

**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.

January 28, 2009

PROCEEDINGS AT
HEARING (DAY 7)

COPY

McEachern & Associates
2390 Kensington Avenue
Burnaby, B.C. V5B 4E2
Phone: (604) 299-3595; Fax: (604) 299-3545
Toll-free: 1-866-366-2202

**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.

January 28, 2009

**PROCEEDINGS AT
HEARING (DAY 7)**

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

(ii)

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

1
Kirby Graeme
Cross-exam by Mr. Butcher (for Constable Bentley)

1 Vancouver, B.C.
2 January 28, 2009
3

4 THE REGISTRAR: The hearing is now resumed.
5 THE COMMISSIONER: Yes. Good morning, all. Mr.
6 Graeme, may I remind you you're still under oath.
7

8 KIRBY GRAEME, a witness,
9 recalled, warned.

10
11 THE COMMISSIONER: Yes.
12

13 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
14 BILL BENTLEY:
15

16 MR. BUTCHER:

17 Q Captain Graeme, I'm David Butcher. I act for
18 Constable Bentley who was the most junior police
19 officer in attendance at Vancouver airport on the
20 night of October 14th, 2007.

21 You have never spoken to me or anybody from
22 my office or to any other counsel who act for
23 members of the RCMP about this matter, have you?

24 A I spoke to the IHIT member about a month post-
25 incident.

26 Q You've never spoke to me or any of the other
27 lawyers who act for the RCMP officers --

28 A No, sir.

29 Q -- have you? You're aware that your evidence has
30 been given out of sequence as an accommodation to
31 you because you're about to travel to El Salvador.

32 A Yes, sir, and we both appreciate the court doing
33 that for us.

34 Q You've been a firefighter for 23 years?

35 A Coming in June, 23 years.

36 Q And you hold the rank of captain.

37 A Yes, sir.

38 Q Can you please tell us about the rank structure of
39 the Richmond Fire Department and where the rank of
40 captain fits in.

41 A The rank of captain in -- well, in the sequence,
42 it starts out as probationary firefighter to
43 firefighter to senior firefighter. In the days
44 gone by, it would go to lieutenant and then you
45 would go to captain. Now you go right from senior
46 firefighter to captain.

47 Q And above you?

- 1 A There's battalion chief. There's four of those.
2 Above that is deputy chiefs, three of them, and
3 then the fire chief.
- 4 Q How many people do you supervise?
- 5 A In my position of community relations, I have one
6 under me. As a captain, when I was a suppression
7 captain, I had three firefighters working for me.
- 8 Q And were they the three firefighters who attended
9 on this night to the airport?
- 10 A Yes, sir.
- 11 Q Glen Cameron, Brett Kopp and Sonia Duranleau.
- 12 A Yes, sir.
- 13 Q How much experience do each of those officers
14 have?
- 15 A None of them are officers.
- 16 Q How much experience do each of those firefighters
17 have?
- 18 A Sonia has been on the job about -- probably close
19 to four years now; Glen Cameron was at YVR when we
20 took them over in 1995, so he is now in the
21 officer's pool. He's training to be an officer.
22 And Brent, as well, came over in the transition
23 when Richmond Fire-Rescue took over YVR.
- 24 Q So do you have any idea how much experience they
25 have as firefighters altogether, cumulatively?
- 26 A Cumulatively, over 30 years in total.
- 27 Q Sorry, I didn't mean cumulatively and
28 collectively. I meant for each of them with their
29 experience --
- 30 A Sorry.
- 31 Q -- at the airport and with Richmond.
- 32 A Sonia's only been with Richmond, so four years for
33 her I believe. Glen and Brett are the same. They
34 -- I'm not sure how much time they had at YVR
35 before they came to Richmond, but they've had
36 Richmond Fire-Rescue time since 1995.
- 37 Q What is an officer in the firefighting world?
- 38 A An officer is a supervisor of a fire crew.
- 39 Q So a captain is an officer?
- 40 A Yes, sir.
- 41 Q I take it that you trusted each of the people in
42 your crew.
- 43 A Yes, I do.
- 44 Q And you respected their abilities and their
45 opinions.
- 46 A Yes, I respect their abilities and always be
47 respectful about their opinions.

3
Kirby Graeme
Cross-exam by Mr. Butcher (for Constable Bentley)

1 Q I'm going to ask you to confirm that yesterday, in
2 answers to questions from Mr. Kosteckyj, you told
3 this inquiry that it was your opinion that the
4 RCMP officers in attendance were highly
5 unprofessional; correct?

6 A I did not say that. I said they were
7 unprofessional, not highly unprofessional.

8 Q Okay. You'd agree with me that it would be
9 unprofessional for a person with your seniority
10 and experience and position in the police
11 department (sic) to criticize another emergency
12 services personnel officer if that criticism was
13 made without full knowledge of the facts.

14 A I meant no disrespect to the officers or the RCMP
15 members at the scene.

16 Q I'll ask the question again, Witness. You'll
17 agree with me that it would be highly
18 unprofessional for a person with your seniority,
19 experience and position with your fire department
20 to criticize another emergency services personnel
21 if that criticism was made without full knowledge
22 of the facts. It's a simple question that demands
23 a "yes" or "no" answer, Witness.

24 THE COMMISSIONER: No, the witness will answer it as he
25 sees fit.

26 A As I said, I meant no disrespect. I did not -- if
27 you -- understanding the facts that I had in front
28 of me, I meant no disrespect.

29 MR. BUTCHER:

30 Q I'll ask the question a third time, and I'm going
31 to ask for an answer. Will you agree with me that
32 it would be highly unprofessional for a person
33 with your seniority, experience and position with
34 the Richmond Fire Department to criticize another
35 emergency service personnel officer, if that
36 criticism was made without full knowledge of the
37 facts.

38 A Yes.

39 Q Thank you. In any -- you -- have you read the
40 media this morning? Have you read *The Vancouver*
41 *Sun* or *The Vancouver Province* or the *National Post*
42 or the *Globe & Mail*?

43 A Yes, I read *The Vancouver Sun* this morning.

44 Q And you're aware that your comments have been
45 highly publicized locally and nationally?

46 THE COMMISSIONER: No, counsel, what has this got to do
47 with --

1 MR. BUTCHER: Well, I -- if you can just give me a
2 moment, please, Mr. Commissioner.
3 THE COMMISSIONER: We're -- no, counsel, we're here to
4 find the facts as to what happened that night.
5 MR. BUTCHER: Well --
6 THE COMMISSIONER: Not in terms of comment of what's in
7 the press.
8 MR. BUTCHER: Well, with respect, Mr. Commissioner, Mr.
9 Kosteckyj asked a question. An objection was made
10 and the witness answered the question.
11 THE COMMISSIONER: That's right.
12 MR. BUTCHER: And I think the -- I did not object to
13 that question because I thought it was a proper
14 question. But surely it's also proper to try to
15 examine the facts that the witness had.
16 THE COMMISSIONER: No question about it. But we're
17 talking facts here.
18 MR. BUTCHER:
19 Q Well, the next question that I have would be given
20 the press coverage, would you agree that it would
21 be particularly unfair to somebody who was
22 improperly criticized on an incomplete knowledge
23 of the facts given the extent of the press
24 coverage?
25 THE COMMISSIONER: Counsel, I'm going to instruct the
26 witness not to answer that question.
27 MR. BUTCHER: Thank you.
28 Q I'm going to turn now to the events of October the
29 14th, 2007. We've heard that you attended with
30 those three other officers on your crew.
31 MR. BUTCHER: If the witness could please have Exhibit
32 13. I'm just going to make sure that's the right
33 document. Yes.
34 Q That shows a time of arrival of your crew on scene
35 at 01:40:57; is that correct?
36 A Yes, sir.
37 Q Is that a time generated by your computer records
38 or by E-Comm records?
39 A That record is generated by E-Comm by radio
40 message by a push-button on the status head.
41 Q In the engine?
42 A Yes, sir.
43 Q So that's a time of arrival at curbside at the
44 airport.
45 A Yes.
46 Q Before any of you got out of the vehicle, I
47 presume.

1 A Yes.

2 Q How much time passed from that time, three seconds
3 before 1:41, and your time of arrival with the
4 patient?

5 A It was approximately one minute. We talked about
6 this yesterday.

7 Q So it would be fair to say that you arrived at the
8 patient at about 1:42 in the morning.

9 A Somewhere right around there, yes.

10 Q Now, you were asked yesterday to try to assist us
11 with a diagram showing where everybody was.

12 MR. BUTCHER: This, Mr. Commissioner, is an enlargement
13 of the bottom right-hand corner -- actually bottom
14 left-hand corner, I suppose, of Exhibit 2.

15 Q I'm going to ask you, sir, to firstly draw on this
16 enlarged diagram with an arrow showing the point
17 at which you entered -- at which you entered the
18 passenger service area or IRL.

19 A First of all, is this a -- from back then, or is
20 this now? Because it's changed considerably.

21 Q It doesn't matter, Mr. Graeme, because I'm asking
22 you to draw where you went in. I'm going to ask
23 you to assume that this is a diagram as it was
24 then, because I'm asking you where you went in on
25 that night.

26 THE COMMISSIONER: No, but the witness is saying is
27 this a plan as it existed at the time.

28 MR. BUTCHER: Well, perhaps Mr. Stewart can answer that
29 question, because I assume it is.

30 MR. STEWART: Mr. Commissioner, I'll verify this, but
31 it's my understanding that these are the original
32 maps that were used in various public briefings by
33 the airport authority in the fall of 2007. I
34 produced these maps from the airport authority to
35 Commission counsel in the fall of 2008. It is my
36 understanding that these do reflect the layout of
37 the area at that time.

38 If I can assist, however, I've also provided
39 a closer -- a more up-close diagram of the IRL
40 area to Commission counsel. I've left it to them
41 to see if they wanted to introduce that as an
42 exhibit, but it may be of assistance. I'll try to
43 locate that now. But the best that I understand
44 it, this is -- what we've been looking at is a
45 diagram of how things existed as of October 2007.

46 MR. BUTCHER: And this is an enlargement of my copy of
47 Exhibit 2.

1 THE COMMISSIONER: I didn't take that answer to be an
2 absolute affirmative, but rather he believes so on
3 instructions.

4 MR. BUTCHER:

5 Q I'm going to ask the witness to assume that this
6 is a map of the passenger service area as it
7 existed on the night in question. If -- I'll ask,
8 as well, if there is any reason why you believe
9 this map is inaccurate.

10 THE COMMISSIONER: Go ahead, Officer. Just see what
11 you can do with it.

12 A Well, it's not accurate to what it looks like now,
13 that's for sure.

14 Yesterday, I pointed out that I'd come -- I'd
15 come in --

16 THE COMMISSIONER: Officer -- Captain, as I remember
17 yesterday, you were saying that wherever the door
18 is, that's the door you went through.

19 A Yeah, this picture implies that there's two sets
20 of doors, one at the top right where the arrow is.
21 That seems to me the security door that we went
22 through. And we came in and made a slow turn to
23 the right and there, very close to that area where
24 the other arrow is, is where Mr. Dziekanski was.

25 MR. BUTCHER:

26 Q Okay. I'm going to ask you to draw on this
27 diagram the doors that you say you came in. Have
28 you done that?

29 A Yes, sir.

30 Q I'm going to ask you to draw in where Mr.
31 Dziekanski was lying when you came in, when you
32 first saw him.

33 A Actually --

34 THE COMMISSIONER: If it would help you looking at the
35 larger map first, feel free to do so.

36 MR. BUTCHER: Perhaps the witness can be given Exhibit
37 2 as well.

38 Q And you told us yesterday that you believe -- and
39 this is a quote from my notes, you said this: "I
40 believe it was four Mounties standing there."

41 A Yes, sir.

42 Q Can you also draw on the diagram and mark with the
43 letters "RCMP" where you -- where the RCMP
44 officers were, according to your recollection,
45 when you first walked in the door.

46 So are you able to agree that the -- you've
47 drawn a red line with an arrow on this diagram.

- 1 That shows where you walked.
- 2 A To the best of my recollection.
- 3 Q You went indoors. Are you able to tell us that
- 4 would be on the west side of this building as --
- 5 sorry, on the west side of this part of the
- 6 building that is shown on the photograph (sic).
- 7 A The west end, there.
- 8 Q And there is a large red circle that you've drawn
- 9 on this diagram.
- 10 A Yes.
- 11 Q What is that?
- 12 A That's where the body was.
- 13 Q And a square with a red "x" on it.
- 14 A Doesn't mean anything.
- 15 Q Is that a mistake that you made?
- 16 A Yes.
- 17 Q And you've drawn a diagram with one RCMP officer
- 18 away to the north of Mr. Dziekanski and three
- 19 officers standing away by the wall.
- 20 A Yes.
- 21 Q Is that what you're trying to describe? How many
- 22 other people were in this area at the time that
- 23 you walked in?
- 24 A As I recall, there was other Secure Guard people.
- 25 Q How many?
- 26 A I don't recall exactly.
- 27 Q What were they wearing?
- 28 A As far as I remember, they were wearing their
- 29 Secure Guard uniforms.
- 30 Q What do they look like?
- 31 A They are -- as far as I remember, they're lime
- 32 green with "Secure Guard" in white print with
- 33 black background, and that's -- I think they wear
- 34 navy pants, but I'm not sure.
- 35 Q Do you remember there being a security officer
- 36 wearing a suit?
- 37 A No, I don't.
- 38 Q Do you remember there being any airline employees
- 39 or members of the public in that area as well?
- 40 A No, I don't recall.
- 41 Q Are you able to say with any confidence that such
- 42 people were not in the room, or are you simply
- 43 saying that you don't remember that.
- 44 A I'm quite sure there was other people in the room,
- 45 but I'm not sure who they were.
- 46 MR. BUTCHER: I'll ask that this diagram be marked as
- 47 the next exhibit.

1 THE COMMISSIONER: Yes, the next exhibit.

2 THE REGISTRAR: That is Exhibit number 17.

3

4 EXHIBIT 17: Diagram drawn by Kirby Graeme

5

6 MR. HARRIS: I'll just have a look at that, please, Mr.
7 Commissioner.

8 THE REGISTRAR: Counsel, show to the Commissioner --

9 THE COMMISSIONER: Thank you.

10 MR. BUTCHER: At the break, I'll make colour copies of
11 that document.

12 Q Can you estimate for us, please, the distance
13 between the doors that you enter and Mr.
14 Dziekanski?

15 A It's about 30 metres.

16 Q And you have told us that you walked -- I'll
17 suggest you walked this way, calmly but
18 purposefully.

19 A Yes. We do that.

20 Q How long did it take you to walk those 30 metres?

21 A I told -- I told the court yesterday approximately
22 40 seconds.

23 Q And so that is the length of time that you had to
24 make observations of the RCMP officers before you
25 began to deal with Mr. Dziekanski.

26 A Yes.

27 Q And your focus, of course, is not on them but on
28 the person who you've been sent to treat.

29 A Certainly.

30 Q Now, do you have your statement with you? Your
31 statement to the RCMP?

32 A No, I don't have it. My counsel has it.

33 MR. BUTCHER: I wonder if he could be provided with a
34 copy.

35 MR. HARRIS: I have a spare copy, Mr. Butcher.

36 MR. BUTCHER: Thank you.

37 Q I'm going to ask you to go to page 2. Well, go
38 back to page 1. At the beginning of page 1, it's
39 apparent that the interviewer, Constable Mulhall,
40 has asked you to describe generally what happened.

41 A Yes, sir.

42 Q And you're able to give a long narrative without
43 any further questions being asked by the police
44 officer.

45 A Yes.

46 Q And this statement was given on October the 27th,
47 2007, when your memory would have been much

1 fresher of the events than it is today.

2 A Yes.

3 Q You told this -- and I'm at the end of the second
4 paragraph on the second page.

5

6 There was -- I did notice when I did get on
7 the scene that there was a lot of security
8 people.

9

10 How many people were included in that phrase "a
11 lot"?

12 A Probably at least four.

13 Q But you go on to say:

14

15 And I think there was at least four Mounties
16 standing by within probably ten metres of the
17 patient.

18

19 Correct?

20 A Yes.

21 Q You were trying to tell the police the truth at
22 the time?

23 A Yes.

24 Q You used the phrase there, the qualifying phrase,
25 "I think there were at least four Mounties" in
26 this statement, and you used the same yesterday.
27 You said "I believe that there were four
28 Mounties." Is that correct?

29 A Yes, I believe there was.

30 Q And you've used that qualifier because you're not
31 certain about that.

32 A No, I'm certain there was four Mounties.

33 Q You know from your attendance there, that there
34 were four RCMP officers at the airport that night
35 because you saw them all; correct?

36 A Yes, sir.

37 Q But I'm going to suggest to you that you can't
38 tell us with certainty that there were four
39 standing around.

40 A There was four standing around.

41 Q Okay. So that's your evidence now. There's
42 nothing in this statement about there being one
43 group of three and one officer on his own, is
44 there?

45 A No. No, there isn't.

46 Q That's -- that's new, isn't it?

47 A Three standing in one position and one standing

- 1 somewhere else is still four.
- 2 Q Now, I'm going to suggest to you -- and I'm going
3 to ask you to assume -- that evidence that would
4 have been called by now, had accommodation not
5 been given to you, would show that my client,
6 Constable Bentley, left the airport -- left that
7 IRL area at 1:34 and returned at 1:36 with a
8 digital recorder from his car to take statements
9 from witnesses. Now, you're not aware of that,
10 are you?
- 11 A I saw three Mounties standing there and another
12 one separate from them.
- 13 Q Was he, when you saw him, engaged in taking
14 statements from other people --
- 15 THE COMMISSIONER: Well --
- 16 MR. BUTCHER:
- 17 Q -- or are you not able to tell us that?
- 18 THE COMMISSIONER: Who's the "he"?
- 19 MR. BUTCHER: The single Mountie.
- 20 A He was not taking statements.
- 21 Q You don't remember that.
- 22 A No.
- 23 Q And if I were to tell you that his notes show that
24 at 1:41 he was interviewing a limousine driver or
25 preparing to interview a limousine driver, and
26 that he subsequently gave that evidence here,
27 you'd have to agree that he might be right and you
28 might be wrong.
- 29 THE COMMISSIONER: No, please, that's not a proper
30 question. Just phrase it different than that.
- 31 MR. BUTCHER:
- 32 Q I'm going to suggest -- put it this way: If it
33 turns out that my client, Constable Bentley, is
34 actual -- has been told by his corporal to
35 interview people and, at the time that you arrive,
36 he is carrying out those interviews, then you
37 would agree that he's actually engaged in the
38 execution of his duties as directed by his
39 supervisor.
- 40 THE COMMISSIONER: Captain, I don't blame you for
41 pausing. I don't know how one answers a question
42 like that. You're asking him to assume that
43 somebody's doing their duty when he's told to do
44 something. It's got nothing to do with the case.
- 45 MR. BUTCHER: He's the person who gave the opinion,
46 with respect, that these RCMP officers were acting
47 unprofessionally.

- 1 THE COMMISSIONER: That's right. So certainly you can
2 examine that, but that question doesn't go
3 anywhere.
- 4 MR. BUTCHER: All right. I'll try it this way.
- 5 Q Let's assume that Mr. Dziekanski was tasered at
6 1:31 in the morning, about 11 minutes before you
7 arrived in that hall. Okay?
- 8 A Okay.
- 9 Q You have absolutely no knowledge of what efforts
10 were made to monitor or assist him during that
11 period, do you?
- 12 A I don't know what the staff there was doing, no, I
13 don't.
- 14 Q And you have no knowledge at all of what those
15 individual officers were assigned to do by the
16 officer in charge.
- 17 A I somewhat doubt that they'd be asked to be doing
18 interviews while there's still a patient laying on
19 the ground.
- 20 Q All right. So you're suggesting that you don't
21 think that's correct.
- 22 A In my humble opinion.
- 23 Q If it turns out to be correct and the officers are
24 doing what they're told to be doing, then the
25 criticism of them that you've made would be
26 unfair.
- 27 THE COMMISSIONER: Counsel, you see, we're struggling
28 with a time difference here. The officer gave his
29 evidence based on what he saw when he came in.
30 You're asking him now to include in that opinion
31 events that occurred when he was not there, and
32 those events should be separated. You can't now
33 join them all together.
- 34 MR. BUTCHER: Well, he's the --
- 35 THE COMMISSIONER: I know what your point is. We all
36 here know what your point is. Your point is that
37 the officer didn't see what occurred before he
38 arrived. Well, that should be obvious. And if
39 they were all doing wonderful things before he
40 arrived, then that's a different scenario. But
41 this officer is talking about what he saw when he
42 got there.
- 43 MR. BUTCHER: Okay.
- 44 Q And, very simply, you can't comment on what
45 happened before you got there.
- 46 A No, I can't comment on what happened before my
47 arrival.

- 1 Q And that comment that you did make was based on an
2 observation made within 40 seconds whilst you're
3 concentrating on something else.
- 4 A No, I was concentrating on all things around me as
5 I do when I do a scene assessment.
- 6 Q Let's go, then, to the description of the
7 witnesses -- sorry, the description of the RCMP
8 officers. All you can tell us about them is that
9 one of them was black and six-foot tall, and that
10 one of them was older with greying hair.
- 11 A Yeah, I think my description of the older
12 gentleman might have been out of age range, for
13 sure. He had lighter hair.
- 14 Q What do you mean "older"? Or what did you mean
15 yesterday by "older"?
- 16 A My recollection was that he was older, but after
17 revisiting it last night, I think that he was
18 maybe not quite as old as I thought.
- 19 Q Well, when -- yesterday when you gave evidence
20 that he was older, did you mean older than you?
- 21 A Similar age.
- 22 Q And how old are you?
- 23 A 49.
- 24 Q What have you done to reflect on that description
25 since yesterday? Have you gone back and looked at
26 the video?
- 27 A No, I did not go look at the video.
- 28 Q What reflection have you done to change your
29 description of that officer overnight?
- 30 A I watched Global News last night.
- 31 Q What was shown on Global News?
- 32 A There was some video of the -- of the incident.
- 33 Q So what you're telling us is you're wanting to
34 change your evidence because of some television
35 you watched?
- 36 A I want to change my evidence inasmuch as that it
37 jogged my memory a little bit. Thank you.
- 38 Q Had you watched the video before you gave that
39 statement to the police on October the 27th?
- 40 A No.
- 41 Q Had you watched any video from CBSA or from YVR?
- 42 A No.
- 43 Q Now, this -- so how old are you saying, now, this
44 officer was, the second one that you can provide
45 some description of?
- 46 A He would -- he would be younger than I am.
- 47 Q How much younger than you?

