



**PUBLIC ORDER  
EMERGENCY  
COMMISSION**

**COMMISSION  
SUR L'ÉTAT  
D'URGENCE**

**Public Hearing**

**Audience publique**

**Commissioner / Commissaire  
The Honourable / L'honorable  
Paul S. Rouleau**

**VOLUME 10**

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## IV

### Appearances / Comparutions

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Ms. Rebecca Jones

Mr. Nikolas De Stefano

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Mr. David Migicovsky

Ms. Jessica Barrow

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Mr. Christopher Diana

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## V

### Appearances / Comparutions

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
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Canadian Civil Liberties Association	Ms. Cara Zwibel Ms. Ewa Krajewska
The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

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1 Ottawa, Ontario

2 --- Upon commencing on Wednesday, October 26, 2022 at 9:30 a.m.

3 **THE REGISTRAR:** Order. À l'ordre. The Public  
4 Order Emergency Commission is now in session. La Commission sur  
5 l'état d'urgence est maintenant ouverte.

6 **COMMISSIONER ROULEAU:** Good morning. Bonjour.  
7 Are we ready to proceed, Counsel?

8 **MR. FRANK AU:** We are. Superintendent Bernier,  
9 please.

10 **(SHORT PAUSE)**

11 **--- SUPT. ROBERT BERNIER, Resumed:**

12 **SUPT. ROBERT BERNIER:** Good morning.

13 **MR. FRANK AU:** Good morning, Superintendent.

14 **SUPT. ROBERT BERNIER:** Good morning, sir.

15 **--- EXAMINATION IN-CHIEF BY MR. FRANK AU (Cont'd):**

16 **MR. FRANK AU:** You recall that we ended yesterday  
17 by talking about your priorities on February 11th as you  
18 embarked on what you describe as a reset. And you've made a new  
19 mission statement to clarify the command and control structure,  
20 and you presented that plan to the Executive Team; right?

21 **SUPT. ROBERT BERNIER:** That is correct.

22 **MR. FRANK AU:** So I'd like to take you now to  
23 your efforts to further integrate that plan with the OPP and the  
24 RCMP. You explained to us yesterday that the chart, the then  
25 chart had OPS at the top because it was integrated but not fully  
26 unified, not -- it was not a unified command. Do you remember  
27 that?

28 **SUPT. ROBERT BERNIER:** That is correct.

1           **MR. FRANK AU:** And by "unified command", I took  
2 it that you were referring to unified with the OPP and the RCMP.

3           **SUPT. ROBERT BERNIER:** That is correct.

4           **MR. FRANK AU:** Now, you talked to us about when  
5 they first came to Ottawa to assist the OPS back on the 8th of  
6 February?

7           **SUPT. ROBERT BERNIER:** I don't -- I was not aware  
8 that they were in town at that particular time.

9           **MR. FRANK AU:** Okay. So let me take you to some  
10 notes that may refresh your memory.

11                    Could we go to OPS00008420, please? So stay at  
12 this page.

13                    You see that this is dated February the 8th. The  
14 Incident Commander is you.

15                    And then if we go to page 4, please. If we go  
16 down to 1329.

17                    Do you see an exchange recorded between Palmer  
18 and yourself? Who is Palmer?

19           **SUPT. ROBERT BERNIER:** Inspector Palmer. She was  
20 the inspector who I was working jointly with in the Service  
21 Command Centre.

22           **MR. FRANK AU:** Right. So there is a notation  
23 from her to you that:

24                                "Outside agencies who are attending to  
25                                assist or requesting to have OPS  
26                                operational plans ahead of attending."

27                    And you spoke a little bit about your involvement  
28 in trying to gather all the various plans in order to assist in



1 that process yesterday; right?

2 **SUPT. ROBERT BERNIER:** From my experience, I had  
3 an appreciation that if outside agencies were coming, they would  
4 be requesting to see the plans.

5 **MR. FRANK AU:** So were you aware that this group,  
6 these outside agencies were coming to Ottawa as of the 8<sup>th</sup>?

7 **SUPT. ROBERT BERNIER:** Outside agencies refers to  
8 all the different police agencies that were already assisting us  
9 in town, including the OPP and the RCMP, as well as other  
10 municipal services that were in town. I did not know that we  
11 were talking about an Integrated Planning Cell.

12 **MR. FRANK AU:** I see. So if I take you now to  
13 your summary, the witness summary ---

14 **SUPT. ROBERT BERNIER:** Yes.

15 **MR. FRANK AU:** --- at page 16, please?

16 Okay. So this is the paragraph at which you  
17 describe how you first came to know of this particular group's  
18 existence.

19 "On February 12<sup>th</sup>, OPP Chief  
20 Superintendent Carson Pardy and RCMP  
21 Superintendent Phil Lue phoned  
22 Superintendent Bernier and informed him  
23 that an OPP-RCMP Integrated Planning  
24 Team was in Ottawa to assist.  
25 Superintendent Bernier learned from  
26 them that the Integrated Planning Team  
27 had been in Ottawa since February 8,  
28 was based at RCMP's National Operation

1 Centre [...], and was assisting OPS to  
2 develop operational plans.  
3 Superintendent Bernier was surprised to  
4 learn of the Integrated Planning Team's  
5 existence."

6 So were you surprised because on the 8<sup>th</sup> you were  
7 aware only of some outside agencies coming to assist and you  
8 didn't connect that group with the Integrated Planning Team  
9 until you made contact with Pardy and Lue on the 12<sup>th</sup>?

10 **SUPT. ROBERT BERNIER:** That's correct.

11 **MR. FRANK AU:** All right. So if I could pick you  
12 now to another document, OPS00010371? So these are again scribe  
13 notes I take it, and you are now the event commander designated  
14 with EC. If we go to page 11, please? So this is dated  
15 February the 12<sup>th</sup>. If we go to 11:58, we see it on the screen,  
16 there was a call between you and RCMP Officer Lue said,  
17 "...slide up prepared by Darwin -  
18 understand NOC stood up. What you are  
19 proposing is what we are doing here.  
20 You would be able to give situational  
21 awareness - direct line of  
22 communication"

23 Tell us about this conversation.

24 **SUPT. ROBERT BERNIER:** So during this  
25 conversation, I had my first interaction with Superintendent Lue  
26 from the RCMP, had an understanding of what their role was here  
27 to help us, and based on the conversations that I'd had, and  
28 gave them a briefing on the new mission statement, the steps

1 that myself and Inspector Springer were taking as part of the  
2 command table, and understanding that it was going to take a day  
3 or two to get the proper people around the table that we were  
4 looking for. Some were coming from other parts of the province.  
5 That based on what I was proposing and telling Superintendent  
6 Lue that it was aligning with the framework that they were  
7 setting up at the RCMP Leikin building, which they're referring  
8 to as the NOK.

9 **MR. FRANK AU:** So we've heard evidence from other  
10 witnesses that they were starting to work on a plan, and by now,  
11 you have also started working on one, including the main action  
12 plan and the mission statement as we heard yesterday. So is it  
13 fair to say that when you connected, you found some alignment?

14 **SUPT. ROBERT BERNIER:** Yes.

15 **MR. FRANK AU:** So that would be on the 12<sup>th</sup>. And  
16 on the same day, if we go to a different set of notes --  
17 actually, same set of note, if we go to page 12, please, next  
18 page? At 12:33 we see a notation -- sorry, 12:35, the next  
19 page. Go down. So there is another conversation between you  
20 and Lue. This is from you to Lue,

21 "Once I have legal approval will send  
22 it to you with main action plan and  
23 objectives. See how you can fit this  
24 into a plan."

25 Tell us what this is all about.

26 **SUPT. ROBERT BERNIER:** So in this particular  
27 case, language is very important, and I understand that the word  
28 "approval" is in there. My ask regarding the work that I had

1 established with the mission statement, the main action plan,  
2 the objectives, once again, I wanted some oversight from the  
3 legal section to ensure that there was no risk to the  
4 organization. So the approval, I wasn't looking for an actual  
5 sign-off approval. I was looking for their advice and  
6 recommendations if there should be any concerns identified with  
7 that, if that answers your question.

8 **MR. FRANK AU:** Okay. Yes, it does. And I  
9 understand that later that day at around 3:10 p.m. there was a  
10 meeting between the OPS Command Team, including yourself and the  
11 former Chief, with other members of the Integrated Planning  
12 Group; am I right?

13 **SUPT. ROBERT BERNIER:** That's correct.

14 **MR. FRANK AU:** So let's talk about that meeting.  
15 If we go to your interview summary, at page 16, you see the  
16 paragraph starting with,

17 "Following that call, Superintendent  
18 Bernier participated in a 3:09 p.m.  
19 call with Chief Sloly, Deputy Chief  
20 Bell, Acting Deputy Chief Ferguson, OPS  
21 general counsel Ms. Huneault, and RCMP  
22 and OPP members of the Integrated  
23 Planning Team. At the start of the  
24 call, Chief Sloly discussed the role of  
25 PLT. He demanded that OPP send its PLT  
26 program lead, Inspector Marcel Beaudin  
27 [-- who we heard from yesterday --] to  
28 sit on the IECT. Superintendent

1                   Bernier had already informed Chief  
2                   Sloly that OPP PLT officer Giselle  
3                   Walker would be serving as PLT  
4                   representative on IECT, and Inspector  
5                   Springer ultimately [appear] Chief  
6                   Sloly by dialing..."

7                   **COMMISSIONER ROULEAU:** Appeased.

8                   **MR. FRANK AU:** Sorry?

9                   **COMMISSIONER ROULEAU:** Appeased.

10                  **MR. FRANK AU:** Appeased. I'm sorry.

11                   "...Inspector Spring ultimately  
12                   appeased Chief Sloly by dialing  
13                   Inspector Beaudin into the call. Chief  
14                   Sloly next asked if OPS had integrated  
15                   its PLT strategy with public order  
16                   planning, and Superintendent Bernier  
17                   reminded him that both POU and PLT were  
18                   members of the IECT."

19                  Now is that accurate?

20                  **SUPT. ROBERT BERNIER:** That is accurate.

21                  **MR. FRANK AU:** What is the IECT again?

22                  **SUPT. ROBERT BERNIER:** It's the Integrated Event  
23                  Command Table.

24                  **MR. FRANK AU:** Okay.

25                  **SUPT. ROBERT BERNIER:** And that represents that  
26                  organizational chart that represents who's sitting at that  
27                  table.

28                  **MR. FRANK AU:** The one that we saw on the screen

1 yesterday?

2 **SUPT. ROBERT BERNIER:** Correct.

3 **MR. FRANK AU:** So the next paragraph,  
4 "As the meeting progressed,  
5 Superintendent Bernier repeatedly  
6 asserted his autonomy as Event  
7 Commander and attempted to limit Chief  
8 Sloly's interference with that role."

9 What kind of interference were you getting?

10 **SUPT. ROBERT BERNIER:** I may need to refer to my  
11 notes for specifics if you're looking for specifics, but he was  
12 starting to direct more operational and tactical level decision  
13 making, and I just -- I could appreciate where everyone was at.  
14 We were evolving into this new state. We're trying to do a  
15 reset. There's a lot of people who were in a particular frame  
16 of mind at that particular time. And I just wanted to reassure  
17 and instill confidence in everybody that I did have it at hand  
18 and to trust what I was going to be doing and what I was going  
19 to be putting into place.

20 **MR. FRANK AU:** Right. Now if we keep reading,  
21 "For instance, when Chief Sloly  
22 attempted to establish timelines for  
23 immediate action within the next 24 to  
24 48 hours, Superintendent Bernier  
25 responded that he was working with  
26 Chief Superintendent Pardy and  
27 Superintendent Lue to develop a plan  
28 and that they would implement the plan

1                                   once it was finalized.”

2                                   Was that the nature -- general nature of the  
3 interference?

4                                   **ACTING SUPT. MARCEL BEAUDIN:** Yes. And it’s also  
5 a part of a bit of a -- I guess an education piece to say that I  
6 am using the resources that are available to me from the RCMP  
7 and the OPP to integrate to use that planning cell to support  
8 me. And we have a bit of work to do. We can’t start  
9 establishing timelines just yet because we’re at the infancy  
10 sage of that.

11                                   I understood the importance of proceeding  
12 quickly, but we had to make sure that we followed the proper  
13 processes.

14                                   **MR. FRANK AU:** Right. And the proper process was  
15 for the event commander to develop that plan and to ensure that  
16 everything worked well in the overall context.

17                                   **SUPT. ROBERT BERNIER:** Correct.

18                                   **MR. FRANK AU:** So we keep reading:

19                                   “Later in the meeting, RCMP Sgt. Darwin  
20 Tetreault presented his thoughts on  
21 strategies to take to address the  
22 situation downtown. When Chief Sloly  
23 asked Sgt. Tetreault to send document on  
24 his proposal, Supt. Bernier interjected  
25 and informed Chief Sloly that he had  
26 created an IECT and had the people he  
27 needed to develop a plan.”

28                                   Now, does that accurately reflect what went on at

1 that meeting?

2 **SUPT. ROBERT BERNIER:** That is accurate.

3 **MR. FRANK AU:** And it ended with the last  
4 paragraph:

5 "Supt. Bernier also observed that Chief  
6 Sloly was tense with his OPS command  
7 team during the 3:09 p.m. call. He  
8 noted he had not observed this behaviour  
9 by previous OPS Chiefs."

10 Could you explain that, please?

11 **SUPT. ROBERT BERNIER:** Once again, the situation  
12 that we were in, it had been a long, drawn-out period where,  
13 obviously, people had been stretched to their limits. I don't  
14 think Ottawa Police has ever been in a situation like this, so  
15 everyone was pushed to their limits.

16 There also was probably an appreciation that  
17 we're dealing with outside agencies coming in and starting to  
18 propose how we're going to resolve this. That could be probably  
19 very strenuous on a Chief.

20 Yes, there was tension on that call. Can I say  
21 specifically what happened? I was pretty much very focused on  
22 what I needed to do and I had to stay focused on that.

23 No different in my -- the final statement in that  
24 -- final sentence in the previous paragraph. I was reasserting  
25 my autonomy again by -- with Sergeant Tetreault proposing  
26 something. It may be very valid and very good, but in due time  
27 I will process that piece of information and with the Integrated  
28 Command Table make a decision as to what will be decided on as



1 far as moving forward.

2 **MR. FRANK AU:** Now, you told us yesterday that  
3 you've served over 28 years with the Ottawa Police Service.

4 **SUPT. ROBERT BERNIER:** That's correct.

5 **MR. FRANK AU:** And what you're saying here is  
6 that you had not seen this behaviour under any previous Chiefs.

7 **SUPT. ROBERT BERNIER:** I had not witnessed with  
8 any of the previous Chiefs that we've had at the Ottawa Police.

9 **MR. FRANK AU:** And by "this behaviour", what were  
10 you referring to?

11 **SUPT. ROBERT BERNIER:** The level of involvement  
12 and direction at the lower operational and tactical levels. And  
13 I have not witnessed perhaps the intensity or the behaviours  
14 that Chief Sloly was showing amongst the command team.

15 **MR. FRANK AU:** Now, this was a meeting attended  
16 by many, and there were different sets of notes made by  
17 different people. And in fairness, I want to put to you other -  
18 - another set of notes taken by someone else.

19 This is OPS00010638.

20 Do you know anyone by the name of Vicky Nelson?

21 **SUPT. ROBERT BERNIER:** Yes.

22 **MR. FRANK AU:** Who is Vicky?

23 **SUPT. ROBERT BERNIER:** She's in Legal Services at  
24 the Ottawa Police.

25 **MR. FRANK AU:** Okay. So it appears that these  
26 may be her notes.

27 So if we can call up this document and go to page  
28 6, please. Can we make it larger?

1 I'm looking for -- can we go down?

2 Right. So you see that these are notes of that  
3 meeting, and do you see the part where it says -- talks about  
4 PLT?

5 "PLT Team is here for you, 100%  
6 committed.

7 Key messaging is going out to all  
8 members.

9 Review of presentation - PLT."

10 And earlier, you see a reference to Sergeant  
11 Darwin Tetreault presenting, so it appears to be describing the  
12 same meeting.

13 But then we have the notation:

14 "Chief good with everything so far.  
15 Is unified command under OPS or OPP  
16 It is OPS."

17 Do you remember this part of the exchange?

18 **SUPT. ROBERT BERNIER:** Not particularly, but I  
19 could speak to its -- like it's the improper term being used.

20 If there's one service that's in the lead, then  
21 it's an integrated command. If there's multiple services that  
22 have come together to share the command, that's a unified  
23 command.

24 **MR. FRANK AU:** Okay. But what about the comment  
25 that "Chief good with everything so far"? It says -- I think  
26 there's a typo, but I take it the word means "everything"?

27 **SUPT. ROBERT BERNIER:** My recollection is when I  
28 did assert myself and essentially saying that I've got this and

1 this is what we're doing and this is how we're going to be  
2 operating, I got the sense from the Chief that he was okay with  
3 that.

4 **MR. FRANK AU:** All right. If we go further down  
5 to the next page, do you see the -- at the top:

6 "Chief gave the approval 2 weeks ago.  
7 Need to get going on this.

8 Tetreault it will work, we are doing  
9 this with the full confidence in your  
10 team.

11 Let's implement the plan."

12 Do you know what was being talked about here?

13 **SUPT. ROBERT BERNIER:** Once again, this is  
14 stepping outside the boundaries of regular Incident Command  
15 where there's things that were taking place when I was not in  
16 the position that I was in that I'm not privy to and that I  
17 would not be able to speak to, but obviously there were other  
18 things going on behind the scenes that they would be referring  
19 to. They'll need to speak to those pieces.

20 **MR. FRANK AU:** So do I understand your position  
21 is that this is not part of that meeting that you were -- you  
22 were at?

23 **SUPT. ROBERT BERNIER:** Oh, it would be part of  
24 the meeting, but the content of what they're talking about,  
25 about "Chief gave approval 2 weeks ago", "Need to get going on  
26 this", it looks like by these notes -- and they're obviously not  
27 my notes -- that Tetreault -- Sergeant Darwin Tetreault was  
28 saying that it will work. "Let's implement the plan."

1 I don't know who is saying that. That's not me.

2 **MR. FRANK AU:** So you're not clear as to what  
3 approval was given "2 weeks ago".

4 **SUPT. ROBERT BERNIER:** Correct.

5 **MR. FRANK AU:** All right. Now, we've heard from  
6 Chief Pardy from the OPP that there was agreement on the 13th  
7 that the -- that the plan was now approved.

8 And I want to take you to your notes,  
9 OPS00010635, at page 20.

10 So at 1551, this seems to be a conversation  
11 between you and Chief Pardy, and you told him at around this  
12 time:

13 "No issues with plan. Can find overall  
14 execution piece."

15 I'm not sure of the next word. Do you know?

16 **SUPT. ROBERT BERNIER:** Heavy.

17 **MR. FRANK AU:** "Heavy PLT negotiations reducing  
18 footprint."

19 So do you -- do I understand correctly that  
20 around this time you spoke to Chief Pardy and told him that no  
21 issue with the plan?

22 **SUPT. ROBERT BERNIER:** So if I can put everything  
23 into context with this, the Integrated Planning Cell, based on  
24 the information that they had, the conversations that we had had  
25 with the mission statement, main action plan and that overall  
26 phased approach had been discussed.

27 I was very appreciative that we had that  
28 Integrated Planning Cell with some very experienced plan writers

1 to be able to create a document very quickly, but there needs to  
2 be an appreciation that, although the overall strategy's going  
3 to be a heavy PLT negotiations and communication piece, we have  
4 to prepare right now and start putting all the pieces together  
5 for a Public Order action if that was not successful.

6           So in this comment that I make that the overall  
7 execution piece is missing, it's a fair statement and it's not  
8 any criticism on Phil Lue or C/Supt. Carson Pardy just because  
9 we had just put this team together and there was a lot of  
10 discussions that need to take place between all the people at  
11 the table, whether it be investigations from an authority  
12 standpoint, public order to what they need and propose as  
13 possible action plans, what this PLT need to do in the meantime  
14 to hopefully negotiate and communicate them out of the area.  
15 There's a lot of pieces that -- but I really wanted to work  
16 towards a meaningful execution piece that's going to layout,  
17 from start to finish, how we were going to return Ottawa to a  
18 normal state.

19           **MR. FRANK AU:** Right. So we scroll down a  
20 little. After you said that to Pardy, he said:

21                   "this is coming next - commanders intent"

22           And you said:

23                   "Good w approving plan w some minor  
24 changes"

25           **SUPT. ROBERT BERNIER:** Correct.

26           **MR. FRANK AU:** So was that where it was left that  
27 afternoon?

28           **SUPT. ROBERT BERNIER:** That is correct. We -- my

1 conversation with C/Supt. Pardy, we were very much aligned. He  
2 understood that although there may have been some planning and  
3 discussion with Darwin Tetreault, that he understood and  
4 appreciated that we were taking a pretty larger wholesome  
5 approach to this and that they will be supporting us moving on  
6 to building out that execution.

7 So the plan that we agreed upon is how we are now  
8 going to be integrating everything moving forward, and that was  
9 going to be the concept of operation and the framework that we  
10 were going to be operating under.

11 **MR. FRANK AU:** And just so we're clear which plan  
12 we're talking about, can we go to OPP00001851?

13 So the title is "Convoy for Freedom Ottawa  
14 Integrated Mobilization Operational Plan".

15 Can we scroll down a little? Next page.

16 So it's stated "DOCUMENT VERSION" February 13,  
17 and "PLAN WRITTEN BY" and then there's some -- here are the  
18 components of the group. It was signed by Chief Pardy, it  
19 appears, on the 12<sup>th</sup>.

20 Is this the plan that we're talking about?

21 **SUPT. ROBERT BERNIER:** That is correct.

22 **MR. FRANK AU:** Okay. I want to ask you now about  
23 the former chief's perspective on this plan as compared to the  
24 earlier plan that we saw yesterday, the one labeled 3.0, I  
25 believe, dated February the 9<sup>th</sup>. What -- how did you view these  
26 two plans? Or if they are different at all?

27 **SUPT. ROBERT BERNIER:** So the difference -- the  
28 main difference between the two, with the 3.0 plan, at the time

1 that was developed under the event commander of command of Supt.  
2 Patterson, I am not aware that there was any sign off approval  
3 on the document that that document was adopted. The difference  
4 between the two is that this document is under the event  
5 commander, has the approval on this document, as we are adopting  
6 this.

7 **MR. FRANK AU:** Right. Now, you told us about the  
8 mission statement that you drafted on the 11<sup>th</sup>. Was that now  
9 reflected under this plan?

10 **SUPT. ROBERT BERNIER:** Yes, it was.

11 **MR. FRANK AU:** There are other differences too  
12 that I -- we don't have time to get into, but in terms of the  
13 former chief's perspective, you told us the following during our  
14 interview.

15 Can we go to page 20? Sorry, page 20 of the  
16 interview summary.

17 You see the paragraph that starts with "On  
18 February 14<sup>th</sup>"?

19 If we go down to about the sixth line? Sorry,  
20 no, I mean at the same paragraph.

21 So do you see the part that starts with -- so  
22 about the third word in, a few lines from the top.

23 "Superintendent Bernier also observed that  
24 Chief Sloly was happy with the February 9  
25 Plan, and that it may have been  
26 challenging for him to accept the February  
27 13 Plan because it through the February 9  
28 Plan out the window."

1                   What did you mean by that?

2                   **SUPT. ROBERT BERNIER:** Probably speaking a little  
3 bit freely, with terms of "out the window". The sense is is  
4 that Chief Sloly gave the direction of building that February 9<sup>th</sup>  
5 plan. So as a Chief, I would imagine this was very difficult,  
6 to have another organization come and develop a new plan.

7                   I am not fully aware of the Integrated Planning  
8 Teams use of the February 9<sup>th</sup>. They may have been aware of it,  
9 used it, took portions of it, and adopted it into their plan,  
10 which is completely fine, because at the end of the day, the  
11 plan that I approved for the integration piece was that 13<sup>th</sup> of  
12 February plan. But I think the Chief was challenged with, "Why  
13 was my plan not used?" And that's what I'm referring to.

14                  **MR. FRANK AU:** So when we think of the February  
15 9<sup>th</sup> plan and the February 13<sup>th</sup> plan, what's the best way to  
16 describe them? Should we consider the February 13<sup>th</sup> plan as an  
17 evolved version of the February 9<sup>th</sup> plan or would you  
18 characterize them as different plans?

19                  **SUPT. ROBERT BERNIER:** I would characterize them  
20 as different plans?

21                  **MR. FRANK AU:** Why?

22                  **SUPT. ROBERT BERNIER:** In the structure, the  
23 content, how -- what was placed in that SMEAC format that we  
24 discussed yesterday. Things were aligning a lot more with the  
25 proper structure of an operation plan, as well as, as I  
26 indicated, that I had identified that we actually had to build  
27 out that particular section in execution because it was not to  
28 my satisfaction at that point.



1           **MR. FRANK AU:** Right. Now, I think we saw, when  
2 we had the February 13<sup>th</sup> plan up on the screen, that on page 2, I  
3 believe, there were signatures -- signature lines on that page.  
4 And do you agree that this plan was signed off, approved, on the  
5 13<sup>th</sup>?

6           **SUPT. ROBERT BERNIER:** Yes.

7           **MR. FRANK AU:** And we've heard from Chief Pardy  
8 that on the 14<sup>th</sup>, notwithstanding the sign off and approval on  
9 the 13<sup>th</sup>, that they identified ongoing issues with the  
10 integration or the working of the unified command. And he  
11 identified three issues in particular. I want to ask you about  
12 each issue and get your perspective on it.

13                   The first one is that Chief Pardy told us that  
14 the key issues dealt with through the day on the 14<sup>th</sup> related to  
15 the OPS' need to have their lawyer approve the plan.

16                   So we saw earlier an example of legal review that  
17 was on the 12<sup>th</sup>, but Chief Pardy is now speaking of a legal  
18 review issue on the 14<sup>th</sup>. Are you aware of that?

19           **SUPT. ROBERT BERNIER:** Yes. And I think in  
20 appreciation of where everybody was at on the 14<sup>th</sup> and the  
21 evolution that was taking place, there was a lot of changes  
22 happening and we were trying to develop the proper model, proper  
23 people in the right positions. A lot of transitioning was  
24 taking place. So I can appreciate where a team that would be at  
25 Leikin and, in this particular -- on this particular day, I was  
26 at the RCMP building, which we call the NCRCC, National Capital  
27 Regional Command Centre, which is in Orleans, and we were not  
28 actually collocated. Things were happening within our own

1 sides.

2                   And as well, you have to hopefully also  
3 appreciate that we're coming out of the period where there was  
4 that insistence on chief and legal approval. Those terms were  
5 terms that we were trying to transition out of and change that  
6 framework.

7                   My full intent, and may not have been fully  
8 communicated to C/Supt. Pardy, which no one is to blame, that my  
9 reason for asking for legal advice is to get a set of eyes on  
10 that just to ensure that I'm not creating risk for the  
11 organisation.

12                   There were a few things going on that day, and in  
13 the days prior, between a state of emergency and Ottawa, a state  
14 of emergency and the Province of Ontario, as well as some  
15 negotiation and some agreements being made from politicians at  
16 the municipal level. That's a lot of moving parts that I wanted  
17 to make sure that I brought some good people in to ensure that  
18 we're not putting our organisation at risk.

19                   **MR. FRANK AU:** And to be clear, who was the one  
20 seeking the legal advice?

21                   **SUPT. ROBERT BERNIER:** It would be myself.

22                   **MR. FRANK AU:** Okay. So I wanted to get some  
23 clarification on that because if we take a look at the summary  
24 on the screen, it says that:

25                                   "On February 14, Superintendent Bernier  
26                                   learned that Chief Sloly wanted  
27                                   Ms. Huneault, the OPS general counsel,  
28                                   to review the February 13 Plan, and

1                                   that Chief Sloly wanted to approve the  
2                                   plan after Ms. Huneault's review."

3                                   Could you clarify that, please?

4                                   **SUPT. ROBERT BERNIER:** Once again, as I  
5 mentioned, we were coming out of a framework where that was what  
6 was happening within the Ottawa Police. Everything was  
7 escalating to that level. So it's probably very hard to break  
8 that framework and that thought process, and I was trying to  
9 change that to bring it down to the level that it needed to be  
10 at at the Operational level.

11                                  So that's -- and if you continue on that I was  
12 frustrated with this continued attempt to try and have approvals  
13 up to the Chief level.

14                                  **MR. FRANK AU:** So there appears to be two parts  
15 to this, and just so we all understand, there was the Legal  
16 Review, and then there was what you referred to as the Chief's  
17 desire to approve the plan. The summary reads that you learned  
18 that Chief Sloly wanted Ms. Huneault to review. Is it more  
19 accurate to say that it was you who wanted the Legal Review to  
20 be conducted?

21                                  **SUPT. ROBERT BERNIER:** So in this particular  
22 case, Chief Sloly's referring to the plan. The review that I  
23 had asked was for the items that I had developed at that  
24 particular time. At the end of the day, on the 13th, I had  
25 approved the plan.

26                                  **MR. FRANK AU:** Okay. So we're talking about  
27 different things here.

28                                  **SUPT. ROBERT BERNIER:** Correct.

1                   **MR. FRANK AU:** So it was Mr. Sloly who wanted  
2 Legal Review related to the approval of the plan.

3                   **SUPT. ROBERT BERNIER:** Correct.

4                   **MR. FRANK AU:** Whereas you were seeking legal  
5 advice on what you described earlier about the different legal  
6 authorities that may or may not be available as you developed  
7 the plan?

8                   **SUPT. ROBERT BERNIER:** Correct.

9                   **MR. FRANK AU:** Okay. And it also spoke of the  
10 need for the former Chief to approve the plan. Is that  
11 accurate? Is that what you wanted at the time?

12                   **SUPT. ROBERT BERNIER:** I'm sorry, where do you  
13 see it?

14                   **MR. FRANK AU:** So the second line:  
15                                   "...and that Chief Sloly wanted to  
16                                   approve the plan after Ms. Huneault's  
17                                   review."

18                   **SUPT. ROBERT BERNIER:** Correct.

19                   **MR. FRANK AU:** So if Mr. Sloly were to say that  
20 to the extent any approval was required, he already approved, he  
21 already had given those approval as of the 9th of February, what  
22 would you say to that?

23                   **SUPT. ROBERT BERNIER:** It would not be an  
24 approval on this plan, it would probably be the approval for  
25 another plan that had been developed.

26                   **MR. FRANK AU:** And you understood at the time  
27 that he wanted to approve this plan, to have the decision-making  
28 power about approval of this plan?

1                   **SUPT. ROBERT BERNIER:** That's correct.

2                   **MR. FRANK AU:** Okay. Now -- so that was a first  
3 concern that Chief Pardy raised, the need for a Legal Review.  
4 The second concern he raised as of the 14th was that you were  
5 being pulled away continuously to brief your Chief, and that  
6 this was creating frustration within the Planning Group,  
7 especially as it related to the POU component. And he said he  
8 tactfully addressed this concern with the OPS.

9                   What is your perspective on that?

10                  **SUPT. ROBERT BERNIER:** I would have to agree. As  
11 you can well imagine, there was quite a bit going through my  
12 head, a lot of work that needed to be done, a lot of  
13 coordination, and a lot of planning, thought needed to go into  
14 our next steps. The frequency and the length of these meetings  
15 that were being -- that I was being called to was becoming very  
16 challenging, and not necessarily something that happens in  
17 normal Incident Command. Hence the reason why you have a  
18 Strategic Level Commander as well as an Executive Liaison to be  
19 able to mitigate that aspect. But there was still an insistence  
20 on the Event Commander to be present at this.

21                  So understanding that we're transitioning and  
22 trying to do this reset, it's hard to turn the switch right  
23 away, and it was kind of trying to steer it away from that  
24 model. But I can fully appreciate Chief Superintendent Pardy's  
25 frustration that because he was wanting to support me in moving  
26 this forward as quickly and efficiently as we could.

27                  **MR. FRANK AU:** Right. And the final concern he  
28 raised on the 14th was when the group learned that the Mayor of

1 Ottawa had engaged with the protesters and negotiated them to  
2 all move to Wellington Street, and that the OPS was making some  
3 decisions on action.

4 I understand that there was a briefing that you  
5 gave the group at around six -- just after six o'clock that day.  
6 Is that correct?

7 **SUPT. ROBERT BERNIER:** P.M., that's correct.

8 **MR. FRANK AU:** And -- so you brief them that due  
9 to the Mayor's decision it was a good time to take positive  
10 action on those who stayed outside of Wellington. Was that what  
11 happened at the briefing? That's what you told them?

12 **SUPT. ROBERT BERNIER:** That is correct.

13 **MR. FRANK AU:** And Chief Pardy told us that as a  
14 group they challenged you on the intelligence and the tactical  
15 advice received to allow them to pivot quickly and support it.  
16 Tell us about the issue.

17 **SUPT. ROBERT BERNIER:** There's quite a bigger  
18 picture to this, and once again, I will preface it with we were  
19 in a transition phase and we are not co-located. And I had met  
20 the -- that team for a brief moment that morning, and were  
21 contemplating and making decisions to transition our Command  
22 Post at the Operational level to Leikin to be co-located with  
23 that integrated cell.

24 There was a lot happening between the 13th and  
25 the 14th that was unexpected, challenging, and we were trying to  
26 manage. The one piece that we have to remember is that yes,  
27 there is the Integrated Planning Cell, that is one component  
28 that's supporting me. We have to remember that I have an

1 Integrated Command Table that I have set up. So it is not being  
2 done in isolation, it's not one person that is proposing or  
3 brainstorming ideas. Yes, the decision lies with me as the  
4 Event Commander, but you know, on this particular day, there was  
5 the Mayor's agreement that had transpired, which was resulting  
6 in potential movement of vehicles.

7           Specifically sticking to the point that you're  
8 asking for, given the fact that we were potentially going to be  
9 having areas that protesters were going to be clearing the  
10 vehicles and leaving, my Command Table had some conversations  
11 between myself, Inspector Springer, Public Order, Police  
12 Liaison, Investigations, Intelligence with regards to figuring  
13 out if they leave how do we keep those areas from being  
14 reoccupied again. So when we're talking about the positive  
15 action, is that we wanted to, if those areas were freed up, we  
16 just wanted to make sure that they weren't going to be  
17 reoccupied.

18           That conversation, that brainstorming took place  
19 at that Integrated Command Table at the Operational level.  
20 That's an appropriate conversation to take place, given the  
21 situation that we were in.

22           Fully utilising all the resources at hand, we had  
23 to come up with a egress plan for any of the vehicles that  
24 wanted to leave as a result of that agreement to ensure that it  
25 was safe and non-impeded to get those vehicles out of the  
26 downtown core. We as a group discussed that what do we do with  
27 those areas that either get thinned out to maybe down to a  
28 couple of vehicles, and how do we hold it.

1           At the time, and based on the infancy of our  
2 group, we brainstormed that it would probably be a good idea to  
3 try and implement some strategies to hold those areas.

4           That was communicated to Chief Superintendent  
5 Pardy and Superintendent Lue by phone, and I definitely sensed  
6 concern on their part. They voiced their opinion and I took  
7 that away.

8           Once that call was completed, we actually  
9 somewhat put a pause on that given the advice, recommendations,  
10 food for thought. I do have to say that Chief Superintendent  
11 Pardy, regardless of perhaps his strong conviction of maybe this  
12 was not a good idea, he still reassured me that I had his full  
13 support and that full team support on the decision that I'm  
14 going to make, which was very reassuring. But I was utilizing  
15 the integrated model appropriately and listened to the people  
16 who were talking to me.

17           When we met face to face the next day ---

18           **MR. FRANK AU:** By the next day, do you mean the  
19 15th?

20           **SUPT. ROBERT BERNIER:** The 15th where now we have  
21 moved our command post and setting up our command post. We had  
22 a meeting with the strategic level and had a wholesome  
23 conversation with this, which resulted in a change in direction.

24           **MR. FRANK AU:** What was the change?

25           **SUPT. ROBERT BERNIER:** The change in direction is  
26 that we were perhaps utilizing resources not to the most  
27 effective use in order to preserve the right resources to have  
28 in place for the bigger picture action plan within the next set



1 of days. Nothing determined at that point, but to refocus  
2 ourselves on that maintenance -- sorry, stabilization phase in  
3 order to get the focus on the communication, focus on the PLT  
4 action, getting our officers rested, getting other resources in  
5 town and develop the plans we need to if the negotiation-  
6 communication does not work.

7 **MR. FRANK AU:** Now, let me take you back a day or  
8 two to the 13th because I started by asking you of the events on  
9 the 14th and you started giving us the context and how it  
10 developed over the next -- the next -- into the next day.

11 But am I correct that it was on the 13th of  
12 February that you first came to know about these negotiations  
13 between the Mayor and the protestors?

14 **SUPT. ROBERT BERNIER:** That is correct.

15 **MR. FRANK AU:** If I could take you to the  
16 document OPS00010635.

17 Do you recall a meeting at around 1 o'clock or  
18 1:15 on the 13th regarding this issue?

19 So if we could go to page 10, please.

20 The date, as you see, is February 13, 1315.

21 I'm looking for the reference where ---

22 **SUPT. ROBERT BERNIER:** At 1320?

23 **MR. FRANK AU:** Yeah. Can we go there?

24 So meeting -- city manager.

25 Perhaps you -- you're better at it than me.

26 **SUPT. ROBERT BERNIER:** Sure.

27 City manager, basically stated that Mayor  
28 involved in negotiation to someone who has ability to

1 communicate with core organizers.

2 **MR. FRANK AU:** Could we keep going?

3 I'm looking for the part where I think there was  
4 a comment from you that this actually accelerates what we wanted  
5 to do.

6 **SUPT. ROBERT BERNIER:** Yes.

7 **MR. FRANK AU:** Do you remember that discussion?

8 **SUPT. ROBERT BERNIER:** Correct.

9 **MR. FRANK AU:** Tell us about that.

10 **SUPT. ROBERT BERNIER:** So essentially, if I could  
11 put into context, what I'm being informed at this point is that  
12 the Mayor is wanting to develop a letter to present to  
13 organizers to say if you leave -- and I think there was some  
14 concession to remaining on Wellington for a period, that if they  
15 were willing to leave that he would have a meeting with the  
16 organizers at a later date.

17 This aligned with what was taking place in other  
18 parts of the province and the country at the provincial and the  
19 federal level where the public safety Ministers were offering to  
20 draft a letter to protest organizers to denounce their protest  
21 and to leave. And if they did so, that they would have a  
22 meeting at a later date with them.

23 So that's somewhat very much aligned which was  
24 happening on the provincial and national level. And based on  
25 the information I had on the 13th at this time, that -- and  
26 having that plan in place with wanting to reduce the footprint  
27 and have -- negotiating protestors out of the area, it aligned  
28 with our plan.

1                   It was potentially challenges that come along  
2 with this when you're talking about political agreements with  
3 protestors, however, I can only control what I can control. And  
4 if this happens and people leave, then that is a benefit to the  
5 operation and that I would be good with it because there's  
6 nothing I can do about it.

7                   **MR. FRANK AU:** And in your interview summary, you  
8 explain that neither the city nor the OPS Executive had informed  
9 you of negotiations before this. Is that correct?

10                  **SUPT. ROBERT BERNIER:** Correct. From this point  
11 on that I was not really aware that I was not really aware that  
12 the -- of that dynamic going on.

13                  **MR. FRANK AU:** Right. And you told Inspector  
14 Springer that OPS should stay clear of the negotiation because  
15 political influence and political negotiation could adversely  
16 impact the police operation that OPS was preparing.

17                  **SUPT. ROBERT BERNIER:** The optics of the police  
18 involved with politicians in negotiating with other parties, the  
19 optics would -- could pose challenges to us.

20                  **MR. FRANK AU:** And in the interview summary, you  
21 went on and gave several other explanations as to why you were  
22 concerned about this, but in the interests of time, I won't take  
23 you to all of those.

24                  Do you agree that those contents in your summary  
25 is accurate?

26                  **SUPT. ROBERT BERNIER:** Yes.

27                  **MR. FRANK AU:** Okay. So let's move now to an  
28 area that I really want to ask you about, and it is -- the

1 context is this.

2                   You've told us that the plan was signed off on  
3 the 13th. That's before the federal government invoked the  
4 *Emergency Act* on the 14th. But when the final operation was  
5 launched, as I understand, on the 18th of February, that was  
6 after the invocation of the *Emergencies Act*.

7                   So I wanted to ask you about what -- to what  
8 extent the invocation of the *Emergencies Act* was considered in  
9 the process of planning and how it affected the way the  
10 operation was carried out.

11                   So let's take it step by step. It may be that we  
12 can start with what you told us in your summary.

13                   Could we go to your summary to page 22?

14                   So you remember that during the interview, we  
15 asked you about your thoughts on both the provincial emergencies  
16 measures, the *Emergency Management and Civil Protection Act* as  
17 well as the federal *Emergencies Act*.

18                   So if we look at this paragraph here:

19                   "Supt. Bernier stated that the February  
20 13 plan did not rely on powers granted  
21 under the *EMCPA*..."

22                   That's the provincial Act; right?

23                   **SUPT. ROBERT BERNIER:** Correct.

24                   **MR. FRANK AU:**

25                   "...and that the federal emergency  
26 declaration did not significantly impact  
27 his planning process. Supt. Bernier did  
28 not know that the federal government was

1                                   going to declare a Public Order  
2                                   Emergency on February 13."

3                                   I take that to mean that on February 13th, you  
4 did not know that the federal government was going to declare a  
5 Public Order Emergency, and you stated that you would have  
6 carried out the police operation whether or not the federal  
7 government declared a Public Order Emergency.

8                                   Explain that to us.

9                                   **SUPT. ROBERT BERNIER:** The plan that I was  
10 developing was based on existing authorities, whether it be  
11 under the provincial, federal or common law authority to act.

12                                   This is what takes place on a daily basis on  
13 those larger type events. We have to leverage the -- those  
14 particular authorities that exist.

15                                   The plan that I was building with my Integrated  
16 Command Table, and the advice that I was getting, and having the  
17 right people from the right backgrounds providing their input, I  
18 was satisfied that we were going to have all the authorities we  
19 need to take action if the communication and the negotiation  
20 piece of our stabilization plan was not successful in having  
21 that area cleared and the city returned to a state of normalcy.

22                                   **MR. FRANK AU:** And in this paragraph, you  
23 actually refer to some of those authorities that existed apart  
24 from the emergency powers, such as you said authorities under  
25 common law, municipal by-laws and provincial and federal  
26 statutes. You also noted the *Criminal Code* and common law  
27 authorize police to control access to an area during an ongoing  
28 police operation and that the *Highway Traffic Act* permits police

1 to seize and tow vehicles that are abandoned or obstructing  
2 roadways.

3 So I wanted to ask you about, first of all, the  
4 so-called exclusion zones. We heard from Deputy Chief Bell that  
5 the emergency was -- the *Emergency Act* was helpful in allowing  
6 the police to establish exclusion zones. What's your view on  
7 that?

8 **SUPT. ROBERT BERNIER:** I would agree, although  
9 that we were planning under the common law authorities to create  
10 a zone where we could operate safely for both the police and the  
11 public, the secure zone options that were offered through the  
12 *Emergencies Act* was a benefit. It somewhat provided a  
13 framework, a legal framework that would be a lot more  
14 understandable for our members, for the community, and in fact  
15 the protesters as well, understanding what was taking place when  
16 we were going to put that secure zone into effect.

17 **MR. FRANK AU:** So is that why you would consider  
18 it helpful to have those measures under the *Emergency Measures*  
19 *Regulations*?

20 **SUPT. ROBERT BERNIER:** Anything that's going to  
21 contribute to mission success is a benefit.

22 **MR. FRANK AU:** Were those measures necessary for  
23 the ending this occupation or protest?

24 **SUPT. ROBERT BERNIER:** Hard for me to say. I did  
25 not get to do the operation without it, so it would be very -- I  
26 don't know what complications I would have had, had it not been  
27 in place, and I utilized the common law. We have used it  
28 before. We have used it since without the *Emergencies Act* and

1 it has been effective, but I cannot speak for this particular  
2 date or that weekend operation. Had I not had it in that  
3 fashion, what would it look like, hard for me to say.

4 **MR. FRANK AU:** And the other area I wanted to ask  
5 your thoughts on, related to the ability to tow trucks, if we go  
6 down the page a little bit? So this paragraph that starts with,  
7 "Superintendent Bernier stated that he  
8 did not need to rely on powers granted  
9 under the *Emergencies Act* to compel  
10 towing companies to supply trucks or  
11 drivers to the police. He stated that  
12 this was unnecessary because by  
13 February 13<sup>th</sup> OPP had assembled 34 tow  
14 trucks with willing drivers. He noted  
15 that police guaranteed the companies  
16 and drivers anonymity, and placed  
17 police crests on the trucks and covered  
18 company markings to ensure anonymity.  
19 He stated that he had no knowledge of  
20 whether the power granted under the  
21 *Emergencies Act* to compel towing  
22 companies to assist, protected those  
23 companies and their drivers from being  
24 blamed by protesters and protester  
25 sympathizers for assisting [the]  
26 police."

27 Now is all that accurate?

28 **SUPT. ROBERT BERNIER:** That is very accurate.

1           **MR. FRANK AU:** Now those 34 tow trucks that you  
2 refer to here, were they available for use by the police when  
3 the final operation was launched on the 18<sup>th</sup> of February?

4           **SUPT. ROBERT BERNIER:** They were.

5           **MR. FRANK AU:** And in terms of the arrangement to  
6 secure those tow trucks, were those arrangements made before or  
7 after the 14<sup>th</sup> of February?

8           **SUPT. ROBERT BERNIER:** Majority of the  
9 arrangements were all done by the 13<sup>th</sup> because they were actually  
10 in transit to Ottawa. That being said, there was some final,  
11 obviously, contract and finance work that needed to be taken  
12 care of in the days that followed, but to my knowledge, we did  
13 not have to adopt any processes under the *Emergencies Act* to  
14 compel any of them to follow through on their actions.

15           **MR. FRANK AU:** Right. Now going back to the  
16 exclusion zone, there was something I meant to ask you, but I  
17 forgot. Can you tell us whether under the *Emergency Measures*  
18 *Regulations* the -- like, Ottawa, was there any area in Ottawa  
19 that was designated a secure zone?

20           **SUPT. ROBERT BERNIER:** Are you talking under the  
21 *Emergencies Act* or the *Emergency Measures* ---

22           **MR. FRANK AU:** I believe it was the EMR, the  
23 *Emergency Measures Regulations*.

24           **SUPT. ROBERT BERNIER:** So the provincial?

25           **MR. FRANK AU:** No, it's the federal ---

26           **SUPT. ROBERT BERNIER:** *Emergencies* ---

27           **MR. FRANK AU:** So the *Emergencies Act* was invoked  
28 on the 14<sup>th</sup> and then the *Regulations*.



1                   **SUPT. ROBERT BERNIER:** Regulations.

2                   **MR. FRANK AU:** Okay. So my understanding is that  
3 under section 6 of the EMR there was the ability to designate  
4 secure zone. Are you aware if such zones were created in Ottawa  
5 ---

6                   **SUPT. ROBERT BERNIER:** They were.

7                   **MR. FRANK AU:** --- designated?

8                   **SUPT. ROBERT BERNIER:** They were.

9                   **MR. FRANK AU:** They were. Let me put to you this  
10 document, PB.CAN00001209.

11                   So PB.CAN.00001209. So these appear to be  
12 speaking notes regarding the Emergency Measures Regulations. I  
13 believe it's -- there was a date at the top February the 25<sup>th</sup>.  
14 So if we go down to page 3, please? Under the headings "if  
15 pressed on why Ottawa was not designated a secure zone," there  
16 was a bullet,

17                                   "A designation was not required in  
18                                   Ottawa because the assembly was already  
19                                   unlawful. As a result, the police were  
20                                   able to establish a perimeter relying  
21                                   on the Emergencies Measures Regulations  
22                                   and other existing legal authorities to  
23                                   secure and maintain control of the  
24                                   area."

25                   Does that refresh your memory?

26                   **SUPT. ROBERT BERNIER:** Well, I'm not quite sure -  
27 - I might not fully understand what a designation, if that means  
28 that the Public Safety Minister had to actually sign off on a

1 particular area. We did have some discussions on a particular  
2 date. I'm going to say on or about 16, 17 -- 16<sup>th</sup> probably,  
3 where we had a meeting following the understanding of the  
4 Regulations and the availability of a secure zone, and the need  
5 to get the Public Safety Minister to sign off on a particular  
6 actual area. That may be what the designation means. After  
7 further review and discussion with the Minister's office and  
8 legal, it was determined that the police should have the  
9 flexibility to designate, expand or contract or move based on as  
10 the operation goes as opposed to have a fixed area which is no -  
11 - with no flexibility. So that decision was made in the  
12 subsequent 24 hours that there would not be an official document  
13 from the Public Safety Minister that this area, as per the  
14 Public Safety Minister, is a secure area. We were able to have  
15 the flexibility to, like I said, expand or contract, as the  
16 operation dictate, to minimize the impact on the community.

17 **MR. FRANK AU:** And that was, in fact, what  
18 happened.

19 **SUPT. ROBERT BERNIER:** That is correct.

20 **MR. FRANK AU:** And if we could go now to your  
21 summary on that point, page 22, the interview summary. We  
22 looked at the last paragraph on this page.

23 "After the federal emergency  
24 declaration, Superintendent Bernier  
25 explored whether designating downtown  
26 Ottawa as a protected place under the  
27 *Emergency Measures Regulations* would be  
28 a better option than relying on common

1 law authorities. Chief Superintendent  
2 Pardy informed him that the federal  
3 Minister of Public Safety, Marco  
4 Mendicino, was willing to approve a  
5 designated exclusion zone in downtown  
6 Ottawa. Superintendent Bernier  
7 conducted a tabletop exercise with  
8 Ministry of Public Safety staff to  
9 indicate that the exclusion area would  
10 look like -- what the exclusion area  
11 would look like. After the meeting, he  
12 was informed that Minister Mendicino  
13 decided that it was unnecessary to  
14 designate downtown Ottawa as a  
15 protected place and that the Minister  
16 did not want to designate a specific  
17 area in case police changed their  
18 plan."

19 Does that accord with what you just described to  
20 us?

21 **SUPT. ROBERT BERNIER:** Yes.

22 **MR. FRANK AU:** And finally:

23 "The *Emergencies Act*, in his  
24 interpretation, allowed for the police  
25 to determine the exclusion area on an  
26 as needed basis. Superintendent  
27 Bernier supported the Minister's  
28 decision. He noted that powers granted

1 under the *Emergencies Act* did cause  
2 police to be more willing to ask people  
3 entering the exclusion zone where they  
4 were going, but that police continued  
5 to permit people to enter the exclusion  
6 zone for lawful purposes."

7 Does that actually reflect the reality at the  
8 time?

9 **SUPT. ROBERT BERNIER:** That is correct.

10 **MR. FRANK AU:** Now I want to turn finally to how  
11 the plan was executed.

12 First of all, the February 13<sup>th</sup> plan continued to  
13 develop over the next few days until a final plan was signed off  
14 on or around the 17<sup>th</sup>; am I right?

15 **SUPT. ROBERT BERNIER:** That is correct.

16 **MR. FRANK AU:** And just so we are all clear at  
17 what plan there was, I want to show you -- February 17<sup>th</sup>.

18 So if I can take you to OPS00013798.

19 So you see the date on this page says, "February  
20 15<sup>th</sup>, till to be determined," but if we go to the next page then  
21 there is the date, "February 18<sup>th</sup>, till to be determined," and  
22 the document version says February the 21<sup>st</sup>.

23 Can we scroll down a little? Can we keep going?

24 So this is the only plan we got from the OPS, and  
25 we are -- we understand that this is the final plan. Can you  
26 take a look at the Table of Contents and confirm whether that  
27 is, in fact, the case?

28 **SUPT. ROBERT BERNIER:** This is appearing to be

1 the one that I would refer to, yes.

2 **MR. FRANK AU:** Right, okay. Thank you. So this  
3 plan describe the -- in four different phases, how the final  
4 operation will be carried out. Can you explain the four phases  
5 for us?

6 **SUPT. ROBERT BERNIER:** That's why it's important  
7 to understand that there really is -- the dates to be -- on the  
8 cover page from the 15<sup>th</sup> on, it's -- that's including the four  
9 stages. The four stages are Stabilization; Actions On;  
10 Maintenance, and Demobilization.

11 **MR. FRANK AU:** Well, in the interest of time, I  
12 guess we'll rely on your description of those four phases in the  
13 witness summary and move directly to how that plan was carried  
14 out.

15 When was this plan launched, in the final  
16 operation?

17 **SUPT. ROBERT BERNIER:** So it was launched, as  
18 indicated by the plan, by the 15<sup>th</sup>. I have to explain somewhat a  
19 bit this plan, because we are under very -- a lot of duress and  
20 a lot of time constraints and a lot of moving parts. This was a  
21 massive undertaking; something that an operation this large  
22 would often take, perhaps a month plus to plan for. So we were  
23 having regular meetings of the Command table when it was the  
24 Integrated Command, when it transitioned to a Unified Command;  
25 we're having meetings about this plan.

26 We were meeting with the plan writer, Brad Taylor  
27 and Carson Pardy and their team, continually to be feeding them  
28 as we were evolving information from the Command table, from our

1 subject matter experts on what we require. And that was  
2 evolving right up to Phase 2 of our plan.

3 But it's important to note that we were in  
4 agreement with the concept of operation, and we were in  
5 agreement that it was not realistic to actually have a  
6 completed, actual nice with-a-bow plan by the 15<sup>th</sup>. It was going  
7 to be evolving.

8 But by the time that we got to the 17<sup>th</sup> night,  
9 that was what we pretty much were going to have to stick with as  
10 we went into Phase 2.

11 So the maintenance period, as I mentioned  
12 earlier, involved stabilizing the operation; getting more  
13 resources in; allowing Ottawa Police officers to rest; enhance a  
14 communication and PLT strategy on the messaging. And the  
15 messaging was very clear; "It's time to go, it's time to leave.  
16 No more talking here, it's -- you have to leave. That's the  
17 only options that you have here. It's over."

18 And that messaging, during that stabilization  
19 period intensified to a set date where we're determining that,  
20 if they have not left, we're going to move on to an "Actions On"  
21 phase, which is now a more tactical Public Order, supported by  
22 tactical CBRNE, which I mentioned was Chemical, Biological,  
23 Radiological, Nuclear, Explosive Team, with a very enhanced  
24 arrest plan; transportation, processing, housing plan, with many  
25 intricacies that need to be thought of, whether it be children  
26 that were going to be involved, because we knew children were on  
27 scene at the protest.

28 We were aware of potential risks in vehicles,

1 whether it be from unknown devices. We were aware that we were  
2 -- going to maybe be faced with people who are going to  
3 barricade themselves in vehicles. So it's quite a complex plan  
4 with many moving parts that we had to focus on those key pieces.

