



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

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III

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IV

Appearances / Comparutions

Mr. Peter Sloly

Mr. Tom Curry

Ms. Rebecca Jones

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Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

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V

Appearances / Comparutions

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
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1 Ottawa, Ontario

2 --- Upon commencing on Monday, October 31, 2022 at 9:30 a.m.

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

6 **COMMISSIONER ROULEAU:** Good morning. Bonjour.
7 Another exciting week. So I think we're continuing with former
8 Chief Sloly if he's up to it.

9 **--- MR. PETER SLOLY, Resumed:**

10 **COMMISSIONER ROULEAU:** Okay, the first up, I
11 believe is the Ottawa Police Service.

12 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

13 **MR. DAVID MIGICOVSKY:** Good morning,
14 Commissioner. Good morning, Mr. Sloly. As you know, my name is
15 David Migicovsky, and I appear for the Ottawa Police Service.

16 How are you?

17 **MR. PETER SLOLY:** Good morning, sir. Thank you
18 very much.

19 **MR. DAVID MIGICOVSKY:** I wonder, Mr. Clerk, if we
20 could call up OPS14454, page 176.

21 I want to start by asking you some questions
22 about the Hendon reports. So I'll just wait for the...

23 And it's page 176. Thank you.

24 Just to situate you for where we are in time,
25 it's February 12th.

26 And then if we could just turn to the next page.
27 Thank you.

28 And so you'll see, Mr. Sloly, that on February

1 12th, you've just gotten off of a call of the Big 12 Services.
2 Do you recall that?

3 **MR. DAVID MIGICOVSKY:** And on page 177, you'll
4 see...

5 If you'll just stay at the top, please.

6 ...you raised a concern with the OPP that OPS was
7 being compared to Toronto, and the suggestion that OPS wasn't
8 prepared, and you wanted to address that situation. And
9 Commissioner Carrique asked that you go offline to have that
10 discussion in a professional manner. Do you recall that?

11 **MR. PETER SLOLY:** Yes, sir.

12 **MR. DAVID MIGICOVSKY:** And so you raised concerns
13 about the Toronto situation, and you also want to discuss the
14 assertion that OPS was not prepared. And I want to read a
15 passage just below, Mr. Sloly, and ask you to confirm whether
16 that's accurate.

17 And so if you can just scroll up a bit, please.
18 Thank you.

19 "Chief - can't continue to compare
20 Ottawa to Toronto. Also, we had a
21 blind spot. Ottawa was not soft [or
22 something] sold on civil disobedience."

23 I'm not sure what that word is.

24 Commissioner Carrique says:

25 "Don't disagree with you."

26 And then says:

27 "Never any suggestion that the Toronto
28 situation is like Ottawa, this

1 situation was not caused by OPP."
2 If we could keep scrolling, please?
3 The second bullet, you indicate to Commissioner
4 Carrique,
5 "It sounds like Ottawa got caught off guard. We need a
6 collective understanding of what we did good and bad.
7 Want the message to be we didn't have
8 the intel and couldn't prepare and have
9 a message going forward."
10 And then underneath that, Superintendent Morris
11 says,
12 "Hendon report not perfect.
13 This type of activity is novel.
14 April 2020 - saw messaging re
15 vaccination talk against..."
16 We could continue, please, to the next page.
17 Again,
18 "Jan[uary] 20/22 - first heard
19 on the specific event..."
20 So this is Superintendent Morris speaking,
21 "Discussed it on Jan[uary] 21/22 and
22 sent out via Hendon.
23 - worked closely with OPS. We
24 underestimated and as we learned more
25 we tried to collect the info[rmation]
26 and work closely with OPS.
27 - Don't know how Ottawa could have been
28 prevented.

1 Toronto was completely different and we
2 learned from Ottawa.
3 - The strategic intelligence would not
4 have provided a key to prevention.
5 Chief..."

6 And this is you,

7 "...[asks] Pat, Tom, Chuck that's what
8 needs to be told more broadly and to
9 the politicians
10 - that intelligence update needs to
11 be..."

