiet, I could hear
38 her talking.
39 Q Okay. Now, you ultimately decided to go down to
40 the International Reception Lounge area?
41 A Yes.
42 Q And you went with Mr. Ginter?
43 A Yes.
44 Q In terms of the time to get from your office to
45 the International Reception area, how much time
46 did it take you that morning?
47 A I could only guess based on experience. It would

1 be an estimation on my part. Ten minutes, maybe?
2 I'm guessing.
3 Q And did you run or walk slowly or...?
4 A It was a regular walk.
5 Q You and Ginter?
6 A Yes, me and Mr. Ginter.
7 Q Tell us where you first entered the meet-and-greet
8 or International Reception Lounge area.
9 A When I first entered the meet/greet area, I came
10 down the escalators into the area.
11 Q Okay. We've seen many of the videos from that
12 section. There's cameras that record the
13 movements of all people in and out of that area?
14 A Yes.
15 Q And you've seen those videos prior to giving
16 evidence?
17 A I've seen -- if you're referring to video of me
18 walking into the area, I've seen one video.
19 Q Okay. And you recognized yourself?
20 A Yes.
21 Q So you came down the escalator and went into the
22 meet-and-greet area?
23 A Yes.
24 Q And ultimately ended up in the actual secure area?
25 A After entering the meet-and-greet area, I did
26 ultimately later end up in the IRL.
27 Q And when you were in there, Mr. Dziekanski was in
28 there on the floor?
29 A When I entered the -- at the time that I entered
30 the IRL, Mr. Dziekanski was already down and
31 handcuffed.
32 Q He'd already been tasered?
33 A Yes.
34 Q So let's just go through your involvement and your
35 observations. Tell us what you first recall of
36 Mr. Dziekanski as you were coming down the
37 escalator and into the meet-and-greet area.
38 A As I came down the escalator, I don't have a
39 specific recollection of seeing him or hearing
40 him. It wasn't until I was closer to the entrance
41 from the meet-and-greet area into the IRL that I
42 observed him.
43 Q And was he standing when you first saw him?
44 A Yes, I believe so.
45 Q So you saw him before he had been tasered by the
46 police.
47 A Yes.

- 1 Q How long did you see Mr. Dziekanski before the
2 police interacted with him?
- 3 A It would be about the same time. I believe they
4 saw him before me.
- 5 Q So did you arrive in the meet-and-greet around the
6 same time as the RCMP officers arrived?
- 7 A As I was coming down the escalator, at the top
8 part of the escalator, they came in at the bottom
9 from the doors.
- 10 Q Okay. Did you hear Mr. Dziekanski?
- 11 A I don't recall hearing him, no.
- 12 Q When you came down the escalator and arrived at
13 the bottom of the escalator, where did you go?
- 14 A I walked from the base of the escalator in more or
15 less a straight line towards the IRL doors.
- 16 Q Did you go on the inside of the railing?
- 17 A I walked in a straight line through the public
18 area.
- 19 Q So you weren't intending to enter the IRL, the
20 secure area, at the time?
- 21 A No.
- 22 Q What was your plan?
- 23 A I initially -- my intention to go there when we
24 got the information at the Operations Centre, it
25 sounded like somebody was creating a disturbance
26 unlike anything I'd heard before. Bob was -- Mr.
27 Ginter was responding. I wanted to make sure that
28 he was going to be safe, so I thought it was good
29 for me to go with him.
- 30 Q What do you mean, you thought he -- you wanted to
31 make sure he'd be safe? Why wouldn't he be safe?
- 32 A It was late at night. The information that I
33 observed or heard that Carla was getting made me
34 think that something dangerous could be happening.
- 35 Q What was it that you heard from Carla that made
36 you think that?
- 37 A I can't recall specifically what I heard or read,
38 but I recall in my mind something to the effect of
39 throwing chairs, breaking glass, disturbance.
- 40 Q I gather it was a quiet night at the airport?
- 41 A It was -- it was a normal night.
- 42 Q A normal Saturday late evening --
- 43 A Yes.
- 44 Q -- early Sunday morning.
- 45 A It was a normal night.
- 46 Q Right. But Saturday night, early Sunday morning
47 would not be very busy compared to other times at

1 the airport.
2 A It's always changing, it's...
3 Q Okay. So you and Ginter went into the meet-and-
4 greet area. You came there just as -- as -- after
5 the RCMP had entered the building.
6 A As I came down the escalator, the RCMP -- just as
7 we were at the top of the escalator, the RCMP were
8 walking in.
9 Q Did you recognize any of the four RCMP that
10 ultimately attended?
11 A As I was coming down the escalator, I did
12 recognize them, yes.
13 Q And who -- who did you recognize of the four?
14 A They were the members that normally work on the
15 same rotation as us.
16 Q Did you know their names?
17 A I knew one of their names.
18 Q Who was that?
19 A Monty Robinson.
20 Q The corporal.
21 A Yes.
22 Q The other names were unknown to you?
23 A If someone had said, "Is that their name?" I may
24 have said, "Yes," but not for certain.
25 Q But you did know Robinson?
26 A I knew his name, yes.
27 Q Okay. Did you watch the police enter into the
28 secure area?
29 A Yes.
30 Q You stayed in the meet-and-greet area?
31 A Yes.
32 Q We know from watching the video that the events
33 that took place after the police were in the meet-
34 and-greet area lasted less than a minute before
35 the tasing. You've seen the video; you
36 understand that to be the case?
37 A The Mr. Pritchard video?
38 Q Yes.
39 A Yes, I've seen that.
40 Q Approximately how long did you stay in the meet-
41 and-greet area before going into the secure area?
42 A I couldn't pinpoint a time to it, but I didn't
43 enter the IRL, to the best of my recollection,
44 until the RCMP had Mr. Dziekanski in handcuffs.
45 Q Why did you go in the secure area, or the IRL as
46 you call it?
47 A My recollection from the time is that I thought I

1 would hop over the railing and stand in the
2 doorway to make sure that nobody was going in.
3 Q Did you do that?
4 A I recall jumping over the railing and standing at
5 the doors.
6 Q For how long?
7 A Best of my recollection, I would guess at three,
8 five minutes.
9 Q Where was Mr. Ginter during the three to five
10 minutes you were standing at the entry doors to
11 the secure area?
12 A I don't know.
13 Q Was he inside the secure area?
14 A I don't believe so.
15 Q You don't know where he was?
16 A No. I recall hopping over the railing, being at
17 the doors and, at some point, Mr. Ginter joining
18 me.
19 Q You have Securiguard employees on staff working
20 for the airline, correct? Working for the
21 airport.
22 A We have a contract with Securiguard Services, yes.
23 Q Did you not think to get one of the Securiguard
24 employees in the security uniform to do that work,
25 standing at the door?
26 A I don't recall if that thought crossed my mind,
27 no.
28 Q Okay. So you stood in the doorway intending to
29 prevent people from coming from the outside into
30 the secure area.
31 A Yes.
32 Q Three to five minutes. Tell us what happened
33 after that?
34 A I recall going over the railing, standing at the
35 doors, looking over to observe what was happening.
36 Mr. Dziekanski, seeing -- I'm just trying to --
37 just processing what had all just happened.
38 Q Okay. Tell us -- tell us what you processed.
39 What did you see happen and what did you see after
40 he was handcuffed?
41 A Are you referring to the tasing, sorry...?
42 Q I don't want you to talk about the tasing.
43 We've heard much about that. We don't need to
44 hear from you on that.
45 A Okay.
46 Q After he was tasered and on the ground and
47 handcuffed, tell us what you saw and what you were

1 processing.

2 A I'd never seen anything like this before. I saw
3 people with him and I was serving (sic) the area,
4 looking around. Then Mr. Ginter joined me.

5 Q Mr. who?

6 A Mr. -- Bob Ginter.

7 Q Ginter joined who?

8 A Joined me.

9 Q Oh. Okay. Is that all you wish to say about what
10 you were observing and processing in those
11 minutes?

12 A Yeah, then he -- he and I commented on just what
13 had happened, a quick conversation on that. Yeah,
14 that's -- yeah, just keep going?

15 Q Well, I just want to have you tell us what you
16 saw.

17 A Mr. Dziekanski was on the ground handcuffed.
18 We're serving (sic) the damage on the ground. I
19 recall him moaning, making noises, and I was now
20 thinking in terms of my role, what should I be
21 looking at further on beyond the scope of what had
22 just happened.

23 Q What do you mean by that?

24 A It's my job to make sure that -- typically, if
25 there is an event or incident, that that is being
26 managed, but that I need to think about the rest
27 of the airport's operation. So I was thinking the
28 RCMP have an event or a scene here --

29 Q They have a what scene?

30 A And event or a scene.

31 Q Thank you.

32 A Sorry.

33 Q So you have -- the RCMP have an event or scene?

34 A Yes. Yes.

35 Q Okay.

36 A And seeing -- thinking what should I be thinking
37 of, moving ahead in terms of the rest of the
38 operation.

39 Q So your focus is on how the airport is going to
40 continue to function given the event that's taking
41 place.

42 A Yes.

43 Q And is that what you did?

44 A I believe so, yes.

45 Q You said you had a quick conversation with Ginter
46 about what happened. Tell us about that.

47 A Mr. Dziekanski had -- during the initial moments

1 before the tasing -- had something in his hand
2 that I had observed, so when Bob first walked up
3 and we were processing the scene, I remember
4 commenting something about, "Oh, it was a
5 stapler?" And just sort of -- I don't recall
6 exactly what I said, but it was "Wow, what just
7 happened?"
8 Q Okay. Did you see Mr. Dziekanski when he was on
9 the ground in terms of observing his face or any
10 part of his body that was exposed?
11 A When he was detained or handcuffed by the police,
12 I never saw his face at any point.
13 Q So you never saw his face or any part of his body
14 turning colour?
15 A No, sir.
16 Q Did you see his hands changing colour at all?
17 A No.
18 Q So you have no knowledge of that at all?
19 A No.
20 Q After the three to five minutes when you were at
21 the door to the secure area, just so we can
22 understand in the bigger picture of what you did,
23 what did you then do?
24 A I recall thinking this was a police scene. We're
25 right at the exit for Canada Customs. Perhaps I
26 should go in and speak with them to make sure that
27 nobody's coming out of Customs through the area.
28 So I walked into Customs to speak with them.
29 Q And how long were you in Customs?
30 A I would guess at a one-minute walk to go there,
31 and then I spoke with two members of Customs for
32 three to five minutes.
33 Q And then what did you do?
34 A And then returned back to the Customs Hall.
35 Q You returned back to --
36 A I'm sorry, not to the Customs Hall, to the IRL.
37 Q Okay. So when you came back to the IRL, who was
38 in there?
39 A I don't recall specifically. I recall Bob -- Mr.
40 Ginter being there, but I don't recall --
41 Q Were firefighters there when you came back?
42 A No.
43 Q So no ambulance people were there either when you
44 came back?
45 A Not at that point, no.
46 Q So let's just get it into segments. You're at the
47 door three to five minutes, and then you decide to

1 go into the Customs Hall and you're gone for
2 another few minutes, three, four, five minutes?
3 A Roughly.
4 Q Something like that.
5 A Yes.
6 Q When you left the first time to go into the
7 Customs Hall, there's Mr. Dziekanski on the ground
8 and handcuffed?
9 A I believe so, yes.
10 Q What do you mean, you believe so?
11 A That's -- that's what I recall, yes.
12 Q Okay. So he's there. How many police were with
13 him?
14 A I don't recall specifically how many, but they
15 were there.
16 Q Okay. Was anybody else, non-police, in the close
17 proximity to Mr. Dziekanski?
18 A Not that I specifically recall.
19 Q So you were at the door but not inside. You were
20 therefore not in close proximity to Mr.
21 Dziekanski.
22 A No.
23 Q The police were in close proximity.
24 A Yes.
25 Q But you don't know how many?
26 A No.
27 Q Do you recall any of the RCMP leaving during the
28 first three to five minutes you were at the door?
29 A I recall somebody leaving, one of them.
30 Q Fine. There were no passengers in that area?
31 A Inside the RIL, no, not that I recall.
32 Q From the time you first observed the IRL and Mr.
33 Dziekanski, were there any passengers in that area
34 other than Mr. Dziekanski?
35 A In the IRL, no, not that I recall.
36 Q And so you're there three to five minutes. The
37 only people there are Dziekanski and the police,
38 and that's it, when you then go to Customs.
39 A That's my recollection, yes.
40 Q And you went there to get them to reroute people?
41 A To ask them to -- if they could not send
42 passengers through the IRL, yes.
43 Q Got it. That happened, to your knowledge, didn't
44 it?
45 A Yes.
46 Q And so you come back into the secure area, the IRL
47 as you call it.

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1 A Mm-hmm, yes.
2 Q The firefighters aren't there yet?
3 A No, sir.
4 Q Therefore no ambulance, right?
5 A Correct.
6 Q So I just want to get a clear picture of who's
7 there when you return from the Customs Hall. How
8 many RCMP?
9 A I don't recall exactly how many RCMP. I remember
10 seeing RCMP were there --
11 Q Okay.
12 A -- with Mr. Dziekanski.
13 Q That's fine. More than one?
14 A I believe so.
15 Q But you're not sure?
16 A No, sir.
17 Q That's fine. And where was Mr. Ginter when you
18 came back from the Customs Hall?
19 A When I first walked back in, I don't recall,
20 exactly.
21 Q Were there any other people in the secure area
22 when you came back from Customs Hall other than
23 who you've just discussed?
24 A Not that I recall.
25 Q Did you stay in the secure area?
26 A I believe I stayed in the IRL until Richmond Fire
27 arrived.
28 Q Okay. Did you stay until the ambulance people
29 arrived?
30 A I was in the IRL when B.C. Ambulance arrived.
31 Q Now, the IRL is a large area.
32 A In -- yeah, I'm trying to compare it to something.
33 It's --
34 Q Well, I was just going to ask you in terms of the
35 size.
36 A It would be -- I could give you a guess, size,
37 measurements. A couple of hundred feet by a
38 couple of hundred feet.
39 Q Right. And it's an area that is large and open?
40 A Yes.
41 Q So you're there when the firefighters arrived. Do
42 you overhear any of the discussion between the
43 firefighters and the RCMP?
44 A Yes.
45 Q Let's get into that now, then. Tell us about
46 that.
47 A I recall when Richmond Fire arrived -- I don't

1 recall the exact words, but a discussion regarding
2 the handcuffs, and that -- the RCMP that was being
3 spoken to about the handcuffs suggested that they
4 remain on.

5 Q I'm sorry?
6 A Suggested that the handcuffs remain on.
7 Q On?
8 A Yes.
9 Q Suggested?
10 A Yes, suggested that the handcuffs remain on.
11 There were concerns that, I guess, he may be
12 combative or something to that effect.
13 Q Something to what effect?
14 A Combative -- combative.
15 Q Okay. So how many fire department people arrived?
16 A I don't recall exactly.
17 Q But clearly more than one.
18 A I clearly recall the first person walking through
19 the door from Richmond Fire, yes.
20 Q Do you remember who from the Richmond Fire
21 Department spoke to the police about the
22 handcuffs?
23 A Not -- not 100 percent, but I believe it was the
24 first RC -- or RFR member that walked in the door.
25 Q Okay. We've been told that three male and one
26 female firefighters arrived. Does that help you
27 in terms of the number or the gender?
28 A No.
29 Q Okay. But the first person through the door,
30 whoever that was, is the one who spoke about the
31 handcuffs. That you remember.
32 A That's what I recall.
33 Q Might that have been a shorter gentleman with some
34 grey hair, or does that not ring any bell?
35 A I don't think so. I recall -- I thought it was a
36 member with glasses and facial hair, a beard or a
37 moustache.
38 Q Do you remember which police officer had the
39 discussion about removal of handcuffs?
40 A Not specifically, but I think it was Constable
41 Millington.
42 Q Okay. All right. You're not clear on this, but
43 you know something was discussed.
44 A Yes, sir.
45 Q Do you remember the ambulance people arriving?
46 A Vaguely, yes.
47 Q Do you remember any discussion with the ambulance

- 1 people and the RCMP?
- 2 A Yes.
- 3 Q What was that?
- 4 A A similar discussion with regards to what had just
5 happened and then, "Could you remove the
6 handcuffs."
- 7 Q During the time this discussion was taking place,
8 did you see Mr. Dziekanski's face or any part of
9 his head --
- 10 A No.
- 11 Q -- to see the colour? So you have no idea what
12 his colour was?
- 13 A No.
- 14 Q Okay. When did you ultimately leave the secure
15 area?
- 16 A The IRL, I didn't ultimately leave that until
17 later than morning.
- 18 Q So you stayed in there even after the Fire
19 Department and Ambulance people had left?
- 20 A At some point around the time they were leaving --
21 I don't recall exactly -- but I was told by
22 someone that we would need to remain there until
23 the Integrated Homicide arrived.
- 24 Q Did you know what Integrated Homicide meant?
- 25 A No.
- 26 Q You'd never heard about that type of police unit?
- 27 A No, I believe they said IHIT.
- 28 Q Okay. Had you ever dealt with the IHIT before?
- 29 A No.
- 30 Q So this was all new to you?
- 31 A Yes.
- 32 Q You stayed in the secure area, the IRL until the
33 Integrated Homicide people arrived?
- 34 A We were asked to remain.
- 35 Q And you did that?
- 36 A Yes.
- 37 Q And you gave a statement to one of the
38 investigators for the Integrated Homicide Unit.
- 39 A Yes.
- 40 Q I wanted to take you through some of the protocols
41 in place at the airport. I'm going to show you,
42 just to confirm, that the airport has an emergency
43 medical plan in place, and it was in place - the
44 one I'm going to show you - effective April 2004.
45 I'm sure you're familiar with this document. Let
46 me just give it to you, please.
- 47 MR. VERTLIEB: For the benefit of my colleagues, this

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- 1 was referred to earlier, but I'm not sure how much
2 detail went into -- I trust all my colleagues have
3 seen a copy of this as part of the -- I have some
4 extra copies, Mr. Commissioner. I'll just...
- 5 Q You recognize this document?
- 6 A Yes.
- 7 Q You're familiar with the emergency response
8 service at your airport. You know what they do
9 and how good they are at their job?
- 10 A I'm sorry, the --
- 11 Q ERS. You know all about ERS, don't you?
- 12 A Yes.
- 13 Q And that's, in effect, a fire department and
14 people trained as fire department first
15 responders?
- 16 A They are our aircraft emergency firefighting
17 response.
- 18 Q Right. So they're, in effect, an in-house fire
19 department.
- 20 A They are our at-airport aircraft firefighting
21 emergency response.
- 22 Q Yes. Not only aircraft, but they also would
23 attend to calls in the building?
- 24 A If able, yes.
- 25 Q You've -- I'm sorry?
- 26 MR. STEWART: I don't want something that's factually
27 incorrect being put to the witness, and indeed
28 Richmond Fire -- Richmond Fire indeed confirmed
29 that with respect to a structural fire, so
30 something in the terminal, it's Richmond Fire that
31 is to respond. The airport fire hall doesn't have
32 the types of fire trucks that would be used to
33 fight a structural fire. They have the types of
34 fire trucks that are used to suppress a fire on an
35 aircraft or an aircraft crash.
- 36 MR. VERTLIEB: Yes.
- 37 MR. STEWART: It's Richmond Fire that would deal with a
38 structural fire in the building.
- 39 MR. VERTLIEB: Thank you.
- 40 Q Let's deal with medical emergencies. This
41 document is familiar to you?
- 42 A Yes.
- 43 Q And this was the document in effect at April 2004,
44 and therefore in effect at the time of the
45 Dziekanski incident.
- 46 A Yes, I believe so, yes.
- 47 MR. VERTLIEB: May that be the next exhibit, please,

37
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1 Mr. Commissioner.