5           And that was the "Actions On" piece where we had  
6 multiple presentations from the various experts from Public  
7 Order, where the unified command had to make a final decision  
8 on, this is what we're going to go with, with the integrated  
9 between Public Order and tactical CBRNE, plus the support from  
10 the arrest. Once that -- and we were going to go until it  
11 stopped; until it was over, until it was fully cleared. And we  
12 didn't know if that was going to be one, two, three, four days,  
13 but we had to have the resources in place to sustain a long  
14 duration of the Public Order operation.

15           Once it was cleared, we moved into the  
16 Maintenance phase, which was we had to make sure that it stayed  
17 clear of protestors, allow for rehabilitation of the streets,  
18 inspection of the streets. And then once we were satisfied that  
19 the protestors were not returning, and that we can start  
20 demobilizing resources, that meant that Ottawa's back to a state  
21 of normalcy.

22           If that answers your question?

23           **MR. FRANK AU:** That's very helpful, thank you.

24           So I understand that all of the resources that  
25 would enable the OPS and the Integrative Planning Group, your  
26 help that you were getting from elsewhere were ready by the  
27 evening of the 17<sup>th</sup>, is that right?

28           **SUPT. ROBERT BERNIER:** That is correct.

1           **MR. FRANK AU:** And so tell us what happened on  
2 the 18<sup>th</sup>; at what time did the action start?

3           **SUPT. ROBERT BERNIER:** Following probably one of  
4 the biggest snowstorms that we got in a while, we -- I gave the  
5 -- myself, and I should not be saying "I"; myself and my two co-  
6 commanders, Phil Lue and Dave Springer, did a final check, made  
7 sure that we had all the resources in place. And my hat's off  
8 to all the officers that stood up that day, after very long  
9 days, long weeks, to put their best foot forward. From all the  
10 elements, we launched the initial -- if I can say phase again  
11 within a phase, of the clearing of the demonstration.

12           **MR. FRANK AU:** What time did the action start?

13           **SUPT. ROBERT BERNIER:** If I can refer to my  
14 notes, I think it's around, sometime in the 0700 hours that we  
15 started.

16           **MR. FRANK AU:** Right.

17           **SUPT. ROBERT BERNIER:** But I'd have to look on my  
18 day of notes for that.

19           **MR. FRANK AU:** And within this final period of  
20 the operation, there were also different phases, in terms of  
21 locations?

22           **SUPT. ROBERT BERNIER:** Correct.

23           **MR. FRANK AU:** What was the first phase?

24           **SUPT. ROBERT BERNIER:** Nicholas and Waller. The  
25 final decision, after many discussions on how we were going to  
26 proceed through it, we decided we were going to do a movement  
27 from east of the affected area, all the way through to the west,  
28 and then deal with some satellite areas at the tail end.



1                   **MR. FRANK AU:** And how long did it take to clear  
2 that first phase area, the Nicholas-Waller area?

3                   **SUPT. ROBERT BERNIER:** It took better part of the  
4 morning.

5                   **MR. FRANK AU:** And when that area was cleared,  
6 what was the next area the officers were moving to?

7                   **SUPT. ROBERT BERNIER:** We were going to be moving  
8 to Rideau and Sussex.

9                   **MR. FRANK AU:** And how was the reaction of the  
10 people there at the time?

11                   **SUPT. ROBERT BERNIER:** They were -- what was  
12 experienced was, there was some passive resistance, there was  
13 some active resistance, and there was some assaultive behaviour  
14 that we experienced at Rideau and Sussex.

15                   **MR. FRANK AU:** As the officers moved from Phase 1  
16 to Phase 2, was there a sense that things were about the same,  
17 or was there an escalation; de-escalation? What was your sense?

18                   **MR. FRANK AU:** The tension definitely increased;  
19 however, we adopted a -- I could use a philosophy of slow,  
20 methodical, lawful in our approach because we did not know what  
21 the cause and effect was going to be, and we had to be ready to  
22 adapt, pivot, and make decisions, and we did not want to rush  
23 through this, and we did not want to force a confrontation.

24                   Every phase that we went through, no different  
25 than the messaging that was taking place right from the start of  
26 our operation through the stabilization, telling them to leave;  
27 "If you don't leave, you are going to be arrested." Everyone  
28 who wanted to leave was free to leave; they were asked to leave.

1 It was communicated through our -- what we call LRAD, long-range  
2 acoustic device, that aligned with messaging that was developed  
3 through our PLT, our Police Liaison Team, our corporate  
4 communications, and our investigations to ensure it's a very  
5 clear, succinct message, and we did it in both English and  
6 French.

7                   So this was all slow and methodical. Anyone who  
8 wanted to leave, had the opportunity to leave; they could walk  
9 away. Anyone who choose to remain behind, as we slowly and  
10 methodically went through, that would mean they would either be  
11 passively resisting or actively resisting the lawful order to  
12 leave.

13                   **MR. FRANK AU:** Now, you mentioned an escalation  
14 in the reaction of the crowd as we move from Phase 1 to the  
15 Phase 2; how did the police react in response?

16                   **SUPT. ROBERT BERNIER:** So this is obviously  
17 happening at the tactical level with the Tactical Commander  
18 levels but I'm being kept very much informed with myself, Insp.  
19 Springer, and Supt. Lue, we're being kept informed live as to  
20 what's happening. We do have some video feeds from drones, and  
21 as well CTV and everyone else was providing us some good footage  
22 as well.

23                   But we could see that the cause and effect, that  
24 they had the resolve to stay. They did not -- they were either  
25 wanting to be arrested or they're refusing to move, refusing to  
26 leave, and then being subject to being arrested for mischief.

27                   **MR. FRANK AU:** Now, we've seen some images where  
28 police were -- had batons, and there were horses. Could you

1 tell us more about those -- the use of those?

2 **SUPT. ROBERT BERNIER:** Yeah. So we -- the one  
3 that you're referring to where we're now somewhat increasing our  
4 presence and having to increase our presence based on the  
5 actions of the crowd, and that's moving in to day 2 on the 19<sup>th</sup>  
6 and the -- sorry, no; this is still on the 18<sup>th</sup> in front of the  
7 Chateau Laurier once we had transitioned and holding the Rideau-  
8 Sussex area in front of the Chateau Laurier.

9 The cause and effect was that we had the massive  
10 group, the larger group from Wellington Street now descending  
11 down onto that area. There was -- it was definitely an  
12 aggressive crowd, volatile crowd, where we had to make some  
13 decisions to increase our usage of force in order to protect  
14 ourselves and properly deal with the situation at hand.

15 **MR. FRANK AU:** When did the operation end that  
16 day on the 18<sup>th</sup>?

17 **SUPT. ROBERT BERNIER:** The operation actually  
18 never ended.

19 **MR. FRANK AU:** Paused?

20 **SUPT. ROBERT BERNIER:** It never did pause. We  
21 had to maintain public order action presence 24/7 until it was  
22 completely clear. So reduced, and a pause on movement took  
23 place later in the evening, and we held that spot in front of  
24 the Chateau Laurier in order -- and believe it or not, that part  
25 of the operation there was a lot of work to do. There was --  
26 the towing of multiple vehicles from that site is very time  
27 consuming. Some of the vehicles were perhaps disabled or in a  
28 fashion that would be difficult to tow.

1                   So we had all the right resources in time -- in  
2 place; however, it took time to remove those vehicles. So we  
3 did not want to get too far ahead of ourselves; once again,  
4 slow, methodical. What was controlling a lot of the progression  
5 was how fast we can manage the arrested individuals, which we  
6 did get very overcapacity through that second portion, but it's  
7 also the time that it takes to actually tow and clear those  
8 areas, and then install some fencing to ensure that area  
9 remained clear.

10                   **MR. FRANK AU:** Now, you mentioned fencing, did --  
11 was a decision made to hold the line and to secure the area with  
12 more fencing at some point that day?

13                   **SUPT. ROBERT BERNIER:** So that's a decision that  
14 was made at the command table once again, in between Supt. Phil  
15 Lue and Insp. Springer and I. We had to realize that the effect  
16 of putting police officers on the line sometimes has an effect  
17 in the crowd to antagonize the crowd, and we were wanting to de-  
18 escalate the situation. If we can have the same effect with  
19 fencing, to keep them out of that area with minimal police  
20 presence to ensure and have reserves on hand, that will more  
21 than likely de-escalate the situation.

22                   And that's, in fact, what took place. We  
23 replaced the officers with fencing, reduced the footprint of  
24 officers, and it actually de-escalated the crowd and a lot of  
25 the crowd returned back up into the Wellington Street area.

26                   **MR. FRANK AU:** And roughly what time on that day  
27 did that occur?

28                   **SUPT. ROBERT BERNIER:** It would have been

1 probably in the midnight timeframe, give or take. At that  
2 point, if you can appreciate that I would not be able to --  
3 neither could Supt. Lue and Insp. Springer -- operate for 24  
4 hours a day for three days. We implemented a reserve Event  
5 Command to supplement a day and a night shift to have a  
6 sustained command and a functional command team during that  
7 period.

8                   So that part of the operation, which I am fully  
9 briefed on and know about, was under the command of three other  
10 Commanders during the night period. But my understanding was  
11 around the day.

12                   **MR. FRANK AU:** And what happened during the  
13 night?

14                   **SUPT. ROBERT BERNIER:** We held those areas  
15 secure, and they were not taken over, and there was no major  
16 incidents to report.

17                   **MR. FRANK AU:** The execution of the mission  
18 continued the next morning?

19                   **SUPT. ROBERT BERNIER:** Correct.

20                   **MR. FRANK AU:** At about what time?

21                   **SUPT. ROBERT BERNIER:** Given the usage of -- at  
22 that point, we had 14 Public Order Units, and we had to utilize  
23 every single member. It was a little bit of a later start.  
24 Once again, I'd have to refer to my notes for exact times, but  
25 it was in the neighbourhood of the 0900 time period where we  
26 progressed with moving onto our next phase of trying to move  
27 Wellington.

28                   **MR. FRANK AU:** You refer to these POU units, the

1 Public Order Units, in what direction are they moving now?

2 **SUPT. ROBERT BERNIER:** Continuing with the east  
3 to west. And there's a bit of a south movement too, through --  
4 on Elgin Street.

5 **MR. FRANK AU:** So what area? Like, what street  
6 would they be on now?

7 **SUPT. ROBERT BERNIER:** Wellington.

8 **MR. FRANK AU:** Okay. Tell us what happened that  
9 morning.

10 **SUPT. ROBERT BERNIER:** Once again, after checking  
11 with the three Commanders and verifying that everyone was ready  
12 to go, made some adjustments on lessons learned from the day  
13 before. We progressed with -- and further, based on what we had  
14 experienced and seen, that the level of aggression towards the  
15 police, we increased our protective level to move on with that  
16 operation that day. And when everyone was in place ready to go  
17 with the full arrest, tactical, CBRNE support, Public Order was  
18 ready, we moved and progressed eastbound -- sorry, westbound on  
19 Wellington, slow and methodically, to clear the protestors.

20 Once again, full messaging. Leave. Anyone who  
21 got caught there by chance or came to visit, they were clearly  
22 informed it's time to leave. And anyone who wanted to leave was  
23 free to leave. There was no one boxed in during any of the  
24 operations.

25 **MR. FRANK AU:** How was the reaction of the people  
26 that morning?

27 **SUPT. ROBERT BERNIER:** They were aggressive, as  
28 anticipated, and confirmed the reason why we increased our level

1 of protection on our officers.

2 They were met with confrontation assaultive  
3 behaviour as they progressed into the Wellington Street  
4 corridor.

5 **MR. FRANK AU:** Did the police use any tools such  
6 as smoke grenades and gas at any time?

7 **SUPT. ROBERT BERNIER:** There -- once again, that  
8 is elements that would have been used at the tactical level,  
9 sometimes in exigent circumstances.

10 There were, at the onset, smoke that was used by  
11 the protestors.

12 **MR. FRANK AU:** But to your knowledge, did they --  
13 did the police ever use those tools during ---

14 **SUPT. ROBERT BERNIER:** There had to be the use --  
15 there was the need to use some of those tools during this  
16 operation.

17 **MR. FRANK AU:** And by the end of the day -- we're  
18 speaking of the 19th now -- how did the downtown core look like?

19 **SUPT. ROBERT BERNIER:** Different. We had cleared  
20 all the way westbound on Wellington, just the Wellington  
21 corridor, not the north-south -- north-south streets except for  
22 Elgin. We secured Elgin Street.

23 And we progressed all the way down to clearing  
24 protestors that were remaining, were moving back, but were still  
25 staying in the area, but never met the threshold of being  
26 arrested.

27 There was a large group that still remained on  
28 Banks Street towards the evening hours at the end of the day.

1 It took the full day to -- for anyone who did not leave with  
2 their vehicle to clear and tow those vehicles.

3                   When I say "clear", once again, we did not know  
4 what to expect in vehicles, whether it be devices or challenges  
5 with their vehicles being disabled. It took a long period for  
6 the teams to clear the remaining trucks from Wellington Street  
7 with our towing plan.

8                   **MR. FRANK AU:** Now, we've heard a fair bit about  
9 the Coventry area being used by the protestors as a kind of  
10 staging ground. When was that area demobilized?

11                   **SUPT. ROBERT BERNIER:** So that was now moving  
12 into the third day.

13                   **MR. FRANK AU:** The 20th?

14                   **SUPT. ROBERT BERNIER:** The 20th. That would be  
15 the Sunday.

16                   **MR. FRANK AU:** Right.

17                   **SUPT. ROBERT BERNIER:** We spent a good portion of  
18 the day clearing the remaining north-south streets and any of  
19 the other areas, but the actions of both the Friday and the  
20 Saturday, the 18th and the 19th, had the effect of clearing of  
21 those areas.

22                   Anyone who remained in those areas I think  
23 realized that it was over, and most left.

24                   We were just doing some various cleaning up of  
25 abandoned vehicles that may have been left there that were  
26 protest vehicles or illegally parked vehicles to ensure that  
27 that was -- once again, the vehicles are properly cleared and if  
28 they were disabled, that they were rendered able to be towed.



1           Later in that afternoon, we were satisfied that  
2 we were prepared to finalize -- go the final phase of clearing  
3 Coventry Road, which is a large parking lot adjacent to a  
4 baseball field and a couple of hotels, where it was somewhat of  
5 a base camp for the protestors.

6           **MR. FRANK AU:** When did the OPS and its partners  
7 enter the third and fourth final phases, the maintenance and  
8 demobilization phases?

9           **SUPT. ROBERT BERNIER:** So we transitioned to the  
10 maintenance phase as of the 21st, which would be the Monday,  
11 where we maintained Public Order elements ready to respond. I'd  
12 like to note that we continued to have lawful protests in  
13 follow-up to this.

14           We were perhaps securing the downtown core, but  
15 we were having daily protests at the War Museum of freedom  
16 protestors, but they were acting and they were present in a  
17 lawful manner.

18           We kept a minimal presence, as we do in most  
19 demonstrations, but we had to manage that and keep an eye on  
20 that.

21           Various convoys throughout that maintenance  
22 period, we would get intelligence or information that they were  
23 trying to come back to Ottawa and we would be preparing and  
24 staging in order to act on that to prevent them from coming back  
25 down with vehicles to protest.

26           So that following week, as we progressed out of  
27 the *Emergencies Act*, out of all the states of emergency, which  
28 once again moved us into a phase of trying to assess what does

1 this mean, what has changed, that by the end of that week, the  
2 Sunday, I was satisfied to go to a demobilization phase and  
3 turned over operations to regular Ottawa police operations and  
4 all external agencies had been demobilized.

5 **MR. FRANK AU:** Well, we are quickly running out  
6 of time, so my final question to you is, if there's anything  
7 else that you'd like to tell the Commissioner that we haven't  
8 yet covered.

9 **SUPT. ROBERT BERNIER:** I'd be happy to answer any  
10 of your questions, sir.

11 **COMMISSIONER ROULEAU:** I don't usually ask  
12 questions until the end, and usually it's well covered by  
13 everyone, but I may.

14 **MR. FRANK AU:** Thank you, Commissioner.

15 **COMMISSIONER ROULEAU:** Okay. So we're going to  
16 move to the cross-examination phase.

17 If I could ask counsel for former Chief Sloly to  
18 go first.

19 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

20 **MR. TOM CURRY:** Thank you.  
21 Superintendent, I'm Tom Curry.

22 **SUPT. ROBERT BERNIER:** Sir.

23 **MR. TOM CURRY:** A couple of things if I can get  
24 your help, please, for the Commissioner.

25 Your -- prior to these events, you told us that  
26 you were an Inspector, first of all. You have -- you had a  
27 promotion between then and now. Is that right?

28 **SUPT. ROBERT BERNIER:** Not official yet.

1                   **MR. TOM CURRY:** Okay. So we'll have our fingers  
2 crossed for you.

3                   You were an Inspector in the Communications  
4 Branch within the Information Directorate.

5                   **SUPT. ROBERT BERNIER:** Yeah. Correct.

6                   **MR. TOM CURRY:** Reporting through what we learned  
7 were the three Is. You're one of the Is to Deputy Chief Bell at  
8 the time.

9                   **SUPT. ROBERT BERNIER:** Correct.

10                  **MR. TOM CURRY:** And just assist us, if you can,  
11 with the chain of command in your regular work, not Incident  
12 Command, now -- in your day job, was there -- were there  
13 personnel between you and the Deputy?

14                  **SUPT. ROBERT BERNIER:** Yes.

15                  **MR. TOM CURRY:** And who lay between you and the  
16 Deputy?

17                  **SUPT. ROBERT BERNIER:** Superintendent Rob  
18 Drummond.

19                  **MR. TOM CURRY:** Okay. And anyone -- is there a  
20 Chief Superintendent in the structure at the time or is it just  
21 Superintendent Drummond to the Deputy?

22                  **SUPT. ROBERT BERNIER:** We do not have that rank  
23 within the Ottawa Police.

24                  **MR. TOM CURRY:** Understood.

25                  And then within the Information Directorate --  
26 and you told us that's 911, dispatch and the like; right?

27                  **SUPT. ROBERT BERNIER:** Police Reporting Unit and  
28 the Command Centre.

1                   **MR. TOM CURRY:** Got it.

2                   And within that Directorate, can you give the  
3 Commissioner an idea about the number of personnel?

4                   **SUPT. ROBERT BERNIER:** Within the whole  
5 Directorate or just my branch?

6                   **MR. TOM CURRY:** Just your branch, please.

7                   **SUPT. ROBERT BERNIER:** My branch, I would have to  
8 say in the neighbourhood of slightly under 200 officers.

9                   **MR. TOM CURRY:** Thank you.

10                   And does that include civilians?

11                   **SUPT. ROBERT BERNIER:** Yes. Large portion  
12 civilians.

13                   **MR. TOM CURRY:** Understood.

14                   And then if I follow, the way that Incident  
15 Command works, Event Command works, in the case of an event or  
16 an incident, then a person with your training can be deployed to  
17 assume the role of event commander or incident commander, as you  
18 have described? Is that right?

19                   **SUPT. ROBERT BERNIER:** That is correct.

20                   **MR. TOM CURRY:** And then in that -- and just for  
21 the -- this is an extraordinary event that occurred here; isn't  
22 it?

23                   **SUPT. ROBERT BERNIER:** Unprecedented.

24                   **MR. TOM CURRY:** Unprecedented and not only in the  
25 -- not only, I understand, in the history of the Ottawa Police  
26 Service, but as we've learned from witnesses from the Ontario  
27 Provincial Police, in their history as well in terms of the size  
28 of this deployment.

1                   **SUPT. ROBERT BERNIER:** Yes.

2                   **MR. TOM CURRY:** But you told us -- you gave us an  
3 example of another kind of event, a shooting here in Ottawa on  
4 Parliament Hill, that was an event that you ran? Is that right?

5                   **SUPT. ROBERT BERNIER:** I did not run. So I would  
6 have been a tactical ground commander for that. If you're  
7 understanding, as I explained the tactical, operational, and I  
8 was an actual tactical level commander on the ground running  
9 hundreds of men and women who were on contact teams.

10                  **MR. TOM CURRY:** Understood. Reporting to an  
11 incident commander who reported to an event commander?

12                  **SUPT. ROBERT BERNIER:** Correct.

13                  **MR. TOM CURRY:** Who reported to?

14                  **SUPT. ROBERT BERNIER:** Would be -- so in this --  
15 on that particular day, the strategic level would have been  
16 reporting up to the Chief.

17                  **MR. TOM CURRY:** Understood. So in every case of  
18 an event, there is an executive level or superior officer ending  
19 with the Chief? Is that fair?

20                  **SUPT. ROBERT BERNIER:** The Chief, at the end of  
21 the day, is in command of all policing.

22                  **MR. TOM CURRY:** Right. And so when we speak  
23 about -- come to speak about incident command and incident  
24 command models, and you've explained the various forms of those,  
25 all roads lead to the Chief, or in the case of the Ontario  
26 Provincial Police or the RCMP to a Commission? Is that fair?

27                  **SUPT. ROBERT BERNIER:** That is very fair.

28                  **MR. TOM CURRY:** Because the -- and when we speak

1 about -- when you've told the Commissioner about autonomy and  
2 the wisdom of autonomy, autonomy should be understood to fit  
3 into a framework that has ultimate authority in the chief; fair?

4 **SUPT. ROBERT BERNIER:** So autonomy in incident  
5 command, at a certain level, exist at all levels. So there is a  
6 certain level of autonomy at the tactical level that is bestowed  
7 by the event commander down -- or the incident commander down to  
8 the tactical level, that they have the authorities to act, and  
9 decide, and do certain things. They also have limits as to what  
10 they can do, where they may have to pause and go up to seek  
11 authorization.

12 So those -- that level of autonomy exists at each  
13 level. And as an event commander, the autonomy that I was  
14 referring to is I wanted to ensure that I was given the autonomy  
15 of the decision making that is appropriate and in line with most  
16 incident command models.

17 **MR. TOM CURRY:** Right. In other words, do I have  
18 it that within the execution of the role, you wanted the  
19 autonomy that is bestowed under those models to an event  
20 commander?

21 **SUPT. ROBERT BERNIER:** Correct.

22 **MR. TOM CURRY:** That does not mean, and we should  
23 not understand it to mean, that you are completely autonomous?

24 **SUPT. ROBERT BERNIER:** That is correct.

25 **MR. TOM CURRY:** Okay. Because the Chief of  
26 Police, or the Commissioner of the police service, if it's  
27 organized in that fashion, remains responsible to provide  
28 adequate and effective policing in the jurisdiction?

1                   **SUPT. ROBERT BERNIER:** That is correct.

2                   **MR. TOM CURRY:** Okay. And so the -- when we come  
3 to look at and listen to the questions that my friend, Mr. Au,  
4 asked you about your interactions with Chief Sloly, you would  
5 tell the Commissioner that Chief Sloly had a role to play in  
6 respect of this event; correct?

7                   **SUPT. ROBERT BERNIER:** Yes, sir.

8                   **MR. TOM CURRY:** And that the issues that we --  
9 you spoke to us about concerning Chief Sloly's role, and I'll  
10 come to the specifics during the different time frame, but it is  
11 not wrong for a Chief of Police to interact with an event  
12 commander, first of all; correct?

13                   **SUPT. ROBERT BERNIER:** In operation, generally  
14 speaking, that interaction is somewhat quite limited because  
15 there is a strategic commander that anything, the wishes, or  
16 requests, or concerns, from the chief would be managed through a  
17 strategic level command or, in this particular case, at one  
18 point it was Deputy Chief Ferguson, that that was -- would be  
19 the avenue to go with concerns.

20                   What I've experienced previously in other larger  
21 scale events, you may get a visit from the Chief into a Command  
22 Centre, or to the operational level, is just to say, "Hi. Thank  
23 you" and that type of thing.

24                   Keeping in mind that there is a particular avenue  
25 for the Chief to exercise his authorities through that proper  
26 chain.

27                   **MR. TOM CURRY:** But we're not talking -- but we  
28 should not understand that the limit of the authority of the

1 Chief of Police, whether in this police service or when  
2 Commission Carrique shows up tomorrow, is limited to saying,  
3 "Hi, how's it going? How are you?" We're not talking about  
4 that; are we? It is not -- go back to my question, please, if  
5 you don't mind. It is not wrong for a Chief of Police or a  
6 Commissioner of a police service to interact with an event  
7 commander; correct?

8 **SUPT. ROBERT BERNIER:** He can, yes.

9 **MR. TOM CURRY:** Yes. And not only that, they  
10 have a responsibility to set strategic direction; correct?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MR. TOM CURRY:** And so it's -- it -- when we look  
13 at the specific things that you have spoken about, we being with  
14 the idea that the role of the Chief of the police service, under  
15 the event or incident command model includes the responsibility  
16 to set strategic direction and to give lawful orders? True?

17 **SUPT. ROBERT BERNIER:** True.

18 **MR. TOM CURRY:** Incident commanders have  
19 operational autonomy within the framework, and we'll come to  
20 speak about this specifically, but the operational framework to  
21 carry out those strategic objectives; right?

22 **SUPT. ROBERT BERNIER:** Yes.

23 **MR. TOM CURRY:** And equally, right down the  
24 chain, you were on Parliament Hill as a tactical commander. You  
25 had autonomy to do certain things and to instruct and direct the  
26 team that you had, but there were limits on what -- I presume  
27 there were limits on whatever you could do. You sometimes had  
28 to go up to the incident commander or event commander; correct?



1                   **SUPT. ROBERT BERNIER:** Are you referring back to  
2 October 22<sup>nd</sup>, 2014?

3                   **MR. TOM CURRY:** Yes.

4                   **SUPT. ROBERT BERNIER:** That is correct.

5                   **MR. TOM CURRY:** Okay. And these categories,  
6 strategic, operational, tactical, are not water tight; right?

7                   **SUPT. ROBERT BERNIER:** That is correct.

8                   **MR. TOM CURRY:** There is a kind of border zone  
9 between each of them, and what you rely on is the kind of  
10 dialogue that you spoke to the Commissioner about so that each  
11 person playing their role can understand what those -- what is  
12 going to happen in trying to fulfil the operation and the  
13 mission?

14                   **SUPT. ROBERT BERNIER:** That's accurate.

15                   **MR. TOM CURRY:** And I know that one of the things  
16 that you've spoken about is how -- tell me the lessons learned,  
17 how that structure should be implemented in the future in the  
18 case that another event of this scale and magnitude occurs.  
19 There are lessons to be learned about the way this worked;  
20 correct?

21                   **SUPT. ROBERT BERNIER:** There are lessons learned  
22 after every event.

23                   **MR. TOM CURRY:** Fair. Now, go back, if you don't  
24 mind then, just to a couple of things about Chief Sloly.

25                   Chief Sloly -- had you been an event commander  
26 prior to your being tasked or deployed in this case, February  
27 10<sup>th</sup>, 2022, had you been an event commander or incident commander  
28 under Chief Sloly? I.e., when Chief Sloly was the Chief from

1 October -- just to orient you, that's October 2019 until '22.

2 **SUPT. ROBERT BERNIER:** Yes, in the capacity of a  
3 duty inspector, that platoon duty inspector role that I was  
4 talking about, which is the operational on-duty commander, and  
5 dealing with critical incidents, various other incidents.

6 **MR. TOM CURRY:** And if I understand your  
7 relationship with him in those previous -- on those previous  
8 occasions when you served in that role -- and I appreciate they  
9 are not like this, this is something completely different, but  
10 in those previous experiences you had with him, you and he had a  
11 good productive functional working relationship? Is that true?

12 **SUPT. ROBERT BERNIER:** That is true.

13 **MR. TOM CURRY:** You are probably aware from your  
14 dealings with him directly that he was a -- an  
15 Inspector Bernier, now Superintendent Bernier fan. He thought  
16 you did good work. You knew that.

17 **SUPT. ROBERT BERNIER:** I appreciate that.

18 **MR. TOM CURRY:** No, did you know that?

19 **SUPT. ROBERT BERNIER:** No, I didn't -- wouldn't --  
20 - I didn't have anything that's to the contrary.

21 **MR. TOM CURRY:** Okay. Well, that's fine. You  
22 had a -- you had the kind of relationship in which you could  
23 speak frankly and directly to Chief Sloly, and he similarly to  
24 you; right?

25 **SUPT. ROBERT BERNIER:** There weren't many  
26 interactions that had taken place, but yes.

27 **MR. TOM CURRY:** Okay. Well, there were -- I  
28 don't know. I don't know -- you're smiling, so I don't know

1 where that goes. But you're -- put it this way, you had no  
2 issues with Chief Sloly previously.

3 **SUPT. ROBERT BERNIER:** No.

4 **MR. TOM CURRY:** You agree with me?

5 **SUPT. ROBERT BERNIER:** Yes.

6 **MR. TOM CURRY:** Okay. And you knew him to be --  
7 in the short time that you interacted with him, you knew him to  
8 be a police leader with a national reputation; fair?

9 **SUPT. ROBERT BERNIER:** Yes.

10 **MR. TOM CURRY:** And who had come to Ottawa to  
11 deliver on a -- on the vision that the Police Services Board had  
12 set to embrace certain kinds of changes in the way policing was  
13 -- policing services were delivered here in Ottawa; is that  
14 fair?

15 **SUPT. ROBERT BERNIER:** Yes.

16 **MR. TOM CURRY:** Now, when the -- I'm going to  
17 come to the period of time when you came back to Ottawa, I think  
18 you said January 31, and you began to -- you came back to your  
19 regular duties and you spoke with Superintendent Drummond about  
20 whether and how you could help; correct?

21 **SUPT. ROBERT BERNIER:** Correct.

22 **MR. TOM CURRY:** And there -- you had no  
23 assignments other than your regular duties until February 3rd?

24 **SUPT. ROBERT BERNIER:** Correct.

25 **MR. TOM CURRY:** Right? And the -- on  
26 February 3rd, you get deployed to the Service Command Centre?

27 **SUPT. ROBERT BERNIER:** Correct.

28 **MR. TOM CURRY:** And between the 3rd and the 10th

1 of February, am I right that you did not have any direct  
2 dealings with Chief Sloly?

3 **SUPT. ROBERT BERNIER:** Direct? Maybe not face-  
4 to-face; however, through Teams meeting and some requests  
5 directly from him, towards the end he was requesting -- I was  
6 recommending that a organisational chart needed to be  
7 established to set clear command and control. And he was  
8 interested to hear what I had, and I presented it to him, and...

9 **MR. TOM CURRY:** Fair enough. You -- thanks for  
10 reminding me of that. Between the 3rd and the 8th, would I be  
11 right, you did not have any dealings with Chief Sloly?

12 **SUPT. ROBERT BERNIER:** Minimal, with the  
13 exception of any Teams meeting that I would be participating in.

14 **MR. TOM CURRY:** Okay. And during that period of  
15 time, the Event Commanders initially were, I believe Inspector  
16 or Superintendent Rheaume.

17 **SUPT. ROBERT BERNIER:** Superintendent Rheaume.

18 **MR. TOM CURRY:** Thank you. And then that -- a  
19 change was made, and you knew -- you understood that change was  
20 made by Acting Deputy Chief Ferguson; correct?

21 **SUPT. ROBERT BERNIER:** Correct.

22 **MR. TOM CURRY:** And Acting Deputy Chief Ferguson,  
23 you understood, was responsible for Operational Planning. True?

24 **SUPT. ROBERT BERNIER:** At that point, if we're  
25 going to be actually talking about Operational level planning,  
26 she would be accountable for it but responsible would be the  
27 Event Commander.

28 **MR. TOM CURRY:** Understood. Thank you, a better

1 word. Accountable for, just like Deputy Chief Bell was  
2 accountable for Intelligence, Acting Deputy Chief Ferguson is  
3 accountable for Operational Planning.

4 **SUPT. ROBERT BERNIER:** Correct.

5 **MR. TOM CURRY:** So that the Event Commander would  
6 report, as we previously discussed, would report, eventually to  
7 the Chief, but through the Acting Deputy Chief?

8 **SUPT. ROBERT BERNIER:** That is correct.

9 **MR. TOM CURRY:** And the -- and you understood the  
10 -- when we speak about that responsibility that Acting Deputy  
11 Chief Ferguson had, and she has appeared here. Did you see her  
12 evidence?

13 **SUPT. ROBERT BERNIER:** No.

14 **MR. TOM CURRY:** Okay. So she explained that that  
15 was her -- her mandate included the plans that you saw, I  
16 suppose before you, or before the convoy arrived. But her  
17 requirement would be to continue to be accountable for the  
18 delivery of Operational plans right the way through; right?

19 **SUPT. ROBERT BERNIER:** That is accurate.

20 **MR. TOM CURRY:** Okay. And she makes the change  
21 from Superintendent Rheaume, and by the time you came on, on the  
22 10th, and that was at the direction of Acting Deputy  
23 Chief Ferguson; correct?

24 **SUPT. ROBERT BERNIER:** That is who I got the  
25 phone call from, yes.

26 **MR. TOM CURRY:** And you had -- you knew that she  
27 had made the decision to replace Inspector Patterson; right?

28 **SUPT. ROBERT BERNIER:** I will -- I don't know who

1 made the decision to have Superintendent Patterson removed, but

2 ---

3 **MR. TOM CURRY:** Okay.

4 **SUPT. ROBERT BERNIER:** --- if you say so.

5 **MR. TOM CURRY:** Fair enough. Well, did you know  
6 that it arose, that change arose as a consequence of interaction  
7 between Inspector Patterson and Acting Deputy Chief Ferguson?

8 **SUPT. ROBERT BERNIER:** I've heard.

9 **MR. TOM CURRY:** All right. And ---

10 **SUPT. ROBERT BERNIER:** I was not -- I have no  
11 direct knowledge of it.

12 **MR. TOM CURRY:** Okay, fair enough. And that  
13 Acting Deputy Chief Ferguson had placed Inspector Patterson into  
14 the role in place of Inspector Dunlop. You knew that?

15 **SUPT. ROBERT BERNIER:** That is correct. That is  
16 the right sequence.

17 **MR. TOM CURRY:** Okay.

18 **SUPT. ROBERT BERNIER:** Superintendent Dunlop and  
19 Superintendent Patterson.

20 **MR. TOM CURRY:** Thank you for the correction.  
21 And during that time, each of those Event Commanders would have  
22 responsibility within the structure of Acting Deputy  
23 Chief Ferguson for Operational Planning; correct?

24 **SUPT. ROBERT BERNIER:** That is correct.

25 **MR. TOM CURRY:** And as you did, when you came on  
26 to the scene and drew a plan, so too was it their responsibility  
27 for planning?

28 **SUPT. ROBERT BERNIER:** That is correct.

1           **MR. TOM CURRY:** And although you were not  
2 involved directly between the 3rd and the 10th, other than in  
3 the way that you describe, just thinking about your direct  
4 involvement now for a moment, you were not requested to be  
5 involved by those Event Commanders in drawing or writing plans,  
6 Operational plans; correct?

7           **SUPT. ROBERT BERNIER:** That is correct.

8           **MR. TOM CURRY:** And would it be right to say that  
9 if Operational Planning was not being done effectively by those  
10 Event Commanders that Acting Deputy Chief Ferguson, and  
11 ultimately Chief Sloly, would have a responsibility to ensure  
12 that some attention was paid to Operational Planning; right?

13          **SUPT. ROBERT BERNIER:** That's accurate.

14          **MR. TOM CURRY:** And I think you told us that  
15 Chief Sloly took the step of requesting plan writers write an  
16 Operational Plan. I think you said it maybe on the 8th; right?

17          **SUPT. ROBERT BERNIER:** Correct.

18          **MR. TOM CURRY:** And in the absence of an  
19 Operational Plan to the 8th of February, you agree with me that  
20 it would be the responsibility of the Chief to ensure, or Acting  
21 Deputy Chief, to ensure that that was being done?

22          **SUPT. ROBERT BERNIER:** Correct.

23          **MR. TOM CURRY:** Now, when you looked at the --  
24 when you came on, you received a plan, I think you told us the -  
25 - it's the plan of the 9th, 3.0 I think it's called. Am I  
26 right?

27          **SUPT. ROBERT BERNIER:** I was aware of it, but in  
28 my role was just somewhat as a conduit to ensure it gets to

1 whoever it needed to get to, in this particular case the Event  
2 Commander.

3 **MR. TOM CURRY:** Got it. And the plan -- the 3.0  
4 plan, the February 9th plan, you were asked by my friend,  
5 Mr. Au, what did you -- how could we understand the February 9th  
6 plan in relation to the February 13th plan, and then the  
7 evolution of the plan, as you talked about to us this morning.  
8 Do you recall that?

9 **SUPT. ROBERT BERNIER:** Yes.

10 **MR. TOM CURRY:** And you thought they were  
11 different plans.

12 **SUPT. ROBERT BERNIER:** They were written in a  
13 different structure or content.

14 **MR. TOM CURRY:** The elements of them, that they  
15 contained common elements. Is that fair?

16 **SUPT. ROBERT BERNIER:** And I would agree with you  
17 that there -- there may be some elements that were drawn out of  
18 it as good elements, as good pieces.

19 **MR. TOM CURRY:** Okay. And that's what I was  
20 going to get to. You might not have seen that Inspector Lue --  
21 I think I got that rank right.

22 **SUPT. ROBERT BERNIER:** Superintendent.

23 **MR. TOM CURRY:** Superintendent. I'm going to  
24 call everybody Superintendent so I can't go under.

25 **SUPT. ROBERT BERNIER:** From the RCMP?

26 **MR. TOM CURRY:** Yes.

27 **SUPT. ROBERT BERNIER:** Yes.

28 **MR. TOM CURRY:** Superintendent Lue, the



1 Commissioner has seen a communication from him to Acting Deputy  
2 Chief Ferguson in which he referred to their work, his work, at  
3 least, the Integrated Teams work as building on the OPS plan of  
4 the 9<sup>th</sup>. And you would accept that?

5 **SUPT. ROBERT BERNIER:** I was not privy to that  
6 conversation, but I would assume, I would expect that that  
7 Integrated Planning Team would not discount existing elements in  
8 order to build the most effective plan.

9 **MR. TOM CURRY:** Right. And you told us that  
10 writing a plan for a mission of this kind would normally take a  
11 month. Yes?

12 **SUPT. ROBERT BERNIER:** This complexity, we're  
13 talking that if we had the opportunity to know the -- we had to  
14 compress a lot of work into a very short period of time. And in  
15 order to -- you know, it would be nice to have had a month to  
16 know that we were going to have something similar to the -- a  
17 presidential visit that's going to result in disorder, a G20  
18 visit that we know that there's going to be protests and  
19 disorder, we would have that time to plan and have the resources  
20 in place.

21 **MR. TOM CURRY:** And you did not have that luxury  
22 here?

23 **SUPT. ROBERT BERNIER:** We did not.

24 **MR. TOM CURRY:** It nonetheless evolved. By the  
25 time you came on to your role, on the 10<sup>th</sup>, you had a final plan.  
26 It was probably still evolving right up until game time, but you  
27 had a -- you took from the 10<sup>th</sup> to about the 17<sup>th</sup> or 18<sup>th</sup>; is that  
28 fair?

1           **SUPT. ROBERT BERNIER:** So the actual -- the 10<sup>th</sup>,  
2 let's -- have to say that I was put in place the 10<sup>th</sup> at night.  
3 I slept through the night. The 11<sup>th</sup>, I had to get myself  
4 organized and establish that foundation piece with those points  
5 that I had outlined. And then by the 11<sup>th</sup> -- sorry, by the 12<sup>th</sup>,  
6 I'm now assembling my Command Team to get the people around me  
7 to be able to start feeding me the advice and the information  
8 and their subject-matter expertise in order to start building  
9 the plan. So I'd say by the 13<sup>th</sup>, we would be now in that plan-  
10 building mode.

11           **MR. TOM CURRY:** Understood. And the plan of the  
12 9<sup>th</sup> had its own history that preceded your work; correct?

13           **SUPT. ROBERT BERNIER:** Could you clarify your  
14 question, please?

15           **MR. TOM CURRY:** Sure. The plan of February 9<sup>th</sup>,  
16 the 3.0 plan ---

17           **SUPT. ROBERT BERNIER:** Right.

18           **MR. TOM CURRY:** --- you were -- you did -- you  
19 were not involved in writing that plan?

20           **SUPT. ROBERT BERNIER:** Correct.

21           **MR. TOM CURRY:** And am I right, correct that it  
22 would have had its own -- it would have taken its own length of  
23 time, or an amount of time would have been required to write and  
24 develop that plan, obviously?

25           **SUPT. ROBERT BERNIER:** I would agree with that.

26           **MR. TOM CURRY:** And you were not involved in it,  
27 but you knew that people -- you now know that people were  
28 involved in writing that plan; yes?

1           **SUPT. ROBERT BERNIER:** Are you talking about the  
2 subsequent element or the -- I knew that a group got together at  
3 Elgin Street to write that plan.

4           **MR. TOM CURRY:** Yeah, got it. Now the issue of  
5 the plan approval for a moment, if I could speak about that, you  
6 clarified for my friend Mr. Au that sometimes the word approval  
7 appears in your notes, but it means -- we should understand it  
8 to mean review or briefing; right? The legal approval wasn't an  
9 approval, for example.

10          **SUPT. ROBERT BERNIER:** Yes.

11          **MR. TOM CURRY:** And you took the step, and sounds  
12 like it's a practice that you had followed previously, to ensure  
13 that the operational plans that you're developing, particularly  
14 in a case of this complexity, did not pose some legal risk to  
15 the OPS or protesters?

16          **SUPT. ROBERT BERNIER:** Correct.

17          **MR. TOM CURRY:** And so the Ms. Huneault or the  
18 OPS legal was never required to approve the plan, but you did  
19 want them to have an eye on the plan and to review it; correct?

20          **SUPT. ROBERT BERNIER:** Yes.

21          **MR. TOM CURRY:** And in the same way, am I right  
22 that in regards to what Chief Sloly had requested in terms of  
23 briefings from you to the executive team or otherwise, that what  
24 he was requesting was the same kind of review. He wanted to be  
25 informed about what the plan was, so that he was in the know,  
26 but was not seeking to formally approve it in the fashion that  
27 you described; is that fair?

28          **SUPT. ROBERT BERNIER:** That was not my take on

1 what was transpiring.

2 **MR. TOM CURRY:** Well, can we put it this way?  
3 That Chief Sloly did not ever impede the approval of the plan  
4 that you developed with your Integrated Planning Cell  
5 colleagues?

6 **SUPT. ROBERT BERNIER:** There is an interaction  
7 that did take place between myself and Deputy Chief Ferguson,  
8 where the Chief was insisting that he needed to approve the  
9 plan. And I advised Deputy Ferguson if she could have the  
10 conversation with the Chief saying I don't think he needs to  
11 approve it. I have approved it. We're moving forward with it.

12 **MR. TOM CURRY:** Yes.

13 **SUPT. ROBERT BERNIER:** Please share it with him.

14 **MR. TOM CURRY:** And -- yes, and you did.

15 **SUPT. ROBERT BERNIER:** Yes.

16 **MR. TOM CURRY:** And he didn't hold you up;  
17 correct?

18 **SUPT. ROBERT BERNIER:** At that point, he didn't.

19 **MR. TOM CURRY:** Right. And can I show you --  
20 tell me whether you've seen this. I'm just going to show you  
21 real quick. I think you're on this email chain.

22 Mr. Registrar, if you could help me, OPP I think  
23 it's probably 4 0s, but 1547.

24 So could you go to the bottom, please, for me?  
25 Is this the last one on the chain? Thank you.

26 So -- thank you. So do you see this? This is  
27 from Chief Sloly Feb. 13 to Deputy Ferguson, you and others?

28 **SUPT. ROBERT BERNIER:** So this is referring to

1 his February 9<sup>th</sup> plan that he approved.

2 **MR. TOM CURRY:** Yes.

3 "Please send me the latest version of  
4 the Operations Plan [...] I approved on  
5 Wednesday..."

6 Scroll down, please.

7 "...please advise if the plan has  
8 received all official  
9 approvals/signatures/[et cetera] as  
10 there seems to be some concern[...]  
11 about this from the RCMP."

12 **COMMISSIONER ROULEAU:** Again, you need to go ---

13 **MR. TOM CURRY:** It's too fast.

14 **COMMISSIONER ROULEAU:** --- a little slowly for --

15 -

16 **MR. TOM CURRY:** Sorry. Sorry to the translators  
17 and everyone.

18 "...please advise if the plan has  
19 received all official  
20 approvals/signatures/[et cetera]..."

21 Okay. And just scroll up. And then,

22 "In checking with Rob Bernier, he  
23 finally had a chance to review the plan  
24 from the Integrated Planning team and  
25 has sent it back with his comments.  
26 He would prefer [...] it be completed  
27 and signed off and will then share the  
28 plan, as he is the final approver of

1                                   it."

2                                   And then scroll to the top of that, please? And  
3 then just -- thank you.

4                                   "I appreciate and support the need for  
5 [Acting Superintendent] Bernier to make  
6 adjustments to the plan that he  
7 inherited.

8                                   That said, please ensure [...] the plan  
9 is [finally] signed off at the earliest  
10 possible opportunity as this is a  
11 priority need expressed by our  
12 integrated partners."

13                                  And that -- you received these emails?

14                                  **SUPT. ROBERT BERNIER:** I remember reading this  
15 email.

16                                  **MR. TOM CURRY:** Yeah, got it. Okay.

17                                  And what Acting Deputy Chief Ferguson conveyed to  
18 you was that you were a go all the way through; correct?

19                                  **SUPT. ROBERT BERNIER:** Correct.

20                                  **MR. TOM CURRY:** Now the -- no, that's fine with  
21 that document. Thanks so much.

22                                  Now the issues that you spoke about in terms of  
23 your interactions with Chief Sloly, if I understand them, across  
24 the board, his request for information or his request that you  
25 attend briefings of the senior command to inform the senior  
26 command of what was happening in terms of the integration, that  
27 those did not constitute, in your opinion, interference with  
28 what you were doing; is that fair?

1                   **SUPT. ROBERT BERNIER:** Are we talking from the  
2 point that I'm the Event Commander?

3                   **MR. TOM CURRY:** Yes.

4                   **SUPT. ROBERT BERNIER:** So there -- during some of  
5 those meetings, there were topics that were being brought up  
6 that were becoming more operational even tactical decisions that  
7 need to be made during those briefings. I just had to ask that  
8 trust be bestowed on us that we were going to be doing, taking  
9 care of those things, and that as a Chief, he did not have to  
10 worry about those level of things.

11                   **MR. TOM CURRY:** Right. And you expressed that  
12 view to him?

13                   **SUPT. ROBERT BERNIER:** Yes.

14                   **MR. TOM CURRY:** And he accepted it; correct?

15                   **SUPT. ROBERT BERNIER:** Yes, there -- yes.

16                   **MR. TOM CURRY:** And you expressed to my friend,  
17 Mr. Au, that what you observed was an adjustment as between the  
18 two of you ---

19                   **SUPT. ROBERT BERNIER:** Yes.

20                   **MR. TOM CURRY:** --- because, and I can't recall  
21 exactly how you described it, maybe as a reset, but you were  
22 trying to assure Chief Sloly that you had this?

23                   **SUPT. ROBERT BERNIER:** Yes.

24                   **MR. TOM CURRY:** And I'm correct, am I not, that  
25 he accepted that?

26                   **SUPT. ROBERT BERNIER:** Yes.

27                   **MR. TOM CURRY:** And the discussions that you had  
28 were around that concept of that border zone, strategy,

1 operations, tactics. You said when he was -- when you felt that  
2 he was raising an issue that was within your authority you told  
3 him so and he moved back to his authority. True?

4 **SUPT. ROBERT BERNIER:** I would agree.

5 **MR. TOM CURRY:** And do you agree with me also  
6 that throughout this -- your experience with him, your direct  
7 experience, I'm not talking about what you heard from some guy  
8 in the parade room, I'm talking about what you had directly with  
9 him, that during the time you worked with Chief Sloly, he worked  
10 in good faith and to the best of his abilities on behalf of this  
11 Police Service and the community?

12 **SUPT. ROBERT BERNIER:** I would say yes.

13 **MR. TOM CURRY:** And that when you were listening  
14 to his wish to express his view about what you should consider  
15 or should not consider, that what you were observing was a  
16 person who was passionately trying to do the right thing for  
17 this community and the Police Service?

18 **SUPT. ROBERT BERNIER:** I would agree.

19 **MR. TOM CURRY:** And as the Chief of Police, you  
20 understood also from your observation that he was dealing with  
21 the unprecedented crisis that you described, first of all;  
22 right? Yes?

23 **SUPT. ROBERT BERNIER:** Yes.

24 **MR. TOM CURRY:** So that when my friend, Mr. Au,  
25 says to you that you gave a comment that you hadn't seen a chief  
26 do this or hadn't seen a chief do that, you'd never seen a chief  
27 in this situation before; right?

28 **SUPT. ROBERT BERNIER:** Agreed.



1           **MR. TOM CURRY:** And you had never been in that  
2 situation before, of course.

3           **SUPT. ROBERT BERNIER:** Yeah, definitely not this  
4 type of situation, no, but I've been ---

5           **MR. TOM CURRY:** And so ---

6           **SUPT. ROBERT BERNIER:** --- in stressful  
7 situations.

8           **MR. TOM CURRY:** And so he had to manage the  
9 turmoil and chaos in -- that the community was experiencing;  
10 right? That was his responsibility?

11           **SUPT. ROBERT BERNIER:** Yes.

12           **MR. TOM CURRY:** City Council?

13           **SUPT. ROBERT BERNIER:** Yes.

14           **MR. TOM CURRY:** Police Services Board?

15           **SUPT. ROBERT BERNIER:** Yes.

16           **MR. TOM CURRY:** Chief to Commissioner, Chief to  
17 Commissioner ---

18           **SUPT. ROBERT BERNIER:** Yes.

19           **MR. TOM CURRY:** --- Chief to Chief? You were  
20 down resources in a magnitude that is very hard to even  
21 comprehend. The entirety of this Police Service could not have  
22 managed if it were all deployed. Every single person, could not  
23 have managed this protest without help. Is that true?

24           **SUPT. ROBERT BERNIER:** I agree with that.

25           **MR. TOM CURRY:** And so it was imperative that you  
26 get -- in the end, how many personnel did you roll out on that  
27 operation?

28           **SUPT. ROBERT BERNIER:** I think the numbers were

1 in the neighbourhood of in the 2,200 officers.

2 **MR. TOM CURRY:** Right.

3 **SUPT. ROBERT BERNIER:** And that's going to be  
4 give and take because I'm sure there may be some inaccuracies  
5 with forgetting this little element, that element.

6 **MR. TOM CURRY:** Now, a couple of other things if  
7 I can, very briefly. You talked to us about what you observed  
8 when you saw the Operational Plan and you got introduced to  
9 Hendon, which I understand you didn't know anything about  
10 previously.

11 **SUPT. ROBERT BERNIER:** Correct.

12 **MR. TOM CURRY:** Now, I have looked, and I may be  
13 wrong, so I have not seen a note that you made during that  
14 period of time, 26th, say, to the time that you returned from  
15 your weekend away, in which you expressed any of your concerns  
16 in writing to anyone, or made a note of them. Would I be right  
17 about that?

18 **SUPT. ROBERT BERNIER:** It would've been verbal.

19 **MR. TOM CURRY:** Verbal? And so could I -- could  
20 the Commissioner understand that whatever your concern was about  
21 what was coming, and the -- you used strong language. You said  
22 it was a bizarre disconnect between what you read on the  
23 Operational Plans that the OPS had prepared, your colleagues had  
24 prepared, and what you thought was coming.

25 **SUPT. ROBERT BERNIER:** If I can maybe just  
26 correct that. The ---

27 **MR. TOM CURRY:** Sure.

28 **SUPT. ROBERT BERNIER:** --- Operational Plans were

1 not out yet. There were no plans out yet when that reflection  
2 was -- that was on the 27th of January, after I was exposed to  
3 the Hendon call, the Hendon report, and a meeting between -- in  
4 the -- with the Intelligence, Special Events, and the  
5 Information Group. That's when that observation is made. The  
6 plans only came out late on the 28th ---

7 **MR. TOM CURRY:** Okay.

8 **SUPT. ROBERT BERNIER:** --- once the truckers had  
9 arrived.

10 **MR. TOM CURRY:** Fair enough. But either which  
11 way, you didn't -- you would now say to the Commissioner that  
12 you thought that the plans were inadequate, that that was the  
13 disconnect.

14 **SUPT. ROBERT BERNIER:** I wasn't -- I didn't see  
15 all the plans. So the plans that we received, they spoke to  
16 appendix plans, which I had never saw and can't speak to if it  
17 was something that was going to be adequate to manage that.

18 **MR. TOM CURRY:** Okay, got it. So then, maybe I  
19 misunderstood your evidence then. You're not critical -- are  
20 you -- do I have it then that you're not critical of your  
21 colleagues, Deputy Bell and his team, who were looking at the  
22 intelligence, the same intelligence that you had, and assessed  
23 that this was on balance a protest that did not require a  
24 different response than the one that they made?

25 **SUPT. ROBERT BERNIER:** So the disconnect is I'd  
26 never seen the level of engagement of Intelligence Units,  
27 especially with the OPP, on previous events to this magnitude.  
28 So that's where it seemed -- we don't have the plan out yet, and

1 what I was understanding that we were planning to have from the  
2 briefings that we had on the 27th was that there was going to be  
3 a two-day, and that there is nothing to indicate necessarily  
4 that they're going to stay, but there maybe some that's going to  
5 stay. That's where I was kind of wondering... They've ramped  
6 up a lot of resources from an Intelligence piece across the  
7 province, and at a national level for what -- how things were  
8 seeming to be developing in Ottawa. If that answers your  
9 question.

10 **MR. TOM CURRY:** So -- not -- I'm sure it's my  
11 poor question. I'm -- what I'm trying to understand is, is  
12 whether you thought that the Ottawa Police Service had missed  
13 the mark. Before you went away, did you think that they were  
14 going down the wrong path in terms of their response to this?

15 **SUPT. ROBERT BERNIER:** Not being privy to all the  
16 information, all the plans, because not only is there Hendon,  
17 I'm sure that the teams were -- had access to a lot of other to  
18 inform their decision-making. I can tell you the right people  
19 from the right sections were engaged because I knew that Mark  
20 Patterson was part of the Intelligence Team with his team, and  
21 the Special Events Team were all engaged, and these are people  
22 who have been put in those positions for a reason. So the right  
23 people and the right sections were engaged to plan for this.

24 I am not privy to everything. So I think I even  
25 said in my statement that the right people are engaged that need  
26 to be engaged to plan for this, and I had to leave it at that.

27 **MR. TOM CURRY:** Got it. And therefore, can I put  
28 it this way, you would not have gone away on the weekend on a

1 short ski break if you thought that they had missed the mark.  
2 You deferred to their superior position in assessing the  
3 Intelligence in the aggregate. Is that fair?

4 **SUPT. ROBERT BERNIER:** I was away skiing, but I  
5 was not far. I was only about 45 minutes away. So I would be  
6 able to come back if I had to.

7 **MR. TOM CURRY:** No, but slightly different point.  
8 I -- you didn't record anything in writing that said that you  
9 thought that the Intelligence or the Operational Plan was  
10 inadequate, and you went away for the weekend. I can only  
11 assume that you did both of those things because you were  
12 content to, under the leadership of Deputy Chief Bell, to defer  
13 to their judgement about the planning for this weekend event.