- 1 A I don't know.
- 2 Q And was he the officer who you say was standing on
3 his own, or one of the three at the back?
- 4 A I believe he was one of the ones at the back.
- 5 Q Where was the black officer?
- 6 A He was also at the back.
- 7 Q What about the other two? Can you provide us with
8 any description of them at all?
- 9 A No.
- 10 Q Why is that?
- 11 A I testified yesterday that they were uniformed
12 Mounties. I didn't take the time or make the
13 effort to have to identify them.
- 14 Q Why not?
- 15 A It's not -- it's not what we're there for.
- 16 Q It wasn't important to you, was it? What was
17 important was Mr. Dziekanski.
- 18 A Certainly.
- 19 Q Were you able to say anything about the ethnic
20 origin of these other two officers?
- 21 A No, sir.
- 22 Q Now, as I understand your evidence, you, yourself,
23 did absolutely nothing to monitor or assist Mr.
24 Dziekanski. Is that true?
- 25 A No, that's not true.
- 26 Q What did you do?
- 27 A I held the IV bag. I went and got medical
28 equipment for B.C. Ambulance staff. This is a
29 team game, and I contributed as part of a team.
- 30 Q But you did not monitor his pulse or his breathing
31 yourself.
- 32 A No.
- 33 Q Did not apply the defibrillator yourself.
- 34 A No, I told you yesterday I took the pads out of
35 the sealed containers and passed them over.
- 36 Q Is that because you're able to trust the officers
37 who work under you to undertake that task?
- 38 A I can trust my firefighters to do it absolutely.
- 39 Q Now, the one thing that you did do, after the
40 fact, was complete Exhibit 13.
- 41 A Yes, I did.
- 42 Q And we went through this yesterday. There are a
43 series of mistakes in that report, aren't there?
- 44 A I wouldn't say there's a series of mistakes, no.
- 45 Q Okay. Well, before I get to that, maybe I'll ask
46 you a couple of questions about this area. A
47 normal cardiac rhythm is known as a sinus rhythm.

- 1 A As far as I know.
- 2 Q And an abnormal rhythm is an arrhythmia.
- 3 A Yes.
- 4 Q And this device that you have, the automated
5 external defibrillator is a computerized portable
6 electronic device that can automatically diagnose
7 two life-threatening arrhythmias.
- 8 A Yes, sir.
- 9 Q And they are ventricular fibrillation and
10 ventricular tachycardia.
- 11 A Tachycardia, yeah.
- 12 Q Is that correct?
- 13 A Yes, sir.
- 14 Q And tachycardia is a condition in which the heart
15 is beating too fast. Do you know that?
- 16 A As far as I know, that was what fibrillation is.
17 It's the real -- really no proper pulse. It's
18 just a muscle spasm.
- 19 Q So you're not able to agree that tachycardia is a
20 fast --
- 21 A I don't --
- 22 Q -- heart rate.
- 23 A I don't know.
- 24 Q You don't know. But, in any event, the automatic
25 external defibrillator or AED, as it is known, is
26 only really capable of treating those two
27 arrhythmias; is that your understanding?
- 28 A Yeah, the life pack one that we use is -- that was
29 the only two conditions that it'll send a shock
30 message.
- 31 Q And the way it works is the paddles are placed on
32 the patient. The paddles take a very quick ECG or
33 electrocardiogram --
- 34 A There is --
- 35 Q -- assess the rhythm and then deliver a shock if
36 it's appropriate.
- 37 A Yeah, but you manually have to push button for it
38 to shock the patient.
- 39 Q The machine measures the heartbeat and then tells
40 you to deliver the shock.
- 41 A Yes, sir.
- 42 Q If one of those two conditions are present.
- 43 A Yes, sir.
- 44 Q And it is specifically not designed to be used if
45 the patient is asystole.
- 46 A True.
- 47 Q And what do you understand that term to mean?

1 A Asystolic is flatline.

2 Q Meaning there's no heartbeat at all?

3 A Yes, sir.

4 Q Whereas the other two, ventricular fibrillation
5 and ventricular tachycardia are irregular
6 heartbeats.

7 Going back to Exhibit 13, you've denied that
8 there are a series of errors in this report. But
9 let me first ask this: What's the purpose of this
10 report?

11 A This is all part of our records management system
12 that is part of a legal system that we have to --
13 we are compelled to keep records of all -- all
14 calls that we attend.

15 Q I'm going to suggest that it has several purposes.
16 One is to permit you to refresh your memory about
17 the call.

18 A Sure, it's good for that.

19 Q One is to inform your supervisors about what
20 happened on a particular call?

21 A True.

22 Q And one is for production in legal proceedings
23 like this.

24 A Yeah, those are all three good reasons, but
25 there's probably a number more that --

26 Q What happens to this document once it's completed
27 in the ordinary course?

28 A Once I've finished typing the remarks and so on, I
29 click on a button that says "lock" and it locks
30 away and is routed to a database, and that
31 database is accessed by the battalion chief. He
32 reviews the call to make sure that all the t's are
33 crossed and the i's are dotted, and then he locks
34 it away and off it goes into cyberspace.

35 Q Does your battalion chief work in your fire
36 station or is he centrally located?

37 A He is centrally located at Station 1.

38 Q And is it your understanding -- well, I'll ask
39 another question. Do you sometimes act as the
40 acting battalion chief, or did you then?

41 A No, sir.

42 Q Is it your understanding that it would be in his
43 duties to review these reports the next day or
44 that week?

45 A He does --

46 Q In the ordinary course?

47 A Yeah, he does it usually in the morning before he

- 1 would get off -- off shift.
- 2 Q And so if he were to pull this report up the
3 following day, the first thing he'd notice was
4 that the response time was outside of the
5 department's guideline or intended guideline.
- 6 A Yes, he pointed that out.
- 7 Q And the second thing that he would read is that
8 that was because of traffic delay or congestion en
9 route.
- 10 A I told the court yesterday about the drop-down
11 boxes --
- 12 Q No, just -- the second thing -- just answer the
13 question, please. The second thing he would read
14 would be that that delay was because of traffic
15 delay or congestion en route; correct?
- 16 A I'm not sure what he read first or second.
- 17 Q As he went down the form from the delay to the --
18 from the delay, the next thing he would read would
19 be the explanation.
- 20 A Mm-hmm.
- 21 Q And the explanation that you completed was
22 misleading, wasn't it?
- 23 A It's what I put on every report outside of the
24 five-minute threshold from day one when I was a
25 captain until the day after this call, that I
26 didn't know there was another drop-down box with
27 the outer edge of our response area tick box.
- 28 Q How long have you worked -- had you been a captain
29 by this point?
- 30 A Since May.
- 31 Q So only five or six months.
- 32 A Yeah, that was the sixth --
- 33 Q So May of 2007?
- 34 A That was the sixth month, yeah. Yeah.
- 35 Q And you'd never attempted to find out if there
36 were any other options for that data entry point?
- 37 A There would -- there wouldn't be any reason for me
38 -- this is -- I told you yesterday that this is
39 just a guideline.
- 40 Q And so you happily continued entering into legal
41 -- into documents that you knew may have legal
42 significance incorrect and misleading information.
- 43 A I did not do that intentionally.
- 44 Q But you did do that.
- 45 A Yes.
- 46 Q And it wasn't accidental. You were deliberately
47 entering that data each time.

- 1 A I was unaware that there was another tick box. I
2 told you -- I've told you twice now.
- 3 Q And you didn't ever bring this to management's
4 attention to say we should correct this data field
5 so that we can answer these questions accurately.
6 It might be important one day for legal
7 proceedings. Did you?
- 8 A I would have no reason to scout up another tick
9 box area.
- 10 Q Now, the next point that I want to ask you about
11 is this line in the middle of this report that
12 says:
13
- 14 Fortunately the patient had a rhythm that
15 required no shock.
16
- 17 That sentence in these circumstances makes
18 absolutely no sense at all, does it?
- 19 A At the time, it was what I wrote.
- 20 Q No. Again, please answer the question. That
21 sentence in these circumstances makes no sense at
22 all, does it?
- 23 A It doesn't mean anything.
- 24 Q Because the reason why Mr. Dziekanski required no
25 shock was that he was asystole. His heart was not
26 moving, was not beating.
- 27 A True.
- 28 Q There was nothing fortunate about that at all, was
29 there?
- 30 A I meant no disrespect to the family.
- 31 Q No. Again, there was nothing fortunate about
32 that, was there?
- 33 A The whole incident was unfortunate.
- 34 Q So that's obviously a second error in this report.
- 35 A If you say so.
- 36 Q No, I'm asking you.
- 37 A I disagree. You know, it's what I wrote that
38 night.
- 39 Q Well, you're not agreeing that it was fortunate,
40 are you?
- 41 A No, I'm not.
- 42 Q So it was an error. You're not prepared to admit
43 that you made a mistake?
- 44 A You know what? I've made mistakes all my life,
45 and if this is another one, I'm sorry about the
46 mistake.
- 47 Q So you are now prepared to admit there was a

- 1 second error.
- 2 A Sure.
- 3 Q And on the next page, you've made a note that the
4 situation found was medical mental disorder;
5 correct?
- 6 A Yes.
- 7 Q That's not the situation found at all, is it? You
8 found a patient who was unconscious and asystole.
- 9 A Those choices are not available in the drop-down
10 boxes.
- 11 Q Well, what are the other choices?
- 12 A I only recall yesterday saying something about
13 diabetic and -- something to that effect. I just
14 forget -- I've been out of writing reports and
15 that stuff since last May.
- 16 Q So are you telling us that in the Richmond
17 database there's no ability to put into the
18 records system a note that the person was found
19 unconscious and his heart was not beating?
- 20 A I do recall putting in there in the medical
21 summary at the bottom "unresponsive". That is --
22 that is unconscious as far as we are concerned, is
23 our level of consciousness descriptions.
- 24 Q Now -- but you've made no note in the box "level
25 of consciousness".
- 26 A Unresponsive and -- "Remarks" description of
27 someone unresponsive, unconscious with no
28 heartbeat doesn't require an LOC because there is
29 no LOC.
- 30 Q You could have -- surely there's a box in there
31 that says "none".
- 32 A There is no level of consciousness when someone is
33 laying unresponsive, unconscious, no heartbeat.
34 The description in the "Remarks" indicates that.
- 35 Q Sir, if you had found Mr. Dziekanski to be kicking
36 and struggling, you would not -- your protocol
37 would require that you stand back until he's
38 brought under control; is that fair?
- 39 A Yes, certainly we would have a verbal-type
40 conversation with him about having him calm down,
41 and we would be in partners with the security or
42 with the Mounties, whoever would be on scene
43 there.
- 44 Q And you wouldn't expect your officers to be
45 continuously monitoring him if he was fighting
46 with them.
- 47 A We don't fight with patients.

- 1 Q If the patient was trying to fight with your
2 officers.
- 3 A My firefighters. I don't put my firefighters at
4 risk.
- 5 Q You tell them to stand back when that happens?
6 A Yeah, and then that's where I would take a lead
7 role and do conflict management resolution,
8 whatever that task is that I need to do.
- 9 Q And if the patient was obviously having some
10 difficulty, you'd also be attempting, from time to
11 time, to monitor things like his breathing and his
12 pulse.
- 13 A Someone that is kicking and screaming is not going
14 to short of pulse or short of breath.
- 15 Q No. If that situation changes and the person
16 stops kicking and fighting, there's always a risk
17 that they could start again though, isn't there?
18 A There's all -- there's risks out there and, yeah,
19 it could happen again. We would probably manage
20 that one way with physical ability and numbers of
21 bodies to help out.
- 22 Q And so what you might do is treat such a person
23 with caution and go backwards and forwards to
24 check on their condition.
- 25 A No. Generally if someone goes from a state of
26 frenzy that you speak of to a lower level of
27 consciousness, once we get on the patient we would
28 probably have somebody on each arm and each leg
29 and whether B.C. Ambulance comes in -- I've done
30 -- I've been at many, many calls where they will
31 give the guy some Narcon, or somebody that's drug
32 -- in a drug frenzy to give them Narcon to settle
33 them down. That type of thing.
- 34 Q The police officers obviously don't have those
35 kind of medications available, do they?
36 A No, they don't.
- 37 Q Now, the protocol as between the emergency
38 services is -- for a medical emergency is this,
39 I'm going to suggest. That when firefighters
40 arrive on the scene, the police are supposed to
41 stand back and let the firefighters provide the
42 first response.
- 43 A Yeah, we're trained two levels higher than the
44 Mounties.
- 45 Q And similarly when the ambulance drivers or
46 attendants arrive on scene, you're supposed to
47 defer to them because they're more highly trained

- 1 than you.
- 2 A That's the way it works.
- 3 Q Now, I'm going to have to put this to you because
- 4 I'm going to put it to another witness. This is a
- 5 statement that has been provided to us. It was
- 6 taken by the RCMP from your colleague, Glen
- 7 Cameron, on October the 27th, 2007. That's the
- 8 same day that you were interviewed. Did they come
- 9 to your office or did you go to theirs? Do you
- 10 remember?
- 11 A The -- sorry, the IHIT guys?
- 12 Q The IHIT investigators.
- 13 A Yeah, they came to my office.
- 14 Q They interviewed your crew one after the other.
- 15 A Yeah, except Brent, I think, was some weeks later
- 16 'cause he was on vacation.
- 17 Q I'm just going to read to you from page 2. Well,
- 18 first of all, we've already established that
- 19 Cameron is a very experienced firefighter,
- 20 somebody whose opinions you trust and respect.
- 21 A Yes, sir.
- 22 Q This is what he told the RCM -- sorry, the IHIT
- 23 investigators. He said this. He was asked [as
- 24 read]:
- 25
- 26 Anything else you can think of, Glen?
- 27
- 28 He said:
- 29
- 30 No, I -- I'm not -- I'm not here to judge
- 31 anybody on -- on what happened. When we got
- 32 there, it was a very controlled scene.
- 33
- 34 Do you agree with that? Would you adopt that
- 35 comment?
- 36 A Yeah, yeah, it was controlled, yeah.
- 37 Q
- 38 Everything was fine. Everything was
- 39 controlled and so, to me, it looked like the
- 40 RCMP had done their job.
- 41
- 42 Have I read that correctly?
- 43 A That's what he said.
- 44 Q Do you agree and adopt that comment by your fellow
- 45 firefighter?
- 46 A I would disagree with what he said there.
- 47 Q For the reasons that you've already told us.

1 A Yes, sir.

2 Q Those reasons that unfolded in those 40 seconds;
3 correct?

4 A Yes, sir.

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

6

7 CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CORPORAL
8 ROBINSON:

9

10 Q Captain, my name is Reg Harris. I'm one of the
11 lawyers that are involved in these proceedings and
12 I'm going to, if you bear with me, have a bunch of
13 questions for you, sir.

14 A Who do you represent? I'm sorry, I just --

15 Q Well, sir, I'm just telling you I'm one of the
16 police officer -- or, excuse me, I'm representing
17 one of the police officers. I don't understand
18 why -- why did you ask that question, sir?

19 A Just wondered who you were, sir.

20 Q All right. Just want to understand a little bit,
21 first of all, about your role as a captain and a
22 bit of your experience as the captain. In
23 response to Mr. Butcher's questions, you'd
24 indicated that you'd been a captain since about
25 May; is that correct, sir?

26 A Yes, sir.

27 Q All right. And you meant by that, May of 2007?

28 A Yes, sir.

29 Q That was the date of your official promotion;
30 correct?

31 A Yes, sir.

32 Q Having said all that, you acted on numerous
33 occasions as a captain; correct?

34 A I was an acting captain and also a captain in the
35 training division for 30 months previous to
36 getting promoted.

37 Q All right. And with that experience, you were
38 very familiar with what's become Exhibit 13 and
39 the drop-down boxes and all those sorts of things
40 on that exhibit; correct?

41 A Yes, I'm very familiar with it now.

42 Q Well, you were very familiar with it at the time
43 that you prepared it in October of 2007.

44 A Sorry, the question again?

45 Q You were very familiar with the drop-down boxes
46 back in October of 2007.

47 A Yes.

- 1 Q Now, part of your role as a captain -- or even let
2 me put it this way. As a professional
3 firefighter, you wear several hats; is that right?
- 4 A We're trained in many disciplines, yes.
- 5 Q All right. Well, I'll -- firstly, the main group
6 of hats that you wear is a response hat, emergency
7 response hat, be it fire suppression, motor
8 vehicle accident or medical emergency; correct?
- 9 A Amongst other things, yes.
- 10 Q Amongst other things, yes. Another hat that you
11 wear is education, both for firefighters and
12 public education; correct?
- 13 A Yes, sir.
- 14 Q Another hat that you wear -- or, I guess, when
15 fulfilling all your roles, you attempt, as a
16 member of the Richmond Fire Department, to pursue
17 excellence.
- 18 A We all do, yes, sir.
- 19 Q And try and show quality of leadership?
- 20 A Yes.
- 21 Q And you do all of that to ensure that each and
22 every response is the best it possibly can be;
23 correct?
- 24 A Yes, sir.
- 25 Q And you see it as your duty, Captain, if you
26 encounter a situation that may put members of the
27 public or members of emergency services at risk,
28 to deal with those right away; correct?
- 29 A Yes, sir.
- 30 Q And, as well, in dealing with those right away,
31 you would also, as a Captain and in pursuit of
32 excellence, take steps later on to ensure that
33 whatever that obstacle encountered may not happen
34 again; correct?
- 35 A Yes, sir.
- 36 Q And you brought that perspective to the events of
37 October 2007; correct?
- 38 A Yes, I did.
- 39 Q All right. And in fact you maintain that
40 perspective today; correct?
- 41 A Yes, I do.
- 42 Q And part of your supervisory role as a captain
43 back in 2007 is to ensure that your firefighters
44 properly document their involvement at particular
45 incidents.
- 46 A Generally the firefighters are not requested to
47 make any documentation. That's up to the officer.

- 1 Q And is there any policy or procedure that dictates
2 what type of calls the firefighters may be
3 required to document?
- 4 A History has shown that any time we have a serious
5 MVA with people passing, or serious structure
6 fires, serious hazmat calls, that type of thing,
7 medical calls that have some kind of stress-
8 related -- so that if the CISD team needs to be
9 called in, they have their notes and so on.
- 10 Q CISD team, that's a debriefing team from trauma
11 situations?
- 12 A Yes, stress debrief.
- 13 Q All right. And just so I can make sure we all
14 understand your response, sir, in essence, what
15 you're saying is the experience of the fire
16 department has shown there are certain types of
17 calls that typically result in firefighters being
18 asked for interviews, et cetera, at later dates;
19 correct?
- 20 A Not -- they may be interviewed by the battalion
21 chief and -- certainly not by the media.
- 22 Q No, I mean by legal proceedings, medical
23 proceedings or what have you. Experience has
24 dictated that those are --
- 25 A Very rarely.
- 26 Q All right. And in terms of sort of medical
27 situations where a death is incurred, that's a
28 situation where you would ask the members of your
29 crew to write out what transpired.
- 30 A Generally, we do. We take the time and make the
31 effort to do that. There's certainly no --
32 there's no component of compulsory -- it's more of
33 an assistance thing than anything else.
- 34 Q It becomes compulsory when their captain tells
35 them to do it, though, doesn't it?
- 36 A Yes, sir.
- 37 Q And, in this case, you directed the members of
38 your crew to write out what happened that night.
- 39 A Yes, I asked them in a kind and gentle manner.
- 40 Q Well, a captain asking and a member of the
41 citizenry asking are two different things; agreed?
- 42 A Certainly.
- 43 Q And you strike me as the type of captain that will
44 have a lower kind gentle approach, but in essence,
45 you wanted them to write out what had happened
46 that night. Would that be fair?
- 47 A That's fair.

- 1 Q All right. And did all those officers do that?
2 A The firefighters?
3 Q Or, pardon me, the firefighters.
4 A Yes, they did, yes.
5 Q All right. And they did it very shortly after
6 that night?
7 A Yeah, I think they actually probably jotted some
8 notes down that night, and then put something a
9 little more complete the next night.
10 Q All right. And all the notes that they jotted
11 down and documents they prepared went through you?
12 A Yes.
13 Q You're hesitating.
14 A Yeah, I think they probably sent them to the
15 battalion chief of the day.
16 Q Well, as I recall fire services, they're
17 hierarchical in structure; correct?
18 A Yes, sir.
19 Q There's a chain of command; correct?
20 A Yes, sir.
21 Q Would be improper for a probation firefighter to
22 go directly to a battalion chief; correct?
23 Generally speaking.
24 A Generally speaking, yes.
25 Q All right. And the line of reporting is to the
26 captain and then on upward, generally speaking.
27 A Generally, yes, yeah.
28 Q And when we say "generally", we're talking about
29 when they prepared reports of that particular
30 night in October; correct?
31 A Yes.
32 Q All right. Just to assist you, I'm showing you
33 notes that we've received and they appear to be
34 from probation Firefighter Danleau (sic). That's
35 your signature on the bottom?
36 A Yes, sir.
37 Q All right. And these appear to be dated October
38 19th, 2007.
39 A Yes.
40 Q And then there's more succinct notations --
41 MR. GOULDEN: Sorry, I'm not -- sorry, I don't -- I
42 apologize for interrupting. I'm not sure it is
43 October 19th. It's on the bottom.
44 MR. HARRIS: Oh, I apologize.
45 MR. GOULDEN: It may be October 14th, counsel.
46 MR. HARRIS: I misread.
47 Q October 14th. And then there's November 27th,

- 1 2007 where there's more notes done; correct?
- 2 A Yes.
- 3 Q All right. And then there is a typed version of
- 4 what appears to be the report of October 14th,
- 5 2007. Those are the type of documents that would
- 6 have gone through you; correct?
- 7 A Yes, sir.
- 8 Q In addition to what I've just shown you, sir,
- 9 there were e-mails that went through you as well;
- 10 correct?
- 11 A I think I was cc'd on most of those, yes.
- 12 Q All right. For example, just showing you one e-
- 13 mail, it's to -- can you pronounce that name for
- 14 me, please, sir?
- 15 A van den Boogaard.
- 16 Q And who is he?
- 17 A He is the battalion chief.
- 18 Q All right. And you're cc'd as the captain;
- 19 correct?
- 20 A Yes.
- 21 Q And, as well -- and it's from Firefighter Cameron;
- 22 correct?
- 23 A Yes.
- 24 Q And these e-mails and documents that you pass up
- 25 the battalion -- to the battalion chief, it's your
- 26 role as captain to review them?
- 27 A Yes.
- 28 Q And you're doing that to ensure accuracy; correct?
- 29 A You know, I wouldn't be in a position to have
- 30 someone change their story once they've written
- 31 it. So whatever Glen's impression was in that
- 32 document is what he felt happened. That's the way
- 33 we do it. We let you say what you did.
- 34 Q All right. Fair enough. So you never challenged
- 35 Firefighter Cameron on his perceptions or
- 36 understanding of what went on that particular
- 37 night?
- 38 A No, and I have no right to.
- 39 Q All right. Now, transitioning for a bit to the
- 40 events or your arrival at scene, you arrive
- 41 curbside lights and sirens; correct?
- 42 A Yes.
- 43 Q All right.
- 44 A Though as soon as we get up into the second level,
- 45 we turn the siren off because it's echo chamber.
- 46 Where we arrived, it's covered.
- 47 Q All right. You don't know if people in the IRL

1 are able to hear your approach of your rig or not?
2 A I don't believe they can hear the truck outside,
3 no.
4 Q You don't know that. That's an assumption on your
5 part; correct?
6 A Yes.
7 Q You don't know if doors were being held open in
8 anticipation of arrival of emergency personnel or
9 not.
10 A Usually they are.
11 Q All right. Now, we've heard, as your (sic)
12 approach, you exit your rig, you make your way
13 into the IRL and it's about 40 seconds to being
14 near the patient; correct?
15 A Yes, sir.
16 Q And that's the best estimate you can give;
17 correct?
18 A Yes.
19 Q You're not suggesting that it's exact. It could
20 be short by five, it could be -- or it could be
21 high by five or short by five; fair?
22 A Yeah, it's just a ballpark.
23 Q And as you're moving through the IRL, if I'm not
24 mistaken, your duties require you to focus on
25 several different things fairly quickly; correct?
26 A Yes, sir.
27 Q And those several different things require you to
28 -- or the duty, in essence, is to do an initial
29 assessment of scene; correct?
30 A Yes.
31 Q And what you're looking for, initial assessment,
32 is any risk to your firefighters.
33 A Yes, sir.
34 Q That's number one.
35 A Absolutely.
36 Q Police are not a risk to the firefighter; correct?
37 A The police are not a risk to us, no.
38 Q No. And in fact the nature of the call suggests
39 risk to firefighter was low level because it was a
40 person of collapse; correct?
41 A Yes, sir.
42 Q The other thing is you want to locate the patient
43 as quickly as possible; correct?
44 A Yes, sir.
45 Q And the patient then becomes your immediate focus;
46 correct?
47 A Yes.

