Public Hearing

Commissioner / Commissaire
The Honourable / L’honorable
Paul S. Rouleau

VOLUME 10

Held at:
Library and Archives Canada
Bambrick Room
395 Wellington Street
Ottawa, Ontario
K1A 0N4

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

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

COMMISSIONER ROULEAU: Good morning. Bonjour.

Are we ready to proceed, Counsel?

MR. FRANK AU: We are. Superintendent Bernier, please.

(SHORT PAUSE)

--- SUPT. ROBERT BERNIER, Resumed:

SUPT. ROBERT BERNIER: Good morning.

MR. FRANK AU: Good morning, Superintendent.

SUPT. ROBERT BERNIER: Good morning, sir.

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

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

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: That is correct.
MR. FRANK AU: And by "unified command", I took it that you were referring to unified with the OPP and the RCMP.

S U P T. ROBERT BERNIER: That is correct.

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

S U P T. ROBERT BERNIER: I don't -- I was not aware that they were in town at that particular time.

Mr. FRANK AU: Okay. So let me take you to some notes that may refresh your memory.

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

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

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

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

S U P T. ROBERT BERNIER: Inspector Palmer. She was the inspector who I was working jointly with in the Service Command Centre.

Mr. FRANK AU: Right. So there is a notation from her to you that:

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

And you spoke a little bit about your involvement in trying to gather all the various plans in order to assist in
that process yesterday; right?

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

MR. FRANK AU: So were you aware that this group, these outside agencies were coming to Ottawa as of the 8th?

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

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

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: --- at page 16, please?
Okay. So this is the paragraph at which you describe how you first came to know of this particular group's existence.

"On February 12th, OPP Chief Superintendent Carson Pardy and RCMP Superintendent Phil Lue phoned Superintendent Bernier and informed him that an OPP-RCMP Integrated Planning Team was in Ottawa to assist. Superintendent Bernier learned from them that the Integrated Planning Team had been in Ottawa since February 8, was based at RCMP's National Operation
Centre [...], and was assisting OPS to develop operational plans. Superintendent Bernier was surprised to learn of the Integrated Planning Team's existence."

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

SUPT. ROBERT BERNIER: That's correct.

MR. FRANK AU: All right. So if I could pick you now to another document, OPS00010371? So these are again scribe notes I take it, and you are now the event commander designated with EC. If we go to page 11, please? So this is dated February the 12th. If we go to 11:58, we see it on the screen, there was a call between you and RCMP Officer Lue said,

"...slide up prepared by Darwin -
understand NOC stood up. What you are proposing is what we are doing here.
You would be able to give situational awareness - direct line of
communication"

Tell us about this conversation.

SUPT. ROBERT BERNIER: So during this conversation, I had my first interaction with Superintendent Lue from the RCMP, had an understanding of what their role was here to help us, and based on the conversations that I'd had, and gave them a briefing on the new mission statement, the steps
that myself and Inspector Springer were taking as part of the command table, and understanding that it was going to take a day or two to get the proper people around the table that we were looking for. Some were coming from other parts of the province. That based on what I was proposing and telling Superintendent Lue that it was aligning with the framework that they were setting up at the RCMP Leikin building, which they're referring to as the NOK.

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

SUPT. ROBERT BERNIER: Yes.

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

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

Tell us what this is all about.

SUPT. ROBERT BERNIER: So in this particular case, language is very important, and I understand that the word "approval" is in there. My ask regarding the work that I had
established with the mission statement, the main action plan, the objectives, once again, I wanted some oversight from the legal section to ensure that there was no risk to the organization. So the approval, I wasn't looking for an actual sign-off approval. I was looking for their advice and recommendations if there should be any concerns identified with that, if that answers your question.

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

SUPT. ROBERT BERNIER: That's correct.

MR. FRANK AU: So let's talk about that meeting. If we go to your interview summary, at page 16, you see the paragraph starting with, "Following that call, Superintendent Bernier participated in a 3:09 p.m. call with Chief Sloly, Deputy Chief Bell, Acting Deputy Chief Ferguson, OPS general counsel Ms. Huneault, and RCMP and OPP members of the Integrated Planning Team. At the start of the call, Chief Sloly discussed the role of PLT. He demanded that OPP send its PLT program lead, Inspector Marcel Beaudin [-- who we heard from yesterday --] to sit on the IECT. Superintendent
Bernier had already informed Chief Sloly that OPP PLT officer Giselle Walker would be serving as PLT representative on IECT, and Inspector Springer ultimately [appear] Chief Sloly by dialing..."

**COMMISSIONER ROULEAU:** Appeased.

**MR. FRANK AU:** Sorry?

**COMMISSIONER ROULEAU:** Appeased.

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

"...Inspector Spring ultimately appealed Chief Sloly by dialing Inspector Beaudin into the call. Chief Sloly next asked if OPS had integrated its PLT strategy with public order planning, and Superintendent Bernier reminded him that both POU and PLT were members of the IECT."

Now is that accurate?

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

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

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

**MR. FRANK AU:** Okay.

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

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

**SUPT. ROBERT BERNIER:** Correct.

**MR. FRANK AU:** So the next paragraph,

"As the meeting progressed, Superintendent Bernier repeatedly asserted his autonomy as Event Commander and attempted to limit Chief Sloly's interference with that role."

What kind of interference were you getting?

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

**MR. FRANK AU:** Right. Now if we keep reading,

"For instance, when Chief Sloly attempted to establish timelines for immediate action within the next 24 to 48 hours, Superintendent Bernier responded that he was working with Chief Superintendent Pardy and Superintendent Lue to develop a plan and that they would implement the plan
once it was finalized.”

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

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

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

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

**SUPT. ROBERT BERNIER:** Correct.

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

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

Now, does that accurately reflect what went on at
that meeting?

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

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

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

Could you explain that, please?

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

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

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

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

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

SUPT. ROBERT BERNIER: That’s correct.

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

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

MR. FRANK AU: And by “this behaviour”, what were you referring to?

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

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

This is OPS00010638.

Do you know anyone by the name of Vicky Nelson?

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: Who is Vicky?

SUPT. ROBERT BERNIER: She’s in Legal Services at the Ottawa Police.

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

So if we can call up this document and go to page 6, please. Can we make it larger?
I’m looking for -- can we go down?

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

“PLT Team is here for you, 100% committed.
Key messaging is going out to all members.
Review of presentation - PLT.”

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

But then we have the notation:

“Chief good with everything so far.
Is unified command under OPS or OPP
It is OPS.”

Do you remember this part of the exchange?

Supt. Robert Bernier: Not particularly, but I could speak to its -- like it’s the improper term being used.

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

Mr. Frank Au: Okay. But what about the comment that “Chief good with everything so far”? It says -- I think there’s a typo, but I take it the word means “everything”?

Supt. Robert Bernier: My recollection is when I did assert myself and essentially saying that I’ve got this and
this is what we’re doing and this is how we’re going to be operating, I got the sense from the Chief that he was okay with that.

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

“Chief gave the approval 2 weeks ago. Need to get going on this. Tetreault it will work, we are doing this with the full confidence in your team. Let’s implement the plan.”

Do you know what was being talked about here?

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

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

**SUPT. ROBERT BERNIER:** Oh, it would be part of the meeting, but the content of what they’re talking about, about “Chief gave approval 2 weeks ago”, “Need to get going on this”, it looks like by these notes -- and they’re obviously not my notes -- that Tetreault -- Sergeant Darwin Tetreault was saying that it will work. “Let’s implement the plan.”
I don’t know who is saying that. That’s not me.

MR. FRANK AU: So you’re not clear as to what approval was given “2 weeks ago”.

SUPT. ROBERT BERNIER: Correct.

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

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

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

“No issues with plan. Can find overall execution piece.”

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

SUPT. ROBERT BERNIER: Heavy.

MR. FRANK AU: “Heavy PLT negotiations reducing footprint.”

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

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

I was very appreciative that we had that Integrated Planning Cell with some very experienced plan writers
to be able to create a document very quickly, but there needs to be an appreciation that, although the overall strategy’s going to be a heavy PLT negotiations and communication piece, we have to prepare right now and start putting all the pieces together for a Public Order action if that was not successful.

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

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

“this is coming next - commanders intent”

And you said:

“Good w approving plan w some minor changes”

SUPT. ROBERT BERNIER: Correct.

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

SUPT. ROBERT BERNIER: That is correct. We -- my
conversation with C/Supt. Pardy, we were very much aligned. He understood that although there may have been some planning and discussion with Darwin Tetreault, that he understood and appreciated that we were taking a pretty larger wholesome approach to this and that they will be supporting us moving on to building out that execution.

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

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

So the title is “Convoy for Freedom Ottawa Integrated Mobilization Operational Plan”.

Can we scroll down a little? Next page.

So it’s stated “DOCUMENT VERSION” February 13, and “PLAN WRITTEN BY” and then there’s some -- here are the components of the group. It was signed by Chief Pardy, it appears, on the 12th.

Is this the plan that we’re talking about?

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: So the difference -- the main difference between the two, with the 3.0 plan, at the time
that was developed under the event commander of command of Supt. Patterson, I am not aware that there was any sign off approval on the document that that document was adopted. The difference between the two is that this document is under the event commander, has the approval on this document, as we are adopting this.

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

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

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

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

You see the paragraph that starts with “On February 14th”?

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

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

“Superintendent Bernier also observed that Chief Sloly was happy with the February 9 Plan, and that it may have been challenging for him to accept the February 13 Plan because it through the February 9 Plan out the window.”
What did you mean by that?

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

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

**MR. FRANK AU:** So when we think of the February 9th plan and the February 13th plan, what’s the best way to describe them? Should we consider the February 13th plan as an evolved version of the February 9th plan or would you characterize them as different plans?

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

**MR. FRANK AU:** Why?

**SUPT. ROBERT BERNIER:** In the structure, the content, how -- what was placed in that SMEAC format that we discussed yesterday. Things were aligning a lot more with the proper structure of an operation plan, as well as, as I indicated, that I had identified that we actually had to build out that particular section in execution because it was not to my satisfaction at that point.
MR. FRANK AU:  Right. Now, I think we saw, when we had the February 13\textsuperscript{th} plan up on the screen, that on page 2, I believe, there were signatures -- signature lines on that page. And do you agree that this plan was signed off, approved, on the 13\textsuperscript{th}?

SUPT. ROBERT BERNIER:  Yes.

MR. FRANK AU:  And we’ve heard from Chief Pardy that on the 14\textsuperscript{th}, notwithstanding the sign off and approval on the 13\textsuperscript{th}, that they identified ongoing issues with the integration or the working of the unified command. And he identified three issues in particular. I want to ask you about each issue and get your perspective on it.

The first one is that Chief Pardy told us that the key issues dealt with through the day on the 14\textsuperscript{th} related to the OPS’ need to have their lawyer approve the plan.

So we saw earlier an example of legal review that was on the 12\textsuperscript{th}, but Chief Pardy is now speaking of a legal review issue on the 14\textsuperscript{th}. Are you aware of that?

SUPT. ROBERT BERNIER:  Yes. And I think in appreciation of where everybody was at on the 14\textsuperscript{th} and the evolution that was taking place, there was a lot of changes happening and we were trying to develop the proper model, proper people in the right positions. A lot of transitioning was taking place. So I can appreciate where a team that would be at Leikin and, in this particular -- on this particular day, I was at the RCMP building, which we call the NCRCC, National Capital Regional Command Centre, which is in Orleans, and we were not actually collocated. Things were happening within our own
sides.

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

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

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

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

SUPT. ROBERT BERNIER: It would be myself.

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

"On February 14, Superintendent Bernier learned that Chief Sloly wanted Ms. Huneault, the OPS general counsel, to review the February 13 Plan, and
that Chief Sloly wanted to approve the plan after Ms. Huneault's review."

Could you clarify that, please?

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

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

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

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

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

**SUPT. ROBERT BERNIER:** Correct.
MR. FRANK AU: So it was Mr. Sloly who wanted Legal Review related to the approval of the plan.


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


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

Supt. Robert Bernier: I'm sorry, where do you see it?

MR. FRANK AU: So the second line:

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


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

Supt. Robert Bernier: It would not be an approval on this plan, it would probably be the approval for another plan that had been developed.

MR. FRANK AU: And you understood at the time that he wanted to approve this plan, to have the decision-making power about approval of this plan?
SUPT. ROBERT BERNIER: That's correct.

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

What is your perspective on that?

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

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

MR. FRANK AU: Right. And the final concern he raised on the 14th was when the group learned that the Mayor of
Ottawa had engaged with the protesters and negotiated them to all move to Wellington Street, and that the OPS was making some decisions on action.

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


Mr. Frank Au: And so you brief them that due to the Mayor's decision it was a good time to take positive action on those who stayed outside of Wellington. Was that what happened at the briefing? That's what you told them?

Supt. Robert Bernier: That is correct.

Mr. Frank Au: And Chief Pardy told us that as a group they challenged you on the intelligence and the tactical advice received to allow them to pivot quickly and support it. Tell us about the issue.

Supt. Robert Bernier: There's quite a bigger picture to this, and once again, I will preface it with we were in a transition phase and we are not co-located. And I had met the -- that team for a brief moment that morning, and were contemplating and making decisions to transition our Command Post at the Operational level to Leikin to be co-located with that integrated cell.

There was a lot happening between the 13th and the 14th that was unexpected, challenging, and we were trying to manage. The one piece that we have to remember is that yes, there is the Integrated Planning Cell, that is one component that's supporting me. We have to remember that I have an
Integrated Command Table that I have set up. So it is not being
done in isolation, it's not one person that is proposing or
brainstorming ideas. Yes, the decision lies with me as the
Event Commander, but you know, on this particular day, there was
the Mayor's agreement that had transpired, which was resulting
in potential movement of vehicles.

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

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

Fully utilising all the resources at hand, we had
to come up with a egress plan for any of the vehicles that
wanted to leave as a result of that agreement to ensure that it
was safe and non-impeded to get those vehicles out of the
downtown core. We as a group discussed that what do we do with
those areas that either get thinned out to maybe down to a
couple of vehicles, and how do we hold it.
At the time, and based on the infancy of our group, we brainstormed that it would probably be a good idea to try and implement some strategies to hold those areas. That was communicated to Chief Superintendent Pardy and Superintendent Lue by phone, and I definitely sensed concern on their part. They voiced their opinion and I took that away.

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

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

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

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

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

**SUPT. ROBERT BERNIER:** The change in direction is that we were perhaps utilizing resources not to the most effective use in order to preserve the right resources to have in place for the bigger picture action plan within the next set
of days. Nothing determined at that point, but to refocus ourselves on that maintenance -- sorry, stabilization phase in order to get the focus on the communication, focus on the PLT action, getting our officers rested, getting other resources in town and develop the plans we need to if the negotiation-communication does not work.

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

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

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

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

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

So if we could go to page 10, please.

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

I’m looking for the reference where ---

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

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

So meeting -- city manager.

Perhaps you -- you’re better at it than me.

**SUPT. ROBERT BERNIER:** Sure.

City manager, basically stated that Mayor involved in negotiation to someone who has ability to
communicate with core organizers.

MR. FRANK AU: Could we keep going?

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

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: Do you remember that discussion?

SUPT. ROBERT BERNIER: Correct.

MR. FRANK AU: Tell us about that.

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

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

So that’s somewhat very much aligned which was
happening on the provincial and national level. And based on
the information I had on the 13th at this time, that -- and
having that plan in place with wanting to reduce the footprint
and have -- negotiating protestors out of the area, it aligned
with our plan.
It was potentially challenges that come along with this when you’re talking about political agreements with protestors, however, I can only control what I can control. And if this happens and people leave, then that is a benefit to the operation and that I would be good with it because there’s nothing I can do about it.

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

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

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

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

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

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

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: Okay. So let’s move now to an area that I really want to ask you about, and it is -- the
context is this.

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

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

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

Could we go to your summary to page 22?

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

So if we look at this paragraph here:

“Supt. Bernier stated that the February 
13 plan did not rely on powers granted 
under the EMCPA . . .”

That’s the provincial Act; right?

SUPT. ROBERT BERNIER: Correct.

MR. FRANK AU:

“...and that the federal emergency 
declaration did not significantly impact 
his planning process. Supt. Bernier did 
not know that the federal government was
going to declare a Public Order
Emergency on February 13.”

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

Explain that to us.

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

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

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

MR. FRANK AU: And in this paragraph, you
actually refer to some of those authorities that existed apart
from the emergency powers, such as you said authorities under
common law, municipal by-laws and provincial and federal
statutes. You also noted the Criminal Code and common law
authorize police to control access to an area during an ongoing
police operation and that the Highway Traffic Act permits police
to seize and tow vehicles that are abandoned or obstructing roadways.

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

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

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

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

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

SUPT. ROBERT BERNIER: Hard for me to say. I did not get to do the operation without it, so it would be very -- I don't know what complications I would have had, had it not been in place, and I utilized the common law. We have used it before. We have used it since without the Emergencies Act and
it has been effective, but I cannot speak for this particular
date or that weekend operation. Had I not had it in that
fashion, what would it look like, hard for me to say.

**MR. FRANK AU:** And the other area I wanted to ask
your thoughts on, related to the ability to tow trucks, if we go
down the page a little bit? So this paragraph that starts with,

"Superintendent Bernier stated that he
did not need to rely on powers granted
under the *Emergencies Act* to compel
towing companies to supply trucks or
drivers to the police. He stated that
this was unnecessary because by
February 13th OPP had assembled 34 tow
trucks with willing drivers. He noted
that police guaranteed the companies
and drivers anonymity, and placed
police crests on the trucks and covered
company markings to ensure anonymity.
He stated that he had no knowledge of
whether the power granted under the
*Emergencies Act* to compel towing
companies to assist, protected those
companies and their drivers from being
blamed by protesters and protester
sympathizers for assisting [the]
police."

Now is all that accurate?

**SUPT. ROBERT BERNIER:** That is very accurate.
MR. FRANK AU: Now those 34 tow trucks that you refer to here, were they available for use by the police when the final operation was launched on the 18th of February?

SUPT. ROBERT BERNIER: They were.

MR. FRANK AU: And in terms of the arrangement to secure those tow trucks, were those arrangements made before or after the 14th of February?

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

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

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

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

SUPT. ROBERT BERNIER: So the provincial?

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

SUPT. ROBERT BERNIER: Emergencies ---

MR. FRANK AU: So the Emergencies Act was invoked on the 14th and then the Regulations.
SUPT. ROBERT BERNIER: Regulations.

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

SUPT. ROBERT BERNIER: They were.

MR. FRANK AU: --- designated?

SUPT. ROBERT BERNIER: They were.

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

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

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

Does that refresh your memory?

SUPT. ROBERT BERNIER: Well, I'm not quite sure -- I might not fully understand what a designation, if that means that the Public Safety Minister had to actually sign off on a
particular area. We did have some discussions on a particular date. I'm going to say on or about 16, 17 -- 16th probably, where we had a meeting following the understanding of the Regulations and the availability of a secure zone, and the need to get the Public Safety Minister to sign off on a particular actual area. That may be what the designation means. After further review and discussion with the Minister's office and legal, it was determined that the police should have the flexibility to designate, expand or contract or move based on as the operation goes as opposed to have a fixed area which is no -- with no flexibility. So that decision was made in the subsequent 24 hours that there would not be an official document from the Public Safety Minister that this area, as per the Public Safety Minister, is a secure area. We were able to have the flexibility to, like I said, expand or contract, as the operation dictate, to minimize the impact on the community.

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

SUPT. ROBERT BERNIER: That is correct.

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

"After the federal emergency declaration, Superintendent Bernier explored whether designating downtown Ottawa as a protected place under the Emergency Measures Regulations would be a better option than relying on common
law authorities. Chief Superintendent Pardy informed him that the federal Minister of Public Safety, Marco Mendicino, was willing to approve a designated exclusion zone in downtown Ottawa. Superintendent Bernier conducted a tabletop exercise with Ministry of Public Safety staff to indicate that the exclusion area would look like -- what the exclusion area would look like. After the meeting, he was informed that Minister Mendicino decided that it was unnecessary to designate downtown Ottawa as a protected place and that the Minister did not want to designate a specific area in case police changed their plan.”

Does that accord with what you just described to us?

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: And finally:

“The Emergencies Act, in his interpretation, allowed for the police to determine the exclusion area on an as needed basis. Superintendent Bernier supported the Minister’s decision. He noted that powers granted
under the *Emergencies Act* did cause police to be more willing to ask people entering the exclusion zone where they were going, but that police continued to permit people to enter the exclusion zone for lawful purposes.”

Does that actually reflect the reality at the time?

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

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

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

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

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

So if I can take you to OPS00013798.

So you see the date on this page says, “February 15th, till to be determined,” but if we go to the next page then there is the date, “February 18th, till to be determined,” and the document version says February the 21st.

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

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

**SUPT. ROBERT BERNIER:** This is appearing to be
the one that I would refer to, yes.

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

**SUPT. ROBERT BERNIER:** That’s why it’s important to understand that there really is -- the dates to be -- on the cover page from the 15th on, it’s -- that’s including the four stages. The four stages are Stabilization; Actions On; Maintenance, and Demobilization.

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

When was this plan launched, in the final operation?

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

We were meeting with the plan writer, Brad Taylor and Carson Pardy and their team, continually to be feeding them as we were evolving information from the Command table, from our
subject matter experts on what we require. And that was evolving right up to Phase 2 of our plan.

But it’s important to note that we were in agreement with the concept of operation, and we were in agreement that it was not realistic to actually have a completed, actual nice with-a-bow plan by the 15th. It was going to be evolving.

But by the time that we got to the 17th night, that was what we pretty much were going to have to stick with as we went into Phase 2.

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

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

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

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

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

If that answers your question?

MR. FRANK AU: That’s very helpful, thank you.

So I understand that all of the resources that
would enable the OPS and the Integrative Planning Group, your
help that you were getting from elsewhere were ready by the
evening of the 17th, is that right?

SUPT. ROBERT BERNIER: That is correct.
MR. FRANK AU: And so tell us what happened on the 18th; at what time did the action start?

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

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

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

MR. FRANK AU: Right.

SUPT. ROBERT BERNIER: But I’d have to look on my day of notes for that.

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

SUPT. ROBERT BERNIER: Correct.

MR. FRANK AU: What was the first phase?

SUPT. ROBERT BERNIER: Nicholas and Waller. The final decision, after many discussions on how we were going to proceed through it, we decided we were going to do a movement from east of the affected area, all the way through to the west, and then deal with some satellite areas at the tail end.
MR. FRANK AU: And how long did it take to clear that first phase area, the Nicholas-Waller area?

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

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

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

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

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

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

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

Every phase that we went through, no different than the messaging that was taking place right from the start of our operation through the stabilization, telling them to leave; “If you don’t leave, you are going to be arrested.” Everyone who wanted to leave was free to leave; they were asked to leave.
It was communicated through our -- what we call LRAD, long-range acoustic device, that aligned with messaging that was developed through our PLT, our Police Liaison Team, our corporate communications, and our investigations to ensure it’s a very clear, succinct message, and we did it in both English and French.

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

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

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

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

**MR. FRANK AU:** Now, we’ve seen some images where police were -- had batons, and there were horses. Could you
SUPT. ROBERT BERNIER: Yeah. So we -- the one that you’re referring to where we’re now somewhat increasing our presence and having to increase our presence based on the actions of the crowd, and that’s moving in to day 2 on the 19th and the -- sorry, no; this is still on the 18th in front of the Chateau Laurier once we had transitioned and holding the Rideau-Sussex area in front of the Chateau Laurier.

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

MR. FRANK AU: When did the operation end that day on the 18th?

SUPT. ROBERT BERNIER: The operation actually never ended.

MR. FRANK AU: Paused?

SUPT. ROBERT BERNIER: It never did pause. We had to maintain public order action presence 24/7 until it was completely clear. So reduced, and a pause on movement took place later in the evening, and we held that spot in front of the Chateau Laurier in order -- and believe it or not, that part of the operation there was a lot of work to do. There was -- the towing of multiple vehicles from that site is very time consuming. Some of the vehicles were perhaps disabled or in a fashion that would be difficult to tow.
So we had all the right resources in time -- in place; however, it took time to remove those vehicles. So we did not want to get too far ahead of ourselves; once again, slow, methodical. What was controlling a lot of the progression was how fast we can manage the arrested individuals, which we did get very overcapacity through that second portion, but it’s also the time that it takes to actually tow and clear those areas, and then install some fencing to ensure that area remained clear.

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

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

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

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

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

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

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

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

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

SUPT. ROBERT BERNIER: Correct.

MR. FRANK AU: At about what time?

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

MR. FRANK AU: You refer to these POU units, the
Public Order Units, in what direction are they moving now?

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

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

SUPT. ROBERT BERNIER: Wellington.

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

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

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

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

SUPT. ROBERT BERNIER: They were aggressive, as anticipated, and confirmed the reason why we increased our level
of protection on our officers.

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

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

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

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

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

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

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

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

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

There was a large group that still remained on
Banks Street towards the evening hours at the end of the day.
It took the full day to -- for anyone who did not leave with their vehicle to clear and tow those vehicles.

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

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

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

MR. FRANK AU: The 20th?

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

MR. FRANK AU: Right.

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

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

We were just doing some various cleaning up of abandoned vehicles that may have been left there that were protest vehicles or illegally parked vehicles to ensure that that was -- once again, the vehicles are properly cleared and if they were disabled, that they were rendered able to be towed.
Later in that afternoon, we were satisfied that we were prepared to finalize -- go the final phase of clearing Coventry Road, which is a large parking lot adjacent to a baseball field and a couple of hotels, where it was somewhat of a base camp for the protestors.

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

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

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

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

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

So that following week, as we progressed out of the Emergencies Act, out of all the states of emergency, which once again moved us into a phase of trying to assess what does
this mean, what has changed, that by the end of that week, the
Sunday, I was satisfied to go to a demobilization phase and
turned over operations to regular Ottawa police operations and
all external agencies had been demobilized.

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

SUPT. ROBERT BERNIER: I’d be happy to answer any
of your questions, sir.

COMMISSIONER ROULEAU: I don’t usually ask
questions until the end, and usually it’s well covered by
everyone, but I may.

MR. FRANK AU: Thank you, Commissioner.

COMMISSIONER ROULEAU: Okay. So we’re going to
move to the cross-examination phase.

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

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

MR. TOM CURRY: Thank you.
Superintendent, I’m Tom Curry.

SUPT. ROBERT BERNIER: Sir.

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

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

SUPT. ROBERT BERNIER: Not official yet.
MR. TOM CURRY: Okay. So we’ll have our fingers crossed for you.

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

SUPT. ROBERT BERNIER: Yeah. Correct.

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

SUPT. ROBERT BERNIER: Correct.

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

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: Superintendent Rob Drummond.

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

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

MR. TOM CURRY: Understood.

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

SUPT. ROBERT BERNIER: Police Reporting Unit and the Command Centre.
MR. TOM CURRY: Got it.
And within that Directorate, can you give the Commissioner an idea about the number of personnel?

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

MR. TOM CURRY: Just your branch, please.

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

MR. TOM CURRY: Thank you.
And does that include civilians?

SUPT. ROBERT BERNIER: Yes. Large portion civilians.

MR. TOM CURRY: Understood.
And then if I follow, the way that Incident Command works, Event Command works, in the case of an event or an incident, then a person with your training can be deployed to assume the role of event commander or incident commander, as you have described? Is that right?

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: Unprecedented.

MR. TOM CURRY: Unprecedented and not only in the -- not only, I understand, in the history of the Ottawa Police Service, but as we’ve learned from witnesses from the Ontario Provincial Police, in their history as well in terms of the size of this deployment.
SUPT. ROBERT BERNIER: Yes.

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

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

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

SUPT. ROBERT BERNIER: Correct.

MR. TOM CURRY: Who reported to?

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

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

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

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

SUPT. ROBERT BERNIER: That is very fair.

MR. TOM CURRY: Because the -- and when we speak
about -- when you’ve told the Commissioner about autonomy and
the wisdom of autonomy, autonomy should be understood to fit
into a framework that has ultimate authority in the chief; fair?

Supt. Robert Bernier: So autonomy in incident
command, at a certain level, exist at all levels. So there is a
certain level of autonomy at the tactical level that is bestowed
by the event commander down -- or the incident commander down to
the tactical level, that they have the authorities to act, and
decide, and do certain things. They also have limits as to what
they can do, where they may have to pause and go up to seek
authorization.

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

Mr. Tom Curry: Right. In other words, do I have
it that within the execution of the role, you wanted the
autonomy that is bestowed under those models to an event
commander?


Mr. Tom Curry: That does not mean, and we should
not understand it to mean, that you are completely autonomous?

Supt. Robert Bernier: That is correct.

Mr. Tom Curry: Okay. Because the Chief of
Police, or the Commissioner of the police service, if it’s
organized in that fashion, remains responsible to provide
adequate and effective policing in the jurisdiction?
SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: Yes, sir.

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

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

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

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

MR. TOM CURRY: But we’re not talking -- but we should not understand that the limit of the authority of the
Chief of Police, whether in this police service or when Commission Carrique shows up tomorrow, is limited to saying, “Hi, how’s it going? How are you?” We’re not talking about that; are we? It is not -- go back to my question, please, if you don’t mind. It is not wrong for a Chief of Police or a Commissioner of a police service to interact with an event commander; correct?

SUPT. ROBERT BERNIER: He can, yes.

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

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: True.

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

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: And equally, right down the chain, you were on Parliament Hill as a tactical commander. You had autonomy to do certain things and to instruct and direct the team that you had, but there were limits on what -- I presume there were limits on whatever you could do. You sometimes had to go up to the incident commander or event commander; correct?
SUPT. ROBERT BERNIER: Are you referring back to October 22nd, 2014?

MR. TOM CURRY: Yes.

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: That’s accurate.

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

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

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

Chief Sloly -- had you been an event commander prior to your being tasked or deployed in this case, February 10th, 2022, had you been an event commander or incident commander under Chief Sloly? I.e., when Chief Sloly was the Chief from...
October -- just to orient you, that's October 2019 until '22.

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

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

SUPT. ROBERT BERNIER: That is true.

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

SUPT. ROBERT BERNIER: I appreciate that.

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

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

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

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

MR. TOM CURRY: Okay. Well, there were -- I don't know. I don't know -- you're smiling, so I don't know
where that goes. But you're -- put it this way, you had no
issues with Chief Sloly previously.

        SUPT. ROBERT BERNIER: No.

        MR. TOM CURRY: You agree with me?

        SUPT. ROBERT BERNIER: Yes.

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

        SUPT. ROBERT BERNIER: Yes.

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

        SUPT. ROBERT BERNIER: Yes.

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

        SUPT. ROBERT BERNIER: Correct.

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

        SUPT. ROBERT BERNIER: Correct.

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

        SUPT. ROBERT BERNIER: Correct.

        MR. TOM CURRY: And between the 3rd and the 10th
of February, am I right that you did not have any direct dealings with Chief Sloly?

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

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

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

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

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

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

**SUPT. ROBERT BERNIER:** Correct.

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

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

**MR. TOM CURRY:** Understood. Thank you, a better
word. Accountable for, just like Deputy Chief Bell was accountable for Intelligence, Acting Deputy Chief Ferguson is accountable for Operational Planning.

SUPT. ROBERT BERNIER: Correct.

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

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: No.

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

SUPT. ROBERT BERNIER: That is accurate.

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

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

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

SUPT. ROBERT BERNIER: I will -- I don't know who
made the decision to have Superintendent Patterson removed, but
---

MR. TOM CURRY: Okay.

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

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

SUPT. ROBERT BERNIER: I've heard.

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

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

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

SUPT. ROBERT BERNIER: That is correct. That is the right sequence.

MR. TOM CURRY: Okay.

SUPT. ROBERT BERNIER: Superintendent Dunlop and Superintendent Patterson.

MR. TOM CURRY: Thank you for the correction.

And during that time, each of those Event Commanders would have responsibility within the structure of Acting Deputy Chief Ferguson for Operational Planning; correct?

SUPT. ROBERT BERNIER: That is correct.

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

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

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: That's accurate.

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

SUPT. ROBERT BERNIER: Correct.

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

SUPT. ROBERT BERNIER: Correct.

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

SUPT. ROBERT BERNIER: I was aware of it, but in my role was just somewhat as a conduit to ensure it gets to
whoever it needed to get to, in this particular case the Event Commander.

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

SUPT. ROBERT BERNIER: Yes.

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

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

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

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

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

SUPT. ROBERT BERNIER: Superintendent.

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

SUPT. ROBERT BERNIER: From the RCMP?

MR. TOM CURRY: Yes.

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: Superintendent Lue, the
Commissioner has seen a communication from him to Acting Deputy Chief Ferguson in which he referred to their work, his work, at least, the Integrated Teams work as building on the OPS plan of the 9th. And you would accept that?

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

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

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

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

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

**MR. TOM CURRY:** It nonetheless evolved. By the time you came on to your role, on the 10th, you had a final plan. It was probably still evolving right up until game time, but you had a -- you took from the 10th to about the 17th or 18th; is that fair?
Supt. Robert Bernier: So the actual -- the 10th, let's -- have to say that I was put in place the 10th at night. I slept through the night. The 11th, I had to get myself organized and establish that foundation piece with those points that I had outlined. And then by the 11th -- sorry, by the 12th, I'm now assembling my Command Team to get the people around me to be able to start feeding me the advice and the information and their subject-matter expertise in order to start building the plan. So I'd say by the 13th, we would be now in that plan-building mode.

Mr. Tom Curry: Understood. And the plan of the 9th had its own history that preceded your work; correct?

Supt. Robert Bernier: Could you clarify your question, please?

Mr. Tom Curry: Sure. The plan of February 9th, the 3.0 plan ---


Mr. Tom Curry: --- you were -- you did -- you were not involved in writing that plan?


Mr. Tom Curry: And am I right, correct that it would have had its own -- it would have taken its own length of time, or an amount of time would have been required to write and develop that plan, obviously?


Mr. Tom Curry: And you were not involved in it, but you knew that people -- you now know that people were involved in writing that plan; yes?
Supt. Robert Bernier: Are you talking about the subsequent element or the -- I knew that a group got together at Elgin Street to write that plan.

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


Mr. Tom Curry: And you took the step, and sounds like it's a practice that you had followed previously, to ensure that the operational plans that you're developing, particularly in a case of this complexity, did not pose some legal risk to the OPS or protesters?


Mr. Tom Curry: And so the Ms. Huneault or the OPS legal was never required to approve the plan, but you did want them to have an eye on the plan and to review it; correct?


Mr. Tom Curry: And in the same way, am I right that in regards to what Chief Sloly had requested in terms of briefings from you to the executive team or otherwise, that what he was requesting was the same kind of review. He wanted to be informed about what the plan was, so that he was in the know, but was not seeking to formally approve it in the fashion that you described; is that fair?

Supt. Robert Bernier: That was not my take on
what was transpiring.

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

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

MR. TOM CURRY: Yes.

SUPT. ROBERT BERNIER: Please share it with him.

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

SUPT. ROBERT BERNIER: Yes.

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

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

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

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

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

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

SUPT. ROBERT BERNIER: So this is referring to
his February 9th plan that he approved.

**MR. TOM CURRY:** Yes.

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

Scroll down, please.

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

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

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

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

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

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

Okay. And just scroll up. And then,

"In checking with Rob Bernier, he finally had a chance to review the plan from the Integrated Planning team and has sent it back with his comments. He would prefer [...] it be completed and signed off and will then share the plan, as he is the final approver of
"I appreciate and support the need for [Acting Superintendent] Bernier to make adjustments to the plan that he inherited. That said, please ensure [...] the plan is [finally] signed off at the earliest possible opportunity as this is a priority need expressed by our integrated partners."

And that -- you received these emails?

SUPT. ROBERT BERNIER: I remember reading this email.

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

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

SUPT. ROBERT BERNIER: Correct.

