

**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 15, 2009

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PROCEEDINGS AT  
HEARING (DAY 36)

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1  
Gregory Sambrook  
Cross-exam by Mr. Rosenbloom (for Government of Poland)

1 Vancouver, B.C.  
2 April 15, 2009  
3

4 THE REGISTRAR: The hearing is now resumed.  
5 THE COMMISSIONER: Good morning, everyone.  
6

7 GREGORY SAMBROOK, a witness,  
8 recalled, warned.  
9

10 THE COMMISSIONER: Yes, Mr. Rosenbloom.  
11 MR. ROSENBLROOM: Thank you.

12 Mr. Sambrook, my name is Don Rosenbloom and I  
13 appear for the Government of the Republic of  
14 Poland. I have some questions for you.  
15

16 CROSS-EXAMINATION BY MR. ROSENBLROOM ON BEHALF OF THE  
17 GOVERNMENT OF THE REPUBLIC OF POLAND:  
18

19 Q You've testified yesterday that you arrived at the  
20 scene within seconds or minutes of the RCMP, that  
21 you witnessed the RCMP arrive at the meet-and-  
22 greet area and you saw them go into the IRL area;  
23 is that correct?

24 A Yes.

25 Q Yes. And so I assume that you arrived at the  
26 scene at approximately 1:30 a.m.

27 A Without the transcripts in front of me, I'd have  
28 to confirm that.

29 Q All right. Well, if I told you that is the  
30 approximate time, obviously that's when you  
31 arrived. Now, we also know that you gave a  
32 statement to the IHIT investigator, Constable  
33 Mangan, at 4:19 a.m., correct?

34 A Yeah, I gave a statement at approximately that  
35 time to IHIT.

36 Q I want to explore with you what you did and what  
37 happened between your arrival until the statement  
38 was taken at 4:19. Between approximately 1:30 and  
39 2:00 a.m., obviously the incident took place and  
40 there was the handcuffing of Mr. Dziekanski,  
41 correct?

42 A Yes.

43 Q Yes. And then there was a pronouncement of his  
44 death at approximately 2:05, 2:10; is that  
45 correct?

46 A I don't recall the exact time of the  
47 pronouncement.

Gregory Sambrook

Cross-exam by Mr. Rosenbloom (for Government of Poland)

1 Q But it would be fair to say from your memory that  
2 it was around that time?

3 A I would have to confirm with the transcripts. But  
4 yes, it was sometime around that time.

5 Q I appreciate that. Now, it's your evidence, is  
6 it, that you remained at the scene from that point  
7 until the IHIT investigator, Mangan, took the  
8 statement from you at 4:19, correct?

9 A I recall from the time of the pronouncement, there  
10 was a period thereafter where I don't recall  
11 leaving the IRL. I recall someone saying that I  
12 needed to stay there until IHIT arrived, in the  
13 IRL.

14 Q And so you did?

15 A To the best -- yes.

16 Q Yes. So I'm interested in exploring with you from  
17 approximately 2:00 a.m. to 4:19, what was going  
18 on, what you observed and what you did. Now,  
19 firstly, I assume that you had discussions with  
20 the police during that period of time? And I'm  
21 speaking of the four police officers that were  
22 involved in the incident.

23 A No, I did not.

24 Q You never had a conversation with them?

25 A No.

26 Q Who were you speaking to between those times?

27 A To the best of my recollection, I was over, I  
28 recall, at the east wall, the cruise ship  
29 counters, in that area, having a couple of  
30 discussions with Mr. Ginter about preparing the  
31 area for the next morning of operation if the  
32 scene was still as it was at that moment.

33 Q Yes? I'm speaking about a two-hour period. Who  
34 else did you speak to?

35 A I recall speaking with Mr. Ginter. I recall -- I  
36 recall speaking with Mr. Ginter. My recollection  
37 beyond that is vague.

38 Q So Mr. Sambrook, for a period of two hours and 19  
39 minutes, you have no memory of who you spoke to  
40 that evening other than a conversation with Mr.  
41 Ginter; is that correct?

42 A I wanted to stay away from the other side of the  
43 IRL, and I believe Mr. Ginter and I were talking  
44 about how can we make sure -- thinking ahead to  
45 the next morning, how the operation was going to  
46 go. I don't recall other conversations during  
47 that period.

Gregory Sambrook

Cross-exam by Mr. Rosenbloom (for Government of Poland)

- 1 Q Did you, during that period from approximately  
2 2:00 until approximately 4:19 when you gave the  
3 statement, learn anything about the incident from  
4 overhearing any conversations?
- 5 A I recall Mr. Ginter being on his cell phone.  
6 That's the only conversation I can recall  
7 overhearing.
- 8 Q In terms of overhearing that conversation, what  
9 did you learn?
- 10 A I recall getting the sense from what I was hearing  
11 that he was talking with Mr. Caldwell.
- 12 Q And I apologize. Who is Mr. Caldwell?
- 13 A The ERS supervisor.
- 14 Q Yes? And what did you overhear him say?
- 15 A I don't recall specific words or language. It was  
16 just a sense of Bob explaining to Andrew what had  
17 happened in the IRL.
- 18 Q And can you tell us what you learnt that he told  
19 the gentleman on the other end of that phone call?
- 20 A I didn't learn anything. I just recall hearing  
21 him talking and getting a sense that he was  
22 speaking with Mr. Caldwell.
- 23 Q All right. And so it's your testimony, sir, that  
24 between approximately 2:00 and 4:19 that morning,  
25 you don't recall learning anything about the  
26 incident from overhearing conversations or  
27 speaking to people, correct?
- 28 A I've explained the conversations that I recall  
29 during that period.
- 30 Q Mr. Sambrook, do you agree that when you gave the  
31 IHIT statement to Constable Mangan at 4:19, you  
32 informed him in that statement that you, and I  
33 quote, "overheard later," unquote, that Mr.  
34 Dziekanski reached to the counter to pick up the  
35 stapler? And if you don't recall that, I'm happy  
36 to have you take a look at that. Do you want to  
37 refresh your memory?
- 38 A Yes, please.
- 39 Q Do you have the statement in front of you that you  
40 gave to the IHIT investigator at page 528? Yes,  
41 if you look mid-page, your entry just after  
42 Constable Mangan says, "Yeah," and then you say,  
43 "just saying ok just calm down." You don't have  
44 that yet?
- 45 A Did you say 528?
- 46 Q Yes.
- 47 A Okay.

1 Q Mid-page. Your entry there which begins, "just  
2 saying ok just calm down." Do you see that?

3 A Yes.

4 Q Mid-page. And you'll see mid-paragraph, and you  
5 say:

6

7 ...and I thought he reached into his belt for  
8 something, um, I overheard later that he  
9 actually reached for the counter but I saw  
10 him grab and then he was going at the  
11 members...

12

13 So you did overhear something after the incident,  
14 didn't you, before you gave that IHIT statement?

15 A It says here, yes, that I overheard later, but I  
16 don't recall where I would have overheard that.

17 Q But clearly in that statement you agree that's an  
18 acknowledgement that there was a conversation  
19 after where you learnt things about the incident?

20 Take your time and read the statement in its  
21 entirety.

22 A I -- I'm sorry, I don't recall where I overheard  
23 that, or that conversation.

24 Q You have no reason today to suggest that that  
25 statement in that paragraph is incorrect?

26 A No.

27 Q No. Now, Mr. Sambrook, during the two hours and  
28 19 minutes that you were there observing, what  
29 were the police officers, the four officers, doing  
30 during that period? Mr. Dziekanski had died so  
31 they obviously weren't providing first aid. What  
32 were they doing?

33 A In the two hours after the pronouncement, I recall  
34 seeing a Richmond City -- a Richmond City member,  
35 excuse me, in the IRL --

36 Q Yes?

37 A -- who I believe was a superior to --

38 Q These officers?

39 A -- these officers.

40 Q Mm-hmm?

41 A And Corporal Robinson in the area. I recall  
42 seeing him in the area.

43 Q And the other three officers in the area?

44 A I don't recall seeing them at that -- when I  
45 recall that memory of seeing the senior member and  
46 Corporal Robinson in the area, I don't recall  
47 seeing the others.

- 1 Q During the whole two hours and 19 minutes that I'm  
2 focusing on, you have no memory of the other three  
3 officers being present in the IRL?
- 4 A The memory I have of the senior member being  
5 there, in that memory I don't recall seeing the  
6 other members there, no.
- 7 Q Yesterday you testified that Mr. Dziekanski was  
8 waving the stapler back and forth at the officers.  
9 You didn't actually see that happen, did you?
- 10 A From my vantage point I saw him. I could just see  
11 the top of the shoulder blades. I saw him what  
12 appeared to be reaching for something and pull  
13 something out and there was a glimpse of something  
14 black in his hand as he was moving around.
- 15 Q And by moving around, just for the record, you're  
16 rotating your shoulders and your upper torso. Is  
17 that what you're suggesting happened?
- 18 MR. HIRA: And holding up his right hand above his  
19 shoulder, as I saw it.
- 20 MR. ROSENBLOOM:
- 21 Q Is that right, Mr. Sambrook?
- 22 A To the best of my recollection, I recall him  
23 reaching across his body or what appeared to be  
24 across his body, because I could only see from  
25 behind, and I thought he was reaching for  
26 something on his person and lifting it up and then  
27 moving around, and when I did see a glimpse of the  
28 item in his hand, I saw something black for a  
29 brief moment and it was a -- for me to see it, it  
30 would have had to have been above the upper chest  
31 area.
- 32 Q You were behind him at the time, correct?
- 33 A I was in the IRL -- sorry, excuse me -- in the  
34 meet-and-greet area.
- 35 Q Yes? And you were behind him. At that point in  
36 time, his back is to the counter, isn't it?
- 37 A His back is to me and he is on the other side of  
38 the counter (indiscernible - overtalking) --
- 39 Q Yes, his back is to the counter.
- 40 A It would have been a 45-degree angle, his back  
41 and -- mostly his back and left shoulder.
- 42 Q And you are directly behind him?
- 43 A Behind him and to the -- to my left.
- 44 Q Yes. Meaning, were you at that point within the  
45 exit area of the IRL meet-and-greet area, in other  
46 words where the doors open and close? Were you in  
47 that area, or were you on the other side of the

- 1 railing with the public?
- 2 A I would have been on the -- we call it the public  
3 side of the railing.
- 4 Q And pretty well directly behind Mr. Dziekanski?
- 5 A I would say I was behind him and to the left a  
6 little bit.
- 7 Q Were you right up at the railing?
- 8 A I don't recall my exact proximity to the railing,  
9 but the railing being -- the railing being beside  
10 me to my left, nearby.
- 11 Q You would agree with me that obviously your view  
12 of Mr. Dziekanski's frontal area was totally  
13 obstructed by the fact that you were behind him?
- 14 A I did not have a full view of the frontal area of  
15 Mr. Dziekanski, no.
- 16 Q Now, you also told us that he was yelling when the  
17 police approached him. You didn't actually hear  
18 any yelling once the police were in the IRL area,  
19 did you?
- 20 A I recall hearing yelling as we came off of the  
21 escalator and walked towards the IRL doors.
- 22 Q Let me just stop there for a moment and allow you  
23 to carry on. There is evidence before the inquiry  
24 that Mr. Dziekanski yells out "Polizia, polizia"  
25 as the police are approaching into the meet-and-  
26 greet area. Do you recall that?
- 27 A I am aware of that now. In my recollection at the  
28 time was just yelling. I didn't recall hearing  
29 the specific words.
- 30 Q And the yelling that you spoke about yesterday,  
31 was it yelling that took place as the police  
32 entered the meet-and-greet area?
- 33 A My recollection of events, I couldn't specifically  
34 recall the yelling in the immediate moments as I  
35 arrived.
- 36 Q So you're telling us that you can't at this point  
37 assist the Commission by informing us whether that  
38 yelling took place just as you were on the  
39 escalator and the police were arriving or whether  
40 that yelling took place when the police approached  
41 Mr. Dziekanski within the IRL?
- 42 A My recollection was yelling. My recollection of  
43 yelling was after exiting the -- near the bottom  
44 of the escalator or coming off the escalator, in  
45 that time period.
- 46 Q But you didn't answer my question.
- 47 A Sorry.

- 1 Q You would agree with me that you cannot assist the  
2 Commission by informing us that there was any  
3 yelling that took place once the police arrived  
4 within the IRL area and approached Mr. Dziekanski?  
5 You agree with that, don't you?
- 6 A My recollections of when the police were  
7 approaching Mr. Dziekanski is more -- is visual  
8 and less of what I heard.
- 9 Q And that approach, you're speaking of an approach  
10 from even the meet-and-greet area as they were  
11 approaching the doors to the IRL, correct?
- 12 A I'm sorry, I don't understand the question.
- 13 Q The point I'm making is that you're not able to  
14 assist us whether the yelling took place before or  
15 after the police entered the IRL; is that not  
16 correct?
- 17 A I recall hearing yelling as I came down the  
18 escalator and was beginning to walk across the  
19 floor.
- 20 Q And when you were on the escalator, the police had  
21 not yet entered the IRL room, correct?
- 22 A As I was coming down the escalator or at the top  
23 of the escalator is when I saw the RCMP arrive.
- 24 Q Now, you testified yesterday that Mr. Dziekanski  
25 did not follow commands when he went to the  
26 counter. Did I have that testimony correct? Did  
27 I understand you to say that yesterday?
- 28 A It's my recollection that when the police  
29 arrived -- and this is when I get a bit confused  
30 with the video, having seen the video and trying  
31 to differentiate that from my recollection.
- 32 THE COMMISSIONER: Yes.
- 33 A I recall them going in and him walking away from  
34 them.
- 35 MR. ROSENBLoom:
- 36 Q And you interpreted that as an act of disobedience  
37 by Mr. Dziekanski?
- 38 A My recollection of the time was that he was not  
39 following commands.
- 40 Q Why do you say that? Did you know what the  
41 command was at that point in time when Mr.  
42 Dziekanski was with the officers and then turned  
43 around and headed to the counter?
- 44 A I don't recall what was being said. It was just  
45 an observation.
- 46 Q So you just observed that Mr. Dziekanski turned  
47 around from the luggage, headed to the counter,

- 1 and you interpreted that as an act of  
2 disobedience?
- 3 A I recalled the RCMP going in and appeared to be --  
4 I recall them saying something and that he turned  
5 his back and walked away.
- 6 Q Now, you also testified yesterday -- and again,  
7 you correct me if in any way I misrepresent what  
8 you have been saying at this Commission -- that he  
9 was continuously asked to calm down. Now, let's  
10 stop there for a moment. You did say that  
11 yesterday, didn't you? Or is that your evidence  
12 today?
- 13 A I don't remember if I said that yesterday or not.  
14 If I did say that, then I stand by that.
- 15 Q You did say that. All right?
- 16 A Okay.
- 17 Q Are you suggesting that your observations of Mr.  
18 Dziekanski when he was in the presence of the  
19 officers at the IRL on first contact was anything  
20 but calm?
- 21 A My recollection of when they arrived was, in my  
22 mind we had had a call of a person that may be  
23 under the influence of alcohol and was creating a  
24 disturbance. That was sort of my mindset of what  
25 may have been going on at the time, on the  
26 information that I had received. I walked down.  
27 I explained what I heard. I walked over and saw  
28 the RCMP approach Mr. Dziekanski.
- 29 Q But you're missing my point.
- 30 A Sorry.
- 31 Q Maybe I didn't frame the question well.
- 32 A Mm-hmm.
- 33 Q My question is, once the police arrived within the  
34 IRL and during that period before Mr. Dziekanski  
35 turned around and headed to the counter, did you  
36 observe Mr. Dziekanski being anything but calm?
- 37 A I recall him being very sweaty, pale, just -- just  
38 very sweaty and very pale. Uncomfortable.
- 39 Q But he wasn't hyperactive, was he?
- 40 A He seemed, as I said, pale, sweaty, excited.
- 41 Q In body movement? Did he appear agitated?
- 42 A He appeared upset.
- 43 Q But agitated?
- 44 A I guess -- what would you define as agitated?
- 45 A Sorry.
- 46 Q You observed a person that was totally cooperative  
47 when he was in the presence of the police before

1 he turned around to the counter. Do you not agree  
2 with that?

