

**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.

September 23, 2009

---

PROCEEDINGS AT  
HEARING (DAY 61)

---

**ORIGINAL**

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

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

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

September 23, 2009

---

PROCEEDINGS AT  
HEARING (DAY 61)

---

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

(ii)

Counsel for Government of Canada:	J. Brongers, M. Taylor, Q.C.
Counsel for Vancouver Airport Authority:	D. Stewart, C. Friesen
Counsel for B.C. Civil Liberties Association:	G. Pastine
Counsel for Government of Poland:	D. Rosenbloom
Counsel for Superintendent Wayne Rideout:	A. Pringle, Q.C.
Counsel for Corporal Dale Carr:	E.D. Crossin, Q.C., E. LeDuc
Counsel for Sergeant Pierre Lemaitre:	J. Doyle
Counsel for Corporal Benjamin Robinson:	R. Harris
Counsel for Constable Gerry Rundel:	T. Beaubier
Counsel for Constable Bill Bentley:	D. Butcher
Counsel for Constable Kwesi Millington:	R. Hira, Q.C.
Counsel for Public Service Alliance of Canada:	C. Buchanan
Counsel for City of Richmond:	J. Goulden
Counsel for TASER International, Inc.	D. Neave, J. Spencer
Registrar:	L.N. Giles
Court Recorder:	P. Kealy, C.V.R., C.M.
Transcriber:	P. Kealy

1  
Gracie Churchill-Browne  
In chief by Mr. McGowan

Vancouver, B.C.  
September 23, 2009

1  
2  
3  
4 MR. VERTLIEB: Thank you, Mr. Commissioner. We  
5 appreciate the time. We were having some  
6 discussions that were important to the smooth flow  
7 of the hearing and we're ready to resume.

8 We have the interpreter, Gracie Churchill-  
9 Browne. She's not feeling well so we're going to  
10 call her first just to assist her. We have John  
11 Jubber, who's on his day off from United Airlines,  
12 and if we can get him in and out as soon as  
13 possible, that would be good. And then finally,  
14 we have Staff Sergeant Douglas Wright, who was in  
15 charge of the Airport Detachment.

16 So if we can start with that. And we're  
17 totally in your hands on the timing.

18 THE COMMISSIONER: Let's start and see where it goes.

19 MR. VERTLIEB: Can we get Gracie Churchill-Browne to  
20 the witness stand, please.

21  
22 GRACIE CHURCHILL-BROWNE, a  
23 witness, affirmed.  
24

25 THE REGISTRAR: Can you state your full name, please.

26 A Gracie Churchill-Browne, C-h-u-r-c-h-i-l-l hyphen  
27 B-r-o-w-n-e.

28 THE REGISTRAR: Thank you. You may be seated.  
29

30 EXAMINATION IN CHIEF BY MR. MCGOWAN:  
31

32 Q Ms. Churchill-Browne, I'm going to stand over here  
33 to ask my questions and I'll try to keep my voice  
34 up. I'll ask you to do the same so all the  
35 lawyers in the room can hear you, okay?

36 You were born in Argentina?

37 A I was.

38 Q And you grew up in a bilingual household and  
39 learned both Spanish and English?

40 A I did.

41 Q You subsequently moved to Canada in 1991?

42 A Yes.

43 Q And at that time you were fluent in both Spanish  
44 and English?

45 A Yes.

46 Q And given your skills and proficiency in both  
47 languages, you entered a career as an interpreter?

2  
Gracie Churchill-Browne  
In chief by Mr. McGowan

1 A Yes.  
2 Q You've been a court interpreter in this country  
3 since 1992?  
4 A Yes.  
5 Q You've also served as an interpreter in the  
6 immigration context --  
7 A Yes.  
8 Q -- for a number of years?  
9 A The same time.  
10 Q You provide phone interpreter services?  
11 A Yes.  
12 Q You also have provided interpreting services to  
13 lawyers over the years?  
14 A I do.  
15 Q And in fact have interpreted at international  
16 conferences for prominent people, including Mr.  
17 Chrétien and Mr. Trudeau?  
18 A I have.  
19 Q And to this day you continue to act in your  
20 capacity as an interpreter?  
21 A Yes.  
22 Q I wonder if you'd just take a moment and tell the  
23 Commissioner what involvement you had with the  
24 Canadian Border Service at Vancouver International  
25 Airport, just speaking generally as an  
26 interpreter. So I'm not asking you about the  
27 incident yet. Just tell us what your involvement  
28 was with the Canadian Border Service.  
29 A Yes. My involvement had to do with hearings, with  
30 lawyers' offices, preparing personal information  
31 forms for refugees, port of entry - Douglas,  
32 Pacific crossing - and across the country by phone  
33 many, many times, from Quebec, Toronto, Calgary,  
34 all across, including the airport.  
35 Q Were you also retained on occasion to fulfil a  
36 stationed shift at the airport --  
37 A Yes.  
38 Q -- to be available?  
39 A Yes.  
40 Q And tell the Commissioner what role you would  
41 fulfil and what you would do in those  
42 circumstances.  
43 A Well, I would arrive for my shift at the time that  
44 I was supposed to, and the shift usually lasts  
45 about three hours unless they take someone to  
46 cells and have to detain him, and then the  
47 proceeding takes a little longer, usually for

3  
Gracie Churchill-Browne  
In chief by Mr. McGowan

1 carriers and airplanes arriving at different  
2 times. So I did that in the '90s and after 2000  
3 as well.  
4 Q So you would be hired to spend a block period of  
5 time at the airport, to be available --  
6 A Yes.  
7 Q -- to the Immigration personnel to assist them in  
8 communicating with people that spoke Spanish?  
9 A Yeah, mainly with passengers arriving who couldn't  
10 speak the language.  
11 Q And on the night of -- the early morning of  
12 October 14th, were you serving in that capacity at  
13 the Vancouver Airport?  
14 A The evening of the Saturday, I think it was.  
15 Q Okay.  
16 A But I started my shift at around 10:30.  
17 Q And what was your shift that evening?  
18 A What was it?  
19 Q Yes, what was the time of your shift? Do you  
20 recall?  
21 A From 10:30 to 1:30, I think.  
22 Q And had you been engaged in interpreting duties  
23 during that shift? Had you provided  
24 interpretation services?  
25 A On that day?  
26 Q Yes.  
27 A Hardly. I'd just arrived.  
28 Q Where specifically were you stationed in the  
29 airport that night?  
30 A I was -- I took about the second or third chair  
31 behind the wickets at the desk or counter, about  
32 two or three chairs away from the tinted glass  
33 windowpane office where usually a supervisor sits.  
34 Q And is that in the Immigration Secondary area?  
35 A I'm not sure.  
36 Q Is it the area where the baggage carousels are or  
37 is it the smaller area where there's seating  
38 and wickets?  
39 A The smaller are where the seating is, yes.  
40 Q And there's wickets where Immigration --  
41 A Yes.  
42 Q -- personnel interview people?  
43 A Yes.  
44 Q Okay. You know that we're here involved in an  
45 inquiry about an incident involving a man who we  
46 all know to be Mr. Dziekanski?  
47 A Yes.

1 Q And have you seen a video of that incident and had  
2 an opportunity to view the person in it who is Mr.  
3 Dziekanski?

4 A I have.

5 Q Do you recall seeing that individual during the  
6 evening he was at the airport during your shift?

7 A Yes.

8 Q I'd like you to start at the beginning and take  
9 your time, and please tell the Commissioner in a  
10 chronological way everything you can remember  
11 about your observations of Mr. Dziekanski and any  
12 interactions he had with any other persons.

13 A Would I be allowed to look at my statement? It's  
14 just that I'm not sure I remember chronologically  
15 a few things at the beginning. That's all.

16 Q Well, do the best you can and --

17 A Okay.

18 Q -- if you need to look at your statement to help  
19 you, you indicate that to the Commissioner and I'm  
20 certain he'll let you refresh your memory if you  
21 need to.

22 THE COMMISSIONER: Yes. You can look at it if you  
23 wish, ma'am.

24 A I arrived at the time, at 10:30 or so, took my  
25 seat and just waited, which is what we usually do  
26 until passengers arrive and need help. All of a  
27 sudden I saw this middle-aged man sitting right  
28 across from me about three meters away, on the  
29 passenger side, of course. And not long after,  
30 there was an exchange of words between the  
31 officers and this man. He obviously couldn't  
32 speak the language and the officers were trying to  
33 make themselves understood. And that took a  
34 little while.

35 At some point one of the officers looked back  
36 at me, or at the place where we usually sit, the  
37 interpreters, and with raised eyebrows made an  
38 expression as if "we're not getting anywhere." At  
39 which point I suggested they call an interpreter,  
40 and I even mentioned I know a Polish interpreter  
41 but I don't remember her name. I know her face  
42 but I don't remember her name. Because by then  
43 they had confirmed that he was Polish.

44 At some point the officer I do remember by  
45 name, Juliette, who had been trying to communicate  
46 with him in what seemed to be Italian or French or  
47 some other language, eventually went out and with

1 gestures and signs asked for his papers.  
2 Seemingly she felt that everything was in order,  
3 looked back into the area where the other officers  
4 were and where the interpreters were usually  
5 seated and sort of indicated with her finger on a  
6 piece of paper that there was a name of a female,  
7 which obviously could be the reception for this  
8 gentleman. Then she came back to the area where  
9 everybody was.

10 At one point they offered this gentleman some  
11 water. A little while later he asked for more.  
12 He just stretched his arm across the counter and  
13 asked for more water and he was given more water.  
14 The officers were trying to be helpful but no one  
15 was able to communicate with him or know what he  
16 wanted.

17 He looked tired. His eyes were red. At  
18 times he spoke up into the air as if speaking to  
19 himself, or he'd stand up and pace around and come  
20 back and sit down.

21 And then at one point, all of a sudden an  
22 officer comes in and realizes he's there, and he  
23 says, "What? Is this man still here? His family  
24 have been waiting for him all day and they've just  
25 left for Kamloops."

26 I don't know how much time went by, but at  
27 some point he was ushered out or he left. And I  
28 made the remark to one of the officers -- by then  
29 I was standing for some reason. I made the remark  
30 to one of the officers that I hoped he would stay  
31 at the airport till daylight because he -- he  
32 looked confused and very tired and obviously  
33 didn't know his way around. And she said, "Oh,  
34 he's a big boy." So I kept quiet.

35 At the end of my shift at about 2:00 or  
36 2:30 - I can't remember exactly - I left, crossed  
37 the road, usually where all the taxicabs are  
38 stopped, and to my left I saw two ambulances  
39 stopped about half a block away, and thought, oh,  
40 I hope there hasn't been a shootout. I hope no  
41 one got hurt.

42 MR. HARRIS: (Indiscernible - not at microphone)

43 A Sorry?

44 MR. HARRIS: Could you repeat, please.

45 A I hope there hasn't been a shootout. I hope no  
46 one's been hurt. And then I just went and took my  
47 shuttle bus and went home. And only two days

6  
Gracie Churchill-Browne  
In chief by Mr. McGowan

1 later did I see in the news what had happened.  
2 MR. MCGOWAN:  
3 Q To be clear, when you saw the ambulances, did you  
4 know they had anything to do with the man you'd  
5 seen earlier?  
6 A No, not at all.  
7 Q You may have said police cars. I'm sorry, I can't  
8 recall.  
9 A Sorry?  
10 Q Did you say police --  
11 A Ambulance. Two ambulances.  
12 Q Okay. When did you first discuss the observations  
13 that you'd made that night with anybody in any  
14 sort of official capacity, either anybody with the  
15 police force or with Canada Border Service?  
16 A Never till I was contacted in October of last year  
17 to make my statement.  
18 Q And --  
19 A No one official.  
20 Q And was that an official from the Canada Border  
21 Service?  
22 A I think so.  
23 Q And did you give them the information essentially  
24 that you've given us here today?  
25 A Yes.  
26 Q Were you ever interviewed by a police officer  
27 about your observations?  
28 A No.  
29 Q I just want to take you back through your story  
30 and see if I can fill in a couple of the details.  
31 You started your shift at approximately 2:30 --  
32 A Ten-thirty.  
33 Q -- 10:30 in the evening?  
34 A Yes.  
35 Q When did you make your first observation of Mr.  
36 Dziekanski in relation to when you started your  
37 shift?  
38 A Soon after that, but I wouldn't know how soon. It  
39 could have been fifteen minutes, twenty minutes.  
40 I wouldn't know.  
41 Q You spoke about Mr. Dziekanski having exchanges  
42 with officers. You were speaking of Immigration  
43 officers --  
44 A Yes.  
45 Q -- or Canada Border Service officers?  
46 A Yes. Yes. Yes.  
47 Q How many did you see speaking with him?

7  
Gracie Churchill-Browne  
In chief by Mr. McGowan

1 A I think at one point I saw three of them, Juliette  
2 being the only one I remember and know by name,  
3 and two others, at times two. But there were two  
4 or three of them.  
5 Q Were the others male or female?  
6 A Female.  
7 Q Are you able to describe what they looked like at  
8 all?  
9 A No.  
10 Q Is Juliette somebody who you know?  
11 A I don't remember exactly when I met her, but I  
12 know in the '90s, one time when I was called to  
13 the airport, I came across her, and we said, "Oh,  
14 hello, you're here." But I don't remember when  
15 the first time was. But we had just met in the  
16 course of work, I suppose.  
17 Q She's somebody you'd run across a number of times  
18 in a professional capacity?  
19 A Once I started working for Immigration, yes.  
20 Q Do you know her last name?  
21 A No.  
22 Q Do you know the first or last names of any of the  
23 other Immigration personnel who you observed that  
24 night?  
25 A No.  
26 Q You spoke about a suggestion you'd made about  
27 contacting an interpreter.  
28 A Yes.  
29 Q Did you make that suggestion verbally to somebody?  
30 A Yes.  
31 Q Who did you make the suggestion to?  
32 A The group of officers who was there.  
33 Q Did that group include Juliette?  
34 A Possibly.  
35 Q Do I take it from your answer you're not certain?  
36 A Yes, I think she was there.  
37 Q Were the group of officers you spoke to the same  
38 group that was speaking to Mr. Dziekanski?  
39 A Yes. There were quite a number of them. There  
40 were two or three sort of facing him and then some  
41 other officers that I think just came and left.  
42 Q Okay. And --  
43 A In my mind I think it was the same group.  
44 Q As much as you can, please tell the Commissioner  
45 exactly what you said with respect to an  
46 interpreter, with respect to that issue, to these  
47 officers.

- 1 A I think I said, "Why don't you call an  
2 interpreter? I know a Polish interpreter. I  
3 remember her face but I don't remember her name."  
4 And I think there was a second time when I said,  
5 "Why don't you call an interpreter? You call me  
6 all the time."
- 7 Q Now, you're saying now that you don't remember the  
8 name of the interpreter. Did you remember it in  
9 2007?
- 10 A No.
- 11 Q Did you have a phone number for an interpreter?
- 12 A No. No.
- 13 Q Okay. Did you observe at any point any of the  
14 officers leaving the Immigration area, either to  
15 have any contact with Mr. Dziekanski or to attempt  
16 to have contact with him?
- 17 A Just the times I mentioned when Juliette went out  
18 and approached him. And I think he had a  
19 briefcase. He opened it and showed her some  
20 papers. And what I remember, that was the only  
21 time. And she spent a little while with him  
22 trying to sort things out.
- 23 Q As much as you can recall, please describe for the  
24 Commissioner what you observed with respect to Mr.  
25 Dziekanski in terms of his appearance and his  
26 demeanour.
- 27 A He looked to me as a tired traveller. His beard  
28 was beginning to show, to grow, as if he'd been  
29 travelling for a few hours. At times he looked  
30 confused -- and frustrated. I remember him being  
31 about six foot tall, I think, around that height.  
32 And what I remember was he was wearing a light  
33 jacket, light brown. And that's about it.
- 34 Q You mentioned a conversation you had with somebody  
35 where the response was, "He's a big boy." Who  
36 spoke those words to you? Do you recall?
- 37 A One of the officers. When he was either ushered  
38 out or he left -- I wasn't paying attention to the  
39 details. But when he was no longer there, and he  
40 had supposedly left, I told an officer, "I hope he  
41 stays at the airport till daylight because he's in  
42 no condition to sort of go out into the middle of  
43 the night not speaking the language and..."
- 44 Q Was the officer that spoke those words --  
45 -- being as frustrated as he looked. And this  
46 officer just remarked, "Oh, he's a big boy."  
47 Q Was that officer somebody other than Juliette?

Gracie Churchill-Browne

In chief by Mr. McGowan

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

1 A Yes.

2 Q Not Juliette?

3 A No, not Juliette.

4 Q Okay. Can you give us any sort of physical  
5 description of the officer?

6 A No.

7 Q Can you tell us whether it was a male or a female  
8 officer?

9 A It was a female.

10 Q Did you ever observe your suggestion about the  
11 interpreter being followed up on?

12 A No.

13 Q Did you ever see an interpreter utilized in the  
14 communication with Mr. Dziekanski?

15 A No.

16 MR. MCGOWAN: Thank you for answering my questions,  
17 ma'am. Some of the other lawyers may have  
18 questions for you.