2 THE COMMISSIONER: Yes, next exhibit.

3 THE REGISTRAR: Yes, that will be marked as Exhibit
4 number 83.

5 MR. VERTLIEB: Thank you.

6

7 EXHIBIT 83: Emergency medical plan for
8 Vancouver International Airport

9

10 MR. VERTLIEB:

11 Q Turn to page 7, please. You see that, the top
12 paragraph, "Response Action"?

13 A Yes.

14 Q This is all under the section "Medical Emergency",
15 right?

16 A Yeah, yes.

17 Q Okay. So we're not worried about fires, okay?
18 We're worried about medical problems, fair enough?

19 A Yes.

20 Q So all my questions are only to do with medical
21 problems, nothing to do with fires, fair enough?

22 A Okay.

23 Q Thank you. So let's talk about this response
24 action. It says:

25

26 For Code 3 medical emergencies on airside, in
27 the Domestic Terminal Building International
28 Terminal Building, and South Terminal
29 Building, establish contact with Control
30 Tower, advise of destination on the airfield
31 and proceed to the location of the medical
32 emergency to provide assistance.

33

34 Now, you know what this is all about, don't you?

35 A Yes.

36 Q And this event with Mr. Dziekanski, that's
37 obviously in the International Terminal Building?

38 A Yes.

39 Q And you know many times your ERS people are called
40 out for Code 3 medical problems.

41 A Yes.

42 Q And you know that they often are the first on
43 scene when there's been a medical problem in one
44 of the buildings?

45 A Often, yes.

46 Q And the building we're talking about for the ERS
47 people, that's right on the tarmac.

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1 A The --
2 Q The building where they are.
3 A -- ERS fire hall?
4 Q Yes.
5 A Is out in the middle of the airfield, yes.
6 Q Right. It's on the tarmac. You get in your truck
7 and drive across the tarmac to Gate 52?
8 A The airport is in the middle of the airfield.
9 Q Right. And then you --
10 A From which they respond.
11 Q Right. And then to get to an international event,
12 they would go across the tarmac to Gate 52.
13 A It depends where specifically the event would be.
14 Q Well, if it's in the International Terminal
15 Building, wouldn't they go to Gate 52?
16 A The International Terminal is very big. It
17 depends where in the building the event is.
18 Q But the ERS people, they know where to go.
19 A Depending on where the event is --
20 Q Right.
21 A -- they will adjust their route accordingly.
22 Q Okay. So you have this standing action and you
23 are -- you're aware of the skill level of the
24 firefighters at the airport who comprise your ERS
25 team?
26 A Not specifically. I know that they are trained up
27 to a required standard that's regulated for
28 aircraft firefighting.
29 Q Right. So you would know they would have
30 equipment that they can help to revive people?
31 A For first aid calls, yes.
32 Q Right. So you know they have automatic
33 defibrillators. You know they have that kind of
34 equipment?
35 A I was aware that they had that, yes.
36 Q They have access to oxygen?
37 A I believe so, yes.
38 Q Now, just on the subject of equipment
39 availability, let's cover that for a minute,
40 please. Throughout the airport there are
41 different locations where AED equipment is
42 located?
43 A Yes.
44 Q And it's intended so that depending on where a
45 medical emergency arises, there will be close
46 availability to get emergency equipment to a
47 patient?

- 1 A Over the years, AEDs were brought in to assist
2 with medical emergencies, yes.
- 3 Q Now, I don't really care exactly where an AED
4 would be relative to the IRL. It doesn't matter
5 where it's kept. I want to know how many minutes
6 would it be to go from the IRL to get an AED
7 device?
- 8 A It would depend on the location of the AED.
- 9 Q That's what I'm asking you. How many minutes
10 would it take -- if you're in the IRL and said, "I
11 need an AED quickly, as soon as you can get it,"
12 where would you go?
- 13 A Going back to that moment, I probably would have
14 gone upstairs to the international information
15 counter.
- 16 Q That's at the top of the escalator?
- 17 A Yes.
- 18 Q So there's an AED right up there at the top?
- 19 A There is now, I believe, yes.
- 20 Q Well, I'm talking October '07.
- 21 A I couldn't say for sure, but I believe there was.
- 22 Q So if there was an emergency requirement in the
23 secure area/IRL, you go through the doors, you go
24 up the escalator and there's that booth right at
25 the top of the escalator.
- 26 A Yeah, through the doors, into the meet/greet area
27 and up the escalator or stairs, yes.
- 28 Q Okay. So that's pretty close.
- 29 A Yeah, it's at the top of the escalator at the
30 information counter, yes.
- 31 Q Take maybe a minute to get up there?
- 32 A I'd be guessing, but it sounds about right.
- 33 Q Okay. So that's an AED location for somebody
34 who's in the secure area. Let's cover oxygen.
35 Where would oxygen be if somebody had a medical
36 emergency in the secure area?
- 37 A I'm not aware of any oxygen.
- 38 Q We've heard that oxygen's kept in the airport. Do
39 you not know where oxygen would be kept?
- 40 A Only if -- other than ERS having it, no, I'm not
41 aware of any at the airport.
- 42 Q Okay. In terms of other equipment, you and Mr.
43 Ginter both were carrying your radios with you?
- 44 A I had a radio with me, yes.
- 45 Q And what radio channel was it on?
- 46 A I don't recall specifically.
- 47 Q Probably on Operations?

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In chief by Mr. Vertlieb

1 A I don't recall.
2 Q Well, there's Operations, that would be channel A?
3 A Ops A, yes.
4 Q Right. You were able to overhear the discussion
5 between the various airport employees that were
6 taking place during the Dziekanski event?
7 A I don't recall hearing specific conversations that
8 I can speak to specifically.
9 Q Okay. Well, let's focus on one that we do want to
10 ask you about specifically, and that's YVR audio
11 24.
12 MR. VERTLIEB: Mr. Lunn, do you have that handy?
13 MR. LUNN: I do.
14 MR. VERTLIEB: Okay.
15 Q Mr. Sambrook, we've heard this played through
16 different witnesses, so this is not new to the
17 Commissioner. But I want to put it to you so you
18 can hear it.
19 MR. VERTLIEB: This is audio 24, 1:36:50. It's a 52-
20 second call between Carla Hanson and Bob Ginter.
21 Mr. Lunn, please.
22
23 (AUDIO BEING PLAYED)
24 (AUDIO STOPPED)
25
26 MR. VERTLIEB: Stop it a second.
27 Q The voice, do you recognize those two voices as
28 Hanson and Ginter?
29 A Yes.
30 MR. VERTLIEB: Thank you. Okay. Can you go back,
31 then? Sorry, Mr. Lunn.
32 MR. LUNN: Start from the beginning again?
33 MR. VERTLIEB: Yes, please.
34
35 (AUDIO BEING PLAYED)
36 (AUDIO STOPPED)
37
38 MR. VERTLIEB: Thanks, Mr. Lunn.
39 Q Let's discuss that call. Prior to just this
40 moment in time, have you seen the transcript of
41 that call?
42 A Yes.
43 Q And have you heard the recording that was played
44 here in open hearing?
45 A I believe so, yes.
46 Q So you're familiar with the issue around the ERS
47 not being called in the face of the Code 3. You

41
Gregory Sambrook
In chief by Mr. Vertlieb

1 understand there's been discussion about that here
2 in this --
3 A I understand there's been discussion here about
4 it, yes.
5 Q All right. Did you, during the time of this
6 event, as it was unfolding, know that Code 3 had
7 been called by anyone?
8 A My first observation or knowledge that it was a
9 Code 3 was when I saw Richmond Fire walk through
10 the door.
11 Q And tell us about that.
12 A I thought the situation was under control, being
13 dealt with, and that Ambulance had been called.
14 Then when I saw Richmond Fire walk through the
15 door, I was surprised.
16 Q Why did you -- why did you know it was Code 3 when
17 you saw Richmond Fire?
18 A It was an assumption on my part.
19 Q So you did not hear the RCMP officer -- I believe
20 it was Officer Bentley -- call Code 3?
21 A No.
22 Q Did you overhear any of the RCMP talking about the
23 fact that Code 3 had been called?
24 A No.
25 Q From your vantage point, could you tell that
26 during this time frame that Mr. Dziekanski was
27 unconscious?
28 A I don't recall a specific moment where I thought
29 or knew Mr. Dziekanski is unconscious.
30 Q Okay. So the first Code 3 awareness you had is
31 when Richmond Fire arrived.
32 A Yes.
33 Q And that suggested that something was very
34 serious, is that what you're telling the
35 Commissioner?
36 A It suggested to me that E-Comm dispatch had
37 upgraded it to Code 3.
38 Q So in terms of the radio transmission, audio 24
39 that we've just heard, did you have any input into
40 the decision-making by Mr. Ginter?
41 A In reference to this? Not that I can recall.
42 Q Okay. So the comment, when Mr. Ginter says,
43 "Don't do an announcement, just have Ambulance
44 come," that was not in consultation with you?
45 A Not that I recall.
46 Q And then you -- remember, there's a pause and then
47 Ms. Hanson says, "Is Greg okay with that, 'cause

1 they just did say it was Code 3." You're aware of
2 that comment by Ms. Hanson?
3 A Yeah, yes.
4 Q And obviously Greg refers to you.
5 A Yes, I believe so.
6 Q And then there was a pause and he says, "Yeah,
7 we're fine." You've heard that comment from Mr.
8 Ginter?
9 A Yeah, I've read it, yes.
10 Q You've read it and you've heard it now.
11 A Yes.
12 Q Heard it before. Did you have any --
13 MR. STEWART: Sorry, I think --
14 MR. VERTLIEB: All right. That's --
15 Q So you've read it.
16 A Yes.
17 MR. STEWART: It's an important point, in terms of
18 "heard it before", what he's making reference to
19 with respect to that?
20 MR. VERTLIEB:
21 Q Did you have any involvement in that decision?
22 A Not that I recall.
23 Q Now, there is this protocol that if Code 3 is
24 called for, then the ERS is supposed to be
25 dispatched.
26 A Yes.
27 Q And that's a mandatory protocol?
28 A It is a written protocol that they are to be toned
29 -- toned out or dispatched.
30 Q Can you tell us why ERS was not called at the
31 time?
32 A It's my feeling that the situation was under
33 control and it was Mr. Ginter's situation and he
34 was using his field judgment to make this call
35 here to Carla.
36 Q But you had no awareness of the decision-making
37 that he was doing at the time.
38 A I felt -- from what I can recall, I thought the --
39 excuse me, the situation was in control and Bob
40 had the situation in control.
41 Q If you had known Mr. Dziekanski was unconscious,
42 that would have obviously had an impact on your
43 thinking.
44 A It's hard for me to put myself back in that place
45 with everything that's gone on between now and
46 then, to be honest, to answer that fairly.
47 Q Well, surely if someone was unconscious you

1 wouldn't be worried about any issues around
2 phoning ERS. You'd just have them phoned.
3 A Normally it's E-Comm 9-1-1 that decides, based on
4 the medical information, whether to respond.
5 Q But E-Comm is not under your control.
6 A No, sir.
7 Q Right. But you're under -- but what is under your
8 control is the Airport Operations.
9 A The folks working within Airport Operations, yes.
10 Q And the "Medical Emergency" document we just had
11 marked as an exhibit, that's under your control.
12 It's at the airport.
13 A I'm sorry, the document is under my control? I
14 don't understand.
15 Q Well, the matters relating to "Medical Emergency",
16 that's under your control at the airport. That's
17 not dependent on E-Comm.
18 A There's groups within Airport Operations that
19 created these procedures and this document, yes.
20 Q Right.
21 THE COMMISSIONER: Did you know that that decision was
22 made, namely that the ERS was not to be called?
23 A I wasn't -- it was at some point after Richmond
24 Fire and Ambulance had left that I became aware
25 that ERS had not been called.
26 THE COMMISSIONER: You had mentioned that you didn't
27 think you were consulted, but is this not a very
28 major event not to call ERS after a Code 3?
29 A Normally ERS would be dispatched to Code 3's, yes.
30 I'm not sure I understand the question, sorry.
31 THE COMMISSIONER: Well, you said that you didn't
32 recall whether or not Mr. Ginter consulted you.
33 A No, I don't recall -- I recall seeing Richmond
34 Fire walk in and thinking, oh, it's Code 3.
35 THE COMMISSIONER: No. My question is when you were
36 asked about this decision made by Mr. Ginter --
37 A Yes.
38 THE COMMISSIONER: -- and "Is Ginter (sic) okay with
39 that, 'cause they did just say it was a Code 3,"
40 and the answer is, "Yeah, we're fine."
41 A Yes.
42 THE COMMISSIONER: Now, I know Mr. Ginter has explained
43 what he meant by the use of the words, "We're
44 fine," but it had been suggested in these hearings
45 that that meant you were consulted. Now, were you
46 consulted or not?
47 A I don't have any recollection of being consulted

Gregory Sambrook
In chief by Mr. Vertlieb

1 on it, no.
2 THE COMMISSIONER: All right.
3 MR. VERTLIEB:
4 Q Just to put the hierarchy in place, if Ginter made
5 the decision not to call for the ERS to come,
6 you're the one person who could have overridden
7 that decision.
8 A Bob has shown that he had tremendous field
9 judgment to take everything into account at an
10 event. He's looking at a lot of different things
11 that are going on. If he felt in a situation that
12 ERS wasn't required, then I would typically
13 support him in that.
14 Q But that's not my question.
15 A Okay.
16 Q You say you typically support. Had there been
17 another time where Ginter had said, "Don't phone
18 ERS," that you're aware of?
19 A No, not that I'm aware of.
20 Q Okay. So typically this wouldn't happen, right?
21 A Typically, no.
22 Q No. Thank you. Okay. So let's just get the
23 hierarchy in place. Mr. Ginter had a senior
24 position at the airport. He'd been there many
25 years, right?
26 A Yes.
27 Q But he answered to you.
28 A I was his superior, yes.
29 Q So that evening, you were the one person who had
30 the authority to override a decision made by Mr.
31 Ginter.
32 A If required, yes.
33 Q Right. So when Ginter made the decision not to
34 call ERS, had you known he'd made that decision,
35 you would be the one person who could have said,
36 no, we're bringing ERS.
37 A If I was aware, I would have been in the position
38 to say, yes, call ERS.
39 Q I'm sorry?
40 A If I was aware and I felt they were required
41 there, then, yes, I could have said, "Call ERS."
42 Q And certainly if Dziekanski, to your knowledge,
43 was unconscious, that would be a serious medical
44 circumstance.
45 A I don't know if I can fairly answer that to say
46 how a level of consciousness relates to what is a
47 Code 3 or what is not a Code 3.

1 Q Mr. Sambrook, if someone's unconscious, that's a
2 pretty -- that's a serious medical situation; is
3 it not?

4 A If I had to answer "yes" or "no", I'd say yes.

5 Q Of course. And you would not have any hesitation
6 had you known the gentleman was unconscious in
7 calling ERS.

8 A Knowing -- knowing what I know now about the
9 events and the way they unfolded, I would have
10 said yes.

11 Q Had you been there at the time and known he was
12 unconscious, you would have wanted ERS to show.

13 A It's just challenging to answer that knowing
14 everything now that we know about what happened on
15 that night versus what was going on in the
16 situation at the time, what knowledge we had at
17 the time versus what we know now.

18 Q Let me ask you something else about the events.
19 Mr. Ginter told the Commissioner about the
20 protocol that we've discussed, you and I, with
21 everyone here in the "Medical Emergency" section
22 of your airport Operations. Mr. Ginter
23 acknowledged that it's a protocol that he did not
24 follow that evening.

25 The question is did Mr. Ginter, given his
26 position, have the authority alone to override the
27 standing orders set out in "Medical Emergency"?

28 A It was my understanding, in the position Mr.
29 Ginter was in, that he could supersede that if he
30 thought it was necessary, using his field judgment
31 based on the decisions of safety and security of
32 the area, himself and anything else that may be
33 brought into that decision-making process.

34 Q Can you give us any example, other than Mr.
35 Dziekanski, where the "Medical Emergency" protocol
36 was not observed up to October of the year 2007?

37 A There were other examples. I can't cite
38 specifics, but I can recall where ERS did not
39 respond to Code 3 medicals, yes.

40 Q So are you saying that you have the protocol that
41 was, from time to time, not followed?

42 MR. STEWART: In fairness to this witness, if Mr.
43 Vertlieb is going to make reference to the
44 protocol with respect to that, the protocol
45 specifically refers to the fact that the manager
46 of YVR AES -- which would have, on this night, the
47 Acting Manager have been Mr. Caldwell -- has the

1 authority to make that independent decision.
2 The AES personnel do not automatically
3 respond to every Code 3, and they have the
4 authority to make that decision whether or not to
5 respond or whether they are otherwise committed to
6 an airside emergency or, for whatever reason --
7 THE COMMISSIONER: You changed in your explanation from
8 this witness to "they" having authority. Did you
9 mean this witness alone, or more than this witness
10 had authority?
11 MR. STEWART: The document referred to by Commission
12 counsel --
13 THE COMMISSIONER: Yes.
14 MR. STEWART: -- specifically confers the authority on
15 the AES supervisor, after having received the
16 dispatch on the Code 3, to make a decision whether
17 or not to attend to the Code 3. So insofar as
18 this witness has indicated that there are
19 circumstances where AES will not respond to a Code
20 3 --
21 THE COMMISSIONER: But that's their decision.
22 MR. STEWART: Except -- I'm just saying the policy
23 specifically refers to that, and there are
24 situations where, if the airport AES is already
25 responding to an airside incident or to something
26 else --
27 THE COMMISSIONER: Just a minute.
28 MR. STEWART: -- they don't respond.
29 THE COMMISSIONER: Just a minute. We're not talking
30 about the authority or the decision of AES. We're
31 talking about the decision of Mr. Sambrook and Mr.
32 Ginter.
33 MR. STEWART: This witness has already indicated that
34 he has no knowledge or recollection of Mr. Ginter
35 ever having made a decision not to call out --
36 THE COMMISSIONER: No, no.
37 MR. STEWART: -- airport ERS on a Code 3.
38 THE COMMISSIONER: No, you're not following me. We're
39 talking about the fact of authority. Is there
40 authority or is there not in either one of these
41 two gentlemen to supersede the direction?
42 MR. STEWART: I thought that that question had been
43 asked and answered, which he indicated --
44 THE COMMISSIONER: What was the answer?
45 MR. STEWART: That he did believe that Mr. Ginter had
46 the authority to use his field judgment and
47 supersede the policy.

