

**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 29, 2009

PROCEEDINGS AT
HEARING (DAY 8)

COPY

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Counsel for Constable Kwesi Millington:	R. Hira, Q.C.
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1
Sonia Duranleau
Cross-exam by Mr. Harris, for Mr. Butcher

1 Vancouver, B.C.
2 January 27, 2009
3

4 THE COMMISSIONER: Good morning.
5

6 SONIA DURANLEAU, a witness,
7 recalled, warned.
8

9 MR. HARRIS: Mr. Commissioner, I had finished my
10 questioning of this firefighter yesterday.
11 Mr. Butcher cannot be here today. He's asked me
12 to ask a few questions on his behalf, if I might
13 be granted that indulgence, sir.

14 THE COMMISSIONER: Yes, go ahead.

15 MR. HARRIS: Thank you.
16

17 CROSS-EXAMINATION BY MR. HARRIS, FOR MR. BUTCHER ON
18 BEHALF OF CONSTABLE BILL BENTLEY:
19

20 Q Ma'am, I'll try and be brief. Do you have in
21 front of you the enlargement of the layout of the
22 passenger service area, IRL?

23 A Yes, I do.

24 Q Now, also near you should be a red felt pen, a
25 thicker red felt pen. All right. What I would
26 like to ask you to do is draw a stick figure to
27 indicate where the patient was lying upon your
28 arrival into the IRL.

29 THE COMMISSIONER: Officer, you'll have to determine
30 whether or not you can understand the plan and
31 whether or not you're able to comply with the
32 request.

33 MR. HARRIS:

34 Q I can assist a little bit. If you hold it with
35 the two arrows pointing to the top as you're
36 looking at the document, so the writing is face
37 up, on your left-hand side is a beige area.
38 That's the curbside area. That's towards
39 curbside, if that's of assistance.

40 MR. GOULDEN: Mr. Commissioner, if I can just see to
41 understand what the witness is looking at.

42 A I think I understand but I just don't remember
43 exactly. Yeah, I don't remember exactly.

44 MR. HARRIS:

45 Q All right. I'm not asking for precision, just
46 perhaps to the best of your ability, ma'am.

47 MR. GOULDEN: And I hesitate to interrupt my friend's

1 cross-examination, but if she can't put it
2 together, then an approximation does not serve a
3 whole lot of purpose.

4 THE COMMISSIONER: I agree with that.

5 MR. HARRIS: All right, fair enough.

6 Q You also indicated that you saw RCMP officers in
7 the area.

8 A Yes.

9 Q Are you able to indicate where those RCMP officers
10 were located?

11 A Well, if I could not really specify where is the
12 patient, I can't really specify where is the
13 officer.

14 Q Thank you. As well, you said that there were
15 other people in the area as well. Do you recall
16 saying that?

17 A I did.

18 Q Are you able to assist us on where those other
19 people were located?

20 A Well, they were beside the RCMP. But again...

21 Q All right. And when you say beside the RCMP,
22 directly beside them, quite a distance away, or
23 can you --

24 A They were in a row so -- the four RCMP officers
25 were there and then the other people were beside
26 them in a row.

27 MR. HARRIS: All right. Thank you for answering those
28 questions.

29 A You're welcome.

30 THE COMMISSIONER: Thank you. Now, anybody else? All
31 right, thank you very much --

32 MR. GOULDEN: I just have one brief question in re-
33 examination. James Goulden for the City of
34 Richmond, Mr. Commissioner.

35 THE COMMISSIONER: Yes.

36 MR. GOULDEN: If the witness could be shown her
37 statement that she gave to Constable Mulhall.

38 THE COMMISSIONER: What's the exhibit number?

39 MR. GOULDEN: I don't think it's been made an exhibit,
40 Mr. Commissioner. I think it was just put to the
41 witness in cross-examination.

42 THE COMMISSIONER: Thank you.

43
44
45
46
47

3
Sonia Duranleau
Cross-exam by Mr. Goulden

1 CROSS-EXAMINATION BY MR. GOULDEN ON BEHALF OF THE CITY
2 OF RICHMOND, continuing:
3

4 Q Ms. Duranleau, during your questioning yesterday
5 by some of my colleagues, you were taken to some
6 sections of this statement to the RCMP regarding
7 the location of various people around the patient.
8 Do you recall those questions yesterday?

9 A Yes.

10 Q And they talked about whether you did or didn't
11 remember what you had seen at the time. Do you
12 remember that?

13 A I do.

14 MR. GOULDEN: To be fair to the witness, Mr.
15 Commissioner, I'd like to take her to the first
16 page of her statement.

17 Q Do you have your statement there, Ms. Duranleau?

18 A I do.

19 MR. GOULDEN: Yesterday during questioning, Mr.
20 Commissioner, there was some discussion about what
21 she did or didn't remember and this wasn't read to
22 her.

23 Q So I'm just going to read to you, Ms. Duranleau,
24 the questioning that was done back on October
25 27th, and I'm at the second question down,
26 Constable Mulhall. Do you see it there?

27 THE COMMISSIONER: You'd better read it.

28 MR. GOULDEN:

29 Q "Uh, uh, Sonia if you" -- Do you see where I'm
30 reading from, Ms. Duranleau? First page, second
31 statement by Mr. Mulhall.

32 A Okay, yes.

33 Q Uh, uh, Sonia if you -- if you want to go
34 ahead uh, and uh, take -- take your time and
35 what I'd just like to hear about is uh,
36 everything you can remember uh, about a call
37 that uh, you went on to October 14th uh, I
38 think in the -- just after midnight or in the
39 early morning hours anyway, to YVR uh, to the
40 airport, and I'll just let you go ahead.

41
42 So that's the first main question you're asked
43 during this interview, right?

44 A Yes.

45 Q And then your answer:

46
47 Okay, so -- well it was my second night

4
Sonia Duranleau
Cross-exam by Mr. Goulden
Re-exam by Mr. McGowan

1 shift, so we had the call about uh, one-
2 thirty, quarter to two on Sunday morning I
3 guess. So we went to the airport. Me with
4 Captain Glen -- Glen Cameron and Glen Copp.
5

6 Now, just a clarification there. Obviously Glen
7 was not the captain and Mr. Cameron's name --
8 THE COMMISSIONER: Well, there should be a comma after
9 "Captain," "me with Captain."

10 MR. GOULDEN: Yes, I was just going to clarify that.

11 THE COMMISSIONER:

12 A It's Captain Graeme, Glen Cameron and then Brent
13 Kopp.

14 MR. GOULDEN: Kopp, thank you.
15

16 Q We went to the airport, arrive on scene, soon
17 focus on the patient. Patient was lay down,
18 face down with the handcuff. We
19 (indecipherable) see anybody close to
20 patient. I mean they had quite a few people
21 around but not beside the patient. So I went
22 to the patient, tried to assess his level of
23 consciousness.
24

25 Do you see that?

26 A I do.

27 Q Was that true?

28 A True.

29 MR. GOULDEN: Those are my questions, Mr. Commissioner.

30 THE COMMISSIONER: All right, thank you.

31 MR. MCGOWAN: Mr. Commissioner, just one more brief
32 matter in today's evidence. It's a matter, I
33 think, which needs to perhaps be clarified because
34 there may have been some confusion.
35

36 RE-EXAMINATION BY MR. MCGOWAN:
37

38 Q Ms. Duranleau, my friend, Mr. Harris, when he was
39 initially asking you questions, asked you about
40 your initial recollection of the body position and
41 whether or not it was in recovery position. And
42 then he asked you this question. He said, "Your
43 initial memory is prone," and you said, "Yes."
44 And then he said, "The best position to put a
45 person in is prone," and you said, "Three-quarter
46 recovery." Is prone and three-quarter recovery
47 the same thing or different things?

5
Sonia Duranleau
Re-exam by Mr. McGowan

1 A It's different thing.
2 Q What is prone?
3 A Prone is the word you use for saying the body is
4 facing down.
5 Q Yes.
6 A Whereas supine is when the body is facing up.
7 Q Yes. And what is three-quarter prone?
8 A Three-quarter prone --
9 Q As compared to prone.
10 A -- is the draw we had yesterday.
11 Q Okay. And that's different than prone?
12 A Yes.
13 Q Now, Mr. Harris took you to your statement and
14 suggested that your initial memory, your initial
15 recollection was a certain body position. Now,
16 we're seen your statement was given October 27th,
17 2007. You also provided us with four or five
18 lines of handwritten notes.
19 A Yes.
20 Q Do you recall those?
21 A Yes.
22 Q When did you make those notes?
23 A Those one was right after the call.
24 Q What day?
25 A On the 14th.
26 Q How long after the call?
27 A In the morning.
28 Q Okay. And do you have those in front of you?
29 A No.
30 Q I'm going to show you a copy. These are the few
31 lines of notes that you made the same morning as
32 the incident?
33 A Yes.
34 Q Did you describe the position of the body in these
35 notes?
36 A I said it was prone position.
37 Q And were you being truthful about the body
38 position when you made those notes?
39 A Excuse me?
40 Q Were you being truthful about the body position
41 when you made those notes?
42 A Yes.
43 MR. MCGOWAN: Those are my questions in re-examination.
44 THE COMMISSIONER: All right. We very much appreciate
45 you coming, and good luck in your next adventure.
46 A Thank you.
47

6
Sonya Purewal
In chief by Mr. Vertlieb

1 (WITNESS EXCUSED)

2
3 MR. VERTLIEB: The final CBSA witness is the next
4 witness, Sonya Purewal, and she's making her way
5 to the witness box, Mr. Commissioner.
6

7 SONYA PUREWAL, a witness,
8 affirmed.
9

10 THE REGISTRAR: Would you state your full name, please.
11 A Sonya Purewal.
12

13 CROSS-EXAMINATION BY MR. VERTLIEB:
14

15 Q Ms. Purewal, you worked as a summer student in
16 Victoria for two years and then became a full-time
17 employee with CBSA?

18 A That's correct.

19 Q And this is after your completion of school?

20 A I finished three years of my post-secondary
21 education at the University of Victoria.

22 Q Thank you. Tell us about where you started full-
23 time duties for CBSA.

24 A I got hired on on September 5th, 2006, at
25 Vancouver International Airport, full time.

26 Q Are you still working in that job today?

27 A Yes, I am.

28 Q Let's deal with October 13, 2007. The first area
29 I'd like to cover is observations with Ms.
30 Zadravec, who is a colleague of yours, a CBSA
31 employee. I'm talking about Tina Zadravec. And
32 that's spelled, for the reporter, Z-A-D-R-A-V-E-C.
33 Did you see her in the evening of October 13?

34 A Yes, I did.

35 Q Tell the Commissioner about what you saw with her.

36 A Well, sometime in the evening, prior to my
37 interaction with Mr. Dziekanski, I noticed that
38 Officer Zadravec had come out of the
39 superintendent's office and I just observed her as
40 I was sitting at my working counter. I observed
41 her looking for something. So I asked her at that
42 point in time who she was looking for, and then at
43 that point in time that's when she said that she
44 was looking for a Polish man. I looked around
45 from where I was sitting. I couldn't see the
46 whole Immigration Secondary area but I did look
47 around for where I could see, and I didn't observe

Sonya Purewal
In chief by Mr. Vertlieb

- 1 anybody in our area being processed. So I just
2 mentioned that to her. I was like, "I don't see
3 anybody here at this point in time." And she
4 acknowledged me and then walked off.
- 5 Q Approximately what time was that?
6 A I can't recall.
7 Q You dealt with Mr. Dziekanski later that evening.
8 We know that he was in the Immigration Secondary
9 sometime after 10:30 at night. Is that a fair
10 sense of your recollection?
11 A That's correct.
12 Q So can you tell us when it was you had this
13 discussion with Tina Zadavec about looking for a
14 Polish gentleman relative to 10:30?
15 A It was at least three to four hours prior to that.
16 Q You didn't make any notes of that?
17 A No.
18 Q Is there anything else that you recall about your
19 observation of Officer Zadavec or discussion with
20 her?
21 A No, that's it.
22 Q Let's then move to your dealings with Mr.
23 Dziekanski and the CPR form and the E311 form.
24 MR. VERTLIEB: Mr. Registrar, would you be kind enough
25 to give the witness Exhibit 11. This will be the
26 Certificate of Permanent Residence form.
27 Q Did you have dealings with this form as it relates
28 to Mr. Dziekanski?
29 A Yes, I did.
30 Q Let's go through that in some detail for the
31 Commissioner. You were working Immigration
32 Secondary?
33 A That's correct.
34 Q And at one of the counters?
35 A Yes.
36 Q And just tell us your shift, very briefly. What
37 hours did you work?
38 A I was working from 3:30 p.m. until 12:30 a.m.
39 Q Did you have interaction with Juliette Van Agteren
40 that evening as well as a CBSA officer?
41 A Yes, I did.
42 Q Tell us about your dealings with the other
43 officer, Van Agteren, and Mr. Dziekanski and
44 yourself.
45 A Okay. I was sitting at my work space counter and
46 I noticed that Officer Van Agteren was speaking a
47 different language. That's when I looked towards

1 my right, and I noticed that she was speaking with
2 a male and she was trying to communicate with him.
3 She was switching between different languages.
4 I'm not sure what languages she actually used.
5 And she was just trying to find some sort of
6 familiarity with him and see if he could
7 understand her. And then that's when I observed
8 him, and Officer Van Agteren at this point in time
9 was holding up one of -- a different one of these
10 Confirmation of Permanent Resident documents, and
11 she was pointing at it saying -- wanting to get
12 the document from him. He wasn't giving her the
13 document, so then that's when she walked out of
14 the doors and around into where the normal clients
15 are, and at that point in time she went to his
16 suitcases and asked him to open up his suitcases,
17 pointing to the suitcases with the Confirmation of
18 Permanent Resident document. So he opened up a
19 suitcase and he then ended up taking out a FedEx
20 package and handing it over to Officer Van
21 Agteren. So I saw the FedEx package in Officer
22 Van Agteren's hand, and then she ended up opening
23 up the document and finding the Confirmation of
24 Permanent Resident document within the contents of
25 the envelope. She then walked back behind the
26 counters to where I was sitting and asked me if I
27 could process the document because she had
28 forgotten her stamp -- or she didn't have her
29 stamp at that point in time.