- 1 Q So as you're moving across the room, you see the
2 officers in transition to patient; correct?
- 3 A Yes.
- 4 Q And the first -- you never touched the patient, as
5 we understand; correct?
- 6 A Correct.
- 7 Q And one of your firefighters came hands on with
8 the patient.
- 9 A Yes, sir.
- 10 Q And which firefighter went hands on with the
11 patient?
- 12 A Sonia Duranleau.
- 13 Q And Sonia Duranleau was the first person at the
14 patient?
- 15 A Yes, sir.
- 16 Q She was there kneeling beside the patient in
17 essence before you were even sort of over top;
18 correct?
- 19 A I was right beside -- right beside the patient as
20 well, standing.
- 21 Q And it's her job to do an assessment of the
22 patient right then and there; correct?
- 23 A Yes, sir.
- 24 Q And her assessment includes, in essence, the a, b,
25 c's of first aid.
- 26 A They start off with the level of consciousness, so
27 we find out whether this person is alert.
- 28 Q Yes.
- 29 A Are they verbal, are they responsive to pain
30 stimuli or are they unresponsive. There's four
31 levels of consciousness.
- 32 Q Yes.
- 33 A And then we deal with their levels of
34 consciousness appropriately.
- 35 Q Well, the first thing, as you've indicated, is
36 level of consciousness. I've got that correct?
- 37 A Mm-hmm.
- 38 Q And if you determine -- it doesn't take too long
39 to find out someone's unconscious; correct?
- 40 A Yes.
- 41 Q And your immediate transition is breathing and
42 circulation; is that not correct?
- 43 A Airway -- clear airway --
- 44 Q Yes?
- 45 A -- breathing, circulation.
- 46 Q And the clear airway is just make sure that the
47 body is properly positioned for a good airway and

1 no obstruction within mouth; correct?
2 A Right. And is there any -- any air passing one
3 way or the other.
4 Q All right. And the -- the breathing involves
5 listening and looking?
6 A Look, listen and feel, yes.
7 Q And circulation is radial and carotid; correct?
8 A It can be -- yeah, that's the way we go.
9 Q And, at times, I would suggest that you, as first
10 responders, perform this initial assessment --
11 it's performed, though it sounds complicated as we
12 talk today, can be done in a matter of seconds.
13 A Generally it can be done fairly quickly. You can
14 find out someone's airway and breathing and
15 circulation is quite adequate. If you ask them,
16 "Hey, how are you feeling," and they turn around
17 and say, "Oh, I'm just feeling a little woozy,"
18 you know their airway is fine, you know they're
19 breathing fine and they have a heartbeat because
20 they are alive.
21 Q They're walking, talking and moving.
22 A Yeah.
23 Q Let's focus on an unconscious patient.
24 Unconscious patient presents more difficulty, more
25 complexity, but still a trained experienced
26 firefighter can do the assessment relatively
27 quickly; correct?
28 A Yes, especially if the patient is supine.
29 Q Having said that, experienced firefighters
30 typically have to perform these assessments in all
31 types of positions; correct?
32 A Yes.
33 Q And obviously some positions are more ideal to the
34 assessment. Supine is one of them; correct?
35 A Yes, sir.
36 Q But having said that, at this situation, if I
37 understand, Firefighter Danleau (sic) was able to
38 conduct an assessment of the patient when she
39 arrived.
40 A She did the best she could do in the position
41 found.
42 Q She was able to do an assessment at that time;
43 correct?
44 A She -- she did the best she could do in an
45 assessment, yes.
46 Q You were satisfied with her initial assessment or
47 not?

1 A I asked Glen to also try and see if he could get a
2 pulse. Sonia was, I believe, only on the job
3 about maybe -- I don't know, six months or eight
4 months, so I asked Glen to give it a try as well.
5 Q So then Glen gave it a try as well?
6 A Yes.
7 Q And at that point, you and your crew had made no
8 effort to move the patient onto his back.
9 A No. He was handcuffed.
10 Q You can put someone on their back when they're in
11 cuffs. You see them going to hospital all the
12 time on a stretcher that way.
13 A What's the question?
14 Q Your crew did not try and put this man onto his
15 back, did they?
16 A No, they did not.
17 Q And you've seen people handcuffed on their back
18 before, haven't you, Captain?
19 A Rarely.
20 Q I'm going to suggest to you the comment "Rarely"
21 -- or answer "Rarely" is, yes, you have seen
22 handcuffed prisoners on their backs; correct?
23 THE COMMISSIONER: No, you --
24 A No, I have -- no.
25 THE COMMISSIONER: Sorry, go ahead.
26 A I have not seen handcuffed prisoners on their
27 back.
28 MR. HARRIS:
29 Q Okay. Moments ago, you answered "Rarely". You've
30 now changed it to, "No, you have not." Why did
31 you change your answer, Captain?
32 A You changed it from patients to prisoners.
33 Q All right. You've never seen a person, that
34 you've given medical aid to, laying on their back
35 with handcuffs?
36 A I have seen one gentleman.
37 Q And, sir --
38 THE COMMISSIONER: And was he breathing or not?
39 A Yes, he was breathing.
40 MR. HARRIS:
41 Q And, sir, at the point where you went to this
42 gentleman and your officer Cameron did his
43 assessment - and we're talking before B.C.
44 Ambulance arrived - what was your view, sir?
45 A My view of the patient?
46 Q Yes.
47 A That he was dead.

1 Q All right. And that was before even placing any
2 AED on him?

3 A Mm-hmm.

4 Q And is that why you did not instruct your
5 firefighters to roll this person onto his back?

6 A No.

7 Q You were satisfied with Firefighter Cameron's
8 ability to assess the patient in his position,
9 then; correct?

10 A Yes. I wasn't happy about it, but I had no
11 choice.

12 Q As I understand your earlier testimony, sir, in
13 the role of first responders, generally speaking
14 if police and fire are on scene, it's fire that's
15 tasked with providing first aid; correct?

16 A Yes, sir.

17 Q Did you ever say to any of the officers, "Put this
18 man on his back so we can check him."

19 A I asked that the cuffs be removed so we could
20 properly assess him.

21 Q Were those your exact words, sir?

22 A I believe so.

23 Q You've used the word "believe". Is there doubt in
24 your mind?

25 A If it's a mix of two or three words difference --
26 it's going to be something very similar to that.
27 It's fairly -- fairly black and white here.

28 Q With Firefighter Cameron's assessment, you were
29 satisfied, although difficult circumstances, he
30 had done a proper assessment.

31 A As -- he did as good a job as he could do with
32 that patient in the position found.

33 Q And you were satisfied -- I'm not questioning the
34 quality of job done by Firefighter Cameron. You
35 were satisfied that he was able to perform his job
36 of an assessment at that stage; correct?

37 A Yes.

38 THE COMMISSIONER: I think we'll take the morning
39 break.

40 THE REGISTRAR: The hearing will now recess for ten
41 minutes.

42

43 (WITNESS STOOD DOWN)

44

45 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

46 (PROCEEDINGS RECONVENED)

47

1 THE REGISTRAR: The hearing is now resumed.

2 THE COMMISSIONER: Yes, counsel.

3 MR. HARRIS: Thank you, Mr. Commissioner.

4

5

KIRBY GRAEME, a witness,
recalled.

6

7

8

CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CORPORAL
ROBINSON, continuing:

9

10

11 Q Captain, I apologize for a moment. I, like you,
12 sometimes makes mistakes, and I just want to go
13 back ever so briefly to your arrival into the IRL.
14 When you arrived into the IRL, it was not your job
15 to note the positioning of the police officers,
16 was it?

17 A My job is to -- sorry. I want -- my job is to
18 ensure that the scene is safe for my personnel to
19 do their work effectively.

20 Q Okay. And that requires a momentary glance as to
21 where the police officers are; correct?

22 A It means taking in as much information as
23 reasonably possible to ensure the safety of my
24 crew.

25 Q All right. And it -- given the nature of the
26 call, there was not, in essence, a high security
27 concern for your crew. We've agreed on that;
28 correct?

29 A Yes, sir.

30 Q And in fact you had no reason -- you had no reason
31 to believe that you would have to report later on,
32 on the precise positioning of the police officers?

33 A I had no reason to think that I would have to
34 report back, no.

35 Q You made no notes at that time as to their precise
36 positioning?

37 A No, sir.

38 Q And in essence, today -- or yesterday, what you've
39 done is you've gone from memory as best as you
40 can; correct?

41 A Yes, sir.

42 Q And that's exactly what you did to provide us
43 yesterday with the description of the grey haired
44 older officer. You relied on your memory, didn't
45 you, Captain?

46 A Yes.

47 Q And now, today, you've realized that your memory

1 is faulty; correct?
2 A No, I wouldn't say my memory is faulty.
3 Q Well, I'm sorry, I may be mistaken. I may have
4 mischaracterized it. You testified yesterday as
5 best as you could; correct?
6 A I did.
7 Q You testified from your memory; correct?
8 A I did.
9 Q You testified that one of the officers had grey
10 hair. Am I right about that?
11 A I do believe I said that.
12 Q And today you've changed that; am I right about
13 that?
14 A Yes, I changed it.
15 Q And you changed it because you watched TV, "Global
16 News"; correct?
17 A I watched a clip on television, yes.
18 Q And that clip told you that your memory was wrong
19 about the colour of the officer's hair; isn't that
20 right?
21 THE COMMISSIONER: That's not his evidence.
22 MR. HARRIS: I'm suggesting it to him, I apologize.
23 THE COMMISSIONER: All right. You didn't say you're
24 suggesting.
25 MR. HARRIS:
26 Q I suggest to you that what the clip has
27 demonstrated to you is that your memory was
28 faulty.
29 A What the clip did was give me a refreshed look at
30 what -- the events that night.
31 Q When you testified that the officer had grey hair,
32 were you correct or were you wrong?
33 A Yesterday I gave my best impression of what I
34 believed to be true yesterday.
35 Q I understand that, Captain. Were you correct? Do
36 you believe that you're correct yesterday or do
37 you believe that you were wrong?
38 A No, I was incorrect yesterday.
39 Q And your testimony yesterday was based on your
40 memory; correct?
41 A Yes, sir.
42 Q Now, when Firefighter Cameron did his assessment
43 of the patient, you believed at that stage the
44 patient was deceased; correct?
45 A He was lifeless, yes.
46 Q And it's for that reason you did not insist the
47 officers turn him over.

- 1 A That's not the reason.
- 2 Q All right. You didn't demand the officers to
3 remove the handcuffs.
- 4 A I asked, early on in the incident, that they be
5 removed.
- 6 Q Yes. And to the best of your ability, what did
7 the officer respond?
- 8 A He said, "We can't remove them because he's been
9 violent."
- 10 Q Is there anything else that you said to the
11 officer in response to that?
- 12 A I said, "We need them off so we can do a proper
13 assessment."
- 14 Q And continue on. How did the conversation go
15 after that?
- 16 A He said, "No, we can't do that."
- 17 Q Yes? Anything else?
- 18 A No.
- 19 Q All right. And it was after that, that
20 Firefighter Cameron moved in and dealt with the
21 patient?
- 22 A A lot of the happenings are all very simultaneous.
23 As all this stuff is going on, assessments, and
24 Sonia was on the patient and Glen went down, it's
25 all very simultaneous.
- 26 Q So is that your way of saying you can't give us a
27 precise order of things, would that be fair?
- 28 A That's as close as I could come with -- to
29 something in order.
- 30 Q All right. Did any -- you're watching your
31 firefighters deal with the patient?
- 32 A Yes.
- 33 Q You're paying attention to their interactions with
34 the patients (sic) and others?
- 35 A They're concentrating on the patient.
- 36 Q At any time did any of them communicate with the
37 officers on scene while dealing with the patient?
- 38 A I don't believe so.
- 39 Q All right. And you were standing right there at
40 that time; correct?
- 41 A Correct.
- 42 Q You never said to the police officer, "Look, we
43 got to have the cuffs off because it's a matter of
44 life and death."
- 45 A I did not say that.
- 46 Q Now, I think you would agree with this, Captain.
47 From a first aid perspective, when dealing with an

- 1 individual who is unconscious but breathing, and
2 appears to have circulation, the best position for
3 that patient is a recovery position; correct?
- 4 A I disagree.
- 5 Q You disagree with that?
- 6 A For us, we can treat him more effectively if he's
7 supine.
- 8 Q I'm not talking about for first responder
9 firefighter, and I apologize if I didn't make that
10 clear. People that don't have the necessary
11 equipment such as the AED, et cetera, and oxygen
12 -- you had oxygen with you?
- 13 A Yes, we did.
- 14 Q Say, for example, police officers that don't have
15 any of that equipment, an unconscious, breathing
16 individual, an appropriate position is a recovery
17 position.
- 18 A Yes, sir.
- 19 Q All right. And in fact, sir, your City of
20 Richmond, on your firefighters' website -- you're
21 familiar with that; correct?
- 22 A Yes.
- 23 Q It recommends if the casual -- if the individual
24 is unconscious - and I'm paraphrasing here, sir -
25 breathing, and injuries are not suspected -- and
26 it describes breathing noises can be gurgling or
27 snoring sounds. Do you agree with that?
- 28 A Yes, yes.
- 29 Q Or if the casualty starts to vomit or if they're
30 bleeding from the mouth, those were all
31 circumstances where you'd place them into a
32 recovery position; correct?
- 33 A Yes.
- 34 Q And I'm going to show you what I believe to be the
35 recovery position and see if you agree. Generally
36 that's the recovery position.
- 37 A Yeah, generally -- generally that's the position.
38 We like the head turned a little bit more so that
39 if there was vomit or bleeding, that it would
40 drain out, so that it wouldn't compromise the
41 airway.
- 42 Q But, give or take slight precise movements, that's
43 generally the position. And just so we're clear,
44 it's on the side; correct?
- 45 A Yes, that's three-quarter prone.
- 46 Q All right. That's another reference for this
47 position is three-quarter prone. And you would

1 expect a person monitoring a patient in such a
2 condition to be up near their head area; correct?

3 A Yes, sir.

4 Q And what they would be monitoring is for a change
5 in the patient, in their breathing, whether or not
6 they're starting to vomit, those types of things;
7 correct?

8 A I would look for changes in skin colour. We
9 ensure proper airway passage. If this person --
10 lay person -- we have with us, as first
11 responders, oral airways that someone unconscious
12 would be inserted. We have O2 and bag and mask
13 would be ready, also a suction -- a V-VAC suction
14 would be ready to suction.

15 Q Okay. If you, as the first responder, arrived to
16 a scene where someone is -- says they've been
17 monitoring a patient that's in the three-quarter
18 prone or recovery position and you hear that
19 person report to you, "I noticed their skin go
20 blue," that would be a piece of information that
21 would suggest to you that they've in fact been
22 monitoring the patient; correct?

23 A Yes, sir.

24 Q If they report to hear snoring sounds, that's a
25 piece of information that would confirm in your
26 mind that they've been monitoring the patient?

27 A Yes, sir.

28 Q And in fact if you received information or a call
29 back to hurry up or update about the patient as
30 you're responding to the call, that would be
31 information that you would believe that the
32 patient was being monitored while you were en
33 route, by some other person; correct?

34 A I would assume they're monitoring and sending that
35 information if they indeed -- we didn't get
36 anything different.

37 Q All right. Sir, I've had the benefit of reviewing
38 transcripts of the police radio broadcasts of that
39 particular night. And in reviewing them, I note
40 that one police unit requests -- on scene with the
41 patient requests for a routine ambulance. And, in
42 your experience -- or -- and let me just go on a
43 little bit. Then it goes on a few moments later
44 where they've changed the request for routine and
45 they're asking for it Code 3. So they've upgraded
46 the response.

47 From your experience as an emergency

- 1 responder, such a request for an updated response
2 suggests that the patient's being monitored and
3 there's been a dramatic change in the patient's
4 condition; correct?
- 5 A Yeah, that would indicate that there's been
6 something change. Something changed for the
7 worst.
- 8 Q Two things, actually. One, a change for the
9 worst, and the person was being -- patient was
10 being monitored because the change was in fact
11 detected. Would you agree with that?
- 12 A Quite possibly, yes.
- 13 Q Now, the police officer that you spoke to about
14 the removal of the handcuffs, where was that
15 police officer when that discussion took place?
- 16 A He was -- he was the closest police officer that I
17 drew on the diagram.
- 18 Q So -- and how far -- so you shouted ten metres
19 away to the police officer asking, "Look, take the
20 cuffs off."
- 21 A No, no. The three gentlemen, the three Mounties
22 were ten metres away.
- 23 Q The police officers is what you mean when you say
24 "Mounties", sir?
- 25 A Yes, sir.
- 26 Q And the other RCMP officer was closer.
- 27 Q All right. And the patient, I'd like to have a
28 better understanding of the patient's orientation.
- 29 MR. HARRIS: If the witness could be provided Exhibit
30 17, please.
- 31 Q Which way was the patient's head? In other words,
32 where were their feet oriented and where was their
33 head oriented? If you look at the curbside -- we
34 agree where curbside is?
- 35 A Mm-hmm.
- 36 Q Was -- where was their head in relation to
37 curbside? I'm not going to ask you to draw on the
38 exhibit, sir. I'm going to ask you to tell us.
- 39 A I would say probably it was right about the "E" --
40 the head was right above the "E" in "Passenger" on
41 the picture.
- 42 Q Okay. Now, was the -- were the feet -- my
43 question to you, was the head towards the beige
44 area at the top? Was the head towards to the blue
45 area on the right-hand side as you look at it?
46 Was the head towards the curbside, or was the head
47 towards into the airport? I see you closing your

- 1 eyes trying to think.
- 2 A Yeah, I'm just trying to recall. As far as I
3 remember, the head was to the north.
- 4 Q And for us that may be directionally challenged --
- 5 A Towards the blue.
- 6 Q Towards the blue? All right. And the feet were
7 pointed towards curbside?
- 8 A Yes.
- 9 Q All right. Thank you. And, of course, that's an
10 important observation that you as the captain have
11 to make on arrival is the orientation of the
12 patient because that may provide information as to
13 what injury the patient may or may not have;
14 correct?
- 15 A What direct is body is laying has no -- makes no
16 difference.
- 17 Q All right. Now, the officer, on removing the
18 cuffs, he told you that the individual had been
19 violent; correct?
- 20 A He didn't remove them. Yes, he did say that the
21 patient had been violent.
- 22 Q All right. He said the patient had been violent
23 and at that point you did not convey to him your
24 impressions about the patient?
- 25 A No.
- 26 Q You did not tell him, "Look, this guy is no longer
27 a risk."
- 28 A That's -- no, I didn't say that.
- 29 Q And you would expect a professional police officer
30 to be concerned about the safety and security of
31 first-aid responders, wouldn't you?
- 32 A Yes, I do.
- 33 Q And you have no knowledge about RCMP training with
34 regards to removing or leaving on cuffs when
35 you're talking about patients and dealing with
36 firefighters.
- 37 A No.
- 38 Q Now, one of the conversations, I recall from my
39 notes, is that when you arrived you asked a
40 question about how long has the patient been down.
- 41 A Yes, I asked that.
- 42 Q And do you know which police officer you asked
43 that of?
- 44 A No, I don't.
- 45 Q All right. And you've also described the security
46 personnel, airport security wearing these lime-
47 green coats?

- 1 A As far as I remember.
- 2 Q And the police officers were uniformed officers?
- 3 A Yes, sir.
- 4 Q Were they wearing -- any wearing their yellow
5 jackets?
- 6 A Not that I recall.
- 7 Q All right. Were they wearing vests? You know how
8 they wear the vests sometimes too?
- 9 A I believe they were -- had their vests on, yes.
- 10 Q All right. And you said that a police officer
11 came and eventually removed the handcuffs once
12 B.C. Ambulance Service had arrived.
- 13 A Once B.C. Ambulance asked that they be removed,
14 yes.
- 15 Q All right. And the removal of the handcuffs, you
16 seem to suggest it took a while.
- 17 A Yes.
- 18 Q You didn't time how long that took?
- 19 A No. I implied in my testimony that he fumbled
20 with the key in trying to open it.
- 21 Q Okay. You have no idea how many keyholes there
22 are on handcuffs, do you, sir?
- 23 A Yes.
- 24 Q How many?
- 25 A One on each.
- 26 Q All right. And you don't know if these handcuffs
27 were double-locked, do you, sir?
- 28 A No, I don't.
- 29 Q And you don't know, sir, if these handcuffs were
30 -- if the hands were facing palm to palm or back
31 to palm or if they were properly applied at all.
- 32 A No, I don't.
- 33 Q And, sir, you've never been trained in the removal
34 of handcuffs, have you?
- 35 A No.
- 36 Q Have you ever removed handcuffs at all from a
37 person that is unconscious?
- 38 A No.
- 39 Q Now, you've shared with us in your evidence all
40 the conversation that you can recall from the
41 police officers at the scene that night?
- 42 A I'm not sure if I mentioned that when I asked what
43 had happened, he said, "We shot him and he didn't
44 go down, so we shot him twice more," is what the
45 officer said.
- 46 Q And which officer was that?
- 47 A I don't know.

1 Q All right. And that's the extent of the
2 conversation that you recall?

3 A As well as the "How long has he been down?" I'm
4 trying to get a sense of the situation.

5 Q All right. And response about the shooting, you
6 understood to mean the Taser?

7 A Yes, sir.

8 Q And you would expect a professional police officer
9 to provide you with a brief account as to the
10 circumstances that led up to the patient being on
11 the ground.