Gregory Sambrook
In chief by Mr. Vertlieb

1 THE COMMISSIONER: All right. Now, what's your point?
2 MR. STEWART: Is that Mr. Vertlieb is making reference
3 to the written policy to suggest that there's
4 nothing in the written policy to indicate that
5 there's any other circumstance in which someone
6 had the authority to supersede that.
7 THE COMMISSIONER: Oh, no, it's not "someone". We're
8 not moving to the authority of ERS. We're staying
9 with the authority of Mr. Sanberg (sic) and Mr.
10 Ginter.
11 All right. Now, go ahead, Mr. Vertlieb.
12 MR. VERTLIEB: Thank you, Mr. Commissioner.
13 Q There's also, in the "Medical Emergency" section,
14 an order or policy about bringing emergency
15 equipment to the scene of a medical emergency.
16 You're familiar with that? It's page 6.
17 A yes.
18 Q And this would be a policy directed not towards
19 you as the Operations supervisor for the entire
20 airport, but this would be directed towards
21 someone like a Mr. Ginter?
22 A Yes.
23 Q And there is an actual policy that says you should
24 respond with an AED to Code 3 medical calls, or
25 arrange for an AED to be brought to the location
26 of the ill person, right?
27 A Calls or to have -- it says "to bring or arrange
28 for the AED to be brought," yes.
29 Q Whilst you were at the scene, did anybody, as an
30 employee of the airport, arrange for an AED to be
31 brought?
32 A Not that I recall.
33 Q Was that something that you were involved in, in
34 terms of decision-making?
35 A Is the question was I involved in decision-making
36 not to have an AED?
37 Q Yes.
38 A No. There was no discussion on that.
39 Q Right. Mr. Ginter referred to these rules as a
40 standing order. Is that a term -- term that you
41 would use as well?
42 A No.
43 Q Okay. What would you call them?
44 A A procedure, procedural document.
45 Q Okay. And you can't, on your own initiative,
46 simply override a procedural document.
47 A There's different ways that things could happen

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In chief by Mr. Vertlieb

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- 1 that, yes, in using our field judgment and
2 experience, if we thought in the spirit of safety
3 and security we needed to deviate from the
4 procedure, then, yes, we would.
- 5 Q There was nothing else going on at the airport of
6 any concern other than the Dziekanski incident?
- 7 A Going back to that time and place, I was down
8 there. There's always lots of other things going
9 on, and I trust that there was other things going
10 on that night whether it was maintenance working
11 on things and other things to be concerned about,
12 yes.
- 13 Q I mean an emergency situation.
- 14 A At that moment, I don't think so.
- 15 Q Right. And you only had one flight coming in, a
16 Cathay-Pacific flight.
- 17 A I'm aware of that now. At the time, it would be
18 normal for us in the early hours of the morning to
19 have, you know, one to three 747s coming in.
- 20 Q To your knowledge, there was no problem with any
21 incoming flights as this matter was unfolding.
- 22 A As the matter was unfolding, I don't recall any
23 aircraft emergency, but we typically -- they
24 happen in a second. So --
- 25 Q Aside from the field judgment of Mr. Ginter,
26 there's nothing known to you, based on your
27 knowledge of the event, that would have prevented
28 ERS from being called?
- 29 A Based on my knowledge of the event now or --
- 30 Q At the time.
- 31 A Looking back at it, at the time, the scene seemed
32 to be a police scene. It was -- they were
33 managing it, and I didn't see a need at that point
34 for our ERS, for me to make a call to have ERS
35 attend.
- 36 Q So you support the decision of Mr. Ginter?
- 37 A Yes.
- 38 MR. VERTLIEB: Thank you.
- 39 MR. STEWART: Dwight Stewart, counsel for the airport.
- 40
- 41 CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF VANCOUVER
42 AIRPORT AUTHORITY:
- 43
- 44 Q Mr. Sambrook, what's your position presently at
45 the airport?
- 46 A Manager of Security Programs.
- 47 Q And how long have you been in that position for?

Gregory Sambrook
Cross-exam by Mr. Stewart (for Vancouver Airport
Authority)

- 1 A Started in that role late September, early October
2 of last year.
- 3 Q So it's been about seven months since you've been
4 in an operational role at the airport; correct?
- 5 A Yes.
- 6 Q Just quickly in terms of your background, I think
7 it's been established that you started working at
8 the airport in or about 1996; is that correct?
- 9 A With the airport authority in 1996, yes.
- 10 Q Okay. You've worked with Mr. Ginter for some
11 time; is that correct?
- 12 A Yes.
- 13 Q And did you have some understanding of his
14 experience and background in operational
15 capacities?
- 16 A Yes. He had been at the airport for a long time
17 and was very good at what he did.
- 18 Q If you were to compare your operational experience
19 versus his, who had more experience?
- 20 A Oh, he did.
- 21 Q You trusted Mr. Ginter?
- 22 A Yes.
- 23 Q In terms of responding -- I guess I'll take a step
24 back. The airport response coordinator will
25 respond to numerous different types of incidents,
26 correct?
- 27 A Yes.
- 28 Q Maintenance issues, many issues beyond an
29 emergency response; is that correct?
- 30 A Yes.
- 31 Q I'm correct that the ARC role was something that
32 was mobile?
- 33 A Yes.
- 34 Q And what about your position? Was it mobile?
- 35 A No.
- 36 Q You spent most of your time in the office?
- 37 A Yes.
- 38 Q Mr. Vertlieb asked you some questions about your
39 use of the radio. On any given shift, do you
40 always use your radio?
- 41 A Initially when I started back in 1999, I would
42 carry a radio but then over the years I've been
43 coached to get away from doing that --
- 44 Q In what --
- 45 A -- to empower the people to do their job, and if
46 they needed me, they would call me on my cell
47 phone.

Gregory Sambrook

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

- 1 Q Okay. And some of what you're doing when you're
2 in your office is you're meeting with other
3 people?
4 A Yes.
5 Q And during those meetings, do you usually leave
6 your radio on or off?
7 A Oh, off.
8 Q In your experience, what's the typical manner in
9 which people reach you or contact you?
10 A Depending on who it is. If it's somebody with a
11 radio, they might first try their radio, but they
12 typically get me on my cell phone.
13 Q Okay. We've -- I believe that you still have the
14 transcript of the audios in front of you; is that
15 correct?
16 A Yes.
17 Q Now, is it fair to say that you don't have a
18 specific recollection of when and where and how
19 you used your radio on the night of October the
20 14th, 2007.
21 A Yes.
22 Q Okay. But we do know from the audio transmissions
23 that there are various times where you did use
24 your radio.
25 A Yes.
26 Q And I'll take you to the first, and that's YVR
27 audio 5. Does it trigger any recollection that at
28 or about 1:24:32 which, to place this in time,
29 would be about when you're leaving to head down,
30 that you contacted Mr. Enchelmeier, the head of
31 Securiguard or the senior Securiguard person that
32 night on your radio using the security channel?
33 A I recall as we left -- or just had left the
34 Operations Centre, contacting Trevor to see if he
35 was aware of what was going on in the IRL.
36 Q Okay. Now, just to take a step back, you mention
37 that you overheard Ms. Hanson on the phone,
38 correct?
39 A Yes.
40 Q And you made mention of the fact that you also
41 read something.
42 A Yes.
43 Q And describe for the Commissioner what your
44 recollection is of that.
45 A I approached Carla from behind and she was talking
46 and typing, and I just remember processing from
47 whatever it is that I saw her typing and writing

- 1 that something bad was going on in the IRL.
2 Q Okay. So the two bases of information before you
3 left was overhearing Ms. Hanson on the phone and
4 reading over her shoulder.
5 A Yes.
6 Q Can you now recall whether or not Ms. Hanson had
7 called the RCMP when you left, or...?
8 A No, I had assumed that she had or was going to do
9 that.
10 Q But you don't have a specific recollection?
11 A No.
12 Q Okay. Now, Mr. Vertlieb took you through the
13 process by which you arrived in the International
14 meet-and-greet area, and I noted that you always
15 use the reference to IRL, and so you understand is
16 we've become accustomed to referring to the IRL as
17 the secure area. I think that was the
18 nomenclature of the RCMP and we've come to adopt
19 that. But, if you can, describe for the
20 Commissioner your understanding of the purpose of
21 the IRL, whether it was secure or not secure in
22 reference to the primary inspection -- sorry, the
23 primary security line.
24 A Yes. I refer -- in my mind, the IRL, I always
25 refer to it as a semi-sterile area. In my mind, a
26 primary security line or PSL is very specific.
27 It's the line you cross when you're -- you go
28 through pre-board screening to get on your
29 airplane. The IRL was a semi-sterile area. From
30 inside you could have cruise ship operators and
31 other people working.
32 Q Okay. Now, you've arrived then in the meet-and-
33 greet area, and you walked over towards the glass
34 wall. Do you recall that?
35 A Yes.
36 Q Okay. Now, you described the fact that when you
37 then, after having observed the interaction
38 between the RCMP and Mr. Dziekanski, that you went
39 over the wall and that you stood in the doorway.
40 A Yes.
41 Q To your recollection, did you remain sort of fixed
42 in that area right near the doorway?
43 A Yeah, to the best of my recollection, yes.
44 Q Until this point where you indicated that you went
45 to customs to make sure the passengers were being
46 rerouted.
47 A Yes.

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Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

- 1 Q Just on that point, we've heard from Securiguard
2 patrollers Lance Rudek and Sid Arora, and they
3 also had a recollection of having gone into
4 Customs Hall. Do you have a recollection as to
5 whether you're aware of that, that night?
6 A No, I don't have any recollection of that.
7 Q Now, you made mention that while -- it was while
8 you were standing there at the door that you had a
9 conversation with Mr. Ginter.
10 A I believe so, yes.
11 Q Okay. You discussed having a quick conversation
12 about noting the stapler.
13 A Mm-hmm.
14 Q And then you actually used the words "Whoa", but
15 sort of a -- some disbelief at what had occurred?
16 A Yes.
17 Q To be fair, had you ever seen a tasering before?
18 A No.
19 Q Had you ever witnessed anything that was anything
20 like this before?
21 A No.
22 Q Had anything like this ever occurred at the
23 airport before to your recollection?
24 A No, not like this that I'm aware of, no.
25 Q Okay. In fact, even when you left the IRL to
26 attend the incident with Mr. Ginter, was this --
27 had you -- was this an atypical situation? Had
28 you heard things like this occur before at the
29 airport?
30 A No, I was -- this was not -- I couldn't remember
31 any situation like this.
32 Q Now, in terms of you attending to a situation in
33 person - and I'll say an emergency situation - do
34 you always go?
35 A No.
36 Q In any given emergency situation, how often do you
37 think that you would go?
38 A It's pretty rare.
39 Q And what would -- what would be sort of a
40 triggering, the things you would take into
41 consideration in deciding to attend?
42 A I might attend if -- it depends on the nature of
43 what the situation is. There's so many different
44 things that could happen at the airport. But for
45 me to attend would be -- it depends on the type of
46 situation.
47 Q Okay. One of the things in that emergency policy

Gregory Sambrook

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

- 1 that Mr. Vertlieb referred to that you're
2 responsible for is if you see a need for it,
3 you're the person that arranges for a critical
4 incident stress debriefing for your staff,
5 correct?
- 6 A Yes. That would be normal to do that if our
7 people attend and there's a death, that I would
8 make some calls to arrange a critical incident
9 stress debriefing.
- 10 Q And that's one of the reasons why you would go
11 down to a situation, is if a medical emergency had
12 had a bad outcome.
- 13 A If it was a medical emergency and there was a
14 death and I was aware this was going on, I would
15 try to get down there just to see who was there
16 and make sure they're doing okay.
- 17 Q So I'm correct that in most circumstances, you
18 would leave Mr. Ginter to attend at an emergency
19 medical situation on his own.
- 20 A Yes.
- 21 Q You had full confidence in him?
- 22 A Oh, yes.
- 23 Q Okay. Now, taking you back, then, to where you're
24 standing there in the doorway and you had a
25 conversation with Mr. Ginter, did you -- did you
26 also talk about anything else?
- 27 A I just recall us speaking to what had just
28 occurred, speaking to the damage to the area, and
29 then a comment by one of us about, "Oh, it's a
30 stapler."
- 31 Q Okay. Obviously the RCMP are dealing with Mr.
32 Dziekanski at this point?
- 33 A Yes, I believe so.
- 34 Q Now, you've indicated in response to Mr.
35 Vertlieb's questions that you never heard the RCMP
36 call for a Code 3; is that correct?
- 37 A That's correct.
- 38 Q But what did you hear, if anything, about what the
39 RCMP were saying at that point?
- 40 A I recall in the moments right as they detained
41 him, somebody comment to the word -- say
42 "medical".
- 43 Q Okay.
- 44 A Just I remember the word "medical".
- 45 Q Okay. And what did mean for you?
- 46 A I just thought it was their protocol, they were
47 calling for medical. I'd not seen the Taser used

Gregory Sambrook

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

1 before. I assumed that was part of what they do
2 with the Taser, they do that.
3 Q Now, did you have any discussions with Mr. Ginter
4 about that?
5 A Not that I'm aware of.
6 Q In that -- those -- that moment when Mr. Ginter
7 walked -- sort of met you at the doors?
8 A Oh, there was some discussion at that moment - I
9 can't remember who initiated it - about should --
10 should ERS attend, and we'd agreed that, no, they
11 weren't required.
12 Q And what was your consideration at that time?
13 A Safety and security. This was a police situation.
14 There wasn't a need to have ERS there and if ERS
15 did attend, what would happen if they got hurt?
16 Q Okay. Now, in the context of that conversation,
17 though, you knew that B.C. Ambulance had been
18 contacted, correct?
19 A I assumed that they were being contacted.
20 Q And what was your assumption based on?
21 A RCMP saying "medical" and they have radios and
22 that means B.C. Ambulance.
23 Q Now, again, Mr. Vertlieb made reference to that
24 policy, but in terms of that written policy, what
25 is the mechanism -- what is the process -- what is
26 the first step that airport personnel follow when
27 they become aware of a medical emergency? Who do
28 they call first?
29 A If who gets the call, sorry?
30 Q If the Airport Operations Officer --
31 A Oh, if the Airport Operations Officer gets a call?
32 Q Who do they call?
33 A They make a priority announcement.
34 Q Just -- sorry, you're aware of a medical
35 emergency, not a Code 3, just a medical emergency.
36 A Okay.
37 Q Who do they contact?
38 A If the AOO is made aware of a medical emergency,
39 they call 9-1-1.
40 Q Okay. And who is it that makes determinations as
41 to the form of response?
42 A The people at E-Comm 9-1-1.
43 Q Okay. What's your understanding of what E-Comm
44 will do if E-Comm upgrades a call to Code 3?
45 A If E-Comm upgrades a call to Code 3, they will
46 first contact Ambulance and make the necessary
47 calls there, and then advise Richmond Fire by

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1 however they do that, and then followed by a call
2 to us and/or the RCMP, I don't know.

3 Q Okay. So E-Comm -- E-Comm will let Airport
4 Operations know if they've changed the status of
5 the response, correct?

6 A Normally, yes.

7 Q And you say "normally". Does that always happen
8 in your experience?

9 A Most of the time.

10 Q But sometimes not?

11 A There's been the very rare occasion that they
12 didn't contact us.

13 MR. STEWART: Ms. Friesen has reminded me of the time.

14 THE COMMISSIONER: Perhaps we can break for lunch. Two
15 o'clock.

16 THE REGISTRAR: The hearing is now recessed until 2:00
17 p.m.

18

19 (WITNESS STOOD DOWN)

20

21 (PROCEEDINGS ADJOURNED FOR NOON RECESS)

22 (PROCEEDINGS RECONVENED)

23

24 THE REGISTRAR: The hearing is now resumed.

25 THE COMMISSIONER: Yes, Mr. Stewart.

26 MR. STEWART: Mr. Vertlieb indicated he had one quick
27 thing he wanted to address.

28 MR. VERTLIEB: Very quickly, Mr. Commissioner, Mr.
29 Butcher is away for the next two weeks starting
30 Monday on another trial commitment that he cannot
31 change. He's asked us to reschedule Sergeant
32 Fawcett and Corporal Gillis. Corporal Gillis is
33 the RCMP use-of-force witness, and he came on your
34 Phase 1 and spoke to you, so you would remember
35 him.

36 Sergeant Fawcett is Vancouver Police and he's
37 given a written opinion on use-of-force. We've
38 been able to get Sergeant Fawcett here for
39 Thursday, so we're going to abandon the plan that
40 we had for Fawcett sometime after. So we've gone
41 halfway to accommodate Mr. Butcher. I don't think
42 we can accommodate Corporal Gillis this week
43 because he's out town, out of the province. So
44 we'll just have to work on it. But I wanted to
45 let all of my colleagues know that Sergeant
46 Fawcett will be here Thursday morning for 10:00
47 a.m.

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Authority)

1 THE COMMISSIONER: All right.

2 MR. BUTCHER: I thank my friend very much for that.

3 MR. STEWART: Thank you.

4

5

6

7

GREGORY SAMBROOK, a witness,
recalled.

8

CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF VANCOUVER
9 AIRPORT AUTHORITY, continuing:

10

11

Q Mr. Sambrook, if you still have the transcripts of
12 the YVR audio files in front of you, I'd ask that
13 you turn to YVR audio 27.

14

A Yes.

15

MR. STEWART: Now, just in fairness to counsel and the
16 Commissioner, I just want to bring to everyone's
17 attention that in addition to adding the names of
18 the voices beyond identifying them by their
19 position, there were a couple of changes that I
20 made based on the transcript. One was that in --
21 and I won't deal with this, with this witness, but
22 there was a communication where Mr. Ginter
23 confirmed that RFR was on scene. We didn't have
24 those words, but that was confirmed with him
25 through questions asked of him by Commission
26 counsel.

27

28

29

30

The other thing that I noticed is that YVR
audio 27 was mistakenly identified as being a
telephone call. It is a radio transmission on
Operations channel A.