14 **SUPT. ROBERT BERNIER:** I believe it would've been  
15 under Deputy Chief Ferguson.

16 **MR. TOM CURRY:** Sorry, the Intelligence.

17 **SUPT. ROBERT BERNIER:** Oh, the Intelligence.

18 **MR. TOM CURRY:** The Intelligence assessment.

19 **SUPT. ROBERT BERNIER:** Yes.

20 **MR. TOM CURRY:** Okay. One last thing I had a  
21 note about. Let me see.

22 The statement February 2<sup>nd</sup>. February 2<sup>nd</sup>, Chief  
23 Sloly made a statement in a presentation to City Council and the  
24 Police Services Board that there may not be a policing solution  
25 alone to this problem.

26 To the extent that he was describing the need for  
27 additional resources, you would agree with him?

28 **SUPT. ROBERT BERNIER:** It is a policing solution.

1                   **MR. TOM CURRY:** Not a policing solution that the  
2 Ottawa Police Service alone could provide; correct?

3                   **SUPT. ROBERT BERNIER:** Well it wasn't seen as --  
4 it's not Ottawa Police solution alone. It was a policing  
5 solution. So when I say policing, there's many times that a lot  
6 of operations currently going on, even this weekend, where  
7 multiple agencies need to come together to do that, that's a  
8 policing solution.

9                   **MR. TOM CURRY:** In addition to that, and you told  
10 my friend this, of course you've spoken about the *Emergencies*  
11 *Act* and two other levels of government declaring emergencies,  
12 those are not policing? Police use those tools, but those are  
13 not policing solutions; correct?

14                   **SUPT. ROBERT BERNIER:** So they're policing tools.  
15 So no different than the *Criminal Code of Canada*, no different  
16 than the *Highway Traffic Act*, the various municipal --  
17 governments put these acts in place as tools for the -- for  
18 policing to use.

19                   **MR. TOM CURRY:** Were you made aware of the  
20 approach that the Commissioner learned about from the Government  
21 of Canada to the OPP to possibly engage in a dialogue with  
22 protestors and arrange a meeting on certain terms?

23                   **SUPT. ROBERT BERNIER:** I think -- are you  
24 referring to the letters that the Public Safety Ministers were  
25 wanting to draft?

26                   **MR. TOM CURRY:** Yes.

27                   **SUPT. ROBERT BERNIER:** So I was informed. And I  
28 did speak to that, I believe, today, with regards to that I had

1 knowledge through the OPP shared at one of my first meetings  
2 with S/Sgt. Giselle Walker, who informed that at the provincial  
3 level, as well as the federal level, that they were -- the  
4 Ministers were drafting letters, if they were to denounce their  
5 protest activity and leave, that they would honour a meeting at  
6 a later date.

7 **MR. TOM CURRY:** That's not a policing solution?

8 **SUPT. ROBERT BERNIER:** That is not a policing  
9 solution.

10 **MR. TOM CURRY:** Okay. Thank you, Commissioner.  
11 Thank you, Superintendent.

12 **SUPT. ROBERT BERNIER:** Thank you, sir.

13 **COMMISSIONER ROULEAU:** Okay. Perhaps this is a  
14 good time for the morning break, to give everyone a little time  
15 to stretch their legs, including Supt. Bernier.

16 Okay. So we're taking 15 minutes. And we'll  
17 come back at just after noon.

18 **THE REGISTRAR:** The Commission is in recess for  
19 15 minutes. La Commission est levée pour 15 minutes.

20 --- Upon recessing at 11:47 a.m.

21 --- Upon resuming at 12:04 p.m.

22 **THE REGISTRAR:** Order. À l'ordre. The  
23 Commission is reconvened. La commission reprend.

24 **--- SUPT. ROBERT BERNIER, Resumed:**

25 **COMMISSIONER ROULEAU:** Okay. Next up for cross-  
26 examination is the Convoy Organizers.

27 **--- CROSS-EXAMINATION BY MS. BATH-SHEBA VAN den BERG:**

28 **MS. BATH-SHEBA VAN den BERG:** Good afternoon, Mr.

1 Commissioner. Good morning -- or good afternoon again, just  
2 became the afternoon, Superintendent Bernier, and good  
3 afternoon, everyone here and online. My name is Bath-Sheba Van  
4 den Berg, and I am representing Freedom Corp. and the  
5 protesters.

6 Mr. Commissioner, I have 25 minutes allocated and  
7 there was some information that came about from this morning  
8 that requires me to ask a few more questions, and therefore, I  
9 ask for leave for five additional minutes.

10 **COMMISSIONER ROULEAU:** Okay. Well, what I'd  
11 suggest is go ahead, assuming you're efficient and effective in  
12 your 25 minutes, I'll consider giving the 5. If you're not, I  
13 won't. How's that?

14 **MS. BATH-SHEBA VAN den BERG:** Sounds fair. Thank  
15 you, Mr. Commissioner.

16 **COMMISSIONER ROULEAU:** Okay.

17 **MS. BATH-SHEBA VAN den BERG:** Superintendent  
18 Bernier, you talked about CBRN Units being chemical, biological,  
19 radiological, nuclear. Was that the OPS CBRNE combined with  
20 RCMP?

21 **SUPT. ROBERT BERNIER:** That is correct.

22 **MS. BATH-SHEBA VAN den BERG:** Are you aware that  
23 the military unit, which is called Canadian Joint Incident  
24 Response Unit is -- which is part of HAMAS COMM (ph) assists  
25 RCMP in that capacity?

26 **SUPT. ROBERT BERNIER:** Perhaps they have  
27 agreements on certain types of events that they would become  
28 involved with that.



1                   **MS. BATH-SHEBA VAN den BERG:** And so do you agree  
2 that this military CBRN Capability Unit may have been used  
3 during the protest after the *Emergencies Act* invocation to  
4 assist the RCMP?

5                   **SUPT. ROBERT BERNIER:** I have no knowledge of  
6 that.

7                   **MS. BATH-SHEBA VAN den BERG:** In your testimony  
8 yesterday, you mention that when you were assigned to the  
9 Service Command Centre on February the 3<sup>rd</sup>, you noted that there  
10 were problem with OPS staffing; is that right?

11                   **SUPT. ROBERT BERNIER:** There were challenges in  
12 meeting the staffing needs.

13                   **MS. BATH-SHEBA VAN den BERG:** Okay. And I also  
14 understand that OPS COVID-19 vaccine mandates took effect on  
15 February 1<sup>st</sup>; is that right?

16                   **SUPT. ROBERT BERNIER:** I don't have specific  
17 knowledge on that.

18                   **MS. BATH-SHEBA VAN den BERG:** But they took  
19 effect around that date; is that right?

20                   **SUPT. ROBERT BERNIER:** There were specific ones  
21 that you want to refer to that -- are you -- I don't know what  
22 you're referring to COVID-19 mandates.

23                   **MS. BATH-SHEBA VAN den BERG:** A COVID-19  
24 vaccination mandate, to be clear.

25                   **SUPT. ROBERT BERNIER:** What was the change or  
26 that they went into place?

27                   **MS. BATH-SHEBA VAN den BERG:** That anyone in the  
28 OPS force that did not take the COVID-19 vaccine would no longer

1 be able to serve in the force ---

2 **SUPT. ROBERT BERNIER:** Are you talking about ---

3 **MS. BATH-SHEBA VAN den BERG:** --- as effective  
4 February 1<sup>st</sup>?

5 **SUPT. ROBERT BERNIER:** --- the internal policies,  
6 not globally on that. You're talking about Ottawa Police?

7 **MS. BATH-SHEBA VAN den BERG:** Yeah.

8 **SUPT. ROBERT BERNIER:** Correct?

9 **MS. BATH-SHEBA VAN den BERG:** That's correct.

10 **SUPT. ROBERT BERNIER:** Correct.

11 **MS. BATH-SHEBA VAN den BERG:** Thank you. And  
12 that as a result of the mandate coming into effect that OPS lost  
13 around 200 members?

14 **SUPT. ROBERT BERNIER:** I don't have exact numbers  
15 on that.

16 **MS. BATH-SHEBA VAN den BERG:** Okay. Giving *[sic]*  
17 the staffing and resource issues that have been identified by  
18 OPS, did OPS consider waiving the COVID-19 vaccination mandates  
19 and allowing unvaccinated OPS officers to return to work?

20 **SUPT. ROBERT BERNIER:** That would be outside my  
21 purview responsibilities.

22 **MS. BATH-SHEBA VAN den BERG:** Can you confirm  
23 that prior to Superintendent Patterson's position as Event  
24 Commander between February the 6<sup>th</sup> and 10<sup>th</sup>, that he was working  
25 in the Intelligence Directorate?

26 **SUPT. ROBERT BERNIER:** That is accurate.

27 **MS. BATH-SHEBA VAN den BERG:** In your testimony,  
28 you mentioned that Superintendent Patterson told you on February

1 7<sup>th</sup> that he wanted to use Public Order Units, also known as POUs,  
2 to clear the Rideau Sussex intersection on February the 9<sup>th</sup>?

3 **SUPT. ROBERT BERNIER:** I'd have to refer to my  
4 notes specifically if you would -- I could confirm if you'd  
5 like.

6 **MS. BATH-SHEBA VAN den BERG:** Is what you  
7 mentioned yesterday in your examination-in-Chief.

8 **SUPT. ROBERT BERNIER:** So it -- once again,  
9 you're referring to a specific date. That sounds right ---

10 **MS. BATH-SHEBA VAN den BERG:** M'hm. Okay.

11 **SUPT. ROBERT BERNIER:** --- on or about that date.  
12 I would just want to -- I would have it in my notes.

13 **MS. BATH-SHEBA VAN den BERG:** Okay. But he did  
14 have a conversation with you ---

15 **SUPT. ROBERT BERNIER:** Yes.

16 **MS. BATH-SHEBA VAN den BERG:** --- around that  
17 time to use POUs. And that he wanted to clear out with POU  
18 action the Rideau and Sussex intersection in the same way that  
19 he used them on February 6<sup>th</sup> to effect arrests and seize fuels  
20 from protesters in Coventry; is that right?

21 **SUPT. ROBERT BERNIER:** I wouldn't say that the  
22 conversation would be that -- in the same effect. They're two  
23 different operations, two different styles of operations.

24 **MS. BATH-SHEBA VAN den BERG:** That's right. But  
25 POUs were used on February 6<sup>th</sup>; were they not?

26 **SUPT. ROBERT BERNIER:** Where?

27 **MS. BATH-SHEBA VAN den BERG:** In Coventry.

28 **SUPT. ROBERT BERNIER:** That would be -- I -- on

1 or about that day, I know that there was some operation, not  
2 involved in my responsibilities, but I was aware that something  
3 of that nature happened at Coventry.

4 **MS. BATH-SHEBA VAN den BERG:** Okay. Inspector  
5 Beaudin testified that the use of POU action at Coventry  
6 undermined the PLT's work of negotiation with the protesters; do  
7 you agree?

8 **SUPT. ROBERT BERNIER:** I'm not privy to all the  
9 information of what PLT was doing at the time, what the  
10 arrangements were, what the integration was.

11 **MS. BATH-SHEBA VAN den BERG:** Right.

12 **SUPT. ROBERT BERNIER:** It would be hard for me to  
13 have an opinion on that.

14 **MS. BATH-SHEBA VAN den BERG:** Would you agree  
15 though that POU action would undermine PLT work in negotiations?

16 **SUPT. ROBERT BERNIER:** They each have their role,  
17 and integrated properly and used appropriately, they should be  
18 working in unison, if that helps.

19 **MS. BATH-SHEBA VAN den BERG:** Superintendent  
20 Abrams testified that Superintendent Patterson spoke to him  
21 about wanting to use a snatch and grab method on protesters, and  
22 mentioned that that is a method used by OPS and not OPP; is that  
23 right?

24 **SUPT. ROBERT BERNIER:** I'm -- is this something  
25 that I was privy to, because I'm not sure I heard the snatch and  
26 grab term used.

27 **MS. BATH-SHEBA VAN den BERG:** It would only ---

28 **SUPT. ROBERT BERNIER:** Is there notes to this?

1                   **MS. BATH-SHEBA VAN den BERG:** It would only be  
2 privy to you if you listened to Superintendent Abrams testimony  
3 last week.

4                   **SUPT. ROBERT BERNIER:** I did not.

5                   **MS. BATH-SHEBA VAN den BERG:** If you didn't, then  
6 -- but is it a method that OPS used?

7                   **SUPT. ROBERT BERNIER:** So a term snatch and grab  
8 under what context?

9                   **MS. BATH-SHEBA VAN den BERG:** Meaning that police  
10 officers line up on a horizontal line, or in ranks, in riot gear  
11 and they snatch and grab a protester in order to place the  
12 protester behind the lines or behind the ranks to effect an  
13 arrest.

14                   **SUPT. ROBERT BERNIER:** So we -- I would -- the  
15 term snatch and grab is not a term that I am familiar with, but  
16 I do have extensive experience as a Public Order Commander and  
17 in charge of our Public Order Unit for five years, that there  
18 are arrest techniques that we use in a Public Order fashion that  
19 all Public Order Units utilize across the province for effecting  
20 a lawful arrest on a Public Order line.

21                   **MS. BATH-SHEBA VAN den BERG:** That's right. And  
22 do those arrest techniques involve the physical maneuvering of  
23 snatching or grabbing a person?

24                   **SUPT. ROBERT BERNIER:** There are techniques that  
25 are going to be arrest techniques that are going to be used.  
26 And like I said, the snatch and grab is not something that is  
27 something that I'm familiar with.

28                   **MS. BATH-SHEBA VAN den BERG:** Now I want to ask

1 you a few questions on the phased integrated approach, the  
2 February 17<sup>th</sup> plan that you discussed at length already in your  
3 examination-in-Chief. Could I ask the Commission to bring up  
4 document OPP00001852? And could we go to page 7, please?

5 So here you'll see, Superintendent Bernier, the  
6 mission statement, and that it includes a reference to  
7 individual *Charter of Rights and Freedoms*; is that correct?

8 **SUPT. ROBERT BERNIER:** Yes.

9 **MS. BATH-SHEBA VAN den BERG:** And yesterday you  
10 mentioned that the mission provides guiding principles and that  
11 respect for everyone's *Charter* is what is with everything you do  
12 in operations; correct?

13 **SUPT. ROBERT BERNIER:** Correct.

14 **MS. BATH-SHEBA VAN den BERG:** And that in fact it  
15 is critical that everyone understands the mission and objectives  
16 and Commander's intent; correct?

17 **SUPT. ROBERT BERNIER:** Correct.

18 **MS. BATH-SHEBA VAN den BERG:** Isn't it true that  
19 not all OPS members knew of the objectives of the February 17<sup>th</sup>  
20 plan?

21 **SUPT. ROBERT BERNIER:** I implemented a measure to  
22 mitigate that well in advance where every officer who was  
23 deployed on the ground received a sticker that went into their  
24 notebooks prior to briefing that outlined exactly all this  
25 information with their authorities.

26 **MS. BATH-SHEBA VAN den BERG:** When you say well  
27 in advance, this plan is February the 17<sup>th</sup>.

28 **SUPT. ROBERT BERNIER:** Correct. So officers'

1 briefing, there was various officers that would be briefed  
2 during the various stages of the operation, as early as the  
3 evening of, the 17th, and into the morning, and so on, so forth,  
4 24 hours a day, where there were briefing periods where any new  
5 officer coming in for a briefing would receive a sticker that  
6 would go into their notebook that outlined the mission  
7 statement, main action plan, and their authorities.

8 **MS. BATH-SHEBA VAN den BERG:** Inspector Lucas,  
9 who testified yesterday, reported -- and who reported directly  
10 to you during the implementation of this plan... He reported --  
11 sorry, that wasn't phrased properly. He reported directly to  
12 you, right, Inspector Lucas?

13 **SUPT. ROBERT BERNIER:** Inspector Lucas would've  
14 reported to me directly ---

15 **MS. BATH-SHEBA VAN den BERG:** Okay.

16 **SUPT. ROBERT BERNIER:** --- with regards to the --  
17 as the Incident Commander in the NCRCC.

18 **MS. BATH-SHEBA VAN den BERG:** Right. And he  
19 testified that he only knew of the concept of Operations. So  
20 not even the high level or the brass within OPS understood the  
21 plan and mission, despite your sticker.

22 **SUPT. ROBERT BERNIER:** Could you please repeat  
23 your question?

24 **MS. BATH-SHEBA VAN den BERG:** Well, yesterday,  
25 Inspector Lucas testified that he actually only knew of the  
26 concept of Operations and then not the objections or the mission  
27 statement per se of the February 17th plan. And so therefore,  
28 wouldn't you agree that not even high-level or the brass within

1 OPS understood the plan and the mission insofar as the  
2 objectives?

3 **SUPT. ROBERT BERNIER:** I can't speak for  
4 Inspector Lucas, but I had an Operations chief directly linked  
5 feeding all the information as it was taking place within our  
6 Operational level command, and fed Inspector Lucas with all the  
7 details of this plan. I even emailed out to every member of the  
8 Ottawa Police the mission statement and the main action plan on  
9 master distribution lists and kept everyone abreast of the -- of  
10 what was taking place through email.

11 **MS. BATH-SHEBA VAN den BERG:** Okay.

12 **SUPT. ROBERT BERNIER:** As far as the executive  
13 goes, the Strategic Commander involved, which is Deputy  
14 Chief Ferguson, involved all the way along and fully informing.

15 **MS. BATH-SHEBA VAN den BERG:** Okay, thank you.

16 Could we scroll down to page 9 of the  
17 February 17th plan?

18 And there, you can see that the POU Operational  
19 Plan is a separate plan; is that correct?

20 **SUPT. ROBERT BERNIER:** That is correct.

21 **MS. BATH-SHEBA VAN den BERG:** Can I please call  
22 up OP0000, or rather, OPP00001873?

23 Do you agree that this POU Tactical Operations  
24 Plan is a Tactical Operations Plan for the Integrated Public  
25 Order Units responding to the protest model, though; right?

26 **SUPT. ROBERT BERNIER:** Can you scroll down a bit,  
27 please? Some more. Some more, please. Again. Page 3, please.

28 So from what I can see, this appears to be the



1 plan. Without going into every single page to see, it is  
2 aligning with the plan that I would've approved.

3 **MS. BATH-SHEBA VAN den BERG:** Okay, thank you.

4 And you agree that you were the overall Event Commander for this  
5 operation?

6 **SUPT. ROBERT BERNIER:** That is correct.

7 **MS. BATH-SHEBA VAN den BERG:** Who was the  
8 Critical ---

9 **SUPT. ROBERT BERNIER:** Oh, sorry. I should  
10 qualify. We were in Unified Command.

11 **MS. BATH-SHEBA VAN den BERG:** That's right.

12 **SUPT. ROBERT BERNIER:** So we were three Unified  
13 Commanders approving this plan and moving forward at this point.  
14 So ---

15 **MS. BATH-SHEBA VAN den BERG:** That's right, with  
16 Inspector Springer ---

17 **SUPT. ROBERT BERNIER:** Inspector Springer,  
18 Superintendent Lue and myself.

19 **MS. BATH-SHEBA VAN den BERG:** Yeah. And who was  
20 the Critical Incident Commander assigned with the POUs on the  
21 ground?

22 **SUPT. ROBERT BERNIER:** There were multiple.

23 **MS. BATH-SHEBA VAN den BERG:** There wasn't one  
24 particular?

25 **SUPT. ROBERT BERNIER:** No. Because of the  
26 magnitude of the event, we had to have the ability to manage  
27 multiple situations, critical incidents, at the same time.

28 **MS. BATH-SHEBA VAN den BERG:** And who were the

1 three reserve Event Commanders that you mentioned earlier?

2 **SUPT. ROBERT BERNIER:** So I would have to refer  
3 back to my notes if I could, but... Could I go back to my  
4 notes, please, on the 18th, probably?

5 **MS. BATH-SHEBA VAN den BERG:** I am going to  
6 continue with the questions for the lack of time. But if you  
7 can remember a name off the top of your head, one of the names.

8 **SUPT. ROBERT BERNIER:** Superintendent Mike  
9 Francis, or -- yeah, at the time he was Superintendent Mike  
10 Francis, OPP.

11 **MS. BATH-SHEBA VAN den BERG:** Okay, thank you.

12 I would like to take you down to paragraph 34 of  
13 the mission statement. And there it states:

14 "To ensure the removal of protesters in  
15 the area of the blockades in relation  
16 to the 'Freedom Convoy 2022'. This  
17 will be achieved by securing, isolating  
18 and evacuating persons within the  
19 designated blockade zones. To ensure  
20 the safe detention and arrest of any  
21 participants taken into custody.  
22 Ensure public and police safety."

23 This mission statement does not include a  
24 reference to respect for individual *Charter* rights and freedoms,  
25 does it?

26 **SUPT. ROBERT BERNIER:** This is a subplan.  
27 Everyone still has to adhere to the overall plan. So  
28 regardless, any member still has to adhere to the overall

1 mission statement that I've set.

2 **MS. BATH-SHEBA VAN den BERG:** That's right, but  
3 it is absent from this plan, and this plan would've been used to  
4 brief the Tactical Units, is that not right?

5 **SUPT. ROBERT BERNIER:** This plan is inclusive of  
6 the other plan.

7 **MS. BATH-SHEBA VAN den BERG:** And was it used to  
8 brief the Tactical Units?

9 **SUPT. ROBERT BERNIER:** This plan, as well as my  
10 mission statement, which is no different than all the other  
11 officers, would have both the overall mission statement and the  
12 Public Order mission.

13 **MS. BATH-SHEBA VAN den BERG:** That's right. But  
14 this mission statement does miss the words "utmost respect for  
15 *Charter* rights and freedoms"; correct?

16 **SUPT. ROBERT BERNIER:** It would be a duplication.

17 **MS. BATH-SHEBA VAN den BERG:** And then further  
18 down, at paragraph 37, it states:

19 "Takedown of each location to commence  
20 in phases as dictated by the Critical  
21 Incident Commander."

22 Takedown of each location in effect means  
23 takedown of the protesters; is that right?

24 **SUPT. ROBERT BERNIER:** Clearing the area ---

25 **MS. BATH-SHEBA VAN den BERG:** Yeah.

26 **SUPT. ROBERT BERNIER:** --- as well as there is  
27 vehicles, and rendering infrastructure safe.

28 **MS. BATH-SHEBA VAN den BERG:** And ---

1           **SUPT. ROBERT BERNIER:** And any protester who  
2 refused to leave, or caused an action that resulted in an  
3 arrest, would be detained.

4           **MS. BATH-SHEBA VAN den BERG:** And you refer to  
5 POU's being used for kinetic action during operations; is that  
6 right?

7           **SUPT. ROBERT BERNIER:** Those are -- that is a  
8 term that is used.

9           **MS. BATH-SHEBA VAN den BERG:** Would you agree  
10 that the origins of the word "kinetic" actually means "warfare,  
11 and use of lethal force"?

12           **SUPT. ROBERT BERNIER:** I'm not aware of that.

13           **MS. BATH-SHEBA VAN den BERG:** Now, I want to ask  
14 you about the arrests. With regards to the arrests and  
15 processing plans and the POU Tactical Operational Plans, there  
16 is nothing that states that after police arrested protesters and  
17 told them that they were not being charged that the police were  
18 to drive the protesters outside of the city core, in the dead of  
19 winter, the biggest snowstorm in a while, as you described  
20 today, without access to shelter or transportation and  
21 telecommunications, and leave them in parking lots or other  
22 areas; correct?

23           **SUPT. ROBERT BERNIER:** Not the way I would  
24 explain it.

25           **MS. BATH-SHEBA VAN den BERG:** Are you aware that  
26 that happened?

27           **SUPT. ROBERT BERNIER:** The plans that were put in  
28 place, which involved the ability to remove protesters who were

1 arrested, detained, to a secondary processing site, there were  
2 two that were identified, one was approximately less than  
3 10 minutes away from the arrest zone, the other one was  
4 approximately 15 to 20 minutes away from the arrest zone, where  
5 there were a full infrastructure of investigators in order to  
6 properly process, run, allow phone calls to lawyers, and where  
7 they were advised exactly of the next steps of what was going to  
8 take place. They were located in close proximity to, and when I  
9 say close proximity, maybe 200 metres from public transit, and  
10 even restaurants and gas stations to be able to find their way  
11 back to where they needed to go.

12 **MS. BATH-SHEBA VAN den BERG:** Well, we will most  
13 likely learn later in this Commission that that is not exactly  
14 the case of the circumstances, Superintendent Bernier. Were you  
15 the one who authorised these movements?

16 **SUPT. ROBERT BERNIER:** I authorised the plan and  
17 the secondary processing site. At the end of the day, the  
18 Unified Command between Inspector Springer, myself, and  
19 Superintendent Lue, we would have to be in agreement, and it was  
20 the Investigations Branch that, along with our Custody Branch,  
21 that came up with that arrest and processing plan.

22 **MS. BATH-SHEBA VAN den BERG:** And you know who  
23 Tamara Lich, and Chris Barber, and Danny Bulford, and Tom  
24 Marazzo are, don't you?

25 **SUPT. ROBERT BERNIER:** Yes.

26 **MS. BATH-SHEBA VAN den BERG:** And at no time did  
27 any of those four individuals not cooperate with the OPS.

28 **SUPT. ROBERT BERNIER:** Not to my knowledge. I

1 had no direct involvement with them.

2 **MS. BATH-SHEBA VAN den BERG:** Supt. Abrams  
3 testified that irrespective of the February 17<sup>th</sup> plan, that there  
4 remained integration issues between various police forces. Do  
5 you agree?

6 **SUPT. ROBERT BERNIER:** Could you repeat the  
7 question again, please?

8 **MS. BATH-SHEBA VAN den BERG:** That irrespective  
9 of the February 17<sup>th</sup> plan, that there remained communications and  
10 integration problems?

11 **SUPT. ROBERT BERNIER:** Following the 17<sup>th</sup>, I think  
12 the plan went as well as it could. And any operation comes with  
13 challenges. Operations of this size and magnitude and police  
14 services from across the province, and in fact, across the  
15 country, all come with their own structures, their own ---

16 **MS. BATH-SHEBA VAN den BERG:** That's right. I'd  
17 actually ---

18 **SUPT. ROBERT BERNIER:** --- procedures ---

19 **MS. BATH-SHEBA VAN den BERG:** --- like to pick up  
20 on that, because I understand that you've gained the Bronze and  
21 Silver Certification in Major Civil Disorder Management in the  
22 United Kingdom and you've also trained with the RCMP and OPP.  
23 And you're just now mentioning that every force uses a different  
24 structure. So is it true that every police force across the  
25 country has a different set of 10 codes?

26 **SUPT. ROBERT BERNIER:** That is a possibility,  
27 yes.

28 **MS. BATH-SHEBA VAN den BERG:** And there's also a

1 different set of codes for major civil disorder management?

2 **SUPT. ROBERT BERNIER:** I don't know what you'd be  
3 referring to there.

4 **MS. BATH-SHEBA VAN den BERG:** Communication codes  
5 ---

6 **SUPT. ROBERT BERNIER:** With regards to the ---

7 **MS. BATH-SHEBA VAN den BERG:** --- in managing a  
8 major incident.

9 **SUPT. ROBERT BERNIER:** There's only one set of 10  
10 codes that we use to communicate on a radio.

11 **MS. BATH-SHEBA VAN den BERG:** I'm referring to  
12 your training in the United Kingdom.

13 **SUPT. ROBERT BERNIER:** Okay. I didn't have to  
14 use 10 codes in the United Kingdom.

15 **MS. BATH-SHEBA VAN den BERG:** A different set of  
16 codes or ---

17 **SUPT. ROBERT BERNIER:** Terminology?

18 **MS. BATH-SHEBA VAN den BERG:** Yes. For  
19 communicating.

20 **SUPT. ROBERT BERNIER:** They may have different  
21 terms that they use in the UK.

22 **MS. BATH-SHEBA VAN den BERG:** Okay. I note also  
23 that the February 17<sup>th</sup> plan does not include any reference to  
24 communications. Is that correct?

25 **SUPT. ROBERT BERNIER:** Which plan are you  
26 referring to?

27 **MS. BATH-SHEBA VAN den BERG:** The February 17<sup>th</sup>  
28 overall master plan.

1                   **SUPT. ROBERT BERNIER:** There is a communications  
2 plan.

3                   **MS. BATH-SHEBA VAN den BERG:** Well I put it to  
4 you that the only reference to communications is that at the  
5 stabilization phase, the first phase, there would be a provision  
6 of integrated training and communications interoperability? Is  
7 that right?

8                   **SUPT. ROBERT BERNIER:** So are we moving away from  
9 whether there was a communication plan? Because there is a  
10 communication plan. We can pull that up, if you'd like.

11                   **MS. BATH-SHEBA VAN den BERG:** Within the master  
12 plan?

13                   **SUPT. ROBERT BERNIER:** It's an appendix plan.

14                   **MS. BATH-SHEBA VAN den BERG:** You're talking  
15 about the command?

16                   **SUPT. ROBERT BERNIER:** No, a communication plan.

17                   **MS. BATH-SHEBA VAN den BERG:** Using agreed set  
18 codes?

19                   **SUPT. ROBERT BERNIER:** There's a corporate  
20 communication, as well as communication with what radio channels  
21 and radio system that we would use.

22                   **MS. BATH-SHEBA VAN den BERG:** I'd like to move on  
23 to asking you some questions with regards to the POU tactical  
24 operational plan. So I'd like to pull up OPP00001873.

25                   At paragraph 7:

26                                   "...the [...] Rules of Engagement Decision  
27                                   Matrix [there] supersede[d] [all other  
28                                   police forces'] policies and SOPs."



1 Is that right?

2 **SUPT. ROBERT BERNIER:** Correct.

3 **MS. BATH-SHEBA VAN den BERG:** Could we call up  
4 Document OPS00012550? Let's scroll down to page 2. You state  
5 that:

6 "...all police officer[s] (including [POUs])  
7 [must] [...] have an up to date Use of Force  
8 qualification within the last 12 months."

9 Is that correct?

10 **SUPT. ROBERT BERNIER:** Correct.

11 **MS. BATH-SHEBA VAN den BERG:** And Supt. Abrams  
12 testified that a decision was made that this requirement would  
13 be suspended for the purpose of getting boots on the ground on  
14 February 18<sup>th</sup>, and so that some officers would be beyond their  
15 qualification period of maybe over a year? Is that right?

16 **SUPT. ROBERT BERNIER:** That was under the  
17 decision of a Chief of Police or Commissioner ---

18 **MS. BATH-SHEBA VAN den BERG:** M'hm.

19 **SUPT. ROBERT BERNIER:** --- under the covid  
20 situation, ---

21 **MS. BATH-SHEBA VAN den BERG:** But it did ---

22 **SUPT. ROBERT BERNIER:** --- where there was  
23 challenges ---

24 **MS. BATH-SHEBA VAN den BERG:** --- happen; right?

25 **SUPT. ROBERT BERNIER:** There potentially were  
26 officers who would be given an exemption, and if they had an  
27 exemption, that would still qualify.

28 **MS. BATH-SHEBA VAN den BERG:** Next, it reads

1 that:

2 "Every officer who draws their firearm in  
3 the presence of the public; [...]; use of  
4 any weapon, or improvised weapon other  
5 than a firearm on another person; or use  
6 [of] physical force on a person that  
7 results in an injury to that person  
8 requiring [-- requires] medical attention  
9 shall complete a Use of Force Report..."

10 Is that correct?

11 **SUPT. ROBERT BERNIER:** Correct.

12 **MS. BATH-SHEBA VAN den BERG:** And do you know how  
13 many Use of Force Reports were recorded after the tactical  
14 phase?

15 **SUPT. ROBERT BERNIER:** I don't have that. we  
16 would have to then find those records from follow up from that.  
17 But the records were kept and Use of Force Reports were filled  
18 in.

19 **MS. BATH-SHEBA VAN den BERG:** Did you not receive  
20 an email on February 20 that only four Use of Force Reports were  
21 recorded and that number of arrest sheets didn't indicate yes or  
22 no for use of force?

23 **SUPT. ROBERT BERNIER:** Would you be able to pull  
24 up that email? Because it doesn't seem to ---

25 **MS. BATH-SHEBA VAN den BERG:** Not at this time,  
26 but I can assure you that it was sent to you on February 20<sup>th</sup>.

27 I would like to call up document HRF00001559.

28 In the far left, would you agree that the person

1 in green is carrying what looks like a 5.56mm calibre carbine  
2 rifle with 30-round magazine capacity?

3 **SUPT. ROBERT BERNIER:** Where is this picture  
4 taken from? Do you know when?

5 **MS. BATH-SHEBA VAN den BERG:** It's taken February  
6 during the protests between the 18<sup>th</sup> and 20<sup>th</sup>.

7 **SUPT. ROBERT BERNIER:** Okay. This is -- what is  
8 your question? Which officer?

9 **MS. BATH-SHEBA VAN den BERG:** Just having a look  
10 at the person on the far left, identifying that it appears to be  
11 that they are carrying a 5.56mm calibre carbine rifle with 30-  
12 round magazine?

13 **SUPT. ROBERT BERNIER:** It is definitely a rifle.  
14 And I would say yes.

15 **MS. BATH-SHEBA VAN den BERG:** Okay. And next to  
16 him is a person in green carrying a 40mm multi launcher?

17 **SUPT. ROBERT BERNIER:** That appears to be it.

18 **MS. BATH-SHEBA VAN den BERG:** The person in blue  
19 is carrying a wooden dowel style baton?

20 **SUPT. ROBERT BERNIER:** That is correct.

21 **MS. BATH-SHEBA VAN den BERG:** And the person on  
22 the right, in green, looks to be carrying a .300 calibre carbine  
23 rifle with 30-round magazine capacity?

24 **SUPT. ROBERT BERNIER:** That appears right.

25 **MS. BATH-SHEBA VAN den BERG:** And would you agree  
26 at a first glance that these persons in green appear military-  
27 like?

28 **SUPT. ROBERT BERNIER:** I would not say that.

1                   **MS. BATH-SHEBA VAN den BERG:** I'd now like to  
2 call up video HRF00001560. And I'm going to just warn that  
3 there's distressing images. I'd like to pause at 0.29.

4                   **(VIDEO PLAYBACK)**

5                   All right. So do you agree that the OPS officer  
6 in this video in the back behind the ranks, the line, is using  
7 what is actually the muzzle and not the butt of what looks like  
8 a 40mm chemical munition launch to beat a protestor with?

9                   **SUPT. ROBERT BERNIER:** Not enough for me to see  
10 exactly what is going on.

11                   **MS. BATH-SHEBA VAN den BERG:** But you can see  
12 that there is a police officer in the back beating a protestor  
13 with a rifle?

14                   **SUPT. ROBERT BERNIER:** There is not enough for me  
15 to see what is actually happening behind bodies.

16                   **MS. BATH-SHEBA VAN den BERG:** Can we continue  
17 playing the video, please?

18                   **(VIDEO PLAYBACK)**

19                   Now, I just have three further questions, Mr.  
20 Commissioner, and thank you for the time.

21                   This is going back before the invocation of the  
22 Act regarding the deal, and we're talking about February 14<sup>th</sup>.

23                   So you knew that the protestors' organizers had  
24 established base camps at farms outside of Ottawa that could  
25 accommodate a large number of trucks? Is that right?

26                   **SUPT. ROBERT BERNIER:** So I'm -- you said a lot  
27 very quickly. So ---

28                   **MS. BATH-SHEBA VAN den BERG:** Sorry.

1                   **SUPT. ROBERT BERNIER:** --- I'm trying to figure  
2 out what is -- can you just ---

3                   **MS. BATH-SHEBA VAN den BERG:** So in ---

4                   **COMMISSIONER ROULEAU:** If you could speak a  
5 little slower? To me it's a bit, like, ---

6                   **MS. BATH-SHEBA VAN den BERG:** Too fast?

7                   **SUPT. ROBERT BERNIER:** Too fast. Yeah.

8                   **MS. BATH-SHEBA VAN den BERG:** In February, you  
9 were aware that there were base camps at farms outside of Ottawa  
10 that could accommodate the number of trucks.

11                   **SUPT. ROBERT BERNIER:** At what point in February  
12 are you talking about?

13                   **MS. BATH-SHEBA VAN den BERG:** Prior to the  
14 invocation of the Act.

15                   **SUPT. ROBERT BERNIER:** Yes, we were aware. So  
16 when I was involved, I was aware that there were multiple  
17 locations on the outskirts of Ottawa, and actually quite good  
18 distance from Ottawa as well.

19                   **MS. BATH-SHEBA VAN den BERG:** And that on  
20 February 14<sup>th</sup>, approximately 100 trucks and protest vehicles left  
21 the downtown under the Mayor's deal, and only 23 trucks moved up  
22 to Wellington, and then the remainder left Ottawa, right?

23                   **SUPT. ROBERT BERNIER:** I actually have no records  
24 of vehicles leaving. The footprint did not change all that  
25 much. There was movement up onto the Hill -- sorry; onto  
26 Wellington. But from the information that I was receiving on  
27 the -- it would have been whichever day the movement would have  
28 taken place, ---

1                   **MS. BATH-SHEBA VAN den BERG:** February 14<sup>th</sup>.

2                   **SUPT. ROBERT BERNIER:** --- 14<sup>th</sup>, there was very  
3 minimal departure of vehicles.

4                   **MS. BATH-SHEBA VAN den BERG:** Right. But there  
5 was some. And this is my final question is, is but for the lack  
6 of OPS cooperation implementing that deal, and obstruction of  
7 movement of vehicles out of the downtown residential areas at  
8 the rate-- at the rate that the truckers were actually moving  
9 and vehicles moving outside on February 14<sup>th</sup>, most of the  
10 downtown but for Wellington would have been cleared by  
11 Wednesday, February 16<sup>th</sup>; correct?

12                   **SUPT. ROBERT BERNIER:** We developed a quite  
13 robust, highly staffed with both our Police Liaison, and our  
14 Traffic Unit, and cleared egress routes that were going to be  
15 well-communicated with all the protesters as to if they wanted  
16 to leave, for a 24-hour period we had those routes clearly open  
17 and facilitating the departure of vehicles. They were not  
18 leaving.

19                   **MS. BATH-SHEBA VAN den BERG:** Some of them did  
20 move, though, you did say that, on February 14<sup>th</sup>, and would they  
21 have had a bit more time they ---

22                   **SUPT. ROBERT BERNIER:** A very small ---

23                   **MS. BATH-SHEBA VAN den BERG:** --- would have  
24 fully cleared out the areas, ---

25                   **SUPT. ROBERT BERNIER:** --- a small number.

26                   **MS. BATH-SHEBA VAN den BERG:** --- but for  
27 Wellington.

28                   Thank you. Thank you for your service, Supt.

1 Bernier.

2                   And thank you, Mr. Commissioner, for the  
3 additional time; I appreciate it.

4                   **COMMISSIONER ROULEAU:** Next is the Government of  
5 Canada.

6                   **(SHORT PAUSE)**

7 **--- CROSS-EXAMINATION BY MS. DONNAREE NYGARD:**

8                   **MS. DONNAREE NYGARD:** Good afternoon, Supt.  
9 Bernier. My name is Donnaree Nygard, and I'm counsel for  
10 Canada.

11                   I just have a few questions that I would like to  
12 ask you. First, starting with the time period in which you were  
13 moving into the integrated command with the OPP and the OPS --  
14 sorry; and the RCMP, and developing the plan that was eventually  
15 implemented. Can you tell us a little bit about what the  
16 situation on the ground was at that time? As I understand, from  
17 reading some of the Hendon reports, at that point in time, there  
18 was increased volatility in the protest zone; would you agree  
19 with that?

20                   **SUPT. ROBERT BERNIER:** I agree, yes. That was  
21 the reports that I was getting.

22                   **MS. DONNAREE NYGARD:** And that the protesters  
23 were becoming more adversarial and confrontational with police?

24                   **SUPT. ROBERT BERNIER:** They were.

25                   **MS. DONNAREE NYGARD:** And that there were violent  
26 elements within the crowd?

27                   **SUPT. ROBERT BERNIER:** Yes.

28                   **MS. DONNAREE NYGARD:** And there was, as a result

1 of all of this, increasing concern for the possibility of  
2 violence within the protest the longer it continued on; is that  
3 correct?

4 **SUPT. ROBERT BERNIER:** That is obviously a  
5 possibility, yes.

6 **MS. DONNAREE NYGARD:** And there was also some  
7 concern about firearms and other weapons within the crowd;  
8 correct?

9 **SUPT. ROBERT BERNIER:** That is something that was  
10 continually monitored, assessed, and keep leveraging our  
11 Intelligence teams with various information, or intelligence  
12 that was coming in that there were possibilities of that.

13 **MS. DONNAREE NYGARD:** And, in fact -- if I can  
14 have OPP00003427, please?

15 This is the February 14<sup>th</sup> Hendon report. Did you  
16 see that?

17 **SUPT. ROBERT BERNIER:** On the 14<sup>th</sup>, I would have  
18 an Intelligence officer at my command table with the  
19 responsibility of reviewing and briefing a group on this  
20 information. So although not reading it, I should be getting  
21 key information from it.

22 **MS. DONNAREE NYGARD:** And if we can go to page 5,  
23 please? Scroll down just a little -- just right there's good.

24 Just beyond the bolded section there you can see  
25 there's a reference to:

26 "...represent potential volatile  
27 elements - they both espouse sovereign  
28 citizen ideals and, in the case of



1 [redacted], early information  
2 suggest[s] he may have brought  
3 firearms. His interactions with police  
4 were notable when approached by  
5 [redaction] as to openly wearing a  
6 sheathed but sizeable knife on his  
7 person, he rejected the idea of  
8 [re]moving it."

9 Were you aware of situations -- of that situation  
10 in particular, and other situations like that?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MS. DONNAREE NYGARD:** Thank you.

13 So at the end of the day, the plan that the  
14 integrated team developed worked; correct?|

15 **SUPT. ROBERT BERNIER:** Yes, ma'am.

16 **MS. DONNAREE NYGARD:** It was very successful in  
17 clearing what I believe you described as the largest and most  
18 complex police operation in Canada.

19 **SUPT. ROBERT BERNIER:** Yes.

20 **MS. DONNAREE NYGARD:** And the success of that  
21 operation depended on a lot of different moving parts, but I'm  
22 just going to focus on a couple of them for a moment.

23 One of them was the ability to shrink a footprint  
24 down from where it started; correct?

25 **SUPT. ROBERT BERNIER:** Smaller footprint would be  
26 easier to manage.

27 **MS. DONNAREE NYGARD:** And, in fact, in his  
28 testimony Chief Supt. Pardy indicated that at the original size,

1 it probably would have taken 10,000 officers to execute the same  
2 kind of plan. Would you agree with that?

3 **SUPT. ROBERT BERNIER:** I don't know.

4 **MS. DONNAREE NYGARD:** But it would have taken a  
5 lot more people if you hadn't been able to shrink the footprint  
6 down; correct?

7 **SUPT. ROBERT BERNIER:** It would have been a lot  
8 longer operation if we -- and, once again, it's not necessarily  
9 the -- it wasn't a speed thing; it was more safe, methodical,  
10 lawful, and ensuring that we took care of everything.

11 So, in other words, if areas such as John A.  
12 Macdonald or Sir George-Étienne had to be cleared as well, it  
13 would just take a lot longer to clear.

14 **MS. DONNAREE NYGARD:** And even within the  
15 footprint, if there had been more people and more vehicles still  
16 there, that would also have taken you longer; correct?

17 **SUPT. ROBERT BERNIER:** Exactly.

18 **MS. DONNAREE NYGARD:** And it would have been a  
19 more volatile situation.

20 **SUPT. ROBERT BERNIER:** Potentially, yes.

21 **MS. DONNAREE NYGARD:** And that increases the risk  
22 of violence or riots or people getting hurt; correct?

23 **SUPT. ROBERT BERNIER:** I would agree.

24 **MS. DONNAREE NYGARD:** And the other thing that  
25 this plan was dependent on was the ability to move the large  
26 trucks which were parked all over the downtown core; correct?

27 **SUPT. ROBERT BERNIER:** Correct.

28 **MS. DONNAREE NYGARD:** And that required heavy tow

1 capacity.

2 **SUPT. ROBERT BERNIER:** Correct.

3 **MS. DONNAREE NYGARD:** And going back to the  
4 shrinking footprint for a moment, you described the phases of  
5 your plan and the first one I think you described as  
6 stabilizing, and that included consistent messaging to the  
7 protesters that now was the time to leave; correct?

8 **SUPT. ROBERT BERNIER:** That is correct.

9 **MS. DONNAREE NYGARD:** And as part of that  
10 messaging, there were pamphlets that were being handed out to  
11 the protesters and news releases for printing in media so that  
12 everyone would be aware; correct?

13 **SUPT. ROBERT BERNIER:** Yes, as well as putting  
14 flyers on every vehicle.

15 **MS. DONNAREE NYGARD:** And if we can have  
16 OPS000013798?

17 This is the plan that has the February 15<sup>th</sup> date  
18 on the front cover. I know there's a number of iterations of  
19 the plan. One of my friends took you to this earlier.

20 And if we can go to page 5, please? And scroll  
21 down to the bottom of the page. Yeah, that's good.

22 You'll agree with me that the plan, in fact,  
23 reproduced the content of the messaging that was being given out  
24 to the protesters; you can see it there, just after the start of  
25 it there. Just after the bolding.

26 **SUPT. ROBERT BERNIER:** Correct.

27 **MS. DONNAREE NYGARD:** And that if we go on to the  
28 next page, there's a number of these items, and I'm going to go

1 through a few of them, but that were powers that were provided  
2 to the Police Services under the *Federal Emergency Act* and the  
3 Regulations associated with it; correct?

4 **SUPT. ROBERT BERNIER:** That is correct.

5 **MS. DONNAREE NYGARD:** And even the powers that  
6 were given to you under the provincial legislation, such as the  
7 ability to suspend certificates. That required of the towing of  
8 the vehicle first; correct?

9 **SUPT. ROBERT BERNIER:** Correct.

10 **MS. DONNAREE NYGARD:** So you had to be able to  
11 tow before you could do that suspension?

12 **SUPT. ROBERT BERNIER:** I'm not 100 percent sure  
13 on that. I don't know if there was abilities. If you're able  
14 to identify a driver within that it could be done retroactively.  
15 I just want to make sure that I'm not fully clear if it required  
16 the tow first.

17 **MS. DONNAREE NYGARD:** Well perhaps we can refresh  
18 your memory. If we can bring up OPS000 -- oh, I guess it's four  
19 zeros -- 1181?

20 **SUPT. ROBERT BERNIER:** Thank you, if you can, ---

21 **MS. DONNAREE NYGARD:** Yeah.

22 **SUPT. ROBERT BERNIER:** --- because there's ---

23 **MS. DONNAREE NYGARD:** Yeah, this is ---

24 **SUPT. ROBERT BERNIER:** There's a ---

25 **MS. DONNAREE NYGARD:** This is a flow chart that -  
26 --

27 **SUPT. ROBERT BERNIER:** There's a lot of  
28 information on ---

1                   **MS. DONNAREE NYGARD:** Understandable. Oh, I'm  
2 sorry, I gave you the wrong number. It is three zeros 11801.

3                   And this is an OPP flowchart that was produced  
4 for the suspension. And you can see, if you go down to the  
5 third box, it's "Remove Vehicle from [the] Highway" and then  
6 after that is the "Administrative Action"; correct?

7                   **SUPT. ROBERT BERNIER:** If I could just take a  
8 minute to read through it?

9                   **MS. DONNAREE NYGARD:** Yeah, absolutely.

10                  **SUPT. ROBERT BERNIER:** So I think this was  
11 somewhat of a flow chart to give instructions, but the fact that  
12 we were doing the towing and that they're not, -- you know, we  
13 weren't necessarily doing intervention action prior, this was  
14 part of our phased actions on portion. And just so that there  
15 was clear instructions of what was happening with the vehicles,  
16 and as part of the end part was that process that was going to  
17 take place. And once again, I'm not 100 percent sure if there  
18 was not the ability to do something with the CVOR, whether we  
19 towed it or not.

20                  In this particular case, part of the -- we were  
21 towing all vehicles.

22                  **MS. DONNAREE NYGARD:** You were. And you're just  
23 not sure?

24                  **SUPT. ROBERT BERNIER:** Correct.

25                  **MS. DONNAREE NYGARD:** Fair enough.

26                  **SUPT. ROBERT BERNIER:** I'd have to do a little  
27 bit more ---

28                  **MS. DONNAREE NYGARD:** Fair enough. Well we won't

1 -- I could take you to one more place, but we'll move on.

2           The -- if we can go back to the previous  
3 document, OPS0000 -- 00013798? And back to page 6, please.

4           So just going through some more of these bullet  
5 points, one of the things that was pointed out was the ability  
6 to have personal bank accounts subject to examination and  
7 restriction. That was a power that was provided under the  
8 federal EA; correct?

9           **SUPT. ROBERT BERNIER:** Yes.

10          **MS. DONNAREE NYGARD:** And then the next one about  
11 bringing minors to protests, that was also an EA power? And  
12 that was something that if children could be removed from the  
13 scene, would make enforcement safer; correct?

14          **SUPT. ROBERT BERNIER:** It would hopefully  
15 discourage people to bring their children to this protest, yes.

16          **MS. DONNAREE NYGARD:** And the other thing, just  
17 the second last bullet that I wanted to highlight there is  
18 persons traveling to the unlawful protest site could be charged?

19                 And that helps to shrink the footprint in that it  
20 stops more people from -- well, it -- I guess it helps to stop  
21 the footprint from increasing because people are not continuing  
22 to arrive; correct?

23          **SUPT. ROBERT BERNIER:** That would be the intended  
24 effect.

25          **MS. DONNAREE NYGARD:** And you had some discussion  
26 with my friend earlier about -- and you confirmed that you had  
27 used the Federal *Emergencies Act* powers in order to put in place  
28 a secured area in the downtown core; correct?

1           **SUPT. ROBERT BERNIER:** That's correct.

2           **MS. DONNAREE NYGARD:** And in fact, that is  
3 reflected in your plan further on down that page, in the second  
4 paragraph, under "Situation"; correct? And that was already in  
5 place, I take it, from the use of the "has established"? As of  
6 February 15<sup>th</sup>, it was already in place?

7           **SUPT. ROBERT BERNIER:** No, it has not -- it was  
8 not.

9           **MS. DONNAREE NYGARD:** Oh. When did it go -- when  
10 was it put in place?

11           **SUPT. ROBERT BERNIER:** So we placed a soft secure  
12 area in the evening of the 17<sup>th</sup>, and then it went in full  
13 operation at midnight from the 17<sup>th</sup> into the 18<sup>th</sup>.

14           **MS. DONNAREE NYGARD:** So and I understand there  
15 was a news release that was put out announcing the secured area?  
16 I think that went out at 4:40 on the 17<sup>th</sup>? Is that ---

17           **SUPT. ROBERT BERNIER:** Correct.

18           **MS. DONNAREE NYGARD:** --- correct?

19           **SUPT. ROBERT BERNIER:** Yes.

20           **MS. DONNAREE NYGARD:** And that announced that a  
21 secured area was being put in place under the Federal  
22 *Emergencies Act*; correct?

23           **SUPT. ROBERT BERNIER:** Correct. There are a lot  
24 of people, community members who live in that area who had been  
25 affected. We wanted to minimize the amount of impact and  
26 restriction that they would have had in their own community.

27           **MS. DONNAREE NYGARD:** And prior to that time, you  
28 didn't have an exclusion zone in that area; correct?

1                   **SUPT. ROBERT BERNIER:** There -- nothing under --  
2 used under common-law or any other form of, how would you say  
3 it, authority to shut down an area.

4                   **MS. DONNAREE NYGARD:** So sorry, I just want to  
5 make sure I'm understanding your answer. You're saying there  
6 wasn't anything that would have allowed you to do that? Or you  
7 didn't use anything?

8                   **SUPT. ROBERT BERNIER:** No, there were. If we  
9 needed to apply under common-law, we could have. But it was  
10 nothing that we actually utilized because we didn't go into a  
11 police operation and maintaining public safety for restricting  
12 access to an area under the common-law authorities. So there  
13 was nothing in place until the 17<sup>th</sup> into the 18<sup>th</sup> at midnight.

14                   **MS. DONNAREE NYGARD:** And how long did you have  
15 that secure area in place?

16                   **SUPT. ROBERT BERNIER:** So the secure area, as the  
17 operation progressed and was met with success, we shrunk that  
18 area gradually over the days. And we maintained a very shrunken  
19 small footprint of restriction secure area to the Wellington  
20 area until the *Emergencies Act* was lifted.

21                   **MS. DONNAREE NYGARD:** And you spoke about your --  
22 the common-law ability to have an exclusion zone, and you also  
23 spoke earlier about how the *Emergencies Act* made it very clear  
24 what you were allowed to do; correct?

25                   **SUPT. ROBERT BERNIER:** Absolutely, yes.

26                   **MS. DONNAREE NYGARD:** And that's because the  
27 common-law authority for exclusion zones lacks a certain amount  
28 of clarity? Would you agree with that?



1                   **SUPT. ROBERT BERNIER:** I don't necessarily say it  
2 lacks clarity. It just comes down to the articulation of why  
3 and what you're doing and for how long. So the auxiliary powers  
4 that exist, there needs to be certain things that exist and  
5 needs to stop as soon as that does no longer exist.

6                   **MS. DONNAREE NYGARD:** So and I think I mentioned,  
7 sometimes it may be hard to understand, or to explain to the  
8 various groups that, whether it be our own officers, the  
9 community, or protestors.

10                   **MS. DONNAREE NYGARD:** Right. So and that's what  
11 I meant by it lacks a certain amount of clarity.

12                   **SUPT. ROBERT BERNIER:** Yes.

13                   **MS. DONNAREE NYGARD:** And you can never know for  
14 sure, in fact, whether your use of an exclusion zone will hold  
15 up in court until after the fact?

16                   **SUPT. ROBERT BERNIER:** Correct.

17                   **MS. DONNAREE NYGARD:** Under the common-law.

18                   **SUPT. ROBERT BERNIER:** Correct.

19                   **MS. DONNAREE NYGARD:** And so you kept it in place  
20 until the 23<sup>rd</sup> when the *Emergencies Act* was revoked, but you  
21 weren't conducting active police operations after, I think you  
22 said the 20<sup>th</sup>? Is that correct? Or ---

23                   **SUPT. ROBERT BERNIER:** So there was a heavy  
24 police presence still. There was still a police operation  
25 going, but not necessarily that action on phase. So as of the  
26 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup>, into the 21<sup>st</sup>, it was more of a security  
27 posture that we held so the -- from that point until the lifting  
28 of the *Emergencies Act*, which we'd shrunk down to the area just

1 surrounding Parliament Hill. That's the area that was  
2 maintained.

3 **MS. DONNAREE NYGARD:** Okay. And so I'd like to  
4 move to the issue of tow trucks for a moment. You said in your  
5 earlier testimony that the OPP arranged for the heavy tow  
6 trucks; correct?