3 A I don't have a clear recollection of what was  
4 being said, just the observation that they walked  
5 in, he turned around and was -- and this is again,  
6 trying -- I'm getting this a bit confused with the  
7 Pritchard videos.

8 Q Well, the Pritchard video depicts a person that is  
9 not hyperactive when he's in the presence of the  
10 police there. Do you not agree with that?

11 A I recall on the Pritchard video them arriving and  
12 him lifting his arms up and walking over to the  
13 counter.

14 Q I'm sorry, I didn't hear your answer.

15 A My recollection of the Pritchard video is he turns  
16 around and walks over towards the counter.

17 Q I'm speaking of the period before he turns around  
18 and walks to the counter. Was he not calm?

19 A Um --

20 Q After having watched the Pritchard video?

21 A He looked like somebody that was -- to my  
22 recollection, he was sweaty, pale -- call it  
23 agitated, excited.

24 Q In terms of being agitated and excited, was he  
25 manifesting that with his body movement?

26 A I don't -- I don't know how to answer that. When  
27 you say manifesting it, I'm trying to think of an  
28 example of what manifesting with body movement  
29 would be.

30 Q I'm just trying to get from you whether you  
31 observed the man to be hyperactive in any way  
32 during the time he was in the presence of the  
33 police before he turned around to the counter.

34 A He seemed to be excited, fidgety, quick movements,  
35 things like that.

36 Q You testified yesterday that he was asked to put  
37 his hands on the counter, correct?

38 A I don't recall saying that yesterday.

39 Q It's in one of your statements.

40 A Okay.

41 Q One of the exhibits -- 84, is it not?

42 A It's in a written statement?

43 Q I believe so. Rather than going to the statement,  
44 is it your memory today, because what's most  
45 important -- is it your memory today that you  
46 observed that he was ordered to put his hands on  
47 the counter?

- 1 A I don't remember that today because it was quite  
2 some time ago. If I wrote that in one of my  
3 statements, I would conclude that there was some  
4 sort of direction to ask him to -- I would have  
5 thought that was my perception, that he was asked  
6 to put his hands over towards the counter.
- 7 Q Your perception?
- 8 A Yes.
- 9 Q You don't recall that order being given? You  
10 never overheard that order being given?
- 11 A I don't recall that. At this time I don't recall  
12 that order.
- 13 Q I want to focus on the discussion you had with  
14 Mr. Ginter after the handcuffing regarding the  
15 whole business of bringing the ERS into the fold  
16 and seeking their assistance or not. Yesterday I  
17 believe you testified that -- and I'm quoting  
18 you -- you supported Mr. Ginter's -- as of now, as  
19 you stand here before this Commission, you support  
20 Mr. Ginter's decision to leave the ERS out of this  
21 medical event. Was that your testimony yesterday?
- 22 A Are you asking -- you mentioned the conversation  
23 immediately after. I just --
- 24 Q No. I'm asking you generally --
- 25 A Okay.
- 26 Q -- today as we sit here, and now with the  
27 opportunities of hindsight, do you still support  
28 the decision of Mr. Ginter to choose not to  
29 contact ERS to bring them in?
- 30 A I know so much more now about what happened and  
31 the results. I believe in my statement yesterday  
32 in terms of supporting Mr. Ginter I am referring  
33 to, based on the situation that we thought we  
34 were -- that we or he was dealing with at the  
35 time, thinking that everything was under control.  
36 The RCMP were managing the scene or incident.  
37 Mr. Ginter was doing his job, looking at the rest  
38 of the operation and me looking at the outside  
39 part of it. And not knowing at that immediate  
40 moment in the earlier part there or anything that  
41 it was a Code 3 -- that I supported the actions  
42 that Mr. Ginter was taking.
- 43 Q Well, Mr. Ginter knew there was Code 3, didn't he?
- 44 A At a certain juncture, he did.
- 45 Q Yes. And you knew it too, didn't you?
- 46 A I became aware -- when I saw Richmond Fire walk in  
47 the door was when I realized, oh, this is Code 3.

- 1 Q Why did Richmond Fire's arrival indicate to you  
2 that it was Code 3?
- 3 A In my mind we were waiting for ambulance to  
4 arrive, and when I saw Richmond Fire, that twigged  
5 in my mind that it must be a Code 3 call.
- 6 Q Why? Wouldn't Richmond Fire be called in on any  
7 call where the ambulance service is being called  
8 upon to attend?
- 9 A No.
- 10 Q No?
- 11 A No.
- 12 Q So it's your experience that Richmond Fire would  
13 only attend where it is a Code 3?
- 14 A That was my understanding.
- 15 Q You agree that ambulance attendants arrive at  
16 scenes for all kinds of incidents that aren't  
17 Code 3 incidents?
- 18 A That ambulance arrives?
- 19 Q Yes, that there are ambulance attendants at  
20 various incidents where there is not a Code 3  
21 call?
- 22 A Yes.
- 23 Q The fact that the ambulance attendant arrived  
24 surely didn't tell you anything about the Code 3,  
25 did it?
- 26 MR. STEWART: That's not his evidence. Are you talking  
27 about ambulance or are you talking about Richmond  
28 Fire? Richmond Fire only comes on a Code 3. It  
29 doesn't come on a routine medical. The witness  
30 has indicated that it was the presence of Richmond  
31 Fire that suggested to him it was a Code 3.
- 32 MR. ROSENBLOOM: I appreciate that.
- 33 MR. STEWART: B.C. Ambulance does come on routine  
34 medicals all the time.
- 35 MR. ROSENBLOOM: Of course. Thank you.
- 36 Q Now, Mr. Sambrook, Mr. Ginter knew it was a Code 3  
37 before the fire department arrived, correct?
- 38 A That's my understanding, yes.
- 39 Q Yes. But he never told you?
- 40 A I don't recall Mr. Ginter telling me.
- 41 Q And now that you know that there was a Code 3  
42 situation and that Mr. Ginter knew that before  
43 Richmond Fire arrived, do you still support  
44 Mr. Ginter's decision to choose not to bring the  
45 ERS into the fold?
- 46 A Mr. Ginter has a tremendous amount of experience  
47 and has always shown excellent field judgment, and

1 he'd never before given me any indications not to  
2 trust that judgment. He had been very  
3 professional. Hindsight, it's difficult now to --  
4 knowing everything that we know now after the fact  
5 and the way the situation was, I support Mr.  
6 Ginter's decisions based on the situation that he  
7 had at the time. There was the rest of the  
8 airport to think about. We had a lot of resources  
9 in the area.

10 Q Well, Mr. Sambrook, you say you support his  
11 decision today based upon what he knew at the  
12 time, correct?

13 A To the best of my recollection, based on the  
14 situation at the time, yes.

15 Q And he knew at the time that there had been a  
16 Code 3 called, correct?

17 A He was made aware of it being a Code 3 call at  
18 some point, yes.

19 Q Yes. And that some point was before Richmond Fire  
20 ever arrived, correct?

21 A I believe it was before Richmond Fire arrived,  
22 yes.

23 Q So it's your testimony that you support Mr.  
24 Ginter's decision in spite of the fact that Mr.  
25 Ginter was aware during the time leading up to  
26 Richmond Fire's arrival that it was a Code 3,  
27 correct?

28 A Knowing what I know now -- knowing what I know  
29 now?

30 Q Yes.

31 A Mr. Ginter was making the best decision that he  
32 felt at the time based on the situation that was  
33 being dealt with, his knowledge of where ambulance  
34 and Richmond Fire may be in terms of their  
35 response to the area. He has more field -- more  
36 experience at the scene than I do, and so based on  
37 that I'd support his decision that he made at the  
38 time, based on the information that he had.

39 Q I'm not speaking of you supporting it at the time.  
40 I'm asking you as for your opinion today about  
41 this. This Commission is empowered in part to  
42 review various incidents in respect to this death,  
43 and one of the incidents to be investigated by the  
44 Commission is obviously the attendance of first  
45 aid, first response. My question to you is,  
46 today, knowing what you know, do you still support  
47 Mr. Ginter's decision, where he knew about the

- 1 Code 3 being called, to choose not to bring in the  
2 ERS. That's my question.
- 3 A We know so much more now about the tragic end  
4 result that -- it's hard for me to answer that  
5 question, take myself back in time to what we were  
6 dealing with at that moment.
- 7 Q Well, you said to the IHIT investigator within  
8 hours of this incident -- and again, I can lead  
9 you to the passage -- you said, quote, "With  
10 hindsight I wish I had called in the ERS but at  
11 the time, I didn't." You remember saying that to  
12 the IHIT investigator?
- 13 A Yes.
- 14 Q Yes. So at that point in time, you clearly  
15 regretted it, didn't you?
- 16 A At that point in time, I was still processing what  
17 had just happened. I felt terrible about the  
18 event. And if we had known early on how things  
19 were going to develop, then I was probably  
20 indicating at that point I wish we had brought ERS  
21 in.
- 22 Q Well, as things developed, you were aware this man  
23 had become unconscious?
- 24 A I never saw Mr. Dziekanski's face. I -- my first  
25 solid awareness that I can recall that he was  
26 unconscious was around the time that Richmond Fire  
27 arrived.
- 28 Q Mr. Sambrook, would you agree with me that from  
29 the point where Mr. Dziekanski was handcuffed,  
30 shortly after, he remained lifeless until Richmond  
31 Fire arrived?
- 32 MR. STEWART: Is counsel asking Mr. Sambrook for his  
33 observations -- like observations of movement  
34 or -- the comment "lifeless" is a statement as to  
35 life or death.
- 36 MR. ROSENBLOOM: Well, I didn't mean it that way.
- 37 MR. STEWART: This witness has testified that he was  
38 visibly breathing. He could see movement. He  
39 indicated that in direct. And there's  
40 considerable testimony with respect to  
41 observations of pulse and breath. So lifeless  
42 -- if you're asking this witness as to what  
43 observations he made of -- like physical  
44 observations of movement --
- 45 THE COMMISSIONER: Well, hold it now.
- 46 MR. STEWART: -- I think that's fair.
- 47 THE COMMISSIONER: Just a moment. Rephrase it.

1 MR. ROSENBLOOM: Thank you.

2 Q Mr. Sambrook, would you agree with me, shortly  
3 after the handcuffing until Richmond Fire arrived,  
4 you did not observe any movement of Mr.  
5 Dziekanski?

6 A He remained in the same location that he was  
7 handcuffed until Richmond Fire arrived.

8 Q Yes. And he not only remained in the same  
9 location, you did not observe movement, did you?

10 A I wasn't specifically looking to see if there was  
11 any movement. I was looking -- my mind was on the  
12 operation of the rest of the airport. I do recall  
13 at the moments immediately after he was handcuffed  
14 looking over and seeing him breathing, but I did  
15 not put my mind to whether he was conscious or  
16 unconscious.

17 Q Have you ever taken a first aid course?

18 A Yes.

19 Q Have you taken one recently?

20 A No.

21 Q And having taken a first aid course, you came to  
22 appreciate, did you not, that time is of the  
23 essence with individuals that could possibly  
24 become candidates for cardiac arrest?

25 A Yes.

26 Q Yes. And you have learnt through your  
27 responsibilities at the airport that there are  
28 defibrillators throughout the airport?

29 A We do have defibrillators through the airport,  
30 yes.

31 Q Yes. And you have of course become aware as to  
32 why your superiors have chosen to place the  
33 defibrillators all over the airport?

34 A We have defibrillators placed around the airport  
35 and those responsible choose those locations for  
36 them.

37 Q Yes. And you have multiple locations for them  
38 because in case of an emergency, time is of the  
39 essence, correct?

40 A Yes.

41 Q Yes. And you spoke yesterday in response to one  
42 of my learned friends here that you believed at  
43 the time there was one AED up the escalator at the  
44 international reception desk, at the top of the  
45 escalator, correct?

46 A I believe there was one at the information counter  
47 on the international departures level.

- 1 Q Yes. And you were also aware of AEDs in the  
2 vicinity of where this incident took place?
- 3 A I was aware of AEDs in the airport and one being  
4 at the information counter.
- 5 Q And do you remember whether there were any closer  
6 than even that counter up at the top of the  
7 escalator?
- 8 A I don't recall.
- 9 Q During your observations of the situation, you  
10 heard the word "medical" being spoken by somebody?
- 11 A When the RCMP immediately handcuffed Mr.  
12 Dziekanski, I recall hearing the word "medical."
- 13 Q Yeah. And what did that conjure up in your mind,  
14 that there might be a medical problem or emergency  
15 at hand?
- 16 A No. I thought it was protocol for the RCMP for  
17 Tasers.
- 18 Q Sorry, I don't follow this. You thought maybe it  
19 was protocol for the RCMP that after they taser  
20 someone, they always say "medical"?
- 21 A I'd never seen a Taser used before. I was  
22 processing this. I heard them say "medical" so I  
23 thought that's what they do.
- 24 Q So at that point, did it cross your mind that you  
25 and your staff might be helpful to the RCMP in  
26 providing medical assistance and first response?  
27 Did that cross your mind?
- 28 A I recall my mindset being at the time that this  
29 was a police situation and the best thing I can do  
30 is stand back and stay away from it.
- 31 Q And you were aware, were you not, at that moment  
32 in time that if your own first responders at your  
33 fire department didn't respond, that the first  
34 responders would have to come from a significant  
35 distance away, correct?
- 36 A It was my -- I'm sorry, I don't understand the  
37 question.
- 38 Q Okay. You were aware during that period that your  
39 ERS was far more proximate to the location and  
40 scene of this incident than otherwise having to  
41 call in the ambulance or fire from Richmond,  
42 correct?
- 43 A At the time, it was my understanding that calls  
44 for medical would go to E-Comm and they would --  
45 based on the information provided, they would  
46 decide whether the call was routine or Code 3 and  
47 then dispatch accordingly.

Gregory Sambrook

Cross-exam by Mr. Rosenbloom (for Government of Poland)

Corporal Nycki Basra

In chief by Mr. Vertlieb

1 Q And that they would choose to dispatch to your  
2 ERS?

3 A No. They would -- E-Comm, it was my  
4 understanding, would dispatch B.C. Ambulance first  
5 and then beyond that call Richmond Fire and  
6 Rescue, and then if it went beyond that, call the  
7 Airport Operations Centre.

8 Q You would agree with me that you could have played  
9 a role in initiating a response from ERS at that  
10 scene had you chosen to do so?

11 A If I was aware of the medical condition of any --  
12 of a person, I would contact the Airport  
13 Operations Centre and have them provide an update  
14 to E-Comm.

15 Q And you did not do so?

16 A No.

17 MR. ROSENBLOOM: Thank you. I have no further  
18 questions.

19 THE COMMISSIONER: That appears to be all the  
20 questions, then. Thank you very much for your  
21 time. I appreciate that.

