



VPD 68(08)

VANCOUVER POLICE DEPARTMENT O.I.S.

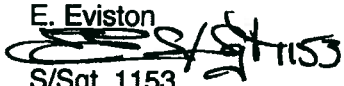
Date: 2009.04.30
To: Inspector 1169 Yeo
From: Staff Sergeant 1153 Eviston
Subject: 2008-218938 / Missing Document Investigation / City Hall

Sir, attached is a narrative from Det/Csts. Jakeway and Doucette which outlines the process of investigation concerning the missing document as requested by then Mayor Sam Sullivan.

A course of preliminary interviews and the offer of a polygraph exam did not yield the person responsible for the removal of the document. This narrative outlines the degree of cooperation provided by staff and members of city council. A number of city councillors declined to participate in a polygraph exam and this impacted the potential for a conclusive finding by investigators.

In any release of information related to this investigation, consideration should be given to noting the cooperation of many of the participants and the finding by the investigators that these persons were not responsible for the removal of the document.

E. Eviston


S/Sgt. 1153



VPD 68(08)

VANCOUVER POLICE DEPARTMENT O.I.S.

Date: April 30th, 2009
To: Staff Sergeant Eviston
From: D/Cst Jakeway
Subject: 2008-218938 Missing Document Investigation / City Hall

The investigation into the missing confidential document from the Vancouver City Hall in-camera meeting on October 14th, 2008 has now been concluded.

Preliminary interviews with everyone present during the meeting as well as voluntary participation in a polygraph examination did not yield the person responsible for the removal of the document. A number of city councillors declined to participate in the polygraph examination and investigators believe that this resulted in an inconclusive outcome.

Attached is a report that outlines this investigation.

Dave Jakeway

D/Cst 1948

CIRCUMSTANCE OF EVENTS

On October 14th, 2008 at 2:00 PM, Vancouver City Council sat for the regular council meeting at 453 W12th Ave in the City of Vancouver. On conclusion of the council meeting at approximately 3:45 PM, council members attended a public book award function before proceeding to an in-camera meeting at approximately 4:20 PM in the Mayor's office. The in-camera portion of the council meeting was held in private to discuss seven items of importance to the City of Vancouver.

Item number 6 on the agenda was saved for last and consisted of an update on the real estate development pertaining to the Olympic Athletes Village. A handout entitled "Southeast False Creek and Olympic Village Financing Considerations" had been authored and finished just prior to the meeting [12(3)] 12(3)

This document was not distributed prior to the meeting due to the sensitivity of the material enclosed and delays in the documents completion. City staff took the extraordinary precaution of numbering each of the copies from 1 to 15 with a black marker in the upper right corner of the front page to ensure that all of the documents distributed would be retrieved on conclusion of the meeting.

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[22(3)(b)] [22(3)(b)] The in-camera meeting concluded at approximately 7:30 PM with [2222(3)(b)] reminding all persons present to return their numbered documents prior to leaving the Mayor's Chambers.

The returning of the documents was a chaotic scene with the majority of councillors dumping their numbered papers on the council table or handing directly to staff members present in an unorderedly fashion. Staff immediately began organizing the documents to ensure that each of the documents was returned. [2222(3)(b)] discovered immediately that document number 10 was missing from the pile. [22(3)(b)] 22(3)(b)

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Staff conducted a thorough search of the Mayor's office to ensure that the missing document was not inadvertently misplaced. When the document was not located senior staff members met in the office of the City Manager, Judy ROGERS, to discuss further efforts to locate the missing document.

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On November 6th, 2008 an article written by Gary MASON appeared in the Globe and Mail Newspaper. MASON's newspaper article alluded to the financial hardships facing Fortress Investment Group and Millennium Development Corporation with the development of the South East False Creek development. The article also paralleled information that was discussed in the confidential October 14th, 2008 in-camera meeting report that went missing surrounding the proposed loan guarantee made by the City of Vancouver.

The timing of MASON's article drew immediate suspicion given the proximity of the released article to the Vancouver Municipal Elections on November 15th, 2008 and MASON's mention of the un-publicized resignation of Estelle LO, the former Chief Financial Officer.