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

Now the issues that you spoke about in terms of your interactions with Chief Sloly, if I understand them, across the board, his request for information or his request that you attend briefings of the senior command to inform the senior command of what was happening in terms of the integration, that those did not constitute, in your opinion, interference with what you were doing; is that fair?
SUPT. ROBERT BERNIER: Are we talking from the point that I'm the Event Commander?

MR. TOM CURRY: Yes.

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

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

SUPT. ROBERT BERNIER: Yes.

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

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

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

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: And the discussions that you had were around that concept of that border zone, strategy,
operations, tactics. You said when he was -- when you felt that
he was raising an issue that was within your authority you told
him so and he moved back to his authority. True?

SUPT. ROBERT BERNIER: I would agree.

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

SUPT. ROBERT BERNIER: I would say yes.

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

SUPT. ROBERT BERNIER: I would agree.

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

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: Agreed.
MR. TOM CURRY: And you had never been in that situation before, of course.

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

MR. TOM CURRY: And so ---

SUPT. ROBERT BERNIER: --- in stressful situations.

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

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: City Council?

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: Police Services Board?

SUPT. ROBERT BERNIER: Yes.

MR. TOM CURRY: Chief to Commissioner, Chief to Commissioner ---

SUPT. ROBERT BERNIER: Yes.

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

SUPT. ROBERT BERNIER: I agree with that.

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

SUPT. ROBERT BERNIER: I think the numbers were
in the neighbourhood of in the 2,200 officers.

MR. TOM CURRY: Right.

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

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

SUPT. ROBERT BERNIER: Correct.

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

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

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

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

MR. TOM CURRY: Sure.

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

**MR. TOM CURRY:** Okay.

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

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

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

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

**SUPT. ROBERT BERNIER:** So the disconnect is I'd never seen the level of engagement of Intelligence Units, especially with the OPP, on previous events to this magnitude. So that's where it seemed -- we don't have the plan out yet, and
what I was understanding that we were planning to have from the briefings that we had on the 27th was that there was going to be a two-day, and that there is nothing to indicate necessarily that they're going to stay, but there maybe some that's going to stay. That's where I was kind of wondering... They've ramped up a lot of resources from an Intelligence piece across the province, and at a national level for what -- how things were seeming to be developing in Ottawa. If that answers your question.

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

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

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

MR. TOM CURRY: Got it. And therefore, can I put it this way, you would not have gone away on the weekend on a
short ski break if you thought that they had missed the mark.
You deferred to their superior position in assessing the
Intelligence in the aggregate. Is that fair?

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

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

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

MR. TOM CURRY: Sorry, the Intelligence.

SUPT. ROBERT BERNIER: Oh, the Intelligence.

MR. TOM CURRY: The Intelligence assessment.

SUPT. ROBERT BERNIER: Yes.

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

The statement February 2\textsuperscript{nd}. February 2\textsuperscript{nd}, Chief
Sloly made a statement in a presentation to City Council and the
Police Services Board that there may not be a policing solution
alone to this problem.

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

SUPT. ROBERT BERNIER: It is a policing solution.
MR. TOM CURRY: Not a policing solution that the Ottawa Police Service alone could provide; correct?

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

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

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

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

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

MR. TOM CURRY: Yes.

SUPT. ROBERT BERNIER: So I was informed. And I did speak to that, I believe, today, with regards to that I had
knowledge through the OPP shared at one of my first meetings with S/Sgt. Giselle Walker, who informed that at the provincial level, as well as the federal level, that they were -- the Ministers were drafting letters, if they were to denounce their protest activity and leave, that they would honour a meeting at a later date.

MR. TOM CURRY: That’s not a policing solution?

SUPT. ROBERT BERNIER: That is not a policing solution.

MR. TOM CURRY: Okay. Thank you, Commissioner. Thank you, Superintendent.

SUPT. ROBERT BERNIER: Thank you, sir.

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

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

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

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

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

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

--- SUPT. ROBERT BERNIER, Resumed:

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

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

MS. BATH-SHEBA VAN den BERG: Good afternoon, Mr.
Commissioner. Good morning -- or good afternoon again, just became the afternoon, Superintendent Bernier, and good afternoon, everyone here and online. My name is Bath-Sheba Van den Berg, and I am representing Freedom Corp. and the protesters.

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

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

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

COMMISSIONER ROULEAU: Okay.

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

SUPT. ROBERT BERNIER: That is correct.

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

SUPT. ROBERT BERNIER: Perhaps they have agreements on certain types of events that they would become involved with that.
MS. BATH-SHEBA VAN den BERG: And so do you agree that this military CBRN Capability Unit may have been used during the protest after the Emergencies Act invocation to assist the RCMP?

Supt. Robert Bernier: I have no knowledge of that.

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

Supt. Robert Bernier: There were challenges in meeting the staffing needs.

MS. BATH-SHEBA VAN den BERG: Okay. And I also understand that OPS COVID-19 vaccine mandates took effect on February 1st; is that right?

Supt. Robert Bernier: I don't have specific knowledge on that.

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

Supt. Robert Bernier: There were specific ones that you want to refer to that -- are you -- I don't know what you're referring to COVID-19 mandates.

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

Supt. Robert Bernier: What was the change or that they went into place?

MS. BATH-SHEBA VAN den BERG: That anyone in the OPS force that did not take the COVID-19 vaccine would no longer
be able to serve in the force ---

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

MS. BATH-SHEBA VAN den BERG: --- as effective

February 1st?

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

MS. BATH-SHEBA VAN den BERG: Yeah.

SUPT. ROBERT BERNIER: Correct?

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

SUPT. ROBERT BERNIER: Correct.

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

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

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

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

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

SUPT. ROBERT BERNIER: That is accurate.

MS. BATH-SHEBA VAN den BERG: In your testimony, you mentioned that Superintendent Patterson told you on February
7th that he wanted to use Public Order Units, also known as POUs, to clear the Rideau Sussex intersection on February the 9th?

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

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

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

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

SUPT. ROBERT BERNIER: --- on or about that date.

I would just want to -- I would have it in my notes.

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

SUPT. ROBERT BERNIER: Yes.

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

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

MS. BATH-SHEBA VAN den BERG: That's right. But POUs were used on February 6th; were they not?

SUPT. ROBERT BERNIER: Where?

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

SUPT. ROBERT BERNIER: That would be -- I -- on
or about that day, I know that there was some operation, not involved in my responsibilities, but I was aware that something of that nature happened at Coventry.

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

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

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

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

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

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

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

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

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

**SUPT. ROBERT BERNIER:** Is there notes to this?
MS. BATH-SHEBA VAN den BERG: It would only be privy to you if you listened to Superintendent Abrams testimony last week.

SUPT. ROBERT BERNIER: I did not.

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

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

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

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

MS. BATH-SHEBA VAN den BERG: That's right. And do those arrest techniques involve the physical maneuvering of snatching or grabbing a person?

SUPT. ROBERT BERNIER: There are techniques that are going to be arrest techniques that are going to be used. And like I said, the snatch and grab is not something that is something that I'm familiar with.

MS. BATH-SHEBA VAN den BERG: Now I want to ask
you a few questions on the phased integrated approach, the
February 17th plan that you discussed at length already in your
examination-in-Chief. Could I ask the Commission to bring up
document OPP00001852? And could we go to page 7, please?

So here you'll see, Superintendent Bernier, the
mission statement, and that it includes a reference to
individual Charter of Rights and Freedoms; is that correct?

SUPT. ROBERT BERNIER: Yes.

MS. BATH-SHEBA VAN den BERG: And yesterday you
mentioned that the mission provides guiding principles and that
respect for everyone's Charter is what is with everything you do
in operations; correct?

SUPT. ROBERT BERNIER: Correct.

MS. BATH-SHEBA VAN den BERG: And that in fact it
is critical that everyone understands the mission and objectives
and Commander's intent; correct?

SUPT. ROBERT BERNIER: Correct.

MS. BATH-SHEBA VAN den BERG: Isn't it true that
not all OPS members knew of the objectives of the February 17th
plan?

SUPT. ROBERT BERNIER: I implemented a measure to
mitigate that well in advance where every officer who was
deployed on the ground received a sticker that went into their
notebooks prior to briefing that outlined exactly all this
information with their authorities.

MS. BATH-SHEBA VAN den BERG: When you say well
in advance, this plan is February the 17th.

SUPT. ROBERT BERNIER: Correct. So officers'

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briefing, there was various officers that would be briefed during the various stages of the operation, as early as the evening of, the 17th, and into the morning, and so on, so forth, 24 hours a day, where there were briefing periods where any new officer coming in for a briefing would receive a sticker that would go into their notebook that outlined the mission statement, main action plan, and their authorities.

MS. BATH-SHEBA VAN den BERG: Inspector Lucas, who testified yesterday, reported -- and who reported directly to you during the implementation of this plan... He reported -- sorry, that wasn't phrased properly. He reported directly to you, right, Inspector Lucas?

SUPT. ROBERT BERNIER: Inspector Lucas would've reported to me directly ---

MS. BATH-SHEBA VAN den BERG: Okay.

SUPT. ROBERT BERNIER: --- with regards to the -- as the Incident Commander in the NCRCC.

MS. BATH-SHEBA VAN den BERG: Right. And he testified that he only knew of the concept of Operations. So not even the high level or the brass within OPS understood the plan and mission, despite your sticker.

SUPT. ROBERT BERNIER: Could you please repeat your question?

MS. BATH-SHEBA VAN den BERG: Well, yesterday, Inspector Lucas testified that he actually only knew of the concept of Operations and then not the objections or the mission statement per se of the February 17th plan. And so therefore, wouldn't you agree that not even high-level or the brass within
OPS understood the plan and the mission insofar as the objectives?

SUPT. ROBERT BERNIER: I can't speak for Inspector Lucas, but I had an Operations chief directly linked feeding all the information as it was taking place within our Operational level command, and fed Inspector Lucas with all the details of this plan. I even emailed out to every member of the Ottawa Police the mission statement and the main action plan on master distribution lists and kept everyone abreast of the -- of what was taking place through email.

MS. BATH-SHEBA VAN den BERG: Okay.

SUPT. ROBERT BERNIER: As far as the executive goes, the Strategic Commander involved, which is Deputy Chief Ferguson, involved all the way along and fully informing.

MS. BATH-SHEBA VAN den BERG: Okay, thank you.

Could we scroll down to page 9 of the February 17th plan?

And there, you can see that the POU Operational Plan is a separate plan; is that correct?

SUPT. ROBERT BERNIER: That is correct.

MS. BATH-SHEBA VAN den BERG: Can I please call up OP0000, or rather, OPP00001873?

Do you agree that this POU Tactical Operations Plan is a Tactical Operations Plan for the Integrated Public Order Units responding to the protest model, though; right?

SUPT. ROBERT BERNIER: Can you scroll down a bit, please? Some more. Some more, please. Again. Page 3, please.

So from what I can see, this appears to be the
plan. Without going into every single page to see, it is
aligning with the plan that I would've approved.

**MS. BATH-SHEBA VAN den BERG:** Okay, thank you.

And you agree that you were the overall Event Commander for this
operation?

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

**MS. BATH-SHEBA VAN den BERG:** Who was the

Critical ---

**SUPT. ROBERT BERNIER:** Oh, sorry. I should
qualify. We were in Unified Command.

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

**SUPT. ROBERT BERNIER:** So we were three Unified
 Commanders approving this plan and moving forward at this point.
So ---

**MS. BATH-SHEBA VAN den BERG:** That's right, with
Inspector Springer ---

**SUPT. ROBERT BERNIER:** Inspector Springer,
Superintendent Lue and myself.

**MS. BATH-SHEBA VAN den BERG:** Yeah. And who was
the Critical Incident Commander assigned with the POUs on the
ground?

**SUPT. ROBERT BERNIER:** There were multiple.

**MS. BATH-SHEBA VAN den BERG:** There wasn't one
 particular?

**SUPT. ROBERT BERNIER:** No. Because of the
magnitude of the event, we had to have the ability to manage
multiple situations, critical incidents, at the same time.

**MS. BATH-SHEBA VAN den BERG:** And who were the
three reserve Event Commanders that you mentioned earlier?

SUPT. ROBERT BERNIER: So I would have to refer back to my notes if I could, but... Could I go back to my notes, please, on the 18th, probably?

MS. BATH-SHEBA VAN den BERG: I am going to continue with the questions for the lack of time. But if you can remember a name off the top of your head, one of the names.

SUPT. ROBERT BERNIER: Superintendent Mike Francis, or -- yeah, at the time he was Superintendent Mike Francis, OPP.

MS. BATH-SHEBA VAN den BERG: Okay, thank you. I would like to take you down to paragraph 34 of the mission statement. And there it states:

"To ensure the removal of protesters in the area of the blockades in relation to the 'Freedom Convoy 2022'. This will be achieved by securing, isolating and evacuating persons within the designated blockade zones. To ensure the safe detention and arrest of any participants taken into custody. Ensure public and police safety."

This mission statement does not include a reference to respect for individual Charter rights and freedoms, does it?

SUPT. ROBERT BERNIER: This is a subplan. Everyone still has to adhere to the overall plan. So regardless, any member still has to adhere to the overall
mission statement that I've set.

MS. BATH-SHEBA VAN den BERG: That's right, but it is absent from this plan, and this plan would've been used to brief the Tactical Units, is that not right?

SUPT. ROBERT BERNIER: This plan is inclusive of the other plan.

MS. BATH-SHEBA VAN den BERG: And was it used to brief the Tactical Units?

SUPT. ROBERT BERNIER: This plan, as well as my mission statement, which is no different than all the other officers, would have both the overall mission statement and the Public Order mission.

MS. BATH-SHEBA VAN den BERG: That's right. But this mission statement does miss the words "utmost respect for Charter rights and freedoms"; correct?

SUPT. ROBERT BERNIER: It would be a duplication.

MS. BATH-SHEBA VAN den BERG: And then further down, at paragraph 37, it states:

"Takedown of each location to commence in phases as dictated by the Critical Incident Commander."

Takedown of each location in effect means takedown of the protesters; is that right?

SUPT. ROBERT BERNIER: Clearing the area ---

MS. BATH-SHEBA VAN den BERG: Yeah.

SUPT. ROBERT BERNIER: --- as well as there is vehicles, and rendering infrastructure safe.

MS. BATH-SHEBA VAN den BERG: And ---
SUPT. ROBERT BERNIER: And any protester who refused to leave, or caused an action that resulted in an arrest, would be detained.

MS. BATH-SHEBA VAN den BERG: And you refer to POUss being used for kinetic action during operations; is that right?

SUPT. ROBERT BERNIER: Those are -- that is a term that is used.

MS. BATH-SHEBA VAN den BERG: Would you agree that the origins of the word "kinetic" actually means "warfare, and use of lethal force"?

SUPT. ROBERT BERNIER: I'm not aware of that.

MS. BATH-SHEBA VAN den BERG: Now, I want to ask you about the arrests. With regards to the arrests and processing plans and the POU Tactical Operational Plans, there is nothing that states that after police arrested protesters and told them that they were not being charged that the police were to drive the protesters outside of the city core, in the dead of winter, the biggest snowstorm in a while, as you described today, without access to shelter or transportation and telecommunications, and leave them in parking lots or other areas; correct?

SUPT. ROBERT BERNIER: Not the way I would explain it.

MS. BATH-SHEBA VAN den BERG: Are you aware that that happened?

SUPT. ROBERT BERNIER: The plans that were put in place, which involved the ability to remove protesters who were
arrested, detained, to a secondary processing site, there were
two that were identified, one was approximately less than
10 minutes away from the arrest zone, the other one was
approximately 15 to 20 minutes away from the arrest zone, where
there were a full infrastructure of investigators in order to
properly process, run, allow phone calls to lawyers, and where
they were advised exactly of the next steps of what was going to
take place. They were located in close proximity to, and when I
say close proximity, maybe 200 metres from public transit, and
even restaurants and gas stations to be able to find their way
back to where they needed to go.

MS. BATH-SHEBA VAN den BERG: Well, we will most
likely learn later in this Commission that that is not exactly
the case of the circumstances, Superintendent Bernier. Were you
the one who authorised these movements?

SUPT. ROBERT BERNIER: I authorised the plan and
the secondary processing site. At the end of the day, the
Unified Command between Inspector Springer, myself, and
Superintendent Lue, we would have to be in agreement, and it was
the Investigations Branch that, along with our Custody Branch,
that came up with that arrest and processing plan.

MS. BATH-SHEBA VAN den BERG: And you know who
Tamara Lich, and Chris Barber, and Danny Bulford, and Tom
Marazzo are, don't you?

SUPT. ROBERT BERNIER: Yes.

MS. BATH-SHEBA VAN den BERG: And at no time did
any of those four individuals not cooperate with the OPS.

SUPT. ROBERT BERNIER: Not to my knowledge. I
had no direct involvement with them.

**MS. BATH-SHEBA VAN den BERG:** Supt. Abrams testified that irrespective of the February 17th plan, that there remained integration issues between various police forces. Do you agree?

**SUPT. ROBERT BERNIER:** Could you repeat the question again, please?

**MS. BATH-SHEBA VAN den BERG:** That irrespective of the February 17th plan, that there remained communications and integration problems?

**SUPT. ROBERT BERNIER:** Following the 17th, I think the plan went as well as it could. And any operation comes with challenges. Operations of this size and magnitude and police services from across the province, and in fact, across the country, all come with their own structures, their own ---

**MS. BATH-SHEBA VAN den BERG:** That’s right. I’d actually ---

**SUPT. ROBERT BERNIER:** --- procedures ---

**MS. BATH-SHEBA VAN den BERG:** --- like to pick up on that, because I understand that you’ve gained the Bronze and Silver Certification in Major Civil Disorder Management in the United Kingdom and you’ve also trained with the RCMP and OPP. And you’re just now mentioning that every force uses a different structure. So is it true that every police force across the country has a different set of 10 codes?

**SUPT. ROBERT BERNIER:** That is a possibility, yes.

**MS. BATH-SHEBA VAN den BERG:** And there’s also a
different set of codes for major civil disorder management?

SUPT. ROBERT BERNIER: I don’t know what you’d be referring to there.

MS. BATH-SHEBA VAN den BERG: Communication codes ---

SUPT. ROBERT BERNIER: With regards to the ---

MS. BATH-SHEBA VAN den BERG: --- in managing a major incident.

SUPT. ROBERT BERNIER: There’s only one set of 10 codes that we use to communicate on a radio.

MS. BATH-SHEBA VAN den BERG: I’m referring to your training in the United Kingdom.

SUPT. ROBERT BERNIER: Okay. I didn’t have to use 10 codes in the United Kingdom.

MS. BATH-SHEBA VAN den BERG: A different set of codes or ---

SUPT. ROBERT BERNIER: Terminology?

MS. BATH-SHEBA VAN den BERG: Yes. For communicating.

SUPT. ROBERT BERNIER: They may have different terms that they use in the UK.

MS. BATH-SHEBA VAN den BERG: Okay. I note also that the February 17th plan does not include any reference to communications. Is that correct?

SUPT. ROBERT BERNIER: Which plan are you referring to?

MS. BATH-SHEBA VAN den BERG: The February 17th overall master plan.
SUPT. ROBERT BERNIER: There is a communications plan.

MS. BATH-SHEBA VAN den BERG: Well I put it to you that the only reference to communications is that at the stabilization phase, the first phase, there would be a provision of integrated training and communications interoperability? Is that right?

SUPT. ROBERT BERNIER: So are we moving away from whether there was a communication plan? Because there is a communication plan. We can pull that up, if you’d like.

MS. BATH-SHEBA VAN den BERG: Within the master plan?

SUPT. ROBERT BERNIER: It’s an appendix plan.

MS. BATH-SHEBA VAN den BERG: You’re talking about the command?

SUPT. ROBERT BERNIER: No, a communication plan.

MS. BATH-SHEBA VAN den BERG: Using agreed set codes?

SUPT. ROBERT BERNIER: There’s a corporate communication, as well as communication with what radio channels and radio system that we would use.

MS. BATH-SHEBA VAN den BERG: I’d like to move on to asking you some questions with regards to the POU tactical operational plan. So I’d like to pull up OPP00001873.

At paragraph 7:

“...the [...] Rules of Engagement Decision Matrix [there] supersede[d] [all other ‘police forces’] policies and SOPs.”

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Is that right?

SUPT. ROBERT BERNIER: Correct.

MS. BATH-SHEBA VAN den BERG: Could we call up Document OPS00012550? Let’s scroll down to page 2. You state that:

“...all police officer[s] (including [POUs]) [must] [...] have an up to date Use of Force qualification within the last 12 months.”

Is that correct?

SUPT. ROBERT BERNIER: Correct.

MS. BATH-SHEBA VAN den BERG: And Supt. Abrams testified that a decision was made that this requirement would be suspended for the purpose of getting boots on the ground on February 18th, and so that some officers would be beyond their qualification period of maybe over a year? Is that right?

SUPT. ROBERT BERNIER: That was under the decision of a Chief of Police or Commissioner ---

MS. BATH-SHEBA VAN den BERG: M’hm.

SUPT. ROBERT BERNIER: --- under the covid situation, ---

MS. BATH-SHEBA VAN den BERG: But it did ---

SUPT. ROBERT BERNIER: --- where there was challenges ---

MS. BATH-SHEBA VAN den BERG: --- happen; right?

SUPT. ROBERT BERNIER: There potentially were officers who would be given an exemption, and if they had an exemption, that would still qualify.

MS. BATH-SHEBA VAN den BERG: Next, it reads
that:

“Every officer who draws their firearm in the presence of the public; [...] use of any weapon, or improvised weapon other than a firearm on another person; or use [of] physical force on a person that results in an injury to that person requiring [-- requires] medical attention shall complete a Use of Force Report...”

Is that correct?

SUPT. ROBERT BERNIER: Correct.

MS. BATH-SHEBA VAN den BERG: And do you know how many Use of Force Reports were recorded after the tactical phase?

SUPT. ROBERT BERNIER: I don’t have that. we would have to then find those records from follow up from that. But the records were kept and Use of Force Reports were filled in.

MS. BATH-SHEBA VAN den BERG: Did you not receive an email on February 20 that only four Use of Force Reports were recorded and that number of arrest sheets didn’t indicate yes or no for use of force?

SUPT. ROBERT BERNIER: Would you be able to pull up that email? Because it doesn’t seem to ---

MS. BATH-SHEBA VAN den BERG: Not at this time, but I can assure you that it was sent to you on February 20th.

I would like to call up document HRF00001559.

In the far left, would you agree that the person
in green is carrying what looks like a 5.56mm calibre carbine rifle with 30-round magazine capacity?

**SUPT. ROBERT BERNIER:** Where is this picture taken from? Do you know when?

**MS. BATH-SHEBA VAN den BERG:** It’s taken February during the protests between the 18th and 20th.

**SUPT. ROBERT BERNIER:** Okay. This is -- what is your question? Which officer?

**MS. BATH-SHEBA VAN den BERG:** Just having a look at the person on the far left, identifying that it appears to be that they are carrying a 5.56mm calibre carbine rifle with 30-round magazine?

**SUPT. ROBERT BERNIER:** It is definitely a rifle. And I would say yes.

**MS. BATH-SHEBA VAN den BERG:** Okay. And next to him is a person in green carrying a 40mm multi launcher?

**SUPT. ROBERT BERNIER:** That appears to be it.

**MS. BATH-SHEBA VAN den BERG:** The person in blue is carrying a wooden dowel style baton?

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

**MS. BATH-SHEBA VAN den BERG:** And the person on the right, in green, looks to be carrying a .300 calibre carbine rifle with 30-round magazine capacity?

**SUPT. ROBERT BERNIER:** That appears right.

**MS. BATH-SHEBA VAN den BERG:** And would you agree at a first glance that these persons in green appear military-like?

**SUPT. ROBERT BERNIER:** I would not say that.
MS. BATH-SHEBA VAN den BERG: I’d now like to call up video HRF00001560. And I’m going to just warn that there’s distressing images. I’d like to pause at 0.29.

(VIDEO PLAYBACK)

All right. So do you agree that the OPS officer in this video in the back behind the ranks, the line, is using what is actually the muzzle and not the butt of what looks like a 40mm chemical munition launch to beat a protestor with?

SUPT. ROBERT BERNIER: Not enough for me to see exactly what is going on.

MS. BATH-SHEBA VAN den BERG: But you can see that there is a police officer in the back beating a protestor with a rifle?

SUPT. ROBERT BERNIER: There is not enough for me to see what is actually happening behind bodies.

MS. BATH-SHEBA VAN den BERG: Can we continue playing the video, please?

(VIDEO PLAYBACK)

Now, I just have three further questions, Mr. Commissioner, and thank you for the time.

This is going back before the invocation of the Act regarding the deal, and we’re talking about February 14th. So you knew that the protestors’ organizers had established base camps at farms outside of Ottawa that could accommodate a large number of trucks? Is that right?

SUPT. ROBERT BERNIER: So I’m -- you said a lot very quickly. So ---

MS. BATH-SHEBA VAN den BERG: Sorry.

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SUPT. ROBERT BERNIER: --- I’m trying to figure out what is -- can you just ---

MS. BATH-SHEBA VAN den BERG: So in ---

COMMISSIONER ROULEAU: If you could speak a little slower? To me it’s a bit, like, ---

MS. BATH-SHEBA VAN den BERG: Too fast?

SUPT. ROBERT BERNIER: Too fast. Yeah.

MS. BATH-SHEBA VAN den BERG: In February, you were aware that there were base camps at farms outside of Ottawa that could accommodate the number of trucks.

SUPT. ROBERT BERNIER: At what point in February are you talking about?

MS. BATH-SHEBA VAN den BERG: Prior to the invocation of the Act.

SUPT. ROBERT BERNIER: Yes, we were aware. So when I was involved, I was aware that there were multiple locations on the outskirts of Ottawa, and actually quite good distance from Ottawa as well.

MS. BATH-SHEBA VAN den BERG: And that on February 14th, approximately 100 trucks and protest vehicles left the downtown under the Mayor’s deal, and only 23 trucks moved up to Wellington, and then the remainder left Ottawa, right?

SUPT. ROBERT BERNIER: I actually have no records of vehicles leaving. The footprint did not change all that much. There was movement up onto the Hill -- sorry; onto Wellington. But from the information that I was receiving on the -- it would have been whichever day the movement would have taken place, ---
MS. BATH-SHEBA VAN den BERG: February 14th.

SUPT. ROBERT BERNIER: --- 14th, there was very minimal departure of vehicles.

MS. BATH-SHEBA VAN den BERG: Right. But there was some. And this is my final question is, is but for the lack of OPS cooperation implementing that deal, and obstruction of movement of vehicles out of the downtown residential areas at the rate-- at the rate that the truckers were actually moving and vehicles moving outside on February 14th, most of the downtown but for Wellington would have been cleared by Wednesday, February 16th; correct?

SUPT. ROBERT BERNIER: We developed a quite robust, highly staffed with both our Police Liaison, and our Traffic Unit, and cleared egress routes that were going to be well-communicated with all the protesters as to if they wanted to leave, for a 24-hour period we had those routes clearly open and facilitating the departure of vehicles. They were not leaving.

MS. BATH-SHEBA VAN den BERG: Some of them did move, though, you did say that, on February 14th, and would they have had a bit more time they ---

SUPT. ROBERT BERNIER: A very small ---

MS. BATH-SHEBA VAN den BERG: --- would have fully cleared out the areas, ---

SUPT. ROBERT BERNIER: --- a small number.

MS. BATH-SHEBA VAN den BERG: --- but for Wellington.

Thank you. Thank you for your service, Supt.
And thank you, Mr. Commissioner, for the additional time; I appreciate it.

COMMISSIONER ROULEAU: Next is the Government of Canada.

(SHORT PAUSE)

--- CROSS-EXAMINATION BY MS. DONNAREE NYGARD:

MS. DONNAREE NYGARD: Good afternoon, Supt. Bernier. My name is Donnaree Nygard, and I’m counsel for Canada.

I just have a few questions that I would like to ask you. First, starting with the time period in which you were moving into the integrated command with the OPP and the OPS -- sorry; and the RCMP, and developing the plan that was eventually implemented. Can you tell us a little bit about what the situation on the ground was at that time? As I understand, from reading some of the Hendon reports, at that point in time, there was increased volatility in the protest zone; would you agree with that?

SUPT. ROBERT BERNIER: I agree, yes. That was the reports that I was getting.

MS. DONNAREE NYGARD: And that the protesters were becoming more adversarial and confrontational with police?

SUPT. ROBERT BERNIER: They were.

MS. DONNAREE NYGARD: And that there were violent elements within the crowd?

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: And there was, as a result
of all of this, increasing concern for the possibility of
violece within the protest the longer it continued on; is that
correct?

SUPT. ROBERT BERNIER: That is obviously a
possibility, yes.

MS. DONNAREE NYGARD: And there was also some
concern about firearms and other weapons within the crowd;
correct?

SUPT. ROBERT BERNIER: That is something that was
continually monitored, assessed, and keep leveraging our
Intelligence teams with various information, or intelligence
that was coming in that there were possibilities of that.

MS. DONNAREE NYGARD: And, in fact -- if I can
have OPP00003427, please?

This is the February 14th Hendon report. Did you
see that?

SUPT. ROBERT BERNIER: On the 14th, I would have
an Intelligence officer at my command table with the
responsibility of reviewing and briefing a group on this
information. So although not reading it, I should be getting
key information from it.

MS. DONNAREE NYGARD: And if we can go to page 5,
please? Scroll down just a little -- just right there’s good.
Just beyond the bolded section there you can see
there’s a reference to:

"...represent potential volatile
elements - they both espouse sovereign
citizen ideals and, in the case of
[redacted], early information suggest[s] he may have brought firearms. His interactions with police were notable when approached by [redaction] as to openly wearing a sheathed but sizeable knife on his person, he rejected the idea of [re]moving it.”

Were you aware of situations -- of that situation in particular, and other situations like that?

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: Thank you.

So at the end of the day, the plan that the integrated team developed worked; correct?

SUPT. ROBERT BERNIER: Yes, ma’am.

MS. DONNAREE NYGARD: It was very successful in clearing what I believe you described as the largest and most complex police operation in Canada.

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: And the success of that operation depended on a lot of different moving parts, but I’m just going to focus on a couple of them for a moment.

One of them was the ability to shrink a footprint down from where it started; correct?

SUPT. ROBERT BERNIER: Smaller footprint would be easier to manage.

MS. DONNAREE NYGARD: And, in fact, in his testimony Chief Supt. Pardy indicated that at the original size,
it probably would have taken 10,000 officers to execute the same kind of plan. Would you agree with that?

SUPT. ROBERT BERNIER: I don’t know.

MS. DONNAREE NYGARD: But it would have taken a lot more people if you hadn’t been able to shrink the footprint down; correct?

SUPT. ROBERT BERNIER: It would have been a lot longer operation if we -- and, once again, it’s not necessarily the -- it wasn’t a speed thing; it was more safe, methodical, lawful, and ensuring that we took care of everything.

So, in other words, if areas such as John A. Macdonald or Sir George-Étienne had to be cleared as well, it would just take a lot longer to clear.

MS. DONNAREE NYGARD: And even within the footprint, if there had been more people and more vehicles still there, that would also have taken you longer; correct?

SUPT. ROBERT BERNIER: Exactly.

MS. DONNAREE NYGARD: And it would have been a more volatile situation.

SUPT. ROBERT BERNIER: Potentially, yes.

MS. DONNAREE NYGARD: And that increases the risk of violence or riots or people getting hurt; correct?

SUPT. ROBERT BERNIER: I would agree.

MS. DONNAREE NYGARD: And the other thing that this plan was dependent on was the ability to move the large trucks which were parked all over the downtown core; correct?

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: And that required heavy tow
capacity.

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: And going back to the shrinking footprint for a moment, you described the phases of your plan and the first one I think you described as stabilizing, and that included consistent messaging to the protesters that now was the time to leave; correct?

SUPT. ROBERT BERNIER: That is correct.

MS. DONNAREE NYGARD: And as part of that messaging, there were pamphlets that were being handed out to the protesters and news releases for printing in media so that everyone would be aware; correct?

SUPT. ROBERT BERNIER: Yes, as well as putting flyers on every vehicle.

MS. DONNAREE NYGARD: And if we can have OPS000013798?

This is the plan that has the February 15th date on the front cover. I know there’s a number of iterations of the plan. One of my friends took you to this earlier.

And if we can go to page 5, please? And scroll down to the bottom of the page. Yeah, that’s good.

You’ll agree with me that the plan, in fact, reproduced the content of the messaging that was being given out to the protesters; you can see it there, just after the start of it there. Just after the bolding.

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: And that if we go on to the next page, there’s a number of these items, and I’m going to go
through a few of them, but that were powers that were provided
to the Police Services under the Federal Emergency Act and the
Regulations associated with it; correct?

SUPT. ROBERT BERNIER: That is correct.

MS. DONNAREE NYGARD: And even the powers that
were given to you under the provincial legislation, such as the
ability to suspend certificates. That required of the towing of
the vehicle first; correct?

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: So you had to be able to
tow before you could do that suspension?

SUPT. ROBERT BERNIER: I’m not 100 percent sure
on that. I don’t know if there was abilities. If you’re able
to identify a driver within that it could be done retroactively.
I just want to make sure that I’m not fully clear if it required
the tow first.

MS. DONNAREE NYGARD: Well perhaps we can refresh
your memory. If we can bring up OPS000 -- oh, I guess it’s four
zeros -- 1181?

SUPT. ROBERT BERNIER: Thank you, if you can, ---

MS. DONNAREE NYGARD: Yeah.

SUPT. ROBERT BERNIER: --- because there’s ---

MS. DONNAREE NYGARD: Yeah, this is ---

SUPT. ROBERT BERNIER: There’s a ---

MS. DONNAREE NYGARD: This is a flow chart that -

SUPT. ROBERT BERNIER: There’s a lot of

information on ---
MS. DONNAREE NYGARD: Understandable. Oh, I’m sorry, I gave you the wrong number. It is three zeros 11801. And this is an OPP flowchart that was produced for the suspension. And you can see, if you go down to the third box, it’s “Remove Vehicle from [the] Highway” and then after that is the “Administrative Action”; correct?

SUPT. ROBERT BERNIER: If I could just take a minute to read through it?

MS. DONNAREE NYGARD: Yeah, absolutely.

SUPT. ROBERT BERNIER: So I think this was somewhat of a flow chart to give instructions, but the fact that we were doing the towing and that they’re not, -- you know, we weren’t necessarily doing intervention action prior, this was part of our phased actions on portion. And just so that there was clear instructions of what was happening with the vehicles, and as part of the end part was that process that was going to take place. And once again, I’m not 100 percent sure if there was not the ability to do something with the CVOR, whether we towed it or not.

In this particular case, part of the -- we were towing all vehicles.

MS. DONNAREE NYGARD: You were. And you’re just not sure?

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: Fair enough.

SUPT. ROBERT BERNIER: I’d have to do a little bit more ---

MS. DONNAREE NYGARD: Fair enough. Well we won’t
-- I could take you to one more place, but we’ll move on.

The -- if we can go back to the previous
document, OPS0000 -- 00013798? And back to page 6, please.

So just going through some more of these bullet
points, one of the things that was pointed out was the ability
to have personal bank accounts subject to examination and
restriction. That was a power that was provided under the
federal EA; correct?

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: And then the next one about
bringing minors to protests, that was also an EA power? And
that was something that if children could be removed from the
scene, would make enforcement safer; correct?

SUPT. ROBERT BERNIER: It would hopefully
discourage people to bring their children to this protest, yes.

MS. DONNAREE NYGARD: And the other thing, just
the second last bullet that I wanted to highlight there is
persons traveling to the unlawful protest site could be charged?

And that helps to shrink the footprint in that it
stops more people from -- well, it -- I guess it helps to stop
the footprint from increasing because people are not continuing
to arrive; correct?