31

Q So, Mr. Sambrook, if I can have you look at this
32 transcript. We've listened to, I believe, all of
33 these audio files at some point. It's been some
34 time, so we may not remember this one. I'll just
35 take you through this. This is you on Operations
36 channel A on your radio calling Ms. Hanson, who we
37 know to be the Airport Operations Officer. You
38 ask the question [as read]:

39

40

41

42

Who was it that called up about -- to you
about the fellow in the IRL?

43

Ms. Hanson responds:

44

45

46

47

Uh, passengers standing in the areas.

You say, "Copy," and Ms. Hanson adds:

Gregory Sambrook

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

1 It originally came from SOC and then I almost
2 immediately got another call.

3

4 My first question with respect to this
5 transmission is do you have any recollection of
6 this transmission?

7 A No, not specifically, no.

8 Q Do you have any recollection as to what might have
9 prompted your request of Ms. Hanson?

10 A No.

11 Q Okay. Now, we -- I established with you earlier
12 that while you're walking down towards the
13 International Terminal Building, we saw that you
14 had a radio communication with Trevor Enchelmaier
15 on the security channel. We see now that you're
16 having a radio communication on the Operations
17 channel. Do you have any recollection as to when
18 you switched channels?

19 A No.

20 Q And do you have any recollection as to whether --
21 whether at any point you had your radio turned up
22 or off?

23 A No, no recollection, no.

24 Q Okay. As I understand it, sir, one of your duties
25 is to conduct a daily briefing; is that correct?

26 A Yes.

27 Q And who is usually in attendance at the daily
28 briefing?

29 A Usually one person from each of my own working
30 groups along with somebody from our -- the lead
31 supervisor from our maintenance team, somebody
32 from Health Canada, an ERS supervisor, you know, a
33 point person from each of the main agencies that
34 we may be dealing with during the course of the
35 day, including RCMP.

36 Q And what are some of the other agencies that
37 attend? You said the main agencies.

38 A We would have a representative of our Health and
39 Safety, Health Canada --

40 Q Securiguard?

41 A Yes, a Securiguard supervisor would be there, yes.

42 Q And am I correct that the RCMP weren't always
43 there, just usually there if they could make it?

44 A They were welcome to attend, and if they could
45 attend, they would usually send a person.

46 Q And you mentioned that you knew Monty Robinson by
47 name. Was he often in attendance at those

Gregory Sambrook
Cross-exam by Mr. Stewart (for Vancouver Airport
Authority)

- 1 meetings?
2 A If RCMP attended the briefing, more times than not
3 it would be himself that was representing the
4 RCMP.
5 Q Okay. You were asked by Commission counsel about
6 your recollection of people in -- inside the IRL
7 at the point after Mr. Dziekanski had been taken
8 into custody and was in handcuffs. Do you have
9 any recollection of Trevor Enchelmaier being
10 there?
11 A At that moment, no.
12 Q Do you have -- I don't mean at that moment, but
13 from that moment through until Richmond Fire
14 arrived.
15 A I have a vague recollection of seeing Mr.
16 Enchelmaier over by Mr. Dziekanski.
17 Q Sorry?
18 A I have a vague -- I recall seeing Mr. -- seeing
19 Trevor over by Mr. Dziekanski, in that area.
20 Q And can you recall anything beyond that?
21 A I recall him checking the condition of --
22 condition of him.
23 Q And physically what -- like specifically what did
24 you observe?
25 A I believe I recall him checking a pulse and
26 breathing.
27 Q Can you now recall whether you saw that once or
28 more than once?
29 A It was more than once, but I can't recall how many
30 times.
31 Q What about your observations in that same period,
32 sort of after Mr. Dziekanski is in handcuffs and
33 then through until Richmond Fire arrived? I
34 believe you indicated that you observed RCMP
35 officers to be near Mr. Dziekanski. Do you have
36 any recollection of specific observations of what
37 they were doing?
38 A No.
39 Q Okay. Do you recall any conversations with Mr.
40 Enchelmaier during that period?
41 A The only recollection I have would be -- I believe
42 it was just before Richmond Fire arrived, either
43 Trevor saying to me or Trevor saying something to
44 someone about, "He's breathing and has a pulse."
45 That was, to the best of my recollection, just
46 before Richmond Fire arrived.
47 Q Okay. Did you -- did you -- I believe you

Gregory Sambrook

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 indicated to Commission counsel that you don't
2 remember turning your attention specifically to
3 Mr. Dziekanski's level of consciousness. At some
4 point, did that become clear to you?

5 A Around the time that the first RCMP -- or not
6 RCMP, excuse me -- Richmond Fire when they
7 arrived. After speaking with the RCMP, a member
8 from Richmond Fire knelt down by him and, you
9 know, started speaking to him, "Hi, can you hear
10 me?" things like that. That was the moment where
11 I thought, okay, there's something more going on
12 here than what we originally had thought.

13 MR. STEWART: Okay. Those are my questions, Mr.
14 Sambrook, and I believe that other counsel will
15 likely have questions of you. I see Mr. Kosteckyj
16 rising.

17 MR. KOSTECKYJ: I'm Walter Kosteckyj, counsel for Ms.
18 Cisowski.

19
20 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
21 CISOWSKI:

22
23 Q Sir, who did you report to at the airport that
24 night?

25 A My direct -- my boss or superior would have been
26 the Director of Airport Operations.

27 Q Was he -- was there somebody actually in the
28 airport for you to report to?

29 A No, he was available by phone.

30 Q All right. So as far as the most senior person
31 representing Vancouver International Airport, that
32 was you, correct?

33 A I was the senior person within Airport Operations.

34 Q Right. And so everybody else that worked for
35 Airport Operations, directly or indirectly,
36 reported to you, correct?

37 A Yes.

38 Q Okay. Now, you said that Mr. Ginter had a lot of
39 experience and from an operational point of view,
40 you said he had more experienced than you; is that
41 correct?

42 A From an operational response perspective, yes.

43 Q Yeah. But you were promoted and you were made the
44 senior person, correct?

45 A Correct.

46 Q And so you were the person that had primary
47 responsibility that evening for what occurred at

1 Vancouver International Airport; fair to say?
2 A In which context, sorry?
3 Q Well, you were in charge. The buck stops with
4 you, right?
5 A I was a senior member of Airport Operations, yes.
6 Q You were the one that had to make all critical
7 decisions?
8 A Not all. I had critical decisions that I had to
9 make that fell within the scope of my job, yes.
10 Q And you oversaw the entire operation on behalf of
11 the Vancouver International Airport, correct?
12 A From Airport Operations, yes.
13 Q Okay. Now, there are procedures that are put
14 together, standing orders, correct?
15 A I differentiate the two. There are standing
16 orders, a document that we have for security. If
17 you're referring to the "Medical Emergency" or
18 other forms, those I call just procedures.
19 Q Yeah. Now, the reason that you put these
20 procedures in place is so that, in emergency
21 circumstances, people know exactly what's required
22 of them and what they're supposed to do, correct?
23 A Yes.
24 Q Because if you have procedures in place, then
25 there's less likelihood of making mistakes,
26 correct?
27 A Yes.
28 Q And so that's the reason that you put these
29 procedures in place, is so that the likelihood of
30 mistakes being made is lessened.
31 A Yes.
32 Q Now, let's talk for a second about document --
33 Exhibit 83, the "Medical Emergency" description
34 and contents. You have that document, correct,
35 sir?
36 A This one? This --
37 Q Yes.
38 A Yes.
39 Q Now, I'm going to turn your attention, sir, to
40 page 7. My learned friend, counsel for the
41 Commission, asked you briefly about this, but
42 let's just take a look at this section and make
43 sure that we understand each other.
44 You see that it says there, sir, for Code 3
45 medical emergencies, whether it's in the Domestic
46 Terminal Building, International Terminal Building
47 and South Terminal Building, you establish contact

Gregory Sambrook

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 with control tower. Do you see that part there?

2 A Yes.

3 Q But then you see across it talks about YVRAA.

4 What does that stand for?

5 A To the right?

6 Q Yeah, on the right side. YVRAA.

7 A Vancouver Airport Authority.

8 Q And it says [as read]:

9

10 ERS will respond to Code 3 medical calls on
11 the airfield and in the Domestic,
12 International and South Terminal Buildings.

13

14 Correct?

15 A Under "Response Action"?

16 Q Yeah.

17 A Yes.

18 Q And it says:

19

20 For Code 3 medical emergencies in the
21 immediate vicinity of these terminals, the
22 YVRAA supervisor ERS will determine whether
23 ERS will provide a first response.

24

25 Do you see that?

26 A Yes.

27 Q So it's not you who determines whether it's
28 appropriate for ERS to show up, correct? Once
29 there's been a Code 3 call, the ERS are supposed
30 to be toned, correct, sir?

31 A Yes.

32 Q And the only person under this procedure that can
33 determine whether or not ERS is to arrive or not
34 is the ERS supervisor, correct?

35 A In this procedure, yes.

36 Q Yes. So that's not you. That's not Mr. Ginter.
37 That, on this evening, was Mr. Caldwell, correct?

38 A On this evening, Mr. Caldwell, yes.

39 Q Yes. So under the correct procedure, only Mr.
40 Caldwell could decide whether or not ERS should
41 attend or not, correct?

42 A Based on this procedure, yes. Without taking
43 anything else into consideration in terms of
44 what's happening at the event, what the type of
45 event is.

46 Q Yeah. Well, here's why that -- that's why -- why
47 this procedure is set up. There's a rationale for

- 1 this procedure, isn't there, sir?
- 2 A Yes.
- 3 Q There's a rationale for most procedures; correct?
- 4 A Yes.
- 5 Q And the rationale here is that Mr. Caldwell, who's
- 6 in charge of ERS, knows what other calls he has to
- 7 answer, knows how many people he has, knows what
- 8 other emergencies he may have to deal with,
- 9 correct?
- 10 A He would be aware of what they're working on in
- 11 the immediate, but he's probably not aware of
- 12 everything else that's going on outside of that.
- 13 Q That's right. But it's up to him to decide
- 14 whether ERS attends or not, according to
- 15 procedure, yes or no?
- 16 A It's up to him to decide whether ERS can respond
- 17 from his perspective, yes.
- 18 Q Yeah. He was never given the chance to make that
- 19 call on October the 14th, 2007, was he, sir?
- 20 A Based on what I know now, it's my understanding
- 21 that he wasn't toned out, the call was not toned
- 22 out.
- 23 Q And you know that Operations Centre, Carla Hanson,
- 24 was specifically told not to tone him, correct?
- 25 A I know that now, yes.
- 26 Q Yeah. Now, you were asked about whether you were
- 27 aware that Mr. Ginter had taken that step, and
- 28 your answer, from what I could gather, was
- 29 equivocal. Do you know what I mean by equivocal?
- 30 It means that --
- 31 A To be honest, no.
- 32 Q Well, you weren't clear, sir. You said -- your
- 33 words -- and you seemed to choose them very
- 34 carefully. "Not to the best of my recollection,"
- 35 or something like that. Well, this discussion
- 36 about ERS not showing up, this isn't the first
- 37 time you've heard about that, is it, sir?
- 38 A No.
- 39 Q In fact, I'm guessing that that was a really big
- 40 topic of conversation in the immediate aftermath
- 41 of Mr. Dziekanski's death, was it not?
- 42 A When you refer to immediate, I don't know if
- 43 you're referring to that night or weeks later
- 44 or...
- 45 Q Well, that night. Did anybody raise with you,
- 46 your superiors, why was ERS not called?
- 47 A The subject wasn't raised. I don't recall the

Gregory Sambrook

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 subject being raised with me directly, no, not
2 that -- not that night or immediately after, no.
3 Q Well, you know it was raised at some point.
4 People were asking that question, correct?
5 A At some point, yes.
6 Q Well, how soon afterwards?
7 A How soon afterwards was...?
8 Q Was this issue about ERS not attending being
9 raised with you?
10 A With myself, I don't recall when it was brought up
11 specifically with me. I remember hearing -- or I
12 thought there was discussions taking place about
13 that.
14 Q Look, sir.
15 A Yeah.
16 Q Let's not kid around here. You knew it was an
17 issue that very night, correct?
18 A I didn't know it was an issue that very -- that
19 very night, no.
20 Q Did you tell the police officer at four o'clock in
21 the morning when you were interviewed by him, that
22 it was your regret that ERS was not called?
23 A At that point in time, I was -- how to explain
24 this -- at that point in time, Mr. Dziekanski had
25 passed away. I -- it was a tragedy and I knew --
26 what I knew then was different from what I knew
27 earlier.
28 Q Yeah. The point is this: It became a hot-button
29 issue at four o'clock in the morning when you gave
30 a statement to the RCMP, correct?
31 A I wouldn't call it a hot-button issue, no.
32 Q Well, you did tell the RCMP officer at four
33 o'clock in the morning that you had a regret that
34 ERS was not called, did you not?
35 MR. STEWART: In fairness to the witness, my
36 recollection of having looked at the statement is
37 that -- there's two concerns I have with Mr.
38 Kosteckyj's question: his description of it as
39 being a "hot-button issue" -- Mr. Sambrook's words
40 at the time were "I wish I had" ---
41 THE COMMISSIONER: No, no, no. He never --
42 MR. STEWART: -- and they were unprompted --
43 THE COMMISSIONER: Just a moment. He never said in his
44 question to the witness that, in the statement,
45 the witness said it was a "hot-button" issue.
46 He's now characterizing it as a hot-button issue.
47 MR. STEWART: Okay. I guess what I'm saying is, to be

1 clear, insofar as we're referring to the
2 statement, I don't think it's apparent that the
3 RCMP thought of it as a hot-button issue.
4 THE COMMISSIONER: No. The question -- the question
5 did not assume that.
6 Go ahead.
7 MR. KOSTECKYJ:
8 Q Sir.
9 A Yes.
10 Q It was an issue that came to your mind at four
11 o'clock in the morning, or roughly, on October the
12 14th. You were being interviewed by the RCMP,
13 correct?
14 A At four o'clock in the morning, I was being
15 interviewed by the RCMP, yes.
16 Q And you were being interviewed by a Constable
17 Krista Mangan.
18 A Yes.
19 Q Right?
20 A Yes.
21 Q And at 4:19 is what the statement says, correct?
22 A Yes.
23 Q Now, you recollect, sir -- you've reviewed that
24 statement before coming here?
25 A Yes.
26 Q In fact, you've reviewed that statement -- you've
27 reviewed the other documents that you prepared, a
28 factual account of events, correct?
29 A Yes.
30 Q And you've -- and you -- there was some e-mail
31 that went back and forth between you and others
32 regarding an IRL -- the death of Mr. Dziekanski,
33 and it's got Jennifer Kooren written on the top of
34 my copy.
35 A I remember sending out that e-mail, yes.
36 Q Yeah, but you've read all this stuff --
37 A Yes.
38 Q -- in preparation for coming here today.
39 A Yes.
40 Q So I'm not catching you by surprise by talking to
41 you about this discussion with the RCMP officer,
42 am I?
43 A No.
44 Q So at four o'clock in the morning when you were
45 first interviewed by the RCMP, it came to your
46 mind as a regret that the EHS had not been called,
47 correct?

- 1 A At that time in the morning I was tired, I was
2 trying to deal with what had just happened, and
3 knowing what I knew at 4:00 in the morning, I
4 looked back on it and thought what could we have
5 done? Would it have made any difference if ERS
6 was called?
- 7 Q So the short answer is you regretted, at four
8 o'clock in the morning, that EHS had been called
9 off, correct?
- 10 A Based on what I knew at 4:00 in the morning and
11 the way things had transpired and the outcome,
12 yes.
- 13 Q Because somebody died.
- 14 A Yes.
- 15 Q Yes. Now, let's take a look at document number
16 83, and let's take a look at the page just before
17 that, page 6. Do you have that, sir?
- 18 A Yes.
- 19 Q It talks about response action, and under
20 "Additional Information", there is only one
21 heading there which is four from the bottom. Do
22 you see that [as read]?
- 23
- 24 Respond with automated external
25 defibrillator, AED.
- 26
- 27 And then to the right it says:
- 28
- 29 For Code 3 medical calls, the YVRAA Airside
30 Duty Manager and the YVRAA Terminal Duty
31 Manager will attend with the appropriate
32 medical equipment.
- 33
- 34 A Yes, I see that.
- 35 Q All right. And that talks about the fact that
36 you're supposed to arrange for the AED, or
37 somebody at the airport is supposed to arrange for
38 that. Who -- who's the Airside Duty Manager?
- 39 A The Airside Duty Manager, that was a role that was
40 before the Airport Response Coordinator.
- 41 Q So that was the ARC's job?
- 42 A Well, the Airside -- just to answer your question,
43 the Airside Terminal Duty Manager was a role that
44 we had before the Airport Response Coordinator
45 role was developed, Mr. Ginter's role.
- 46 Q So is it fair for me to say that, on that
47 particular evening, the person that had to assume

1 the Airside -- the responsibilities of the Airside
2 Duty Manger was the Airport Response Coordinator
3 who was Mr. Ginter on that night.
4 A I would say that the roles were different
5 somewhat, but one could deduce that the Airside
6 Duty Manager is the same as an Airport Response
7 Coordinator to a certain extent.
8 Q So who from the airport organized the AED that
9 night?
10 A In terms of Mr. Ginter's response to the medical,
11 I'm not sure that --
12 Q Anybody's response. Who from the airport brought
13 the AED to the scene?
14 A An AED was not brought to the scene.
15 Q Yeah. So no one fulfilled that function, correct?
16 A An AED was not brought to the scene by myself or
17 Mr. Ginter to my knowledge.
18 Q Now, at some point, you became aware of the fact
19 that this man was unconscious, correct?
20 A Yes.
21 Q I mean, you were standing there by the doorway,
22 correct?
23 A Yes.
24 Q And you could see that he wasn't moving.
25 A Initially, when he was first detained by the RCMP,
26 he was moving, or I believed he was conscious. As
27 I said earlier, I went into Customs, we did that.
28 I didn't really become fully aware that he was
29 unconscious until moments before Richmond Fire
30 arrived.
31 Q Sir, I've just talked to you about these
32 statements that you gave. You gave a statement to
33 the RCMP at four o'clock in the morning.
34 A Yes.
35 Q You did a -- this other document that you
36 prepared, your factual account, correct?
37 A Yes.
38 Q Nowhere in any of those statements does it say
39 that you went over and talked to Customs, does it?
40 A I don't recall for sure.
41 Q Well, you've reviewed those before you came here
42 today.
43 A Yes.
44 Q You haven't seen in any of those documents an
45 actual statement that you made to the RCMP or
46 anybody else that you ever went to talk to
47 Customs, did you, sir?