19 MR. KOSTECKYJ: For the record, my name is Walter  
20 Kosteckyj. I'm counsel for Zofia Cisowski.

21

22 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA  
23 CISOWSKI:

24

25 Q Ma'am, I just wanted to ask you about your own  
26 experience as an interpreter. You work at the  
27 airport?

28 A Yes.

29 Q With Immigration?

30 A Yes.

31 Q Are you sometimes called from other remoter areas,  
32 like for example, from Winnipeg or from Toronto  
33 or --

34 A Yes.

35 Q -- other places to lend assistance?

36 A Yes.

37 Q Is that a common thing in your business of  
38 interpreting?

39 A It is for me.

40 Q What would be the mechanics of that? How  
41 difficult is it for you to interpret when you're  
42 not on the location? Just maybe give us an idea  
43 of how that's done so we know how difficult or how  
44 easy it is.

45 A It's not difficult at all. The officer asks a  
46 question. They usually put me on speakerphone  
47 wherever the Immigration officer is interviewing

- 1 the passenger or the person that's being  
2 interviewed. The question is asked, I'm on  
3 speakerphone, I hear the question, I say it in the  
4 other language, get the answer and give it back to  
5 the officer.
- 6 Q Is this something that's done routinely, in your  
7 experience?
- 8 A A lot. With me it is. I don't know about other  
9 interpreters.
- 10 Q All right. Now, I just want to get the timing.  
11 You started your shift at about 10:30?
- 12 A Yes.
- 13 Q There was somebody that came in, that I understood  
14 you talked about, at some point and said, Oh my  
15 God, something to the effect, he's still here?
- 16 A Oh. "Is this man still here?"
- 17 Q And you said a bit more than that. You --
- 18 A He said, "His family were here all day and they've  
19 just left and went back to Kamloops."
- 20 Q So they said that they'd gone back to Kamloops.  
21 Now, what time was that conversation? Because it  
22 had to be after 10:30, I take it?
- 23 A It was after 10:30 and before 11:30, because at  
24 about 11:30 is what I estimate was the time when  
25 he left. So around that time.
- 26 Q So --
- 27 A Close to midnight.
- 28 Q Was this spoken in a loud enough voice so all the  
29 people that were dealing with Mr. Dziekanski could  
30 hear that information?
- 31 A Definitely. It was spoken to them. As the  
32 officer came in and she saw Mr. Dziekanski sitting  
33 there, she made that remark looking at the  
34 officers.
- 35 Q And then this person that said, Well, he's a big  
36 boy and he'll find his way, do you know if that  
37 person heard this information?
- 38 A I wouldn't be able to tell you because I don't  
39 remember whether she was one of the two or three  
40 who were dealing with him at the beginning or  
41 whether she came in later. My memory is that she  
42 was standing on my right on the way to the phone,  
43 which was on the wall, which was usually used. So  
44 I don't remember whether she had been involved or  
45 not.
- 46 Q What you observed of his behaviour, the fact that  
47 you indicated that he seemed frustrated and spoke

Gracie Churchill-Browne

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

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

1 at times, did that seem consistent to you with  
2 somebody that was in a foreign country, couldn't  
3 speak the language and was frustrated over that,  
4 or was it something different from that? What did  
5 you attribute it to?

6 A Yes, I would think that he was tired, that he  
7 didn't know what he was supposed to do or what was  
8 going on, and that because he couldn't make  
9 himself understood, he wasn't getting anywhere.

10 Q All right. And to you, by your observation, you  
11 attributed much of his physical appearance to  
12 being tired; is that correct?

13 A Tired and frustrated.

14 MR. KOSTECKYJ: All right. Those are my questions.  
15 Thank you very much.

16 MR. BRONGERS: Good afternoon, Ms. Churchill-Browne.

17 A Good afternoon.

18 MR. BRONGERS: My name is Jan Brongers. I'm counsel  
19 for the Government of Canada. I just have a few  
20 questions for you.

21

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

24

25 Q First of all, just to confirm for the record, you  
26 aren't an employee of the Canada Border Services  
27 Agency, are you?

28 A No, I'm not. I'm self-employed and we get  
29 called -- we work on call, on a contract basis.

30 Q And indeed, you don't work for any agency of the  
31 Government of Canada?

32 A No, I don't.

33 Q Now, you testified about your observations of the  
34 officers who were assisting Mr. Dziekanski with  
35 the processing of his application. Would you  
36 agree with me that these officers were all  
37 courteous in their dealings with Mr. Dziekanski?

38 A Oh, yes.

39 Q You testified you saw them provide water to Mr.  
40 Dziekanski.

41 A Twice.

42 Q How many times did you see them provide water to  
43 him?

44 A Twice.

45 Q Twice. I'm sorry, I didn't hear you. And you  
46 also saw an officer escort Mr. Dziekanski out of  
47 the Immigration office at the end; is that --

- 1 A I'm not sure about that. I'm not sure about that.  
2 Q Okay. You think he may have left on his own but  
3 he may have been escorted out?  
4 A Yeah. I -- I wouldn't know.  
5 Q And you've also testified that you mentioned to  
6 the officers that you knew of a Polish interpreter  
7 but could not recall her name, correct?  
8 A Correct.  
9 Q And so obviously you didn't provide the officers  
10 with any contact information for that --  
11 A No.  
12 Q -- interpreter? No?  
13 A No.  
14 Q Now, we heard evidence at the inquiry from  
15 Juliette, Juliette Van Agteren, that she consulted  
16 the CBSA's database of accredited interpreters and  
17 found that there was only one active Polish-  
18 English interpreter but that she was in Ontario,  
19 where it would have been around 2:00 a.m. at that  
20 time, and there was a notation in the database  
21 that this person didn't want to be contacted if  
22 the interview was going to be less than two hours.  
23 Were you aware that Juliette Van Agteren made this  
24 effort to see if an accredited Polish-English  
25 interpreter was available?  
26 A No, not at all.  
27 Q Now --  
28 A Besides, by then the passenger had already left a  
29 good hour earlier at least and I was on my way out  
30 myself -- if that was the time.  
31 Q My simple question was whether you were aware at  
32 any time --  
33 A Oh, no. No, no, no, not at --  
34 Q -- that --  
35 A No.  
36 Q You were not aware that Ms. Van Agteren --  
37 A No.  
38 Q -- had made this query?  
39 A (No verbal response)  
40 Q No?  
41 A No, I wasn't. Remember, we sit in one place. The  
42 officers come and go back and forth from their  
43 offices. I don't know what they do.  
44 Q Now, when you saw Mr. Dziekanski, you described  
45 your observations of him physically. He didn't  
46 appear to be in any medical distress at the time,  
47 did he?

Gracie Churchill-Browne

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

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

1 A Not to me. I didn't think so.

2 Q And in your view, you didn't think that he posed  
3 any security threat, did you?

4 A No.

5 Q And indeed, you never suggested to anyone that an  
6 ambulance or some form of medical assistance  
7 should be called for him, did you?

8 A No.

9 Q And you certainly never made your own call to 911  
10 or anyone else for medical assistance?

11 A No.

12 Q You never suggested to anyone that security or  
13 police should be called to deal with Mr.  
14 Dziekanski, did you?

15 A No.

16 Q And again, you certainly never called 911 or YVR  
17 security yourself about Mr. Dziekanski?

18 A No, I didn't.

19 MR. BRONGERS: Thank you very much, Ms. Churchill-  
20 Browne. I have no further questions.

21 MR. HIRA: Ms. Churchill-Browne, my name is Ravi Hira.  
22 I represent Officer Kwesi Millington. And  
23 hopefully I have just one question for you.

24

25 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE  
26 KWESI MILLINGTON:

27

28 Q I'm looking at your statement. Am I correct in  
29 this proposition: that your attention was drawn  
30 to Mr. Dziekanski as he was talking loudly in an  
31 unknown language to CBSA officers and at times to  
32 himself?

33 A Yes. He didn't start loudly. The volume  
34 increased, I think, as he found he couldn't be  
35 understood.

36 Q Yes. And at times he was talking in that fashion  
37 to himself too?

38 A Yes.

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

40 MR. BUCHANAN: Good morning. My name is Chris  
41 Buchanan.

42 A Good morning.

43 MR. BUCHANAN: I'm counsel for the Public Service  
44 Alliance of Canada.

45

46

47

1 CROSS-EXAMINATION BY MR. BUCHANAN ON BEHALF OF PUBLIC  
2 SERVICE ALLIANCE OF CANADA:  
3

4 Q I just have one area I want to go into and that's  
5 in relation to the statement you gave and your  
6 evidence today about a statement by an officer  
7 about Kamloops. First of all, as I understand  
8 your evidence today, you think Mr. Dziekanski was  
9 in the Secondary Immigration for about an hour  
10 that evening. Do I have that part correct?

11 A Okay. You know you live life without anticipating  
12 you're going to be asked all the questions in a  
13 trial. That's, yes, more or less my understanding  
14 because my shift started at 10:30 and the man was  
15 out before midnight.

16 Q Okay. So somewhere between an hour and an hour  
17 and a half, in your recollection?

18 A I would think so.

19 Q Okay. And in relation to when he left, when do  
20 you think the comment was made with respect to  
21 Kamloops?

22 A Well, obviously before he left the officer walked  
23 in and saw him and reacted that way. I'm sorry, I  
24 don't think I can give you a time.

25 Q You can't even approximate where between 10:30 and  
26 midnight this discussion took place?

27 A Well, I would think it would have been after  
28 11:00, I would think, because some interaction had  
29 taken place already, which would have taken a few  
30 minutes.

31 Q Okay. Now, in your evidence you've referred to  
32 this person who spoke by both genders. Do you  
33 recall what gender the officer who spoke was?

34 A Sorry. The officer who spoke what?

35 Q Sure, I'll be clear. I understand - and these may  
36 not be your exact words this morning - that you  
37 saw an officer come and say words to the effect  
38 of, "Is he still here? His family was here all  
39 day and have just left for Kamloops." Is that --

40 A That was a female. That was a female.

41 Q Okay. And I take it -- was there no discussion  
42 beforehand, before that statement was made, with  
43 this officer?

44 A I hadn't seen her till then.

45 Q Okay.

46 A I hadn't seen her till then.

47 Q And did you hear any response to that statement?

- 1 A No. The impression I got was that the officers  
2 present and that had been addressed seemingly  
3 didn't know that he'd been there that long. At  
4 one point some officer mentioned that he had been  
5 seen stretched over two chairs napping. I don't  
6 know when that might have been.
- 7 Q Are you saying that an officer disclosed in your  
8 presence that he'd been seen stretched over some  
9 chairs earlier?
- 10 A Yes.
- 11 Q Okay. We'll come back to that.
- 12 A But not -- not in the presence of the officers.  
13 Where the luggage is, in the luggage area.
- 14 Q Okay. We'll come back to that. I just want to  
15 stick with this Kamloops comment for a moment.  
16 And you're positive that the statement was, "His  
17 family was here all day and have just left for  
18 Kamloops"?
- 19 A That's how I remember it.
- 20 Q I put it to you because we've heard some other  
21 evidence that's slightly different, that there was  
22 a conversation in which an officer said that the  
23 family might have gone to Kamloops. Isn't it  
24 possible that that was what was said?
- 25 A The "might"?
- 26 Q Yes.
- 27 A I don't think so. I think --
- 28 Q Okay.
- 29 A -- they said "just left."
- 30 Q Now, we've heard some evidence about Juliette, who  
31 you know, paging the reception, Mr. Dziekanski's  
32 mother. Do you recall that being done?
- 33 A Not from where I was.
- 34 Q Okay. And you're not saying it wasn't done?
- 35 A No.
- 36 Q You just said you didn't see it, right?
- 37 A Exactly.
- 38 Q And I gather throughout this period of time you  
39 were principally three meters behind where --
- 40 A Yes.
- 41 Q -- people were dealing with Mr. Dziekanski,  
42 correct?
- 43 A Yes.
- 44 Q And you didn't leave that --
- 45 A Three meters away from him. I was about a meter  
46 and a half from the officers.
- 47 Q Right. And so despite being that close, you can't

- 1 recall Juliette paging Mr. Dziekanski's mother?  
2 A It was usually done from a phone that was closer  
3 to where the supervisor sits, and I don't  
4 remember.  
5 Q Now, we've also heard evidence that Juliette went  
6 into the reception area looking for the reception.  
7 Do you recall her doing that?  
8 A I would have known. When she leaves that area,  
9 she can go anywhere. I have to sit and stay where  
10 I'm --  
11 Q So you weren't --  
12 A -- supposed to be.  
13 Q You weren't closely watching the interaction  
14 between Mr. Dziekanski and the Border Services  
15 officers, correct?  
16 A I wasn't taking notes. I was watching because  
17 there was nothing else to do. There were no other  
18 passengers. There were no other people there.  
19 They were right in front of me.  
20 Q And I just want to be clear on this point. Are  
21 you suggesting that she did not go into the  
22 reception area?  
23 A No, not at all.  
24 Q Okay.  
25 A When officers come and go and we're sitting where  
26 we're supposed to be, we have no idea what they're  
27 doing or how far they've gone or when they'll be  
28 back. Sometimes we don't see them again.  
29 Q Okay. And so I guess because you don't recall the  
30 paging and you don't recall Juliette going into  
31 the --  
32 THE COMMISSIONER: Now, be careful with the use of the  
33 word "recall." It's not a question of memory  
34 loss.  
35 MR. BUCHANAN: I take your point, Mr. Commissioner.  
36 Q I gather, though, that since you can't speak to  
37 those issues, that you can't place this comment by  
38 an officer about Kamloops in relation to those  
39 events because you don't know about those other  
40 events?  
41 A Exactly.  
42 Q Okay. And just so I'm clear on this, again, the  
43 Kamloops statement. What you're saying today is  
44 that the officer was impressing upon another  
45 border officer some new information that the  
46 family had just left for Kamloops?  
47 A Impressing on a few officers. There were a few of

17  
Gracie Churchill-Browne  
Cross-exam by Mr. Buchanan (for PSAC)  
John Jubber  
In chief by Mr. McGowan

1           them there.

2           Q     Okay.

3           A     I think about three. There may have been four.

4           MR. BUCHANAN: Okay. Those are our questions.

5           THE COMMISSIONER: That seems to be everybody. Thank  
6           you very much for your time. It's very much  
7           appreciated.

8           A     Don't mention it.

9

10                           (WITNESS EXCUSED)

11

12           THE COMMISSIONER: We're getting along, but should we  
13           start the next witness and go till 1:00?

14           MR. MCGOWAN: Mr. Commissioner, I'm in your hands. The  
15           next witness will be quite brief. It's Mr. John  
16           Jubber. He's a United Airlines employee and he is  
17           here on his day off to be with us. Perhaps we can  
18           try to get him done.

19           THE COMMISSIONER: Well, let's have him on.

20

21   JOHN JUBBER, a witness,  
22   sworn.

23

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

25           A     John Jubber.

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

28

29           EXAMINATION IN CHIEF BY MR. MCGOWAN:

30

31           Q     Mr. Jubber, you're an employee of United Airlines?

32           A     Yes.

33           Q     And you're employed in their customer service  
34           department?

35           A     Yes, I am.

36           Q     And you've been employed by United Airlines for  
37           approximately 21 years?

38           A     I'm working in my twenty-first year, yes.

39           Q     And always in the customer service capacity?

40           A     Yes.

41           Q     Your duties in October of 2007 consisted of, at  
42           least at times, manning the baggage kiosk inside  
43           the International Arrivals area?

44           A     Yes.

45           Q     And in that capacity you would assist people with  
46           lost baggage or other issues they had with respect  
47           to leaving things on the planes or just getting

1 information?  
2 A Yes.  
3 Q And primarily that would be passengers of United  
4 Airlines?  
5 A Yes.  
6 Q But at times you'd deal with passengers from other  
7 airlines as well?  
8 A Yes.  
9 Q And you were working on the night of October 13th/  
10 morning of October 14th; is that right?  
11 A Yes, I was.  
12 Q And what are the length of shifts you were working  
13 in October of 2007?  
14 A I was either working an eight-hour or a ten-hour  
15 shift. Approximate -- either I started at 2:00 or  
16 4:00 -- two o'clock in the afternoon, best my  
17 recall.  
18 Q Okay. You started at approximately two o'clock in  
19 the afternoon and you would have worked for eight  
20 or ten hours?  
21 A I believe that day ten.  
22 Q That day ten, okay. So your shift would have  
23 ended at approximately midnight?  
24 A Yes, sir.  
25 Q And did you start your shift on time that day?  
26 A Yes, sir.  
27 Q And did you conclude your shift on time, to your  
28 recollection?  
29 A Yes, I did.  
30 Q You know you're here to give evidence at an  
31 inquiry about a man named Mr. Dziekanski?  
32 A Yes, sir.  
33 Q Have you seen Mr. Dziekanski depicted on the video  
34 that's been broadcast on the television quite a  
35 number of times?  
36 A Yes, sir.  
37 Q Are you able to tell the Commissioner whether you  
38 saw that gentleman, Mr. Dziekanski, during your  
39 shift on the night of October 13th/morning of  
40 October 14th?  
41 A Yes, I did.  
42 MR. MCGOWAN: Mr. Giles, do we have the large placard  
43 with the diagram of the airport available?  
44 THE REGISTRAR: We do. I'll just have to bring it in  
45 from the office.  
46 MR. MCGOWAN: That's fine. Do we have an exhibit with  
47 a smaller diagram?

John Jubber

In chief by Mr. McGowan

1 THE REGISTRAR: I think we do.

2 MR. MCGOWAN: Maybe we can just do this.

3 Q The International Arrivals Hall consists of a  
4 number of baggage carousels, correct?

5 A Yes.

6 Q And where in relation to those baggage carousels  
7 was your desk located?

8 A Our desk is across from carousel number 21.

9 Q So the carousels are numbered and you're across  
10 from carousel number 21. And is that on the  
11 Immigration Secondary side or the opposite side of  
12 the Immigration Hall?