SUPT. ROBERT BERNIER: That would be the intended
effect.

MS. DONNAREE NYGARD: And you had some discussion
with my friend earlier about -- and you confirmed that you had
used the Federal Emergencies Act powers in order to put in place
a secured area in the downtown core; correct?
SUPT. ROBERT BERNIER: That’s correct.

MS. DONNAREE NYGARD: And in fact, that is reflected in your plan further on down that page, in the second paragraph, under “Situation”; correct? And that was already in place, I take it, from the use of the “has established”? As of February 15th, it was already in place?

SUPT. ROBERT BERNIER: No, it has not -- it was not.

MS. DONNAREE NYGARD: Oh. When did it go -- when was it put in place?

SUPT. ROBERT BERNIER: So we placed a soft secure area in the evening of the 17th, and then it went in full operation at midnight from the 17th into the 18th.

MS. DONNAREE NYGARD: So and I understand there was a news release that was put out announcing the secured area? I think that went out at 4:40 on the 17th? Is that ---

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: --- correct?

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: And that announced that a secured area was being put in place under the Federal Emergencies Act; correct?

SUPT. ROBERT BERNIER: Correct. There are a lot of people, community members who live in that area who had been affected. We wanted to minimize the amount of impact and restriction that they would have had in their own community.

MS. DONNAREE NYGARD: And prior to that time, you didn’t have an exclusion zone in that area; correct?
SUPT. ROBERT BERNIER: There -- nothing under --
used under common-law or any other form of, how would you say
it, authority to shut down an area.

MS. DONNAREE NYGARD: So sorry, I just want to
make sure I’m understanding your answer. You’re saying there
wasn’t anything that would have allowed you to do that? Or you
didn’t use anything?

SUPT. ROBERT BERNIER: No, there were. If we
needed to apply under common-law, we could have. But it was
nothing that we actually utilized because we didn’t go into a
police operation and maintaining public safety for restricting
access to an area under the common-law authorities. So there
was nothing in place until the 17th into the 18th at midnight.

MS. DONNAREE NYGARD: And how long did you have
that secure area in place?

SUPT. ROBERT BERNIER: So the secure area, as the
operation progressed and was met with success, we shrunk that
area gradually over the days. And we maintained a very shrunken
small footprint of restriction secure area to the Wellington
area until the Emergencies Act was lifted.

MS. DONNAREE NYGARD: And you spoke about your --
the common-law ability to have an exclusion zone, and you also
spoke earlier about how the Emergencies Act made it very clear
what you were allowed to do; correct?

SUPT. ROBERT BERNIER: Absolutely, yes.

MS. DONNAREE NYGARD: And that’s because the
common-law authority for exclusion zones lacks a certain amount
of clarity? Would you agree with that?
SUPT. ROBERT BERNIER: I don’t necessarily say it lacks clarity. It just comes down to the articulation of why and what you’re doing and for how long. So the auxiliary powers that exist, there needs to be certain things that exist and needs to stop as soon as that does no longer exist.

MS. DONNAREE NYGARD: So and I think I mentioned, sometimes it may be hard to understand, or to explain to the various groups that, whether it be our own officers, the community, or protestors.

MS. DONNAREE NYGARD: Right. So and that’s what I meant by it lacks a certain amount of clarity.

SUPT. ROBERT BERNIER: Yes.

MS. DONNAREE NYGARD: And you can never know for sure, in fact, whether your use of an exclusion zone will hold up in court until after the fact?

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: Under the common-law.

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: And so you kept it in place until the 23rd when the Emergencies Act was revoked, but you weren’t conducting active police operations after, I think you said the 20th? Is that correct? Or ---

SUPT. ROBERT BERNIER: So there was a heavy police presence still. There was still a police operation going, but not necessarily that action on phase. So as of the 18th, 19th, and 20th, into the 21st, it was more of a security posture that we held so the -- from that point until the lifting of the Emergencies Act, which we’d shrunk down to the area just
surrounding Parliament Hill. That’s the area that was
maintained.

MS. DONNAREE NYGARD: Okay. And so I’d like to
move to the issue of tow trucks for a moment. You said in your
earlier testimony that the OPP arranged for the heavy tow
trucks; correct?

SUPT. ROBERT BERNIER: This is part of the
integrated group. We -- one of the first things we did was
ensure that, and through Insp. Dave Springer and Kirk Richardson
from the OPP, who is -- has a wealth of knowledge in that world,
we focused at least a team working on that. Because that was a
shortfall. That was a challenge that we were facing all the way
through. And it was a big challenge because it was a big job to
do, and we were having different challenges with tow companies
not wanting to be engaged on this. However, through Kirk
Richardson's work, and from across the province, we had success
quite quickly with that.

MS. DONNAREE NYGARD: And you mentioned that
there were 34 tow trucks that were found and were available for
your use; correct?

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: And you received that
information from Mr. Richardson I assume?

SUPT. ROBERT BERNIER: Yes, and Dave Springer.

MS. DONNAREE NYGARD: And that was around
February 12th and 13th; correct?

SUPT. ROBERT BERNIER: Around that time, yes.

MS. DONNAREE NYGARD: And I assume from your
testimony that you then weren't later informed that many of those fell through and that in fact Mr. Richardson was not able to obtain the services of any tow truck companies without the use of the Emergencies Act?

SUPT. ROBERT BERNIER: I was not informed of that.

MS. DONNAREE NYGARD: If we can bring up, please, PB.NSC.CAN00007378. And if we could just start on page 4, please.

So were you aware that the powers provided under the Emergencies Act regarding compelling tow trucks was delegated from the Commissioner of the RCMP to the Commissioner of the OPP?

SUPT. ROBERT BERNIER: I was not.

MS. DONNAREE NYGARD: Okay.

And then if we can go to page 5. So I'll just -- you've obviously not seen this before, so I'm going to give you a chance to have a look at it.

SUPT. ROBERT BERNIER: Okay. I was not aware of that.

MS. DONNAREE NYGARD: You would agree with me, having seen this now, that in fact the Emergencies Act was used to compel tow trucks?

SUPT. ROBERT BERNIER: I don't know what the process. I understand that there was a process that needed to be actually utilised with -- I know that the tow trucks were working with our Legal Services and our Financial Services for contracts and that type of thing.
MS. DONNAREE NYGARD: Yeah. But you weren't --
you -- is it fair to say that after the 12th, the 13th you left
the tow truck details to other people?

SUPT. ROBERT BERNIER: Correct, but reporting
back on the 13th that we had the... As I was told, and if this
is inaccurate, I ended up seeing tow trucks arrive at the Leikin
Station in the back parking lot with our OPS cresting and
everything on. So I was not informed differently. And
Inspector Springer, from the OPP, had not informed me about any
of this, so I don't know if he was aware of what was going on.

MS. DONNAREE NYGARD: But you just weren't
informed of any of this.

SUPT. ROBERT BERNIER: Correct.

MS. DONNAREE NYGARD: But you don't ---

SUPT. ROBERT BERNIER: This is new ---

MS. DONNAREE NYGARD: --- agree that it occurred?

SUPT. ROBERT BERNIER: This is new to me.

MS. DONNAREE NYGARD: Yes. Fair enough. And
just your comment on the OPS branding on the tow trucks, that
was because of the drivers' concerns about anonymity; correct?

SUPT. ROBERT BERNIER: That is correct.

MS. DONNAREE NYGARD: And that's because they
were concerned both about threats that they had received and
their business reputation as well if they were seen to be
cooperating in these actions; is that correct?

SUPT. ROBERT BERNIER: Concern that that could
happen, yes.

MS. DONNAREE NYGARD: Okay. Those are all my
questions. Thank you very much.

SUPT. ROBERT BERNIER: Thank you.

COMMISSIONER ROULEAU: Okay. Well, I'm not sure I want to waste three minutes, but maybe... Well, I'll...

MS. ANNE TARDIF: Commissioner, we have -- I have 20 minutes I believe. I'm wondering if... Anne Tardif, pardon me, for the record, for the City of Ottawa. You're looking at me because I think I'm next. I'm not sure it'll make much sense to do two minutes and then eighteen.

COMMISSIONER ROULEAU: Okay.

MS. ANNE TARDIF: But I'm in your hand as to whether you want me to start now or wait afterward.

COMMISSIONER ROULEAU: Okay, I'll be magnanimous today. We'll have an hour and three minutes for lunch, and come back at two o'clock.

THE REGISTRAR: The Commission is in recess for one hour. La Commission est levée pour une heure.

--- Upon recessing at 12:58 p.m.

--- Upon resuming at 2:01 p.m.

THE REGISTRAR: Order. À l'ordre.

The Commission is reconvened. La commission reprend.

COMMISSIONER ROULEAU: I'm just a Commissioner here, so there's no need to stand. I know it's bad habits, but we've got a different procedure.

Okay. Are we ready to continue?

I guess we're now on the City of Ottawa, I think, who didn't want to use my two minutes.
--- CROSS-EXAMINATION BY MS. ANNE TARDIF:

MS. ANNE TARDIF:  Good afternoon, Superintendent.

My name’s Anne Tardif, and I represent the City of Ottawa.

So I’d like to ask the clerk to pull up

OPS00014932.

And these, Superintendent, I understand are your

handwritten notes. Is that correct?

SUPT. ROBERT BERNIER:  Yes.

MS. ANNE TARDIF:  And the date there, February

3rd?

SUPT. ROBERT BERNIER:  Yes.

MS. ANNE TARDIF:  I’m going to ask the clerk to

please turn to the bottom of page 5 of this document. Right

there.

Now, Superintendent, you’ll have to help us if

you need us to scroll up for context here, but the words or the

passage I want to draw your attention to is, “Lost confidence of

the community. Have to take it back.”

Do you see that?

SUPT. ROBERT BERNIER:  Yes.

MS. ANNE TARDIF:  And is that an accurate

assessment of the situation at that point in time, February 3rd?

SUPT. ROBERT BERNIER:  That was the sentiment

that I think within OPS that those were big concerns.

MS. ANNE TARDIF:  Now, you told us that there was

no operational plan with complete supporting plans in place

between February 3rd and February 10th. Is that correct?

During that time period, the Service did not have
a complete operational plan with supporting plans. Is that correct?

SUPT. ROBERT BERNIER: That is correct.

MS. ANNE TARDIF: And up until February 10th, the date you took over -- I think you took over in the evening, to be fair -- as Event Commander, the Service lacked an overall plan to restore normalcy to Ottawa; correct?

SUPT. ROBERT BERNIER: At that point, correct.

MS. ANNE TARDIF: Up until that point; fair?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And I take it you’re aware of the miscommunication concerning the arrests that were made after certain protestors removed fuel from the stadium at Coventry on February 6th. You’re aware of that; correct?

SUPT. ROBERT BERNIER: I’m aware of that operation taking place.

MS. ANNE TARDIF: And you’re aware that there was a miscommunication insofar as PLT was not advised of those arrests prior to them being made.

SUPT. ROBERT BERNIER: I’m aware of that now.

MS. ANNE TARDIF: Okay. So you’re aware of that now. Fair enough.

And you knew, obviously, by the time you took over as Event Commander that PLT was demoralized and, to a certain extent, ready to leave. Is that fair?

SUPT. ROBERT BERNIER: That is correct.

MS. ANNE TARDIF: Okay. Now, can I ask -- actually, sorry, not yet.
We can take that down, Mr. Clerk.

By February 7th -- and to help you out, that’s a Monday, if that helps. I think of it in terms of weekdays.

You knew that PLT was attempting to work with leaders of the Rideau-Sussex group -- protest leaders at the Rideau-Sussex interaction. You know what I mean by that; right?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: To convince them to move to Wellington Street. Is that correct?

SUPT. ROBERT BERNIER: In my role at that time, I was not involved with operations either at a tactical or operational level. On February 7th, I would have been in the Service Command Centre pretty much removed for -- from what daily operations were going on.

But you mentioning that, I had heard of that.

MS. ANNE TARDIF: Okay. And I actually that -- I’m looking at my notes -- from your witness summary.

So you knew whatever capacity you were in.

SUPT. ROBERT BERNIER: Right.

MS. ANNE TARDIF: I know you weren’t Event Commander, but you knew that PLT was attempting to work with the group at Rideau-Sussex to remove vehicles from that intersection, right, up onto Wellington Street? You knew that.

SUPT. ROBERT BERNIER: I was aware of that -- that operation was in works.

MS. ANNE TARDIF: Okay. And I take it the benefit of that would be twofold. One, that it would allow the Service and the city to open up that intersection again; right?
SUPT. ROBERT BERNIER: It’s a very important intersection. It was impacting the Rideau Centre being closed and a lot of businesses that were affected in that area. So I would have to agree that shrinking the footprint and allowing some of the area to be able to open, yes.

MS. ANNE TARDIF: So two benefits there. One, shrinking the footprint, and two, the benefits that you’ve described to the community. Is that fair?

SUPT. ROBERT BERNIER: Correct, yes.

MS. ANNE TARDIF: Okay. Now, I’d like to ask the clerk to pull up, please, OPS00010549. And as it’s coming up -- there we go. This is an email that was sent February 12th to you, correct, as Superintendent?

SUPT. ROBERT BERNIER: That is correct.

MS. ANNE TARDIF: And it was sent by Sergeant Ferguson, who I understand is a crisis negotiator, but who was leading the OPS PLT at this point in time. Is that fair?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And if we could scroll down so we can see the body. Yeah, that’s perfect. Thank you, Mr. Clerk.

You’ll see that Sergeant Ferguson is notifying you because by now, February 12th, you’re Event Commander, of a possible future decision point.

Now, he says counsel -- and do you see how it’s redacted there? The name’s actually in the sentence, Wilson. And the meta data associated with this document
indicates that it was, in fact, Keith Wilson that he was
referring to.

So it’s counsel Keith Wilson, who is one of the
lawyers representing one of the convoy groups, reached out to
PLT members.

“Wilson indicated that he was working
with the convoy leadership in an effort
to get buy-in from the truckers for a
proposal to relocate the trucks from all
residential streets in the downtown core
and to consolidate them on Wellington
Street and Elgin starting Monday.”

And Monday, of course, was February 14th; right?
Sorry. It’s a verbal transcript. We actually
need a “yes” even though it’s ---

**SUPT. ROBERT BERNIER:** Yes.

**MS. ANNE TARDIF:** He indicated that the balance
of the trucks would potentially camp out of town and the drivers
could be shuttle bused down to Wellington Street. Wilson said
he would update PLT on progress later today and a potential
meeting is scheduled to be determined.”

And then it goes on from there.

Now, the Commission has heard evidence that Keith
Wilson was actually involved on behalf of protestors in the
negotiation with the Mayor’s office. I don’t know if you were
aware of that at the time, but that’s the evidence that’s been
heard by the Commission to date.

Are you aware of that now?
SUPT. ROBERT BERNIER: No. Well, until you just told me.

MS. ANNE TARDIF: That’s fair enough. And I’m just asking that.

But this would appear to be -- and you can just correct me if I’m wrong, but the description of the potential deal is what you actually found out the city had negotiated on February 13th at some point in the day; correct?

SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: And the substance of that deal was communicated to you as event commander on Saturday, February 12th; correct?

SUPT. ROBERT BERNIER: Through this email?

MS. ANNE TARDIF: Through this email.

SUPT. ROBERT BERNIER: Correct. I will have to say that the flow of emails were quite abundant, and I really did count on my Command Table around me to be feeding them. But on the 12th, to be fair, I was somewhat in that transition phase where I’m trying to get things set up. So there were some emails that were perhaps not fully digested, but I acknowledge that this did come to me.

MS. ANNE TARDIF: Okay. And you won't get -- a number of the lawyers in this room will feel your pain about the number of emails that we've been receiving, so you've got lots of sympathy on that. But the only point I wanted to draw to your attention was that, at the very least, PLT was aware on February 12th that the substance of the negotiation was ongoing; is that fair?
SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: Okay. Thank you.

If we could turn up now, please, OPS00011039?

Now according to the title of this document, Superintendent, these are the scribe notes for Chief Sloly. And if you scroll down to the bottom, very bottom, Mr. Clerk, just out of fairness to the witness -- it actually might be on the bottom of every page, do you see they're prepared by Vicki Nelson? And I think you told us earlier she's in the Legal Services Group at the service?

SUPT. ROBERT BERNIER: That's correct.

MS. ANNE TARDIF: Okay. So if I could ask you to go back up to the top, Mr. Clerk, I apologize for the gymnastics. These are Ms. Nelson's notes of February 13th, 2022; you see that, Superintendent?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And I'm going to turn it to -- ask you to turn to page 6, Mr. Clerk, if you will. Okay. Right there.

So this is the meeting that occurred shortly after 1 p.m. on Sunday, February 13th. And you'll see there it says "negotiating update meeting"; right?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And now notwithstanding the February 12th email that I just took you to, you told us that the first time you were advised by the executive command that these negotiations were taking place with the mayor's office was on February 13th; correct?
SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: And I believe it was during this meeting; is that correct?

SUPT. ROBERT BERNIER: We would have to probably scroll down through to read to see if ---

MS. ANNE TARDIF: Oh, of course.

SUPT. ROBERT BERNIER: --- I -- because it doesn't show who's in attendance, so ---

MS. ANNE TARDIF: Sorry, there you are ---

SUPT. ROBERT BERNIER: Yeah.

MS. ANNE TARDIF: --- where it says Bernier.

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: Okay. Perfect. If we could just come back up a little bit? That's perfect.

Now I take it you weren't aware at the time that the Chief and at the time Deputy Chief Bell had information about ongoing negotiations the day before, on Saturday the 12th?

SUPT. ROBERT BERNIER: No.

MS. ANNE TARDIF: Okay. Now you'll see here there's a comment attributed to you, and can we scroll down just a little bit, Mr. Clerk? Thank you. And I think to put it in context, I would start with Trish, and that refers to Acting Deputy Chief Trish Ferguson; correct?

SUPT. ROBERT BERNIER: That is correct.

MS. ANNE TARDIF: And she says in relation to the negotiations,

"...this does not change the operations. We can make this work to
our advantage."

There's a next bullet,

"Those remaining behind will be there
of their own choice."

And then jumping down to you,

"BERNIER - the plan aligns with what we
planned and accelerates it. No
concerns."

SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: Do you see that?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And the Chief continues and

says,

"...there was an expression that there
were no trust/confidence in PLT, they
want a [senior] member to be involved
in the next movement."

Do you see that?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And that turned out to be

Superintendent Drummond; correct?

SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: And then you say, and I think

in fairness to you, Superintendent, you explained,

"...victim of circumstance over the
last 2 weeks. Meeting this am gave
them a clear focus of where we are

going."
And do I understand your statement there to basically be saying, look, to the extent there's a lack of trust or confidence in PLT, it's unfair to put that on PLT. They're a victim of the circumstances over the last two weeks. Is that a fair interpretation of that remark?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: Okay. Thank you.

Now could we turn, Mr. Clerk, to OPS00010635? Okay. Now these are your scribe notes; is that right, Superintendent?

SUPT. ROBERT BERNIER: That's correct.

MS. ANNE TARDIF: For February 13th?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And can we just go to the bottom on the first page, Mr. Clerk? Okay. And stop right there.

Now I just want to make sure I understand this. You explained earlier the process for scribing and that it's intended that the scribe notes are the Commander's notes; is that correct? Is that right?

SUPT. ROBERT BERNIER: Could you say that again, please?

MS. ANNE TARDIF: You explained yesterday that, you know, the intent in having a scribe is to take -- you maintain an accurate record of all decisions and communications while you're in command; correct?

SUPT. ROBERT BERNIER: It's as if I was writing them.
MS. ANNE TARDIF: Yes.

SUPT. ROBERT BERNIER: They're my personal notes.

MS. ANNE TARDIF: Thank you. You got there much more quickly than I could. I appreciate that.

Now at the end of every page, there's a sort of initials on the left-hand side, and a signature on the right-hand side; do you see that?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And is the signature on the right-hand side yours?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And I take it it's the scribe's initials on the left-hand side of the page?

SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: And am I correct that this is on every page basically?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And when do those signatures -- when do you sign it?

SUPT. ROBERT BERNIER: We're to review them and make sure all the information's accurate and the signatures. And we try and do it progressively during to stay on top of it, depending on the momentum of everything, but as soon as possible that you can after.

MS. ANNE TARDIF: Sure. And if you need to make an entry after the signature's been made, do you identify it as such, as a late entry, for example?

SUPT. ROBERT BERNIER: Yeah, you would have to do
a notation, or you do a supplemental.

MS. ANNE TARDIF: Okay. Thank you for that. If I could turn to page 12, Mr. Clerk? And I think we were here earlier. Now do you see -- we're still no February 13th. The time there 1328, Superintendent?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: So this is during that, just to situate you, that same meeting that we were looking at, except previously we were looking at the Chief's scribe's notes and now we're looking at your scribe's notes; right? Correct?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: Okay. So if we could scroll down a little bit, please? Still going. A little further down, please. Sorry. And you can scroll -- there is -- thank you. At 1331 is Acting Deputy Chief Ferguson's comment, "this is a good move in right direction. PLTs..."

Sorry, can you turn to page 13? Let me just make sure I'm in the right spot. Yes, okay, perfect. That was Acting Deputy Chief Ferguson's comments. And then your comment, EC at 1334; do you see that?

SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: And you say, "I support what DC Ferguson..." There's a word missing. I assume it should be said.

"...going through plan now to approve this actually accelerates what we wanted to do in the next couple days - no concerns from my end..."
And that's the comment that my friend Mr. Au took you to earlier today, and that's what reflects what you said in that meeting; correct?

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

**MS. ANNE TARDIF:** Now if we go to the bottom of this page -- stop right there, Mr. Clerk. Thank you. You'll see there's an addition here at the bottom of the page. And it's jammed in right at the bottom, seems to be a different pen. Handwriting looks slightly different. And you have to write around your signature. Or I shouldn't say you, I don't know who wrote it, but do you see what I'm saying?

**SUPT. ROBERT BERNIER:** Yes.

**MS. ANNE TARDIF:** It goes all the way around. Whose handwriting is that?

**SUPT. ROBERT BERNIER:** That is my -- still my scribe, the same scribe.

**MS. ANNE TARDIF:** And can you explain why it appears to be a different pen and appears to be writing around the signature and it's crammed right at the bottom of this page?

**SUPT. ROBERT BERNIER:** Yeah, so upon review of when we were reviewing it, I'm initially it and realizing, so I get to that page, I go to the next, it doesn't have the part that I'm looking for with regards to that comment. So it has to be placed in there at the time. Pen-wise, scribes will have different pens, but ---

**MS. ANNE TARDIF:** Okay.

**SUPT. ROBERT BERNIER:** --- that's -- I can't explain why it's a darker colour.
MS. ANNE TARDIF: Okay. So you'll agree with me that it appears this comment was made after this page was signed; right? The way that it's kind of coming around your signature on the right-hand side; do you accept that, sir?

SUPT. ROBERT BERNIER: After I signed?

MS. ANNE TARDIF: Well, after that signature. Oh, thank you, Mr. Clerk. He's got his cursor right there.

See how you're writing around the signature?

SUPT. ROBERT BERNIER: To initial it?

MS. ANNE TARDIF: Well, that's your signature there.

SUPT. ROBERT BERNIER: That's correct.

MS. ANNE TARDIF: Right? So this is what I have -- the question I'm asking you is, looking at this, the impression I'm left with is that the signature was placed, and then afterwards this comment was added.

SUPT. ROBERT BERNIER: I'm not saying that that's the case. What's happened here is probably the comment is missing. I need to have that comment put in, and then I'm initialling it.

MS. ANNE TARDIF: Okay. And this would happen you've said at the time -- if I accept your evidence or if I'm understanding you correctly, you're saying this would happen whenever it is that you're reviewing this note?

SUPT. ROBERT BERNIER: That's correct.

MS. ANNE TARDIF: So it's not at the time the comment is made, but at some point later.
SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: And there is no timestamp next to when this comment would have been made. Do you see that?

SUPT. ROBERT BERNIER: It would've been at that time.

MS. ANNE TARDIF: At which time, sir?

SUPT. ROBERT BERNIER: The same time, at the 1338 time period.

MS. ANNE TARDIF: Okay.

SUPT. ROBERT BERNIER: That -- my notation that I wanted to have captured was not there, so I asked my scribe to please put that notation in.

MS. ANNE TARDIF: Okay. And you believe you would've done that at the end of that day or possibly the following, given how --

SUPT. ROBERT BERNIER: It ---

MS. ANNE TARDIF: --- busy you were at the time?

SUPT. ROBERT BERNIER: Absolutely.

MS. ANNE TARDIF: Right. And this comment here does not appear in the Chief's scribe's notes. So will you accept that this was not a comment made in the meeting with the Chief and the deputy chiefs?

SUPT. ROBERT BERNIER: It's my comment. It's my notation. It's not a verbal comment, it's a note that I'm making and an action that I would've taken. Keeping in mind, I'm not in the same room with them. We're having a Teams meeting I believe with that particular situation.

MS. ANNE TARDIF: Okay. So you wrote:
"Concerned that this is a ruse to get more trucks onto Wellington and no one leaves - Police can't have a..."

SUPT. ROBERT BERNIER: "Role".

MS. ANNE TARDIF:

"...role in movement of trucks..."

Can you read that last bit there?

SUPT. ROBERT BERNIER: I can pull up my -- I'd have -- I can refer to my -- what day is this on?

MS. ANNE TARDIF: This is the 13th.

And Mr. Clerk, can you just scroll down a bit, and go to the left, like go that way, and scroll back up? Sometimes there is page numbers, but there aren't on this one.

So it's the 13th, and it's the time... And page 13 of 38. I'm looking at the bottom there.

SUPT. ROBERT BERNIER:

"Police can only be present for safety."

MS. ANNE TARDIF: Okay. So obviously here, you're identifying a concern that you had articulated to yourself that this might be a ruse and that police should not be involved?

SUPT. ROBERT BERNIER: No, this is actually witnessed and can be confirmed by the -- my whole Command Table who was present, including Inspector Dave Springer.

MS. ANNE TARDIF: Well, sorry,

Inspector Springer, okay, is not being called to testify, and we don't have his evidence in this proceeding. So unfortunately,
I'm not able to do that.

But what I meant -- okay. So you said that this is not something that happened in the meeting with the Chief. That's what I was getting at.

SUPT. ROBERT BERNIER: Correct.

MS. ANNE TARDIF: So this happened at a separate meeting; is that right?

SUPT. ROBERT BERNIER: No, this is at that same time, but it's a notation that we're having a conversation between Dave Springer and myself.

MS. ANNE TARDIF: I see, okay. So at the same time that the comment is only shared to Dave Springer, who is an OPP POU Commander; correct?

SUPT. ROBERT BERNIER: Yes, but he is now the Deputy Event Commander in the position that he's in.

MS. ANNE TARDIF: Okay, perfect. I just wanted to make sure I had the right person in mind.

So you did not, and this is really the point I was trying to get at, I apologise if we got a bit offside, you did not share this concern with the Chief or the deputy chiefs at the time.

SUPT. ROBERT BERNIER: At the time, it was -- would not have been particularly at that time. I believe I did have conversations with Deputy Ferguson at some point of saying, "this is the risk with this."

MS. ANNE TARDIF: Okay. Just help me understand, though, because in the meeting you said "I support this", and then within a half hour, in a sidebar with Commander Springer,
you say you're concerned that it's a ruse.

**SUPT. ROBERT BERNIER:** Right, so it's a risk. So

---

**MS. ANNE TARDIF:** Right.

**SUPT. ROBERT BERNIER:** --- I support it ---

**MS. ANNE TARDIF:** You support it, notwithstanding this comment?

**SUPT. ROBERT BERNIER:** --- and if it happens that's very good. There is always the chance, though, that that's not going to happen.

**MS. ANNE TARDIF:** Fair enough. And in fact, I think, and I'm coming to this, that the PLT's negotiations with Rideau and Sussex to move the trucks ended up, for example, not yielding any movement of trucks out of that intersection; correct?

**SUPT. ROBERT BERNIER:** I think there are probably multiple factors that potentially led to that, but yes, that did not happen.

**MS. ANNE TARDIF:** It did not happen. Okay.

Could we go to page 21 of this document, please?

Timestamp 1556. Perfect.

This is a conversation between you and Chief Superintendent Pardy.

I know -- if I could just have a few minutes indulgence, Commissioner, my apologies.

I just want to take you -- you're explaining to Chief Superintendent Pardy that you want increased PLT and negotiation on this date, correct, on February 13th?
SUPT. ROBERT BERNIER: Yes.

MS. ANNE TARDIF: Just in the interest of time, just give me one second so I can figure out where -- all right, what I can reasonably take you to.

Let me put it this way, is it fair to say that your primary concern about the Mayor's negotiation was that the plan, the negotiation and the Operational Plan required to support it, were developed outside of your purview as Event Commander?

SUPT. ROBERT BERNIER: Yes, because I believe there needs to be a good coordination piece from my standpoint with regards to logistics of ensuring that it can effectively happen. Yes.

MS. ANNE TARDIF: Right. And -- so that there were issues internally with communications to the Service; is that fair? At this point in time, respecting this?

SUPT. ROBERT BERNIER: Right. And of having full appreciation of everything that is going on, and the transition that I'm just coming into this new role trying to get things set up, there were some challenges, yes.

MS. ANNE TARDIF: Okay. Thank you very much.

Thank you, Commissioner.

COMMISSIONER ROULEAU: Okay, thank you. Those two minutes could have been used.

So the Ottawa Coalition.

MR. PAUL CHAMP: Thank you very much,

Commissioner.

--- CROSS-EXAMINATION BY MR. PAUL CHAMP:
MR. PAUL CHAMP: Superintendent Bernier, my name is Paul Champ. I'm lawyer for the Ottawa Coalition of Residents and Businesses, and I just have some questions for you further to your testimony.

Just a couple of small things, Superintendent.

You were talking about the capacity of the Ottawa Police Service to monitor social media and gather intelligence in real-time so to speak.

SUPT. ROBERT BERNIER: So from social media, we may be talking about gathering information at that point. But yes, I just wanted to clarify that it doesn't necessarily mean it's intelligence through social media.

MR. PAUL CHAMP: Intelligence is a broad term. You're gathering information?

SUPT. ROBERT BERNIER: Yes.

MR. PAUL CHAMP: And that's done through generally the OPS Command Centre at Greenbank, that's where you guys did that?

SUPT. ROBERT BERNIER: At the time, that was one of our only options to be able to gather that information is through the Command Centre. They had some capabilities to do that. We have evolved since then.

MR. PAUL CHAMP: But at that time you had like a number of screens on the wall and people were, what, monitoring social media?

SUPT. ROBERT BERNIER: No, I'm talking about how we look at social media within the Ottawa Police.

MR. PAUL CHAMP: So how do you do it now? How do
you monitor live what's happening? If there is something on 
Twitter or some other social media channel that could have 
important information to the Ottawa Police to respond to events 
or monitor events, how do you do that?

SUPT. ROBERT BERNIER: Post convoy, we've stood 
up a team of investigators who are assigned to that open source 
tasking.

MR. PAUL CHAMP: So at the time of the Freedom 
Convoy, the practice of the Ottawa Police was maybe not up to 
the event; is that fair to say?

SUPT. ROBERT BERNIER: Yes, sir.

MR. PAUL CHAMP: Now, I want to ask you just a 
couple of questions about how the people of Downtown Ottawa were 
feeling. You, I think, had suggested that the public sentiment 
throughout much of the convoy demonstration was that the Ottawa 
Police Service was not doing enough to address community 
concerns. Would you agree with that, that was what it seemed to 
be the public feeling?

SUPT. ROBERT BERNIER: I would say that's fair.

MR. PAUL CHAMP: And you would've understand 
[sic], I gather, Superintendent, that residents and businesses 
were feeling a great deal of frustration during that convoy 
demonstration?

SUPT. ROBERT BERNIER: Yes.

MR. PAUL CHAMP: And those frustrations were 
completely understandable?

SUPT. ROBERT BERNIER: Yes.

MR. PAUL CHAMP: Now, around the enforcement
messaging, the Ottawa Police for a period of time was putting
out messaging like, oh, you know, this many tickets this day,
this many tickets. You disagreed, it's my understanding, with
that enforcement messaging because you felt it was
counterproductive because it really -- the enforcement wasn't
having an effect on the convoy demonstrations. Is that right?

SUPT. ROBERT BERNIER: That's correct.

MR. PAUL CHAMP: So what kind of messaging to the
community would've been appropriate in the circumstances during
that period? Like, I don't know, "hold on tight, we'll see what
we can do", or what would have been the proper messaging to the
public who were experiencing those daily stresses and horns and
trucks and threats and harassment? What was the proper
messaging from the Ottawa Police to the community, sir?

SUPT. ROBERT BERNIER: So my comments with
regards to that surrounds the approach that I was taking when I
came in at that time that because we’re going to be
transitioning away from that type of messaging and being very
clear on it’s time for you to leave and focusing the messaging
around that this is over.

And obviously, that, combined with our PLT
approach, that is -- because it aligned with the plan that I was
bringing to place.

Unfortunately, prior, there was no plan to end
it. So that would potentially lead to some frustrations within
the community.

MR. PAUL CHAMP: Sure.

I’ve got a few questions for you, but I’ll just
maybe ask the hearing clerk to get a video ready for me. I’ll ask a question about it, about three or four questions, if you could just pull it up and have it ready.

      It’s HRF000274.

So during the final operation, the final plan that was finally started being executed on February 16th-17th through to the 20th, Superintendent, it started out with messaging. That was the first phase, of messaging to the protectors that it’s time to leave.

      SUPT. ROBERT BERNIER:  Messaging and PLT outreach.

      MR. PAUL CHAMP:  Right. There was a notice to demonstrators that you started circulating. Is that right?

      SUPT. ROBERT BERNIER:  That is correct.

      MR. PAUL CHAMP:  Advising them that they’re going to be arrested at some point in the near future if they didn’t depart?

      SUPT. ROBERT BERNIER:  Yes. That was potentially an option.

      MR. PAUL CHAMP:  There was also language in that notice to demonstrators about, I think the wording is this, the federal Emergencies Act allows for the regulation or prohibition of travel to, from or within any specific areas. This means that anyone coming to Ottawa for the purpose of joining the ongoing demonstration is breaking the law.

      So I gather that the purpose of that messaging was also to advise others -- that was, I think, the Wednesday, if I recall, or the Thursday -- don’t come into Ottawa this
weekend, party’s over?

SUPT. ROBERT BERNIER: Correct.

MR. PAUL CHAMP: And that if people did come in, they very likely would be arrested.

SUPT. ROBERT BERNIER: Yes.

MR. PAUL CHAMP: Now, as you moved closer to that final week into the Saturday when the major enforcement action began, was the Ottawa Police sort of monitoring social media to follow what the protestors were doing or how they were responding to the Ottawa Police messaging that -- the notices and so forth that they should be leaving the city?

SUPT. ROBERT BERNIER: We unfortunately, at that time, didn’t have a maturity level of that capability of open source monitoring, and that’s hence the reason why I said that we have made some adjustments since.

MR. PAUL CHAMP: Right. So you weren’t -- the Ottawa Police at the time didn’t have the capacity to do live monitoring of social media in an effective way that could assist operations.

SUPT. ROBERT BERNIER: We were probably doing it in a very relatively immature level. It was not a great capacity to do that.

MR. PAUL CHAMP: Fair enough.

We heard evidence the first day of the hearing, Superintendent Bernie, from Ms. Nathalie Carrier, who’s the Executive Director of the Vanier VIA saying that she had been following social media and saw that the truckers were getting together to go down and do a drive-by of the Ottawa Airport, and
so she contacted her Ottawa Police contact, saying “Do you guys know this is going on?”. They’re like, “Where are you hearing that?”. She’s like, “Well, I’m looking on social media”. So at that time, that was, unfortunately, the level of capacity at that time?

