

**PROCEEDINGS AT HEARING
OF
APRIL 30, 2021**

COMMISSIONER AUSTIN F. CULLEN

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April 30, 2021

(Via Videoconference)

(PROCEEDINGS COMMENCED AT 9:30 A.M.)

THE REGISTRAR: Good morning. The hearing is now resumed. Mr. Commissioner.

THE COMMISSIONER: Thank you, Madam Registrar.

Yes, Mr. Martland.

MR. MARTLAND: Thank you, Mr. Commissioner. Today's witness is Kash Heed.

**KASH HEED, a witness
called for the
commission, affirmed.**

THE REGISTRAR: Please state your full name and spell your first name and last name for the record.

THE WITNESS: Kashmir Heed, K-a-s-h-m-i-r, known as Kash, K-a-s-h, last name Heed, H-e-e-d.

THE REGISTRAR: Thank you.

THE COMMISSIONER: Yes, Mr. Martland.

MR. MARTLAND: Thank you.

EXAMINATION BY MR. MARTLAND:

Q Mr. Heed, you have many years of experience in policing. I wonder if you could ask you to start, please, with a biographical sketch about your background and career and spending some time in the description of your different roles

1 within policing first.

2 A Yes. I started out as a young officer. I was
3 only 21 years old when I started in policing.
4 As every officer does, I started out in the
5 patrol division. I worked a considerable number
6 of years in patrol division before moving on to
7 be a dog handler, a member of the emergency
8 response team. Before getting promoted, I went
9 and did some administrative work in the bureau
10 of operations at the time. I went into
11 detective work as a recruiter for the Vancouver
12 Police Department.

13 I went out, did a lot of supervisory roles
14 in the Downtown Eastside of Vancouver. Got
15 involved in some of the early development of
16 community policing in Vancouver and some of the
17 problem-oriented policing principles in
18 Vancouver. I went back out to the south side of
19 the city, worked as a supervisor before being
20 promoted.

21 I had three command positions while an
22 inspector, one being duty officer, one being the
23 inspector in charge of the vice drug section,
24 which I'll come back to, and one as a commanding
25 officer of the southeast side of Vancouver known

1 as district 3 before being promoted to
2 superintendent. And I had command of the south
3 side of Vancouver, which was basically False
4 Creek to the Fraser River and UBC to boundary
5 road.

6 In 2007 I was appointed the Chief Constable
7 of the West Vancouver Police Department, stayed
8 there till 2009 before entering politics.

9 Q And I have a note that your years of service
10 with VPD, Vancouver Police Department, are 1979
11 through to 2007. Do I have that right?

12 A Correct.

13 Q And what you've just described -- I know -- I
14 understand VPD is organized around four
15 districts with geographical areas of the city.
16 Is it fair to say from your description a great
17 part of your time was in district 3?

18 A District 3 as a senior officer and as a senior
19 supervisor -- and officer I'm referring to
20 commissioned officer. And as a supervisor in
21 the Downtown Eastside of Vancouver.

22 Q To what extent -- let's focus first on the VPD
23 and then I'll ask the same thing about the West
24 Vancouver role when you were the Chief Constable
25 of that department. But to what extent during

1 your time with VPD were you involved in roles
2 and assignments that involved components of
3 either money laundering or proceeds of crime
4 investigations or issues?

5 A When I was the commanding officer of the drug
6 unit we were dealing with several files related
7 to street level drug trafficking and some of the
8 grow operations that were rampant across
9 Vancouver. Part of that command structure, I
10 had a seconded position to the RCMP and that was
11 to the Integrated Proceeds of Crime unit. And
12 at the time we had Corporal Brad Desmarais in
13 that particular unit. He was under the sole
14 supervision of the RCMP. They directed what he
15 was to work on and they were his direct reports.

16 I also had a small gaming section within
17 the drug section, and there was a sergeant and a
18 detective that were in charge of it. And they
19 were primarily dealing with some of the issues
20 around illegal card rooms in the city and VLTs
21 that were showing up in specific locations.
22 They were primarily complaint driven in that if
23 they received complaints regarding these game
24 rooms operating illegally or the VLTs in
25 specific areas operating illegally, their

1 priority was to go in and deal with those.

2 Q So I take it from that description that that --
3 you've described a small component of the drug
4 section work that had a gaming side to it, but
5 it seems not to have involved things going on
6 inside established casinos; is that fair?

7 A Correct. At that time casinos were quite small
8 in Vancouver. I think we had the one down by
9 the Science World area there and that was the
10 only real casino we had. We had some issues
11 regarding some loan sharking that was going on,
12 but those were dealt with primarily by the
13 operational unit and the investigation division
14 units.

15 Q And I'd asked you a question about drawing on
16 your time with VPD. How about the same question
17 but for West Vancouver Police Department. You
18 served as a Chief Constable from '07 to '09 of
19 that department. In the context of that role
20 was -- money laundering, proceeds of crime or
21 both, were those aspects of work or
22 responsibility that you had there?

23 A No. Although they would have fallen directly
24 under my command had they been an issue, but
25 those issues were never brought to the forefront

1 explanation purposes would be we had a lot of
2 gang members that would use the money that they
3 made or drug traffickers to purchase, you know,
4 cars or SUVs or jewellery of that nature. And,
5 you know, we realized that they didn't have the
6 means to certainly come up with the money to
7 purchase those types of items versus, in my
8 opinion, where someone specifically would go in,
9 for example, with duffel bags full of money and
10 drop it on the desk of a broker or something
11 like that and buy shares in a company or play a
12 few hands at a casino and then leave with a bank
13 draft in their hand.

14 Now, I did not -- I do not have firsthand
15 knowledge of that, but that's just an
16 illustration I'm using to distinctly tell you my
17 understanding of proceeds of crime and money
18 laundering.

19 Q Thank you. You'd referred a few moments ago --
20 I'm not sure what his rank was at the time --
21 but Officer Desmarais. Am I right that he was,
22 as you describe it, a VPD member who had been
23 seconded to the IPOC, the Integrated Proceeds of
24 Crime unit or body?

25 A Yes.

1 Q Okay. And so in that role how does that work
2 from VPD's side? Was he simply sort of on leave
3 and on loan to the integrated unit, or was there
4 a component of bringing work or files back to
5 VPD in any aspect?

6 A No. It was a secondment to the RCMP with no
7 obligation to do any work of the Vancouver
8 Police Department.

9 Q All right. With respect to the VPD drug section
10 and you've touched on the illegal gaming
11 component of that work, was there other work
12 that was being done during your time with VPD
13 drug section that involved proceeds of crime or
14 money laundering, for example, money
15 [indiscernible] or other kinds of steps or work
16 that were being done?

17 A Yes. [indiscernible] based on some of the
18 projects seized what we believed were proceeds
19 of crime. And what we did in relation to that
20 was notify the CRA, the revenue agency, and turn
21 that money over to them or the IPOC people
22 working with CRA -- that being the "E" Division
23 IPOC people would join CRA with respect to that
24 money.

25 Q And during that time was the civil forfeiture

1 piece part of the equation for the drug section
2 members?

3 A Not at that time.

4 Q This predates the civil forfeiture regime?

5 A I believe so.

6 Q Okay. And what about marijuana grow ops during
7 that time? Was that an area that connected with
8 sometimes seizures of property or assets?

9 A It was very difficult. The goal we had at that
10 particular time because we had so many
11 neighbourhoods in communities that were
12 overwhelmed by this in their neighbourhoods, we
13 had some kidnappings that occurred as a result
14 of that, some violent crimes and even some
15 murders as a result of these illicit grow
16 operations in residential communities.

17 And so my priority at that time utilizing an
18 entire unit that I had was to remove these from
19 our neighbourhoods, from our community. We
20 would not do a comprehensive investigation if we
21 didn't have any direct evidence at the time that
22 we actually made the seizure. What we noticed
23 and we tracked this is that we had success in
24 dealing with this in Vancouver, removing them
25 from the neighbourhoods and communities, but

1 that correlated with an influx in grow
2 operations elsewhere in the Lower Mainland.

3 Q And so just to make sure I understand that
4 point. What you seem to be describing is
5 effectively a displacement result, so clamping
6 down on or closing up grow ops in the city of
7 Vancouver results in them popping up elsewhere
8 in the Lower Mainland, I presume.

9 A Correct.

10 Q When you say that there were -- some of those
11 matters involved the decision not to do a
12 comprehensive investigation, does that describe
13 effectively not putting all the resources into a
14 full investigation with the aim of generating
15 criminal charges for cultivation or trafficking
16 drugs?

17 A Correct.

18 Q Okay. From your observations and from your time
19 as an officer -- and I'll span Vancouver and
20 West Van for this -- what do you perceive to be
21 impediments or challenges in relation to
22 bringing cases and dealing with money laundering
23 and proceeds of crime?

24 A I didn't give it that much thought at that
25 particular time. It was not a priority issue,

1 and it was never really brought to my attention,
2 especially the aspect as described as money
3 laundering. Yes, proceeds of crime were a bit
4 of a concern. We thought we would handle it in
5 the way of the CRA if in fact we did locate
6 those proceeds of crime and let them deal with
7 it. But I do recall one that was brought to my
8 attention by the IPOC unit.