30 So I asked Mr. Dziekanski to walk over to my
31 counter and I saw the Polish passport and had the
32 Confirmation of Permanent Residence in front of
33 me. And at that point in time, that's when he
34 walked over and handed me an empty glass of water.
35 And Officer Van Agteren took the glass of water
36 and refilled it for him. And since I couldn't
37 speak with him -- he was at this point in time
38 speaking what I believe to be Polish, and I asked
39 him just to go have a seat by pointing at the
40 chairs. So he understood that. He went back and
41 went and had a seat. Then at that point in time
42 is when I started checking the information on the
43 Confirmation of Permanent Resident document
44 with --

45 Q Let me just interrupt you one second.

46 A Okay.

47 Q When you say you started to check --

- 1 A Yes.
- 2 Q -- you've got the document in front of you, and we
3 can see a number of checkmarks on that.
- 4 A Yes.
- 5 Q Are those checkmarks yours?
- 6 A They're mine.
- 7 Q Tell the Commissioner what you did when you say
8 you started to check. What was your purpose, why
9 were you doing this, and how did you go about
10 doing it?
- 11 A Okay. The purpose to check the Confirmation of
12 Permanent Resident document is to ensure there's
13 no errors on it. If there are errors, it ends up
14 leading to more delay for the actual immigrant
15 who's coming into Canada in order to get their
16 permanent resident card. So you just ensure that
17 the spelling is right, that the date of birth is
18 correct, all the information on the top there is
19 correct. And that's what my checkmarks are
20 saying, that everything's correct up there. I was
21 able to check the marital status through the field
22 operation support system. It's where the overseas
23 embassy is able to input all their notes and then
24 it gets downloaded into our system. So that's how
25 I checked that.
- 26 Q So you checked that against what?
- 27 A Through the notes that were in our computer
28 system.
- 29 Q So you were checking it against your own
30 information, not information being given to you at
31 that time by Mr. Dziekanski?
- 32 A No, not at all, because I couldn't communicate
33 with him.
- 34 Q Right. And he was sitting at your request. You
35 mentioned that earlier.
- 36 A That's right.
- 37 Q So you went through the -- is this the top part of
38 the box under the section "Confirmation of
39 Permanent Residence"?
- 40 A Sorry, can you repeat the question.
- 41 Q Is this the section, the box, "Confirmation of
42 Permanent Residence," that you're starting to
43 checkmark?
- 44 A Yes.
- 45 Q Okay. Keep going, please.
- 46 A Okay. And then where it says, "Have you any
47 dependents other than those listed here?" I just

1 circled "no" and x'd it off but I didn't actually
2 get him to sign at that point in time. I did
3 check the notes in our system and it didn't say
4 that he had any dependants so I was pretty
5 satisfied with that. And then section 15, just
6 ensure that the address is correct. Again, I
7 could check that with the information in our
8 system. And then I also circled number 18 and x'd
9 it off for him to sign. And right below, there's
10 a line there and I x'd that off as well for him to
11 sign. Then I dated it, 13th of October 2007. I
12 inputted the information in box 41, 42, 45 and 46.
13 Q Box 41. You inputted the flight for Condor 6070?
14 A That's correct. And I got that information off of
15 the E311 card. And then for 42, I asked Mr.
16 Dziekanski just to come up again. I just waved
17 him over to my counter. And then I took a piece
18 of paper and put the number sign on the piece of
19 paper and asked him to write down if he had any
20 money.
21 Q You put the number sign?
22 A Oh, pardon me. The dollar sign.
23 Q Got it.
24 A That's usually an easy way to be able to
25 communicate if they have any large amounts of cash
26 with them. And he shook his head. He didn't
27 write anything down on the paper but he just shook
28 his head.
29 Q Large amounts meaning what?
30 A Large amounts of cash.
31 Q What's a large amount, when you say that?
32 A Just anything above and beyond a couple of
33 dollars.
34 Q Okay.
35 A Mm-hmm.
36 Q Keep going.
37 A And --
38 Q 45, 46?
39 A Yes. And then I inputted 45 and 46, and then I
40 signed my name at 47 for "Signature of Immigration
41 Officer," and that's my badge number. And then
42 there were no conditions, so he didn't need to
43 sign at the "understand these conditions."
44 Q How long did it take you to do this work of
45 checking off the boxes and that information?
46 A In total it's a matter of minutes.
47 Q We heard from Officer Chapin, who gave evidence

1 about asking questions as best he could in Polish.
2 Were you present for that, when Officer Chapin was
3 getting the answers to these questions that Mr.
4 Dziekanski needed to answer and then sign?
5 A No, I wasn't.
6 Q So you did the work with the form that you've told
7 us about. What about the E311?
8 MR. VERTLIEB: Can we give that to the witness, Mr.
9 Registrar. I think it's Exhibit 3. Thank you.
10 Q That's a copy of course. That's the form that you
11 would be referencing that evening?
12 A That's correct.
13 Q Are there any of your own markings on that?
14 A No, there aren't.
15 Q What was Ms. Van Agteren doing during the time you
16 were checking off Exhibit 11?
17 A Officer Van Agteren was, as I was checking the
18 document -- she had asked me to check for the
19 phone number of the mother and she also had paged
20 for the mother. So prior to her phoning, she had
21 done one page, and as she was paging, Mr.
22 Dziekanski corrected her on the pronunciation of
23 the mother's name. So then she made one more page
24 with the correct pronunciation and he nodded his
25 head, in my opinion telling us that that was the
26 correct pronunciation when she had done it the
27 second time. And then I gave her the phone number
28 for the mother, and this is probably about ten,
29 fifteen minutes later is when she ended up phoning
30 and leaving a voice mail because she was not able
31 to get a hold of the mum.
32 And then after that, as we were waiting, she
33 ended up going out into the reception area where
34 the public would be, the meet-and-greet area where
35 the public would be able to meet their family or
36 friends, and she tried to see if the mother was in
37 that area.
38 Q Is that the extent of your dealings with this
39 Certificate of Permanent Residence?
40 A Yes.
41 Q I want to ask you about interpreter availability.
42 you mentioned an interpreter was not available.
43 Tell us about the interpreter availability other
44 than for the often-used Asian visitor, which we've
45 already heard about. So if somebody was from a
46 country such as Poland or Romania or an Eastern
47 European country where you don't regularly have

- 1 visitors coming, tell us about the service that
2 was generally available for interpreting.
- 3 A Well, we have a computer list of interpreters, and
4 they would be accessible by phone and we would
5 make an attempt to phone people and see if they're
6 available if we need an interpreter.
- 7 Q We've heard about that from a previous witness.
- 8 A Mm-hmm.
- 9 Q That's a database that's on a computer?
- 10 A That's correct.
- 11 Q Now, was there a telephone that had interpreter
12 access?
- 13 A Not that I know of.
- 14 Q Other than during the time frame October '07,
15 before or after October '07 has there been a
16 telephone that would allow you to get interpreter
17 access, as a direct phone to interpreter service?
- 18 A Not that I know that we have.
- 19 Q You mentioned a glass of water. Do you recall how
20 many all together glasses Mr. Dziekanski had, of
21 water?
- 22 A I observed Officer Van Agteren giving him two
23 glasses of water.
- 24 Q Tell us about your observations of Mr. Dziekanski.
25 How did he look and how did he seem to you?
- 26 A Well, when I first noticed him when Officer Van
27 Agteren was speaking with him over the counter,
28 his hair appeared dishevelled and he did seem
29 frustrated with the language barrier, which is
30 pretty normal for somebody who's come off of a
31 long flight and, you know, can't speak the
32 language and they're having some, you know,
33 communication barriers. And when he came up to my
34 counter, I just noticed that he was -- he just --
35 he looked tired.
- 36 Q Did you have any observation or thought about any
37 alcohol?
- 38 A No, I didn't.
- 39 Q Meaning?
- 40 A I never got that close to him to be able to smell
41 anything.
- 42 Q We know from videotapes that Mr. Dziekanski went
43 into Immigration Secondary at 22:51, so 10:51.
44 Approximately how long was it, to your knowledge,
45 that he had been in the airport when you saw him,
46 given the fact that you knew he was on that Condor
47 flight?

- 1 A I knew that the Condor flight had come in in the
2 afternoon. So from the point that we were
3 interacting with him, I had figured that he'd been
4 in the Immigration area -- or in the CBSA
5 controlled area for about five or six hours.
- 6 Q What did you think about that fact, given your
7 experience dealing with people in the secure area?
- 8 A Well, I knew that he had been to Customs prior to
9 coming to Immigration, so that would have taken
10 some time as well. However, it did seem pretty
11 odd at that point in time for him to have been
12 there for such a long time.
- 13 Q Now, tell us, please, about the last time he was
14 in Immigration Secondary. Did you see him leave
15 the Secondary Immigration area?
- 16 A No, I did not.
- 17 Q You don't know what time he left, then,
18 independent of looking at something else? You
19 personally don't know when he left?
- 20 A No, I don't.
- 21 Q You went off shift. Did you leave with one of
22 your colleagues?
- 23 A Yes, I did. I left with Officer Van Agteren.
- 24 Q Tell us about what you and she did as you were
25 leaving your work.
- 26 A Well, we got off probably -- where we left the
27 Immigration Secondary area around 12:45,
28 12:40-ish, and after we had gone to the change
29 room, we were walking out, and she just mentioned
30 to me. She said, "Oh, well, let's just look for
31 the Polish man and see if he found his family all
32 right." Just because we had taken those extra
33 steps in trying to get a hold of the family, we
34 just wanted to make sure that everything had
35 turned out okay. And so as we were walking out,
36 we just observed in the meet-and-greet area if he
37 was around. We didn't see him, and then we had
38 assumed that he had -- he was on his way home and
39 that everything had turned out okay.
- 40 Q Was there anything about his demeanour or actions
41 with you that caused you any concern when you were
42 dealing with Mr. Dziekanski in Immigration
43 Secondary?
- 44 A Other than him being tired, which is pretty normal
45 for somebody coming off of a long flight, there
46 was nothing at all of concern.
- 47 MR. VERTLIEB: Thank you, Officer Purewal.

1 MR. BUCHANAN: Good morning, Mr. Commissioner. Mr.
2 Buchanan on behalf of Ms. Purewal and the PSAC.
3

4 CROSS-EXAMINATION BY MR. BUCHANAN ON BEHALF OF PUBLIC
5 SERVICE ALLIANCE OF CANADA:
6

7 Q I just have a couple of questions for you. In
8 your experience, how frequently do you process an
9 individual coming with CPR, Confirmed Permanent
10 Residency, who doesn't speak any English?

11 A Every day.

12 Q And how frequently when you're processing those
13 applications would you seek the assistance of a
14 translator?

15 A If the interpreter which we have becomes available
16 in person for us, then we use them. However,
17 calling somebody over the phone, very
18 infrequently.

19 Q When would you feel the need to call somebody over
20 the phone to process somebody with a CPR?

21 A If there was a discrepancy in the system of
22 somebody not checking or the overseas embassy not
23 checking the criminality issue of the person, or
24 if there's a discrepancy of declared dependant
25 versus what was on the document.

26 Q And to your knowledge, was there any discrepancy
27 in the information on the CPR versus what was in
28 your system for Mr. Dziekanski?

29 A For this process, no, there wasn't.

30 Q Okay. And at any point when you observed Mr.
31 Dziekanski did you believe he needed any
32 assistance?

33 A No, he was interacting with us perfectly fine.

34 Q And you indicated that at one point Officer Van
35 Agteren got him a glass of water. Did you see how
36 many times people got him water while he was in
37 that area?

38 A I observed Officer Van Agteren getting him two
39 glasses of water. She might have gotten it other
40 times, but that was what I personally observed.

41 Q Okay. Was there anything that you observed in Mr.
42 Dziekanski's behaviour that you understood to be
43 him seeking assistance from you?

44 A No.

45 MR. BUCHANAN: Thank you. Those are our questions.

46 MR. KOSTECKYJ: Walter Kosteckyj, counsel for Zofia
47 Cisowski.

1 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
2 CISOWSKI:
3

4 Q Officer, in your training, are you given
5 background as to what is done to process an
6 immigrant coming to Canada?

7 A Yes, we are.

8 Q And tell us a little bit about what you're trained
9 in terms of what the process is for coming to
10 Canada.

11 A Well, everybody who's immigrating to Canada is
12 going to have an immigrant or a permanent resident
13 visa in their passport.

14 Q Yes.

15 A And they usually should come with the Confirmation
16 of Permanent Resident document with them.

17 Q Yes.

18 A Upon examination of the document, you make sure
19 that everything is correct on the document, ensure
20 that the person signs, and you sign, and then you
21 can give them one -- you make sure that you give
22 them one copy of the Confirmation of Permanent
23 Resident document and cancel their visa, stamp
24 their passport, and they're on their way.

25 Q I think I was trying to get at -- maybe I didn't
26 phrase it very well -- that the steps that are
27 taken by Immigration services overseas to vet or
28 to check a person out before they come to Canada
29 or are granted immigration status. Are you
30 trained or given background in what those steps
31 are?

32 A I've never acted as an overseas embassy officer or
33 migration integrity officer, so I can't say.

34 Q Well, one of the things that you told me, or told
35 the court, I think, was -- the Commission -- that
36 you relied upon the document that you pulled off
37 of the computer and you checked to see if
38 everything accorded with what was on the computer,
39 correct?

40 A It's not a document on the computer. There's
41 notes based on the document.

42 Q Okay.

43 A So the notes would be indicating what the officer
44 did overseas.

45 Q And the officer that was overseas, does it tell
46 you, for example, that they did a criminal record
47 check?

- 1 A It will tell us that.
- 2 Q So you're aware of the fact that a criminal record
3 check was done on Mr. Dziekanski and he didn't
4 have one, correct?
- 5 A Well, actually I can't -- I can't recall whether
6 he -- that there was one done. However, when I
7 did check, nothing of concern came out. And I
8 would check for that.
- 9 Q All right. And that's one of the things that is
10 done overseas, as far as you know?
- 11 A As far as I know, yes.
- 12 Q And a medical check is done overseas?
- 13 A Yes.
- 14 Q You were satisfied when you checked the computer
15 that there were no questions about -- anything
16 arising that hadn't been done with respect to
17 Mr. Dziekanski?
- 18 A I don't understand the question.
- 19 Q Well, there wasn't anything that stood out to you
20 on the information you took off the computer to
21 tell you that whoever had vetted Mr. Dziekanski
22 overseas had left something out?
- 23 A When compared to the things that I needed to check
24 on the document, no.
- 25 Q All right. Now, in your dealings with Mr.
26 Dziekanski, you indicated that you asked him to
27 sit at one point, correct?
- 28 A Yes.
- 29 Q And he followed your instruction?
- 30 A Yes.
- 31 Q You asked him to move from one desk to the desk
32 that you were operating on by motions and he
33 followed along and did that, correct?
- 34 A Yes.
- 35 Q And I just want to make sure that I'm clear on
36 this. When you were with Officer Van Agteren and
37 his bag showed up, you were looking for his
38 documents. And as I understood it, your evidence
39 was that you showed him what you were looking for,
40 or he was shown, and he found those documents in
41 his bag; is that accurate?
- 42 A No, that's incorrect.
- 43 Q Okay. So what happened there?
- 44 A So I just observed Officer Van Agteren going out
45 of -- or holding a Confirmation of Permanent
46 Resident, like I said earlier.
- 47 Q Right.

- 1 A She was holding it up and asking for the document
2 from Mr. Dziekanski.
- 3 Q Yes.
- 4 A He wasn't providing the document, or he wasn't
5 sure what she was saying, either/or, and then she
6 went out of the doors and showed it closer to him
7 what document she was looking for, and then she
8 asked -- I'm not sure how she gestured, but she
9 did ask verbally, because that's what I was
10 listening to, for him to open the document -- open
11 the suitcases up, and he did open the suitcases
12 himself.
- 13 Q All right.
- 14 A So once the suitcase was open, then he took out a
15 FedEx document. Again, I'm not sure where it was
16 in the suitcase because I couldn't see that part.
17 But he did -- I saw him take out a FedEx envelope
18 and then hand that over to Officer Van Agteren.
- 19 Q Okay. But he took the envelope out of the
20 suitcase?
- 21 A That's what I observed.
- 22 Q All right. Now, these glasses of water that were
23 offered to him, as I understand it you have a
24 water cooler in the office; is that correct?
- 25 A Yes, that's right.
- 26 Q And you have some cups that go with those water
27 coolers?
- 28 A That's correct.
- 29 Q And are those the standard water cooler cups that
30 are relatively small? They would be three or four
31 ounces in size?
- 32 A Approximately 250 mls.
- 33 Q Okay. And he had a couple of those while you were
34 there?
- 35 A What I observed?
- 36 Q Yes.
- 37 A Yeah, two glasses personally handed over by
38 Officer Van Agteren.
- 39 Q Now, let's talk about this information that you
40 were able to access on the computer. I think you
41 said it was the FOSS; is that correct?
- 42 A That's correct.
- 43 MR. KOSTECKYJ: I can't remember -- maybe one of my
44 friends can help me. I was looking for the -- I
45 thought it had been entered as an exhibit.
- 46 MR. BRONGERS: Jan Brongers on behalf of the Government
47 of Canada. The FOSS information belongs to

1 Citizenship and Immigration Canada, and a request
2 has been made by Commission counsel that we
3 provide that file, and we are dealing with that at
4 this time. But no, the FOSS information has not
5 been entered into evidence yet.

6 MR. KOSTECKYJ: I remember some discussion about it.

7 Q But let's talk about that for a second.

8 A Okay.

9 Q There is no question but that when you looked on
10 the computer through your system, that you knew
11 that he was sponsored by his mother, correct?

12 A I didn't know that first by looking at the system.
13 It says here on number 15. Usually the person who
14 is sponsoring the person will be listed right
15 here, and it says the mother and her name right
16 there on 15, so I assumed right there by looking
17 at that that the mum was the one who had sponsored
18 him.

19 MR. KOSTECKYJ: I'm just going to approach the witness
20 to see where that is.

21 THE COMMISSIONER: It uses the word "assist."

22 MR. KOSTECKYJ:

23 Q You gave two statements in respect of this matter,
24 correct?

25 A I don't understand.

26 Q Well, just -- in terms of -- in the past you've
27 given two statements about matters related to your
28 dealings with Mr. Dziekanski, correct? One to the
29 police, correct?

30 A Yes, that's correct.

31 Q And you had to prepare a report which you filed to
32 your superiors?

33 A That's correct.

34 Q About what you recognized regarding the events of
35 that evening?

36 A That's right.

37 Q Okay. And I notice that in the statement that you
38 provided to the police, you indicated that you
39 knew that Mr. Dziekanski was a sponsored
40 individual, correct?

41 A That's correct.

42 Q And that was information that was easily available
43 to you on the evening of October the 13th, 2007?

44 A That's correct.

45 Q Just so I'm clear, besides the document that
46 you're showing me that you're referring to, what
47 else did you look at to confirm that he was a

1 sponsored individual?