12 **MR. PETER SLOLY:** Done. Needs to be done.

13 **MR. DAVID MIGICOVSKY:** ..."done - judging the
14 various police services against each
15 other
16 - people are second guessing me - I
17 can't point fingers [a]t RCMP [and]
18 OPP.

19 I need someone that is
20 credible/objective to speak out
21 not someone fighting for their job"

22 And you'll see Commissioner Carrique says,

23 "- fair comment[...]
24 - we do provide Hendon to [government].
25 Can ask Pat..."

26 Which I assume is Pat Morris.

27 "...to include a summary to include in
28 the next Hendon. We can make sure it's

1 clearly articulated in the Hendon
2 Report[s]."

3 And does that, in fact, reflect the conversation
4 that you had with Superintendent Morris and Commissioner
5 Carrique?

6 **MR. PETER SLOLY:** Yes, sir.

7 **MR. DAVID MIGICOVSKY:** Thank you. And although
8 your witness statement did not say so, I understand that, in
9 fact, you only reviewed the Hendon reports some time after
10 February 10th, 2022; is that correct?

11 **MR. PETER SLOLY:** No, sir.

12 **MR. DAVID MIGICOVSKY:** Okay. And I am going to
13 suggest to you that it was only after you reviewed the Hendon
14 reports sometime after February 10th that you formed the
15 conclusion that you just reached?

16 **MR. PETER SLOLY:** Absolutely not, sir.

17 **MR. DAVID MIGICOVSKY:** Okay. And I'm also going
18 to suggest to you that none of the Hendon reports were ever
19 forwarded by you to either Deputy Chief Bell or Deputy Chief
20 Ferguson.

21 **MR. PETER SLOLY:** My recollection is that I did,
22 but I stand corrected if there's no actual evidence of that.
23 Regardless, the discussions of the Hendon reports took place at
24 nearly every briefing.

25 **MR. DAVID MIGICOVSKY:** Right. I understand you
26 couldn't find any record of that. And you read over the witness
27 statement of Deputy Chief Bell?

28 **MR. PETER SLOLY:** Yes.

1 **MR. DAVID MIGICOVSKY:** Or Acting Chief Bell. And
2 you're aware from his testimony and his witness statement that
3 he learned of the Hendon report sometime in the week of January
4 24th through discussion with Superintendent Patterson, who was
5 the Superintendent in Intelligence, and then began to receive
6 the reports on January 27th. You understand that; correct?

7 **MR. PETER SLOLY:** I understand that's his
8 statement, sir, yes.

9 **MR. DAVID MIGICOVSKY:** And you understand from
10 Deputy Chief Ferguson that she only started to get those reports
11 in the week of February 4th?

12 **MR. PETER SLOLY:** Again, that's her statement,
13 sir.

14 **MR. DAVID MIGICOVSKY:** And you have no evidence
15 to the contrary; correct?

16 **MR. PETER SLOLY:** Except that the Hendon reports
17 were being discussed well before those days, so I have no other
18 evidence other than that.

19 **MR. DAVID MIGICOVSKY:** And Deputy Chief Bell
20 noted in his witness statement and in his testimony that you
21 began to receive the Hendon reports on January 13 and that you
22 personally received ---

23 **MR. PETER SLOLY:** Sorry, is that a question for
24 me?

25 **MR. DAVID MIGICOVSKY:** Yes, do you recall that?

26 **MR. PETER SLOLY:** Yes, I received the Hendon
27 report in regards to the convoy on January 13th. I believe I was
28 on the distribution for the Hendon reports prior to that.

1 **MR. DAVID MIGICOVSKY:** Right. And I -- Kevin
2 Maloney is your executive officer, or was your executive
3 officer; is that right?

4 **MR. PETER SLOLY:** Yes, Inspector Maloney, yes.

5 **MR. DAVID MIGICOVSKY:** And you worked very
6 closely with him?