7 **SUPT. ROBERT BERNIER:** This is part of the  
8 integrated group. We -- one of the first things we did was  
9 ensure that, and through Insp. Dave Springer and Kirk Richardson  
10 from the OPP, who is -- has a wealth of knowledge in that world,  
11 we focused at least a team working on that. Because that was a  
12 shortfall. That was a challenge that we were facing all the way  
13 through. And it was a big challenge because it was a big job to  
14 do, and we were having different challenges with tow companies  
15 not wanting to be engaged on this. However, through Kirk  
16 Richardson's work, and from across the province, we had success  
17 quite quickly with that.

18 **MS. DONNAREE NYGARD:** And you mentioned that  
19 there were 34 tow trucks that were found and were available for  
20 your use; correct?

21 **SUPT. ROBERT BERNIER:** Correct.

22 **MS. DONNAREE NYGARD:** And you received that  
23 information from Mr. Richardson I assume?

24 **SUPT. ROBERT BERNIER:** Yes, and Dave Springer.

25 **MS. DONNAREE NYGARD:** And that was around  
26 February 12th and 13th; correct?

27 **SUPT. ROBERT BERNIER:** Around that time, yes.

28 **MS. DONNAREE NYGARD:** And I assume from your

1 testimony that you then weren't later informed that many of  
2 those fell through and that in fact Mr. Richardson was not able  
3 to obtain the services of any tow truck companies without the  
4 use of the *Emergencies Act*?

5 **SUPT. ROBERT BERNIER:** I was not informed of  
6 that.

7 **MS. DONNAREE NYGARD:** If we can bring up, please,  
8 PB.NSC.CAN00007378. And if we could just start on page 4,  
9 please.

10 So were you aware that the powers provided under  
11 the *Emergencies Act* regarding compelling tow trucks was  
12 delegated from the Commissioner of the RCMP to the Commissioner  
13 of the OPP?

14 **SUPT. ROBERT BERNIER:** I was not.

15 **MS. DONNAREE NYGARD:** Okay.

16 And then if we can go to page 5.

17 So I'll just -- you've obviously not seen this  
18 before, so I'm going to give you a chance to have a look at it.

19 **SUPT. ROBERT BERNIER:** Okay. I was not aware of  
20 that.

21 **MS. DONNAREE NYGARD:** You would agree with me,  
22 having seen this now, that in fact the *Emergencies Act* was used  
23 to compel tow trucks?

24 **SUPT. ROBERT BERNIER:** I don't know what the  
25 process. I understand that there was a process that needed to  
26 be actually utilised with -- I know that the tow trucks were  
27 working with our Legal Services and our Financial Services for  
28 contracts and that type of thing.

1                   **MS. DONNAREE NYGARD:** Yeah. But you weren't --  
2 you -- is it fair to say that after the 12th, the 13th you left  
3 the tow truck details to other people?

4                   **SUPT. ROBERT BERNIER:** Correct, but reporting  
5 back on the 13th that we had the... As I was told, and if this  
6 is inaccurate, I ended up seeing tow trucks arrive at the Leikin  
7 Station in the back parking lot with our OPS cresting and  
8 everything on. So I was not informed differently. And  
9 Inspector Springer, from the OPP, had not informed me about any  
10 of this, so I don't know if he was aware of what was going on.

11                   **MS. DONNAREE NYGARD:** But you just weren't  
12 informed of any of this.

13                   **SUPT. ROBERT BERNIER:** Correct.

14                   **MS. DONNAREE NYGARD:** But you don't ---

15                   **SUPT. ROBERT BERNIER:** This is new ---

16                   **MS. DONNAREE NYGARD:** --- agree that it occurred?

17                   **SUPT. ROBERT BERNIER:** This is new to me.

18                   **MS. DONNAREE NYGARD:** Yes. Fair enough. And  
19 just your comment on the OPS branding on the tow trucks, that  
20 was because of the drivers' concerns about anonymity; correct?

21                   **SUPT. ROBERT BERNIER:** That is correct.

22                   **MS. DONNAREE NYGARD:** And that's because they  
23 were concerned both about threats that they had received and  
24 their business reputation as well if they were seen to be  
25 cooperating in these actions; is that correct?

26                   **SUPT. ROBERT BERNIER:** Concern that that could  
27 happen, yes.

28                   **MS. DONNAREE NYGARD:** Okay. Those are all my

1 questions. Thank you very much.

2 **SUPT. ROBERT BERNIER:** Thank you.

3 **COMMISSIONER ROULEAU:** Okay. Well, I'm not sure  
4 I want to waste three minutes, but maybe... Well, I'll...

5 **MS. ANNE TARDIF:** Commissioner, we have -- I have  
6 20 minutes I believe. I'm wondering if... Anne Tardif, pardon  
7 me, for the record, for the City of Ottawa. You're looking at  
8 me because I think I'm next. I'm not sure it'll make much sense  
9 to do two minutes and then eighteen.

10 **COMMISSIONER ROULEAU:** Okay.

11 **MS. ANNE TARDIF:** But I'm in your hand as to  
12 whether you want me to start now or wait afterward.

13 **COMMISSIONER ROULEAU:** Okay, I'll be magnanimous  
14 today. We'll have an hour and three minutes for lunch, and come  
15 back at two o'clock.

16 **THE REGISTRAR:** The Commission is in recess for  
17 one hour. La Commission est levée pour une heure.

18 --- Upon recessing at 12:58 p.m.

19 --- Upon resuming at 2:01 p.m.

20 **THE REGISTRAR:** Order. À l'ordre.

21 The Commission is reconvened. La commission  
22 reprend.

23 **COMMISSIONER ROULEAU:** I'm just a Commissioner  
24 here, so there's no need to stand. I know it's bad habits, but  
25 we've got a different procedure.

26 Okay. Are we ready to continue?

27 I guess we're now on the City of Ottawa, I think,  
28 who didn't want to use my two minutes.

1 --- CROSS-EXAMINATION BY MS. ANNE TARDIF:

2 **MS. ANNE TARDIF:** Good afternoon, Superintendent.

3 My name's Anne Tardif, and I represent the City of Ottawa.

4 So I'd like to ask the clerk to pull up  
5 OPS00014932.

6 And these, Superintendent, I understand are your  
7 handwritten notes. Is that correct?

8 **SUPT. ROBERT BERNIER:** Yes.

9 **MS. ANNE TARDIF:** And the date there, February  
10 3rd?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MS. ANNE TARDIF:** I'm going to ask the clerk to  
13 please turn to the bottom of page 5 of this document. Right  
14 there.

15 Now, Superintendent, you'll have to help us if  
16 you need us to scroll up for context here, but the words or the  
17 passage I want to draw your attention to is, "Lost confidence of  
18 the community. Have to take it back."

19 Do you see that?

20 **SUPT. ROBERT BERNIER:** Yes.

21 **MS. ANNE TARDIF:** And is that an accurate  
22 assessment of the situation at that point in time, February 3rd?

23 **SUPT. ROBERT BERNIER:** That was the sentiment  
24 that I think within OPS that those were big concerns.

25 **MS. ANNE TARDIF:** Now, you told us that there was  
26 no operational plan with complete supporting plans in place  
27 between February 3rd and February 10th. Is that correct?

28 During that time period, the Service did not have

1 a complete operational plan with supporting plans. Is that  
2 correct?

3 **SUPT. ROBERT BERNIER:** That is correct.

4 **MS. ANNE TARDIF:** And up until February 10th, the  
5 date you took over -- I think you took over in the evening, to  
6 be fair -- as Event Commander, the Service lacked an overall  
7 plan to restore normalcy to Ottawa; correct?

8 **SUPT. ROBERT BERNIER:** At that point, correct.

9 **MS. ANNE TARDIF:** Up until that point; fair?

10 **SUPT. ROBERT BERNIER:** Yes.

11 **MS. ANNE TARDIF:** And I take it you're aware of  
12 the miscommunication concerning the arrests that were made after  
13 certain protestors removed fuel from the stadium at Coventry on  
14 February 6th. You're aware of that; correct?

15 **SUPT. ROBERT BERNIER:** I'm aware of that  
16 operation taking place.

17 **MS. ANNE TARDIF:** And you're aware that there was  
18 a miscommunication insofar as PLT was not advised of those  
19 arrests prior to them being made.

20 **SUPT. ROBERT BERNIER:** I'm aware of that now.

21 **MS. ANNE TARDIF:** Okay. So you're aware of that  
22 now. Fair enough.

23 And you knew, obviously, by the time you took  
24 over as Event Commander that PLT was demoralized and, to a  
25 certain extent, ready to leave. Is that fair?

26 **SUPT. ROBERT BERNIER:** That is correct.

27 **MS. ANNE TARDIF:** Okay. Now, can I ask --  
28 actually, sorry, not yet.

1                   We can take that down, Mr. Clerk.

2                   By February 7th -- and to help you out, that's a  
3 Monday, if that helps. I think of it in terms of weekdays.

4                   You knew that PLT was attempting to work with  
5 leaders of the Rideau-Sussex group -- protest leaders at the  
6 Rideau-Sussex interaction. You know what I mean by that; right?

7                   **SUPT. ROBERT BERNIER:** Yes.

8                   **MS. ANNE TARDIF:** To convince them to move to  
9 Wellington Street. Is that correct?

10                  **SUPT. ROBERT BERNIER:** In my role at that time, I  
11 was not involved with operations either at a tactical or  
12 operational level. On February 7th, I would have been in the  
13 Service Command Centre pretty much removed for -- from what  
14 daily operations were going on.

15                  But you mentioning that, I had heard of that.

16                  **MS. ANNE TARDIF:** Okay. And I actually that --  
17 I'm looking at my notes -- from your witness summary.

18                  So you knew whatever capacity you were in.

19                  **SUPT. ROBERT BERNIER:** Right.

20                  **MS. ANNE TARDIF:** I know you weren't Event  
21 Commander, but you knew that PLT was attempting to work with the  
22 group at Rideau-Sussex to remove vehicles from that  
23 intersection, right, up onto Wellington Street? You knew that.

24                  **SUPT. ROBERT BERNIER:** I was aware of that --  
25 that operation was in works.

26                  **MS. ANNE TARDIF:** Okay. And I take it the  
27 benefit of that would be twofold. One, that it would allow the  
28 Service and the city to open up that intersection again; right?



1                   **SUPT. ROBERT BERNIER:** It's a very important  
2 intersection. It was impacting the Rideau Centre being closed  
3 and a lot of businesses that were affected in that area. So I  
4 would have to agree that shrinking the footprint and allowing  
5 some of the area to be able to open, yes.

6                   **MS. ANNE TARDIF:** So two benefits there. One,  
7 shrinking the footprint, and two, the benefits that you've  
8 described to the community. Is that fair?

9                   **SUPT. ROBERT BERNIER:** Correct, yes.

10                  **MS. ANNE TARDIF:** Okay. Now, I'd like to ask the  
11 clerk to pull up, please, OPS00010549.

12                                 And as it's coming up -- there we go.

13                                 This is an email that was sent February 12th to  
14 you, correct, as Superintendent?

15                  **SUPT. ROBERT BERNIER:** That is correct.

16                  **MS. ANNE TARDIF:** And it was sent by Sergeant  
17 Ferguson, who I understand is a crisis negotiator, but who was  
18 leading the OPS PLT at this point in time. Is that fair?

19                  **SUPT. ROBERT BERNIER:** Yes.

20                  **MS. ANNE TARDIF:** And if we could scroll down so  
21 we can see the body. Yeah, that's perfect. Thank you, Mr.  
22 Clerk.

23                                 You'll see that Sergeant Ferguson is notifying  
24 you because by now, February 12th, you're Event Commander, of a  
25 possible future decision point.

26                                 Now, he says counsel -- and do you see how it's  
27 redacted there? The name's actually in the sentence, Wilson.

28                                 And the meta data associated with this document

1 indicates that it was, in fact, Keith Wilson that he was  
2 referring to.

3                   So it's counsel Keith Wilson, who is one of the  
4 lawyers representing one of the convoy groups, reached out to  
5 PLT members.

6                   "Wilson indicated that he was working  
7 with the convoy leadership in an effort  
8 to get buy-in from the truckers for a  
9 proposal to relocate the trucks from all  
10 residential streets in the downtown core  
11 and to consolidate them on Wellington  
12 Street and Elgin starting Monday."

13                   And Monday, of course, was February 14th; right?

14                   Sorry. It's a verbal transcript. We actually  
15 need a "yes" even though it's ---

16                   **SUPT. ROBERT BERNIER:** Yes.

17                   **MS. ANNE TARDIF:** He indicated that the balance  
18 of the trucks would potentially camp out of town and the drivers  
19 could be shuttle bused down to Wellington Street. Wilson said  
20 he would update PLT on progress later today and a potential  
21 meeting is scheduled to be determined."

22                   And then it goes on from there.

23                   Now, the Commission has heard evidence that Keith  
24 Wilson was actually involved on behalf of protestors in the  
25 negotiation with the Mayor's office. I don't know if you were  
26 aware of that at the time, but that's the evidence that's been  
27 heard by the Commission to date.

28                   Are you aware of that now?

1                   **SUPT. ROBERT BERNIER:** No. Well, until you just  
2 told me.

3                   **MS. ANNE TARDIF:** That's fair enough. And I'm  
4 just asking that.

5                   But this would appear to be -- and you can just  
6 correct me if I'm wrong, but the description of the potential  
7 deal is what you actually found out the city had negotiated on  
8 February 13th at some point in the day; correct?

9                   **SUPT. ROBERT BERNIER:** Correct.

10                  **MS. ANNE TARDIF:** And the substance of that deal  
11 was communicated to you as event commander on Saturday, February  
12 12<sup>th</sup>; correct?

13                  **SUPT. ROBERT BERNIER:** Through this email?

14                  **MS. ANNE TARDIF:** Through this email.

15                  **SUPT. ROBERT BERNIER:** Correct. I will have to  
16 say that the flow of emails were quite abundant, and I really  
17 did count on my Command Table around me to be feeding them. But  
18 on the 12<sup>th</sup>, to be fair, I was somewhat in that transition phase  
19 where I'm trying to get things set up. So there were some  
20 emails that were perhaps not fully digested, but I acknowledge  
21 that this did come to me.

22                  **MS. ANNE TARDIF:** Okay. And you won't get -- a  
23 number of the lawyers in this room will feel your pain about the  
24 number of emails that we've been receiving, so you've got lots  
25 of sympathy on that. But the only point I wanted to draw to  
26 your attention was that, at the very least, PLT was aware on  
27 February 12<sup>th</sup> that the substance of the negotiation was ongoing;  
28 is that fair?

1           **SUPT. ROBERT BERNIER:** Yes.

2           **MS. ANNE TARDIF:** Okay. Thank you.

3           If we could turn up now, please, OPS00011039?

4           Now according to the title of this document,  
5 Superintendent, these are the scribe notes for Chief Sloly. And  
6 if you scroll down to the bottom, very bottom, Mr. Clerk, just  
7 out of fairness to the witness -- it actually might be on the  
8 bottom of every page, do you see they're prepared by Vicki  
9 Nelson? And I think you told us earlier she's in the Legal  
10 Services Group at the service?

11           **SUPT. ROBERT BERNIER:** That's correct.

12           **MS. ANNE TARDIF:** Okay. So if I could ask you to  
13 go back up to the top, Mr. Clerk, I apologize for the  
14 gymnastics. These are Ms. Nelson's notes of February 13<sup>th</sup>, 2022;  
15 you see that, Superintendent?

16           **SUPT. ROBERT BERNIER:** Yes.

17           **MS. ANNE TARDIF:** And I'm going to turn it to --  
18 ask you to turn to page 6, Mr. Clerk, if you will. Okay. Right  
19 there.

20           So this is the meeting that occurred shortly  
21 after 1 p.m. on Sunday, February 13<sup>th</sup>. And you'll see there it  
22 says "negotiating update meeting"; right?

23           **SUPT. ROBERT BERNIER:** Yes.

24           **MS. ANNE TARDIF:** And now notwithstanding the  
25 February 12<sup>th</sup> email that I just took you to, you told us that the  
26 first time you were advised by the executive command that these  
27 negotiations were taking place with the mayor's office was on  
28 February 13<sup>th</sup>; correct?

1                   **SUPT. ROBERT BERNIER:** Correct.

2                   **MS. ANNE TARDIF:** And I believe it was during  
3 this meeting; is that correct?

4                   **SUPT. ROBERT BERNIER:** We would have to probably  
5 scroll down through to read to see if ---

6                   **MS. ANNE TARDIF:** Oh, of course.

7                   **SUPT. ROBERT BERNIER:** --- I -- because it  
8 doesn't show who's in attendance, so ---

9                   **MS. ANNE TARDIF:** Sorry, there you are ---

10                  **SUPT. ROBERT BERNIER:** Yeah.

11                  **MS. ANNE TARDIF:** --- where it says Bernier.

12                  **SUPT. ROBERT BERNIER:** Yes.

13                  **MS. ANNE TARDIF:** Okay. Perfect. If we could  
14 just come back up a little bit? That's perfect.

15                         Now I take it you weren't aware at the time that  
16 the Chief and at the time Deputy Chief Bell had information  
17 about ongoing negotiations the day before, on Saturday the 12<sup>th</sup>?

18                  **SUPT. ROBERT BERNIER:** No.

19                  **MS. ANNE TARDIF:** Okay. Now you'll see here  
20 there's a comment attributed to you, and can we scroll down just  
21 a little bit, Mr. Clerk? Thank you. And I think to put it in  
22 context, I would start with Trish, and that refers to Acting  
23 Deputy Chief Trish Ferguson; correct?

24                  **SUPT. ROBERT BERNIER:** That is correct.

25                  **MS. ANNE TARDIF:** And she says in relation to the  
26 negotiations,

27                                 "...this does not change the  
28                                 operations. We can make this work to

1                                   our advantage."  
2                   There's a next bullet,  
3                                   "Those remaining behind will be there  
4                                   of their own choice."  
5                   And then jumping down to you,  
6                                   "BERNIER - the plan aligns with what we  
7                                   planned and accelerates it. No  
8                                   concerns."  
9                   **SUPT. ROBERT BERNIER:** Correct.  
10                   **MS. ANNE TARDIF:** Do you see that?  
11                   **SUPT. ROBERT BERNIER:** Yes.  
12                   **MS. ANNE TARDIF:** And the Chief continues and  
13 says,  
14                                   "...there was an expression that there  
15                                   were no trust/confidence in PLT, they  
16                                   want a [senior] member to be involved  
17                                   in the next movement."  
18                   Do you see that?  
19                   **SUPT. ROBERT BERNIER:** Yes.  
20                   **MS. ANNE TARDIF:** And that turned out to be  
21 Superintendent Drummond; correct?  
22                   **SUPT. ROBERT BERNIER:** Correct.  
23                   **MS. ANNE TARDIF:** And then you say, and I think  
24 in fairness to you, Superintendent, you explained,  
25                                   "...victim of circumstance over the  
26                                   last 2 weeks. Meeting this am gave  
27                                   them a clear focus of where we are  
28                                   going."

1                   And do I understand your statement there to  
2 basically be saying, look, to the extent there's a lack of trust  
3 or confidence in PLT, it's unfair to put that on PLT. They're a  
4 victim of the circumstances over the last two weeks. Is that a  
5 fair interpretation of that remark?

6                   **SUPT. ROBERT BERNIER:** Yes.

7                   **MS. ANNE TARDIF:** Okay. Thank you.

8                   Now could we turn, Mr. Clerk, to OPS00010635?

9                   Okay. Now these are your scribe notes; is that  
10 right, Superintendent?

11                   **SUPT. ROBERT BERNIER:** That's correct.

12                   **MS. ANNE TARDIF:** For February 13<sup>th</sup>?

13                   **SUPT. ROBERT BERNIER:** Yes.

14                   **MS. ANNE TARDIF:** And can we just go to the  
15 bottom on the first page, Mr. Clerk? Okay. And stop right  
16 there.

17                   Now I just want to make sure I understand this.  
18 You explained earlier the process for scribing and that it's  
19 intended that the scribe notes are the Commander's notes; is  
20 that correct? Is that right?

21                   **SUPT. ROBERT BERNIER:** Could you say that again,  
22 please?

23                   **MS. ANNE TARDIF:** You explained yesterday that,  
24 you know, the intent in having a scribe is to take -- you  
25 maintain an accurate record of all decisions and communications  
26 while you're in command; correct?

27                   **SUPT. ROBERT BERNIER:** It's as if I was writing  
28 them.

1           **MS. ANNE TARDIF:** Yes.

2           **SUPT. ROBERT BERNIER:** They're my personal notes.

3           **MS. ANNE TARDIF:** Thank you. You got there much  
4 more quickly than I could. I appreciate that.

5                   Now at the end of every page, there's a sort of  
6 initials on the left-hand side, and a signature on the right-  
7 hand side; do you see that?

8           **SUPT. ROBERT BERNIER:** Yes.

9           **MS. ANNE TARDIF:** And is the signature on the  
10 right-hand side yours?

11           **SUPT. ROBERT BERNIER:** Yes.

12           **MS. ANNE TARDIF:** And I take it it's the scribe's  
13 initials on the left-hand side of the page?

14           **SUPT. ROBERT BERNIER:** Correct.

15           **MS. ANNE TARDIF:** And am I correct that this is  
16 on every page basically?

17           **SUPT. ROBERT BERNIER:** Yes.

18           **MS. ANNE TARDIF:** And when do those signatures --  
19 when do you sign it?

20           **SUPT. ROBERT BERNIER:** We're to review them and  
21 make sure all the information's accurate and the signatures.  
22 And we try and do it progressively during to stay on top of it,  
23 depending on the momentum of everything, but as soon as possible  
24 that you can after.

25           **MS. ANNE TARDIF:** Sure. And if you need to make  
26 an entry after the signature's been made, do you identify it as  
27 such, as a late entry, for example?

28           **SUPT. ROBERT BERNIER:** Yeah, you would have to do



1 a notation, or you do a supplemental.

2 **MS. ANNE TARDIF:** Okay. Thank you for that. If  
3 I could turn to page 12, Mr. Clerk? And I think we were here  
4 earlier. Now do you see -- we're still no February 13<sup>th</sup>. The  
5 time there 1328, Superintendent?

6 **SUPT. ROBERT BERNIER:** Yes.

7 **MS. ANNE TARDIF:** So this is during that, just to  
8 situate you, that same meeting that we were looking at, except  
9 previously we were looking at the Chief's scribe's notes and now  
10 we're looking at your scribe's notes; right? Correct?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MS. ANNE TARDIF:** Okay. So if we could scroll  
13 down a little bit, please? Still going. A little further down,  
14 please. Sorry. And you can scroll -- there is -- thank you.  
15 At 1331 is Acting Deputy Chief Ferguson's comment, "this is a  
16 good move in right direction. PLTs..."

17 Sorry, can you turn to page 13? Let me just make  
18 sure I'm in the right spot. Yes, okay, perfect. That was  
19 Acting Deputy Chief Ferguson's comments. And then your comment,  
20 EC at 1334; do you see that?

21 **SUPT. ROBERT BERNIER:** Yes.

22 **MS. ANNE TARDIF:** And you say, "I support what DC  
23 Ferguson..." There's a word missing. I assume it should be  
24 said.

25 "...going through plan now to approve  
26 this actually accelerates what we  
27 wanted to do in the next couple days -  
28 no concerns from my end..."

1                   And that's the comment that my friend Mr. Au took  
2 you to earlier today, and that's what reflects what you said in  
3 that meeting; correct?

4                   **SUPT. ROBERT BERNIER:** That's correct.

5                   **MS. ANNE TARDIF:** Now if we go to the bottom of  
6 this page -- stop right there, Mr. Clerk. Thank you. You'll  
7 see there's an addition here at the bottom of the page. And  
8 it's jammed in right at the bottom, seems to be a different pen.  
9 Handwriting looks slightly different. And you have to write  
10 around your signature. Or I shouldn't say you, I don't know who  
11 wrote it, but do you see what I'm saying?

12                   **SUPT. ROBERT BERNIER:** Yes.

13                   **MS. ANNE TARDIF:** It goes all the way around.  
14 Whose handwriting is that?

15                   **SUPT. ROBERT BERNIER:** That is my -- still my  
16 scribe, the same scribe.

17                   **MS. ANNE TARDIF:** And can you explain why it  
18 appears to be a different pen and appears to be writing around  
19 the signature and it's crammed right at the bottom of this page?

20                   **SUPT. ROBERT BERNIER:** Yeah, so upon review of  
21 when we were reviewing it, I'm initially it and realizing, so I  
22 get to that page, I go to the next, it doesn't have the part  
23 that I'm looking for with regards to that comment. So it has to  
24 be placed in there at the time. Pen-wise, scribes will have  
25 different pens, but ---

26                   **MS. ANNE TARDIF:** Okay.

27                   **SUPT. ROBERT BERNIER:** --- that's -- I can't  
28 explain why it's a darker colour.

1           **MS. ANNE TARDIF:** Okay. So you'll agree with me  
2 that it appears this comment was made after this page was  
3 signed; right? The way that it's kind of coming around your  
4 signature on the right-hand side; do you accept that, sir?

5           **SUPT. ROBERT BERNIER:** After I signed?

6           **MS. ANNE TARDIF:** Well, after that signature.  
7 Oh, thank you, Mr. Clerk. He's got his cursor  
8 right there.

9           See how you're writing around the signature?

10          **SUPT. ROBERT BERNIER:** To initial it?

11          **MS. ANNE TARDIF:** Well, that's your signature  
12 there.

13          **SUPT. ROBERT BERNIER:** That's correct.

14          **MS. ANNE TARDIF:** Right? So this is what I have  
15 -- the question I'm asking you is, looking at this, the  
16 impression I'm left with is that the signature was placed, and  
17 then afterwards this comment was added.

18          **SUPT. ROBERT BERNIER:** I'm not saying that that's  
19 the case. What's happened here is probably the comment is  
20 missing. I need to have that comment put in, and then I'm  
21 initialling it.

22          **MS. ANNE TARDIF:** Okay. And this would happen  
23 you've said at the time -- if I accept your evidence or if I'm  
24 understanding you correctly, you're saying this would happen  
25 whenever it is that you're reviewing this note?

26          **SUPT. ROBERT BERNIER:** That's correct.

27          **MS. ANNE TARDIF:** So it's not at the time the  
28 comment is made, but at some point later.

1                   **SUPT. ROBERT BERNIER:** Correct.

2                   **MS. ANNE TARDIF:** And there is no timestamp next  
3 to when this comment would have been made. Do you see that?

4                   **SUPT. ROBERT BERNIER:** It would've been at that  
5 time.

6                   **MS. ANNE TARDIF:** At which time, sir?

7                   **SUPT. ROBERT BERNIER:** The same time, at the 1338  
8 time period.

9                   **MS. ANNE TARDIF:** Okay.

10                  **SUPT. ROBERT BERNIER:** That -- my notation that I  
11 wanted to have captured was not there, so I asked my scribe to  
12 please put that notation in.

13                  **MS. ANNE TARDIF:** Okay. And you believe you  
14 would've done that at the end of that day or possibly the  
15 following, given how ---

16                  **SUPT. ROBERT BERNIER:** It ---

17                  **MS. ANNE TARDIF:** --- busy you were at the time?

18                  **SUPT. ROBERT BERNIER:** Absolutely.

19                  **MS. ANNE TARDIF:** Right. And this comment here  
20 does not appear in the Chief's scribe's notes. So will you  
21 accept that this was not a comment made in the meeting with the  
22 Chief and the deputy chiefs?

23                  **SUPT. ROBERT BERNIER:** It's my comment. It's my  
24 notation. It's not a verbal comment, it's a note that I'm  
25 making and an action that I would've taken. Keeping in mind,  
26 I'm not in the same room with them. We're having a Teams  
27 meeting I believe with that particular situation.

28                  **MS. ANNE TARDIF:** Okay. So you wrote:

1 "Concerned that this is a ruse to get  
2 more trucks onto Wellington and no one  
3 leaves - Police can't have a..."

4 **SUPT. ROBERT BERNIER:** "Role".

5 **MS. ANNE TARDIF:**

6 "...role in movement of trucks..."

7 Can you read that last bit there?

8 **SUPT. ROBERT BERNIER:** I can pull up my -- I'd  
9 have -- I can refer to my -- what day is this on?

10 **MS. ANNE TARDIF:** This is the 13th.

11 And Mr. Clerk, can you just scroll down a bit,  
12 and go to the left, like go that way, and scroll back up?  
13 Sometimes there is page numbers, but there aren't on this one.

14 So it's the 13th, and it's the time... And  
15 page 13 of 38. I'm looking at the bottom there.

16 **SUPT. ROBERT BERNIER:**

17 "Police can only be present for  
18 safety."

19 **MS. ANNE TARDIF:** Okay. So obviously here,  
20 you're identifying a concern that you had articulated to  
21 yourself that this might be a ruse and that police should not be  
22 involved?

23 **SUPT. ROBERT BERNIER:** No, this is actually  
24 witnessed and can be confirmed by the -- my whole Command Table  
25 who was present, including Inspector Dave Springer.

26 **MS. ANNE TARDIF:** Well, sorry,  
27 Inspector Springer, okay, is not being called to testify, and we  
28 don't have his evidence in this proceeding. So unfortunately,

1 I'm not able to do that.

2 But what I meant -- okay. So you said that this  
3 is not something that happened in the meeting with the Chief.  
4 That's what I was getting at.

5 **SUPT. ROBERT BERNIER:** Correct.

6 **MS. ANNE TARDIF:** So this happened at a separate  
7 meeting; is that right?

8 **SUPT. ROBERT BERNIER:** No, this is at that same  
9 time, but it's a notation that we're having a conversation  
10 between Dave Springer and myself.

11 **MS. ANNE TARDIF:** I see, okay. So at the same  
12 time that the comment is only shared to Dave Springer, who is an  
13 OPP POU Commander; correct?

14 **SUPT. ROBERT BERNIER:** Yes, but he is now the  
15 Deputy Event Commander in the position that he's in.

16 **MS. ANNE TARDIF:** Okay, perfect. I just wanted  
17 to make sure I had the right person in mind.

18 So you did not, and this is really the point I  
19 was trying to get at, I apologise if we got a bit offside, you  
20 did not share this concern with the Chief or the deputy chiefs  
21 at the time.

22 **SUPT. ROBERT BERNIER:** At the time, it was --  
23 would not have been particularly at that time. I believe I did  
24 have conversations with Deputy Ferguson at some point of saying,  
25 "this is the risk with this."

26 **MS. ANNE TARDIF:** Okay. Just help me understand,  
27 though, because in the meeting you said "I support this", and  
28 then within a half hour, in a sidebar with Commander Springer,

1 you say you're concerned that it's a ruse.

2 **SUPT. ROBERT BERNIER:** Right, so it's a risk. So

3 ---

4 **MS. ANNE TARDIF:** Right.

5 **SUPT. ROBERT BERNIER:** --- I support it ---

6 **MS. ANNE TARDIF:** You support it, notwithstanding  
7 this comment?

8 **SUPT. ROBERT BERNIER:** --- and if it happens  
9 that's very good. There is always the chance, though, that  
10 that's not going to happen.

11 **MS. ANNE TARDIF:** Fair enough. And in fact, I  
12 think, and I'm coming to this, that the PLT's negotiations with  
13 Rideau and Sussex to move the trucks ended up, for example, not  
14 yielding any movement of trucks out of that intersection;  
15 correct?

16 **SUPT. ROBERT BERNIER:** I think there are probably  
17 multiple factors that potentially led to that, but yes, that did  
18 not happen.

19 **MS. ANNE TARDIF:** It did not happen. Okay.  
20 Could we go to page 21 of this document, please?  
21 Timestamp 1556. Perfect.

22 This is a conversation between you and Chief  
23 Superintendent Pardy.

24 I know -- if I could just have a few minutes  
25 indulgence, Commissioner, my apologies.

26 I just want to take you -- you're explaining to  
27 Chief Superintendent Pardy that you want increased PLT and  
28 negotiation on this date, correct, on February 13th?

1                   **SUPT. ROBERT BERNIER:** Yes.

2                   **MS. ANNE TARDIF:** Just in the interest of time,  
3 just give me one second so I can figure out where -- all right,  
4 what I can reasonably take you to.

5                   Let me put it this way, is it fair to say that  
6 your primary concern about the Mayor's negotiation was that the  
7 plan, the negotiation and the Operational Plan required to  
8 support it, were developed outside of your purview as Event  
9 Commander?

10                   **SUPT. ROBERT BERNIER:** Yes, because I believe  
11 there needs to be a good coordination piece from my standpoint  
12 with regards to logistics of ensuring that it can effectively  
13 happen. Yes.

14                   **MS. ANNE TARDIF:** Right. And -- so that there  
15 were issues internally with communications to the Service; is  
16 that fair? At this point in time, respecting this?

17                   **SUPT. ROBERT BERNIER:** Right. And of having full  
18 appreciation of everything that is going on, and the transition  
19 that I'm just coming into this new role trying to get things set  
20 up, there were some challenges, yes.

21                   **MS. ANNE TARDIF:** Okay. Thank you very much.  
22 Thank you, Commissioner.

23                   **COMMISSIONER ROULEAU:** Okay, thank you. Those  
24 two minutes could have been used.

25                   So the Ottawa Coalition.

26                   **MR. PAUL CHAMP:** Thank you very much,  
27 Commissioner.

28                   **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**



1                   **MR. PAUL CHAMP:** Superintendent Bernier, my name  
2 is Paul Champ. I'm lawyer for the Ottawa Coalition of Residents  
3 and Businesses, and I just have some questions for you further  
4 to your testimony.

5                   Just a couple of small things, Superintendent.  
6 You were talking about the capacity of the Ottawa Police Service  
7 to monitor social media and gather intelligence in real-time so  
8 to speak.

9                   **SUPT. ROBERT BERNIER:** So from social media, we  
10 may be talking about gathering information at that point. But  
11 yes, I just wanted to clarify that it doesn't necessarily mean  
12 it's intelligence through social media.

13                   **MR. PAUL CHAMP:** Intelligence is a broad term.  
14 You're gathering information?

15                   **SUPT. ROBERT BERNIER:** Yes.

16                   **MR. PAUL CHAMP:** And that's done through  
17 generally the OPS Command Centre at Greenbank, that's where you  
18 guys did that?

19                   **SUPT. ROBERT BERNIER:** At the time, that was one  
20 of our only options to be able to gather that information is  
21 through the Command Centre. They had some capabilities to do  
22 that. We have evolved since then.

23                   **MR. PAUL CHAMP:** But at that time you had like a  
24 number of screens on the wall and people were, what, monitoring  
25 social media?

26                   **SUPT. ROBERT BERNIER:** No, I'm talking about how  
27 we look at social media within the Ottawa Police.

28                   **MR. PAUL CHAMP:** So how do you do it now? How do

1 you monitor live what's happening? If there is something on  
2 Twitter or some other social media channel that could have  
3 important information to the Ottawa Police to respond to events  
4 or monitor events, how do you do that?

5 **SUPT. ROBERT BERNIER:** Post convoy, we've stood  
6 up a team of investigators who are assigned to that open source  
7 tasking.

8 **MR. PAUL CHAMP:** So at the time of the Freedom  
9 Convoy, the practice of the Ottawa Police was maybe not up to  
10 the event; is that fair to say?

11 **SUPT. ROBERT BERNIER:** Yes, sir.

12 **MR. PAUL CHAMP:** Now, I want to ask you just a  
13 couple of questions about how the people of Downtown Ottawa were  
14 feeling. You, I think, had suggested that the public sentiment  
15 throughout much of the convoy demonstration was that the Ottawa  
16 Police Service was not doing enough to address community  
17 concerns. Would you agree with that, that was what it seemed to  
18 be the public feeling?

19 **SUPT. ROBERT BERNIER:** I would say that's fair.

20 **MR. PAUL CHAMP:** And you would've understand  
21 [sic], I gather, Superintendent, that residents and businesses  
22 were feeling a great deal of frustration during that convoy  
23 demonstration?

24 **SUPT. ROBERT BERNIER:** Yes.

25 **MR. PAUL CHAMP:** And those frustrations were  
26 completely understandable?

27 **SUPT. ROBERT BERNIER:** Yes.

28 **MR. PAUL CHAMP:** Now, around the enforcement

1 messaging, the Ottawa Police for a period of time was putting  
2 out messaging like, oh, you know, this many tickets this day,  
3 this many tickets. You disagreed, it's my understanding, with  
4 that enforcement messaging because you felt it was  
5 counterproductive because it really -- the enforcement wasn't  
6 having an effect on the convoy demonstrations. Is that right?

7 **SUPT. ROBERT BERNIER:** That's correct.

8 **MR. PAUL CHAMP:** So what kind of messaging to the  
9 community would've been appropriate in the circumstances during  
10 that period? Like, I don't know, "hold on tight, we'll see what  
11 we can do", or what would have been the proper messaging to the  
12 public who were experiencing those daily stresses and horns and  
13 trucks and threats and harassment? What was the proper  
14 messaging from the Ottawa Police to the community, sir?

15 **SUPT. ROBERT BERNIER:** So my comments with  
16 regards to that surrounds the approach that I was taking when I  
17 came in at that time that because we're going to be  
18 transitioning away from that type of messaging and being very  
19 clear on it's time for you to leave and focusing the messaging  
20 around that this is over.

21 And obviously, that, combined with our PLT  
22 approach, that is -- because it aligned with the plan that I was  
23 bringing to place.

24 Unfortunately, prior, there was no plan to end  
25 it. So that would potentially lead to some frustrations within  
26 the community.

27 **MR. PAUL CHAMP:** Sure.

28 I've got a few questions for you, but I'll just

1 maybe ask the hearing clerk to get a video ready for me. I'll  
2 ask a question about it, about three or four questions, if you  
3 could just pull it up and have it ready.

4 It's HRF000274.

5 So during the final operation, the final plan  
6 that was finally started being executed on February 16th-17th  
7 through to the 20th, Superintendent, it started out with  
8 messaging. That was the first phase, of messaging to the  
9 protectors that it's time to leave.

10 **SUPT. ROBERT BERNIER:** Messaging and PLT  
11 outreach.

12 **MR. PAUL CHAMP:** Right. There was a notice to  
13 demonstrators that you started circulating. Is that right?

14 **SUPT. ROBERT BERNIER:** That is correct.

15 **MR. PAUL CHAMP:** Advising them that they're going  
16 to be arrested at some point in the near future if they didn't  
17 depart?

18 **SUPT. ROBERT BERNIER:** Yes. That was potentially  
19 an option.

20 **MR. PAUL CHAMP:** There was also language in that  
21 notice to demonstrators about, I think the wording is this, the  
22 federal *Emergencies Act* allows for the regulation or prohibition  
23 of travel to, from or within any specific areas. This means  
24 that anyone coming to Ottawa for the purpose of joining the  
25 ongoing demonstration is breaking the law.

26 So I gather that the purpose of that messaging  
27 was also to advise others -- that was, I think, the Wednesday,  
28 if I recall, or the Thursday -- don't come into Ottawa this

1 weekend, party's over?

2 **SUPT. ROBERT BERNIER:** Correct.

3 **MR. PAUL CHAMP:** And that if people did come in,  
4 they very likely would be arrested.

5 **SUPT. ROBERT BERNIER:** Yes.

6 **MR. PAUL CHAMP:** Now, as you moved closer to that  
7 final week into the Saturday when the major enforcement action  
8 began, was the Ottawa Police sort of monitoring social media to  
9 follow what the protestors were doing or how they were  
10 responding to the Ottawa Police messaging that -- the notices  
11 and so forth that they should be leaving the city?

12 **SUPT. ROBERT BERNIER:** We unfortunately, at that  
13 time, didn't have a maturity level of that capability of open  
14 source monitoring, and that's hence the reason why I said that  
15 we have made some adjustments since.

16 **MR. PAUL CHAMP:** Right. So you weren't -- the  
17 Ottawa Police at the time didn't have the capacity to do live  
18 monitoring of social media in an effective way that could assist  
19 operations.

20 **SUPT. ROBERT BERNIER:** We were probably doing it  
21 in a very relatively immature level. It was not a great  
22 capacity to do that.

23 **MR. PAUL CHAMP:** Fair enough.

24 We heard evidence the first day of the hearing,  
25 Superintendent Bernie, from Ms. Nathalie Carrier, who's the  
26 Executive Director of the Vanier VIA saying that she had been  
27 following social media and saw that the truckers were getting  
28 together to go down and do a drive-by of the Ottawa Airport, and

1 so she contacted her Ottawa Police contact, saying "Do you guys  
2 know this is going on?". They're like, "Where are you hearing  
3 that?".

4 She's like, "Well, I'm looking on social media".  
5 So at that time, that was, unfortunately, the  
6 level of capacity at that time?

7 **SUPT. ROBERT BERNIER:** Yes. Mind you, the  
8 information, whether it came from the citizen or another avenue,  
9 did get to us. I was aware of that.

10 **MR. PAUL CHAMP:** Okay.

11 **SUPT. ROBERT BERNIER:** We were able to -- excuse  
12 me.

13 **MR. PAUL CHAMP:** No worries.

14 So then getting -- going to the end of the  
15 protest, again, the last weekend, the days coming up to the last  
16 weekend, the Ottawa Police is doing the messaging clearly  
17 through the PLTs, the notice to demonstrators it's time to leave  
18 or else there will be enforcement action.

19 Was the Ottawa Police contending with or  
20 observing that there was a lot of counter-messaging, I guess we  
21 can say, online by the protestors or those associated with the  
22 protest saying, "Don't leave. Hold the line"?

23 **SUPT. ROBERT BERNIER:** Through our media section,  
24 they were able to capture some sentiment, some -- because I did  
25 have a media person with me every day every -- the whole time  
26 that I was there. And every so often, I would be asking, "What  
27 is the sentiment? What are you seeing out there?".

28 So what that citizen would have been able to

1 monitor, they would have been -- I would ask that our media  
2 person do the same thing to the best of their ability. There  
3 was a -- she had a lot of other taskings at the same time.

4 **MR. PAUL CHAMP:** Right. And I gather,  
5 Superintendent, that any messages that protestors or anyone else  
6 saying to protectors or others to come into downtown to confront  
7 the police, that would have been enormously unhelpful to the  
8 Ottawa Police and their policing partners.

9 **SUPT. ROBERT BERNIER:** Yes.

10 **MR. PAUL CHAMP:** I was wondering if we could put  
11 up HRF000274.

12 So this is a TikTok video that was put out late  
13 February 16th after the notice to demonstrators. There was a  
14 message sent out on social media to the demonstrators by Mr.  
15 Barber, who's one of the individuals I believe we'll be hearing  
16 from and his counsel, Mr. Wilson.

17 If we could just play that.

18 **(AUDIO/VIDEO PLAYBACK)**

19 **MR. PAUL CHAMP:** So Superintendent Bernier,  
20 messages like that that -- telling people to come downtown to  
21 confront the police, stand with the protestors, to make it  
22 harder for the police to do their jobs, I gather that kind of  
23 messaging was making it much more difficult for the police to do  
24 their job.

25 **SUPT. ROBERT BERNIER:** I don't know what impact  
26 this had. I don't think there was necessarily a surge of influx  
27 of people in lead-up to our -- the 18th. But our investigative  
28 teams would be reviewing all this stuff now and doing a thorough

1 investigation to find out if there are any follow-up action that  
2 could be taken on such.

3 But at the time, it may have been nice to be able  
4 to track that information. We may have. I can't say one way or  
5 another.

6 **MR. PAUL CHAMP:** All right. Thank you very much,  
7 Superintendent Bernier.

8 **COMMISSIONER ROULEAU:** Thank you.

9 Next I'll call on the Ontario Provincial Police.

10 Next I'll call on the JCCF and Democracy Fund  
11 Group.

12 **MR. ROB KITTREDGE:** Sorry about this. I'm a  
13 little taken by surprise by a second or two here.

14 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

15 **MR. ROB KITTREDGE:** All right. Good afternoon,  
16 Supt. Bernier. I'm Rob Kittredge, counsel for the Justice  
17 Centre for Constitutional Freedoms.

18 Police have common-law powers to exclude the  
19 public from an area in which a police operation is underway; is  
20 that correct?

21 **SUPT. ROBERT BERNIER:** Yes.

22 **MR. ROB KITTREDGE:** And those powers could have  
23 been used in the clearing of the protests in Ottawa, couldn't  
24 they?

25 **SUPT. ROBERT BERNIER:** Yes.

26 **MR. ROB KITTREDGE:** In fact, you planned on using  
27 those powers to clear the protests and the Federal Emergency  
28 Declaration did not significantly impact your planning; is that



1 right?

2                   **SUPT. ROBERT BERNIER:** I wouldn't exactly say  
3 that. Very hard to know what it would have been like without  
4 it.

5                   **MR. ROB KITTREDGE:** Right, your interview summary  
6 does say that but I'll leave it -- I'll leave that answer as is.  
7 You would have carried out the planned police operation whether  
8 the government declared a public order emergency or not, though;  
9 is that right?

10                   **SUPT. ROBERT BERNIER:** Correct. The planning and  
11 the concept of operation was already in place and I didn't have  
12 any knowledge that the *Emergencies Act* was going to be put in  
13 place.

14                   **MR. ROB KITTREDGE:** Counsel for Canada, earlier  
15 on today, put it to you that, and I'm paraphrasing a bit, "You  
16 never know whether you use of a common-law exclusion zone will  
17 hold up in court if it's challenged after the fact?" Do you  
18 remember that question?

19                   **SUPT. ROBERT BERNIER:** Yes.

20                   **MR. ROB KITTREDGE:** If police proceeded as  
21 planned and relied on common-law exclusion zone powers to clear  
22 the protest, the fact that those powers might have been  
23 challenged after the fact wouldn't change the fact that the  
24 protests had already been cleared, would it?

25                   **SUPT. ROBERT BERNIER:** That is correct.

26                   **MR. ROB KITTREDGE:** All right. So would you  
27 agree that the federal emergency power to create exclusion zones  
28 may have been helpful to police but it was not necessary?

1                   **SUPT. ROBERT BERNIER:** Well, once again, I think  
2 it was beneficial.

3                   **MR. ROB KITTREDGE:** Beneficial but not necessary?

4                   **SUPT. ROBERT BERNIER:** Correct.

5                   **MR. ROB KITTREDGE:** Thank you. Counsel for  
6 Canada showed you a letter dated February 17<sup>th</sup>, 2022, earlier on  
7 today, which appeared to be a letter from OPP Commissioner  
8 Carrique to tow-truck drivers. You had never seen that letter  
9 before it was shown to you today; is that right?

10                  **SUPT. ROBERT BERNIER:** Correct.

11                  **MR. ROB KITTREDGE:** You have no direct knowledge  
12 of whether that letter was ever even sent to tow-truck drivers,  
13 do you?

14                  **SUPT. ROBERT BERNIER:** Correct.

15                  **MR. ROB KITTREDGE:** And until you were shown the  
16 letter today, you didn't believe that the police had used the  
17 powers granted under the *Emergencies Act* to compel towing  
18 services; isn't that right?

19                  **SUPT. ROBERT BERNIER:** Correct, myself and my  
20 whole command table.

21                  **MR. ROB KITTREDGE:** Right. Your planning to  
22 clear the protests didn't rely on the emergency power to compel  
23 tow-truck services; correct?

24                  **SUPT. ROBERT BERNIER:** That was my belief at the  
25 time.

26                  **MR. ROB KITTREDGE:** All right. And in fact, tow  
27 trucks were already on their way to Ottawa as of February 13<sup>th</sup>,  
28 weren't they?

1                   **SUPT. ROBERT BERNIER:** That was the information  
2 that was provided through Insp. Springer from Kirk Richardson.

3                   **MR. ROB KITTREDGE:** Right. You briefly  
4 mentioned, when speaking to counsel for Canada, that you  
5 personally saw tow trucks arriving in Canada. When did those  
6 two trucks arrive?

7                   **SUPT. ROBERT BERNIER:** Definitely well before the  
8 17<sup>th</sup>, before the -- our final day before going to action, they  
9 were arriving.

10                   **MR. ROB KITTREDGE:** Right. So by the time that  
11 February 17<sup>th</sup> letter was sent, if it ever was sent, the tow  
12 trucks were already in Ottawa, weren't they?

13                   **SUPT. ROBERT BERNIER:** That would be my  
14 observation because I would look out and I'd see the trucks out  
15 there.

16                   **MR. ROB KITTREDGE:** Right. So would you agree  
17 that the federal emergency power to compel towing services may  
18 have been helpful to police, and maybe beneficial to police, but  
19 it wasn't necessary to enable police to clear the protests, was  
20 it?

21                   **SUPT. ROBERT BERNIER:** Yes, however, with a  
22 caveat that we were having challenges. We were having a hard  
23 time up until that time on the 13<sup>th</sup>. So prior to the 13<sup>th</sup>, I  
24 would have said we could have used some help with that but, as  
25 things materialized on the 13<sup>th</sup>, I was satisfied that we were  
26 good.

27                   **MR. ROB KITTREDGE:** And you were -- by, you "were  
28 satisfied that we were good", you were satisfied that the

1 federal emergency power to compel tow trucks wasn't necessary?

2 **SUPT. ROBERT BERNIER:** Correct.

3 **MR. ROB KITTREDGE:** Thank you. Interim Chief  
4 Bell testified pretty emphatically, and I quote:

5 "In the absence of the invocation of  
6 the *Emergencies Act*, the OPS, the OPP,  
7 the RCMP, as part of a unified command,  
8 were going to clear the protests."

9 Would you agree with that statement?

10 **SUPT. ROBERT BERNIER:** Could you repeat that  
11 question again, please.

12 **MR. ROB KITTREDGE:** Sure.

13 "In the absence of the invocation of  
14 the *Emergencies Act*, the OPS, the OPP,  
15 the RCMP, as part of a unified command,  
16 were going to clear the protests."

17 Do you agree with that statement?

18 **SUPT. ROBERT BERNIER:** Yes.

19 **MR. ROB KITTREDGE:** Numerous other OPP and OPS  
20 witnesses have testified that the federal emergency powers may  
21 have been helpful to police in various ways but they were not  
22 necessary; would you agree with that?

23 **SUPT. ROBERT BERNIER:** Yes.

24 **MR. ROB KITTREDGE:** Thank you very much. Those  
25 are my questions.

26 **COMMISSIONER ROULEAU:** Thank you.

27 Next, I'll call on the CCLA.

28 **MS. EWA KRAJEWSKA:** Yes, good afternoon,

1 Commissioner.

2 COMMISSIONER ROULEAU: Good afternoon.

3 MS. EWA KRAJEWSKA:

4 I'm not sure if you can see me. My name is Ewa Kajewska and I'm  
5 counsel for the Canadian Civil Liberties Association.

6 COMMISSIONER ROULEAU: Yes, we can see you. Go  
7 ahead.

8 MS. EWA KRAJEWSKA: Perfect, thank you.

9 --- CROSS-EXAMINATION BY MS. EWA KRAJEWSKA:

10 MS. EWA KRAJEWSKA: Superintendent, when you took  
11 as -- you took over as event commander on February 10<sup>th</sup>; that's  
12 what I understand from your evidence today?

13 SUPT. ROBERT BERNIER: Yes.

14 MS. EWA KRAJEWSKA: And your task was to prepare  
15 an operational plan?

16 SUPT. ROBERT BERNIER: Yes.

17 MS. EWA KRAJEWSKA: And at that time, between  
18 February 10<sup>th</sup> and February 13<sup>th</sup> when you were preparing the  
19 operational plan, was it your assessment that the OPS had the  
20 necessary legal tools and powers to execute that operational  
21 plan?

22 SUPT. ROBERT BERNIER: Yes.

23 MS. EWA KRAJEWSKA: And it was not your  
24 assessment that you required any additional legal tools or any  
25 additional legal powers?

26 SUPT. ROBERT BERNIER: I would say they were  
27 beneficial; but to say "necessary", I would say no.

28 MS. EWA KRAJEWSKA: And at no time prior to

1 February 14<sup>th</sup> did you communicate to any of your superiors that  
2 you required additional legal tools or legal powers?

3 **SUPT. ROBERT BERNIER:** That is correct.

4 **MS. EWA KRAJEWSKA:** Okay. Thank you. Those are  
5 all my questions.

6 **COMMISSIONER ROULEAU:** Thank you.

7 Now I'd like to call on the National Police  
8 Federation.

9 **MS. LAUREN PEARCE:** Thank you, Mr. Commissioner.  
10 We have no questions for this witness.

11 **COMMISSIONER ROULEAU:** Okay.

12 Next, the Province of Saskatchewan?

13 **MR. MITCH McADAM:** Good afternoon, Commissioner.  
14 My name is Mitch McAdam and I'm one of the lawyers for the  
15 Government of Saskatchewan. The areas that we were going to  
16 cover -- question this witness about have already been covered  
17 by others, so we have no questions.

18 **COMMISSIONER ROULEAU:** Thank you.

19 The Province of Alberta?

20 **MS. STEPHANIE BOWES:** Good afternoon,  
21 Commissioner. Good afternoon, Supt. Bernier. My name is  
22 Stephanie Bowes, for the Province of Alberta. One of the  
23 consequences of being later on the list is that all my questions  
24 have been asked and answered. Thank you.

25 **COMMISSIONER ROULEAU:** Okay.

26 The Ottawa Police Service, please.

27 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

28 **MS. JESSICA BARROW:** Good afternoon,

1 Superintendent.

2 **SUPT. ROBERT BERNIER:** Good afternoon.

3 **MS. JESSICA BARROW:** For the record, my name is  
4 Jessica Barrow and I am counsel for the Ottawa Police Service.  
5 We heard evidence yesterday from you,  
6 Superintendent, about your extensive background in incident  
7 command; does that background involve planning for large-scale  
8 events?

9 **SUPT. ROBERT BERNIER:** As part of the command  
10 training, yes.

11 **MS. JESSICA BARROW:** Okay. And we've heard  
12 testimony from both, I believe, and others that gathering  
13 intelligence is an important part of that planning process; do I  
14 have that correct?

15 **SUPT. ROBERT BERNIER:** Yes.

16 **MS. JESSICA BARROW:** Is there more than one  
17 source of intelligence that would be relevant to the planning  
18 process?

19 **SUPT. ROBERT BERNIER:** Yes.

20 **MS. JESSICA BARROW:** Could you tell us a little  
21 bit about what those sources might be?

22 **SUPT. ROBERT BERNIER:** So once again, there's a  
23 difference between information and intelligence. A lot of  
24 information can be gathered from multiple sources, from human  
25 sources, open-source social media, other police techniques of  
26 gaining information, and it's the processing and analyzing of  
27 that information that will turn it into intelligence. And once  
28 again, intelligence can be gathered from multiple agencies and

1 then all brought together to provide, hopefully, the most  
2 wholesome picture of what you're going to be faced with, with  
3 risks and challenges and threats, that could help you in your  
4 planning appropriately.

5 **MS. JESSICA BARROW:** Great. We've also heard  
6 considerable evidence about the use of PLTs as well. What is  
7 your understanding with respect to their role in assisting  
8 planners leading up to an event.

9 **SUPT. ROBERT BERNIER:** So PLT is especially often  
10 used proactively early -- as early as possible to connect with  
11 groups that would be involved, organizers, to open the dialogue  
12 and share information from our side to ensure that they're well  
13 informed as to what is lawful, what's not lawful, and as well as  
14 hopefully garnish some information to facilitate those lawful  
15 event, a protest, or demonstration that they would like to hold.