Gregory Sambrook

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 A I don't recall if it's in the document, but I can
2 say that I went and spoke with Customs.

3 Q Well, here's the part that I --

4 MR. STEWART: In fairness to the witness, both
5 documents make reference to Canada Customs. The
6 first doesn't reference a conversation, but the
7 second says [as read]:

8

9 Canada Customs worked with us from the outset
10 of the incident, arranging alternate routes
11 for passengers clearing Customs.
12

13 MR. KOSTECKYJ: Yeah.

14 MR. STEWART: So to somehow suggest that there's no
15 reference to Customs -- I'll agree with my friend
16 that it doesn't specifically say, "I walked out
17 and spoke with them," but they both make reference
18 to Canada Customs arranging for an alternate
19 route.

20 MR. KOSTECKYJ:

21 Q Well, let's just talk about that for a second.
22 Because there's actually a larger procedure as
23 well. There's this YVR Aviation Security Standing
24 Orders, right?

25 A Okay.

26 Q Now, I could track it down if I have to, but
27 you're aware, sir, that if there's a medical
28 emergency in the Customs area, it's the Operations
29 Centre that contacts Customs. Isn't that how it's
30 done? Isn't that the procedure?

31 A If there's a -- just to confirm, if there's a
32 medical call in the Customs Hall?

33 Q If there's a medical emergency in area -- any area
34 that could affect the Customs Hall --

35 A Mm-hmm.

36 Q -- the Custom -- your office, the Operations
37 Centre advises the Customs office, correct?

38 A If there was a medical in the Customs Hall area, I
39 would expect that they, the person -- the first
40 scene dealing with it would call 9-1-1 and then
41 call the Operations Centre.

42 Q Yeah. And then the Operations Centre is
43 instructed to contact the Immigration people and
44 the Customs people if there's a medical emergency
45 in an area that could affect them, correct?

46 A I couldn't say for sure.

47 Q All right. You're not aware of that procedure?

Gregory Sambrook

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 A No.

2 MR. STEWART: If I can, and it may well be that I may
3 require Mr. Kosteckyj to track it down. Because
4 one of the difficulties we have here, and it's
5 been sort of part of the confusion within this
6 case, is that the IRL is not part of the Customs
7 Hall. So if there's something specific in terms
8 of what people's responsibilities are within the
9 Customs Hall, we should make reference to that.
10 If it says any area that might have impact on the
11 Customs Hall, then I don't know what that is. But
12 the IRL is not part of the Customs Hall.

13 MR. KOSTECKYJ: Okay. Well, my friend is quite right.
14 I'm looking at paragraph 5104 -- and I regret I
15 don't have copies, but I'm only going to use it
16 for this one purpose.

17 UNIDENTIFIED SPEAKER: Do you mind if I look
18 (indiscernible - not at microphone) copies.

19 MR. KOSTECKYJ:

20 Q If you look at paragraph 5104 of the "Standing
21 Orders", and this talks about emergency medical
22 procedures. Do you see that, sir? At the top of
23 the page.

24 A Okay, yes.

25 Q And if you look at 5104 and you look down, and it
26 talks about, "Advise Canada Customs" second from
27 the last [as read].

28
29 Advise Canada Customs and Immigration if
30 medical call is in their area.

31
32 And it talks about this is the job of Airport
33 Operations Centre, correct? Top of the paragraph.

34 A Yes.

35 THE COMMISSIONER: So the word is "their area".

36 MR. KOSTECKYJ: That's correct.

37 MR. STEWART: And it goes "or on board and arriving
38 flight into Canada."

39 MR. KOSTECKYJ:

40
41 Is in their area or on board an arriving
42 flight into Canada. Advise U.S. Customs and
43 Immigration if medical call is in their area.

44
45 Do you see that, sir?

46 A Yes.

47 Q Were you aware of those general standing orders?

- 1 A I wasn't aware of the specifics of that part of
2 the standing orders. I was aware that if we were
3 made -- I would assume if we were made aware of a
4 medical call inside the Canada Customs Hall, that
5 as part of the call out on their checklist would
6 be a call to Canada Customs.
- 7 Q Well, when you arrived at the scene and you were
8 standing by the IRL door, there were security
9 guards there as well, were there not?
- 10 A I don't recall specifically, but I've seen video
11 in preparation for today. I'm aware now that
12 there was.
- 13 Q Well, were you aware that they were also walking
14 into the Customs area and advising Customs about
15 what was going on?
- 16 A No.
- 17 Q You weren't aware of that on this particular
18 evening? On October -- on the evening of October
19 -- early morning hours of October the 14th, you
20 were not aware that two other security personnel,
21 essentially employees of YVR, had also gone over
22 to the Customs area?
- 23 A I wasn't aware they were going in there, no.
- 24 Q But you were the guy that was in charge and you
25 were on scene, correct?
- 26 A I was the senior member of Operations that day. I
27 was there.
- 28 Q Now, you had a radio with you.
- 29 A Yes.
- 30 Q And you were listening -- I'm presuming you were
31 listening in on the radio.
- 32 A I don't recall specifically if I was or I wasn't.
- 33 Q Well, you made calls.
- 34 A Yes.
- 35 Q You weren't turning your radio on, making a call,
36 and then shutting your radio off and then turning
37 it back on, were you?
- 38 A No, but normally -- because I didn't normally
39 carry a radio, if I did it wouldn't be unusual for
40 me to turn it all the way down.
- 41 Q Yeah. But the radio was there, it was with you,
42 and you were telling us earlier that this was an
43 unusual circumstance, correct?
- 44 A Yes.
- 45 Q I mean, there was you down there, there was Mr.
46 Ginter down there, correct?
- 47 A Yes.

- 1 Q The two most senior employees of the airport,
2 representatives of the airport, correct?
- 3 A With Airport Operations, yes.
- 4 Q And you had security guards down there, correct?
- 5 A In hindsight, yes, we did.
- 6 Q You had Mr. Enchelmaier who was the head of
7 security for the airport, correct, on that shift?
- 8 A I know now, yes, he was there, yes.
- 9 Q Right. So all these people were there. So I'm
10 presuming in those circumstances you would have
11 been having your radio on so that you could
12 monitor, as the supervisor, everything that's
13 going on.
- 14 A No. I felt it was a police incident or event,
15 whatever you'd like to call it. My recollection
16 is that Mr. Ginter had -- was dealing with the
17 situation, and my job was to look at the outside
18 of that event and make sure that the rest of the
19 airport is functioning normally.
- 20 Q Yeah, well, didn't you want -- didn't you want to
21 be in contact with your Operators Centre which was
22 instantaneous by knowing what was going on, on the
23 radio?
- 24 A It would be normal if I -- if I did have radio, as
25 I said, I would have it turned down. And if I
26 needed to contact them, I would then turn the
27 volume up and call them. If they needed to reach
28 me, they could try the radio first and, failing
29 that, reach me on my cell phone.
- 30 Q So is it your evidence today that in these
31 circumstances where you're down there, Ginter is
32 down there, your -- you've got two security
33 guards, the head of security, you weren't
34 listening in on your radio, is that what you're
35 telling me?
- 36 A I'm saying that I don't recall if my radio was
37 turned up or down, but it is normal for me to have
38 it turned down.
- 39 Q Well, in those circumstances, wouldn't it have
40 been normal for you, as the person in charge, to
41 want to know everything that was going on?
- 42 A Typically at an event or incident that my folks
43 are dealing with, I trust them to use their field
44 judgment and training to manage the situation. If
45 there -- if there was a need for me to know what
46 was going on, I would call them.
- 47 Q Yeah, well, one of your field agents or

- 1 subordinates decided, on two separate occasions,
2 from what I understand, that EHS shouldn't be
3 called to a Code 3. You're aware of that now.
- 4 A I'm aware of that now.
- 5 Q Yeah. Now, and your evidence, if I'm right -
6 because I want to make sure I understand this - is
7 if your radio was on, you're not sure if it was
8 on, you're not sure what you heard on your radio
9 that night; is that accurate?
- 10 A I don't have a clear recollection of hearing
11 specific transmissions on my radio during that
12 period.
- 13 Q Other than you've been refreshed by your own
14 counsel as to the fact that you made some calls on
15 the radio that night.
- 16 A I saw the transcripts of the radio call back to
17 Ms. Hanson, yes.
- 18 Q Well -- and you also -- did you not -- and you
19 also radioed Mr. Enchelmaier on your way down
20 there.
- 21 A I recall speaking with Mr. -- with Trevor, Mr.
22 Enchelmaier, just as we were leaving the
23 Operations Centre. My recollection is -- I
24 couldn't tell you if it was by phone or by radio.
- 25 Q Well --
- 26 A The transcript indicates it was radio.
- 27 Q Well, I'm going by what your counsel corrected and
28 advised earlier, that that was a radio
29 communication. Does that refresh your memory?
- 30 A Yes.
- 31 Q So at least on two occasions, you were using a
32 radio.
- 33 A Yes.
- 34 Q Now, I'm advised that there was a position called
35 Terminal Duty Agent, and that this position was --
36 it's described to me -- I'll tell you how it's
37 described to me. Person who was a rover or
38 patrolled the buildings looking for things or
39 events that need quick attention, carrying a
40 radio, and I'm told that this position, where --
41 which had five or six people in this group of
42 people that were called Terminal Duty Agents, was
43 repurposed or restructured about a month before
44 the Dziekanski incident. Are you aware of that
45 position, Terminal Duty Agents?
- 46 A Terminal Duty Agent, no.
- 47 Q Okay. I'm advised that there were people who

1 walked patrols through all areas of the YVR,
2 carried radios and reported to the Operations
3 Centre. Are you familiar with that position and
4 that position being changed in about the month
5 previous to Mr. Dziekanski's death?
6 A I'm not aware of Terminal Duty Agent, excuse me,
7 but could it be Terminal Duty Manager?
8 Q I'm just asking you as to whether you recollect
9 that there were five or six people that were
10 assigned to working in the International Terminal
11 whose job it was to walk around with radios and
12 report on any unusual events as they came across
13 them.
14 A Are these people with the Vancouver Airport
15 Authority?
16 Q Yeah.
17 A I'm thinking that's referring to Terminal Duty
18 Manager, not Terminal Duty Agent.
19 Q Okay. Did the Terminal Duty Manager have other
20 people working with him?
21 A For them? Did they --
22 Q With them.
23 A No.
24 Q Okay. Now, when you came upon the scene, you were
25 coming -- you saw the police officers arriving
26 before you got to the scene, correct?
27 A As I was coming down the escalator, yes.
28 Q And you've seen the videotape now?
29 A Correct.
30 Q The Pritchard video.
31 A Yes.
32 Q So you know that after the police arrived, they
33 jumped over the barricade, and shortly thereafter
34 -- in probably less than a minute -- Mr.
35 Dziekanski was already tasered and on the ground,
36 correct?
37 A I've reviewed -- I've seen the video, yes.
38 Q Yes. So you're aware of those facts.
39 A I'm aware of -- I've seen the video.
40 Q Right. So my point is this: You saw very little
41 of any of that incident, did you now, sir, because
42 you were far enough behind the police officers,
43 that most of what happened with Mr. Dziekanski
44 occurred after you got to the area of the IRL
45 doors, correct?
46 A When you say "most of what occurred", I'm assuming
47 -- I'm asking you mean just when the police

1 confronted him?
2 Q Yes.
3 A Yeah, I was out -- I was in the meet-and-greet
4 area outside of the IRL.
5 Q And some way back because you were coming down the
6 escalator and then subsequently had to walk the
7 distance, whereas the police officers entered and
8 jumped over the area and entered into the IRL.
9 A Yeah, at the time that he was tasered I was
10 outside of the IRL and probably 15 to 20 feet away
11 from the doors.
12 Q All right. That was at the actual time of
13 tasering?
14 A I believe so, yes.
15 Q All right. Now, I'm assuming that there are other
16 incidents which are fairly serious and
17 significant, including loss of life, that have
18 occurred at Vancouver International Airport.
19 A Yes.
20 Q Is that a fair assessment?
21 A Yes.
22 Q So there've been people who've died of heart
23 attacks?
24 A Yes.
25 Q I'm assuming that there've been some serious
26 industrial accidents that have occurred at the
27 airport?
28 A I'm not aware of specific industrial accidents.
29 Q But there have been other deaths with people
30 involved at the airport.
31 A Yes.
32 Q So -- and there are all kinds of incidents that
33 occur at an airport that has millions of
34 travellers a year coming in and out of it,
35 correct?
36 A I'm not sure of the question, sorry?
37 Q Well, there's all kinds of incidents that occur,
38 all kinds of emergency situations that happen at
39 airports.
40 A Yes, it's a very dangerous place.
41 Q It's a very dangerous place?
42 A Yes.
43 Q What do you mean by that?
44 A In the work environment, there's -- at airside,
45 there's a lot of moving planes and moving pieces
46 of machinery out there.
47 Q Okay. And so this notion about how ambulances are

Gregory Sambrook

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

Cross-exam by Mr. Hira (for Constable Kwesi Millington)

- 1 called and how first responders are called,
2 there's a reason that those procedures are put in
3 place, correct?
- 4 A Yes.
- 5 Q So would -- you were talking earlier about this
6 being a very unusual incident with respect to Mr.
7 Dziekanski. There are all kinds of unusual
8 incidents that occur at YVR, aren't there?
- 9 A There's all sorts of different events that take
10 place, but I'd never been involved with or aware
11 of anything of this nature.
- 12 Q Yeah, you'd never been involved in a tasing.
13 That's what you're talking about, correct?
- 14 A A tasing and a call for someone that's
15 reportedly breaking glass or chairs in an area.
- 16 Q Yeah. But, with respect, you've gotten all kinds
17 of other calls about people having heart attacks,
18 for example? That's not an unusual incident.
- 19 A For -- no.
- 20 Q And people that are bringing illegal substances in
21 of all various kinds, whether it be firearms or
22 whether it be exotic animals or things like that,
23 correct?
- 24 A I normally would never be made aware of anything
25 like that.
- 26 Q Okay. But those are the kinds of incidents that
27 do occur at international airports.
- 28 A The latter, I don't know. I don't have any
29 knowledge of --
- 30 Q All right.
- 31 A -- what you were speaking of there, but there are
32 medical calls, yes.
- 33 Q Quite a number of them.
- 34 A Yes.
- 35 MR. KOSTECKYJ: All right. Thank you. Those are my
36 questions.
- 37
- 38 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
39 KWESI MILLINGTON:
- 40
- 41 Q Mr. Sambrook, my name is Ravi Hira and I'm counsel
42 for Constable Millington. I have a few questions
43 on the statement that you gave to Officer Krista
44 Mangan at 4:19 on the morning of October the 14th.
45 I've got a copy of this -- do you have a copy of
46 the statement?
- 47 A Not with me, no.

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

1 MR. HIRA: I have a copy of the statement, and I have
2 one for Mr. Commissioner for easy reference.
3 A Thank you.
4 Q And before we go to the statement, let's just put
5 into context statements that were given on that
6 day. First, as I understand it, you were
7 interviewed by Constable Bentley on a tape
8 recorder which interview occurred just after 2:00
9 a.m. on October 14. Do you recall that?
10 A I recall him speaking with me, yes.
11 Q And you were speaking into a tape recorder.
12 A I believe so.
13 Q All right. The second statement is the one that
14 I've placed before you which was commenced at 4:19
15 a.m. to Constable Mangan and spans some eight or
16 nine typewritten pages; is that fair? It goes
17 from page 5222 (sic) to page 530.
18 A Yes.
19 Q Then at 5:52 a.m., you, on Sunday, October 14, you
20 sent an e-mail to a number of people reporting on
21 the tragic death.
22 A Yes.
23 Q And on the afternoon of October -- sorry, 15,
24 2007, you prepared a typewritten statement
25 entitled "Factual Account of the Event of October
26 15, written by Gregory F. Sambrook. It details my
27 account of the IRL call and later involvement in
28 the death." Is that correct?
29 A Yes.
30 Q All right. Let's look at the Mangan statement,
31 the statement given to Constable Mangan. This is
32 given less than three hours after the incident,
33 correct?
34 A Yes.
35 Q And your memory at that stage is clear?
36 A At 4:19 that morning, I'm still processing what
37 had occurred. I'm -- it's early in the morning,
38 I'm tired.
39 Q Yes. You're trying to be as accurate as possible.
40 A Yes.
41 Q You'd been asked to wait there for -- to wait in
42 the area in order to give a statement to the IHIT
43 team?
44 A Yes. I had been waiting in the International
45 Reception Lobby for them to attend.
46 Q And you'd been asked to do so by one of the police
47 officers, correct?

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

- 1 A I can't remember who asked me to stay.
2 Q And before giving the statement to Officer Mangan,
3 you certainly didn't discuss your observations
4 with any police officer?
5 A No.
6 Q All right. So let's just deal with the statement,
7 and I'm at the first page of the statement at the
8 bottom. If you would just read to yourself, not
9 read aloud, the answer that you give at the bottom
10 and go up to -- as the answer continues at the
11 next page, to the word "black object", which is
12 some eight lines down. If you would just read
13 that to yourself.
14 Do you need any reading glasses? I ask
15 because vanity prevents me from wearing them, but
16 I know what it's like.
17 A Yeah, sorry.
18 Q Long arms sometimes aren't sufficient.
19 A Okay.
20 Q All right. Now, it's fair to say that as the
21 officers entered the IRL, you observed and began
22 dealing with Mr. Dziekanski. It's your
23 recollection that he was yelling, correct?
24 A In my statement to this officer, that's -- that's
25 what I've indicated.
26 Q Yes. And you were trying to be as accurate as
27 possible at that time.
28 A Yes.
29 Q And it's your recollection that the officers,
30 while he was yelling, approached him and asked him
31 by gestures to calm down. And rather than calming
32 down, he was waving his arms and yelling.
33 A At the time that I gave this statement, that was
34 my recollection, yes.
35 Q That's fair enough, and that's all I'm trying to
36 deal with here, your recollection at that time.
37 A Mm-hmm.
38 Q Then he grabbed something black and was waving it
39 -- waving it around.
40 A Are you asking me what I recall or are you asking
41 me what I've said in this --
42 Q I'm asking you what you said to the officer. Is
43 that what you told the officer on the 14th of
44 October, some less than three hours after the
45 incident?
46 A Yeah, it indicates here I said he was waving his
47 arms and yelling. There was a sort of action

- 1 towards, et cetera.
- 2 Q And you continued and told the officer that he
- 3 grabbed something or reached for something and was
- 4 waving it around, a black object, correct?
- 5 A That's what I've said here, yes.
- 6 Q And again, you were trying to be as accurate as
- 7 possible.
- 8 A Yes.
- 9 Q Now, I'm going to take you to page 525 of your
- 10 statement. It starts at 522, so it's the fourth
- 11 page in. Now, again, I'd ask you to read to
- 12 yourself the first long answer starting with the
- 13 word, "Sure."
- 14 A Just that paragraph?
- 15 Q Yes, for the time being.
- 16 A Okay, yes.
- 17 Q And just to put that into some context, if you'd
- 18 go over -- if you'd go back to page 524, you will
- 19 see that at the bottom of that page, second-last
- 20 question, the officer had asked you to break
- 21 things down a little bit more, take it down a
- 22 second-by-second of what you saw in as much detail
- 23 as possible, correct?
- 24 A Correct.
- 25 Q And you were trying to assist the officer and do
- 26 just that, correct?
- 27 A Yes.
- 28 Q You were trying to provide a sequence of what
- 29 happened.
- 30 A Yes.
- 31 Q And your sequence was that when the police
- 32 officers walked towards him, he was yelling and
- 33 waving his arms around. It's the first two lines
- 34 of that answer.
- 35 A Yes.
- 36 Q The second part of the sequence was that they were
- 37 gesturing him to calm down, but he was just
- 38 yelling.
- 39 A Yes.
- 40 Q The next part of the sequence was that he picked
- 41 up this black object and was swinging it towards
- 42 or gesturing or swinging it towards the police,
- 43 correct?
- 44 A Swinging or gesturing, yes.
- 45 Q And do you recall whether he was swinging it --
- 46 swinging it above his head?
- 47 A No.