On November 11th, 2008 Sam SULLIVAN, the Mayor of Vancouver, requested Police Chief Jim CHU conduct an investigation into the disappearance of the missing confidential document.

POLICE RESPONSE

On Wednesday November 12th, 2008 D/Cst JAKEWAY was on duty, in plain clothes and working in the General Investigations Unit of the Vancouver Police Department. At approximately 1150 hours, JAKEWAY was called into Inspector YEO's office and informed of an investigation being assigned to G.I.U. YEO explained that Chief CHU had received a request from Mayor SULLIVAN to investigate the theft of a City Hall document that may have led to the eventual leak of that document to a media source.

JAKEWAY was advised of the assignment

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City Hall Security

On Thursday November 13th, 2008 JAKEWAY contacted [22(3)(b)], the Director of Facility Design and Management. [22(3)(b)] advised JAKEWAY to contact [22(3)(b)] the Manager of Security about building security issues.

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At 1827 hours JAKEWAY attended City Hall and picked up the Key Scan package in a sealed manila envelope from 22, 22(3)(b) building security, that was self addressed to JAKEWAY. (See Key Scan Information).

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12(3) 12(3) investigators believe that it most likely that the source of the two quoted paragraphs in MASON's November 6th, 2008 Globe and Mail article was taken directly from the October 14th, 2008 in-camera minutes. With the most likely source of the leaked information being the in-camera minutes to the October 14th, 2008 meeting, investigators set out to determine the distribution list of everyone receiving the minutes.

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YEO advised that EVISTON would now be in charge of the investigation and that all updates would be run through him. EVISTON requested access to the confidential file folder being worked on by JAKEWAY and DOUCETTE. EVISTON requested a VPD 68 document outlining the investigation steps to be taken. JAKEWAY contacted IT and EVISTON was added to “read-only” status on the City Hall file folder.

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Investigators believed that it was not necessary to have legal counsel present in the room as everyone interviewed was present voluntarily. They were each advised prior to the interview beginning that they could get up and leave at any time and speak with counsel of their choice at any time should they decide to do so. Investigators treated everyone as potential witnesses and believed that having counsel present in the interview room would be counter productive as people would differ to their counsel to answer the questions rather than answering themselves.

During the interviews each participant was reminded that they were in attendance voluntarily, that they were free to leave at any time and that the interviews were audio and video recorded for accuracy. Investigators asked each person the following questions from a standardized interview script.

Did you take the confidential document from the October 14th meeting?

Who had the best chance to take the document?

Who was above suspicion?

What should happen to the person who took it?

Do you think it was stolen?

What do you think really happened to it?

Would you be willing to take a polygraph test to confirm you did not take the missing document?

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Polygraph Testing

On January 29th, 2009 polygraph examinations began at 525 W 10th Ave. The polygraph testing was conducted by Sgt Shaun DEANS and Sgt. Geoff GABRIEL of the Special Investigations Section. Each person that was in attendance at the in-camera council meeting on October 14, 2008 was sent an email requesting their attendance for a polygraph examination. Would be participants were requested to attend on a specific date and time and asked to confirm their attendance by email or by telephone. The following staff members and City Hall Councillors attended voluntarily for examinations.

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Investigation Conclusion

The goal of the investigation into the disappearance of the confidential document from the October 14th, 2008 in-camera meeting was to identify the person or persons responsible, determine the reasons why the document was removed and if possible recommend criminal charges to Crown Counsel. After the completion of 22 preliminary interviews and [redacted] [redacted] investigators have not been able to answer either of these questions with any certainty.

Everyone interviewed during the preliminary interview denied responsibility for taking the document. The majority of those interviewed believed that the document was deliberately taken from the council chambers by someone at the meeting. The majority of those interviewed also doubted that a staff member was responsible for the disappearance of the document and instead believed it was a city councillor. [redacted]
[redacted]

Investigators have not had full compliance from all councillors in taking the polygraph examination. Although investigators could not compel individuals to submit to the polygraph examination, it should be noted that each person agreed when they were asked in their preliminary interviews to take the examination as part of the investigation.

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In conclusion, investigators have not been able to determine who is responsible for the disappearance of document #10 from the in-camera meeting on October 14th, 2008 and the circumstances surrounding its return to BC LEE's office several days thereafter.

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Confidential