2 A Well, from the Confirmation of Permanent Resident
3 document, in number 19 it says FC7. I had never
4 actually seen that coding before so that's why I
5 ended up checking in the FOSS notes to see what
6 the sponsorship was indicating, and then it had
7 indicated that he was sponsored by his mother.

8 Q Okay. And in those FOSS notes, it had her
9 telephone number, correct?

10 A It did.

11 Q And in fact, when you gave the statement to the
12 police officer, you seemed to know that that was a
13 home number as opposed to a cell number, correct?

14 A Well, actually we didn't -- I didn't assume that
15 it was a home number.

16 Q Okay.

17 A So I can't be certain of that.

18 Q I'm just going to show you your statement, which
19 was taken on October the 26th, 2007. And I'm just
20 going to take you to page 3 of that statement.
21 And it actually continues on from page 2, where
22 you'd given a relatively long answer about your
23 general dealings with Mr. Dziekanski. And at the
24 end of that, you indicated, when I look at the
25 bottom of page 2:

26
27 And then also, we looked up, 'cause through
28 our ah, computer system we can find out who
29 sponsored him, so we knew that his mother had
30 sponsored him.

31
32 That was correct, right?

33 A Yes.

34 Q And also we can find out the details of her.
35 So, 'cause all her information would be
36 updated as well 'cause she's the one who
37 sponsored him.

38
39 Correct?

40 A At that time, that's correct, yeah.

41 Q Yeah. And then Constable Mangan said, "Uh huh,"
42 and you went on to say:

43
44 So we got the phone number from Kamloops.
45 There was only one cell phone number --

46
47 And then you corrected yourself:

- 1 -- not cell phone number, there was only one
2 number in there which was a home number. So
3 we phones that number in Kamloops.
4
5 That's correct?
6 A That's what I said at the time.
7 Q So at the time, on October the 26th, 2007, as far
8 as you knew, and what you told the constable was,
9 that the only number you had was a home number?
10 A At the time, that's what I said, yes.
11 Q Yes. And do you know something different today
12 than you knew then?
13 A No.
14 Q All right. Now, when Border Services Officer
15 Zadavec came and poked her head out of the
16 door -- is that an accurate description of what
17 she did, that she sort of poked her head out of
18 the door of the office?
19 A No, that's not what I said.
20 Q Okay. Well, tell me what you did say.
21 A Okay. From where I was sitting -- I had said that
22 I was sitting at my workspace counter, and the
23 superintendent's office is to the right-hand side
24 of that. So it would be behind me and to the
25 right.
26 Q Yes.
27 A In order for me to be able to see her, she would
28 have had to have walked out -- this is what I
29 recall and what -- I know that from what I
30 observed, is that she walked out of the office --
31 and she would have had to have walked out of the
32 office in order to come beside me and just a few
33 counters down from where I was sitting. So if she
34 had poked her head out of the office, I never
35 would have observed her doing what she was doing.
36 She had to have walked physically out and that's
37 when I observed her looking for something.
38 Q All right. So she stepped out of her office,
39 correct?
40 A Yes.
41 Q And she asked you if you had seen a Polish
42 gentleman; is that correct?
43 A No.
44 Q What did she ask?
45 A Okay. She never asked me anything. I observed
46 her looking for something or looking for somebody
47 around in our area, and then that's when I asked

- 1 her, "Who are you looking for?"
- 2 Q All right.
- 3 A And then at that point in time, she said, "I'm
- 4 looking for a Polish man." And I looked around in
- 5 our area. I didn't observe anybody being there,
- 6 and then I said that to her. "I don't see anybody
- 7 here." She acknowledged me and then she walked
- 8 off.
- 9 Q All right. Did you see where she walked off to?
- 10 A No, I did not.
- 11 Q Do you know if she returned to her office?
- 12 A Well, it wasn't her office. It was the
- 13 superintendent's office.
- 14 Q Did she walk back to the superintendent's office?
- 15 A I didn't observe that.
- 16 Q But you didn't see her again after that?
- 17 A Not immediately afterwards.
- 18 Q No. Not for at least five or ten minutes after
- 19 that?
- 20 A No, I don't -- that's not correct.
- 21 Q Okay. Did you see her five or ten minutes later?
- 22 A No, I did not.
- 23 Q That's what I'm saying. So after you saw her, you
- 24 didn't see her again for quite a while?
- 25 A That's correct.
- 26 Q All right. Now, when she came out, she didn't
- 27 give you a name, did she?
- 28 A No.
- 29 Q And you didn't ask her for a name of who she might
- 30 be looking for?
- 31 A No, I didn't ask her.
- 32 Q Now, you're not certain as to what time that
- 33 conversation took place, correct?
- 34 A As I recall, and to what I had said earlier to the
- 35 counsel for the Commissioner, it was about three
- 36 to four hours prior to my actual interaction with
- 37 Mr. Dziekanski.
- 38 Q Now, would you dispute that it happened at 8:30 or
- 39 between 8:30 and nine o'clock in the evening?
- 40 A I don't think it was that late. However, I can't
- 41 recall.
- 42 Q Okay. Now, you indicated that you were able to
- 43 get most of that form filled out, the part about
- 44 the marriage, the part about the criminal record
- 45 based upon the information that you retrieved off
- 46 of your computer, correct?
- 47 A Yes, that's correct.

- 1 Q So you felt you could rely upon the information
2 based upon the fact that there had been
3 investigation done by others in Immigration,
4 correct?
- 5 A Yes.
- 6 Q All right. Now, you were also satisfied that he
7 didn't have any money, correct?
- 8 A Yes, I was satisfied.
- 9 Q Now, is there a circumstance where you have people
10 who have no money, who aren't able to speak the
11 language, do you have any place where you can turn
12 that person over to within the Vancouver
13 International Airport? Is there a facility for
14 that?
- 15 A Can you explain the question to me? I don't
16 really understand.
- 17 Q Yeah. Well look, when you're dealing with
18 somebody -- you've got a lot of people to
19 process --
- 20 A Mm-hmm.
- 21 Q -- correct? So here you are. You've processed an
22 individual, they have no money, they don't speak
23 the language. And my question is, do you have
24 another agency or somebody at the airport that you
25 can turn such a person over to so they can be
26 helped and moved on their way?
- 27 A Not that I know of.
- 28 Q And that hasn't changed since October of 2007 as
29 far as you know, correct?
- 30 A That's correct.
- 31 Q Now, when you left your shift -- I think you said
32 it was approximately 12:45 when you left the
33 actual Immigration area where you were working,
34 correct?
- 35 A Yeah, about 12:45.
- 36 Q And then you went and you got changed?
- 37 A That's right.
- 38 Q And so when you were out in the international
39 meeting area, when you went to check at the end of
40 your shift to see if Mr. Dziekanski was still
41 around, is it fair to say that that was sometime
42 after one o'clock?
- 43 A No, because I just put my jacket on over top so it
44 only takes me a few minutes to actually be in the
45 change room, so it would probably be before 1:00.
- 46 Q But very close to one o'clock?
- 47 A About that, yes.

1 Q And do you recollect how many minutes you spent in
2 that international meeting area?

3 A We just walked by, checked, and just looked, and
4 then walked out of the doors towards the parking
5 lot.

6 Q Were there many people in the meeting area at that
7 time that you recollect, or not so many?

8 A Not too many.

9 Q So when you looked around the area, did you notice
10 Mr. Dziekanski at all?

11 A No, I did not.

12 Q Did you see anybody causing a problem in the
13 international meeting area?

14 A At that time, no, I didn't.

15 Q And there was nothing untoward or abnormal or
16 anything else going on in the international
17 meeting area that you saw at about one o'clock?

18 A No, not at that time.

19 Q I'm just going to ask you a little bit about the
20 screening because I'm just going to take you to
21 what you told the police officer. This is at page
22 6 of the statement that you gave to the police
23 officer. He's talking to you about what happens
24 when they can't speak English. And it says:

25
26 ...it depends...why they're referred... Is it
27 referred in for immigrating then we check the
28 document and we check the remarks...

29

30 And you talk about the three main questions. Do
31 you see that?

32 A Mm-hmm. Yes, I do see that.

33 Q Now, just about translation services. What I
34 understood you to say is if you have somebody who
35 speaks the language in the immediate area, you'll
36 use that person, correct?

37 A That's correct.

38 Q And if you don't, then for the most part you don't
39 try to track anybody down?

40 A Yeah. Because even if the person -- if we have an
41 interpreter in person, sometimes I don't use them.

42 Q But if you have one handy, you'll use them,
43 correct?

44 A Not necessarily, because there's a lot of
45 immigrants coming all the time and a lot of people
46 who speak the same language coming all at the same
47 time, and so if they're all speaking the same

1 language and we want to process them quickly,
2 sometimes the interpreter is going to be tied up
3 with somebody else and then we'll just make do
4 with what we have.
5 Q Well, let's do it this way.
6 A Mm-hmm.
7 Q In your time working at the Immigration
8 services --
9 A Yes.
10 Q -- you've relied from time to time on translators
11 who work in the Immigration area, other
12 Immigration officers, correct?
13 A That's correct.
14 Q Have you ever called for an outside translator?
15 A I don't understand. In what circumstance?
16 Q Well, have you ever used the services of a
17 translator outside of the people that are in the
18 Immigration area?
19 A Yes, I have.
20 Q And what were the circumstances? How did you go
21 about getting that translator?
22 A I would go onto the computer database.
23 Q No, the time that you actually did it. Did you do
24 it more than once?
25 A Yes, I've done it quite frequently.
26 Q Okay.
27 A Yes.
28 Q Did you ever do it before October of 2007?
29 A Yes, I have.
30 Q Okay. So tell us about what the circumstances
31 were of using a translator. First of all, why did
32 you use one?
33 A Okay. Well, usually interpreters generally are
34 used more so in the case of visitors coming in
35 where they have no documentation. They have
36 nothing to show us on why they're coming to
37 Canada. They have no Canadian reception, no
38 Canadian phone numbers, and I cannot communicate
39 with them.
40 Q All right.
41 A So I would phone the interpreter to just verify
42 why they're coming here, because many times
43 they'll have the phone number either memorized or
44 they will be able to provide me with some
45 documentation later on and we'll be able to get
46 down to the -- when an interpreter is actually
47 used.

1 Q Well, in this particular case, no interpreter --
2 no one ever tried, as far as you know, to call an
3 interpreter to deal with Mr. Dziekanski?

4 A As far as I know, Officer Van Agteren had looked
5 at the computer database, but no phone call was
6 actually made to any interpreter and she had those
7 reasons. I'm not sure what the reasons were for
8 that.

9 Q Well, she came and gave evidence, and maybe this
10 refreshes your memory. She said that two or three
11 of the interpreters were no longer in service and
12 the other one was in Toronto and there was a
13 warning of not to use unless you were using for
14 two hours. Does that refresh your memory?

15 A No, it doesn't.

16 Q All right. Now, just below that in your
17 statement, you went on explaining that:

18
19 ...usually we're good to go. We just tell
20 them to sign and sometimes we don't even
21 [need] to say a word to them.
22

23 And Constable Mangan says, "Oh, okay." "You know,
24 like yeah." And Constable Mangan says, "So, it's
25 [really] kinda pre-done before hand." And you
26 said:

27
28 Mm-hm. 'Cause they're screened so well,
29 right. Like over seas, it's just a matter of
30 um, well supposed to be screened really well
31 over seas, so then it's just ah, they're
32 really low risk. They are coming here to
33 immigrate.
34

35 So where did that information come from that
36 they're screened so well overseas? Is that your
37 training? Is that what you're taught?

38 A Well, there's a certain procedure that is done
39 overseas for every immigrant who's coming to
40 Canada, and there's a process. That process --
41 there's overseas manuals for the officers who work
42 in the embassies and there's manuals that we have.
43 So there's certain things that are checked by
44 everybody throughout the process.

45 Q Well, it's not a trick question. It's just you
46 rely on the fact that the people overseas do their
47 job and check out an immigrant with a lot of care.

Sonya Purewal

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

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

1 A That they've checked and that they have notated it
2 in our system so that we can verify that, yes.

3 Q So that you say, I can rely upon the work that was
4 done by my fellow Immigration officers overseas
5 about investigating the bona fides of any
6 immigrant, correct?

7 A That's correct.

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

9 THE COMMISSIONER: Mr. Brongers.

10 MR. BRONGERS: Thank you, Mr. Commissioner. Jan
11 Brongers for the Government of Canada.

12

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

15

16 Q Ms. Purewal, I just have a couple of quick
17 questions for you. First of all, when you
18 interacted with Mr. Dziekanski, did you have any
19 concerns about him from a medical perspective?

20 A No, not at all.

21 Q You never felt that he needed first aid or
22 anything of that nature?

23 A No, I didn't.

24 Q And in response to a question from my colleague,
25 Mr. Kosteckyj, he asked you about your reaction to
26 the fact that Mr. Dziekanski had no money in his
27 possession and cannot speak English. I'd like to
28 ask you, is it unusual for you to deal with landed
29 immigrants who don't have money and cannot speak
30 English?

31 A No. It's very frequent, on a day-to-day basis.

32 Q So do you have any concerns about those
33 individuals?

34 A No, not at all.

35 MR. BRONGERS: Thank you.

36 MR. HIRA: For the record, Ravi Hira. I appear for
37 Constable Kwesi Millington.

38

39 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
40 KWESI MILLINGTON:

41

42 Q Ms. Purewal, I've got a couple of questions for
43 you. Did you notice any sweat or perspiration
44 about Mr. Dziekanski?

45 A No, I didn't.

46 Q And is it fair to say that one of the Immigration
47 officers described him as being a little drunk to

- 1 you and you thought he looked the same way?
2 A I hadn't actually come with that conclusion
3 myself.
4 Q Yes?
5 A However, when one of the officers had said that,
6 oh, he appeared drunk -- he seemed sleepy and
7 tired. That was my conclusion. I can't actually
8 say for sure whether that was the case or not.
9 Q Fair enough. But an officer said that to you and
10 you had the same view based on him looking sleepy
11 and tired. Is that a fair statement by me?
12 A No, it isn't.
13 Q All right. You've got your statement in front of
14 you.
15 A Mm-hmm.
16 Q I wonder whether you could look at the last answer
17 given at the bottom of page 4 of the statement and
18 read to the end of that answer on page 5, just to
19 yourself, and see whether that refreshes your
20 memory.
21 A Okay, I've read it.
22 Q All right. And what you said to the officer --
23 and I'm looking at the top of page 5, the second
24 line -- is that:
25
26 He might be a little bit ah, a little bit
27 drunk for lack of a better word. And I,
28 didn't really put that together though until
29 someone had said that to me.
30
31 Is that your recollection?
32 A My recollection is that he appeared sleepy and he
33 was tired and dishevelled. When somebody said
34 that that could have been similar to him being
35 drunk, then I said that is a possibility -- that
36 seemed like a fair statement by the person who
37 observed it that way, but I didn't observe it in
38 that particular way.
39 Q Fair enough. Now, you said to Mr. Vertlieb,
40 Commission counsel, when he was questioning you
41 that it takes just a matter of minutes to fill out
42 the CPR form, correct?
43 A That's correct.
44 Q Did you notice what happened to Mr. Dziekanski
45 after the CPR form was filled out?
46 A After my interaction with the Confirmation of
47 Permanent Resident document, Officer Van Agteren

Sonya Purewal

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

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

1 took over and I didn't actually deal with him
2 after that.

3 Q Did you see him after that at all?

4 A No, I didn't.

5 Q Did you see him sitting in the Immigration
6 Secondary seating area after your interaction with
7 him?

8 A No, I didn't.

9 Q Now, the last thing that I want to talk about is
10 when you went out into the public meeting area
11 with Officer Van Agteren. It was around 1:00
12 a.m.; is that correct?

13 A Around that time. Between 12:45 and 1:00.

14 Q And is it fair to say that that's a large area and
15 you hadn't got to the totem poles; is that
16 correct?

17 A That's correct.

18 Q And just so that we understand, the totem poles,
19 would you agree with me, are this area over here,
20 the circle with two dots in it just above the "M"
21 in "meeting area." Would you agree with that?

22 A That's correct, yes.

23 Q Thank you. So you had come out of the Immigration
24 Secondary, walked around, and were in the area of
25 the escalator; is that correct?

26 A That's right, yes.

27 Q And there's an escalator that goes up to the
28 international departures area?

29 A That's correct.

30 Q And is it also fair to say that from your vantage
31 point, you couldn't see into the IRL or
32 international reception area?