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

- 1 Q You just don't recall?
2 A If you're asking my recollection now --
3 Q I'm asking your recollection then.
4 A -- I recall him from a vantage point of only being
5 able to see maybe from his chest up but from back,
6 so I just saw him reach down for something and
7 then a glimpse of a black object in his hand, and
8 then --
9 Q Glimpse of -- sorry.
10 A Sorry.
11 Q I interrupted and I shouldn't have done, so I
12 apologize. Please continue your answer.
13 A No that's -- that was it.
14 THE COMMISSIONER: I'm sorry, he was swinging it in
15 front of his body?
16 A In hindsight, if you're asking me now what I
17 recall, it's been a long time. But he had -- I
18 thought I saw something black in his hand and him
19 moving around, and whenever -- at the moment he
20 reached -- or looked -- appeared to be reaching
21 down for something, I recall a member or members,
22 RCMP members taking a quick step back.
23 THE COMMISSIONER: So he's not so much swinging it
24 around. He's moving his body around holding it.
25 A That's -- it's very foggy right now, but --
26 THE COMMISSIONER: All right.
27 MR. HIRA:
28 Q I'm sorry, I didn't hear the last answer.
29 A It's hard to -- it's grey. It's hard to remember
30 specifically now.
31 Q I understand. But at the time, your recollection
32 was that he was swinging it towards or gesturing
33 -- or swinging at the police.
34 A Yeah, at the time I gave my statement, I was doing
35 my best, given the time of the night and morning,
36 to be as accurate as possible.
37 Q Yes. You had not had the benefit of viewing the
38 video, correct?
39 A Correct.
40 Q And it was at this stage that the -- I'm sorry.
41 You also recall at that time that the three police
42 officers tried to wrestle him to the ground before
43 the Taser was applied. If you read the next two
44 answers on page 526, that's what you're telling
45 the police, I suggest.
46 THE COMMISSIONER: Do you mean 526?
47 MR. HIRA: I'm sorry, I mean 525. You know that whole

1 business of not wearing glasses...
2 A I'm sorry, can you confirm which section you want
3 me to refer to?
4 Q I misled you. We're at page 525.
5 A Yeah.
6 Q After the answer dealing with the swinging, you --
7 thank you very much. You continue and in the next
8 answer, talk about backing away, correct?
9 A Okay, I see the section. Yes?
10 Q And you go on and you say that they tried to take
11 him down physically and it wasn't working.
12 A My recollection of that statement is that -- by
13 physically, I don't actually -- I didn't actually
14 mean physically taking somebody and taking them
15 down. It was approaching somebody and he backed
16 away.
17 Q I see. And it was at that stage that the Taser
18 was applied?
19 A According to this statement, it appears that I
20 said, yes, after that -- it was at that moment
21 that he was tasered thereabouts.
22 Q So what -- and you haven't had the benefit of the
23 video, and I'm not trying to criticize you, I'm
24 just trying to deal with the situation that you
25 were confronted with. It was towards the end of
26 your shift, correct?
27 A Yes.
28 Q You were tired?
29 A Yeah, when this statement was taken, yes.
30 Q It was a very stressful situation for you?
31 A Yup. Yes.
32 Q It was a tragic situation as well.
33 A Yes.
34 Q It wasn't a result that you imagined or intended.
35 A I never imagined anything like this, no.
36 Q No. And you were trying to be as helpful and as
37 accurate as possible.
38 A Yes.
39 Q And your recollection was, as the police approach
40 him, he's yelling, correct?
41 A Yes.
42 Q They tried to get him to calm down, correct?
43 A Yes.
44 Q He grabs what you later learn is a stapler,
45 correct?
46 A Yes.
47 Q He's swinging it and gesturing towards the police

1 with it in his hand?

2 A Yes.

3 Q They try to take him down physically you say in
4 your statement.

5 THE COMMISSIONER: No, I'm sorry. You're switching
6 here now.

7 MR. HIRA: Well, I'm actually reading.

8

9 [And] I think they tried to um, to take, to
10 take him down physically...

11

12 THE COMMISSIONER: I know, but later he explained what
13 he meant.

14 MR. HIRA: I appreciate that, but I'm dealing with his
15 attempt to explain to the police at the time what
16 was happening.

17 THE COMMISSIONER: No, I'm sorry. No, you can clear it
18 up, but my understanding is, is that when he said
19 those words to the police, at the time he said
20 them, he did not mean physically taking him down.
21 Not so much that that is not his recollection on
22 the stand today, but rather an explanation as to
23 what his words meant at the time they were spoken.

24 MR. HIRA: I understand what you're saying, Mr.
25 Commissioner. Let me approach it a different way.

26 Q You told the police in the statement, prior to the
27 Taser being used, you told the police:

28

29 ...I think they tried to um, to take, to take
30 him down physically and that wasn't working.

31

32 Is that what you told them?

33 A Those are the words that I used, yes.

34 Q And you also told them that it was after that
35 point, using the words used in your statement,
36 that the Taser was applied.

37 A In this statement and the paragraph after I say
38 where it's taken down physically, it says that I
39 said, "And as he was tasered...".

40 Q What you said was:

41

42 ...I think they tried to um, to take, to take
43 him down physically and that wasn't working.

44

45

46

47

The next word is inaudible.

1 ...what happened there but yeah then he got
2 tasered...

3

4 The officer says, "Okay," and you say:

5

6 ...and as he was tasered and stepped back to
7 where he is now...

8

9 Have I read it correctly?

10 A Yes.

11 Q So we're dealing with your recollection then.

12 We'll come back to your recollection on the
13 witness stand in a moment. Your recollection then
14 was that the police tried to take him down
15 physically and then he was tasered.

16 THE COMMISSIONER: No, that's not what he said,
17 counsel.

18 MR. HIRA: Well, he said in his statement -- he has
19 said in his statement --

20 THE COMMISSIONER: No, you're fusing three thoughts
21 together that should be separated.

22 MR. HIRA: All right.

23 THE COMMISSIONER: I've been trying to say to you what
24 the witness has said. The one thing is the words
25 spoken at the time.

26 MR. HIRA: Yes.

27 THE COMMISSIONER: The second thing is what he meant by
28 the words spoken at the time. And the third thing
29 is what his recollection is today.

30 MR. HIRA: I'm concentrating on the first of those
31 things.

32 THE COMMISSIONER: No, I know, but you switched. Go
33 ahead.

34 MR. HIRA: And I will come back to the second and then
35 go to the third.

36 Q So let's deal with what you said at the time, and
37 I want to understand whether my characterization
38 of what you said at the time is a fair
39 characterization. Okay?

40 A Okay.

41 Q So at the time were -- were you trying to tell the
42 police that he got tasered after the police tried
43 to take him down physically?

44 A I think what I'm trying to say is that they
45 approached him and "to take him down physically"
46 indicates to lay hands on person --

47 Q Yes.

- 1 A -- and were unable, and then the Taser was used.
2 Q Okay. Now, you also -- I'm going to take you to
3 page 529 of the statement. Your second full
4 answer, if you could read that to yourself,
5 please.
6 A Second from the top?
7 Q Please, after the words, "Okay."
8 A Okay.
9 Q Now, your recollection at that time was that after
10 being tasered, he was on the ground but trying to
11 get back up, correct?
12 A What I told the RCMP member who was interviewing
13 at the time was to the best of my recollection at
14 the time.
15 Q I understand that. I understand that. You did
16 not have -- just like the RCMP officers did not
17 have, you didn't have the benefit of the video,
18 did you, sir?
19 A No.
20 Q You were trying to give your honest and best
21 recollection at the time --
22 A Yes.
23 Q -- right? And it wasn't a recollection that you'd
24 come up with by speaking to other people. This
25 was your recollection, correct?
26 A It was my recollection at that hour in the
27 morning. I was very tired.
28 Q Yes. And I -- we fully appreciate that, sir.
29 A Yeah.
30 Q And your best recollection at that time was that
31 after being tasered, he was trying to get back up,
32 kicking and swinging, correct? I'm talking about
33 your recollection at that time.
34 A What is written here is a recording of what the
35 officer took at the time, and that was my
36 statement to her at the time.
37 Q And that is your recollection at the time, that he
38 was kicking and swinging, trying to get back up
39 after the first -- after being tasered.
40 A At that moment in time when I was speaking to her,
41 that was my recollection.
42 Q And then he was tasered again on instructions.
43 A It says here that I thought someone said, "Taser
44 him again," but I don't recall that.
45 Q Fair enough. And they tasered him again.
46 A I don't have any recollection of saying that, but
47 that's --

1 Q All right.

2 A -- it's written there.

3 Q And then they jumped on him is what you say in the
4 statement, correct?

5 A That's what's written here, yes.

6 Q And you'd given evidence that after the handcuffs
7 were applied on him, you had information that he
8 was still breathing, correct?

9 A Yes.

10 Q You've given evidence that your recollection was
11 that that information came from Mr. -- amongst
12 others, Mr. Enchelmeier?

13 A I recall hearing that from him just before
14 Richmond Fire arrived, yes.

15 Q And if you go to page 526 of your statement, if
16 you read the first two answers to yourself, if
17 you'd just do that and let me know when you've
18 finished.

19 A Okay.

20 Q Is it fair to say that after he was handcuffed,
21 you learned that -- you learned from someone about
22 two minutes later that he was still breathing?

23 A I don't recall specifically after he was detained
24 or handcuffed. My recollection is that I sensed
25 he was -- or saw him breathing.

26 Q You saw him breathing?

27 A I remember at one point shortly after he was
28 detained, from my vantage point, I could just see
29 his -- the bottom of his feet and they were
30 checking him out and I could see his chest moving,
31 he was breathing.

32 Q And when you say "they were checking him out", who
33 was checking him out, sir?

34 A The people that were around him.

35 Q That would be the RCMP officer or officers?

36 A I would believe so, yes.

37 Q Well, the people that were around him were RCMP
38 officers; is that correct?

39 A I know that now, I believe, but you're asking me
40 to recall what I saw at the time.

41 MR. HIRA: I understand. Mr. Commissioner, I note the
42 time. This may be an appropriate time for the
43 break.

44 THE COMMISSIONER: All right. We'll have a break.

45 THE REGISTRAR: The hearing will now recess for ten
46 minutes.

47

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

1 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)
2 (PROCEEDINGS RECONVENED)

3
4 THE REGISTRAR: The hearing is now resumed.

5 THE COMMISSIONER: Yes.

6 MR. HIRA: Thank you, Mr. Commissioner.

7
8 GREGORY SAMBROOK, a witness,
9 recalled.

10
11 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
12 KWESI MILLINGTON, continuing:

13
14 Q Now, let's move backwards to the first statement,
15 Mr. Sambrook. This is the statement that you gave
16 just after two o'clock to Constable Bentley.

17 Again, Mr. Commissioner, I have a copy for you.

18 THE COMMISSIONER: That last one, I think, has been
19 pretty extensively referred to. I think it should
20 be marked.

21 MR. HIRA: I was going to suggest that we might want to
22 do that after I've gone through all four so that
23 you have A, B, C, D.

24 THE COMMISSIONER: All right.

25 MR. HIRA: If we get to D, so to speak.

26 THE COMMISSIONER: Yes. Go ahead.

27 MR. HIRA:

28 Q So you should have a transcript of the statement
29 that the officer took from you. He asks you at
30 line 13 and 14:

31
32 Mr. Sambrook (sic), can you please tell me
33 what you observed...

34
35 Actually, before we get there, he notes at line 10
36 that it's 2:11 in the morning. Do you see that?

37 A Yes.

38 Q And then he asks you to tell him what you
39 observed, correct?

40 A Yes.

41 Q And if you just read to yourself the answer that
42 you give that spans between lines 15 and 28.

43 A Okay.

44 Q And you again noted that as the police approached
45 him, he was yelling and screaming and you couldn't
46 understand what he was saying, correct?

47 A Yeah, at the time I recall I heard some sort of

1 hollering but couldn't understand what was being
2 said.

3 Q The police asked him to calm down?

4 A I don't recall them actually saying "Calm down,"
5 but I recall some sort of gesturing to calm down.

6 Q And instead he was jumping around acting
7 irrationally, and I'm at line 26.

8 A That is what I said, yes.

9 Q And he was approached, tasered and he fell to the
10 ground, correct?

11 A That's what I said here, yes.

12 Q And that was your best recollection at 2:11 in the
13 morning.

14 A That is what I told Mr. Bentley.

15 Q Yes. And the statement only took, it appears, two
16 minutes, because it concluded at 2:13 as you will
17 see at line 42.

18 A Okay.

19 Q And again, this had been - regardless of the fact
20 that we're not at the end of your shift - it had
21 been a very stressful incident for you.

22 A Yes.

23 Q Now, dealing with your e-mail, and I'm going to
24 make a pretty brief reference to it. I will be
25 reading to you a sentence from this e-mail -- more
26 than a sentence.

27 MR. HIRA: I'm sorry, Mr. Commissioner. I have
28 misplaced the copy that I brought for you. I'm
29 happy to give you my copy and --

30 THE COMMISSIONER: You go ahead. I'll catch up.

31 MR. HIRA: Here you go, Mr. Commissioner. Thank you.

32 Q This is your e-mail written at 5:52 on the morning
33 of October 14, correct?

34 A Yes.

35 Q You're trying to provide a brief account of what
36 has happened, correct?

37 A Yes, just a brief account of what had occurred for
38 those that are coming in the next day.

39 Q And you write in the second paragraph -- well,
40 first of all, you write in the last sentence of
41 the first paragraph that you observed the RCMP
42 entering the building as you were coming down the
43 escalator.

44 A Yes.

45 Q You write in the second paragraph that the RCMP
46 entered the IRL and confronted the male, and
47 that's your recollection, correct?

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

1 A Yes.

2 Q He was:

3

4 ...yelling in a foreign language and acting
5 aggressively to the RCMP.

6

7 You write.

8 A I wrote that, yes.

9 Q That was your recollection at the time?

10 A Yes.

11 Q And you continue saying:

12

13 Following an aggressive move towards the
14 RCMP, they tasered the male.

15

16 You wrote that as well?

17 A Yes.

18 Q And that was your recollection?

19 A Yes, at the time.

20 Q And it continues to be your recollection, is that
21 not fair -- is that not a fair statement?

22 A My recollection today?

23 Q Yes.

24 A It's -- having seen the Pritchard and other video,
25 it's -- if you're asking me what my recollection
26 is of the time at the moment that he was tasered,
27 I can go over that for you, my recollection of
28 that. It's just it's a long time ago and having
29 seen the Pritchard video too --

30 Q So let me get --

31 A -- the two sort of mesh together. Does that --

32 THE COMMISSIONER: Yes.

33 MR. HIRA:

34 Q Let me just try to break this down.

35 THE COMMISSIONER: Well, given the Pritchard video and
36 given your recollection, can you give any comment
37 as to what you believe you saw?

38 A Mr. Dziekanski was in the IRL as I mentioned, came
39 down the escalator, RCMP were in front. They went
40 in, confronted him, there was yelling. They
41 surrounded him. I mentioned earlier about seeing
42 just the top part of his shoulders from outside.

43 THE COMMISSIONER: Yes.

44 A And seeing a motion to reach down for something.
45 Not knowing what it was, but seeing that motion
46 and then seeing a member or members just take a
47 quick step back. Then some sort of movement

- 1 around and tasing. In terms of my recollection
2 of that, outside of just the video and everything
3 else like that, what I remember of that.
- 4 THE COMMISSIONER: All right.
- 5 MR. HIRA:
- 6 Q But there you are ten to 6:00 in the morning
7 writing that following an aggressive move -- I'm
8 sorry, you're writing that "he was acting
9 aggressively." Do you see that?
- 10 A I see the sentence:
- 11
12 Following an aggressive move towards the
13 RCMP.
- 14
15 Q Yes. And before that:
- 16
17 ...and acting aggressively towards the RCMP.
- 18
19 First sentence, second paragraph, last phrase.
- 20 A Mm-hmm. I see that, yes.
- 21 Q And that was your recollection; otherwise, you
22 would not have written it, correct?
- 23 A I believe when I typed "acting aggressively
24 towards the RCMP", I was thinking that he had
25 something in his hand and didn't appear to be
26 following commands.
- 27 Q Okay. But you go on and you say:
- 28
29 Following an aggressive move towards the
30 RCMP, they tasered the male.
- 31
32 You write that in the next sentence in paragraph
33 2.
- 34 A I wrote that in the next sentence, yes.
- 35 Q That was your belief at the time.
- 36 A When I wrote that, I believed it was -- I was
37 referring to the item in his hand and a movement,
38 and he was tasered.
- 39 Q But you were trying to perform your duty and give
40 as accurate an account to other airport personnel
41 of what you'd observed --
- 42 A Mm-hmm.
- 43 Q -- in writing that e-mail.
- 44 A I was very tired and I was quickly trying to make
45 a note to provide a quick story to advise those
46 that are coming on shift what had happened.
- 47 Q As you were duty-bound to do, correct?