SUPT. ROBERT BERNIER: Yes. Mind you, the information, whether it came from the citizen or another avenue, did get to us. I was aware of that.

MR. PAUL CHAMP: Okay.

SUPT. ROBERT BERNIER: We were able to -- excuse me.

MR. PAUL CHAMP: No worries.

So then getting -- going to the end of the protest, again, the last weekend, the days coming up to the last weekend, the Ottawa Police is doing the messaging clearly through the PLTs, the notice to demonstrators it’s time to leave or else there will be enforcement action.

Was the Ottawa Police contending with or observing that there was a lot of counter-messaging, I guess we can say, online by the protestors or those associated with the protest saying, “Don’t leave. Hold the line”?

SUPT. ROBERT BERNIER: Through our media section, they were able to capture some sentiment, some -- because I did have a media person with me every day every -- the whole time that I was there. And every so often, I would be asking, “What is the sentiment? What are you seeing out there?”. So what that citizen would have been able to
monitor, they would have been -- I would ask that our media
person do the same thing to the best of their ability. There
was a -- she had a lot of other taskings at the same time.

MR. PAUL CHAMP: Right. And I gather,
Superintendent, that any messages that protestors or anyone else
saying to protectors or others to come into downtown to confront
the police, that would have been enormously unhelpful to the
Ottawa Police and their policing partners.

SUPT. ROBERT BERNIER: Yes.

MR. PAUL CHAMP: I was wondering if we could put
up HRF000274.

So this is a TikTok video that was put out late
February 16th after the notice to demonstrators. There was a
message sent out on social media to the demonstrators by Mr.
Barber, who’s one of the individuals I believe we’ll be hearing
from and his counsel, Mr. Wilson.

If we could just play that.

(AUDIO/VIDEO PLAYBACK)

MR. PAUL CHAMP: So Superintendent Bernier,
messages like that that -- telling people to come downtown to
confront the police, stand with the protestors, to make it
harder for the police to do their jobs, I gather that kind of
messaging was making it much more difficult for the police to do
their job.

SUPT. ROBERT BERNIER: I don’t know what impact
this had. I don’t think there was necessarily a surge of influx
of people in lead-up to our -- the 18th. But our investigative
teams would be reviewing all this stuff now and doing a thorough
investigation to find out if there are any follow-up action that
could be taken on such.  

But at the time, it may have been nice to be able
to track that information. We may have. I can’t say one way or
another.

MR. PAUL CHAMP: All right. Thank you very much,
Superintendent Bernier.

COMMISSIONER ROULEAU: Thank you.
Next I’ll call on the Ontario Provincial Police.
Next I’ll call on the JCCF and Democracy Fund Group.

MR. ROB KITTREDGE: Sorry about this. I’m a
little taken by surprise by a second or two here.

--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:

MR. ROB KITTREDGE: All right. Good afternoon,
Supt. Bernier. I’m Rob Kittredge, counsel for the Justice
Centre for Constitutional Freedoms.

Police have common-law powers to exclude the
public from an area in which a police operation is underway; is
that correct?

SUPT. ROBERT BERNIER: Yes.

MR. ROB KITTREDGE: And those powers could have
been used in the clearing of the protests in Ottawa, couldn’t
they?

SUPT. ROBERT BERNIER: Yes.

MR. ROB KITTREDGE: In fact, you planned on using
those powers to clear the protests and the Federal Emergency
Declaration did not significantly impact your planning; is that
right?

SUPT. ROBERT BERNIER: I wouldn’t exactly say that. Very hard to know what it would have been like without it.

MR. ROB KITTREDGE: Right, your interview summary does say that but I’ll leave it -- I’ll leave that answer as is. You would have carried out the planned police operation whether the government declared a public order emergency or not, though; is that right?

SUPT. ROBERT BERNIER: Correct. The planning and the concept of operation was already in place and I didn’t have any knowledge that the Emergencies Act was going to be put in place.

MR. ROB KITTREDGE: Counsel for Canada, earlier on today, put it to you that, and I’m paraphrasing a bit, “You never know whether you use of a common-law exclusion zone will hold up in court if it’s challenged after the fact?” Do you remember that question?

SUPT. ROBERT BERNIER: Yes.

MR. ROB KITTREDGE: If police proceeded as planned and relied on common-law exclusion zone powers to clear the protest, the fact that those powers might have been challenged after the fact wouldn’t change the fact that the protests had already been cleared, would it?

SUPT. ROBERT BERNIER: That is correct.

MR. ROB KITTREDGE: All right. So would you agree that the federal emergency power to create exclusion zones may have been helpful to police but it was not necessary?
SUPT. ROBERT BERNIER: Well, once again, I think it was beneficial.

MR. ROB KITTREDGE: Beneficial but not necessary?

SUPT. ROBERT BERNIER: Correct.

MR. ROB KITTREDGE: Thank you. Counsel for Canada showed you a letter dated February 17th, 2022, earlier on today, which appeared to be a letter from OPP Commissioner Carrique to tow-truck drivers. You had never seen that letter before it was shown to you today; is that right?

SUPT. ROBERT BERNIER: Correct.

MR. ROB KITTREDGE: You have no direct knowledge of whether that letter was ever even sent to tow-truck drivers, do you?

SUPT. ROBERT BERNIER: Correct.

MR. ROB KITTREDGE: And until you were shown the letter today, you didn’t believe that the police had used the powers granted under the Emergencies Act to compel towing services; isn’t that right?

SUPT. ROBERT BERNIER: Correct, myself and my whole command table.

MR. ROB KITTREDGE: Right. Your planning to clear the protests didn’t rely on the emergency power to compel tow-truck services; correct?

SUPT. ROBERT BERNIER: That was my belief at the time.

MR. ROB KITTREDGE: All right. And in fact, tow trucks were already on their way to Ottawa as of February 13th, weren’t they?
SUPT. ROBERT BERNIER: That was the information that was provided through Insp. Springer from Kirk Richardson.

MR. ROB KITTREDGE: Right. You briefly mentioned, when speaking to counsel for Canada, that you personally saw tow trucks arriving in Canada. When did those two trucks arrive?

SUPT. ROBERT BERNIER: Definitely well before the 17th, before the -- our final day before going to action, they were arriving.

MR. ROB KITTREDGE: Right. So by the time that February 17th letter was sent, if it ever was sent, the tow trucks were already in Ottawa, weren’t they?

SUPT. ROBERT BERNIER: That would be my observation because I would look out and I’d see the trucks out there.

MR. ROB KITTREDGE: Right. So would you agree that the federal emergency power to compel towing services may have been helpful to police, and maybe beneficial to police, but it wasn’t necessary to enable police to clear the protests, was it?

SUPT. ROBERT BERNIER: Yes, however, with a caveat that we were having challenges. We were having a hard time up until that time on the 13th. So prior to the 13th, I would have said we could have used some help with that but, as things materialized on the 13th, I was satisfied that we were good.

MR. ROB KITTREDGE: And you were -- by, you “were satisfied that we were good”, you were satisfied that the
federal emergency power to compel tow trucks wasn’t necessary?

SUPT. ROBERT BERNIER: Correct.

MR. ROB KITTREDGE: Thank you. Interim Chief Bell testified pretty emphatically, and I quote:

"In the absence of the invocation of the Emergencies Act, the OPS, the OPP, the RCMP, as part of a unified command, were going to clear the protests."

Would you agree with that statement?

SUPT. ROBERT BERNIER: Could you repeat that question again, please.

MR. ROB KITTREDGE: Sure.

"In the absence of the invocation of the Emergencies Act, the OPS, the OPP, the RCMP, as part of a unified command, were going to clear the protests."

Do you agree with that statement?

SUPT. ROBERT BERNIER: Yes.

MR. ROB KITTREDGE: Numerous other OPP and OPS witnesses have testified that the federal emergency powers may have been helpful to police in various ways but they were not necessary; would you agree with that?

SUPT. ROBERT BERNIER: Yes.

MR. ROB KITTREDGE: Thank you very much. Those are my questions.

COMMISSIONER ROULEAU: Thank you.

Next, I’ll call on the CCLA.

MS. EWA KRAJEWSKA: Yes, good afternoon,
COMMISSIONER ROULEAU: Good afternoon.

MS. EWA KRAJEWSKA:

I’m not sure if you can see me. My name is Ewa Kajewska and I’m counsel for the Canadian Civil Liberties Association.

COMMISSIONER ROULEAU: Yes, we can see you. Go ahead.

MS. EWA KRAJEWSKA: Perfect, thank you.

--- CROSS-EXAMINATON BY MS. EWA KRAJEWSKA:

MS. EWA KRAJEWSKA: Superintendent, when you took as -- you took over as event commander on February 10th; that’s what I understand from your evidence today?

SUPT. ROBERT BERNIER: Yes.

MS. EWA KRAJEWSKA: And your task was to prepare an operational plan?

SUPT. ROBERT BERNIER: Yes.

MS. EWA KRAJEWSKA: And at that time, between February 10th and February 13th when you were preparing the operational plan, was it your assessment that the OPS had the necessary legal tools and powers to execute that operational plan?

SUPT. ROBERT BERNIER: Yes.

MS. EWA KRAJEWSKA: And it was not your assessment that you required any additional legal tools or any additional legal powers?

SUPT. ROBERT BERNIER: I would say they were beneficial; but to say “necessary”, I would say no.

MS. EWA KRAJEWSKA: And at no time prior to
February 14th did you communicate to any of your superiors that you required additional legal tools or legal powers?

Supt. Robert Bernier: That is correct.

Ms. Ewa Krajewska: Okay. Thank you. Those are all my questions.

Commissioner Rouleau: Thank you.

Now I’d like to call on the National Police Federation.

Ms. Lauren Pearce: Thank you, Mr. Commissioner. We have no questions for this witness.

Commissioner Rouleau: Okay.

Next, the Province of Saskatchewan?

Mr. Mitch McAdam: Good afternoon, Commissioner. My name is Mitch McAdam and I’m one of the lawyers for the Government of Saskatchewan. The areas that we were going to cover -- question this witness about have already been covered by others, so we have no questions.

Commissioner Rouleau: Thank you.

The Province of Alberta?

Ms. Stephanie Bowes: Good afternoon, Commissioner. Good afternoon, Supt. Bernier. My name is Stephanie Bowes, for the Province of Alberta. One of the consequences of being later on the list is that all my questions have been asked and answered. Thank you.

Commissioner Rouleau: Okay.

The Ottawa Police Service, please.

--- Cross-examination by Ms. Jessica Barrow:

Ms. Jessica Barrow: Good afternoon,
Superintendent.

SUPT. ROBERT BERNIER: Good afternoon.

MS. JESSICA BARROW: For the record, my name is Jessica Barrow and I am counsel for the Ottawa Police Service.

We heard evidence yesterday from you, Superintendent, about your extensive background in incident command; does that background involve planning for large-scale events?

SUPT. ROBERT BERNIER: As part of the command training, yes.

MS. JESSICA BARROW: Okay. And we’ve heard testimony from both, I believe, and others that gathering intelligence is an important part of that planning process; do I have that correct?

SUPT. ROBERT BERNIER: Yes.

MS. JESSICA BARROW: Is there more than one source of intelligence that would be relevant to the planning process?

SUPT. ROBERT BERNIER: Yes.

MS. JESSICA BARROW: Could you tell us a little bit about what those sources might be?

SUPT. ROBERT BERNIER: So once again, there’s a difference between information and intelligence. A lot of information can be gathered from multiple sources, from human sources, open-source social media, other police techniques of gaining information, and it’s the processing and analyzing of that information that will turn it into intelligence. And once again, intelligence can be gathered from multiple agencies and...
then all brought together to provide, hopefully, the most wholesome picture of what you’re going to be faced with, with risks and challenges and threats, that could help you in your planning appropriately.

**MS. JESSICA BARROW:** Great. We’ve also heard considerable evidence about the use of PLTs as well. What is your understanding with respect to their role in assisting planners leading up to an event.

**SUPT. ROBERT BERNIER:** So PLT is especially often used proactively early -- as early as possible to connect with groups that would be involved, organizers, to open the dialogue and share information from our side to ensure that they're well informed as to what is lawful, what's not lawful, and as well as hopefully garnish some information to facilitate those lawful event, a protest, or demonstration that they would like to hold.

And it stands true to demonstrations as well as events, because not every event downtown Ottawa or in Ottawa is a protest or a demonstration. There's a very big benefit to engaging PLT to develop that relationship.

**MS. JESSICA BARROW:** Okay. I want to take you through a couple of the concerns that you've identified, both in your witness statement as well as during your testimony, specifically as it relates to the planning process leading up to the convoy's arrival.

I believe you indicated -- and obviously, correct me if I'm incorrect -- that you developed those concerns about the scope of the event after reading the January 27th Hendon Report, attending the January 27th Hendon call, as well as the
internal OPS meeting that occurred on that date as well; is that right?

SUPT. ROBERT BERNIER: That’s correct.

MS. JESSICA BARROW: Prior to the convoy’s arrival, did you read any of the other Hendon Reports?

SUPT. ROBERT BERNIER: Prior to the convoy arrival, not on the weekend, and upon the return back to work, I would be having a look at them when they came in.

MS. JESSICA BARROW: As of the date of the 27th when you expressed the concerns that we noted earlier in your testimony, had you read any other Hendon Reports besides the one on the 27th?

SUPT. ROBERT BERNIER: No, it's the first one that I'd received, and once again, it was something new. I did not know that this existed, so ---

MS. JESSICA BARROW: Right. And had you attended any previous Hendon calls prior to the 27th?

SUPT. ROBERT BERNIER: No.

MS. JESSICA BARROW: Did you have any involvement in discussions with PLT at that time?

SUPT. ROBERT BERNIER: No, not in my role.

MS. JESSICA BARROW: What is your understanding about the level of information Inspector Lucas would have had at that time as compared to the level of information you had at that time in relation to the convoy's arrival?

SUPT. ROBERT BERNIER: I would imagine it would be relatively the same because on the call that I -- you referenced on the 27th of the afternoon, the whole intelligence
team was on that call with Inspector Lucas and Staff Sgt. Kennedy. So my sentiment was or my feeling was that they more than likely are sharing all that information.

**MS. JESSICA BARROW:** Were you privy to the information that they were discussing, specifically?

**SUPT. ROBERT BERNIER:** No.

**MS. JESSICA BARROW:** Okay. You indicated in your witness statement that there appeared to be a disconnect between the intelligence and the planning, and that the intelligence may have been impacted by the fact that intelligence is not usually involved in gathering intelligence on protests; is that right?

**SUPT. ROBERT BERNIER:** From my involvement and my experience within the Ottawa Police, our intelligence unit is -- has been more focused on that higher-level terrorist threat, national security level of threat assessment versus a risk assessment.

So it's -- I would believe that -- I would say the Hendon Report is an amalgamation of open source, a lot more information, as well as intelligence, a mix of the two. So that’s why it was somewhat a kind of a different perspective than what I'd been used to seeing in previous events at Ottawa.

**MS. JESSICA BARROW:** Right. Do you have any direct knowledge about whether that was, in fact, impacting the intelligence department's ability to connect the dots?

**SUPT. ROBERT BERNIER:** I don't know.

**MS. JESSICA BARROW:** Okay. In relation to your examination with former Chief Sloly's counsel, there was an issue as it relates to whether former Chief Sloly was issuing
operational directions during your time as Event Commander. Do you remember that discussion?

**SUPT. ROBERT BERNIER:** Yes.

**MS. JESSICA BARROW:** And I think the suggestion that was put to you was that you were free to voice any concerns you had around those operational directions to Chief Sloly and that he would be receptive to that. Is that a fair assessment of that exchange?

**SUPT. ROBERT BERNIER:** Yes.

**MS. JESSICA BARROW:** I just want to bring you to OPS10443. I just want to -- just to situate you, it looks at the top like there's a list of attendees, and it appears that your name is on it. Is that correct?

**SUPT. ROBERT BERNIER:** Yes.

**MS. JESSICA BARROW:** And I know it doesn’t have a date on it, so perhaps if we just scroll down a little bit and we look -- yeah, that’s great -- where you're under at NCRCC now, there's a statement, an update from you. Does that situate you in terms of around what timeframe this would have been?

**SUPT. ROBERT BERNIER:** So I'm going to think this is around the 12th, 13th.

**MS. JESSICA BARROW:** So were you the Event Commander then at the time of this meeting?

**SUPT. ROBERT BERNIER:** Based on what I'm reading here, the fact that I'm in progress of setting up a command table, I would be the Event Commander.

**MS. JESSICA BARROW:** Okay. Can we scroll please down to the bottom of page 2? That’s perfect, thank you.
And just if we start under the first redaction, there's a question being posed by John Steinbachs about closing bridges.

And then under it, you see Lucas is saying, "Not going to close it right now."

Do you remember this conversation?

**SUPT. ROBERT BERNIER:** Yes.

**MS. JESSICA BARROW:** And do you remember what Lucas' plan was in relation to the closures that we're seeing being discussed here?

**SUPT. ROBERT BERNIER:** So what it had to do is coming up with mitigation strategies because of the lawfulness of at the time of closing down a bridge. The -- we had a plan that we were working with our traffic section to reduce the flow in and control and divert away from the downtown core.

**MS. JESSICA BARROW:** And if you look under that, we see a comment -- there's one by Bell and then under that, we have Sloly. It says, "Bridge closed, wants it done. Close everything, not debating."

Do you recall that comment being made during that meeting?

**SUPT. ROBERT BERNIER:** Yes.

**MS. JESSICA BARROW:** And what did you take that comment to mean?

**SUPT. ROBERT BERNIER:** That he wanted the bridge closed.

**MS. JESSICA BARROW:** Irrespective of Lucas' plan?

Okay.
SUPT. ROBERT BERNIER: Correct.

MS. JESSICA BARROW: I want to move on. Thank you, Mr. Clerk, we can take that down.

We heard in your earlier examination about the steps that you took to set up an integrated command table. I wonder if you could just explain to us a little bit about how you selected each of the experts, I think you called them, at that table, in terms of the qualifications that you were looking for to select that person?

SUPT. ROBERT BERNIER: So the different elements, did you want me to go through the different elements?

MS. JESSICA BARROW: Perhaps you could just give us a general idea of how you decided who to put in those seats?

SUPT. ROBERT BERNIER: Okay. So I know our -- the people who are in our service and within the different sections. And when I'm talking about the intelligence, when I'm looking at investigations, when I'm looking at public order, when I'm looking at media, I know people in the organization that are very effective and good in their job and have the ability, in a -- either in a position or through their own personal abilities to carry out what I'm going to be expecting from them.

Some of it may require rank and some of them -- some others require just the KSAs and the abilities to do it.

MS. JESSICA BARROW: Perhaps you could just explain what KSAs are, just so ---

SUPT. ROBERT BERNIER: Knowledge, skills, and abilities.
MS. JESSICA BARROW: Great, thank you.
Were all of the officers you selected from OPS?

SUPT. ROBERT BERNIER: No.

MS. JESSICA BARROW: So why did you select officers from other services as well, if at this time, there was no unified command?

SUPT. ROBERT BERNIER: I was trying to get the best to be around, and at the end of the day, a police officer is a police officer, and we were doing an integrated model. So as far as I was concerned and the direction that I had -- or sorry, what I had requested in approval from Deputy Chief Ferguson was get who you need, hence, the reason the choice for the Deputy Commander that I had. I looked at the province for looking for who I'm going to need to have next to me.

MS. JESSICA BARROW: What was your view at that time. once the integrated command table was set up, as to the quality of the integration between the various services that were present?

SUPT. ROBERT BERNIER: From the point that I had come in ---

MS. JESSICA BARROW: Yes.

SUPT. ROBERT BERNIER: --- as Event Commander?
It was obviously an adjustment period, but it was a very cohesive group and very well -- high-functioning group.

MS. JESSICA BARROW: Okay. Those are my questions. Thanks very much, Superintendent.

SUPT. ROBERT BERNIER: Thank you.

COMMISSIONER ROULEAU: Okay. Any re-examination?
MR. FRANK AU: I have a few, if I may.

COMMISSIONER ROULEAU: Okay. Go ahead.

--- RE-EXAMINATION BY MR. FRANK AU:

MR. FRANK AU: Superintendent, my friend, counsel from the -- acting for Canada asked you about the availability of tow trucks after you made the initial arrangement on or around the 13th of February. There's a document I want to show you and ask if you can tell us what it is. It's OPS00014453.

Could we go to page 59? So could you take a look at this document, and if we go -- first of all, if we go down to the bottom of the page? Do you see three signatures?

SUPT. ROBERT BERNIER: That is correct.

MR. FRANK AU: Do you recognize these signatures?

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: So if we go back to the top of the page? What is this document?

SUPT. ROBERT BERNIER: It's the Concept of Operation of the Tow Action Escort and Security and Identification of Vehicles.

MR. FRANK AU: Is this one of the towing sub-plan to the main plan on the 17th?

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: Now if we go to page 65, please? So this appears to list some equipments. Can you tell us about this?

SUPT. ROBERT BERNIER: Yes. Listed towing resource equipment,

"12 heavy wreckers
Ability to remove highway tractors
2 tilt & load
Ability to remove farm tractors,
utility trailers, equipment & materials
2 highway tractors (bobtails)"

MR. FRANK AU: Can we go further down?

SUPT. ROBERT BERNIER: "Equipment
"Prep truck"
Contains equipment necessary for tow & recovery
3 Frontend loaders
[this] Will assist with the movement and positioning of trucks for tow
Ability to assist with loader equipment & materials"

MR. FRANK AU: What is ---

SUPT. ROBERT BERNIER: And ---

MR. FRANK AU: Sorry, go ahead.

SUPT. ROBERT BERNIER: No, sorry.

MR. FRANK AU: What is your understanding of the availability of these equipments listed for the action starting on the 18th?

SUPT. ROBERT BERNIER: Ready to go.

MR. FRANK AU: Now did you understand those vehicles were drawn from the 34 vehicles that you told us about earlier?

SUPT. ROBERT BERNIER: That was my understanding.

This was all prepared with Kirk Richardson and our Ottawa Police
Traffic.

MR. FRANK AU: All right. Now in cross-examination by counsel for the former Chief, Mr. Curry asked you why, aside from your verbal conversations with Inspector Lucas and Superintendent Drummond that you did not take further steps to escalate your concerns about the bizarre disconnect. Remember being asked those questions?

SUPT. ROBERT BERNIER: Is this having to do with the tow trucks?

MR. FRANK AU: No, no, sorry. I'm moving onto a different topic.

SUPT. ROBERT BERNIER: Okay. Then ---

MR. FRANK AU: So let me ---

SUPT. ROBERT BERNIER: --- rephrase the question then, please?

MR. FRANK AU: So I'm now asking you about questions put to you by counsel for the former Chief. Mr. Curry asked you why, apart from your conversations with Inspector Lucas and Superintendent Drummond, you did not take further steps to escalate your concerns about the bizarre disconnect between the intelligence and planning. You recall being asked those questions?

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: And you said ---

SUPT. ROBERT BERNIER: And -- sorry, go ahead.

MR. FRANK AU: --- and you said that you didn't have complete access to intelligence, and you defer to those who did have access and were assigned to respond.
SUPT. ROBERT BERNIER: Correct.

MR. FRANK AU: You also said that Deputies Ferguson and Bell were accountable to the former Chief. Now is that what you said?

SUPT. ROBERT BERNIER: Is this when I was testifying with counsel from former Chief Sloly?

MR. FRANK AU: That's right. So ---

SUPT. ROBERT BERNIER: Yes.

MR. FRANK AU: --- so I want to ask you, in the context of responding to a major event, why did you think it was appropriate for officers who were not assigned specific duties to defer to those who were assigned?

SUPT. ROBERT BERNIER: I'm not quite sure I understand what your question is. Could you ---

MR. FRANK AU: Okay. Let me try again. I understand your response to Mr. Curry's question to be that you defer to those who were assigned specific duties to respond, to those who had access to complete intelligence.

SUPT. ROBERT BERNIER: Those are the sections that are responsible for doing those duties within the Ottawa Police. That did not fall within my purview at the time. So I believe in previous testimony I may have spoken to this that we have sections within the Ottawa Police that have the responsibility for these events, and I deferred to those sections, trusting that they have all the information, intelligence, and all the right people are in those sections for that.

MR. FRANK AU: Thank you. Those are my
questions.

COMMISSIONER ROULEAU: Okay. Thank you. I just have a couple of short questions that -- some of it is just clarification. In response to questions of the Ottawa Police Service, you talked about the intelligence teams being more concerned about certain kinds of threats than other kinds of threats. I just want to make sure I've got that correct?

SUPT. ROBERT BERNIER: It would probably be best articulated by an Intelligence officer from the section, but traditionally, our Intelligence Unit is at the higher level of matters that they would be looking into, national security, organized crime, you know, threats of that nature, in the lines with ITAC and that type of thing.

COMMISSIONER ROULEAU: And that -- your observation was with the reviewing the Hendon report, you saw that it was broader and covered areas of -- and I don't know if I got my note right, more public order problems? Is that what you were saying?

SUPT. ROBERT BERNIER: No, so I think what I was referring to is that it seemed to be a combination of open source, and I think maybe if I can qualify your previous question as well, is traditionally, our Intelligence Unit was not necessarily very much into the open source world; whereas, now, we've learned a lot, and we are moving more into that to ensure that we have that aspect. I found that the Hendon report was a more -- a broader source of information intelligence.

COMMISSIONER ROULEAU: Okay. And then another question I had, and this was in answer, I think, to the JCCF,
and you were talking about -- you were asked about whether a common law powers was in -- in respect to the common law powers being less well defined, and even if you -- a court found after the fact that you exceeded your powers, you still would have dealt with the occupation. Do you remember that answer?

SUPT. ROBERT BERNIER: Yes, I do.

COMMISSIONER ROULEAU: And I guess what's your concern about having exceeded your powers? Is that a concern to you if the courts after the fact find you've exceeded your powers? What does that mean to you?

SUPT. ROBERT BERNIER: So what I would be saying is that based on all the information and the situation at hand, that we would be operating in good faith and I would not have done it if it exceeded our powers. If we were doing it, it's because I felt that we were well within our powers to do it. I guess the conversation with regards to courts is that after the fact, it may come under scrutiny to determine if it was lawful to do based on all the circumstances. I would have a very big responsibility, and I would need to be accountable for articulating all the reasons why, so it could withstand review in court afterwards.

COMMISSIONER ROULEAU: And I take it you wouldn't have been happy if you had -- a court found you had exceeded your powers?

SUPT. ROBERT BERNIER: It would defeat the purpose and bring us to disrepute, yes.

COMMISSIONER ROULEAU: One of the things again at the beginning of your testimony, and this goes back to your...
position you held or the function you held before you were the
Incident Commander. The -- you talked about processing or
cataloguing the plans.

SUPT. ROBERT BERNIER: Yes.

COMMISSIONER ROULEAU: Did you -- and I think you
answered this, but did you ever find a plan or an element of a
plan that would encompass the possibility of protestors
overstaying the weekend?

SUPT. ROBERT BERNIER: No, I did not.

COMMISSIONER ROULEAU: And we heard testimony
earlier from another witness about whether was an opportunity
after the weekend to, I believe it was, reduce the footprint
that was missed.

Do you have any knowledge or comment about that
or do you agree or disagree?

SUPT. ROBERT BERNIER: I’m not quite sure what
they’re referring to. If it’s the week -- the week following
the actual weekend event, initial weekend event, I’m not ---

COMMISSIONER ROULEAU: And it was a ---

SUPT. ROBERT BERNIER: --- I’m not familiar with
the window that would have ---

COMMISSIONER ROULEAU: I think it referred to
ability to reduce the footprint if they had acted then. You
don’t have any knowledge of that?

SUPT. ROBERT BERNIER: I do not.

COMMISSIONER ROULEAU: Okay. Thank you very
much. Very helpful.

So that completes your evidence.
SUPT. ROBERT BERNIER: Thank you, Your Honour.

COMMISSIONER ROULEAU: You’re free to go. Thank you.

So we’re now ready to proceed with the next witness, and I think probably we should get started and have the break later on.

And who’s going to be leading this witness from Commission counsel?

Five minutes to get the witness settled? Okay. Five minutes. We’ll rise and come back in five minutes.

THE REGISTRAR: The Commission is in recess for five minutes. La commission lever pour cinq minutes.

--- Upon recessing at 3:11 p.m.

--- Upon resuming at 3:17 p.m.

THE REGISTRAR: Order. À l’ordre.

The Commission is reconvened. La commission reprend.

MS. NATALIA RODRIGUEZ: The Commissioner would like to call Superintendent Robert Drummond.

--- SUPT. ROBERT DRUMMOND, Affirmed:

COMMISSIONER ROULEAU: Welcome.

SUPT. ROBERT DRUMMOND: Good afternoon, Mr. Commissioner.

COMMISSIONER ROULEAU: Go ahead.

--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

MS. NATALIA RODRIGUEZ: Good afternoon, Superintendent Drummond. How are you?
SUPT. ROBERT DRUMMOND: How are you, Ms. Rodriguez?

MS. NATALIA RODRIGUEZ: Good. Nice to see you again.

SUPT. ROBERT DRUMMOND: To see you, too.

MS. NATALIA RODRIGUEZ: You had several interviews with Commission counsel in September and October. Do you recall that?

SUPT. ROBERT DRUMMOND: Yes, I do.

MS. NATALIA RODRIGUEZ: And we generated a witness summary from those interviews. And you’ve had a chance to review that summary; correct?

SUPT. ROBERT DRUMMOND: I did.

MS. NATALIA RODRIGUEZ: And do you have any corrections to make to your summary at this time?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: And if we can just pull it up, it’s WTS00000050.

And can you confirm that is your witness summary?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So we will have that entered into evidence. Thank you.

And I understand you’re, in fact, Acting Superintendent. Is that correct?

SUPT. ROBERT DRUMMOND: Correct, yes.

MS. NATALIA RODRIGUEZ: Now, for simplicity, is it okay if I just refer to you as Superintendent Drummond?

SUPT. ROBERT DRUMMOND: Yes, that’s fine.
MS. NATALIA RODRIGUEZ: Thank you.
And my understanding is that the rank of
Superintendent is one below Deputy Chief. Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And how many
Superintendents are in the OPS, approximately?

SUPT. ROBERT DRUMMOND: Eight.

MS. NATALIA RODRIGUEZ: Eight of them. Okay,
thanks.

And I understand you assumed a formal role in the
response to the convoy on February 7 when Superintendent
Patterson asked you to be the PLT and POU representative within
the Incident Command System.

SUPT. ROBERT DRUMMOND: That’s correct.

MS. NATALIA RODRIGUEZ: Can you explain what that
role entails, the one that you took on that day?

SUPT. ROBERT DRUMMOND: It was to oversee the two
units and oversee their operations and whatever logistical
requirements they had as well. And I had the lead for both
sections reporting in to me, Michel Marin from the POU unit and
John Ferguson from PLT.

MS. NATALIA RODRIGUEZ: And is it fair to say
that the role also entailed ensuring coordination between those
two groups?

SUPT. ROBERT DRUMMOND: Correct. And to also
coordinate with the Event Commander, Mark Patterson.

MS. NATALIA RODRIGUEZ: Okay.
MS. NATALIA RODRIGUEZ: Right. So you reported to Superintendent Mark Patterson. Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Now, I want to start first with February 8, which is the day that Mr. Kanellakos, City Manager of the City of Ottawa, met with some protestor -- with, actually, Mr. Marazzo at City Hall. And you’re aware of that meeting; correct?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. So I want to start there.

We’ll start at OPS00008527. And this is an email thread, and if I can go to page 2 of this document.

So you see there on February 7th at 8:48 p.m. -- there we are.

And it’s an email from Superintendent Patterson to Acting Deputy Chief Bell -- sorry, Deputy Chief Bell and saying, “PLT members continued their conversation with”, and that’s redacted, but I understand that’s Tom Marazzo.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ:

“...this evening. He has requested a meeting with an elected official or city manager level member. He has indicated that if we coordinate a meeting around noon tomorrow that he could facilitate the removal of trucks unknown number.
These conversations will continue tomorrow morning. May I ask, given your relationship with City officials that you provide a name that would be willing to participate in this discussion? I know this is a vague ask, but this is what Rob was provided. Rob, hope I captured this properly."

Now, you'll see you're cc'd in that. So when Superintendent Drummond [sic] says Rob he's referring to you; right?

SUPT. ROBERT DRUMMOND: Yeah.

Superintendent Patterson.

MS. NATALIA RODRIGUEZ: Sorry, Patterson. That's right. And he says...

And if we go up a little bit. And -- right.

So then Deputy Chief Bell responds:

"I will contact the City first thing this morning to see if they will sit down with the group."

So you were provided this information -- according to that first email that we saw, you were the one who was provided with this information, right, that ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- Mr. Marazzo wanted to meet with a City official?

SUPT. ROBERT DRUMMOND: Yes, from John Ferguson, from Staff Sergeant John Ferguson.
MS. NATALIA RODRIGUEZ: Okay. And so this was a sort of, you know, if he's able to meet with a City official then he will attempt to negotiate movement of trucks out of the Rideau and Sussex area. Is that essentially what it was?

SUPT. ROBERT DRUMMOND: Yeah. I don't know if it was necessarily defined at that point as Rideau and Sussex, but he -- the request was to meet with a City official in exchange to try to help move some trucks out of the area.

MS. NATALIA RODRIGUEZ: Okay. And in the witness summary that we just looked at, you provided a bit more background, and you said that moving these trucks was being considered because there was space available on Wellington.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Is that right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. And why did you understand the protesters at Rideau and Sussex wanting to move to the Wellington area?

SUPT. ROBERT DRUMMOND: They wanted to be closer to Parliament Hill, and it also, from our perspective, would've helped shrink the footprint and open up that road.

MS. NATALIA RODRIGUEZ: And why was that important to open up that road?

SUPT. ROBERT DRUMMOND: It's a main artery in the City of Ottawa at Rideau and Sussex. It's the main access, it's a bus route, it's a emergency access for emergency vehicles, it's access to the Rideau Centre. It was a main area that we wanted to try get opened up. But equally, there were lots of
other areas that we wanted to get opened up as well. Our goal
was to try to help them move, and by reducing the footprint that
would also help us.

MS. NATALIA RODRIGUEZ: And is it fair to say
that this move would've been seen as helpful to OPS?

SUPT. ROBERT DRUMMOND: Yes. I mean, ultimately,
we wanted people to leave and to vacate those roads period, but
in the meantime, as part of a negotiation strategy to try to
reduce the footprint, yes we were interested in moving them.

MS. NATALIA RODRIGUEZ: Okay.

And if we can go to the first page. Up more,
please. Keep going up to the very top. Oh, I see:

"Do we know what they want to talk
about Mark?"

Okay. Yeah, so there is another email in which
you say that this was the ask and you're going to see if he can
get a private meeting.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So this was seen as being
helpful to the PLT group that wanted to ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- essentially clear ---

SUPT. ROBERT DRUMMOND: Yeah.

MS. NATALIA RODRIGUEZ: --- that area; right?

SUPT. ROBERT DRUMMOND: Yeah, it was also a
negotiating strategy and a good faith move to negotiate with
them.

MS. NATALIA RODRIGUEZ: And Mr. Kanellakos
testified last week that when PLT attended City Hall for this meeting, which did eventually take place, that he was told by the PLT officers who were there with Mr. Marazzo that communications had broken down with protest leaders and that they weren't communicating anymore with the PLTs. And he said that this was a significant issue in their ability to continue to try to negotiate on the grounds in terms of the things that they needed to, and that they had asked to meet with someone from the City as a show of good faith.

Were you aware that communications between PLT and protest groups had broken down at this point in time?

SUPT. ROBERT DRUMMOND: No, we were continuously communicating. They might have been referring to the group specifically at Rideau and Sussex, there were challenges with that group, but the PLT group still went daily to talk to them.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: And we talked to all, like we talked to as many groups as we possibly could during that time period.