33 A That's correct.

34 MR. HIRA: Thank you. Those are my questions, Ms.
35 Purewal.

36 MR. STEWART: Ms. Purewal, my name is Dwight Stewart.
37 I am counsel for the airport.

38

39 CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF VANCOUVER
40 INTERNATIONAL AIRPORT:

41

42 Q I have a few questions for you. The first is with
43 respect to Exhibit 11. It may still be before
44 you. It's what we've referred to as the CPR.

45 A Mm-hmm.

46 Q Indulge my curiosity. Various people have gone
47 through the different numbers that are set out

- 1 here with various information. Can you assist me?
2 Do you know what number 31 and the reference to
3 the date 27 May 2008 means? I don't know if this
4 assists but I would just say that I notice that
5 number 33 indicates 27 May 2006.
- 6 A Yes. So that would be when the visa would be
7 expiring.
- 8 Q So his visa was granted in May of 2006?
9 A No, that's incorrect.
- 10 Q Okay.
11 A So number 32 says 30th of July 2007.
12 Q Okay.
13 A That would be when the visa was issued.
14 Q Okay.
15 A And then May 27, 2008, would be when the visa
16 would expire.
17 Q Okay. I don't know if I'm right in seeing this
18 because it's kind of a faded copy, but is number
19 33, then, 27 May 2006?
20 A 2008.
21 Q Oh, it's 2008?
22 A That's correct.
23 Q Thank you. Okay. Now, Mr. Kosteckyj asked you
24 some questions about whether to your knowledge
25 there was a place in the airport that you could
26 leave someone after they've left the customs
27 process, the immigration process. Do I take your
28 answer to be that you didn't know of any specific
29 room or location to which an immigrant who didn't
30 speak English would be left; is that correct?
31 A No. Just that in this situation, there would be
32 no -- it wouldn't -- like Mr. Dziekanski was
33 acting completely normal with us when we were
34 processing him, so it wouldn't be something that I
35 would actually think of doing in the sense of
36 providing him with additional help or access
37 because he never, ever asked for any extra help or
38 additional access while we were processing him.
39 Q But not only did he not ask for help, you detected
40 nothing that would suggest that you thought he
41 needed help?
42 A That's correct.
43 Q Now, Mr. Kosteckyj then asked you if the situation
44 had changed since 2007. I don't want to leave the
45 impression that you're not familiar with the
46 Customs area and see if I can trigger a
47 recollection.

Sonya Purewal

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

1 A Okay.

2 Q Do you recall that at least -- don't worry about
3 when it was implemented, but there is now a
4 customer service counter in the Customs Hall
5 that's staffed whenever the Customs Hall is open?

6 A That's correct.

7 Q And to your understanding, does that customer
8 service counter have access to language lines?

9 A To my understanding, there is, yes.

10 Q You see people that are in the Customs Hall
11 interacting with customer service agents in the
12 Customs Hall now?

13 A I do, yes.

14 Q Okay. Are you aware of some of the systems that
15 have been implemented to assist passengers in
16 sending messages out to the public area, that
17 there is a new greeter board in the international
18 meeting area where people can put their name up if
19 they so choose?

20 A I'm not personally aware of that.

21 Q Okay. Someone from the airport will come and
22 describe all those sorts of things.

23 If I can cast your mind back to 2007 -- and
24 you've described the route that you followed when
25 you walked out of the meeting area. I'm not sure
26 how familiar you are with that area, but there's
27 just a couple of things to see if you recall. Do
28 you recall that in the fall of 2007, that there
29 are public pay phones in the meet-and-greet area?

30 A Yes.

31 Q There are machines for dispensing international
32 calling cards, correct?

33 A I'm not aware of that.

34 Q There are vending machines?

35 A There are vending machines, yes.

36 Q One of the things I think is kind of a curiosity
37 to Vancouver is there's a vending machine for
38 umbrellas?

39 A Yes, there is.

40 THE COMMISSIONER: How about snowshoes?

41 MR. STEWART:

42 Q That's sort of an interesting thing because we
43 have had some snow recently. Were you working
44 over Christmas?

45 A I have been working over Christmas.

46 Q Busy time at the airport?

47 A Yes, it is.

Sonya Purewal

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

- 1 Q And generally -- and you walk out that way every
2 night; am I correct?
- 3 A Yeah, every night.
- 4 Q It's typical for you to see that there are people
5 that are just on the benches there waiting; am I
6 correct?
- 7 A All the time.
- 8 Q You have people that are immigrants that arrive
9 late that aren't just staying in Vancouver.
10 They're perhaps going on to somewhere else in
11 Canada or indeed over to the Island?
- 12 A Mm-hmm.
- 13 Q And to your understanding, they are then going out
14 into the public area and waiting for the domestic
15 flights that depart the next morning?
- 16 A Yeah, all the time.
- 17 Q Okay. We're going to hear from a witness later --
18 and I'm not suggesting that you would know him or
19 anything, but there's a witness who's going to
20 describe that in or about the time when Mr.
21 Dziekanski was in the meeting area, he was
22 actually sleeping on one of the benches.
- 23 A I can't actually -- I never observed him outside
24 of the Customs secured area -- or the CBSA secured
25 area. But we see that all the time, people
26 sleeping on the benches.
- 27 Q And just to assist you in terms of your visual,
28 where you walk out and what you were able to
29 observe -- it's not there any more, but do you
30 recall at the time there was a vending cart that
31 sold nuts and M&Ms and candy in that meet-and-
32 greet area?
- 33 A I can't recall whether it was at this particular
34 time -- specific time. However, I have seen that.
- 35 Q We reviewed some Customs footage, and you can see
36 Mr. Dziekanski leave, but then at a certain point
37 your view of him is obscured by something that's
38 there. So in any event, you didn't see anything
39 or notice anyone waiting there?
- 40 A (No audible response)
- 41 Q And I know you described in response to your
42 questions that it's common for you to interact
43 with immigrants that don't speak any English. Am
44 I correct in recalling that you actually described
45 that in your interview with the police constable
46 and that you estimated that between one in 20 or
47 one in 30 of the immigrants that you deal with

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

1 don't speak a word of English? Is that --

2 A That statement is not correct.

3 Q Oh, okay. What would the --

4 A We deal with it every time. I don't keep
5 statistics personally. But you know, it's quite
6 frequent.

7 Q Okay. Just one last thing, in your statement
8 there is some reference to a cell phone. I think
9 you were taken through the questions, and you only
10 knew of one phone number for Ms. Cisowski.

11 A That's correct.

12 Q To your observation, did you have any awareness or
13 did you think that Mr. Dziekanski had a cell
14 phone? Do you recall that?

15 A No, I don't know anything about that.

16 MR. STEWART: Those are my questions. Thank you.

17 THE COMMISSIONER: Thank you very much, Ms. Purewal.

18 Your time here has been very much appreciated.

19

20 (WITNESS EXCUSED)

21

22 We'll take the morning break.

23

24 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

25 (PROCEEDINGS RECONVENED)

26

27 MR. MCGOWAN: Mr. Commissioner, thank you for the extra
28 time. We had some technical matters and some
29 documents to get organized. I think it will in
30 the long run save us some time now that we're all
31 together and on the same page.

32 The next witness is a Ms. Nancy Baggio.

33

34 NANCY BAGGIO, a witness,
35 sworn.

36

37 THE REGISTRAR: State your full name, please.

38 A Nancy Baggio.

39 THE REGISTRAR: Would you spell your surname.

40 A B-A-G-G-I-O.

41 MR. MCGOWAN: Mr. Commissioner, just before we commence
42 with the witness, I just want to give you a brief
43 overview of the purpose for which she has come
44 here. This witness is an operations shift
45 supervisor at Vancouver International Airport. She
46 has no first-hand knowledge of the events that
47 took place on the 13th or 14th. She came on shift

1 the next day and dealt with the request from both
2 the RCMP and the Coroner to provide them with
3 video files, audio files, and also, I believe, had
4 some involvement or knowledge of some documents.
5 That's the purpose for which we're calling her.
6 We don't intend to elicit evidence from her
7 regarding any policies or changes made at the
8 airport. I understand from Mr. Stewart, counsel
9 for the airport, that his client will make
10 available to the Commission someone to deal with
11 those matters later on.

12 This witness is going to give just some
13 general information, a bit of an overview of the
14 airport and its workings, which I'm hopeful will
15 give us a bit of a basis. It'll make things
16 easier to understand as we go forward. And she'll
17 introduce the audio and video exhibits. And I
18 would propose after cross-examination, if any, we
19 send her home prior to playing the exhibits
20 because the playing of the video will be quite
21 lengthy.

22 THE COMMISSIONER: All right.

23
24 EXAMINATION IN CHIEF BY MR. MCGOWAN:

25
26 Q Ms. Baggio, you've been at the airport
27 approximately two and a half years?

28 A That's correct. Since May 2006.

29 Q Prior to that you worked for Labatt's?

30 A That's correct.

31 Q And that was in operations as well?

32 A Correct.

33 Q You're trained as an engineer?

34 A I'm a chemical engineer, yeah.

35 Q And at the Vancouver airport your title or
36 position is operations shift supervisor?

37 A It was in October of 2007. It's changed since
38 then.

39 Q And what is your position or title today?

40 A Manager of terminal operations.

41 Q Since the time of October 2007, there's been a
42 slight change in the structure?

43 A That's correct.

44 Q I'm going to ask you a little bit about the
45 structure at the time of these events in October
46 of 2007. There was the president of the airport
47 and that was Mr. Berg at the time?

34
Nancy Baggio
In chief by Mr. McGowan

1 A That's correct.
2 Q And under him there would be approximately ten
3 vice-presidents?
4 A Yes.
5 Q And the vice-president of airport operations at
6 the time was Paul Levy?
7 A That's correct.
8 Q It's now Don Ehrenholz?
9 A That's correct.
10 Q And under Paul Levy, the VP of airport operations,
11 there would be four directors?
12 A That's correct.
13 Q And the director of operations, was it a Wes
14 Porter?
15 A That's correct.
16 Q And under Wes Porter are the shift supervisors?
17 A Correct.
18 Q And they are essentially -- well, why don't you
19 tell the Commissioner what a shift supervisor was
20 or is.
21 A The shift supervisor works, as it says, on shift
22 and we work 12-hour shifts, and is the senior
23 most -- the senior airport operations staff on
24 duty. So we're looking after what we would call
25 the day of issue, so the day-to-day running of the
26 airport.
27 Q So you at times as a shift supervisor are the most
28 senior person on shift managing the airport
29 operations?
30 A That's correct.
31 Q Now, there were four shift supervisors in October
32 of 2007?
33 A I can't be certain. There were at least three of
34 us. We might have had a vacancy then. I can't
35 remember for sure.
36 Q Fair enough. You were the shift supervisor on
37 shift the day after the night where the
38 incident --
39 A That's correct.
40 Q -- involving Mr. Dziekanski occurred? The shift
41 supervisor who was on shift during that night
42 shift was a Mr. Sambrook?
43 A That's correct.
44 Q He's coming to testify as a witness here later on.
45 You understand that?
46 A I understand that, yeah.
47 Q Now, you've told the Commissioner what a shift

1 supervisor -- what their position is generally.
2 What do they spend their time doing during the
3 shift?
4 A Some of it is monitoring the activity in the
5 airport, although the front line staff has that
6 well in hand. And it would be a matter of whether
7 or not they needed to escalate something to the
8 management position, something that wasn't sort of
9 routine. The general gist of our job is to keep
10 the airport operational at all times as best as we
11 can, you know, maintaining safety and security.
12 Q Airport operations shift supervisor, where do you
13 sit?
14 A Our office is in the operations centre.
15 Q Where is the operations centre located?
16 A It's in the domestic terminal building, level 4,
17 which is just a level above the departures level.
18 So it's just accessible from the departures level
19 public side but just up a level where there's some
20 administrative offices.
21 Q It's not in the public portion of the airport?
22 A No.
23 Q It's essentially an area reserved for airport
24 operations and other offices?
25 A That's correct.
26 Q And it's some distance from the international
27 reception lounge or the international arrivals
28 area?
29 A Yeah. It's clear across the airport.
30 Q I wonder if you could just describe the room where
31 the airport operations takes place.
32 A Okay. There's some open console stations. In one
33 corner there's the shift manager's office, so
34 that's the only sort of office with a closed door.
35 Next to the shift manager's office is work
36 stations for the airport response coordinators,
37 which are basically the front line duty staff, and
38 they have two work stations and some -- like two
39 computers and then some tables and storage area
40 where they sit and work. Immediately in front of
41 the shift manager's office and the ARC work
42 station, there's one work station for the customer
43 call centre, so that's the general information
44 line that the public calls and also that position
45 also answers general public e-mails that come in
46 as well. And that station has two positions.
47 One's just a spare station and one is the customer

1 care station. And then there's some windows along
2 the front of the office, and right directly in
3 front of the windows are the airport operations
4 positions. There's three positions. And these
5 are the phone calls that come in to our operations
6 line, which is our sort of general operations line
7 that, you know, any issues out in the airport
8 community that they need to report to operations,
9 whether it's on the airfield or in the terminal,
10 they report in to the airport operations officers,
11 and also any maintenance or facility issues are
12 dispatched from those positions. So there's three
13 positions that could be staffed at any time.

14 Along the -- then sort of if you're kind of
15 going clockwise, I guess, around the --

16 Q I'm just going to stop you.

17 A Sure.

18 Q I see what you're doing is describing in part the
19 physical layout of the room, and I wonder if it
20 might be useful to place before the Commissioner a
21 diagram. I understand you have a diagram or have
22 seen a diagram --

23 A Yes, I have.

24 MR. MCGOWAN: Mr. Stewart has kindly made copies of
25 this document and some of the others we'll be
26 needing this morning.

27 THE COMMISSIONER: I think we should mark it right away
28 as an exhibit.

29 THE REGISTRAR: That will be marked as Exhibit Number
30 20.

31
32 EXHIBIT 20: Copy - Floor Plan of Airport
33 Flight Operations Centre
34

35 MR. MCGOWAN:

36 Q So this map or this diagram shows essentially the
37 layout of the operations centre as it was in
38 October 2007?

39 A That's correct.

40 Q And it remains essentially the same today?

41 A Yeah.

42 Q Now, you've told us about some of the positions
43 that were in there. There was the shift manager.

44 A Mm-hmm.

45 Q Who was that on the night of the 13th, if you
46 know?

47 A That was Greg Sambrook.

- 1 Q That's Greg Sambrook, okay. Is that the same as
2 the shift supervisor, then?
- 3 A Yeah.
- 4 Q Okay. And you have the airport response
5 coordinator. Is that sometimes referred to as the
6 ARC?
- 7 A Correct.
- 8 Q And that was Bob Ginter?
- 9 A That's correct.
- 10 Q And he's coming here as well to testify. You know
11 that?
- 12 A I understand that.
- 13 Q And there was the customer call centre.
- 14 A Yeah.
- 15 Q Who was manning that on the evening of October
16 13th, if you know?
- 17 A I'm not sure.
- 18 Q And then there's airport operations and there's
19 three people who sit there?
- 20 A On a night shift it's just -- there's three
21 positions.
- 22 Q Okay.
- 23 A There just would have been one person working on
24 that night.
- 25 Q Do they manage gates and baggage or is that a
26 separate --
- 27 A No, that's a separate position. The staff
28 sometimes can function as both, but they're
29 staffed separately.
- 30 Q And the airport operations person on the 13th,
31 that was a Carla Hansen?
- 32 A That was Carla, yes.
- 33 Q And she's coming as well. And the baggage and
34 gate manager that evening or person that evening
35 was a Heather Staller?
- 36 A Correct.
- 37 Q Now, I wonder if you could just look to your
38 right-hand side over your shoulder. There's a
39 large placard that's been placed up there. I
40 wonder if you could just tell the Commissioner
41 what that depicts, if you're able to by looking at
42 it.
- 43 A It's a diagram or drawing of the terminal
44 buildings. So where the first red box is in the
45 top left corner, that's the ops centre sort of
46 shown up on level 4 of the domestic terminal.
- 47 Q That's the room we've just been talking about?