22

23 (WITNESS EXCUSED)

24

25 MS. ROBERTS: Mr. Commissioner, I understand that Mr.  
26 Vertlieb wants Corporal Basra. She is in the  
27 building. It will take me a couple of minutes to  
28 get her.

29 THE COMMISSIONER: All right.

30

31 NYCKI BASRA, a witness,  
32 affirmed.

33

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

35 A Parminder Nycki Kaur Basra.

36 THE REGISTRAR: And would you spell your first name.

37 A P-a-r-m-i-n-d-e-r.

38 THE REGISTRAR: And your surname.

39 A B-a-s-r-a.

40 THE REGISTRAR: Thank you. Counsel.

41

42 EXAMINATION IN CHIEF BY MR. VERTLIEB:

43

44 Q Corporal Basra, tell us about your time with the  
45 RCMP. When did you go to the Depot in Regina?

46 A I was there from April '96 to the end of October  
47 '96.

Corporal Nycki Basra  
In chief by Mr. Vertlieb

- 1 Q And you graduated October '96, and then where did  
2 you go?
- 3 A I went to Maple Ridge, or Ridge Meadows  
4 Detachment, so Pitt Meadows and Maple Ridge.
- 5 Q Have you been a member of the RCMP continuously  
6 since the year 1996?
- 7 A Yes, I have.
- 8 Q You're a corporal in the force?
- 9 A That's correct.
- 10 Q When were you made corporal?
- 11 A January of 2006.
- 12 Q So at the time of this incident in October of '07,  
13 you were Corporal Basra and stationed in Richmond?
- 14 A That's correct.
- 15 Q What was your job in Richmond Detachment?
- 16 A My primary role was as the Media Relations  
17 Officer.
- 18 Q And that was at the date of the Dziekanski  
19 incident?
- 20 A That's correct.
- 21 Q I understand, though, that you were not doing  
22 media relations concerning the Dziekanski  
23 incident?
- 24 A That's correct. I was not.
- 25 Q Tell us, then, what happened if someone phoned  
26 your detachment to inquire on a media inquiry.
- 27 A On that incident, they were -- I directed them to  
28 either Sergeant Lemaitre or Corporal Dale Carr.
- 29 Q And those were instructions given to you by whom?
- 30 A I believe it was Sergeant Lemaitre.
- 31 Q And he's senior to you in rank?
- 32 A That's correct.
- 33 Q I gather that in the days following the death of  
34 Mr. Dziekanski, there was a great amount of media  
35 interest?
- 36 A That's correct.
- 37 Q Many media people phoning you?
- 38 A There were -- in the first few days, yes, there  
39 were. But once they realized I was not handling  
40 that matter, I did not get any phone calls on it.
- 41 Q In your time as a media relations officer, from  
42 your first commencement until October 14, '07, had  
43 you had any event that attracted greater media  
44 interest to your work than the Dziekanski  
45 incident?
- 46 A That's really hard to judge as to -- you know, I  
47 did have several files before that that did have a

Corporal Nycki Basra  
In chief by Mr. Vertlieb

1 lot of media interest.

2 Q Would it be fair to say, though, the Dziekanski  
3 incident generated a great deal of media interest?

4 A That's correct.

5 Q So you were aware of the media interest in this  
6 incident; it was apparent to you from the  
7 beginning?

8 A Yes.

9 MS. ROBERTS: Mr. Commissioner, my understanding is  
10 that Corporal Basra is being called because she  
11 was a volunteer Member Employee Assistance Program  
12 worker who attended a critical incident stress  
13 debriefing. She did not do any of the media  
14 relations with regard to this incident, and I'm  
15 not sure why my friend, Mr. Vertlieb, is leading  
16 this evidence. She is not being called for that  
17 purpose. We have the other two media relations  
18 officers, as you directed yesterday.

19 MR. VERTLIEB: Thank you.

20 Q Now, it's clear, then, that you did not have  
21 first-hand dealing with the media and it was all  
22 referred to Sergeant Lemaitre by you?

23 A That's correct.

24 Q You are what's referred to as a MEAP member,  
25 M-E-A-P?

26 A Yes.

27 Q Tell us what those letters mean.

28 A Member Employee Assistance Program.

29 Q This is a voluntary activity on your part?

30 A Yes, it is.

31 Q And it's something that you do as a peer to help  
32 other RCMP members?

33 A That's correct. It's a peer support program and  
34 basically we assist members in getting referrals  
35 or getting the assistance that they may need with  
36 whatever issue that they're dealing with.

37 Q And to become a member of this peer assistance  
38 group you have to have some training?

39 A Yes, you do.

40 Q And you go to a training session where other RCMP  
41 people such as yourself would attend?

42 A That's correct.

43 Q And that's a one- or two-day session?

44 A No, it was a week long.

45 Q A week long. So it's strictly voluntary?

46 A Yes.

47 Q And it's done by you and others out of an interest

- 1 in helping your colleagues?
- 2 A Yes.
- 3 Q And your work is strictly with members of the  
4 RCMP?
- 5 A Members as well as employees of the RCMP.
- 6 Q Right. Now, just to give a sense of this, there  
7 are approximately how many MEAP members in British  
8 Columbia?
- 9 A I don't have the number, but if I were to guess, I  
10 would say at least a hundred if not more.
- 11 Q And you were not the only MEAP member in Richmond  
12 at the time, October '07?
- 13 A No. At that time there was probably approximately  
14 ten. Again, I don't have the exact figures. I'm  
15 being -- guessing in my figures.
- 16 Q Okay. But about ten?
- 17 A About ten.
- 18 Q In a detachment of perhaps two hundred plus?
- 19 A That's correct.
- 20 Q We've heard about a critical incident debriefing  
21 in this case?
- 22 A Yes.
- 23 Q You have knowledge of that?
- 24 A Yes, I do. I was present at that critical  
25 incident stress debriefing.
- 26 Q In addition to the four police officers involved  
27 in the Dziekanski incident and yourself, who else  
28 was there?
- 29 A I want to stress that as far as who is usually  
30 there, that is a confidential matter. However, as  
31 in this case it's become public information  
32 because the members that were there have stated  
33 that they were there, so the four members that  
34 were involved in this incident, myself, Corporal  
35 Dave Williams and the psychologist.
- 36 Q Now, how did this debriefing get organized?
- 37 A I believe it was -- I wasn't involved in the  
38 discussion around the organization of it, but I  
39 believe it was Corporal Dave Williams who  
40 organized it. So he would have called the  
41 psychologist, and I can't recall for sure, because  
42 we're going back 18 months, as to whether I called  
43 the members or whether I spoke to one of the  
44 members and advised them -- and that member  
45 advised me he was going to tell the rest to be  
46 there.
- 47 Q So you can't remember whether you called each

Corporal Nycki Basra  
In chief by Mr. Vertlieb

- 1 member or called perhaps just one?  
2 A Right. Or if I was the one that called the  
3 members to be there. When we advise members that  
4 this is going to happen, it's strictly voluntary.  
5 It's up to them whether they want to attend or  
6 not.  
7 Q So if you would have called one of the members,  
8 would that most likely have been the corporal?  
9 A That's correct. It most likely would have been  
10 Corporal Robinson.  
11 Q So you either called each officer individually or  
12 asked Corporal Robinson to call the other three  
13 constables?  
14 A That's right. If I was the one calling. I  
15 believe it was me. It could have been Corporal  
16 Dave Williams as well.  
17 Q Why were you in attendance?  
18 A I was available that day.  
19 Q And Corporal Williams, he's also a MEAP member?  
20 A Yes. And I believe at the time he was the MEAP  
21 coordinator for Richmond Detachment.  
22 Q Was there any difficulty setting up this session?  
23 A No, there was not.  
24 Q Where did it take place?  
25 A It took place at the YVR Sub-detachment. So  
26 that's the Vancouver International RCMP Sub-  
27 detachment.  
28 Q And do you remember the date?  
29 A It was -- I believe it was October 27th. It was a  
30 Saturday morning.  
31 Q So the incident's the 14th of October and this is  
32 the 27th. So about 13 days later?  
33 A Yes. And normally we conduct these within a few  
34 days of the event, but as in this case there was  
35 an investigation, we -- like I said, it was  
36 probably Corporal Dave Williams who made sure with  
37 the investigators that any interviews that needed  
38 to be done at that point had already been done.  
39 Q And the interviews -- you knew this was an in-  
40 custody death case so you would be thinking of the  
41 IHIT interviews?  
42 A That's correct.  
43 Q And your understanding was that had all been  
44 conducted?  
45 A Yes, because we did not want to interfere in the  
46 investigation in any way.  
47 Q And the session that morning, how long was it?

Corporal Nycki Basra  
In chief by Mr. Vertlieb

- 1 A Again, I don't have any notes of the matter. I  
2 believe it was a couple of hours. So it would be  
3 fair to say probably two hours. I know we started  
4 at roughly around 8:00 a.m. and I know that we  
5 were done well before lunchtime.
- 6 Q So it could have been two hours or more?
- 7 A Two, two and a half.
- 8 Q Now, I don't want to ask you about any expressions  
9 of feeling made by any of these four officers,  
10 because we're really not interested in any of  
11 their feelings.
- 12 A Mm-hmm.
- 13 Q But I do want to ask you about the discussion  
14 concerning the events, what took place with Mr.  
15 Dziekanski. Tell us what you recall of what was  
16 discussed by any of those four officers about the  
17 events itself.
- 18 A Honestly, my focus there was -- let me just  
19 explain what my role as well as Corporal Dave  
20 Williams' role is there. Our role is to monitor  
21 the members. If anyone's having a breakdown, they  
22 have to leave the room, we would go with them, as  
23 well as if there's any referrals that need to be  
24 made after the fact, we would be making those  
25 referrals. So my focus is really on their  
26 emotions, is on their speech, their speed of  
27 speech, their physiological symptoms, to really  
28 monitor that. So having said that, I don't recall  
29 the exact specifics of what was said.
- 30 However, what I do want to stress is I am a  
31 police officer first, and although there as a  
32 support person, if I had any inclination that  
33 there was anything being discussed that would  
34 suggest any wrongdoing, any criminal elements,  
35 anything that would have impacted the  
36 investigation, I would have taken note of that and  
37 I would have dealt with that. And to the best of  
38 my recollection, there was nothing along those  
39 lines at all.
- 40 Q Now, you said you don't remember the exact  
41 specifics, and I'm really not asking you for the  
42 exact specifics --
- 43 A Right.
- 44 Q -- of what was said. But tell us what you recall  
45 any of those four members saying about their  
46 interaction with Mr. Dziekanski and what he did  
47 and what they did.

Corporal Nycki Basra  
In chief by Mr. Vertlieb

- 1 A Honestly I -- I could not -- I could not comment  
2 on that, because from my recollection the  
3 discussion was more about their feelings, their  
4 thoughts, their coping strategies, especially  
5 after the fact.
- 6 Q Now, I understand from your evidence that that  
7 would be your focus, and we can all understand  
8 that.
- 9 A Right. And that's all I recall. And what I'm  
10 telling you is if I recalled anything about the  
11 incident, it would have been in the context of  
12 their feelings and emotions around it.
- 13 Q So let me just see if this helps with your memory.
- 14 A Sure.
- 15 Q You know Officer Bill Bentley? You know who he  
16 is?
- 17 A Yes.
- 18 Q And you know he's a young officer in the RCMP?
- 19 A That's correct.
- 20 Q And you know he was here and gave evidence to the  
21 Commissioner?
- 22 A Yes.
- 23 Q You know in fact all four of the officers have  
24 come here?
- 25 A That's correct.
- 26 Q So Officer Bentley said this. See if this helps  
27 you help the Commissioner. He said:
- 28
- 29 What I do remember is we did have what's  
30 referred to as a critical incident debrief --  
31
- 32 Now, I'm going to stop. That's what we're talking  
33 about, right?
- 34 A Mm-hmm.
- 35 Q Yes?
- 36 A Yes, that's correct.
- 37 Q
- 38
- 39 -- where we all told our version of the  
40 events that transpired that evening.  
41
- 42 That's Officer Bentley's evidence to the  
43 Commissioner.
- 44 A Okay.
- 45 Q So what I want to ask you is, what do you remember  
46 of the version of the events as explained by those  
47 four officers?

Corporal Nycki Basra  
In chief by Mr. Vertlieb

1 A I don't understand what you're trying to ask me.  
2 Because if you're trying to ask me what other  
3 members have testified, that would not trigger my  
4 recollection. I'm telling you what I recall. So  
5 if you'd like to ask me about what I recall, let's  
6 talk about that. I cannot comment on other  
7 members' testimony.

8 Q No, I'm not asking you to comment on other  
9 members' testimony. I'm asking you if you can  
10 help fill in the version of the events that  
11 Officer Bentley said was discussed by all. He  
12 said:

13  
14 ...we all told our version of the events that  
15 transpired that evening.

16  
17 A Mm-hmm.

18 Q And I'm just wondering if you can help us with  
19 what events were related, given the fact you were  
20 in this meeting with these gentlemen for two hours  
21 or more.

22 A Again, this is a critical incident stress  
23 debriefing where members speak about their  
24 emotions and their feelings about an event.  
25 You've asked me what I recall about them  
26 mentioning about the incident, and I've told you  
27 I do not recall whether there were specifics, or  
28 the incident itself, I don't recall what was said  
29 about that, if it even was.

30 Q Officer Bentley a bit later on in his evidence  
31 said:

32  
33 Everyone gave their version of the events.  
34 There was no discussion amongst members, they  
35 just told their side of the story. That was  
36 it.

37  
38 You can't help us at all with the version of the  
39 events?

40 A Again, it's a use of terminology. I mean, maybe  
41 you should be posing these questions or should  
42 have posed these questions to Constable Bentley.  
43 You're asking me to comment on what another member  
44 said.

45 Q No, I'm not. I want to be clear on what I'm  
46 asking you.

47 A Okay. Well --

Corporal Nycki Basra  
In chief by Mr. Vertlieb

- 1 Q I'm not asking you to comment on another member.  
2 A Okay. What are you asking, then?  
3 Q I'm asking you to tell us what any of those four  
4 officers said about the events of the evening and  
5 their dealings with Mr. Dziekanski.  
6 A And I've answered that question. I do not recall  
7 any member's version of events, if that's what  
8 you're asking me. I recall them speaking about  
9 their feelings, their emotions, what they did  
10 after the incident, maybe what they did before the  
11 incident, their eating patterns, their sleeping  
12 patterns. Those -- that was the topic of  
13 discussion. And again, it was not -- actually,  
14 let me correct myself. It was not a discussion.  
15 It was more each member speaking about their  
16 feelings, their emotions, their way of dealing  
17 with the situation.  
18 Q Just so we're clear, Corporal, is it your evidence  
19 that you cannot recall a single piece of  
20 information from any one of these four officers  
21 about the incident itself during that two-hour  
22 plus meeting?  
23 A I recall what they talked about as far as their  
24 emotions and their feelings, and you've already  
25 told me that you did not want me to talk about  
26 that, and nor would that be fair for me to talk  
27 about that.  
28 Q No, we're not --  
29 A As far as the incident itself, no, I do not recall  
30 any specifics or whether it was discussed -- or  
31 whether they spoke about it.  
32 Q Not a single piece of information about the  
33 incident?  
34 A No, I don't.  
35 Q I'm just curious. Would you be going to a lot of  
36 these critical incident debriefings? Is it  
37 something that occurred on a regular basis  
38 (indiscernible - overtalking) --  
39 A That was the last one I went to, and I'd probably  
40 gone to five before that. And we're talking 18  
41 months ago, and I have stressed that my focus  
42 would be on their emotions, their feelings, their  
43 thoughts. However, still a police officer, and if  
44 there was any indication of anything that would  
45 have impacted the investigation, any wrongdoing,  
46 any criminal activity, I would have taken note of  
47 that and taken action on it.