9 The twin spectres at the time of the IPOC
10 unit met with me regarding an individual that
11 had come across our radar as being connected to
12 several marijuana grow operations operating in
13 Vancouver, and they did not have the resources
14 to go after this individual as related to a
15 money transfer in a basement suite in the
16 Downtown Eastside of Vancouver. And, again, the
17 resources in Vancouver were not there. And even
18 the expertise that's required to do this
19 certainly was not there in Vancouver.

20 And on that particular file I did take it
21 to the Organized Crime Agency of BC. I met with
22 the Deputy Chief at that time, and they did not
23 have the resources at that time to pursue it.

24 Q And when you say "resources," is that simply
25 boots on the ground, the amount of the officers

1 available to dedicate the time to do the case?

2 A My understanding it wasn't just the resources,
3 the officers available. My understanding was
4 there's some expertise that's required in order
5 to do that, and the feeling was that level of
6 expertise was not available for this particular
7 individual.

8 Q When you say that money laundering was something
9 that you didn't give much thought to and that it
10 wasn't drawn to your attention, do you -- can
11 you help us understand why that was the case, or
12 do you have a view on that maybe looking back
13 from today's point of view as to why money
14 laundering wasn't on the list or higher on the
15 list of priorities and issues?

16 A Well, yeah, from my experience, you know -- I
17 certainly won't give my opinion here, but based
18 on my knowledge and experience, the aspect of
19 proceeds of crime, which is the term that I'm
20 more familiar with, was trying to have agencies
21 that we could rely on to do it. We knew we did
22 not have the expertise within to look into this.

23 Yes, we had, using your term, boots on the
24 ground that were going out there that were
25 executing these search warrants that were

1 locating money in vaults or safes of these
2 particular individuals, and we thought the most
3 expedient resource to utilize at that time given
4 the multitude of activity that was going on was
5 the Canadian Revenue Agency.

6 Q And from your perspective was the CRA a good and
7 helpful partner or what was the relationship or
8 the level of engagement you observed there?

9 A Very good. Very helpful. You know, they're
10 ensuring that we have -- had the ability and the
11 authorization to make those particular seizures.
12 I thought they were very, very well versed at
13 that time on what we were doing, what we wanted
14 to accomplish and I was very happy with the
15 response we got from the investigator that
16 ultimately was basically assigned to assist us.

17 Q With respect to FINTRAC, the -- I'm curious
18 drawing on your time as an officer or in
19 management positions within policing, did you
20 make use of FINTRAC information?

21 A Personally I did not. I was aware of FINTRAC.
22 We did have a presentation given to our group at
23 FINTRAC. I believe it was relatively new when I
24 was commanding the drug unit, but personally I
25 did not utilize the resources of FINTRAC.

1 Q And were you aware of others that were making
2 use of FINTRAC information or for that matter
3 feeding information over to FINTRAC?

4 A Some of my officers may have given that
5 information to FINTRAC, but I certainly am not
6 aware of it personally.

7 Q Was it a bit of a non-issue -- or at least a
8 non-play or non-issue from your point of view
9 when you were in policing?

10 A Correct. And let me just give a little
11 clarification on that. This is my understanding
12 on the presentation that was given to them, and
13 I specifically recall getting that presentation
14 and giving it to the group of drug officers that
15 I had where in fact FINTRAC could compile this
16 information from various sources and then
17 outsource that information to an investigative
18 agency and it was at their behest whether they
19 were going to actually conduct an investigation.

20 Q What outside agency -- sort of an outside agency
21 within policing or what does that describe?

22 A No, no, outside agency outside of FINTRAC. For
23 example, if FINTRAC had a file, they compiled a
24 particular file on an individual -- and I'm just
25 using this as an example; I don't have firsthand

1 knowledge -- that may have lived in Vancouver,
2 they had information the activities may have
3 been in Vancouver. The file would come to the
4 Vancouver Police and they would determine
5 whether they had, number one, the resources to
6 do it, and number two, whether they had the
7 expertise to do it.

8 Q I see. Okay. Again, drawing on the time in
9 which, sir, you're serving in policing,
10 different roles in policing, would you -- was
11 there an interest or awareness that developed
12 around certain nefarious or potentially illegal
13 things occurring at casinos? So, for example,
14 loan sharking activity, money laundering
15 activity at casinos.

16 A No. Now, let me just give you some information
17 of what I personally am aware of. And I recall
18 this when I was a young sergeant, and I was in
19 charge of the PNE squad, and the Pacific
20 National Exhibition had a casino within. And
21 it's my understanding based on my recollection
22 that they were allowing limits to be raised
23 during PNE time in that particular casino. And
24 what we would do is we would observe some known
25 individuals that are nefarious in character

1 gambling at the tables inside the casino.

2 Now, one individual I'm thinking of in
3 particular, he had been shot at several times
4 previously. My priority at that time was to
5 ensure that no violent activity took place in
6 that casino while he was there. But what I did
7 observe is yes, that person, other people were
8 playing with -- then substantial cash money at
9 the table and usually losing that money and then
10 leaving. And then, in my opinion, the threat
11 was over for us to deal with at that time.

12 That was about it of what I personally had
13 knowledge of occurring inside casinos.

14 Q Dealing with the time in which you were the
15 Chief Constable of West Vancouver Police
16 Department, was money laundering or proceeds of
17 crime or both, were those topics discussed at
18 meetings of chiefs of police?

19 A Yes.

20 Q Could you tell us a bit about what -- just in
21 general terms the nature of that discussion and
22 in addition to that what the format is in terms
23 of these meetings of chiefs of different police
24 departments, please.

25 A Well, let me just explain the format first of

1 all. We have the independent municipal chiefs
2 of police that actually meet as a group. And
3 they're all the -- like, Victoria, Saanich,
4 Vancouver, et cetera. Municipal agencies. And
5 they have certain issues that they discuss.

6 Then you have the BC Associate of Chiefs of
7 Police that are made up of several other
8 individuals, including commanding officers of
9 the RCMP within British Columbia, some of the
10 other agencies that deal with policing and some
11 of the other individuals.

12 And I do have recollection of the loan
13 sharking and proceeds of crime issue being
14 discussed, and certain not to the extent that it
15 was a priority issue for us to deal with at that
16 particular time, but it certainly was discussed.
17 And part of the reason was we had some high
18 profile issues regarding loan sharks. We had
19 some high profile issues regarding individuals
20 that were going out and collecting money off
21 people they had lent money to. In that
22 certainly realm it was discussed, and the
23 proceeds of crime, you know, it wasn't discussed
24 in the manner of money laundering.

25 Q And when you say that the topic arose the way

1 you've just described it in the meetings, are
2 you referring to the first -- I think you've
3 described two different kinds of meetings there
4 first, that they were the municipal chiefs under
5 the provincial *Police Act*, the roughly a dozen
6 or so different cities within the province that
7 have their own departments, so Vancouver and
8 West Van and Delta and Nelson, Victoria, Oak
9 Bay, Saanich, et cetera, that list of
10 departments, or the larger group, the BC
11 police -- the BC Association of Chiefs of
12 Police, which I take it would have included, for
13 example, Richmond and Surrey RCMP detachments.

14 Which of the two bodies were those
15 discussions or groups were those discussions
16 taking place in?

17 A The larger body, the BC Association of Chiefs of
18 Police.

19 Q Okay. And then in general terms was that -- how
20 would you characterize it in terms of -- was it
21 general discussion or were there particular
22 decisions made or steps that came about as a
23 result of the discussion at the meeting?

24 A I do not recall any action items that came out
25 as a result of the discussion.

1 Q I'm going to move into sort of asking you some
2 questions that move past the time in which you
3 served in policing and into a period of time
4 when you served as an elected official. And
5 before doing that I wanted to pause because I
6 understand you wanted to make clear there's some
7 areas on which you want to really spell out how
8 you want to give evidence and take some care to
9 express things based on your involvement and
10 your firsthand knowledge as opposed to secondary
11 sources.

12 So I wanted to pause and make sure you had
13 an opportunity to do that, please.

14 A Yes. Despite a distinction between my time in
15 government as the Solicitor General and a
16 distinction -- which was 2009 -- and a
17 distinction between my time as a citizen with my
18 personal opinions in 2018, and I want to draw a
19 clear distinction of what my personal opinions
20 are to which I had no firsthand knowledge of
21 based on any of my previous times in 2018 versus
22 what I have had knowledge of and experience in
23 my time in policing and as sitting as a member
24 of the executive council.

25 And it's a very, very important distinction

1 because I don't want to talk about personal
2 opinions that could be viewed as gossip,
3 rumours, you know, light-hearted discussion, you
4 know, old-time cops discussing something versus
5 my role as an elected official here in the
6 province of British Columbia, and the
7 responsibility and obligations I had while
8 sitting as a Solicitor General.

9 Q And I'm about to ask you about that, but to put
10 a fine point on the dates, you served in elected
11 office from '09 to 2013; is that right?

12 A Elected office, correct.

13 Q And then as Solicitor General from 2009 to -- I
14 think 2010?

15 A Correct.

16 Q Okay.

17 A April 2010.

18 Q April of 2010. Okay. And the election is May
19 of 2009. I assume cabinet is sworn in about a
20 month after that with your appointment occurring
21 at that point.

22 A Correct.

23 Q Okay. And so that's very useful because I'm
24 moving into that. You were elected in the
25 riding of Vancouver-Fraserview in that election,

1 and served that one term; is that right?