7 **MR. PETER SLOLY:** As my executive officer, yes.

8 **MR. DAVID MIGICOVSKY:** Mr. Clerk, if we could
9 please turn up OPS00009554? And if we could just scroll down to
10 the bottom of the page? You'll see -- is it Inspector or
11 Superintendent Maloney?

12 **MR. PETER SLOLY:** It's Inspector Maloney.

13 **MR. DAVID MIGICOVSKY:** Inspector. Inspector
14 Maloney sends an email to Jamie Dunlop, to Superintendent
15 Dunlop, and he says,

16 "Hi Jamie,
17 There is apparently an Operation HENDON
18 being run by OPP or RCMP. This is an
19 intelligence-based operation that has
20 apparently been producing daily
21 briefings since the end of January.
22 A couple of questions from the Chief:
23 Are you aware of this operation?
24 Do we have an OPS representative?
25 Is it integrated into our ICS model?
26 Do we have copies of all briefing
27 notes, especially from 5 and 9
28 Feb[ruary]?"

1 The Chief would like a copy of all
2 briefing notes {past and going forward}
3 sent to him and Christiane Huneault."

4 And so he made inquiries on your behalf about
5 what the Hendon reports were?

6 **MR. PETER SLOLY:** Yeah, no, I don't recall this
7 email being asked to be sent. I do recall asking for, not
8 specifically through my executive officer, but for all previous
9 copies of Hendon reports. The rest of the bullet points, I'm
10 not sure where they would have come from, but they were not my
11 directions.

12 **MR. DAVID MIGICOVSKY:** Okay. So he sent this on
13 his own?

14 **MR. PETER SLOLY:** He may have been looking for a
15 background on his own. I don't know to what extent the
16 Inspector would have been briefed up on all these matters.

17 **MR. DAVID MIGICOVSKY:** So he says a couple of
18 questions from the Chief. You were the Chief at the time, so I
19 assumed he was talking on your behalf.

20 **MR. PETER SLOLY:** I don't recall asking for these
21 things ---

22 **MR. DAVID MIGICOVSKY:** Okay.

23 **MR. PETER SLOLY:** --- in the way that they were
24 asked for. He's tried to do his best to get that information,
25 but I obviously knew all of those answers already. What I was
26 looking for was all the copies of the Hendon reports.

27 **MR. DAVID MIGICOVSKY:** Okay. Can we scroll up to
28 the top, please? Thank you. And so Superintendent Dunlop

1 replies,

2 "Hi Kevin: Hope you are getting some
3 rest. I am aware of project Hendon.
4 It[']s a Provincial project of summary
5 of intelligence across the province and
6 national partners in regard[...] to the
7 Convoy. I have not received any
8 updates in the few days I've been
9 assigned Intelligence as it related to
10 this occupation but will make sure to
11 forward every one to the Chief and
12 through this email will ensure
13 Insp[ector] Bryden sends directly from
14 source and not through the [chain of
15 command] that may delay sharing.
16 I personally have not received most of
17 them. I started to receive them in
18 November from Robert Drummond and I
19 note the Chief is on the mailing list.
20 I have a gap through the month of
21 December and January as I[']m not
22 directly in intel but started to
23 receive a few from Mark in Feb[ruary].
24 I[']ll forward those now. I asked Ken
25 Bryden to have all reports forwarded to
26 you dating from the first on."

27 And you are, in fact, copied on that email;

28 correct?

1 **MR. PETER SLOLY:** Yes, sir.

2 **MR. DAVID MIGICOVSKY:** And so we heard from the
3 OPP witnesses and specifically Superintendent Morris that he
4 found it very odd that they were getting requests from your
5 office for copies of the Hendon report when they had gone
6 directly to you from January 13th onward. You heard that
7 testimony?