Corporal Nycki Basra

In chief by Mr. Vertlieb

Cross-exam by Ms. Roberts (for Government of Canada)

1 Q And this was the last debriefing you went to?

2 A Yes.

3 Q So your memory would not be affected because you  
4 would have had other debriefing incidents coming  
5 into your mind that would be perhaps confusing for  
6 you?

7 A That's correct.

8 Q So you can't help us in any way at all with the  
9 question I've posed to you about any single piece  
10 of information about the dealings with Mr.  
11 Dziekanski?

12 A No, I cannot.

13 MR. VERTLIEB: Thank you.

14 MS. ROBERTS: For the record, Helen Roberts for the  
15 Government of Canada.

16

17 CROSS-EXAMINATION BY MS. ROBERTS ON BEHALF OF THE  
18 GOVERNMENT OF CANADA:

19

20 Q Corporal Basra, you've testified that you don't  
21 recall any of the four members discussing the  
22 incident with Mr. Dziekanski. Have I got that  
23 correct?

24 A Yes.

25 Q Is that common or is that unusual at a critical  
26 incident stress debriefing?

27 A It's very common. We strongly discourage members  
28 to talk about their actions or the specifics of  
29 the incident. It's really about how they're  
30 coping, their emotions, their feelings.

31 Q Does the RCMP have other kinds of debriefings?

32 A Yes. We have operational debriefings, and to the  
33 best of my knowledge that was not done in this  
34 case. And in that situation we would be talking  
35 about the incident, who did what, how they did it.  
36 And the purpose of that is, one, to learn from the  
37 incident, correct any mistakes that may or may not  
38 have been made, and -- that would be an  
39 operational debriefing. That was not done in this  
40 situation.

41 Q And you've also testified that you have no notes  
42 of the debriefing. Is that common or is that  
43 unusual?

44 A Again, that's very common. These matters, like I  
45 said, were discussing members' personal  
46 information, their emotions, their feelings. That  
47 is not something that we would be taking notes

Corporal Nycki Basra

Cross-exam by Ms. Roberts (for Government of Canada)

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

1           upon.

2           Q     And who basically chairs or runs the debriefing?

3           A     The psychologist does.

4           Q     And are there any instructions given at the  
5           beginning of the debriefing with regard to  
6           confidentiality or notes?

7           A     Yes. All of that is done by the psychologist, and  
8           both myself and Dave, as we would in any  
9           situation, I introduce myself, who I am, why I'm  
10          there, and the whole confidentiality thing is  
11          usually explained by the psychologist.

12         MS. ROBERTS: Thank you. I have no further questions.

13         MR. KOSTECKYJ: My name is Walter Kosteckyj. I'm  
14          counsel for Zofia Cisowski.

15  
16         CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA  
17          CISOWSKI:

18

19          Q     Corporal, do you have any particular educational  
20          background in psychology or interest in that area?

21          A     Actually I do have a minor in psychology.

22          Q     Okay. And what did you graduate in?

23          A     I graduated with a major in communications and a  
24          minor in psychology. And just my experience as  
25          far as being a peer support worker, I've been  
26          doing it since high school. Did it in high  
27          school, did it in university, and I've been doing  
28          it in the RCMP.

29          Q     All right. Now, this meeting, it was set up at  
30          the detachment, presumably so it would be in  
31          familiar surroundings to the four members?

32          A     No. It was because that's the location that was  
33          convenient for everyone.

34          Q     All right.

35          A     And usually -- we usually -- they take place at  
36          the detachments.

37          Q     And do you know if they had been on shift that  
38          day?

39          A     I -- you know what? They may have been, because I  
40          think a couple of them were in uniform. They may  
41          all have been. I -- I didn't take note of that  
42          but I do remember seeing uniforms.

43          Q     Well, as we understood it, these four members  
44          continued to work on the same shift and the same  
45          rotation until sometime later than this  
46          debriefing, at least some months later.

47          A     That may or may not have been true. I don't know

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

- 1 the exact specifics of that.
- 2 Q So on this particular occasion, they appeared to  
3 have been working; they were in uniform?
- 4 A I believe so.
- 5 Q Do you know if it was the beginning of their shift  
6 or the end?
- 7 A It probably would have been near the beginning  
8 because it was in the morning.
- 9 Q All right. Now, when you got there, were the  
10 members already there?
- 11 A They may have been. I don't -- I don't remember  
12 the exact specifics. Yeah, they may have been.
- 13 Q Well, as I gather, the detachment has a central  
14 meeting area. It's a sub-detachment?
- 15 A That's correct.
- 16 Q And you met around a table, I take it?
- 17 A Yes.
- 18 Q And so to your recollection, when you showed up  
19 were the members there waiting for you?
- 20 A They may have been coming in. No, they weren't --  
21 sorry. Actually they were not waiting in there  
22 because I believe there was -- myself and Dave  
23 were probably there first. Again, 18 months ago.  
24 But I do remember either making sure water was in  
25 there, Kleenex, enough chairs.
- 26 Q Now, this would have been set up some period of  
27 time before that? They would have gotten notice a  
28 week or ten days or five days or some length of  
29 notice, correct?
- 30 A I -- honestly I can't tell you the extent of it.  
31 And again, I don't recall whether I was the one  
32 that called or whether it was Dave Williams. And  
33 it -- and I -- to the best of my recollection, I  
34 believe it was days before.
- 35 Q But normally you would give someone notice and  
36 they would know that this event is --
- 37 A Yes.
- 38 Q -- is coming up?
- 39 A Yes.
- 40 Q We're going to get together, we're going to meet  
41 and discuss and meet with a psychologist and  
42 discuss this event, correct?
- 43 A The -- it would have been -- the words that would  
44 be used was a critical incident stress  
45 debriefing --
- 46 Q Right.
- 47 A -- with a psychologist, to discuss how you're

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

1           doing, how you're coping.  
2       Q     Right. Now, let's talk about, with most of these  
3           types of things there's a model. You're taught a  
4           model. You're taught a model for how to put one  
5           of these debriefings together, correct?  
6       A     Yes.  
7       Q     They're sort of done in the same way on a routine  
8           basis?  
9       A     That's correct.  
10      Q     The beginning of it is you tell someone about the  
11           fact that, look, this is a confidential meeting.  
12      A     Yes.  
13      Q     We want you to be able to be forthright, correct?  
14      A     Yes.  
15      Q     We want you to feel like you can say whatever  
16           comes across your mind and feel comfortable.  
17      A     Maybe not those exact words, but --  
18      Q     Words to that effect?  
19      A     Something along the lines that this is -- it's a  
20           confidential -- it's to ensure your wellbeing,  
21           ensure you're getting what you need.  
22      Q     Yeah.  
23      A     Those types of words.  
24      Q     Right. And you don't keep notes, I take it?  
25      A     That's correct.  
26      Q     And you tell them, "I'm not going to keep any  
27           notes of this meeting"?  
28      A     I believe that is told, yes.  
29      Q     Yeah.  
30      A     Yes. It probably is, yes.  
31      Q     Well, you've done --  
32      A     Yeah.  
33      Q     -- you did five of them before.  
34      A     Yeah, yeah.  
35      Q     It's part of the program --  
36      A     Yes.  
37      Q     -- right? All right. So the point is you're  
38           telling these people, "We aren't here to go after  
39           you or vilify you or anything. We're just here to  
40           listen and help you," right?  
41      A     I wouldn't use those exact words, but this is  
42           about -- again, when it would be explained to  
43           them, "This is about your emotions, your  
44           wellbeing, to ensure you're getting what you  
45           need."  
46      Q     Okay.  
47      A     There's not a huge explanation as to what this is.

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

1 Most people understand what it is. If there's any  
2 further questions, the words I would use to  
3 explain is, "A psychologist will be there. You  
4 will talk about how you're feeling, how you're  
5 doing, your reactions." And there's not a huge  
6 discussion over it.

7 Q Well, in the course of this model, there is an  
8 opportunity for the officers to discuss what  
9 happened, if they so choose, correct?

10 A In the critical incident stress debriefing?

11 Q Yes.

12 A It is strongly discouraged to talk about what  
13 happened.

14 Q Now, do you have a specific recollection of  
15 telling the officers that on this occasion?

16 A Did I tell them that --

17 Q Yes.

18 A -- we're going to discuss what happened or what  
19 did not happen?

20 Q No. That we're not going to discuss what  
21 happened. We're not going to discuss the actual  
22 incident itself.

23 A I don't recall saying that but I -- it probably  
24 was said.

25 Q Okay.

26 A How this is led, it's led by the psychologist. My  
27 role simply is there to monitor. So there would  
28 not have been a lot said by me.

29 Q Yeah.

30 A Other than if I was the one who called the members  
31 to be there would have been, "There's a critical  
32 incident stress debriefing happening. The  
33 psychologist will be there. It is confidential.  
34 It's voluntary for you to attend."

35 Q Now, your job is to listen carefully?

36 A Yes.

37 Q That's part of what you do at one of these  
38 debriefings. You're listening because you are  
39 monitoring the members?

40 A That's correct.

41 Q All right. You've heard that Constable Bentley  
42 gave evidence here?

43 A Yes.

44 Q You're not disputing that people discussed the  
45 facts of the case at the debriefing, are you?

46 A I'm trying to understand what your line of  
47 questioning here --

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

1 Q Well, here's --  
2 A You're asking me to dispute another member's  
3 testimony? I --  
4 Q No. Here's what I'm saying to you. Constable  
5 Bentley told us that he set out the facts, or they  
6 discussed his version of the events. You're not  
7 disputing that that happened, are you?  
8 A I'm telling what I recall..  
9 Q Yeah. You --  
10 A Whether I can dispute as to what somebody else  
11 said, I don't think that's fair for me to do.  
12 Q Well, it's absolutely fair. That's why you're  
13 here.  
14 THE COMMISSIONER: No, just a moment. No, no.  
15 A I --  
16 MR. KOSTECKYJ: Well, with respect --  
17 THE COMMISSIONER: No.  
18 MR. KOSTECKYJ: Let me put the question this way.  
19 THE COMMISSIONER: Yes, rephrase it.  
20 MR. KOSTECKYJ: Let me do that.  
21 THE COMMISSIONER: But the witness is not to comment on  
22 the evidence of someone else.  
23 A I'm telling you what I recall. And I've --  
24 MR. KOSTECKYJ:  
25 Q But you're --  
26 A Again, if you'd like me to reiterate that, I can  
27 do that for you.  
28 Q Well, let me put it to you this way. You're not  
29 disputing that Constable Bentley gave his version  
30 of events. You're telling us that you don't  
31 remember. Is that a fair assessment?  
32 A I don't recall what exactly was said. What was  
33 talked about, what was encouraged to be talked  
34 about, their emotions and feelings surrounding the  
35 event.  
36 Q Do you feel that there's a necessity --  
37 MR. KOSTECKYJ: Does my friend have an objection?  
38 MS. ROBERTS: Well, no. The Commissioner has already  
39 given you some guidance on this point. She's not  
40 here to dispute or agree with what Constable  
41 Bentley said. She's here to give her evidence.  
42 MR. KOSTECKYJ: I thought we had moved on. But...  
43 Q There's a sense in this procedure that you're  
44 trying to protect the officers' privacy, correct?  
45 A Around their emotions --  
46 Q Yes.  
47 A -- and their feelings. I'm a police officer

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

Cross-exam by Mr. Rosenbloom (for Government of Poland)

- 1 first. If there was any indication that there was  
2 any wrongdoing done, I --
- 3 Q I don't think --
- 4 A I think the question is whether this was an  
5 opportunity for the members to get their story  
6 together, and I can tell you that that did not  
7 happen. So if you want to ask me that question,  
8 that would be my response to that.
- 9 Q Well, the point to it is, the question that's been  
10 raised is as to whether or not the police officers  
11 discussed the incident, not as to whether they put  
12 their story together. And you seem to be  
13 argumentative in your response to this.
- 14 THE COMMISSIONER: Just --
- 15 MR. KOSTECKYJ: Well, let me --
- 16 THE COMMISSIONER: Just ask the question, counsel.
- 17 MR. KOSTECKYJ:
- 18 Q Now, you're not denying that people gave their  
19 version of events, are you?
- 20 A I'm telling you that I don't recall what exactly  
21 was said, the discussion or -- what each member  
22 talked about was their emotions, their way of  
23 dealing with it.
- 24 MR. KOSTECKYJ: Those are my questions.
- 25 A Thank you.
- 26 MR. ROSENBLOOM: Corporal, my name is Don Rosenbloom.  
27 I'm counsel for the Government of the Republic of  
28 Poland. I just have a few questions for you.
- 29
- 30 CROSS-EXAM BY MR. ROSENBLOOM FOR THE GOVERNMENT OF THE  
31 REPUBLIC OF POLAND:
- 32
- 33 Q When did you join the Richmond Detachment?
- 34 A I got there in March of 2006, right at the  
35 beginning.
- 36 Q And at the time of this incident in 2007, who was  
37 your commanding officer of the detachment?
- 38 A It was Superintendent Ward Clapham.
- 39 Q Sorry, Superintendent --
- 40 A Ward Clapham.
- 41 Q Clough?
- 42 A Clapham.
- 43 Q Clapham. Spell it?
- 44 A C-l-a-p-h-a-m.
- 45 Q And he no longer is the superintendent at your  
46 detachment, is he?
- 47 A No, he's not.

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Cross-exam by Mr. Rosenbloom (for Government of Poland)

1 Q When did he leave that detachment?

2 A Last May. So May -- I believe it was May 2008.  
3 Either the end of April, May, June, around that  
4 time.

5 Q Corporal Dave Williams, maybe I missed something  
6 that you spoke about. What was his role in this  
7 meeting we're speaking about?

8 A The same as mine, which is to monitor the members.

9 Q Is it common to have two members there?

10 A Yes, it is.

11 Q And he is still with the Richmond Detachment?

12 A No, he's not. And I don't -- I believe he's in  
13 Traffic somewhere but I don't know the exact  
14 location. Somewhere in the Lower Mainland.

15 Q Still within the force?

16 A Yes.

17 Q Thank you. You spoke about a model for these kind  
18 of meetings. Do you happen to have that document  
19 with you?

20 A There is -- I do not. But I can -- basically it's  
21 led by the psychologist. Our job as MEAP members  
22 is to call the psychologist, find the location,  
23 find the time, contact the members, and then  
24 monitor. So --

25 Q I'm not asking you as to its contents right now.

26 I'm asking whether you're in possession of --

27 A No, I don't.

28 Q But you would have it back at the detachment  
29 office?

30 A I probably would.

31 Q I wonder if you'd be kind enough to provide it to  
32 your counsel and then, based upon her decision, I  
33 would like to see a copy of it. Okay?

34 A Sure.

35 MR. ROSENBLoom: Thank you. I have no further  
36 questions.

37 THE COMMISSIONER: Anybody else? Thank you very much  
38 for your time coming here. I appreciate it very  
39 much.

40

41 (WITNESS EXCUSED)

42

43 THE COMMISSIONER: We'll take the morning break.

44 THE REGISTRAR: This hearing will now recess for ten  
45 minutes.

46

47 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

33  
Corporal Paul Hoivik  
In chief by Mr. McGowan

1 (PROCEEDINGS RECONVENED)

2  
3 THE REGISTRAR: This hearing is now resumed.  
4 MR. VERTLIEB: Mr. Commissioner, what we think would be  
5 best is to sit a bit late if necessary this  
6 morning and then -- this is the last witness for  
7 the day, and that way we can finish up.  
8 THE COMMISSIONER: Yes, indeed.  
9 MR. VERTLIEB: And I've canvassed that with the other  
10 counsel.