- 1 A That's correct. Then you could sort of traverse
2 through -- if you were walking through the
3 terminal you'd traverse through the domestic
4 terminal all the way through the international
5 terminal, through the in-between building, which
6 is called the link, past all the international
7 counters. Then there's a set of escalators that
8 go down to the level 2 meet-and-greet area for
9 international arrivals, and this portion in the
10 bottom right corner is the Canada Customs Hall and
11 the meet-and-greet area on level 2.
- 12 Q And this document may be helpful because it shows
13 the route that anybody from the operations centre
14 would have to take to attend at the international
15 arrivals level?
- 16 A That's correct, to go through the building.
- 17 MR. MCGOWAN: I wonder if we should mark that as the
18 next exhibit. We have some smaller copies as
19 well.
- 20 Q I understand there's some distances measured in
21 red boxes on there. You didn't do those
22 measurements, I take it?
- 23 A No, I didn't.
- 24 Q Now, incidents that occur at the airport of any
25 particular nature, whether they're security or
26 airside safety issues, are they all managed from
27 the operations centre?
- 28 A Not always. It depends on the type of incident.
- 29 Q Does the running of the airport generally occur
30 from this room? Is that what this room is all
31 about?
- 32 A That's the intention of it. It's a communications
33 hub.
- 34 Q Now, there's one position I'm not sure you made
35 reference to, or you did, I missed it. I see a
36 table there, "security operations centre." Is
37 that the person who coordinates and dispatches
38 Securiguard employees that sits there?
- 39 A That's correct. I'm not sure coordination is the
40 right word, but dispatch certainly. There is a
41 supervisor on shift who doesn't sit in this room
42 particularly, but this is where they have access
43 to camera views and they do the central dispatch
44 and logging.
- 45 Q And the supervisor on that evening, we're going to
46 hear, I expect you'll know, is Trevor Enchelmaier?
- 47 A That's what I understand.

Nancy Baggio
In chief by Mr. McGowan

1 Q And the dispatcher is an individual by the name of
2 Doug Byl?

3 A Correct.

4 Q And Doug Byl would have sat at the security
5 operations desk that we see there?

6 A That's correct.

7 Q Okay, fair enough. That's quite helpful. I think
8 that's going to be useful for us going forward.

9 THE REGISTRAR: Counsel, that last document can be
10 marked as Exhibit Number 21.

11

12 EXHIBIT 21: Copy - Overview Plan of Airport
13 Customs and Immigration Facilities.

14

15 MR. MCGOWAN: Now, I understand that tab 18A in the
16 airport disclosure is a copy of that map, for the
17 benefit of counsel. Tab 18 perhaps.

18 Q Now, Ms. Baggio, I understand that you were
19 contacted or had some discussions on the 14th and
20 perhaps the 15th with both the RCMP and the
21 Coroner's office about providing them with certain
22 materials?

23 A That's correct.

24 Q And what specifically was it that the RCMP was
25 interested in, and how did that come about?

26 A I came on shift about 6:00 in the morning.
27 Just -- pretty much they were looking for any sort
28 of recorded information that we have of the
29 incident. And at the time, all I could offer them
30 easily was a copy of our event log, our OMS log,
31 and some recordings off of our radio and phone
32 system that I knew were available to me.

33 Q And when did that request come from the RCMP?

34 A I believe it was late in the morning of the -- I
35 guess it would have been the 14th, Sunday morning.

36 Q Now, I understand later in the day you received
37 another request from the RCMP to do with contact
38 information for somebody; is that right?

39 A They were asking if there was any way that we
40 could search or page for the man's mother.

41 Q Okay. And you didn't personally provide any
42 assistance in that regard. You simply took the
43 call and passed it on; is that right?

44 A What we arranged for was the page to happen at the
45 customer care counter and our on-duty concierge to
46 be present, so when -- if and when she presented
47 herself to the counter, there would be someone

1 there to escort her to meet the RCMP.
2 Q And the name of that customer service concierge?
3 A It was Darcy Williamson.
4 Q Now, you were also contacted by the Coroner and a
5 similar request was made for any recordings that
6 might be relevant?
7 A That's correct.
8 Q Now, ma'am, I'm going to take you through what it
9 is you did to create or capture some of the
10 recordings and documents that were ultimately
11 forwarded to both the RCMP and the Coroner. Is it
12 fair to say at the end of the day the RCMP and
13 Coroner both received copies of the videos we're
14 going to be speaking of?
15 A I would have passed -- anything that went to the
16 Coroner went through our security department as it
17 would have happened on Monday. I passed some
18 things over personally to the RCMP on Sunday, the
19 14th. By Monday everything was filtered through
20 our security department.
21 Q It's your understanding that your employer through
22 Mr. Stewart has provided now to the Commission
23 copies of all recordings that you know to be in
24 existence?
25 A Absolutely.
26 Q Whether they be audio or video?
27 A Correct.
28 Q Let's start by talking about the video recording
29 if we could. I'm going to ask you to direct your
30 attention and your answers specifically to the
31 area where we know this incident occurred and
32 there may have been relevant activity.
33 A Correct.
34 Q First of all, does the airport, to your knowledge,
35 have any video cameras or recording equipment in
36 the Customs Hall?
37 A Not that I know of for certain.
38 Q Okay. Were there cameras in the international
39 reception lounge in October of 2007?
40 A That's correct.
41 Q Were there cameras in the meet-and-greet area in
42 October of 2007?
43 A There --
44 Q I'm talking about the international meet-and-greet
45 area.
46 A Yeah, there are cameras. Not necessarily all of
47 them are recorded, though.

41
Nancy Baggio
In chief by Mr. McGowan

1 Q Okay. Were there cameras curbside in October of
2 2007, the doors outside the international
3 reception lounge and the meet-and-greet area?
4 A I now know there are, yeah.
5 Q And were there cameras, again, on the airport side
6 of the Customs Hall prior to the Primary
7 Inspection Line?
8 A There is a camera view that shows the escalators
9 as you go from arrivals level into the queue for
10 pre-PIL, before you're processed by Customs.
11 Q Now, are each of the Vancouver International
12 Airport cameras recorded?
13 A Not every camera is recorded.
14 Q Are they monitored?
15 A Not every camera is monitored all the time.
16 Q Who takes care of the monitoring?
17 A The cameras can be monitored in the ops centre by
18 the airport operations officers, baggage and gates
19 schedulers, as well as the security ops. We all
20 have access to them, like the systems in the ops
21 centre have access to them. The airlines have
22 access to some of them as well, but I don't know
23 which ones or which ones they look at.
24 Q Do you know what the purpose of these cameras are
25 generally?
26 A Some of them are for security purposes and
27 monitoring our primary security line, and some of
28 them are just strictly for monitoring the
29 operation of the airport.
30 Q Now, I understand that you set about the task
31 either personally or through the assistance of
32 others of compiling video that you thought might
33 be relevant to anything that occurred the evening
34 before; is that right?
35 A That's correct.
36 Q I wonder if you'd tell the Commissioner what it is
37 you did and how you went about that.
38 A With the video, it was strictly approaching
39 security and requesting that any recorded cameras
40 in the IRL, in the meet-and-greet area, that
41 anything recorded between the hours -- I think we
42 decided midnight to -- or midnight to 1:30, that
43 we just save any video, relevant or not.
44 Q Did you watch the videos prior to saving them?
45 A No.
46 Q Did you make any effort to distinguish in what you
47 saved between whether or not Mr. Dziekanski was in

1 the frame?
2 A Not in the videos, no.
3 Q Now, I understand -- and maybe I'll just lead you
4 through this so that we can get through it easily.
5 With respect to the cameras that were capturing
6 the escalators entering just prior to the Primary
7 Inspection Line --
8 A Yeah.
9 Q -- I understand that you or somebody at your
10 request captured three hours of film footage on
11 those.
12 A That's what I understand
13 Q Okay. And that's going to run from approximately
14 3:00 until 6:00 p.m. on the 13th?
15 A I don't know for certain, but --
16 Q Does that sound about right?
17 A That sounds about right.
18 Q And just for the record, I think we're going to
19 hear that that's camera 24401.
20 A Right.
21 Q I wonder if it might be of assistance to you. I
22 understand that you created or have reviewed a
23 video clip index of ultimately the files that were
24 created and forwarded to the Coroner; is that
25 right?
26 A Yes.
27 Q And in addition, there's a map which you've seen
28 and had a look at which displays the approximate
29 camera angles of the cameras that were in
30 operation at the time or perhaps had existed
31 slightly prior to that time.
32 A Yeah. The ones in the meet-and-greet and IRL
33 area.
34 MR. MCGOWAN: Mr. Commissioner, I'm going to ask that
35 that be marked as the next exhibit and I'll take
36 the witness through it.
37 THE COMMISSIONER: Yes.
38 MR. MCGOWAN:
39 Q So we've talked about the first three on the list,
40 which is camera 24401. That's the escalator
41 you've referred to before, the --
42 A Yes, correct.
43 Q -- Primary Inspection Line? The remaining
44 cameras, which are noted on your index, 22233 and
45 22244, those are both cameras which recorded
46 activity in the international meet-and-greet area,
47 correct?

- 1 A Correct.
- 2 Q These five clips are the sum total of everything
3 that was recorded and retained by Vancouver
4 International Airport in terms of video, correct?
- 5 A As far as I know, yeah.
- 6 Q Each of the clips is approximately an hour in
7 length?
- 8 A It looks like it, but I haven't actually reviewed
9 all the video myself.
- 10 Q When you or the person who was doing it at your
11 request or at somebody's request was capturing the
12 videos, you simply blocked the hour off and copied
13 it and saved it and ultimately passed it along; is
14 that --
- 15 A I didn't save the videos so I don't know what he
16 personally would have done.
- 17 Q Is it your understanding that it was essentially a
18 block saving? It was one hour that was captured
19 without any particular regard to whether or not
20 something significant was captured during the
21 entirety of the hour?
- 22 A That was the suggestion we made when requesting
23 the video be saved.
- 24 Q Now, you'd made reference to cameras at the
25 curbside. Are those -- I don't see any clips for
26 curbside. Maybe before we get into that, we'll
27 just switch over to the next page, which is a
28 diagram of the international arrivals area,
29 including the IRL and the meet-and-greet area; is
30 that correct?
- 31 A Correct.
- 32 Q And we see the exit arrows pointing out to
33 curbside?
- 34 A Yeah.
- 35 Q Now, the two cameras -- if we're holding it with
36 the exit arrows on the right-hand side in the
37 bottom right corner, we see two cameras
38 essentially in the middle at the bottom of the
39 page, and they're numbered, and those are those
40 are the two cameras which were recorded and you've
41 captured clips of in the meet-and-greet area,
42 correct?
- 43 A The ones labelled 22244 and 22233.
- 44 Q Correct, okay. Now, there's three cameras out on
45 the curbside area. Do you know if those are
46 recorded?
- 47 A Only because it says so on this diagram right now.

1 But I wouldn't say for certain.

2 Q And was any video reviewed or kept from those
3 cameras?

4 A Not that I'm aware of, or not that I directed.

5 Q Now, we see a camera facing into the international
6 reception lounge, the IRL. Is that camera
7 recorded?

8 A Not as far as I know.

9 Q Okay. Now, we see in the IRL the camera that says
10 not recorded, and then we see another camera that
11 says "PTZ camera," which is a circular view, it
12 looks like.

13 A Yeah. The PTZ cameras are ones that can be --
14 it's pan, tilt, zoom, so it means you can move the
15 camera around and look around.

16 Q Now, does this map that we're looking at right
17 now -- does it show the international reception
18 lounge as it was in October 2007?

19 A I believe there was some construction in the area
20 but I just don't really remember where it was or
21 what was going on.

22 Q I'm going to see if I can help you with that. I'm
23 going to place before you a map of the
24 international reception lounge at that time.
25 There was construction going on in that area at
26 the time, correct?

27 A I believe so. I vaguely remember that. There's
28 been a lot of construction in the last little
29 while at the airport.

30 Q The construction included construction cladding
31 and drywall being put up?

32 A That sounds right.

33 Q We've had provided to us from your employer
34 through Mr. Stewart a map similar to the one
35 you're looking at with a pink notation on it
36 indicating some construction cladding essentially
37 obstructing this second camera in the
38 international reception lounge. Perhaps Mr.
39 Stewart could place a copy of that before you.

40 THE REGISTRAR: Before we proceed with that, counsel,
41 the video clip index will be marked as Exhibit 22.

42 MR. MCGOWAN: And that same exhibit will include the
43 attached map?

44 THE REGISTRAR: That's correct.

45
46
47

45
Nancy Baggio
In chief by Mr. McGowan

1 EXHIBIT 22: Copy - Video Clip Index with
2 attached floor plan for the IRL/meet-and-
3 greet cameras
4

5 MR. MCGOWAN: I'm ultimately going to ask that this
6 next map be marked as well. Perhaps we could just
7 assign it a number now as well.

8 THE REGISTRAR: It will be marked as Exhibit 23.
9

10 EXHIBIT 23: Copy - Location map of IRL/meet-
11 and-greet cameras indicating construction
12 cladding walls
13

14 MR. MCGOWAN: Thank you.

15 Q Looking at this map, does this accord with your
16 recollection or your understanding of how the
17 construction cladding obstructed that particular
18 camera in October 2007?

19 A I can't really remember specifically, but it
20 sounds about right. I can't visualize it myself.

21 MR. MCGOWAN: I understand Mr. Stewart has made
22 inquiries and determined this to be the case. In
23 my submission, it might be efficient to just
24 mark --

25 THE COMMISSIONER: Does anybody have any problem with
26 this? We'll mark it, then.

27 MR. MCGOWAN: Thank you.

28 THE COMMISSIONER: 23.

29 MR. MCGOWAN: Mr. Stewart advises there will be later
30 witnesses who can confirm it if it is an issue at
31 all.

32 Q Do you know why some cameras are recorded and some
33 are not?

34 A Not necessarily, no.

35 Q It's outside your domain, is it?

36 A Not in my scope, no.

37 Q Is every camera that was recorded -- did you
38 capture images or somebody capture images from
39 every camera that was recorded in October 2007
40 under the airport's control in the IRL or the
41 meet-and-greet area?

42 A There -- I now know that there were recordable
43 cameras on the curbside but none of those were
44 captured.

45 Q Yes. I'm speaking of inside the IRL and inside
46 the meet-and-greet area. Did you get everything
47 that was recorded by your employer?

- 1 A As far as I know was available, we saved.
- 2 Q Okay. And we're speaking there between the hours
3 of midnight and 2:00 a.m. on the 14th?
- 4 A Correct.
- 5 Q Okay. Now, I understand you also made some
6 efforts and ultimately did obtain or know that
7 there was obtained audio files?
- 8 A That's correct.
- 9 Q Let me ask you a little bit about these audio
10 files. Is there a system in place at Vancouver
11 International Airport where certain audio
12 communications are recorded?
- 13 A Yes. It's -- the name of the system, it's called
14 Witness. It's a voice recording software. It
15 records specific radio frequency. There's a
16 trunked radio system, and we've identified certain
17 frequencies that we choose to be recorded. So it
18 records radio, radio conversation on pre-
19 established frequencies, and as well it records
20 phone calls in and out of the ops centre.
- 21 Q Does it have to be turned on or does it
22 automatically record?
- 23 A It's automatically recording.
- 24 Q I wonder if you could give the Commissioner some
25 sense of which telephone calls are recorded and
26 which radio transmissions are recorded, just
27 speaking generally about airport operations at
28 that time.
- 29 A Okay. The channel we use exclusively is called
30 Ops A. That's our operations channel and that's
31 the -- the operations officers are on that
32 channel, baggage and gate scheduling, the shift
33 manager, our airport response coordinator. So
34 that's our operationally internal department
35 frequency. That one's definitely recorded.
36 Another one is the security channel. It's called
37 Security A, and that is the frequency that our
38 contracted aviation security providers use
39 exclusively. So that would be their shift manager
40 the, S-O-C or SOC, and the patrollers as well as
41 all of their access control guards who are at the
42 various PSL, primary security line points. They
43 use that channel. We also have a frequency in the
44 airfield which is our airfield operations, those
45 folks maintaining the outside part of the airport.
46 And also frequencies that are used with
47 communication with the control tower, so the

- 1 ground frequency as well as the -- the ground
2 frequencies that vehicles on the airside are
3 communicating with the tower.
- 4 Q Okay.
- 5 A Those are some -- those are the typical ones that
6 we -- I think there might be a couple others,
7 maintenance related.
- 8 Q So let me ask you this. Is a telephone call into
9 or out of the operations centre recorded?
- 10 A For the most part. At the time, I believe -- we
11 have some phone lines that are called hotlines and
12 they're direct lines to BC Ambulance, RFR, and the
13 tower, the Nav Canada tower. Those hotlines,
14 because there is a sort of a technology issue of
15 how those lines are -- you know, just the
16 infrastructure of those lines, they're not -- or
17 at the time they weren't recorded. I believe they
18 might be today, though.
- 19 Q If somebody calls the operations centre from one
20 of the telephones in the airport, a courtesy
21 phone, is that recorded?
- 22 A That's all recorded, correct.
- 23 Q If you call out on a general line or get a call in
24 on a general airport line that gets forwarded to
25 the operations centre, is that recorded?
- 26 A That's all recorded, yeah.
- 27 Q Are radio communications between Securiguard
28 employees and the security officer recorded?
- 29 A Oh, no. Not unless it goes into the -- the call
30 is received by an ops line.
- 31 Q I'm speaking about radio, not telephone.
- 32 A Oh, the radio? Yes, absolutely.
- 33 Q Okay.
- 34 A Because as long as they're communicating on either
35 the ops or the security frequency, either one
36 would be recorded.
- 37 Q Do some of the operations personnel aside from
38 security personnel carry radios?
- 39 A The --
- 40 Q Did they at the time? I mean walkie-talkies or
41 radios.
- 42 A Sorry. The ops -- the ops staff all carry radios.
- 43 Q So Mr. Sambrook and Mr. Ginter carried radios?
- 44 A That's correct.
- 45 Q And would their communications on the radios with
46 the ops centre all be recorded?
- 47 A That's correct.