8 **MR. PETER SLOLY:** I can understand why. My
9 request was to my own folks to get past copies of the Hendon
10 reports. Technically, we should have been able to get them from
11 our own Intelligence Directorate, as you can see by the email
12 from Mr. Dunlop. For some reason, they weren't -- my staff
13 weren't able to get them from our own folks, and so I guess the
14 request went on from there. I was not aware that we had sent a
15 formal letter to Superintendent Morris for all these reports.
16 We should have been able to get them from our own Intelligence
17 archives.

18 **MR. DAVID MIGICOVSKY:** But you had them. They
19 all went -- were sent to you. They were addressed to Sloly.

20 **MR. PETER SLOLY:** Yes, sir, and I don't manage my
21 email inbox. I have an EA that supports that. And for whatever
22 combination of reasons, it wasn't available to my EA, and so a
23 request went through to the Intelligence Directorate. And
24 subsequent to that, for reasons I'm not fully aware of, it went
25 over to Superintendent Morris. The point is, you're right, they
26 were available inside the Ottawa Police Service, and my request
27 was to the Ottawa Police Service, "Produce the Hendon reports,
28 so I can start to have an archive of them and look through them

1 myself."

2 **MR. DAVID MIGICOVSKY:** I'm not understanding how
3 you needed an archive when every single one was addressed to you
4 and in your inbox.

5 **MR. PETER SLOLY:** I often deleted reports that I
6 wasn't actually using anymore and so I wouldn't have a complete
7 access to them myself, and so I'd have to get assistance from my
8 EA, sometimes from IT to get past documents, for a wide variety
9 of issues.

10 **MR. DAVID MIGICOVSKY:** So your evidence is that
11 you did receive them, and you did read them at the time?

12 **MR. PETER SLOLY:** No. Actually, my evidence was
13 I read most of them at the time, in terms of line by line. Some
14 of them I skimmed through, and some of them I would have
15 forwarded on to different people for actioning items.

16 **MR. DAVID MIGICOVSKY:** And if I suggested to you
17 that, not only did you have them, they were unopened in your
18 inbox, what would your response be to that?

19 **MR. PETER SLOLY:** It is possible that some of
20 them weren't opened; depending on the day and how much I had
21 going on, I might not have been able to read everything that
22 came into my inbox.

23 **MR. DAVID MIGICOVSKY:** And so when your Executive
24 Officer, Inspector Maloney, sent that request to the OPP, he did
25 so without your authority?

26 **MR. PETER SLOLY:** No. He has my authority to do
27 a wide variety of things, including extending to seek
28 information in order to accomplish his purpose. I don't give

1 him directions and details on every aspect of what he does as
2 the Executive Officer.

3 **MR. DAVID MIGICOVSKY:** I'm going to suggest to
4 you, Mr. Sloly, that once you received that email, this one
5 here, you at some point decided that you could blame Deputy
6 Chief Bell at the time for not planning for this event.

7 **MR. PETER SLOLY:** That is absolutely incorrect,
8 sir. And I really take offence to that notion, thank you.

9 **MR. DAVID MIGICOVSKY:** Okay.

10 If we could please turn up OPS00009565? If we
11 could scroll to the bottom, you'll see then there's an at -- if
12 you could scroll all the way to the bottom, please? Just go up;
13 I'm sorry.

14 Okay. So you'll see above that email, the next
15 email in the chain, which we just saw, and then if we can go
16 above that, you'll then see Supt. Patterson, and you're copied
17 on that, says:

18 "Thanks Jamie. Further to that. All
19 of the Hendon reports were submitted to
20 DC Bell for the Intelligence Briefings
21 that were provided on a daily basis.
22 OPS Members in attendance have been
23 myself, (prior to the MIC role),
24 Inspector Bryden and SIC [sic] Members
25 Yes, it is integrated into our model
26 The briefing notes from [February 5] to
27 [9] were supplied by DC Bell"

28 And then we see above that, so now you believe

1 that Deputy Chief Bell, at the time, had received the Hendon
2 reports, and then you indicate on February 10th to your general
3 counsel:

4 "Fyi and for your records - this could
5 become very important in [any -- I
6 assume that's a typo] post event
7 inquiries/inquests [Peter Sloly]"

8 Right?

9 **MR. PETER SLOLY:** Well, there was a massive
10 amount of information in there, including the information about
11 Deputy Chief Bell. Obviously, this has actually become very
12 important in an inquest. So, yes.