12 A Yeah, that's history of mechanism of injury.

13 Q And, in accordance with being a professional, they
14 gave you that history; correct?

15 A Yes.

16 MR. HARRIS: If I might have a moment, Mr.
17 Commissioner.

18 Q Those statements that you've just referred to,
19 that is, about the removal of the handcuffs and
20 about the Taser being used, I'm going to suggest
21 to you that it did not come from the dark-skinned
22 officer that was present. Would you agree with
23 that?

24 A As far as I recall.

25 Q You agree with me?

26 A Yes.

27 Q Thank you. Now, just turning momentarily back to
28 the use of the term "recovery position". Recovery
29 position is a common term that's used in your
30 profession as a medical responder?

31 A Yes.

32 Q And, in essence, if one of your fellow
33 firefighters were to use that term, it would be
34 fairly evident to you what that firefighter meant;
35 correct?

36 A Yes, sir.

37 Q I'm going to read from you (sic) a statement from
38 Glen Cameron, the firefighter, and see if you
39 recall -- if it may refresh your memory as to the
40 position of the patient when you arrived. Just
41 one moment.

42 For my friends, I'm referring to the October
43 27th statement. What the corporal, on page 3 --
44 or constable puts to him is this [as read]:

45

46 One thing that -- it's fairly important and I
47 just -- if you, uh, maybe if you can just go

1 back as far as his position, then. He was in
2 the recovery position. Not everybody knows
3 what that means. Can you -- can you describe
4 that and how certain are you that he was in
5 that position?
6

7 Firefighter Cameron says:

8
9 100 percent.

10
11 Do you agree or disagree that the patient, when
12 you arrived was in the recovery position?

13 A I disagree.

14 MR. VERTLIEB: Just -- I don't like to be interrupting
15 in any way on this, but I'm assuming Mr. Harris
16 will read the rest of the passage that deals with
17 that section, the rest of the page.

18 MR. HARRIS: Certainly.

19 MR. VERTLIEB: Thank you.

20 MR. HARRIS: The constable then goes:

21
22 Okay. Versus like lying down I guess is what
23 I'm -- he was -- he was handcuffed. He was
24 on his stomach with his head tilted to the
25 side.
26

27 He then goes on:

28
29 So he wasn't -- when I say recovery, maybe
30 recovery position would be a little more
31 tilted up. He definitely -- if there was
32 anything blocking, at least from my
33 perspective, if there was anything blocking
34 his airway, would have the ability, the
35 gravity allowing it to fold out. Like if he
36 was to aspirate or whatever, he was in the
37 right -- right in the correct position.
38

39 Do you agree that the patient was in the correct
40 position when you arrived?

41 A No, I don't agree.

42 MR. VERTLIEB: Just while we're on that, I think Mr.
43 Harris may have misunderstood. I think there
44 should -- a few more passages that deal with this
45 that should be read, just to save us doing it in
46 re-examination.

47 MR. HARRIS: I don't know what you're referring to,

1 sir.

2 MR. VERTLIEB: Well, if you just continue. He wasn't
3 100 percent sure about the legs. If you're -- do
4 you see that? Just keep reading.

5 MR. HARRIS: Well, I'm not going to put that to him.
6 The witness, Mr. Cameron, is going to be called,
7 or Firefighter Cameron.

8 THE COMMISSIONER: No, well, in fairness to this
9 witness, if you put one subject, you've got to
10 have everything encompassing the subject.

11 MR. HARRIS: Okay. If it's encompassing, that's fine.

12
13 Do you remember how his legs had been -- how
14 they were positioned?

15
16 Not 100 percent on his legs. I actually
17 don't even really remember, um, it wasn't a
18 real big concern of mine at the time how his
19 legs were. I believe they were just straight
20 out and I don't even know whether they --
21 they had any straps on them or not. All I
22 remember is the RCMP taking the cuffs off and
23 they weren't, uh, I know that the cuffs
24 weren't zap straps 'cause I know he fumbled
25 with the key a little bit.

26
27 Is that...

28 Q I also understand, sir, I want to make sure that
29 this is correct. When Firefighter Duranylou (sic)
30 attempted to verbal communication with the
31 patient, she was informed that the patient did not
32 speak English; correct?

33 A Yes, sir.

34 Q That's information that your crew, as first
35 responders, is important to know?

36 A Yes.

37 Q And that's information that you would expect a
38 professional police officer on scene, if they're
39 in possession of that information, to convey to
40 you; correct?

41 A Correct.

42 Q Going to now read to you Firefighter Duranylou's
43 (sic) perception of the positioning and see if you
44 agree with that. It's page 3. Constable Mulhall
45 asks:

46
47 And can you describe to me exactly the -- the

1 position that the patient was in? Like start
2 maybe at his head and go down like his whole
3 body, what -- what was his position -- what
4 his position was as best as you can remember.
5

6 Answer:

7
8 So he was like I said face down, but his face
9 was turned on the side so he -- well, you can
10 actually -- yeah, actually saw his eyes and
11 everything, but I...could not
12 (INDECIPHERABLE). And the body
13 (INDECIPHERABLE) you know like -- how we call
14 it like -- three -- three quarter prone,
15 recovery...
16

17 You know what Firefighter Dernalou (sic) means
18 based on her training when she says three-quarter
19 prone recovery?

20 A Yes, I do.

21 Q All right. And the constable says:

22
23 Okay. Like his legs were in that position
24 and his hips kinda thing, or?
25

26 Yeah, it was really face down, lay down to --
27 his body was straight, his leg was -- I think
28 it was crossed, but I'm not sure. I only
29 remember where his hand was, he was still
30 left handcuff on.
31

32 And then, the officer says, "Yeah."
33

34 And then he had his head on the side. That's
35 mostly what I remember.
36

37 Constable says:

38
39 But then you mentioned the three quarter
40 prone and the recovery position. So was part
41 of his body in the recovery position or?
42

43 Well like if I say recovery position, we call
44 it like he -- he lays down, you know
45 (INDECIPHERABLE).
46

47 And the officer goes on:

1 Uh, yeah, well for me what -- just -- maybe
2 just, so we're clear for me, a recovery
3 position I associate from uh, the old days
4 life guarding is like head like this, hands
5 like this.

6
7 And the firefighter says:

8
9 Oh, well (INDECIPHERABLE) --

10
11 And there's a bunch of "indecipherables". The
12 officer (sic) says:

13
14 But then his legs --

15
16 And --

17
18 Constable Mulhall then says:

19
20 -- it would be one leg would be pulled up --
21 and over.

22
23 Firefighter Duranylou (sic) says:

24
25 On --

26
27 And an "indecipherable".

28
29 Do you know what I mean?

30
31 And Duranylou (sic) says:

32
33 Yeah. No, actually he was -- yeah, lay down
34 (INDECIPHERABLE). His head on the side,
35 hand --

36
37 Yeah.

38
39 -- in cuffs.

40
41 Do you remember if his legs both straight
42 out?

43
44 And this is the officer asking. And she says:

45
46 They were not folding down -- folding up I
47 mean, so -- maybe it was a little bit fold,

1 but not enough for him being -- like he
2 just --

3

4 And there's an "indecipherable". The constable
5 says:

6

7 Okay, so one of his legs might have been a
8 bit folded up, but --

9

10 And then she says:

11

12 (INDECIPHERABLE). Little bit.

13

14 Okay.

15

16 Little bit.

17

18 And then it goes on. The officer says:

19

20 So it's fair to say then that one of the legs
21 might have been slightly folded but not in
22 the full recovery p -- the p -- like when you
23 say --

24

25 There's an "indecipherable". And the officer
26 says:

27

28 -- recovery position is it -- do you mean the
29 same thing as what I just sort of --

30

31 And Duranylou (sic) says, "Yeah, yeah, yeah." The
32 officer says:

33

34 -- doing?

35

36 Duranylou, "Yeah." And the officer says:

37

38 But -- so it wasn't that full position,
39 though?

40

41 And she says, "No." "Okay."

42 THE COMMISSIONER: Well, I think you better leave that
43 to the witness. I don't know what --

44

44 MR. HARRIS: Yeah, well --

45

45 THE COMMISSIONER: -- the captain is supposed to make

46

46 of that.

47

47 MR. HARRIS: As reading through, I understand the

- 1 difficulty. I didn't intend to going that far,
2 but I was mindful of your comments.
- 3 Q From your perspective, there's no doubt that this
4 patient was in any type of recovery position or
5 not?
- 6 A No, sir.
- 7 Q Okay. You agree that certainly Firefighter
8 Duranylou (sic) got closer to the patient than you
9 did?
- 10 A Yeah, she was on the ground, I was standing up.
- 11 Q Yeah, as well as Firefighter Cameron; correct?
- 12 A Yes, sir.
- 13 Q Now, sir, as we talked about earlier, one of your
14 roles as a firefighter, professional firefighter,
15 is -- is education of the public; correct?
- 16 A That's a portion of it, yes, sir.
- 17 Q And a portion of the education of the public is to
18 make sure that proper first aid response is
19 delivered; correct?
- 20 A We don't educate the public, to tell them what we
21 know.
- 22 Q Well, in essence, your fire department, on its
23 website, puts out basic first-aid instructions,
24 doesn't it?
- 25 A You know what? I've not read it. I would have no
26 reason to go to the city website and read first
27 aid.
- 28 Q All right. You know that police officers
29 routinely arrive at scenes where first aid is
30 required?
- 31 A Yes, I do.
- 32 Q All right. You took no steps to educate these
33 officers on what you say was shortcomings in their
34 service delivery that night, did you?
- 35 A It's not up to me to do that to trained officers.
- 36 Q All right. You didn't make any mention to senior
37 officers within the RCMP about your concerns, did
38 you?
- 39 A I made it to senior officers in our department.
- 40 Q You didn't make it to any senior officer within
41 the RCMP.
- 42 A Ever?
- 43 Q No, after that night.
- 44 A Not to do with that night, that --
- 45 Q You never wrote anything --
- 46 A -- next day type of thing.
- 47 Q Sorry.

1 A No.

2 Q And part of educating and keeping the public safe,
3 there was nothing preventing you from saying to
4 those officers that night, "Perhaps next time you
5 might consider doing this" or doing that.

6 A As a professional, as you spoke earlier, they're
7 trained already to a certain level. It's not my
8 responsibility to tell them what they did right
9 and what they did wrong unless we have some kind
10 of a debrief.

11 Q And you didn't organize a debrief with these
12 officers, did you?

13 A We very, very rarely cross over. Sometimes B.C.
14 Ambulance will get involved with us, but I don't
15 recall ever having a debrief about a call with the
16 RCMP.

17 Q You didn't ask for such a debrief, did you, sir?

18 A No.

19 Q Now, the application of the AED, you didn't start
20 that until the fire arrived -- or, excuse me,
21 until B.C. Ambulance arrived on scene; is that
22 correct?

23 A Yes, sir.

24 Q You've got a copy of your recorded statement that
25 you gave on the 27th of October.

26 A Yes.

27 Q All right. And just reading partway through page
28 1, and I'm going to start partway down where it
29 says [as read]:

30

31 ...preferred to keep the cuffs on.

32

33 It then goes:

34

35 We checked for radial pulses and carotid
36 pulses and uh, basically uh, didn't find
37 anything of any quality there. So we started
38 on our uh, AD pro -- protocols uh, the
39 automatic external defibrillator. Anyway
40 just as uh, we were starting to uh, get that
41 ready, the B.C. Ambulance Service uh,
42 arrived...

43

44 So had you hooked it up, had you gotten a rhythm
45 from the patient? What stage was it at when B.C.
46 Ambulance Service arrived?

47 A I was just getting the -- the peel-and-stick

Kirby Graeme

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

Cross-exam by Ms. Pastine (for B.C. Civil Liberties Association)

1 pouches out of the side holder and getting ready
2 to -- to apply them to the patient.
3 Q All right. And when ambulance service moved this
4 gentleman, do you recall their comments as to
5 whether or not they thought they heard or they
6 felt breath sounds?
7 A I think he said he thought he heard.
8 Q All right.
9 A Thought he heard.
10 Q And they had a stethoscope at that time from your
11 observations?
12 A Yes.
13 MR. HARRIS: Those are my questions. Thank you.
14 THE COMMISSIONER: Yes, counsel.
15 MS. PASTINE: Grace Pastine for the B.C. Civil
16 Liberties Association.
17 THE COMMISSIONER: Yes, Ms. Pastine.
18 MS. PASTINE: Mr. Commissioner, I have what I believe
19 will be about 20 minutes of questions. I'm not
20 sure if it would be appropriate to start now,
21 or...?
22 THE COMMISSIONER: No, go ahead.
23 MS. PASTINE: Thank you.
24
25 CROSS-EXAMINATION BY MS. PASTINE ON BEHALF OF THE B.C.
26 CIVIL LIBERTIES ASSOCIATION:
27
28 Q Captain, when you arrived at the scene, it's your
29 testimony that Mr. Dziekanski had his hands cuffed
30 behind his back?
31 A Yes.
32 Q And he was lying face down?
33 A Head down, face to the side.
34 Q And he appeared to be unresponsive?
35 A Yes.
36 Q Now, you've been asked a number of questions about
37 the recovery position and I'm going to ask you a
38 few more. Now, you've had over 20 years of
39 experience and you're very familiar with this
40 first-aid procedure.
41 A Yes. Yes.
42 Q And it's a first-aid technique for assisting
43 people that are unconscious?
44 A Yes, it is.
45 Q It's -- this is a basic technique?
46 A Basic layman's early -- or lower level first-aid
47 attendance, that type of thing. As first

1 responders, we don't treat people in that
2 position. We treat them supine unless -- there's
3 just a few extraordinary circumstances, but we
4 treat them supine.

5 Q So this isn't the position you would place someone
6 for a medical assessment. It's more -- it's a
7 position that you place someone in perhaps when
8 you're waiting for medical care.

9 A Waiting for higher medical care, yes.

10 Q Now, you were showed earlier a picture of the
11 recovery position and you said that wasn't quite
12 the position you had in mind. I'm going to show
13 you another copy of a photograph and I'd like to
14 ask you if this is closer to your understanding.

15 A I'd say no. I like the -- I like the other
16 picture better.

17 Q Is that right? Okay.

18 A Yeah.

19 Q So let's -- let's go off of that other picture,
20 then.

21 A Okay.

22 THE COMMISSIONER: Let's mark this "other picture".
23 The first picture is what exhibit?

24 THE REGISTRAR: It's Exhibit number 18.

25 THE COMMISSIONER: Eighteen, all right. And the new
26 one is 19?

27 THE REGISTRAR: Is 19.

28 THE COMMISSIONER: Thank you.

29

30 EXHIBIT 18: Picture offered by Mr. Harris as
31 recovery position

32

33 EXHIBIT 19: Picture offered by Ms. Pastine
34 as recovery position

35

36 MS. PASTINE:

37 Q All right. So referring to the earlier exhibit,
38 then, I'd just like you point out some of the
39 relevant features of this position. I'll ask you
40 questions about those. So it looks like this
41 person is on their left side.

42 A Yes.

43 Q And the right leg is bent with the knee elevated?

44 A Yes.

45 Q And the left leg is straight?

46 A Yes.

47 Q The head is tilted up?

Kirby Graeme

Cross-exam by Ms. Pastine (for B.C. Civil Liberties Association)

- 1 A Yes.
- 2 Q And the left arm is perpendicular to the body?
- 3 A Somewhat.
- 4 Q And the right arm is bent?
- 5 A Yes.
- 6 Q Okay. So, in general, the purpose of this
7 position is to prevent suffocation and also to
8 make breathing easier; is that correct?
- 9 A Yes.
- 10 Q Now, when you found Mr. Dziekanski, was he lying
11 on his side?
- 12 A No.
- 13 Q And was one of his legs bent?
- 14 A No.
- 15 Q Was the knee elevated?
- 16 A No.
- 17 Q Were -- were both of his legs straight then?
- 18 A Yes.
- 19 Q Was his head tilted up?
- 20 A No.
- 21 Q And was one of his arms perpendicular to his body
22 while the other was bent?
- 23 A No, his hands were handcuffed behind him.
- 24 Q And -- so you're absolutely certain he wasn't in
25 the recovery position?
- 26 A He wasn't in anything close to resembling recovery
27 position.
- 28 Q And could you explain to the Commissioner how you
29 would typically, if you're dealing with an
30 unconscious or semi-unconscious person, how you
31 would put that person into the recovery position.
- 32 A Depending if there's any indication of a delicate
33 spine, we may have to do a head tilt, chin lift or
34 a modified jaw thrust to open the airway. We
35 would hold the head and neck still and roll him
36 into the position. It's a team -- a team
37 function.
- 38 Again, as I said, we don't treat our patients
39 in three-quarter prone. We treat them supine. So
40 as first responders, we don't put people -- very
41 rarely would we put somebody in recovery. We can
42 deal with them more effectively supine.
- 43 Q Right. So this is more a procedure that would be
44 used by laymen waiting for better assistance.
- 45 A Yes.
- 46 Q Now, how would having a victim's arms handcuffed
47 or restrained behind their back affect the ability

1 of a person to place the -- that victim in a
2 recovery position?
3 A Well, you couldn't do it.
4 Q Could you explain why?
5 A Well, as you see, the arm is perpendicular kind of
6 holding the neck and head there. Having your
7 hands behind you would compromise the airway
8 because of the angle of the neck.
9 Q Now, switching gears a bit, you stated just
10 earlier today that you expressed your concern to
11 senior officers about the RCMP officers' failure
12 to deliver adequate medical or first aid to Mr.
13 Dziekanski. Could you please tell us which
14 officers you spoke with?
15 A I spoke to the battalion chief about it.
16 Q Is there anyone else you spoke with?
17 A Like -- are you talking like recently after the
18 incident, or ever?
19 Q I would say at any point after the incident, any
20 senior officers that you spoke to.
21 A I've spoken to many, but this is all my opinion
22 and...
23 Q When you say "many", how many?
24 A Captains, probably 30, and probably a handful of
25 battalion chiefs.
26 Q And you spoke to all of them about what you viewed
27 to be the failure of the RCMP officers to deliver
28 proper medical care.
29 A In my humble opinion -- and I don't want to make
30 12,000 enemies in one day -- in this particular
31 response, I felt that way.
32 Q Now, didn't you in fact also express some of your
33 concern to the investigator from the Integrated
34 Homicide Investigation Team from the RCMP as well?
35 A Yes, I believe that testimony is out there on this
36 report.
37 Q Yes, and the -- in your -- in the interview.
38 A Yes.
39 Q And was it your assumption that that information
40 would be taken seriously by the RCMP and would be
41 responded to if necessary?
42 A Absolutely.
43 Q Returning briefly to the recovery position, did
44 you ever -- in that same statement that you gave,
45 that same interview you gave with the RCMP
46 investigator, you never said you found Mr.
47 Dziekanski in a recovery position.

Kirby Graeme

Cross-exam by Ms. Pastine (for B.C. Civil Liberties Association)

1 A I don't believe I said that, no.

2 Q Are you aware that RCMP media relations officers
3 made public statements about Mr. Dziekanski's
4 death shortly after the incident?

5 A Which one?

6 Q Any. Are you -- are you aware that --

7 A I believe the Mounties made a public statement,
8 yes.

9 Q And are you -- do you have any knowledge that an
10 RCMP media relations or media relations officer
11 stated that one of the officers placed Mr.
12 Dziekanski in a recovery position?

13 A I have no knowledge of that.

14 Q So if in fact a media relations officer said that,
15 that information, though, didn't come from you.

16 A That did not come from me, no.

17 Q Now, my friend, Mr. Butcher, asked you a series of
18 questions earlier today about where each of the
19 officers was standing when --

20 THE COMMISSIONER: I see this as a new topic, and it
21 doesn't appear we're going to be able to finish,
22 so we'll adjourn now till two o'clock.

23 MS. PASTINE: Thank you.

24 THE COMMISSIONER: Thank you, Captain.

25 THE REGISTRAR: The hearing is now adjourned until 2:00
26 p.m.

27

28 (WITNESS STOOD DOWN)

29

30 (PROCEEDINGS ADJOURNED FOR NOON RECESS)

31 (PROCEEDINGS RECONVENED)

32

33 THE REGISTRAR: The hearing is now resumed.

34 THE COMMISSIONER: Yes, counsel. Oh, we need to have a
35 witness here. Here comes the captain.

36

37 KIRBY GRAEME, a witness,
38 recalled.

39

40 CROSS-EXAMINATION BY MS. PASTINE ON BEHALF OF THE B.C.
41 CIVIL LIBERTIES ASSOCIATION, continuing:

42

43 Q Captain, before the break, my friend, Mr. Butcher,
44 asked you a series of questions about where each
45 of the officers were located when you first
46 arrived on the scene, and you stated -- and I'm
47 not going to try to say verbatim what you said,

1 but just generally, you said that there were four
2 officers in total, three were a greater distance
3 away from Mr. Dziekanski, and one was a bit closer
4 to Mr. Dziekanski; is that right?

5 A Yes, that's right.

6 Q And you located their positions on a map that's
7 now Exhibit 17, and you're -- you're confident
8 that this is what happened, this is what you found
9 at the scene?

10 A Yes, that was as accurate (sic).

11 Q Now, my friend seemed concerned that this specific
12 information wasn't contained in the transcript of
13 the interview you gave to the RCMP investigator.
14 But the -- isn't it correct that the investigator
15 didn't ask you to describe where each of the
16 officers were standing?

17 A No, he didn't question me about that.

18 Q The officer didn't ask you to locate the officers
19 on a map?

20 Q No, he didn't.

21 Q And the investigator didn't ask you for a physical
22 identity of each of the officers?

23 A No.

24 Q And you knew at that time that the investigator
25 was investigating a homicide.

26 A IHIT stands for Integrated Homicide Investigation
27 Team as far as I knew.

28 Q Correct. So you knew he was --

29 A So that was --

30 Q -- investigating a death that --

31 A Yeah, I was --

32 Q -- occurred in police custody.

33 A Yes, that's --

34 MR. HARRIS: I'm going to rise for a moment, Mr.

35 Commissioner. There's no evidence that they were
36 investigating a homicide. This death has not been
37 classified as such. The investigative team was
38 the Integrated Homicide Team. That does not mean
39 that the death had been such classified, and it
40 would be misleading to suggest so.

41 MS. PASTINE: If that was misleading, I apologize.

42 I'll withdraw that question. I merely wanted to
43 ask --

44 THE COMMISSIONER: It was by the homicide team.

45 MS. PASTINE: Yes.

46 THE COMMISSIONER: Thank you.

47

1 MS. PASTINE:

2 Q So you knew the investigator was investigating a
3 death.

4 A Yes.

5 Q And you had no reason to assume that he was
6 inexperienced or incapable of performing that
7 investigative job.

8 A No. As far as I knew, the people selected for
9 that team are more of the cream of the crop.

10 Q So you assumed that he would ask you all the
11 relevant information that he needed to conduct his
12 investigation.

13 A Yes.

14 Q Now, you also stated earlier that when you arrived
15 at the scene, officers were standing metres away
16 from Mr. Dziekanski and they were doing nothing to
17 medically assess him.