- 1 Q And these are automatically recorded and --
2 A Yeah.
3 Q -- saved for a period of time?
4 A Correct.
5 Q And I understand the day or in the couple of days
6 after the incident, you made attempts to capture
7 any audio files that might be relevant?
8 A I did, yes.
9 Q Over what time period did you capture the audio
10 communications?
11 A It would have been -- I know it took a while. I
12 spent a good few hours at it on Sunday.
13 Q Sorry, let me just stop you. Maybe my question
14 was unclear. I think it probably was. What
15 period of activity on the 13th and 14th --
16 A Okay.
17 Q -- did you try to capture?
18 A From about -- I believe, just looking, a little
19 before one o'clock right through till 2:00 or
20 2:30, till it looked like the communications
21 stopped being about this incident.
22 Q Your equipment doesn't record any communications
23 involving Customs or Immigration officers?
24 A No, it does not.
25 Q Now, how many audio files did you ultimately
26 capture?
27 A I think it's about 38 or 39.
28 Q And did you make any effort, either yourself or
29 with anybody else, to identify the callers?
30 A Yeah. I helped with some of that.
31 Q And ultimately you during the recording created a
32 spreadsheet; is that correct?
33 A Yeah. I just created a way to track the actual
34 time stamp off the system and link -- and cross-
35 reference the time stamp to what I had named the
36 file.
37 Q Let me ask you this. Are you confident that you
38 captured any communication that had to do with the
39 Dziekanski incident, I'll call it, his involvement
40 with the RCMP and any involvement at the airport
41 with that during the time period of shortly before
42 1:00 and 2:30 in the morning?
43 A Yes, I am.
44 Q Now, the spreadsheet you created, I'm looking at
45 it, shows 37 calls. Is that --
46 A The spreadsheet I created had 37, yeah.
47 Q And there's ultimately 39?

49
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1 A Yeah.

2 MR. MCGOWAN: If I just might have a moment.

3 Q Now, on the spreadsheet, in addition to the time
4 that the call was made, it also shows the duration
5 of the call, correct?

6 A Correct.

7 MR. MCGOWAN: I wonder if perhaps Mr. Stewart could
8 place a copy of that before you. I understand
9 he's had some copies prepared.

10 THE COMMISSIONER: All right. Exhibit 24.

11 THE REGISTRAR: Exhibit number 24.

12

13 EXHIBIT 24: Copy - 37-line spreadsheet

14

15 MR. MCGOWAN: Mr. Commissioner, I note the time. I'm
16 just going to be a couple of more minutes. There
17 will be another area, but perhaps before the lunch
18 break we could go so far as to get the audio and
19 video CDs actually entered.

20 THE COMMISSIONER: Yes.

21 MR. MCGOWAN:

22 Q Now, Ms. Baggio, I was asking you some questions
23 earlier about the video, and you've given us the
24 camera numbers and the number of clips. Now, we
25 have CDs of these clips that have been prepared
26 and I'm sure that were you to look at them, you'd
27 see that the numbers conform with the spreadsheet
28 that you've created.

29 MR. MCGOWAN: I wonder if, Mr. Commissioner, perhaps
30 those could be entered as the next exhibit unless
31 anybody has any questions or concerns.

32 THE COMMISSIONER: Yes.

33 MR. MCGOWAN: Just for the record, there are seven CDs
34 and they are labelled with the camera number and a
35 part. So for camera 24401, there's part 1, 2
36 and 3, each on separate CDs. For camera number
37 22233, there's part 1 and part 2 on separate CDs.
38 And for camera 22244, there's part 1 and part 2 on
39 separate CDs for a total of seven CDs. I wonder
40 if collectively they could be the next exhibit.

41 THE COMMISSIONER: Yes.

42 THE REGISTRAR: That will be Exhibit Number 25.MR.

43 MCGOWAN: And just for the record --

44 THE COMMISSIONER: Make it 25 A, B, C, and it doesn't
45 matter which is A and which is B.

46

47

50
Nancy Baggio
In chief by Mr. McGowan

1 EXHIBIT 25A: Original - YVR Video 24401,
2 Part-1.avi
3
4 EXHIBIT 25B: Original - YVR Video 24401,
5 Part-2.avi
6
7 EXHIBIT 25C: Original - YVR Video 24401,
8 Part-3.avi
9
10 EXHIBIT 25D: Original - YVR Video 22233,
11 Part-1.avi
12
13 EXHIBIT 25E: Original - YVR Video 22233,
14 Part-2.avi
15
16 EXHIBIT 25F: Original - YVR Video 22244,
17 Part-1.avi
18
19 EXHIBIT 25G: Original - YVR Video 22244,
20 Part-2.avi
21

22 MR. MCGOWAN: Just for the record, Mr. Commissioner, I
23 understand those were contained on the flash drive
24 containing the IHIT file that was provided to
25 counsel.

26 Q Now, I also have a CD here with 38 WAV files.
27 Those are the voice recordings, Ms. Baggio. Now,
28 they're numbered 1 to 39, but I understand one of
29 the numbers doesn't have an actual recording
30 associated with it; is that right?

31 A I can't say for certain. I'd have to listen to
32 them again.

33 MR. MCGOWAN: I think we'll probably see that number 11
34 doesn't have a recording associated with it, which
35 accounts for the slight irregularity in the
36 numbering. I wonder if that could be the next
37 exhibit, please.

38 THE COMMISSIONER: Yes.

39 THE REGISTRAR: Exhibit 26.

40
41 EXHIBIT 26: Original Disc - YVR voice
42 records, Oct. 14, 2007
43

44 MR. MCGOWAN: It would be a convenient time.

45 THE COMMISSIONER: All right. We'll take the lunch
46 break, then. Two o'clock.
47

51
Nancy Baggio
In chief by Mr. McGowan

1 (WITNESS STOOD DOWN)

2
3 (PROCEEDINGS ADJOURNED FOR NOON RECESS)
4 (PROCEEDINGS RECONVENED)

5
6 THE COMMISSIONER: Yes, Mr. McGowan.
7 MR. McGOWAN: Thank you, Mr. Commissioner.

8
9 NANCY BAGGIO, a witness,
10 recalled, warned.

11
12 EXAMINATION IN CHIEF BY MR. McGOWAN, continuing:

13 Q Now, Ms. Baggio, just before we broke, we entered
14 as exhibits the CDs containing both the video and
15 audio clips.

16 MR. McGOWAN: Mr. Commissioner, there have been
17 transcripts prepared of the contents of the audio
18 tapes. There are two different sets. Of course
19 the audio tapes themselves are the evidence, and
20 at the end of the day it will be your
21 determination of what's on them that matters. But
22 for the assistance of counsel, we had transcripts
23 prepared by McEachern and Associates, who are
24 court reporters. Additionally, Mr. Stewart has
25 prepared a transcript of his own which he kindly
26 offered to share with counsel and with the
27 Commission. I wonder if it might be appropriate
28 to mark at least the transcript of the court
29 reporter for identification so that it's there as
30 an aid.

31 THE COMMISSIONER: Yes, I think that will be quite
32 appropriate.

33 THE REGISTRAR: That will be marked for identification
34 as document H.

35
36 EXHIBIT H FOR IDENTIFICATION: Copy - YVR
37 Voice Records - Oct. 14, 2007 Transcript

38
39 THE COMMISSIONER: There's two of them?

40 MR. McGOWAN: The one which I've just handed up, Mr.
41 Commissioner, is the one prepared by McEachern and
42 Associates, and there's one transcription for each
43 audio file.

44 THE COMMISSIONER: Okay.

45 MR. McGOWAN: And if that could be marked for
46 identification. Now, I've just spoken with Mr.
47 Stewart. He has no objection to his transcript

1 being marked for identification but does have some
2 concern that because it's simply his own notes, he
3 doesn't particularly feel it's appropriate to have
4 it in the public realm, and I agree. So I'm
5 content to either leave it as is or mark it for
6 identification for the assistance of --

7 THE COMMISSIONER: Well, let's have it for
8 identification.

9 MR. McGOWAN: Okay.

10 THE REGISTRAR: That document will be marked for
11 identification as letter I.

12

13 EXHIBIT I FOR IDENTIFICATION: Copy -
14 Transcribed YVR Audio Files

15

16 MR. McGOWAN: Mr. Commissioner, just for the record,
17 Mr. Hira is asking whether we intend to make the
18 transcript an exhibit. My position is that the
19 exhibit and the evidence is the recordings of the
20 calls themselves. The transcript is simply a
21 document to assist counsel.

22 THE COMMISSIONER: Yes.

23 MR. McGOWAN: Thank you. So is there anything else --

24 THE COMMISSIONER: Just for clarity, what we've marked
25 H for identification, the CD is marked as an
26 exhibit?

27 MR. McGOWAN: It is marked as a full exhibit, or it
28 ought to be. I believe we marked it just before
29 the lunch break.

30 THE COMMISSIONER: Thank you.

31 MR. McGOWAN: Perhaps Mr. Giles could assist with the
32 exhibit number.

33 THE REGISTRAR: The seven CDs are Exhibit Number 25,
34 A through G.

35 THE COMMISSIONER: Thank you.

36 MR. McGOWAN: And the single CD which was the audio
37 recordings?

38 THE REGISTRAR: That's Exhibit Number 26.

39 MR. McGOWAN: And the McEachern and Associates
40 transcription is H?

41 THE REGISTRAR: That's correct.

42 MR. McGOWAN: And the transcription prepared by Mr.
43 Stewart is I?

44 THE REGISTRAR: That's correct.

45 MR. McGOWAN: Thank you.

46 Q I have just one quick question for you about
47 additional potential recordings that may become

- 1 relevant down the road, and perhaps we can just
2 clear it off right now. To your knowledge, is
3 there a general recording of everything that
4 transpires in the operations room?
- 5 A No, there's not.
- 6 Q Thank you. Now, we spoke earlier about courtesy
7 phones.
- 8 A Yeah.
- 9 Q And I think we're going to hear some evidence that
10 at least one of the calls in these transcripts and
11 on those CDs came from a courtesy phone; is that
12 right?
- 13 A That's correct.
- 14 Q I wonder if you could tell the Commissioner what a
15 courtesy phone is.
- 16 A They're phones that are available throughout the
17 terminal building that basically just is a direct
18 connect to the operations centre. So when you
19 pick it up there's some options. It goes into a
20 voice recording. And if it's an emergency, you're
21 directed to -- I believe it's dial 9 or zero. I
22 can't remember which one it is. So if it's an
23 emergency, you can get dispatch directly to 911 or
24 to the ops centre.
- 25 Q And the courtesy phones, are they different than a
26 public pay phone?
- 27 A Just that they don't require any money. They're
28 free for anybody who walks by and picks them up in
29 the terminal.
- 30 Q Are you familiar with the call I'm speaking of
31 contained on the CD which you filed which came
32 from a courtesy phone?
- 33 A Yes, I am.
- 34 Q Are you able to assist the Commissioner with the
35 location of that courtesy phone?
- 36 A I believe there's a couple of different ones in
37 the IRL area so I'm not a hundred percent sure
38 exactly which one it was.
- 39 Q And when you say IRL, do you mean IRL or the meet-
40 and-greet area?
- 41 A Or -- sorry. It's in the meet-and-greet area.
42 It's in the public area, so on the other side of
43 what used to be glass.
- 44 Q So this call, to your knowledge, the phone that it
45 came from was one of the phones in the meet-and-
46 greet area?
- 47 A That's correct.

- 1 Q Now, there's a few other documents which I think
2 we're going to take advantage of you being here to
3 enter as exhibits because they'll be of
4 assistance, I believe, to counsel and to the
5 Commissioner as we move forward. Is there a
6 document that you've become familiar with in your
7 position as shift supervisor called an
8 "International Arrival Flight Report"?
- 9 A Yeah. That's a scheduling tool that's used on a
10 daily basis.
- 11 Q And does this keep track of all of the flights
12 that are scheduled to land on a particular day or
13 during a particular time interval?
- 14 A Yeah. It's published the day -- it's published
15 overnight for the upcoming 24-hour period and it's
16 an assignment of the anticipated flights and the
17 assignment of their gates.
- 18 Q And you through Mr. Stewart have provided us with
19 a copy of the International Arrival Flight Report
20 for October 13th; is that correct?
- 21 A Yeah.
- 22 Q Starting at approximately 1:40 in the afternoon
23 and carrying through to 23:18?
- 24 A That's correct.
- 25 Q Do you have a copy of it with you now?
- 26 A Not in front of me.
- 27 MR. MCGOWAN: I wonder if a copy could be placed before
28 the witness once you've had a chance to --
- 29 Q Just to clarify what we're looking at here, this
30 is the flight report for scheduled flights and
31 scheduled arrivals on October 13th, 2007?
- 32 A That's correct.
- 33 Q The date, of course, is straightforward. The
34 flight number is the number of the flight. That's
35 straightforward. The airport, is that the
36 originating airport?
- 37 A Yeah, for that flight segment. Yeah.
- 38 Q For that flight segment. The estimated time, is
39 that the scheduled time or arrival or the actual
40 estimated time of arrival?
- 41 A This would have been the scheduled time that the
42 air carrier provided the day before.
- 43 Q Now, seating capacity, is that the capacity of the
44 aircraft or the number of passengers actually on
45 board?
- 46 A No, that's just the capacity of the aircraft.
47 That's how many people could fit on the plane.

55
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1 Q And the gate, does that column take into account
2 any potential gate changes?

3 A Yeah. This is -- what's published here is the
4 plan for the day. Through the day, anything can
5 change as flights are early or late or the air
6 carrier actually changes the aircraft type, which
7 does happen occasionally that the flight -- the
8 gates might get adjusted. But this is the
9 starting plan for the day.

10 Q Have you been able to determine which gate the
11 flight we're concerned with here, which I believe
12 is DE6070, ultimately went to?

13 A Well, according to this report it was D53.

14 Q Do you have any knowledge of that ever being
15 changed?

16 A No, I don't believe it was changed.

17 MR. MCGOWAN: I wonder if that could be the next
18 exhibit, please.

19 THE COMMISSIONER: Yes.

20 THE REGISTRAR: That will be marked as Exhibit 27.

21

22 EXHIBIT 27: Copy - International Arrival
23 Flight Report
24

25

MR. MCGOWAN:

26 Q The next document I'm going to ask you about,
27 ma'am, is a document called an "International
28 Carrousel Report."

29 A Yes.

30 Q I wonder if you could tell the Commissioner what
31 that document is.

32 A It's a similar report but that one's used to plan
33 and publish the plan for the carrousel that the
34 baggage from each particular scheduled flight will
35 be dispensed to.

36 Q And you have through your counsel provided to the
37 Commission a copy of the International Carrousel
38 Report for October 13th, 2007?

39 A Yes.

40 Q From the time 1:35 to 23:24?

41 A Yes.

42 Q And that includes the carrousel assignment for the
43 Condor flight 6070?

44 A That's right.

45 MR. MCGOWAN: I wonder if that could be the next
46 exhibit, please, Mr. Commissioner.

47 THE REGISTRAR: That will be marked as Exhibit

1 Number 28.

2
3 EXHIBIT 28: Copy - International Carrousel
4 Report
5

6 MR. MCGOWAN:

7 Q Now, do I understand correctly that throughout the
8 airport -- I'm going to move on to a different
9 topic now -- throughout the airport there are
10 doors which can be opened with magnetic cards?

11 A Yeah. We call them prox cards.

12 Q Prox cards. And these doors, they don't have an
13 actual key; it's a card that you either slide
14 through or swipe?