MS. NATALIA RODRIGUEZ: Okay. But this was still seen as something positive for PLT ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- to kind of build trust with the ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- protesters? Okay, and I want to take you to Staff Sergeant John Ferguson's notes. And you were saying he was the head of the PLT at the time, and

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he reported into you; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. So if I can take you to OPS00014568. And if I can take you to page 36. So these are his notes of the discussions. And actually, we can go up to 35 so we can see a little bit of the context.

So he says at 1929:

"Contact Supt. Drummond - Advises him of the request to meet. Time sensitive. He asked what City official meant."

And then if we see at 1933, "Contact Supt. Drummond."

If we go down a little bit more:

"I clarified the request with Sgt. Le - Marazzo wanted the City Manager or an elected official."

So that's the context in which now the notation at 2044 happens. At 2044 it says, "Contacted by Dr. Collins".

And who did you understand Dr. Collins to be?

SUPT. ROBERT DRUMMOND: He's a doctor with the -- works in the OPP Behavioural Science Unit.

MS. NATALIA RODRIGUEZ: So he's with the OPP?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. And what was ---

SUPT. ROBERT DRUMMOND: I believe he has a private practice as well, but he works for -- he does work with
the OPP.

MS. NATALIA RODRIGUEZ: Okay, so he works with
the OPP.

SUPT. ROBERT DRUMMOND: M'hm.

MS. NATALIA RODRIGUEZ: Okay. And it says:
"Update provided - Discussions about
City official strategy.
Agreement that this was win-win. Also
face-saving."

Do you know -- do you recall Staff
Sergeant Ferguson conveying to you that he the saw the City's
involvement as a win-win?

SUPT. ROBERT DRUMMOND: I think was a win in the
sense that we were acting in good faith to move forward with
negotiations. So if we -- like if we didn't assist them with
negotiations it wasn't a win for either side. Like PLT is used
to try and bring both sides together to come to a solution, and
that's what we were working on there. I don't know the
specifics, I didn't speak to Dr. Collins at that point myself.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: I did run into
Dr. Collins during the protest, but not specifically about this.

MS. NATALIA RODRIGUEZ: Right, but you were in
contact with ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- Staff
Sergeant Ferguson; right?

SUPT. ROBERT DRUMMOND: Yeah.
Ms. Natalia Rodriguez: And so he is saying that there is agreement that this was win-win between him and Dr. Collins.

Supt. Robert Drummond: Yes.

Ms. Natalia Rodriguez: So did he share those views with you as well?

Supt. Robert Drummond: I don't recall Staff Sergeant Ferguson telling me at that point about Dr. Collins. He may have, I just don't recall.

Ms. Natalia Rodriguez: And did he ever convey to you that he saw the City's involvement as face-saving for the OPS?

Supt. Robert Drummond: I think it was a positive thing, yes. It was a positive thing to move forward with the negotiations, yes.

Ms. Natalia Rodriguez: Okay. And do you have any sense for what he means by that?

Supt. Robert Drummond: Well, I think prior to that there had been a number of scenarios with PLT where they had not been able to move forward due to various reasons, and I think this was something they wanted to show good faith and move forward on an agreement with, with the protesters.

Ms. Natalia Rodriguez: Okay. And at the bottom of page 38...

If we can go to page 38.

It says, "Meeting occurring." So this is now -- the meeting is taking place, and Staff Sergeant Ferguson is making notes that the meeting is happening:
"Meeting occurring - group looking for
a possible exit strategy."

Is that what you understood the purpose of the
meeting with Mr. Kanellakos to be on February 8?

SUPT. ROBERT DRUMMOND: I don't know if I
would've referred to it as a exit strategy, it was a meeting to
discuss options for them to move out of certain areas.

MS. NATALIA RODRIGUEZ: Okay. And specifically,
when you say "certain areas", we're talking about the Rideau and
Sussex ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- area here; right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. Because we heard
Mr. Kanellakos say last week that the meeting was about trying
to see if the protesters could get a meeting with the Mayor.

That's what he understood ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- that meeting to be.

SUPT. ROBERT BERNIER: Yes.

MS. NATALIA RODRIGUEZ: Okay. But for OPS, the
meeting was in exchange for facilitating a meeting with the City
Manager, Mr. Marazzo would agree to try and get those areas
cleared and moved to Wellington.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. So the meeting did
take place, and according to your witness summary you indicate that on February 8, you and Superintendent Patterson had a call about these negotiations, and that this was reported up to Deputy Chief Bell and possibly Acting Deputy Chief Ferguson.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And in your witness statement, you also say that you do not recall whether at the time PPS was notified of these negotiations, although it may have been brought up at the NCRCC where the PPS had representation.

SUPT. ROBERT DRUMMOND: Correct. I personally didn't contact PPS at that point, but we did have a PPS representative at the NCRCC.

MS. NATALIA RODRIGUEZ: Okay. And did you receive any correspondence about any concerns that PPS might've had at this time, February 8, about moving vehicles to Wellington?

SUPT. ROBERT DRUMMOND: The 8th? No. Later that week, yes.

MS. NATALIA RODRIGUEZ: Okay. So -- well, maybe I can refresh your memory.

If we can go to OPS000 -- actually, we're in the same document, 14568, just on page 39. So:

"Rideau/Sussex Contacted by Sgt. Le
"...Marazzo/Kanellakos meeting complete. Marazzo to attend Rideau-Sussex to work on moving, opening that intersection. Contacted Supt. Drummond, updated re:
meeting. Advised him that Marazzo was working on Rideau-Sussex. He asked if we were going to get other roadways: Wellington. I indicated that I understood the priority was Rideau-Sussex. Will if city promised anything.”

And then, if we go to 1538, rather 1554:

“Email received from Supt. Drummond re: PPS response to Wellington Street vehicle relocation plan.”

Do you see that there?

SUPT. ROBERT DRUMMOND: I do. I do see that.

MS. NATALIA RODRIGUEZ: Do you recall receiving an email from PPS regarding the response to the Wellington Strategy Vehicle relocation plan?

SUPT. ROBERT DRUMMOND: There were a lot of emails during that time period. I don’t remember that specific one. But if there is an email, I don’t doubt it may have occurred.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: I just remember it being later with Supt. Larry Brookson reaching out and speaking to us, closer to the day that we did the moving. But there may have been an email at that point. Like I -- like I said, it may have come through the NCRCC and then come back by email.

MS. NATALIA RODRIGUEZ: Okay. And then it’s ---

SUPT. ROBERT DRUMMOND: Is there -- is there an
email specifically?

**MS. NATALIA RODRIGUEZ:** I haven’t seen an email. There probably is but in the thousands of documents it may be hard to pinpoint the email. But it’s very possible. And if we just go down a little bit more, 1606, S/Sgt. Ferguson says:

“...contact Inspector Lucas, re: PPS email to discuss their concerns.”

So this seems to suggest that the email that was sent to you had concerns from PPS. Do you recall any concerns being expressed by PPS at this time?

**SUPT. ROBERT DRUMMOND:** The ones I -- the ones I do remember were about more vehicles being on Wellington, closer to Parliament Hill. They were not in favour of that. But I -- I’ll be honest, I remember that happening later in the week; I don’t remember it that day but, I could be wrong about that. Maybe it was that day.

**MS. NATALIA RODRIGUEZ:** Okay. So if there were any concerns it was about the trucks being on Wellington?

**SUPT. ROBERT DRUMMOND:** Yes.

**MS. NATALIA RODRIGUEZ:** And what was the concern specifically about trucks being on Wellington, that you recall?

**SUPT. ROBERT DRUMMOND:** I don’t think they wanted more of them there. They were concerned about having more vehicles close up to Parliament Hill.

**MS. NATALIA RODRIGUEZ:** Okay.

**SUPT. ROBERT DRUMMOND:** They were not -- they were not interested in having more protestors closer to the Hill.
MS. NATALIA RODRIGUEZ: Okay. And why was that?

SUPT. ROBERT DRUMMOND: Because they’d been there for some period of time.

We were trying to shrink the footprint; that may not have met up with their -- you know, their goals at that point.

MS. NATALIA RODRIGUEZ: Okay. So they didn’t raise any specific security concerns about that arrangement?

SUPT. ROBERT DRUMMOND: I don’t -- I don’t remember this email that you’re referring to, so I’d have to look at the email to know what was written in it.

MS. NATALIA RODRIGUEZ: But you know that eventually PPS did express concerns, ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- right?

SUPT. ROBERT DRUMMOND: Yes. Yeah.

MS. NATALIA RODRIGUEZ: And so did those concerns include any safety concerns?

SUPT. ROBERT DRUMMOND: Well, they had concerns about protestors, period, being close to the Hill. All of those issues were security concerns for them.

MS. NATALIA RODRIGUEZ: Okay. Now, in your witness summary, you indicate that OPS facilitated but did not attend the meeting with Mr. Kanellakos and Mr. Marazzo?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: What’s the basis for that understanding?

SUPT. ROBERT DRUMMOND: That’s what I was told by
John Ferguson.

**MS. NATALIA RODRIGUEZ:** Okay. So Mr. Kanellakos testified that he initially met one on one with Mr. Marazzo and then afterwards the PLT members joined that meeting, and there was a meeting with everybody together?

**SUPT. ROBERT DRUMMOND:** I don’t -- I have no information that that occurred and I know from the PLT members that I spoke to, we don’t know who he’s referring to.

**MS. NATALIA RODRIGUEZ:** Okay. So -- but you don’t have any specific information to the contrary?

**SUPT. ROBERT DRUMMOND:** No. I know that Sgt. Li Fung (phonetic) didn’t participate in that meeting. So I don’t know who Steve Kanellakos is referring to.

**MS. NATALIA RODRIGUEZ:** Okay. I believe it includes Sgt. Li (phonetic), and others.

**SUPT. ROBERT DRUMMOND:** I think there may be a mistake on that part.

**MS. NATALIA RODRIGUEZ:** Okay.

**SUPT. ROBERT DRUMMOND:** I’m not sure what to tell you.

**MS. NATALIA RODRIGUEZ:** So the understanding is that this meeting between Mr. Marazzo and Mr. Kanellakos took place, it was facilitated by OPS and in return Mr. Marazzo was to speak to the Rideau and Sussex group to get them to Wellington?

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. NATALIA RODRIGUEZ:** Okay. Now in your witness statement you say that you were advised that Mr. Marazzo
left the meeting to go to the intersection of Rideau and Sussex
to move the trucks at that location, pursuant to this agreement,
but that he was not successful?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And what’s the basis for
that understanding?

SUPT. ROBERT DRUMMOND: That’s what was reported
back to me by John Ferguson, and we ultimately didn’t see any
movement at the intersection either.

MS. NATALIA RODRIGUEZ: Okay. And what was the
reason why there was no movement at that time? It sounds like,
---

SUPT. ROBERT DRUMMOND: That particular group
didn’t want to move, ultimately. I don’t think that Mr. Marazzo
was successful in negotiating with them to leave.

MS. NATALIA RODRIGUEZ: And is that your
understanding for why the Rideau and Sussex group didn’t
relocate to Wellington, as had been anticipated from this deal?

SUPT. ROBERT DRUMMOND: That group was maybe not
aligned with all of the other convoy protesters. I think there
were differences in their goals or their values.

I know that Tom Marazzo went there to speak to
them. I think he was hopeful that he could get them to move,
and unfortunately, he wasn’t successful.

MS. NATALIA RODRIGUEZ: Okay. So that’s your
understanding for why that move didn’t happen; he wasn’t able to
get them to move, essentially?

SUPT. ROBERT DRUMMOND: Correct.
MS. NATALIA RODRIGUEZ: Okay. And what about the fact that the move was not approved higher up in the chain of command within OPS?

SUPT. ROBERT DRUMMOND: Well, at that point we had been negotiating to do that. But ultimately, if he had been able to get them to move, and at that point I think we would try to see if we could get them to move. We hoped that some of them would leave, not just move to Wellington, but some of them would leave. So there were groups sort of behind, or east of that location that we believed wanted to leave but were effectively boxed in.

MS. NATALIA RODRIGUEZ: But the move was not approved higher up, is that right?

SUPT. ROBERT DRUMMOND: If we had been -- if he had been able to get permission -- if they had -- sorry; if they had agreed to move, we would have had a discussion about getting them -- see if we could have gotten them to move.

MS. NATALIA RODRIGUEZ: Okay. But at that time there wasn’t approval?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And my understanding is that there was some sort of miscommunication between you and S/Sgt. Ferguson about allowing them to move to Wellington; do you recall that?

SUPT. ROBERT DRUMMOND: On that particular day?

MS. NATALIA RODRIGUEZ: Yes.

SUPT. ROBERT DRUMMOND: I think we felt that we -- they could move and then we -- I followed up with Command
later, and they weren’t in agreement.

**MS. NATALIA RODRIGUEZ:** Okay. So we can stay on this document at page 40, just at the bottom. This might refresh your memory as well, at 1739, and this is, again, S/Sgt. Ferguson’s notes. And he says:

“Contact Supt. Drummond re: vehicle relocation to Wellington. He indicated that there had been a miscommunication, when I said clear Rideau-Sussex, he was under the impression…”

And we can keep going:

“...that they meant they were leaving.”

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. NATALIA RODRIGUEZ:** “I described the impact of this on the relationship with organizers and our ability to continue to do our PLT job. He said that the plan to relocate the trucks to Wellington had not been approved. I asked if that was at the Chief level, believed so.”

**SUPT. ROBERT DRUMMOND:** Yes.

**MS. NATALIA RODRIGUEZ:** So can you explain this discussion; what’s -- what is the exchange happening here?

**SUPT. ROBERT DRUMMOND:** That’s John and I speaking about that move, and we had hoped that some people would leave on their own. That didn’t pan out. And then ultimately, I think -- I believe I had a conversation at that
point, and it wasn’t approved for them to move further west --
yes, further west.

MS. NATALIA RODRIGUEZ: So when he says:

“When I said clear Rideau-Sussex, he was
under the impression that they meant
they were leaving.”

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So you didn’t ---

SUPT. ROBERT DRUMMOND: That changed during that
conversation. At the beginning we had had a conversation where
I did believe that they were going to leave, but then
ultimately, I learned afterwards that it was about negotiating,
just moving up the street, on Wellington. And then ultimately,
that didn’t get approved.

MS. NATALIA RODRIGUEZ: Okay. So ---

SUPT. ROBERT DRUMMOND: Sorry; I should have
clarified that that changed during that conversation.

MS. NATALIA RODRIGUEZ: I see. So your
understanding at the beginning was that if the meeting was
facilitated with Mr. Kanellakos, the Rideau and Sussex group
would leave, is that right?

SUPT. ROBERT DRUMMOND: In the beginning yes, but
then that changed, and then we didn’t have approval for that.

MS. NATALIA RODRIGUEZ: Okay. He says that -- he
says he described to you the impact of this on the relationship
with organizers.

Can you explain what he described to you there?

SUPT. ROBERT DRUMMOND: Well, that’s the -- this
is the ongoing PLT relationship with working with just both
sides, trying to come to a mutual agreement. And this is one of
the areas where we were, you know -- I think this was also a
communication gap as well, about what was understood, and we
were trying to get -- we were also hoping that people would
leave, and that didn’t occur. And there may have been a
miscommunication with -- between us and Tom Marazzo about what
we understood was happening.

MS. NATALIA RODRIGUEZ: So when you explain the
impact, I assume that means the negative impact ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- that it would have
had; is that correct?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: And then you told him
that the plan to relocate the trucks had not been approved?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: When did you seek that
approval?

SUPT. ROBERT DRUMMOND: I can’t -- I don’t -- if
I can look at my notes, looks like?

MS. NATALIA RODRIGUEZ: Sure, you can look at
your notes if that’s helpful.

Perhaps if you can try to recall whether it was
before or after the meeting took place.

SUPT. ROBERT DRUMMOND: Took place? Meeting with
-- between ---

MS. NATALIA RODRIGUEZ: With Mr. -- yeah, that’s
right. Would you have sought approval to have them move to Wellington before that meeting or after the meeting?

SUPT. ROBERT DRUMMOND: I think we were at before. I believe we thought they were going to leave, I think was maybe our understanding, and then afterwards, when it wasn’t, I advised it was an approval to move.

MS. NATALIA RODRIGUEZ: Okay. So sometime between the time that you were briefed on the outcome of the meeting, that it happened, that it was a successful meeting, and then the time when you're having this discussion now at 1739 with Staff Sgt. Ferguson, you would have sought approval to have them move onto Wellington because at this time now, you understand that the quid pro quo, so to speak, is for them to move to Wellington; is that right?

SUPT. ROBERT DRUMMOND: Correct. I'm just looking at the -- we're just talking about the 1738 timeframe?

MS. NATALIA RODRIGUEZ: That’s right.

SUPT. ROBERT DRUMMOND: Yes, that’s when John asked for approval for the west side. I advised that there was not approval at this time. And I was -- I did know that earlier ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- because we had had that conversation earlier, I believe, with -- probably on the 7th.

MS. NATALIA RODRIGUEZ: And who would have denied the request?

SUPT. ROBERT DRUMMOND: That would have come
through Supt. Patterson. Also, the chief would have been involved in that decision.

**MS. NATALIA RODRIGUEZ**: How do you know the chief would have been involved in that decision? Did you speak to the chief about this?

**SUPT. ROBERT DRUMMOND**: No, but I think there was a conversation I had on the 7th with Mark about that.

**MS. NATALIA RODRIGUEZ**: Well, the meeting happened on the 8th.

**SUPT. ROBERT DRUMMOND**: But I think we had had discussions about it the day before.

**MS. NATALIA RODRIGUEZ**: Okay. I understood your evidence to be that before the meeting took place, you thought they were leaving altogether.

**SUPT. ROBERT DRUMMOND**: Well, when we asked, it was about to move, and then when it came back to say that they wanted to move west, I told them there wasn’t approval to move west at that point.

**MS. NATALIA RODRIGUEZ**: Okay. So you had sought that approval, you're saying, on February 7th, the day before the meeting?

**SUPT. ROBERT DRUMMOND**: I believe we'd had a conversation about it. I just want to look back here.

**UNIDENTIFIED SPEAKER**: Mr. Commissioner, excuse me. I wonder if we could just confirm for the record that the notes Supt. Drummond are referring to are his notes at OPS00014455 on the record?

**SUPT. ROBERT DRUMMOND**: Yes.
UNIDENTIFIED SPEAKER: Thank you.

MS. NATALIA RODRIGUEZ: Thank you.

Okay. So maybe you can try to refresh your memory at a break. We'll keep going.

SUPT. ROBERT DRUMMOND: Okay.

MS. NATALIA RODRIGUEZ: So if we just go down a bit further, Staff Sgt. Ferguson then writes:

"I indicated that we were just continuing with the relocation plan from before and that if we were aware that it was not approved, we wouldn't have moved forward.

Miscommunication/misinterpretation."

So what was your understanding -- what was the relocation plan from before? What was your understanding of that?

SUPT. ROBERT DRUMMOND: I think John's referring to moving west onto Wellington.

MS. NATALIA RODRIGUEZ: Okay. And then he says, "This provides us the ability to open that intersection without force."

Do you understand what he means by that?

SUPT. ROBERT DRUMMOND: Yeah. We're not using POU actions to move them.

MS. NATALIA RODRIGUEZ: And then at 1814, "Updates Supt. Drummond that we have shelved the Rideau Sussex plan or put it on hold due to darkness."

SUPT. ROBERT DRUMMOND: Correct.

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MS. NATALIA RODRIGUEZ: And at that point, I assume it had gotten too dark and there was no approval in any event; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And if we go to the next page, 41, "He said that he would reopen the discussion with the exec about the move to Wellington."

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So the plan to move the vehicles from Rideau and Sussex to Wellington on February 8 was shelved because there wasn’t approval and because it got dark afterwards; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And the exec never approved this move? Ultimately, the move was never carried out?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And if we can just go to page 43 here, I believe this is now the next morning at 11:07, "Contacted by Sgt. Lee ---" and he was the PLT officer that had been involved in this meeting; is that right?

SUPT. ROBERT DRUMMOND: Correct. Yes.

MS. NATALIA RODRIGUEZ:

"--- re Rideau Sussex move. He advised that there was a loss of momentum after last night."

And if we go to 11:50:

"Contacted by Sgt. Lee. He now advises that the group at Rideau Sussex are no
longer listening to Tom Marazzo after
last night, and they have galvanized."

Were you aware of this?

SUPT. ROBERT DRUMMOND: I knew that Tom Marazzo
wasn’t having any further luck getting them to move. I knew
that much, yes.

MS. NATALIA RODRIGUEZ: And did you understand
that that was because they weren’t able to move the night that
they wanted to move because there wasn’t approval?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: But that was a common
theme.

MS. NATALIA RODRIGUEZ: So ultimately, the move
to Wellington didn’t happen, first, because that request wasn’t
approved, and my understanding is it was never approved, right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And then because Mr.
Marazzo had lost maybe any good faith he would have had with
that group after the move didn’t take place; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. Now, after that
meeting on February 8, the PLT Team and Staff Sgt. Ferguson
briefed you that the city had discussed with Mr. Marazzo a
meeting with the mayor in exchange for protestors moving trucks
onto Wellington; is that right?

SUPT. ROBERT DRUMMOND: Sorry, say that question
again?
MS. NATALIA RODRIGUEZ: So after this meeting took place with Mr. Kanellakos and Mr. Marazzo on that date, February 8, the PLT Team and Staff Sgt. Ferguson would have reported back to you about what happened in that meeting, right?

Supt. Robert Drummond: Except that they weren’t present in the meeting.

MS. NATALIA RODRIGUEZ: Mr. Kanellakos testified that they were. I mean, he was there, so ---

Supt. Robert Drummond: My information is they weren’t, so there seems to be a gap there.

MS. NATALIA RODRIGUEZ: Right. But you would agree with me that the person at the meeting would be in a best position to say who was in attendance, correct?

Supt. Robert Drummond: Did Steve Kanellakos say which officers they were?

MS. NATALIA RODRIGUEZ: He said it was Sgt. Lee and other PLT officers. He didn’t know all of their names.

Supt. Robert Drummond: Unfortunately, you’d have to ask someone who was in the meeting, because the information I received from John Ferguson is that there were no OPS members present in the meeting.

MS. NATALIA RODRIGUEZ: So did PLT or Staff Sgt. Ferguson debrief you after the meeting about the content of the meeting?

Supt. Robert Drummond: No, because they told me that they didn’t know because they weren’t present.

MS. NATALIA RODRIGUEZ: Fair enough.

So I want to turn now to the deal with the
protestors that was made later on by the mayor and the letters exchanged with Tamara Lich, you recall those events, right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So we're moving forward a little bit in time. And my understanding is that you learned through an executive briefing on February 13 that the City had been negotiating with a group of protestors; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And what did you understand at that time the deal to be?

SUPT. ROBERT DRUMMOND: That the City had been -- had negotiated with the protestors to move vehicles out of the residential areas on the streets that ran north/south on -- to Wellington, and to move vehicles to Wellington, and then hopefully, any ones that didn’t move would leave the area.

MS. NATALIA RODRIGUEZ: So your understanding was the trucks are going to leave the residential areas and move onto Wellington; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And if we go to OPS00014455, these are your notes, and at page 43 -- yeah, if we can go to -- let see -- okay, if we can keep going down? There we go.

So at 1315, you see that’s the exec meeting where you're informed ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- about these negotiations, right?
SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And it says:

"City has been negotiating with
protestors directly, protestor
representative and lawyers, remove of
all trucks south of Wellington involved
an SJAM. Will no longer keep staging
area, Coventry and other staging
areas."

So your understanding at this time was that the staging areas would also be relocated; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And was it understood at this time that the trucks would be relocating on to Wellington Street?

SUPT. ROBERT DRUMMOND: Maybe not in that meeting but once I’d met with them in person, that was the understanding.

MS. NATALIA RODRIGUEZ: Okay. So you’re saying, at this point in time, 1:15 on February 13th, it was not understood that the trucks would be relocating onto Wellington?

SUPT. ROBERT DRUMMOND: That was always my understanding. I may not have it into these notes but -- and I may have just remembered from my memory when I met with them a few hours later. But certainly, when I went to the meeting with them in person with the City with Kim Ayotte and Steve Kanellakos, it was about consolidating vehicles onto Wellington.

MS. NATALIA RODRIGUEZ: Okay. So at this
meeting, what would have been the discussion? They’re going to leave the residential areas and where are they going?

SUPT. ROBERT DRUMMOND: Well, I may not have made a note of it but my understanding had always been that they were going onto Wellington.

MS. NATALIA RODRIGUEZ: Okay. And I’m going to take you to Acting Supt. Bernier’s scribe notes at OPS00010635, and these are his notes of the same meeting. So sometimes when we see different people’s notes, we get a clearer picture of what was said in the meeting because everybody seems to think different things are important to write down, so it can be sometimes a helpful tool.

If we can go to page 11 -- yeah, keep going. Okay, we’ll have to go up a bit because it’s somewhere in here. Yeah, we’ll keep going up. Yeah, there we go. So the second part of that -- so we’ll just go up to see the timestamp. Oh, okay, we’ll go up to the other page. So it’s around 3:20. It’s between 3:20 and 3:35, so let’s keep going down -- sorry, 1:35, keep going down. Okay, right there.

So it says:

"Mayor would then agree…"

So now this has been -- the discussion has happened to take those trucks out of south of Wellington, and then it says:

"Mayor would then agree, prepare to meet, and listen to their concerns and pass them along further up in govmt."

I think that says “government".
Do you recall this part of the discussion, that
the mayor would agree to listen to their concerns and pass them
along further up in government?

SUPT. ROBERT DRUMMOND: I believe that was the
case, yes.

MS. NATALIA RODRIGUEZ: Okay. Now, if we go back
to your notes, OPS00014455, and if we go to page 44, and if we
go down -- okay, we’ll keep going down a bit. Oh, okay, keep
going up, I guess. Oh, sorry, page 44; we’re at 34 -- 44, yeah,
that’s better. Yeah, so see that fourth dash down:

"There may be some groups that don’t
move, Rideau-Sussex."

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: And then it says:

"Chief request..."

And there are, if we go down a little bit, four,
five -- keep going down. Let’s see. Yeah, we’ve got five
points there.

SUPT. ROBERT DRUMMOND: M’hm.

MS. NATALIA RODRIGUEZ: Yeah, so what was your
understanding, then, about the Rideau and Sussex group being
part of this negotiation, being part of the deal to leave?

SUPT. ROBERT DRUMMOND: At this point?

MS. NATALIA RODRIGUEZ: Yes.

SUPT. ROBERT DRUMMOND: I just -- you know, I
just made a -- that there may be some groups that don’t move
because we’d already dealt with Rideau and Sussex a number of
times and they hadn’t moved before and had issues there.
MS. NATALIA RODRIGUEZ: And was it your understanding that in accordance with the negotiation, all of the stages areas, including Rideau and Sussex, had to be cleared?

SUPT. ROBERT DRUMMOND: Yeah, I believe the City was hoping to get Rideau-Sussex as part of that agreement.

MS. NATALIA RODRIGUEZ: Okay. And then we see the Chief has indicated some requests.

SUPT. ROBERT DRUMMOND: M’hm.

MS. NATALIA RODRIGUEZ: And what was he saying here with respect to the negotiations? What were his concerns at this time?

SUPT. ROBERT DRUMMOND: He wanted to know what the impact would be. Like, how many -- would there -- if this happened, would it free up more resources for us? Would that -- like, because we had a lot of officers, you know, going through those areas, working, controlling those road access. Would that shrink the footprint? How many things would that free up, you know? And we planned to deal with the groups that don’t move, and Rideau-Sussex was one of those of those groups that we were concerned about, and we needed a traffic plan to facilitate that, and we want to protect the neighbourhoods that once they -- you know, if you do move trucks out of them, we don’t want them to come back in.

MS. NATALIA RODRIGUEZ: And Supt. Bernier today testified that he generally did not have concerns and that it would accelerate his plan to have this deal go through, but that he was concerned -- he privately told Insp. Springer that he was
concerned that this could be a rouse to get more trucks onto Wellington. Do you recall any concerns being raised at this meeting?

**SUPT. ROBERT DRUMMOND:** I mean, I think we -- you know, we didn’t what this exactly -- how this would work out -- I mean they were -- we knew that the convoy groups were fractured and didn’t -- would they all move as they agreed or not? I think that was something we’d seen. And we’d all certainly seen the Rideau-Sussex group had been very difficult to deal with. So yes, I think there were some concerns whether they would all cooperate ---

**MS. NATALIA RODRIGUEZ:** Right.

**SUPT. ROBERT DRUMMOND:** --- and whether it would work out the way we had hoped.

**MS. NATALIA RODRIGUEZ:** So in your witness statement, you say that Acting Supt. Bernier expressed concerns about the City negotiating an agreement separate from OPS.

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. NATALIA RODRIGUEZ:** But if we see the notes in the meeting, he says he has no concerns; he adopted that today in his evidence with the caveat that he had this side discussion with Insp. Springer. But it sounds like in the meeting itself, he did not express concerns, but you indicate that he expressed concerns. So did he express them privately to you outside of this meeting?

**SUPT. ROBERT DRUMMOND:** It might have been outside of the meeting but I thought it was in the room. I think we were still at -- I still we were at ---
MS. NATALIA RODRIGUEZ: This is 1:15 Exec Demo

Meeting on the ---

SUPT. ROBERT DRUMMOND: I think we were at -- we
were out at TPOF at the NCRCC, yeah. He did express some
concerns to me. I thought it was in the meeting.

MS. NATALIA RODRIGUEZ: Okay. And what were
those concerns?

SUPT. ROBERT DRUMMOND: Just that we didn’t know
whether all the groups would cooperate and we knew for certain
that the Rideau-Sussex group was a difficult group to deal with.

MS. NATALIA RODRIGUEZ: In your witness
statement, you said that he had concerns about the City
negotiating separate from OPS. What can you tell me
specifically about that?

SUPT. ROBERT DRUMMOND: Well, that they were
negotiating and we didn’t -- we didn’t know. Now, to be fair,
Supt. Bernier didn’t -- weren’t aware, but I’ve since learned
that, you know, members of the executive had been speaking with
the City.

MS. NATALIA RODRIGUEZ: Okay. And did you share
any concerns about the City negotiating separately from OPS at
this time when you learned about it on the 13th?

SUPT. ROBERT DRUMMOND: Well, it would be ideal
that we would know while we were doing planning and police
operations that that was in the works, but we weren’t aware.
But I mean, ultimately, the goal was to try to shrink the
footprint. So if it was something that would have assist us, we
were interested in pursuing, but there were some risks attached
to it if not all the groups agreed.

MS. NATALIA RODRIGUEZ: Okay. So generally you were positive and supportive of it even though you saw some risk; is that fair?

Supt. Robert Drummond: Well, we were interested in doing anything that would help shrink the footprint ---

MS. NATALIA RODRIGUEZ: Okay.

Supt. Robert Drummond: --- and reduce some of the pressure on a lot of the residential areas. I mean not all -- not everyone of those scenarios was ideal.

MS. NATALIA RODRIGUEZ: Right. And I understand that at that time, shortly after this meeting, you were asked by Acting Deputy Chief Ferguson to be the police liaison with respect to these negotiations; is that right?

Supt. Robert Drummond: Yes, to go represent the Police Service.

MS. NATALIA RODRIGUEZ: Okay. And what did you understand your role as liaison to be?

Supt. Robert Drummond: To speak to the City to find out what the arrangement was, attend the meeting, ultimately, and then report back any concerns that I found.

MS. NATALIA RODRIGUEZ: So attend the meeting and report back with any concerns?

Supt. Robert Drummond: Yes.

MS. NATALIA RODRIGUEZ: Did you role include ensuring that the deal was in accordance with OPS' overall strategic plan at that time?

Supt. Robert Drummond: I think there was an
expectation that I would raise questions if it was going to be a problem for us. And I reported back after the meeting to Deputy Ferguson and to Rob Bernier about what the outcome was, what the plan that the City and the protesters had reached.

MS. NATALIA RODRIGUEZ: Right. And at this time, though, the deal was kind of a little bit high level?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Is that fair?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So at this time, two letters had been exchanged, I believe, at 3:00 p.m. on that day, on the 13th, that was made public.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: And so you were also there to assist with the details; is that right?

SUPT. ROBERT DRUMMOND: Yeah, we wanted to ensure public safety and wanted to see the logistics of doing what they proposed.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: Like you said, it was the letter for very high level and I wanted to know sort of the nuts and bolts about, “Okay, how do you want to do this? What is your plan?”

MS. NATALIA RODRIGUEZ: Okay. Now, you -- were you aware that at the time, the Integrated Planning Group were working on a plan?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. And so were you
asked to ensure that the -- whatever deal was finally struck would fit within that plan?

SUPT. ROBERT DRUMMOND: I think I was -- the expectation was that I was going to report back about what -- so this was an arrangement separate with the City. We were not part of that arrangement, at least -- we -- myself -- the Integrated team, and Rob Bernier, and myself, we weren’t aware of it at that point, so when I went to the meeting, it was to find out what the deal was between the City and the protesters and what were logistics behind it.

MS. NATALIA RODRIGUEZ: Right, but it sounds like at that meeting there was general enthusiasm for the arrangement because it would assist in the OPS's plan?

SUPT. ROBERT DRUMMOND: It was cautious optimistic ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- caution. We were cautious about it.

MS. NATALIA RODRIGUEZ: Okay. Did your role as liaison include negotiating terms?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: And who were you to report back to?

SUPT. ROBERT DRUMMOND: Robert Bernier and Trish Ferguson.

MS. NATALIA RODRIGUEZ: Okay. And at this time -- by this time, had Superintendent Bernier expressed concerns to you?
SUPT. ROBERT DRUMMOND: Well, I believe during the meeting we were -- we each had concerns that, one, we weren't aware that our group at the NCRCC weren't aware that the City had been negotiating ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- and we wanted to find out more details about what their plans were.

MS. NATALIA RODRIGUEZ: Okay. And I understand that after you informed Staff Sergeant Ferguson and OPP PLT Giselle Walker about the letters, and you ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- sent those letters to them, so ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- that they would have awareness?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: And did they express any concerns back to you, that you recall, at that time?

SUPT. ROBERT DRUMMOND: I believe they did. No, it would have been -- I think it was the next day that ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- they expressed concerns. It wasn't that day.

MS. NATALIA RODRIGUEZ: Okay. And then your notes also indicate that at 4:46 p.m., you were asked by Chief Soly to attend a meeting. So at this time, you had asked by
Acting Deputy Chief Ferguson to act as liaison ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- and then a little bit later, you got a call, I believe, from Chief Sloly asking you to attend this meeting with Steve Kanellakos and Kim Ayotte from the City; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And at that time, did the Chief express any concerns to you about the arrangement?

SUPT. ROBERT DRUMMOND: No, it was a very short conversation.

MS. NATALIA RODRIGUEZ: Okay. Did he explain what your role in that meeting should be?

SUPT. ROBERT DRUMMOND: No. He just asked me to attend.

MS. NATALIA RODRIGUEZ: Okay. Did he ask you to report back to him when it was done?

SUPT. ROBERT DRUMMOND: I don't remember specifically asking me to report back, but it would be understood that I would be -- would report back through the chain of command.

MS. NATALIA RODRIGUEZ: Okay. And what did you see as OPS's role with respect to these negotiations?

SUPT. ROBERT DRUMMOND: To go and listen to what they proposed and raise any concerns and look at whatever logistical implications are for us and any safety concerns.

MS. NATALIA RODRIGUEZ: Right. So then you would be involved in the logistics; is that right?
SUPT. ROBERT DRUMMOND: Well, the safety part of it. If we were going to have to -- I mean, ultimately, there would be some form of a traffic plan to make that happen ---

MS. NATALIA RODRIGUEZ: Yeah.