16 And it stands true to demonstrations as well as  
17 events, because not every event downtown Ottawa or in Ottawa is  
18 a protest or a demonstration. There's a very big benefit to  
19 engaging PLT to develop that relationship.

20 **MS. JESSICA BARROW:** Okay. I want to take you  
21 through a couple of the concerns that you've identified, both in  
22 your witness statement as well as during your testimony,  
23 specifically as it relates to the planning process leading up to  
24 the convoy's arrival.

25 I believe you indicated -- and obviously, correct  
26 me if I'm incorrect -- that you developed those concerns about  
27 the scope of the event after reading the January 27th Hendon  
28 Report, attending the January 27th Hendon call, as well as the



1 internal OPS meeting that occurred on that date as well; is that  
2 right?

3 **SUPT. ROBERT BERNIER:** That's correct.

4 **MS. JESSICA BARROW:** Prior to the convoy's  
5 arrival, did you read any of the other Hendon Reports?

6 **SUPT. ROBERT BERNIER:** Prior to the convoy  
7 arrival, not on the weekend, and upon the return back to work, I  
8 would be having a look at them when they came in.

9 **MS. JESSICA BARROW:** As of the date of the 27th  
10 when you expressed the concerns that we noted earlier in your  
11 testimony, had you read any other Hendon Reports besides the one  
12 on the 27th?

13 **SUPT. ROBERT BERNIER:** No, it's the first one  
14 that I'd received, and once again, it was something new. I did  
15 not know that this existed, so ---

16 **MS. JESSICA BARROW:** Right. And had you attended  
17 any previous Hendon calls prior to the 27th?

18 **SUPT. ROBERT BERNIER:** No.

19 **MS. JESSICA BARROW:** Did you have any involvement  
20 in discussions with PLT at that time?

21 **SUPT. ROBERT BERNIER:** No, not in my role.

22 **MS. JESSICA BARROW:** What is your understanding  
23 about the level of information Inspector Lucas would have had at  
24 that time as compared to the level of information you had at  
25 that time in relation to the convoy's arrival?

26 **SUPT. ROBERT BERNIER:** I would imagine it would  
27 be relatively the same because on the call that I -- you  
28 referenced on the 27th of the afternoon, the whole intelligence

1 team was on that call with Inspector Lucas and Staff Sgt.  
2 Kennedy. So my sentiment was or my feeling was that they more  
3 than likely are sharing all that information.

4 **MS. JESSICA BARROW:** Were you privy to the  
5 information that they were discussing, specifically?

6 **SUPT. ROBERT BERNIER:** No.

7 **MS. JESSICA BARROW:** Okay. You indicated in your  
8 witness statement that there appeared to be a disconnect between  
9 the intelligence and the planning, and that the intelligence may  
10 have been impacted by the fact that intelligence is not usually  
11 involved in gathering intelligence on protests; is that right?

12 **SUPT. ROBERT BERNIER:** From my involvement and my  
13 experience within the Ottawa Police, our intelligence unit is --  
14 has been more focused on that higher-level terrorist threat,  
15 national security level of threat assessment versus a risk  
16 assessment.

17 So it's -- I would believe that -- I would say  
18 the Hendon Report is an amalgamation of open source, a lot more  
19 information, as well as intelligence, a mix of the two. So  
20 that's why it was somewhat a kind of a different perspective  
21 than what I'd been used to seeing in previous events at Ottawa.

22 **MS. JESSICA BARROW:** Right. Do you have any  
23 direct knowledge about whether that was, in fact, impacting the  
24 intelligence department's ability to connect the dots?

25 **SUPT. ROBERT BERNIER:** I don't know.

26 **MS. JESSICA BARROW:** Okay. In relation to your  
27 examination with former Chief Sloly's counsel, there was an  
28 issue as it relates to whether former Chief Sloly was issuing

1 operational directions during your time as Event Commander. Do  
2 you remember that discussion?

3 **SUPT. ROBERT BERNIER:** Yes.

4 **MS. JESSICA BARROW:** And I think the suggestion  
5 that was put to you was that you were free to voice any concerns  
6 you had around those operational directions to Chief Sloyly and  
7 that he would be receptive to that. Is that a fair assessment  
8 of that exchange?

9 **SUPT. ROBERT BERNIER:** Yes.

10 **MS. JESSICA BARROW:** I just want to bring you to  
11 OPS10443. I just want to -- just to situate you, it looks at  
12 the top like there's a list of attendees, and it appears that  
13 your name is on it. Is that correct?

14 **SUPT. ROBERT BERNIER:** Yes.

15 **MS. JESSICA BARROW:** And I know it doesn't have a  
16 date on it, so perhaps if we just scroll down a little bit and  
17 we look -- yeah, that's great -- where you're under at NCRCC  
18 now, there's a statement, an update from you. Does that situate  
19 you in terms of around what timeframe this would have been?

20 **SUPT. ROBERT BERNIER:** So I'm going to think this  
21 is around the 12th, 13th.

22 **MS. JESSICA BARROW:** So were you the Event  
23 Commander then at the time of this meeting?

24 **SUPT. ROBERT BERNIER:** Based on what I'm reading  
25 here, the fact that I'm in progress of setting up a command  
26 table, I would be the Event Commander.

27 **MS. JESSICA BARROW:** Okay. Can we scroll please  
28 down to the bottom of page 2? That's perfect, thank you.

1                   And just if we start under the first redaction,  
2 there's a question being posed by John Steinbachs about closing  
3 bridges.

4                   And then under it, you see Lucas is saying, "Not  
5 going to close it right now."

6                   Do you remember this conversation?

7                   **SUPT. ROBERT BERNIER:** Yes.

8                   **MS. JESSICA BARROW:** And do you remember what  
9 Lucas' plan was in relation to the closures that we're seeing  
10 being discussed here?

11                   **SUPT. ROBERT BERNIER:** So what it had to do is  
12 coming up with mitigation strategies because of the lawfulness  
13 of at the time of closing down a bridge. The -- we had a plan  
14 that we were working with our traffic section to reduce the flow  
15 in and control and divert away from the downtown core.

16                   **MS. JESSICA BARROW:** And if you look under that,  
17 we see a comment -- there's one by Bell and then under that, we  
18 have Sloly. It says, "Bridge closed, wants it done. Close  
19 everything, not debating."

20                   Do you recall that comment being made during that  
21 meeting?

22                   **SUPT. ROBERT BERNIER:** Yes.

23                   **MS. JESSICA BARROW:** And what did you take that  
24 comment to mean?

25                   **SUPT. ROBERT BERNIER:** That he wanted the bridge  
26 closed.

27                   **MS. JESSICA BARROW:** Irrespective of Lucas' plan?  
28 Okay.

1                   **SUPT. ROBERT BERNIER:** Correct.

2                   **MS. JESSICA BARROW:** I want to move on. Thank  
3 you, Mr. Clerk, we can take that down.

4                   We heard in your earlier examination about the  
5 steps that you took to set up an integrated command table. I  
6 wonder if you could just explain to us a little bit about how  
7 you selected each of the experts, I think you called them, at  
8 that table, in terms of the qualifications that you were looking  
9 for to select that person?

10                  **SUPT. ROBERT BERNIER:** So the different elements,  
11 did you want me to go through the different elements?

12                  **MS. JESSICA BARROW:** Perhaps you could just give  
13 us a general idea of how you decided who to put in those seats?

14                  **SUPT. ROBERT BERNIER:** Okay. So I know our --  
15 the people who are in our service and within the different  
16 sections. And when I'm talking about the intelligence, when I'm  
17 looking at investigations, when I'm looking at public order,  
18 when I'm looking at media, I know people in the organization  
19 that are very effective and good in their job and have the  
20 ability, in a -- either in a position or through their own  
21 personal abilities to carry out what I'm going to be expecting  
22 from them.

23                  Some of it may require rank and some of them --  
24 some others require just the KSAs and the abilities to do it.

25                  **MS. JESSICA BARROW:** Perhaps you could just  
26 explain what KSAs are, just so ---

27                  **SUPT. ROBERT BERNIER:** Knowledge, skills, and  
28 abilities.

1                   **MS. JESSICA BARROW:** Great, thank you.

2                   Were all of the officers you selected from OPS?

3                   **SUPT. ROBERT BERNIER:** No.

4                   **MS. JESSICA BARROW:** So why did you select  
5 officers from other services as well, if at this time, there was  
6 no unified command?

7                   **SUPT. ROBERT BERNIER:** I was trying to get the  
8 best to be around, and at the end of the day, a police officer  
9 is a police officer, and we were doing an integrated model. So  
10 as far as I was concerned and the direction that I had -- or  
11 sorry, what I had requested in approval from Deputy Chief  
12 Ferguson was get who you need, hence, the reason the choice for  
13 the Deputy Commander that I had. I looked at the province for  
14 looking for who I'm going to need to have next to me.

15                   **MS. JESSICA BARROW:** What was your view at that  
16 time. once the integrated command table was set up, as to the  
17 quality of the integration between the various services that  
18 were present?

19                   **SUPT. ROBERT BERNIER:** From the point that I had  
20 come in ---

21                   **MS. JESSICA BARROW:** Yes.

22                   **SUPT. ROBERT BERNIER:** --- as Event Commander?

23                   It was obviously an adjustment period, but it was  
24 a very cohesive group and very well -- high-functioning group.

25                   **MS. JESSICA BARROW:** Okay. Those are my  
26 questions. Thanks very much, Superintendent.

27                   **SUPT. ROBERT BERNIER:** Thank you.

28                   **COMMISSIONER ROULEAU:** Okay. Any re-examination?

1           **MR. FRANK AU:** I have a few, if I may.

2           **COMMISSIONER ROULEAU:** Okay. Go ahead.

3    **--- RE-EXAMINATION BY MR. FRANK AU:**

4           **MR. FRANK AU:** Superintendent, my friend, counsel  
5 from the -- acting for Canada asked you about the availability  
6 of tow trucks after you made the initial arrangement on or  
7 around the 13<sup>th</sup> of February. There's a document I want to show  
8 you and ask if you can tell us what it is. It's OPS00014453.

9           Could we go to page 59? So could you take a look  
10 at this document, and if we go -- first of all, if we go down to  
11 the bottom of the page? Do you see three signatures?

12           **SUPT. ROBERT BERNIER:** That is correct.

13           **MR. FRANK AU:** Do you recognize these signatures?

14           **SUPT. ROBERT BERNIER:** Yes.

15           **MR. FRANK AU:** So if we go back to the top of the  
16 page? What is this document?

17           **SUPT. ROBERT BERNIER:** It's the Concept of  
18 Operation of the Tow Action Escort and Security and  
19 Identification of Vehicles.

20           **MR. FRANK AU:** Is this one of the towing sub-plan  
21 to the main plan on the 17<sup>th</sup>?

22           **SUPT. ROBERT BERNIER:** Yes.

23           **MR. FRANK AU:** Now if we go to page 65, please?  
24 So this appears to list some equipments. Can you tell us about  
25 this?

26           **SUPT. ROBERT BERNIER:** Yes. Listed towing  
27 resource equipment,

28                                   "12 heavy wreckers

1 Ability to remove highway tractors  
2 2 tilt & load  
3 Ability to remove farm tractors,  
4 utility trailers, equipment & materials  
5 2 highway tractors (bobtails)"

6 **MR. FRANK AU:** Can we go further down?

7 **SUPT. ROBERT BERNIER:** "Equipment  
8 "Prep truck"  
9 Contains equipment necessary for tow &  
10 recovery  
11 3 Frontend loaders  
12 [this] Will assist with the movement  
13 and positioning of trucks for tow  
14 Ability to assist with loader equipment  
15 & materials"

16 **MR. FRANK AU:** What is ---

17 **SUPT. ROBERT BERNIER:** And ---

18 **MR. FRANK AU:** Sorry, go ahead.

19 **SUPT. ROBERT BERNIER:** No, sorry.

20 **MR. FRANK AU:** What is your understanding of the  
21 availability of these equipments listed for the action starting  
22 on the 18<sup>th</sup>?

23 **SUPT. ROBERT BERNIER:** Ready to go.

24 **MR. FRANK AU:** Now did you understand those  
25 vehicles were drawn from the 34 vehicles that you told us about  
26 earlier?

27 **SUPT. ROBERT BERNIER:** That was my understanding.  
28 This was all prepared with Kirk Richardson and our Ottawa Police



1 Traffic.

2 **MR. FRANK AU:** All right. Now in cross-  
3 examination by counsel for the former Chief, Mr. Curry asked you  
4 why, aside from your verbal conversations with Inspector Lucas  
5 and Superintendent Drummond that you did not take further steps  
6 to escalate your concerns about the bizarre disconnect.

7 Remember being asked those questions?

8 **SUPT. ROBERT BERNIER:** Is this having to do with  
9 the tow trucks?

10 **MR. FRANK AU:** No, no, sorry. I'm moving onto a  
11 different topic.

12 **SUPT. ROBERT BERNIER:** Okay. Then ---

13 **MR. FRANK AU:** So let me ---

14 **SUPT. ROBERT BERNIER:** --- rephrase the question  
15 then, please?

16 **MR. FRANK AU:** So I'm now asking you about  
17 questions put to you by counsel for the former Chief. Mr. Curry  
18 asked you why, apart from your conversations with Inspector  
19 Lucas and Superintendent Drummond, you did not take further  
20 steps to escalate your concerns about the bizarre disconnect  
21 between the intelligence and planning. You recall being asked  
22 those questions?

23 **SUPT. ROBERT BERNIER:** Yes.

24 **MR. FRANK AU:** And you said ---

25 **SUPT. ROBERT BERNIER:** And -- sorry, go ahead.

26 **MR. FRANK AU:** --- and you said that you didn't  
27 have complete access to intelligence, and you defer to those who  
28 did have access and were assigned to respond.

1                   **SUPT. ROBERT BERNIER:** Correct.

2                   **MR. FRANK AU:** You also said that Deputies  
3 Ferguson and Bell were accountable to the former Chief. Now is  
4 that what you said?

5                   **SUPT. ROBERT BERNIER:** Is this when I was  
6 testifying with counsel from former Chief Sloly?

7                   **MR. FRANK AU:** That's right. So ---

8                   **SUPT. ROBERT BERNIER:** Yes.

9                   **MR. FRANK AU:** --- so I want to ask you, in the  
10 context of responding to a major event, why did you think it was  
11 appropriate for officers who were not assigned specific duties  
12 to defer to those who were assigned?

13                   **SUPT. ROBERT BERNIER:** I'm not quite sure I  
14 understand what your question is. Could you ---

15                   **MR. FRANK AU:** Okay. Let me try again. I  
16 understand your response to Mr. Curry's question to be that you  
17 defer to those who were assigned specific duties to respond, to  
18 those who had access to complete intelligence.

19                   **SUPT. ROBERT BERNIER:** Those are the sections  
20 that are responsible for doing those duties within the Ottawa  
21 Police. That did not fall within my purview at the time. So I  
22 believe in previous testimony I may have spoken to this that we  
23 have sections within the Ottawa Police that have the  
24 responsibility for these events, and I deferred to those  
25 sections, trusting that they have all the information,  
26 intelligence, and all the right people are in those sections for  
27 that.

28                   **MR. FRANK AU:** Thank you. Those are my

1 questions.

2                   **COMMISSIONER ROULEAU:** Okay. Thank you. I just  
3 have a couple of short questions that -- some of it is just  
4 clarification. In response to questions of the Ottawa Police  
5 Service, you talked about the intelligence teams being more  
6 concerned about certain kinds of threats than other kinds of  
7 threats. I just want to make sure I've got that correct?

8                   **SUPT. ROBERT BERNIER:** It would probably be best  
9 articulated by an Intelligence officer from the section, but  
10 traditionally, our Intelligence Unit is at the higher level of  
11 matters that they would be looking into, national security,  
12 organized crime, you know, threats of that nature, in the lines  
13 with ITAC and that type of thing.

14                   **COMMISSIONER ROULEAU:** And that -- your  
15 observation was with the reviewing the Hendon report, you saw  
16 that it was broader and covered areas of -- and I don't know if  
17 I got my note right, more public order problems? Is that what  
18 you were saying?

19                   **SUPT. ROBERT BERNIER:** No, so I think what I was  
20 referring to is that it seemed to be a combination of open  
21 source, and I think maybe if I can qualify your previous  
22 question as well, is traditionally, our Intelligence Unit was  
23 not necessarily very much into the open source world; whereas,  
24 now, we've learned a lot, and we are moving more into that to  
25 ensure that we have that aspect. I found that the Hendon report  
26 was a more -- a broader source of information intelligence.

27                   **COMMISSIONER ROULEAU:** Okay. And then another  
28 question I had, and this was in answer, I think, to the JCCF,

1 and you were talking about -- you were asked about whether a  
2 common law powers was in -- in respect to the common law powers  
3 being less well defined, and even if you -- a court found after  
4 the fact that you exceeded your powers, you still would have  
5 dealt with the occupation. Do you remember that answer?

6 **SUPT. ROBERT BERNIER:** Yes, I do.

7 **COMMISSIONER ROULEAU:** And I guess what's your  
8 concern about having exceeded your powers? Is that a concern to  
9 you if the courts after the fact find you've exceeded your  
10 powers? What does that mean to you?

11 **SUPT. ROBERT BERNIER:** So what I would be saying  
12 is that based on all the information and the situation at hand,  
13 that we would be operating in good faith and I would not have  
14 done it if it exceeded our powers. If we were doing it, it's  
15 because I felt that we were well within our powers to do it. I  
16 guess the conversation with regards to courts is that after the  
17 fact, it may come under scrutiny to determine if it was lawful  
18 to do based on all the circumstances. I would have a very big  
19 responsibility, and I would need to be accountable for  
20 articulating all the reasons why, so it could withstand review  
21 in court afterwards.

22 **COMMISSIONER ROULEAU:** And I take it you wouldn't  
23 have been happy if you had -- a court found you had exceeded  
24 your powers?

25 **SUPT. ROBERT BERNIER:** It would defeat the  
26 purpose and bring us to disrepute, yes.

27 **COMMISSIONER ROULEAU:** One of the things again at  
28 the beginning of your testimony, and this goes back to your

1 position you held or the function you held before you were the  
2 Incident Commander. The -- you talked about processing or  
3 cataloguing the plans.

4 **SUPT. ROBERT BERNIER:** Yes.

5 **COMMISSIONER ROULEAU:** Did you -- and I think you  
6 answered this, but did you ever find a plan or an element of a  
7 plan that would encompass the possibility of protestors  
8 overstaying the weekend?

9 **SUPT. ROBERT BERNIER:** No, I did not.

10 **COMMISSIONER ROULEAU:** And we heard testimony  
11 earlier from another witness about whether was an opportunity  
12 after the weekend to, I believe it was, reduce the footprint  
13 that was missed.

14 Do you have any knowledge or comment about that  
15 or do you agree or disagree?

16 **SUPT. ROBERT BERNIER:** I'm not quite sure what  
17 they're referring to. If it's the week -- the week following  
18 the actual weekend event, initial weekend event, I'm not ---

19 **COMMISSIONER ROULEAU:** And it was a ---

20 **SUPT. ROBERT BERNIER:** --- I'm not familiar with  
21 the window that would have ---

22 **COMMISSIONER ROULEAU:** I think it referred to  
23 ability to reduce the footprint if they had acted then. You  
24 don't have any knowledge of that?

25 **SUPT. ROBERT BERNIER:** I do not.

26 **COMMISSIONER ROULEAU:** Okay. Thank you very  
27 much. Very helpful.

28 So that completes your evidence.

1                   **SUPT. ROBERT BERNIER:** Thank you, Your Honour.

2                   **COMMISSIONER ROULEAU:** You're free to go. Thank  
3 you.

4                   So we're now ready to proceed with the next  
5 witness, and I think probably we should get started and have the  
6 break later on.

7                   And who's going to be leading this witness from  
8 Commission counsel?

9                   Five minutes to get the witness settled? Okay.

10                  Five minutes. We'll rise and come back in five  
11 minutes.

12                  **THE REGISTRAR:** The Commission is in recess for  
13 five minutes. La commission lever pour cinq minutes.

14 --- Upon recessing at 3:11 p.m.

15 --- Upon resuming at 3:17 p.m.

16                  **THE REGISTRAR:** Order. À l'ordre.

17                  The Commission is reconvened. La commission  
18 reprend.

19                  **MS. NATALIA RODRIGUEZ:** The Commissioner would  
20 like to call Superintendent Robert Drummond.

21 --- SUPT. ROBERT DRUMMOND, Affirmed:

22                  **COMMISSIONER ROULEAU:** Welcome.

23                  **SUPT. ROBERT DRUMMOND:** Good afternoon, Mr.  
24 Commissioner.

25                  **COMMISSIONER ROULEAU:** Go ahead.

26 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

27                  **MS. NATALIA RODRIGUEZ:** Good afternoon,  
28 Superintendent Drummond. How are you?

1                   **SUPT. ROBERT DRUMMOND:** How are you, Ms.  
2 Rodriguez?

3                   **MS. NATALIA RODRIGUEZ:** Good. Nice to see you  
4 again.

5                   **SUPT. ROBERT DRUMMOND:** To see you, too.

6                   **MS. NATALIA RODRIGUEZ:** You had several  
7 interviews with Commission counsel in September and October. Do  
8 you recall that?

9                   **SUPT. ROBERT DRUMMOND:** Yes, I do.

10                  **MS. NATALIA RODRIGUEZ:** And we generated a  
11 witness summary from those interviews. And you've had a chance  
12 to review that summary; correct?

13                  **SUPT. ROBERT DRUMMOND:** I did.

14                  **MS. NATALIA RODRIGUEZ:** And do you have any  
15 corrections to make to your summary at this time?

16                  **SUPT. ROBERT DRUMMOND:** No.

17                  **MS. NATALIA RODRIGUEZ:** And if we can just pull  
18 it up, it's WTS00000050.

19                                 And can you confirm that is your witness summary?

20                  **SUPT. ROBERT DRUMMOND:** Yes.

21                  **MS. NATALIA RODRIGUEZ:** So we will have that  
22 entered into evidence. Thank you.

23                                 And I understand you're, in fact, Acting  
24 Superintendent. Is that correct?

25                  **SUPT. ROBERT DRUMMOND:** Correct, yes.

26                  **MS. NATALIA RODRIGUEZ:** Now, for simplicity, is  
27 it okay if I just refer to you as Superintendent Drummond?

28                  **SUPT. ROBERT DRUMMOND:** Yes, that's fine.

1                   **MS. NATALIA RODRIGUEZ:** Thank you.

2                   And my understanding is that the rank of  
3 Superintendent is one below Deputy Chief. Is that right?

4                   **SUPT. ROBERT DRUMMOND:** Correct.

5                   **MS. NATALIA RODRIGUEZ:** And how many  
6 Superintendents are in the OPS, approximately?

7                   **SUPT. ROBERT DRUMMOND:** Eight.

8                   **MS. NATALIA RODRIGUEZ:** Eight of them. Okay,  
9 thanks.

10                   And I understand you assumed a formal role in the  
11 response to the convoy on February 7 when Superintendent  
12 Patterson asked you to be the PLT and POU representative within  
13 the Incident Command System.

14                   **SUPT. ROBERT DRUMMOND:** That's correct.

15                   **MS. NATALIA RODRIGUEZ:** Can you explain what that  
16 role entails, the one that you took on that day?

17                   **SUPT. ROBERT DRUMMOND:** It was to oversee the two  
18 units and oversee their operations and whatever logistical  
19 requirements they had as well. And I had the lead for both  
20 sections reporting in to me, Michel Marin from the POU unit and  
21 John Ferguson from PLT.

22                   **MS. NATALIA RODRIGUEZ:** And is it fair to say  
23 that the role also entailed ensuring coordination between those  
24 two groups?

25                   **SUPT. ROBERT DRUMMOND:** Correct. And to also  
26 coordinate with the Event Commander, Mark Patterson.

27                   **MS. NATALIA RODRIGUEZ:** Okay.

28                   **SUPT. ROBERT DRUMMOND:** Superintendent Mark



1 Patterson.

2 **MS. NATALIA RODRIGUEZ:** Right. So you reported  
3 to Superintendent Mark Patterson. Is that right?

4 **SUPT. ROBERT DRUMMOND:** Correct.

5 **MS. NATALIA RODRIGUEZ:** Now, I want to start  
6 first with February 8, which is the day that Mr. Kanellakos,  
7 City Manager of the City of Ottawa, met with some protestor --  
8 with, actually, Mr. Marazzo at City Hall. And you're aware of  
9 that meeting; correct?

10 **SUPT. ROBERT DRUMMOND:** Yes.

11 **MS. NATALIA RODRIGUEZ:** Okay. So I want to start  
12 there.

13 We'll start at OPS00008527. And this is an email  
14 thread, and if I can go to page 2 of this document.

15 So you see there on February 7th at 8:48 p.m. --  
16 there we are.

17 And it's an email from Superintendent Patterson  
18 to Acting Deputy Chief Bell -- sorry, Deputy Chief Bell and  
19 saying, "PLT members continued their conversation with", and  
20 that's redacted, but I understand that's Tom Marazzo.

21 **SUPT. ROBERT DRUMMOND:** Correct.

22 **MS. NATALIA RODRIGUEZ:**

23 "...this evening. He has requested a  
24 meeting with an elected official or city  
25 manager level member. He has indicated  
26 that if we coordinate a meeting around  
27 noon tomorrow that he could facilitate  
28 the removal of trucks unknown number.

1                   These conversations will continue  
2                   tomorrow morning. May I ask, given your  
3                   relationship with City officials that  
4                   you provide a name that would be willing  
5                   to participate in this discussion?

6                   I know this is a vague ask, but this is  
7                   what Rob was provided.

8                   Rob, hope I captured this properly."

9                   Now, you'll see you're cc'd in that. So when  
10                  Superintendent Drummond [sic] says Rob he's referring to you;  
11                  right?

12                  **SUPT. ROBERT DRUMMOND:** Yeah.

13                  Superintendent Patterson.

14                  **MS. NATALIA RODRIGUEZ:** Sorry, Patterson. That's  
15                  right. And he says...

16                  And if we go up a little bit. And -- right.

17                  So then Deputy Chief Bell responds:

18                                 "I will contact the City first thing  
19                                 this morning to see if they will sit  
20                                 down with the group."

21                  So you were provided this information --  
22                  according to that first email that we saw, you were the one who  
23                  was provided with this information, right, that ---

24                  **SUPT. ROBERT DRUMMOND:** Yes.

25                  **MS. NATALIA RODRIGUEZ:** --- Mr. Marazzo wanted to  
26                  meet with a City official?

27                  **SUPT. ROBERT DRUMMOND:** Yes, from John Ferguson,  
28                  from Staff Sergeant John Ferguson.

1           **MS. NATALIA RODRIGUEZ:** Okay. And so this was a  
2 sort of, you know, if he's able to meet with a City official  
3 then he will attempt to negotiate movement of trucks out of the  
4 Rideau and Sussex area. Is that essentially what it was?

5           **SUPT. ROBERT DRUMMOND:** Yeah. I don't know if it  
6 was necessarily defined at that point as Rideau and Sussex, but  
7 he -- the request was to meet with a City official in exchange  
8 to try to help move some trucks out of the area.

9           **MS. NATALIA RODRIGUEZ:** Okay. And in the witness  
10 summary that we just looked at, you provided a bit more  
11 background, and you said that moving these trucks was being  
12 considered because there was space available on Wellington.

13           **SUPT. ROBERT DRUMMOND:** Yes.

14           **MS. NATALIA RODRIGUEZ:** Is that right?

15           **SUPT. ROBERT DRUMMOND:** Yes.

16           **MS. NATALIA RODRIGUEZ:** Okay. And why did you  
17 understand the protesters at Rideau and Sussex wanting to move  
18 to the Wellington area?

19           **SUPT. ROBERT DRUMMOND:** They wanted to be closer  
20 to Parliament Hill, and it also, from our perspective, would've  
21 helped shrink the footprint and open up that road.

22           **MS. NATALIA RODRIGUEZ:** And why was that  
23 important to open up that road?

24           **SUPT. ROBERT DRUMMOND:** It's a main artery in the  
25 City of Ottawa at Rideau and Sussex. It's the main access, it's  
26 a bus route, it's a emergency access for emergency vehicles,  
27 it's access to the Rideau Centre. It was a main area that we  
28 wanted to try get opened up. But equally, there were lots of

1 other areas that we wanted to get opened up as well. Our goal  
2 was to try to help them move, and by reducing the footprint that  
3 would also help us.

4 **MS. NATALIA RODRIGUEZ:** And is it fair to say  
5 that this move would've been seen as helpful to OPS?

6 **SUPT. ROBERT DRUMMOND:** Yes. I mean, ultimately,  
7 we wanted people to leave and to vacate those roads period, but  
8 in the meantime, as part of a negotiation strategy to try to  
9 reduce the footprint, yes we were interested in moving them.

10 **MS. NATALIA RODRIGUEZ:** Okay.

11 And if we can go to the first page. Up more,  
12 please. Keep going up to the very top. Oh, I see:

13 "Do we know what they want to talk  
14 about Mark?"

15 Okay. Yeah, so there is another email in which  
16 you say that this was the ask and you're going to see if he can  
17 get a private meeting.

18 **SUPT. ROBERT DRUMMOND:** Yes.

19 **MS. NATALIA RODRIGUEZ:** So this was seen as being  
20 helpful to the PLT group that wanted to ---

21 **SUPT. ROBERT DRUMMOND:** Yes.

22 **MS. NATALIA RODRIGUEZ:** --- essentially clear ---

23 **SUPT. ROBERT DRUMMOND:** Yeah.

24 **MS. NATALIA RODRIGUEZ:** --- that area; right?

25 **SUPT. ROBERT DRUMMOND:** Yeah, it was also a  
26 negotiating strategy and a good faith move to negotiate with  
27 them.

28 **MS. NATALIA RODRIGUEZ:** And Mr. Kanellakos

1 testified last week that when PLT attended City Hall for this  
2 meeting, which did eventually take place, that he was told by  
3 the PLT officers who were there with Mr. Marazzo that  
4 communications had broken down with protest leaders and that  
5 they weren't communicating anymore with the PLTs. And he said  
6 that this was a significant issue in their ability to continue  
7 to try to negotiate on the grounds in terms of the things that  
8 they needed to, and that they had asked to meet with someone  
9 from the City as a show of good faith.

10 Were you aware that communications between PLT  
11 and protest groups had broken down at this point in time?

12 **SUPT. ROBERT DRUMMOND:** No, we were continuously  
13 communicating. They might have been referring to the group  
14 specifically at Rideau and Sussex, there were challenges with  
15 that group, but the PLT group still went daily to talk to them.

16 **MS. NATALIA RODRIGUEZ:** Okay.

17 **SUPT. ROBERT DRUMMOND:** And we talked to all,  
18 like we talked to as many groups as we possibly could during  
19 that time period.

20 **MS. NATALIA RODRIGUEZ:** Okay. But this was still  
21 seen as something positive for PLT ---

22 **SUPT. ROBERT DRUMMOND:** Yes.

23 **MS. NATALIA RODRIGUEZ:** --- to kind of build  
24 trust with the ---

25 **SUPT. ROBERT DRUMMOND:** Yes.

26 **MS. NATALIA RODRIGUEZ:** --- protesters? Okay,  
27 and I want to take you to Staff Sergeant John Ferguson's notes.  
28 And you were saying he was the head of the PLT at the time, and

1 he reported into you; is that right?

2 **SUPT. ROBERT DRUMMOND:** Correct.

3 **MS. NATALIA RODRIGUEZ:** Okay. So if I can take  
4 you to OPS00014568. And if I can take you to page 36.

5 So these are his notes of the discussions.

6 And actually, we can go up to 35 so we can see a  
7 little bit of the context.

8 So he says at 1929:

9 "Contact Supt. Drummond - Advises him  
10 of the request to meet.

11 Time sensitive.

12 He asked what City official meant."

13 And then if we see at 1933, "Contact  
14 Supt. Drummond."

15 If we go down a little bit more:

16 "I clarified the request with Sgt. Le -  
17 Marazzo wanted the City Manager or an  
18 elected official."

19 So that's the context in which now the notation  
20 at 2044 happens. At 2044 it says, "Contacted by Dr. Collins".  
21 And who did you understand Dr. Collins to be?

22 **SUPT. ROBERT DRUMMOND:** He's a doctor with the --  
23 works in the OPP Behavioural Science Unit.

24 **MS. NATALIA RODRIGUEZ:** So he's with the OPP?

25 **SUPT. ROBERT DRUMMOND:** Yes.

26 **MS. NATALIA RODRIGUEZ:** Okay. And what was ---

27 **SUPT. ROBERT DRUMMOND:** I believe he has a  
28 private practice as well, but he works for -- he does work with

1 the OPP.

2 **MS. NATALIA RODRIGUEZ:** Okay, so he works with  
3 the OPP.

4 **SUPT. ROBERT DRUMMOND:** M'hm.

5 **MS. NATALIA RODRIGUEZ:** Okay. And it says:  
6 "Update provided - Discussions about  
7 City official strategy.  
8 Agreement that this was win-win. Also  
9 face-saving."

10 Do you know -- do you recall Staff  
11 Sergeant Ferguson conveying to you that he the saw the City's  
12 involvement as a win-win?

13 **SUPT. ROBERT DRUMMOND:** I think was a win in the  
14 sense that we were acting in good faith to move forward with  
15 negotiations. So if we -- like if we didn't assist them with  
16 negotiations it wasn't a win for either side. Like PLT is used  
17 to try and bring both sides together to come to a solution, and  
18 that's what we were working on there. I don't know the  
19 specifics, I didn't speak to Dr. Collins at that point myself.

20 **MS. NATALIA RODRIGUEZ:** Right.

21 **SUPT. ROBERT DRUMMOND:** I did run into  
22 Dr. Collins during the protest, but not specifically about this.

23 **MS. NATALIA RODRIGUEZ:** Right, but you were in  
24 contact with ---

25 **SUPT. ROBERT DRUMMOND:** Yes.

26 **MS. NATALIA RODRIGUEZ:** --- Staff  
27 Sergeant Ferguson; right?

28 **SUPT. ROBERT DRUMMOND:** Yeah.

1                   **MS. NATALIA RODRIGUEZ:** And so he is saying that  
2 there is agreement that this was win-win between him and  
3 Dr. Collins.

4                   **SUPT. ROBERT DRUMMOND:** Yes.

5                   **MS. NATALIA RODRIGUEZ:** So did he share those  
6 views with you as well?

7                   **SUPT. ROBERT DRUMMOND:** I don't recall Staff  
8 Sergeant Ferguson telling me at that point about Dr. Collins.  
9 He may have, I just don't recall.

10                   **MS. NATALIA RODRIGUEZ:** And did he ever convey to  
11 you that he saw the City's involvement as face-saving for the  
12 OPS?

13                   **SUPT. ROBERT DRUMMOND:** I think it was a positive  
14 thing, yes. It was a positive thing to move forward with the  
15 negotiations, yes.

16                   **MS. NATALIA RODRIGUEZ:** Okay. And do you have  
17 any sense for what he means by that?

18                   **SUPT. ROBERT DRUMMOND:** Well, I think prior to  
19 that there had been a number of scenarios with PLT where they  
20 had not been able to move forward due to various reasons, and I  
21 think this was something they wanted to show good faith and move  
22 forward on an agreement with, with the protesters.

23                   **MS. NATALIA RODRIGUEZ:** Okay. And at the bottom  
24 of page 38...

25                   If we can go to page 38.

26                   It says, "Meeting occurring." So this is now --  
27 the meeting is taking place, and Staff Sergeant Ferguson is  
28 making notes that the meeting is happening:



1 "Meeting occurring - group looking for  
2 a possible exit strategy."

3 Is that what you understood the purpose of the  
4 meeting with Mr. Kanellakos to be on February 8?

5 **SUPT. ROBERT DRUMMOND:** I don't know if I  
6 would've referred to it as a exit strategy, it was a meeting to  
7 discuss options for them to move out of certain areas.

8 **MS. NATALIA RODRIGUEZ:** Okay. And specifically,  
9 when you say "certain areas", we're talking about the Rideau and  
10 Sussex ---

11 **SUPT. ROBERT DRUMMOND:** Yes.

12 **MS. NATALIA RODRIGUEZ:** --- area here; right?

13 **SUPT. ROBERT DRUMMOND:** Yes.

14 **MS. NATALIA RODRIGUEZ:** Okay. Because we heard  
15 Mr. Kanellakos say last week that the meeting was about trying  
16 to see if the protesters could get a meeting with the Mayor.  
17 That's what he understood ---

18 **SUPT. ROBERT DRUMMOND:** Yes.

19 **MS. NATALIA RODRIGUEZ:** --- that meeting to be.

20 **SUPT. ROBERT BERNIER:** Yes.

21 **MS. NATALIA RODRIGUEZ:** Okay. But for OPS, the  
22 meeting was in exchange for facilitating a meeting with the City  
23 Manager, Mr. Marazzo would agree to try and get those areas  
24 cleared and moved to Wellington.

25 **SUPT. ROBERT DRUMMOND:** Yes.

26 **MS. NATALIA RODRIGUEZ:** Is that right?

27 **SUPT. ROBERT DRUMMOND:** Correct.

28 **MS. NATALIA RODRIGUEZ:** Okay. So the meeting did

1 take place, and according to your witness summary you indicate  
2 that on February 8, you and Superintendent Patterson had a call  
3 about these negotiations, and that this was reported up to  
4 Deputy Chief Bell and possibly Acting Deputy Chief Ferguson.

5 **SUPT. ROBERT DRUMMOND:** Correct.

6 **MS. NATALIA RODRIGUEZ:** And in your witness  
7 statement, you also say that you do not recall whether at the  
8 time PPS was notified of these negotiations, although it may  
9 have been brought up at the NCRCC where the PPS had  
10 representation.

11 **SUPT. ROBERT DRUMMOND:** Correct. I personally  
12 didn't contact PPS at that point, but we did have a PPS  
13 representative at the NCRCC.

14 **MS. NATALIA RODRIGUEZ:** Okay. And did you  
15 receive any correspondence about any concerns that PPS might've  
16 had at this time, February 8, about moving vehicles to  
17 Wellington?

18 **SUPT. ROBERT DRUMMOND:** The 8th? No. Later that  
19 week, yes.

20 **MS. NATALIA RODRIGUEZ:** Okay. So -- well, maybe  
21 I can refresh your memory.

22 If we can go to OPS000 -- actually, we're in the  
23 same document, 14568, just on page 39. So:

24 "Rideau/Sussex Contacted by Sgt. Le  
25 "...Marazzo/Kanellakos meeting complete.  
26 Marazzo to attend Rideau-Sussex to work  
27 on moving, opening that intersection.  
28 Contacted Supt. Drummond, updated re:

1 meeting. Advised him that Marazzo was  
2 working on Rideau-Sussex. He asked if  
3 we were going to get other roadways:  
4 Wellington. I indicated that I  
5 understood the priority was Rideau-  
6 Sussex. Will if city promised  
7 anything."

8 And then, if we go to 1538, rather 1554:

9 "Email received from Supt. Drummond re:  
10 PPS response to Wellington Street  
11 vehicle relocation plan."

12 Do you see that there?

13 **SUPT. ROBERT DRUMMOND:** I do. I do see that.

14 **MS. NATALIA RODRIGUEZ:** Do you recall receiving  
15 an email from PPS regarding the response to the Wellington  
16 Strategy Vehicle relocation plan?

17 **SUPT. ROBERT DRUMMOND:** There were a lot of  
18 emails during that time period. I don't remember that specific  
19 one. But if there is an email, I don't doubt it may have  
20 occurred.

21 **MS. NATALIA RODRIGUEZ:** Okay.

22 **SUPT. ROBERT DRUMMOND:** I just remember it being  
23 later with Supt. Larry Brookson reaching out and speaking to us,  
24 closer to the day that we did the moving. But there may have  
25 been an email at that point. Like I -- like I said, it may have  
26 come through the NCRCC and then come back by email.

27 **MS. NATALIA RODRIGUEZ:** Okay. And then it's ---

28 **SUPT. ROBERT DRUMMOND:** Is there -- is there an

1 email specifically?

2 **MS. NATALIA RODRIGUEZ:** I haven't seen an email.  
3 There probably is but in the thousands of documents it may be  
4 hard to pinpoint the email. But it's very possible. And if we  
5 just go down a little bit more, 1606, S/Sgt. Ferguson says:

6 "...contact Inspector Lucas, re: PPS  
7 email to discuss their concerns."

8 So this seems to suggest that the email that was  
9 sent to you had concerns from PPS. Do you recall any concerns  
10 being expressed by PPS at this time?

11 **SUPT. ROBERT DRUMMOND:** The ones I -- the ones I  
12 do remember were about more vehicles being on Wellington, closer  
13 to Parliament Hill. They were not in favour of that. But I --  
14 I'll be honest, I remember that happening later in the week; I  
15 don't remember it that day but, I could be wrong about that.  
16 Maybe it was that day.

17 **MS. NATALIA RODRIGUEZ:** Okay. So if there were  
18 any concerns it was about the trucks being on Wellington?

19 **SUPT. ROBERT DRUMMOND:** Yes.

20 **MS. NATALIA RODRIGUEZ:** And what was the concern  
21 specifically about trucks being on Wellington, that you recall?

22 **SUPT. ROBERT DRUMMOND:** I don't think they wanted  
23 more of them there. They were concerned about having more  
24 vehicles close up to Parliament Hill.

25 **MS. NATALIA RODRIGUEZ:** Okay.

26 **SUPT. ROBERT DRUMMOND:** They were not -- they  
27 were not interested in having more protestors closer to the  
28 Hill.

1                   **MS. NATALIA RODRIGUEZ:** Okay. And why was that?

2                   **SUPT. ROBERT DRUMMOND:** Because they'd been there  
3 for some period of time.

4                   We were trying to shrink the footprint; that may  
5 not have met up with their -- you know, their goals at that  
6 point.

7                   **MS. NATALIA RODRIGUEZ:** Okay. So they didn't  
8 raise any specific security concerns about that arrangement?

9                   **SUPT. ROBERT DRUMMOND:** I don't -- I don't  
10 remember this email that you're referring to, so I'd have to  
11 look at the email to know what was written in it.

12                   **MS. NATALIA RODRIGUEZ:** But you know that  
13 eventually PPS did express concerns, ---

14                   **SUPT. ROBERT DRUMMOND:** Yes.

15                   **MS. NATALIA RODRIGUEZ:** --- right?

16                   **SUPT. ROBERT DRUMMOND:** Yes. Yeah.

17                   **MS. NATALIA RODRIGUEZ:** And so did those concerns  
18 include any safety concerns?

19                   **SUPT. ROBERT DRUMMOND:** Well, they had concerns  
20 about protestors, period, being close to the Hill. All of those  
21 issues were security concerns for them.

22                   **MS. NATALIA RODRIGUEZ:** Okay. Now, in your  
23 witness summary, you indicate that OPS facilitated but did not  
24 attend the meeting with Mr. Kanellakos and Mr. Marazzo?

25                   **SUPT. ROBERT DRUMMOND:** Correct.

26                   **MS. NATALIA RODRIGUEZ:** What's the basis for that  
27 understanding?

28                   **SUPT. ROBERT DRUMMOND:** That's what I was told by

1 John Ferguson.

2 **MS. NATALIA RODRIGUEZ:** Okay. So Mr. Kanellakos  
3 testified that he initially met one on one with Mr. Marazzo and  
4 then afterwards the PLT members joined that meeting, and there  
5 was a meeting with everybody together?

6 **SUPT. ROBERT DRUMMOND:** I don't -- I have no  
7 information that that occurred and I know from the PLT members  
8 that I spoke to, we don't know who he's referring to.

9 **MS. NATALIA RODRIGUEZ:** Okay. So -- but you  
10 don't have any specific information to the contrary?

11 **SUPT. ROBERT DRUMMOND:** No. I know that Sgt. Li  
12 Fung (phonetic) didn't participate in that meeting. So I don't  
13 know who Steve Kanellakos is referring to.

14 **MS. NATALIA RODRIGUEZ:** Okay. I believe it  
15 includes Sgt. Li (phonetic), and others.

16 **SUPT. ROBERT DRUMMOND:** I think there may be a  
17 mistake on that part.

18 **MS. NATALIA RODRIGUEZ:** Okay.

19 **SUPT. ROBERT DRUMMOND:** I'm not sure what to tell  
20 you.

21 **MS. NATALIA RODRIGUEZ:** So the understanding is  
22 that this meeting between Mr. Marazzo and Mr. Kanellakos took  
23 place, it was facilitated by OPS and in return Mr. Marazzo was  
24 to speak to the Rideau and Sussex group to get them to  
25 Wellington?

26 **SUPT. ROBERT DRUMMOND:** Correct.

27 **MS. NATALIA RODRIGUEZ:** Okay. Now in your  
28 witness statement you say that you were advised that Mr. Marazzo

1 left the meeting to go to the intersection of Rideau and Sussex  
2 to move the trucks at that location, pursuant to this agreement,  
3 but that he was not successful?

4 **SUPT. ROBERT DRUMMOND:** Correct.

5 **MS. NATALIA RODRIGUEZ:** And what's the basis for  
6 that understanding?

7 **SUPT. ROBERT DRUMMOND:** That's what was reported  
8 back to me by John Ferguson, and we ultimately didn't see any  
9 movement at the intersection either.

10 **MS. NATALIA RODRIGUEZ:** Okay. And what was the  
11 reason why there was no movement at that time? It sounds like,  
12 ---

13 **SUPT. ROBERT DRUMMOND:** That particular group  
14 didn't want to move, ultimately. I don't think that Mr. Marazzo  
15 was successful in negotiating with them to leave.

16 **MS. NATALIA RODRIGUEZ:** And is that your  
17 understanding for why the Rideau and Sussex group didn't  
18 relocate to Wellington, as had been anticipated from this deal?

19 **SUPT. ROBERT DRUMMOND:** That group was maybe not  
20 aligned with all of the other convoy protesters. I think there  
21 were differences in their goals or their values.

22 I know that Tom Marazzo went there to speak to  
23 them. I think he was hopeful that he could get them to move,  
24 and unfortunately, he wasn't successful.

25 **MS. NATALIA RODRIGUEZ:** Okay. So that's your  
26 understanding for why that move didn't happen; he wasn't able to  
27 get them to move, essentially?

28 **SUPT. ROBERT DRUMMOND:** Correct.

1                   **MS. NATALIA RODRIGUEZ:** Okay. And what about the  
2 fact that the move was not approved higher up in the chain of  
3 command within OPS?

4                   **SUPT. ROBERT DRUMMOND:** Well, at that point we  
5 had been negotiating to do that. But ultimately, if he had been  
6 able to get them to move, and at that point I think we would try  
7 to see if we could get them to move. We hoped that some of them  
8 would leave, not just move to Wellington, but some of them would  
9 leave. So there were groups sort of behind, or east of that  
10 location that we believed wanted to leave but were effectively  
11 boxed in.

12                   **MS. NATALIA RODRIGUEZ:** But the move was not  
13 approved higher up, is that right?

14                   **SUPT. ROBERT DRUMMOND:** If we had been -- if he  
15 had been able to get permission -- if they had -- sorry; if they  
16 had agreed to move, we would have had a discussion about getting  
17 them -- see if we could have gotten them to move.

18                   **MS. NATALIA RODRIGUEZ:** Okay. But at that time  
19 there wasn't approval?

20                   **SUPT. ROBERT DRUMMOND:** Correct.

21                   **MS. NATALIA RODRIGUEZ:** Okay. And my  
22 understanding is that there was some sort of miscommunication  
23 between you and S/Sgt. Ferguson about allowing them to move to  
24 Wellington; do you recall that?

25                   **SUPT. ROBERT DRUMMOND:** On that particular day?

26                   **MS. NATALIA RODRIGUEZ:** Yes.

27                   **SUPT. ROBERT DRUMMOND:** I think we felt that we  
28 -- they could move and then we -- I followed up with Command



1 later, and they weren't in agreement.

2 **MS. NATALIA RODRIGUEZ:** Okay. So we can stay on  
3 this document at page 40, just at the bottom. This might  
4 refresh your memory as well, at 1739, and this is, again, S/Sgt.  
5 Ferguson's notes. And he says:

6 "Contact Supt. Drummond re: vehicle  
7 relocation to Wellington. He indicated  
8 that there had been a miscommunication,  
9 when I said clear Rideau-Sussex, he was  
10 under the impression..."

11 And we can keep going:

12 "...that they meant they were leaving."

13 **SUPT. ROBERT DRUMMOND:** Correct.

14 **MS. NATALIA RODRIGUEZ:** "I described the impact  
15 of this on the relationship with  
16 organizers and our ability to continue  
17 to do our PLT job. He said that the  
18 plan to relocate the trucks to  
19 Wellington had not been approved. I  
20 asked if that was at the Chief level,  
21 believed so."

22 **SUPT. ROBERT DRUMMOND:** Yes.

23 **MS. NATALIA RODRIGUEZ:** So can you explain this  
24 discussion; what's -- what is the exchange happening here?

25 **SUPT. ROBERT DRUMMOND:** That's John and I  
26 speaking about that move, and we had hoped that some people  
27 would leave on their own. That didn't pan out. And then  
28 ultimately, I think -- I believe I had a conversation at that

1 point, and it wasn't approved for them to move further west --  
2 yes, further west.

3 **MS. NATALIA RODRIGUEZ:** So when he says:

4 "When I said clear Rideau-Sussex, he was  
5 under the impression that they meant  
6 they were leaving."

7 **SUPT. ROBERT DRUMMOND:** Correct.

8 **MS. NATALIA RODRIGUEZ:** So you didn't ---

9 **SUPT. ROBERT DRUMMOND:** That changed during that  
10 conversation. At the beginning we had had a conversation where  
11 I did believe that they were going to leave, but then  
12 ultimately, I learned afterwards that it was about negotiating,  
13 just moving up the street, on Wellington. And then ultimately,  
14 that didn't get approved.

15 **MS. NATALIA RODRIGUEZ:** Okay. So ---

16 **SUPT. ROBERT DRUMMOND:** Sorry; I should have  
17 clarified that that changed during that conversation.

18 **MS. NATALIA RODRIGUEZ:** I see. So your  
19 understanding at the beginning was that if the meeting was  
20 facilitated with Mr. Kanellakos, the Rideau and Sussex group  
21 would leave, is that right?

22 **SUPT. ROBERT DRUMMOND:** In the beginning yes, but  
23 then that changed, and then we didn't have approval for that.

24 **MS. NATALIA RODRIGUEZ:** Okay. He says that -- he  
25 says he described to you the impact of this on the relationship  
26 with organizers.

27 Can you explain what he described to you there?

28 **SUPT. ROBERT DRUMMOND:** Well, that's the -- this

1 is the ongoing PLT relationship with working with just both  
2 sides, trying to come to a mutual agreement. And this is one of  
3 the areas where we were, you know -- I think this was also a  
4 communication gap as well, about what was understood, and we  
5 were trying to get -- we were also hoping that people would  
6 leave, and that didn't occur. And there may have been a  
7 miscommunication with -- between us and Tom Marazzo about what  
8 we understood was happening.

9 **MS. NATALIA RODRIGUEZ:** So when you explain the  
10 impact, I assume that means the negative impact ---

11 **SUPT. ROBERT DRUMMOND:** Yes.

12 **MS. NATALIA RODRIGUEZ:** --- that it would have  
13 had; is that correct?

14 **SUPT. ROBERT DRUMMOND:** Yes.

15 **MS. NATALIA RODRIGUEZ:** And then you told him  
16 that the plan to relocate the trucks had not been approved?

17 **SUPT. ROBERT DRUMMOND:** Yes.

18 **MS. NATALIA RODRIGUEZ:** When did you seek that  
19 approval?

20 **SUPT. ROBERT DRUMMOND:** I can't -- I don't -- if  
21 I can look at my notes, looks like?

22 **MS. NATALIA RODRIGUEZ:** Sure, you can look at  
23 your notes if that's helpful.

24 Perhaps if you can try to recall whether it was  
25 before or after the meeting took place.

26 **SUPT. ROBERT DRUMMOND:** Took place? Meeting with  
27 -- between ---

28 **MS. NATALIA RODRIGUEZ:** With Mr. -- yeah, that's

1 right. Would you have sought approval to have them move to  
2 Wellington before that meeting or after the meeting?

3 **SUPT. ROBERT DRUMMOND:** I think we were at  
4 before. I believe we thought they were going to leave, I think  
5 was maybe our understanding, and then afterwards, when it  
6 wasn't, I advised it was an approval to move.

7 **MS. NATALIA RODRIGUEZ:** Okay. So sometime  
8 between the time that you were briefed on the outcome of the  
9 meeting, that it happened, that it was a successful meeting, and  
10 then the time when you're having this discussion now at 1739  
11 with Staff Sgt. Ferguson, you would have sought approval to have  
12 them move onto Wellington because at this time now, you  
13 understand that the quid pro quo, so to speak, is for them to  
14 move to Wellington; is that right?

15 **SUPT. ROBERT DRUMMOND:** Correct. I'm just  
16 looking at the -- we're just talking about the 1738 timeframe?

17 **MS. NATALIA RODRIGUEZ:** That's right.

18 **SUPT. ROBERT DRUMMOND:** Yes, that's when John  
19 asked for approval for the west side. I advised that there was  
20 not approval at this time. And I was -- I did know that earlier  
21 ---

22 **MS. NATALIA RODRIGUEZ:** Okay.

23 **SUPT. ROBERT DRUMMOND:** --- because we had had  
24 that conversation earlier, I believe, with -- probably on the  
25 7th.

26 **MS. NATALIA RODRIGUEZ:** And who would have denied  
27 the request?

28 **SUPT. ROBERT DRUMMOND:** That would have come

1 through Supt. Patterson. Also, the chief would have been  
2 involved in that decision.

3 **MS. NATALIA RODRIGUEZ:** How do you know the chief  
4 would have been involved in that decision? Did you speak to the  
5 chief about this?

6 **SUPT. ROBERT DRUMMOND:** No, but I think there was  
7 a conversation I had on the 7th with Mark about that.

8 **MS. NATALIA RODRIGUEZ:** Well, the meeting  
9 happened on the 8th.

10 **SUPT. ROBERT DRUMMOND:** But I think we had had  
11 discussions about it the day before.

12 **MS. NATALIA RODRIGUEZ:** Okay. I understood your  
13 evidence to be that before the meeting took place, you thought  
14 they were leaving altogether.

15 **SUPT. ROBERT DRUMMOND:** Well, when we asked, it  
16 was about to move, and then when it came back to say that they  
17 wanted to move west, I told them there wasn't approval to move  
18 west at that point.

19 **MS. NATALIA RODRIGUEZ:** Okay. So you had sought  
20 that approval, you're saying, on February 7th, the day before  
21 the meeting?

22 **SUPT. ROBERT DRUMMOND:** I believe we'd had a  
23 conversation about it. I just want to look back here.

24 **UNIDENTIFIED SPEAKER:** Mr. Commissioner, excuse  
25 me. I wonder if we could just confirm for the record that the  
26 notes Supt. Drummond are referring to are his notes at  
27 OPS00014455 on the record?