11  
12 PAUL ANTHONY HOIVIK, a  
13 witness, sworn.  
14

15 THE REGISTRAR: State your full name, please.  
16 A Corporal Paul Anthony Hoivik.  
17 THE REGISTRAR: How do you spell your surname?  
18 A H-o-i-v-i-k.  
19 THE REGISTRAR: Thank you. You may be seated.  
20 Counsel.  
21 MR. MCGOWAN: For the record, I'm Patrick McGowan for  
22 the Commission.  
23

24 EXAMINATION IN CHIEF BY MR. MCGOWAN:

25  
26 Q Officer, I'm just going to spend a few moments at  
27 the outset covering your background with the RCMP  
28 with you. You've been on the force for nine  
29 years?  
30 A Yes. I'm going into my ninth year of service with  
31 the RCMP.  
32 Q And after completing your time at Depot, your  
33 first posting was in Squamish, British Columbia?  
34 A That's correct.  
35 Q You were there until 2004?  
36 A That's correct.  
37 Q After which you joined IHIT on a special  
38 investigative force for three years?  
39 A No. To correct that, from Squamish I was assigned  
40 to the Missing Women's Task Force.  
41 Q As a member of IHIT?  
42 A No, as an investigator with the Missing Women's  
43 Task Force.  
44 Q Okay. So you were assigned to that special task  
45 force for three years, after which you remained or  
46 went with IHIT; is that correct?  
47 A In April of 2007 I was transferred over to the

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In chief by Mr. McGowan

- 1 Integrated Homicide Investigation Team, otherwise  
2 known as IHIT.
- 3 Q And you continue to serve in that capacity?  
4 A That's my present posting, yes.
- 5 Q And your involvement in this investigation was as  
6 a member of IHIT, then?  
7 A That's correct.
- 8 Q And did you have a particular role you were  
9 assigned relating to this investigation?  
10 A Yes. With this investigation I was designated the  
11 scene exhibit investigator.
- 12 Q I wonder if you could just take a moment -- maybe  
13 just before I ask that. That's a standard role  
14 that's assigned to a particular officer in many  
15 investigations; is that right?  
16 A That's correct.
- 17 Q I wonder if you could just take a moment and  
18 explain to the Commissioner what that role  
19 consists of.  
20 A The role of scene exhibit investigator is  
21 primarily responsible for the documentation of the  
22 scene, the collection and recording of all  
23 exhibits gathered throughout the duration of the  
24 investigation. In processing the scene we work in  
25 partnership with a member of the Forensic  
26 Identification Section and in partnership with the  
27 Coroner's Service.
- 28 Q So the bottom line is you're the officer  
29 responsible for taking custody of and maintaining  
30 custody of exhibits seized at the location.  
31 That's one of your primary duties?  
32 A That's correct.
- 33 Q Now, you made reference to working with an Ident  
34 member. That's a Forensic Identification member?  
35 A That's correct. In this investigation, the  
36 Forensic Identification member assigned to this  
37 file was Sergeant Noel Christiansen.
- 38 Q And the two of you worked through the scene  
39 assessment essentially hand in hand; is that  
40 right?  
41 A That's correct.
- 42 Q So all of the significant portions of your duties  
43 and his duties were conducted in tandem  
44 essentially?  
45 A Essentially, yes.
- 46 Q I wonder if you could take a moment and tell the  
47 Commissioner how it was you came to be dispatched

Corporal Paul Hoivik  
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- 1 to the scene and what information you were given  
2 at the time you were dispatched.
- 3 A I was called out to this investigation at  
4 approximately 2:50 in the morning October 14th,  
5 2007. I received a call at my residence from  
6 Corporal Teboul, another investigator with IHIT  
7 that is on my team. From Corporal Teboul I was  
8 directed to attend the Vancouver International  
9 Airport for the investigation of a police involved  
10 death that had occurred there, and that death had  
11 involved the use of a conducted energy weapon,  
12 commonly referred to as a Taser.
- 13 Q And were you told what your role would be at the  
14 time of dispatch?
- 15 A Yes. I was aware that I would be assuming the  
16 role of scene exhibit investigator for this  
17 matter.
- 18 Q And as such you would have attended with the  
19 necessary equipment, exhibit bags and so forth?
- 20 A That's correct.
- 21 Q What time did you arrive at the airport on that  
22 evening?
- 23 A I arrived at the airport at approximately 4:30 in  
24 the morning, 4:30 a.m.
- 25 Q And what information were you provided by the  
26 officers present at the time of your arrival?
- 27 A At the time of my arrival I was met by now Staff  
28 Sergeant David Attu and Sergeant Derek  
29 Brassington. I was directed to the international  
30 arrivals area of the airport and I was informed by  
31 Staff Sergeant Attu that the victim was Mr.  
32 Dziekanski, that he had been involved in an  
33 altercation with airport staff which resulted in  
34 the police being called. Police attended, there  
35 was police intervention which resulted in the  
36 deployment of a Taser, and shortly thereafter Mr.  
37 Dziekanski passed away.
- 38 Q And were you directed to an area that became known  
39 to you as "the scene"?
- 40 A Yes, I was.
- 41 Q And was that behind the glass barrier in what  
42 we've come to know as the secure or semi-secure  
43 area, the international reception lounge?
- 44 A That's correct.
- 45 Q And was a portion of that area cordoned off when  
46 you arrived?
- 47 A At the time of my arrival, the scene, which was

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- 1 located within what I refer to as the secure area  
2 behind the glass wall of the international  
3 arrivals area, was cordoned off with yellow police  
4 tape. That tape encompassed the service counter  
5 area and an area coming out from -- coming away  
6 from the service counter, which also encompassed  
7 the location of Mr. Dziekanski's body. There was  
8 two uniformed officers present at that location  
9 who identified themselves to me as Constable Dame  
10 and Constable Hannigan. They advised me that the  
11 scene had been secured as of 0250 hours, so 2:50  
12 a.m. And -- sorry.
- 13 Q Maybe I'll just clarify that. What you took from  
14 their information is from 2:50 a.m., they'd been  
15 present at the scene and secured it?
- 16 A That was my understanding, yes.
- 17 Q And in police talk, secured means nothing got  
18 moved and nothing got touched on their watch?
- 19 A From that point on, yes.
- 20 Q Okay. Now, within this area that was taped off,  
21 were all of the exhibits that you ultimately  
22 seized in that area when you arrived?
- 23 A The exhibits that I seized from the scene --
- 24 Q Yes.
- 25 A -- or took custody of at the scene were within the  
26 taped off area; that's correct.
- 27 Q And Mr. Dziekanski's body was also within that  
28 area?
- 29 A That's correct.
- 30 Q Now, I understand you in your notebook did a  
31 sketch or a diagram of the scene as it was when  
32 you arrived and took control of the scene; is that  
33 right?
- 34 A Yes, that's correct.
- 35 Q That's on page 2 of your notebook?
- 36 A Yes, I believe it is.
- 37 MR. MCGOWAN: I'm going to provide a copy to the  
38 Commissioner.
- 39 Q Now, I'm holding it with the longer line and the  
40 glass wall on my left-hand side and what I guess  
41 becomes the point of the barrier on the right-hand  
42 side, just to get you oriented. Is the line that  
43 you have drawn, sort of a pentagon shape, is that  
44 what became known to you as the scene, the area  
45 that was cordoned off with the yellow police tape?
- 46 A That's correct.
- 47 Q So the exhibits that you seized were all within

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- 1           that area?
- 2       A     Yes, they were.
- 3       Q     And you've noted on the diagram the location of
- 4           Mr. Dziekanski's body when you arrived?
- 5       A     Yes. This of course is not to scale.
- 6       Q     No, I understand.
- 7       A     It's a sketch made in my notebook. But yes,
- 8           that's the general location.
- 9       Q     It roughly accords, to the best of your artistic
- 10           abilities, with what you saw when you arrived?
- 11      A     Yes, that's correct.
- 12      Q     All right. And we see the luggage cart, and
- 13           that's where that was when you arrived?
- 14      A     In that area, yes.
- 15      Q     Okay. And of course the other items noted as well
- 16           are in the area that you observed them once you
- 17           got there?
- 18      A     That's correct
- 19      MR. MCGOWAN: I wonder if that could be the next
- 20           exhibit, please.
- 21      THE COMMISSIONER: Yes, next exhibit.
- 22      THE REGISTRAR: That will be marked as Exhibit Number
- 23           85.
- 24
- 25                   EXHIBIT 85: Handdrawn sketch of
- 26                   International Arrivals, Level 1
- 27
- 28      Q     So on your arrival, you proceeded to process the
- 29           scene, which essentially, I take it, includes
- 30           documenting the scene, locating exhibits, seizing
- 31           exhibits, and looking for any evidence. Is
- 32           that --
- 33      A     That's correct.
- 34      Q     -- a fair description?
- 35      A     And as you stated earlier, that's done in
- 36           partnership with Sergeant Christiansen.
- 37      Q     So the first thing that's done is -- one of the
- 38           first things that's done is documenting the scene,
- 39           and that's your sketch and also overview scene
- 40           photographs, correct?
- 41      A     Yeah, my sketch and then ultimately when Sergeant
- 42           Christiansen arrives at the scene, the first thing
- 43           that's done is photographs of the scene as it
- 44           exists at that time.
- 45      Q     And you were present when those photographs were
- 46           taken by Officer Christiansen?
- 47      A     Yes, I was.

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1 Q And you've had a chance to look at them  
2 subsequently and you're satisfied they accurately  
3 reflect what you observed when you were present?

4 A Yes, they do.

5 MR. MCGOWAN: Mr. Commissioner, there's two batches of  
6 photographs I'm going to be asking to be marked.  
7 The first is a batch of photographs of the scene  
8 generally and then of some specific exhibits. The  
9 second batch of photographs which we're filing  
10 contain photographs which include shots of Mr.  
11 Dziekanski's body. I'm going to ask that those be  
12 marked separately and I'm going to suggest that  
13 they be sealed and not available for publication  
14 due to the nature of the photographs.

15 THE COMMISSIONER: Yes, I agree with that.

16 MR. MCGOWAN: So perhaps I'll file those now. The  
17 first batch would be one exhibit and those  
18 photographs are the scene photographs and  
19 photographs of the exhibits.

20 THE REGISTRAR: They'll be marked as Exhibit Number 86.

21  
22 EXHIBIT 86: Three-ring binder containing 108  
23 colour photographs  
24

25 THE REGISTRAR: The photographs to be sealed will be  
26 marked as Exhibit Number 87.

27  
28 EXHIBIT 87: Bundle of 33 photographs  
29 (ORDERED TO BE SEALED)  
30

31 THE COMMISSIONER: Yes. Just to be clear, I think it's  
32 important to respect the privacy of Mr. Dziekanski  
33 even at this stage. So that group of photographs  
34 which are now separate will be sealed.

35 MR. MCGOWAN:

36 Q You have a copy of the photographs before you,  
37 sir? (Indiscernible - not at microphone) your own  
38 copy of the other one. I believe they're  
39 numbered; is that right?

40 A Yes, they are.

41 Q And the numbers following the letters DDSC, they  
42 start with 7007; that's the first photograph?

43 A That's correct.

44 Q And they proceed through to the end, 7157?

45 A That's correct.

46 Q Now, I'm looking at a -- do you have a contact  
47 sheet at the beginning of yours which shows --

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- 1 A Small thumbnails?  
2 Q -- small thumbnail photos?  
3 A Yes, I do.  
4 Q Just looking at that, is it fair to say the first  
5 roughly twenty or so photographs up to 7030, those  
6 would be your scene overview shots?  
7 A Yes, that's correct.  
8 Q And after that when we get in starting with 7031,  
9 we see a number of photographs which have small  
10 yellow exhibit tags. Tell the Commissioner what  
11 those tags are for, what their purpose is.  
12 A Those are numbered identification markers that are  
13 placed in the area of items that are gathered by  
14 myself from the scene. Those numbers correlate to  
15 the exhibit numbers that are given to the items  
16 that are seized from the scene.  
17 Q Okay. Now, you keep an exhibit flow chart which  
18 tracks the seizure and the movement of exhibits,  
19 correct?  
20 A That's correct.  
21 Q And the numbers on the yellow paper here  
22 correspond with the numbers on your exhibit flow  
23 chart?  
24 A Exactly.  
25 Q Okay. Now, the photographs up to approximately  
26 7058, am I right that those are primarily  
27 photographs of the exhibits in situ or in the  
28 location they were when you first observed them?  
29 A Yes, they are.  
30 Q Now, after that we begin to see what appears to be  
31 some exhibits laid on top of tables or exhibit  
32 bags and some close shots. Are those close-up  
33 shots of exhibits taken at a time after which  
34 perhaps they've been moved?  
35 A Photographs 7059 through to 7072 --  
36 Q Yes?  
37 A -- those photographs are still at the scene.  
38 Q Okay.  
39 A What you see there is clothing items as they're  
40 being seized. There is a pile of clothing there,  
41 and as we're removing the clothing items  
42 methodically, they're laid out on the paper  
43 exhibit bag, photographed, and then yes, at a  
44 later point we again examine those items closer,  
45 and that's at Richmond Detachment later on in the  
46 day.  
47 Q And that's the remaining photos, leaving aside any

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1 shots of the body?

2 A Yes, that's correct.

3 Q Now, you mentioned the exhibit flow chart. That's  
4 a standard document that's kept in virtually all  
5 police investigations detailing exhibits that are  
6 seized, who seizes them, the time, and where they  
7 go after that?

8 A Yeah. It forms a part of my notes as the exhibit  
9 investigator.

10 Q And that's in part for the purpose of tracking  
11 continuity of the exhibit, who had custody of it?

12 A Yes.

13 Q Okay.

14 A For ease of documenting the items as we're  
15 processing the scene.

16 Q And you kept one in this case which makes note of  
17 each of the exhibits you personally seized and  
18 dealt with, and tracks their movements subsequent  
19 to your having them?

20 A That's correct.

21 MR. MCGOWAN: Okay. I'm going to ask that that be the  
22 next exhibit, please.

23 THE COMMISSIONER: Yes.

24 THE REGISTRAR: Exhibit Number 88.

25

26 EXHIBIT 88: Exhibit flowchart

27

28 THE COMMISSIONER: Just before we go on, could you have  
29 a look at picture number 7144.

30 A Yes.

31 THE COMMISSIONER: And I think 7145. What is that,  
32 7144?

33 A It's the exhibit box that contains item -- I  
34 believe it's 16, which is the Taser cartridge  
35 confetti marker that was located at the scene.  
36 What that is is a confetti material that contains  
37 serial numbers that correlate to the Taser  
38 cartridge that's been deployed by the CEW.

39 THE COMMISSIONER: All right. Then that's the circular  
40 yellow and pink items?

41 A Yes. And the silver plastic items you see within  
42 the same photograph there are what's referred to  
43 as the blast doors from the cartridge that come  
44 off at the time of deployment.

45 THE COMMISSIONER: All right. And that item at the  
46 bottom with the yellow marker on it -- it looks  
47 like part of a wheel or something -- what is that?