15 A It's just basically you hold the card up against a
16 device.

17 Q It's held up against a device?

18 A Yes, that's correct.

19 Q And these prox cards, is there a record kept of
20 them being used on various doors throughout the
21 airport?

22 A Yeah. Our security software keeps a record of any
23 prox activity.

24 Q So prox cards are individually assigned?

25 A They are.

26 Q And the coding in them allows for your computer
27 system to know which person used their prox card,
28 which door they used it at, and when it was used?

29 A That's correct.

30 Q So if you pull the prox records for a particular
31 door, you'll know who opened that door using the
32 prox card and at which times they did that?

33 A That's correct.

34 Q Now, was there a prox reader requiring the use of
35 a prox card to open the door at gate 53 to allow
36 the passengers off the aircraft?

37 A Yes, there would be. All the international
38 arriving gates have that. The airline has to open
39 the gate to allow for the passengers to be
40 directed up so that they go through Canada Customs
41 and not through the rest of the terminal.

42 Q Is it the case that none of the passengers from
43 the plane would be able to pass by that door until
44 it had been opened by somebody using a prox card?

45 A That's correct. They'd be stuck in the hallway.

46 Q And have you through your counsel provided us a
47 copy, then, of the prox records for the gate 53

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1 door?

2 A Correct.

3 Q And do you understand that to be the gate that the
4 Condor flight 6070 docked at?

5 A That's correct.

6 MR. MCGOWAN: I wonder if the witness could see a copy
7 of that, please.

8 Q Now, the first entry here is at 15:12 by a Ms.
9 Sametz; is that correct?

10 A Yeah, that looks correct.

11 Q And do you know what that prox was for?

12 A I can't say for certain, but I'm guessing it was
13 to configure the doors to allow for the passengers
14 to be directed up to level 4.

15 Q Okay. And we see another prox. The next one is a
16 Ms. Widiner. She's come to testify already. She
17 was a Lufthansa employee, I believe. Now, we see
18 an entry at 15:36 that says "alarm." Are you able
19 to assist us with what that might be?

20 A I'm not certain.

21 Q Does that indication tell us the door was opened
22 by somebody without a prox card?

23 A I'm not certain.

24 Q Fair enough. You're able to tell us that these
25 are the prox records for door 53?

26 A Yes, I can tell you that.

27 MR. MCGOWAN: If that could be the next exhibit,
28 please.

29 THE REGISTRAR: That will be marked as Exhibit 29.

30

31 EXHIBIT 29: Copy - Device report

32

33 MR. MCGOWAN:

34 Q Ms. Baggio, have you seen, on either the airport
35 video or the video that's become known as the
36 Pritchard video, footage of Mr. Dziekanski and
37 other persons involved in the incident and the
38 aftermath passing through glass doors between the
39 international reception lounge and the meet-and-
40 greet area?

41 A Yes, I have. What I've seen in the media.

42 Q This is what appears to be a glass door that opens
43 with a motion sensor at least from the side of the
44 international reception lounge.

45 A That's correct.

46 Q If somebody wants to enter that door from the
47 meet-and-greet side, how would they have to do

- 1 that?
- 2 A You have to prox the door open.
- 3 Q So it has a prox reader at the door?
- 4 A Yes, it does.
- 5 Q And are records kept of people who use their prox
- 6 card on that door?
- 7 A They would be, yeah.
- 8 Q Let me ask you first of all, is this door part of
- 9 the primary security line?
- 10 A No, it's not.
- 11 Q Is the area behind it secure?
- 12 A It's considered a secure area but not for aviation
- 13 security, not primary security.
- 14 Q Who can have access to that area by use of a prox
- 15 card?
- 16 A It's -- mostly it would be airport employees who
- 17 have any work-related reason to enter the Customs
- 18 controlled area. That's what that area is
- 19 technically considered.
- 20 Q Now, most of the prox doors can only be opened by
- 21 airport employees or Immigration and Customs
- 22 employees?
- 23 A Yes, absolutely.
- 24 Q Is there a different category of people who can go
- 25 through this particular door using prox cards?
- 26 A I'm not a hundred percent certain on the limits of
- 27 what's called the international reception lounge
- 28 or IRL pass. There are some businesses, like the
- 29 tour operators, that meet people in there and have
- 30 pass -- have reason to enter into the
- 31 international reception lounge. I'm not sure if
- 32 they have prox. I'm not a hundred percent certain
- 33 if they have actual prox access.
- 34 Q Do some chauffeurs or limousine drivers also get
- 35 access to that area to pick up passengers?
- 36 A Yeah, they would be the ones who -- they have to
- 37 apply to the airport for a pass to do that.
- 38 Q Okay. And as with door 53, you've through your
- 39 counsel provided us with a copy of the prox
- 40 records for what's called the IRL door; is that
- 41 correct?
- 42 A That's correct.
- 43 MR. MCGOWAN: I wonder if a copy of that could be
- 44 placed before the witness.
- 45 Q What I'm looking at -- and just confirm for me you
- 46 have the same thing -- it says "IRL door" at the
- 47 top in handwriting and then there appears to be a

59
Nancy Baggio
In chief by Mr. McGowan

1 record of the times and identities of various
2 proxes?

3 A Yeah, that's correct.

4 Q And attached to that initial sheet is a personnel
5 screen printout giving the identity and a
6 photograph of the various people identified on the
7 prox report.

8 A Yeah, that's correct.

9 MR. MCGOWAN: I wonder if that could be the next
10 exhibit, please.

11 THE REGISTRAR: That will be marked as Exhibit Number
12 30.

13 EXHIBIT 30: Copy - Device report with nine
14 personnel identification pages attached
15

16 THE COMMISSIONER: What does "unused" mean?

17 A I'm not certain about that. I don't know what
18 that means. I don't know what that is.

19 MR. MCGOWAN:

20 Q Is there any record kept at the IRL door of exits
21 or only entries? I mean exits from the IRL as
22 opposed to entries into.

23 A I don't believe there's any record of exits.

24 Q A prox card is not needed to exit through that
25 door?

26 A No. If I remember correctly --because it's
27 changed, I believe -- it's an automatic open.

28 MR. MCGOWAN: If I just might have a moment, Mr.
29 Commissioner.

30 Mr. Commissioner, those are my questions for
31 this witness. I propose that Mr. Stewart ask her
32 questions and then we have any cross-examination.

33 THE COMMISSIONER: Yes, Mr. Stewart

34 MR. STEWART: If I may just briefly before asking
35 questions of the witness, just for the assistance
36 of counsel if I can sort of address them at once
37 and with respect to some of the exhibits that have
38 been marked for identification.

39 With respect to Exhibit I -- it's marked for
40 identification, and my friend, Mr. McGowan, was
41 clear with respect to this -- this is something
42 that I've generated to assist counsel in managing
43 these 39 audio files. But if I can just spend a
44 moment to assist counsel so they can see the
45 information that will assist. YVR audio 1 -- and
46 the numbering complies with the numbering of the
47 audio files as they exist on the second production

1 from Commission counsel. And there's a file
2 probably for most of you on your computers that
3 says YVR audio with audio files numbered 1 through
4 39. You'll also see, and it's set out here, that
5 certain of the audio files are duplicates. You'll
6 see that, I think, audio and 20 and 21 are
7 identical, and I think as we indicated before,
8 there is just no named file "audio 11."

9 And then in terms of what I've done,
10 different from the transcript that you've received
11 from Mr. McGowan, and again, just to assist
12 counsel, I've done my best to actually try and
13 identify who the voices are. And the question was
14 asked of the witness if she had reviewed this with
15 a view to that. I can indicate -- and I don't
16 want her to get into solicitor-client
17 communications -- but if it assists, what I wanted
18 to do is ensure that YVR audio, which is listed at
19 1:18:06, and that it's a duration of 14 seconds,
20 that matches -- and I apologize, I gave out all my
21 copies of this -- but it matches the Excel
22 spreadsheet that Ms. Baggio referenced is the
23 information that was captured from the computer.

24 So when you look at the Excel spreadsheet,
25 each audio has an indication of its time in hours,
26 minutes and seconds, and it also has an indication
27 of its duration. And so what I've done in this,
28 just to assist in people feeling satisfied that
29 each audio file is what it is, is that it is set
30 out that information there. And then -- I hope
31 I'm accurate -- generally, whether it's radio or
32 whether it's telephone and whether it's security
33 channel or whether it's the operations channel.
34 And that information is also in that Excel
35 spreadsheet. I believe it's column E. As you
36 look at it, it doesn't have indicators across the
37 top of the Excel spreadsheet. But if anyone has
38 any questions, I've been through this a number of
39 times and I can hopefully assist people in
40 understanding where they come from.

41 And also, there's one audio file which is
42 audio file 4, and as my friend made reference to
43 this, it's the call from the courtesy phone. At
44 least we understand it to be the courtesy phone.
45 We would require the witness to confirm where she
46 was because the audio file doesn't indicate the
47 location of the originating call. It just records

1 the call coming in to operations. That call is
2 eight minutes and 28 seconds in duration with a
3 number of times where the woman is put on hold so
4 that the airport operator can have different
5 communications with other people. So what I've
6 done here is try to break that out so that you can
7 see that audio 4 continues for two minutes and
8 then there are --

9 THE COMMISSIONER: What page is that on?

10 MR. STEWART: If I can assist, then, so at page 2. And
11 I've set that out here and I've made some notes.
12 Due to the fact this caller is put on hold twice
13 during this call and other audio transmissions are
14 recording during this period, the call is set out
15 in portions according to the time of intervening
16 transmissions throughout the remainder of this
17 series of transcriptions. So I actually numbered
18 it here YVR audio 4, which is the period of
19 talking between 1:20:53 and 1:22:46, which is a
20 duration of one minute and 52 seconds. So you can
21 see the exchange between the airport operations
22 officer, who is in the airport operations centre,
23 and the caller. Then if we go to page 4 of the
24 document, it then indicates that there is silence
25 on the audio as the caller is put on hold at 1:52
26 on the audio file, and the silence lasts until
27 4:22 on the audio file. In every audio file, it
28 has a counter on it so you can fast forward to the
29 point where then you'll know where there's
30 silence. And again, the airport operations
31 officer will be a witness, is being called by
32 Commission counsel, so she can speak to this.

33 But in this document where I've set out a
34 transcription of an audio file in italics, that's
35 to confirm it's not a YVR audio file. So we know
36 that the woman is put on hold and you can see in
37 the recording that the airport operations officer
38 says -- the caller says, "Can you get someone down
39 here." Airport operations officer: "You can
40 go...I'll put you on hold for that ok?" We then
41 have -- and it will take the witness to confirm
42 what her next action was, but I've set out then
43 the airport operator's call to RCMP, which is RCMP
44 audio phone 2.

45 So that happens a number of times. And also
46 is that you'll have the recording of the
47 telephone, but at the same time, because the

1 computer is recording everything, there are
2 overlapping recordings of radio transmissions on
3 the security channel A and the operations channel.
4 So I've tried as best I can to show that if the
5 audio on the telephone call that's being recorded
6 goes for another two minutes but overlapping with
7 that that there are transmissions that are coming
8 in on the radio.

9 And just to assist as another example in
10 terms of overlapping calls, at -- if we turn to
11 page 14, which is a reference to YVR audio 12,
12 which is a transmission from the airport response
13 coordinator to the BGSSs, baggage and gate
14 scheduling, who will be a witness in the
15 proceedings. And there's a reference then to
16 ambulance. And I'd already realized I have not
17 followed my exact pattern and I indicated that
18 anything that's not a YVR transmission is in
19 italics. But at page 15, you see -- and again,
20 this is my best efforts to set out the
21 transmission that occurs between BC Ambulance
22 Service and the airport operations officer. And
23 interestingly, as that transmission goes along,
24 BC Ambulance Service asks the airport operator,
25 "Is he conscious and breathing?" And you can then
26 hear just her side of the radio transmission. If
27 you then look at YVR audio 13, you can see both
28 sides of that transmission. So you can hear her
29 voice talking on the telephone but you can't hear
30 who she's speaking to. But if you look at audio
31 13, you can see that she's saying "Whisky one
32 operations" and the airport response coordinator
33 is saying "Go," and the airport operations officer
34 saying "He is conscious and breathing." ARC,
35 "Affirmative." So it actually intersects. You
36 can hear one side of it on the BC Ambulance
37 Service audio file. You can hear the other side
38 of it on the airport audio file. Of course BC
39 Ambulance wouldn't have a recording of the
40 operations radio channel, but you can basically
41 hear both calls on the same recording.

42 And again, there are only a few points where
43 I will suggest -- and it's going to be something
44 we'll need to work through -- the time stamp for
45 the airport and for the RCMP and for BC Ambulance
46 Service doesn't appear to be exactly the same. So
47 their clocks aren't running in sequence. So this

1 is an example where we can match up -- and in this
2 one I'll say I haven't done the math. In others
3 I've done my best to do some of the math to see
4 whether the difference between the RCMP audio and
5 the airport audio is one minute or two minutes.
6 At least at this point we'll know, because we can
7 hear both transmissions, both on the BC Ambulance
8 Service recording and the airport audio recording.
9 We should be able to link up those times. And I
10 apologize. I put this in this morning, just this
11 BC Ambulance one. We'll be able to do the math
12 and say, okay, if BC Ambulance time is 1:29, that
13 equals 1:28 airport time, which may assist people
14 in understanding the order in which all of these
15 proceed.

16 THE COMMISSIONER: At the top of page 15, I don't see a
17 time.

18 MR. STEWART: Yes. In this circumstance, I just put in
19 the BC Ambulance Service audio transmission. I'll
20 say the BC Ambulance transmissions, when you pull
21 them up as a WAV file, they don't have the time.
22 I guess none of them do. They've got the
23 duration. I wasn't this morning able to track
24 down the BC Ambulance equivalent of the Excel
25 spreadsheet that the airport has so we know what
26 time that started at. But --

27 THE COMMISSIONER: You can see the ending anyway.

28 MR. STEWART: Yeah, we know at the end that they
29 overlap. I can do my best over the weekend,
30 although I'm going to try and take Saturday off,
31 to do the math on that if it helps anybody. And
32 certainly if anyone checks my math and sees that
33 some of my math is off -- I've got a BA in
34 history, so it may not be perfect.

35 THE COMMISSIONER: We're very, very appreciative of the
36 effort you've put in.

37 MR. STEWART: I hope it will be of assistance. And
38 also I don't think it would serve any of the
39 counsel to try and recreate what I was doing, and
40 it would be very difficult for them to know the
41 voices. I now know some of the voices, and all of
42 the people -- there's only a couple of times where
43 you hear a voice in the background, and I've tried
44 to just set that out as a voice, where I don't
45 know if anyone would be able to identify exactly
46 who it is. But in almost every circumstance, it's
47 identified. And I suppose as a last step, I'll do

1 this for counsel, is make sure that counsel is
2 aware that the SOC is Doug Byl. So when he
3 testifies, you'll know these are his audio
4 recordings.

5 I believe that the first witness in the order
6 is the elevator 40 guard, who is Mr. Agraviador,
7 just for the witness list. So people will know
8 what radio conversations to ask. And I put a
9 footnote, and I think that my friend dealt with
10 this, but certainly in terms of putting this to
11 witnesses, my expectation is that this will be of
12 assistance to sort of make reference to the call
13 that they're speaking of. If there's any question
14 about the words, I may have heard things wrong,
15 and if we need to have the exact wording rather
16 than just putting something as a reference in
17 time, I'd ask that my friends play the audio
18 recording to each of the individual witnesses
19 because that may or may not have happened already.

20 And just another quick housekeeping thing, we
21 introduced a lot of paper documents, but for the
22 assistance of counsel, I believe every one of the
23 exhibits that was marked in different numerical
24 order, but for the amended camera views that shows
25 the pink line in the area where there was the one
26 camera that was obscured by construction, is
27 already included in the digital production and
28 it's on the airport's list of documents that's
29 dated November 2008 and provided by my friends in
30 digital form.

31 MS. ROBERTS: If I might, Mr. Commissioner, I notice
32 that, while I appreciate Mr. Stewart's efforts,
33 he's noted some of the speakers as being RCMP. I
34 think it's highly unlikely they're RCMP and
35 they're most likely E-Comm personnel. They may be
36 E-Comm personnel assigned to deal with RCMP-
37 related calls, but I doubt that they were calls
38 directly to the RCMP, just for everyone's
39 guidance. Thank you.

40 MR. STEWART: I've already had my first mistake
41 identified. So it has its limits. But it's maybe
42 a document that can be built upon with the input
43 of all counsel.

44 So thank you for the indulgence of that
45 housekeeping. It was easier to say that to
46 everybody at once.

47 THE COMMISSIONER: Yes, indeed.

Nancy Baggio

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

1 CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF VANCOUVER
2 AIRPORT AUTHORITY:

3

4 Q Just a couple of quick questions by way of
5 confirmation, Ms. Baggio. You made reference to
6 the use of closed circuit TV or the video cameras
7 in terms of using them for security?