2 A Correct.

3 Q And your appointment to cabinet and your term as
4 the Minister of Public Safety and Solicitor
5 General, I've got two different sets of dates
6 here and I want to see if you think they're
7 accurate. June 10, 2009, through to April 9,
8 2010. And then there seems to be an almost
9 overnight appointment May 4 to 5, 2010. Does
10 that sound right to you?

11 A Yes.

12 Q What was the second part of that, the short-term
13 I assume --

14 A I was sworn back in as the Solicitor General and
15 then because there were some other matters that
16 had to be dealt with, given the situation I was
17 facing there, I had to step back down.

18 Q Okay. I don't know if we need to get into too
19 many extraneous things, but did any part of that
20 second two-day block relate to anything touching
21 on money laundering topics?

22 A No.

23 Q Okay. When you were appointed after the May
24 2009 election, am I right that the Assistant
25 Deputy Minister or ADM of police services at

1 that point was Kevin Begg?

2 A Correct.

3 Q But that later Mr. David Morhart took over in
4 that capacity; is that right?

5 A No, Mr. Morhart was always the Deputy Minister.

6 Q Okay.

7 A The Director of police service was the Assistant
8 Deputy Minister which was Mr. Begg. Mr. Morhart
9 was always Deputy Minister which would be at,
10 you know, one rank higher than the ADM. The ADM
11 basically, you know, based on a hierarchy would
12 fall just below the DM. So Mr. Morhart had the
13 policing side and some other issues in my
14 ministry and another Deputy Minister had the
15 emergency management side of my ministry. So
16 Minister Begg and Morhart would be the ones in
17 charge of the police services side of it.

18 Q Okay. And my understanding is that you and
19 Mr. Begg have a certain history. You've had
20 various disagreements with him in the past.
21 I'll pause to say, do I have that -- is that a
22 fair comment?

23 A Fair.

24 Q And frankly, from my point of view I don't see
25 any great value that comes about from plumbing

1 the depths of whatever those waters may be, but
2 I do want to ask this. Does the source of
3 disagreement or tension in the relationship have
4 anything to do with money laundering-related
5 issues?

6 A No.

7 Q Okay. In relation to your role as Solicitor
8 General and briefings on police services issue,
9 who was the -- who was it as between your ADM
10 and deputy ministers that briefed you on those
11 issues when you were Solicitor General?

12 A When I was first sworn in as Solicitor General
13 it would be the Assistant Deputy Minister,
14 Mr. Begg.

15 Q Okay. And did that change?

16 A Yes.

17 Q And who did it change over to and when?

18 A The primary responsibility approximately a month
19 later went to Deputy Minister Morhart.

20 Q All right. During the time that you served as
21 the Solicitor General, could you comment about
22 your relationship with the RCMP?

23 A The RCMP relationship I've had over the years --
24 and I think it's fair for me to qualify a little
25 bit prior to me entering politics -- has been

1 somewhat chaotic at times. There were times
2 where I was calling for other ways of dealing
3 with things in my roles in policing, and
4 certainly when I took the position as the
5 Solicitor General of the province of BC, I was
6 aware of some things, but I wanted to ensure
7 that the people under my direction were
8 accountable to me.

9 I was going to hold them account to, for
10 example, on the police positions that we have
11 dedicated to the provincial role in the province
12 of British Columbia. Some of the briefings I
13 had with respect to vacancies, upwards of a
14 hundred vacancies in that, due to the fact that
15 they had to expenses and priorities that they
16 had to use those funded positions for.

17 So certainly it was my goal to ensure that
18 we were able to put people in those positions so
19 they could be out there working on the various
20 issues that we had in the province of British
21 Columbia.

22 I was concerned with the expenditure of
23 money under the provincial policing model here
24 in British Columbia. So certainly I wanted to
25 hold them to account on that taxpayer money that

1 was being spent.

2 Q Did you have concerns that they were not being
3 responsible with respect to the expenditure of
4 public money?

5 A Yes, I did.

6 Q What were those concerns?

7 A Regarding whether positions were actually being
8 filled with warm bodies or just moved around for
9 the appearance of it. And I didn't know whether
10 this was correct. Someone within the
11 organization had advised me of this, and I
12 wanted to ensure -- or I wanted to check whether
13 the information was accurate or not and by way
14 of conducting an audit on the \$310 million that
15 was utilized in that aspect of my budget.

16 Q Was there an audit that was done?

17 A I sought out to find -- my original goal was to
18 have the Auditor General complete the audit.
19 Certainly that would be, in my opinion, the
20 appropriate agency based on their experience. I
21 was unsuccessful there. But what I was
22 successful in doing was getting some resources
23 from the Ministry of Finance working with my
24 resources in the Minister of Public Safety and
25 conducting an audit. And the two deputy

1 ministers, one from Ministry of Finance and
2 Mr. Morhart, my Deputy Minister, were tasked
3 with responsibility to come up with the terms of
4 reference of that particular audit.

5 Q Do you know if that audit was done?

6 A I don't know.

7 Q Okay. Did you engage with your federal
8 government counterparts with respect to these
9 concerns about the level of engagement or
10 staffing levels from the RCMP and the province?

11 A I did. I had a meeting with Vic Toews who was
12 the Minister of Public Safety for the federal
13 government. We met in 2010 during the Olympics
14 here in Vancouver. I expressed my concerns
15 regarding the accountability and efficiencies of
16 the RCMP. I expressed my concerns regarding the
17 upcoming RCMP contract that was under
18 negotiations for British Columbia, and I
19 expressed by concerns around the governing of
20 the RCMP and how I wanted them to fall under our
21 governance model here in British Columbia.

22 Q And was there a response to that or any measures
23 taken as a result?

24 A Mr. Toews was very supportive in trying to
25 ensure that I was able to get what I wanted with

1 the current structure of the RCMP. And I was
2 quite assertive in my discussions with Mr. Toews
3 but certainly respectful of his position, and I
4 told him that a lot of that hinged on whether I
5 would recommend renewing the RCMP contract.

6 Q With respect to the period of time, Mr. Heed,
7 when you were the Solicitor General, at a
8 general level, what was your understanding about
9 money laundering activity in the province at
10 that period, so '09 to 2010?

11 A It was never brought to my attention in any
12 formal document or formal briefing or even
13 discussion amongst the government ministers.

14 Q During that period of time, during your tenure
15 as Solicitor General, what were the priority or
16 main issues that occupied yours and your
17 ministry's attention?

18 A Several. Gangs and guns was a significant
19 portion of it. We had just gone through a
20 period of violence on the streets in British
21 Columbia as a result of gang activity and the
22 easy access to firearms. You recall the
23 government did run on a gangs and gun 10-point
24 platform. And my job was to implement those
25 particular points around that.

1 Certainly I had other issues I had to deal
2 with regarding some of the drug policy issues.
3 I had the RCMP contract that I had to deal with.
4 I had the overall ensuring that we had
5 accountable, efficient and effective policing
6 here in British Columbia. I had the 2010
7 Olympic security portfolio. I had domestic
8 violence issues I had to deal with. I had to
9 deal with the carnage that was occurring on our
10 roadways as a result of distracted driving and
11 drunk driving. And that's just the police side
12 of it.

13 I certainly had the emergency management
14 side of it. We came through the summer of an
15 incredible amount of forest fires up in the
16 Okanagan area. We were dealing with
17 snowmobilers dying in the backcountry because of
18 avalanches. We were dealing with flooding and
19 all that around the Cowichan Valley. So again,
20 a multitude of issues that occupied my time that
21 were priority in nature.

22 Q Did you -- in the course of your time as
23 Solicitor General, did you ever have conduct of
24 what's been described as the gaming portfolio
25 but casinos and gaming and responsibilities

1 under the *Gaming Control Act*?

2 A Not that I recall. Nor was I ever told I had
3 those responsibilities or briefed with a formal
4 document saying I had those responsibilities
5 when I was the Solicitor General.

6 Q And I don't want to steal the thunder from the
7 province, but there was a document you may have
8 been shown very recently. I don't know -- I'll
9 leave my friend to take you to the document if
10 she wants to. But did that document change
11 anything with respect to your understanding of
12 whether you had responsibility for gaming when
13 you were sworn into cabinet?

14 A No.

15 Q Your view remains the same?

16 A Correct.

17 Q Yeah. Was the issue of and the question of
18 revenue from casinos an issue that you remember
19 being discussed or addressed while you were in
20 cabinet?

21 A No.

22 Q I asked more generally the question around money
23 laundering and I took you to say no, it wasn't
24 raised, so I think I know the answer to the next
25 question. But the next question would be with

1 respect to money laundering in casinos, do you
2 remember anything about that topic coming up in
3 the course of your time as Solicitor General?

4 A No.

5 Q Is it the case you didn't have any awareness at
6 that point in time that this might be an
7 emerging problem?

8 A Correct.

9 Q Do you recall any discussions about money
10 laundering in casinos? And I'll maybe zoom out
11 a little bit to move past the year when you were
12 in cabinet to the four-year period when you were
13 an elected official, so through to 2013. If I
14 zoom out to that span of time, does that change
15 anything? Was there some discussion when you
16 were an MLA but not in cabinet that you recall
17 about money laundering in casinos as an issue?

18 A It doesn't change anything.

19 Q Do you recall ever being given briefings notes
20 or materials that related to casinos, gaming and
21 gaming enforcement-type issues when you were
22 Solicitor General?