13 **MR. DAVID MIGICOVSKY:** And so even though the OPP
14 found it odd that you -- your office was specifically making
15 inquiries about what these Hendon reports were, and even though
16 Deputy Chief Bell's evidence, which was not contradicted, was
17 that he only began to receive them at the end of January, you're
18 now saying this could become important.

19 And could it become important, Mr. Sloly, because
20 it will indicate that you received the Hendon reports, or that
21 Deputy Chief Bell received the Hendon reports?

22 **MR. PETER SLOLY:** It's important, sir, because it
23 provides a history of what the Ottawa Police Service received
24 the Hendon reports and what they did with them in totality.

25 **MR. DAVID MIGICOVSKY:** Okay. And so you don't
26 have any response, I take it, to Supt. Morris, who was really
27 quite puzzled by why you were asking for Hendon reports?

28 **MR. PETER SLOLY:** I could appreciate why Supt.

1 Morris from the OPP would be puzzled about it.

2 **MR. DAVID MIGICOVSKY:** I want to talk about
3 Deputy Chief Ferguson and Deputy Chief Bell at the time. And
4 you've testified on Friday that there was a period of time when
5 you lost confidence in your two Deputies.

6 **MR. PETER SLOLY:** No, I testified that the trust
7 factor had taken a hit, but that I had not lost confidence in my
8 two Deputies. If I had lost confidence in my two Deputies, I
9 would have taken a much more firm and direct course of action.

10 **MR. DAVID MIGICOVSKY:** Okay. And so, you lost
11 trust, and that must have been very ---

12 **MR. PETER SLOLY:** Lost some level of trust, sir.
13 Thank you.

14 **MR. DAVID MIGICOVSKY:** And that must have been
15 very hard for you?

16 **MR. PETER SLOLY:** I think that's hard for
17 anybody, sir.

18 **MR. DAVID MIGICOVSKY:** And you decided that
19 because you couldn't trust them, you needed to do certain things
20 yourself?

21 **MR. PETER SLOLY:** Again, just to correct. It
22 wasn't because I could not trust them, meaning I had zero trust.
23 But yes, I would have to then take some course of action to deal
24 with that until efforts were made on all parties to rebuild that
25 trust, and I stated that efforts were made; thank you.

26 **MR. DAVID MIGICOVSKY:** And you also didn't trust
27 Supt. Dunlop as the Event Commander that they had chosen?

28 **MR. PETER SLOLY:** No. Supt. Dunlop was still

1 part of a review that was going on for the Panda Games events,
2 and it would not have been fair for him to be in that position
3 until that review was completed.

4 **MR. DAVID MIGICOVSKY:** And so, several of your
5 most senior officers you had trust issues with?

6 **MR. PETER SLOLY:** I had a momentary trust issue
7 with Deputy Chiefs Bell and Ferguson as a result of the decision
8 to put Supt. Patterson -- sorry; Dunlop, into the position of
9 Event Commander without letting me know about it.

10 **MR. DAVID MIGICOVSKY:** And Supt. Rheaume, you
11 told us, had been replaced as Event Commander by Supt. Dunlop.
12 And you indicated you were very angry about that, and you spoke
13 to Deputy Chief Bell ---

14 **MR. PETER SLOLY:** Sorry; I did not indicate any
15 such thing about my emotions, sir.

16 **MR. DAVID MIGICOVSKY:** Okay. You were not
17 pleased with that decision?

18 **MR. PETER SLOLY:** I was concerned because I was
19 not made aware of the decision.

20 **MR. DAVID MIGICOVSKY:** And you spoke to Deputy
21 Chiefs Bell and Ferguson about it?

22 **MR. PETER SLOLY:** Yes, sir.