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1 A I'm sorry, which photograph are you referring to?  
2 THE COMMISSIONER: I'll hold it up. Same photograph,  
3 it's bottom right.  
4 MR. McGOWAN:  
5 Q I'll ask you this. 7146 --  
6 THE COMMISSIONER: That item there that the yellow  
7 marker's sitting on. Same photograph, 7144.  
8 MR. McGOWAN:  
9 Q Is that a photograph of the blast door with a  
10 piece of confetti attached?  
11 A Yes, that's correct.  
12 THE COMMISSIONER: Sorry, a what?  
13 MR. McGOWAN:  
14 Q Sir, each Taser when it's fired, there's a  
15 cartridge inserted, correct?  
16 A That's correct.  
17 Q And when the Taser is fired, the blast door, a  
18 small piece of the cartridge, comes off to allow  
19 the probes to come out?  
20 A Exactly.  
21 Q That's what the silver thing with the small wheel  
22 that we're looking at is, correct?  
23 A Yes.  
24 Q And you recovered that from the scene?  
25 A Yes, I did.  
26 Q Now, also contained in each Taser cartridge are  
27 serial numbered small dots, yellow and pink?  
28 A Yes.  
29 Q And those are referred to as Taser confetti?  
30 A Yes.  
31 Q And their purpose is, at least in part, to be able  
32 to determine which Taser cartridge was fired --  
33 A Yes.  
34 Q -- for the purpose of tracking back and gaining  
35 information during an investigation?  
36 A My understanding is it identifies the Taser  
37 cartridge that was deployed. It also provides an  
38 indicator of the area in which the Taser was  
39 located when it was deployed, generally speaking.  
40 Q And you recovered this confetti and the blast door  
41 at the scene and you're photographing them here  
42 back at the detachment?  
43 A That's correct.  
44 THE COMMISSIONER: All right. Thank you.  
45 MR. McGOWAN:  
46 Q Now I'm going to ask you some questions about  
47 specific items that you gathered that night during

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1           your investigation. One of the things we see in  
2           the photographs, specifically 7053 and 7054, are  
3           pieces of luggage stacked on a cart in an area  
4           that appears to be next to a privacy screen, which  
5           I think was in close proximity to the body. Was  
6           that how those items were stacked in their  
7           location when you arrived?

8           A     Yes, they were.

9           Q     Were you given any information about their  
10          location prior to your arrival?

11          A     No, I was --

12          Q     Whether they were moved?

13          A     No.

14          Q     Okay. Did you examine the contents of the  
15          luggage?

16          A     Yes, we did.

17          Q     I wonder if you could tell the Commissioner,  
18          referring to each piece of luggage, what you  
19          recall and what you made note of regarding the  
20          contents of each of those pieces. Can we start  
21          with -- well, you pick which one you'd like to  
22          start with, whatever is most convenient.

23          A     If I may refer to the portion of my notes that  
24          relates to that.

25          Q     Certainly.

26          THE COMMISSIONER: Yes.

27          A     Within my notes I made a general description of  
28          the contents of those items.

29          THE COMMISSIONER: Go ahead.

30          A     Thank you. In photograph 7053, you see a brown  
31          orangey coloured suitcase with the identification  
32          marker number 13 above it. That's exhibit number  
33          13. Item number 13, the brown suitcase, contained  
34          personal effects such as socks, undergarments,  
35          toiletry items, books, an atlas, binders which  
36          appeared to be of geographical nature.

37                 Item number 14, which is the blue suitcase  
38          stacked on top of 13 and 12, that suitcase  
39          contained additional atlas binders, a Polish-  
40          English dictionary, and a Nokia cell phone, which  
41          was separated from item 14 and given the exhibit  
42          item number of 22.

43          MR. MCGOWAN:

44          Q     I'm just going to stop you there. Do you have a  
45          photograph of the dictionary, or do you recall  
46          making any note or taking any note of any of the  
47          details of it?

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- 1 A The only thing in my notes is that there was a  
2 Polish-English dictionary present.
- 3 Q And that was in item 14?
- 4 A That's correct, the blue suitcase. I believe --  
5 it's hard to see but in photograph 7109 --
- 6 Q Yes?
- 7 A -- there's a yellow book off to the left within  
8 the piece of luggage. I believe that was the  
9 dictionary.
- 10 Q 7109? Maybe I can just come and have a look at  
11 your copy, sir.
- 12 THE COMMISSIONER: We don't seem to have that.
- 13 A You don't have it in your books?
- 14 MR. MCGOWAN: It appears we're missing a couple of  
15 photographs here. We'll have to sort out that and  
16 get those additional copies filed.
- 17 Q From your photograph it appears to be a small  
18 yellow book; no additional details can be seen?
- 19 A That's correct, yes.
- 20 Q Okay. Just before we move on I'm going to ask you  
21 about the cell phone. Did you determine whether  
22 it was operational?
- 23 A I was able to activate the cell phone. Upon  
24 turning the cell phone on, the screen of the cell  
25 phone indicated "no SIM, emergency calls only,  
26 demo."
- 27 Q Okay.
- 28 A What I took that to mean was there was no SIM card  
29 present in the cellular device. I attempted to  
30 access a call history within the phone or a phone  
31 number identified to that phone but could not. My  
32 understanding is that's because there was no SIM  
33 card in the phone. Upon turning the phone off and  
34 removing the battery of the phone, I confirmed  
35 there was no SIM card present in that cell phone.
- 36 Q Through your investigation or your experience, is  
37 it your understanding that in that condition a  
38 telephone call could not be made to a local  
39 number?
- 40 A That's correct. My understanding of cellular  
41 devices that utilize SIM cards, without a SIM card  
42 present, the device cannot send or receive  
43 telephone calls, with the exception of making  
44 emergency calls to 911.
- 45 Q Okay. Does that then cover the items that you  
46 recall being present in the carry-on suitcase,  
47 item 14?

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- 1 A Yes.
- 2 Q Okay. And finally we have the black suitcase.  
3 Did you take note of any items in that suitcase?  
4 That's number 12?
- 5 A Yes, item number 12. I've noted a -- that  
6 suitcase contained a lock on the outside of it.  
7 The lock was cut by Sergeant Christiansen to gain  
8 access to the contents. The contents of that  
9 suitcase contained numerous clothing items and one  
10 unopened, sealed, 750-millilitre bottle of vodka.
- 11 Q And is that all that you have a note of regarding  
12 the contents of that suitcase?
- 13 A Yes, it is.
- 14 Q Now, in the course of your investigation of both  
15 the suitcase or Mr. Dziekanski's clothing items or  
16 the area, did you come across any personal  
17 documents or travel documents relating to Mr.  
18 Dziekanski?
- 19 A Exhibit item number 15 is a -- resembles a  
20 courier-type envelope. Item number 15 was located  
21 on that luggage cart with the luggage. In my  
22 understanding, the contents of that envelope  
23 contained such items as Mr. Dziekanski's passport,  
24 flight information and some various immigration  
25 type documents. That item was reviewed by  
26 Corporal Teboul, who photographed and documented  
27 the items in there.
- 28 Q Okay. It was located on the luggage cart on your  
29 arrival?
- 30 A Yes, it was.
- 31 Q Okay. Carry on. Were there any other documents  
32 or identification of any sort that you recovered,  
33 and if so, from where?
- 34 A Upon reviewing the clothing items at Richmond  
35 Detachment, in the jacket, which is exhibit item  
36 number 10, from the left breast pocket of the  
37 jacket, there was a black wallet and a smaller  
38 black ID, credit card type wallet. Those became  
39 exhibit items number -- the wallet became exhibit  
40 item number 24 and the small credit card ID holder  
41 became exhibit item number 28.
- 42 The wallet contained a couple of bank type  
43 receipts and some currency.
- 44 Q Okay. I'm going to ask you about the currency.  
45 Can you tell the Commissioner the amounts and the  
46 denominations, please?
- 47 A Okay.

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1 Q And which currency it was?

2 A From the currency, there was -- the currency was  
3 separated into additional exhibit items. Exhibit  
4 25 was 15 euros, paper denomination. I believe it  
5 was numeration of a ten dollar bill and a five  
6 dollar bill. Item 26 was a total of 90 -- and  
7 excuse me if I pronounce this incorrectly --  
8 zloty.

9 Q Yes.

10 A I'm not familiar with that type of currency, but  
11 it was a paper currency as well that totalled the  
12 value of 90. And item 27 was eight coins.

13 Q Aside from the currency and the identification,  
14 those two black wallets, did you find anything  
15 else in the pockets of any of the clothing items?

16 A There was two watches. They were seized as  
17 exhibit item number 23. The two watches were  
18 located in the left exterior breast pocket of the  
19 jacket, item number 10. Oh, just a correction to  
20 the wallet. The wallets were located on the left  
21 interior breast pocket of the jacket.

22 Q Fair enough. Did you find food items?

23 A There was a strawberry Danish that was still  
24 packaged. It appeared to be airline food. And  
25 that was located in the upper right breast pocket,  
26 zippered pocket of the jacket. And that item was  
27 photographed. You can see it in photograph 7126.  
28 And as it was a food item, it was discarded after  
29 it was photographed and documented.

30 Q Okay. Now, you've told us about seizing the dots  
31 and the blast doors. You also seized the leads  
32 and one of the probes -- is that correct? -- from  
33 the Taser?

34 A Yes.

35 Q The probes being the small darts?

36 A Yes. There's two --

37 Q Tell --

38 A -- two small darts that are deployed from the  
39 Taser cartridge.

40 Q At the time of deployment they're attached to the  
41 leads or to the wires?

42 A Filaments, yes.

43 Q The one dart you found, was it attached to a wire?

44 A One dart had some filament attached to it and that  
45 probe was attached to the base of Mr. Dziekanski's  
46 shirt. It was recovered at the scene.

47 Q And we see a photograph of that in 7135?

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- 1 A That's correct.
- 2 Q And that's the manner in which it was attached to  
3 the shirt when you found it?
- 4 A Yes.
- 5 Q The shirt was not on Mr. Dziekanski, however?
- 6 A No. And this is a portion of the shirt. A  
7 portion of the shirt was recovered at the scene.  
8 the portion that was not recovered appeared to  
9 have been cut away from Mr. Dziekanski.
- 10 Q And the portion which was not recovered and  
11 appeared to have been cut away, which portion of  
12 the shirt would that have been? Was it the front  
13 chest area?
- 14 A Front chest area, yes.
- 15 Q And the lead that was attached to the one probe  
16 appeared to have been broken?
- 17 A Yes.
- 18 Q Did you ever locate the other probe?
- 19 A We did not, no.
- 20 Q Did you look for it?
- 21 A It was not present at the scene, so...
- 22 Q It was not present in that cordoned -- the area  
23 that you searched?
- 24 A That's correct.
- 25 Q You did not take custody of the Taser that  
26 particular night at the scene; is that right? The  
27 Taser that was used during the incident.
- 28 A Not at the scene. It was turned over to me by  
29 Sergeant Brassington later on that day.
- 30 Q We'll come back to that Taser in a minute because  
31 you had some further dealings with it; is that  
32 right?
- 33 A That's correct.
- 34 Q You also took custody at some point of a video  
35 tape; is that right? A memory stick. Is that  
36 right?
- 37 A That's correct.
- 38 Q And also a camera in which the memory stick was  
39 contained?
- 40 A Yes. It was -- Constable Mulhall possessed the  
41 digital video camera. From that -- which is  
42 listed as exhibit item 1 on the flowchart. From  
43 that was a memory stick which was recorded as  
44 exhibit item 39.
- 45 Q You had no personal dealings with Mr. Pritchard?
- 46 A No, I did not.
- 47 Q You were provided the camera with the card inside

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1           it by Officer Mulhall at the airport that evening?  
2       A     Uh --  
3       Q     Or by -- yeah. That evening?  
4       A     No. I was provided the memory card by  
5           Constable Mulhall later on at our IHIT office.  
6       Q     Did you see the camera and the card that evening?  
7       A     I saw it on the morning of my arrival there at --  
8           prior to commencing with processing the scene. It  
9           would have been approximately 5:30 in the morning  
10          myself and Sergeant Christiansen viewed the  
11          contents of the video clips from the digital  
12          camera on the little view screen on the back of  
13          the camera.  
14       Q     So approximately 5:00 a.m. on October 14th, you  
15          viewed the Djiekanski video?  
16       A     Approximately 5:30, yes.  
17       Q     With Officer Christiansen?  
18       A     Officer Christiansen and --  
19       Q     And which other officers?  
20       A     I believe Constable Mangan, also an investigator  
21          with IHIT, was present.  
22       Q     Yes?  
23       A     And Constable Mulhall, as he presented us with the  
24          camera and played the video clips for us.  
25       Q     You didn't maintain custody of the camera at that  
26          point, though?  
27       A     Not at that point, no.  
28       Q     Constable Mulhall had it?  
29       A     Yes.  
30       Q     Do you know whether any other officers watched the  
31          video that evening, or that morning?  
32       A     No. I'm not aware of that.  
33       Q     While you were at the airport that morning, did  
34          you make observations of Mr. Dziekanski's body?  
35          Did you conduct a visual inspection of it?  
36       A     Yes, I did.  
37       Q     Was one of the purposes of your visual inspection  
38          to attempt to isolate or identify potential  
39          injuries?  
40       A     I was looking for visible injuries on Mr.  
41          Dziekanski's body.  
42       Q     Tell the Commissioner what you took note of in the  
43          way of visible injuries and anything you can tell  
44          him about those injuries from your experience or  
45          observations.  
46       A     It was approximately 7:30 when we began examining  
47          the body of Mr. Dziekanski at the airport.