13 A On the opposite side.

14 Q How far approximately from the carousel would you  
15 have been located?

16 A About two-thirds the distance from where you and I  
17 are right now. Ten or twelve feet maybe.

18 Q So ten to twelve feet from the carousel. And  
19 would you have maintained your position at that  
20 location throughout your shift aside from breaks?

21 A In that position where -- that is where we work,  
22 but we're all over the Customs Hall at the  
23 different carousels. But that is our primary  
24 location.

25 Q Would you have spent most of your shift in the  
26 Customs Hall, the International Arrivals area?

27 A Yes.

28 Q Now, you told us that you observed Mr. Dziekanski  
29 on that evening?

30 A Yes.

31 Q Can you tell the Commissioner at approximately  
32 what time that occurred?

33 A It was in the afternoon approximately 4:00, 4:30  
34 in the afternoon.

35 Q Is that your best recollection today of the time  
36 that you saw Mr. Dziekanski?

37 A Yes.

38 Q Where did you see Mr. Dziekanski?

39 A I saw him walk by the carousel -- carousel 21 area  
40 across from me.

41 Q What was he doing?

42 A I -- he was walking by.

43 Q Do you recall whether he had any luggage with him?

44 A I do not recall.

45 Q To the best of your ability, describe Mr.  
46 Dziekanski's appearance, please, to the  
47 Commissioner.

1 A He looked dishevelled, would be my description.  
2 Q Can you describe anything else about his  
3 appearance?  
4 A He was -- he was -- I don't know. He was -- I  
5 guess he was -- he was dishevelled so he was a  
6 little bit -- I wouldn't say -- I don't know if  
7 odd is the correct word, but he was -- I just  
8 noticed, you know, he was maybe wrinkly -- his  
9 jacket was wrinkly, but he was looking  
10 dishevelled. So...  
11 Q Can you give us any description of the manner in  
12 which he was moving?  
13 A He was walking.  
14 Q Did you notice anything notable about the manner  
15 in which he was walking?  
16 A No, I didn't.  
17 Q Did you see Mr. Dziekanski interact with anybody?  
18 A I saw him interacting with two Customs officers  
19 later in the evening.  
20 Q So let's see if we can get it straight. On how  
21 many occasions did you see Mr. Dziekanski that you  
22 recall?  
23 A Twice.  
24 Q The observation that you've been describing so  
25 far, is that the first observation of him?  
26 A Yes, earlier in the day.  
27 Q Okay. The earlier observation, during that  
28 observation did you see him interact with anybody?  
29 A Excuse me? Earlier in the day?  
30 Q During the early observation.  
31 A No. No, I did not.  
32 Q And the descriptions you've given us about him in  
33 terms of him appearing dishevelled and wrinkled,  
34 do those apply to both observations, the first and  
35 the second?  
36 A I -- the second time I -- I was not -- I really  
37 didn't focus. I saw him but I wasn't focusing in  
38 on his appearance.  
39 Q Okay. When was the second observation?  
40 A It was later in the evening. It was probably  
41 between 10:30 and 11:30. I don't recall the exact  
42 time.  
43 Q Okay. And what did you see him doing during your  
44 second observation of him?  
45 A I was working by carousel number 22, which is the  
46 next carousel over, and I saw him talking to two  
47 Customs officers.

1 Q And where was that? Where did you see him  
2 speaking with the officers?  
3 A Farther down the Customs Hall, probably near  
4 carousel 23. Or twenty -- near 23.  
5 Q You were in the Customs Hall area for most of the  
6 time between the two observations of Mr.  
7 Dziekanski?  
8 A Uh --  
9 Q Between the first time you saw him and the --  
10 A Yes, I was there the whole --  
11 Q -- second time you saw him.  
12 A I was there for my whole shift.  
13 Q Okay. Do you recall seeing him --  
14 A I did not --  
15 Q -- during that interval?  
16 A I did not see him in between -- those are the only  
17 two times I saw him.  
18 Q You were interviewed by a police officer, I  
19 believe a Corporal Brassington, on December 3rd,  
20 2007. Does that sound familiar to you?  
21 A Yes, sir.  
22 Q And you understand that that -- that was on the  
23 telephone?  
24 A Yes, sir.  
25 Q And you understand that Corporal Brassington  
26 produced a report of that conversation?  
27 A I've been told, yes.  
28 Q And you've actually been provided a copy of that  
29 report and had a chance to read it in an effort to  
30 refresh your memory of --  
31 A Yes, I had a --  
32 Q -- what may have occurred?  
33 A -- look at it.  
34 Q Okay. Do you have a copy of it now?  
35 A No, I don't.  
36 Q I'm going to put it in front of you. I want to  
37 ask you about a couple of things that Officer  
38 Brassington recorded. And I want to be clear that  
39 what I'm asking for is what you say. And this is  
40 just Corporal Brassington's recollection, so you  
41 make sure you tell us what your evidence is, okay?  
42 A Okay.  
43 Q Now, the first thing I want to ask you about is --  
44 I'm going to start at the first big paragraph,  
45 okay? There's a small paragraph and then it goes  
46 into the big paragraph. And the very first  
47 sentence says:

22  
John Jubber  
In chief by Mr. McGowan

1  
2 JUBBER --  
3  
4 That's you, correct?  
5 A Yes.  
6 Q Okay.  
7  
8 JUBBER said that he was working on  
9 [the]...13th...at the United Airlines baggage  
10 service counter near luggage carousel 21 in  
11 the International Arrivals area.  
12  
13 That's all correct, right?  
14 A Yes, sir.  
15 Q Okay. Now, it's the next sentence I wanted to ask  
16 you about and see if this assists or if you  
17 disagree with what's been recorded here. What  
18 Brassington has recorded you as saying is:  
19  
20 At about 16:30 (*sic*) or 17:00 (*sic*) hours,  
21 JUBBER saw DZIEKANSKI wandering aimlessly in  
22 the luggage carousel area, near the United  
23 Airlines baggage service counter.  
24  
25 MR. KOSTECKYJ: (Indiscernible - not at microphone)  
26 MR. MCGOWAN: I'm sorry, have I --  
27 MR. KOSTECKYJ: Excuse me. I think just the timing is  
28 wrong as to what was read in.  
29 MR. MCGOWAN: I'm sorry, perhaps I -- did I misread  
30 that?  
31  
32 At about 18:30 or 19:00 hours, JUBBER saw  
33 DZIEKANSKI wandering aimlessly in the luggage  
34 carousel area, near the United Airlines  
35 baggage service counter.  
36  
37 Do you see that sentence?  
38 A At 18:30? Yes, sir.  
39 Q Now, the time that you gave us today was a little  
40 earlier in the day that you saw Mr. Dziekanski.  
41 A Yeah.  
42 Q Now, having seen what's recorded here, does that  
43 assist you at all with the timing?  
44 A I -- yes, it -- sorry, I cannot -- it's been two  
45 years and I --  
46 Q Yes.  
47 A I don't recall the exact time.

John Jubber

In chief by Mr. McGowan

1 Q Okay.

2 A But it would have been in the after -- it would  
3 have been in the -- later in the afternoon.

4 Q Okay. When you were speaking with Corporal  
5 Brassington, did you do your best to be accurate  
6 about the timing?

7 A Yes, I did.

8 Q Okay. When you were speaking with Corporal  
9 Brassington, did you have a clear memory of the  
10 timing or were you uncertain about the timing,  
11 when you had this conversation?

12 A It was -- I -- it was months after the fact, so my  
13 timing -- it could have been off. But it was  
14 later in the afternoon.

15 Q Okay. There's another reference in here that I  
16 wanted to ask you about. Corporal Brassington  
17 recorded that one of the observations you made of  
18 Mr. Dziekanski was looking like -- it says here a  
19 "whack job." Is that a phrase that you used when  
20 speaking with Officer Brassington?

21 A I may -- yes, I -- I --

22 Q Okay. I wonder if you'd just take a moment and  
23 explain to the Commissioner, when you put your  
24 observations in those terms, what you mean by  
25 that. Describe what behaviours or observations --

26 A I think it was -- that's more of an off-the-cuff  
27 term. I think with the -- with the gentleman's --  
28 the way he looked and just walking through there,  
29 it was just a -- just an impression that I had  
30 regarding Mr. Dziekanski.

31 Q Is there anything else you can tell us about that?

32 A About how I -- sorry, could you just --

33 Q About how his appearance impacted on your view of  
34 him or any observations you had impacted on your  
35 perception of him.

36 A Well, just my experience of just seeing people  
37 coming in and out of the terminal and just the way  
38 I -- I saw him, and I just -- that's -- I just had  
39 this -- you know, I just had -- I just had a  
40 feeling that there was something different about  
41 him.

42 Q Did you have any conversation with Mr. Dziekanski?

43 A No, sir.

44 Q Did you interact with him in any direct way at any  
45 point?

46 A No, sir.

47 MR. MCGOWAN: Thank you for answering my questions,

1           sir. Some of the other lawyers might have  
2           questions for you.

3

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

6

7           Q     Sir, you didn't at any time call security in  
8           relation to Mr. Dziekanski?

9

A     No, I didn't.

10

Q     You didn't call the airport people that are around  
11          in the area and say, hey, look, this guy over  
12          here, I think he's a bit unusual? You didn't do  
13          that?

14

A     No, sir.

15

Q     What you found with Mr. Dziekanski was that he was  
16          dressed somewhat unusually by comparison to people  
17          from Canada, United States?

18

A     Possibly.

19

Q     And he appeared to be wandering around in the area  
20          not knowing where to go. Isn't that a fair  
21          assessment?

22

A     You could say that.

23

Q     All right. Now, look. In your work as an airline  
24          greeter and customer service person, you go to the  
25          area where the luggage comes in for your various  
26          clients when they're arriving, passengers, into  
27          the country, correct?

28

A     Yes, sir.

29

Q     And you take luggage off if no one shows up to  
30          claim it?

31

A     Yes, sir.

32

Q     When you take luggage off, is it normal for you to  
33          make an announcement to see where the person is  
34          and where the luggage is?

35

A     What I do is if we have luggage that's on a  
36          carousel for an extended period of time, we take  
37          it off and we bring it over by our counters.

38

Q     Right.

39

A     And then we look to see if passengers are on the  
40          flights and if they were on the flight or not on  
41          the flight, but we do bring -- we do bring it over  
42          by our counter.

43

Q     And presuming that they're on the flight, do you  
44          make an announcement to see if they're around  
45          or --

46

A     Sometimes we make a general announcement that all  
47          the baggage has been dispensed into the Customs

- 1 Hall, and other times we -- you know, if there's  
2 still a crowd of people around our carousel, we  
3 make an announcement for that person. But yeah,  
4 we -- we try -- obviously we want to get the  
5 people their luggage.
- 6 Q Yeah. I mean, if you've got a piece of luggage  
7 and it's got a name on it, John Smith, and you  
8 know that John Smith was on the plane, you're  
9 trying to connect the luggage to the individual,  
10 right?
- 11 A Yes, sir.
- 12 Q And so you do have the ability to make  
13 announcements within the area?
- 14 A Yes, sir.
- 15 Q So I'm just suggesting to you that's the common  
16 thing to do. Is that fair?
- 17 A I would say most carriers are doing it, yes, sir.
- 18 Q Okay. Now, where in relation to the Lufthansa  
19 counter is United -- is it United Airlines?
- 20 A Yes. Yes, sir.
- 21 Q And where is it? Are they nearby?
- 22 A They're quite close, yes.
- 23 Q So where would the Lufthansa counter be in  
24 relation to you, to your right or to your left?
- 25 A To my left.
- 26 Q Further from the PIL, then?
- 27 A Pardon me?
- 28 Q Further from the first point of entry, where the  
29 people go through the first line of the  
30 Immigration.
- 31 A It's in the opposite direction.
- 32 Q So did you happen to see the lady from Lufthansa  
33 or did she tell you that she had retrieved some  
34 luggage?
- 35 A No, I didn't, sir.
- 36 Q Okay. You didn't have any of that conversation?
- 37 A No.
- 38 Q And she didn't say to you, if somebody comes by  
39 looking for luggage, by the way, I'm going home  
40 now. There's some luggage behind my desk?
- 41 A She did not say it that day.
- 42 Q All right.
- 43 A It has -- there's been times where people have  
44 said that but not that day, sir.
- 45 MR. KOSTECKYJ: All right. Those are my questions.  
46 Thank you.
- 47 MR. BRONGERS: Good afternoon, Mr. Jubber. My name is

John Jubber

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

1 Jan Brongers. I'm counsel for the Government of  
2 Canada. I just have a few questions for you.

3

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

6

7 Q I think the Commission is particularly interested  
8 in getting an idea of what time you saw Mr.  
9 Dziekanski, the first occasion when you saw him  
10 walking around the luggage carousels. You  
11 testified that it was sometime between 4:00 and  
12 4:30, but then when you were shown Corporal  
13 Brassington's report, you then said it could have  
14 been later on in the afternoon. If you could just  
15 look at Corporal Brassington's report again, that  
16 second paragraph, the second sentence. It reads:

17

18 At about 18:30 or 19:00 hours, JUBBER saw  
19 DZIEKANSKI wandering aimlessly in the luggage  
20 carousel area, near the United Airlines  
21 baggage service counter.

22

23 Now, as you know, 18:30 is 6:30 p.m. and 19:00 is  
24 7:00 p.m. So knowing that you testified that it  
25 was sometime between 4:00 and 4:30, and here it  
26 says sometime between 6:30 and 7:00, could you  
27 give us your best recollection as to what time you  
28 first saw Mr. Dziekanski?

29

30 A I would have to say that it was -- it was earlier  
31 in the -- it was earlier in the -- it was, I would  
32 say, between 16:30 and 18:30. I --

33

34 Q So you would say it was between 4:30 p.m. and

35

36 6:30 p.m.?

37

38 A Yes, sir.

39

40 Q Now, do you remember the length of time you

41

42 observed Mr. Dziekanski at that occasion?

43

44 A It was just for a short period of time, as he was

45

46 walking -- walking by my counter.

47

Q Would it have been less than ten minutes, then?

A

Yes, sir.

Q

Closer to five minutes perhaps?

A

Yeah, probably. I just -- yes.

Q

So you saw him for about five minutes somewhere

between 4:30 p.m. and 6:30 p.m.?

A

(No verbal response)

Q

And what was it that was so remarkable that made

you recall Mr. Dziekanski when you later saw his

1 image on the news?

2 A I just -- I guess it was just his appearance --  
3 appearance when I saw him, and just the feeling I  
4 had.

5 Q And of course, you did see him on the news. But  
6 I'm thinking of when you saw him on the night in  
7 question, what made him stick out so much in your  
8 mind that you decided to watch him for about five  
9 minutes or so?

10 A I guess it's just his -- he was just -- his  
11 appearance when I saw him and -- that would be it.

12 Q And so you continued to focus on him for about a  
13 five-minute period; is that right?

14 A I don't know if I -- that was my focus. I did --  
15 I did observe him, yes.

16 Q And when you saw Mr. Dziekanski or the person you  
17 now believe was Mr. Dziekanski, he didn't appear  
18 to be in any medical distress, did he?

19 A No, sir.

20 Q And in your view, he didn't pose any security  
21 threat, did he?

22 A No, sir.

23 Q And do you have a supervisor on shift, somebody  
24 you can go to with whom you could raise concerns  
25 that you may have, or were you working alone?

26 A I don't work with a supervisor in that position.  
27 There are supervisors at the airport and there's  
28 also a person who is designated a lead, which  
29 is -- is a non-management person, working person,  
30 but -- I don't recall if there was a supervisor on  
31 duty that evening.

32 Q In any event, on the night in question, you didn't  
33 raise any concerns you might have had with this  
34 gentleman with your supervisor or with anyone  
35 else?

36 A No, sir.

37 MR. BRONGERS: Thank you very much for answering my  
38 questions, Mr. Jubber.

39 MR. HIRA: Mr. Jubber, my name is Ravi Hira and I'm  
40 counsel for Officer Kwesi Millington. I have a  
41 few questions for you.

42 A Sir, I can't hear you too well. There's a noise  
43 right behind me.

44 MR. HIRA: Sorry, I'll -- how's that sound?

45 A That's good. thank you.

46

47

1 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE  
2 KWESI MILLINGTON:  
3

4 Q Looking at Corporal Brassington's report, he  
5 writes:  
6

7 JUBBER said that DZIEKANSKI looked like a  
8 "whack-job" and added that after working at  
9 YVR for 19 years, he has gotten good at  
10 recognizing people who aren't normal.  
11

12 Do you see that sentence?

13 A Yes, sir.

14 Q Is it fair to say that Mr. Dziekanski didn't look  
15 normal to you?

16 A At the time, there was something that -- there was  
17 something about him at the time, yes.

18 Q Thank you. Did you get a look at his face?

19 A I just saw his general -- I -- I don't know. I  
20 didn't -- this type of situation, but I did see  
21 him, yes.

22 Q Did you notice whether or not he was sweating?

23 A I did not notice that.

24 Q All right. Did you get a look at his eyes at all?

25 A No, sir.

26 Q Did you notice anything -- did he appear to speak  
27 at all?

28 A No, sir.

29 Q And just the term that you used, whack job.

30 A Yeah.

31 Q Are you able to at all elaborate what you mean by  
32 that term?

33 A I just think with the gentleman's appearance it  
34 was more -- when I was speaking to the corporal, I  
35 think just with his general appearance that, you  
36 know, there was something -- something --  
37 something different about the gentleman. I --  
38 yeah.