18 A Yes, I said that.

19 Q Now, Captain, I understand that when you arrived
20 at the scene that you were primarily focused on
21 assessing and treating Ms. Dziekanski and not on
22 the officers. So I'm not asking you to --

23 THE COMMISSIONER: No, counsel, I -- that's not the
24 captain's evidence with deference. He said that
25 the -- when he came, he had to assess the
26 situation and the first primary concern would be
27 the safety of these members, but that didn't take
28 him very long by reason of the way it was
29 described and what he saw. So that's the way I
30 understand the sum total of what the captain has
31 said. So, go ahead.

32 MS. PASTINE: Thank you, Mr. Commissioner.

33 Q So your primary focus was on Mr. Dziekanski. I'm
34 going to ask you some questions about the officers
35 and -- and their behaviour at the time as best as
36 you recollect it.

37 What was the demeanour of the officers when
38 you arrived at the scene?

39 A Well, the one officer I asked about taking the
40 cuffs off, he didn't seem too stressed about
41 anything in particular, and the other officers
42 that were further away, I didn't really have much
43 interaction with them, so I wouldn't be able to
44 tell you what their demeanour was.

45 Q The officer that you did interact with, did he
46 seemed -- did he seem concerned, indifferent?

47 A He didn't really show any -- like any worry,

1 that's for sure.

2 Q Now, you asked the RCMP officers to remove Mr.
3 Dziekanski's handcuffs.

4 A Yes.

5 Q And they refused.

6 A They said they would not take them off 'cause he'd
7 been previously violent.

8 Q And you were -- you testified that you were very
9 frustrated by that.

10 A Yes.

11 Q And that's because it interfered with your ability
12 to medically assess Mr. Dziekanski.

13 A It had a detrimental effect on our assessment,
14 yes.

15 Q And that medical assessment was necessary so you
16 could provide medical treatment ultimately.

17 A Yes.

18 Q And your crew didn't try to turn him onto his back
19 to do that medical assessment because it would
20 have been impracticable, if not impossible, to do
21 that with the cuffs on.

22 A I wouldn't say it was impossible. We could, I
23 guess, but you now risk further injury to the
24 body.

25 Q What type of injury would you risk?

26 A Well, you have possible shoulder separations and
27 -- when you have a body laying on top of its hands
28 there could be wrist problems, any number of
29 physical trauma.

30 Q And the amount of time that elapsed between the
31 time you arrived at Mr. Dziekanski's side and the
32 time that the handcuffs were ultimately removed
33 you stated was over a minute.

34 A Yes, it was.

35 Q When you're trying to administer medical care or
36 save a victim's life, is a minute a medically
37 significant amount of time?

38 A Yes, it is.

39 Q Do survival rates drop for every minute that
40 passes without medical attention?

41 A To someone that's not breathing and with no pulse,
42 yes, definitely.

43 Q Thank you.

44 MR. GOULDEN: I have a couple of questions in re-
45 examination.

46 THE COMMISSIONER: Yes.

47

1 CROSS-EXAMINATION BY MR. GOULDEN ON BEHALF OF THE CITY
2 OF RICHMOND:

3

4 Q Very briefly, Captain.

5 MR. GOULDEN: If the witness could be shown Exhibit 13,
6 please, Mr. Registrar.

7 THE REGISTRAR: He has it.

8 MR. GOULDEN: He has it? Very good.

9 Q We've had some discussion -- I just want some
10 clarification, Captain Graeme, with respect to the
11 use of the word "fortunately". So do you have
12 that in front of you, Exhibit 13?

13 A Yes, sir.

14 Q About midway down, you speak about:

15

16 Fortunately the patient had a rhythm that
17 required no shock.

18

19 A Yes.

20 Q And we've already talked about what you meant by
21 that. I want to just reference you, if I may,
22 Captain, was that reference to "fortunately"
23 referencing the study that's discussed in the
24 sentence prior to "fortunately"?

25 A Yes, that has everything to do with it.

26 Q Can you explain what you meant by that in that
27 context?

28 A When I said "fortunately", it meant that I was
29 keeping in step with the procedures for the
30 medical study that the doctors are doing, the
31 cardiac doctors are doing.

32 Q Now, the only other question I have, Captain
33 Graham, is that in one of the cross-examinations
34 by my friends, they commented on the reason that
35 you're testifying out of order was an
36 accommodation to you. This wasn't just a -- for a
37 meeting or something. Can you explain to Mr.
38 Commissioner what the accommodation was just so
39 that we know?

40 A Yeah, Mr. Commissioner, myself and 17 others from
41 Richmond Fire-Rescue are -- we fundraised for the
42 last 18 months to go down to El Salvador with
43 Habitat for Humanity. We're going down to build
44 houses for the less fortunate on our own time, our
45 own dime and our own holidays. The city doesn't
46 financially support our venture. This is the
47 third -- third project we've been on.

1 Q And when are you leaving for that?

2 A We leave Saturday at midnight.

3 MR. GOULDEN: Thank you. Those are my questions.

4 THE COMMISSIONER: Captain, thank you very much.

5 You've been very helpful to us. We appreciate it
6 so much. You can be away now.

7 A Thank you.

8

9

(WITNESS EXCUSED)

10

11 MR. MCGOWAN: Mr. Commissioner, the next witness is
12 Firefighter Sonia Duranleau. I believe Mr.
13 Goulden has just gone to retrieve her.

14

15 Mr. Commissioner, before the next witness
16 takes the stand perhaps I'll just briefly explain.
17 She will be testifying in English, however, her
18 first language is not English and we'll have a
19 French translator present in case she runs into
20 any difficulty.

20

THE COMMISSIONER: All right.

21

22 MR. MCGOWAN: Perhaps we can have the translator come
23 forward and be sworn just as a -- to get that
24 preliminary matter out of the way.

24

25

ROGER BARANY, an Interpreter,
26 affirmed.

26

27

28 THE REGISTRAR: Could you state your name, please?

29

THE INTERPRETER: Roger Barany, B-a-r-a-n-y.

30

THE REGISTRAR: Thank you.

31

32 MR. MCGOWAN: Mr. Registrar, where should we have the
33 interpreter sit? Is beside the witness the most
34 convenient spot?

34

THE COMMISSIONER: Well, we'll need a microphone.

35

THE REGISTRAR: I have to steal this chair, then.

36

37 MR. MCGOWAN: And will -- will his voice be projected
38 through the microphone if he's seated there?

38

39 THE COMMISSIONER: Yes, I -- listening to other counsel
40 who stood there, I believe so.

40

MR. MCGOWAN: Has the witness been sworn?

41

42 THE REGISTRAR: Sorry. Do you wish to be sworn or
43 affirmed? Sworn is on the Bible and affirmed is
44 not.

44

MS. DURANLEAU: I guess I'll swear on the Bible.

45

46 THE REGISTRAR: On the Bible? Place your right hand on
47 the Bible, please.

47

57
Sonia Duranleau
In chief by Mr. McGowan

1 SONIA DURANLEAU, a witness,
2 sworn.
3

4 THE REGISTRAR: State your full name, please.

5 A Sonia Duranleau.

6 THE REGISTRAR: Thank you.

7 A S-o -- do you want me to spell it?

8 THE REGISTRAR: Yes, please.

9 A S-o-n-i-a D-u-r-a-n-l-e-a-u.

10 THE REGISTRAR: Thank you. You can be seated also.
11

12 EXAMINATION IN CHIEF BY MR. MCGOWAN:
13

14 Q Ms. Duranleau, you're a firefighter with Richmond
15 Fire; is that correct?

16 A Yes.

17 Q Now, you're originally from Quebec?

18 A Yes.

19 Q Your first language is French?

20 A Yes.

21 Q You also speak English quite proficiently; is that
22 correct?

23 A Correct.

24 Q Now, I've explained to the Commissioner, and just
25 so you understand, we have a translator beside
26 you.

27 A Mm-hmm, yes.

28 Q I understand you're comfortable giving your
29 evidence in English unless you come across some
30 word you don't understand; is that correct?

31 A Correct.

32 Q You now live in Richmond or near Richmond?

33 A I live in downtown Vancouver.

34 Q Okay. And you conduct yourself at work in English
35 most days; is that correct?

36 A Yes, correct.

37 Q Now, you're being called, as the previous witness
38 was, out of order in the chronology. You
39 understand that? We're calling you early?

40 A Like a couple of weeks ago?

41 Q Yes. And the reason you're testifying earlier is
42 because you're accompanying Captain Graeme on the
43 trip to El Salvador with Habitat for Humanity; is
44 that correct?

45 A Correct.

46 Q Now, you had some work experience prior to
47 becoming a firefighter. You worked at a sawmill

- 1 in Quebec; is that right?
- 2 A Correct.
- 3 Q For a number of years. After which you moved to
- 4 Whistler, British Columbia?
- 5 A Yes.
- 6 Q And ultimately to Vancouver?
- 7 A Yes.
- 8 Q You joined Richmond Fire and Rescue in August of
- 9 2007; is that -- do I have the date right?
- 10 A Correct.
- 11 Q Okay. So you'd been on the job for just a couple
- 12 of months prior to the incident involving Mr.
- 13 Dziekanski which we'll come to.
- 14 A Yes.
- 15 Q Now, at the time, that would have made you a
- 16 probationary firefighter; is that right?
- 17 A At that time, yes.
- 18 Q Yes. And as a probationary firefighter, did you
- 19 have a home station or a station you were assigned
- 20 to?
- 21 A No, we move around.
- 22 Q You personally moved around to different stations?
- 23 A Yes.
- 24 Q And one of the stations you attended at was the
- 25 station which provides service to the Vancouver
- 26 International Airport; is that right?
- 27 A Correct, No. 4, yes.
- 28 Q Does that fire hall have a number?
- 29 A No. 4.
- 30 Q No. 4, thank you. Now, your training as a
- 31 firefighter, was that obtained through Richmond,
- 32 the City of Richmond, or did you have it prior to
- 33 being hired?
- 34 A I had it prior. I went to school, Justice
- 35 Institute of B.C.
- 36 Q And where is that located?
- 37 A The school itself is in Maple Ridge, but, I mean,
- 38 the fire department is in Maple Ridge.
- 39 Q Okay. And that's where you attended your
- 40 firefighters' training?
- 41 A Yes.
- 42 Q And how long did that take?
- 43 A The course itself is three months.
- 44 Q And I take it that covers matters related to fire
- 45 suppression and also provides you with some first-
- 46 aid training?
- 47 A Yes.

- 1 Q Okay. How much of that three months is designated
2 to first-aid training?
- 3 A Two weeks.
- 4 Q Two weeks. And what designation did you have at
5 the end of your firefighter training?
- 6 A We had a first responder level.
- 7 Q Sorry, could you say that one more time?
- 8 A A level first -- first responder.
- 9 Q And what was the level of your first responder?
- 10 A Level 3.
- 11 Q Level 3, thank you. Just take your time with your
12 evidence. If you have any question about what it
13 is I'm asking you, please tell me and I'll try and
14 clarify it.
- 15 A Yes.
- 16 Q Now, level 3, first responder, that's more than
17 most people would get if they just went to a
18 regular first-aid course in the evenings or on the
19 weekends; is that right?
- 20 A It's not -- OFA level 3 is higher than first
21 responder level 3.
- 22 Q Okay. So Occupational First Aid has a higher
23 level of training --
- 24 A Yes.
- 25 Q -- but basic first aid would be lower?
- 26 A Yes.
- 27 Q Okay. Part of your training at a first responder
28 level 3 includes the use of oxygen?
- 29 A Yes.
- 30 Q The use of the AED?
- 31 A Yes.
- 32 Q Use of airways and bag and mask?
- 33 A Yes.
- 34 Q You're not trained to use a regular defibrillator
35 however; is that right?
- 36 A No, we only use the portable one.
- 37 Q Okay. And that's the automatic one which assesses
38 whether or not the shock needs to be given?
- 39 A Yes.
- 40 Q Okay. Now, I'm going to ask you, before we get to
41 the incident, a few questions about the basic
42 equipment which you carry as a level 3 first
43 responder when you're working for Richmond Fire.
44 When you attend to a medical call, you carry with
45 you the oxygen; is that right?
- 46 A Correct.
- 47 Q And you would have your bag and mask and airways?

- 1 A Yes.
- 2 Q And you had -- would have a first responder kit.
- 3 A Yes.
- 4 Q And what's in that first responder kit, just a
5 general overview.
- 6 A We got two first responder bag. One got mostly
7 the airway, so it will be child BVM, bag valve
8 mask, an infant. Adult will be the airway, will
9 have a suction device if need to suction the
10 airway, I guess. Some regular mask, non re-
11 breather mask, some nasal mask, nasal tube. They
12 will also carry some Band-Aids, glucogel,
13 scissors, gloves, mask, some blanket.
- 14 Q Okay.
- 15 A The other one will --
- 16 Q Sorry, go ahead.
- 17 A -- carry some -- mostly for trauma, trauma case,
18 some more Band-Aids and dressing, cold pack, hot
19 pack, splint.
- 20 Q You also have -- take to medical calls with oxygen
21 and the AED we've mentioned; correct?
- 22 A Yes.
- 23 Q And this is all equipment you're trained to use --
- 24 A Yes.
- 25 Q -- and knew how to use in October of 2007.
- 26 A Yes.
- 27 Q Incidentally, is that all equipment which you took
28 into the airport with you, either you or one of
29 the other firefighters initially --
- 30 A That's all.
- 31 Q -- in October 13th or 14th of 2007?
- 32 A Yeah, that's all. It would be the O2 bag, the AED
33 and then the two first responder bag.
- 34 Q Okay. Now, when you're dispatched to a call from
35 the fire hall -- I'm going to ask you, first of
36 all, you work shifts. They're two days, two
37 nights; correct?
- 38 A Correct.
- 39 Q And the event we're coming to occurred on your
40 second night shift; is that right?
- 41 A That was the second night, yes.
- 42 Q Okay. You're dispatched, we heard from Officer
43 Graeme, Captain Graeme, by way of a light and
44 information coming across a machine which prints
45 something out called the "rip-and-run"?
- 46 A Correct.
- 47 Q Okay. Perhaps you could just tell the

61
Sonia Duranleau
In chief by Mr. McGowan

1 Commissioner a little bit about what happened when
2 you received the information to head out for this
3 particular call that we're going to be discussing.
4 A So what happened, you -- we dressed up, go get
5 ready for the call and then we just roll in, go to
6 the airport.
7 Q Okay. The information came in -- was there some
8 sort of an alarm that goes off to notify you to
9 get moving?
10 A Sorry, it was -- it's an alarm goes off, you got
11 lights and the dispatch voice.
12 Q Okay. What did the dispatch voice say to you
13 about this particular call if you remember?
14 A As a first aid -- medical aid, that's all I
15 recall.
16 Q Did it tell you the location of the problem?
17 A Yeah, they give you the address and then at YVR,
18 the tack channel to use.
19 Q Okay. Did you receive any further information
20 from the audio voice about the type of medical
21 call it was?
22 A I believe it was collapse, but that's all.
23 Q Okay. Did you read the rip-and-run sheet
24 yourself?
25 A No.
26 Q Okay. There were four firefighters on duty that
27 night; is that right?
28 A Correct.
29 Q And we've heard their names. It was yourself,
30 Firefighter Kopp, Firefighter Cameron and Captain
31 Graeme; is that right?
32 A Correct.
33 Q Now, are there special designations that are given
34 to firefighters during the shift or positions that
35 are assigned for each block of shifts?
36 A Yes.
37 Q Okay. Tell us what -- tell the Commissioner what
38 those are.
39 A So -- well, Captain Graeme is obviously the
40 captain, and then Brent Kopp would have been the
41 driver that night. Myself would have been P2
42 seat. P2 is behind the captain, which is the one
43 who does it all, type of. And then Glen Cameron
44 will be in P1 seat which is behind the driver and
45 who'll be helping out.
46 Q Okay. So P2 designates, first of all, a seat that
47 you sit on in the engine, a place that you sit?

- 1 A Yes, mm-hmm.
- 2 Q And it also designates, if I understood what you
3 said, that you're to be the first person to the
4 patient. Is that what I understood?
- 5 A Each call can be different. I mean, it's
6 depending on talk between the -- between myself
7 and the other person behind. But that night I
8 was.
- 9 Q Okay. P1 is the other place to sit in the engine,
10 not the --
- 11 A In the back.
- 12 Q -- driver and not the captain's seat.
- 13 A In the back, yes.
- 14 Q In the back, okay. And P1 is one of the other
15 people that would be assigned to go to a victim or
16 a patient.
- 17 A Correct.
- 18 Q Okay. And had you decided that night between you
19 and Officer Cameron -- or Firefighter Cameron who
20 was to be the first to the patient if you were
21 called out on a medical call?
- 22 A We -- I don't recall decided -- I mean being told,
23 but it's just kind of -- it's said from days --
24 day one.
- 25 Q Okay. You knew that if there was a medical call,
26 you were to be first.
- 27 A Yes. Yes.
- 28 Q Okay. Do you recall arriving at the Vancouver
29 International Airport on October 14th in the early
30 morning to attend to Mr. Dziekanski?
- 31 A Yes.
- 32 Q Do you recall anything eventful about your trip
33 over? Was there anything noticeable about it?
- 34 A No.
- 35 Q Tell us what happened when you arrived at
36 Vancouver airport?
- 37 A Well, I follow captain, because I'm always fairly
38 new so didn't know where to go, so I just follow
39 the lead, and then we -- we went to the scene.
- 40 Q Okay. You were all in the fire engine, of course,
41 when it pulled up, you, the four firefighters.
- 42 A Yes.
- 43 Q Where did the -- where did the fire engine stop?
- 44 A It stopped by the curb.
- 45 Q Okay. When you pulled up, did you have your
46 lights on?
- 47 A I believe Brent had his lights on.

1 Q Do you recall if the siren was on when you
2 approached the airport?

3 A I don't recall using the siren.

4 Q Okay. When you pulled up, do you recall where you
5 stopped at the fire -- at the airport?

6 A I don't remember where, I mean, I just followed
7 the captain.

8 Q Okay. You pulled up next to the curb obviously.

9 A Yes.

10 Q You stepped out.

11 A Yes.

12 Q Now, you know that you ultimately entered the
13 International Arrivals area, somewhere in that
14 vicinity of the airport.

15 A Yes.

16 Q Okay. Do you recall which door you entered to go
17 into the airport?

18 A We went on the right side, somewhere in the right
19 building, so it was --

20 Q If I showed you a diagram of the airport, could
21 you show us -- point to us the door you went
22 through?

23 A Maybe.

24 MR. MCGOWAN: I wonder if the witness could have
25 Exhibit 2, please.

26 Q Now, if it helps you, over your right shoulder,
27 Ms. Duranleau, is a larger scale diagram of the
28 very same thing you're looking at in a small
29 version. The dark green area we've heard is the
30 IRL or International Reception Lounge, and the
31 lighter green area is the "meet-and-greet" if that
32 assists you to orient yourself. On the -- looking
33 at that diagram over your shoulder, on the far
34 left-hand side, we've heard evidence is the curb
35 -- curbside.

36 Are you able, looking at this diagram, to
37 tell the Commissioner which door you went in, if
38 you recall.

39 A I don't recall, I mean, no.

40 Q Which part of the airport did you find yourself in
41 once you'd gone through the door. Do you remember
42 that?

43 A No. I just --

44 Q Okay. Were you escorted in, do you recall, by a
45 security person?

46 A I believe someone was outside 'cause most of the
47 time there is someone who wait for us.

- 1 Q Okay. Were you the first through the door?
- 2 A No.
- 3 Q Who did you follow through the door?
- 4 A I followed Captain Graeme.
- 5 Q Did you take any particular note of which door you
- 6 were going in or where you were going in, or were
- 7 you simply following his lead.
- 8 A I'm just following.
- 9 Q Okay. Once you entered the doors, as you're
- 10 entering, tell the Commissioner what it is you
- 11 observe?
- 12 A Well, I notice a broken chair on the left, and
- 13 then right ahead of us, they had a patient down,
- 14 lay down on his chest, face down, and then some
- 15 RCMP officers with some other people about 10, 15
- 16 feet away.
- 17 Q When you entered the airport, approximately how
- 18 far are you from the patient that you observed?
- 19 A I'll say maybe from here to the middle of the
- 20 room, maybe a little bit farther away, 20 feet, 30
- 21 feet.
- 22 Q You say that's -- I'm sorry, 25 metres, perhaps.
- 23 A Oh, I guess 25 metres.
- 24 MR. BUTCHER: I think she said 20 feet.
- 25 MR. MCGOWAN: Oh, I'm sorry, I didn't hear that, Mr.
- 26 Butcher.
- 27 THE COMMISSIONER: She said the centre of the room.
- 28 A Centre of the room, so I might be 50 feet.
- 29 MR. MCGOWAN:
- 30 Q Okay. From the witness box to the centre of the
- 31 public gallery in the courtroom we're seated in is
- 32 what you're telling us is your approximate
- 33 distance from the patient?
- 34 A Yes.
- 35 Q And what is it you're taking note of as you enter
- 36 the room? What's your job, what are you
- 37 attempting to observed as you enter the room and
- 38 proceed towards the patient?
- 39 A I just basically focus on the patient so I didn't
- 40 took note -- take note of anything else beside it.
- 41 Q Okay.
- 42 A So I would focus on the patient.
- 43 Q How long did it take you to get from the door to
- 44 the patient?
- 45 A Maybe 30 seconds to a minute.
- 46 Q Okay. Were you running?
- 47 A We were walking.

- 1 Q Who was with you?
- 2 A Captain Graeme was leading, myself and then Glen
3 Cameron.
- 4 Q Glen Cameron was in front of you or behind you?
- 5 A He was behind me.
- 6 Q Now, you told us there were RCMP officers, I
7 believe you said ten to 15 feet away from the
8 patient; is that what you said?
- 9 A From the patient, correct.
- 10 Q Do you know how many there were?
- 11 A Four.
- 12 Q Okay. Do you recall how they were standing, if
13 they were grouped or separated?
- 14 A In a row, like all of them together but in a row.
- 15 Q Okay. Are you able to describe them at all?
- 16 A No.
- 17 Q Can you tell us whether they were in uniform?
- 18 A Yes.
- 19 Q Were they?
- 20 A They were in uniform.
- 21 Q Were there other people in the vicinity of the
22 patient or in the room?
- 23 A They had some other people, but I can't say what
24 their job was.
- 25 Q Okay. As you approached the patient, did anybody
26 move closer or further away from the patient that
27 you noticed?
- 28 A Not right away.
- 29 Q Who was the closest person to the patient when you
30 entered and as you proceeded towards the patient?
- 31 A Nobody.
- 32 Q Was there anybody closer than the RCMP officers
33 who you said were 10 to 15 feet away.
- 34 A No.
- 35 Q Okay. Did you observe, when you arrived, anybody
36 touching the patient?
- 37 A Nobody was touching the patient.
- 38 Q Did you observe anybody who appeared to be
39 assessing the breathing or pulse of the patient?
- 40 A No.
- 41 Q Did you see anybody doing anything that you can
42 recall?
- 43 A No.
- 44 Q As you approached the patient, did you have a
45 conversation with anybody present, any of the RCMP
46 officers or anybody else?
- 47 A No, I didn't.