28 **SUPT. ROBERT DRUMMOND:** Yes.

1                   **UNIDENTIFIED SPEAKER:** Thank you.

2                   **MS. NATALIA RODRIGUEZ:** Thank you.

3                   Okay. So maybe you can try to refresh your  
4 memory at a break. We'll keep going.

5                   **SUPT. ROBERT DRUMMOND:** Okay.

6                   **MS. NATALIA RODRIGUEZ:** So if we just go down a  
7 bit further, Staff Sgt. Ferguson then writes:

8                                 "I indicated that we were just  
9                                 continuing with the relocation plan  
10                                from before and that if we were aware  
11                                that it was not approved, we wouldn't  
12                                have moved forward.

13                               Miscommunication/misinterpretation."

14                   So what was your understanding -- what was the  
15 relocation plan from before? What was your understanding of  
16 that?

17                   **SUPT. ROBERT DRUMMOND:** I think John's referring  
18 to moving west onto Wellington.

19                   **MS. NATALIA RODRIGUEZ:** Okay. And then he says,  
20 "This provides us the ability to open that intersection without  
21 force."

22                   Do you understand what he means by that?

23                   **SUPT. ROBERT DRUMMOND:** Yeah. We're not using  
24 POU actions to move them.

25                   **MS. NATALIA RODRIGUEZ:** And then at 1814,  
26 "Updates Supt. Drummond that we have shelved the Rideau Sussex  
27 plan or put it on hold due to darkness."

28                   **SUPT. ROBERT DRUMMOND:** Correct.

1                   **MS. NATALIA RODRIGUEZ:** And at that point, I  
2 assume it had gotten too dark and there was no approval in any  
3 event; is that right?

4                   **SUPT. ROBERT DRUMMOND:** Correct.

5                   **MS. NATALIA RODRIGUEZ:** And if we go to the next  
6 page, 41, "He said that he would reopen the discussion with the  
7 exec about the move to Wellington."

8                   **SUPT. ROBERT DRUMMOND:** Correct.

9                   **MS. NATALIA RODRIGUEZ:** So the plan to move the  
10 vehicles from Rideau and Sussex to Wellington on February 8 was  
11 shelved because there wasn't approval and because it got dark  
12 afterwards; is that right?

13                   **SUPT. ROBERT DRUMMOND:** Correct.

14                   **MS. NATALIA RODRIGUEZ:** And the exec never  
15 approved this move? Ultimately, the move was never carried out?

16                   **SUPT. ROBERT DRUMMOND:** Correct.

17                   **MS. NATALIA RODRIGUEZ:** And if we can just go to  
18 page 43 here, I believe this is now the next morning at 11:07,  
19 "Contacted by Sgt. Lee ---" and he was the PLT officer that had  
20 been involved in this meeting; is that right?

21                   **SUPT. ROBERT DRUMMOND:** Correct. Yes.

22                   **MS. NATALIA RODRIGUEZ:**

23                                   "--- re Rideau Sussex move. He advised  
24                                   that there was a loss of momentum after  
25                                   last night."

26                   And if we go to 11:50:

27                                   "Contacted by Sgt. Lee. He now advises  
28                                   that the group at Rideau Sussex are no

1 longer listening to Tom Marazzo after  
2 last night, and they have galvanized."

3 Were you aware of this?

4 **SUPT. ROBERT DRUMMOND:** I knew that Tom Marazzo  
5 wasn't having any further luck getting them to move. I knew  
6 that much, yes.

7 **MS. NATALIA RODRIGUEZ:** And did you understand  
8 that that was because they weren't able to move the night that  
9 they wanted to move because there wasn't approval?

10 **SUPT. ROBERT DRUMMOND:** Yes.

11 **MS. NATALIA RODRIGUEZ:** Okay.

12 **SUPT. ROBERT DRUMMOND:** But that was a common  
13 theme.

14 **MS. NATALIA RODRIGUEZ:** So ultimately, the move  
15 to Wellington didn't happen, first, because that request wasn't  
16 approved, and my understanding is it was never approved, right?

17 **SUPT. ROBERT DRUMMOND:** Correct.

18 **MS. NATALIA RODRIGUEZ:** And then because Mr.  
19 Marazzo had lost maybe any good faith he would have had with  
20 that group after the move didn't take place; is that right?

21 **SUPT. ROBERT DRUMMOND:** Correct.

22 **MS. NATALIA RODRIGUEZ:** Okay. Now, after that  
23 meeting on February 8, the PLT Team and Staff Sgt. Ferguson  
24 briefed you that the city had discussed with Mr. Marazzo a  
25 meeting with the mayor in exchange for protestors moving trucks  
26 onto Wellington; is that right?

27 **SUPT. ROBERT DRUMMOND:** Sorry, say that question  
28 again?



1                   **MS. NATALIA RODRIGUEZ:** So after this meeting  
2 took place with Mr. Kanellakos and Mr. Marazzo on that date,  
3 February 8, the PLT Team and Staff Sgt. Ferguson would have  
4 reported back to you about what happened in that meeting, right?

5                   **SUPT. ROBERT DRUMMOND:** Except that they weren't  
6 present in the meeting.

7                   **MS. NATALIA RODRIGUEZ:** Mr. Kanellakos testified  
8 that they were. I mean, he was there, so ---

9                   **SUPT. ROBERT DRUMMOND:** My information is they  
10 weren't, so there seems to be a gap there.

11                   **MS. NATALIA RODRIGUEZ:** Right. But you would  
12 agree with me that the person at the meeting would be in a best  
13 position to say who was in attendance, correct?

14                   **SUPT. ROBERT DRUMMOND:** Did Steve Kanellakos say  
15 which officers they were?

16                   **MS. NATALIA RODRIGUEZ:** He said it was Sgt. Lee  
17 and other PLT officers. He didn't know all of their names.

18                   **SUPT. ROBERT DRUMMOND:** Unfortunately, you'd have  
19 to ask someone who was in the meeting, because the information I  
20 received from John Ferguson is that there were no OPS members  
21 present in the meeting.

22                   **MS. NATALIA RODRIGUEZ:** So did PLT or Staff Sgt.  
23 Ferguson debrief you after the meeting about the content of the  
24 meeting?

25                   **SUPT. ROBERT DRUMMOND:** No, because they told me  
26 that they didn't know because they weren't present.

27                   **MS. NATALIA RODRIGUEZ:** Fair enough.

28                   So I want to turn now to the deal with the

1 protestors that was made later on by the mayor and the letters  
2 exchanged with Tamara Lich, you recall those events, right?

3 **SUPT. ROBERT DRUMMOND:** Yes.

4 **MS. NATALIA RODRIGUEZ:** So we're moving forward a  
5 little bit in time. And my understanding is that you learned  
6 through an executive briefing on February 13 that the City had  
7 been negotiating with a group of protestors; is that right?

8 **SUPT. ROBERT DRUMMOND:** Correct.

9 **MS. NATALIA RODRIGUEZ:** And what did you  
10 understand at that time the deal to be?

11 **SUPT. ROBERT DRUMMOND:** That the City had been --  
12 had negotiated with the protestors to move vehicles out of the  
13 residential areas on the streets that ran north/south on -- to  
14 Wellington, and to move vehicles to Wellington, and then  
15 hopefully, any ones that didn't move would leave the area.

16 **MS. NATALIA RODRIGUEZ:** So your understanding was  
17 the trucks are going to leave the residential areas and move  
18 onto Wellington; is that right?

19 **SUPT. ROBERT DRUMMOND:** Correct.

20 **MS. NATALIA RODRIGUEZ:** And if we go to  
21 OPS00014455, these are your notes, and at page 43 -- yeah, if we  
22 can go to -- let see -- okay, if we can keep going down? There  
23 we go.

24 So at 1315, you see that's the exec meeting where  
25 you're informed ---

26 **SUPT. ROBERT DRUMMOND:** Yes.

27 **MS. NATALIA RODRIGUEZ:** --- about these  
28 negotiations, right?

1                   **SUPT. ROBERT DRUMMOND:** Correct.

2                   **MS. NATALIA RODRIGUEZ:** And it says:

3                                   "City has been negotiating with  
4                                   protestors directly, protestor  
5                                   representative and lawyers, remove of  
6                                   all trucks south of Wellington involved  
7                                   an SJAM. Will no longer keep staging  
8                                   area, Coventry and other staging  
9                                   areas."

10                   So your understanding at this time was that the  
11 staging areas would also be relocated; is that right?

12                   **SUPT. ROBERT DRUMMOND:** Correct.

13                   **MS. NATALIA RODRIGUEZ:** And was it understood at  
14 this time that the trucks would be relocating on to Wellington  
15 Street?

16                   **SUPT. ROBERT DRUMMOND:** Maybe not in that meeting  
17 but once I'd met with them in person, that was the  
18 understanding.

19                   **MS. NATALIA RODRIGUEZ:** Okay. So you're saying,  
20 at this point in time, 1:15 on February 13<sup>th</sup>, it was not  
21 understood that the trucks would be relocating onto Wellington?

22                   **SUPT. ROBERT DRUMMOND:** That was always my  
23 understanding. I may not have it into these notes but -- and I  
24 may have just remembered from my memory when I met with them a  
25 few hours later. But certainly, when I went to the meeting with  
26 them in person with the City with Kim Ayotte and Steve  
27 Kanellakos, it was about consolidating vehicles onto Wellington.

28                   **MS. NATALIA RODRIGUEZ:** Okay. So at this

1 meeting, what would have been the discussion? They're going to  
2 leave the residential areas and where are they going?

3 **SUPT. ROBERT DRUMMOND:** Well, I may not have made  
4 a note of it but my understanding had always been that they were  
5 going onto Wellington.

6 **MS. NATALIA RODRIGUEZ:** Okay. And I'm going to  
7 take you to Acting Supt. Bernier's scribe notes at OPS00010635,  
8 and these are his notes of the same meeting. So sometimes when  
9 we see different people's notes, we get a clearer picture of  
10 what was said in the meeting because everybody seems to think  
11 different things are important to write down, so it can be  
12 sometimes a helpful tool.

13 If we can go to page 11 -- yeah, keep going.  
14 Okay, we'll have to go up a bit because it's somewhere in here.  
15 Yeah, we'll keep going up. Yeah, there we go. So the second  
16 part of that -- so we'll just go up to see the timestamp. Oh,  
17 okay, we'll go up to the other page. So it's around 3:20. It's  
18 between 3:20 and 3:35, so let's keep going down -- sorry, 1:35,  
19 keep going down. Okay, right there.

20 So it says:

21 "Mayor would then agree.."

22 So now this has been -- the discussion has  
23 happened to take those trucks out of south of Wellington, and  
24 then it says:

25 "Mayor would then agree, prepare to  
26 meet, and listen to their concerns and  
27 pass them along further up in gvmt."

28 I think that says "government".

1 Do you recall this part of the discussion, that  
2 the mayor would agree to listen to their concerns and pass them  
3 along further up in government?

4 **SUPT. ROBERT DRUMMOND:** I believe that was the  
5 case, yes.

6 **MS. NATALIA RODRIGUEZ:** Okay. Now, if we go back  
7 to your notes, OPS00014455, and if we go to page 44, and if we  
8 go down -- okay, we'll keep going down a bit. Oh, okay, keep  
9 going up, I guess. Oh, sorry, page 44; we're at 34 -- 44, yeah,  
10 that's better. Yeah, so see that fourth dash down:

11 "There may be some groups that don't  
12 move, Rideau-Sussex."

13 **SUPT. ROBERT DRUMMOND:** Yes.

14 **MS. NATALIA RODRIGUEZ:** And then it says:

15 "Chief request..."

16 And there are, if we go down a little bit, four,  
17 five -- keep going down. Let's see. Yeah, we've got five  
18 points there.

19 **SUPT. ROBERT DRUMMOND:** M'hm.

20 **MS. NATALIA RODRIGUEZ:** Yeah, so what was your  
21 understanding, then, about the Rideau and Sussex group being  
22 part of this negotiation, being part of the deal to leave?

23 **SUPT. ROBERT DRUMMOND:** At this point?

24 **MS. NATALIA RODRIGUEZ:** Yes.

25 **SUPT. ROBERT DRUMMOND:** I just -- you know, I  
26 just made a -- that there may be some groups that don't move  
27 because we'd already dealt with Rideau and Sussex a number of  
28 times and they hadn't moved before and had issues there.

1                   **MS. NATALIA RODRIGUEZ:** And was it your  
2 understanding that in accordance with the negotiation, all of  
3 the stages areas, including Rideau and Sussex, had to be  
4 cleared?

5                   **SUPT. ROBERT DRUMMOND:** Yeah, I believe the City  
6 was hoping to get Rideau-Sussex as part of that agreement.

7                   **MS. NATALIA RODRIGUEZ:** Okay. And then we see  
8 the Chief has indicated some requests.

9                   **SUPT. ROBERT DRUMMOND:** M'hm.

10                  **MS. NATALIA RODRIGUEZ:** And what was he saying  
11 here with respect to the negotiations? What were his concerns  
12 at this time?

13                  **SUPT. ROBERT DRUMMOND:** He wanted to know what  
14 the impact would be. Like, how many -- would there -- if this  
15 happened, would it free up more resources for us? Would that --  
16 like, because we had a lot of officers, you know, going through  
17 those areas, working, controlling those road access. Would that  
18 shrink the footprint? How many things would that free up, you  
19 know? And we planned to deal with the groups that don't move,  
20 and Rideau-Sussex was one of those of those groups that we were  
21 concerned about, and we needed a traffic plan to facilitate  
22 that, and we want to protect the neighbourhoods that once they -  
23 - you know, if you do move trucks out of them, we don't want  
24 them to come back in.

25                  **MS. NATALIA RODRIGUEZ:** And Supt. Bernier today  
26 testified that he generally did not have concerns and that it  
27 would accelerate his plan to have this deal go through, but that  
28 he was concerned -- he privately told Insp. Springer that he was

1 concerned that this could be a rouse to get more trucks onto  
2 Wellington. Do you recall any concerns being raised at this  
3 meeting?

4 **SUPT. ROBERT DRUMMOND:** I mean, I think we -- you  
5 know, we didn't what this exactly -- how this would work out --  
6 I mean they were -- we knew that the convoy groups were  
7 fractured and didn't -- would they all move as they agreed or  
8 not? I think that was something we'd seen. And we'd all  
9 certainly seen the Rideau-Sussex group had been very difficult  
10 to deal with. So yes, I think there were some concerns whether  
11 they would all cooperate ---

12 **MS. NATALIA RODRIGUEZ:** Right.

13 **SUPT. ROBERT DRUMMOND:** --- and whether it would  
14 work out the way we had hoped.

15 **MS. NATALIA RODRIGUEZ:** So in your witness  
16 statement, you say that Acting Supt. Bernier expressed concerns  
17 about the City negotiating an agreement separate from OPS.

18 **SUPT. ROBERT DRUMMOND:** Correct.

19 **MS. NATALIA RODRIGUEZ:** But if we see the notes  
20 in the meeting, he says he has no concerns; he adopted that  
21 today in his evidence with the caveat that he had this side  
22 discussion with Insp. Springer. But it sounds like in the  
23 meeting itself, he did not express concerns, but you indicate  
24 that he expressed concerns. So did he express them privately to  
25 you outside of this meeting?

26 **SUPT. ROBERT DRUMMOND:** It might have been  
27 outside of the meeting but I though it was in the room. I think  
28 we were still at -- I still we were at ---

1                   **MS. NATALIA RODRIGUEZ:** This is 1:15 Exec Demo  
2 Meeting on the ---

3                   **SUPT. ROBERT DRUMMOND:** I think we were at -- we  
4 were out at TPOF at the NCRCC, yeah. He did express some  
5 concerns to me. I thought it was in the meeting.

6                   **MS. NATALIA RODRIGUEZ:** Okay. And what were  
7 those concerns?

8                   **SUPT. ROBERT DRUMMOND:** Just that we didn't know  
9 whether all the groups would cooperate and we knew for certain  
10 that the Rideau-Sussex group was a difficult group to deal with.

11                   **MS. NATALIA RODRIGUEZ:** In your witness  
12 statement, you said that he had concerns about the City  
13 negotiating separate from OPS. What can you tell me  
14 specifically about that?

15                   **SUPT. ROBERT DRUMMOND:** Well, that they were  
16 negotiating and we didn't -- we didn't know. Now, to be fair,  
17 Supt. Bernier didn't -- weren't aware, but I've since learned  
18 that, you know, members of the executive had been speaking with  
19 the City.

20                   **MS. NATALIA RODRIGUEZ:** Okay. And did you share  
21 any concerns about the City negotiating separately from OPS at  
22 this time when you learned about it on the 13<sup>th</sup>?

23                   **SUPT. ROBERT DRUMMOND:** Well, it would be ideal  
24 that we would know while we were doing planning and police  
25 operations that that was in the works, but we weren't aware.  
26 But I mean, ultimately, the goal was to try to shrink the  
27 footprint. So if it was something that would have assist us, we  
28 were interested in pursuing, but there were some risks attached



1 to it if not all the groups agreed.

2 **MS. NATALIA RODRIGUEZ:** Okay. So generally you  
3 were positive and supportive of it even though you saw some  
4 risk; is that fair?

5 **SUPT. ROBERT DRUMMOND:** Well, we were interested  
6 in doing anything that would help shrink the footprint ---

7 **MS. NATALIA RODRIGUEZ:** Okay.

8 **SUPT. ROBERT DRUMMOND:** --- and reduce some of  
9 the pressure on a lot of the residential areas. I mean not all  
10 -- not everyone of those scenarios was ideal.

11 **MS. NATALIA RODRIGUEZ:** Right. And I understand  
12 that at that time, shortly after this meeting, you were asked by  
13 Acting Deputy Chief Ferguson to be the police liaison with  
14 respect to these negotiations; is that right?

15 **SUPT. ROBERT DRUMMOND:** Yes, to go represent the  
16 Police Service.

17 **MS. NATALIA RODRIGUEZ:** Okay. And what did you  
18 understand your role as liaison to be?

19 **SUPT. ROBERT DRUMMOND:** To speak to the City to  
20 find out what the arrangement was, attend the meeting,  
21 ultimately, and then report back any concerns that I found.

22 **MS. NATALIA RODRIGUEZ:** So attend the meeting and  
23 report back with any concerns?

24 **SUPT. ROBERT DRUMMOND:** Yes.

25 **MS. NATALIA RODRIGUEZ:** Did your role include  
26 ensuring that the deal was in accordance with OPS' overall  
27 strategic plan at that time?

28 **SUPT. ROBERT DRUMMOND:** I think there was an

1 expectation that I would raise questions if it was going to be a  
2 problem for us. And I reported back after the meeting to Deputy  
3 Ferguson and to Rob Bernier about what the outcome was, what the  
4 plan that the City and the protesters had reached.

5 **MS. NATALIA RODRIGUEZ:** Right. And at this time,  
6 though, the deal was kind of a little bit high level?

7 **SUPT. ROBERT DRUMMOND:** Yes.

8 **MS. NATALIA RODRIGUEZ:** Is that fair?

9 **SUPT. ROBERT DRUMMOND:** Yes.

10 **MS. NATALIA RODRIGUEZ:** So at this time, two  
11 letters had been exchanged, I believe, at 3:00 p.m. on that day,  
12 on the 13<sup>th</sup>, that was made public.

13 **SUPT. ROBERT DRUMMOND:** Yes.

14 **MS. NATALIA RODRIGUEZ:** And so you were also  
15 there to assist with the details; is that right?

16 **SUPT. ROBERT DRUMMOND:** Yeah, we wanted to ensure  
17 public safety and wanted to see the logistics of doing what they  
18 proposed.

19 **MS. NATALIA RODRIGUEZ:** Right.

20 **SUPT. ROBERT DRUMMOND:** Like you said, it was the  
21 letter for very high level and I wanted to know sort of the nuts  
22 and bolts about, "Okay, how do you want to do this? What is  
23 your plan?"

24 **MS. NATALIA RODRIGUEZ:** Okay. Now, you -- were  
25 you aware that at the time, the Integrated Planning Group were  
26 working on a plan?

27 **SUPT. ROBERT DRUMMOND:** Yes.

28 **MS. NATALIA RODRIGUEZ:** Okay. And so were you

1 asked to ensure that the -- whatever deal was finally struck  
2 would fit within that plan?

3           **SUPT. ROBERT DRUMMOND:** I think I was -- the  
4 expectation was that I was going to report back about what -- so  
5 this was an arrangement separate with the City. We were not  
6 part of that arrangement, at least -- we -- myself -- the  
7 Integrated team, and Rob Bernier, and myself, we weren't aware  
8 of it at that point, so when I went to the meeting, it was to  
9 find out what the deal was between the City and the protesters  
10 and what were logistics behind it.

11           **MS. NATALIA RODRIGUEZ:** Right, but it sounds like  
12 at that meeting there was general enthusiasm for the arrangement  
13 because it would assist in the OPS's plan?

14           **SUPT. ROBERT DRUMMOND:** It was cautious  
15 optimistic ---

16           **MS. NATALIA RODRIGUEZ:** Okay.

17           **SUPT. ROBERT DRUMMOND:** --- caution. We were  
18 cautious about it.

19           **MS. NATALIA RODRIGUEZ:** Okay. Did your role as  
20 liaison include negotiating terms?

21           **SUPT. ROBERT DRUMMOND:** No.

22           **MS. NATALIA RODRIGUEZ:** And who were you to  
23 report back to?

24           **SUPT. ROBERT DRUMMOND:** Robert Bernier and Trish  
25 Ferguson.

26           **MS. NATALIA RODRIGUEZ:** Okay. And at this time -  
27 - by this time, had Superintendent Bernier expressed concerns to  
28 you?

1                   **SUPT. ROBERT DRUMMOND:** Well, I believe during  
2 the meeting we were -- we each had concerns that, one, we  
3 weren't aware that our group at the NCRCC weren't aware that the  
4 City had been negotiating ---

5                   **MS. NATALIA RODRIGUEZ:** Okay.

6                   **SUPT. ROBERT DRUMMOND:** --- and we wanted to find  
7 out more details about what their plans were.

8                   **MS. NATALIA RODRIGUEZ:** Okay. And I understand  
9 that after you informed Staff Sergeant Ferguson and OPP PLT  
10 Giselle Walker about the letters, and you ---

11                   **SUPT. ROBERT DRUMMOND:** Yes.

12                   **MS. NATALIA RODRIGUEZ:** --- sent those letters to  
13 them, so ---

14                   **SUPT. ROBERT DRUMMOND:** Yes.

15                   **MS. NATALIA RODRIGUEZ:** --- that they would have  
16 awareness?

17                   **SUPT. ROBERT DRUMMOND:** Yes.

18                   **MS. NATALIA RODRIGUEZ:** And did they express any  
19 concerns back to you, that you recall, at that time?

20                   **SUPT. ROBERT DRUMMOND:** I believe they did.  
21 No, it would have been -- I think it was the next  
22 day that ---

23                   **MS. NATALIA RODRIGUEZ:** Okay.

24                   **SUPT. ROBERT DRUMMOND:** --- they expressed  
25 concerns. It wasn't that day.

26                   **MS. NATALIA RODRIGUEZ:** Okay. And then your  
27 notes also indicate that at 4:46 p.m., you were asked by Chief  
28 Sloly to attend a meeting. So at this time, you had asked by

1 Acting Deputy Chief Ferguson to act as liaison ---

2 **SUPT. ROBERT DRUMMOND:** Yes.

3 **MS. NATALIA RODRIGUEZ:** --- and then a little bit  
4 later, you got a call, I believe, from Chief Sloly asking you to  
5 attend this meeting with Steve Kanellakos and Kim Ayotte from  
6 the City; is that right?

7 **SUPT. ROBERT DRUMMOND:** Correct.

8 **MS. NATALIA RODRIGUEZ:** Okay. And at that time,  
9 did the Chief express any concerns to you about the arrangement?

10 **SUPT. ROBERT DRUMMOND:** No, it was a very short  
11 conversation.

12 **MS. NATALIA RODRIGUEZ:** Okay. Did he explain  
13 what your role in that meeting should be?

14 **SUPT. ROBERT DRUMMOND:** No. He just asked me to  
15 attend.

16 **MS. NATALIA RODRIGUEZ:** Okay. Did he ask you to  
17 report back to him when it was done?

18 **SUPT. ROBERT DRUMMOND:** I don't remember  
19 specifically asking me to report back, but it would be  
20 understood that I would be -- would report back through the  
21 chain of command.

22 **MS. NATALIA RODRIGUEZ:** Okay. And what did you  
23 see as OPS's role with respect to these negotiations?

24 **SUPT. ROBERT DRUMMOND:** To go and listen to what  
25 they proposed and raise any concerns and look at whatever  
26 logistical implications are for us and any safety concerns.

27 **MS. NATALIA RODRIGUEZ:** Right. So then you would  
28 be involved in the logistics; is that right?

1           **SUPT. ROBERT DRUMMOND:** Well, the safety part of  
2 it. If we were going to have to -- I mean, ultimately, there  
3 would be some form of a traffic plan to make that happen ---

4           **MS. NATALIA RODRIGUEZ:** Yeah.

5           **SUPT. ROBERT DRUMMOND:** --- and to see what we  
6 could do.

7           **MS. NATALIA RODRIGUEZ:** And you would need to  
8 allocate resources to carry that plan out; is that right?

9           **SUPT. ROBERT DRUMMOND:** Yes. Yes, there would be  
10 PLT and traffic resources.

11           **MS. NATALIA RODRIGUEZ:** Okay. And my  
12 understanding is that meeting took place at around 5:30 on the  
13 13<sup>th</sup> of February at City Hall ---

14           **SUPT. ROBERT DRUMMOND:** Correct.

15           **MS. NATALIA RODRIGUEZ:** --- is that right?

16           **SUPT. ROBERT DRUMMOND:** Correct.

17           **MS. NATALIA RODRIGUEZ:** And according to your  
18 summary, in attendance were Steve Kanellakos, Kim Ayotte, Tom  
19 Marazzo, Chris Barber, Joe Jansen, Eva Chipiuk and Ryan Olson.  
20 Is that right?

21           **SUPT. ROBERT DRUMMOND:** Correct.

22           **MS. NATALIA RODRIGUEZ:** Okay.

23           Now at page 47 of your notes, you say -- yeah,  
24 right there, "They stated that their plan was to move all the  
25 trucks onto Wellington."

26           So was this the first time that this move to  
27 Wellington was raised?

28           **SUPT. ROBERT DRUMMOND:** That's -- I realize

1 that's the first time it's in my notes, but that was my  
2 understanding the whole time.

3 **MS. NATALIA RODRIGUEZ:** Right. And was this  
4 because the letters talk about leaving the residential areas and  
5 maintaining only onto Wellington ---

6 **SUPT. ROBERT DRUMMOND:** Yes.

7 **MS. NATALIA RODRIGUEZ:** --- Street?

8 **SUPT. ROBERT DRUMMOND:** Yes.

9 **MS. NATALIA RODRIGUEZ:** Okay. So based on the  
10 letters, it was your understanding that they would be ---

11 **SUPT. ROBERT DRUMMOND:** Yes.

12 **MS. NATALIA RODRIGUEZ:** --- relocating? Okay.

13 **SUPT. ROBERT DRUMMOND:** Yes.

14 **MS. NATALIA RODRIGUEZ:** And then you say ---

15 **SUPT. ROBERT DRUMMOND:** I can help you there. My  
16 writing's not the best.

17 **MS. NATALIA RODRIGUEZ:** Sorry?

18 **SUPT. ROBERT DRUMMOND:** I can help you, if you  
19 have a -- I can help you.

20 **MS. NATALIA RODRIGUEZ:** I think I got it. "Group  
21 explained that they didn't control the Coventry location.  
22 That..."

23 **SUPT. ROBERT DRUMMOND:** Yes.

24 **MS. NATALIA RODRIGUEZ:** "...that was controlled  
25 by Mike Clark." Is that right?

26 **SUPT. ROBERT DRUMMOND:** Correct. They didn't  
27 feel that they had any control there.

28 **MS. NATALIA RODRIGUEZ:** They also didn't control

1 Rideau Sussex group Farfadaa." You see that?

2 **SUPT. ROBERT DRUMMOND:** Correct, yes.

3 **MS. NATALIA RODRIGUEZ:** Okay. So then it sounds  
4 like those were now being excluded from the locations that were  
5 going to be moved; is that right?

6 **SUPT. NATALIA RODRIGUEZ:** Well, the protesters  
7 advised that they didn't have any control over those areas.  
8 They didn't have influence on them.

9 **MS. NATALIA RODRIGUEZ:** Okay. And then, "I asked  
10 what happens to the trucks that don't fit on Wellington." And  
11 then it says, "Agreed to west limit is Bay Street and east limit  
12 as south lane of Elgin." See that?

13 **SUPT. ROBERT DRUMMOND:** Correct.

14 **MS. NATALIA RODRIGUEZ:** Okay. So, first of all,  
15 what was the answer to what happens to the trucks that don't fit  
16 on Wellington?

17 **SUPT. ROBERT DRUMMOND:** That they would leave.

18 **MS. NATALIA RODRIGUEZ:** Okay. And where would  
19 they go?

20 **SUPT. ROBERT DRUMMOND:** I believe they talked  
21 about vehicles leaving the city, going out to either the  
22 location out in the east end, or a location in the west, like,  
23 Arnprior. There was a place down in Richmond. There was sort  
24 of out by Herb's Trucking out in the east end going toward  
25 Vankleek Hill there, that location a lot of vehicles went to  
26 too.

27 **MS. NATALIA RODRIGUEZ:** Right.

28 **SUPT. ROBERT DRUMMOND:** But they were agreeing to



1 leave the core.

2 **MS. NATALIA RODRIGUEZ:** Okay. But you knew that  
3 they wanted to -- a lot of them wanted to be closer to ---

4 **SUPT. ROBERT DRUMMOND:** Yes.

5 **MS. NATALIA RODRIGUEZ:** --- Parliament Hill ---

6 **SUPT. ROBERT DRUMMOND:** Absolutely, yes.

7 **MS. NATALIA RODRIGUEZ:** --- to have that kind of  
8 photo and to be kind of in that area; right?

9 **SUPT. ROBERT DRUMMOND:** Yes.

10 **MS. NATALIA RODRIGUEZ:** Okay. But it was thought  
11 that maybe some people would go to Arnprior; is that right?

12 **SUPT. ROBERT DRUMMOND:** Yes.

13 **MS. NATALIA RODRIGUEZ:** Okay. And so here, and  
14 when we look at the limits, it's Bay Street on the west side?

15 **SUPT. ROBERT DRUMMOND:** Right here, right  
16 outside.

17 **MS. NATALIA RODRIGUEZ:** Just out here; correct?  
18 And south lane of Elgin on the ---

19 **SUPT. ROBERT DRUMMOND:** Yeah.

20 **MS. NATALIA RODRIGUEZ:** --- east side; is that  
21 right?

22 **SUPT. ROBERT DRUMMOND:** Correct.

23 **MS. NATALIA RODRIGUEZ:** And the letters actually  
24 state that the western limit would be SJAM; isn't that right?

25 **SUPT. ROBERT DRUMMOND:** Correct.

26 **MS. NATALIA RODRIGUEZ:** So why was it restricted  
27 to Bay?

28 **SUPT. ROBERT DRUMMOND:** We -- in the room, when

1 we had a discussion, I think we looked at a map and we had a  
2 discussion about going to Bay, so it would open up more lanes  
3 west of that location, particularly the -- having the whole  
4 intersection of SJAM with trucks in it created other issues.  
5 Again, same sort of problems at Rideau Sussex. It's a main  
6 artery going across the border into Quebec. It accesses the  
7 Civic Hospital going -- turning if you're going west. So there  
8 was an interest to try to open up more area.

9 **MS. NATALIA RODRIGUEZ:** Okay. And you mentioned  
10 a map, so we might as well go there. OPS00014929. And I  
11 believe this might be the map that you're referring to. If we  
12 can zoom out a bit? Yeah. Okay. Let's maybe zoom in a little  
13 bit now.

14 Yeah, okay. So does that map look familiar?

15 **SUPT. ROBERT DRUMMOND:** Yes, it does.

16 **MS. NATALIA RODRIGUEZ:** And is this the map that  
17 you took to the meeting with you?

18 **SUPT. ROBERT DRUMMOND:** I believe Kim Ayotte had  
19 the maps there.

20 **MS. NATALIA RODRIGUEZ:** Okay.

21 **SUPT. ROBERT DRUMMOND:** I think there were maps  
22 on the table, if I remember. I don't -- don't quote me on that.  
23 I ---

24 **MS. NATALIA RODRIGUEZ:** Okay.

25 **SUPT. ROBERT DRUMMOND:** --- it's -- I don't  
26 remember bringing maps. I think the maps were there on the  
27 table.

28 **MS. NATALIA RODRIGUEZ:** Okay. And if we look

1 closely at the map, we can see there's some markings in pen at  
2 around Bay Street and Elgin. Do you see that?

3 **SUPT. ROBERT DRUMMOND:** I do.

4 **MS. NATALIA RODRIGUEZ:** And who made those  
5 markings?

6 **SUPT. ROBERT DRUMMOND:** That was the map that I  
7 was referring to.

8 **MS. NATALIA RODRIGUEZ:** Okay.

9 **SUPT. ROBERT DRUMMOND:** That was my map in the  
10 room.

11 **MS. NATALIA RODRIGUEZ:** Okay. So you made the  
12 markings?

13 **SUPT. ROBERT DRUMMOND:** Yes, I did.

14 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go  
15 back to your notes, OPS00014455, and we're at page 47.

16 If we go down? And then it says,

17 "Freedom Convoy group needs to sort out  
18 who is staying on Wellington and who is  
19 leaving."

20 Now is this because it was understood that not  
21 everybody could be on Wellington?

22 **SUPT. ROBERT DRUMMOND:** Well, I certainly  
23 understood they wouldn't all fit on Wellington, and I kept  
24 highlighting that with them.

25 **MS. NATALIA RODRIGUEZ:** Okay. And what ---

26 **SUPT. ROBERT DRUMMOND:** And I ---

27 **MS. NATALIA RODRIGUEZ:** --- was the group's  
28 response?

1                   **SUPT. ROBERT DRUMMOND:** Well, I think they truly  
2 believed they could try to fit in as many trucks as possible,  
3 and that they would -- the trucks that didn't fit would leave.  
4 But I wanted to get sort of a clear response about how that was  
5 going to work.

6                   **MS. NATALIA RODRIGUEZ:** And you said that your  
7 understanding was that some people wanted to leave but were  
8 blocked in ---

9                   **SUPT. ROBERT DRUMMOND:** Yes.

10                  **MS. NATALIA RODRIGUEZ:** --- by other trucks. Can  
11 you explain that?

12                  **SUPT. ROBERT DRUMMOND:** So during the course of  
13 the, you know, the first couple weeks there, we had PLT had met  
14 groups that wanted to leave, but unfortunately, were effectively  
15 blocked in. And some of them felt intimidated, that they  
16 couldn't leave. And we'd seen some of that activity on --  
17 particularly on -- at Rideau Sussex. There were groups that  
18 were blocked in. I can think of there were groups that I think  
19 had come from the Maritimes that were sort of trapped in there  
20 and they wanted to get out, and they couldn't get past the group  
21 that was holding the intersection.

22                  **MS. NATALIA RODRIGUEZ:** Okay. And then in your  
23 witness statement, you said that protest organizers wanted to be  
24 allowed to bring in more fuel to keep trucks running. And I  
25 believe there is some notations to that effect in your notes as  
26 well. According to you, you would not agree with this.

27                  **SUPT. ROBERT DRUMMOND:** No.

28                  **MS. NATALIA RODRIGUEZ:** Can you explain what they

1 were looking to do?

2                   **SUPT. ROBERT DRUMMOND:** I think, if memory  
3 serves, they asked about bringing a slip tank, which is a tank  
4 that you put into the back of a pick-up truck. They talked  
5 about how that would be safer than bringing small like 25-litre  
6 cans up. And I told them I would not agree -- like I wasn't in  
7 a position to agree to bring any more fuel up.

8                   **MS. NATALIA RODRIGUEZ:** Okay. So you were  
9 putting some constraints on this deal, it sounds like.

10                   **SUPT. ROBERT DRUMMOND:** Yes.

11                   **MS. NATALIA RODRIGUEZ:** Okay.

12                   **SUPT. ROBERT DRUMMOND:** Well, there was a safety  
13 -- fuel was a safety concern.

14                   **MS. NATALIA RODRIGUEZ:** Right.

15                   **SUPT. ROBERT DRUMMOND:** I mean, yes, they --  
16 obviously, they needed fuel to keep trucks running and stay  
17 warm, but fuel -- you know, there's a lot of rules around how  
18 fuel's handled and we always had safety concerns about whether a  
19 fire would start or someone would get hurt with fuel.

20                   **MS. NATALIA RODRIGUEZ:** Right.

21                   **SUPT. ROBERT DRUMMOND:** So we were very cautious  
22 about wanting -- allowing people to use fuel. We wanted fuel in  
23 a very controlled environment.

24                   **MS. NATALIA RODRIGUEZ:** Right. And then even  
25 though the letter said that the western limit on Wellington  
26 would be S.JAM, you indicated that not, it was going to be Bay;  
27 right? Is that -- was that a safety issue as well, or what was  
28 that?

1                   **SUPT. ROBERT DRUMMOND:** Well, it was more about  
2 trying to keep that lower intersection open. And when I asked  
3 them, I said, "Look, that intersection's a problem for us".

4                   **MS. NATALIA RODRIGUEZ:** Okay.

5                   **SUPT. ROBERT DRUMMOND:** "Can we move back a block  
6 or two?".

7                   And I think -- I believe Steve Kanellakos shared  
8 that -- you know, we -- I think it was -- they understood when I  
9 brought it up that, you know, ideally, we would like to not have  
10 that intersection blocked as well.

11                   **MS. NATALIA RODRIGUEZ:** Okay. So you're doing --  
12 sorting out some of the details and negotiating some of the  
13 nuances of this deal. Is that fair?

14                   **SUPT. ROBERT DRUMMOND:** Yes.

15                   **MS. NATALIA RODRIGUEZ:** Okay. On page 49 -- keep  
16 going down.

17                   "I asked the group what the exit  
18 strategy for them to leave Ottawa and  
19 open up all streets."

20                   And then it says:

21                   "Meeting with federal government. They  
22 have been ignored by federal government  
23 and Prime Minister."

24                   So what was that discussion?

25                   **SUPT. ROBERT DRUMMOND:** Well, I asked them like,  
26 I mean, you know, yes, you're going to move to Wellington, but  
27 what's the -- what's the end, what's the strategy. What is your  
28 plan after that?

1 I mean, I had been with them in the room for a  
2 couple hours. We'd eaten some pizza. Like I was talking to  
3 them a little bit.

4 I just asked, you know, what -- what is your  
5 long-term goal here? What do you -- what's going to -- and then  
6 they told me it was to meet the government.

7 **MS. NATALIA RODRIGUEZ:** Okay. So then this deal  
8 was not meant to bring an end to the demonstrations. Is that  
9 right?

10 **SUPT. ROBERT DRUMMOND:** No, no, but I just asked  
11 like where -- I just asked them -- I was in the room with them  
12 for a period of time. I asked them, "What is your goal here?  
13 Like how long are you going to try to stay here? What is it  
14 going to take for you to leave the street?"

15 And I think if you read further on in my notes, I  
16 do tell them, "You can't stay here indefinitely".

17 **MS. NATALIA RODRIGUEZ:** Right.

18 **SUPT. ROBERT DRUMMOND:** "There's going to be  
19 consequences if you stay".

20 **MS. NATALIA RODRIGUEZ:** Right. And actually, you  
21 say that just the next point:

22 "I explained that even if the group  
23 moved to Wellington, they can't stay  
24 there forever. At some point there will  
25 be a line in the sand and will require  
26 action by the police. Protest group  
27 understood."

28 **SUPT. ROBERT DRUMMOND:** Yeah.

1                   **MS. NATALIA RODRIGUEZ:** Is that right?

2                   **SUPT. ROBERT DRUMMOND:** Yeah. Yes, it is.

3                   **MS. NATALIA RODRIGUEZ:** So they understood that  
4 this negotiation was not meant to bring an end to the  
5 demonstration because they said what they actually wanted was a  
6 meeting with the Prime Minister; right?

7                   **SUPT. ROBERT DRUMMOND:** Correct.

8                   **MS. NATALIA RODRIGUEZ:** And you also explained to  
9 them that "At some point, you will have to leave Wellington.  
10 We're not going to just allow you to stay there indefinitely".  
11 Is that right?

12                   **SUPT. ROBERT DRUMMOND:** Correct.

13                   **MS. NATALIA RODRIGUEZ:** Okay. Did anyone at the  
14 city -- any of the city reps, Mr. Ayotte or Mr. Kanellakos, ever  
15 say that the trucks could stay on Wellington definitely?

16                   **SUPT. ROBERT DRUMMOND:** No.

17                   **MS. NATALIA RODRIGUEZ:** Okay.

18                   **SUPT. ROBERT DRUMMOND:** Not that I remember.

19                   **MS. NATALIA RODRIGUEZ:** And did you suggest that?

20                   **SUPT. ROBERT DRUMMOND:** No.

21                   **MS. NATALIA RODRIGUEZ:** Okay.

22                   **SUPT. ROBERT DRUMMOND:** I think I made it clear  
23 that they -- our expectation is that they weren't staying.

24                   **MS. NATALIA RODRIGUEZ:** Okay. So my  
25 understanding is that once this meeting ended, the protest group  
26 was to go out and speak to the truckers on the ground to get  
27 buy-in on this deal. Is that right?

28                   **SUPT. ROBERT DRUMMOND:** Correct.



1                   **MS. NATALIA RODRIGUEZ:** Okay. And what's your  
2 understanding of those discussions? Were they successful? Was  
3 there resistance? Was there acceptance? Do you have a sense  
4 for ---

5                   **SUPT. ROBERT DRUMMOND:** There was some  
6 resistance. We learned in the morning that not all the groups  
7 had agreed, that there were groups that weren't -- they weren't  
8 moving.

9                   **MS. NATALIA RODRIGUEZ:** Okay. And I understand  
10 also that after the meeting, you called Acting Superintendent  
11 Bernier and Acting Deputy Chief Ferguson to update them about  
12 the meeting that had just transpired; right?

13                   **SUPT. ROBERT DRUMMOND:** I did, yes.

14                   **MS. NATALIA RODRIGUEZ:** Okay. And was their  
15 response at that time?

16                   **SUPT. ROBERT DRUMMOND:** I briefed them on what  
17 had occurred. We had more discussions later that night.

18                   You know, they were cautious. Same thing. You  
19 know, let's see what they can do. Can they really do this?

20                   I don't remember there being any -- you know, I  
21 explained what the concerns were and that they couldn't all fit  
22 onto Wellington. And I also had concerns about the -- you know,  
23 whether they could -- would the trucks actually leave because we  
24 already knew that there was fractures within those groups.

25                   **MS. NATALIA RODRIGUEZ:** Right. So you think that  
26 -- your understanding was that some groups would nevertheless  
27 stay. Is that right?

28                   **SUPT. ROBERT DRUMMOND:** Well, we already knew

1 about, you know, the Coventry Road situation, and they were up  
2 front with us to tell us that, you know, they couldn't -- they  
3 didn't have influence over Coventry Road. They didn't have  
4 influence over Sussex and Rideau. And we suspected there would  
5 be other areas that they wouldn't necessarily have.

6 But we were interested in seeing if it would help  
7 shrink the footprint.

8 **MS. NATALIA RODRIGUEZ:** And now, Chief Sloly had  
9 been the one to ask you to attend this meeting. Did you also  
10 report back to him?

11 **SUPT. ROBERT DRUMMOND:** No, I reported to Trish  
12 Ferguson and Rob Bernier. I was following the chain of command  
13 and I expected that Deputy Ferguson would have then notified the  
14 Chief.

15 **MS. NATALIA RODRIGUEZ:** Okay. Now, we expect  
16 Chief Sloly to say that he did not know at the time that trucks  
17 would be moving into the red zone. Rather, he thought they  
18 would go to areas south of Wellington, go home or to areas  
19 outside of the city.

20 What's your response to that?

21 **SUPT. ROBERT DRUMMOND:** I read the letters and I  
22 went to the meeting. It was pretty clear to me what the -- the  
23 arrangement was that they were going to stack vehicles up on  
24 Wellington and then try to clear the residential streets with --  
25 from the balance.

26 **MS. NATALIA RODRIGUEZ:** And we also expect him to  
27 say that he was not aware that any trucks moved onto Wellington  
28 in front of Parliament and that that would have been contrary to

1 his understanding of the negotiations.

2 He -- we expect him to say that relieving  
3 pressure in the residential areas was benefit, but adding  
4 additional trucks to the red zone could have increased public  
5 safety issues.

6 Did he express anything along those lines to you?

7 **SUPT. ROBERT DRUMMOND:** No, I didn't -- I didn't  
8 speak to him directly about that. But he was in the meeting the  
9 next day in the morning. There was a briefing in the morning  
10 where we discussed what was going on.

11 **MS. NATALIA RODRIGUEZ:** Okay. And so is it your  
12 understanding, then, that he would have understood that that was  
13 -- that was the arrangement?

14 **SUPT. ROBERT DRUMMOND:** Was -- I believe so. I  
15 don't know how he would have -- it was my understanding. I  
16 think it was pretty clear from the letters. And I think it was  
17 pretty clear from what I reported back up through the chain of  
18 command what we were -- what we were doing, and then the next  
19 morning it physically was happening.

20 **MS. NATALIA RODRIGUEZ:** Okay. And he said that  
21 moving trucks to Wellington could -- or we expect him to say  
22 could increase public safety issues.

23 Did you share in any of those concerns?

24 **SUPT. ROBERT DRUMMOND:** Well, it was a lesser of  
25 two evils, yes. We were -- yes, more vehicles on Wellington  
26 created -- would create a problem later, but we were trying to  
27 relieve pressure on the residential areas and try to reduce the  
28 footprint.

1                   **MS. NATALIA RODRIGUEZ:** Now, earlier we saw that  
2 the Parliamentary Protective Service on February 8 when they  
3 learned about a possible move from Rideau and Sussex to  
4 Wellington had expressed some concerns.

5                   At this time, did you indicate to anyone that we  
6 should notify PPS or did you notify Mr. Brookson at PPS?

7                   **SUPT. ROBERT DRUMMOND:** I didn't directly, no,  
8 but I would have expected that he had a representative at the  
9 NCRCC that would have been advised.

10                  **MS. NATALIA RODRIGUEZ:** Okay.

11                  **SUPT. ROBERT DRUMMOND:** And I would expect that  
12 the Integrated Command Team would have had some contact with  
13 them as well.

14                  **MS. NATALIA RODRIGUEZ:** Okay. And my  
15 understanding is at 8:30 that evening -- so the meeting happens  
16 with the protestors and Mr. Kanellakos and Mr. Ayotte at 5:30  
17 and then, at 8:30, there's a meeting in which you're updating  
18 and briefing several people on teams. Is that right?

19                  **SUPT. ROBERT DRUMMOND:** Correct.

20                  **MS. NATALIA RODRIGUEZ:** Okay. So I wanted ---

21                  **COMMISSIONER ROULEAU:** Is this a good time to  
22 take ---

23                  **MS. NATALIA RODRIGUEZ:** It is a perfect time,  
24 yes. Thank you.

25                  **COMMISSIONER ROULEAU:** So we'll take a 15-minute  
26 break, give you a chance to stand up and move around. And we'll  
27 come back in 15 minutes.

28                  **THE REGISTRAR:** The Commission is in recess for

1 15 minutes. La commission est lever pour 15 minutes.

2 --- Upon recessing at 4:21 p.m.

3 --- Upon resuming at 4:26 p.m.

4 **THE REGISTRAR:** Order. À l'ordre. The  
5 Commission is reconvened. La Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay. You're okay to  
7 continue?

8 **SUPT. ROBERT DRUMMOND:** Yes, we are, thank you.

9 **MS. NATALIA RODRIGUEZ:** Thank you, Mr.  
10 Commissioner.

11 --- SUPT. ROBERT DRUMMOND, Resumed:

12 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ, (cont'd):

13 **MS. NATALIA RODRIGUEZ:** So, Supt. Drummond, I  
14 want to take you now to the following day, 14<sup>th</sup> of February,  
15 Monday, which is when the movement of the trucks actually  
16 started. Now, I understand on Monday morning there was bit of  
17 confusion about what the deal was going to be and what OPS' role  
18 would be; is that fair?

19 **SUPT. ROBERT DRUMMOND:** I understood it myself,  
20 but there may have been some confusion with some other groups,  
21 yes.

22 **MS. NATALIA RODRIGUEZ:** Okay. And so -- and to  
23 your understanding, what was the -- what was the confusion or  
24 the misunderstanding there?

25 **SUPT. ROBERT DRUMMOND:** I think one of the  
26 confusions was whether it was a 24-hour arrangement or a 72-hour  
27 arrangement.

28 **MS. NATALIA RODRIGUEZ:** Okay. And so that

1 concern, or that misunderstanding or confusion, that was brought  
2 up the morning of February 14<sup>th</sup>?

3 **SUPT. ROBERT DRUMMOND:** No, the 15<sup>th</sup>.

4 **MS. NATALIA RODRIGUEZ:** On the 15<sup>th</sup>, okay.

5 **SUPT. ROBERT DRUMMOND:** Yeah.

6 **MS. NATALIA RODRIGUEZ:** So let's go to February  
7 14<sup>th</sup>.

8 **SUPT. ROBERT DRUMMOND:** Okay.

9 **MS. NATALIA RODRIGUEZ:** The 13<sup>th</sup> in the evening,  
10 we know that the meeting with -- that you attended took place  
11 and the following Monday, February 14<sup>th</sup>, was when the movement of  
12 the trucks, according to this deal, was going to start. My  
13 understanding that on that morning, there was a bit of unclarity  
14 about what the deal was; in fact, the trucks didn't start moving  
15 until about 1:00 p.m., right?

16 **SUPT. ROBERT DRUMMOND:** Yes.

17 **MS. NATALIA RODRIGUEZ:** Okay.

18 **SUPT. ROBERT DRUMMOND:** Not all the groups  
19 understood the arrangement and they were -- I believe the  
20 different convoy representatives were going around trying to get  
21 different groups to agree and understand what's going on, and I  
22 think there were some groups that weren't in agreement, was one  
23 of the problems.

24 **MS. NATALIA RODRIGUEZ:** Okay. But within OPS  
25 there was some confusion about what the deal was as well; is  
26 that right?

27 **SUPT. ROBERT DRUMMOND:** No, I think the traffic  
28 plan -- the traffic units and the PLT groups understood what we

1 were going to do.

2 **MS. NATALIA RODRIGUEZ:** Okay. Well, maybe you  
3 can help us out, then, if I can take you to OTT00010455. And  
4 you probably haven't seen this before. This is a chat with  
5 members of the NCRCC reporting to City officials about what's  
6 going on on the ground. Can we see that in native form; it  
7 might be easier. Oh, there we go, thank you. And if we can go  
8 to page 22, and if we go to -- okay, so we see there "Todd  
9 Piper". Do you know who he is?

10 **SUPT. ROBERT DRUMMOND:** I'm familiar with the  
11 name. I can't put a face to him right now.

12 **MS. NATALIA RODRIGUEZ:** Okay. But he was ---

13 **SUPT. ROBERT DRUMMOND:** He worked for the City.

14 **MS. NATALIA RODRIGUEZ:** He worked for the City  
15 and he was on NCRCC, right?

16 **SUPT. ROBERT DRUMMOND:** Correct.

17 **MS. NATALIA RODRIGUEZ:** And so he's giving an  
18 update here to other City official and EOC representatives and  
19 he says:

20 "Good morning, all. Here's the latest.  
21 Work beginning on the deal negotiated  
22 between the Mayor and the Freedom  
23 Convoy President to move trucks from  
24 residential neighbourhoods to  
25 Wellington and SJAM. Confusion  
26 unfolded into the evening over whether  
27 the deal was on."

28 And here, Mr. Piper's describing some -- what you

1 were referring to, some confusion with the protest groups about  
2 whether the deal was on or not on; is that right?

3 **SUPT. ROBERT DRUMMOND:** Correct.

4 **MS. NATALIA RODRIGUEZ:** Okay. And if we go  
5 further down, he says:

6 "These conflicting directions are  
7 likely to hinder progress and  
8 cooperation by those trucks aligned  
9 with the official Freedom Convoy Group,  
10 not to mention the challenges in  
11 dealing with the numerous independent  
12 splinter groups."

13 And then, at the bottom, he says:

14 "No specific details have been shared  
15 with us by OPS re: traffic management  
16 at this point but they have confirmed  
17 that once the vehicles start to move,  
18 side streets and exits will be fully  
19 blocked to prevent vehicles from  
20 deviating from their planned route."

21 And then at 9:26 there, he says:

22 "Correction, OPS has shared their draft  
23 plan, still not formally approved by  
24 their commander, with City staff here  
25 at the NCRCC. Their focus this morning  
26 is on getting vehicles to leave the  
27 core, not on repositioning trucks along  
28 Wellington and SJAM as originally



1 thought."

2 Keep going down:

3 "The draft plan appears to focus  
4 largely on diverting vehicles eastbound  
5 on Laurier Avenue West to Nicholas and  
6 then to the eastbound offramp. Once  
7 all willing vehicles have left, the PLT  
8 will then work with the organizers at a  
9 later time to reposition the remaining  
10 vehicles along Wellington and SJAM as  
11 part of a separate phase or operation."

12 But this is bit different from what you had  
13 discussed with the protesters the night before; isn't that  
14 right?

15 **SUPT. ROBERT DRUMMOND:** Yeah, I'm not sure --  
16 like, I wasn't in that -- like, the -- I don't if -- you may not  
17 be familiar with the NCRCC but there's multiple rooms. I'm  
18 assuming he's in one of the main rooms there but that is not my  
19 understanding of how things went. We had delays in the morning  
20 with getting contact with Chris Barber and the PLTs connecting  
21 with him about getting some of the trucks moving. I know that  
22 was a delay in the morning. I know we did want to set up  
23 options for people to just leave, and that's maybe what he is  
24 referring to. But ultimately, we started moving trucks. It did  
25 take a number of hours to get that done, but the main impediment  
26 was that there were a number of groups who didn't seem to be  
27 onboard, and the protesters were still dealing with them.

28 **MS. NATALIA RODRIGUEZ:** Okay. So you're not

1 aware of any other issues that arose that morning within OPS, it  
2 was the protesters?

3 **SUPT. ROBERT DRUMMOND:** Well, there may have been  
4 some logistical on-the-ground things that may have occurred that  
5 I am not aware of, maybe they were moving a barricade.

6 Like -- so when we do things like that, and I'm  
7 just -- this is hypothetical, I don't know ---

8 **MS. NATALIA RODRIGUEZ:** Sure.

9 **SUPT. ROBERT DRUMMOND:** --- but you know, an  
10 example. To move those big cement jersey barriers you need a  
11 special -- a loader with a, like a clam device, and sometimes  
12 there is issues with getting heavy equipment in or moving things  
13 or opening up barricades. And sometimes there are little bits  
14 of confusion about, you know, we were running -- you know, there  
15 were three or four, you know, different police services were all  
16 there working, and getting everyone to understand what the  
17 instructions were, there may have been -- I can't say that there  
18 wasn't some glitches along the way, but ultimately, we got  
19 vehicles moving later that day.