23 A Not formal documents. And I just want to
24 clarify something here before we move forward.
25 I'm assuming you will get to this point. There

1 were some inquiries I made with my staff after I
2 was scrummed in the hallway. But there was no
3 formal written documentation that I recall.

4 Q Why don't you tell us about -- you have
5 anticipated my -- where I would be getting to,
6 so why don't you simply tell us about that. You
7 refer to being scrummed in the hall. I know
8 what that means, I think, but tell us what
9 you're describing as well as you can when that
10 occurred, what the context was and what that led
11 to, please.

12 A My recollection it occurred in November of 2009.
13 We have -- when we're sitting in the
14 legislature, we have our daily caucus meeting in
15 a room on the east side of the legislature
16 building. There's a hallway that we walk down,
17 and there's a hallway where media, if they want
18 to ask you a question, they approach you and ask
19 you a question. All the MLAs and all the
20 ministers walk to this particular room at the
21 particular time. Media are hovered in the
22 hallway.

23 Each minister is accompanied by their
24 ministerial assistant. It's almost like
25 wherever you go in that precinct there's one of

1 your ministerial assistants with you. And I
2 recall specifically walking down the hallway and
3 there was a reporter there that started asking
4 me questions that -- you know, I didn't even
5 know what he was talking about with reference to
6 these acronyms. And it was Mr. Holman
7 [phonetic], and we had this discussion
8 regarding, my recollection, activity that was
9 taking place in casinos.

10 And this was from out of the blue because I
11 had no idea or this was not an issue that I was
12 aware of, and I guess I was a little curt with
13 him, told him that people are entitled to their
14 own opinions that, you know, there's a different
15 set of facts, words to that extent, and
16 proceeded into the caucus meeting.

17 Q Did he refer -- you talk about acronyms. Was
18 one of them IIGET?

19 A Yes.

20 Q Did you know what IIGET meant?

21 A No.

22 Q Okay. Did you come to find out about that, or
23 did you do anything as a result of this -- what
24 you've just described about being scammed by
25 the reporter?

1 A Yes, I did. I had to ask my ministerial
2 assistant what IIGET actually stood for, and he
3 said the Integrated Illegal Gaming Enforcement
4 Team. And he said it was no longer in existence
5 and the responsibility was taken over by GPEB.
6 And I had to ask what GPEB was because I had no
7 idea what that acronym stood for.

8 Q All right. And so I take it you get an answer
9 to that question as well to learn what GPEB is
10 at that point.

11 A Correct.

12 Q Okay. In terms of the nature of that back and
13 forth, is it the case that that's effectively
14 conversations and descriptions to you orally as
15 opposed to you being given a binder or stack of
16 reading materials?

17 A Correct.

18 Q Okay. And I take it you hadn't had any
19 involvement in -- even if you didn't know what
20 the acronym was, but you hadn't had any
21 involvement in IIGET at any point prior to that?

22 A No. I didn't even know what it was. I don't
23 even recall that acronym ever being used at the
24 BC Association of Police meeting that I
25 attended.

1 Q So I'm going to take a guess that from all of
2 your policing background you'd be usually well
3 versed in all of the acronyms that come along
4 with policing, so CFSEU, all of these
5 different -- IHIT, the integrated units that are
6 there, but IIGET is one that you didn't know
7 about?

8 A Correct.

9 Q Okay. To your memory is that the first time
10 that a gaming issue was raised during your time
11 in government?

12 A Yes.

13 Q After that media reporter question that came and
14 hearing and learning a bit about IIGET, did you
15 take any steps in relation to this topic of
16 money in casinos, that issue that you were
17 hearing about?

18 A I took a few steps, yes.

19 Q Tell us, please, about what those steps were.

20 A Well, the first thing I did -- and this came as
21 a result of Naomi Yamamoto, who sat next to me
22 in the caucus room when we were having our daily
23 meetings. And I had not seen Fred Pinnock for a
24 while. I saw him actually at the swearing in of
25 the MLAs, and I thought he was part of the

1 Premier's security detail because last I'd known
2 Mr. Pinnock was in the RCMP.

3 And Naomi suggested that I should have
4 lunch with Fred, and I thought well, why not?
5 You know, Fred and I used to be friends; we had
6 a good relationship; we had a lot of laughs
7 together, joked around. I hadn't seen him for
8 years. Why not catch up over lunch.

9 So shortly thereafter, you know -- I'm
10 thinking it's within days, if not the following
11 day that I met Mr. Pinnock for lunch in the
12 Hotel Grand, a block away from the legislature.

13 Q Okay. And so you said the reporter asking you
14 this question is November '09. In relation to
15 that, when was the lunch? Is that right around
16 the same time?

17 A Correct.

18 Q Okay. Let's set aside the discussion with
19 Mr. Pinnock in '09, November of '09, that you
20 just described for a moment. If I sort of put
21 you back in government buildings in the
22 government role, were there steps that you took
23 in relation to this issue that had been raised?
24 And perhaps also influenced by speaking with
25 Mr. Pinnock, but I'm wondering about the steps

1 you took in your government role.

2 A Prior to or post-lunch?

3 Q Well, let's do that in sequence. First before
4 the lunch and then after the lunch?

5 A No. The only discussion I had on this issue
6 with anyone was with my ministerial assistants
7 and that's related to what the heck IIGET and
8 GPEB were.

9 Q Okay. And did you -- I take it you learned some
10 information about what these bodies were.

11 A From my ministerial assistants at that time,
12 yes.

13 Q Okay. And did that include some understanding
14 about the number of positions or how people were
15 assigned to do this work?

16 A Not at that point.

17 Q Okay.

18 A However, I was advised by the ministerial
19 assistant that the responsibility for the
20 Integrated Gaming Enforcement Team was taken
21 over by GPEB.

22 Q Okay. Who was that ministerial assistant? Do
23 you remember?

24 A I had two ministerial assistants. That would
25 have been Brian Sims.

1 Q Okay. Did you gain an understanding about
2 the -- IIGET was closed down. Did you learn
3 that?

4 A It was no longer in existence, is what I was
5 told.

6 Q Yes, that's -- sorry, maybe I didn't put that
7 the right way. So was that one of the facts
8 that you were told about as you were learning
9 about what this was?

10 A Correct.

11 Q What IIGET was.

12 A Correct.

13 Q Did you have an understanding about what
14 happened in relation to how many positions --
15 were there positions being created at GPED and
16 how many? Did you gain an understanding about
17 that?

18 A I did, but it was not prior to the lunch. It
19 was post the lunch.

20 Q Okay. That's helpful. And so how soon after
21 the lunch was that that you gained that
22 understanding?

23 A It would have been a matter of days.

24 Q Okay. This is all happening within about -- I
25 don't know if it's a few weeks or a month, but

1 in a fairly short span of time; is that fair?

2 A Fair.

3 Q Okay. Did you ever gain an understanding about
4 who specifically made a decision to disband
5 IIGET?

6 A No. Until some very recent information came out
7 in the media.

8 Q Okay. So any information you have is reliant, I
9 take it, on what you've read about more recently
10 in media reports?

11 A Correct.

12 Q Relating to this inquiry?

13 A Correct.

14 Q Okay. Do you -- during the time -- I will come
15 back to that lunch with Mr. Pinnock in a little
16 bit, so I don't want you to think I've forgotten
17 about it, but I'd like to handle that a little
18 bit separately.

19 During the period of time when you were
20 Solicitor General, did you speak about gaming or
21 enforcement issues with Minister Rich Coleman?

22 A No.

23 Q Did you speak about those kinds of issues with
24 other elected officials in government?

25 A I had a brief conversation with the Attorney

1 General with respect to just running some ideas
2 by him. I was trying to determine if there was,
3 again, post this luncheon with Pinnock, whether
4 there -- this was an issue or not. And I
5 recall, you know, a brief conversation that I
6 often had with the Attorney General with respect
7 to this. And, you know, my role as the person
8 in charge of civil forfeiture at that time, I
9 was just trying to work some things through
10 thinking, you know, if it's an issue, you know,
11 what are our alternatives here? And, again, it
12 was expressed or not expressed to me that it was
13 a priority issue, but that's about it.

14 Q And who was the Attorney General? And if you
15 could just help me understand in a little more
16 detail what kind of discussion that was.

17 A Mike de Jong. Mike de Jong and I had a good
18 relationship. In fact my office was right next
19 door to his office. I'd often go there and run
20 things by him regarding my role. We would sit
21 down and he'd often go through a pot of tea or
22 something like that.

23 So we -- this day we're having a discussion
24 about civil forfeiture. We had some success in
25 getting some vehicles from some of the gangsters

1 and we had success in trying to ensure that any
2 proceeds of crime that were taken from them
3 while they were stopped by the police or checked
4 by the police. So general conversation
5 regarding that.

6 And then in the back of my mind I was
7 thinking if the issue is raised, could we look
8 at that as a possibility in gaming, in casinos.
9 But, again, it was not brought to my attention
10 by anyone that this is a priority for us to deal
11 with.

12 Q Do you have any recollection about speaking
13 about this issue of cash in casinos with --
14 you've mentioned this discussion with
15 Mr. de Jong -- but with other cabinet colleagues
16 at that time when you're Solicitor General?

17 A No.

18 Q And cabinet colleagues includes the Premier.
19 That -- this is something that you never had a
20 discussion with the Premier about?