SUPT. ROBERT DRUMMOND: --- and to see what we could do.

MS. NATALIA RODRIGUEZ: And you would need to allocate resources to carry that plan out; is that right?

SUPT. ROBERT DRUMMOND: Yes. Yes, there would be PLT and traffic resources.

MS. NATALIA RODRIGUEZ: Okay. And my understanding is that meeting took place at around 5:30 on the 13th of February at City Hall ---

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: --- is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And according to your summary, in attendance were Steve Kanellakos, Kim Ayotte, Tom Marazzo, Chris Barber, Joe Jansen, Eva Chipiuk and Ryan Olson. Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay.

Now at page 47 of your notes, you say -- yeah, right there, "They stated that their plan was to move all the trucks onto Wellington."

So was this the first time that this move to Wellington was raised?

SUPT. ROBERT DRUMMOND: That's -- I realize
that's the first time it's in my notes, but that was my understanding the whole time.

MS. NATALIA RODRIGUEZ: Right. And was this because the letters talk about leaving the residential areas and maintaining only onto Wellington ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- Street?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. So based on the letters, it was your understanding that they would be ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- relocating? Okay.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: And then you say ---

SUPT. ROBERT DRUMMOND: I can help you there. My writing's not the best.

MS. NATALIA RODRIGUEZ: Sorry?

SUPT. ROBERT DRUMMOND: I can help you, if you have a -- I can help you.

MS. NATALIA RODRIGUEZ: I think I got it. "Group explained that they didn't control the Coventry location. That..."

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: "...that was controlled by Mike Clark." Is that right?

SUPT. ROBERT DRUMMOND: Correct. They didn't feel that they had any control there.

MS. NATALIA RODRIGUEZ: They also didn't control
Rideau Sussex group Farfadaa." You see that?

SUPT. ROBERT DRUMMOND: Correct, yes.

MS. NATALIA RODRIGUEZ: Okay. So then it sounds like those were now being excluded from the locations that were going to be moved; is that right?

SUPT. NATALIA RODRIGUEZ: Well, the protesters advised that they didn't have any control over those areas.

They didn't have influence on them.

MS. NATALIA RODRIGUEZ: Okay. And then, "I asked what happens to the trucks that don't fit on Wellington." And then it says, "Agreed to west limit is Bay Street and east limit as south lane of Elgin." See that?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. So, first of all, what was the answer to what happens to the trucks that don't fit on Wellington?

SUPT. ROBERT DRUMMOND: That they would leave.

MS. NATALIA RODRIGUEZ: Okay. And where would they go?

SUPT. ROBERT DRUMMOND: I believe they talked about vehicles leaving the city, going out to either the location out in the east end, or a location in the west, like, Arnprior. There was a place down in Richmond. There was sort of out by Herb's Trucking out in the east end going toward Vankleek Hill there, that location a lot of vehicles went to too.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: But they were agreeing to
leave the core.

MS. NATALIA RODRIGUEZ: Okay. But you knew that they wanted to -- a lot of them wanted to be closer to ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- Parliament Hill ---

SUPT. ROBERT DRUMMOND: Absolutely, yes.

MS. NATALIA RODRIGUEZ: --- to have that kind of photo and to be kind of in that area; right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. But it was thought that maybe some people would go to Arnprior; is that right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. And so here, and when we look at the limits, it's Bay Street on the west side?

SUPT. ROBERT DRUMMOND: Right here, right outside.

MS. NATALIA RODRIGUEZ: Just out here; correct? And south lane of Elgin on the ---

SUPT. ROBERT DRUMMOND: Yeah.

MS. NATALIA RODRIGUEZ: --- east side; is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And the letters actually state that the western limit would be SJAM; isn't that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So why was it restricted to Bay?

SUPT. ROBERT DRUMMOND: We -- in the room, when
we had a discussion, I think we looked at a map and we had a discussion about going to Bay, so it would open up more lanes west of that location, particularly the -- having the whole intersection of SJAM with trucks in it created other issues. Again, same sort of problems at Rideau Sussex. It's a main artery going across the border into Quebec. It accesses the Civic Hospital going -- turning if you're going west. So there was an interest to try to open up more area.

MS. NATALIA RODRIGUEZ: Okay. And you mentioned a map, so we might as well go there. OPS00014929. And I believe this might be the map that you're referring to. If we can zoom out a bit? Yeah. Okay. Let's maybe zoom in a little bit now.

Yeah, okay. So does that map look familiar?

SUPT. ROBERT DRUMMOND: Yes, it does.

MS. NATALIA RODRIGUEZ: And is this the map that you took to the meeting with you?

SUPT. ROBERT DRUMMOND: I believe Kim Ayotte had the maps there.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: I think there were maps on the table, if I remember. I don't -- don't quote me on that.

I ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- it's -- I don't remember bringing maps. I think the maps were there on the table.

MS. NATALIA RODRIGUEZ: Okay. And if we look
closely at the map, we can see there's some markings in pen at around Bay Street and Elgin. Do you see that?

SUPT. ROBERT DRUMMOND: I do.

MS. NATALIA RODRIGUEZ: And who made those markings?

SUPT. ROBERT DRUMMOND: That was the map that I was referring to.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: That was my map in the room.

MS. NATALIA RODRIGUEZ: Okay. So you made the markings?

SUPT. ROBERT DRUMMOND: Yes, I did.

MS. NATALIA RODRIGUEZ: Okay. And if we can go back to your notes, OPS00014455, and we're at page 47.

If we go down? And then it says,

"Freedom Convoy group needs to sort out who is staying on Wellington and who is leaving."

Now is this because it was understood that not everybody could be on Wellington?

SUPT. ROBERT DRUMMOND: Well, I certainly understood they wouldn't all fit on Wellington, and I kept highlighting that with them.

MS. NATALIA RODRIGUEZ: Okay. And what ---

SUPT. ROBERT DRUMMOND: And I ---

MS. NATALIA RODRIGUEZ: --- was the group's response?
SUPT. ROBERT DRUMMOND: Well, I think they truly believed they could try to fit in as many trucks as possible, and that they would -- the trucks that didn't fit would leave. But I wanted to get sort of a clear response about how that was going to work.

MS. NATALIA RODRIGUEZ: And you said that your understanding was that some people wanted to leave but were blocked in ---

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: --- by other trucks. Can you explain that?

SUPT. ROBERT DRUMMOND: So during the course of the, you know, the first couple weeks there, we had PLT had met groups that wanted to leave, but unfortunately, were effectively blocked in. And some of them felt intimidated, that they couldn't leave. And we'd seen some of that activity on -- particularly on -- at Rideau Sussex. There were groups that were blocked in. I can think of there were groups that I think had come from the Maritimes that were sort of trapped in there and they wanted to get out, and they couldn't get past the group that was holding the intersection.

MS. NATALIA RODRIGUEZ: Okay. And then in your witness statement, you said that protest organizers wanted to be allowed to bring in more fuel to keep trucks running. And I believe there is some notations to that effect in your notes as well. According to you, you would not agree with this.

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: Can you explain what they
SUPT. ROBERT DRUMMOND: I think, if memory serves, they asked about bringing a slip tank, which is a tank that you put into the back of a pick-up truck. They talked about how that would be safer than bringing small like 25-litre cans up. And I told them I would not agree -- like I wasn’t in a position to agree to bring any more fuel up.

MS. NATALIA RODRIGUEZ: Okay. So you were putting some constraints on this deal, it sounds like.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: Well, there was a safety -- fuel was a safety concern.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: I mean, yes, they -- obviously, they needed fuel to keep trucks running and stay warm, but fuel -- you know, there’s a lot of rules around how fuel’s handled and we always had safety concerns about whether a fire would start or someone would get hurt with fuel.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: So we were very cautious about wanting -- allowing people to use fuel. We wanted fuel in a very controlled environment.

MS. NATALIA RODRIGUEZ: Right. And then even though the letter said that the western limit on Wellington would be S.JAM, you indicated that not, it was going to be Bay; right? Is that -- was that a safety issue as well, or what was that?
SUPT. ROBERT DRUMMOND: Well, it was more about trying to keep that lower intersection open. And when I asked them, I said, “Look, that intersection’s a problem for us”.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: “Can we move back a block or two?”. And I think -- I believe Steve Kanellakos shared that -- you know, we -- I think it was -- they understood when I brought it up that, you know, ideally, we would like to not have that intersection blocked as well.

MS. NATALIA RODRIGUEZ: Okay. So you’re doing -- sorting out some of the details and negotiating some of the nuances of this deal. Is that fair?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. On page 49 -- keep going down.

“I asked the group what the exit strategy for them to leave Ottawa and open up all streets.”

And then it says:

“Meeting with federal government. They have been ignored by federal government and Prime Minister.”

So what was that discussion?

SUPT. ROBERT DRUMMOND: Well, I asked them like, I mean, you know, yes, you’re going to move to Wellington, but what’s the -- what’s the end, what’s the strategy. What is your plan after that?
I mean, I had been with them in the room for a couple hours. We’d eaten some pizza. Like I was talking to them a little bit.

I just asked, you know, what -- what is your long-term goal here? What do you -- what’s going to -- and then they told me it was to meet the government.

MS. NATALIA RODRIGUEZ: Okay. So then this deal was not meant to bring an end to the demonstrations. Is that right?

SUPT. ROBERT DRUMMOND: No, no, but I just asked like where -- I just asked them -- I was in the room with them for a period of time. I asked them, “What is your goal here? Like how long are you going to try to stay here? What is it going to take for you to leave the street?”.

And I think if you read further on in my notes, I do tell them, “You can’t stay here indefinitely”.

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: “There’s going to be consequences if you stay”.

MS. NATALIA RODRIGUEZ: Right. And actually, you say that just the next point:

“I explained that even if the group moved to Wellington, they can’t stay there forever. At some point there will be a line in the sand and will require action by the police. Protest group understood.”

SUPT. ROBERT DRUMMOND: Yeah.
MS. NATALIA RODRIGUEZ: Is that right?

SUPT. ROBERT DRUMMOND: Yeah. Yes, it is.

MS. NATALIA RODRIGUEZ: So they understood that this negotiation was not meant to bring an end to the demonstration because they said what they actually wanted was a meeting with the Prime Minister; right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And you also explained to them that “At some point, you will have to leave Wellington. We’re not going to just allow you to stay there indefinitely”. Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. Did anyone at the city -- any of the city reps, Mr. Ayotte or Mr. Kanellakos, ever say that the trucks could stay on Wellington definitely?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: Not that I remember.

MS. NATALIA RODRIGUEZ: And did you suggest that?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: I think I made it clear that they -- our expectation is that they weren’t staying.

MS. NATALIA RODRIGUEZ: Okay. So my understanding is that once this meeting ended, the protest group was to go out and speak to the truckers on the ground to get buy-in on this deal. Is that right?

SUPT. ROBERT DRUMMOND: Correct.
MS. NATALIA RODRIGUEZ: Okay. And what’s your understanding of those discussions? Were they successful? Was there resistance? Was there acceptance? Do you have a sense for ---

SUPT. ROBERT DRUMMOND: There was some resistance. We learned in the morning that not all the groups had agreed, that there were groups that weren’t -- they weren’t moving.

MS. NATALIA RODRIGUEZ: Okay. And I understand also that after the meeting, you called Acting Superintendent Bernier and Acting Deputy Chief Ferguson to update them about the meeting that had just transpired; right?

SUPT. ROBERT DRUMMOND: I did, yes.

MS. NATALIA RODRIGUEZ: Okay. And was their response at that time?

SUPT. ROBERT DRUMMOND: I briefed them on what had occurred. We had more discussions later that night.

You know, they were cautious. Same thing. You know, let’s see what they can do. Can they really do this?

I don’t remember there being any -- you know, I explained what the concerns were and that they couldn’t all fit onto Wellington. And I also had concerns about the -- you know, whether they could -- would the trucks actually leave because we already knew that there was fractures within those groups.

MS. NATALIA RODRIGUEZ: Right. So you think that -- your understanding was that some groups would nevertheless stay. Is that right?

SUPT. ROBERT DRUMMOND: Well, we already knew
about, you know, the Coventry Road situation, and they were up
front with us to tell us that, you know, they couldn’t -- they
didn’t have influence over Coventry Road. They didn’t have
influence over Sussex and Rideau. And we suspected there would
be other areas that they wouldn’t necessarily have.

But we were interested in seeing if it would help
shrink the footprint.

MS. NATALIA RODRIGUEZ: And now, Chief Sloly had
been the one to ask you to attend this meeting. Did you also
report back to him?

SUPT. ROBERT DRUMMOND: No, I reported to Trish
Ferguson and Rob Bernier. I was following the chain of command
and I expected that Deputy Ferguson would have then notified the
Chief.

MS. NATALIA RODRIGUEZ: Okay. Now, we expect
Chief Sloly to say that he did not know at the time that trucks
would be moving into the red zone. Rather, he thought they
would go to areas south of Wellington, go home or to areas
outside of the city.

What’s your response to that?

SUPT. ROBERT DRUMMOND: I read the letters and I
went to the meeting. It was pretty clear to me what the -- the
arrangement was that they were going to stack vehicles up on
Wellington and then try to clear the residential streets with --
from the balance.

MS. NATALIA RODRIGUEZ: And we also expect him to
say that he was not aware that any trucks moved onto Wellington
in front of Parliament and that that would have been contrary to
his understanding of the negotiations.

He -- we expect him to say that relieving pressure in the residential areas was benefit, but adding additional trucks to the red zone could have increased public safety issues.

Did he express anything along those lines to you?

SUPT. ROBERT DRUMMOND: No, I didn’t -- I didn’t speak to him directly about that. But he was in the meeting the next day in the morning. There was a briefing in the morning where we discussed what was going on.

MS. NATALIA RODRIGUEZ: Okay. And so is it your understanding, then, that he would have understood that that was -- that was the arrangement?

SUPT. ROBERT DRUMMOND: Was -- I believe so. I don’t know how he would have -- it was my understanding. I think it was pretty clear from the letters. And I think it was pretty clear from what I reported back up through the chain of command what we were -- what we were doing, and then the next morning it physically was happening.

MS. NATALIA RODRIGUEZ: Okay. And he said that moving trucks to Wellington could -- or we expect him to say could increase public safety issues.

Did you share in any of those concerns?

SUPT. ROBERT DRUMMOND: Well, it was a lesser of two evils, yes. We were -- yes, more vehicles on Wellington created -- would create a problem later, but we were trying to relieve pressure on the residential areas and try to reduce the footprint.
MS. NATALIA RODRIGUEZ: Now, earlier we saw that the Parliamentary Protective Service on February 8 when they learned about a possible move from Rideau and Sussex to Wellington had expressed some concerns.

At this time, did you indicate to anyone that we should notify PPS or did you notify Mr. Brookson at PPS?

SUPT. ROBERT DRUMMOND: I didn’t directly, no, but I would have expected that he had a representative at the NCRCC that would have been advised.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: And I would expect that the Integrated Command Team would have had some contact with them as well.

MS. NATALIA RODRIGUEZ: Okay. And my understanding is at 8:30 that evening -- so the meeting happens with the protestors and Mr. Kanellakos and Mr. Ayotte at 5:30 and then, at 8:30, there’s a meeting in which you’re updating and briefing several people on teams. Is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. So I wanted ---

COMMISSIONER ROULEAU: Is this a good time to take ---

MS. NATALIA RODRIGUEZ: It is a perfect time, yes. Thank you.

COMMISSIONER ROULEAU: So we’ll take a 15-minute break, give you a chance to stand up and move around. And we’ll come back in 15 minutes.

THE REGISTRAR: The Commission is in recess for
15 minutes. La commission est lever pour 15 minutes.

--- Upon recessing at 4:21 p.m.

--- Upon resuming at 4:26 p.m.

THE REGISTRAR: Order. À l’ordre. The Commission is reconvened. La Commission reprend.

COMMISSIONER ROULEAU: Okay. You’re okay to continue?

SUPT. ROBERT DRUMMOND: Yes, we are, thank you.

MS. NATALIA RODRIGUEZ: Thank you, Mr. Commissioner.

--- SUPT. ROBERT DRUMMOND, Resumed:

--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ, (cont’d):

MS. NATALIA RODRIGUEZ: So, Supt. Drummond, I want to take you now to the following day, 14th of February, Monday, which is when the movement of the trucks actually started. Now, I understand on Monday morning there was bit of confusion about what the deal was going to be and what OPS’ role would be; is that fair?

SUPT. ROBERT DRUMMOND: I understood it myself, but there may have been some confusion with some other groups, yes.

MS. NATALIA RODRIGUEZ: Okay. And so -- and to your understanding, what was the -- what was the confusion or the misunderstanding there?

SUPT. ROBERT DRUMMOND: I think one of the confusions was whether it was a 24-hour arrangement or a 72-hour arrangement.

MS. NATALIA RODRIGUEZ: Okay. And so that
DRUMMOND
In-Ch(Rodriguez)

concern, or that misunderstanding or confusion, that was brought up the morning of February 14th?

SUPT. ROBERT DRUMMOND: No, the 15th.

MS. NATALIA RODRIGUEZ: On the 15th, okay.

SUPT. ROBERT DRUMMOND: Yeah.

MS. NATALIA RODRIGUEZ: So let’s go to February 14th.

SUPT. ROBERT DRUMMOND: Okay.

MS. NATALIA RODRIGUEZ: The 13th in the evening, we know that the meeting with -- that you attended took place and the following Monday, February 14th, was when the movement of the trucks, according to this deal, was going to start. My understanding that on that morning, there was a bit of unclarity about what the deal was; in fact, the trucks didn’t start moving until about 1:00 p.m., right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: Not all the groups understood the arrangement and they were -- I believe the different convoy representatives were going around trying to get different groups to agree and understand what’s going on, and I think there were some groups that weren’t in agreement, was one of the problems.

MS. NATALIA RODRIGUEZ: Okay. But within OPS there was some confusion about what the deal was as well; is that right?

SUPT. ROBERT DRUMMOND: No, I think the traffic plan -- the traffic units and the PLT groups understood what we
were going to do.

**MS. NATALIA RODRIGUEZ:** Okay. Well, maybe you can help us out, then, if I can take you to OTT00010455. And you probably haven’t seen this before. This is a chat with members of the NCRCC reporting to City officials about what’s going on on the ground. Can we see that in native form; it might be easier. Oh, there we go, thank you. And if we can go to page 22, and if we go to -- okay, so we see there “Todd Piper”. Do you know who he is?

**SUPT. ROBERT DRUMMOND:** I’m familiar with the name. I can’t put a face to him right now.

**MS. NATALIA RODRIGUEZ:** Okay. But he was ---

**SUPT. ROBERT DRUMMOND:** He worked for the City.

**MS. NATALIA RODRIGUEZ:** He worked for the City and he was on NCRCC, right?

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. NATALIA RODRIGUEZ:** And so he’s giving an update here to other City official and EOC representatives and he says:

"Good morning, all. Here’s the latest. Work beginning on the deal negotiated between the Mayor and the Freedom Convoy President to move trucks from residential neighbourhoods to Wellington and SJAM. Confusion unfolded into the evening over whether the deal was on."

And here, Mr. Piper’s describing some -- what you
were referring to, some confusion with the protest groups about
whether the deal was on or not on; is that right?

Supt. Robert Drummond: Correct.

Ms. Natalia Rodriguez: Okay. And if we go

further down, he says:

"These conflicting directions are
likely to hinder progress and
cooperation by those trucks aligned
with the official Freedom Convoy Group,
not to mention the challenges in
dealing with the numerous independent
splinter groups."

And then, at the bottom, he says:

"No specific details have been shared
with us by OPS re: traffic management
at this point but they have confirmed
that once the vehicles start to move,
side streets and exits will be fully
blocked to prevent vehicles from
deviating from their planned route."

And then at 9:26 there, he says:

"Correction, OPS has shared their draft
plan, still not formally approved by
their commander, with City staff here
at the NCRCC. Their focus this morning
is on getting vehicles to leave the
core, not on repositioning trucks along
Wellington and SJAM as originally
thought."

Keep going down:

"The draft plan appears to focus largely on diverting vehicles eastbound on Laurier Avenue West to Nicholas and then to the eastbound offramp. Once all willing vehicles have left, the PLT will then work with the organizers at a later time to reposition the remaining vehicles along Wellington and SJAM as part of a separate phase or operation."

But this is bit different from what you had discussed with the protesters the night before; isn’t that right?

SUPT. ROBERT DRUMMOND: Yeah, I’m not sure -- like, I wasn’t in that -- like, the -- I don’t if -- you may not be familiar with the NCRCC but there’s multiple rooms. I’m assuming he’s in one of the main rooms there but that is not my understanding of how things went. We had delays in the morning with getting contact with Chris Barber and the PLTs connecting with him about getting some of the trucks moving. I know that was a delay in the morning. I know we did want to set up options for people to just leave, and that’s maybe what he is referring to. But ultimately, we started moving trucks. It did take a number of hours to get that done, but the main impediment was that there were a number of groups who didn't seem to be onboard, and the protesters were still dealing with them.

MS. NATALIA RODRIGUEZ: Okay. So you're not
aware of any other issues that arose that morning within OPS, it was the protesters?

SUPT. ROBERT DRUMMOND: Well, there may have been some logistical on-the-ground things that may have occurred that I am not aware of, maybe they were moving a barricade.

Like -- so when we do things like that, and I'm just -- this is hypothetical, I don't know ---

MS. NATALIA RODRIGUEZ: Sure.

SUPT. ROBERT DRUMMOND: --- but you know, an example. To move those big cement jersey barriers you need a special -- a loader with a, like a clam device, and sometimes there is issues with getting heavy equipment in or moving things or opening up barricades. And sometimes there are little bits of confusion about, you know, we were running -- you know, there were three or four, you know, different police services were all there working, and getting everyone to understand what the instructions were, there may have been -- I can't say that there wasn't some glitches along the way, but ultimately, we got vehicles moving later that day.

MS. NATALIA RODRIGUEZ: My understanding is that morning at 11:00 a.m. there was a meeting that you were in attendance. It's not in your notes, if you're going to look at your notes. There seems to be a gap in your notes between 11:00 a.m. and 1:00 p.m. for February 14, but we have other people's notes that seem to indicate you were in attendance.

SUPT. ROBERT DRUMMOND: Okay.

MS. NATALIA RODRIGUEZ: So I'll take you to OPS00011045. And these are Acting Superintendent Bernier's
scribe notes for February 14, and at -- I'll take you to page 13. The meeting started at 11:00.

It's further down, but if you go to page 13.

So if you want to see the beginning of that meeting, it's further up, but this is now in the middle of this meeting, and it goes until a little bit after 1:00 p.m., and you can see there at 1312, the Event Commander, which would be Superintendent Bernier, is that right ---

SUPT. ROBERT BERNIER: Yeah.

MS. NATALIA RODRIGUEZ: --- at the time? Says something to you that says "Drummond" there at 1312; right?

SUPT. ROBERT DRUMMOND: Okay. Yeah, that could be ---

MS. NATALIA RODRIGUEZ: Yes.

SUPT. ROBERT DRUMMOND: --- Drummond.

MS. NATALIA RODRIGUEZ: Well, if you look at the notation, it says:

"Tasking Drummond to advise D/C Ferguson about PPS. Potential concern that they have with this."

SUPT. ROBERT DRUMMOND: Okay.

MS. NATALIA RODRIGUEZ: So do you recall being in attendance at this meeting?

And maybe we can go up to 11:00 a.m., the timestamp, just to show kind of the beginning of the meeting. It seems like it was a long meeting, a lot happened there.

Okay, yeah. So if we go up a little bit more.
So there's an end of meeting at 1025, and then
there is a meeting starting at 1050, and it kind of goes on from
there. It looks like Giselle Walker is there. The Event
Commander...

If we go down.
And then more people are seen there in that
meeting.

If you can down, please.
Does this refresh your memory about this meeting
at around 11:00 a.m. on February 14?

SUPT. ROBERT DRUMMOND: I -- does it actually
title a meeting at the top of it, or is it just ongoing
conversations?

MS. NATALIA RODRIGUEZ: It's an ongoing -- it
looks like it's an ongoing meeting, but it looks like they're
speaking about this issue. And you do seem to be in the room,
since that is attributed to you that the Event Commander says to
you that he's tasking you to advise DC Ferguson about PPS and
potential concerns.

SUPT. ROBERT DRUMMOND: I don't have notes of it
being a meeting, so it may have been an ongoing conversation in
the room. I don't have a recollection of that.

MS. NATALIA RODRIGUEZ: Okay. So you don't
recall being asked by the Event Commander to advise the Deputy
Chief about potential concerns that PPS would have with the
move?

SUPT. ROBERT DRUMMOND: I don't have an
independent recollection, and I don't have any notes about a
meeting occurring at that time.

**MS. NATALIA RODRIGUEZ:** Okay.
If we can go back to page 13.
So it looks like they're making arrangements there.
And if you go down to 1327, right there.
It says -- it looks like you are saying to the Event Commander:

"Prime Minister is considering an Emergency Act."

Do you see that?

**SUPT. ROBERT DRUMMOND:** Okay. Yes, I see that.

**MS. NATALIA RODRIGUEZ:** Okay. So this was something that would've been discussed in -- with this group?

**SUPT. ROBERT DRUMMOND:** This is the 13th we're -- or the 14th?

**MS. NATALIA RODRIGUEZ:** This is the 14th.

**SUPT. ROBERT DRUMMOND:** I think ---

**MS. NATALIA RODRIGUEZ:** If you don't recall.

**SUPT. ROBERT DRUMMOND:** No, but you're seeing a pattern with my notes about meetings, so I'm not sure that this is a meeting. I'm wondering if this is just being captured with the scribe and Rob Bernier.

**MS. NATALIA RODRIGUEZ:** Well, there's certainly discussions that seem ---

**SUPT. ROBERT DRUMMOND:** Yeah.

**MS. NATALIA RODRIGUEZ:** --- to be happening; correct?
SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And you know, if you have a chance ---

SUPT. ROBERT DRUMMOND: Yeah, I know the Emergency Act was coming out, yes.

MS. NATALIA RODRIGUEZ: Yes. And -- so do you recall having this discussion with the Event Commander on the 14 about the Emergency Act potentially being invoked?

SUPT. ROBERT DRUMMOND: I don't remember if it was the -- it was the 15th that it actually gets invoked, correct, the next day?

MS. NATALIA RODRIGUEZ: The 14th.

SUPT. ROBERT DRUMMOND: The 15th it gets invoked, though?

MS. NATALIA RODRIGUEZ: I believe it was the 14th.

SUPT. ROBERT DRUMMOND: Okay. So it got invoked that day? Yeah.

MS. NATALIA RODRIGUEZ: Yes.

SUPT. ROBERT DRUMMOND: Okay.

MS. NATALIA RODRIGUEZ: Okay. And do you know who told you this, how you got this information?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: Okay. And so did that indicate that there was likely some significant POU action that would be commencing shortly thereafter? Is that what you understood from this?

SUPT. ROBERT DRUMMOND: From the Emergency Act
being invoked?

MS. NATALIA RODRIGUEZ: Yes.

SUPT. ROBERT DRUMMOND: No, but we have been -- there was POU planning going on, but I don't know that one followed the other.

MS. NATALIA RODRIGUEZ: Okay. So I'll take you back to your notes, OPS00014455.

And we'll go to page 55.

And by this time, this is 3:40 p.m., the movement of trucks has started. Your notes indicated it started at around 1:00 p.m.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So this is a few hours in.

So if we go to page 55. Yeah:

"Update meeting with Integrated Command Team at NCRCC."

And you say:

"26 trucks moved to Wellington from O'Connor."

And then you write:

"Issues on Bank Street with group not wanting to move. - Traffic/PLT on Kent tried to move to Wellington."

And then you say:

"No movement of trucks offsite or to Embrun."
SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So what are you indicating here?

SUPT. ROBERT DRUMMOND: That there were trucks that weren't moving. There were groups that weren't moving their... There was a group on Bank Street that didn't want to move and the PLT had then since moved on -- moved over to -- they had sort of started going east to west, working the side streets, and they had basically left Bank Street and then were trying to work over on Kent to try to move trucks to Wellington. And there -- we hadn't seen any vehicles leave to go offsite, as originally agreed upon by the -- between the City and the protesters.

MS. NATALIA RODRIGUEZ: So is it your understanding that no trucks left the city, not relocated, but just outright left?

SUPT. ROBERT DRUMMOND: Yes. So there would be vehicles -- like from a weekend to a Monday, there would be a bit of a -- you'd see an ebb and flow. We saw a -- like there would be more vehicles come into the city on a weekend than there were on a weekday, so there would be the natural Monday vehicles leaving. But we didn't see a marked departure of vehicles leaving the residential streets as we had hoped from the arrangement between the City and the protesters.

MS. NATALIA RODRIGUEZ: Okay.

And if we go further down:

"Looking for POU options on areas outside of Wellington."
Why not on Wellington?

SUPT. ROBERT DRUMMOND: We just moved vehicles there. We would -- felt that we would have to give them notice that we were going to be doing POU options.

MS. NATALIA RODRIGUEZ: Okay. So there were POU options being considered at that time?

SUPT. ROBERT DRUMMOND: Yes. There were always POU options being considered.

MS. NATALIA RODRIGUEZ: Okay. And so now, you're saying that the POU options are going to be restricted to areas outside of Wellington; right?

SUPT. ROBERT DRUMMOND: For the time being, yeah, at that point.

MS. NATALIA RODRIGUEZ: Right. And that was because, as you say, you had just relocated them?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So you couldn't then just take them out ---

SUPT. ROBERT DRUMMOND: No, that would be bad faith. But I had made it clear to them that going to Wellington was not a long-term.

MS. NATALIA RODRIGUEZ: So how long could they stay there without POU action?

SUPT. ROBERT DRUMMOND: I couldn't give them a timeline. Like we would give them notice, and ultimately later that week we did give them notice.

MS. NATALIA RODRIGUEZ: Okay. But certainly on the 14th you didn't feel or the call that you had, or this
meeting, it wasn’t felt that, at that time, a POU action could
take place on Wellington.

SUPT. ROBERT DRUMMOND: We didn’t have enough
resources to do that at that point.

MS. NATALIA RODRIGUEZ: Okay. And if we go to
the next page, 56, at 5:00 p.m. there, “Exec Demo update.” So
there’s another update and we know from other people’s notes
that Chief Sloly was in attendance, Deputy Chief Bell, was in
attendance, Acting Deputy Chief Ferguson was in attendance,
Supt. Bernier, Insp. Lucas, I believe Supt. Patterson was also
in attendance, based on the Chief’s notes of this meeting.

Does that sound about right to you?

SUPT. ROBERT DRUMMOND: That sounds correct, yes.

MS. NATALIA RODRIGUEZ: Okay. Now, if we go to
the middle of that page, it says:

“Plan enforcement for vehicles south of
Wellington.”

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: So, again, this is --
there was concern, then, that having put these trucks onto
Wellington, POU action could not take place at that time, right?

SUPT. ROBERT DRUMMOND: Yes. We weren’t going to
do POU action after we just moved the trucks there.

MS. NATALIA RODRIGUEZ: Did you see this, or did
anybody in the meeting express any view that this would be --
this was tying OPS’s hands, with respect to the options that
they had now?

SUPT. ROBERT DRUMMOND: Oh, yes, it could be
conceived that way. But we can only -- it’s -- we can only do one piece at a time. Like, the idea that we would start on Wellington first was unlikely. We would work our way to Wellington.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: And I think that’s ultimately what you’re going to see later in the week.

MS. NATALIA RODRIGUEZ: So when did trucks stop being relocated onto Wellington? We know it started at 1:00 p.m. on the 14; when did it end?

SUPT. ROBERT DRUMMOND: Later that evening. I think we had stopped moving vehicles by the time it got dark.

MS. NATALIA RODRIGUEZ: Okay. So once it got dark, and that was it? And that never resumed, is that right?

SUPT. ROBERT DRUMMOND: The next morning there was some issues about the City contacting me about whether we were going to move more vehicles. The PLT Traffic Units thought there was only a 24-hour move. We had some more discussion about that, but ultimately there wasn’t really much room left on Wellington.

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: That topic had been brought up on Monday night, that we were running out of room on Wellington anyways.

MS. NATALIA RODRIGUEZ: Okay. And I’ll take you to the Chief’s notes of this meeting, OPS00014566. And we’ll go to page 9. Okay.

So we actually just go up a little bit to show
what this is. Oh, sorry; page 9 at the bottom. Sorry; let’s keep going down, yeah. All right, there it is.

So 1701 “Demo F-22 briefing.” So this is the same meeting that we saw your notes about.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And if we look at the second bullet point, it says, “TRISH”; and I assume that’s Acting Deputy Chief Ferguson?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: It says:

“PPS not happy with trucks on Wellington.”

You see that?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Okay. Do you recall that being part of the discussion in that meeting?

SUPT. ROBERT DRUMMOND: There was a -- I don’t know if it was that -- if it’s there, it would have happened -- yes, I know Larry Brookson reached out to us while we were doing the truck movements and wasn’t happy about it, yes. And I understand why.

MS. NATALIA RODRIGUEZ: Okay. Yes, and actually he reached out to the Chief about half an hour before this meeting started. Did the Chief relay that in this meeting?

SUPT. ROBERT DRUMMOND: I believe Trish brought it up and may have brought it to our attention. I don’t believe I made an independent note about that.

MS. NATALIA RODRIGUEZ: No, I don’t think so.
SUPT. ROBERT DRUMMOND: But that -- I would agree that that would be one of their concerns.

MS. NATALIA RODRIGUEZ: Okay. And look at the last bullet point there, "Had to pivot due to new," and unfortunately it’s cut off there. Do you have any sense for what that may be referring to?

SUPT. ROBERT DRUMMOND: It might be referring to the Emergencies Act being invoked that day.

MS. NATALIA RODRIGUEZ: Okay. Was that part of the discussion in that meeting?

SUPT. ROBERT DRUMMOND: Well, we -- it was sort of going into the next day that we had discussions about that, going into the 15th where we were concerned about we didn’t have the -- I think the proper term is orders coming from the Emergencies Act. We wanted to see what the outcomes would be.

MS. NATALIA RODRIGUEZ: And if we go to page 10 of this document, on the third bullet, it says:

“We are drawing on the resources given to us.”

So was this an expression -- it seems to me, maybe I’m reading this incorrectly but somebody reading this it seems to suggest that implementing this deal is taking up resources. Is that how you read that as well?

SUPT. ROBERT DRUMMOND: In the short term, yes, it would require us to use PLT and Traffic resources to make those moves. But the hope is that we would shrink the footprint and then require less officers to hold the footprint. But, ultimately, we didn’t -- the footprint did not shrink ---
MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: --- as much as we had hoped.

MS. NATALIA RODRIGUEZ: And the next bullet says:

“We will need some significant legal advice regarding the Mayor’s position that they can be on Wellington.”

Now, this wasn’t just the Mayor’s position, was it?

SUPT. ROBERT DRUMMOND: That’s how it’s written.

MS. NATALIA RODRIGUEZ: Right. But you would agree with me that OPS seemed to support this plan. Certainly gave a lot of resources to make that happen, right?

SUPT. ROBERT DRUMMOND: We helped these -- creating the traffic plan and facilitating moving the vehicles.

MS. NATALIA RODRIGUEZ: And in this meeting, why was it felt that legal advice was needed; what was the issue?

SUPT. ROBERT DRUMMOND: We sought legal advice on a lot of topics during that time period. A daily event, to be quite honest. So I don’t know what -- I mean, I understand we would be looking for advice on that topic. There was an issue raised and they wanted to see what the Mayor’s position was and get an opinion on it. I assume they would have talked to Christian; you know?

MS. NATALIA RODRIGUEZ: Right, but what was the issue?