- 1 A I put expectations on myself to do that. I don't
2 know if it was duty-bound.
- 3 Q Okay. So let's move to the next statement.
- 4 A Thank you.
- 5 Q This is one that you have typed up, correct?
- 6 A Yes.
- 7 Q It's done on the afternoon of Monday, October
8 15th.
- 9 A Yes.
- 10 Q It's supposed to be a factual account. You say
11 that in the first line of the event of October 15
12 (sic), correct?
- 13 A Yes.
- 14 Q It's supposed to detail your account. It's -- it
15 details your account of the IRL and the RCMP?
- 16 A Yes.
- 17 Q And in the first paragraph, you note how you
18 learnt of the problem in the IRL when you were in
19 the Operations Centre; is that correct?
- 20 A It talks about me being in the Operations Centre
21 and overhearing AOO Hanson taking a call.
- 22 Q Yes. The call was:
23
24 He's yelling, breaking chairs and windows,
25 etc.
26
- 27 You've got that in quotations in the first
28 paragraph.
- 29 A Yes. Yes.
- 30 Q You go on and describe how you and Mr. Ginter
31 decided to attend at the IRL.
- 32 A Yes.
- 33 Q And that's because, as you've told the Commission,
34 you had never heard such a situation occur at the
35 airport.
- 36 A Not of this nature.
- 37 Q Yes. You then, in the next paragraph -- this
38 appears to be the next full paragraph, the second
39 paragraph, you describe how you saw the RCMP walk
40 into the IRL; is that correct?
- 41 A Yes. Yes.
- 42 Q You viewed Mr. Dziekanski as having darker skin at
43 that stage; is that correct? Third line of the
44 second full paragraph.
- 45 A Yes, I've typed here that it was a dark-skinned
46 male, yes.
- 47 Q You noted some debris?

1 A Are you asking me what I observed when I was
2 there, or are asking me what I wrote down? Sorry.

3 Q Well, you say:

4
5 On the floor just inside the...right (south)
6 was various debris (broken chair and a
7 computer) --

8
9 A Yes.

10 Q -- from nearby IRL counter...also hanging off
11 the counter.

12
13 Correct?

14 A Correct.

15 Q This was an observation you made before the
16 tasing.

17 A I can't recall if I observed that before or after
18 the tasing.

19 Q Well, you say:

20
21 I was standing outside --

22
23 You say right after that:

24
25 I was standing outside the IRL...about five
26 yards from the male and the RCMP.

27
28 You write that, do you not?

29 A Yes.

30 Q So I'm asking you, the observation regarding the
31 broken chair - that is, the various debris, the
32 broken chair and the computer - that was an
33 observation that you made before any application
34 of the Taser. Isn't that a fair statement by me?

35 A I recall seeing the broken computer and the broken
36 chair. I don't recall if it was immediately when
37 or before he was tasered or after tasered. It was
38 in that time period there.

39 Q If you've written it here in the order that you
40 have, is it fair to say that at that time, the
41 afternoon of October 15, that was your
42 recollection, seeing it before he was tasered.

43 A That's fair to say.

44 THE COMMISSIONER: Well, now, this doesn't say that.

45 MR. HIRA: Well, what it does do is go through it
46 chronologically, Mr. Commissioner, and that's what
47

1 I'm trying to do.

2 THE COMMISSIONER: Well, the question is, is that
3 chronological? In other words, are you able to
4 tell us that you saw this debris in the sequence
5 as written, or are you, in hindsight you're
6 putting together the narrative.

7 A Yeah, and I don't recall where I was at when I
8 wrote it in terms of trying to write it
9 chronologically or if I was just trying to write a
10 picture of what I thought may have been happening
11 at the moment.

12 THE COMMISSIONER: All right. Go ahead.

13 MR. HIRA: Okay.

14 Q Now, I'm -- I've got to ask a few questions about
15 that. You say you were trying to write a picture
16 of what was happening at the moment. What you
17 were trying to do was to provide an accurate and
18 chronological report of what had happened.

19 A An accurate report, yes.

20 Q And a chronological report.

21 A As well as combining those two, I would imagine,
22 yes.

23 Q Thank you. And the next thing you write in the
24 third paragraph is the RCMP confronted the male
25 who continued to yell in a foreign language and
26 act aggressively towards the RCMP. Do you see
27 that?

28 A Yes.

29 Q That was your recollection then?

30 A Yes.

31 Q And I suggest it's your recollection now.

32 A My recollection, video aside, going back on it --
33 in the next sentence, you know, it says he was
34 waving his arms, yelling. In reading this and
35 trying to recall this, I would suggest that that
36 is what I meant by acting aggressively.

37 Q Okay. What you're saying to the Commissioner is
38 that the aggressive action was waving his arms and
39 yelling. Is that a fair statement by me?

40 A Yes, I wrote this, and I said I recalled him --
41 something -- some sort of communication going on
42 and moving about and...

43 Q Your recollection, I'm going to suggest to you,
44 was that -- your recollection then and your
45 recollection now was that he was acting
46 aggressively towards the RCMP. Would you agree
47 with my statement?

- 1 A I would say he wasn't following commands, moved
2 over towards the counter. I mentioned he reached
3 for something and was moving it around and not
4 following commands.
- 5 Q Yes. And you viewed that as acting aggressively
6 towards the RCMP. Would you agree with me?
- 7 A I'm trying to think of how I would refer to the
8 word "aggressively". I've explained the motions
9 that he was making and not following directions.
- 10 Q Well, you've used the word -- the words "and act
11 aggressively towards the RCMP."
- 12 A Yes.
- 13 Q You meant those words; is that correct?
- 14 A It's -- yeah, it's the word I used when I wrote
15 this, yes.
- 16 Q And you still mean those words. In other words,
17 that is your recollection today, that he was
18 acting aggressively.
- 19 A It was that he was not following the commands --
- 20 Q Thank you.
- 21 A -- and he reached for -- yeah.
- 22 Q You continue in the third paragraph noting that he
23 backed up -- sorry.
- 24
- 25 He was waving his arms, yelling and as he
26 backed up towards the IRL counter, he grabbed
27 something from his belt or the counter.
- 28
- 29 Have I read that correctly?
- 30 A Yes.
- 31 Q And that was your recollection then?
- 32 A Yes.
- 33 Q It is your recollection today.
- 34 A Yes.
- 35 Q Thank you. You continue and you say:
- 36
- 37 He began to wave the small black item in his
38 right hand back and forth at the officers.
- 39
- 40 And what -- and that -- and what you recall, video
41 aside, I'm going to suggest to you, is that he was
42 waving something over his head.
- 43 A I recall --
- 44 Q That he was --
- 45 A I recall seeing glimpses of something black in his
46 hand and him moving around.
- 47 Q And the hand being above shoulder level as you've

1 just shown us as you sit there.

2 A For a brief moment, yes, 'cause that's the only
3 way I would have been able to see it.

4 Q Thank you. So if it's above shoulder level, it's
5 at head level. Would you agree with me?

6 A It would be up towards the shoulder, yeah.

7 Q In order for you to be able to see it, it had to
8 be above shoulder level, around the cheek level?

9 A No, I could see from just the shoulder blades up,
10 and I can't remember if he was rotating or where
11 exactly it was, but I saw something quickly in his
12 hand.

13 Q And this occurred before the tasing?

14 A Yes.

15 Q And that was your recollection then, correct?

16 A Yes.

17 Q And it's your recollection now.

18 A Yes.

19 Q And you continue in that paragraph:

20

21 The officers continued to ask him to calm
22 down as they circled him.

23

24 Correct?

25 A Correct.

26 Q And that's your recollection then?

27 A Yes.

28 Q And it's your recollection now?

29 A Yes.

30 Q And then you say:

31

32 The male started to lean or move forward
33 towards them.

34

35 You wrote that at the time?

36 A Yes.

37 Q October 15, correct?

38 A Yes.

39 Q It was your recollection then?

40 A Yes.

41 Q And it is your recollection now.

42 A Yes.

43 Q In other words, you adopt that statement as your
44 evidence today.

45 A I recall him having something in his hand, and
46 when I say "started to lean or move forward",
47 yeah, I do -- that's my recollection, that there

1 was a lean or a movement.

2 Q And it was at that point that he was tasered.

3 A That's my recollection.

4 Q And the reason why -- let me try this another way.

5 You continue and you say -- at that stage, you
6 say:

7

8 The male fell backwards (south) about three
9 yards, landing on his back beside the
10 counter.

11

12 That was your recollection then?

13 A Yes.

14 Q And I'm not going to read -- well, let me
15 continue:

16

17 He continued to yell while flailing his arms
18 and feet.

19

20 That was your recollection then?

21 A Yes.

22 Q It's your recollection today?

23 A I don't recall. I recall seeing that on the
24 Pritchard video and I have a hard time recalling
25 that exactly.

26 Q Fair enough. But you hadn't seen the Pritchard
27 video on October 15th --

28 A No.

29 Q -- obviously.

30 A No.

31 Q Nor had you discussed your statement or your
32 evidence or any of these matters with RCMP
33 officers --

34 A No.

35 Q -- other than Constable Mangan and Officer Bentley
36 in taking statements from you.

37 A That's correct.

38 Q And nor had you discussed these matters with your
39 fellow workers.

40 A Correct.

41 Q You continue:

42

43 The officers tried to approach him to make an
44 arrest but he was...swinging and yelling only
45 now from his back.

46

47 Is that correct?

1 A Is it correct that I typed that, yes. That I
2 wrote that, yes.

3 Q That was your recollection at the time?

4 A Yes.

5 Q And it continues to be your recollection today.

6 A This is the part where I get it confused and I see
7 the Pritchard video. I have a hard time
8 recalling.

9 Q Yeah, because what has -- what has happened, sir,
10 is you've done the best you can as a human being
11 in trying to recall what happened in the hours --
12 firstly in the minutes immediately after the
13 incident, the hours immediately after the incident
14 and the next day after the incident, correct?

15 A Correct.

16 Q And what has happened is that after doing the best
17 that you can, you have been exposed to the
18 Pritchard video, correct?

19 A Yes, I've seen the Pritchard video.

20 Q And you've seen it not once but a number of times,
21 correct?

22 A Correct.

23 Q And some of the things that you see on the
24 Pritchard -- some of the things that you have
25 stated in your statements are not visible on the
26 Pritchard video, correct?

27 A I would have to see the Pritchard video again to
28 give you a completely accurate answer to that.

29 Q I understand. But would you agree with that
30 general statement?

31 A I would assume there are some things from my angle
32 that -- 'cause the Pritchard video and my view are
33 from different angles.

34 Q Exactly. And that's why -- and you now have
35 before us a blending of your angle and the
36 Pritchard video, trying the best as you can to
37 recall what happened. Isn't that a fair statement
38 by me?

39 A That's fair.

40 Q You continue in the fifth paragraph, the last
41 paragraph on page 1 of your e-mail (sic), that:

42

43 The RCMP member over top of the man then got
44 closer to his face and said that "yes, he is
45 breathing" or something to this effect.

46

47 See that?

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

1 A Yup.

2 Q And this is after the call for medical help.

3 A That would be the context of what I wrote here,
4 yes.

5 Q And then you go on dealing with ERS in the rest of
6 that paragraph going over to the next page,
7 correct?

8 A Yes.

9 Q And your recollection is that the Richmond Fire
10 arrived and began speaking with the RCMP, correct?

11 A Yes. Yes.

12 Q And it took at least a minute before they started
13 to work on the patient?

14 A I wasn't counting the time, but Richmond Fire did
15 walk in and have a discussion with the RCMP about
16 what had happened, and a quick discussion about
17 the handcuffs. However long that took before they
18 then --

19 Q Right. And do you recall was it Corporal Robinson
20 that asked you to wait and not leave until the
21 IHIT officers had taken a statement from you?

22 A I can't recall who asked me to stay.

23 MR. HIRA: All right. Mr. Commissioner, I wonder
24 whether those statements in the order that they
25 were taken -- I would suggest the Bentley
26 statement first, the Mangan statement second, the
27 e-mail of 5:52 a.m. third, and the October 15,
28 two-page statement be marked as the next exhibit,
29 A through B.

30 THE COMMISSIONER: Yes, they will be so marked as an
31 aid to his verbal testimony

32 THE REGISTRAR: The Bentley statement will be marked as
33 84A; the Mangan statement, 84B; the e-mail, 84C
34 and the October 15th document 84D.

35

36 EXHIBIT 84A: Statement of Greg Sambrook,
37 October 14, 2007, by Constable Bentley

38

39 EXHIBIT 84B: Statement of Greg Sambrook,
40 October 14, 2007, by Constable Mangan

41

42 EXHIBIT 84C: E-mail written by Greg Sambrook
43 October 14, 2007

44

45 EXHIBIT 84D: "Factual Account" prepared by
46 Greg Sambrook, October 15, 2007

47

Gregory Sambrook

Cross-exam by Mr. Hira (for Constable Millington)

Cross-exam by Mr. Butcher (for Constable Bentley)

1 MR. HIRA:

2 Q And just in closing, Mr. Sambrook, you've tried to
3 be very careful in giving your evidence here,
4 correct?

5 A I've tried to be careful to be as accurate and
6 honest as possible.

7 Q And the difficulty arises because you have these
8 statements and e-mails, and juxtaposed on top of
9 them is the Pritchard video which is taken at a
10 different angle than from what you were viewing
11 things.

12 A I'm sorry, I'm not sure what the question is
13 there.

14 Q Well, maybe it's poorly worded. The difficulty
15 that you're having --

16 THE COMMISSIONER: It was -- it was more like a speech.

17 MR. HIRA: Yes, fair. I'm learning something -- I keep
18 learning something from learned counsel for
19 Poland, so let's try it again.

20 Q You are having difficulty in giving your evidence
21 from separating what you saw from your vantage
22 point, and what you've seen from the Pritchard
23 video vantage point. Is that a fair statement by
24 me?

25 A The events of October 14th was a long time ago.
26 It's a challenge sometimes to remember exactly
27 what I saw, and not get it confused with what I
28 may have seen on the video.

29 MR. HIRA: Thank you. Those are my questions.

30 THE COMMISSIONER: Mr. Butcher.

31

32 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
33 BILL BENTLEY:

34

35 Q Mr. Sambrook, I'm unclear at this point exactly
36 where you were when you made the observations of
37 the police interaction with Mr. Dziekanski, and
38 whether or not you moved at any point during that
39 interaction. So -- and you've told us that it's
40 different from the Pritchard angle. Did you see
41 Mr. Pritchard making his video?

42 A I have no recollection of seeing him, no.

43 Q Can you describe where you were in relation to the
44 IRL doors when you saw the interaction between the
45 police officers and Mr. Dziekanski?

46 A I would have been in the meet-and-greet area,
47 somewhere abutting the railing that's there.

Gregory Sambrook

Cross-exam by Mr. Butcher (for Constable Bentley)

Cross-exam by Mr. Harris (for Corporal Robinson)

1 Q So you're alongside the railing?

2 A Yes, and some distance back.

3 Q How far back do you think?

4 A Oh, best guess, ten yards, maybe.

5 Q About 30 feet to your recollection?

6 A Because I was moving around, I'm just trying to
7 recall. When I see them in front of him, I would
8 say thereabouts, yes.

9 Q Were you moving around to try to ensure that you
10 could maintain a good view of what was happening?

11 A No. That didn't cross my mind, no.

12 Q I'm curious about one other thing. That is your
13 interactions with Constable Bentley. When did you
14 first become aware that Constable Bentley was
15 taking statements, generally?

16 A I first became aware that Mr. Bentley was taking
17 statements when he asked me for my statement.

18 Q And was that a minute or two before he actually
19 took the dictated statement?

20 A I first became aware that he was taking statement
21 when he came up to me and said, "Can I take your
22 statements?"

23 Q Do you remember where you were and where he was
24 when that happened?

25 A I believe I was at the doorway from the -- where
26 you exit the IRL, or just on the public side of
27 that.

28 Q Did he summons you? Did you approach him?

29 A I can't recall.

30 MR. BUTCHER: Thank you. Those are my questions.

31

32 CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CORPORAL
33 ROBINSON:

34

35 Q Sir, my name is Reg Harris. I'm counsel for
36 Corporal Monty Robinson. I just have one brief
37 area I wish to canvass with you. If I understand
38 your evidence correctly, at no time did you see
39 Mr. Dziekanski do any damage in the airport; is
40 that correct?

41 A On the night that I was down there, no, I didn't.

42 Q All right. And so if I understand correctly, when
43 you gave your statement or report of what you
44 observed to IHIT, it was your understanding that
45 they were questioning you about what you saw in
46 relation to the RCMP interacting with Mr.
47 Dziekanski.

Gregory Sambrook

Cross-exam by Mr. Harris (for Corporal Robinson)

Cross-exam by Mr. Buchanan (for Public Service Alliance of Canada)

1 A Having never dealt with IHIT before, I just
2 assumed they were asking me the questions they
3 needed to ask around the event.

4 Q All right. Well, let's work through this for a
5 moment. You didn't see any interaction of Mr.
6 Dziekanski with any property or doing damage to
7 property.

8 A That night, no.

9 Q All right. And, from your perspective, that night
10 when IHIT starting asking you questions, the only
11 information you had was in relation to what you
12 observed with him interacting with the RCMP,
13 correct?

14 A Yes.

15 MR. HARRIS: All right. Thank you.

16 MR. BUCHANAN: Chris Buchanan, counsel for the Public
17 Service Alliance of Canada. I just have a couple
18 of questions of this witness.

19 THE COMMISSIONER: Yes.

20

21 CROSS-EXAMINATION BY MR. BUCHANAN ON BEHALF OF THE
22 PUBLIC SERVICE ALLIANCE OF CANADA:

23

24 Q I take it that at the time of the incident, that
25 your general practice was not to carry a radio
26 with you when you left the office; is that
27 correct?

28 A That's correct.

29 Q Okay. But on this night, you made the conscious
30 decision to take it with you as you left the
31 Operations Centre, correct?