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

40 THE COMMISSIONER: Thank you very much for your time.

41 It's very much appreciated.

42 A Thank you, sir.  
43

44 (WITNESS EXCUSED)  
45

46 MR. VERTLIEB: The next witness is Staff Sergeant Doug  
47 Wright, but he'll be some time. Perhaps it's a

29  
Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

1 good time to take the lunch break.

2 THE COMMISSIONER: We'll break until 2:00. Does that  
3 suit everybody? Two o'clock.

4 THE REGISTRAR: The hearing is now adjourned until 2:00  
5 p.m.

6  
7 (PROCEEDINGS ADJOURNED FOR NOON RECESS)

8 (PROCEEDINGS RECONVENED)

9  
10 MR. MCGOWAN: Mr. Commissioner, the next witness will  
11 be Staff Sergeant Doug Wright. He's already in  
12 the box.

13  
14 DOUGLAS WRIGHT, a witness,  
15 sworn.

16  
17 THE REGISTRAR: Would you state your full name, please.

18 A My name is Joseph Douglas Eugene Wright. I'm a  
19 regular member of the Royal Canadian Mounted  
20 Police. I have been so since 1974. I am  
21 currently stationed at Richmond Detachment and I  
22 was so stationed on the 14th day of October 2007.

23 THE REGISTRAR: Thank you. You may be seated.  
24 Counsel.

25  
26 EXAMINATION IN CHIEF BY MR. MCGOWAN:

27  
28 Q Staff Sergeant, you've been with the RCMP for 35  
29 years?

30 A That is correct.

31 Q In fact, your service with the force is officially  
32 coming to an end in a very short time?

33 A As a matter of fact, Sunday.

34 Q Congratulations. You've been a staff sergeant,  
35 you've held that rank for four and a half years?

36 A Technically six but four and a half in the rank,  
37 yes.

38 Q And you've been with the Richmond Detachment since  
39 2004?

40 A That's correct.

41 Q In October of 2007, you were the staff sergeant in  
42 charge of the Vancouver International Airport  
43 Subdetachment of the Richmond RCMP?

44 A Yes, Mr. Commissioner, that's correct.

45 Q And please briefly tell the Commissioner what that  
46 role included.

47 A That function is to oversee the day-to-day

- 1 operations at Vancouver International Airport. We  
2 work under contract through the Airport Authority,  
3 who provides 28 members who provide the day-to-day  
4 service for response to pre-board screening  
5 checkpoint alarms, whole baggage screening and  
6 U.S. preclearance under the U.S. **Preclearance Act**.  
7 Over and above that, Mr. Commissioner, we are also  
8 responsible for the day-to-day policing provided  
9 to all of Sea Island, which includes the community  
10 of Burkeville, the highways, the byways, and every  
11 **Criminal Code** offence that takes place on the  
12 island. And my members are responsible for that  
13 day-to-day intervention and investigation of files  
14 along those lines, sir.
- 15 Q In October of 2007, you were the ranking officer  
16 at the Vancouver International Airport  
17 Subdetachment?
- 18 A Yes, I was.
- 19 Q And who did you report to?
- 20 A I reported to Inspector Rendall Nessel, who is the  
21 OIC Operations of the day.
- 22 Q And under you, there were a number of corporals  
23 working who headed watches or shifts at the  
24 subdetachment?
- 25 A Yes.
- 26 Q One of those shifts was B Watch and that was  
27 headed by Corporal Robinson, correct?
- 28 A That is correct.
- 29 Q I'm going to ask you about some involvement you  
30 had, at least initially, from the sidelines in the  
31 events at the airport that we're concerned with.  
32 But first of all, I want to ask you a few  
33 questions about policy, officer.
- 34 A Okay.
- 35 Q The RCMP distributes policy in stages. There's  
36 national policies, provincial policies, and then  
37 also detachment or regional policies; is that  
38 right?
- 39 A That's correct.
- 40 Q And the national policies, they come out of  
41 Ottawa?
- 42 A Yes.
- 43 Q And the provincial policies are developed within  
44 each province?
- 45 A That's correct, under each divisional  
46 headquarters.
- 47 Q And then in addition, there are local policies

1           that deal with matters of a more local nature or  
2           specialized nature that might be particular to  
3           specific detachments or regional interests. Is  
4           that a fair summary?  
5        A     That would be a fair summary. It would be to the  
6           detachment interest and it would be classified as  
7           post orders or standing operational procedures.  
8        Q     And are those sometimes called unit supplements,  
9           or are unit supplements something different?  
10       A     No, they are sometimes called unit supplements.  
11           They've changed over the 35 years I've been a  
12           member. Started out as post orders and have gone  
13           to the point that they are now classified as unit  
14           supplements, yes.  
15       Q     And the national policies, the provincial policies  
16           and the unit supplements, are they all available  
17           to be accessed by uniformed or investigative  
18           members, operational members?  
19       A     Yes, they are.  
20       Q     And how are they available?  
21       A     They are available through our online computer  
22           system, through our J drive, and also on our --  
23           and the J drive is a local detachment drive which  
24           would address, Mr. Commissioner, the local  
25           policies and procedures that we have. And then we  
26           also have access through our ROSS or e-mail  
27           account into our national policy at headquarters  
28           where we can go into -- HERMIS basically is a  
29           computer program that we can sign on and go into  
30           both national policy on computer and "E" Division  
31           or provincial policy, which would be directed on  
32           there and my members would have access to that  
33           simply by signing on to our computer systems using  
34           their proper access codes.  
35       Q     So every one of your members practising at the  
36           International Airport Detachment would have had  
37           access to each level of those policies, the  
38           national, the provincial and the unit supplements?  
39       A     Yes.  
40       Q     Now, sir, we have asked counsel for the Government  
41           of Canada, specifically for the RCMP, to provide  
42           us copies of unit supplements that might in some  
43           way relate to this incident. I have here a  
44           package of those, and I'm not suggesting to you  
45           that it's a complete package of your unit  
46           supplements. But I'm going to ask you to look at  
47           them and tell me, if you can, if these were unit

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1 supplements in force at the time, to your  
2 recollection, and governing your members at the  
3 Airport Detachment.
- 4 A Yes, sir.
- 5 Q Have you had a chance to flip through those just  
6 briefly, officer?
- 7 A Yes.
- 8 Q And am I correct that those were some of the unit  
9 supplements in force in Richmond at the time of  
10 the incident that we're here to speak about?
- 11 A Yes, they would have been, Mr. Commissioner.
- 12 Q And in addition to these, there would have been  
13 provincial policies and national policies, some of  
14 them in overlapping areas and some of them in  
15 different areas?
- 16 A Yes, that would be correct.
- 17 Q And you would have been and continue today to be  
18 generally familiar with policies at all three of  
19 those levels?
- 20 A Yes.
- 21 MR. MCGOWAN: I wonder if Exhibit 178 could be placed  
22 before the witness, please.
- 23 Q Is that in front of you, sir?
- 24 A Yes, it is.
- 25 Q Now, prior to becoming involved as a potential  
26 witness in this matter, had you ever seen that  
27 memorandum, to your recollection?
- 28 A Not in that format, no.
- 29 Q The material contained in that memorandum, can you  
30 tell us whether it's contained in that format in  
31 any of the unit supplements, to your knowledge,  
32 that I just placed before you?
- 33 A Not that I'm aware of, Mr. Commissioner.
- 34 Q Regardless of whether it's in those unit  
35 supplements, is it information that you were  
36 familiar with from some source prior to getting  
37 involved in this as a potential witness?
- 38 A Yes and no. Yes in so much as I was provided a  
39 copy of an e-mail on Monday that had my name  
40 attached to it, reviewed it, read it. I do  
41 remember portions of it, having been sent to me  
42 some time ago. As for unit supplements, no, I  
43 haven't seen that level at our unit supplementary  
44 level at the detachment.
- 45 Q So let me just see if I can fill in the gaps. You  
46 referred to an e-mail, and maybe I'll just help  
47 you with this so we can clear it up. There was an

1 e-mail authored by Ward Clapham and sent to  
2 somebody further up in the RCMP echelon and copied  
3 to you, containing essentially the text that's now  
4 in this memorandum?  
5 A That is correct, Mr. Commissioner.  
6 Q And it appeared to be a communication in response  
7 to a request the same way this memorandum does?  
8 A Yes.  
9 Q Okay. You viewed that e-mail and you saw this  
10 information in that e-mail?  
11 A Yes.  
12 Q You also see it in this memorandum?  
13 A Yes.  
14 Q Was this the policy, this information contained in  
15 this memorandum, in Richmond in October of 2007?  
16 A I hadn't seen it in writing in 2007, no. Not in  
17 this format and not in unit supplements.  
18 Q Had you seen portions of it in writing or in  
19 policy, or can you remember?  
20 A I can't remember seeing any of it, no, prior to  
21 that date.  
22 Q Regardless of whether you can point to us in  
23 writing, what can you tell us about whether or not  
24 the information and the steps set out in this  
25 memorandum were policy in Richmond in October of  
26 2007?  
27 A As for policy, I couldn't address that. As for  
28 common sense, yes. You would think that what is  
29 in here would be things that our members would do.  
30 Q If you're not pointing to a document, how would  
31 your members become aware of the information other  
32 than by common sense?  
33 A A lot of time word of mouth and through their  
34 trainers.  
35 Q Just so we're clear, you can't point us to a  
36 document that contains this information, however?  
37 A No, I cannot, and I searched.  
38 MR. MCGOWAN: Okay. Thank you. If those supplements,  
39 Mr. Commissioner, could perhaps become the next  
40 exhibit.  
41 THE COMMISSIONER: Yes, all right.  
42 THE REGISTRAR: That will be Exhibit Number 182.  
43  
44 Exhibit 182: Copies - Bundle of RCMP  
45 Operations Manual - Unit Supplements  
46  
47

1 MR. MCGOWAN:

2 Q Now, just before we leave Exhibit 178, I want to  
3 ask you about one thing that's mentioned in that  
4 memorandum and see if I can get a little bit of  
5 clarity on it. There's reference to translation  
6 services being obtained potentially through  
7 E-Comm.

8 A Yes.

9 Q Tell the Commissioner, if you can, about what that  
10 service was and how it could be accessed, please.

11 A Normally what would happen, Mr. Commissioner, is  
12 in the event that we required a translator, our  
13 members would, via phone, cell phone, contact  
14 E-Comm and request -- we have a callout list of  
15 people that have language skills that we would ask  
16 for. Barring that, not being able to find  
17 somebody with specific language skills that we're  
18 looking for, we would contact, or have E-Comm  
19 contact, Mosaic, who would do a callout of someone  
20 that would meet that language skill set that we  
21 were looking for.

22 Q Was this available over the handheld radio that  
23 uniformed members carried in October of 2007?

24 A They could have requested it over the handheld  
25 radio. Most of them -- I say most of them. All  
26 of my members are issued with cell phones when  
27 they come on shift, so they have cell phones,  
28 portables. and that type of electronic access to  
29 phone calls right with them at any one given time.

30 Q This translation service, did it have to be  
31 requested well in advance or was there  
32 instantaneous access to it?

33 A Generally instantaneous. Within minutes to -- I  
34 say instantaneous. It would be a call to E-Comm.  
35 E-Comm would then have to make a call out to  
36 Mosaic or try to find someone, make contact with  
37 that person, see if they were available or try to  
38 make them available during that time. If that  
39 didn't work on the list that they had, went to  
40 Mosaic. Mosaic would then generally go down their  
41 list and start calling people out in an attempt to  
42 contact someone with that language skill set. So  
43 instantaneous? No, unless there was somebody  
44 sitting in the room that had those language  
45 skills. Other than that, it could take a few  
46 minutes, to several minutes, to half an hour to an  
47 hour.

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1 Q Okay. So it was a matter that would be accessed  
2 in relatively short order but not necessarily  
3 immediately?
- 4 A That's correct.
- 5 Q And were your members at the Airport Detachment  
6 aware of this service?
- 7 A Yes.
- 8 Q And were instructions given to them, to your  
9 knowledge, as to when it would and when it would  
10 not be appropriate to attempt to access these  
11 services?
- 12 A Not from me.
- 13 Q And what about from anyone else? Do you know?
- 14 A I would suggest that from their trainers and  
15 again, the word of mouth contact and access and  
16 experience.
- 17 Q You're not aware of any written policy materials  
18 dealing with that?
- 19 A I believe there may be some policy specific to  
20 Mosaic being available on translation services in  
21 our policies.
- 22 Q I'm going to take you now, sir, to the early  
23 morning hours of October 14th, 2007. I take it,  
24 as a staff sergeant, you probably weren't on duty  
25 at 2:00 in the morning?
- 26 A I was probably at home in bed, thank you.
- 27 Q You regularly work the day shift, I suspect?
- 28 A Yes. My regular shift is Monday through Thursday  
29 from 6:00 in the morning till 4:00 in the  
30 afternoon, but usually I'm in my office by shortly  
31 after 5:00 and on my way home by just before 5:00.
- 32 Q You were at home and, I guess, in bed at 2:00 in  
33 the morning on October 14th, and I understand that  
34 it was around that time that you first became  
35 involved, at least in an indirect way, in this  
36 incident?
- 37 A That is correct, Mr. Commissioner.
- 38 Q Tell the Commissioner how you first became  
39 involved in the incident and what your first  
40 information was about the incident, please.
- 41 A I received a phone call from Corporal Monty  
42 Robinson. He advised that there had been an  
43 incident at Vancouver International Airport  
44 wherein a Taser had been deployed, that the  
45 subject that had had the Taser deployed on was in  
46 serious medical distress, that he was being tended  
47 to by the British Columbia Ambulance Service, and

- 1           that there certainly appeared to be some real  
2           serious issue as to whether he was going to  
3           survive or not.
- 4        Q     And what was the time of this call being placed to  
5           you?
- 6        A     Right about two o'clock in the morning.
- 7        Q     You received that at your home?
- 8        A     That is correct. Well, on my Blackberry as it  
9           sleeps by my bed with me.
- 10       Q     And you spoke directly to Corporal Robinson?
- 11       A     I did.
- 12       Q     And during this conversation, I take it from your  
13           notes Corporal Robinson also provided you some  
14           information about the incident?
- 15       A     That is correct.
- 16       Q     Did Corporal Robinson give you any information  
17           with respect to the issue of why the Taser had  
18           been deployed?
- 19       A     He used the words "excited delirium." That they  
20           had -- that they had information prior or heading  
21           down that the subject had been throwing items  
22           around and that they had responded as the result  
23           of a complaint.
- 24       Q     The words "excited delirium," did those come up in  
25           the context of the issue as to why the Taser was  
26           deployed?
- 27       A     Yes.
- 28       Q     And those were words spoken by who?
- 29       A     Corporal Robinson.
- 30       Q     Did Corporal Robinson provide you with any  
31           information about observations of the subject's  
32           behaviour that he had made?
- 33       A     That he was agitated, non-compliant, was basically  
34           the information I got.
- 35       Q     I'm looking at a specific note, officer, and -- do  
36           you have your notebook with you or would you like  
37           a copy?
- 38       A     Yes, I do. I'm opening it now.
- 39       Q     I'm on page 100 of your notebook.
- 40       A     Yes.
- 41       Q     And to be fair, you made fairly extensive notes  
42           about your conversation with Corporal Robinson, in  
43           fact your conversations with him, correct?
- 44       A     That is correct.
- 45       Q     The time of the call was 2:00 in the morning. At  
46           what time did you record your notes?
- 47       A     Probably around 2:07 is when I would have started,

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1           2:06, 2:07. Just enough to get out of bed, get  
2           dressed, downstairs into the kitchen, get out my  
3           notebook, pull out a pen, throw it on the kitchen  
4           counter and begin to scribble notes.
- 5           Q     You knew this was an important matter? You wanted  
6           to keep a record?
- 7           A     Absolutely.
- 8           Q     And I take it you wrote down as carefully as you  
9           could what you were told?
- 10          A     Yes.
- 11          Q     At least the highlights?
- 12          A     Yes.
- 13          Q     One of the entries you made says:
- 14
- 15                    Subject was at a counter and when approached  
16                    began throwing items at the glass i.e. chair  
17                    etc.
- 18
- 19          A     Yes.
- 20          Q     Is that information provided to you by Corporal  
21          Robinson during that telephone call?
- 22          A     Yes, it was.
- 23          Q     Did he provide you any other information about  
24          what transpired when the officers approached  
25          Mr. Dziekanski?
- 26          A     Just that he had been uncooperative, as per my  
27          notes and --
- 28          MR. HARRIS: I rise for a moment. You're misleading  
29          the witness. He never said that that entry  
30          occurred as a result of the officers approaching  
31          him. You said "any other information about when  
32          the officers approached him." That's not correct.
- 33          MR. MCGOWAN: Well, it certainly wasn't my intention to  
34          mislead the witness, Mr. Harris.
- 35          Q     Tell us what you can about what information was  
36          provided to you by Corporal Robinson, what  
37          observations he made of Mr. Dziekanski when the  
38          officers approached.
- 39          A     Just to the information that is there, is that he  
40          had been throwing items around -- or they had  
41          received information he had been throwing items  
42          around, chairs, computer screens, et cetera, and  
43          that he was uncooperative when they approached.
- 44          Q     Thank you. Aside from Corporal Robinson, did you  
45          know what other members were in attendance when  
46          you spoke with the corporal at 2:00 in the  
47          morning?