- 1 Q Did you overhear any information provided to you
2 as a fire team from the RCMP officers or anybody
3 else?
4 A No.
5 Q Did you hear anything said at all as you
6 approached the patient?
7 A Not when I was approaching the patient, no.
8 Q Okay. What about once you arrived at the
9 patient's side?
10 A When I arrive at the patient's side, I tried to
11 assess the level of consciousness of the patient.
12 Q Yes.
13 A Talking to him, see when he responds back, and
14 then someone said he won't responds (sic) to me.
15 Q Okay. Did they tell you why?
16 A Because he's Polish -- Polish. And --
17 Q Do you know who said -- sorry, carry on. Finish
18 what you were saying.
19 A And then I tried to reassess the patient with the
20 pain stimuli.
21 Q Okay. We'll come to your assessment in just a
22 moment.
23 A Yes.
24 Q Do you know who said that to you about the
25 gentleman not understanding English and that he
26 was Polish?
27 A It's -- all I can say it's an RCMP officer.
28 Q Okay. Can you tell us anything more about that
29 person?
30 A Short guy with brown hair.
31 Q Okay. Can you tell us his approximate age?
32 A I'd say mid-twenties, 30.
33 Q Okay. In comparison to the other officers that
34 were present, can you tell us whether he was older
35 or younger than them on your assessment?
36 A I can't. I didn't really look at the other RCMP
37 officers.
38 Q Okay, fair enough. I'm going to ask you some
39 questions about -- and I'm going to refer to him
40 as Mr. Dziekanski. You understand that's who
41 we're speaking now. He's the person who was your
42 patient.
43 A Mm-hmm.
44 Q When you approached Mr. Dziekanski, can you tell
45 the Commissioner what you observed about the
46 position he was in?
47 A The patient was lay down on his -- well, prone,

1 which is on his chest. He had his face down on
2 the right, looking up on the left.

3 Q Okay. Let's start, first of all, can you tell the
4 Commissioner approximately where Mr. Dziekanski
5 was located with reference to Exhibit 2, the
6 diagram that was placed before you, or are you
7 able to assist in that?

8 A I'll say around maybe in the middle of the room.

9 Q Okay. Can you be any more precise than that?

10 A Well, there was a wall beside us, about maybe 20
11 feet on this side.

12 Q You're putting out your left hand as you say that.

13 A Yes, my left --

14 Q As that your left hand as you're walking towards
15 the patient?

16 A Well, walking towards straight, and then see maybe
17 a wall on my left hand.

18 Q Yes.

19 A And then on my right hand will be an open-up area.

20 Q Okay. So you're saying that you recall Mr.
21 Dziekanski being approximately 20 feet off the
22 wall that was on your left?

23 A Yes.

24 Q Somewhere close to the middle of the room?

25 A Yes.

26 Q And the police officers were closer to you than
27 the patient or further away?

28 A No, they were further away.

29 Q And you told us Mr. Dziekanski was on his chest.
30 First of all, was his head facing towards you or
31 away from you or do you know?

32 A It -- well, I mean, I approach him so I can see
33 his face, so it was facing towards me.

34 Q Is that his head was towards or he was looking
35 towards you?

36 A Well, his head was towards -- looking up towards
37 me, 'cause I approach him towards him.

38 Q Okay. He was laying on his chest. Tell us about
39 the position of his head, please.

40 A He had his head on his -- looking up on the left
41 side.

42 Q Okay.

43 A So it'll be on the right side but looking up at
44 left.

45 Q Tell us about his arms and hands if you can recall
46 anything about them.

47 A His arm and hands was behind his back in the

1 handcuff.
2 Q Okay. Tell us about his legs, what you can recall
3 about his legs as you saw him and approached.
4 A I can't recall. They might have been slightly
5 fold (sic) but I can't -- I'm not exactly sure.
6 Q They might have been slightly -- I'm sorry, I
7 missed that word.
8 A Slightly fold.
9 Q Slightly folded?
10 A Yes.
11 Q Okay. Now, was he flat, his body? His torso, was
12 it flat to the ground or was it turned at all?
13 A No, it was flat. Flat to the ground.
14 Q Okay. Do you know what the position three-quarter
15 prone is?
16 A Yes.
17 Q Okay. Can you describe for the Commissioner,
18 please, what three-quarter prone means.
19 A Oh --
20 Q Let me ask you, first of all, is that to the same
21 as recovery position to you?
22 A Yes.
23 Q Do they mean the same thing?
24 A Yes.
25 Q Okay. Please tell the Commissioner what three-
26 quarter prone or what recovery position is.
27 A Okay. Can I draw? No. So the patient is lay
28 down face down -- well, let's say you saw -- the
29 patient is face up. You take his left legs, put
30 it up, fold it so you can have a lever, type of.
31 So you will bring his leg down towards you and
32 then bring his body towards you, so now he'll have
33 his legs on 90 degrees, but then in the same time,
34 you'll bring his -- one of his arms go up beside
35 it so his head will be in it -- do you understand
36 a little bit?
37 THE COMMISSIONER: Yes, I've seen pictures of it and
38 I'm following what you're saying.
39 A Thank you. So your head -- his head will rest on
40 his arm and then the other arm will go up.
41 MR. MCGOWAN:
42 Q If somebody is in three-quarter prone, is their
43 torso flat to the ground?
44 A They're not flat to the ground.
45 MR. MCGOWAN: Mr. Registrar, we have an exhibit entered
46 earlier today. It appears to be a sketch of
47 somebody in a position that may have been referred

1 to as three-quarter prone.
2 THE COMMISSIONER: Is one Exhibit 18?
3 MR. MCGOWAN: Exhibit 18, thank you. I wonder if that
4 could be placed before the witness.
5 Q There's been a diagram placed before you. Does
6 this Exhibit 18, does the sketch of the person
7 here appear to approximately depict three-quarter
8 prone?
9 A Yes.
10 Q Okay. It accords with your understanding of what
11 that description means?
12 A Yes.
13 Q Okay. And does it accord essentially with the
14 description you just gave the Commissioner?
15 A Yes.
16 Q Okay. When you approached Mr. Dziekanski, was he
17 in this position?
18 A No.
19 Q Was he in anything that resembled this position?
20 A No.
21 Q Okay. Do you recall if the legs were crossed or
22 not?
23 A I don't recall.
24 Q When you approached the patient and as you got on
25 to the patient initially, did you overhear any
26 conversation involving the RCMP members and any
27 members of your fire crew?
28 A No.
29 Q Okay. Now, once you got on and started your
30 assessment, did you change the position of the
31 patient?
32 A I didn't.
33 Q Did you flip him over?
34 A No.
35 Q Okay, why not?
36 A Why not? Because we're still trying to remove his
37 handcuff from --
38 Q Okay. Did anything happen in that regard that you
39 heard or saw about trying to remove the handcuffs?
40 A Well, we -- I was -- we assessing his pulse,
41 trying to assess his pulse, and then my partner
42 mentioned -- well, he asked the police officer to
43 -- can remove the handcuffs, and they refused.
44 Q Okay. When you heard this said, where were you?
45 A I was at the patient head.
46 Q Okay. Who was speaking -- which firefighter was
47 speaking?

- 1 A Glen Cameron.
- 2 Q Glen Cameron. How far as Mr. Cameron from you?
- 3 A He was beside me.
- 4 Q Okay. Do you know who he was speaking to?
- 5 A No.
- 6 Q You heard a response. Do you know where it came
- 7 from?
- 8 A From -- well, I mean, from one RCMP officer but I
- 9 don't know which one.
- 10 Q Okay. You did -- did you see which one it came
- 11 from?
- 12 A I seen him, but I don't recall, I mean I can't put
- 13 a face on.
- 14 Q Okay. Can you tell us anything about the officer?
- 15 A No.
- 16 Q Okay. Fair enough. Now, I want you to tell us as
- 17 much as you can about what was said. Do you
- 18 recall the words that Mr. Cameron used?
- 19 A He -- well, he asked if we can remove the
- 20 handcuffs.
- 21 Q Okay. Did you hear -- and was there a response to
- 22 that?
- 23 A Then the response was the patient was acting
- 24 violently so they didn't want anybody else to get
- 25 hurt.
- 26 Q Okay. And did anything else happen that you heard
- 27 about that?
- 28 A No.
- 29 Q So you, I take it, commence your assessment with
- 30 the handcuffs on?
- 31 A (No audible response).
- 32 Q Okay. Tell us about the assessment you did on Mr.
- 33 Dziekanski, please. Tell the Commissioner about
- 34 that.
- 35 A Well, first of all, he wanted -- check for his
- 36 level of consciousness, so again I ask, well, if
- 37 he can hear me, so if -- maybe he will respond
- 38 back to me as verbal (sic).
- 39 Q Okay. How loudly did you say that?
- 40 A You know, you approach a patient and then, "Sir,
- 41 sir, can you hear me?" At the same time you do a
- 42 trap squeeze.
- 43 Q Tell us what a trap squeeze is.
- 44 A A trap squeeze, you just -- you just (speaks to
- 45 interpreter).
- 46 THE INTERPRETER: "To squeeze the bones here."
- 47 A Squeeze the bones.

1 MR. MCGOWAN:
2 Q You squeeze the bones and --
3 A Squeeze the bones so --
4 Q And you're pointing to the place between your
5 shoulder and your neck.
6 A Yeah, right here. There's a soft spot that you
7 normally squeeze.
8 Q It's a -- okay. Perhaps I can assist here.
9 There's a place here which hurts a lot if you
10 squeeze on it, and that's why you squeeze in that
11 place.
12 A Yes. Yes.
13 Q And what you're hoping to do is cause the patient
14 to move if they have any --
15 A Cause pain so he will respond to pain.
16 Q Okay. It's a pain stimulus check.
17 A Yeah, for checking out his level of consciousness.
18 Q And did you get any response to speaking to Mr.
19 Dziekanski? I take it you didn't.
20 A I didn't have any response for verbal, neither
21 pain.
22 Q Did you have any response to the trap squeeze
23 you --
24 A Neither pain, no.
25 Q No, okay. And what did you do after that?
26 A And after that, I'm reassess his breathing, so I
27 was beside him, my ear beside his mouth, see if I
28 can feel any breath movement or hear something or
29 looking up as his chest rising (sic). I didn't
30 see anything or feel anything.
31 Q Okay. Did you hear anything?
32 A No.
33 Q Okay. Tell us what you did after that?
34 A Then after that, I wanted to check his radial
35 pulse which is the wrist pulse. Could not find
36 any, and then that's when Glen Cameron ask if we
37 can remove the handcuffs.
38 Q Did you check the carotid pulse?
39 A I did after.
40 Q Now -- and after you checked the carotid pulse,
41 was that the end of your assessment?
42 A Yeah, well, BSA show up pretty much in the same
43 time.
44 Q Okay. What's the position you would usually use
45 to assess a patient who was unconscious and non-
46 responsive to pain or verbal stimuli.
47 A The best way will be supine, which is lay down on

1 his back.

2 Q Okay. Why is that?

3 A It's easier, and then you -- the patient is -- I

4 mean is on perfect position if he needs to work

5 on.

6 Q Did you have any difficulties performing your

7 assessment on Mr. Dziekanski in the position he

8 was in?

9 A For the radial pulse, yes.

10 Q Okay. Tell the Commissioner about that.

11 A I mean with the handcuffs on, it was not very

12 easy.

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

14 A I say it was -- it was not really easy to feel the

15 pulse with the handcuffs on, for the radial pulse

16 which is the pulse -- I mean the wrist.

17 Q What's the usual position you would put yourself

18 in to check somebody's breathing?

19 A You -- you put your head -- you keep your head

20 just above his head, his mouth, and then you look

21 down his body. So you're on the side, your head

22 is tilt on the side.

23 Q Okay. And is that so you can see the chest rise

24 and falling and also hear and feel breath from --

25 A Correct.

26 Q -- the mouth?

27 A Correct. Correct.

28 Q Okay. Did you have to modify the way that you

29 checked for breathing with this particular patient

30 because of the position he was in?

31 A A bit, yeah. I mean, it's still feasible but -- I

32 did it.

33 Q Okay. Did anybody else, any of the other

34 firefighters with you do an assessment of Mr.

35 Dziekanski that you saw?

36 A Well, Glen did the pulse, check out the pulse

37 after I did, and -- then, well, like I said,

38 paramedic arrive on scene, so...

39 Q Okay. Once you concluded your assessment, what

40 conclusion did you draw about Mr. Dziekanski and

41 his current medical state?

42 A He was an unconscious patient for sure.

43 Q Okay. Did you draw a conclusion as to whether he

44 was breathing?

45 A No, he was not breathing.

46 Q Okay. And what about --

47 A No -- not breathing, no pulse.

1 Q Okay. And did you communicate that to anybody?
2 A Yeah.
3 Q To who?
4 A Yes, to Glen.
5 Q Did you say it loudly enough that others present
6 could hear?
7 A Yes.
8 Q Did you receive any response to saying that?
9 A I'm talking about --
10 Q From anybody?
11 A I'm -- well, Glen ask for -- again for the
12 handcuffs to get removed so we can have a better
13 -- we can actually have a better assessment from
14 the radial pulse.
15 Q And are you speaking about the same request you
16 told us about earlier?
17 A Yes.
18 Q How long after you arrived and started working on
19 the patients (sic) did you see B.C. Ambulance
20 enter?
21 A It was between a minute and a half, two minutes.
22 Q Initially, how many ambulance personnel arrived?
23 A There were two.
24 Q Did you understand them to be the basic life
25 support unit?
26 A I believe the first one was the -- they show up
27 pretty much in the same, both of them, so one crew
28 is basic and then the advanced life support.
29 Q Tell the Commissioner what happened once B.C.
30 Ambulance arrived?
31 A Well, when BCS arrive, we let them the scene so
32 they can work on the patient and we backed up.
33 Q You saw B.C. Ambulance approach the patient?
34 A Yes.
35 Q What position was the patient in when B.C.
36 Ambulance approached?
37 A Still the same.
38 Q Had you moved the patient at all?
39 A We didn't.
40 Q Did Officer -- did any of you move the patient?
41 Not just you, but anybody?
42 A No, we didn't.
43 Q Okay. Was the patient still in the same position
44 as when you arrived?
45 A Still in the same one.
46 Q Okay. B.C. Ambulance approached and did you hear
47 them have any conversation with anybody?

- 1 A One of them reassess his breathing and he said he
2 thought he felt some breath, so he ordered to
3 remove the handcuffs.
- 4 Q Okay. Who did he speak to, do you know?
- 5 A The paramedic.
- 6 Q Yes, who did the paramedic speak to?
- 7 A No, he spoke to an RCMP officer.
- 8 Q And what was the response?
- 9 A They removed the handcuffs.
- 10 Q Okay. Do you -- and how long did that take from
11 the time the request was made?
- 12 A Maybe 30 seconds.
- 13 Q Okay. Once the cuffs were removed, what's the
14 first thing that was done to the patient?
- 15 A We lay the patient down on his back, and then they
16 order us to start chest compression, CPR on him,
17 so they can work around us.
- 18 Q You're speaking -- the Ambulance asked you to do
19 the chest compressions?
- 20 A They ask us, yes.
- 21 Q Okay. And, go ahead?
- 22 A So we did chest compression and then they walk --
23 I mean they work around us, remove his coat and
24 hook him up -- hook up the AED pads on him, and
25 then used the ventilation bag.
- 26 Q Who did the chest compressions initially?
- 27 A I did the first one.
- 28 Q Okay. How long did you do chest compressions for?
- 29 A About two minutes.
- 30 Q And then did somebody else take over?
- 31 A Yes.
- 32 Q Who was that?
- 33 A Glen would have done a few for another two
34 minutes.
- 35 Q Do I take it that you switch approximately every
36 two minutes?
- 37 A Yes.
- 38 Q How many rounds of chest compressions did you do
39 personally or do you recall?
- 40 A I don't recall how many I did personally, but we
41 did about for 20 minutes, 25 minutes.
- 42 Q Okay. Aside from chest compressions, did you do
43 anything else to work on Mr. Dziekanski or assist
44 the ambulance?
- 45 A I might have hold the intravenous bag, and that's
46 about it.
- 47 Q Now, I take it when you were doing your initial

1 assessment of Mr. Dziekanski, you were quite close
2 to him.
3 A Yes.
4 Q You would have been touching him at times?
5 A Yes.
6 Q You've told us about your assessment of his
7 breathing and his pulse and whether he responded
8 to pain stimuli. I'm going to ask you about some
9 other observations and if you can tell us anything
10 about those, all right?
11 A Yes.
12 Q So I'm speaking about the time when you entered
13 and you made your own observations of Mr.
14 Dziekanski --
15 A Yes.
16 Q -- before he was rolled over at this point. Were
17 his eyes open or closed?
18 A His eyes was wide open --
19 Q Okay.
20 A -- and still.
21 Q Okay. Tell us about his colouring.
22 A He was pale and waxy appearance.
23 Q Okay. Did you detect any odour from him?
24 A A strong body odour, yes.
25 Q Okay. Is there anything else you noted about him
26 physically?
27 A His hand was kind of stiff.
28 Q When you touched Mr. Dziekanski, can you tell the
29 Commissioner anything about his temperature?
30 A No.
31 Q When you say no, is it because you can't recall?
32 A I say no because I don't know.
33 Q Okay. Can you tell us whether you detected any
34 incontinence?
35 A I didn't.
36 Q And it was during your assessment that the request
37 to take the cuffs was off (sic) -- was made, and
38 there was a response which made reference to the
39 fact that he had been violent previously.
40 A Yes.
41 Q Did you have any personal concern of a threat to
42 your safety?
43 A With this patient?
44 Q Yes.
45 A No, I didn't.
46 Q Once the patient was rolled over, did you see
47 anything else about him that gave you any medical

1 information or any information that was relevant
2 to your assessment of him?
3 A No, I didn't notice anything.
4 Q You told us you did chest compressions on the
5 patient for approximately 25 minutes.
6 A All of us, yes.
7 Q Okay. Did you see the AED being implemented at
8 any point or used?
9 A We -- well, we used them but the patient was
10 unshockable, so we didn't shock the body.
11 Q Okay. How long after B.C. Ambulance, the first
12 unit arrived, do you recall the AED being hooked
13 up to the patient?
14 A Right away. As soon as we put him on the side and
15 then removed the clothing, they hook it up right
16 away.
17 Q And how long after it was hooked up to the
18 patient did you --
19 A I will estimate -- oh, sorry.
20 Q That's okay. How long after it was hooked up to
21 the patient was the first assessment done as to
22 whether or not there should be a shock?
23 A Usually the machine -- you have to wait for about
24 a minute. The machine tell you.
25 Q Okay. Is it essentially that it was hooked up and
26 it started on its course and there was no delay?
27 A No -- well, I mean, yeah, as soon as it's hooked
28 up, and then you start the machine, there's no
29 delay. I mean, there's slightly delay until the
30 machine is ready.
31 Q Okay. How many requests to have handcuffs taken
32 off did you personally hear?
33 A Only one.
34 Q Okay. During the time that you were on the ground
35 assessing the patient or -- and approaching right
36 before that, what was your focus?
37 A I am focused on the patient.
38 Q Ultimately, why did you stop CPR and other efforts
39 to --
40 A After 20, 25 minutes?
41 Q -- assist Mr. Dziekanski -- yes, after 25 minutes.
42 A Because the paramedics ordered to do so. They
43 phone -- they tried different stuff. They phone
44 to talk to the hospital, and then they been
45 ordered to stop.
46 Q Now, you told us that when the initial B.C.
47 Ambulance person got onto Mr. Dziekanski, there

Sonia Duranleau

In chief by Mr. McGowan

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

1 was some suggestion that he may have heard a
2 breath sound; is that -- did I understand that?

3 A Yes.

4 Q Okay. What position was Mr. Dziekanski in when
5 that assessment was done?

6 A In -- still the same one at the -- from the
7 beginning.

8 Q And was there a reassessment done after that once
9 he was rolled over?

10 A Yes.

11 Q And what was the result of that reassessment?

12 A No breathing, no pulse.

13 Q Upon your entry, do you recall any information
14 being given to you about what preceded the -- what
15 perhaps led to the state the patient was in?
16 Anything to do with the potential cause or --

17 A No.

18 Q -- potential --

19 A No.

20 Q Do you recall being provided any information about
21 whether the patient had been monitored prior to
22 you arriving?

23 A No.

24 MR. MCGOWAN: Those are my questions, Mr. Commissioner.

25 MR. GOULDEN: I have no further questions, Mr.

26 Commissioner.

27 THE COMMISSIONER: No? Yes, Mr. Kosteckyj.

28 MR. KOSTECKYJ: Walter Kosteckyj, counsel for Ms. Zofia
29 Cisowski.

30

31 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
32 CISOWSKI:

33

34 Q Ms. Duranleau, the person in charge of your crew
35 was Captain Graeme; correct?

36 A Correct.

37 Q He's the senior person.

38 A He's the senior person, he's the captain, yes.

39 Q He's the one that's responsible for filing the
40 reports that have been produced, for example, the
41 incident report; correct?