8 A Correct.

9 Q Can you explain for the Commissioner the
10 circumstance in which cameras would be used in
11 terms of the primary security line.

12 A Sure. There are certain cameras that record the
13 doors that are access points to the restricted
14 area, which -- we call that line the primary
15 security line. So that's the difference between
16 having access, like a public person being in the
17 airport versus somebody who's travelling or an
18 airport employee who has a restricted area pass.
19 So there's really only a couple of ways to get
20 into the restricted area. One is to have a
21 restricted area pass issued by the Airport
22 Authority, or to have what we call a document of
23 entitlement, which is essentially a boarding card,
24 and you would have had to go through pre-board
25 screening, which is the typical process you go
26 through when you -- the screening process a
27 passenger goes through to get on a flight. So
28 there's parts -- we call that line across the
29 building the primary security line. So at all
30 times we're -- we call it maintaining the PSL,
31 meaning that we're making sure that nobody or
32 items that are restricted, meaning that they don't
33 have access, don't get past the primary security
34 line. Some of these are guarded doors and some
35 are doors with alarms.

36 In the event that there is a breach of
37 security, we'll quite often use those cameras to
38 prove that -- let's say a door went into an alarm.
39 The security officers in SOC would put the camera
40 on that door and review the footage from when the
41 alarm went off to basically prove that no person
42 or thing, what we would call a prohibited item or
43 person, got into the restricted area. And if we
44 didn't do that and we couldn't prove that while
45 that door was -- while it was public, let's say,
46 or breached, we would essentially have to evacuate
47 the entire restricted area or any area that would

1 be contained by that specific space, which means
2 basically it's full ground stop to the airport.
3 So that's what we use those cameras for, to
4 basically prove the integrity of our primary
5 security line at all times.

6 Q You used an expression, "full ground stop to the
7 airport." What does that mean?

8 A That basically means the planes and the people
9 stop moving. So if we believe there's been a
10 breach of security, we will have to basically
11 re-establish the PSL, which means you have to take
12 everybody that could be exposed out of the
13 restricted area, sweep it, make sure nobody's
14 there, then put them back in. So you'd just stop
15 all activity so that you would be lessening the
16 impact to the airport.

17 Q So you basically have to shut the airport down
18 briefly?

19 A Yeah. Wherever the breach happened, there'd
20 be -- you'd have to -- what you'd do is assess the
21 reach of the breach, for example. Like if you
22 could prove it was strictly domestic, but the
23 domestic terminal is attached to the international
24 terminal at times of the day, so you'd have to
25 kind of figure out the reach of it.

26 Q As I indicated, we're going to hear from a Mr.
27 Agraviador, who was the guard that night at
28 elevator 40.

29 A Correct.

30 Q And I'm not asking you to comment in any way about
31 October 13th, but just for people's assistance in
32 terms of his role, can you comment on the
33 difference between -- I understand there's
34 stationary Securiguards members and then there are
35 patrollers.

36 A That's correct. The stationary ones we refer to
37 as access control points, so ACP guards. They
38 have to stay in position because the reason
39 they're there is to ensure that no prohibited
40 people or items get into the restricted area. So
41 they can't actually leave their post. If they
42 leave their post, it's basically opening up the
43 opportunity for a breach.

44 MR. STEWART: And again, for my friends, they'll hear
45 that evidence from Mr. Agraviador, but just so you
46 can anticipate what that means. I think those are
47 all my questions. Thank you, Ms. Baggio.

1 MR. KOSTECKYJ: Walter Kosteckyj, counsel for Zofia
2 Cisowski.

3

4 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
5 CISOWSKI:

6

7 Q The area, the doors between the IRL and the public
8 greeting area.

9 A Yes.

10 Q That wasn't part of the primary security line?

11 A No, it's not.

12 Q And has that changed now?

13 A No, it hasn't.

14 Q Is there a camera posted on that door?

15 A I can't say for certain.

16 Q As I understand it, the cameras are not monitored
17 continuously; is that correct?

18 A That's correct.

19 Q Now, that area between the IRL and the public
20 meeting area.

21 A Mm-hmm.

22 Q Since these events I've had to be at the airport a
23 number of times and I note that there is a
24 security guard often posted there.

25 A There is a security guard during operating hours
26 of the connection facility. The airlines,
27 domestic airlines, have -- and it's changed since,
28 but until recently the domestic airlines, if they
29 have passengers who have arrived on an
30 international flight and are connecting to the
31 domestic flight, they had counters in the IRL
32 where they could drop their bags and be rechecked
33 instead of having to bring their bags all the way
34 to the domestic terminal. But those counters were
35 only staffed during whatever hours the airlines
36 chose to staff them. And when they were staffed,
37 if we were accepting bags into that baggage
38 system, the guard was there because those bags
39 weren't going to get screened. So it's a bit of a
40 standing order for Transport Canada. Because you
41 picked up your bag from the carrousel, you've had
42 access to your bag, in theory, and you could
43 have -- I guess the best way to describe it is the
44 bags that are getting dropped in the transfer line
45 in the IRL are getting transferred airside
46 directly, so they're not going through the regular
47 pre-board screening that you would if you brought
48 your bag all the way to the domestic terminal. So

1 those guards were there to make sure that nobody
2 entered into the IRL with something that you could
3 put inside your bag before you put it on the belt.
4 Does that make any sense?
5 Q Okay. So there was someone posted at the door --
6 A Yeah.
7 Q -- between the IRL and the international greeting
8 area --
9 A Just during -- just when the counters were staffed
10 for connections, which wouldn't have been at that
11 time of the night.
12 MR. STEWART: With respect to this witness -- and
13 Commission counsel has confirmed that there is
14 going to be a witness called to be able to speak
15 in detail with respect to the exact times in which
16 that operated in that capacity in 2007 and what
17 the change has been since then, because there has
18 been significant physical reconfiguration. That
19 service is now done through a different area of
20 the airport. But there will be someone from the
21 airport to be able to explain those physical
22 differences. This witness didn't specifically
23 come to be able to comment on the differences
24 between 2007 and today and she hasn't put her mind
25 to that. I hope I didn't open up anything.
26 THE COMMISSIONER: We have your comment.
27 MR. STEWART: I was trying to assist counsel in
28 understanding just some of the issues before the
29 witnesses that are coming next week arrive.
30 MR. KOSTECKYJ:
31 Q The point that I was getting at is -- let me refer
32 to it as a pinch point, I guess, between the
33 IRL --
34 A Mm-hmm.
35 Q -- and the area that had public access.
36 A Correct.
37 Q There were some security concerns at that door at
38 the time, in 2007, correct?
39 A I can't really comment on the concerns.
40 Q All right.
41 A It was an operational issue for baggage transfer.
42 Q All right. But that was not considered an access
43 control point where you had a stationary guard --
44 A No, it was not.
45 Q -- posted -- all right.
46 MR. KOSTECKYJ: Those are my questions.
47 THE COMMISSIONER: Thank you.
48 MR. HIRA: One question -- or two questions, Mr.

Nancy Baggio

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

1 Commissioner. It's Ravi Hira. I represent
2 Officer Millington.

3

4 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
5 KWESI MILLINGTON:

6

7 Q Ma'am, do you have Exhibit 29 in front of you, the
8 gate 53 door prox cards?

9 A I do, yeah.

10 Q Is gate 53 part of the primary security line?

11 A No, it wouldn't be at that point. It would be --
12 this is where -- the reason those doors are on
13 prox is more for Customs control. So because it's
14 the same area -- when you're coming off a flight,
15 the people who are getting onto that flight are in
16 the same hold room. They'd walk down the same
17 bridge. So when you come off the flight, the
18 doors have to be opened in a configuration so that
19 those passengers have nowhere to go except to
20 level 4 so they go through Customs. So it's a way
21 to keep departing passengers and arriving
22 passengers separated for the use of -- because
23 arriving passengers have to see Customs.

24 Q Okay. So just dealing with --

25 THE COMMISSIONER: That was two. Go ahead, Mr. Hira.

26 MR. HIRA: I will sit down, Mr. Commissioner. I
27 can --

28 THE COMMISSIONER: Go ahead.

29 MR. HIRA: -- take a hint.

30 Q So just dealing with that alarm at 3:36 p.m., do
31 you have any idea of what would cause that alarm?

32 Would that be somebody leaving the plane or --

33 A I can't say for certain. I really don't know.

34 MR. HIRA: All right. Thank you. Three questions.

35 THE COMMISSIONER: That seems like all the questions.

36 Thank you very much. That was a lot of work
37 putting that together.

38 A Thank you.

39

40 (WITNESS EXCUSED)

41

42 MR. MCGOWAN: Mr. Commissioner, one of the exhibits
43 entered was a collection of video footage from the
44 Vancouver International Airport. Seen on some of
45 these videos are Mr. Dziekanski and a number of
46 the other significant players in the events that
47 unfolded. We propose to commence playing those
48 today with some of the shorter clips. We should

1 be able to fit some of those in and perhaps save
2 the longer clips till Monday.

3 THE COMMISSIONER: All right.

4 MR. MCGOWAN: Now, I'll just say first of all, we'll
5 start with camera 24401. This is the camera which
6 was pointed at the escalators just before the
7 Primary Inspection Line, the PIL. There's three
8 hour-long segments commencing at 3:00 in the
9 afternoon and running till 6:00 p.m. My
10 understanding is that there's nothing of
11 significance on the 4:00 p.m. to 6:00 p.m. and I
12 don't propose to play any part of those. But I
13 wonder if we might start with the first segment,
14 from 3:00 to 4:00 p.m., and that's part 1 of
15 camera 24401.

16 Dr. Perra, I wonder if we could cue that up
17 till 3:30 in the afternoon.

18
19 (VIDEO BEING PLAYED)

20
21 MR. MCGOWAN: Mr. Commissioner, I expect we're going to
22 see Mr. Dziekanski enter the frame at
23 approximately 3:34. I've started it a little bit
24 early because it appears there may be some issue
25 as to whether Mr. Dziekanski was alone when he
26 entered this area, whether he was with or behind
27 other people coming off flights. I thought it
28 might be of some assistance to see the few minutes
29 leading up. I wonder if we might watch it in
30 perhaps fast motion until we get to just before
31 3:34.

32
33 (VIDEO FAST FORWARDED)

34
35 MR. MCGOWAN: If we can just back it a little bit,
36 please to about 3:34:15.

37
38 (VIDEO REWOUND)

39
40 MR. MCGOWAN: You should see Mr. Dziekanski in his
41 white coat shortly. Thank you. Carry on.

42
43 (VIDEO BEING PLAYED)

44
45 MR. MCGOWAN: I believe he can be seen moving to the
46 right at the bottom, near the bottom of the
47 screen. If we could just keep playing it forward,

1 I believe he's seen to re-enter the picture at
2 approximately 3:35.

3 He's again seen on the right-hand side of the
4 screen.

5 If we could just please speed it up for the
6 next three minutes. Again, Mr. Commissioner, just
7 to get a sense of the volume of people entering
8 the area during the short time after Mr.
9 Dziekanski came down the escalator.

10
11 (VIDEO FAST FORWARDED)

12
13 MR. MCGOWAN: Dr. Perra, I wonder if you could tell us
14 what the time stamp is at this point.

15 MR. PERRA: 3:39:41.

16 MR. MCGOWAN: 3:39:41, and I believe that's a time of
17 day indication.

18 Mr. Commissioner, that's all I propose to
19 play from that camera view. If you could stop it,
20 please.

21
22 (VIDEO STOPPED)

23
24 MR. MCGOWAN: If we could go to camera 22244, part 1.
25 Mr. Commissioner, my understanding is this is
26 going to show a wide-angle view of the meet-and-
27 greet area outside the IRL, facing towards the
28 IRL. On the left-hand side would be the automatic
29 glass doors we've heard about and the exit lane
30 from the IRL into the meet-and-greet area.

31
32 (VIDEO BEING PLAYED)

33
34 MR. MCGOWAN: Dr. Perra, if we could take this forward
35 to approximately 5:52, please. Pardon me, 12:52.
36 This particular segment commences at midnight and
37 proceeds till 1:00 a.m. I'm only proposing to
38 play the last seven and a half minutes.

39
40 (VIDEO FAST FORWARDED)

41
42 MR. MCGOWAN: What's the time stamp right here?

43 MR. PERRA: 12:52:09.

44 MR. MCGOWAN: If we could just perhaps take it right up
45 to 12:53 in fast mode, and at 12:53 commence
46 playing it in regular time, please.

47

1 (VIDEO FAST FORWARDED)
2

3 MR. MCGOWAN: I believe Mr. Dziekanski will be seen
4 either right now or very shortly in the upper left
5 corner proceeding into the meet-and-greet area.
6 Now, if we can just pause it for just a moment
7 there, please.
8

9 (VIDEO PAUSED)
10

11 MR. MCGOWAN: I believe just past the post, around the
12 bend in the exit lane from the IRL is Mr.
13 Dziekanski in the white coat, Mr. Commissioner.
14 And I just propose to play the remainder of
15 this segment up till 1:00 in the morning in
16 regular time. Mr. Dziekanski, in my
17 understanding, during this segment is out in the
18 meet-and-greet area and can be seen on a couple of
19 occasions.
20

21 (VIDEO BEING PLAYED)
22

23 MR. MCGOWAN: Just pause it there, please.
24

25 (VIDEO PAUSED)
26

27 MR. MCGOWAN: There's a totem pole just right of centre
28 in the screen and it appears Mr. Dziekanski has
29 emerged from behind that, moving towards the left,
30 in the white jacket. Carry on, please.

31 MR. HIRA: Is there a time for that?

32 MR. MCGOWAN: Certainly. My time note, my own note, is
33 12:57:35.

34 THE COMMISSIONER: It says 39 on here.

35 MR. MCGOWAN: Yes, Mr. Commissioner. I believe he
36 appeared for the first time just a couple of
37 seconds before that.
38

39 (VIDEO BEING PLAYED)
40

41 MR. MCGOWAN: It appears Mr. Dziekanski can be seen
42 ever so faintly in the upper left-hand portion of
43 the screen.
44

45 (VIDEO BEING PLAYED)
46

47 MR. MCGOWAN: Mr. Commissioner, that's the conclusion

1 of that portion of that video clip.

2
3 (END OF VIDEO)

4
5 MR. MCGOWAN: There's one more video clip I propose to
6 play today and it's the same timeframe from a
7 different angle, and I don't propose to play it in
8 real time. There is, however, one instance where
9 Mr. Dziekanski can be seen, and it may be of
10 assistance for the timing of it. It's camera
11 22233, part 1. It's another camera showing the
12 exit lane from the IRL into the meet-and-greet
13 area.

14
15 (VIDEO BEING PLAYED)

16
17 MR. MCGOWAN: And if we could take it right forward,
18 please, to 12:54.

19
20 (VIDEO FAST FORWARDED)

21
22 MR. MCGOWAN: Perhaps just a minute before that, 12:53.

23
24 (VIDEO BEING PLAYED)

25
26 THE COMMISSIONER: Those are the exit doors to the
27 street, as I understand it.

28 MR. MCGOWAN: Yes. At the back of the screen or the
29 top of the screen. The railing on the left-hand
30 side is the railing along the exit path from the
31 IRL into the meet-and-greet area. Mr. Dziekanski
32 is just entering the screen there and can be seen.

33 My understanding is that's the only sighting
34 of him on this particular camera view up to 1:00
35 a.m. I wonder if we could just watch the rest of
36 it on high speed, please. Perhaps before we do
37 that, we can just watch the last segment one more
38 time, the first few seconds after 12:54.

39
40 (VIDEO REWOUND)

41
42 (VIDEO BEING PLAYED)

43
44 MR. MCGOWAN: And again, that commenced at about
45 12:54:12. Can you perhaps just run it out in high
46 speed till the end of the clip. It should just
47 take a minute or two.

1 (VIDEO FAST FORWARDED)

2
3 (END OF VIDEO)

4
5 MR. MCGOWAN: Now, Mr. Commissioner, that's the last
6 segment I propose to play today. The next one is
7 quite lengthy and has a number of significant
8 appearances, both by Mr. Dziekanski and other
9 significant players. Rather than take the
10 afternoon break and come back for a few minutes, I
11 wonder if it might be appropriate to play that on
12 Monday morning.

13 THE COMMISSIONER: All right. Monday at 10:00.

14
15 (PROCEEDINGS ADJOURNED TO FEBRUARY 2, 2009,
16 AT 10:00 A.M.)
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