SUPT. ROBERT DRUMMOND: It doesn’t say at that point, and I don’t have independent notes about the legal issue.
MS. NATALIA RODRIGUEZ: Okay. So in this meeting it sounds like the issues that PPS had raised were discussed; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And did the Chief indicate at all that he had had a call with Steve Kanellakos right before this meeting -- and it’s in these notes but I won’t take you to it -- where he told Steve Kanellakos that it was over?

SUPT. ROBERT DRUMMOND: The ---

MS. NATALIA RODRIGUEZ: I can take you to it.

It’s on page 9 at 1652, yeah:

“Call with Steve K. Got off phone with Brookson.”

He’s from PPS; correct?

SUPT. ROBERT DRUMMOND: Yes. Yes, Larry Brookson, yes.

MS. NATALIA RODRIGUEZ: “2 concerns - does the level of govt have ability to negotiate and direct police”

So I think this is indicating the concerns that perhaps Brookson identified.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: “Are they directing you - no they are not.”

And then it says:

“We weren’t involved in negotiation.

We don’t have a say in it, but it fits
in our plan. The devil is in the
details how many trucks, how close are
they going to be, if you want to be
involved, you should have been briefed.
I briefed our people and RCMP.”

And if you go just to the -- they have more
discussion about it:

“I don’t think he is going to throw a
crowbar into this, but he want to be at
the table. He gets it that [it] is
done.”

SUPT. ROBERT DRUMMOND: I think it means that the
arrangement between the City and the protesters was done
already.

MS. NATALIA RODRIGUEZ: That’s how I read that as
well.

SUPT. ROBERT DRUMMOND: Yes, that’s how I would
read that.

MS. NATALIA RODRIGUEZ: Okay. And was that
discussed at the meeting that you had later on, that 1701 demo
briefing?

SUPT. ROBERT DRUMMOND: I don’t remember -- I
mean, Trish obviously brings up that PPS is not happy or --
like, the comments aren’t attributed -- well, some of them are
attributed to people and some of them are not.

MS. NATALIA RODRIGUEZ: But fair to say that
there were concerns raised at this demo meeting at 5:00 p.m. ---

SUPT. ROBERT DRUMMOND: By PPS.
MS. NATALIA RODRIGUEZ: --- on the 14th.

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Right?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So is it fair to say that by this time now, no more trucks are being relocated; this is kind of the end of it, is that right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And now the next day on February 15, there is a call at 9:30 a.m. and I think you talked about that. This is the meeting that -- where the issues that are here. And if we go to your notes, OPS00014455, and we go to the 12:00 p.m. mark -- there’s a meeting on 9:30, then there’s another meeting at noon with the Integrated Command Table.

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And it’s page 59. Okay let’s keep going down. Let’s keep going to 12. There it is. “Meeting with Integrated Command Table,” and it lists people that are there: Representatives from the RCMP, OPP, and OPS; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And some of the members of the integrated command table -- the integrated planning group, rather -- Inspector Springer is there too, right?

SUPT. ROBERT DRUMMOND: Correct. Dave Radu is an RCMP officer.

MS. NATALIA RODRIGUEZ: Okay, perfect. And if we
go to the next page, page 60, and the last bullet point there,
so now these are discussions that are being had. If we go down
-- okay.

So if we go up a little bit more, just to the one
before to get some context:

"PLT need to clarify what OPS is doing
with the providing safe movement of
trucks to Wellington, as per the City
agreement with protestor Freedom
Convoy, not facilitating. Agreement is
with City only to provide safe
movement."

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And then it says:

"Problem is the change with Emergency
Act and not orders yet. Moving trucks
so area that we may want to do
enforcement on later."

Can you explain that note?

SUPT. ROBERT DRUMMOND: Well, that was an issue
we faced the whole time, this -- you know, ultimately, it goes
into the conversation I had with them at the meeting on the 13th
that they couldn't stay there forever, that we may -- the police
would, at some point, be coming to deal with that issue if they
didn't want to leave.

And we brought up the same issue there, that we
were concerned about what the orders were going to be from the
Emergency Act and would we be then going there at some point to
enforce them?

MS. NATALIA RODRIGUEZ: And with "order", you mean the regulations that would come with the invocation of the Act; is that right?

SUPT. ROBERT DRUMMOND: Correct. I know I refer to it as orders, but regulations might be the proper term.

MS. NATALIA RODRIGUEZ: Okay. So the invocation of the Act then seemed to imply some POU action of enforcement which is what is noted there, and that moving the trucks to that area may not be a good idea if you're looking to do enforcement now that the Act has been invoked; is that fair?

SUPT. ROBERT DRUMMOND: Yeah. We weren't going to be doing enforcement immediately, but at some point, we felt we probably would go there, if they wouldn't move. We were still very hopeful about resolving it using PLT or other means, at that point.

MS. NATALIA RODRIGUEZ: So we can agree then that the reason the relocation of the trucks from residential areas to Wellington, the reason that stopped was because the invocation of the Act changed OPS' priorities and objectives?

SUPT. ROBERT DRUMMOND: There were many things. It was the Act, it was -- there was not enough -- there wasn't a lot of real estate left on Wellington, and not all the groups were prepared to move, and a lot of them weren't moving as per the agreement.

MS. NATALIA RODRIGUEZ: Right. But there was room on Wellington. It was not full at that time?

SUPT. ROBERT DRUMMOND: Wasn't full, but we --
ultimately, we were going to run out of room sooner or later, right? Whether there was room for 5 more trucks or 10 more trucks, it didn’t really change the outcome. There wasn’t enough room for all those vehicles.

MS. NATALIA RODRIGUEZ: Okay. Now, your witness statement indicates that Wellington was full, in your witness statement.

SUPT. ROBERT DRUMMOND: Yeah.

MS. NATALIA RODRIGUEZ: So I’m just trying to marry that with your evidence right now.

SUPT. ROBERT DRUMMOND: Okay. So I had told them that it was full, but whether there was room for a few more vehicles, I can’t say. I wasn’t on the ground to see it myself, but from the view from some of the camera systems and some of the information I was receiving from officers on the ground, that we were running out of space there.

MS. NATALIA RODRIGUEZ: So I’m going to take you to Supt. Bernier’s scribe notes from that noon meeting on February 15, OPS00011410.

And so this is the same meeting at noon on February 15, and if we go to page 19 of those notes, at 12:38, see there, it says Drummond? "Do we even still have room left on Wellington, Elgin, Bay?"

And then Inspector Lucas says, "I think there is, but we’ll check cameras and assess."

And then who’s Hodgekins, Hodgins?

SUPT. ROBERT DRUMMOND: Hodgins, Tim Hodgins.

MS. NATALIA RODRIGUEZ: Says:
"Are we complicating the problem on Wellington? No more room on Wellington, go home. No room, stay here, not helping us."

So what's the discussion there?

SUPT. ROBERT DRUMMOND: It's about that we don't think there's enough room left. Maybe there is some room, you know, not going out there and measuring exact ---

MS. NATALIA RODRIGUEZ: Right.

SUPT. ROBERT DRUMMOND: --- amounts of how much room there is, but ultimately, whether we move a few more trucks or don't move a few more trucks, we can't fit them all.

MS. NATALIA RODRIGUEZ: Fair enough. So if we go to page 22 at 13:09 -- yeah, at the bottom there -- Lucas reports back, "Gaps on Wellington," and he indicates where the gaps are there. Do you see that?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So really, the trigger for stopping the relocations was not that Wellington was full? You would agree with me on that?

SUPT. ROBERT DRUMMOND: It was one of the factors.

MS. NATALIA RODRIGUEZ: Okay. But we can there that it was not full, right?

SUPT. ROBERT DRUMMOND: Not all of it, no.

MS. NATALIA RODRIGUEZ: So OPS stopped -- made a decision on the 14 in the evening to stop facilitating that deal, correct?
SUPT. ROBERT DRUMMOND: It would have been on the 15th. That meeting would have been finalized on the 15th.

MS. NATALIA RODRIGUEZ: Right. But on the 14, the chief is telling Steve Kanellakos it's done, right?

SUPT. ROBERT DRUMMOND: I think he was telling Larry Brookson that, was he not?

MS. NATALIA RODRIGUEZ: That was the meeting with Mr. Kanellakos. He gets it that it's done.

SUPT. ROBERT DRUMMOND: I'm not sure. So that is he saying that the deal's done? I thought we were -- when you showed me that it was about him speaking to Larry Brookson?

MS. NATALIA RODRIGUEZ: That was earlier he had spoken to Larry Brookson. But in any event, in that meeting on the 14 in the evening where there was that discussion, it was essentially decided that OPS was no longer going to facilitate the movement of trucks onto Wellington?

SUPT. ROBERT DRUMMOND: Can you bring that back up please?

MS. NATALIA RODRIGUEZ: I don't know that we have a lot of time for that, but sure, I will see if we can bring that back up.

If we go to OPS00014566? So if we go to page 9. Okay. So call with Steve K at 1652. If we go down, so this seems to be a discussion with Steve K., and the chief is relaying a discussion he had with Larry Brookson, but he's also speaking to Steve K.

SUPT. ROBERT DRUMMOND: Correct. And he says at the bottom, he says he gets it that it's done. Like, I'm
assuming that means that the deal's done, like, that they've made the deal.

**MS. NATALIA RODRIGUEZ:** Fair enough. And if we go to the meeting that happens right after, we go further down to -- yeah, the demo briefing, "Okay. Had to pivot due to new," and we know at this time PPS is not happy with the trucks on Wellington, according to what Deputy Chief Ferguson is saying on the second bullet point.

And if we go further down, we go further down, okay. Let's go further down. Yeah.

And before that point was where they wanted to get legal advice about the mayor's deal. If we just go up a little bit? Yeah. There we go.

Now, I lost it, but there was a point about seeking legal advice.

**SUPT. ROBERT DRUMMOND:** Yeah. Yeah, I don't know the point. You showed it to me before.

**MS. NATALIA RODRIGUEZ:** Yeah, exactly. So are you saying that there was still a consideration at this time to continue moving vehicles?

**SUPT. ROBERT DRUMMOND:** Well, the next morning, the City is contacting us about whether we're still moving vehicles or not, so I think that wouldn't have been clear between Steve Kanellakos and the chief the night before, because they were reaching out in the morning ---

**MS. NATALIA RODRIGUEZ:** Right.

**SUPT. ROBERT DRUMMOND:** -- to see if we were going to continue to move vehicles.
MS. NATALIA RODRIGUEZ: Right, because they had heard that the movement had stopped?

SUPT. ROBERT DRUMMOND: Yeah, but they wouldn't have -- I don't think that they would have gotten that from that meeting with the chief because I think that was in the morning with the PLT and the traffic units.

MS. NATALIA RODRIGUEZ: I guess I'm asking about your understanding of this meeting that happened at 5:00 p.m. on the 14. Was it decided at that time that OPS would no longer be facilitating the movement of the trucks? We know they didn’t move after that.

SUPT. ROBERT DRUMMOND: No, we didn’t move any more trucks after that, but I think, in my -- I -- it was at in the morning where weren’t going to move any more, after we -- the totality of all the events, the space, the invocation of the Act, the fact that a number of the groups weren’t moving, and they hadn’t left the other groups who we didn’t see a marked departure. It was the totality of all those issues coming up on the morning of the 15th.

MS. NATALIA RODRIGUEZ: Okay. So it was on the 15 it was decided that that would be the end of it?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: Now ---

SUPT. ROBERT DRUMMOND: I communicated that with Kim Ayotte.

MS. NATALIA RODRIGUEZ: So I think we agree that there was room on Wellington but eventually it would have run out; is that right?
SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And this deal was not meant to end the demonstration, was it?

SUPT. ROBERT DRUMMOND: No, it was to shrink the footprint ---

MS. NATALIA RODRIGUEZ: Okay.

SUPT. ROBERT DRUMMOND: --- and relieve pressure on some of the residential areas.

MS. NATALIA RODRIGUEZ: Could this have been a first step towards a negotiated end to the demonstration?

SUPT. ROBERT DRUMMOND: It could have been, yes, depending on how it worked out, but it -- I don’t think it worked out the way the City had hoped because they didn’t see -- not all the groups were aligned and the groups didn’t leave as they had hoped. The ones that couldn’t fit onto Wellington didn’t leave.

MS. NATALIA RODRIGUEZ: Right. But the meeting notes seemed to indicate that the primary concern here was the invocation of the Act, POU action on Wellington, potential future POU action on Wellington, the use of resources, and PPS concerns.

SUPT. ROBERT DRUMMOND: Those were all factors, yes.

MS. NATALIA RODRIGUEZ: Okay. Thank you. Those are my questions.

COMMISSIONER ROULEAU: Thank you.

First up is the City of Ottawa.

--- CROSS-EXAMINATION BY MS. ANNE TARDIF:
MS. ANNE TARDIF: Good afternoon, Superintendent.

My name is -- I’m a little taller than Ms. Rodriguez. My name’s Anne Tardif and I represent the City of Ottawa.

So you were tasked on February 7th with overseeing PLT and POU; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And at the time, event commander was Supt. Patterson, right?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And February 7th, that’s the date after the events that this Commission has heard a fair bit about at Coventry involving PLT; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And just to close the loop on that, I’m going to ask Mr. Clerk to bring up OPS00008055. I think we might need that a bit bigger. And then can we scroll down, please, Mr. Clerk, all the way to the bottom? Perfect, right there. This is an email from Peter McKenna. I apologize, I don’t know his rank.

SUPT. ROBERT DRUMMOND: Peter’s a Staff Sergeant.

MS. ANNE TARDIF: S/Sgt. McKenna to Insp. Lucas dated February 6th, right?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And here, S/Sgt. McKenna is explaining what occurred at Coventry, right?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And in the second paragraph from the bottom, he says -- oh, not second. It was the second -
"PLT have made incredible headway but they now feel absolutely betrayed. Work needs to be done to reassure them and explain what happened. These members are chosen as they have a high level of emotional intelligence that goes along with a very determined work ethic."

It goes on to say what pride they take in their work.

S/Sgt. McKenna continues:

"What has happened is an incredible blow to them and then program’s future."

And provides more detail; it even refers to an individual explaining that they’re “ashamed to wear this uniform right now”.

Now, this was the day before you took over responsibility but I take it you were aware of this?

SUPT. ROBERT DRUMMOND: I was aware of it the next day, yes.

MS. ANNE TARDIF: Right. And so it’s fair to say that by February 8th, while PLT may have been communicating with the protesters, certainly there had been a breakdown in trust?

SUPT. ROBERT DRUMMOND: At that location, yes.

MS. ANNE TARDIF: And we’ve heard some evidence that it may have affected other locations; is that fair?
SUPT. ROBERT DRUMMOND: It may have.

MS. ANNE TARDIF: Right. Now, you’ve explained that PLT was working with the group or discussing with the group at the Rideau-Sussex intersection to move from that intersection onto Wellington; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And we can take this down, Mr. Clerk. Thank you.

And it’s my understanding that the goal was to move 38 trucks from the Rideau-Sussex intersection to Wellington; correct?

SUPT. ROBERT DRUMMOND: That’s how many trucks were there. We had had hopes that some would leave.

MS. ANNE TARDIF: Okay.

SUPT. ROBERT DRUMMOND: Some of them might not all want to go up there, move on their own.

MS. ANNE TARDIF: Let me put it differently.

We’re dealing with 38 trucks at that intersection; is that fair?

SUPT. ROBERT DRUMMOND: Yeah, that’s fair.

MS. ANNE TARDIF: Okay. Now, I just want to get the sequence here with the request for approval and the involvement of PPS, so I’m going to turn up your notes, and that’s OPS00014455. And I’m going to go to page 11 of the document. And I know you have a hardcopy with you, Superintendent. Okay, there we go. If can just scroll to the top so the superintendent can see the page in his notebook, page 50. Do you see that, Superintendent? Okay.

So if we scroll down about halfway through the
page -- right there. So this is February 7\textsuperscript{th}; can you just confirm that for us, Superintendent?

\textbf{SUPT. ROBERT DRUMMOND:} Yes, it’s the 7\textsuperscript{th}.

\textbf{MS. ANNE TARDIF:} Okay. And it says:

"Spoke with John Ferguson..."

That’s S/Sgt. John Ferguson who leads the PLT unit, correct?

\textbf{SUPT. ROBERT DRUMMOND:} Correct.

\textbf{MS. ANNE TARDIF:} Okay:

"...negotiations with trucks by PLT; working arrangement to get the trucks to move out of Rideau/Sussex, move vehicles west on Wellington to be..."

You’re going to have to help me with that one:

"...to be closer to groups on Wellington."

Is that right?

\textbf{SUPT. ROBERT DRUMMOND:} Correct.

\textbf{MS. ANNE TARDIF:} And:

"Some may leave."

\textbf{SUPT. ROBERT DRUMMOND:}

"This would open up the Rideau/Sussex/Mackenzie area."

\textbf{MS. ANNE TARDIF:} Okay. And then:

"Need discuss option of PLT option versus POU plan to clear intersection."

Correct?

\textbf{SUPT. ROBERT DRUMMOND:} Correct.
MS. ANNE TARDIF: And we’ve discussed already that that POU operation was delayed to allow negotiations to proceed; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: So that’s the first note that I can find in your notes of this request by S/Sgt. Ferguson to get approval to move trucks from Rideau/Sussex to Wellington West, and that’s on February 7th; does that accord with your recollection?

SUPT. ROBERT DRUMMOND: Yes.

MS. ANNE TARDIF: Okay. Let’s just jump ahead to page 11 of this -- or sorry, page 12 of this document, the next page, right at the top. Sorry, scroll down a bit. Keep going, right there, same day. So it says:

"Call from John Ferguson - PLT."

Now, we’re still on February 7th; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF:

"Looking for a decision on allowing the trucks at Rideau and Sussex to move up on Wellington. Advised I would discuss with Mark Patterson."

who’s the event commander:

"Discussed with Mark and want more info on truck numbers."

Correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And it keeps going:
"Following up with John Ferguson, 38 trucks involved, no..."

What’s the next word?

SUPT. ROBERT DRUMMOND: Number ---

MS. ANNE TARDIF:

"...no number..."

SUPT. ROBERT DRUMMOND: On how many would have --

MS. ANNE TARDIF: Would leave?

SUPT. ROBERT DRUMMOND: Yeah.

MS. ANNE TARDIF:

"...on how many may leave the demonstration. Think they can all fit on Wellington and may be able to open access to Elgin. Will discuss with Mark Patterson."

Right?

SUPT. ROBERT DRUMMOND: Right.

MS. ANNE TARDIF: So this all occurring on the 7th. Let’s scroll to the next page, page 13, still on the 7th:

"Call from John Ferguson, PLT asking to get a meeting City Manager or elected official."

We talked about this and that was the meeting that occurred involving Steve Kanellakos on the 8th; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: And if you scroll down -- thank you, Mr. Clerk. Keep going. Thank you. It says:
"On the PLT request..."

Are you with me, Superintendent? Do you see that?

SUPT. ROBERT DRUMMOND: Yes.

MS. ANNE TARDIF:

"On the PLT request to move trucks from Rideau/Sussex to Wellington, need to notify and discuss with PPS for impacts on senate."

Do you see that?

SUPT. ROBERT DRUMMOND: Yes.

MS. ANNE TARDIF: So that’s all occurring on February 7th; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. ANNE TARDIF: Now, I can’t put the document to you now because I did not seek leave, but I can tell you that on Tuesday, which was yesterday, Insp. Lucas testified that PPS agreed, albeit begrudgingly, he said, to the additional trucks moving onto Wellington provided certain conditions were met. So that approval was obtained, according to Insp. Lucas, from PPS on February 8th, okay?

SUPT. ROBERT DRUMMOND: Yeah.

MS. ANNE TARDIF: Does that -- were you aware of that at the time?

SUPT. ROBERT DRUMMOND: I don’t remember that at that point but I obviously have notes about that. I don’t remember the feedback from Russ Lucas but it sounds right.

MS. ANNE TARDIF: Okay. I couldn’t find that in
your notes, just so you’re aware. And the reason that’s relevant is I’m going to jump ahead to page 31 of your notes. And if you see, it’s page 70 of your notebook. And I’m just going to ask to confirm that that’s February 10th. I believe it’s five pages earlier for you to confirm the date, Superintendent.

SUPT. ROBERT DRUMMOND: That would be the 10th, yes.

MS. ANNE TARDIF: Okay, so we’re not at February 10th. Can we scroll down a little bit. And there it is right there, “Request” -- I don’t know the next word -- “continued”? 

SUPT. ROBERT DRUMMOND: “Continued PLT negotiations”.

MS. ANNE TARDIF: "Request continued PLT negotiations to go ahead with letting the Rideau/Sussex group move west on Wellington. Mark..."

And that’s Supt. Patterson, right, who was Event Commander at the time? Correct?

SUPT. ROBERT DRUMMOND: Yes.

MS. ANNE TARDIF: Agreed to suspend the POU action for tomorrow and let PLT move the Rideau-Sussex group west on Wellington to shrink the red zone footprint.

If you could just scroll down a little bit, Mr. Clerk.

“Spoken with John Ferguson, head of OPS PLT, authorized PLT to move the Rideau-Sussex protestors west on Wellington to

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shrink footprint to get the intersection open up. Approved.”

So on February 10th, then, you got the approval from Event Commander Superintendent Patterson to allow the trucks at Rideau-Sussex, up to 38 of them, to move on Wellington West; correct?

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. ANNE TARDIF:** And it’s reasonable to assume and, indeed, we heard from Inspector Lucas, that PPS agreed to that beforehand; correct?

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. ANNE TARDIF:** Okay. And last question.

I don’t want to get back into the reasons. You’ve given evidence about that reasons why the movement of trucks stops. The only question I have for you in that respect is this one.

When you finally told the city -- and I believe it was Mr. Ayotte, who’s the General Manager of Emergency and Protective Services. When you finally told him that the movement of trucks was stopping and you explained why, he understood.

**SUPT. ROBERT DRUMMOND:** I believe so.

**MS. ANNE TARDIF:** Yeah. And there was no pushback from him at that point.

**SUPT. ROBERT DRUMMOND:** No.

**MS. ANNE TARDIF:** Thank you very much. Those are my questions.

**COMMISSIONER ROULEAU:** Thank you.
Next are the Convoy Organizers.

Okay. We’ll move to counsel for former Chief Sloly, please.

--- CROSS-EXAMINATION BY MS. REBECCA JONES:

MS. REBECCA JONES: Good evening. I’m Rebecca Jones, and I’m counsel to former Chief Sloly.

SUPT. ROBERT DRUMMOND: Nice to meet you.

MS. REBECCA JONES: Nice to meet you, too.

I’m going to start off -- my interest with my few minutes with you this evening is just to deal with a few issues particular to my client.

So I want to confirm some of the evidence that we heard this morning from Superintendent Bernier and confirm your agreement with that evidence.

SUPT. ROBERT DRUMMOND: Okay.

MS. REBECCA JONES: Superintendent Bernier testified that Chief Sloly had a role to play in managing the Freedom Convoy. And you agree with that?

SUPT. ROBERT DRUMMOND: Correct. He did.

MS. REBECCA JONES: And he has ultimate oversight over the police?

SUPT. ROBERT DRUMMOND: He does.

MS. REBECCA JONES: And his role with respect to the convoy would be seen as a strategic role.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: And we heard from Superintendent Bernier and from Acting Chief Bell that there are not perfectly clear lines between strategic, operational and...
tactical decisions.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: Is that fair?

SUPT. ROBERT DRUMMOND: That’s fair.

MS. REBECCA JONES: Okay. And we also heard from Superintendent Bernier that these issues are dealt with through dialogue.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: Okay. And that he did have dialogue with Chief Sloly about these borders and they would come to an understanding.

SUPT. ROBERT DRUMMOND: I would say yes.

MS. REBECCA JONES: Okay.

SUPT. ROBERT DRUMMOND: It would depend on each topic.

MS. REBECCA JONES: Okay. Well, his evidence was when he was acting as the Event Commander, he would have these discussions, he would tell the Chief what he was thinking and that he had the operation under control and the Chief would accept that.

SUPT. ROBERT DRUMMOND: Okay. I wasn’t privy to those meetings, but.

MS. REBECCA JONES: Okay. No reason to disagree with that.

SUPT. ROBERT DRUMMOND: No.

MS. REBECCA JONES: Okay. Rideau and Sussex I’m going to touch on just very briefly.

My friend for the City of Ottawa did a very good
job clarifying the timeline. My only interest is with respect
to some evidence in your statement about approval for moving
vehicles onto Wellington.

Supt. Robert Drummond: Correct.

Ms. Rebecca Jones: And the approval you were not
sure whether you had on February 8th would have been the
approval of the Event Commander, Superintendent Patterson;
correct?

Supt. Robert Drummond: Correct. But there were
periods where he was getting direction from the Chief there as
well.

Ms. Rebecca Jones: Okay. So -- and when you
give that evidence, you never spoke to the Chief about that;
right?

Supt. Robert Drummond: No, but Superintendent
Patterson made it clear that the direction was coming from the
Chief.

Ms. Rebecca Jones: Okay. And so if we wanted to
have information about any discussion Superintendent Patterson
had with Chief Sloly about Rideau and Sussex, we’d have to ask
Superintendent Patterson.

Supt. Robert Drummond: Correct.

Ms. Rebecca Jones: Okay. So you can’t assist us
with any information about when any such discussions occurred,
the details of these discussions, whether any direction was
given. You can’t assist with anything.

Supt. Robert Drummond: No, I can only tell you
what was relayed to me by Superintendent Patterson.
MS. REBECCA JONES: Okay. Now I’m going to touch on the Mayor’s deal.

And I think it will be of most assistance if we can pull up your interview summary, which is WTS50, please. Page 6.

And Superintendent Drummond, you see the first paragraph under “The City’s Deal with Protestors”. And in that paragraph, you advised Commission counsel that at the February 14th (sic) 1:15 p.m. with the City, there was no discussion about where the trucks would be moving; correct?

SUPT. ROBERT DRUMMOND: At that meeting, no.

MS. REBECCA JONES: Okay.

SUPT. ROBERT DRUMMOND: I don’t have it in my notes.

MS. REBECCA JONES: Right. And if you don’t have it in your notes, you can’t say that it occurred.

SUPT. ROBERT DRUMMOND: No, but the letters made it clear that it was -- they were going to be going onto Wellington.

MS. REBECCA JONES: Okay. So your interpretation of -- and you’re talking about the Mayor’s letter?

SUPT. ROBERT DRUMMOND: Yes.

MS. REBECCA JONES: Okay. Your interpretation of the Mayor’s letter is that it made it clear that the trucks were going to move onto Wellington.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: But you have no other information to assist the Commissioner with with respect to
Chief Sloly’s understanding. Is that fair?

SUPT. ROBERT DRUMMOND: I can’t speak to Chief Sloly’s understanding, but that was my understanding from the letter. That was certainly my understanding when I went to the meeting with the city, and that was what I communicated back. And that what was done at the update meetings.

So there would -- it was clear to me that that’s what was going on and that was what was being communicated through my chain of command and at the next meeting the next day where Chief Sloly was present.

MS. REBECCA JONES: Okay. So let’s break that down because I’m not suggesting to you that it wasn’t clear to you in your meetings with the city officials, okay?

So my questions are only relating to what was clear to Chief Sloly, okay?

So if I can ask you to turn -- if we go to page 8, please.

And we see the paragraph beginning, “The deal was to move the trucks to Wellington.”

And we have your belief that Chief Sloly would have known this, as it was clear from the Mayor’s letter and it was discussed with, as you said, Acting Superintendent Bernier and Deputy Chief Ferguson; correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: So it wasn’t a discussion you had with the Chief directly.

SUPT. ROBERT DRUMMOND: No, but we had those discussions. There were updates, and there were operational
movement happening at the NCRCC on the ground on the videos. You could see it on the camera systems that were set up.

**MS. REBECCA JONES:** You’re saying once the trucks were moving.

**SUPT. ROBERT DRUMMOND:** Yes.

**MS. REBECCA JONES:** Okay. So we’re not at the trucks moving yet.

And then you see the next paragraph, at 9:30 a.m. on February 14th you provided an update at this meeting and Chief Sloly was present; correct?

**SUPT. ROBERT DRUMMOND:** Correct.

**MS. REBECCA JONES:** And you didn’t advise my friends for the Commission that you, during this meeting, specifically told the Chief that trucks were going to be moved onto Wellington; right?

**SUPT. ROBERT DRUMMOND:** I think we gave a briefing that that’s what was -- that was the planned intent, that the trucks were going to move onto Wellington.

**MS. REBECCA JONES:** Okay. So you didn’t mention it to my friends when they were interviewing you for the Commission, but that’s your evidence today?

**SUPT. ROBERT DRUMMOND:** At that briefing, yes, I would have said we were moving trucks onto Wellington.

**MS. REBECCA JONES:** Okay. So your notes of that meeting do not contain any reference to that.

**SUPT. ROBERT DRUMMOND:** No. I may not have written it down in my notes, but ---

**MS. REBECCA JONES:** Okay.
SUPT. ROBERT DRUMMOND: --- it’s clear to me throughout the whole process that was what was happening.

MS. REBECCA JONES: Again, I have no doubt that it was clear to you and my interest is only with respect to Chief Sloly.

And it’s fair that your meeting -- your memory, rather, of the details of these meetings, you’re relying in large part on your notes.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: Okay. And when my friend took you to things about the Emergencies Act and all of those sorts of things, you couldn’t remember them without reference to your own notes; correct?

SUPT. ROBERT DRUMMOND: Some of it, yes.

MS. REBECCA JONES: Okay. I’m going to ask you now to turn to page 9. And -- oh, just go a little -- that’s great:

"At 11:20 AM then Deputy Chief Bell called [you] to direct [you] to continue moving trucks onto Wellington..."

Correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: And this was after you had made a decision to stop that movement; right?

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: And that decision that you made was an Operational decision?
SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: Okay. And what Acting Chief Bell was doing was he was directing you on an Operational decision; correct?

SUPT. ROBERT DRUMMOND: He was providing input, yes.

MS. REBECCA JONES: Well, he told you to continue moving trucks onto Wellington.

SUPT. ROBERT DRUMMOND: Correct.

MS. REBECCA JONES: Okay. And is it fair to say that for Deputy Chief Bell, now Acting Chief Bell, we can assume that there was a larger context he was operating under when he gave you that Operational direction?

SUPT. ROBERT DRUMMOND: I would agree.

MS. REBECCA JONES: Okay. And that in these extraordinary circumstances that you all were facing at the time, the lines between Strategic and Operational directions were blurred?

SUPT. ROBERT DRUMMOND: Yes.

MS. REBECCA JONES: Okay. No further questions.

COMMISSIONER ROULEAU: Are the convoy organisers organised yet?

Okay. Mr. Champ on behalf of the Coalition.

MR. PAUL CHAMP: Thank you, Commissioner.

--- CROSS-EXAMINATION BY MR. PAUL CHAMP:

MR. PAUL CHAMP: It's Paul Champ for the Ottawa Coalition of Residents and Businesses. Superintendent Drummond, I can't recall if we crossed paths or not?
SUPT. ROBERT DRUMMOND: Yes, we have.

MR. PAUL CHAMP: Yes.

SUPT. ROBERT DRUMMOND: Yes, we have.

MR. PAUL CHAMP: I apologise.

SUPT. ROBERT DRUMMOND: No, it's all good.

MR. PAUL CHAMP: Too many OPS files.

A few questions, Superintendent. First of all, Tom Marazzo, did you know him prior to the convoy demonstration?

SUPT. ROBERT DRUMMOND: No, I did not.

MR. PAUL CHAMP: Or -- we know that there was a retired, recently retired RCMP officer, Danny Bulford, who was involved in the Freedom Convoy organisers. Did you know him at all?

SUPT. ROBERT DRUMMOND: No, I do not.

MR. PAUL CHAMP: And did you know of any retired police officers who were participating in the protests?

SUPT. ROBERT DRUMMOND: No.

MR. PAUL CHAMP: Okay. There was a concern at times, was it not, Superintendent, that some police information or police Operational information was being leaked to protesters. Isn't that so?

SUPT. ROBERT DRUMMOND: Yes, we had some concerns.

MR. PAUL CHAMP: And ---

SUPT. ROBERT DRUMMOND: There was non-retired members that were ---

MR. PAUL CHAMP: Pardon me?

SUPT. ROBERT DRUMMOND: There were members that
MR. PAUL CHAMP: Right. Yeah, there was a concern that there was some active members or current members might be sharing information with the protesters?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: Fortunately, though, there was no Operational compromise we don't think, or is that right?

SUPT. ROBERT DRUMMOND: Yeah, true.

MR. PAUL CHAMP: There was some concern that possibly an Operational plan around the potential plan to clear Rideau/Sussex might have been leaked; is that right?

SUPT. ROBERT DRUMMOND: There was concerns about information flowing out of the organisation, yes.

MR. PAUL CHAMP: And was there any investigations into that by the Ottawa Police Service to find out if any officers did in fact leak information?

SUPT. ROBERT DRUMMOND: I believe there was. There was one member that I was aware of, and we shut down his access to his corporate accounts. But I don't know what came of that investigation. It just at the time, as a precaution, we shut down. He wasn't currently working, he was on a leave of absence.

MR. PAUL CHAMP: Right. At the time, you were worried about the Operation what you were trying to do?

SUPT. ROBERT DRUMMOND: Yeah.

MR. PAUL CHAMP: Discipline issues could be dealt with later.

SUPT. ROBERT DRUMMOND: Yes.
MR. PAUL CHAMP: You guys were facing challenges on every level at that time.

SUPT. ROBERT DRUMMOND: Yes, we were.

MR. PAUL CHAMP: Just a couple of questions about the negotiations and the Mayor's deal. Oh, wait. Hold on a sec here. No, you know what, I'm not going to ask any questions on that.

Just -- I want to ask you some questions about the conditions on the ground in Downtown Ottawa at that time, Superintendent. One thing we had heard about, about a fuel truck had parked in the Rideau Centre parking lot. You would agree with me, Superintendent, that would be very dangerous?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: Yeah. And we also have heard evidence and seen images big hay bales piled around downtown, and also open fires and so forth. Those were dangerous was it not?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: Many propane tanks, large numbers of propane tanks up together, as well as large numbers of jerry cans. That was very dangerous?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: And in addition to the hay bales and the propane tanks and the open fires and the jerry cans, in the evenings there were fireworks going off very close to and banging off of apartment buildings. You're aware of that?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: And that was very dangerous?
SUPT. ROBERT DRUMMOND: Yes. Yes, it was.

MR. PAUL CHAMP: And Superintendent, the convoy protesters were free to do all of this downtown -- in Downtown Ottawa because at the time Ottawa Police Service did not have capacity for enforcement; is that fair?

SUPT. ROBERT DRUMMOND: In the beginning, certainly we had a resource problem for sure. Absolutely.

MR. PAUL CHAMP: Well -- but those kinds of activities were going on right until the final operation; correct? There was some efforts around ---

SUPT. ROBERT DRUMMOND: Yeah.

MR. PAUL CHAMP: --- the jerry cans?

SUPT. ROBERT DRUMMOND: There were efforts on all fronts. I mean, I would -- I went out on the street on foot and was involved in some enforcement, particularly with the firework situation, but they weren't -- they were difficult scenarios because they were large crowds and there were officer safety issues when we did some of that enforcement work.

MR. PAUL CHAMP: And you would agree with me, Superintendent, we were all very fortunate here in Ottawa that no one was seriously harmed or even killed, including the protesters themselves because of these dangerous activities?

SUPT. ROBERT DRUMMOND: Yes, there could have been injuries.

MR. PAUL CHAMP: Serious injuries with all that flammable material?

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: And -- so the fact that the
Ottawa Police couldn't prevent much of that activity, the convoy protesters were free to engage in those activities to -- that created that risk?

SUPT. ROBERT DRUMMOND: We tried to take efforts to curb those things, and we did do enforcement where possible, but it wasn't perfect.