23 **MR. DAVID MIGICOVSKY:** And then you consulted
24 with them about who should replace Supt. Dunlop because you said
25 you didn't want him in the position?

26 **MR. PETER SLOLY:** Because it wasn't suitable for
27 him to be in the position, given that he was still under review;
28 yes, sir.

1 **MR. DAVID MIGICOVSKY:** But you did not suggest
2 putting Supt. Rheume back in as the Event Commander?

3 **MR. PETER SLOLY:** I asked them for their
4 opinions; his name was not offered back to me.

5 **MR. DAVID MIGICOVSKY:** So, there's another one of
6 your Superintendents that you may have had some trust issues
7 with as well?

8 **MR. PETER SLOLY:** No, sir, that is not at all
9 correct.

10 **MR. TOM CURRY:** Commissioner? Commissioner?
11 Thank you.

12 My friend Mr. Migicovsky has more than one
13 occasion this morning, not stated the witness's evidence
14 correctly, and I would be grateful if my friend could listen
15 more closely and not suggest that the evidence is something
16 other than it is.

17 **MR. DAVID MIGICOVSKY:** I'm doing the best I can.
18 If I have misstated a word, please correct me, it was not
19 intentional.

20 **MR. PETER SLOLY:** You've actually repeatedly
21 misstated the words, so I appreciate ---

22 **COMMISSIONER ROULEAU:** Wait. I'm going to have
23 to interrupt.

24 I think you should be very careful; you have on a
25 couple of occasions done it. It happens, but please be
26 cautious.

27 **MR. DAVID MIGICOVSKY:** I will, and I'm not doing
28 it intentionally but there's a lot of information and if I've

1 gotten something wrong, and I haven't picked up on it, please do
2 correct me.

3 **MR. PETER SLOLY:** I certainly feel your pain;
4 there's a lot of information.

5 **MR. DAVID MIGICOVSKY:** You've also, I believe,
6 told us about not wanting to give too much information to the
7 Board because you didn't entirely trust them to keep things
8 confidential?

9 **MR. PETER SLOLY:** Again, that's incorrect, sir.

10 **MR. DAVID MIGICOVSKY:** That's not what you said?

11 **MR. PETER SLOLY:** That's not what I said.

12 **MR. DAVID MIGICOVSKY:** Okay. You had concerns
13 about sharing certain information because of confidentiality?

14 **MR. PETER SLOLY:** There were instances where the
15 Board was documented in terms -- Board Members were documented
16 in terms of leaking information, service information, Board
17 information. That includes *in-camera* information.

18 **MR. DAVID MIGICOVSKY:** And we've also heard
19 evidence about your perception that there wasn't political
20 support to get the resources to you, and that they wanted to see
21 you fail.

22 **MR. PETER SLOLY:** I've talked about the concerns
23 that I had from comments and actions by various levels of
24 government; yes, sir.

25 **MR. DAVID MIGICOVSKY:** And Supt. Pardy, you'll
26 recall from the OPP testified that you told him there were
27 people in the Ministry who wanted you to fail and that you had
28 sources telling you that?

1 **MR. PETER SLOLY:** I'm sorry; can you repeat that
2 please, sir?

3 **MR. DAVID MIGICOVSKY:** Supt. Pardy from the OPP
4 testified that there were people -- that you said at a meeting
5 he was at, that there were people in the Ministry who wanted you
6 to fail and that you had sources telling you that?

7 **MR. PETER SLOLY:** It's not exactly right, but I
8 was aware from people in the Ministry that had made those
9 suggestions over the course of my tenure as Chief of Police.

10 **MR. DAVID MIGICOVSKY:** And you expressed that to
11 Supt. Pardy; correct?

12 **MR. PETER SLOLY:** That's correct, sir.

13 **MR. DAVID MIGICOVSKY:** And so I take it from that
14 that there were also people you could not trust in the Ministry?

15 **MR. PETER SLOLY:** No, sir. That's not correct.