20 **MS. NATALIA RODRIGUEZ:** My understanding is that  
21 morning at 11:00 a.m. there was a meeting that you were in  
22 attendance. It's not in your notes, if you're going to look at  
23 your notes. There seems to be a gap in your notes between  
24 11:00 a.m. and 1:00 p.m. for February 14, but we have other  
25 people's notes that seem to indicate you were in attendance.

26 **SUPT. ROBERT DRUMMOND:** Okay.

27 **MS. NATALIA RODRIGUEZ:** So I'll take you to  
28 OPS00011045. And these are Acting Superintendent Bernier's

1 scribe notes for February 14, and at -- I'll take you to  
2 page 13. The meeting started at 11:00.

3 It's further down, but if you go to page 13.

4 So if you want to see the beginning of that  
5 meeting, it's further up, but this is now in the middle of this  
6 meeting, and it goes until a little bit after 1:00 p.m., and you  
7 can see there at 1312, the Event Commander, which would be  
8 Superintendent Bernier, is that right ---

9 **SUPT. ROBERT BERNIER:** Yeah.

10 **MS. NATALIA RODRIGUEZ:** --- at the time? Says  
11 something to you that says "Drummond" there at 1312; right?

12 **SUPT. ROBERT BERNIER:** Okay. Yeah, that could be  
13 ---

14 **MS. NATALIA RODRIGUEZ:** Yes.

15 **SUPT. ROBERT DRUMMOND:** --- Drummond.

16 **MS. NATALIA RODRIGUEZ:** Well, if you look at the  
17 notation, it says:

18 "Tasking Drummond to advise  
19 D/C Ferguson about PPS.  
20 Potential concern that they have with  
21 this."

22 **SUPT. ROBERT DRUMMOND:** Okay.

23 **MS. NATALIA RODRIGUEZ:** So do you recall being in  
24 attendance at this meeting?

25 And maybe we can go up to 11:00 a.m., the  
26 timestamp, just to show kind of the beginning of the meeting.  
27 It seems like it was a long meeting, a lot happened there.  
28 Okay, yeah. So if we go up a little bit more.

1                   So there's an end of meeting at 1025, and then  
2 there is a meeting starting at 1050, and it kind of goes on from  
3 there. It looks like Giselle Walker is there. The Event  
4 Commander...

5                   If we go down.

6                   And then more people are seen there in that  
7 meeting.

8                   If you can down, please.

9                   Does this refresh your memory about this meeting  
10 at around 11:00 a.m. on February 14?

11                   **SUPT. ROBERT DRUMMOND:** I -- does it actually  
12 title a meeting at the top of it, or is it just ongoing  
13 conversations?

14                   **MS. NATALIA RODRIGUEZ:** It's an ongoing -- it  
15 looks like it's an ongoing meeting, but it looks like they're  
16 speaking about this issue. And you do seem to be in the room,  
17 since that is attributed to you that the Event Commander says to  
18 you that he's tasking you to advise DC Ferguson about PPS and  
19 potential concerns.

20                   **SUPT. ROBERT DRUMMOND:** I don't have notes of it  
21 being a meeting, so it may have been an ongoing conversation in  
22 the room. I don't have a recollection of that.

23                   **MS. NATALIA RODRIGUEZ:** Okay. So you don't  
24 recall being asked by the Event Commander to advise the Deputy  
25 Chief about potential concerns that PPS would have with the  
26 move?

27                   **SUPT. ROBERT DRUMMOND:** I don't have an  
28 independent recollection, and I don't have any notes about a

1 meeting occurring at that time.

2 **MS. NATALIA RODRIGUEZ:** Okay.

3 If we can go back to page 13.

4 So it looks like they're making arrangements  
5 there.

6 And if you go down to 1327, right there.

7 It says -- it looks like you are saying to the  
8 Event Commander:

9 "Prime Minister is considering an  
10 *Emergency Act.*"

11 Do you see that?

12 **SUPT. ROBERT DRUMMOND:** Okay. Yes, I see that.

13 **MS. NATALIA RODRIGUEZ:** Okay. So this was  
14 something that would've been discussed in -- with this group?

15 **SUPT. ROBERT DRUMMOND:** This is the 13th we're --  
16 or the 14th?

17 **MS. NATALIA RODRIGUEZ:** This is the 14th.

18 **SUPT. ROBERT DRUMMOND:** I think ---

19 **MS. NATALIA RODRIGUEZ:** If you don't recall.

20 **SUPT. ROBERT DRUMMOND:** No, but you're seeing a  
21 pattern with my notes about meetings, so I'm not sure that this  
22 is a meeting. I'm wondering if this is just being captured with  
23 the scribe and Rob Bernier.

24 **MS. NATALIA RODRIGUEZ:** Well, there's certainly  
25 discussions that seem ---

26 **SUPT. ROBERT DRUMMOND:** Yeah.

27 **MS. NATALIA RODRIGUEZ:** --- to be happening;  
28 correct?

1 SUPT. ROBERT DRUMMOND: Correct.

2 MS. NATALIA RODRIGUEZ: Okay. And you know, if  
3 you have a chance ---

4 SUPT. ROBERT DRUMMOND: Yeah, I know the  
5 *Emergency Act* was coming out, yes.

6 MS. NATALIA RODRIGUEZ: Yes. And -- so do you  
7 recall having this discussion with the Event Commander on the 14  
8 about the *Emergency Act* potentially being invoked?

9 SUPT. ROBERT DRUMMOND: I don't remember if it  
10 was the -- it was the 15th that it actually gets invoked,  
11 correct, the next day?

12 MS. NATALIA RODRIGUEZ: The 14th.

13 SUPT. ROBERT DRUMMOND: The 15th it gets invoked,  
14 though?

15 MS. NATALIA RODRIGUEZ: I believe it was the  
16 14th.

17 SUPT. ROBERT DRUMMOND: Okay. So it got invoked  
18 that day? Yeah.

19 MS. NATALIA RODRIGUEZ: Yes.

20 SUPT. ROBERT DRUMMOND: Okay.

21 MS. NATALIA RODRIGUEZ: Okay. And do you know  
22 who told you this, how you got this information?

23 SUPT. ROBERT DRUMMOND: No.

24 MS. NATALIA RODRIGUEZ: Okay. And so did that  
25 indicate that there was likely some significant POU action that  
26 would be commencing shortly thereafter? Is that what you  
27 understood from this?

28 SUPT. ROBERT DRUMMOND: From the *Emergency Act*

1 being invoked?

2 **MS. NATALIA RODRIGUEZ:** Yes.

3 **SUPT. ROBERT DRUMMOND:** No, but we have been --  
4 there was POU planning going on, but I don't know that one  
5 followed the other.

6 **MS. NATALIA RODRIGUEZ:** Okay. So I'll take you  
7 back to your notes, OPS00014455.

8 And we'll go to page 55.

9 And by this time, this is 3:40 p.m., the movement  
10 of trucks has started. Your notes indicated it started at  
11 around 1:00 p.m.

12 **SUPT. ROBERT DRUMMOND:** Correct.

13 **MS. NATALIA RODRIGUEZ:** So this is a few hours  
14 in.

15 So if we go to page 55. Yeah:

16 "Update meeting with Integrated Command  
17 Team at NCRCC."

18 And you say:

19 "26 trucks moved to Wellington from  
20 O'Connor."

21 And then you write:

22 "Issues on Bank Street with group not  
23 wanting to move.

24 - Traffic/PLT on Kent tried to move to  
25 Wellington."

26 And then you say:

27 "No movement of trucks offsite or to  
28 Embrun."

1                   **SUPT. ROBERT DRUMMOND:** Correct.

2                   **MS. NATALIA RODRIGUEZ:** So what are you  
3 indicating here?

4                   **SUPT. ROBERT DRUMMOND:** That there were trucks  
5 that weren't moving. There were groups that weren't moving  
6 their... There was a group on Bank Street that didn't want to  
7 move and the PLT had then since moved on -- moved over to --  
8 they had sort of started going east to west, working the side  
9 streets, and they had basically left Bank Street and then were  
10 trying to work over on Kent to try to move trucks to Wellington.  
11 And there -- we hadn't seen any vehicles leave to go offsite, as  
12 originally agreed upon by the -- between the City and the  
13 protesters.

14                   **MS. NATALIA RODRIGUEZ:** So is it your  
15 understanding that no trucks left the city, not relocated, but  
16 just outright left?

17                   **SUPT. ROBERT DRUMMOND:** Yes. So there would be  
18 vehicles -- like from a weekend to a Monday, there would be a  
19 bit of a -- you'd see an ebb and flow. We saw a -- like there  
20 would be more vehicles come into the city on a weekend than  
21 there were on a weekday, so there would be the natural Monday  
22 vehicles leaving. But we didn't see a marked departure of  
23 vehicles leaving the residential streets as we had hoped from  
24 the arrangement between the City and the protesters.

25                   **MS. NATALIA RODRIGUEZ:** Okay.

26                   And if we go further down:

27                                   "Looking for POU options on areas  
28                                   outside of Wellington."



1 Why not on Wellington?

2 **SUPT. ROBERT DRUMMOND:** We just moved vehicles  
3 there. We would -- felt that we would have to give them notice  
4 that we were going to be doing POU options.

5 **MS. NATALIA RODRIGUEZ:** Okay. So there were POU  
6 options being considered at that time?

7 **SUPT. ROBERT DRUMMOND:** Yes. There were always  
8 POU options being considered.

9 **MS. NATALIA RODRIGUEZ:** Okay. And so now, you're  
10 saying that the POU options are going to be restricted to areas  
11 outside of Wellington; right?

12 **SUPT. ROBERT DRUMMOND:** For the time being, yeah,  
13 at that point.

14 **MS. NATALIA RODRIGUEZ:** Right. And that was  
15 because, as you say, you had just relocated them?

16 **SUPT. ROBERT DRUMMOND:** Yes.

17 **MS. NATALIA RODRIGUEZ:** So you couldn't then just  
18 take them out ---

19 **SUPT. ROBERT DRUMMOND:** No, that would be bad  
20 faith. But I had made it clear to them that going to Wellington  
21 was not a long-term.

22 **MS. NATALIA RODRIGUEZ:** So how long could they  
23 stay there without POU action?

24 **SUPT. ROBERT DRUMMOND:** I couldn't give them a  
25 timeline. Like we would give them notice, and ultimately later  
26 that week we did give them notice.

27 **MS. NATALIA RODRIGUEZ:** Okay. But certainly on  
28 the 14th you didn't feel or the call that you had, or this

1 meeting, it wasn't felt that, at that time, a POU action could  
2 take place on Wellington.

3 **SUPT. ROBERT DRUMMOND:** We didn't have enough  
4 resources to do that at that point.

5 **MS. NATALIA RODRIGUEZ:** Okay. And if we go to  
6 the next page, 56, at 5:00 p.m. there, "Exec Demo update." So  
7 there's another update and we know from other people's notes  
8 that Chief Sloly was in attendance, Deputy Chief Bell, was in  
9 attendance, Acting Deputy Chief Ferguson was in attendance,  
10 Supt. Bernier, Insp. Lucas, I believe Supt. Patterson was also  
11 in attendance, based on the Chief's notes of this meeting.

12 Does that sound about right to you?

13 **SUPT. ROBERT DRUMMOND:** That sounds correct, yes.

14 **MS. NATALIA RODRIGUEZ:** Okay. Now, if we go to  
15 the middle of that page, it says:

16 "Plan enforcement for vehicles south of  
17 Wellington."

18 **SUPT. ROBERT DRUMMOND:** Correct.

19 **MS. NATALIA RODRIGUEZ:** So, again, this is --  
20 there was concern, then, that having put these trucks onto  
21 Wellington, POU action could not take place at that time, right?

22 **SUPT. ROBERT DRUMMOND:** Yes. We weren't going to  
23 do POU action after we just moved the trucks there.

24 **MS. NATALIA RODRIGUEZ:** Did you see this, or did  
25 anybody in the meeting express any view that this would be --  
26 this was tying OPS's hands, with respect to the options that  
27 they had now?

28 **SUPT. ROBERT DRUMMOND:** Oh, yes, it could be

1 conceived that way. But we can only -- it's -- we can only do  
2 one piece at a time. Like, the idea that we would start on  
3 Wellington first was unlikely. We would work our way to  
4 Wellington.

5 **MS. NATALIA RODRIGUEZ:** Okay.

6 **SUPT. ROBERT DRUMMOND:** And I think that's  
7 ultimately what you're going to see later in the week.

8 **MS. NATALIA RODRIGUEZ:** So when did trucks stop  
9 being relocated onto Wellington? We know it started at 1:00  
10 p.m. on the 14; when did it end?

11 **SUPT. ROBERT DRUMMOND:** Later that evening. I  
12 think we had stopped moving vehicles by the time it got dark.

13 **MS. NATALIA RODRIGUEZ:** Okay. So once it got  
14 dark, and that was it? And that never resumed, is that right?

15 **SUPT. ROBERT DRUMMOND:** The next morning there  
16 was some issues about the City contacting me about whether we  
17 were going to move more vehicles. The PLT Traffic Units thought  
18 there was only a 24-hour move. We had some more discussion  
19 about that, but ultimately there wasn't really much room left on  
20 Wellington.

21 **MS. NATALIA RODRIGUEZ:** Okay.

22 **SUPT. ROBERT DRUMMOND:** That topic had been  
23 brought up on Monday night, that we were running out of room on  
24 Wellington anyways.

25 **MS. NATALIA RODRIGUEZ:** Okay. And I'll take you  
26 to the Chief's notes of this meeting, OPS00014566. And we'll go  
27 to page 9. Okay.

28 So we actually just go up a little bit to show

1 what this is. Oh, sorry; page 9 at the bottom. Sorry; let's  
2 keep going down, yeah. All right, there it is.

3 So 1701 "Demo F-22 briefing." So this is the  
4 same meeting that we saw your notes about.

5 **SUPT. ROBERT DRUMMOND:** Correct.

6 **MS. NATALIA RODRIGUEZ:** Okay. And if we look at  
7 the second bullet point, it says, "TRISH"; and I assume that's  
8 Acting Deputy Chief Ferguson?

9 **SUPT. ROBERT DRUMMOND:** Yes.

10 **MS. NATALIA RODRIGUEZ:** It says:

11 "PPS not happy with trucks on  
12 Wellington."

13 You see that?

14 **SUPT. ROBERT DRUMMOND:** Yes.

15 **MS. NATALIA RODRIGUEZ:** Okay. Do you recall that  
16 being part of the discussion in that meeting?

17 **SUPT. ROBERT DRUMMOND:** There was a -- I don't  
18 know if it was that -- if it's there, it would have happened --  
19 yes, I know Larry Brookson reached out to us while we were doing  
20 the truck movements and wasn't happy about it, yes. And I  
21 understand why.

22 **MS. NATALIA RODRIGUEZ:** Okay. Yes, and actually  
23 he reached out to the Chief about half an hour before this  
24 meeting started. Did the Chief relay that in this meeting?

25 **SUPT. ROBERT DRUMMOND:** I believe Trish brought  
26 it up and may have brought it to our attention. I don't believe  
27 I made an independent note about that.

28 **MS. NATALIA RODRIGUEZ:** No, I don't think so.

1           **SUPT. ROBERT DRUMMOND:** But that -- I would agree  
2 that that would be one of their concerns.

3           **MS. NATALIA RODRIGUEZ:** Okay. And look at the  
4 last bullet point there, "Had to pivot due to new," and  
5 unfortunately it's cut off there. Do you have any sense for  
6 what that may be referring to?

7           **SUPT. ROBERT DRUMMOND:** It might be referring to  
8 the *Emergencies Act* being invoked that day.

9           **MS. NATALIA RODRIGUEZ:** Okay. Was that part of  
10 the discussion in that meeting?

11           **SUPT. ROBERT DRUMMOND:** Well, we -- it was sort  
12 of going into the next day that we had discussions about that,  
13 going into the 15<sup>th</sup> where we were concerned about we didn't have  
14 the -- I think the proper term is orders coming from the  
15 *Emergencies Act*. We wanted to see what the outcomes would be.

16           **MS. NATALIA RODRIGUEZ:** And if we go to page 10  
17 of this document, on the third bullet, it says:

18                            "We are drawing on the resources given  
19                            to us."

20           So was this an expression -- it seems to me,  
21 maybe I'm reading this incorrectly but somebody reading this it  
22 seems to suggest that implementing this deal is taking up  
23 resources. Is that how you read that as well?

24           **SUPT. ROBERT DRUMMOND:** In the short term, yes,  
25 it would require us to use PLT and Traffic resources to make  
26 those moves. But the hope is that we would shrink the footprint  
27 and then require less officers to hold the footprint. But,  
28 ultimately, we didn't -- the footprint did not shrink ---

1                   **MS. NATALIA RODRIGUEZ:** Right.

2                   **SUPT. ROBERT DRUMMOND:** --- as much as we had  
3 hoped.

4                   **MS. NATALIA RODRIGUEZ:** And the next bullet says:

5                                    "We will need some significant legal  
6                                    advice regarding the Mayor's position  
7                                    that they can be on Wellington."

8                   Now, this wasn't just the Mayor's position, was  
9 it?

10                  **SUPT. ROBERT DRUMMOND:** That's how it's written.

11                  **MS. NATALIA RODRIGUEZ:** Right. But you would  
12 agree with me that OPS seemed to support this plan. Certainly  
13 gave a lot of resources to make that happen, right?

14                  **SUPT. ROBERT DRUMMOND:** We helped these --  
15 creating the traffic plan and facilitating moving the vehicles.

16                  **MS. NATALIA RODRIGUEZ:** And in this meeting, why  
17 was it felt that legal advice was needed; what was the issue?

18                  **SUPT. ROBERT DRUMMOND:** We sought legal advice on  
19 a lot of topics during that time period. A daily event, to be  
20 quite honest. So I don't know what -- I mean, I understand we  
21 would be looking for advice on that topic. There was an issue  
22 raised and they wanted to see what the Mayor's position was and  
23 get an opinion on it. I assume they would have talked to  
24 Christian; you know?

25                  **MS. NATALIA RODRIGUEZ:** Right, but what was the  
26 issue?

27                  **SUPT. ROBERT DRUMMOND:** It doesn't say at that  
28 point, and I don't have independent notes about the legal issue.

1                   **MS. NATALIA RODRIGUEZ:** Okay. So in this meeting  
2 it sounds like the issues that PPS had raised were discussed;  
3 correct?

4                   **SUPT. ROBERT DRUMMOND:** Correct.

5                   **MS. NATALIA RODRIGUEZ:** And did the Chief  
6 indicate at all that he had had a call with Steve Kanellakos  
7 right before this meeting -- and it's in these notes but I won't  
8 take you to it -- where he told Steve Kanellakos that it was  
9 over?

10                   **SUPT. ROBERT DRUMMOND:** The ---

11                   **MS. NATALIA RODRIGUEZ:** I can take you to it.  
12 It's on page 9 at 1652, yeah:

13                                   "Call with Steve K. Got off phone with  
14                                   Brookson."

15                   He's from PPS; correct?

16                   **SUPT. ROBERT DRUMMOND:** Yes. Yes, Larry  
17 Brookson, yes.

18                   **MS. NATALIA RODRIGUEZ:** "2 concerns - does the  
19                                   level of govt have ability to negotiate  
20                                   and direct police"

21                   So I think this is indicating the concerns that  
22 perhaps Brookson identified.

23                   **SUPT. ROBERT DRUMMOND:** Correct.

24                   **MS. NATALIA RODRIGUEZ:** "Are they directing you -  
25                                   no they are not."

26                   And then it says:

27                                   "We weren't involved in negotiation.

28                                   We don't have a say in it, but it fits

1 in our plan. The devil is in the  
2 details how many trucks, how close are  
3 they going to be, if you want to be  
4 involved, you should have been briefed.  
5 I briefed our people and RCMP."

6 And if you go just to the -- they have more  
7 discussion about it:

8 "I don't think he is going to throw a  
9 crowbar into this, but he want to be at  
10 the table. He gets it that [it] is  
11 done."

12 **SUPT. ROBERT DRUMMOND:** I think it means that the  
13 arrangement between the City and the protesters was done  
14 already.

15 **MS. NATALIA RODRIGUEZ:** That's how I read that as  
16 well.

17 **SUPT. ROBERT DRUMMOND:** Yes, that's how I would  
18 read that.

19 **MS. NATALIA RODRIGUEZ:** Okay. And was that  
20 discussed at the meeting that you had later on, that 1701 demo  
21 briefing?

22 **SUPT. ROBERT DRUMMOND:** I don't remember -- I  
23 mean, Trish obviously brings up that PPS is not happy or --  
24 like, the comments aren't attributed -- well, some of them are  
25 attributed to people and some of them are not.

26 **MS. NATALIA RODRIGUEZ:** But fair to say that  
27 there were concerns raised at this demo meeting at 5:00 p.m. ---

28 **SUPT. ROBERT DRUMMOND:** By PPS.



1 MS. NATALIA RODRIGUEZ: --- on the 14<sup>th</sup>.

2 SUPT. ROBERT DRUMMOND: Yes.

3 MS. NATALIA RODRIGUEZ: Right?

4 SUPT. ROBERT DRUMMOND: Yes.

5 MS. NATALIA RODRIGUEZ: So is it fair to say that  
6 by this time now, no more trucks are being relocated; this is  
7 kind of the end of it, is that right?

8 SUPT. ROBERT DRUMMOND: Correct.

9 MS. NATALIA RODRIGUEZ: Okay. And now the next  
10 day on February 15, there is a call at 9:30 a.m. and I think you  
11 talked about that. This is the meeting that -- where the issues  
12 that are here. And if we go to your notes, OPS00014455, and we  
13 go to the 12:00 p.m. mark -- there's a meeting on 9:30, then  
14 there's another meeting at noon with the Integrated Command  
15 Table.

16 SUPT. ROBERT DRUMMOND: Correct.

17 MS. NATALIA RODRIGUEZ: And it's page 59. Okay  
18 let's keep going down. Let's keep going to 12. There it is.

19 "Meeting with Integrated Command Table," and it  
20 lists people that are there: Representatives from the RCMP,  
21 OPP, and OPS; correct?

22 SUPT. ROBERT DRUMMOND: Correct.

23 MS. NATALIA RODRIGUEZ: And some of the members  
24 of the integrated command table -- the integrated planning  
25 group, rather -- Inspector Springer is there too, right?

26 SUPT. ROBERT DRUMMOND: Correct. Dave Radu is an  
27 RCMP officer.

28 MS. NATALIA RODRIGUEZ: Okay, perfect. And if we

1 go to the next page, page 60, and the last bullet point there,  
2 so now these are discussions that are being had. If we go down  
3 -- okay.

4 So if we go up a little bit more, just to the one  
5 before to get some context:

6 "PLT need to clarify what OPS is doing  
7 with the providing safe movement of  
8 trucks to Wellington, as per the City  
9 agreement with protestor Freedom  
10 Convoy, not facilitating. Agreement is  
11 with City only to provide safe  
12 movement."

13 **SUPT. ROBERT DRUMMOND:** Correct.

14 **MS. NATALIA RODRIGUEZ:** And then it says:

15 "Problem is the change with *Emergency*  
16 *Act* and not orders yet. Moving trucks  
17 so area that we may want to do  
18 enforcement on later."

19 Can you explain that note?

20 **SUPT. ROBERT DRUMMOND:** Well, that was an issue  
21 we faced the whole time, this -- you know, ultimately, it goes  
22 into the conversation I had with them at the meeting on the 13th  
23 that they couldn't stay there forever, that we may -- the police  
24 would, at some point, be coming to deal with that issue if they  
25 didn't want to leave.

26 And we brought up the same issue there, that we  
27 were concerned about what the orders were going to be from the  
28 *Emergency Act* and would we be then going there at some point to

1 enforce them?

2 **MS. NATALIA RODRIGUEZ:** And with "order", you  
3 mean the regulations that would come with the invocation of the  
4 Act; is that right?

5 **SUPT. ROBERT DRUMMOND:** Correct. I know I refer  
6 to it as orders, but regulations might be the proper term.

7 **MS. NATALIA RODRIGUEZ:** Okay. So the invocation  
8 of the Act then seemed to imply some POU action of enforcement  
9 which is what is noted there, and that moving the trucks to that  
10 area may not be a good idea if you're looking to do enforcement  
11 now that the Act has been invoked; is that fair?

12 **SUPT. ROBERT DRUMMOND:** Yeah. We weren't going  
13 to be doing enforcement immediately, but at some point, we felt  
14 we probably would go there, if they wouldn't move. We were  
15 still very hopeful about resolving it using PLT or other means,  
16 at that point.

17 **MS. NATALIA RODRIGUEZ:** So we can agree then that  
18 the reason the relocation of the trucks from residential areas  
19 to Wellington, the reason that stopped was because the  
20 invocation of the Act changed OPS' priorities and objectives?

21 **SUPT. ROBERT DRUMMOND:** There were many things.  
22 It was the Act, it was -- there was not enough -- there wasn't a  
23 lot of real estate left on Wellington, and not all the groups  
24 were prepared to move, and a lot of them weren't moving as per  
25 the agreement.

26 **MS. NATALIA RODRIGUEZ:** Right. But there was  
27 room on Wellington. It was not full at that time?

28 **SUPT. ROBERT DRUMMOND:** Wasn't full, but we --

1 ultimately, we were going to run out of room sooner or later,  
2 right? Whether there was room for 5 more trucks or 10 more  
3 trucks, it didn't really change the outcome. There wasn't  
4 enough room for all those vehicles.

5 **MS. NATALIA RODRIGUEZ:** Okay. Now, your witness  
6 statement indicates that Wellington was full, in your witness  
7 statement.

8 **SUPT. ROBERT DRUMMOND:** Yeah.

9 **MS. NATALIA RODRIGUEZ:** So I'm just trying to  
10 marry that with your evidence right now.

11 **SUPT. ROBERT DRUMMOND:** Okay. So I had told them  
12 that it was full, but whether there was room for a few more  
13 vehicles, I can't say. I wasn't on the ground to see it myself,  
14 but from the view from some of the camera systems and some of  
15 the information I was receiving from officers on the ground,  
16 that we were running out of space there.

17 **MS. NATALIA RODRIGUEZ:** So I'm going to take you  
18 to Supt. Bernier's scribe notes from that noon meeting on  
19 February 15, OPS00011410.

20 And so this is the same meeting at noon on  
21 February 15, and if we go to page 19 of those notes, at 12:38,  
22 see there, it says Drummond? "Do we even still have room left  
23 on Wellington, Elgin, Bay?"

24 And then Inspector Lucas says, "I think there is,  
25 but we'll check cameras and assess."

26 And then who's Hodgekins, Hodgins?

27 **SUPT. ROBERT DRUMMOND:** Hodgins, Tim Hodgins.

28 **MS. NATALIA RODRIGUEZ:** Says:

1 "Are we complicating the problem on  
2 Wellington? No more room on  
3 Wellington, go home. No room, stay  
4 here, not helping us."

5 So what's the discussion there?

6 **SUPT. ROBERT DRUMMOND:** It's about that we don't  
7 think there's enough room left. Maybe there is some room, you  
8 know, not going out there and measuring exact ---

9 **MS. NATALIA RODRIGUEZ:** Right.

10 **SUPT. ROBERT DRUMMOND:** --- amounts of how much  
11 room there is, but ultimately, whether we move a few more trucks  
12 or don't move a few more trucks, we can't fit them all.

13 **MS. NATALIA RODRIGUEZ:** Fair enough. So if we go  
14 to page 22 at 13:09 -- yeah, at the bottom there -- Lucas  
15 reports back, "Gaps on Wellington," and he indicates where the  
16 gaps are there. Do you see that?

17 **SUPT. ROBERT DRUMMOND:** Yes.

18 **MS. NATALIA RODRIGUEZ:** So really, the trigger  
19 for stopping the relocations was not that Wellington was full?  
20 You would agree with me on that?

21 **SUPT. ROBERT DRUMMOND:** It was one of the  
22 factors.

23 **MS. NATALIA RODRIGUEZ:** Okay. But we can there  
24 that it was not full, right?

25 **SUPT. ROBERT DRUMMOND:** Not all of it, no.

26 **MS. NATALIA RODRIGUEZ:** So OPS stopped -- made a  
27 decision on the 14 in the evening to stop facilitating that  
28 deal, correct?

1           **SUPT. ROBERT DRUMMOND:** It would have been on the  
2 15th. That meeting would have been finalized on the 15th.

3           **MS. NATALIA RODRIGUEZ:** Right. But on the 14,  
4 the chief is telling Steve Kanellakos it's done, right?

5           **SUPT. ROBERT DRUMMOND:** I think he was telling  
6 Larry Brookson that, was he not?

7           **MS. NATALIA RODRIGUEZ:** That was the meeting with  
8 Mr. Kanellakos. He gets it that it's done.

9           **SUPT. ROBERT DRUMMOND:** I'm not sure. So that --  
10 is he saying that the deal's done? I thought we were -- when  
11 you showed me that it was about him speaking to Larry Brookson?

12           **MS. NATALIA RODRIGUEZ:** That was earlier he had  
13 spoken to Larry Brookson. But in any event, in that meeting on  
14 the 14 in the evening where there was that discussion, it was  
15 essentially decided that OPS was no longer going to facilitate  
16 the movement of trucks onto Wellington?

17           **SUPT. ROBERT DRUMMOND:** Can you bring that back  
18 up please?

19           **MS. NATALIA RODRIGUEZ:** I don't know that we have  
20 a lot of time for that, but sure, I will see if we can bring  
21 that back up.

22                       If we go to OPS00014566? So if we go to page 9.  
23 Okay. So call with Steve K at 1652. If we go down, so this  
24 seems to be a discussion with Steve K., and the chief is  
25 relaying a discussion he had with Larry Brookson, but he's also  
26 speaking to Steve K.

27           **SUPT. ROBERT DRUMMOND:** Correct. And he says at  
28 the bottom, he says he gets it that it's done. Like, I'm

1 assuming that means that the deal's done, like, that they've  
2 made the deal.

3 **MS. NATALIA RODRIGUEZ:** Fair enough. And if we  
4 go to the meeting that happens right after, we go further down  
5 to -- yeah, the demo briefing, "Okay. Had to pivot due to new,"  
6 and we know at this time PPS is not happy with the trucks on  
7 Wellington, according to what Deputy Chief Ferguson is saying on  
8 the second bullet point.

9 And if we go further down, we go further down,  
10 okay. Let's go further down. Yeah.

11 And before that point was where they wanted to  
12 get legal advice about the mayor's deal. If we just go up a  
13 little bit? Yeah. There we go.

14 Now, I lost it, but there was a point about  
15 seeking legal advice.

16 **SUPT. ROBERT DRUMMOND:** Yeah. Yeah, I don't know  
17 the point. You showed it to me before.

18 **MS. NATALIA RODRIGUEZ:** Yeah, exactly. So are  
19 you saying that there was still a consideration at this time to  
20 continue moving vehicles?

21 **SUPT. ROBERT DRUMMOND:** Well, the next morning,  
22 the City is contacting us about whether we're still moving  
23 vehicles or not, so I think that wouldn't have been clear  
24 between Steve Kanellakos and the chief the night before, because  
25 they were reaching out in the morning ---

26 **MS. NATALIA RODRIGUEZ:** Right.

27 **SUPT. ROBERT DRUMMOND:** -- to see if we were  
28 going to continue to move vehicles.

1                   **MS. NATALIA RODRIGUEZ:** Right, because they had  
2 heard that the movement had stopped?

3                   **SUPT. ROBERT DRUMMOND:** Yeah, but they wouldn't  
4 have -- I don't think that they would have gotten that from that  
5 meeting with the chief because I think that was in the morning  
6 with the PLT and the traffic units.

7                   **MS. NATALIA RODRIGUEZ:** I guess I'm asking about  
8 your understanding of this meeting that happened at 5:00 p.m. on  
9 the 14. Was it decided at that time that OPS would no longer be  
10 facilitating the movement of the trucks? We know they didn't  
11 move after that.

12                   **SUPT. ROBERT DRUMMOND:** No, we didn't move any  
13 more trucks after that, but I think, in my -- I -- it was at in  
14 the morning where weren't going to move any more, after we --  
15 the totality of all the events, the space, the invocation of the  
16 Act, the fact that a number of the groups weren't moving, and  
17 they hadn't left the other groups who we didn't see a marked  
18 departure. It was the totality of all those issues coming up on  
19 the morning of the 15th.

20                   **MS. NATALIA RODRIGUEZ:** Okay. So it was on the  
21 15 it was decided that that would be the end of it?

22                   **SUPT. ROBERT DRUMMOND:** Yes.

23                   **MS. NATALIA RODRIGUEZ:** Now ---

24                   **SUPT. ROBERT DRUMMOND:** I communicated that with  
25 Kim Ayotte.

26                   **MS. NATALIA RODRIGUEZ:** So I think we agree that  
27 there was room on Wellington but eventually it would have run  
28 out; is that right?



1                   **SUPT. ROBERT DRUMMOND:** Correct.

2                   **MS. NATALIA RODRIGUEZ:** Okay. And this deal was  
3 not meant to end the demonstration, was it?

4                   **SUPT. ROBERT DRUMMOND:** No, it was to shrink the  
5 footprint ---

6                   **MS. NATALIA RODRIGUEZ:** Okay.

7                   **SUPT. ROBERT DRUMMOND:** --- and relieve pressure  
8 on some of the residential areas.

9                   **MS. NATALIA RODRIGUEZ:** Could this have been a  
10 first step towards a negotiated end to the demonstration?

11                   **SUPT. ROBERT DRUMMOND:** It could have been, yes,  
12 depending on how it worked out, but it -- I don't think it  
13 worked out the way the City had hoped because they didn't see --  
14 not all the groups were aligned and the groups didn't leave as  
15 they had hoped. The ones that couldn't fit onto Wellington  
16 didn't leave.

17                   **MS. NATALIA RODRIGUEZ:** Right. But the meeting  
18 notes seemed to indicate that the primary concern here was the  
19 invocation of the Act, POU action on Wellington, potential  
20 future POU action on Wellington, the use of resources, and PPS  
21 concerns.

22                   **SUPT. ROBERT DRUMMOND:** Those were all factors,  
23 yes.

24                   **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Those  
25 are my questions.

26                   **COMMISSIONER ROULEAU:** Thank you.

27                   First up is the City of Ottawa.

28 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

1                   **MS. ANNE TARDIF:** Good afternoon, Superintendent.  
2 My name is -- I'm a little taller than Ms. Rodriguez. My name's  
3 Anne Tardif and I represent the City of Ottawa.

4                   So you were tasked on February 7<sup>th</sup> with overseeing  
5 PLT and POU; correct?

6                   **SUPT. ROBERT DRUMMOND:** Correct.

7                   **MS. ANNE TARDIF:** And at the time, event  
8 commander was Supt. Patterson, right?

9                   **SUPT. ROBERT DRUMMOND:** Correct.

10                  **MS. ANNE TARDIF:** And February 7<sup>th</sup>, that's the  
11 date after the events that this Commission has heard a fair bit  
12 about at Coventry involving PLT; correct?

13                  **SUPT. ROBERT DRUMMOND:** Correct.

14                  **MS. ANNE TARDIF:** And just to close the loop on  
15 that, I'm going to ask Mr. Clerk to bring up OPS00008055. I  
16 think we might need that a bit bigger. And then can we scroll  
17 down, please, Mr. Clerk, all the way to the bottom? Perfect,  
18 right there. This is an email from Peter McKenna. I apologize,  
19 I don't know his rank.

20                  **SUPT. ROBERT DRUMMOND:** Peter's a Staff Sergeant.

21                  **MS. ANNE TARDIF:** S/Sgt. McKenna to Insp. Lucas  
22 dated February 6<sup>th</sup>, right?

23                  **SUPT. ROBERT DRUMMOND:** Correct.

24                  **MS. ANNE TARDIF:** And here, S/Sgt. McKenna is  
25 explaining what occurred at Coventry, right?

26                  **SUPT. ROBERT DRUMMOND:** Correct.

27                  **MS. ANNE TARDIF:** And in the second paragraph  
28 from the bottom, he says -- oh, not second. It was the second -

1 - third paragraph from the bottom, he says:

2 "PLT have made incredible headway but  
3 they now feel absolutely betrayed.  
4 Work needs to be done to reassure them  
5 and explain what happened. These  
6 members are chosen as they have a high  
7 level of emotional intelligence that  
8 goes along with a very determined work  
9 ethic."

10 It goes on to say what pride they take in their  
11 work.

12 S/Sgt. McKenna continues:

13 "What has happened is an incredible  
14 blow to them and then program's  
15 future."

16 And provides more detail; it even refers to an  
17 individual explaining that they're "ashamed to wear this uniform  
18 right now".

19 Now, this was the day before you took over  
20 responsibility but I take it you were aware of this?

21 **SUPT. ROBERT DRUMMOND:** I was aware of it the  
22 next day, yes.

23 **MS. ANNE TARDIF:** Right. And so it's fair to say  
24 that by February 8<sup>th</sup>, while PLT may have been communicating with  
25 the protesters, certainly there had been a breakdown in trust?

26 **SUPT. ROBERT DRUMMOND:** At that location, yes.

27 **MS. ANNE TARDIF:** And we've heard some evidence  
28 that it may have affected other locations; is that fair?

1                   **SUPT. ROBERT DRUMMOND:** It may have.

2                   **MS. ANNE TARDIF:** Right. Now, you've explained  
3 that PLT was working with the group or discussing with the group  
4 at the Rideau-Sussex intersection to move from that intersection  
5 onto Wellington; correct?

6                   **SUPT. ROBERT DRUMMOND:** Correct.

7                   **MS. ANNE TARDIF:** And we can take this down, Mr.  
8 Clerk. Thank you.

9                   And it's my understanding that the goal was to  
10 move 38 trucks from the Rideau-Sussex intersection to  
11 Wellington; correct?

12                   **SUPT. ROBERT DRUMMOND:** That's how many trucks  
13 were there. We had had hopes that some would leave.

14                   **MS. ANNE TARDIF:** Okay.

15                   **SUPT. ROBERT DRUMMOND:** Some of them might not  
16 all want to go up there, move on their own.

17                   **MS. ANNE TARDIF:** Let me put it differently.  
18 We're dealing with 38 trucks at that intersection; is that fair?

19                   **SUPT. ROBERT DRUMMOND:** Yeah, that's fair.

20                   **MS. ANNE TARDIF:** Okay. Now, I just want to get  
21 the sequence here with the request for approval and the  
22 involvement of PPS, so I'm going to turn up your notes, and  
23 that's OPS00014455. And I'm going to go to page 11 of the  
24 document. And I know you have a hardcopy with you,  
25 Superintendent. Okay, there we go. If can just scroll to the  
26 top so the superintendent can see the page in his notebook, page  
27 50. Do you see that, Superintendent? Okay.

28                   So if we scroll down about halfway through the

1 page -- right there. So this is February 7<sup>th</sup>; can you just  
2 confirm that for us, Superintendent?

3 **SUPT. ROBERT DRUMMOND:** Yes, it's the 7<sup>th</sup>.

4 **MS. ANNE TARDIF:** Okay. And it says:

5 "Spoke with John Ferguson..."

6 That's S/Sgt. John Ferguson who leads the PLT  
7 unit, correct?

8 **SUPT. ROBERT DRUMMOND:** Correct.

9 **MS. ANNE TARDIF:** Okay:

10 "...negotiations with trucks by PLT;  
11 working arrangement to get the trucks  
12 to move out of Rideau/Sussex, move  
13 vehicles west on Wellington to be..."

14 You're going to have to help me with that one:

15 "...to be closer to groups on  
16 Wellington."

17 Is that right?

18 **SUPT. ROBERT DRUMMOND:** Correct.

19 **MS. ANNE TARDIF:** And:

20 "Some may leave."

21 **SUPT. ROBERT DRUMMOND:**

22 "This would open up the  
23 Rideau/Sussex/Mackenzie area."

24 **MS. ANNE TARDIF:** Okay. And then:

25 "Need discuss option of PLT option  
26 versus POU plan to clear intersection."

27 Correct?

28 **SUPT. ROBERT DRUMMOND:** Correct.

1           **MS. ANNE TARDIF:** And we've discussed already  
2 that that POU operation was delayed to allow negotiations to  
3 proceed; correct?

4           **SUPT. ROBERT DRUMMOND:** Correct.

5           **MS. ANNE TARDIF:** So that's the first note that I  
6 can find in your notes of this request by S/Sgt. Ferguson to get  
7 approval to move trucks from Rideau/Sussex to Wellington West,  
8 and that's on February 7<sup>th</sup>; does that accord with your  
9 recollection?

10          **SUPT. ROBERT DRUMMOND:** Yes.

11          **MS. ANNE TARDIF:** Okay. Let's just jump ahead to  
12 page 11 of this -- or sorry, page 12 of this document, the next  
13 page, right at the top. Sorry, scroll down a bit. Keep going,  
14 right there, same day. So it says:

15                           "Call from John Ferguson - PLT."

16                   Now, we're still on February 7<sup>th</sup>; correct?

17          **SUPT. ROBERT DRUMMOND:** Correct.

18          **MS. ANNE TARDIF:**

19                           "Looking for a decision on allowing the  
20 trucks at Rideau and Sussex to move up  
21 on Wellington. Advised I would discuss  
22 with Mark Patterson."

23                   who's the event commander:

24                           "Discussed with Mark and want more info  
25 on truck numbers."

26                   Correct?

27          **SUPT. ROBERT DRUMMOND:** Correct.

28          **MS. ANNE TARDIF:** And it keeps going:

1 "Following up with John Ferguson, 38  
2 trucks involved, no..."

3 What's the next word?

4 **SUPT. ROBERT DRUMMOND:** Number ---

5 **MS. ANNE TARDIF:**

6 "...no number..."

7 **SUPT. ROBERT DRUMMOND:** On how many would have --

8 -

9 **MS. ANNE TARDIF:** Would leave?

10 **SUPT. ROBERT DRUMMOND:** Yeah.

11 **MS. ANNE TARDIF:**

12 "...on how many may leave the  
13 demonstration. Think they can all fit  
14 on Wellington and may be able to open  
15 access to Elgin. Will discuss with  
16 Mark Patterson."

17 Right?

18 **SUPT. ROBERT DRUMMOND:** Right.

19 **MS. ANNE TARDIF:** So this all occurring on the  
20 7<sup>th</sup>. Let's scroll to the next page, page 13, still on the 7<sup>th</sup>:

21 "Call from John Ferguson, PLT asking to  
22 get a meeting City Manager or elected  
23 official."

24 We talked about this and that was the meeting  
25 that occurred involving Steve Kanellakos on the 8<sup>th</sup>; correct?

26 **SUPT. ROBERT DRUMMOND:** Correct.

27 **MS. ANNE TARDIF:** And if you scroll down -- thank  
28 you, Mr. Clerk. Keep going. Thank you. It says:

1 "On the PLT request..."

2 Are you with me, Superintendent? Do you see  
3 that?

4 **SUPT. ROBERT DRUMMOND:** Yes.

5 **MS. ANNE TARDIF:**

6 "On the PLT request to move trucks from  
7 Rideau/Sussex to Wellington, need to  
8 notify and discuss with PPS for impacts  
9 on senate."

10 Do you see that?

11 **SUPT. ROBERT DRUMMOND:** Yes.

12 **MS. ANNE TARDIF:** So that's all occurring on  
13 February 7<sup>th</sup>; correct?

14 **SUPT. ROBERT DRUMMOND:** Correct.

15 **MS. ANNE TARDIF:** Now, I can't put the document  
16 to you now because I did not seek leave, but I can tell you that  
17 on Tuesday, which was yesterday, Insp. Lucas testified that PPS  
18 agreed, albeit begrudgingly, he said, to the additional trucks  
19 moving onto Wellington provided certain conditions were met. So  
20 that approval was obtained, according to Insp. Lucas, from PPS  
21 on February 8<sup>th</sup>, okay?

22 **SUPT. ROBERT DRUMMOND:** Yeah.

23 **MS. ANNE TARDIF:** Does that -- were you aware of  
24 that at the time?

25 **SUPT. ROBERT DRUMMOND:** I don't remember that at  
26 that point but I obviously have notes about that. I don't  
27 remember the feedback from Russ Lucas but it sounds right.

28 **MS. ANNE TARDIF:** Okay. I couldn't find that in



1 your notes, just so you're aware. And the reason that's  
2 relevant is I'm going to jump ahead to page 31 of your notes.  
3 And if you see, it's page 70 of your notebook. And I'm just  
4 going to ask to confirm that that's February 10<sup>th</sup>. I believe  
5 it's five pages earlier for you to confirm the date,  
6 Superintendent.

7 **SUPT. ROBERT DRUMMOND:** That would be the 10<sup>th</sup>,  
8 yes.

9 **MS. ANNE TARDIF:** Okay, so we're not at February  
10 10<sup>th</sup>. Can we scroll down a little bit. And there it is right  
11 there, "Request" -- I don't know the next word -- "continued"?

12 **SUPT. ROBERT DRUMMOND:** "Continued PLT  
13 negotiations".

14 **MS. ANNE TARDIF:**

15 "Request continued PLT negotiations to  
16 go ahead with letting the Rideau/Sussex  
17 group move west on Wellington. Mark..."

18 And that's Supt. Patterson, right, who was Event  
19 Commander at the time? Correct?

20 **SUPT. ROBERT DRUMMOND:** Yes.

21 **MS. ANNE TARDIF:** Agreed to suspend the POU  
22 action for tomorrow and let PLT move the Rideau-Sussex group  
23 west on Wellington to shrink the red zone footprint.

24 If you could just scroll down a little bit, Mr.  
25 Clerk.

26 "Spoken with John Ferguson, head of OPS  
27 PLT, authorized PLT to move the Rideau-  
28 Sussex protestor west on Wellington to

1 shrink footprint to get the intersection  
2 open up. Approved.”

3 So on February 10th, then, you got the approval  
4 from Event Commander Superintendent Patterson to allow the  
5 trucks at Rideau-Sussex, up to 38 of them, to move on Wellington  
6 West; correct?

7 **SUPT. ROBERT DRUMMOND:** Correct.

8 **MS. ANNE TARDIF:** And it's reasonable to assume  
9 and, indeed, we heard from Inspector Lucas, that PPS agreed to  
10 that beforehand; correct?

11 **SUPT. ROBERT DRUMMOND:** Correct.

12 **MS. ANNE TARDIF:** Okay. And last question.

13 I don't want to get back into the reasons.  
14 You've given evidence about that reasons why the movement of  
15 trucks stops. The only question I have for you in that respect  
16 is this one.

17 When you finally told the city -- and I believe  
18 it was Mr. Ayotte, who's the General Manager of Emergency and  
19 Protective Services. When you finally told him that the  
20 movement of trucks was stopping and you explained why, he  
21 understood.

22 **SUPT. ROBERT DRUMMOND:** I believe so.

23 **MS. ANNE TARDIF:** Yeah. And there was no  
24 pushback from him at that point.

25 **SUPT. ROBERT DRUMMOND:** No.

26 **MS. ANNE TARDIF:** Thank you very much. Those are  
27 my questions.

28 **COMMISSIONER ROULEAU:** Thank you.

1 Next are the Convoy Organizers.

2 Okay. We'll move to counsel for former Chief  
3 Sloly, please.

4 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

5 **MS. REBECCA JONES:** Good evening. I'm Rebecca  
6 Jones, and I'm counsel to former Chief Sloly.

7 **SUPT. ROBERT DRUMMOND:** Nice to meet you.

8 **MS. REBECCA JONES:** Nice to meet you, too.

9 I'm going to start off -- my interest with my few  
10 minutes with you this evening is just to deal with a few issues  
11 particular to my client.

12 So I want to confirm some of the evidence that we  
13 heard this morning from Superintendent Bernier and confirm your  
14 agreement with that evidence.

15 **SUPT. ROBERT DRUMMOND:** Okay.

16 **MS. REBECCA JONES:** Superintendent Bernier  
17 testified that Chief Sloly had a role to play in managing the  
18 Freedom Convoy. And you agree with that?

19 **SUPT. ROBERT DRUMMOND:** Correct. He did.

20 **MS. REBECCA JONES:** And he has ultimate oversight  
21 over the police?

22 **SUPT. ROBERT DRUMMOND:** He does.

23 **MS. REBECCA JONES:** And his role with respect to  
24 the convoy would be seen as a strategic role.

25 **SUPT. ROBERT DRUMMOND:** Correct.

26 **MS. REBECCA JONES:** And we heard from  
27 Superintendent Bernier and from Acting Chief Bell that there are  
28 not perfectly clear lines between strategic, operational and

1 tactical decisions.

2 SUPT. ROBERT DRUMMOND: Correct.

3 MS. REBECCA JONES: Is that fair?

4 SUPT. ROBERT DRUMMOND: That's fair.

5 MS. REBECCA JONES: Okay. And we also heard from  
6 Superintendent Bernier that these issues are dealt with through  
7 dialogue.

8 SUPT. ROBERT DRUMMOND: Correct.

9 MS. REBECCA JONES: Okay. And that he did have  
10 dialogue with Chief Sloy about these borders and they would  
11 come to an understanding.

12 SUPT. ROBERT DRUMMOND: I would say yes.

13 MS. REBECCA JONES: Okay.

14 SUPT. ROBERT DRUMMOND: It would depend on each  
15 topic.

16 MS. REBECCA JONES: Okay. Well, his evidence was  
17 when he was acting as the Event Commander, he would have these  
18 discussions, he would tell the Chief what he was thinking and  
19 that he had the operation under control and the Chief would  
20 accept that.

21 SUPT. ROBERT DRUMMOND: Okay. I wasn't privy to  
22 those meetings, but.

23 MS. REBECCA JONES: Okay. No reason to disagree  
24 with that.

25 SUPT. ROBERT DRUMMOND: No.

26 MS. REBECCA JONES: Okay. Rideau and Sussex I'm  
27 going to touch on just very briefly.

28 My friend for the City of Ottawa did a very good

1 job clarifying the timeline. My only interest is with respect  
2 to some evidence in your statement about approval for moving  
3 vehicles onto Wellington.

4 **SUPT. ROBERT DRUMMOND:** Correct.

5 **MS. REBECCA JONES:** And the approval you were not  
6 sure whether you had on February 8th would have been the  
7 approval of the Event Commander, Superintendent Patterson;  
8 correct?

9 **SUPT. ROBERT DRUMMOND:** Correct. But there were  
10 periods where he was getting direction from the Chief there as  
11 well.

12 **MS. REBECCA JONES:** Okay. So -- and when you  
13 give that evidence, you never spoke to the Chief about that;  
14 right?

15 **SUPT. ROBERT DRUMMOND:** No, but Superintendent  
16 Patterson made it clear that the direction was coming from the  
17 Chief.

18 **MS. REBECCA JONES:** Okay. And so if we wanted to  
19 have information about any discussion Superintendent Patterson  
20 had with Chief Sloly about Rideau and Sussex, we'd have to ask  
21 Superintendent Patterson.

22 **SUPT. ROBERT DRUMMOND:** Correct.

23 **MS. REBECCA JONES:** Okay. So you can't assist us  
24 with any information about when any such discussions occurred,  
25 the details of these discussions, whether any direction was  
26 given. You can't assist with anything.

27 **SUPT. ROBERT DRUMMOND:** No, I can only tell you  
28 what was relayed to me by Superintendent Patterson.

1                   **MS. REBECCA JONES:** Okay. Now I'm going to touch  
2 on the Mayor's deal.

3                   And I think it will be of most assistance if we  
4 can pull up your interview summary, which is WTS50, please.  
5 Page 6.

6                   And Superintendent Drummond, you see the first  
7 paragraph under "The City's Deal with Protestors". And in that  
8 paragraph, you advised Commission counsel that at the February  
9 14th (sic) 1:15 p.m. with the City, there was no discussion  
10 about where the trucks would be moving; correct?

11                   **SUPT. ROBERT DRUMMOND:** At that meeting, no.

12                   **MS. REBECCA JONES:** Okay.

13                   **SUPT. ROBERT DRUMMOND:** I don't have it in my  
14 notes.

15                   **MS. REBECCA JONES:** Right. And if you don't have  
16 it in your notes, you can't say that it occurred.

17                   **SUPT. ROBERT DRUMMOND:** No, but the letters made  
18 it clear that it was -- they were going to be going onto  
19 Wellington.

20                   **MS. REBECCA JONES:** Okay. So your interpretation  
21 of -- and you're talking about the Mayor's letter?

22                   **SUPT. ROBERT DRUMMOND:** Yes.

23                   **MS. REBECCA JONES:** Okay. Your interpretation of  
24 the Mayor's letter is that it made it clear that the trucks were  
25 going to move onto Wellington.

26                   **SUPT. ROBERT DRUMMOND:** Correct.

27                   **MS. REBECCA JONES:** But you have no other  
28 information to assist the Commissioner with with respect to

1 Chief Sloly's understanding. Is that fair?

2 **SUPT. ROBERT DRUMMOND:** I can't speak to Chief  
3 Sloly's understanding, but that was my understanding from the  
4 letter. That was certainly my understanding when I went to the  
5 meeting with the city, and that was what I communicated back.  
6 And that what was done at the update meetings.

7 So there would -- it was clear to me that that's  
8 what was going on and that was what was being communicated  
9 through my chain of command and at the next meeting the next day  
10 where Chief Sloly was present.

11 **MS. REBECCA JONES:** Okay. So let's break that  
12 down because I'm not suggesting to you that it wasn't clear to  
13 you in your meetings with the city officials, okay?

14 So my questions are only relating to what was  
15 clear to Chief Sloly, okay?

16 So if I can ask you to turn -- if we go to page  
17 8, please.

18 And we see the paragraph beginning, "The deal was  
19 to move the trucks to Wellington."

20 And we have your belief that Chief Sloly would  
21 have known this, as it was clear from the Mayor's letter and it  
22 was discussed with, as you said, Acting Superintendent Bernier  
23 and Deputy Chief Ferguson; correct?

24 **SUPT. ROBERT DRUMMOND:** Correct.

25 **MS. REBECCA JONES:** So it wasn't a discussion you  
26 had with the Chief directly.

27 **SUPT. ROBERT DRUMMOND:** No, but we had those  
28 discussions. There were updates, and there were operational

1 movement happening at the NCRCC on the ground on the videos.  
2 You could see it on the camera systems that were set up.

3 **MS. REBECCA JONES:** You're saying once the trucks  
4 were moving.

5 **SUPT. ROBERT DRUMMOND:** Yes.

6 **MS. REBECCA JONES:** Okay. So we're not at the  
7 trucks moving yet.

8 And then you see the next paragraph, at 9:30 a.m.  
9 on February 14th you provided an update at this meeting and  
10 Chief Sloly was present; correct?

11 **SUPT. ROBERT DRUMMOND:** Correct.

12 **MS. REBECCA JONES:** And you didn't advise my  
13 friends for the Commission that you, during this meeting,  
14 specifically told the Chief that trucks were going to be moved  
15 onto Wellington; right?