21 A I never did.

22 Q Do you recall the issue or gaming issues more
23 broadly ever coming up in caucus meetings?

24 A Yes.

25 Q Tell us about that, please.

1 A Again, Ms. Naomi Yamamoto, who at that time was
2 Mr. Pinnock's significant other, raised the
3 issue in caucus, and Mr. Coleman rightfully said
4 that this is not the time and place to do it.

5 Q And I think it's obvious from the context, but
6 Ms. Yamamoto was an MLA with the Liberal Party,
7 the party that you were with?

8 A Correct.

9 Q And the party in government?

10 A Correct.

11 Q What about -- I've been asking you some
12 questions about did you speak about this and did
13 these issues get discussed in the context of
14 other colleagues in government. To turn the
15 focus, what about similar kinds of discussions
16 or topics raised with RCMP or people in policing
17 roles?

18 A Yes. I did raise the topic with Deputy Minister
19 Morhart, and I believe at that time he was
20 accompanied by Assistant Deputy Minister Kevin
21 Begg with respect to -- mainly the positions,
22 the 13 positions, because I was aware at that
23 time -- and, again, post the lunch -- that there
24 were 13 positions assigned to IIGET. And
25 knowing that those are a hot commodity in

1 provincial policing positions and with all of my
2 priorities I wanted to see if possibly I could
3 utilize it, for example, in domestic violence.

4 So I did have a discussion with my
5 recollection was both of them where in fact I
6 was told that IIGET positions were gone and it
7 was previous to me coming into government and
8 that Rich Coleman had agreed to create
9 10 positions in GPEB to do the investigations.

10 Q You had -- earlier when I was asking you about
11 which between the Deputy Minister and Assistant
12 Deputy Minister who was briefing you, and I took
13 you to say that as of only about a month into
14 your time as Solicitor General it was primarily
15 Mr. Morhart who was briefing you on the policing
16 services side. Do you know who it was that
17 briefed you on that point about the -- where the
18 IIGET positions are going? Was that
19 Mr. Morhart?

20 A My recollection it was Mr. Morhart, and my
21 recollection is that Mr. Begg was there.

22 Q Okay. Do you -- let me return to the question I
23 was asking about speaking with people in RCMP or
24 other police departments.

25 A Yes.

1 Q Did you reach out to RCMP?

2 A Yes.

3 Q Tell us, please, about when that occurred and
4 who you spoke with.

5 A It would have occurred -- most likely occurred
6 the end of 2009, the beginning of 2010. What I
7 had was several meetings with the command staff
8 of the "E" Division RCMP. Most of the time with
9 Gary Bass and Al Macintyre, and this was
10 specifically with those individuals where in
11 fact there were several subjects that were
12 discussed.

13 And we did talk about proceeds of crime, we
14 did talk about loan sharking in and around
15 casinos and, given the fact that most of these
16 casinos were located in RCMP jurisdiction,
17 whether they were able to deal with those
18 particular issues. And I was never told that it
19 was a priority for them to deal with, and I was
20 also told that they don't have the resources to
21 deal with it.

22 Q Did you have an understanding at that point
23 whether this concern or issue, this activity was
24 something occurring more in jurisdictions
25 policed by RCMP detachments as opposed to

1 provincial police or municipal departments?

2 A Correct. And part of that understanding is that
3 most of these casinos are located in those big
4 areas. My recollection -- I think we just had
5 the one or two casinos in Vancouver. They were
6 in Richmond, Coquitlam, Burnaby.

7 If I just may say something more or less,
8 and it's, again, from my experience and
9 knowledge, not an opinion. But certainly had
10 the issue been a significant or a -- was
11 significant or a priority at that time, I am
12 saying with confidence that the RCMP would have
13 put resources on it.

14 Q Mr. Heed, do you have any -- do you know of any
15 government officials, elected or unelected, who
16 turned a blind eye to money laundering activity?

17 A No.

18 Q You -- there was an election in May of 2013.
19 Did you run in that race or not?

20 A No.

21 Q Okay. And so you'd had your taste of the
22 political scene and I take it opted out?

23 A Correct.

24 Q Okay. What did you do after that?

25 A I formed my own consulting company, Heed

1 Consultants Limited. I did some advisory work
2 around drug policy and public safety policies.
3 I also conducted a radio talk show for a year's
4 time from Monday to Thursday, three hours a day.

5 I was involved in teaching at the
6 universities. And during my time in policing
7 and leaving politics, I taught at three
8 different universities and colleges in criminal
9 justice and criminology.

10 Q And those are the topics you were teaching on,
11 criminology and criminal justice?

12 A Correct.

13 Q Okay. And you mentioned doing -- those are long
14 hours, three hours a day. That's a lot of air
15 time as a radio host. What sorts of topics or
16 issues were you addressing in that role?

17 A Current issues. I talked a lot about the
18 political side of things, talked about policing,
19 talked about gang enforcement, talked about drug
20 policy, talked about fitness even. Those were
21 the areas that I focused on. Of course there
22 were other areas.

23 Q Okay. Let me, then, now circle back to
24 Mr. Pinnock. You briefly discussed a little bit
25 or told us a little bit about how you knew Fred

1 Pinnock -- and I don't want to get into
2 inordinate detail, but do you recall when you
3 first met Mr. Pinnock what sorts of dealings you
4 had with him over time? You say you had
5 knowledge of him from years back and were on
6 friendly terms.

7 A I first met Mr. Pinnock early on in my career.
8 I believe at that time I was a dog handler, and
9 I was dating a particular girl who knew a friend
10 that he was actually dating at that time. He
11 was a young officer in Richmond, British
12 Columbia, which is my hometown. And that's
13 originally when I met him.

14 So the year, Mr. Martland, I would say, was
15 probably my time as a dog handler, 1983, 1984.
16 We would see one another off and on over time.
17 And then there was a period of time where we
18 didn't see one another at all.

19 Q All right. And you were VPD and he was RCMP.
20 Did you ever work in the same department or in
21 any combined unit or capacity with Mr. Pinnock
22 as a police officer?

23 A No.

24 Q So is it fair to say although you were both
25 police officers, a social connection as opposed

1 to a workmate connection?

2 A Correct.

3 Q What I'd like to do in addressing questions
4 about Mr. Pinnock, just as you did in framing
5 some of your description of how you wanted to
6 give evidence today was to draw a distinction.
7 The distinction I'll be drawing here, sir, is to
8 focus first on the year 2009 when you were
9 Solicitor General and in government and had a
10 meeting with Mr. Pinnock that you've referred to
11 already, and then what I'll do is move ahead in
12 time to 2018 when again you had some dealings or
13 discussions with Mr. Pinnock.

14 So if we go back to that meeting, you put it
15 as being November of 2009 and described meeting
16 at a hotel. I take it it's a hotel restaurant
17 in Vancouver where you meet over lunch?

18 A It was in Victoria.

19 Q I'm sorry. In Victoria. Of course. Right.
20 Out of interest, were you splitting time between
21 Vancouver and Victoria at that point or resident
22 in Victoria?

23 A No, I was spending time at home. My home was in
24 the Vancouver area, and I was only spending time
25 in Victoria when I had to be there, and I was

1 And then he went on for about five minutes
2 and talked about how he was more or less poorly
3 treated by the RCMP with respect to his position
4 in this gaming enforcement team. He went on to
5 talk about how the positions were not filled and
6 who he reported to. And basically just that
7 part of it. There was no other material of
8 substance that Mr. Pinnock provided at that
9 particular time. He did say that he laid these
10 issues out in a report. And I haven't seen the
11 report.

12 I had two followup questions for
13 Mr. Pinnock after he went on, as I say, almost
14 for about five minutes straight talking about
15 the disdain that he had for the RCMP. And the
16 two followup questions to which I did not get an
17 answer because he advised me there were 13
18 positions -- I asked him where the 13 positions
19 had gone. That's the first time I was advised
20 there were 13 positions. And I asked him, what
21 does gaming have to deal with auto crime?
22 Because Wayne Holland, who was his direct
23 supervisor, was in charge from my understanding,
24 of IMPACT, which is the auto crimes area in
25 policing. He was seconded from the Vancouver

1 Police Department, Wayne was a Vancouver
2 Inspector in this integrated unit. And I just
3 can't put the concept together how gaming and
4 auto crimes came together, and I never did get
5 an answer with respect to that.

6 The lunch then ended with me saying that I
7 would look into his concerns and see if --
8 anything I could do with respect to them. I did
9 advise him that gaming was not in my ministry,
10 that it was Mr. Coleman's portfolio.

11 Q Okay. I want to go back over a few parts of
12 that, and I'll maybe just do it in reverse
13 order. You make reference to an auto crimes --
14 I think you said it was called IMPACT.

15 A Correct.

16 Q What -- I mean, auto crimes can be drunk
17 driving, collisions, dangerous driving, those
18 kinds of things or it could be car theft and car
19 theft rings. What sort of -- what was IMPACT
20 about? What was that?

21 A Mainly regarding theft of vehicles, theft from
22 vehicles, the bait program we had. There was an
23 Integrated Road Safety Unit. That was all part
24 of it. It was under that particular umbrella
25 that had to deal with not only the auto aspect

1 of it and the crimes related to that but
2 certainly some of the problems we were having on
3 the roads as a result of bad driving habits.

4 Q Okay. And so as I heard you answer that or
5 describe it, you didn't get an answer to that
6 question about what this -- what the link was
7 between auto crime and Mr. Holland and, on the
8 other hand, something going on with respect to
9 casinos and gaming?