16 **MR. DAVID MIGICOVSKY:** Let's talk about the
17 change in Incident Commander from Supt. Rheaume to Supt. Dunlop.
18 And I want to begin by talking about your comments about Supt.
19 Dunlop.

20 What I understood you to say on Friday, and
21 perhaps I've written it down incorrectly, was you did not want
22 him in the position because he had been the Incident Commander
23 in the Panda Game?

24 **MR. PETER SLOLY:** No, sir. He was not the
25 Incident Commander in the Panda Game, but he was the
26 Superintendent overseeing -- actually, the acting Deputy Chief
27 overseeing the area that was responsible for event planning and
28 the event plan implementation on the day at the Panda Game in

1 2021.

2 **MR. DAVID MIGICOVSKY:** My understanding was that
3 you referred to him as the Incident Commander or the Event
4 Commander and so I've got that wrong. That wasn't ---

5 **MR. PETER SLOLY:** He was not the Incident
6 Commander and I don't know if there was a Major Event Incident
7 Command or Event Commander, but he was overseeing that
8 operation. He was part of the briefings in regards to those
9 operations. He was with me when we briefed Board and Council
10 members in regards to those operations. So he had a very active
11 involvement in the planning and the overseeing of the
12 implementation of that plan.

13 **MR. DAVID MIGICOVSKY:** My understanding was that
14 the Incident commander of that was Insp. Michel Marin and there
15 was no Event Commander for that.

16 **MR. PETER SLOLY:** You have probably more accurate
17 information/recollection at this point than I do.

18 **MR. DAVID MIGICOVSKY:** And in terms of Supt.
19 Dunlop's experience, I understand that he had been the logistics
20 and staffing lead in 2016 for the North American Leaders Summit
21 and he was part of a joint planning and communications group
22 with the RCMP. He was also the lead planner in the past for the
23 presidential visit, and was extremely well qualified for the
24 position, but that you had some personal issues with him?

25 **MR. PETER SLOLY:** First of all, I'm not aware of
26 his CV, so I can't comment on the accuracy of it. Your last
27 comment, I don't know where you've got that from, sir, but
28 that's not accurate.

1 And then last but not least, planning and
2 logistics for the Panda Game was not the problem. It was
3 decisions made around removing the ESU prior to the time where
4 the traditional public order and disorder issues took place, and
5 I still, at that point, in January/February of 2022 had not had
6 a report back that explained why our public order were removed
7 prior to what we knew to be the high-risk period of the Panda
8 Game.

9 **MR. DAVID MIGICOVSKY:** And so you're not just ---

10 **MR. PETER SLOLY:** Planning and logistics had
11 nothing ---

12 **MR. DAVID MIGICOVSKY:** --- disputing that he may
13 have been ---

14 **COMMISSIONER ROULEAU:** I'm sorry. He was just --
15 -

16 **MR. DAVID MIGICOVSKY:** Sorry.

17 **COMMISSIONER ROULEAU:** --- finishing his answer.

18 **MR. PETER SLOLY:** Planning and logistics -- thank
19 you, sir. Planning and logistics had nothing to do with things
20 -- an operational decision that was made at some level to remove
21 the mass majority of our resources, including our public order
22 resources, literally at the moment that the troubles would have
23 begun.

24 **MR. DAVID MIGICOVSKY:** You're not disputing that
25 he was extremely well qualified for that position of event
26 coordinator?

27 **MR. PETER SLOLY:** But he was not an event
28 coordinator ---

1 **MR. DAVID MIGICOVSKY:** I'm talking about for the
2 -- sorry if my question wasn't clear. Event Commander for the
3 protest.

4 **MR. PETER SLOLY:** I don't know what his CV -- I
5 didn't know at that time what his CV was.

6 **MR. DAVID MIGICOVSKY:** Okay. And you indicated
7 that the Event Commander was changed, you said, on February 1st,
8 2022. That was your evidence on Friday?

9 **MR. PETER SLOLY:** That was my understanding,
10 although I don't know when the actual change took place.