42 A Correct.

43 Q You don't have anything to do with preparing that
44 incident report?

45 A No.

46 Q Now, you don't have anything to do with keeping
47 track of time of arrival or time of leaving, do

1 you?
2 A No.
3 Q That's all the captain's job?
4 A It is, yes.
5 Q Now, it's Captain Graeme's responsibility to go in
6 first as well; is it not?
7 A Yes, it is.
8 Q And your evidence was, I believe, that you
9 followed him; is that correct?
10 A I followed behind him, correct.
11 Q So is it fair to say that Captain Graeme was the
12 first one of your ambulance crew -- or your
13 firefighting crew to see the scene when the
14 patient was lying?
15 A For fraction of seconds, yes.
16 Q Yes. And then you followed along shortly
17 thereafter?
18 A I'm right behind him.
19 Q Right. Now, was the other firefighter, Glen, was
20 he in front of you or beside you?
21 A He was behind me.
22 Q All right. Now, that day, it was agreed that you
23 would be the first one onto the patient. You knew
24 that before you got to the scene; correct?
25 A We -- I knew that. It was not agreed, you know,
26 when you arrive on shift. It's just something you
27 know from day one on the job.
28 Q You knew that you were responsible --
29 A I knew.
30 Q -- that day for being the first one onto the
31 patient.
32 A Yes.
33 Q All right. And so other people assess the scene
34 and other people do most of the making sure the
35 scene is safe. You are focused principally on the
36 patient; is that fair?
37 A Fair.
38 Q All right. Now, you gave a statement to the
39 police back on October the 27th, 2007. Do you
40 recollect that?
41 A Yes.
42 Q And the police came to interview you?
43 A Yes.
44 Q And they used a tape-recorder?
45 A They did.
46 Q Before you gave the statement, was there some
47 discussion that took place with the police officer

- 1 or do you recollect?
- 2 A Yeah, we did have one before, just a --
- 3 Q And what was the nature of that discussion?
- 4 A Nothing about job, was just he's a French-Canadian
5 as well, so just wanted to know where we're from.
- 6 Q Okay. Did you speak in French to begin with?
- 7 A Yes.
- 8 Q All right. And the interview, it didn't take
9 place in French, did it?
- 10 A No. No.
- 11 Q So you exchanged pleasantries. Did you -- did he
12 provide any information to you about what his
13 principal focus was, Captain -- Constable Mulhall,
14 what he was really interested in?
- 15 A No. He told me in English.
- 16 Q Okay. But before you started the statement, did
17 he tell you what he was really interested in about
18 your evidence?
- 19 A No, he just wanted to know what happened.
- 20 Q Okay. Now, do you know Constable Mulhall?
- 21 A No.
- 22 Q Okay. Have you had occasion to speak to him since
23 you gave this statement?
- 24 A No.
- 25 Q All right. I'll just -- I'm showing you a copy of
26 your statement and I'm showing that to you because
27 I want to review with you some of the things that
28 are in there. You gave that statement at a time
29 when things were closer to the time of the events,
30 October the 14th; correct?
- 31 A Correct.
- 32 Q It was October the 27th --
- 33 A Yes.
- 34 Q -- 2007, so some weeks after the event.
- 35 A Correct.
- 36 Q You were asked about the event, and right from the
37 start, you pointed out that you didn't see anybody
38 close to the patient, did you, correct?
- 39 A Correct.
- 40 Q And you say the same thing today?
- 41 A Correct.
- 42 Q One of the questions I have is when you were
43 focused on the patient, is it possible that
44 Captain Graeme was also speaking to the police
45 officers?
- 46 A Yes.
- 47 Q Did you hear Captain Graeme also ask the police

1 officers to remove the handcuffs?
2 A I didn't hear. He was --
3 Q Is it conceivable that you were busy with the
4 patient and that because Captain Graeme was
5 standing and you were trying to assess the patient
6 that that could have happened but you didn't hear?
7 A Absolutely.
8 Q All right. Now, you did hear Glen ask that
9 question, the question about the removal of the
10 handcuffs.
11 A Correct.
12 Q All right. Now, while you were assessing his
13 level of consciousness, you did tell the police
14 even back on October 27th that the gentleman was
15 Polish, or that he only spoke Polish. You were
16 told that by the police officer.
17 A I was told by the police officer, correct.
18 Q You don't have any doubt about that?
19 A I do have doubt, I don't know. He just told me,
20 so --
21 Q No, I'm not saying about whether he spoke Polish,
22 but you have no doubt about the fact that you were
23 told he spoke Polish.
24 A No, I have no doubt about that.
25 Q All right. Now, on the second page of the
26 statement, at the bottom of the first page and the
27 second page, you told Constable Mulhall about the
28 steps that you took; correct?
29 A Correct.
30 Q And it accords similarly to the evidence you gave
31 earlier, but you never felt a pulse at any time.
32 A I didn't.
33 Q You never saw a breath at any time or felt a
34 breath?
35 A I didn't felt any breath (sic).
36 Q You did say that he felt waxy, correct, when you
37 touched --
38 A He looked waxy, yes.
39 Q He looked waxy. And his skin was white and his
40 eyes were open; correct?
41 A Correct.
42 Q And you also told the police officer that his hand
43 felt -- it was kind of stiff, stiff hand. You
44 said that as well.
45 A Correct.
46 Q In your training, what does it mean when you feel
47 that stiffness? What was the significance of

- 1 that? Why did you think that was important?
2 A They don't say anything about that in training.
3 It's just my personal side of the patient.
4 Q When you're dealing with a person who is conscious
5 or semi-conscious, do you often feel someone with
6 the stiff hand that you felt that day, or was
7 there some special significance that you mention
8 in this particular case.
9 A To me, when I tried to reach the radial pulse, it
10 was kind of obvious, you know, you kind of tried
11 to move -- because sometime you need to move the
12 hand around. So it was just obvious.
13 Q You just couldn't do it because --
14 A Could not do it.
15 Q -- he was too stiff.
16 A He had his handcuffs on too.
17 Q Yeah. You did say to the police officer that --
18 and I'm looking at your statement at page 2 of 9.
19 But you did tell the police officer that -- or --
20 I'm talking about Constable Mulhall when you gave
21 your statement.
22 A Yes.
23 Q You said it was awkward to do the assessment.
24 A Yes.
25 Q Now, when the policeman was interviewing you -
26 that's Constable Mulhall - a good part of that
27 interview was really discussing whether or not Mr.
28 Dziekanski was placed in the recovery position.
29 Isn't that the case?
30 A Yes, we -- we had some misunderstood (sic),
31 correct.
32 Q In fact, when I read your statement between pages
33 3 to the end of the statement which is at page 9,
34 that's really what the principal discussion was
35 about; correct?
36 A Correct.
37 Q And he kept asking you questions, different
38 questions about whether or not the -- whether or
39 not Mr. Dziekanski was in the recovery position or
40 not.
41 A Correct.
42 Q And at the end of it, on page 5, he asked you
43 about whether he was in the full recovery
44 position, and your answer to him at that time was
45 no; correct?
46 A Correct.
47 Q And that's been your answer today as well.

Sonia Duranleau

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

1 A Correct.

2 MR. BUTCHER: Sorry, which -- which question is that --

3 MR. KOSTECKYJ: That was on --

4 MR. BUTCHER: -- that Ms. Duranleau was referring to?

5 MR. KOSTECKYJ: That's on page 5. The question,
6 starting at the top of the page.

7 Q Do you see that?

8 A Yes, I do.

9 Q Ms. Durnaleau (sic), he was asking you about the
10 legs.

11
12 They were not folding down -- folding up I
13 mean, so --

14
15 That's your answer.

16
17 -- maybe it was a little bit fold, but not
18 enough for being -- like he just --

19
20 And then you -- the answer was indecipherable.
21 And Constable Mulhall went in and said:

22
23 Okay. So one of the legs might have been a
24 bit folded up, but --

25
26 And you said something, and then:

27
28 (INDECIPHERABLE) Little bit.

29
30 And then Mulhall said:

31
32 Okay.

33
34 and then you said:

35
36 Little bit.

37
38 And then Constable Mulhall went on:

39
40 So it's fair to say then that one of the legs
41 might have been slightly folded but not in
42 the full recovery?

43
44 And then it's "P", the -- "P".

45
46 -- like when you say --

47

1 And then you said something that wasn't recorded,
2 and he perhaps cut you off there, but it looks
3 like he was continuing on.

4
5 -- recovery position is it -- is it -- do you
6 mean the same thing as what I was just sort
7 of --

8
9 And your answer started to say, "Yeah, yeah," and
10 he asked you:

11
12 -- doing?

13
14 And your answer was, "Yeah," and then he asked
15 you:

16
17 But -- so it wasn't in that full position,
18 though?

19
20 And your answer was, "No."

21 A Correct.

22 Q Correct. You were also asked at page 6 by
23 Constable Mulhall whether or not anybody told you
24 about his condition, like his health, like an
25 update on his vitals or anything like that, and
26 you said at the time that he just said -- you were
27 just told, "He won't understand because he's
28 Polish," and then didn't say, "Not much," (sic)
29 correct?

30 A Correct.

31 Q So you didn't get any information from any of the
32 police officers about his condition.

33 A No.

34 Q They didn't tell you, for example, that he had had
35 a pulse or when he last had a pulse?

36 A No. I didn't get anything.

37 Q They didn't tell you when they last saw him take a
38 breath?

39 A No.

40 Q They didn't tell you about whether or not they saw
41 him turning blue or white?

42 A No.

43 THE COMMISSIONER: Did you know whether or not he'd
44 been tasered?

45 A No. I didn't notice (sic) that.

46 MR. KOSTECKYJ:

47 Q Have you -- and I know that your service as a

- 1 firefighter is short, but have you seen RCMP
2 officers giving CPR when you've arrived at a scene
3 before?
- 4 A No.
- 5 Q Have you seen -- I'm not talking about just in
6 this case, but generally.
- 7 A Yes.
- 8 Q Have you ever seen police officers giving CPR?
- 9 A Not CPR, no.
- 10 Q What -- what form of life-saving have you seen
11 them give in the past?
- 12 A I seen one of them -- well, as this -- a patient
13 fell down from a storey building. She was beside
14 the patient looking for -- just make sure he's
15 still breathing -- the patient was in recovery
16 position, make sure he's still breathing and
17 conscious.
- 18 Q All right. Are you familiar or do you know, from
19 your own experience, as to whether or not the
20 Mounted -- the Royal Canadian Mounted Police are
21 trained in CPR procedures?
- 22 MR. BUTCHER: I'm going to object to that
23 (indiscernible - not at microphone).
- 24 THE COMMISSIONER: Have that for another witness.
- 25 MR. KOSTECKYJ: That's fine. I just asked whether it
26 was in her knowledge or not.
- 27 Q Are you taught, during the course of your
28 training, what it means when a patient starts to
29 turn blue?
- 30 A It's the cyanosis. So it might be choking with
31 something, choking with his tongue or he's just --
32 he's out of breath.
- 33 Q And does it also mean that the circulation has
34 stopped?
- 35 A Doesn't have much circulation either.
- 36 Q Did anybody convey to you that he had turned blue
37 or when he had turned blue?
- 38 A Nobody told me anything about that.
- 39 Q Is it fair to say that your job was really to be
40 on the patient and that the information gathering
41 that you needed to hear was being gathered to
42 Captain Graeme to some extent as well?
- 43 A It's fair, but it will be nice to know as a first
44 responder.
- 45 Q So you were expecting to be hearing some
46 information from the police.
- 47 A Yes.

1 Q And you didn't get that.

2 A Not personally, no.

3 MR. KOSTECKYJ: Thank you, Ms. Duranleau.

4 A You're welcome.

5 MS. ROBERTS: For the record, Helen Roberts for the
6 Government of Canada.

7

8 CROSS-EXAMINATION BY MS. ROBERTS ON BEHALF OF THE
9 GOVERNMENT OF CANADA:

10

11 Q Ms. Duranleau, since this incident, since
12 attending the airport on October 14th, 2007, have
13 you discussed the incident with Captain Graeme?

14 A Couple of times.

15 Q Have you discussed it with the other firefighters
16 who were on the scene?

17 A We discuss it after the -- after it happened only
18 for five, ten minutes.

19 Q All right. Did you have any kind of formal
20 debriefing?

21 A With them, yeah. Not any formal with some other
22 people, though.

23 Q Do you know if any notes were taken of the
24 debriefing or of your conversations?

25 A No.

26 Q Did the information that they provided help you
27 fill in gaps in your memory, or provide you with
28 any new information?

29 A They provide me about the Taser.

30 Q All right. You didn't know that Mr. Dziekanski
31 had been tasered when you were at the airport?

32 A At the airport, I didn't know this. I --

33 Q So if Captain Graeme knew that he had been
34 tasered, that's not information Captain Graeme
35 passed on to you at the airport?

36 A He didn't.

37 Q And you said you would like to know as much
38 information as possible?

39 A Talking about pulse and breathing.

40 Q All right. Have you also seen on television or
41 anywhere else any video clips of the incident?

42 A I did.

43 Q All right. Did that also help you fill in gaps in
44 your memory or help you with new information?

45 A No, it's -- it's before.

46 Q All right. And you provided a number of
47 statements to your employer about what happened?

1 A I did one written with the computer, yes.
2 Q All right. We've been provided with a couple of
3 lines in a notebook that are --
4 A Yes.
5 Q -- handwritten. And then one sheet that is
6 handwritten?
7 A Yeah, that was my -- my (speaks to interpreter).
8 THE INTERPRETER: Draft.
9 MS. ROBERTS: Draft.
10 A Draft.
11 Q That was your draft?
12 A Yes.
13 Q And then a typed version?
14 A Yes.
15 Q Titled "Report on YVR incident."
16 A Correct.
17 Q And then you also gave the statement to the IHIT
18 investigator.
19 A Correct.
20 Q And did you review that statement before giving
21 evidence today?
22 A I did.
23 Q All right. And you've testified it was Constable
24 Mulhall that interviewed you?
25 A Yeah, the paper said, yes.
26 Q All right. Does that sound right, or do you
27 remember it being someone else?
28 A I don't remember his name but, yes, it sounds
29 right.
30 Q Right. And he spoke French with you before the
31 taping began?
32 A We did.
33 Q So if you hadn't understood his questions, you
34 would have known that he had the ability to
35 translate them into French if need be?
36 A Correct. We didn't need it.
37 Q All right. So you understood what he was asking
38 and you did your best to --
39 A Correct.
40 Q -- answer correctly?
41 A Correct.
42 Q Thank you. And one of the questions he asked you
43 -- do you have that statement in front of you? It
44 might be helpful.
45 A I do.
46 Q All right. Could you turn, please, to page 7 of
47 that statement? And you were asked about whether

1 anyone was near the patient when you arrived.

2 A Yes.

3 Q Right. And I'm going to come back to the
4 beginning of your answer, but I'm just going to
5 focus a little further down. Constable Mulhall
6 said:

7

8 Okay. Do you remember if anybody was even
9 down -- like down near the -- you know --

10

11 (INDECIPHERABLE)

12

13 -- kneeling down for instance near

14

15 (INDECIPHERABLE) --

16

17 And you said:

18

19 Honestly, actually I don't remember.

20

21 A Correct.

22

23 Q Do you see that answer? Was that correct at the

24

25 time?

26

27 A Well, correct at that time? I guess I did a

28

29 mistake there, so...

30

31 Q All right. Well, he goes on to repeat what he

32

33 understood your two answers to be:

34

35 Okay. So you don't remember if anyone was

36

37 down with the patient, but -- but you

38

39 definitely remember you didn't see anybody

40

41 like sort of actively doing anything on him.

42

43 A Correct.

44

45 Q And you said, "Yeah, yeah."

46

47 A Correct.

Q So is that correct that you don't remember if

anybody was there, but there wasn't someone

working on him.

A Well, I do remember nobody was around him, I

mean --

- 1 to put him in the recovery position, but you
2 wouldn't be doing CPR in that instance?
- 3 A No, if the patient is breathing, you don't do CPR.
- 4 Q Right. And so the best thing you can do is to put
5 him in something close to the recovery position
6 and wait for medical assistance?
- 7 A Correct.
- 8 Q All right. And there's been a lot of discussion
9 about this recovery position. As I understand it,
10 the main purpose of it is to make sure that the
11 person -- sorry -- the patient doesn't swallow any
12 vomit that they might bring up.
- 13 A Correct, and his tongue as well.
- 14 Q All right. So most of that is achieved by putting
15 his head to the side and tilting slightly upwards;
16 is that correct?
- 17 A Correct.
- 18 Q And the rest of the body position is to prevent
19 the patient from rolling in some other way that
20 the head is moved?
- 21 A Correct.
- 22 Q So, in this particular case, was the patient's
23 head in the appropriate position to prevent him
24 from swallowing any vomit that he might bring up?
- 25 A His head was on the side, so it should have been
26 correct.
- 27 Q All right. And the fact was he wasn't rolling
28 around, so whether or not his arms and legs were
29 in a position to prevent that, it really doesn't
30 matter in this case?
- 31 A It's not the best way but --
- 32 Q Fair enough. But he was handcuffed so that may
33 have --
- 34 A It's the best way with handcuffs on.
- 35 Q All right. So he was in the best position he
36 could be in given that he was handcuffed?
- 37 A Correct.
- 38 Q All right. Thank you. Now, you've made some
39 careful observations about the patient's skin
40 colour and his hand when you arrived.
- 41 A Correct.
- 42 Q You didn't make any observation as to whether his
43 hand was warm or cold; am I correct?
- 44 A Correct.
- 45 Q If it had been unusually warm or unusually cold,
46 you probably would have noticed that.
- 47 A I will.

- 1 Q That would be relevant to your assessment?
- 2 A Yes.
- 3 Q All right. So we can assume from that he wasn't
- 4 overly hot or overly cold when you arrived?
- 5 A He was not hot.
- 6 Q All right. Well, if he was particularly cold,
- 7 would you not have made a note of that?
- 8 A I believe I will notice about it.
- 9 Q Right. And that's not something you remember
- 10 noticing?
- 11 A Something I don't remember.
- 12 Q On page 8 of your statement, after relating that
- 13 the patient smelled of sweat, Constable Mulhall
- 14 simply said, "Okay," and you went on to comment
- 15 further and said -- I'm about halfway down page 8.
- 16
- 17 So about hearing anything, I didn't really
- 18 hear anybody else other than BCA, so -- well
- 19 everybody else stayed pretty far away after
- 20 -- when they started working on him.
- 21
- 22 Do you remember telling the constable that?
- 23 A I don't remember, but I guess I did.
- 24 Q Was that true, once the ambulance attendants, the
- 25 paramedics arrive, other people clear away from
- 26 the scene so that they can work on the patient?
- 27 A They -- yeah. The -- well, we stay still close
- 28 by, but the other persons just stay -- stay back.
- 29 Q Right. So the firefighters and the paramedics
- 30 work on the patient. Everybody else clears away.
- 31 A Correct.
- 32 Q All right. Is it somewhat the same when the
- 33 firefighters arrive on the scene, that the
- 34 bystanders tend to clear away so that you can get
- 35 at the patient readily?
- 36 A It's correct, but you know often someone come up
- 37 to us to say what happened.
- 38 Q All right. But as you were asked by Mr.
- 39 Kosteckyj, you were focused on the patient and
- 40 there have --
- 41 A The only --
- 42 Q -- been things said that you didn't hear because
- 43 of your focus?
- 44 A Well, they didn't said (sic) anything to me. They
- 45 just said it to Captain if they said something.
- 46 Q Right. And so you were --
- 47 A I was --

Sonia Duranleau

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

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

1 Q -- hoping the captain would have passed on any
2 information he got.

3 A At that time, I was just focused on the patient.
4 Didn't really matter if -- I mean...

5 Q Okay. Well, it would be preferable to get as much
6 information as you could, but...

7 A It would have be (sic) preferable, yes.

8 MS. ROBERTS: Okay. Thank you.

9 A You're welcome.

10 THE COMMISSIONER: Yes, Mr. Hira.

11 MR. HIRA: Ravi Hira and I appear for Constable Kwesi
12 Millington.

13

14 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
15 MILLINGTON:

16

17 Q Now, you were able to complete your assessment;
18 correct?

19 A I was able to complete the breathing, carotid --
20 carotid pulse which is at the neck. Not so much
21 about the radial pulse.

22 Q Yes. And you detected no pulse; correct?

23 A I detected no pulse.

24 Q And being able to check the carotid pulse, that
25 tells you whether there is a pulse or not; isn't
26 that correct?

27 A Correct.

28 Q And would you not agree with me that that is just
29 as good a check for pulse as a radial pulse?

30 A Sometime if you check -- if you do have a carotid
31 pulse and you don't have any pulse at radial, it
32 means something else. So it's good to check both.

33 Q All right. And by the time you completed your
34 assessment, other than that one pulse, the
35 Ambulance Service had arrived; correct?

36 A Correct.

37 Q And what was your opinion about the condition of
38 the patient? You've told us he was unconscious,
39 we know that. Did you have any other opinion as
40 to his life signs?

41 A No, I don't have any other -- didn't have any
42 other opinion.

43 Q Now, you were interviewed on October the 27th at
44 9:42 in the morning; correct?

45 A Correct.

46 Q This was some 13, 14 days after the incident;
47 correct?

1 A Correct.

2 Q By that time, there had been a number of media
3 reports about Mr. Dziekanski passing away at the
4 airport.

5 A Correct.

6 Q You'd read those media reports?

7 A No, I didn't read those.

8 Q Fair enough. You had learned by that time, I
9 suggest to you, that he had arrived from Poland.

10 A I did.

11 Q And that he was Polish.

12 A Yes.

13 Q And I'm going to suggest to you that if the --
14 when the officer spoke to you or said something
15 about him not being able to understand English, he
16 said that, "He doesn't speak English. He speaks
17 Russian or something else." Would you agree with
18 me or disagree with me?

19 A I will disagree with you.

20 Q So your evidence is that the officer said he spoke
21 Polish?

22 A He said, "He won't understand. He's Polish."

23 Q All right. Now, the officers also told you that
24 he'd been acting violently; correct?

25 A Correct.

26 Q They told you that he'd been throwing a chair.

27 A They only said he was acting violently.

28 Q All right. Well, if you've got your statement in
29 front of you, if you can turn to page 2 of your
30 statement, at the bottom of the statement you'll
31 see three lines. Could you read the bottom of the
32 statement after, "Yeah, well, the cop said he's
33 acting violently." Could you go read the rest of
34 the statement to yourself, please. You don't have
35 to read it into the record.

36 A Okay, I did.

37 Q All right. Does that refresh your memory?

38 A It doesn't refresh my memory, but...

39 Q You told the officer that you learned that he had
40 been acting violently, throwing a chair; correct?

41 A I'm assuming the police said it, correct.

42 Q They said it to you on the -- during the early
43 morning hours of October the 13th -- sorry --

44 A He said he was acting violently. I recall that
45 part. I mean, I might have said that, I don't --
46 I just don't recall it right now.

47 Q Okay. Let's break this down. They did say to you

1 that he was acting violently; correct?
2 A They did, correct.
3 Q And you did tell the police officer, some two
4 weeks after the incident, that you also learned
5 from the RCMP that he had been throwing a chair;
6 correct?
7 A Correct, the paper said.
8 Q And what you told the police officer was true?
9 A Well, I saw the chair, so, yes.
10 Q Yeah, you saw the chair.
11 A Yes.
12 Q And you learned from the RCMP that he'd been
13 throwing one; correct?
14 A Correct.
15 Q Thank you. Now, there were various tasks between
16 the four of you as you arrived. The captain was
17 there to assess the situation and make sure it was
18 safe for you to enter and do your work; correct?
19 A Correct.
20 Q Your primary task after the captain leads is to
21 assess the patient; correct?
22 A Correct.
23 Q The captain's task is to obtain information;
24 correct?
25 A Correct.
26 Q And Cameron's task is to assist you in the
27 assessment as required?
28 A Correct.
29 Q And you -- and as far as you knew, the captain was
30 asking for information?
31 A Correct.
32 Q You're not for a moment suggesting that if the --
33 if you'd -- if information was being asked for
34 from the police, that they were not providing it
35 to you, are you?
36 A I'm not expecting those because I'm trying to
37 assess the patient condition.
38 Q The point being there weren't -- the police -- the
39 police were there. They were available to provide
40 information if asked. Would you not agree with
41 me?
42 A I'll agree.
43 Q All right. And in your opinion, they acted
44 professionally, would you not agree with me?
45 A I don't know. I don't know the -- what's the code
46 of conduct or whatsoever, so --
47 Q Okay.

Sonia Duranleau

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

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

1 A I'm -- yeah.

2 Q You certainly had no complaints about the police
3 and the way they conducted themselves on that
4 night, did you, or that early morning?

5 A It's pretty much the same question, isn't it?

6 Q Well, if you had a complaint, you certainly
7 haven't, in any of your statements or notes, made
8 such a complaint, have you?