MR. PAUL CHAMP: Well, Superintendent, I mean, there wasn't any serious effort to enforce to stop that. And not to be critical of the police, my understanding from previous evidence is that when Ottawa Police would try to take that kind of enforcement action downtown they'd end up ---

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: --- sometimes being swarmed by the protesters ---

SUPT. ROBERT DRUMMOND: Absolutely.

MR. PAUL CHAMP: --- they would be outnumbered very quickly.

SUPT. ROBERT DRUMMOND: Yes.

MR. PAUL CHAMP: And it became a matter of officer safety.

SUPT. ROBERT DRUMMOND: I would agree with that.

MR. PAUL CHAMP: So again, there wasn't really any serious efforts to be able to stop those kinds of dangerous activities in Downtown Ottawa?

SUPT. ROBERT DRUMMOND: We tried to do enforcement in a lot of areas, and it was met with mixed results.

MR. PAUL CHAMP: There was no serious progress on
those issues. Ottawa was basically unsafe throughout that --
the entirety of that process, or pardon me, protest.

SUPT. ROBERT DRUMMOND: I don't know if I'd go
that far. We certainly did take a stance and we had -- once we
got more POU units on the ground in the evening on the QRT
teams, we did try to do enforcement and try to stop some of
those things. But we weren't successful on all fronts, I agree
with you.

MR. PAUL CHAMP: And with the protesters
generally being free to do this, at some point they could've
been injured themselves and become victims of their own freedom.
Would you agree with me?

SUPT. ROBERT DRUMMOND: They could've been
injured, yes.

MR. PAUL CHAMP: Thank you very much,
Superintendent.

--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:

MR. BRENDAN MILLER: Good evening. For the
record, Brendan Miller. I am counsel for the Freedom Corp,
which is representing the protesters that were in your city in
January and February of 2022.

So first, I want to talk to you about
February 7th, 2022. And at that time, I take it, that OPS was
well aware of who Tom Marazzo was?

SUPT. ROBERT DRUMMOND: Yeah. I -- that was the
first time I had heard his name. I can't speak for the entire
Service, just myself.

MR. BRENDAN MILLER: Right. And I take it that
in fact a PLT report was sent around about who are the key
players and the leaders within the protesters; is that correct?

SUPT. ROBERT DRUMMOND: There were various
reports ---

MR. BRENDAN MILLER: Right.

SUPT. ROBERT DRUMMOND: --- over the course of
the ---

MR. BRENDAN MILLER: And there was a list of whom
PLT had identified as the leaders, and he was one of them; was
that right?

SUPT. ROBERT DRUMMOND: Yes.

MR. BRENDAN MILLER: And in fact, in that list it
said that Tom Marazzo had somewhat control over 322 trucks. Do
you remember that?

SUPT. ROBERT DRUMMOND: The Freedom Convoy group
is what I -- how I would remember that.

MR. BRENDAN MILLER: Would you agree it was about
322 trucks?

SUPT. ROBERT DRUMMOND: That was one of the --
that came up on a document, yes.

MR. BRENDAN MILLER: Right. All right, so on
February 7th, you have your PLT team engaging with Tom Marazzo;
is that right?

SUPT. ROBERT DRUMMOND: Correct.

MR. BRENDAN MILLER: Right. And are you aware,
and Tom Marazzo made this clear, that on February 7th he had
lost confidence in your liaison officers in trying to deal with
this?
SUPT. ROBERT DRUMMOND: I was not aware of that.

MR. BRENDAN MILLER: All right. Did your police liaison officers ever report to you that on February 7th Tom Marazzo specifically requested of both OPS and OPP that an inspector-level officer be made available for the negotiation to move the trucks, because he wasn’t getting anywhere with rank and file?

SUPT. ROBERT DRUMMOND: No. We had made arrangements for him to meet with a City official, as he had requested. I don't know about the other comments that you've made.

MR. BRENDAN MILLER: All right. So the PLT officers that were working under you never reported that to you?

SUPT. ROBERT DRUMMOND: No.

MR. BRENDAN MILLER: All right.

Now I want to talk to about February 8th. Now, there was discussions. That was when the first discussions with respect to removing the concrete barriers, et cetera, and moving the trucks took place. It was the first attempt to clear Rideau and Sussex. Do you remember that?

SUPT. ROBERT DRUMMOND: At Rideau and Sussex, yes.

MR. BRENDAN MILLER: Yeah. And all of the concrete barriers, both in the residential area as well as on Wellington, they were all still in place at that time?

SUPT. ROBERT DRUMMOND: Yes. Well, I'll be honest with you, I can't confirm that. We may have moved some. I wasn’t keeping track of every jersey barrier in the core.
MR. BRENDAN MILLER: Right. And Tom had essentially -- Mr. Marazzo had met with these individuals from the City and from OPS to negotiate moving the trucks onto Wellington, but I understand it from your notes, et cetera, you knew at that time that was (audio skip).

SUPT. ROBERT DRUMMOND: So there was some confusion, I believe, about whether they were leaving or moving.

MR. BRENDAN MILLER: Right. And at no time did you have authorization from the City -- not the OPS -- on February 8th, 2022, to move the barriers, did you?

SUPT. ROBERT DRUMMOND: No. Well, we hadn’t requested that yet.

MR. BRENDAN MILLER: So wouldn’t it have made sense in trying to deal with this, to discuss with the City prior to meeting Mr. Marazzo that you’re going to move these barriers to get these trucks out of the residential area and we’re going to go into this negotiation with a plan? Wouldn’t that have made more sense?

SUPT. ROBERT DRUMMOND: Well, once we’d reached -- if we had reached some sort of agreement. We had City crews available to us 24/7. That wasn’t difficult to move a barrier.

MR. BRENDAN MILLER: Right. So -- and you’re aware that Wellington is well within the City of Ottawa’s jurisdiction? It doesn’t belong to Parliament?

SUPT. ROBERT DRUMMOND: Correct.

MR. BRENDAN MILLER: Right. So at any time, on February 8th, 2022, there was nothing stopping OPS and the City from moving the barriers, letting the trucks leave the
residential area, and letting them go onto Wellington, was there?

**SUPT. ROBERT DRUMMOND:** Are you referring to Rideau and Sussex, which -- that’s not necessarily a residential area. That’s a commercial area there.

**MR. BRENDAN MILLER:** Right. So you agree that there was nothing stopping you or the City or OPS from allowing that to happen on February 8th, 2022?

**SUPT. ROBERT DRUMMOND:** It could have been done, but we didn’t reach an agreement, and the group there didn’t want to move.

**MR. BRENDAN MILLER:** I understand that may be the evidence. Where did you -- you didn’t ever hear from anyone from that group? You didn’t speak to them and they didn’t say to you that they didn’t want to move, did they?

**SUPT. ROBERT DRUMMOND:** I had had dealings up with that street. I had been up to Rideau and Sussex during the course of the events.

**MR. BRENDAN MILLER:** Right. And did they just go and tell you, someone approached you, you're saying, and said, "No, we're not moving"?

**SUPT. ROBERT DRUMMOND:** They made it clear on a number of occasions they weren’t too happy.

**MR. BRENDAN MILLER:** But you knew from your PLT work that Tom Marazzo had apparent control of 322 trucks, and that was on February 7th. That’s in your own document.

**SUPT. ROBERT DRUMMOND:** Correct.

**MR. BRENDAN MILLER:** And so if you move the
barriers and the deal went through as discussed on February 8, right, it could have been done?

**SUPT. ROBERT DRUMMOND:** I think there was some -- there were some issues about whether they were leaving or moving, and I had spoke to Inspector -- or Supt. Patterson earlier, and we didn’t have approval to do that.

**MR. BRENDAN MILLER:** Approval?

**SUPT. ROBERT DRUMMOND:** To move west.

**MR. BRENDAN MILLER:** Okay. And what -- whose approval did you need?

**SUPT. ROBERT DRUMMOND:** The Event Commander, Supt. Patterson.

**MR. BRENDAN MILLER:** Supt. Patterson. So you’re saying that Supt. Patterson didn’t permit the February 8th, 2022 deal?

**SUPT. ROBERT DRUMMOND:** So at that -- so around 1738, I have notes about that I -- when I talked to John Ferguson that I had talked earlier to Mark Patterson and we didn’t -- and the chief was involved -- and we didn’t have approval to move west at that point.

**MR. BRENDAN MILLER:** Okay. And you said you didn’t have approval.

**SUPT. ROBERT DRUMMOND:** Yes.

**MR. BRENDAN MILLER:** Whose approval again? Was it Patterson?

**SUPT. ROBERT DRUMMOND:** The Event Commander.

**MR. BRENDAN MILLER:** The Event Commander? So you're saying that Patterson's approval was required in order to
move the barriers?

SUPT. ROBERT DRUMMOND: Correct.

MR. BRENDAN MILLER: All right. Now, with respect to the February 14th agreement, if I can just have you direct your mind to that, that’s the deal with the mayor on Monday morning?

SUPT. ROBERT DRUMMOND: Yes.

MR. BRENDAN MILLER: So Mayor Watson and the City Manager, Steve K., they testified already in this proceeding that senior OPS officials were tasked to be on the ground to help facilitate the movements of trucks on February 14th. You heard that testimony, I take it?

SUPT. ROBERT DRUMMOND: I didn’t hear that piece, no.

MR. BRENDAN MILLER: All right. Can you agree that you are the OPS official that the mayor and the city manager were referring to?

SUPT. ROBERT DRUMMOND: These are referring to me coming to the meeting on the 13th at City Hall, yes, that would be me on the 13th. I wasn’t on the ground on the 14th.

MR. BRENDAN MILLER: Right. And you weren’t on the ground and you weren’t attempting to carry out the move that was agreed to?

SUPT. ROBERT DRUMMOND: We were attempting. We moved 30 to 40 trucks up onto Wellington.

MR. BRENDAN MILLER: Right, and then it stopped?

SUPT. ROBERT DRUMMOND: It stopped for a number of reasons.
MR. BRENDAN MILLER: Right. Okay. At any time during the February 14th move did Tom Marazzo or any of the leaders you identified in your PLT report from February 7th say to you, "We're going to renege"?

They didn’t, did they?

SUPT. ROBERT DRUMMOND: No, they just -- they couldn't seem to finish the deal in the sense that they -- there were groups that they couldn't get to move. There were groups that weren’t on board.

MR. BRENDAN MILLER: So which groups?

SUPT. ROBERT DRUMMOND: There was a group on Bank Street.

MR. BRENDAN MILLER: Okay. But again, we're dealing with -- you were dealing with Tom Marazzo?

SUPT. ROBERT DRUMMOND: Correct.

MR. BRENDAN MILLER: Bank Street wasn’t in those 322 trucks, was it?

SUPT. ROBERT DRUMMOND: See, that was something. You know, we didn’t have -- it wasn’t clear who belonged to what groups, right?

MR. BRENDAN MILLER: Right.

SUPT. ROBERT DRUMMOND: They didn’t wear team jerseys explaining who belonged to which team, so to speak, out there.

MR. BRENDAN MILLER: But they were trying to do it, and we've already seen evidence of this, and the barriers weren’t being moved so they could. So ---

SUPT. ROBERT DRUMMOND: We allowed trucks ---
MR. BRENDAN MILLER: --- they were cut off.

Pardon me, sir?

SUPT. ROBERT DRUMMOND: We allowed trucks to move that agreed to move. We moved those trucks.

MR. BRENDAN MILLER: Okay. So you're saying that the trucks that agreed to move and go onto Wellington, you pulled up the barriers and allowed each and every one of them out of where they were and onto Wellington, and that you didn't stop anyone?

SUPT. ROBERT DRUMMOND: No, we didn't stop anyone on the Monday, no.

MR. BRENDAN MILLER: Yeah. Thank you.

COMMISSIONER ROULEAU: Thank you. Next is the Government of Canada.

--- CROSS-EXAMINATION BY MR. ANDREW GIBBS:

MR. ANDREW GIBBS: Good afternoon, Supt. Drummond, Commissioner.

SUPT. ROBERT DRUMMOND: Good afternoon.

MR. ANDREW GIBBS: My name is Andrew Gibbs, and I'm part of the counsel team representing the Government of Canada.

You've already answered many of the questions that I had prepared for you today, so I'll focus in my examination on just a couple of areas. I'll use my time for that.

First of all, we heard earlier this week from Interim Chief Bell, who has also testified that this demonstration was exceptionally challenging for our PLT members
from the perspective that there were so many different people
and so many different organizations and so many different
groups.

Do you agree with that assessment?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: And in fact, I think he
estimated the number at 8 to 10 different groups representing 50
to 100 political agendas. Does that sound like a fair estimate?

SUPT. ROBERT DRUMMOND: I'd have a hard time
putting a number on it, but there were a lot of different groups
here.

MR. ANDREW GIBBS: And he, in fact, said that
those leaders, organizers, and groups changed on a regular
basis, and many of them had different agendas. And he concluded
by saying, "There probably could not have been a more complex
and challenging environment for our PLT members to work in."

Would you agree with that?

SUPT. ROBERT DRUMMOND: I would agree with that.

MR. ANDREW GIBBS: Thank you.

And for the record, those references are to the
transcript WPS8 - or sorry WTS8 at page 97, line 13 to 21, and
page 194, lines 4 to 8.

So there were a large number of factions
involved?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: And we've heard in your
testimony today that there was a group at Rideau and Sussex?

SUPT. ROBERT DRUMMOND: Yes.
MR. ANDREW GIBBS: And I believe you said they were very difficult to deal with?

SUPT. ROBERT DRUMMOND: They were.

MR. ANDREW GIBBS: The documents refer to Farfadaa?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: Are you familiar with Farfadaa?

SUPT. ROBERT DRUMMOND: I wasn’t up until then. That was the group that was there. I don’t have a lot of detail about their background or their beliefs or goals.

MR. ANDREW GIBBS: Are they subject of attention of the police force for criminal activity?

SUPT. ROBERT DRUMMOND: During the events, on the actions-on days, yes, when we were dealing with them on the 18th, yes.

MR. ANDREW GIBBS: Thank you. There was a group known as the East Convoy; is that correct?

SUPT. ROBERT DRUMMOND: Are you referring to the group that was out of Coventry Road?

MR. ANDREW GIBBS: No, there was another group Coventry Road, and I believe they were led by Mike Clark?

SUPT. ROBERT DRUMMOND: Yes, that’s the name that was provided to me as well.

MR. ANDREW GIBBS: And that’s also referred to -- the Coventry Road is also referred to as RCTG?

SUPT. ROBERT DRUMMOND: JetForm Park, yes.

MR. ANDREW GIBBS: And JetForm Park.
MR. ANDREW GIBBS: The East Convoy group, I believe, was the one that put forward a request for a meeting with the Governor General Simon, the Prime Minister, and the Senate Speaker, George Furey; do you recall that?

SUPT. ROBERT DRUMMOND: I remember that was in an email, yes.

MR. ANDREW GIBBS: Then you have the Freedom Convoy Group ---

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: --- which was led by Tom Marazzo and Chris Barber?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: You met with them as part of the deal with the City?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: Was Tamara Lich at that meeting?

SUPT. ROBERT DRUMMOND: No.

MR. ANDREW GIBBS: Was Pat King at that meeting?

SUPT. ROBERT DRUMMOND: No.

MR. ANDREW GIBBS: So did the Freedom Convoy group -- they told you that they don’t have control over the Rideau/Sussex group during that meeting?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: And they told you they don’t have control over the Coventry group?

SUPT. ROBERT DRUMMOND: Correct.
MR. ANDREW GIBBS: And it was unclear who else they would be able to control but that they would try?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: So in the end, the deal falls apart.

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: And there are references in the documents to Ms. Lich on Twitter apparently stepping away or trying to clarify that you’re not leaving, they’re just moving to Wellington.

SUPT. ROBERT DRUMMOND: I’m not familiar with her Tweets, to be honest.

MR. ANDREW GIBBS: Okay ---

SUPT. ROBERT DRUMMOND: I didn’t read them.

MR. ANDREW GIBBS: --- that’s fair. Were you aware that there was a separate video posted by another organizer suggesting that this agreement was a lie, the letters were a lie and that it was fake?

SUPT. ROBERT DRUMMOND: Again, I’m not familiar with that but that doesn’t surprise me that that would have occurred.

MR. ANDREW GIBBS: Okay. If we can turn to Document OPP00003427, and this is an OPP Operational Intelligence Report and it’s dated February 14th. Are you familiar with these reports?

SUPT. ROBERT DRUMMOND: I have seen some of them, yes.

MR. ANDREW GIBBS: Okay. If you turn to page 3,
it states:

"The organizer [...] posted a video on the 13\textsuperscript{th} of February 2022. The following is a summary: The letter is spreading around that trucks will move is a lie. [...] advised the truckers that no one leaves; it is part of the counter-protest ‘shit’. It is all a lie. ‘Do not leave Ottawa. Do not leave the residential areas. Do not back out. You are good to go. Stand your ground.’"

And it continues. Do you see that information?

**SUPT. ROBERT DRUMMOND:** I do.

**MR. ANDREW GIBBS:** So would you agree with me, then, that this video being posted by an organizer suggests that there was no coalescence or agreement amongst the list of organizers that my friend, Mr. Miller, mentioned to you a few moments ago.

**SUPT. ROBERT DRUMMOND:** I would agree that there was some dissention amongst the groups.

**MR. ANDREW GIBBS:** Dissention amongst the groups. And so, in fact -- thank you, Mr. Clerk -- your witness statement mentions that the protest leadership clearly had not achieved the consensus they claimed they were going to have.

**SUPT. ROBERT DRUMMOND:** Correct.

**MR. ANDREW GIBBS:** So, in fact, there was no core group of organizers. PLT was just doing what it could with
whoever would talk to them.

SUPT. ROBERT DRUMMOND: We tried to identify the larger groups when possible. That didn’t always pan out as we had hoped.

MR. ANDREW GIBBS: So you ---

SUPT. ROBERT DRUMMOND: There was definitely some fracture -- the groups were very fractured and had different views on things.

MR. ANDREW GIBBS: And is it fair to say that part of the challenge in moving all of the trucks was that everybody wanted to go downtown onto Wellington?

SUPT. ROBERT DRUMMOND: Yes, a lot of them ---

MR. ANDREW GIBBS: And we’d heard there were potentially 322 trucks from one of the organizers?

SUPT. ROBERT DRUMMOND: Yes. Yes. Ultimately, I believe most of the -- particularly, you know, I would say that -- the people who came from out West, I suspect that they would have liked to had a chance to be on Wellington.

MR. ANDREW GIBBS: Yes. And there was no room for everybody on Wellington?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: And so did it become a safety issue with them all trying to come down to Wellington?

SUPT. ROBERT DRUMMOND: Yes, we had to do a traffic plan to divert some of them.

MR. ANDREW GIBBS: And you stated that there was no movement of trucks off site?

SUPT. ROBERT DRUMMOND: We didn’t see a
noticeable move. Some may have moved. Like, the problem is we
don’t have a system in place where we’re, like, marking a truck
and saying, “This is truck 105. This is 110,” things like that,
so vehicles come and go and, you know, it’s hard for us to keep
track of every vehicle.

MR. ANDREW GIBBS: And there was a group on Bank
Street who refused to move?

SUPT. ROBERT DRUMMOND: Correct.

MR. ANDREW GIBBS: And that was a new group that
developed that day?

SUPT. ROBERT DRUMMOND: Yes. I believe they were
already there. They weren’t new that day; they just didn’t
move.

MR. ANDREW GIBBS: They weren’t identified to
you, perhaps, as an organizer or as someone with influence ---

SUPT. ROBERT DRUMMOND: A separate ---

MR. ANDREW GIBBS: --- who could prevent people
from leaving.

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: Thank you. So is it fair to
say -- and you’d mentioned earlier -- that this was a very
challenging protest to manage ---

SUPT. ROBERT DRUMMOND: Yeah.

MR. ANDREW GIBBS: --- and that, I believe you
said, there were weekend surges?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: So the groups were fluid.

SUPT. ROBERT DRUMMOND: Very fluid.
MR. ANDREW GIBBS: And there were various camps just outside of Ottawa ---

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: --- where people would go and then come back?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: And you didn’t really have a line of sight of what was happening in all of those camps?

SUPT. ROBERT DRUMMOND: We had some information. There were different -- OPP were keeping an eye on some of the ones that are outside the City of Ottawa -- Arnprior, the one in the east end.

MR. ANDREW GIBBS: Okay.

SUPT. ROBERT DRUMMOND: They were sharing intelligence on that.

MR. ANDREW GIBBS: And so the situation was fluid?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: It was volatile?

SUPT. ROBERT DRUMMOND: It was at times, yes.

MR. ANDREW GIBBS: And it was unpredictable?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: And you’d mentioned that there were some current-serving police officers that were in and supportive of the protesters?

SUPT. ROBERT DRUMMOND: Yes, unfortunately.

MR. ANDREW GIBBS: All right. I’d like to turn, then, to some of the -- another issue on the nature of the
protest. And so again turning to Interim Chief Bell, he testified that over the weekend of February 11, 12, 13 -- so this is going into the third weekend now in Ottawa --

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: --- he had extreme concerns for the safety of our members, for the safety of our community based on volatility and escalation of violence, indirect confrontational interactions with our members. The situation at this point was becoming exceptionally more volatile and you could see it escalate almost on an hour-by-hour basis. Would you agree with that?

SUPT. ROBERT DRUMMOND: Yes, it was volatile.

MR. ANDREW GIBBS: Thank you. Now, just a couple of quick documents ---

COMMISSIONER ROULEAU: It’ll have to be very quick because your time is up.

MR. ANDREW GIBBS: Okay, thank you. I would like to just refer you in particular -- or to ask you, were you aware of the elements -- or that there were elements of right-wing extremism involved in this protest?

SUPT. ROBERT DRUMMOND: Yes, I read that in the Hendon Reports.

MR. ANDREW GIBBS: And in fact, in the -- you were sent a report that had been prepared by the Institute for Strategic Dialogue. It was sent to Chief Sloly and you were copied on that, and the report was called “An Online Environmental Scan of Right-wing Extremism” and, in particular, they had done draft intelligence report on the convoy in Canada
-- in Ottawa; is that correct?

SUPT. ROBERT DRUMMOND: I know the document you’re referring to, yes.

MR. ANDREW GIBBS: So, for the record, that’s OPS00009428 and OPS00009429. And in particular, I would just ask you about the last page of that report, the last paragraph. In summary, just because I’m short of time, but I recommend to the Commission to read the entire report:

"There are comments and posts online stating that organizing and planning for a proposed DC Convoy..."

That’s Washington, DC:

"...is beginning to cement. Taking into account the events in Ottawa, the anger and hostility driving much of the campaign, the protest movement’s acceptance and support of conspiracies and misinformation, and implicit and explicit links to extremist groups..."

which are identified in the report -- or in the draft intel report:

"...there are some glaring comparisons to the Capitol insurrection on January 6th, 2021."

Did you agree with that at the time?

SUPT. ROBERT DRUMMOND: This is -- I mean, I see the comments that are made there. This is a private company, it's not a recognised intelligence group that we would've dealt
with back then. I know that company had been -- had sent
information to us. I think they were looking to -- for us to
get involved in their product.

MR. ANDREW GIBBS: Were you concerned of the
similarities?

SUPT. ROBERT DRUMMOND: Well, I mean, you know,
there was -- there were people who made comments between us and
what had happened at the U.S. State Capitol. You know, there
were similarities to what occurred. I mean, we didn't have the
same storming of the Hill type that the Americans had, we had a
-- you know, vehicles camped out on roadways. So there were
differences. We didn't have the same level of violence and
mischief that had occurred down in Washington.

MR. ANDREW GIBBS: And we know that now.

SUPT. ROBERT DRUMMOND: We know that now.

Exactly. We know that now.

MR. ANDREW GIBBS: It was a risk that was on your
mind at the time?

SUPT. ROBERT DRUMMOND: Yes.

MR. ANDREW GIBBS: Thank you. Those are my
questions.

COMMISSIONER ROULEAU: Thank you.

Next is the OPP.

Okay, and JCCF?

--- CROSS-EXAMINATION BY MR. HATIM KHEIR:

MR. HATIM KHEIR: Good afternoon, or I suppose
good evening. My name's Hatim Kheir. I am a representative for
the Justice Centre for Constitutional Freedoms.
Are you -- did you have the opportunity to hear Superintendent Morris's evidence given to this Commission?

SUPT. ROBERT DRUMMOND: I saw parts of it. I watched some of the video. I was away last week.

MR. HATIM KHEIR: Are you aware that Superintendent Morris indicated that he had no indication that there was a national security threat posed by the protest?

SUPT. ROBERT DRUMMOND: I don't recall that, no.

Was that the -- I didn't see all of his evidence.

MR. HATIM KHEIR: Do you have any reason to doubt the intelligence that Superintendent Morris had received?

SUPT. ROBERT DRUMMOND: No, I don't.

MR. HATIM KHEIR: And just to confirm, you were just showed a -- an Intelligence report from a private company. Are you aware of any of the potential information that was -- that went into forming that report?

SUPT. ROBERT DRUMMOND: No, I don't. I'm not familiar with that company. I had seen that email, and I think we had maybe had a presentation from them earlier in the year through Chief Sloly, but I think they're a U.S.-based company. I'm not really familiar with them.

MR. HATIM KHEIR: Okay. No further questions, thank you.

COMMISSIONER ROULEAU: Thank you.

Next is the Ottawa Police Service.

--- CROSS-EXAMINATION BY MS. JESSICA BARROW:

MS. JESSICA BARROW: Good evening,

Superintendent.
SUPT. ROBERT DRUMMOND: Good evening.

MS. JESSICA BARROW: For the record, my name is Jessica Barrow, and I am counsel for the Ottawa Police Service. Mr. Commissioner, I just want to ask for permission to replay a video that played earlier today with Superintendent Bernier in cross-examination that only became relevant as a result of his cross-examination. And so though it's not on the list of materials I intended to bring Superintendent Drummond to, I'd appreciate leave to do that with this witness.

COMMISSIONER ROULEAU: In the circumstances, I don't see a problem unless any counsel points anything out. So seeing none, sure, go ahead.

MS. JESSICA BARROW: Thank you.

The number for that is HRF1560.

(VIDEO PLAYBACK)

MS. JESSICA BARROW: Superintendent Drummond, have you seen this video before?

SUPT. ROBERT DRUMMOND: Yes, I have.

MS. JESSICA BARROW: And are you able to tell us, based on what you are seeing here, where this video was taken?

SUPT. ROBERT DRUMMOND: Rideau and Sussex. We're looking southbound here. That's the Westin Hotel on the left.

MS. JESSICA BARROW: Before I continue the video, can you give us some context as to -- we've heard already about the group of protesters that were located there, but can you give us some additional context about the type of behaviour that was seen throughout the protest at this location?
SUPT. ROBERT DRUMMOND: They were very anti-government, anti-authority. Farfadaa was one of the groups that was there. We had had conflict there and calls for service there to try to deal with the -- even problems within the groups with each other. I think you've heard today that the Freedom Convoy group also was not successful in trying to reach any resolution with them trying to move or do things differently out there.

And this video I believe was shot on the 18th of February when we were doing what's called "actions on" for a positive action with the Public Order Units. We were clearing out that intersection, and clearly there are people that are not obeying the direction from the police officers on the scene and are entering into altercations.

MS. JESSICA BARROW: All right. Perhaps we can just continue the video.

(VIDEO PLAYBACK)

MS. JESSICA BARROW: Thank you.

What do you observe happening there?

SUPT. ROBERT DRUMMOND: So there is a -- the fellow with the backpack, you can see that at the beginning the Public Order Officers, the ones that have the yellow on, are trying to get that person to keep moving on and he is hanging onto a, I think it's a parking sign, but he's hanging onto a sign there. Ultimately, he's being combative and not listening to direction.

And behind, you see the officers that are not in yellow, there's -- they have darker clothing, they are what we
would refer to as less lethal officers. They have weapons with
them that would fire like a rubber bullet or gas if required,
and they are behind the line which you see in yellow, and I
believe one or two of them become involved with that individual.
There's a -- you can't see enough because -- but obviously
they're on the ground.

I researched this incident, and I know that what
happens is the person on the ground places a -- kind of a hold
on the officer's leg and won't let go, and the officer believes
that his leg is going to be broken. He delivers strikes with
the tip of the R1 gun to get him to release.

**MS. JESSICA BARROW:** Were any reports filed in
relation to this incident?

**SUPT. ROBERT DRUMMOND:** Yes. The subject was
arrested. There was an Injured on Duty Report filed to the
officer. He had medical treatment after that with the EMS. And
that -- the subject was processed for charges.

**MS. JESSICA BARROW:** You said that the officer
received medical attention.

**SUPT. ROBERT DRUMMOND:** He was seen by
paramedics.

**MS. JESSICA BARROW:** In relation to this
incident?

**SUPT. ROBERT DRUMMOND:** In relation to this
incident, yes.

**MS. JESSICA BARROW:** Okay, those are my
questions. Thanks very much, Superintendent.

**COMMISSIONER ROULEAU:** Thank you.
Any re-examination?

--- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:

MS. NATALIA RODRIGUEZ: Hi, I have a few more questions for you.

Now, in relation to what you were asked by counsel for former Chief Sloly, you indicated that your reason for believing that Chief Sloly knew that the deal was to move trucks onto Wellington and that the move actually happened was the letters exchanged between the Mayor and Tamara Lich. Do you recall that?

SUPT. ROBERT DRUMMOND: Correct. Yes.

MS. NATALIA RODRIGUEZ: Okay. So I just want to take you to OPS00014566. And again, these are Chief Sloly's notes from February 14. We looked at them earlier. And if I can take you to page 8.

If we go down.

So we see here, we talked about the call that he had with Larry Brookson, and Brookson says:

"[T]rying to get understand[ing] the meeting to completely fill up Wellington St.

Chief briefed his team. Understood that the intersect team would then brief everyone including PPS."

And if we keep going down.

And then he says -- Brookson says:

"[P]refer negation to going hard in.

For an administrator to reach-out on
their own and then permit the vehicles
to sardine in on Wellington St. [t]his
was purely political."

And the Chief says:

"We were not given any level of
details. Rob Drummond is our liaison
at the table with the City. We advise
him that Brookson will have full access
to Rob Drummond."

Now, first of all, did Larry Brookson reach out
to you after the 14 at all?

SUPT. ROBERT DRUMMOND: No.

MS. NATALIA RODRIGUEZ: Okay. And if we go down
to page 9, right before the redaction, if we keep going.

Now, this is the 5:00 p.m. demo briefing and we
know that Chief Sloly is there because these are his notes.

And if we look in the middle there, "We need some
significant legal advice regarding the mayor's position that
they can be on Wellington."

So does this refresh your memory about whether
the chief knew that trucks had been relocated onto Wellington,
at least by the 14?

SUPT. ROBERT DRUMMOND: I believe so.

MS. NATALIA RODRIGUEZ: So that was explicitly
stated at this 5:00 p.m. meeting, as we can see here?

SUPT. ROBERT DRUMMOND: I believe so, yes.

MS. NATALIA RODRIGUEZ: Okay. And I want to take
you now in response to what my friend, Mr. Miller, asked you
about regarding whether any protestors who wanted to move were prevented from moving, prevented from moving, exactly.

If I can take you to your notes, OPS00014455, and I want to take you to page 60.

And so this is the meeting where the issued are being discussed on the 15th. It's the noon meeting on February 15 with all of the people that we had indicated.

And if we go actually to page 62, and then we're going to go back to page 60, so at 1329, after the meeting, you say:

"I called Trish Ferguson and notified her of the integrated command table's position on the truck movement to Wellington, and the reason why to stop."

And you have four kind of bullet points there.

PLT position, advice from Dave Springer, PPS issues and concerns, and then lastly, Emergency Act, no orders yet, but is concerned may contravene.

See that?

SUPT. ROBERT DRUMMOND: Yes.

MS. NATALIA RODRIGUEZ: So you will agree with me that it doesn’t say in any of those four points that the reason to stop is Wellington is full, correct?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And it doesn’t say there that the reason to stop is because protestors no longer want to move, right?
SUPT. ROBERT DRUMMOND: Correct. We have discussed this before though. Like, I realize it's not in those bullet points, but yes, I agree it's not on the bullet points.

MS. NATALIA RODRIGUEZ: Right. Well, that's not a notation that you made in any of your notes, right? There's no notation in your notes that protest groups are no longer moving, there's not one more truck that wants to move, right?

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: Okay. And I want to take you now to OPS00014455. Sorry, I'm there. Sorry. I want to take you to -- I wanted to take you to John Ferguson's notes, and I thought that's where we were.

COMMISSIONER ROULEAU: You had said you wanted to go to page 60, but I don't ---

MS. NATALIA RODRIGUEZ: Yes. Well, he's acknowledged. I don't think I need to go back.

But I do want to go to John Ferguson's notes, and I just need to make sure I have a reference here for that meeting.

I had taken you there earlier. I'm just going to find the reference in my notes.

UNIDENTIFIED SPEAKER: Counsel, if it helps, I think it's 14568.

MS. NATALIA RODRIGUEZ: Thank you. That is probably what it is, yes. Thank you. I'll know it when I see it. Yes, that's it. Thank you very much.

And if I can take you to page 75, at the bottom of the page, right before the 1330. Right. It says, "Room for
additional trucks on Wellington Street. Security concerns expressed by PPS/Supreme Court."

And these are Staff Sgt. Ferguson's notes of the same meeting at 12:00 p.m. Do you see that?

SUPT. ROBERT DRUMMOND: Okay. Yes.

MS. NATALIA RODRIGUEZ: So he's acknowledging here that there is room on Wellington to move more vehicles, right?

SUPT. ROBERT DRUMMOND: He is, yes.

MS. NATALIA RODRIGUEZ: And finally, I want to take you to Supt. Bernier's scribe notes from this meeting as well, OPS00011410, at page 22. At 1305, the Event Commander, Supt. Bernier, says, "Deal was --" I think that may be bartered "-- before the PM declared Emergency Measure Act." And see, there's an arrow. "Will no longer support agreement."

SUPT. ROBERT DRUMMOND: Correct.

MS. NATALIA RODRIGUEZ: And so you agree with me that in none of these meetings, and certainly not in this meeting at 12:00 noon -- because I've read everybody's notes that was at this meeting -- it was not indicated that protestors were no longer moving vehicles, correct, that they weren't willing to relocate? That was not mentioned in this meeting?

SUPT. ROBERT DRUMMOND: Sorry, are you referring to the groups that didn’t want to move or the ones that did want to move? I'm not sure I understand.

MS. NATALIA RODRIGUEZ: That the issue was that you could not find any more trucks to move. That was not the
issue here, right? There likely were other trucks that were willing to move, there was room on Wellington, but it was OPS's decision to stop implementing the deal, as it indicates here, "Will no longer support agreement. Deal was bartered before the PM declared the Emergency Measure Act," as it says there, correct?

SUPT. ROBERT DRUMMOND: Yes. That was one of the factors. I have those listed on my notes too.

MS. NATALIA RODRIGUEZ: Okay. Thank you. Those are my questions.

COMMISSIONER ROULEAU: Okay. So that ends your testimony, you'll be pleased to hear.

SUPT. ROBERT DRUMMOND: Thank you.

COMMISSIONER ROULEAU: Thank you very much for coming and ---

SUPT. ROBERT DRUMMOND: No problem.

COMMISSIONER ROULEAU: --- for your evidence, and for staying so late. I know it's ---

SUPT. ROBERT DRUMMOND: I'm used to it. It's okay.

COMMISSIONER ROULEAU: I imagine you are.

Okay. So we're going to adjourn until tomorrow morning at 9:30.

THE REGISTRAR: The Commission is adjourned. La Commission est adjournée.

--- Upon adjourning at 6:19 p.m.
CERTIFICATION

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