32 A When I left the Operations Centre, I had a radio
33 with me, yes.

34 Q Well, it wasn't by accident. You made the
35 decision to bring it with you, correct?

36 A I can't recall how I arrived to having it on me
37 personally. I just know I had a radio with me
38 when I left.

39 Q Well, you didn't normally have it.

40 A No.

41 Q So I take it, it was on the desk in front of you
42 or in the office generally.

43 A It would have been somewhere in the Operations
44 Centre.

45 Q Right. So you would have had to go and get it and
46 take it with you.

47 A I had the radio on me.

Gregory Sambrook

Cross-exam by Mr. Buchanan (for Public Service Alliance
of Canada)

- 1 Q Well, you go down to the incident and at -- by the
2 IRL, correct?
- 3 A Yes.
- 4 Q And you're the top Operations Manager present,
5 correct?
- 6 A I was the Airport Operations Manager present.
- 7 Q Now, I think -- and I may have some of your
8 wording not exact, but I understood you to say in
9 your questions -- or your answers, rather, that
10 Mr. Ginter had the kind of incident in control and
11 he was looking after the incident, and you were
12 looking at the larger picture of the airport
13 operations; is that fair to say?
- 14 A I felt that Mr. Ginter -- at no time did I feel
15 that he did not have control of the situation, and
16 that I was -- in my scope of my job to be looking
17 at everything else that's going on, the rest of
18 the airport operation, making sure that it's
19 running smoothly.
- 20 Q And in that capacity, wasn't it important for you
21 to have your radio on so that you could apprise
22 of what was happening throughout the airport in
23 the Operations area?
- 24 A It would be typical if my staff needed -- felt
25 that I needed to be aware of something, they would
26 let me know.
- 27 Q Okay. Now, you had your cell phone with you,
28 correct?
- 29 A I believe so.
- 30 Q In fact, you called Ms. Hanson that morning,
31 correct, on your cell phone?
- 32 A I recall speaking with Ms. Hanson. I recall
33 having my phone with me.
- 34 Q Right. So you knew that if somebody needed to get
35 a hold of you, you had your cell phone. So I take
36 it you had your radio with you for a different
37 reason than just being made -- have it in case
38 somebody wanted to contact you, correct?
- 39 A I can't recall. I can't recall the context of why
40 I took my radio in that instance, but I had my
41 radio with me.
- 42 Q Don't you think it would be important for the top
43 Operations manager to have the radio on when an
44 unusual incident is taking place so that you'd be
45 apprised of all the circumstances at -- happening
46 at the airport.
- 47 A I don't normally attend events, medicals or things

Gregory Sambrook

Cross-exam by Mr. Buchanan (for Public Service Alliance
of Canada)

1 like this. I would stay back at the office. If
2 the event did become bigger, I would then be --
3 then either maybe go and get a radio or be with
4 somebody that has a radio and be there to assist
5 the people on scene by -- if they needed resources
6 or things like that, they could contact me.

7 Q Right. But at this time, you were there, you had
8 your radio. So isn't it likely that you had it
9 on, sir?

10 A It is -- I had the radio with me. It would not be
11 unusual for me to have the radio turned down
12 completely so that, if I'm in the public area, the
13 rest of the people around me aren't going to hear
14 the discussions that are taking place amongst my
15 staff.

16 Q Right. But for the most of -- well, where you
17 were outside of the IRL, the meet-and-greet area,
18 there was nobody from the public near you at that
19 time, right?

20 A I don't recall.

21 Q Okay. And when you were in the IRL, there was
22 nobody from the public that was near you, correct?

23 A When I was in the IRL, to the best of my
24 recollection, there was no public in there, no.

25 Q All right. So you wouldn't have turned it down in
26 those instance (sic) 'cause of the public being
27 around, correct?

28 A I may have turned it down outside and then left it
29 like that.

30 Q All right. But I guess what you're telling us is
31 you have absolutely no recollection of whether you
32 had it on or off.

33 A No.

34 MR. BUCHANAN: All right. Thank you.

35 THE COMMISSIONER: Mr. Rosenbloom.

36 MR. ROSENBLUM: Mr. Commissioner, I'm going to be some
37 time. I see it's four o'clock. I'm in your
38 hands.

39 THE COMMISSIONER: Yes. All right, then. Now, I
40 understand there's a motion about, so we'll
41 adjourn this part of it until tomorrow morning at
42 10:00. Thank you, if you can return at 10:00.

43 We'll have the motion now.

44 MR. VERTLIEB: Ms. Roberts has a submission to make
45 concerning two proposed witnesses, LeMaitre and
46 Carr. Maybe the witness can be excused, Mr.
47 Commissioner.

1 THE COMMISSIONER: Yes, sir. Thank you very much, and
2 we'll see you tomorrow.

3
4 (WITNESS STOOD DOWN)

5
6 MS. ROBERTS: Mr. Commissioner, I don't have an
7 application, per se, but I wanted to make a short
8 submission to you.

9 THE COMMISSIONER: Yes.

10 MS. ROBERTS: Commission counsel has asked Canada to
11 produce two RCMP officers who were, at the time,
12 media relations officers who responded to media
13 inquiries about Mr. Dziekanski's death and the
14 incident at the airport on behalf of the RCMP.
15 These two officers are Sergeant Pierre Lemaitre
16 and Corporal Dale Carr.

17 Neither of these officers were witnesses to
18 what happened to Mr. Dziekanski, nor were they
19 present at the time of his death. Neither were
20 involved in the investigation of his death or the
21 events at the airport. In other words, they have
22 no first-hand knowledge of the events leading to
23 Mr. Dziekanski's death.

24 I've been instructed by Canada to ask whether
25 you, Mr. Commissioner, view their potential
26 evidence as relevant to your mandate, which is to
27 examine what happened at the airport and how Mr.
28 Dziekanski died.

29 I'm asking because of two comments that
30 you've made during this inquiry. One was during a
31 cross-examination by Ms. Pastine, and at that
32 time, you indicated that you were not interested
33 in the investigation by the IHIT officers, and I
34 think your words were you have to investigate what
35 happened at the airport and the surrounding
36 matters, and you were not interested in -- I
37 believe the wording was the adequacy or the
38 quality of the IHIT investigation.

39 The second comment you made was that you were
40 not interested in media reports. This comment was
41 made during the cross-examination of the fire
42 captain. At that time you said you were here to
43 find the facts as to what happened that night, not
44 in terms of comment of what's in the press.

45 As you are no doubt aware, there is a
46 civilian oversight body for the RCMP called the
47 Commission for Public Complaints Against the RCMP.

1 That Commission has the mandate to review the
2 RCMP's conduct, including the IHIT investigation.
3 In fact, they are in the process of investigating
4 two complaints, two public complaints. One of
5 those complaints, if not both, includes the
6 conduct of these two media relations officers.

7 The first was a complaint filed by the B.C.
8 Civil Liberties Association, and the second is a
9 complaint initiated by the Chair of the Commission
10 for Public Complaints Against the RCMP himself. I
11 understand those investigations are ongoing, and
12 my understanding is those reports, once they are
13 completed, generally become public and are posted
14 on the CPC website.

15 So given all of the foregoing -- in other
16 words, your comments about your understanding of
17 your mandate, given that there is another body
18 looking at the IHIT investigation and, in
19 particular, the conduct of the media relations
20 officers, I am -- or Canada is asking whether you
21 want to hear from these media relations officers.
22 If your answer is "yes", then in accordance with
23 Canada's voluntary participation to date, Canada
24 will produce those witnesses. I just wanted a
25 clear indication that you felt they would be
26 relevant to your mandate.

27 THE COMMISSIONER: All right. Thank you very much, Ms.
28 Roberts. I have actually, ahead of this time,
29 considered -- well, not all your argument, of
30 course -- but whether or not these two persons
31 would be relevant to this hearing.

32 The difficulty is that at this time -- and I
33 emphasize "at this time" -- it is very difficult
34 to separate a number of things that counsel has
35 cross-examined on in terms of the officers
36 themselves. In other words, we have on the one
37 hand the video itself and its promises concerning
38 its return, the court case having to have it
39 returned, and indeed, the impact of that video on
40 what occurred.

41 We have the officers' recollection and we
42 have various statements by the officers. I, at
43 this time, find it difficult to separate what I
44 believe -- but it's -- so far, I haven't actually
45 heard it, but what I believe is an undercurrent
46 here as to what the officer said. I think that it
47 deserves being looked at and decide whether or not

1 it's integral or not.

2 So I'm certainly not at this stage ruling
3 whether or not it will have an impact on these
4 hearings, but what I am saying is I don't see how
5 at this time I can make a proper decision that it
6 is not relevant. It appears to me that it is at
7 least *prima facie* relevant. So, Ms. Roberts, I do
8 think we need them. You have certainly, pursuant
9 to your instructions, been very cooperative with
10 us here, and I very much appreciate your
11 statements.

12 Yes?

13 MR. BUTCHER: Mr. Commissioner, I wonder if I could
14 take a moment to address the medical records
15 issue.

16 THE COMMISSIONER: Yes.

17 MR. BUTCHER: That was scheduled to be dealt with this
18 morning, but we were busy with witnesses. Last
19 week, Mr. Rosenbloom came to my office and told me
20 that the -- the request for medical records to the
21 Government of Poland was causing or would cause
22 difficulty. I then -- he suggested that I deal
23 directly with Mr. Kosteckyj for these records. I
24 sent a letter to Mr. Kosteckyj asking if he, as
25 the representative of the next of kin, could
26 pursue these medical records with the doctors in
27 Poland. Mr. Kosteckyj has agreed to do that.

28 My concern is about timing. I am not, at
29 this point, prepared to simply let my motion drop
30 with respect to seeking an order that Poland
31 obtain those records, but I am prepared to wait a
32 while to see if Mr. Kosteckyj can get the records
33 in a voluntary way.

34 I don't know if Mr. Rosenbloom is prepared to
35 tell the Commissioner about the sort of
36 difficulties, and whether Mr. Kosteckyj is
37 prepared to indicate what he thinks he can do to
38 get the records. But I'm going to ask that Mr.
39 Kosteckyj do his best to get them very quickly,
40 and that Mr. Rosenbloom be prepared to address my
41 motion. He tells me he'd need some time to
42 prepare -- to address my motion. But I'm going to
43 ask perhaps that it go over ten days to allow Mr.
44 Kosteckyj to try to get the records and Mr.
45 Rosenbloom to get the evidence he says he needs to
46 defend it.

47 THE COMMISSIONER: Yes, Mr. Kosteckyj.

1 MR. KOSTECKYJ: I have told my friend that I indeed
2 have tried to get the medical records, and I have
3 sent letters requesting those, and I've told my
4 friend that if he wants to prepare a letter,
5 translate it into Polish, addressed to the doctor,
6 that I'll have my client execute that letter. So
7 if he wants to take that step -- I can tell you
8 that I have tried on a number of occasions before
9 this inquiry started and subsequent to it, to get
10 those, and I have nothing more than what the
11 Commission has now. But I am happy to try and
12 accommodate my friend if he's got a letter of
13 direction that he wants my client to sign.

14 MR. ROSENBLOOM: Indeed, I have consulted with Mr.
15 Butcher. The matter that he seeks our cooperation
16 is very complex because it triggers off, as I have
17 been informed by the embassy in Ottawa, the Polish
18 Embassy in Ottawa, that the bilateral agreement
19 between Canada and Poland regarding cooperation on
20 criminal matters is -- applies to the situation,
21 and an application has to be made by the
22 Government of Canada to the Government of Poland
23 who, in turn, make application to the Polish
24 courts for release of medical records.

25 I have been informed -- actually throughout
26 these proceedings -- by the Polish Consul-General
27 here, and by the Ambassador in Poland, that Poland
28 has very strict privacy laws regarding release of
29 information and so there are a lot of complexities
30 to making such application.

31 Lastly, I'm informed by the embassy in Ottawa
32 that the bilateral agreement between the two
33 countries was suspended by the Canadian government
34 and, as a result, is not even operative at this
35 point in time. So, having explained all this to
36 Mr. Butcher, I suggested to him that the best
37 route to achieve his purposes would be for Mr.
38 Kosteckyj, representing the next of kin, to make
39 application.

40 THE COMMISSIONER: Seems to be in your court, Mr.
41 Butcher.

42 MR. BUTCHER: No, I'm content to do that. I certainly
43 would take the position that the treaty with
44 respect to criminal matters does not apply to this
45 proceeding at all. This is not a criminal matter.
46 I'm not sure how else my friend --

47 THE COMMISSIONER: Well, it seems that you're requested

1 to make request in the Polish language, and in
2 that regard, assistance will be granted as far as
3 one is able.

4 MR. BUTCHER: I will pursue that at the moment, but I
5 do want to make it clear that it's my view that
6 these records are potentially very important,
7 particularly with respect to the medical evidence
8 that's coming. I'm going to ask my friend, Mr.
9 Rosenbloom, to be prepared to address my motion
10 more formally if we don't get the records.

11 THE COMMISSIONER: Well, you're going to go some to
12 require me to make an order concerning the Polish
13 government or its people. That's a long stretch.
14 I'll do all I can to assist, but I'm not going to
15 make such an order. I mean, it would be useless
16 for me to make such an order.

17 MR. BUTCHER: Well, I'll just respond briefly.

18 THE COMMISSIONER: Yes.

19 MR. BUTCHER: It's my position that the Polish
20 government applied for participant status in this
21 proceeding. They've attorned to your
22 jurisdiction, and it's my position that they are
23 subject to your orders.

24 THE COMMISSIONER: I have your submission.

25 MR. BRONGERS: Mr. Commissioner, Jan Brongers for the
26 Government of Canada. I don't intend to make any
27 submissions with respect to the application today.
28 I understand it's been pushed over.

29 But I do want to respond to counsel for
30 Poland's assertion that somehow the mutual legal
31 assistance treaty between Canada and Poland has
32 been suspended, which is not correct. Canada has
33 not rescinded or suspended the treaty. So I just
34 wanted that on the record. Thank you.

35 MR. ROSENBLOOM: Well, I'd certainly like to get to the
36 bottom of that because those are my instructions
37 very, very clearly. But surely between the
38 parties here, we can get to the bottom of this and
39 determine indeed whether the agreement is still
40 operative.

41 I have another matter to speak to very
42 briefly. I've given notice to Commission counsel
43 that I would be doing this. Mr. Commissioner, I
44 have -- I am giving Mr. Vertlieb a letter today
45 which is very brief and is two paragraphs. I'd
46 like to read it into the record [as read]:
47

1 It has come to my attention that soon after
2 the October 14th incident, the RCMP retained
3 the Ontario Provincial Police to conduct an
4 independent review of the file and the IHIT
5 investigation. I don't believe that there
6 has been any disclosure to the Commission in
7 respect to the OPP's involvement.
8

9 This letter is to formally request the RCMP,
10 through legal counsel for the Government of
11 Canada, to produce all documents involving
12 such a review including the OPP's concluding
13 report or reports to the RCMP.
14

15 It's under my signature and I will provide this to
16 all counsel as I make such application. Thank
17 you.

18 THE COMMISSIONER: Have you any comment, Mr. Brongers?
19 Ms. Roberts?

20 MS. ROBERTS: The approach we've taken so far is to
21 provide you with all the evidence collected by
22 IHIT, by the RCMP if you will. It was our
23 understanding that you were going to look at this
24 evidence, have the benefit of the witnesses and,
25 in effect, do your own investigation without
26 reference to the IHIT (sic) investigation and
27 reach your own conclusions as to what had
28 occurred.

29 For that reason, as all of the counsel know,
30 we have not provided the IHIT investigation
31 materials either. So to go one step beyond that
32 and provide a report by an agency who I do not
33 represent, would be going beyond that, and simply
34 giving you someone's results when you are charged
35 with reaching your own results.

36 That would be my initial reaction, but I do
37 not have instructions.

38 THE COMMISSIONER: Well, that *prima facie* would be my
39 view. I have no intention of even considering the
40 opinion of anyone else as to what occurred on this
41 fateful evening. I'm going to rely on the
42 evidence before me and the argument later of
43 counsel, period.

44 MR. VERTLIEB: Just on that point, Mr. Commissioner,
45 I'm a bit at a loss to understand Ms. Roberts'
46 comment, because the reports that we actually
47 filed this morning were commissioned, as I

1 understand it, by IHIT.

2 THE COMMISSIONER: No, but they're evidence.

3 MR. VERTLIEB: They are now.

4 THE COMMISSIONER: It's not the opinion of IHIT.

5 MR. VERTLIEB: Yes, but they came -- they were part of
6 the IHIT disclosure to us, so --

7 THE COMMISSIONER: Oh, yes.

8 MR. VERTLIEB: -- I didn't know there was a distinction
9 being drawn in the disclosure provided by the
10 Government of Canada.

11 Certainly I can say this. We were informed
12 by Mr. Rosenbloom about this, and I can tell you
13 it would have been a natural request that would
14 have flowed from that information to have asked
15 for that report because that might have disclosed
16 other people who would have expertise that would
17 be relevant, just as we've taken the IHIT reports
18 and had them marked as exhibits proper in the case
19 before you.

20 So I'm just not comfortable with the
21 suggestion that the IHIT report in some way has
22 not been disclosed. In fact it has been given to
23 us and it's been of great benefit and helped us
24 present evidence to you. In point of fact, many
25 of the witnesses that we called were referred to
26 in that disclosure. So I just wanted to be clear
27 about this IHIT involvement.

28 I don't know what the OPP report is. We
29 haven't heard about that.

30 THE COMMISSIONER: Well, I had assumed and maybe
31 erroneously that we were talking about an opinion
32 based on the evidence that the local -- that the
33 IHIT people gathered.

34 MR. VERTLIEB: We don't know what the Ontario
35 Provincial Police report would be. It came as
36 news to us when Mr. Rosenbloom mentioned it to us,
37 so we can't -- we can't assist. We make no
38 assumption about the content of that.

39 THE COMMISSIONER: All right.

40 MS. ROBERTS: My understanding is that the Ontario
41 Provincial Police were asked to review the IHIT
42 investigation. They did no investigation of their
43 own. They simply reviewed the IHIT investigation
44 as the Commission for Public Complaints is also
45 doing.

46 THE COMMISSIONER: Can you take it beyond that, Mr.
47 Rosenbloom?

1 MR. ROSENBLOOM: I wish I could. I wish I was in
2 possession of the documents so I could speak to
3 how substantive the document is. I do remind you,
4 Mr. Commissioner, that the Government of Canada
5 has willingly been bringing forward documents
6 relating to review of the matter by other police
7 departments. We have the Delta Police
8 Department's document regarding the downloading
9 and the use of the Taser. I believe we have
10 another document from Vancouver Police Department
11 regarding use-of-force issues and so on.

12 I don't understand how we can distinguish the
13 OPP document from the other documents that have
14 been so willingly brought forward.

15 MS. ROBERTS: My understanding is that Constable
16 Baltzer of the Delta Police Department was asked
17 to do the download from the TASER. In other
18 words, that is evidence.

19 My understanding is that Sergeant Fawcett was
20 consulted about the use-of-force and gave an
21 expert opinion. All of the expert opinions
22 obtained by the RCMP were provided, that is, all
23 the medical opinions, the use-of-force opinion.
24 The OPP report is a review of the IHIT
25 investigation. It is not expert opinion, it is
26 not evidence.

27 MR. ROSENBLOOM: I'm in your hands. I would like to
28 reflect upon comments by counsel from Canada
29 before going further in my discussions about this.

30 THE COMMISSIONER: All right. You know my *prima facie*,
31 Mr. Rosenbloom. All right.

32 MR. ROSENBLOOM: I'm afraid I do. Thank you.

33 THE COMMISSIONER: Tomorrow at 10:00.

34 MS. ROBERTS: The hearing is now adjourned until ten
35 o'clock tomorrow morning.

36
37 (PROCEEDINGS ADJOURNED TO APRIL 15, 2009 AT
38 10:00 A.M.)
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