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- 1 Present with me at that time was the coroner, Kate  
2 Corcoran, and Sergeant Christiansen was present as  
3 well, taking photographs. Mr. Dziekanski's body  
4 was positioned supine, meaning he was face up on  
5 his back. There was no clothing on Mr. Dziekanski  
6 at that time with the exception of a pair of  
7 underwear and a black neoprene knee brace located  
8 on his right knee. He appeared to me to be  
9 approximately --
- 10 Q I'm sorry. I've just --
- 11 A Do you want me to speak to the visible injuries?
- 12 Q Yeah.
- 13 A Okay.
- 14 Q We've got the photographs so we can see the  
15 position he was in, what he was wearing.
- 16 A Okay.
- 17 Q And in terms of his height and weight, we'll have  
18 that. But what I'm most interested in here, just  
19 to keep us moving along and not dwelling on this  
20 aspect, is the visual injuries that you observed  
21 at the scene --
- 22 A Fair enough.
- 23 Q -- in the course of your inspection.
- 24 A Located in the centre area of his chest, midline,  
25 slightly below the nipple line, was a small red  
26 circular mark. It appeared to be a small puncture  
27 type wound, what I believe would be consistent  
28 with an injury resulting from a Taser probe  
29 striking or breaking the skin surface.
- 30 Q Okay. And would that have been over his left or  
31 his right chest area?
- 32 A It's located midline slightly to his right side of  
33 the chest.
- 34 Q And would photographs 7092 and 7093 be the  
35 photographs that show that?
- 36 A That's correct, yes.
- 37 Q Carry on. Additional injuries you noted?
- 38 A Above Mr. Dziekanski's left eyebrow was a visible  
39 abrasion mark, approximately one inch in length.  
40 There was an abrasion on the right side of his  
41 face, approximately one inch in diameter.  
42 Older -- there was visible older burn type  
43 scarring on the left side of his body. A small  
44 red abrasion on his left hand, located slightly  
45 above the left index finger knuckle area.
- 46 Q Did you note anything with respect to his wrists?
- 47 A At that time, no. If you're referring to bruising

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- 1           around the wrists, I was made aware of the  
2           presence of bruising around Mr. Dziekanski's  
3           wrists at the time of autopsy as an observation  
4           that was made by Dr. Charles Lee, the pathologist.  
5        Q     Did you also make that observation at the autopsy?  
6        A     Yeah, in his presence. He pointed it out to me,  
7           yes.  
8        Q     Just so it's clear, you as one of the officers  
9           involved, one of your duties was to attend the  
10          autopsy and be present?  
11       A     That's correct.  
12       Q     You didn't actually play an active role in the  
13          autopsy?  
14       A     No, I did not.  
15       Q     Did you make note of any bruising on the arms?  
16            I'm just looking at photographs 7087, 7088. There  
17            appears to be a mark on the arm. Is that  
18            something you took note of?  
19       A     Yes. There was what I'll refer to as medical  
20            debris on the body of Mr. Dziekanski on both arms,  
21            like intravenous tubing, gauze, bandage, medical  
22            debris on just both legs slightly above the  
23            ankles, all of which I assumed to be the result of  
24            medical intervention that was performed on Mr.  
25            Dziekanski at the scene.  
26       Q     We see some marks in photographs 7103 and 7104  
27            which appear to be on the -- I think it must be  
28            the left shoulder blade or the back of the left  
29            shoulder area.  
30       A     That's correct.  
31       Q     Did you make any observations and --  
32       A     Yes. Upon --  
33       Q     -- draw any conclusions about those?  
34       A     Upon rolling Mr. Dziekanski over to view the back  
35            side of the body, I noted these small red marks on  
36            the left shoulder blade area of Mr. Dziekanski.  
37            At the time I wasn't sure what to make of it.  
38            Sergeant Christiansen photographed it. Through  
39            later conversations with Constable Baltzer of the  
40            Delta Police Department, who has experience in the  
41            use of conducted energy weapons and their types of  
42            deployment, I believe that those markings are  
43            consistent with signature type markings that would  
44            result from a touch stun or drive stun, as it's  
45            referred to, application where the CEW has made  
46            contact with the skin surface directly.  
47       Q     Were you able to -- from your observation, how

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- 1 many sets of marks did you see, or are you able to  
2 say one way or the other?
- 3 A It's an approximation. It appears to be three to  
4 four sets of small red marks.
- 5 Q Now, we see them here. Did you, through your  
6 observation, notice a difference in their visual  
7 prominence between the time you observed them at  
8 the airport and the time -- any observations you  
9 made at the autopsy?
- 10 A Yes. At the time of the autopsy, I again viewed  
11 that area to view those marks. They weren't as --  
12 they were still present. However, they weren't  
13 as -- they didn't appear to be as pronounced as  
14 they were at the time on the scene. I can't offer  
15 any explanation to that.
- 16 Q Fair enough. Now, I'm just heading back to the  
17 photographs. Item 6 is photographed in 7039 and  
18 7040. That appears to be a stapler sitting on a  
19 counter. Is that where it was when you found it?
- 20 A Yes, that's correct.
- 21 Q Item 16 appears to be some staples on the ground;  
22 is that right?
- 23 A I believe you're referring to exhibit item number  
24 9.
- 25 Q Okay.
- 26 A 16 was the Taser confetti.
- 27 Q Okay. I'm getting confused from the yellow  
28 placards. So number 9 was staples on the ground?
- 29 A That's correct.
- 30 Q That's what we see in 7047?
- 31 A Yes, that's correct.
- 32 Q And is there a photograph you can show us to give  
33 us some sense as to where those staples were  
34 located within the scene?
- 35 A Well, if you refer to 7046, which is a little --  
36 it's taken a little further back, you can see the  
37 identification marker number 9 there, which is the  
38 location of the loose staples that were on the  
39 ground. It's slightly in front of the two green  
40 chairs in that photograph.
- 41 Q Yes.
- 42 A If you then reference a -- what would be a good  
43 image? A photograph -- it's 7031.
- 44 Q Yes.
- 45 A You can see the yellow identification marker on  
46 the floor in front of the chairs. That's  
47 identification marker number 9, which is the

51  
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In chief by Mr. McGowan

1 location of the staples that were on the ground.  
2 Q Okay. And those would be the same staples that we  
3 see in photograph 7047?  
4 A Yes, that's correct.  
5 Q Just going back two items to photo 7045, we see  
6 what appears to be a Purolator document. Did that  
7 contain anything or was it just a slip? Is it an  
8 envelope? I just can't (indiscernible -  
9 overtalking) --  
10 A No, it's a paper document. I believe there was  
11 two sides to it. One side contains the shipping  
12 information. The other side was like an  
13 itinerary, travel itinerary type information.  
14 Q I'm going to ask you a few questions about the  
15 Taser. You were ultimately provided with what you  
16 were advised was the Taser used this evening,  
17 correct?  
18 A That's correct.  
19 Q And as the custodian of the Taser, the exhibit  
20 officer, one of your duties was to give it out to  
21 people that needed it for investigative purposes  
22 and then take it back into your custody; is that  
23 right?  
24 A That's correct.  
25 Q Now, perhaps I'll just see if we can lead you  
26 through this to save some time. Am I right that  
27 one of the people you gave this Taser to, perhaps  
28 the first person, was an Officer Baltzer?  
29 A Constable Baltzer of the Delta Police Department.  
30 Q Delta Police Department. And that was, you  
31 understood, for the purpose of him conducting a  
32 download of the Taser's data?  
33 A That's correct.  
34 Q And after you understood that to have been  
35 concluded, you got the Taser back?  
36 A The Taser was returned to me, yes.  
37 Q A decision was then made to have the Taser tested  
38 by the Canadian -- well, maybe you tell the  
39 Commissioner who was going to test it.  
40 A The Canadian Police Research Centre, CPRC.  
41 Q And where is that located?  
42 A Ottawa.  
43 Q And you sent not just this Taser, correct?  
44 A No, I sent two additional Tasers.  
45 Q Tell the Commissioner how that was handled.  
46 A We were sending the Taser that was used in this  
47 event, which is exhibit item number 35, to the

1 CPRC for further examination with respect to its  
2 operational function. In doing so, I included two  
3 randomly selected Tasers from Richmond Detachment,  
4 so in total three Tasers were shipped to the CPRC  
5 for testing. Exhibit item number 35 wasn't  
6 identified to CPRC as being the Taser of interest.  
7 It was simply three Tasers sent to them for  
8 examination and then returned to myself. And I  
9 was able to identify which Taser was exhibit 35 by  
10 the serial numbers.

11 Q The person you were dealing with at the Canadian  
12 Police Research Centre was a Stephen Palmer?

13 A That's correct.

14 Q And do I understand from your answers that you  
15 were careful in the way you handled this to not  
16 identify which Taser you were interested in --

17 A Yes.

18 Q -- to him?

19 A Yes.

20 Q You've told us about the coroner being present in  
21 the scene during your investigation, Officer  
22 Christiansen, and yourself. Was any other officer  
23 present in the scene and involved in seizing  
24 exhibits or dealing with exhibits during your time  
25 there?

26 A Not with the exhibits, no.

27 Q Were there any other IHIT officers or  
28 investigators present at the airport while you  
29 were conducting your investigation?

30 A I recall seeing Constable Mulhall and Constable  
31 Mangan. With respect to what they were doing at  
32 the airport, I can only assume they were  
33 interviewing witnesses at the time, or conducting  
34 further investigational follow-up at the airport.  
35 But I do recall seeing them present there.

36 Q Once you took custody of the Pritchard camera and  
37 memory stick, we'll see on your flowchart, I  
38 think, you ultimately turned it over to Richmond  
39 Exhibits; is that right?

40 A The camera actually never comes into my custody.  
41 The camera remains with Constable Mulhall, who  
42 makes arrangements to have the camera returned to  
43 Mr. Pritchard. What comes into my possession is  
44 the memory stick removed from the camera, which is  
45 made an exhibit item and I secure that within the  
46 exhibits.

47 Q Did anybody access it while it was in your

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In chief by Mr. McGowan

Cross-exam by Ms. Roberts (for Government of Canada)

- 1 possession before turning it over to Exhibits?  
2 A The memory stick?  
3 Q Yes, the memory stick.  
4 A I believe working copies of the video clips or  
5 video images were made, created --  
6 Q Prior to --  
7 A -- prior to being turned over to myself, and then  
8 those working copies were utilized throughout the  
9 investigation.  
10 Q After that evening you continued on as one of the  
11 investigators involved in the investigation with  
12 IHIT?  
13 A Yes, I did.  
14 Q And your duties -- you continued to be the officer  
15 assigned to exhibits throughout the investigation?  
16 A That's correct.  
17 MR. MCGOWAN: Thank you, sir. Those are my questions.  
18 Please answer any of the questions of any of the  
19 other lawyers.  
20 MS. ROBERTS: For the record, Helen Roberts for the  
21 Government of Canada. I just have a few  
22 questions.  
23  
24 CROSS-EXAMINATION BY MS. ROBERTS ON BEHALF OF THE  
25 GOVERNMENT OF CANADA:  
26  
27 Q Looking at Exhibit 88, the exhibit flowchart --  
28 A Yes.  
29 Q -- am I correct in thinking that the last column  
30 on the right shows the last place or the  
31 disposition of each exhibit?  
32 A That's correct. Unless, for example, item number  
33 15, there's an additional row that falls below  
34 that. It continues on.  
35 Q So for example, exhibit 1 was Mr. Pritchard's  
36 digital camera, and this shows that it was  
37 returned to Mr. Pritchard on October 16th, 2007;  
38 is that correct?  
39 A That's correct.  
40 Q And with regard to the memory stick, is that  
41 exhibit 39?  
42 A Yes, it is.  
43 Q And ultimately the original memory stick was  
44 turned over to Coroner Kate Corcoran on November  
45 2nd, 2007? Am I reading that correctly?  
46 A Yes, you are.  
47 Q And some of the items, for example exhibits 2, 4,

1           5 and 7 -- a clipboard, a table, a chair -- sorry  
2           not the table -- a clipboard, a computer, a  
3           document and a clipboard -- those were returned to  
4           Melanie Kobayashi? Am I reading that correctly?  
5           A     That's correct.  
6           Q     And is she somebody with the airport?  
7           A     She was responsible for -- she worked for the  
8           tourism company that that particular service  
9           counter is associated to. So this material was  
10          property of that person. It was returned to them  
11          as it was deemed there was no value in retaining  
12          it on the file at that point.  
13          Q     And if I'm reading this correctly, exhibit 8 are  
14          some Purolator documents and 12 to 14 are  
15          suitcases that you've talked about and some --  
16          sorry, yes, 12 to 14 are suitcases, 15 is a  
17          courier envelope -- no, leave that one -- yes,  
18          that one as well. Those items were returned to  
19          Mr. Kosteckyj on behalf of Mrs. Cisowski?  
20          A     That's correct.  
21          Q     As were a number of other ones that I won't go  
22          through, for instance number 23, the watches?  
23          A     That's correct.  
24          Q     Now, you've testified that you were able to  
25          recover one of the probes and when you located it,  
26          it was attached to the bottom corner of Mr.  
27          Dziekanski's shirt --  
28          A     Yes, that's correct.  
29          Q     -- at the front? And you've also testified that  
30          you observed a small mark on his upper chest that  
31          would be consistent with a Taser probe?  
32          A     That's my belief, yes.  
33          Q     The part of the shirt that would have covered that  
34          small mark, was that part of the shirt that you  
35          were able to locate or was that part of the shirt  
36          that was missing?  
37          A     That was part of the shirt that was not located.  
38          Q     And did you search the scene for that part of the  
39          shirt and the other probe?  
40          A     Within that area, yes, and it was not present.  
41          Q     Were you or Sergeant Christiansen able to  
42          calculate or approximate the distance between that  
43          mark on the upper chest and the probe at the  
44          bottom of Mr. Dziekanski's shirt?  
45          A     I'm aware -- I've been advised by Sergeant  
46          Christiansen that he has made an estimation as to  
47          what that distance would be, which he has informed

- 1 me would be approximately 15 inches, plus or minus  
2 two inches on either end.
- 3 Q When you observed Mr. Dziekanski's body either at  
4 the scene or during autopsy, was there any injury  
5 found consistent with the location of the lower  
6 probe?
- 7 A On the body, no. With the -- the only thing was a  
8 mark on the lower left hand. I'm not sure what  
9 the result of that is from. I don't believe that  
10 it's a puncture wound. But as I described before,  
11 a red mark on Mr. Dziekanski's left hand above the  
12 left index finger.
- 13 Q You've testified that you observed some marks that  
14 after discussion with Constable Baltzer you  
15 thought could be consistent with the push stun  
16 application of the Taser?
- 17 A That's correct.
- 18 Q And they were on the back shoulder blade of Mr.  
19 Dziekanski?
- 20 A Left side, yes.
- 21 Q And you've estimated there could be three or four  
22 sets of marks?
- 23 A Yes.
- 24 Q And what they are are dots that are roughly an  
25 inch apart, are they?
- 26 A Approximately, yes.
- 27 Q And in your discussions with Constable Baltzer --  
28 and it may be that I need to ask him this  
29 question, but I'm just wondering if it came up in  
30 your discussions with him. Does that necessarily  
31 mean there are three or four deployments or is  
32 that simply the point in time when it happened to  
33 touch the skin?
- 34 A Yeah. My understanding is that it's the point in  
35 time when the device comes in contact with the  
36 skin, which could be the result of a variety of  
37 reasons. And again, this would be more --  
38 Constable Baltzer would be better able to explain  
39 this based on his experience.
- 40 Q So during a deployment, if somebody is moving, the  
41 contact could be --
- 42 A Well, exactly --
- 43 Q -- at different points?
- 44 A If the device itself is being moved by the  
45 operator or the individual who's coming into  
46 contact with the device is moving, it's going to  
47 create gaps in contact, if you want to call it

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

1 that.

2 THE COMMISSIONER: Excuse me. The contact is  
3 electrical, though?

4 A Okay. I'm getting into an area of -- it's --

5 THE COMMISSIONER: Okay. If you can't answer it, let's  
6 not --

7 A Yes. Thank you.

8 MS. ROBERTS: My understanding is that the electrical  
9 leaves a very small mark or very small burn mark  
10 on entry of the skin. I don't know if you're able  
11 to comment. I'll cover that with Constable  
12 Baltzer.

13 Thank you. Those are my questions.

14 MR. HIRA: Officer, my name is Ravi Hira. I represent  
15 Officer Kwesi Millington.

16

17 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE  
18 KWESI MILLINGTON:

19

20 Q First, just dealing with the probe that was found,  
21 was there any testing done on the probe that  
22 you're aware of?

23 A No, not that I'm aware of.

24 Q Second, dealing with that probe, were you made  
25 aware of any ability to test the probe for scoring  
26 marks showing the length of deployment?

27 A No, I'm not aware of that.

28 Q Third, has anybody requested the probe from you  
29 for the purposes of testing?

30 A No. Nobody's made a formal request for that  
31 exhibit item.

32 Q Let's move to the filaments. Has any testing been  
33 done on the filaments?

34 A No, there has not.

35 Q Next, are you aware that breaks in the filaments  
36 can be found and may show whether or not the Taser  
37 was functioning properly?

38 A I'm not aware of that, no.

39 Q Has there been any request been made for testing  
40 to be done on the filaments?

41 A Not that I'm aware of.

42 Q All right. Let's move from the probe and  
43 filaments to the four officers, Millington,  
44 Robinson, Bentley and Rundel. Have you spoken to  
45 those officers at all about this investigation?