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1 A No, I did not.  
2 Q Did he advise you how many members were in  
3 attendance?  
4 A That there was three other members.  
5 Q You got off the phone with Corporal Robinson and  
6 not surprisingly you placed a call to the officer  
7 above you in the chain?  
8 A Yes, Mr. Commissioner, that's correct.  
9 Q And subsequent to that you had another telephone  
10 conversation with Corporal Robinson?  
11 A Yes.  
12 Q And what was the time of that telephone  
13 conversation?  
14 A 2:11 in the morning.  
15 Q And just so we're clear, how do you place these  
16 calls in time?  
17 A Pardon me?  
18 Q How do you place the time of these calls when  
19 you're making your notes?  
20 A In -- the 24-hour clock is usually what I use  
21 time-wise.  
22 Q I'm sorry, let me -- do you look at your watch?  
23 Do you look at your cell phone? Are you  
24 estimating the time?  
25 A Oh, heavens no. I have my cell phone and I'm  
26 looking at my cell phone, I'm looking at the clock  
27 on the wall in my kitchen, the one on my  
28 microwave. There's all sorts of clocks where I  
29 was sitting, so as I'm placing calls, I'm writing  
30 the time down and just keeping a chronological  
31 order of what it is that I'm saying and doing.  
32 Q Fair enough. Tell the Commissioner what you can  
33 about the telephone call you had with Corporal  
34 Robinson at 2:11 in the morning, please.  
35 A He'd indicated that they'd been unable to contact  
36 any of the officers, as I had also made a contact  
37 to Inspector Nettet or phone call through, advised  
38 that the plain clothes commander, Staff Sergeant  
39 Eric Hall, had been contacted and our Integrated  
40 Homicide Team was going to be called out, that  
41 they had a male subject who had been videotaping  
42 the event and he was currently with Constable  
43 Rundel. He questioned me as to what to do with  
44 that particular witness, to which I provided him  
45 direction to hang on to the subject and hold the  
46 item for evidence until such time that somebody  
47 arrived to relieve them, and that the tape was to

1 be turned over to our Integrated Homicide Team.

2 I also provided him direction to tell the  
3 members -- because I recognized at that time that  
4 they were going to be part of this investigation  
5 as witnesses to this event -- that to provide  
6 direction to the members that they were to not  
7 interact with any other witnesses or themselves,  
8 to sit -- basically what I said was to have them  
9 sit down, shut up, and make notes, and not talk to  
10 one another or talk to anybody else. That they  
11 were going to have to account for what it is that  
12 had happened and they needed not to compare or  
13 exchange information with one another because they  
14 were going to be the investigation.

15 Q That portion of the conversation you have a  
16 recollection of today?

17 A Absolutely.

18 Q With respect to the making of notes, did you give  
19 Corporal Robinson any indication as to what type  
20 of notes should be made?

21 A I suggested he should make extensive notes, or  
22 excellent anyways is what I have here.

23 Q Sorry. And when you say "what I have here,"  
24 you're making reference to your notebook?

25 A To my notes. It says "excellent notes," yes.

26 Q Okay.

27 A And he also advised, in the bottom entry, that  
28 British Columbia Ambulance Service was going to  
29 stop working on Mr. Dziekanski.

30 Q And you took that as an indication that Mr.  
31 Dziekanski had not survived the --

32 A That is correct, Mr. Commissioner.

33 Q -- incident?

34 A That he had succumbed to the event.

35 Q Okay. I see in your notebook at 2:32 in the  
36 morning, you place a call to Sergeant Dennis  
37 Wilson.

38 A Yes.

39 Q And who is that officer?

40 A Sergeant Dennis Wilson was the acting watch  
41 commander of the evening and he was the person in  
42 charge of Richmond Detachment for that shift.

43 Q And did you give him any direction?

44 A Yes. I asked that he ensure that several members  
45 were sent out from Richmond Detachment to take  
46 over Vancouver Airport, to provide the service  
47 that we are required to provide and to secure the

1 scene and provide assistance to the members that  
2 were already out there.

3 Q And did you give him any indication as to the  
4 manner in which the members should be treated?

5 A As witnesses.

6 Q And over the next hour or so, is it fair to  
7 summarize your activities as making a number of  
8 telephone calls to largely YVR personnel and  
9 perhaps other police officers who needed to be  
10 advised?

11 A Yes.

12 Q And then there appears to be a short gap in your  
13 notes. Perhaps you found some time to grab a few  
14 hours of shuteye. But by 8:00 in the morning  
15 you're making some calls again; is that right?

16 A Yes, Mr. Commissioner, that's correct.

17 Q Eight in the morning you're speaking with a  
18 corporal -- I'm sorry, I can't read your writing  
19 there.

20 A Paulina Gidda, and that's G-i-d-d-a.

21 Q Who is that?

22 A She was the corporal acting as watch commander  
23 that day for the day shift.

24 Q What's a watch commander?

25 A A person that's in -- basically they look after  
26 the watch. Whoever is in on shift, they're  
27 responsible for during that shift.

28 Q So each watch has a watch commander?

29 A Yes. Generally at the staff sergeant level, but  
30 if they're away then they're replaced by somebody  
31 else.

32 Q Okay. And what was the purpose of your call to  
33 this watch commander?

34 A Just to check in and see how things were going,  
35 how the members were doing.

36 Q Did she give you any information about the members  
37 or their whereabouts?

38 A The only information that I'd gotten was that  
39 Corporal Robinson had been or is with the IHIT  
40 team; that Chaplain Turner, who is our force  
41 chaplain, had been advised. He's under our  
42 Member/Employee Assistance Program. And --

43 Q I don't want to ask you anything about Chaplain  
44 Turner's involvement with this.

45 A And just that he was there or that Corporal  
46 Robinson was there and was being interviewed. Or  
47 was -- I say interviewed. Was with our IHIT team.

41  
Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

1 Q Okay. That's the information you're provided when  
2 you make this call?  
3 A Yes.  
4 Q And the time of this call was?  
5 A 8:14 in the morning.  
6 Q And were you provided any information about the  
7 whereabouts of the other members?  
8 A Just that they had gone home. And I think that's  
9 a little bit later in my notes here. I checked to  
10 see what was going on with them and I asked what  
11 had happened or where they were, and she said that  
12 they had been relieved to go home. At 8:14 it  
13 says most of the members had been relieved to go  
14 home and Corporal Robinson was the one that was  
15 left behind.  
16 Q Okay. And starting at 8:17, you make some other  
17 telephone calls. When is the next time you speak  
18 with one of the members who was involved at the  
19 airport that evening, one of the four members?  
20 A I believe it's Monday morning, the 15th, if I'm  
21 not mistaken. Let me just check my notes here.  
22 Q I'm looking at a call at 9:55 on the 14th --  
23 A Hang on. Hang on.  
24 Q -- 0955.  
25 A Sorry, my mistake.  
26 Q Let's see if I can assist you in locating that.  
27 Page 104.  
28 A Okay. 9:55 I placed a call to Corporal Robinson  
29 and he indicated he was currently with Inspector  
30 Nessel and Chaplain Turner. He provided some  
31 other information in reference to Constable  
32 Millington, who was one of the other people  
33 involved in this. And again, at 1900 hours I  
34 placed a call to both Robinson and Millington,  
35 left messages twice for Corporal Robinson and was  
36 unable to contact Constable Millington.  
37 Q So you spoke with Robinson at 9:55 in the morning?  
38 A Yes.  
39 Q And what was the purpose of that call?  
40 A To check up and see how he was doing. Make sure  
41 he was getting the assistance he required.  
42 Q What information did you get about the incident,  
43 if any, from Corporal Robinson during that  
44 telephone call?  
45 A Absolutely none.  
46 Q Did the subject of the incident come up at all?  
47 A No. Not his involvement. My conversation would

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1 have been, "Are you getting help? Do you feel  
2 like you need anything? Is there anything I can  
3 do for you to help you out?" That kind of thing.  
4 Just checking on his mental and physical well-  
5 being was my intent at the time.
- 6 Q I'm looking at your first bullet point under that  
7 note -- and I'm sorry. I can read a portion of it  
8 but I can't seem to read it all. I wonder if you  
9 could just help me out with that note. It says  
10 "something have provided something" --  
11 A "Members have provided overview -- duty to report  
12 and statement."  
13 Q Was that provided to you?  
14 A Not to me, no. That was what Corporal Robinson  
15 told me, was that they had provided information to  
16 IHIT -- or information to the investigators.  
17 Q Fair enough. And the next line indicates that  
18 Officer Millington is to provide a statement  
19 later?  
20 A Yes.  
21 Q Is the information you had from Robinson that  
22 Officer Millington had not yet provided a  
23 statement?  
24 A When he told me that he was going to provide a  
25 statement later, Mr. Commissioner, that was my  
26 understanding, is he was going to provide it  
27 later, that it hadn't been done yet.  
28 Q You told us about some attempts to contact Officer  
29 Robinson and Millington later in the day. What  
30 was the purpose of those attempted calls?  
31 A Just to check in with them to make sure that they  
32 were doing okay.  
33 Q And did you make contact with either of them that  
34 day?  
35 A Not at that time, no.  
36 Q When did you next speak with any of the four  
37 officers who were involved?  
38 A Monday morning, on the 15th of October, at 8:50, I  
39 had gone to Richmond Detachment. I go to the nine  
40 o'clock morning meeting, Mr. Commissioner. And as  
41 I was walking through the office, I ran into  
42 Constable Millington at that time. And that would  
43 have been at the main detachment at 6900 Minoru  
44 Boulevard in Richmond.  
45 Q Had you arranged to meet Officer Millington there?  
46 A No.  
47 Q He was present at the detachment on Monday

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

1 morning?  
2 A Yes.  
3 Q That's not the subdetachment; that's the main  
4 detachment?  
5 A That's the main detachment, that's correct.  
6 Q Was he on duty? Or do you know?  
7 A He shouldn't have been.  
8 Q And your note says, "Spoke to Cst Millington re  
9 incident from weekend."  
10 A Yeah. Yes.  
11 Q Tell me about the content of your conversation  
12 with Officer Millington as it related to the  
13 incident on the weekend.  
14 A I wouldn't have asked him anything about specifics  
15 of the incident, just how he was doing, how he was  
16 coping, whether he required any further  
17 assistance, whether there was anything I could do  
18 for him to help him through this.  
19 Q So when you say, "Spoke to Millington re  
20 incident," was there any information about the  
21 incident relayed to you from him?  
22 A No.  
23 Q Did you speak to any of the other officers, to  
24 your recollection, refreshed from your notes if  
25 necessary, on that day?  
26 A No.  
27 Q Now, the next day is Tuesday, October 16th, in  
28 your notebook, correct?  
29 A That's correct.  
30 Q And I just want to ask you about a note you have  
31 here. It says, "B Watch Briefing D1 -- discussed  
32 excited delirium and members (*sic*) actions."  
33 A Yes.  
34 Q First of all, who's B Watch?  
35 A B Watch would have been Monty's watch, or Corporal  
36 Robinson's.  
37 Q Are you meeting with Corporal Robinson and any of  
38 the members under his watch, six o'clock in the  
39 morning on October 16th?  
40 A Nope. I have a -- it was actually A Watch. When  
41 I look at the notes and go back -- you have to go  
42 forward two pages -- because they had been working  
43 night shift, they would have been off. It would  
44 have been A Watch that that note should have  
45 referred to on both the 16th and the 17th.  
46 Q So what you're indicating -- both your notes --  
47 well, I don't have your notes from the 17th, but

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1           your notes from the 16th say "B Watch Briefing."  
2       A     That's correct.  
3       Q     What do you have to say about that note?  
4       A     It's wrong. It was A Watch actually is what it  
5           was.  
6       Q     Were you discussing -- well, you say "discussing  
7           members actions." Which members?  
8       A     The response to the incident.  
9       Q     So you're discussing the members' response to the  
10           incident?  
11      A     Yes.  
12      Q     And the issue of excited delirium?  
13      A     Excited delirium and --  
14      Q     Has it played a role in the response to the  
15           incident?  
16      A     In their response to the call.  
17      Q     Had you read their statements by this point?  
18      A     No.  
19      Q     What was the source of your information regarding  
20           their response and excited delirium as it related  
21           to the response?  
22      A     Well, I knew that a Taser had been deployed from  
23           the information that I had, that the members --  
24           that the person involved, I had enough  
25           information, Mr. Commissioner, from what Monty had  
26           told me on the evening of the event, that items  
27           had been thrown around, that there was information  
28           that Mr. Dziekanski was agitated, and the words  
29           "excited delirium" had been used, similar to  
30           cocaine psychosis, and in along those lines where  
31           someone gets very, very -- can get very much out  
32           of control, and the use of force at any given time  
33           to take somebody -- or to bring somebody back in  
34           under control again, and what is available to us  
35           from verbal commands through our use of force  
36           continuum.  
37      Q     So do I take it from your answer that Corporal  
38           Robinson was one of the sources of your  
39           information about what transpired that night?  
40      A     From the initial contact that he had had with me  
41           at two o'clock in the morning and through the  
42           evening of the 14th, yes.  
43      Q     What other source would you have had for  
44           information about the incident?  
45      A     Just general discussion, probably at our nine  
46           o'clock morning meetings, Mr. Commissioner.  
47      THE COMMISSIONER: I don't understand. This meeting at

45  
Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

1           six o'clock --  
2       A     Yes, sir?  
3       THE COMMISSIONER:  Who was there?  Were any of the four  
4           officers there?  
5       A     No, they were not.  It was a new watch, A Watch  
6           coming in, and of course they would have heard on  
7           the media about the incident and would have asked  
8           some general information as to what had happened  
9           and what had gone on.  
10      MR. MCGOWAN:  
11      Q     And you provided that information to them?  
12      A     Yes.  
13      Q     And it's information you got from your earlier  
14           discussions with Robinson and from your nine  
15           o'clock briefing?  
16      A     That would be correct.  
17      Q     You had subsequent contact that day with some of  
18           the officers?  I'm just looking at page 109 --  
19      A     Yes.  
20      Q     -- if that assists you.  
21      A     I contacted Constable Rundel at his residence and  
22           had a conversation with him, and I also contacted  
23           Constable Bill Bentley.  
24      Q     So at 1315, you place your call to Officer Rundel?  
25      A     Yes.  
26      Q     And then the next note is 1330, 15 minutes later,  
27           you have a conversation with Officer Bentley?  
28      A     Yes.  
29      Q     Do I take it, then, that your call with Officer  
30           Rundel was approximately 15 minutes in length?  
31      A     Probably five to ten.  I don't keep track minute  
32           by minute of what I'm doing when I'm not on the  
33           phone.  Would have made some notes at the time and  
34           just had a very brief conversation with him.  And  
35           again, both these conversations would have been to  
36           see and make sure that they were getting proper  
37           support, that they felt that they were being  
38           supported, that they were getting counselling or  
39           they were seeking counselling, that they were  
40           getting whatever it is that they needed in support  
41           of this incident, and not about the incident  
42           itself, Mr. Commissioner.  
43      Q     Without telling me what they said about their  
44           feelings, did they discuss their feelings with you  
45           about the incident?  
46      A     In so much as they said they were doing okay.  
47      Q     In the context of discussing those aspects, what,

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1 if anything, did they tell you about their  
2 involvement in the incident or what transpired?  
3 A I did not ask and they did not volunteer any  
4 information as to their involvement in the  
5 incident.  
6 Q In the course of telling you how they felt about  
7 the incident, did they relate that to anything  
8 that actually occurred --  
9 A No.  
10 Q -- that they said occurred?  
11 A No. I was more interested in this conversation as  
12 I also have a shift to run and the ability -- or I  
13 need the ability to put people in place to cover  
14 off my shifts at the airport. I would have asked  
15 if they were able to come in to work, whether they  
16 thought they were going to be able to come in to  
17 work, how they felt about coming in, and that kind  
18 of question to see whether or not they were  
19 capable of fulfilling their duties when expected  
20 to come back in on shift, or whether they felt  
21 they needed time off.  
22 Q The next day that I have notes for is October  
23 18th, Thursday.  
24 A Yes.  
25 Q That would have been the first scheduled shift  
26 back for the four members?  
27 A That is correct, Mr. Commissioner.  
28 Q And they all recommenced work on that day?  
29 A Yes, they did, Mr. Commissioner.  
30 Q So you have a reference again to B Watch briefing.  
31 A Yes.  
32 Q This time it is B Watch?  
33 A This time it is, yes.  
34 Q Okay. And that would have included all of the  
35 members that were present at the airport?  
36 A Yes.  
37 Q Okay.  
38 A Yes. My notes here, I have Corporal Robinson,  
39 Constable Rundel, and Constable Bentley being  
40 present.  
41 Q And you had your morning briefing at six o'clock,  
42 the same way you had with A Watch?  
43 A That is correct.  
44 Q And did you cover the same matters, excited  
45 delirium, for example?  
46 A No. This one was more to how they were doing,  
47 whether they felt they should be in on shift, how

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan

- 1           they were coping with everything that was going on  
2           and whether there was anything else that I could  
3           do for them.
- 4        Q     And I see the next thing you did after the  
5           briefing is you had a meeting with Officer  
6           Robinson?
- 7        A     Yes.
- 8        Q     Was that just Officer Robinson?
- 9        A     Yes. In my office.
- 10       Q     Now, we see there a reference to "discussed Sunday  
11           issue." Is that Sunday issue a reference to what  
12           happened at the airport?
- 13       A     Yes, it is.
- 14       Q     So are you discussing with Officer Robinson what  
15           happened at the airport?
- 16       A     I am not. I am having a conversation to make sure  
17           that he is capable, and I feel that he is -- I  
18           feel he is capable to carry on with his duties  
19           that day. I want to see what his mental status  
20           is, how he's feeling, whether or not I need to  
21           have some concern and send him home or try to see  
22           if there's perhaps a way I can get him additional  
23           assistance if he requires it. So it's basically  
24           checking on his mental well-being and his ability  
25           to do his job that day.
- 26       Q     The next note is, "Discussed incident with Cst  
27           Bill Bentley and Cst Gerry Rundel"?
- 28       A     And under the same circumstance, referring back to  
29           what had happened on Sunday, not getting into any  
30           detail whatsoever, and checking to make sure that  
31           those two officers were also available to carry  
32           out their duties or felt that they were capable of  
33           carrying out their duties and that they had sought  
34           some type of assistance prior to coming back to  
35           work.
- 36       Q     So despite the fact that your notes say "discussed  
37           Sunday issue" and "discussed incident," your  
38           evidence here is there was no actual discussion  
39           about any details of the incident? Is that --
- 40       A     That is correct.
- 41       Q     -- what your evidence is?
- 42       A     That is correct. I'm a person in authority. I  
43           recognize that anything that they say to me could  
44           be used against them or I could be called as a  
45           witness. It's not my investigation. It's not my  
46           place to do that investigation. And as such, I  
47           would not discuss that with them, not the incident

Staff Sergeant Douglas Wright  
In chief by Mr. McGowan  
Cross-exam by Mr. Taylor

1           itself. Just the overall, how it affects them.  
2           That was my function at that time.