10 A Correct.

11 Q You mentioned that Mr. Pinnock referred to
12 having written a report; is that right?

13 A Yes.

14 Q Did you ask for the report?

15 A No.

16 Q Okay. What was your understanding of what the
17 report was? Did you understand that was
18 something that he personally had prepared as
19 opposed to something written for official or
20 police purposes?

21 A It was something that he led me to believe that
22 he actually authored. Now, Mr. Martland, I've
23 just got to go forward a bit of post my
24 government to what I found out is that -- my
25 understanding he didn't even write the report,

1 that Wayne Holland wrote the report. And then
2 in a subsequent discussion I had with Wayne
3 Holland at a fallen officer's memorial, I was
4 advised that Holland didn't even write the
5 report, somebody else wrote the report. So I
6 have no idea about what report now that he was
7 referring to.

8 Q Okay. So as you -- as I ask you that question
9 now, you look to draw on subsequent discussions
10 with Mr. Holland and some understanding about
11 maybe it was under his name and maybe someone
12 else in fact wrote it as opposed to something
13 Mr. Pinnock wrote?

14 A Correct.

15 Q Let's go back, if we could, to the hotel in the
16 harbour in Victoria in November '09. At that
17 point in time from the discussion with
18 Mr. Pinnock you understand it's something that
19 he's written?

20 A Correct.

21 Q Have you to this day ever seen this report that
22 we're talking about?

23 A No.

24 Q Okay. As I hear you describe that lunch meeting
25 in 2009, it amounts to Mr. Pinnock unburdenening

1 himself of a set of very serious complaints and
2 expressing some annoyance to you; is that right?

3 A Correct.

4 Q And then giving you some information in
5 particular about the Integrated Illegal Gaming
6 Enforcement Team and how that ended for him?

7 A Correct.

8 Q And then that you asked him two questions that
9 you don't feel you really got answers to in the
10 meeting over the lunch?

11 A Correct.

12 Q Did you say anything to him in that meeting in
13 November of '09 about members of government
14 knowing what was going on in casinos and turning
15 a blind eye to it?

16 A No.

17 Q Have you watched Mr. -- did you watch when it
18 happened or watch since on the archive of the
19 webcast -- have you watched or for that matter
20 read the transcript of Mr. Pinnock's evidence
21 before this commission?

22 A No.

23 Q Okay. He has a number of things that he says
24 about what was discussed in that lunch meeting
25 November of 2009 in Victoria. And I want to

1 make sure that you have the chance to respond to
2 some of the things that he's saying about the
3 lunch meeting when you're Solicitor General in
4 2009.

5 Did you make some comment to the effect
6 that the police had failed to take steps to deal
7 with money laundering activity in casinos?

8 A No.

9 Q Did you make a comment or say that Mr. Coleman
10 knew what was going on inside the casinos?

11 A No.

12 Q Did you say, by way of explaining or commenting
13 about why someone might ignore problems or
14 crime, it's all about the money, in other words
15 the revenue to government?

16 A No.

17 Q Did you make some comment to the effect that
18 Mr. Coleman was largely responsible for this and
19 that senior Mounties were complicit in it?

20 A No.

21 Q Mr. Pinnock says -- to the effect that he
22 believed that Mr. Coleman had created this
23 situation and had tacit support of senior
24 Mounties but that you agreed with that comment
25 or view.

1 A He is incorrect.

2 Q Did you say something to the effect that there
3 is an issue -- there appears to be an issue of
4 organized crime and cash in casinos?

5 A No.

6 Q Did you say something to Mr. Pinnock about
7 senior police officers being puppets for
8 Coleman?

9 A No. Not in 2009.

10 Q Okay. Did you say that later or at some other
11 point?

12 A In 2018.

13 Q Okay. And we'll get to that. At one level what
14 Mr. Pinnock is saying is, Mr. Heed, that as
15 Solicitor General and in cabinet in '09, you
16 were aware of money laundering in casinos.
17 What's your response to that?

18 A I was not aware and it was never brought to my
19 attention.

20 MR. MARTLAND: Mr. Commissioner, that is probably a
21 useful point for a break.

22 And, Mr. Heed, so that you know, I may have
23 one or two last things on the '09 discussion.

24 After we resume I'll get us to 2018.

25 THE WITNESS: Yes.

1 THE COMMISSIONER: Thank you, Mr. Martland. We'll
2 take 15 minutes, then.

3 THE REGISTRAR: The hearing is now adjourned for a
4 15-minute recess until 11:00 a.m.

5 **(WITNESS STOOD DOWN)**

6 **(PROCEEDINGS ADJOURNED AT 10:45 A.M.)**

7 **(PROCEEDINGS RECONVENED AT 11:00 A.M.)**

8 **KASH HEED, a witness for**
9 **the commission,**
10 **recalled.**

11 THE REGISTRAR: Thank you for waiting. The hearing
12 is resumed. Mr. Commissioner.

13 THE COMMISSIONER: Thank you, Madam Registrar.

14 Yes, Mr. Martland.

15 MR. MARTLAND: Thank you.

16 **EXAMINATION BY MR. MARTLAND (continuing):**

17 Q Mr. Heed, I had been asking you a series of
18 questions that zeroed in on the hotel lunch in
19 Victoria November of 2009. We're now going
20 to -- I'd like to now move ahead to 2018. But
21 before I do that, I wonder if I should ask you,
22 did you have -- do you remember having any
23 discussions, dealings, meeting or speaking with
24 Mr. Pinnock between those two periods, between
25 '09 and 2018?

1 A There -- yes, there was one based on my
2 recollection is when I was teaching at the
3 university where in fact I had him and
4 Ms. Yamamoto attend and give a lecture on
5 undercover operations. That's the only time
6 that I can recall.

7 Q Did you --

8 A But there is one other time, and I was still in
9 the role as Solicitor General where in fact we
10 had a dinner around the Olympic time in a quaint
11 little restaurant in the west end of Vancouver
12 with Mr. Pinnock and Naomi Yamamoto and my wife
13 at the time. We did not discuss anything
14 related to what we're discussing here in either
15 of those, to the best of my recollection, dinner
16 and that presentation to my criminology class.

17 Q Okay. And just if we can try to put dates on
18 those. The winter Olympics are February of
19 2010. So the West End restaurant with partners
20 or spouses, that's February 2010, I take it?

21 A Correct.

22 Q The second, you described teaching at the
23 university and having a presentation on
24 undercover operations. Which university and
25 what time would that have been or year, if you

1 know?

2 A Simon Fraser University and it would have been
3 in 2013.

4 Q Okay. So let's go to 2018. You're aware,
5 Mr. Heed, that Mr. Pinnock recorded these
6 conversations with you?

7 A I became aware of his secret recordings, yes.

8 Q How did you learn about those?

9 A I learned about them through Mr. Pinnock the day
10 before I was first interviewed by commission
11 counsel. That would have been January of 2020.
12 I don't know the exact date in January 2020
13 where Mr. Pinnock contacted me, said he wanted
14 to meet me for a coffee. We met at Artigiano on
15 41st Avenue in Kerrisdale. And which he told me
16 he has recordings of conversations he has had
17 with me, he was aware I was meeting with
18 commission counsel and that he was going to
19 provide those recordings to the commission
20 counsel.

21 The little coffee chat probably lasted just
22 a couple of minutes because I think he was
23 certainly aware of how I viewed anyone that
24 would secretly or surreptitiously record a
25 conversation between what I thought was trusted

1 friends with the absolute expectation of privacy
2 and that the discussions which, again, were
3 somewhat rumour mongering, gossip, shooting the
4 breeze, whatever you want to call it, over a
5 beer at the Cactus Club, we're in a conversation
6 where I'm checking on his wellness or looking at an
7 opportunity he could get in front of the media
8 that he would do something of that nature.

9 Q How do you view that?

10 A How do I view it?

11 Q How do you view it?

12 A Absolutely a breach of any trust I would have
13 with anyone that I thought was a long-time
14 friend and associate of mine in policing.

15 Q My note of the date when you met with some
16 colleagues of mine, commission lawyers back when
17 meetings took place in person, that that meeting
18 date was January 23rd of 2020. You said January
19 2020. Does that seem accurate to you?

20 A Correct. [Indiscernible] at that time that
21 Mr. Pinnock had this short conversation with me.

22 Q And then what was -- who initiated the contact
23 that led to the meeting at Artigiano on West
24 41st in Vancouver, presumably on the 22nd of
25 January?

1 A Mr. Pinnock.

2 Q All right. And you've described that as being a
3 short -- was it a short and unhappy interaction
4 with him?

5 A Well, it was a short and, from my opinion, a
6 very disturbing interaction with someone that I
7 thought I could trust.

8 Q In that meeting with him at the coffee shop did
9 he give you -- either give you the recordings or
10 tell you what was on them?

11 A No.

12 Q What was it that he said?

13 A That he had recorded the conversations he had
14 had with me.

15 Q Okay. And did he say anything at that point
16 about how many conversations or what these
17 conversations were?

18 A No.

19 Q Have you since learned what the -- how many
20 there are and what the conversations were that
21 were recorded?

22 A Yes.

23 Q Okay. And you've actually seen transcripts that
24 have been generated based on the recordings; is
25 that right?

1 A Correct.

2 Q You're probably aware that those three
3 recordings, the transcripts that were generated
4 from them, have been marked as exhibits in the
5 course of this commission's hearings.