9 A I didn't make any complaints.

10 Q Thank you. Now, you noted a body odour about him;
11 correct?

12 A Correct.

13 Q And it was a strong smell of sweat.

14 A Body odour, yes, correct.

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

16 A You're welcome.

17 MR. HIRA: Actually, I do have one more question, if I
18 may, Mr. Commissioner.

19 THE COMMISSIONER: Yes.

20 MR. HIRA:

21 Q In terms of descriptions of the police officers,
22 did you notice how many police officers were
23 there?

24 A They were there -- there were four, four of them.

25 Q And were they all in the International Arrivals --
26 or International Reception area, the IRL?

27 A Yeah, they were all of them over there, four of
28 them.

29 Q And the only police officer that stood out for you
30 was the black officer; correct?

31 A I never mentioned that.

32 Q Oh.

33 A I said the shorter one with brown hair.

34 Q I see. That's the one that you interacted with?

35 A Briefly, yes.

36 MR. HIRA: Thank you.

37

38 CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CORPORAL
39 ROBINSON:

40

41 MR. HARRIS:

42 Q Firefighter Duranleau, my name is Reg Harris. I'm
43 counsel for one of the police officers that were
44 there that morning. I have some questions for
45 you. I'll try and be brief, ma'am.

46 Firstly, I'd like to draw your attention to
47 some of the questions in relation to the recovery

1 position. When you were asked questions by
2 Constable Mulhill (sic) on your statement, you
3 were asked about the position of the patient on
4 your arrival at the IRL; correct?
5 A Correct.
6 Q And on page 3 of your statement you respond to the
7 question by Constable Mulhill -- in essence, he's
8 asking you to describe what is the best position.
9
10 What his position was as best you can
11 remember?
12
13 "His" being the position of the patient. Correct?
14 A Correct.
15 Q And back at that time, the very best answer and
16 the very first thing that you came, vis-à-vis the
17 body position, was "three quarter prone recovery
18 position." That's what came to your mind; is that
19 right?
20 A Yeah, correct. I was --
21 Q And that's how you answered the officer at that
22 time; correct?
23 A At the very beginning, yes.
24 Q And that was a truthful response, wasn't it,
25 ma'am?
26 A It was not true, because, I mean, after thinking
27 about it and doing some sign with the officer, we
28 changed the statement.
29 Q Okay. But your initial memory and recollection
30 was prone.
31 A It was prone.
32 Q All right. Now, you were present yesterday when
33 the captain, senior officer from your department
34 testified? You were here in the room in the
35 morning?
36 MR. GOULDEN: No, she was not.
37 A No, I was not here.
38 MR. HARRIS: I thought she -- all right. Then I
39 apologize for that.
40 Q You were in before he testified; is that right?
41 A Before, yes.
42 Q Okay. And with the prone position as we've heard,
43 and I'd just like to clarify, if a patient is
44 unconscious and breathing with a pulse, that's the
45 best position to put a patient into; correct?
46 A It will be three-quarter recovery.
47 Q And for individuals without any life support

- 1 equipment that are dealing with a patient that is
2 unconscious, breathing, with a pulse, there is no
3 active intervention to be performed with the
4 patient; correct?
- 5 A Correct.
- 6 Q And what -- the only thing a bystander or a person
7 should be doing is monitoring that patient;
8 correct?
- 9 A You -- you still have to monitor close beside him,
10 see if he's still breathing. Not, like --
11 regularly, every five minutes.
- 12 Q So the answer to my question is you have to
13 monitor them correctly? That's correct?
- 14 A Correct.
- 15 Q And you said not every five minutes. We're in
16 agreement on that; correct?
- 17 A No, you do it every five minutes.
- 18 Q Every five minutes you monitor, reassess, go
19 through the assessment. And the protocol that you
20 know from your training is every five minutes
21 there's a reassessment of the patient; that is, a
22 reassessment of breathing and pulse; correct? And
23 -- breathing and pulse; correct?
- 24 A Level of consciousness, breathing, pulse.
- 25 Q Okay. And that's what you would expect someone to
26 do that's standing by with a patient who has lost
27 consciousness but still breathing and still with
28 pulse; correct?
- 29 A Correct.
- 30 Q And you would also expect a person that's standing
31 by and monitoring, if they notice, say, a change
32 in breathing -- not necessarily stopping of
33 breathing -- but a change in breathing, to take
34 some sort of action. For example, get an
35 ambulance to hurry up and go faster to the scene;
36 correct?
- 37 A Correct.
- 38 Q Because a slowing of breathing does not mean that
39 the person should start CPR or mouth-to-mouth
40 resuscitation because the patient is still
41 breathing; correct?
- 42 A Is still breathing, but if it's -- if it's too
43 slow, you need to assist the -- you need to assist
44 the ventilation.
- 45 Q Assist ventilation with equipment, bagging or --
- 46 A Yes.
- 47 Q -- oxygen; correct?

- 1 A Yes.
- 2 Q But not mouth-to-mouth?
- 3 A No.
- 4 Q So a person without bagging equipment or oxygen,
5 in essence, the responsible thing that they can
6 only do is get an ambulance to hurry up and signal
7 there's been some deterioration of the patient;
8 would that be reasonable?
- 9 A Unless they had some equipment somewhere in the
10 building.
- 11 Q Okay. Reflecting back, again, a scenario without
12 any equipment, they notice a change in the
13 breathing, it's responsible to hurry up the
14 ambulance and not to start mouth-to-mouth.
- 15 A Correct.
- 16 Q Now, when you attended at the patient, your first
17 task, as I understand, is to assess level of
18 consciousness, check for breathing and check for
19 pulse; correct?
- 20 A Correct.
- 21 Q And, if I understand your evidence, ma'am, is that
22 when you attempted to communicate with the
23 patient, you were informed, "He won't understand
24 you. He's Polish."
- 25 A Correct.
- 26 Q All right. As I've indicated, I'm counsel for one
27 of the officers on the scene there. The
28 information that I have from all information is
29 that the time the fire department attended, the
30 officers on scene did not know the nationality of
31 this individual. In fact, they were told by going
32 in that he speaks Russian. I'm going to suggest
33 to you that there's a possibility, ma'am, that you
34 may have assumed that they said something like
35 Polish based on hearing news accounts.
- 36 A No. That's -- no.
- 37 Q And this officer that said this to you, he's a
38 shorter officer?
- 39 A Correct.
- 40 Q All right. And short hair?
- 41 A Correct.
- 42 Q Did you look at him in the face when he spoke to
43 you?
- 44 A I look at him, but I don't recall that, every
45 detail.
- 46 Q Okay. He was Caucasian, Officer (sic)?
- 47 A Caucasian officer, yes.

- 1 Q All right. And he was right beside you when he
2 communicated that information to you?
- 3 A Correct.
- 4 Q All right. And you were with the patient at that
5 time; correct?
- 6 A I was with the patient.
- 7 Q All right. And when you -- despite receiving that
8 information, you would still try to verbally rouse
9 the patient through, "Hey, hey," or some other
10 form of verbalization to the patient?
- 11 A Correct.
- 12 Q And you attempted to apply a pain stimulus;
13 correct?
- 14 A Correct.
- 15 Q I take it at this stage of your assessment of the
16 patient, you're engaged, busy and focused directly
17 on the patient; correct?
- 18 A Correct.
- 19 Q And certainly not an ideal time to be disturbing
20 you with the important tasks that you have, you
21 agree with that?
- 22 A You can still -- you know, while -- in the same
23 time you're walking towards the patient, you talk
24 to the patient, so while I was going towards him,
25 I ask the question, then the police officer did
26 mention, and then keep talking to him.
- 27 Q Okay. As you were approaching the patient is when
28 you asked what question?
- 29 A To the patient, "Hey, hey, can you hear me?"
- 30 Q Okay. You certainly must have been very close to
31 the patient when you said, "Hey, can you hear me?"
- 32 A I was close, then, yes.
- 33 Q All right. And at that moment that you engaged in
34 dialogue or tried to engage in dialogue with the
35 patient, you were focused on the patient. That
36 was your job; correct?
- 37 A It was my job but he still came up to us and then
38 say, "He won't understand, he's Polish," right?
- 39 Q All right. And immediately what you did is you
40 got down and began working instantaneously on the
41 patient; correct?
- 42 A Correct.
- 43 Q And you were focused on the patient; correct?
- 44 A At that time, after, correct.
- 45 Q And one of the things you're doing is you're
46 assessing for breathing. In other words, you're
47 listening and looking for breathing.

- 1 A Correct.
- 2 Q All right. It's a double task; correct?
- 3 A It's -- it's a double task, yes.
- 4 Q And certainly not a time to interrupt you or take
5 your focus away from this critical task; correct?
- 6 A At that time, I was focused on the patient.
- 7 Q It would not be best practice to interrupt you
8 while focusing -- while you're focused on the
9 patient.
- 10 A I didn't have any interaction with anybody else at
11 that time.
- 12 Q I appreciate that, ma'am. But my question to you
13 is it would not be good practice for an individual
14 to interrupt you while you're dealing with a
15 patient at that critical point.
- 16 A No, it will not be a good practice.
- 17 Q And the person that you would expect to ask
18 questions such as, "When was the last time pulse
19 -- has his colour changed, has his breath stopped,
20 when did you last hear him breathe," those type of
21 questions would have been properly asked by the
22 captain who's overwatching (sic) what's going on;
23 correct?
- 24 A Correct.
- 25 Q You didn't hear the captain ask any of those
26 questions, did you?
- 27 A No.
- 28 Q One of the important things for you as a first
29 responder is to understand the mechanics of the
30 event that caused the patient to be in the
31 position that they're in; correct?
- 32 A Correct.
- 33 Q And by "mechanics", we mean what happened to the
34 patient immediately before they -- they ended up
35 unconscious or what have you; correct?
- 36 A Correct.
- 37 Q And, in this case, the mechanic that would be
38 important for you to know is whether or not a
39 Taser was used in the matter; correct?
- 40 A Correct.
- 41 Q And your captain never told you that important
42 information?
- 43 A No. No.
- 44 Q My review of a report which you authored about
45 these events, Firefighter Duranleau, tell me that
46 as you approached the patient with the position
47 that you say the patient was in, you were able to

1 properly assess their level of consciousness;
2 correct?
3 A When I was beside him?
4 Q Yes.
5 A Correct.
6 Q And you were able to apply your -- or you were
7 properly able to attempt to use the trap
8 technique, which is squeezing the trapezoid
9 muscle?
10 A Correct, yes.
11 Q And you were also able to place your fingers on
12 where the radial pulse would be located?
13 A Not fairly true. With the handcuffs on, it was
14 not quite accurate.
15 Q Are you telling us that, at no time, could you
16 check for a radial pulse?
17 A I could have check it, but something -- might have
18 had the wrong spot.
19 Q Okay. I'm not asking might have. I'm asking what
20 actually happened. Can you turn to your report?
21 Do you have it in front of you, what's typed up
22 from your handwritten --
23 A I don't have this one, no.
24 Q -- I guess you called it draft.
25 MR. HARRIS: I'm sorry, I only have one copy so may I
26 approach, please, Mr. Commissioner?
27 THE COMMISSIONER: Yes.
28 MR HARRIS: Thank you.
29 Q Madam, what I --
30 MR. GOULDEN: Perhaps I can offer -- oh, Mr.
31 Commissioner has a copy?
32 THE COMMISSIONER: Thank you.
33 MR. HARRIS:
34 Q Now, Madam, I've placed in front of you a document
35 that's dated at the top November 27th, 2007; is
36 that correct?
37 A Correct.
38 Q And it's a one-page document?
39 A Yes.
40 Q It's authored by yourself?
41 A Correct. Been asked.
42 Q And it relates to the -- the events of the
43 incident at YVR on October 14th, 2007?
44 A Correct.
45 Q And it's not every day that you were asked as a
46 firefighter to prepare such a report; correct?
47 A It happens sometimes, depending on which call you

1 attend to.
2 Q Sometimes, but not every day.
3 A Not every day.
4 Q This was, given your level of service, just four
5 months, was something unique and surprising for
6 you; correct?
7 A Correct.
8 Q And you knew that this document would be going
9 through the chain of command?
10 A I got asked by the chief to do a report.
11 Q The chief? That's the top guy.
12 A Then my battalion chief.
13 Q That's several ranks above you; correct?
14 A That's two ranks above me, yes.
15 Q And I -- well, there's a senior -- or there's a
16 senior firefighter that's above you; isn't there?
17 A We -- well, it's firefighter, captain, chief.
18 Q Okay. You were probationary; correct?
19 A Yes, but the senior don't need report.
20 Q Okay.
21 A They're not the one who ask report.
22 Q Okay. But a senior firefighter is above you, yes?
23 A Typically, yes.
24 Q A regular firefighter is above you?
25 A Yes.
26 Q Right. The captain is above you?
27 A Yes.
28 Q And the battalion chief is right up there.
29 A Correct.
30 Q And this was for -- as you believe, for the chief
31 or the battalion chief?
32 A The battalion chief.
33 Q And I take it you wanted to take care with this
34 document?
35 A Yes, I ask for -- I mean, they ask me for it.
36 Q Well -- well, they asked you for it, but it was a
37 ranking officer that asked you for it, so you were
38 going to take care with it; correct?
39 A Correct.
40 Q You also knew it was an important event. It was
41 clear to you by this time this event had hit
42 international proportions on the media; correct?
43 A Correct.
44 Q And, for that reason, you took great care with
45 this document; correct?
46 A Correct.
47 Q And what you've said in there is you said [as

1 read]:
2
3 Tried to find a radial pulse and could not
4 locate one.
5
6 Correct?
7 A Correct.
8 Q And what you're saying there is you reached for
9 the radial, you tried to see if you could detect a
10 pulse there and there was no pulse detected at the
11 radial source.
12 A Correct, could not detect any.
13 Q And then later on you move and then you say -- and
14 I'm jumping down a bit, you said:
15
16 Tried to find a carotid pulse and could not
17 find one.
18
19 So you tried to find the pulse at the carotid area
20 and couldn't find one.
21 A Correct.
22 Q So if -- and this all happens before the handcuffs
23 are removed; correct?
24 A Correct.
25 Q So if I understand correctly, based on what we've
26 learned about the assessment, you were able to
27 complete all three phases of your assessment. You
28 were able to assess level of consciousness, yes?
29 A Yes.
30 Q You were able to assess breathing, yes?
31 A Yes.
32 Q And you were able to assess circulation, yes?
33 A Yes, at the carotid pulse, yes.
34 Q And all that -- well, you were even able to say --
35 well, your findings at the radial were accurate.
36 There was no one (sic). What you found at the
37 radial was consistent with the carotid finding;
38 correct?
39 A Correct.
40 Q So I take from that, if you had not been able to
41 perform your assessment, you had a duty to tell
42 your captain, "I can't assess this man properly."
43 Isn't that right?
44 A Correct. I did mention to -- well, like I said
45 here, to Glen to give a try with the radial pulse
46 because I could not detect any.
47 Q Okay. But just a moment, ma'am, again, back, if

1 you couldn't perform your assessment, you had a
2 duty to inform your captain, "Look, I can't do the
3 lifesaving checks that need to be done here."
4 That was your duty, wasn't it?
5 A Correct.
6 Q And the reason why you didn't say that to the
7 captain is because you could perform your duty,
8 couldn't you?
9 A Correct, I could (indiscernible).
10 Q You could. And you heard when Firefighter Cameron
11 asked for those handcuffs to come off, the RCMP
12 officer was concerned about someone getting hurt.
13 A Correct.
14 Q And you were right there at this time; correct?
15 A Correct.
16 Q And you didn't hear anyone say to the RCMP
17 officer, "Look, this guy is not breathing. This
18 guy doesn't have a pulse," did you?
19 A I didn't.
20 Q Now, Firefighter Duranleau, you have had the
21 benefit of having your October 27th statement;
22 correct?
23 A Correct.
24 Q And you have reviewed it before you were giving
25 evidence in these proceedings?
26 A I just saw it two days ago actually.
27 Q All right. And how did it come to be in your
28 possession, ma'am? Who gave it to you?
29 A The lawyer.
30 Q Okay. You're pointing to a lawyer. Your
31 counsel --
32 A James Goulden.
33 Q Okay. All right. And you reviewed the document
34 at that time?
35 A I read it, yes.
36 Q All right. You read it to refresh your memory?
37 A Yes.
38 Q All right. That's because these events happened
39 quite some time ago; correct?
40 A Correct.
41 Q And you, like all of us, our memories fade over
42 time.
43 A Correct.
44 Q And you read it to make sure that it was accurate
45 and complete as well?
46 A Yes, to -- yes, to make sure -- not so much
47 accurate, but yes.

1 Q All right. And once you read it over, you didn't
2 go to anyone and say, "Look, there's a mistake in
3 my statement. There's something horribly wrong in
4 it," did you?

5 A I didn't because I don't think we can change
6 those.

7 Q You didn't point anything out to anybody that
8 there was a mistake in there, did you?

9 A Well, we did mention, the lawyer and I, that --
10 about --

11 MR. GOULDEN: Mr. Commissioner, obviously I'm -- I
12 don't -- I'm pretty sure that Mr. Harris is not
13 getting into discussions we had on a privileged
14 basis. I think he's directing in terms of outside
15 of the discussions between counsel and Ms.
16 Duranleau.

17 MR. HARRIS: Certainly I would -- I'm not trying to get
18 into solicitor/client communication.

19 THE COMMISSIONER: The difficulty with trying to answer
20 your questions is you can't answer them without
21 it.

22 MR. HARRIS: All right. Well, I will -- I will move on
23 for a little bit and I will deal with this issue
24 for -- in a moment.

25 Q At page 7 of your statement, Ms. Roberts asked you
26 about the positioning of people when you arrived
27 on scene; correct?

28 A Correct?

29 Q And one of the things they suggested was -- the
30 officer was asking was -- was:

31
32 Do you remember if anyone was even down --
33 like down near the -- you know --

34
35 For instance. And at the point you answered that
36 question, ma'am, you knew that this was an
37 international event; correct?

38 A At that time, yes.

39 Q You knew that having a member of the Integrated
40 Homicide Team investigating you made this an
41 important significant event?

42 A Yes.

43 Q And, ma'am, you knew it was important to be
44 extremely careful and cautious with all your
45 answers? That was obvious to you?

46 A Well, I mean, fairly new, I don't have enough
47 experience with those reports, so I do mistake and

- 1 do (indiscernible) that stuff.
- 2 Q Madam, the fact it's an international incident,
3 the fact an RCMP officer from the Integrated
4 Homicide Team came to see you at your fire hall
5 with a tape recorder told you this is a very
6 important event.
- 7 A You know, you said there was an interrogation.
8 That's all.
- 9 Q Ma'am, the fact that this was an international
10 event, a member of the Integrated Homicide Team
11 came to interview you, told you that this was an
12 important thing, giving your statement. That's
13 what you knew.
- 14 A Yes.
- 15 Q And because it was important, you wanted to take
16 care. You didn't want to be careless with what
17 you said; correct?
- 18 A I try not to be careless.
- 19 Q In fact, ma'am, because it was so important, you
20 took care to make sure on your answers; correct?
- 21 A At that time, I didn't think every single detail
22 mattered. I do now.
- 23 Q Well, certainly, to you, ma'am, the questions that
24 the officer -- that the investigator was asking
25 you, it was clear to you he was asking you 'cause
26 they're important.
- 27 A Yes.
- 28 Q You weren't in a position to discern what was
29 important or what was not; correct?
- 30 A Correct.
- 31 Q So, in essence, every question he asked you was
32 important; correct?
- 33 A Correct.
- 34 Q And you thought -- because of this importance, you
35 thought carefully about your answers; correct?
- 36 A I tried to think as much as I could remember,
37 but...
- 38 Q But does that mean, yes, you thought carefully
39 about your answers?
- 40 THE COMMISSIONER: No, she said she tried to be
41 careful.
- 42 MR. HARRIS:
- 43 Q All right. And the way you tried to be careful is
44 you thought before giving your answer.
- 45 A You know, when the -- it's just talking about and
46 roll on, you don't really stop for thinking about
47 everything. So it's -- it's only a matter of

1 time.
2 Q Okay. And trying to be careful involved you
3 thinking and reflecting on your memory to the best
4 of your ability at the time; correct?
5 A The best as I could remember at that time,
6 correct.
7 Q And your memory was best back then. It doesn't
8 get better over time, does it?
9 A You do recall some stuff sometime.
10 Q Your memory was better back then about those
11 events than it did later on; correct?
12 A The -- on certain points, yes.
13 Q And in fact when you answered that you didn't
14 remember if anybody was kneeling down by the
15 patient, your answer was:
16
17 Honestly, actually I don't remember.
18
19 Have I read that correct?
20 A You did correctly, yes.
21 Q And that was your answer given at a statement --
22 in a statement that you knew was an important
23 statement?
24 A At that time, yes.
25 Q That was a statement where you were being honest?
26 A I would have been honest, yes.
27 Q That was a statement where you were relying on
28 your memory to the best of your ability at that
29 time?
30 A At that time, yes, correct.
31 Q And the reality of the situation is, ma'am, when
32 you're approaching the patient, it's not your job
33 to note where everyone's positioned; is it?
34 A Well, you can still see ahead of you.
35 Q It's not your job to make detailed observations
36 about where everyone is positioned, is it?
37 A It's the -- I mean it's captain job, but everyone
38 else can do it and always does it, right?
39 Q Okay. You're not tasked with job, are you?
40 A I am tasked for as a first responder.
41 Q To deal with the patient.
42 A To deal with the patient.
43 Q Not to note where -- how many people are in the
44 room or where they're standing; correct?
45 A Correct.
46 Q And you didn't make any notes outlining where the
47 officers were when you arrived on scene, did you,

1 handwritten notes about where they were?

2 A No, not handwritten.

3 Q And a couple of other questions for you, ma'am.

4 When the paramedics were dealing with the RCMP
5 officer, that is, asking the officer to remove the
6 cuffs, do you know what the -- the ambulance
7 attendant told the RCMP officer?

8 A He asked to remove the cuffs.

9 Q Okay. And do you recall him saying something
10 along, "Look, he's not breathing, his heart's
11 stopped," or anything along those lines at that
12 stage?

13 A He said, "We need to work on the patient. We've
14 got to remove the cuff."

15 Q All right. And this was before the patient was
16 rolled onto their back?

17 A Before, yes.

18 THE COMMISSIONER: Mr. Harris, are we going to be able
19 to finish your cross-examination or -- before the
20 adjournment, or...?

21 MR. HARRIS: I've just finished. Thank you, Mr.
22 Commissioner.

23 THE COMMISSIONER: Oh, all right.

24 MR. HARRIS: Thank you.

25 A You're welcome.

26 THE COMMISSIONER: All right. That brings us to four
27 o'clock. So it looks as if we'll have to adjourn.
28 Ten o'clock tomorrow.

29 A Thank you.

30 THE REGISTRAR: The hearing is now adjourned till 10:00
31 a.m. tomorrow morning.

32

33 (PROCEEDINGS ADJOURNED TO JANUARY 29, 2009 AT
34 10:00 A.M.)

35

36

37

38

39

40

41

42

43

44

45

46

47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47