3           Q    How many times would you have spoken with these  
4           members in the months that followed the incident  
5           at the airport?

6           A    Some of them I spoke to regularly. Corporal  
7           Robinson, seldom. I left phone calls and  
8           information and didn't receive very many calls  
9           back. And prior to them being transferred out,  
10          probably four or five times over the next period  
11          of time, over the next few months, I would make  
12          contact or try to make contact with them to see  
13          how they were doing.

14          Q    That's after they had left the detachment?

15          A    That's correct.

16          Q    Sometime in November?

17          A    Yes.

18          Q    Prior to them leaving the detachment, I take it  
19          you would have had regular conversations with  
20          them?

21          A    They left very shortly thereafter. They were  
22          removed -- I won't say removed because they  
23          weren't removed from duty. They stepped away from  
24          their duties and were assigned elsewhere, Mr.  
25          Commissioner.

26          Q    Is it your evidence that in all the discussions  
27          that you had with them, not a single detail or a  
28          single piece of information about anything that  
29          happened at the airport was spoken to you by any  
30          of these members?

31          A    Yes, that is my evidence. That is correct.

32          MR. MCGOWAN: Thank you for answering my questions,  
33          officer. Some of the other lawyers may have  
34          questions for you.

35          MR. TAYLOR: Mitchell Taylor, counsel for the  
36          Government of Canada, including the RCMP.

37

38          CROSS-EXAMINATION BY MR. TAYLOR ON BEHALF OF GOVERNMENT  
39          OF CANADA:

40

41          Q    Staff Sergeant, I have a few questions to ask of  
42          you. And I'll start, if I may, with the subject  
43          of the Richmond supplements that Mr. McGowan first  
44          spoke with you about. You've explained how  
45          there's national, provincial and detachment  
46          policies, and the detachment ones are currently  
47          called unit supplements. For clarity, can you say

- 1 if there's a hierarchy to those various policy and  
2 directives?
- 3 A Yes, I can, Mr. Commissioner. National policy  
4 supersedes anything else that we have. Divisional  
5 policy is generally an enhancement of that  
6 national policy because national policy can't  
7 address each division. Each division works under  
8 different types of contracts and agreements with  
9 the different cities that we provide a policing  
10 service to. And then each detachment - again  
11 being a separate entity, or part of the Royal  
12 Canadian Mounted Police but an entity unto  
13 themselves, would have their own standing post  
14 orders - and they would be the lowest in the  
15 hierarchy. And again, they would simply enhance  
16 either divisional or national policy.
- 17 Q And for clarity, what determines a situation if  
18 there's a conflict between the various policies?
- 19 A National policy would supersede any of it.
- 20 Q Can you say how thick would be the national,  
21 provincial and detachment policies if you put them  
22 in paper form and piled them up?
- 23 A Let me see. I would suggest that operational  
24 policy, which is part of it, if you were to put it  
25 in a binder, a two-and-a-half-inch binder side by  
26 side, would probably go across the better part of  
27 this desk (indicating). Administrative policy  
28 at the national level would provide probably about  
29 the same amount of documentation. And divisional  
30 policy is generally put in those immediately  
31 behind each one of those sections, so it would  
32 fill maybe a quarter or 25 percent of what would  
33 be in the books themselves, in those policies.  
34 And then detachment policy is a stand-alone  
35 generally document that is in a binder, maybe  
36 paper-wise about an inch thick, an inch to an inch  
37 and a half thick in policy.
- 38 A All right. And you referred to a table at one  
39 point. Can you estimate the length of that table  
40 in feet?
- 41 THE COMMISSIONER: Mr. Taylor -- counsel, where is this  
42 going? What do I want to know about all of this  
43 policy?
- 44 MR. TAYLOR:
- 45 Q Well, let me ask this.
- 46 A It's a large amount of policy.
- 47 Q Is it fair to say there's a lot of policy?

- 1 A Yes, that's correct.
- 2 Q How familiar are you with all of the policies?
- 3 A The stuff that affects me, reasonably familiar,  
4 that deals with my day-to-day operation. I  
5 regularly will go into both operational and  
6 administrative manuals to deal with things that  
7 affect my day-to-day work function if I'm not  
8 sure, whether it has to do with leave, whether it  
9 has to do with investigational opportunities,  
10 whether it has to do with the different policies  
11 and procedures that we have set out. And I'll  
12 start at the national level, look at divisional  
13 policy, and I'll also look at detachment policy as  
14 it dictates any particular thing that I may be  
15 doing at a time.
- 16 Q Now, Mr. McGowan asked you some questions about  
17 Exhibit 178, and that's the memo that is dated  
18 November 22, 2007, that deals with some matters  
19 pertaining to policy or at least what Chief  
20 Clapham at the time thought was policy. There  
21 appear to be two different items or matters dealt  
22 with in that memo. On page 1, you'll see that  
23 most of it deals with language and translation,  
24 and then towards the bottom of that page and over  
25 onto page 2, do you see that it moves to emergency  
26 services or medical emergency?
- 27 A Yes.
- 28 Q When you were answering Mr. McGowan's questions,  
29 were you speaking about both those topics or just  
30 one of them?
- 31 A I was relating back to the language policy.
- 32 Q So page 1 of that document?
- 33 A Yes.
- 34 Q Now, Mr. McGowan took you to your notes --
- 35 A Yes.
- 36 Q -- and asked you various questions and you gave  
37 evidence. Do you still have those notes before  
38 you?
- 39 A Yes, I do.
- 40 Q Now, on page 101, there is in the first half of  
41 that page above the entry for 0232 --
- 42 A Yes.
- 43 Q -- there are six bullets. Can you read the sixth  
44 bullet, which is the one immediately above 0232.
- 45 A "Advised" --
- 46 Q No, sorry. Sorry, not that bullet. It's the  
47 fourth bullet, or three from the bottom.

- 1 A "Don't allow members who were at scene to talk to  
2 one another about the incident."  
3 Q And this is, if you go back over the page, under a  
4 heading that is speaking about a call you had with  
5 Corporal Robinson?  
6 A At 2:11, that's correct, yes.  
7 Q And did you in fact say to Corporal Robinson what  
8 you have recorded in your notebook and just read?  
9 A Yes, I did say that to him.  
10 Q How long had Corporal Robinson been under your  
11 command at that point in time?  
12 A At that point in time, Mr. Commissioner,  
13 approximately six months.  
14 Q Had you known him before that?  
15 A No.  
16 Q How well did you know him as of October 14th,  
17 2007, in terms of his professional work and  
18 professional role?  
19 A I observed his day-to-day functions when we were  
20 on shift together. I found him to be a supportive  
21 NCO and a very solid leader.  
22 Q What can you say about your level of confidence as  
23 to whether Corporal Robinson would have said to  
24 the other members the passage that you read from a  
25 moment ago?  
26 A I would expect that he would have passed that on,  
27 Mr. Commissioner.  
28 Q Now, at some point in time between October 14th  
29 and now, I understand you have learned who is  
30 reported to have used the Taser, that is which  
31 member deployed the Taser; is that correct?  
32 A Yes.  
33 Q Do you remember when you learned that piece of  
34 information?  
35 A No, I do not.  
36 Q Do you know whether you knew that information in  
37 the first few hours and into the morning of  
38 Monday, the next day, October 15th?  
39 A No. I didn't ask.  
40 Q Do you know whether you did or didn't know that  
41 information, though?  
42 A I didn't know it.  
43 Q Okay.  
44 A Not at that time, no.  
45 Q I just want to take you back to Exhibit 178 once  
46 again, if I may, and specifically page 1 and the  
47 bullet entries you see there as to what appears to

Staff Sergeant Douglas Wright

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

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

1           be a stage process in terms of a member trying to  
2           determine whether he can or can't communicate with  
3           someone and what to do about any deficiencies or  
4           lack of ability to communicate. What can you say  
5           about whether the exigencies of a situation would  
6           come into play or effect, what of these steps you  
7           may be able to do or a member may be able to do?

8           A     Depending on the circumstance or the exigency --  
9           THE COMMISSIONER: Just let's pause here for a moment  
10           now. Are you attempting now to qualify the  
11           officer in terms of an expert in force or --

12          MR. TAYLOR: No.

13          THE COMMISSIONER: Where are we going here?

14          MR. TAYLOR: No. This simply, Mr. Commissioner, has to  
15           do with whether the circumstances that a member is  
16           dealing with would have an effect on whether they  
17           can do all of the things that are listed here, or  
18           any of the things that are listed here.

19          THE COMMISSIONER: All right. I'm not going to  
20           interfere with that, but it seems to me if  
21           somebody is shooting at you and yelling in Polish,  
22           you're not going to get an interpreter. Go ahead.

23          MR. TAYLOR: Thank you. You've perhaps summed up where  
24           I was going.

25          Q     But what can you say about the circumstances of a  
26           given situation or the exigencies or an evolving  
27           situation and whether you can or can't do some or  
28           all of these things?

29          A     Depending on the circumstance, Mr. Commissioner,  
30           of any particular situation, when you walk into  
31           it, you deal with it as you get there. Sometimes  
32           you can and sometimes you can't. There's an  
33           opportunity at times to be able to make those  
34           calls and at other times there is no opportunity  
35           whatsoever because you have to act immediately.

36          MR. TAYLOR: All right. Thank you, Staff Sergeant.

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

39

40          CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA  
41           CISOWSKI:

42

43          Q     Sir, you indicated that you impressed upon the  
44           members the need for them not to discuss these  
45           things between them?

46          A     That is correct, Mr. Commissioner.

47          Q     Now --

1 MR. BUTCHER: I think he impressed that upon Corporal  
2 Robinson.  
3 MR. KOSTECKYJ: Sorry --  
4 A On Corporal Robinson, yes.  
5 Q Did you also at some subsequent time impress that  
6 upon Millington and the other constables involved?  
7 A On that evening, Mr. Commissioner, I did not talk  
8 to those members so I did not impress that upon  
9 those members.  
10 THE COMMISSIONER: The evidence so far has been that he  
11 hoped very much that it would be passed on.  
12 MR. KOSTECKYJ: Sorry? I didn't hear that,  
13 Commissioner.  
14 THE COMMISSIONER: He said he hoped the information  
15 would be passed on.  
16 MR. KOSTECKYJ: Ah, right.  
17 Q Now, at some point I did see, and Commission  
18 counsel took you through, and you did have some  
19 conversations with Constable Millington and, I  
20 believe, Constable Bentley and also Rundel?  
21 A That is correct.  
22 Q Did you have those conversations with them, that  
23 conversation, not to discuss these matters?  
24 A Specific to this, after that time, no, not at that  
25 time.  
26 Q All right.  
27 A It was their well-being that I was dealing with.  
28 Q Now, am I right that in the immediate aftermath of  
29 this event, they came back and worked their next  
30 watch?  
31 A Yes, they did.  
32 Q And so they were all working the same watch  
33 together after the event?  
34 A Yes.  
35 Q And they continued to do that and work together  
36 for a period of a few weeks, I take it, before  
37 they were transferred?  
38 A It was probably about two to three weeks, yes.  
39 Q So during that entire two- to three-week period,  
40 they were on the same watch together daily?  
41 A Yes, they were.  
42 Q Were you aware as to whether or not any of these  
43 constables roomed together?  
44 A No, I am not.  
45 Q All right. And they would work together over a  
46 period -- their shift would be 12 hours; is that  
47 correct?

- 1 A Yes, Mr. Commissioner, generally a 12-hour shift  
2 that they would work together.
- 3 Q And as I understand it, pretty much the entire  
4 watch, or their watch, was involved in this  
5 incident.
- 6 A It would be half of the watch. There's eight  
7 members all told per watch. There would be one  
8 corporal, seven constables, generally on each one  
9 of our teams, so it would have been half the team  
10 anyways, yes.
- 11 Q Because on the evening that this occurred, I  
12 gather that it was Corporal Robinson and the other  
13 three constables who were -- that was the entire  
14 contingent of RCMP members at the airport that  
15 night. Am I correct?
- 16 MR. BUTCHER: (Indiscernible - not at microphone) at  
17 the time of the incident, that's correct.
- 18 A Yes, at the time of the incident, that's correct.  
19 We have a minimum resourcing level that we need to  
20 keep at the airport, Mr. Commissioner, and they  
21 had met that.
- 22 MR. KOSTECKYJ:
- 23 Q Did you ever consider that maybe you ought to  
24 change their shifts around so they weren't in a  
25 position of having to meet and discuss things or  
26 not be put into the position where -- that  
27 position, where they're with each other 12 hours a  
28 day for that period of two or three weeks before  
29 they were transferred?
- 30 A Had considered it, had asked if they needed to be  
31 moved during our conversations, whether they felt  
32 they needed to be moved. It didn't seem to be an  
33 issue with them nor the OIC of the detachment.
- 34 Q Yeah. But you were their immediate commanding  
35 officer. You were concerned, were you not, sir,  
36 that they not discuss these things between  
37 themselves? Is that correct?
- 38 A During the initial stages of the investigation,  
39 absolutely. That would be the first period of  
40 time, Mr. Commissioner, that IHIT was involved  
41 with them, where they were taking statements and  
42 getting that information. But again, that's  
43 beyond my control. I'm not conducting that  
44 investigation. It's not my function to direct  
45 them as to what it is they're going to talk about  
46 or who they're going to talk about it with after  
47 IHIT and that part of the investigation has been

1 completed.  
2 Q But you directed their shifts.  
3 A I -- my function was to make sure, Mr.  
4 Commissioner, that they had enough resources on  
5 their shift and that they felt capable of doing  
6 their job, that's correct.  
7 Q Yeah. The point I was trying to make is, you're  
8 the one who assigned shifts; is that correct?  
9 A Well, I --  
10 Q You determined the schedule?  
11 A No. The schedule was determined. The bodies --  
12 the people that I get to do that job are what I  
13 get from the city and I place them in places on  
14 the watch, yes.  
15 Q And you assign them. You assign the people you  
16 get.  
17 A They have been assigned to that watch, correct.  
18 Q All right. Now, let's -- and at some point they  
19 were transferred. You were aware of that?  
20 A I was aware, Mr. Commissioner, that that was going  
21 to happen, yes.  
22 Q And did you become aware that they were all  
23 transferred together to the same training course?  
24 A I had -- initially I was not.  
25 MR. BUTCHER: I don't believe that's correct either.  
26 A I was initially -- Mr. Commissioner, I was not  
27 told where they were going other than that they  
28 were being relocated.  
29 MR. KOSTECKYJ:  
30 Q All right. To be correct, as I understand it,  
31 three of the members were sent to a training  
32 course together and one of the other members went  
33 on annual leave. Did you become aware that three  
34 of the members at least were transferred together  
35 to a course?  
36 MR. HIRA: The evidence is that they attended --  
37 THE COMMISSIONER: I don't know about the word  
38 "transferred." Attended.  
39 MR. KOSTECKYJ:  
40 Q Attended a course together.  
41 A I wasn't aware of that.  
42 Q All right.  
43 A I wasn't aware that that was going to happen, no,  
44 Mr. Commissioner.  
45 Q All right. Now, I'm going to take you to your  
46 notes for a second, sir.  
47 A Yes.