6 A Yes.

7 Q Have you looked over those transcripts?

8 A Yes.

9 Q Okay. Do you agree that there may be some areas
10 where you disagree with what the transcriber has
11 put down as being the exact words, but at a
12 general level do you agree it's you on the
13 recordings?

14 A In a general way, yes.

15 Q Okay. My note of the dates that are given -- I
16 want to just see if you disagree or disagree or
17 have anything to say about the dates of these
18 three recordings. The dates that we've been
19 told about, reliant on Mr. Pinnock, first
20 speaking by phone on July 10 of 2018?

21 A Correct.

22 Q Secondly a meeting over lunch at the Cactus Club
23 in Richmond, September 7, 2018?

24 A Correct.

25 Q And the last being a phone call on New Year's

1 Eve, December 31st, 2018?

2 A Correct.

3 Q At that point in -- so we're talking here about
4 the first of those occurring in the summer, the
5 lunch is, I assume, right around Labour Day if
6 it's September 7th, so the end of the summer.

7 And then a phone call the few months after that
8 at the end of the calendar year. At that point
9 in time in 2018 what were you doing in terms of
10 your work? Where were you at in life at that
11 point?

12 A I was still involved in consulting. I was doing
13 a lot of commentary in the local media as it
14 relates to, again, police reforms, gang crime,
15 drug policy. I even commented regarding what I
16 thought should be done as far as whether there
17 should be an inquiry in British Columbia or not.

18 Q An inquiry into the issue of money laundering?

19 A Correct.

20 Q Okay. What sorts of topics did you speak
21 about -- in general terms, what sorts of topics
22 were you speaking about with Mr. Pinnock in
23 those conversations?

24 A Those were personal. Personal opinions that I
25 expressed at that time under the understanding

1 that there was no surreptitious recording going
2 on. There was no breach of confidence. That
3 these personal opinions, shooting the breeze,
4 would not become public. It was the
5 understanding.

6 There was a lot of rhetoric around what two
7 former long-serving cops would discuss regarding
8 it. One that you referred to in July, I recall
9 seeing a news story with Mr. Pinnock in it and I
10 was very concerned with his health and well
11 being, and that's why the conversation took
12 place the following day. The Cactus Club was
13 agreed to meet, to chat over a beer and, you
14 know, reminisce about old times and people we
15 knew. And again, the one at the end of the year
16 was to express the media opportunity to be on W5
17 with Mr. Pinnock.

18 Q Mr. Heed, do you have an opinion or a view as to
19 whether as a police officer, who is probably
20 more likely to know about wiretap
21 requirements -- the need for authorization for
22 an officer in an investigative capacity to
23 record phone calls, does that change the nature
24 of what you describe as the breach of trust of
25 the magnitude or character of the breach of

1 trust here that it was a police officer who
2 recorded you?

3 A Yes. He or she ought to have known what some of
4 the ramifications could be or would be as a
5 result of that. Albeit not under legal
6 authority, but certainly the aspect of recording
7 a conversation when you come from a police
8 background, especially on another police
9 officer. Not only is it morally repulsive, but
10 in my view you've got to question -- and I do
11 personally question the legal authority.

12 Q You talk about ramifications. Have there been
13 ramifications to you because of this?

14 A I think there has been damages to people's
15 reputation as a result of Mr. Pinnock's evidence
16 that -- testimony that he's presented to the
17 commission. It certainly has, you know, caused
18 me some consternation and I'm, you know, happily
19 defending myself on what took place in drawing a
20 clear distinction between the conversation I had
21 in 2009 while I was serving in government and
22 the innuendo, you know, chitchat that was going
23 on in 2018 when I was, you know, a regular
24 citizen that had no obligation or
25 responsibility.

1 And the other one was more or less the fact
2 that the whistleblower was most likely going to
3 be terminated by the BC Lottery Corporation.

4 Q That's Ross Alderson?

5 A Correct.

6 Q Okay. The last transcript dates to
7 December 31st, 2018. What was the purpose of
8 that phone call?

9 A I had had several conversations with the W5
10 crew, CTV W5 crew. They were looking at doing
11 something related to the issues here in British
12 Columbia around this term "money laundering."
13 They had a story back in -- I believe it was
14 Prince Edward Island that they were trying to
15 connect to it. Anton Koschany -- I think that's
16 how you pronounce his last name -- was the
17 executive producer. We had conversations. He
18 was in the process or just, my recollection, had
19 spoken to Mr. Alderson, and he was wondering if
20 there's anyone else in British Columbia that he
21 should reach out to. And I thought of
22 Mr. Pinnock, and I phoned Mr. Pinnock to see if
23 he would, you know, take this opportunity. And
24 very early on in that conversation I realized
25 that, you know, he wasn't interested. So it was

1 just a lot of politeness in the conversation,
2 you know, discussion on personal things and
3 various things like that. I was just disengaged
4 when I knew that he was not interested at all.
5 That was the point of why I called him.

6 MR. MARTLAND: Mr. Heed, that concludes my questions.

7 Mr. Commissioner, thank you.

8 THE COMMISSIONER: Thank you, Mr. Martland.

9 I'll now turn to Mr. Smart on behalf of the
10 BC Lottery Corporation, who has been allocated
11 15 minutes

12 MR. SMART: Thank you. Let's see. Mr. Stephens has
13 got to man the controls here.

14 MR. STEPHENS: Apologies.

15 MR. SMART: Good. Thank you.

16 **EXAMINATION BY MR. SMART:**

17 Q Mr. Heed, I just have a few questions. Just
18 following up with what Mr. Martland asked you
19 about the surreptitiously recorded conversations
20 on three different occasions over many months
21 that you had with Mr. Pinnock. Would it be fair
22 to summarize that some of the statements you
23 made were based on speculation and maybe
24 hyperbole?

25 A Yes.

1 Q Okay. The other question or area I have is
2 you -- at the beginning of your evidence you
3 gave your understanding, I think as a police
4 officer, of proceeds of crime and money
5 laundering. I'm sure you recall that.

6 A Yes.

7 Q Giving that evidence. Yes. And as I understand
8 your understanding of proceeds was if, for
9 example, someone steals a car and sells it, the
10 money they receive would be proceeds.

11 A Correct.

12 Q Whereas money laundering was somebody taking
13 proceeds and investing -- well, taking the
14 proceeds and -- I'll use an example -- investing
15 in real estate in an effort to try to make it
16 look legitimate. That is the real estate asset
17 then looks like it's legitimate and isn't
18 derived from proceeds. Is that your
19 understanding at that time as a police officer
20 of the difference between proceeds of crime and
21 money laundering?

22 A Yes.

23 Q Do you believe that it was -- your understanding
24 was consistent with the understanding of other
25 police officers that you worked with, or do you

1 know?

2 A That would be speculation for me to answer that.
3 Let me just answer it in this way is I never,
4 ever faced a difference of opinion while I was
5 in policing.

6 Q Okay. The last question I wanted to ask you is
7 you've mentioned Brad Desmarais, someone who was
8 assigned to the Integrated Proceeds of Crime
9 section of the RCMP. Did you understand that he
10 was involved in some significant money
11 laundering proceeds investigations?

12 A Yes. One in particular.

13 Q Front page of *The Vancouver Sun* kind of
14 investigations?

15 A Yes.

16 Q Yes.

17 A The type we watch on TV.

18 Q All right. And so you knew him as somebody who
19 was certainly concerned about proceeds and money
20 laundering and knowledgeable about those issues?

21 A Correct.

22 MR. SMART: All right. Those are my questions,
23 Mr. Heed. Thank you.

24 THE COMMISSIONER: Thank you, Mr. Smart.

25 I'll turn now to Mr. Rauch-Davis for

1 Transparency International Coalition, who has
2 been allocated 10 minutes.

3 MR. RAUCH-DAVIS: Thank you.

4 **EXAMINATION BY MR. RAUCH-DAVIS:**

5 Q Mr. Heed, can you hear me okay?

6 A Yes.

7 Q Okay. Great. You gave some evidence this
8 morning about the lack of police resources while
9 you were an officer on proceeds of crime and
10 money laundering. And I have a note that you
11 gave one example of a marijuana grow operation
12 where IPOC just didn't have the resources to go
13 after the individual. Do I have that right?

14 A Yes.

15 Q And I take it from your experience that wasn't a
16 one-off occasion, that was pretty common when
17 you were a police officer that the resources
18 weren't there to pursue the money laundering
19 charge, instead the focus remained on the
20 predicate offence?

21 A That's the only example I have direct knowledge
22 of.

23 Q Okay. You have no direct knowledge of other
24 examples?

25 A No.

1 Q Okay. And then you did give some evidence as
2 well surrounding the emerging casino issue, and
3 your evidence was that, from my experience and
4 knowledge, had the issue been a significant or
5 priority at that time, you would say with
6 confidence that the RCMP would have put
7 resources on it. Do you remember giving that
8 evidence?

9 A Yes.

10 Q And that evidence is based on your experience as
11 a police officer; right?

12 A Correct.

13 Q Yeah. Is that just from that one-off IPOC
14 example you gave, or what else informs that
15 evidence?

16 A No. Knowing the way the RCMP do take issues at
17 heart -- you know, I'm one to criticize when I
18 feel it's appropriate, but I'm also one to give
19 acknowledgement when it is appropriate. And I
20 am -- with a degree of certainty, I'm sure if
21 this was a significant issue while I was the
22 Solicitor General in 2009, and even in my time
23 in policing, that the RCMP would have taken
24 action.