46 A No, I have not.

47 Q Finally, I'd like to identify some photographs.

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

- 1 First, looking at photograph 7027 through 7031,  
2 you will agree with me that those photographs show  
3 not only the staples, the clump of staples and the  
4 location of the staples and clump of staples by  
5 the chairs in the IRL?
- 6 A That's correct.
- 7 Q Next, dealing with photographs 749 and 750 -- I'm  
8 sorry, 749 and 750, you will -- sorry, 7049 and  
9 7050 -- those photographs are of the jacket, shirt  
10 and the Taser filament -- is that correct? --  
11 together with the pants in one of the photographs,  
12 namely 7049?
- 13 A Yes, that's how it's located at the scene.
- 14 Q And the filament was also intertwined in the  
15 jacket?
- 16 A That's correct.
- 17 Q Now, dealing with something that Mr. Commissioner  
18 referred you to, and that is the blast doors and  
19 the confetti which you identified in an exhibit  
20 box, you gave evidence that the location of  
21 those -- you're trained to locate those items as  
22 they may show the area in which the Taser was  
23 first deployed; is that correct?
- 24 A Yes, that's my understanding of its purpose.
- 25 Q And so photographs 7070 through to 7072 identify  
26 item 16; is that correct?
- 27 A Yes, 16. And that's the general location of the  
28 confetti and the location where the blast doors  
29 were found.
- 30 Q So perhaps photograph 7072 shows the location --  
31 sort of more of a wide angle scene showing the  
32 location of the confetti and the blast doors in  
33 the IRL; is that correct?
- 34 A That's correct.
- 35 Q And are you able to estimate how far away they  
36 were from, let's say, the doors that are shown on  
37 7072, that is the entrance doors?
- 38 A Uh --
- 39 Q If you are, great. If not, don't worry about it.
- 40 A It would be a pure guesstimation.
- 41 Q Yes.
- 42 A About ten to 15 feet, ten feet. And that's based  
43 on photograph 7072 from the angle that that  
44 picture is taken at.
- 45 Q Thank you. And are you able to estimate the  
46 distance from item 16 to the position where the  
47 body was found?

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

- 1 A Not -- no, not from these photographs.  
2 Q Did you make any measurements?  
3 A No, I did not.  
4 Q Are you able to tell us whether it was in excess  
5 of 20 feet, or am I forcing you or asking you to  
6 guess in an area that you feel uncomfortable?  
7 A Well, the -- yeah, I would estimate it's in excess  
8 of 20 feet, yes.  
9 Q All right. Now, dealing with photographs 7131 and  
10 7132, would you agree with me that those appear to  
11 be photographs of the filament?  
12 A Yes, that's the filament. That's correct.  
13 Q And I may have missed this in your evidence. The  
14 filament does not appear to be attached to any  
15 probe here; is that correct?  
16 A No, that's the filament that was intertwined with  
17 the jacket, item number 10.  
18 Q All right. So --  
19 A So it's separated from the jacket and it's  
20 photographed on its own.  
21 Q Okay. So just dealing with this one step at a  
22 time, there's filament that's intertwined with the  
23 jacket; is that correct?  
24 A That's correct.  
25 Q There's also other filament that is attached to  
26 the probe that is attached to the bottom part of  
27 the shirt?  
28 A That's correct.  
29 Q And then there is a third filament, so to speak.  
30 And if I could direct you to photographs 7155  
31 through 7157, these photographs depict a plastic  
32 bag, an exhibit bag that was given to you by  
33 Corporal Brassington?  
34 A That's correct.  
35 Q And you understood that he received those during  
36 the early morning hours of October 14 from  
37 Constable Millington?  
38 A That's correct.  
39 Q And within the bag, perhaps best exhibited in  
40 photograph 7156, is a third filament, so to speak?  
41 A Yes.  
42 Q And that isn't attached to any probe either?  
43 A Not to my knowledge, no. There's no probe present  
44 with that item.  
45 Q Was there any measurement done of either of the  
46 three filaments in terms of length?  
47 A No, there was not, to my knowledge.

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

- 1 Q And you've of course had custody of the filaments  
2 throughout?
- 3 A They're secured at Richmond Detachment in their  
4 exhibit room, yes.
- 5 Q That's right. And for them to leave the  
6 detachment, you would have to be contacted; is  
7 that correct?
- 8 A Hopefully I would be advised that they were signed  
9 out of Exhibits, but they could potentially be  
10 signed out by another investigator.
- 11 Q To your knowledge, they've been there since  
12 October 14 --
- 13 A Yes.
- 14 Q -- 2007?
- 15 A Since they were lodged with Richmond Detachment  
16 Exhibits, they have been there, yes.
- 17 Q And I note in photograph 7157, there is something  
18 that says -- there's a tag that says 21 feet; is  
19 that correct?
- 20 A Yes.
- 21 Q And is it your understanding that the maximum  
22 length of these filaments is 21 feet?
- 23 A Yes.
- 24 Q And you're not able to tell us whether any of  
25 these filaments was 21 feet long?
- 26 A No, I'm not able to tell you the length of the  
27 filament that was recovered from the scene; that's  
28 correct.
- 29 Q Or any of the three filaments?
- 30 A That's correct.
- 31 Q I note at page 8 of your notes after the entry at  
32 10:50, there's an entry referring to Staff  
33 Sergeant Steve Wade of the Langley Detachment; is  
34 that correct?
- 35 A That's correct.
- 36 Q And he was the RCMP member that was initially  
37 tasked with doing what's referred to as the Taser  
38 download?
- 39 A At that point he wasn't tasked with that. The  
40 name -- Staff Sergeant Wade's name was identified  
41 to me as an individual who may be able to conduct  
42 that data download.
- 43 Q Yes?
- 44 A However, the decision was made to have that data  
45 download completed by a member from outside of the  
46 RCMP, and as such, Constable Baltzer of the Delta  
47 Police Department was ultimately identified as the

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

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

1 person who would be tasked with conducting the  
2 data download from the Taser.

3 Q That's right. On Monday, the 15th of October, in  
4 the morning, you were under the impression that  
5 the RCMP was going to conduct the download, and  
6 then you learned -- and I'm looking at page 9 of  
7 your notes, the last entry, which is 5:00 p.m. or  
8 1700 hours on October 15 -- it was decided to get  
9 assistance from another police agency?

10 A That's correct.

11 MR. HIRA: Thank you, officer. Those are my questions.

12 MR. STEWART: Officer, Dwight Stewart, counsel for the  
13 Vancouver airport.

14

15 CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF THE  
16 VANCOUVER AIRPORT AUTHORITY:

17

18 Q Two quick questions, and they're both related to  
19 the contents of Mr. Dziekanski's wallet. So I'm  
20 looking actually at photograph 7122.

21 A Yes.

22 Q And to take a step back, I appreciate that you've  
23 already indicated when you looked at the Nokia  
24 phone that there was no SIM card.

25 A Mm-hmm.

26 Q But the card that's on the right with the picture  
27 of the woman, as I understand, that's a GSM card.  
28 That stands for global system *mondial* or global  
29 system for mobile communications?

30 A Yes. My understanding is that's related to  
31 cellular devices, in particular a SIM card; that's  
32 correct.

33 Q The larger card has the smaller SIM card contained  
34 within it and it's an international SIM card?

35 A That's correct.

36 Q Did you look sort of specifically to find the GSM  
37 SIM card?

38 A It wasn't present in any of the items we  
39 recovered.

40 Q Okay, thank you. The second thing --

41 THE COMMISSIONER: Just before you go, do I understand  
42 that that card won't fit into the cell phone you  
43 found?

44 A No, not that particular card, Mr. Commissioner.  
45 If you look at that photograph, there's a small  
46 white area within that card. That would have been  
47 a SIM card, and that's how they're sold or how

61

Corporal Paul Hoivik

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

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

1           they're purchased. The SIM card's removed from  
2           that particular card and then would be utilized in  
3           a cellular device.

4       MR. STEWART:

5       Q     So on this card, the actual SIM portion of it was  
6           removed but you couldn't find the SIM card?

7       A     That's correct.

8       Q     Okay. Am I correct in looking at that photograph

9           that while we see the VISA card and the GSM  
10          card -- the VISA card on the left and the GSM card  
11          on the right -- are there more plastic cards that  
12          were under that but that we can't see?

13       A     There's one -- I believe there's one additional  
14          plastic card that's not identified in that  
15          photograph, and it appeared to me to be like a  
16          bank, ATM type card. It was -- there was what I  
17          assume was Polish writing on it. I didn't  
18          understand what it was.

19       Q     Just to see if it triggers a recollection, if you  
20          turn to photograph 7140.

21       A     Yes.

22       Q     And I see there that there's a pamphlet for, it  
23          says ec/Maestro, and as I understand it, Maestro  
24          is an international cash card, works -- a system  
25          similar to Cirrus for cash withdrawals.

26       A     It's possible. The items were photocopied and  
27          submitted to the investigative files, so they  
28          could be viewed that way. But it's possible  
29          that's what that was, yes.

30       Q     So someplace out there there are copies of the --

31       A     Photocopies.

32       Q     -- of the other --

33       A     Of the items, yes.

34       Q     -- items that were in that wallet?

35       A     Yes.

36       MR. STEWART:    Okay. Those are my questions. Thank  
37          you.

38       MR. BUTCHER:   Officer, it's David Butcher. I'm counsel  
39          for Constable Bill Bentley.

40

41       CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE  
42          BILL BENTLEY:

43

44       Q     I take it that you searched the baggage and  
45          effects of the deceased carefully and thoroughly?

46       A     They were searched. They didn't contain anything  
47          that myself or Sergeant Christiansen felt was of

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

Cross-exam by Mr. Rosenbloom (for Government of Poland)

1 any evidentiary value, so a general description of  
2 the contents was made. But they were searched  
3 thoroughly, yes.

4 Q Did you find any prescription bottles,  
5 prescription medication or prescription forms in  
6 the baggage?

7 A No, I did not.

8 Q Or in the effects?

9 A No, I did not.

10 Q Did you look at the passport to see if there were  
11 any entry stamps anywhere in the passport?

12 A I did not, no.

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

14 MR. ROSENBLOOM: Officer, my name is Don Rosenbloom and  
15 I'm counsel for the Government of the Republic of  
16 Poland. I'm going to be very brief with you.

17

18 CROSS-EXAMINATION BY MR. ROSENBLOOM ON BEHALF OF THE  
19 GOVERNMENT OF THE REPUBLIC OF POLAND:

20

21 Q Did I understand you to say that in the course of  
22 this investigation you learnt what were the  
23 identifying marks or scars that are evident after  
24 a push stun mode application; is that correct?

25 A Yes, signature type markings.

26 Q And did I understand in response to questions from  
27 my learned friend, Ms. Roberts, that you found  
28 four sets on the back?

29 A It's an approximation. Three to four sets.

30 Q And so by looking at photographs, are you able to  
31 confirm to us today whether it was three or four  
32 sets?

33 A Well, that's what I based my approximation on is  
34 having viewed it at the scene, and in comparison  
35 with the photograph it appears to me there's three  
36 or four sets visible.

37 Q And just to make very clear for the record, you  
38 are saying that it was evident in your  
39 observations, both in viewing the body at the  
40 scene and during autopsy, that you saw three sets  
41 or four sets of scarring that were as a result, as  
42 you understand it, of a stun mode application?

43 A At the time of viewing those marks, I wasn't -- I  
44 didn't understand what may have caused that. They  
45 were photographed by Sergeant Christiansen. In  
46 later conversations with Constable Baltzer about  
47 his experience with CEWs and having shown him

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1           those photographs of those marks, it's of the  
2           belief that they could be the result of signature  
3           markings from a Taser being applied in a what they  
4           refer to as drive stun or touch stun activation.  
5        Q     And the scarring as a result of the push stun mode  
6           is very distinct and separate from the scarring of  
7           a probe mode deployment, correct?  
8        A     Yes, it would be different.  
9        Q     Yes. And so you came to conclude, learning what  
10           you learnt during the course of this  
11           investigation, that there were likely three or  
12           four stun or push stun mode applications or  
13           deployments?  
14        A     No, I can't say that.  
15        MR. HARRIS: I don't think this officer is sufficiently  
16           qualified to answer that because training manuals  
17           warn about in the drive stun or push stun mode of  
18           skipping, which creates multiple signature marks  
19           and creates in this --  
20        THE COMMISSIONER: That was his prior evidence and he's  
21           not an expert. He's just repeating what he's  
22           told.  
23        MR. ROSENBLUM: That's fine.  
24        Q     In any event, as you understand it, when you speak  
25           of a set of marks, a set of marks is normally as a  
26           result of one deployment in the push stun mode?  
27           I'm asking.  
28        THE COMMISSIONER: I don't think that really, you know,  
29           if you get into this detail, he's able to do that.  
30           He's just going to repeat what's said.  
31        MR. ROSENBLUM: Thank you.  
32        THE COMMISSIONER: You can ask him what he understands  
33           by the word "set," I suppose.  
34        MR. ROSENBLUM: That's all I'm --  
35        A     Certainly the best person to provide you with  
36           answers to your question would be somebody such as  
37           Constable Baltzer who has that experience. I  
38           don't possess that experience.  
39        Q     I appreciate that.  
40        A     I can't speak to that accurately. I'm sorry.  
41        Q     I appreciate that, officer. Lastly, you spoke  
42           about the fact that after securing the memory  
43           stick from the camera, as I heard you, you said  
44           that there were some working copies made, correct?  
45        A     It's my understanding, yes.  
46        Q     And so just so I can appreciate the process that  
47           took place here, you did not seize the camera from

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1 Mr. Pritchard, did you?  
2 A No, I did not.  
3 Q You received the camera from Constable --  
4 A Mulhall.  
5 Q -- Mulhall.  
6 A And to clarify there -- sorry for interrupting  
7 you -- the camera doesn't actually come into my  
8 possession. Constable Mulhall has possession of  
9 the camera. From the camera, the memory stick is  
10 removed and that's ultimately turned over to me.  
11 The camera is returned to Mr. Pritchard via  
12 Constable Mulhall, just to be clear there. Sorry.  
13 Q And when you took possession of the memory stick,  
14 was that at the scene?  
15 A No, it was not.  
16 Q Was that that day?  
17 A No, it was not. If I refer to the exhibit  
18 flowchart, item 39, which is the memory stick, was  
19 turned over to me on October 16th, 2007, at 3:05  
20 p.m.  
21 Q All right. Now, you spoke about working copies  
22 having been made. Is it simply that you were  
23 informed at the time that the memory stick was  
24 handed over to your possession that working copies  
25 had been made?  
26 A Well, it would be more of an assumption on my part  
27 because I'm aware that working copies exist on our  
28 investigational file, and so I assume they were  
29 created prior to that memory stick coming into my  
30 possession.  
31 Q You spoke about viewing the video at the scene.  
32 Were you ever in the presence of any of the four  
33 officers involved in this incident while they  
34 viewed the video?  
35 A No, I was not.  
36 MR. ROSENBLUM: Thank you. I have no further  
37 questions.  
38 THE COMMISSIONER: Officer, thank you very much for  
39 your time. Your evidence has been very accurate  
40 and complete as far as I can tell. Thank you.  
41 A Thank you.  
42 MR. VERTLIEB: That completes the evidence we have  
43 available for today. We've gone a bit more  
44 quickly than anticipated. Tomorrow we have a  
45 Sergeant Fawcett and Officer Baltzer. That's  
46 tomorrow's evidence.  
47 THE COMMISSIONER: Tomorrow at 10:00, then.

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1 THE REGISTRAR: The hearing is now adjourned until  
2 10:00 a.m. tomorrow morning.

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4 (PROCEEDINGS ADJOURNED TO APRIL 16, 2009, AT  
5 10:00 A.M.)  
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