1 Q And I'm going to take you to page 100 of your  
2 notes. Now, in the very last bullet at 0200  
3 hours, you talked about -- it begins with,  
4 "Subject was at counter." Do you see that?  
5 A Yes, I do, Mr. Commissioner.  
6 Q Can you just read those two lines and a bit to us.  
7 A It says, "Subject was at a counter and when  
8 approached began throwing items at the glass i.e.  
9 chair etc."  
10 Q So the impression you were left with from speaking  
11 with Corporal Robinson was that after he had  
12 attended upon the scene with his other members in  
13 tow, that Mr. Dziekanski had been throwing things  
14 at them?  
15 A No.  
16 Q Well, that's what it says, isn't it?  
17 A No. What it says was that was that was the  
18 information I was provided. Whether that was  
19 happening during the time that he was there is not  
20 what I've said. What I've said was that that was  
21 the information he had provided me. Where in the  
22 timeframe that occurred, I don't know.  
23 Q Well, this is the -- I just want to make sure I'm  
24 correct on this. The information you were  
25 provided was, "Subject was at the counter,"  
26 correct, when they approached?  
27 A Well, "Subject was at a counter."  
28 Q At a counter.  
29 A And not necessarily when they were approached.  
30 The information --  
31 THE COMMISSIONER: I understand where you're going, and  
32 the officer can read what it is. Let's just  
33 proceed a bit.  
34 MR. HARRIS: I'm very concerned about counsel not  
35 putting it properly and adding words that aren't  
36 present in the document.  
37 THE COMMISSIONER: Yes, quite so.  
38 MR. KOSTECKYJ: Okay.  
39 Q The bullet starts off, "Subject was at counter."  
40 THE COMMISSIONER: No, "at a counter."  
41 MR. KOSTECKYJ:  
42 Q Oh, sorry -- "at a counter."  
43 A Correct.  
44 Q And you've corrected me on that. "And" -- what's  
45 the next word after "and"?  
46 A -- "when approached began throwing items at the  
47 glass, i.e. a chair."

Staff Sergeant Douglas Wright  
Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 Q So, do I not understand that to mean that when  
2 they approached him, he was at a counter?  
3 MR. TAYLOR: Well, I'm going to object.  
4 THE COMMISSIONER: Well, that is a proper question.  
5 He's asking the meaning of these words.  
6 MR. TAYLOR: Well, that would be a proper question.  
7 But what my friend asked, or said, is "Do I, Mr.  
8 Kosteckyj, not understand?" It doesn't matter  
9 what he understands. It's "What do you mean?  
10 What are the facts? What do you mean by these  
11 words?"  
12 THE COMMISSIONER: Go ahead.  
13 MR. KOSTECKYJ:  
14 Q Well, sir, this is the word that I'm seizing on in  
15 all of this: "when" -- "when approached."  
16 A Okay. Recognize that in the brief video that I  
17 saw --  
18 Q I didn't ask you about the video. I --  
19 A Well, you're asking a question as to whether and  
20 what I saw or what I was relating to at the time.  
21 THE COMMISSIONER: Just a moment, officer. Let's back  
22 up.  
23 A Yes, Mr. Commissioner.  
24 THE COMMISSIONER: The question is -- have a look at it  
25 with me so we both --  
26 A Yes. It's information that Corporal --  
27 THE COMMISSIONER: No, excuse me.  
28 A Yes.  
29 THE COMMISSIONER: Could you just look at it with me --  
30 A Yes, sir.  
31 THE COMMISSIONER: -- and have a look at this.  
32 "Subject was" - all right? - "at a counter and  
33 when approached" -- now, can you elaborate on what  
34 it means when it says, "and when approached"? Do  
35 you know --  
36 A When approached --  
37 THE COMMISSIONER: -- who it was --  
38 A I don't know who --  
39 THE COMMISSIONER: -- that approached?  
40 A -- approached him at that time. It could have  
41 been someone from the general public. It could  
42 have been someone from the Vancouver Airport  
43 Authority. It could have been someone from any  
44 walk of life that happened to be --  
45 THE COMMISSIONER: Well, the answer is that you --  
46 A -- in the airport at that time.  
47 THE COMMISSIONER: The answer --

- 1 A So no, I don't know --  
2 THE COMMISSIONER: -- is you don't know.  
3 A -- who approached him at that time. That was  
4 simply information that had been relayed back to  
5 Corporal Robinson that relayed on to me.  
6 MR. KOSTECKYJ:  
7 Q I'm going to put it to you fairly simply. Did not  
8 Corporal Robinson -- wasn't what he was telling  
9 you that when they approached him, he started  
10 throwing things at them? Isn't that what he was  
11 telling you?  
12 A I don't believe that is what he was telling me,  
13 Mr. Commissioner. I believe what he was telling  
14 me is that when he was approached, being Mr.  
15 Dziekanski, he was throwing items, or began  
16 throwing items. I don't know who had approached  
17 him.  
18 Q Okay. Now, you've mentioned when you started to  
19 give your evidence about watching the tape. Are  
20 you giving your evidence today based on what you  
21 saw on the tape or on your reflection of your  
22 notes, sir?  
23 A You had asked a question in reference to who may  
24 have been there that provided that information,  
25 and that was the only thing I was referring back  
26 to on the tape, sir.  
27 Q I was more concerned about where you got the  
28 information, and you got the information --  
29 A And that information was --  
30 THE COMMISSIONER: Just a moment, gentlemen. Ask your  
31 next question, please  
32 MR. KOSTECKYJ: All right.  
33 Q Now, the term "excited delirium," I'm going to  
34 suggest to you, sir, that that was a term that you  
35 put into your notes. It wasn't a term that was  
36 used by Corporal Robinson.  
37 A No.  
38 Q Agitation doesn't constitute excited delirium,  
39 does it, in your knowledge?  
40 A In my knowledge, it may be a portion of it.  
41 Q Yeah. Now, I'm just going to take you to page  
42 106. That's your first day where you're back on  
43 duty, I believe, after Sunday.  
44 A Yes, sir.  
45 Q And at zero -- is that 600, the D Watch briefing  
46 note?  
47 A Yes.

1 Q And you talk about discussing -- sorry. Maybe you  
2 could read it because I --  
3 A "Discussed excited delirium incident."  
4 Q So you were characterizing this as an excited  
5 delirium incident, correct?  
6 A That was the information, yes, correct.  
7 Q So what were you discussing about this incident  
8 that you weren't investigating?  
9 A Just general response.  
10 Q Sorry?  
11 A Just general response, Mr. Commissioner.  
12 Q What does that mean?  
13 A How you would respond to such a type of incident  
14 or call.  
15 Q So you were discussing that with the D Watch?  
16 A Yes. And again, that's because they were first on  
17 shift. They were coming back on shift. News  
18 media releases had been out and the question was  
19 out there as to what it is that had occurred.  
20 Q I'm looking at the following day, which is found  
21 at page 108 of your notes.  
22 A Yes, sir.  
23 Q 0600 hours.  
24 A Yes.  
25 Q "B Watch Briefing." Now, you've told us that that  
26 part of it is wrong, correct?  
27 A That would be A Watch, that's correct.  
28 Q Did --  
29 A For the same reason.  
30 Q I'm just going to -- had B Watch worked that  
31 night?  
32 A No, B Watch should have been off, on one of their  
33 days off.  
34 Q Well, let's talk about this. "Discussed excited  
35 delirium and members actions." Is that what  
36 you've got there, sir?  
37 A On --  
38 Q At 0600 on Tuesday, page 108.  
39 A Yes, sir.  
40 Q The 16th of October.  
41 A Yes.  
42 Q Okay. Now, once again, you're using the term  
43 "excited delirium" there.  
44 A Yes.  
45 Q And this is, once again -- you're discussing it.  
46 Is this with a new group of individuals?  
47 A That's the shift that's coming on that day, which

Staff Sergeant Douglas Wright

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

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

- 1 would be A Watch, their first return to duty since  
2 the incident had occurred on the 14th.
- 3 Q And once again, what are you discussing in terms  
4 of excited delirium?
- 5 A Just response to.
- 6 Q And were you trained in excited delirium?
- 7 A In so much as I've dealt with numerous incidents  
8 wherein I have dealt with people who are out of  
9 control. Trained? Other than what I would  
10 normally get through Regina, what I would normally  
11 get in follow-up courses in response and control  
12 of subjects that are out of control, yes.
- 13 Q Okay. Now, I just want to ask you about these  
14 post orders. As you've indicated, there's another  
15 name for them now, supplementary unit policy.
- 16 A That is correct.
- 17 Q When a new officer arrives at a detachment, he's  
18 expected to read the post orders, isn't he?
- 19 A Yes, Mr. Commissioner, he is.
- 20 Q Now, I'm just going to take you to Exhibit 178,  
21 this memorandum. The material contained in this  
22 memorandum is pretty much common sense, is it not,  
23 sir?
- 24 A Yes, it is.
- 25 Q It's the kind of thing that would be taught or  
26 imparted to a new member by anybody that was there  
27 before?
- 28 A Correct, or his trainer, or their trainer, yes.
- 29 Q And that includes the information that's found on  
30 the second page about the emergency response,  
31 correct?
- 32 A That is correct.
- 33 MR. KOSTECKYJ: Thank you.
- 34 MR. HIRA: Officer, my name is Ravi Hira and I  
35 represent Constable Kwesi Millington. I've just  
36 got a couple of questions for you.
- 37
- 38 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE  
39 KWESI MILLINGTON:
- 40
- 41 Q If I could request you to turn to page 106 of your  
42 notes, please.
- 43 A Yes, sir.
- 44 Q You gave evidence that on October 15, Monday,  
45 2007, you ran into my client, Officer Millington,  
46 at 8:50 in the morning at the Richmond Detachment?
- 47 A That is correct.

Staff Sergeant Douglas Wright

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

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

1 Q And you also gave evidence that you didn't discuss  
2 the substance of what happened at the airport?

3 A That is correct.

4 Q Were you aware that he was at the detachment to  
5 give a statement to the IHIT investigators?

6 A No, I was not.

7 Q Did you learn that at all through any  
8 conversations with him on that day?

9 A No, I don't believe I did.

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

11 MR. BUTCHER: I'm David Butcher. I act for Constable  
12 Bentley.

13

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

16

17 Q Can you confirm this for me, please, officer. I  
18 understand that there was no formal orientation  
19 manual or process for new officers assigned to the  
20 airport. Is that correct?

21 A No, it's not.

22 Q Was there a manual that was provided to officers?

23 A There was not a manual. I got there approximately  
24 four and a half years ago, and there was nothing.  
25 You're correct on that. Approximately three years  
26 ago, I generated, with the assistance of my NCOs,  
27 my other corporals, a training process wherein we  
28 did two training scenarios a year, a four-day --  
29 or a three-day training course wherein all new  
30 members coming to Vancouver International Airport  
31 were in a classroom setting for three days and  
32 provided with an overview of what it is their job  
33 responsibilities are and the job expectation.

34 Q Sorry. Did I understand that - you correct  
35 me - that that was done twice a year?

36 A That is correct, once in the spring and once in  
37 the fall, Mr. Commissioner.

38 Q And --

39 A I will clarify by saying not all members  
40 necessarily got that training.

41 Q And a member who had been at the detachment for  
42 six weeks may well have not got that training?

43 A May well not have. We make -- I made every  
44 attempt to make sure that members that hadn't had  
45 it were available to take it when it was provided.

46 Q Presumably at the first opportunity?

47 A Absolutely.

Staff Sergeant Douglas Wright

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

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

1 Q But it could be as long as six months before that  
2 opportunity came up?

3 A It shouldn't be. What I tried to set up with the  
4 other watches, and prior to people coming out to  
5 the city, is that they had it just prior to that.  
6 We tried to set up rotations -- let me explain a  
7 little bit more. I have 28 members, regular  
8 constables, that are assigned to the International  
9 Airport. They spend one year out at Vancouver  
10 International. That is what their sentence is.  
11 During that time -- and they used to -- when I  
12 first got there, they rotated in -- every couple  
13 of weeks I got a new body, or a new person came  
14 out, and it was very hard to manage at any one  
15 given time when I had that number of people  
16 rolling over. I made an approach to the watch  
17 commanders and the OIC Operations to have that  
18 rotation out to the International Airport only  
19 twice a year unless there was an exigent  
20 circumstance wherein I needed to have somebody  
21 replaced. That was rotation in the spring,  
22 rotation in the fall. That way I only saw 14 new  
23 members in the spring and 14 new members in the  
24 fall. And we tried to accommodate them prior to  
25 coming out to get them trained, Mr. Commissioner.

26 Q But you certainly have no indication as to whether  
27 or not Constable Bentley received that training  
28 before he came to you or in the six weeks that he  
29 was at the airport?

30 A No.

31 MR. BUTCHER: Thank you.

32 MR. HARRIS: Staff, my name is Reg Harris. I'm counsel  
33 for Corporal Robinson. A few questions for you,  
34 please.

35  
36 CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CONSTABLE  
37 MONTY ROBINSON:

38  
39 Q Firstly, dealing with Exhibit 178. I may have  
40 misunderstood your evidence, but I thought you  
41 said something to the effect -- or let me put it  
42 to this way. Have you ever seen any of what's  
43 contained in Exhibit 178 in any policy anywhere?

44 A I have not, Mr. Commissioner.

45 Q And for something to be policy within the RCMP,  
46 does it have to be reduced into writing and put  
47 into one of the formats you talked about earlier?

Staff Sergeant Douglas Wright  
Cross-exam by Mr. Harris (for Corporal Robinson)

- 1 A Generally, yes.
- 2 Q You also gave evidence regarding the Mosaic and  
3 the ability of members to access interpreters via  
4 E-Comm.
- 5 A Yes, Mr. Commissioner.
- 6 Q Certainly the events that are unfolding at the  
7 time can interfere with a member's ability to  
8 access E-Comm?
- 9 A Absolutely.
- 10 Q And from your experience, can you tell us if  
11 certain interpretive services are more readily  
12 available, that is they respond faster to a  
13 request from E-Comm versus other languages?
- 14 A E-Comm has the callout list to Mosaic.
- 15 Q All right.
- 16 A So generally yes, that's who we would go to to  
17 make that call.
- 18 Q All right. I guess what I'm getting at, and not  
19 wording it very well, are there languages that are  
20 faster in responding with an interpreter versus  
21 other languages?
- 22 A Not having used the service in some time, Mr.  
23 Commissioner, I don't know. I couldn't answer  
24 that.
- 25 Q I take it from your last question, Staff, or your  
26 last answer, are you in a very good position to  
27 say how long it might or might not take for a  
28 Mosaic interpreter to get on the line and working  
29 with a member?
- 30 A No, I wouldn't be able to give that evidence.
- 31 Q Thank you.
- 32 A I have no idea how long it would take.
- 33 Q I'd also like to now turn to the morning of the  
34 telephone call that you received and your notes.  
35 I'd like to first turn to page 100 of your notes  
36 at the time heading of 0200 hours.
- 37 A Yes.
- 38 Q The second bullet under that time heading, where  
39 it says, "4 members on scene at the time." Do you  
40 see where I have that, or where you have that?
- 41 A That's the morning of the 14th?
- 42 Q The morning of the 14th, the first, in essence,  
43 paragraph at the time of 0200 hours.
- 44 A Yes.
- 45 Q If you go down to that first full paragraph before  
46 there's a space and up two bullets, it starts, "4  
47 members..."

Staff Sergeant Douglas Wright  
Cross-exam by Mr. Harris (for Corporal Robinson)

- 1 A "4 members at scene at the time."  
2 Q All right. That notation, what was your  
3 understanding? Were they on scene at the time the  
4 call was made, or does that reference to some  
5 other time?  
6 A No, that would be reference to that there was  
7 Corporal Milling -- or I'm sorry, Corporal  
8 Robinson and three other people were present at  
9 the scene, right now. At two o'clock in the  
10 morning, that is who was there right at that time  
11 when I was talking to Corporal Robinson. It was  
12 him and three other members.  
13 Q Then turning to the entry of 0211 hours -- and  
14 correct me if I'm wrong, the reading of this  
15 notation: "Cpl Robinson advised they have a male  
16 subject who was videoing incident currently with  
17 Cst Rundel."  
18 A Correct.  
19 Q All right. First of all, what was your  
20 understanding as to what incident Corporal  
21 Robinson was referring to?  
22 A That there had been a deployment of the Taser and  
23 that B.C. Ambulance was on scene working on the  
24 subject that had been Tasered and had been in our  
25 care and custody.  
26 Q Is that what you believed to have been captured on  
27 the video?  
28 A I had no -- I -- I guess yes. Is that they had  
29 someone that was videotaping the incident itself  
30 or videotaping what was happening at the scene.  
31 Q And then over the page at 101, you've got:  
32 "Question as to what to do with the tape and  
33 camera."  
34 A That's correct. Corporal Robinson asked me what  
35 to do with the tape and camera.  
36 Q All right. Those are not the exact -- are those  
37 the exact words of his question?  
38 A No, it -- some -- it was just notes made --  
39 basically that's what he asked, is we've got a  
40 fellow with tape of the incident and what should  
41 we do with them?  
42 Q And did he ever discuss with you the option of  
43 seizing that item and holding it as evidence?  
44 A I provided that direction to him right on the  
45 spot, was that he was to hold the subject and the  
46 item and wait until IHIT arrived and turn them  
47 over to our Integrated Homicide Investigational

Staff Sergeant Douglas Wright  
Cross-exam by Mr. Harris (for Corporal Robinson)

1 Team.  
2 Q Did he ever disagree or try and change your mind  
3 on that suggestion?  
4 A No, he did not.  
5 Q Page 104, your 9:55 a.m. entry.  
6 A Yes.  
7 Q "Placed call to Cpl Robinson -- he is currently  
8 with Insp." -- what's that inspector's name?  
9 A Nessel, N-e-s-s-e-t.  
10 Q -- "and Chaplain Turner."  
11 A That's correct, Mr. Commissioner.  
12 Q And the purpose of that call was to?  
13 A Check up on him and see how he was doing.  
14 Q You were also questioned about page 112 of your  
15 notes, the 6:15 entry.  
16 A Yes.  
17 Q The first part of that is, "Met with Cpl  
18 Robinson -- discussed Sunday issue."  
19 A That's correct.  
20 Q And you've noted under that, "No problems --  
21 worked over the weekend."  
22 A That he finished his shift, worked over the  
23 weekend and he felt okay. Again, I was checking  
24 on his well-being.  
25 Q All right.  
26 A Not what he had done. Just how he was coping, Mr.  
27 Commissioner.  
28 Q And you as a staff sergeant in charge at the YVR  
29 Detachment, is that part of your role, to check on  
30 the emotional status of members under your  
31 command?  
32 A Absolutely, it is.  
33 Q Now, you answered questions about these members  
34 working several shifts together for 12 hours a  
35 shift and those types of things. Do you recall  
36 those type of questions, sir?  
37 A Yes.  
38 Q All right. You have no idea if these members  
39 worked all those next blocks together or not?  
40 A No. I'd have to go back to their shift list, Mr.  
41 Commissioner, and see whether or not they were all  
42 on shift, whether some were off duty and didn't  
43 come in, on leave, on holidays, on training, on  
44 whatever.  
45 Q And sir, even if they're all on shift at the same  
46 time, does that mean they're side by side for all  
47 12 hours?