16 **SUPT. ROBERT DRUMMOND:** I think we gave a  
17 briefing that that's what was -- that was the planned intent,  
18 that the trucks were going to move onto Wellington.

19 **MS. REBECCA JONES:** Okay. So you didn't mention  
20 it to my friends when they were interviewing you for the  
21 Commission, but that's your evidence today?

22 **SUPT. ROBERT DRUMMOND:** At that briefing, yes, I  
23 would have said we were moving trucks onto Wellington.

24 **MS. REBECCA JONES:** Okay. So your notes of that  
25 meeting do not contain any reference to that.

26 **SUPT. ROBERT DRUMMOND:** No. I may not have  
27 written it down in my notes, but ---

28 **MS. REBECCA JONES:** Okay.



1                   **SUPT. ROBERT DRUMMOND:** --- it's clear to me  
2 throughout the whole process that was what was happening.

3                   **MS. REBECCA JONES:** Again, I have no doubt that  
4 it was clear to you and my interest is only with respect to  
5 Chief Sloly.

6                   And it's fair that your meeting -- your memory,  
7 rather, of the details of these meetings, you're relying in  
8 large part on your notes.

9                   **SUPT. ROBERT DRUMMOND:** Correct.

10                  **MS. REBECCA JONES:** Okay. And when my friend  
11 took you to things about the *Emergencies Act* and all of those  
12 sorts of things, you couldn't remember them without reference to  
13 your own notes; correct?

14                  **SUPT. ROBERT DRUMMOND:** Some of it, yes.

15                  **MS. REBECCA JONES:** Okay. I'm going to ask you  
16 now to turn to page 9. And -- oh, just go a little -- that's  
17 great:

18                                 "At 11:20 AM then Deputy Chief Bell  
19                                 called [you] to direct [you] to  
20                                 continue moving trucks onto  
21                                 Wellington..."

22                                 Correct?

23                  **SUPT. ROBERT DRUMMOND:** Correct.

24                  **MS. REBECCA JONES:** And this was after you had  
25 made a decision to stop that movement; right?

26                  **SUPT. ROBERT DRUMMOND:** Correct.

27                  **MS. REBECCA JONES:** And that decision that you  
28 made was an Operational decision?

1 SUPT. ROBERT DRUMMOND: Correct.

2 MS. REBECCA JONES: Okay. And what Acting  
3 Chief Bell was doing was he was directing you on an Operational  
4 decision; correct?

5 SUPT. ROBERT DRUMMOND: He was providing input,  
6 yes.

7 MS. REBECCA JONES: Well, he told you to continue  
8 moving trucks onto Wellington.

9 SUPT. ROBERT DRUMMOND: Correct.

10 MS. REBECCA JONES: Okay. And is it fair to say  
11 that for Deputy Chief Bell, now Acting Chief Bell, we can assume  
12 that there was a larger context he was operating under when he  
13 gave you that Operational direction?

14 SUPT. ROBERT DRUMMOND: I would agree.

15 MS. REBECCA JONES: Okay. And that in these  
16 extraordinary circumstances that you all were facing at the  
17 time, the lines between Strategic and Operational directions  
18 were blurred?

19 SUPT. ROBERT DRUMMOND: Yes.

20 MS. REBECCA JONES: Okay. No further questions.

21 COMMISSIONER ROULEAU: Are the convoy organisers  
22 organised yet?

23 Okay. Mr. Champ on behalf of the Coalition.

24 MR. PAUL CHAMP: Thank you, Commissioner.

25 --- CROSS-EXAMINATION BY MR. PAUL CHAMP:

26 MR. PAUL CHAMP: It's Paul Champ for the Ottawa  
27 Coalition of Residents and Businesses. Superintendent Drummond,  
28 I can't recall if we crossed paths or not?

1 SUPT. ROBERT DRUMMOND: Yes, we have.

2 MR. PAUL CHAMP: Yes.

3 SUPT. ROBERT DRUMMOND: Yes, we have.

4 MR. PAUL CHAMP: I apologise.

5 SUPT. ROBERT DRUMMOND: No, it's all good.

6 MR. PAUL CHAMP: Too many OPS files.

7 A few questions, Superintendent. First of all,  
8 Tom Marazzo, did you know him prior to the convoy demonstration?

9 SUPT. ROBERT DRUMMOND: No, I did not.

10 MR. PAUL CHAMP: Or -- we know that there was a  
11 retired, recently retired RCMP officer, Danny Bulford, who was  
12 involved in the Freedom Convoy organisers. Did you know him at  
13 all?

14 SUPT. ROBERT DRUMMOND: No, I do not.

15 MR. PAUL CHAMP: And did you know of any retired  
16 police officers who were participating in the protests?

17 SUPT. ROBERT DRUMMOND: No.

18 MR. PAUL CHAMP: Okay. There was a concern at  
19 times, was it not, Superintendent, that some police information  
20 or police Operational information was being leaked to  
21 protesters. Isn't that so?

22 SUPT. ROBERT DRUMMOND: Yes, we had some  
23 concerns.

24 MR. PAUL CHAMP: And ---

25 SUPT. ROBERT DRUMMOND: There was non-retired  
26 members that were ---

27 MR. PAUL CHAMP: Pardon me?

28 SUPT. ROBERT DRUMMOND: There were members that

1 were not retired.

2 **MR. PAUL CHAMP:** Right. Yeah, there was a  
3 concern that there was some active members or current members  
4 might be sharing information with the protesters?

5 **SUPT. ROBERT DRUMMOND:** Yes.

6 **MR. PAUL CHAMP:** Fortunately, though, there was  
7 no Operational compromise we don't think, or is that right?

8 **SUPT. ROBERT DRUMMOND:** Yeah, true.

9 **MR. PAUL CHAMP:** There was some concern that  
10 possibly an Operational plan around the potential plan to clear  
11 Rideau/Sussex might have been leaked; is that right?

12 **SUPT. ROBERT DRUMMOND:** There was concerns about  
13 information flowing out of the organisation, yes.

14 **MR. PAUL CHAMP:** And was there any investigations  
15 into that by the Ottawa Police Service to find out if any  
16 officers did in fact leak information?

17 **SUPT. ROBERT DRUMMOND:** I believe there was.  
18 There was one member that I was aware of, and we shut down his  
19 access to his corporate accounts. But I don't know what came of  
20 that investigation. It just at the time, as a precaution, we  
21 shut down. He wasn't currently working, he was on a leave of  
22 absence.

23 **MR. PAUL CHAMP:** Right. At the time, you were  
24 worried about the Operation what you were trying to do?

25 **SUPT. ROBERT DRUMMOND:** Yeah.

26 **MR. PAUL CHAMP:** Discipline issues could be dealt  
27 with later.

28 **SUPT. ROBERT DRUMMOND:** Yes.

1                   **MR. PAUL CHAMP:** You guys were facing challenges  
2 on every level at that time.

3                   **SUPT. ROBERT DRUMMOND:** Yes, we were.

4                   **MR. PAUL CHAMP:** Just a couple of questions about  
5 the negotiations and the Mayor's deal. Oh, wait. Hold on a sec  
6 here. No, you know what, I'm not going to ask any questions on  
7 that.

8                   Just -- I want to ask you some questions about  
9 the conditions on the ground in Downtown Ottawa at that time,  
10 Superintendent. One thing we had heard about, about a fuel  
11 truck had parked in the Rideau Centre parking lot. You would  
12 agree with me, Superintendent, that would be very dangerous?

13                   **SUPT. ROBERT DRUMMOND:** Yes.

14                   **MR. PAUL CHAMP:** Yeah. And we also have heard  
15 evidence and seen images big hay bales piled around downtown,  
16 and also open fires and so forth. Those were dangerous was it  
17 not?

18                   **SUPT. ROBERT DRUMMOND:** Yes.

19                   **MR. PAUL CHAMP:** Many propane tanks, large  
20 numbers of propane tanks up together, as well as large numbers  
21 of jerry cans. That was very dangerous?

22                   **SUPT. ROBERT DRUMMOND:** Yes.

23                   **MR. PAUL CHAMP:** And in addition to the hay bales  
24 and the propane tanks and the open fires and the jerry cans, in  
25 the evenings there were fireworks going off very close to and  
26 banging off of apartment buildings. You're aware of that?

27                   **SUPT. ROBERT DRUMMOND:** Yes.

28                   **MR. PAUL CHAMP:** And that was very dangerous?

1                   **SUPT. ROBERT DRUMMOND:** Yes. Yes, it was.

2                   **MR. PAUL CHAMP:** And Superintendent, the convoy  
3 protesters were free to do all of this downtown -- in Downtown  
4 Ottawa because at the time Ottawa Police Service did not have  
5 capacity for enforcement; is that fair?

6                   **SUPT. ROBERT DRUMMOND:** In the beginning,  
7 certainly we had a resource problem for sure. Absolutely.

8                   **MR. PAUL CHAMP:** Well -- but those kinds of  
9 activities were going on right until the final operation;  
10 correct? There was some efforts around ---

11                   **SUPT. ROBERT DRUMMOND:** Yeah.

12                   **MR. PAUL CHAMP:** --- the jerry cans?

13                   **SUPT. ROBERT DRUMMOND:** There were efforts on all  
14 fronts. I mean, I would -- I went out on the street on foot and  
15 was involved in some enforcement, particularly with the firework  
16 situation, but they weren't -- they were difficult scenarios  
17 because they were large crowds and there were officer safety  
18 issues when we did some of that enforcement work.

19                   **MR. PAUL CHAMP:** And you would agree with me,  
20 Superintendent, we were all very fortunate here in Ottawa that  
21 no one was seriously harmed or even killed, including the  
22 protesters themselves because of these dangerous activities?

23                   **SUPT. ROBERT DRUMMOND:** Yes, there could have  
24 been injuries.

25                   **MR. PAUL CHAMP:** Serious injuries with all that  
26 flammable material?

27                   **SUPT. ROBERT DRUMMOND:** Yes.

28                   **MR. PAUL CHAMP:** And -- so the fact that the

1 Ottawa Police couldn't prevent much of that activity, the convoy  
2 protesters were free to engage in those activities to -- that  
3 created that risk?

4 **SUPT. ROBERT DRUMMOND:** We tried to take efforts  
5 to curb those things, and we did do enforcement where possible,  
6 but it wasn't perfect.

7 **MR. PAUL CHAMP:** Well, Superintendent, I mean,  
8 there wasn't any serious effort to enforce to stop that. And  
9 not to be critical of the police, my understanding from previous  
10 evidence is that when Ottawa Police would try to take that kind  
11 of enforcement action downtown they'd end up ---

12 **SUPT. ROBERT DRUMMOND:** Yes.

13 **MR. PAUL CHAMP:** --- sometimes being swarmed by  
14 the protesters ---

15 **SUPT. ROBERT DRUMMOND:** Absolutely.

16 **MR. PAUL CHAMP:** --- they would be outnumbered  
17 very quickly.

18 **SUPT. ROBERT DRUMMOND:** Yes.

19 **MR. PAUL CHAMP:** And it became a matter of  
20 officer safety.

21 **SUPT. ROBERT DRUMMOND:** I would agree with that.

22 **MR. PAUL CHAMP:** So again, there wasn't really  
23 any serious efforts to be able to stop those kinds of dangerous  
24 activities in Downtown Ottawa?

25 **SUPT. ROBERT DRUMMOND:** We tried to do  
26 enforcement in a lot of areas, and it was met with mixed  
27 results.

28 **MR. PAUL CHAMP:** There was no serious progress on

1 those issues. Ottawa was basically unsafe throughout that --  
2 the entirety of that process, or pardon me, protest.

3 **SUPT. ROBERT DRUMMOND:** I don't know if I'd go  
4 that far. We certainly did take a stance and we had -- once we  
5 got more POU units on the ground in the evening on the QRT  
6 teams, we did try to do enforcement and try to stop some of  
7 those things. But we weren't successful on all fronts, I agree  
8 with you.

9 **MR. PAUL CHAMP:** And with the protesters  
10 generally being free to do this, at some point they could've  
11 been injured themselves and become victims of their own freedom.  
12 Would you agree with me?

13 **SUPT. ROBERT DRUMMOND:** They could've been  
14 injured, yes.

15 **MR. PAUL CHAMP:** Thank you very much,  
16 Superintendent.

17 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

18 **MR. BRENDAN MILLER:** Good evening. For the  
19 record, Brendan Miller. I am counsel for the Freedom Corp,  
20 which is representing the protesters that were in your city in  
21 January and February of 2022.

22 So first, I want to talk to you about  
23 February 7th, 2022. And at that time, I take it, that OPS was  
24 well aware of who Tom Marazzo was?

25 **SUPT. ROBERT DRUMMOND:** Yeah. I -- that was the  
26 first time I had heard his name. I can't speak for the entire  
27 Service, just myself.

28 **MR. BRENDAN MILLER:** Right. And I take it that



1 in fact a PLT report was sent around about who are the key  
2 players and the leaders within the protesters; is that correct?

3 **SUPT. ROBERT DRUMMOND:** There were various  
4 reports ---

5 **MR. BRENDAN MILLER:** Right.

6 **SUPT. ROBERT DRUMMOND:** --- over the course of  
7 the ---

8 **MR. BRENDAN MILLER:** And there was a list of whom  
9 PLT had identified as the leaders, and he was one of them; was  
10 that right?

11 **SUPT. ROBERT DRUMMOND:** Yes.

12 **MR. BRENDAN MILLER:** And in fact, in that list it  
13 said that Tom Marazzo had somewhat control over 322 trucks. Do  
14 you remember that?

15 **SUPT. ROBERT DRUMMOND:** The Freedom Convoy group  
16 is what I -- how I would remember that.

17 **MR. BRENDAN MILLER:** Would you agree it was about  
18 322 trucks?

19 **SUPT. ROBERT DRUMMOND:** That was one of the --  
20 that came up on a document, yes.

21 **MR. BRENDAN MILLER:** Right. All right, so on  
22 February 7th, you have your PLT team engaging with Tom Marazzo;  
23 is that right?

24 **SUPT. ROBERT DRUMMOND:** Correct.

25 **MR. BRENDAN MILLER:** Right. And are you aware,  
26 and Tom Marazzo made this clear, that on February 7th he had  
27 lost confidence in your liaison officers in trying to deal with  
28 this?

1                   **SUPT. ROBERT DRUMMOND:** I was not aware of that.

2                   **MR. BRENDAN MILLER:** All right. Did your police  
3 liaison officers ever report to you that on February 7th Tom  
4 Marazzo specifically requested of both OPS and OPP that an  
5 inspector-level officer be made available for the negotiation to  
6 move the trucks, because he wasn't getting anywhere with rank  
7 and file?

8                   **SUPT. ROBERT DRUMMOND:** No. We had made  
9 arrangements for him to meet with a City official, as he had  
10 requested. I don't know about the other comments that you've  
11 made.

12                   **MR. BRENDAN MILLER:** All right. So the PLT  
13 officers that were working under you never reported that to you?

14                   **SUPT. ROBERT DRUMMOND:** No.

15                   **MR. BRENDAN MILLER:** All right.

16                   Now I want to talk to about February 8th. Now,  
17 there was discussions. That was when the first discussions with  
18 respect to removing the concrete barriers, et cetera, and moving  
19 the trucks took place. It was the first attempt to clear Rideau  
20 and Sussex. Do you remember that?

21                   **SUPT. ROBERT DRUMMOND:** At Rideau and Sussex,  
22 yes.

23                   **MR. BRENDAN MILLER:** Yeah. And all of the  
24 concrete barriers, both in the residential area as well as on  
25 Wellington, they were all still in place at that time?

26                   **SUPT. ROBERT DRUMMOND:** Yes. Well, I'll be  
27 honest with you, I can't confirm that. We may have moved some.  
28 I wasn't keeping track of every jersey barrier in the core.

1                   **MR. BRENDAN MILLER:** Right. And Tom had  
2 essentially -- Mr. Marazzo had met with these individuals from  
3 the City and from OPS to negotiate moving the trucks onto  
4 Wellington, but I understand it from your notes, et cetera, you  
5 knew at that time that was (audio skip).

6                   **SUPT. ROBERT DRUMMOND:** So there was some  
7 confusion, I believe, about whether they were leaving or moving.

8                   **MR. BRENDAN MILLER:** Right. And at no time did  
9 you have authorization from the City -- not the OPS -- on  
10 February 8th, 2022, to move the barriers, did you?

11                   **SUPT. ROBERT DRUMMOND:** No. Well, we hadn't  
12 requested that yet.

13                   **MR. BRENDAN MILLER:** So wouldn't it have made  
14 sense in trying to deal with this, to discuss with the City  
15 prior to meeting Mr. Marazzo that you're going to move these  
16 barriers to get these trucks out of the residential area and  
17 we're going to go into this negotiation with a plan? Wouldn't  
18 that have made more sense?

19                   **SUPT. ROBERT DRUMMOND:** Well, once we'd reached -  
20 - if we had reached some sort of agreement. We had City crews  
21 available to us 24/7. That wasn't difficult to move a barrier.

22                   **MR. BRENDAN MILLER:** Right. So -- and you're  
23 aware that Wellington is well within the City of Ottawa's  
24 jurisdiction? It doesn't belong to Parliament?

25                   **SUPT. ROBERT DRUMMOND:** Correct.

26                   **MR. BRENDAN MILLER:** Right. So at any time, on  
27 February 8th, 2022, there was nothing stopping OPS and the City  
28 from moving the barriers, letting the trucks leave the

1 residential area, and letting them go onto Wellington, was  
2 there?

3 **SUPT. ROBERT DRUMMOND:** Are you referring to  
4 Rideau and Sussex, which -- that's not necessarily a residential  
5 area. That's a commercial area there.

6 **MR. BRENDAN MILLER:** Right. So you agree that  
7 there was nothing stopping you or the City or OPS from allowing  
8 that to happen on February 8th, 2022?

9 **SUPT. ROBERT DRUMMOND:** It could have been done,  
10 but we didn't reach an agreement, and the group there didn't  
11 want to move.

12 **MR. BRENDAN MILLER:** I understand that may be the  
13 evidence. Where did you -- you didn't ever hear from anyone  
14 from that group? You didn't speak to them and they didn't say  
15 to you that they didn't want to move, did they?

16 **SUPT. ROBERT DRUMMOND:** I had had dealings up  
17 with that street. I had been up to Rideau and Sussex during the  
18 course of the events.

19 **MR. BRENDAN MILLER:** Right. And did they just go  
20 and tell you, someone approached you, you're saying, and said,  
21 "No, we're not moving"?

22 **SUPT. ROBERT DRUMMOND:** They made it clear on a  
23 number of occasions they weren't too happy.

24 **MR. BRENDAN MILLER:** But you knew from your PLT  
25 work that Tom Marazzo had apparent control of 322 trucks, and  
26 that was on February 7th. That's in your own document.

27 **SUPT. ROBERT DRUMMOND:** Correct.

28 **MR. BRENDAN MILLER:** And so if you move the

1 barriers and the deal went through as discussed on February 8,  
2 right, it could have been done?

3 **SUPT. ROBERT DRUMMOND:** I think there was some --  
4 there were some issues about whether they were leaving or  
5 moving, and I had spoke to Inspector -- or Supt. Patterson  
6 earlier, and we didn't have approval to do that.

7 **MR. BRENDAN MILLER:** Approval?

8 **SUPT. ROBERT DRUMMOND:** To move west.

9 **MR. BRENDAN MILLER:** Okay. And what -- whose  
10 approval did you need?

11 **SUPT. ROBERT DRUMMOND:** The Event Commander,  
12 Supt. Patterson.

13 **MR. BRENDAN MILLER:** Supt. Patterson. So you're  
14 saying that Supt. Patterson didn't permit the February 8th, 2022  
15 deal?

16 **SUPT. ROBERT DRUMMOND:** So at that -- so around  
17 1738, I have notes about that I -- when I talked to John  
18 Ferguson that I had talked earlier to Mark Patterson and we  
19 didn't -- and the chief was involved -- and we didn't have  
20 approval to move west at that point.

21 **MR. BRENDAN MILLER:** Okay. And you said you  
22 didn't have approval.

23 **SUPT. ROBERT DRUMMOND:** Yes.

24 **MR. BRENDAN MILLER:** Whose approval again? Was  
25 it Patterson?

26 **SUPT. ROBERT DRUMMOND:** The Event Commander.

27 **MR. BRENDAN MILLER:** The Event Commander? So  
28 you're saying that Patterson's approval was required in order to

1 move the barriers?

2 SUPT. ROBERT DRUMMOND: Correct.

3 MR. BRENDAN MILLER: All right. Now, with  
4 respect to the February 14th agreement, if I can just have you  
5 direct your mind to that, that's the deal with the mayor on  
6 Monday morning?

7 SUPT. ROBERT DRUMMOND: Yes.

8 MR. BRENDAN MILLER: So Mayor Watson and the City  
9 Manager, Steve K., they testified already in this proceeding  
10 that senior OPS officials were tasked to be on the ground to  
11 help facilitate the movements of trucks on February 14th. You  
12 heard that testimony, I take it?

13 SUPT. ROBERT DRUMMOND: I didn't hear that piece,  
14 no.

15 MR. BRENDAN MILLER: All right. Can you agree  
16 that you are the OPS official that the mayor and the city  
17 manager were referring to?

18 SUPT. ROBERT DRUMMOND: These are referring to me  
19 coming to the meeting on the 13th at City Hall, yes, that would  
20 be me on the 13th. I wasn't on the ground on the 14th.

21 MR. BRENDAN MILLER: Right. And you weren't on  
22 the ground and you weren't attempting to carry out the move that  
23 was agreed to?

24 SUPT. ROBERT DRUMMOND: We were attempting. We  
25 moved 30 to 40 trucks up onto Wellington.

26 MR. BRENDAN MILLER: Right, and then it stopped?

27 SUPT. ROBERT DRUMMOND: It stopped for a number  
28 of reasons.

1                   **MR. BRENDAN MILLER:** Right. Okay. At any time  
2 during the February 14th move did Tom Marazzo or any of the  
3 leaders you identified in your PLT report from February 7th say  
4 to you, "We're going to renege"?

5                   They didn't, did they?

6                   **SUPT. ROBERT DRUMMOND:** No, they just -- they  
7 couldn't seem to finish the deal in the sense that they -- there  
8 were groups that they couldn't get to move. There were groups  
9 that weren't on board.

10                  **MR. BRENDAN MILLER:** So which groups?

11                  **SUPT. ROBERT DRUMMOND:** There was a group on Bank  
12 Street.

13                  **MR. BRENDAN MILLER:** Okay. But again, we're  
14 dealing with -- you were dealing with Tom Marazzo?

15                  **SUPT. ROBERT DRUMMOND:** Correct.

16                  **MR. BRENDAN MILLER:** Bank Street wasn't in those  
17 322 trucks, was it?

18                  **SUPT. ROBERT DRUMMOND:** See, that was something.  
19 You know, we didn't have -- it wasn't clear who belonged to what  
20 groups, right?

21                  **MR. BRENDAN MILLER:** Right.

22                  **SUPT. ROBERT DRUMMOND:** They didn't wear team  
23 jerseys explaining who belonged to which team, so to speak, out  
24 there.

25                  **MR. BRENDAN MILLER:** But they were trying to do  
26 it, and we've already seen evidence of this, and the barriers  
27 weren't being moved so they could. So ---

28                  **SUPT. ROBERT DRUMMOND:** We allowed trucks ---

1                   **MR. BRENDAN MILLER:** --- they were cut off.

2 Pardon me, sir?

3                   **SUPT. ROBERT DRUMMOND:** We allowed trucks to move  
4 that agreed to move. We moved those trucks.

5                   **MR. BRENDAN MILLER:** Okay. So you're saying that  
6 the trucks that agreed to move and go onto Wellington, you  
7 pulled up the barriers and allowed each and every one of them  
8 out of where they were and onto Wellington, and that you didn't  
9 stop anyone?

10                   **SUPT. ROBERT DRUMMOND:** No, we didn't stop anyone  
11 on the Monday, no.

12                   **MR. BRENDAN MILLER:** Yeah. Thank you.

13                   **COMMISSIONER ROULEAU:** Thank you. Next is the  
14 Government of Canada.

15 **--- CROSS-EXAMINATION BY MR. ANDREW GIBBS:**

16                   **MR. ANDREW GIBBS:** Good afternoon, Supt.  
17 Drummond, Commissioner.

18                   **SUPT. ROBERT DRUMMOND:** Good afternoon.

19                   **MR. ANDREW GIBBS:** My name is Andrew Gibbs, and  
20 I'm part of the counsel team representing the Government of  
21 Canada.

22                   You've already answered many of the questions  
23 that I had prepared for you today, so I'll focus in my  
24 examination on just a couple of areas. I'll use my time for  
25 that.

26                   First of all, we heard earlier this week from  
27 Interim Chief Bell, who has also testified that this  
28 demonstration was exceptionally challenging for our PLT members



1 from the perspective that there were so many different people  
2 and so many different organizations and so many different  
3 groups.

4 Do you agree with that assessment?

5 **SUPT. ROBERT DRUMMOND:** Yes.

6 **MR. ANDREW GIBBS:** And in fact, I think he  
7 estimated the number at 8 to 10 different groups representing 50  
8 to 100 political agendas. Does that sound like a fair estimate?

9 **SUPT. ROBERT DRUMMOND:** I'd have a hard time  
10 putting a number on it, but there were a lot of different groups  
11 here.

12 **MR. ANDREW GIBBS:** And he, in fact, said that  
13 those leaders, organizers, and groups changed on a regular  
14 basis, and many of them had different agendas. And he concluded  
15 by saying, "There probably could not have been a more complex  
16 and challenging environment for our PLT members to work in."

17 Would you agree with that?

18 **SUPT. ROBERT DRUMMOND:** I would agree with that.

19 **MR. ANDREW GIBBS:** Thank you.

20 And for the record, those references are to the  
21 transcript WPS8 - or sorry WTS8 at page 97, line 13 to 21, and  
22 page 194, lines 4 to 8.

23 So there were a large number of factions  
24 involved?

25 **SUPT. ROBERT DRUMMOND:** Correct.

26 **MR. ANDREW GIBBS:** And we've heard in your  
27 testimony today that there was a group at Rideau and Sussex?

28 **SUPT. ROBERT DRUMMOND:** Yes.

1                   **MR. ANDREW GIBBS:** And I believe you said they  
2 were very difficult to deal with?

3                   **SUPT. ROBERT DRUMMOND:** They were.

4                   **MR. ANDREW GIBBS:** The documents refer to  
5 Farfadaa?

6                   **SUPT. ROBERT DRUMMOND:** Yes.

7                   **MR. ANDREW GIBBS:** Are you familiar with  
8 Farfadaa?

9                   **SUPT. ROBERT DRUMMOND:** I wasn't up until then.  
10 That was the group that was there. I don't have a lot of detail  
11 about their background or their beliefs or goals.

12                   **MR. ANDREW GIBBS:** are they subject of attention  
13 of the police force for criminal activity?

14                   **SUPT. ROBERT DRUMMOND:** During the events, on the  
15 actions-on days, yes, when we were dealing with them on the 18<sup>th</sup>,  
16 yes.

17                   **MR. ANDREW GIBBS:** Thank you. There was a group  
18 known as the East Convoy; is that correct?

19                   **SUPT. ROBERT DRUMMOND:** Are you referring to the  
20 group that was out of Coventry Road?

21                   **MR. ANDREW GIBBS:** No, there was another group  
22 Coventry Road, and I believe they were led by Mike Clark?

23                   **SUPT. ROBERT DRUMMOND:** Yes, that's the name that  
24 was provided to me as well.

25                   **MR. ANDREW GIBBS:** And that's also referred to --  
26 the Coventry Road is also referred to as RCTG?

27                   **SUPT. ROBERT DRUMMOND:** JetForm Park, yes.

28                   **MR. ANDREW GIBBS:** And JetForm Park.

1                   **SUPT. ROBERT DRUMMOND:** Yes.

2                   **MR. ANDREW GIBBS:** The East Convoy group, I  
3 believe, was the one that put forward a request for a meeting  
4 with the Governor General Simon, the Prime Minister, and the  
5 Senate Speaker, George Furey; do you recall that?

6                   **SUPT. ROBERT DRUMMOND:** I remember that was in an  
7 email, yes.

8                   **MR. ANDREW GIBBS:** Then you have the Freedom  
9 Convoy Group ---

10                  **SUPT. ROBERT DRUMMOND:** Yes.

11                  **MR. ANDREW GIBBS:** --- which was led by Tom  
12 Marazzo and Chris Barber?

13                  **SUPT. ROBERT DRUMMOND:** Correct.

14                  **MR. ANDREW GIBBS:** You met with them as part of  
15 the deal with the City?

16                  **SUPT. ROBERT DRUMMOND:** Yes.

17                  **MR. ANDREW GIBBS:** Was Tamara Lich at that  
18 meeting?

19                  **SUPT. ROBERT DRUMMOND:** No.

20                  **MR. ANDREW GIBBS:** Was Pat King at that meeting?

21                  **SUPT. ROBERT DRUMMOND:** No.

22                  **MR. ANDREW GIBBS:** So did the Freedom Convoy  
23 group -- they told you that they don't have control over the  
24 Rideau/Sussex group during that meeting?

25                  **SUPT. ROBERT DRUMMOND:** Correct.

26                  **MR. ANDREW GIBBS:** And they told you they don't  
27 have control over the Coventry group?

28                  **SUPT. ROBERT DRUMMOND:** Correct.

1                   **MR. ANDREW GIBBS:** And it was unclear who else  
2 they would be able to control but that they would try?

3                   **SUPT. ROBERT DRUMMOND:** Correct.

4                   **MR. ANDREW GIBBS:** So in the end, the deal falls  
5 apart.

6                   **SUPT. ROBERT DRUMMOND:** Correct.

7                   **MR. ANDREW GIBBS:** And there are references in  
8 the documents to Ms. Lich on Twitter apparently stepping away or  
9 trying to clarify that you're not leaving, they're just moving  
10 to Wellington.

11                   **SUPT. ROBERT DRUMMOND:** I'm not familiar with her  
12 Tweets, to be honest.

13                   **MR. ANDREW GIBBS:** Okay ---

14                   **SUPT. ROBERT DRUMMOND:** I didn't read them.

15                   **MR. ANDREW GIBBS:** --- that's fair. Were you  
16 aware that there was a separate video posted by another  
17 organizer suggesting that this agreement was a lie, the letters  
18 were a lie and that it was fake?

19                   **SUPT. ROBERT DRUMMOND:** Again, I'm not familiar  
20 with that but that doesn't surprise me that that would have  
21 occurred.

22                   **MR. ANDREW GIBBS:** Okay. If we can turn to  
23 Document OPP00003427, and this is an OPP Operational  
24 Intelligence Report and it's dated February 14<sup>th</sup>. Are you  
25 familiar with these reports?

26                   **SUPT. ROBERT DRUMMOND:** I have seen some of them,  
27 yes.

28                   **MR. ANDREW GIBBS:** Okay. If you turn to page 3,

1 it states:

2 "The organizer [...] posted a video on  
3 the 13<sup>th</sup> of February 2022. The  
4 following is a summary: The letter is  
5 spreading around that trucks will move  
6 is a lie. [...] advised the truckers  
7 that no one leaves; it is part of the  
8 counter-protest 'shit'. It is all a  
9 lie. 'Do not leave Ottawa. Do not  
10 leave the residential areas. Do not  
11 back out. You are good to go. Stand  
12 your ground.'"

13 And it continues. Do you see that information?

14 **SUPT. ROBERT DRUMMOND:** I do.

15 **MR. ANDREW GIBBS:** So would you agree with me,  
16 then, that this video being posted by an organizer suggests that  
17 there was no coalescence or agreement amongst the list of  
18 organizers that my friend, Mr. Miller, mentioned to you a few  
19 moments ago.

20 **SUPT. ROBERT DRUMMOND:** I would agree that there  
21 was some dissention amongst the groups.

22 **MR. ANDREW GIBBS:** Dissention amongst the groups.  
23 And so, in fact -- thank you, Mr. Clerk -- your witness  
24 statement mentions that the protest leadership clearly had not  
25 achieved the consensus they claimed they were going to have.

26 **SUPT. ROBERT DRUMMOND:** Correct.

27 **MR. ANDREW GIBBS:** So, in fact, there was no core  
28 group of organizers. PLT was just doing what it could with

1 whoever would talk to them.

2           **SUPT. ROBERT DRUMMOND:** We tried to identify the  
3 larger groups when possible. That didn't always pan out as we  
4 had hoped.

5           **MR. ANDREW GIBBS:** So you ---

6           **SUPT. ROBERT DRUMMOND:** There was definitely some  
7 fracture -- the groups were very fractured and had different  
8 views on things.

9           **MR. ANDREW GIBBS:** And is it fair to say that  
10 part of the challenge in moving all of the trucks was that  
11 everybody wanted to go downtown onto Wellington?

12           **SUPT. ROBERT DRUMMOND:** Yes, a lot of them ---

13           **MR. ANDREW GIBBS:** And we'd heard there were  
14 potentially 322 trucks from one of the organizers?

15           **SUPT. ROBERT DRUMMOND:** Yes. Yes. Ultimately, I  
16 believe most of the -- particularly, you know, I would say that  
17 -- the people who came from out West, I suspect that they would  
18 have liked to had a chance to be on Wellington.

19           **MR. ANDREW GIBBS:** Yes. And there was no room  
20 for everybody on Wellington?

21           **SUPT. ROBERT DRUMMOND:** Correct.

22           **MR. ANDREW GIBBS:** And so did it become a safety  
23 issue with them all trying to come down to Wellington?

24           **SUPT. ROBERT DRUMMOND:** Yes, we had to do a  
25 traffic plan to divert some of them.

26           **MR. ANDREW GIBBS:** And you stated that there was  
27 no movement of trucks off site?

28           **SUPT. ROBERT DRUMMOND:** We didn't see a

1 noticeable move. Some may have moved. Like, the problem is we  
2 don't have a system in place where we're, like, marking a truck  
3 and saying, "This is truck 105. This is 110," things like that,  
4 so vehicles come and go and, you know, it's hard for us to keep  
5 track of every vehicle.

6 **MR. ANDREW GIBBS:** And there was a group on Bank  
7 Street who refused to move?

8 **SUPT. ROBERT DRUMMOND:** Correct.

9 **MR. ANDREW GIBBS:** And that was a new group that  
10 developed that day?

11 **SUPT. ROBERT DRUMMOND:** Yes. I believe they were  
12 already there. They weren't new that day; they just didn't  
13 move.

14 **MR. ANDREW GIBBS:** They weren't identified to  
15 you, perhaps, as an organizer or as someone with influence ---

16 **SUPT. ROBERT DRUMMOND:** A separate ---

17 **MR. ANDREW GIBBS:** --- who could prevent people  
18 from leaving.

19 **SUPT. ROBERT DRUMMOND:** Yes.

20 **MR. ANDREW GIBBS:** Thank you. So is it fair to  
21 say -- and you'd mentioned earlier -- that this was a very  
22 challenging protest to manage ---

23 **SUPT. ROBERT DRUMMOND:** Yeah.

24 **MR. ANDREW GIBBS:** --- and that, I believe you  
25 said, there were weekend surges?

26 **SUPT. ROBERT DRUMMOND:** Yes.

27 **MR. ANDREW GIBBS:** So the groups were fluid.

28 **SUPT. ROBERT DRUMMOND:** Very fluid.

1                   **MR. ANDREW GIBBS:** And there were various camps  
2 just outside of Ottawa ---

3                   **SUPT. ROBERT DRUMMOND:** Yes.

4                   **MR. ANDREW GIBBS:** --- where people would go and  
5 then come back?

6                   **SUPT. ROBERT DRUMMOND:** Yes.

7                   **MR. ANDREW GIBBS:** And you didn't really have a  
8 line of sight of what was happening in all of those camps?

9                   **SUPT. ROBERT DRUMMOND:** We had some information.  
10 There were different -- OPP were keeping an eye on some of the  
11 ones that are outside the City of Ottawa -- Arnprior, the one in  
12 the east end.

13                   **MR. ANDREW GIBBS:** Okay.

14                   **SUPT. ROBERT DRUMMOND:** They were sharing  
15 intelligence on that.

16                   **MR. ANDREW GIBBS:** And so the situation was  
17 fluid?

18                   **SUPT. ROBERT DRUMMOND:** Yes.

19                   **MR. ANDREW GIBBS:** It was volatile?

20                   **SUPT. ROBERT DRUMMOND:** It was at times, yes.

21                   **MR. ANDREW GIBBS:** And it was unpredictable?

22                   **SUPT. ROBERT DRUMMOND:** Yes.

23                   **MR. ANDREW GIBBS:** And you'd mentioned that there  
24 were some current-serving police officers that were in and  
25 supportive of the protesters?

26                   **SUPT. ROBERT DRUMMOND:** Yes, unfortunately.

27                   **MR. ANDREW GIBBS:** All right. I'd like to turn,  
28 then, to some of the -- another issue on the nature of the



1 protest. And so again turning to Interim Chief Bell, he  
2 testified that over the weekend of February 11, 12, 13 -- so  
3 this is going into the third weekend now in Ottawa ---

4 **SUPT. ROBERT DRUMMOND:** Yes.

5 **MR. ANDREW GIBBS:** --- he had extreme concerns  
6 for the safety of our members, for the safety of our community  
7 based on volatility and escalation of violence, indirect  
8 confrontational interactions with our members. The situation at  
9 this point was becoming exceptionally more volatile and you  
10 could see it escalate almost on an hour-by-hour basis. Would  
11 you agree with that?

12 **SUPT. ROBERT DRUMMOND:** Yes, it was volatile.

13 **MR. ANDREW GIBBS:** Thank you. Now, just a couple  
14 of quick documents ---

15 **COMMISSIONER ROULEAU:** It'll have to be very  
16 quick because your time is up.

17 **MR. ANDREW GIBBS:** Okay, thank you. I would like  
18 to just refer you in particular -- or to ask you, were you aware  
19 of the elements -- or that there were elements of right-wing  
20 extremism involved in this protest?

21 **SUPT. ROBERT DRUMMOND:** Yes, I read that in the  
22 Hendon Reports.

23 **MR. ANDREW GIBBS:** And in fact, in the -- you  
24 were sent a report that had been prepared by the Institute for  
25 Strategic Dialogue. It was sent to Chief Sloly and you were  
26 copied on that, and the report was called "An Online  
27 Environmental Scan of Right-wing Extremism" and, in particular,  
28 they had done draft intelligence report on the convoy in Canada

1 -- in Ottawa; is that correct?

2                   **SUPT. ROBERT DRUMMOND:** I know the document  
3 you're referring to, yes.

4                   **MR. ANDREW GIBBS:** So, for the record, that's  
5 OPS00009428 and OPS00009429. And in particular, I would just  
6 ask you about the last page of that report, the last paragraph.  
7 In summary, just because I'm short of time, but I recommend to  
8 the Commission to read the entire report:

9                                   "There are comments and posts online  
10                                   stating that organizing and planning  
11                                   for a proposed DC Convoy..."

12                   That's Washington, DC:

13                                   "...is beginning to cement. Taking into  
14                                   account the events in Ottawa, the anger  
15                                   and hostility driving much of the  
16                                   campaign, the protest movement's  
17                                   acceptance and support of conspiracies  
18                                   and misinformation, and implicit and  
19                                   explicit links to extremist groups..."

20                   which are identified in the report -- or in the  
21 draft intel report:

22                                   "...there are some glaring comparisons to  
23                                   the Capitol insurrection on  
24                                   January 6th, 2021."

25                   Did you agree with that at the time?

26                   **SUPT. ROBERT DRUMMOND:** This is -- I mean, I see  
27 the comments that are made there. This is a private company,  
28 it's not a recognised intelligence group that we would've dealt

1 with back then. I know that company had been -- had sent  
2 information to us. I think they were looking to -- for us to  
3 get involved in their product.

4 **MR. ANDREW GIBBS:** Were you concerned of the  
5 similarities?

6 **SUPT. ROBERT DRUMMOND:** Well, I mean, you know,  
7 there was -- there were people who made comments between us and  
8 what had happened at the U.S. State Capitol. You know, there  
9 were similarities to what occurred. I mean, we didn't have the  
10 same storming of the Hill type that the Americans had, we had a  
11 -- you know, vehicles camped out on roadways. So there were  
12 differences. We didn't have the same level of violence and  
13 mischief that had occurred down in Washington.

14 **MR. ANDREW GIBBS:** And we know that now.

15 **SUPT. ROBERT DRUMMOND:** We know that now.  
16 Exactly. We know that now.

17 **MR. ANDREW GIBBS:** It was a risk that was on your  
18 mind at the time?

19 **SUPT. ROBERT DRUMMOND:** Yes.

20 **MR. ANDREW GIBBS:** Thank you. Those are my  
21 questions.

22 **COMMISSIONER ROULEAU:** Thank you.

23 Next is the OPP.

24 Okay, and JCCF?

25 **--- CROSS-EXAMINATION BY MR. HATIM KHEIR:**

26 **MR. HATIM KHEIR:** Good afternoon, or I suppose  
27 good evening. My name's Hatim Kheir. I am a representative for  
28 the Justice Centre for Constitutional Freedoms.

1 Are you -- did you have the opportunity to hear  
2 Superintendent Morris's evidence given to this Commission?

3 **SUPT. ROBERT DRUMMOND:** I saw parts of it. I  
4 watched some of the video. I was away last week.

5 **MR. HATIM KHEIR:** Are you aware that  
6 Superintendent Morris indicated that he had no indication that  
7 there was a national security threat posed by the protest?

8 **SUPT. ROBERT DRUMMOND:** I don't recall that, no.  
9 Was that the -- I didn't see all of his evidence.

10 **MR. HATIM KHEIR:** Do you have any reason to doubt  
11 the intelligence that Superintendent Morris had received?

12 **SUPT. ROBERT DRUMMOND:** No, I don't.

13 **MR. HATIM KHEIR:** And just to confirm, you were  
14 just showed a -- an Intelligence report from a private company.  
15 Are you aware of any of the potential information that was --  
16 that went into forming that report?

17 **SUPT. ROBERT DRUMMOND:** No, I don't. I'm not  
18 familiar with that company. I had seen that email, and I think  
19 we had maybe had a presentation from them earlier in the year  
20 through Chief Sloly, but I think they're a U.S.-based company.  
21 I'm not really familiar with them.

22 **MR. HATIM KHEIR:** Okay. No further questions,  
23 thank you.

24 **COMMISSIONER ROULEAU:** Thank you.

25 Next is the Ottawa Police Service.

26 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

27 **MS. JESSICA BARROW:** Good evening,  
28 Superintendent.

1                   **SUPT. ROBERT DRUMMOND:** Good evening.

2                   **MS. JESSICA BARROW:** For the record, my name is  
3 Jessica Barrow, and I am counsel for the Ottawa Police Service.

4                   Mr. Commissioner, I just want to ask for  
5 permission to replay a video that played earlier today with  
6 Superintendent Bernier in cross-examination that only became  
7 relevant as a result of his cross-examination. And so though  
8 it's not on the list of materials I intended to bring  
9 Superintendent Drummond to, I'd appreciate leave to do that with  
10 this witness.

11                   **COMMISSIONER ROULEAU:** In the circumstances, I  
12 don't see a problem unless any counsel points anything out. So  
13 seeing none, sure, go ahead.

14                   **MS. JESSICA BARROW:** Thank you.  
15 The number for that is HRF1560.

16                   **(VIDEO PLAYBACK)**

17                   **MS. JESSICA BARROW:** Superintendent Drummond,  
18 have you seen this video before?

19                   **SUPT. ROBERT DRUMMOND:** Yes, I have.

20                   **MS. JESSICA BARROW:** And are you able to tell us,  
21 based on what you are seeing here, where this video was taken?

22                   **SUPT. ROBERT DRUMMOND:** Rideau and Sussex. We're  
23 looking southbound here. That's the Westin Hotel on the left.

24                   **MS. JESSICA BARROW:** Before I continue the video,  
25 can you give us some context as to -- we've heard already about  
26 the group of protesters that were located there, but can you  
27 give us some additional context about the type of behaviour that  
28 was seen throughout the protest at this location?

1                   **SUPT. ROBERT DRUMMOND:** They were very anti-  
2 government, anti-authority. Farfadaa was one of the groups that  
3 was there. We had had conflict there and calls for service  
4 there to try to deal with the -- even problems within the groups  
5 with each other. I think you've heard today that the Freedom  
6 Convoy group also was not successful in trying to reach any  
7 resolution with them trying to move or do things differently out  
8 there.

9                   And this video I believe was shot on the 18th of  
10 February when we were doing what's called "actions on" for a  
11 positive action with the Public Order Units. We were clearing  
12 out that intersection, and clearly there are people that are not  
13 obeying the direction from the police officers on the scene and  
14 are entering into altercations.

15                   **MS. JESSICA BARROW:** All right. Perhaps we can  
16 just continue the video.

17                   **(VIDEO PLAYBACK)**

18                   **MS. JESSICA BARROW:** Thank you.  
19 What do you observe happening there?

20                   **SUPT. ROBERT DRUMMOND:** So there is a -- the  
21 fellow with the backpack, you can see that at the beginning the  
22 Public Order Officers, the ones that have the yellow on, are  
23 trying to get that person to keep moving on and he is hanging  
24 onto a, I think it's a parking sign, but he's hanging onto a  
25 sign there. Ultimately, he's being combative and not listening  
26 to direction.

27                   And behind, you see the officers that are not in  
28 yellow, there's -- they have darker clothing, they are what we

1 would refer to as less lethal officers. They have weapons with  
2 them that would fire like a rubber bullet or gas if required,  
3 and they are behind the line which you see in yellow, and I  
4 believe one or two of them become involved with that individual.  
5 There's a -- you can't see enough because -- but obviously  
6 they're on the ground.

7 I researched this incident, and I know that what  
8 happens is the person on the ground places a -- kind of a hold  
9 on the officer's leg and won't let go, and the officer believes  
10 that his leg is going to be broken. He delivers strikes with  
11 the tip of the R1 gun to get him to release.

12 **MS. JESSICA BARROW:** Were any reports filed in  
13 relation to this incident?

14 **SUPT. ROBERT DRUMMOND:** Yes. The subject was  
15 arrested. There was an Injured on Duty Report filed to the  
16 officer. He had medical treatment after that with the EMS. And  
17 that -- the subject was processed for charges.

18 **MS. JESSICA BARROW:** You said that the officer  
19 received medical attention.

20 **SUPT. ROBERT DRUMMOND:** He was seen by  
21 paramedics.

22 **MS. JESSICA BARROW:** In relation to this  
23 incident?

24 **SUPT. ROBERT DRUMMOND:** In relation to this  
25 incident, yes.

26 **MS. JESSICA BARROW:** Okay, those are my  
27 questions. Thanks very much, Superintendent.

28 **COMMISSIONER ROULEAU:** Thank you.

1 Any re-examination?

2 --- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:

3 MS. NATALIA RODRIGUEZ: Hi, I have a few more  
4 questions for you.

5 Now, in relation to what you were asked by  
6 counsel for former Chief Sloly, you indicated that your reason  
7 for believing that Chief Sloly knew that the deal was to move  
8 trucks onto Wellington and that the move actually happened was  
9 the letters exchanged between the Mayor and Tamara Lich. Do you  
10 recall that?

11 SUPT. ROBERT DRUMMOND: Correct. Yes.

12 MS. NATALIA RODRIGUEZ: Okay. So I just want to  
13 take you to OPS00014566. And again, these are Chief Sloly's  
14 notes from February 14. We looked at them earlier. And if I  
15 can take you to page 8.

16 If we go down.

17 So we see here, we talked about the call that he  
18 had with Larry Brookson, and Brookson says:

19 "[T]rying to get understand[ing] the  
20 meeting to completely fill up  
21 Wellington St.

22 Chief briefed his team. Understood  
23 that the intersect team would then  
24 brief everyone including PPS."

25 And if we keep going down.

26 And then he says -- Brookson says:

27 "[P]refer negation to going hard in.  
28 For an administrator to reach-out on



1                   their own and then permit the vehicles  
2                   to sardine in on Wellington St. [t]his  
3                   was purely political."

4                   And the Chief says:

5                   "We were not given any level of  
6                   details. Rob Drummond is our liaison  
7                   at the table with the City. We advise  
8                   him that Brookson will have full access  
9                   to Rob Drummond."

10                  Now, first of all, did Larry Brookson reach out  
11 to you after the 14 at all?

12                  **SUPT. ROBERT DRUMMOND:** No.

13                  **MS. NATALIA RODRIGUEZ:** Okay. And if we go down  
14 to page 9, right before the redaction, if we keep going.

15                  Now, this is the 5:00 p.m. demo briefing and we  
16 know that Chief Sloly is there because these are his notes.

17                  And if we look in the middle there, "We need some  
18 significant legal advice regarding the mayor's position that  
19 they can be on Wellington."

20                  So does this refresh your memory about whether  
21 the chief knew that trucks had been relocated onto Wellington,  
22 at least by the 14?

23                  **SUPT. ROBERT DRUMMOND:** I believe so.

24                  **MS. NATALIA RODRIGUEZ:** So that was explicitly  
25 stated at this 5:00 p.m. meeting, as we can see here?

26                  **SUPT. ROBERT DRUMMOND:** I believe so, yes.

27                  **MS. NATALIA RODRIGUEZ:** Okay. And I want to take  
28 you now in response to what my friend, Mr. Miller, asked you

1 about regarding whether any protestors who wanted to move were  
2 prevented from moving, prevented from moving, exactly.

3 If I can take you to your notes, OPS00014455, and  
4 I want to take you to page 60.

5 And so this is the meeting where the issued are  
6 being discussed on the 15th. It's the noon meeting on February  
7 15 with all of the people that we had indicated.

8 And if we go actually to page 62, and then we're  
9 going to go back to page 60, so at 1329, after the meeting, you  
10 say:

11 "I called Trish Ferguson and notified  
12 her of the integrated command table's  
13 position on the truck movement to  
14 Wellington, and the reason why to  
15 stop."

16 And you have four kind of bullet points there.  
17 PLT position, advice from Dave Springer, PPS issues and  
18 concerns, and then lastly, *Emergency Act*, no orders yet, but is  
19 concerned may contravene.

20 See that?

21 **SUPT. ROBERT DRUMMOND:** Yes.

22 **MS. NATALIA RODRIGUEZ:** So you will agree with me  
23 that it doesn't say in any of those four points that the reason  
24 to stop is Wellington is full, correct?

25 **SUPT. ROBERT DRUMMOND:** Correct.

26 **MS. NATALIA RODRIGUEZ:** And it doesn't say there  
27 that the reason to stop is because protestors no longer want to  
28 move, right?

1                   **SUPT. ROBERT DRUMMOND:** Correct. We have  
2 discussed this before though. Like, I realize it's not in those  
3 bullet points, but yes, I agree it's not on the bullet points.

4                   **MS. NATALIA RODRIGUEZ:** Right. Well, that's not  
5 a notation that you made in any of your notes, right? There's  
6 no notation in your notes that protest groups are no longer  
7 moving, there's not one more truck that wants to move, right?

8                   **SUPT. ROBERT DRUMMOND:** Correct.

9                   **MS. NATALIA RODRIGUEZ:** Okay. And I want to take  
10 you now to OPS00014455. Sorry, I'm there. Sorry. I want to  
11 take you to -- I wanted to take you to John Ferguson's notes,  
12 and I thought that's where we were.

13                   **COMMISSIONER ROULEAU:** You had said you wanted to  
14 go to page 60, but I don't ---

15                   **MS. NATALIA RODRIGUEZ:** Yes. Well, he's  
16 acknowledged. I don't think I need to go back.

17                   But I do want to go to John Ferguson's notes, and  
18 I just need to make sure I have a reference here for that  
19 meeting.

20                   I had taken you there earlier. I'm just going to  
21 find the reference in my notes.

22                   **UNIDENTIFIED SPEAKER:** Counsel, if it helps, I  
23 think it's 14568.

24                   **MS. NATALIA RODRIGUEZ:** Thank you. That is  
25 probably what it is, yes. Thank you. I'll know it when I see  
26 it. Yes, that's it. Thank you very much.

27                   And if I can take you to page 75, at the bottom  
28 of the page, right before the 1330. Right. It says, "Room for

1 additional trucks on Wellington Street. Security concerns  
2 expressed by PPS/Supreme Court."

3 And these are Staff Sgt. Ferguson's notes of the  
4 same meeting at 12:00 p.m. Do you see that?

5 **SUPT. ROBERT DRUMMOND:** Okay. Yes.

6 **MS. NATALIA RODRIGUEZ:** So he's acknowledging  
7 here that there is room on Wellington to move more vehicles,  
8 right?

9 **SUPT. ROBERT DRUMMOND:** He is, yes.

10 **MS. NATALIA RODRIGUEZ:** And finally, I want to  
11 take you to Supt. Bernier's scribe notes from this meeting as  
12 well, OPS00011410, at page 22. At 1305, the Event Commander,  
13 Supt. Bernier, says, "Deal was --" I think that may be bartered  
14 "-- before the PM declared *Emergency Measure Act*."

15 And see, there's an arrow. "Will no longer  
16 support agreement."

17 **SUPT. ROBERT DRUMMOND:** Correct.

18 **MS. NATALIA RODRIGUEZ:** And so you agree with me  
19 that in none of these meetings, and certainly not in this  
20 meeting at 12:00 noon --because I've read everybody's notes  
21 that was at this meeting -- it was not indicated that protestors  
22 were no longer moving vehicles, correct, that they weren't  
23 willing to relocate? That was not mentioned in this meeting?

24 **SUPT. ROBERT DRUMMOND:** Sorry, are you referring  
25 to the groups that didn't want to move or the ones that did want  
26 to move? I'm not sure I understand.

27 **MS. NATALIA RODRIGUEZ:** That the issue was that  
28 you could not find any more trucks to move. That was not the

1 issue here, right? There likely were other trucks that were  
2 willing to move, there was room on Wellington, but it was OPS's  
3 decision to stop implementing the deal, as it indicates here,  
4 "Will no longer support agreement. Deal was bartered before the  
5 PM declared the *Emergency Measure Act*," as it says there,  
6 correct?

7 **SUPT. ROBERT DRUMMOND:** Yes. That was one of the  
8 factors. I have those listed on my notes too.

9 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Those  
10 are my questions.

11 **COMMISSIONER ROULEAU:** Okay. So that ends your  
12 testimony, you'll be pleased to hear.

13 **SUPT. ROBERT DRUMMOND:** Thank you.

14 **COMMISSIONER ROULEAU:** Thank you very much for  
15 coming and ---

16 **SUPT. ROBERT DRUMMOND:** No problem.

17 **COMMISSIONER ROULEAU:** --- for your evidence, and  
18 for staying so late. I know it's ---

19 **SUPT. ROBERT DRUMMOND:** I'm used to it. It's  
20 okay.

21 **COMMISSIONER ROULEAU:** I imagine you are.

22 Okay. So we're going to adjourn until tomorrow  
23 morning at 9:30.

24 **THE REGISTRAR:** The Commission is adjourned. La  
25 Commission est ajournée.

26 --- Upon adjourning at 6:19 p.m.

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C E R T I F I C A T I O N

I, Wendy Clements, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Wendy Clements, une sténographe officielle, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Wendy Clements