25 Q Okay. So that's informed from your dealings

1 with the RCMP, then?

2 A Correct.

3 MR. RAUCH-DAVIS: Okay. No further questions. Thank
4 you.

5 THE COMMISSIONER: Thank you, Mr. Rauch-Davis.

6 Ms. Friesen on behalf of the province, who
7 has been allocated 10 minutes.

8 MS. FRIESEN: Yes, thank you, Mr. Commissioner.

9 **EXAMINATION BY MS. FRIESEN:**

10 Q Mr. Heed, can you hear me all right?

11 A Yes.

12 Q Thank you. So my first questions -- in my first
13 questions I'd like to clarify your roles and
14 responsibilities when you were -- during your
15 tenure as Solicitor General. And as
16 Mr. Martland alluded to, I would like to take
17 you to a document in order to do so.

18 MS. FRIESEN: Mr. Commissioner, I've provided late
19 notice of this document, so I do need to seek
20 your leave to put the document to the witness.
21 I've spoken with my friend Mr. Senkpiel about
22 it. I understand that he does not object.

23 THE COMMISSIONER: If that's the case, then I see no
24 reason for you not to put the document to
25 Mr. Heed.

1 MS. FRIESEN: Thank you. Madam Registrar, if I could
2 have the order in council pulled up, please.

3 Thank you.

4 Q So this is -- as you can see, Mr. Heed, this is
5 an Order in Council number 281 and it's dated
6 June 10, 2009. You were Solicitor General at
7 that time; is that correct?

8 A Correct.

9 Q Okay. As it states on the first page, you can
10 see there this order in council sets out the
11 members of the Executive Council who were
12 charged with the administration of each of the
13 enactments listed in what is appendix B. That's
14 what it states on the first page. Do you see
15 that there?

16 A Yes.

17 Q Great, thanks.

18 MS. FRIESEN: Madam Registrar, if I could have you
19 scroll down to page 4.

20 Q And just to orient us here, this is appendix B.
21 You see that at the top of the page, Mr. Heed?

22 A Yes.

23 MS. FRIESEN: And, Madam Registrar, if you could
24 scroll now to page 14.

25 Q You'll see in the -- Mr. Heed, do you see in the

1 column 1, down column 1, it states -- there's a
2 list of enactments there, and there should be
3 the *Gaming Control Act*, which is near the top.
4 Do you see that there?

5 A Yes, I do.

6 Q Okay. And then in column 3, corresponding to
7 that, it has under the heading "Minister" it
8 says "Housing and Social Development." Do you
9 see that?

10 A Yes.

11 Q Okay. And Ministry of Housing and Social
12 Development, that was not the ministry in which
13 you were responsible?

14 A Correct.

15 Q Okay. So that accords with your recollection of
16 the ministry responsible for gaming at that
17 time?

18 A Yes.

19 MS. FRIESEN: Okay. Thank you. Mr. Commissioner,
20 I'd like to have this document marked as the
21 next exhibit.

22 THE COMMISSIONER: Yes, very well. That will then be
23 exhibit -- I think we're at 951, Madam
24 Registrar.

25 THE REGISTRAR: Yes, exhibit 951.

1 THE COMMISSIONER: Thank you.

2 **EXHIBIT 951: Order of the Lieutenant Governor**
3 **in Council - June 10, 2009**

4 MS. FRIESEN: Thank you. And just further to that,
5 Mr. Heed -- Madam Registrar, I no longer require
6 this document. Thank you.

7 Q And just further to your role and
8 responsibilities, during your tenure as
9 Solicitor General you did not submit an annual
10 report on behalf of the Gaming and Policy
11 Enforcement Branch to the legislature?

12 A Correct.

13 Q Okay. And during your tenure you didn't receive
14 any briefings from GPEB?

15 A No.

16 Q Okay. And you didn't receive any briefings from
17 BCLC during your tenure as well as Solicitor
18 General?

19 A Correct.

20 Q Okay. And you didn't issue any service letters
21 or mandate letters to BCLC during that period?

22 A Correct.

23 Q And if you were not the minister responsible for
24 gaming, it flows that your ministerial assistant
25 also did not have direct responsibilities for

1 gaming; is that correct?

2 A Correct.

3 Q Okay. And you provided some evidence that
4 Mr. Morhart advised you that Mr. Coleman agreed
5 to move positions from IIGET to GPEB. You did
6 not have a direct conversation with Mr. Coleman
7 about that yourself?

8 A Correct.

9 Q So you were -- by my count you were Solicitor
10 General for approximately 10 months. Does that
11 sound accurate to you?

12 A Yes.

13 Q And your last day as Solicitor General was in
14 May 2010, and that was 11 years ago; correct?

15 A Correct.

16 Q And you've been very clear in your evidence here
17 today that in making a distinction between what
18 you know directly through your time as Solicitor
19 General and your evidence subsequent to that,
20 but I should ask you. You have no direct
21 involvement in internal work conducted by the
22 Ministry of Attorney General or the Province
23 since your time as Solicitor General?

24 A No direct involvement.

25 Q Okay. And no direct -- likewise, no direct

1 involvement in decision making regarding matters
2 within the purview of the Ministry of Attorney
3 General or the province since that?

4 A Correct.

5 Q Thank you. You've given evidence regarding
6 learning after you were -- became Solicitor
7 General, learning then of the existence of the
8 Integrated Illegal Gambling Enforcement Team,
9 otherwise known as IIGET, and that it was
10 created and disbanded before you were sworn in
11 as Solicitor General; is that right?

12 A Correct.

13 Q And during your years in law enforcement you
14 were never a member of IIGET?

15 A No.

16 Q And you were never a member of the RCMP?

17 A Correct.

18 MS. FRIESEN: Thank you. Those are my question.

19 MR. MARTLAND: Mr. Commissioner, I hate to bear bad
20 news, but you're muted.

21 THE COMMISSIONER: That's not always bad news,
22 Mr. Martland.

23 I'll call now on Mr. Senkpiel on behalf of
24 Mr. Heed, who had been allocated 20 minutes.

25 MR. SENKPIEL: Thank you, Mr. Commissioner.

1 **EXAMINATION BY MR. SENKPIEL:**

2 Q Mr. Heed, if one looks at the three
3 transcripts -- and I'm not going to take you to
4 specific examples -- but you frequently
5 interrupt what you're being told with a yeah or
6 a yeah, yeah, and you frequently end what you're
7 being told with a yeah or a yeah, yeah, often in
8 relation to things that Mr. Pinnock is telling
9 you about his personal life or his professional
10 experiences. When you're saying "yeah" either
11 in the middle of a sentence or at the end, is
12 that you confirming what you're being told or
13 saying that it's true? Can you just describe
14 the speech pattern?

15 A No. The demeanour in my speech is usually when
16 you get a lot of yeah, yeah, yeah, I'm not
17 really paying attention. I'm not confirming
18 that that actually took place. It's a matter of
19 just moving the conversation forward.

20 Q All right. Thank you. And the final question.
21 You've -- we've heard from you about your sense
22 of betrayal and consternation relating to the
23 about the surreptitious recordings. But can you
24 at least tell us if Mr. Pinnock picked up the
25 tab for lunch at Cactus Club?

1 A Unfortunately no. I lost the flip.

2 MR. SENKPIEL: Those are my questions,

3 Mr. Commissioner.

4 THE COMMISSIONER: Thank you, Mr. Senkpiel.

5 Anything arising, Ms. Friesen?

6 MS. FRIESEN: No, Mr. Commissioner. Thank you.

7 THE COMMISSIONER: Thank you. Mr. Rauch-Davis?

8 MR. RAUCH-DAVIS: No, thank you, Mr. Commissioner.

9 THE COMMISSIONER: Mr. Smart?

10 MR. SMART: No, thank you.

11 THE COMMISSIONER: And Mr. Martland?

12 MR. MARTLAND: No, thank you.

13 THE COMMISSIONER: Thank you, Mr. Heed. I appreciate

14 you taking the time to come and give us your

15 insight and experience in dealings with

16 Mr. Pinnock on those four separate occasions.

17 It is helpful for the commission to have two

18 sides to that story. So I am grateful to you

19 for your evidence and you're now ex-excused from

20 further testimony.

21 THE WITNESS: Thank you, Mr. Commissioner.

22 **(WITNESS EXCUSED)**

23 THE COMMISSIONER: Mr. Martland, I think we have a

24 somewhat unusual schedule commencing next

25 Monday. Is that correct?

1 MR. MARTLAND: Yes, Mr. Commissioner. We're moving
2 out of the hearings that we have held under the
3 rubric of government response and into hearings
4 that deal with other jurisdictions over the last
5 two weeks of evidentiary hearings. So that
6 starts on Monday, and the website has details
7 about the start times. There's a number of
8 different start times because of witnesses who
9 are in various corners of the globe. But the
10 first is from New Zealand starting at noon on
11 Monday. So I'd suggest we adjourn until noon on
12 Monday, May 3rd.

13 THE COMMISSIONER: Thank you. We will do that, then.
14 Monday, May 3rd at 12:00 noon.

15 THE REGISTRAR: The hearing is now adjourned until
16 May 3rd, 2021 at 12:00 p.m. noontime. Thank
17 you.

18 **(PROCEEDINGS ADJOURNED AT 11:32 A.M. TO MAY 3, 2021)**

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