Staff Sergeant Douglas Wright

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

1 A It does not.

2 MR. HARRIS: All right. Thank you.

3 THE COMMISSIONER: Officer, you were just asked  
4 questions about this Exhibit 178 --

5 A Yes, Mr. Commissioner.

6 THE COMMISSIONER: -- and various policies. I take it  
7 you expect your members to exercise common sense?

8 A Absolutely, I do.

9 THE COMMISSIONER: And it take it that that's not in  
10 writing in a policy manual?

11 A No, sir, it is not.

12 THE COMMISSIONER: All right, thank you.

13 MR. ROSENBLOOM: Officer, my name is Don Rosenbloom. I  
14 appear on behalf of the Government of the Republic  
15 of Poland. I have a few questions for you.

16

17 CROSS-EXAMINATION BY MR. ROSENBLOOM ON BEHALF OF  
18 GOVERNMENT OF POLAND:

19

20 Q Firstly, back in 2007 when you headed the  
21 subdetachment office out of YVR, can you tell us  
22 whether the training of the officers that did that  
23 detail out at YVR would have been in part to learn  
24 about medical equipment and medical services  
25 available at YVR?

26 A No, they were not, Mr. Commissioner.

27 Q So to refine my question a little bit, are you  
28 telling me that in the course of training officers  
29 for that detail, they would not have been informed  
30 where, for example, defibrillators would be  
31 located at the airport?

32 A No, they were not trained as to where -- if there  
33 was any defibs, where they would be located at the  
34 airport.

35 Q And they would not have been trained about the  
36 emergency services available through the fire  
37 department out at the airport?

38 A They would have had knowledge because they have  
39 coffee with them every day, as to what it is their  
40 service is.

41 Q Would they have been trained to be familiar with  
42 where the oxygen equipment would be at the YVR  
43 location?

44 A Not during that training course, no.

45 Q Thank you. When you say that training program,  
46 would they have learned it through, for example,  
47 you walking them through the airport in the early

1 days of detail?  
2 A No, they would not.  
3 Q I believe you testified earlier this afternoon  
4 that you saw the video at some point; is that  
5 correct?  
6 A That's correct.  
7 Q When did you first see the video?  
8 A I saw it when it was first published on the news,  
9 and that was the only -- I saw it once and that  
10 was the only time I saw it and watched it.  
11 Q You've only seen it the once on television?  
12 A It was BCTV News the day that it was released to  
13 the media, Mr. Commissioner, was the first time I  
14 had seen it. I watched it the once, and whenever  
15 it came on again or whenever it was aired, I  
16 switched channels, turned the TV off, didn't watch  
17 the news.  
18 Q Are you aware whether in the years 2007 and 2008,  
19 the four attending officers ever saw the video?  
20 A I have no idea whether they ever saw it, Mr.  
21 Commissioner. No, I'm not aware of that.  
22 Q Officer, you spoke today in testimony, and it's  
23 also found in your notes, that you advised  
24 Corporal Robinson to take excellent notes in  
25 respect to the incident at hand, correct?  
26 A Yes, Mr. Commissioner.  
27 Q Have you had an opportunity to view the notes of  
28 Corporal Robinson since this incident?  
29 A Mr. Commissioner, I was provided with a copy of  
30 notes on Monday that Corporal Robinson had  
31 written.  
32 Q And so is it fair to say that you believe you were  
33 reviewing the notes of Corporal Robinson in terms  
34 of his attendance at that scene on the 14th of  
35 October?  
36 A The notes, Mr. Commissioner, that were presented  
37 to me at the time were alleged to be that of  
38 Corporal Robinson's.  
39 Q Officer, did those notes meet your standard?  
40 A Considering the circumstance, yes and no.  
41 Q Could you expand --  
42 A I would --  
43 Q -- upon that.  
44 A I'll expand in so much as the member had been  
45 involved in a major incident. Any notes that he  
46 provides or writes at the time may be subject to  
47 examination and/or production and/or a search

- 1 warrant to address what it is that he did at the  
2 time. And so a lot of members will put very, very  
3 short, cryptic notes. Other reporting procedures  
4 would include the documentation on the file  
5 itself.
- 6 Q Yes. And I'm asking about your review of his  
7 notes. Were his notes up to your standard?
- 8 A They weren't up to my standard. Were they up to  
9 his? I'm not sure. Again, when I look at what  
10 was provided to me -- it was just that particular  
11 day, Mr. Commissioner. I did not see notes for  
12 prior to that date that Corporal Robinson had  
13 written on any particular file, or after that  
14 date. So it could be just those ones that I was  
15 looking at. It's hard to make a judgment on one  
16 page of notes.
- 17 Q Well, officer --
- 18 THE COMMISSIONER: On the one page of notes, were they  
19 excellent?
- 20 A No, sir. They were very short.
- 21 MR. ROSENBLUM:
- 22 Q And would you not have expected of your officers,  
23 where there is an in-custody death, that the notes  
24 would be extensive to cover the report of what  
25 happened?
- 26 A The officers have a duty to report. I would  
27 expect there would have been more notes than what  
28 were there.
- 29 Q Have you had an opportunity to review the notes of  
30 the other three attending officers?
- 31 A I have not.
- 32 Q All right. Now, you indicated in your notes an  
33 error where at page 108 you're speaking of a  
34 briefing with B Watch and you've corrected the  
35 record by indicating that was in fact a briefing  
36 with A Watch. Is that correct?
- 37 A That is correct, Mr. Commissioner.
- 38 Q Now, sir, have you had a chance to look at your  
39 duty sheet for this period to confirm that indeed  
40 it was A Watch on duty at 0600 hours and not  
41 B Watch?
- 42 A Looking at my notes and going back through my  
43 notes over that period of time, who had been on  
44 shift prior to and thereafter, it would have been  
45 A Watch.
- 46 Q Can you explain to me, if that was the case -- do  
47 you remember this briefing actually with A Watch

1 at 0600 hours on the 16th of October? Do you  
2 remember it?  
3 A Other than the notes that are there?  
4 Q No. I know it's in the notes. I'm asking whether  
5 you have recollection.  
6 A Having had a briefing with them? It's what it  
7 says in my notes so I would have done so, yes.  
8 Q Okay. That's not answering my question, but  
9 that's fair enough. Your notes cause you to  
10 believe that you had that meeting?  
11 A It would have been with A Watch, correct.  
12 Q All right. Now, have you examined whether the  
13 B Watch, that had been on duty on the early  
14 morning hours of the 14th of October, returned to  
15 duty the following day; in other words, the 15th  
16 of October?  
17 A They would have come in for one more shift.  
18 Q And when was that shift the next day?  
19 A It would have been Sunday night/Monday morning.  
20 Q Yes? And that Sunday night to Monday morning  
21 would be from approximately what hour to what  
22 hour?  
23 A They would start their shift, Mr. Commissioner  
24 -- some of them started at 6:00 in the evening;  
25 some of them started at 7:00 in the evening on  
26 Sunday, the --  
27 Q Until?  
28 A Five or six o'clock in the morning.  
29 Q Yes. Officer, would you agree with me that then  
30 we see that B Watch, which happened to be the  
31 watch of the four attending officers, is on duty  
32 6:00 a.m. the following day?  
33 A No.  
34 Q I'm sorry. In which case I -- why I say that to  
35 you - and please correct me - is page 112 on the  
36 18th of October, I see down at the entry 0700  
37 hours, "YVR B Watch -- discussed incident."  
38 A When D Watch is on shift, A -- B Watch works days,  
39 days. C works days, so they're working nights.  
40 When D Watch comes on shift, their first day is  
41 B Watch's first day off. So they'd have finished  
42 Sunday morning.  
43 Q So your meeting with B Watch --  
44 A On Tuesday --  
45 Q -- on the 18th -- excuse me -- on the 18th of  
46 October at 0700 hours --  
47 A -- would be their first day back on shift,

1 correct.

2 Q Starting their shift?

3 A Yes.

4 Q But you are certain, sir, that they were not on  
5 shift at 0600 hours the day previous?

6 A The day previous. Absolutely, I am, yes.

7 Q All right. Now, that being the case, you were  
8 meeting with B Watch and we see from your notes  
9 that you discussed excited delirium, and then you  
10 enter in the notes, "and members actions." I am  
11 interested in knowing what was said about members'  
12 actions at that meeting with the other --

13 UNIDENTIFIED SPEAKER: Well, the evidence is this is  
14 A Watch.

15 A This Is A Watch.

16 MR. ROSENBLOOM:

17 Q Sorry, with -- I apologize if I got that wrong.  
18 Yes, in that meeting with A Watch at 0600 hours on  
19 the 16th of October where you enter that there was  
20 a discussion of members' actions, what was  
21 discussed?

22 A To the best of my recollection, Mr. Commissioner,  
23 was just that there had been the deployment of the  
24 Taser, because the incident had been on the media,  
25 and that with the information that was at hand,  
26 the throwing of the items that were going on and  
27 the use of force, and whether -- just the use of  
28 force, period.

29 Q Well, did you know anything more about the  
30 incident at that point in time when you had this  
31 meeting with A Watch than what we see in your  
32 notes? Were you privy to more information than  
33 what we have here in terms of your record?

34 A No, sir.

35 Q That was the extent? The extent of your knowledge  
36 was what we find in your notes?

37 A That is correct.

38 Q And so with the A Watch group, did they also  
39 participate in informing you of information they  
40 had regarding the incident?

41 A Not to my recollection, no.

42 Q You don't recall any conversation by any of the  
43 attending officers of A Watch to inform you of  
44 anything in respect to that incident? Is that  
45 right?

46 A That's correct.

47 MR. ROSENBLOOM: I have no further questions. Thank

1           you.

2       THE COMMISSIONER: That seems to be everyone. Thank  
3           you very much.

4       MR. KOSTECKYJ: I was just going to say, I don't  
5           believe the witness's notes were entered as an  
6           exhibit. Was I --

7       THE COMMISSIONER: Well, the way they've been used, I  
8           think they should be marked. It will be the next  
9           exhibit.

10      THE REGISTRAR: The notes will be marked as Exhibit  
11           Number 183.

12  
13                   EXHIBIT 183: Copy - Handwritten notes of  
14                   S/Sgt. J. Wright, RCMP

15  
16      THE COMMISSIONER: Thank you very much for your time,  
17           and the best of luck in your retirement.

18      A     Thank you, Mr. Commissioner.

19  
20                   (WITNESS EXCUSED)

21  
22      MR. VERTLIEB: There are some housekeeping matters we  
23           need to deal with. Perhaps we could stand down  
24           ten minutes or so.

25      THE COMMISSIONER: All right. We'll break for a few  
26           minutes.

27      THE REGISTRAR: The hearing will now recess for ten  
28           minutes.

29  
30                   (PROCEEDINGS ADJOURNED)

31                   (PROCEEDINGS RECONVENED)

32  
33      MR. VERTLIEB: Thank you, Mr. Commissioner. Just some  
34           matters here. We won't be very long. Thank you  
35           for the time.

36           As you know, through the process we filed at  
37           different times documents from the airport. One  
38           of those contains a reference to a security code  
39           that ought to be redacted. It was just something  
40           that was missed at the time. And by agreement of  
41           all counsel, I just want to let you know on the  
42           record that we're going to redact that one  
43           security code reference just so there's no issue.

44           The second, Dr. Swerdlow, Charles Swerdlow,  
45           he gave evidence to you by teleconference. He's  
46           the gentleman in Los Angeles. He apparently  
47           reviewed his evidence and then sent us an e-mail

1 and wanted to correct a couple of things or  
2 clarify, however he wishes to view it. So he sent  
3 us an e-mail of May 25, 2009, at 5:23. I think he  
4 actually may have sent two that day but they're  
5 both the same. And we're comfortable to have that  
6 go in. It's a page and a little bit. So if that  
7 could just be the next exhibit. This is the May  
8 25, 2009, where he's correcting a couple of things  
9 he said to you that were on his mind at that time.

10 THE COMMISSIONER: All right, next exhibit.

11 THE REGISTRAR: That will be marked as Exhibit Number  
12 184.

13  
14 EXHIBIT 184: Copy - Swerdlow E-mail dated  
15 May 25/09 re: Clarification  
16

17 MR. VERTLIEB: He also, in the same context of wishing  
18 to amend -- let me get that in a second.

19 Then you'll remember that you had the  
20 direction on May 12 of 2009 that medical experts  
21 including Dr. Swerdlow could provide a follow-up  
22 report commenting on medical reports that had been  
23 filed after they testified. You may recall --

24 THE COMMISSIONER: That's correct.

25 MR. VERTLIEB: You may recall that at the conclusion of  
26 the hearing on May 26th, I dealt with a number of  
27 housekeeping items. Counsel saw a report from  
28 Dr. Swerdlow after we finished the evidence that  
29 day. As has been our practice, I do intend to  
30 provide the report for filing. I want to bring to  
31 your attention, though, that in addition to  
32 providing a medical opinion, which we would  
33 understand, he's also included some personal  
34 comments. The comments are largely gratuitous and  
35 I don't believe it's necessary to comment on them  
36 at this time, but in the interest of completeness,  
37 I'd like to tender the entirety of what Dr.  
38 Swerdlow provided to us. And that's his report of  
39 May 26, 2009.

40 THE COMMISSIONER: All right, the next exhibit.

41 THE REGISTRAR: Exhibit Number 185.

42  
43 EXHIBIT 185: Copy - Swerdlow report dated  
44 May 26/09  
45

46 MR. VERTLIEB: It then appears that Dr. Swerdlow wrote  
47 again to us wishing to amend the response to his

1 report that we just now marked, his letter to us,  
2 June 16, 2009. He says, "I wish to amend my  
3 response to expert witnesses of May 26, 2009." So  
4 it appears that this letter, June 16, is to amend  
5 that again. And again, with the way we've handled  
6 all of these matters, we'd like that to be filed  
7 before you, which is his letter.

8 THE COMMISSIONER: All right, part of the exhibit.

9 THE REGISTRAR: Exhibit 186.

10  
11 EXHIBIT 186: Copy - Swerdlow letter dated  
12 June 16/09  
13

14 MR. VERTLIEB: And then finally, Mr. Butcher has asked  
15 that we place before you a report that was  
16 prepared by Sergeant Brad Fawcett. Now, we know  
17 that your ruling of May 12 didn't encompass non-  
18 medical experts, but out of respect for the way  
19 this entire proceeding has been handled and a way  
20 to accommodate the requests of counsel, we've  
21 decided that Mr. Butcher's request should be met.  
22 We'd like to file this report that Sergeant  
23 Fawcett prepared dated -- it appears to be June 16  
24 of 2009. The actual date is 09/06/16, which I  
25 believe to be June 16. And you'll see from  
26 reading it, there's some opinions in this  
27 material. There's obviously some comments that  
28 could be easily considered to be argument. Rather  
29 than have an evidentiary dispute over it, I'd like  
30 just to give it to you and you can obviously sort  
31 out the points of opinion from any points of  
32 argument and take any assistance that may give  
33 you. And so we'd like to have that filed now.

34 THE COMMISSIONER: All right. That will be the next  
35 exhibit.

36 MR. KOSTECKYJ: I just wish to make the point that with  
37 respect to this exhibit, I am opposed to it going  
38 in on the basis that, in my submission, the  
39 document in its entirety is argument. These are  
40 matters which were canvassed in examination in  
41 chief and in cross with this witness and also with  
42 the subsequent witness, Corporal Gillis. And so  
43 I'd make that observation with respect to that  
44 document.

45 THE COMMISSIONER: I'm going to have it marked. I'll  
46 decide those points. I'm very alive to what's  
47 argument and what's proper opinion, and indeed,

1 the weight to give any opinion.

2 THE REGISTRAR: That will be marked as Exhibit 187.

3

4 EXHIBIT 187: Copy - Report on "Use of Force  
5 and Physical Skills Unit" dated June 16/09

6

7 MR. VERTLIEB: My error, Mr. Kosteckyj. I knew that  
8 you wanted to make a comment and I was too quick  
9 on the trigger. My apology.

10 Now, I think we've covered all the  
11 housekeeping matters that counsel have raised. As  
12 you know, as counsel have had requests of us,  
13 we've met and dealt with them. Those are the  
14 housekeeping matters.

15 And it think that at this point we could  
16 simply just ask that the matter be put over to the  
17 scheduled date of October 5 at 10:00 a.m.

18 THE COMMISSIONER: All right. And if anything further  
19 comes up, I'll be available.

20 MR. VERTLIEB: Thank you.

21 THE REGISTRAR: The hearing is now adjourned until  
22 October 5th at 10:00 a.m.

23

24 (PROCEEDINGS ADJOURNED TO OCTOBER 5, 2009, AT  
25 10:00 A.M.)

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47