11 **MR. DAVID MIGICOVSKY:** Okay. On Friday, you said
12 it was the 1st.

13 **MR. PETER SLOLY:** I believe it was around the 1st,
14 but I don't know the exact date.

15 **MR. DAVID MIGICOVSKY:** And you understand that
16 Deputy Chief Ferguson testified that Supt. Rheaume was the Event
17 Commander until February 4th in the evening? And that was her
18 evidence in her witness statement and it was also her evidence
19 in the transcript.

20 **MR. PETER SLOLY:** I'm sorry, did you say that
21 Supt. Rheaume was the Event Commander until the 4th?

22 **MR. DAVID MIGICOVSKY:** Until February 4th in the
23 evening. That was her evidence.

24 **MR. PETER SLOLY:** That does not -- that's not
25 aligned to what I understood.

26 **MR. DAVID MIGICOVSKY:** And no one challenged that
27 evidence when she gave it. you heard that; correct?

28 **MR. PETER SLOLY:** I don't recall any challenges.

1 **MR. DAVID MIGICOVSKY:** And on the Institutional
2 Report that Ottawa Police filed and that came in through her
3 evidence, that Institutional Report had a chronology of dates
4 and said that Supt. Rheame was the Event Commander up until
5 February 4th, and nobody challenged that either; correct?

6 **MR. PETER SLOLY:** I haven't read that report,
7 sir.

8 **MR. DAVID MIGICOVSKY:** And you're aware that
9 Deputy Chief Ferguson testified that Supt. Rheame had asked for
10 some time off on the weekend, which was the weekend of February
11 5th, and that's why she said he had been replaced by Supt.
12 Dunlop?

13 **MR. PETER SLOLY:** My recollection is that Deputy
14 Chief Ferguson told me somewhere around February 1st that Insp.
15 Lucas had asked for time off and that he was being replaced to
16 allow to go home.

17 Apparently all that information wasn't correct.
18 And to this date, I am still not sure what happened between
19 February 1st and February 5th, when I was finally made aware that
20 Supt. Dunlop was the Event Commander.

21 **MR. DAVID MIGICOVSKY:** Okay. So you indicated on
22 Friday that you did not believe that statement when she said
23 that he had asked for time off that weekend and that's why he
24 had been replaced?

25 **MR. PETER SLOLY:** Again, it's not a matter of
26 belief. My recollection, independent, and to this day, is that
27 Insp. Lucas was asking for time off somewhere around February
28 1st, Acting Deputy Chief Ferguson provided that time off and

1 replaced him with somebody. I wasn't sure who that was. I
2 assumed it was a decision that was just temporary for 24 to 48
3 hours. So I wasn't particularly concerned about it.

4 I became concerned about things on Saturday,
5 February 5th, when I kept asking for who the Incident Commander
6 was, Event Commander was, and I was then told at the end of that
7 meeting on February 5th that it was Supt. Dunlop. And until that
8 time, I had no understanding of that, sir.

9 **MR. DAVID MIGICOVSKY:** Can I ask, please, Mr.
10 Clerk, to turn up OPS00014454, page 142?

11 At the top of the page, you'll see:

12 "Chris Rheaume was the Commander.

13 Chris Rheaume..."

14 **MR. PETER SLOLY:** Sorry, whose notes are these,
15 sorry?

16 **MR. DAVID MIGICOVSKY:** These are the same notes
17 that we looked at before, Ms. Huneault's notes.

18 **MR. PETER SLOLY:** Okay. And what's the date for
19 this?

20 **MR. DAVID MIGICOVSKY:** February 10th.

21 "Chris Rheaume was the Commander.

22 Chris Rheaume - he need time off

23 Decision to ask Jamie be there on

24 Frid[ay]"

25 Friday would be February 4th.

26 "On Sat[urday] [Supt.] Rheaume asked if
27 Jamie [that would be Jamie Dunlop] should
28 just stay in there

1 Decision to just keep"

2 Thank you.

3 **MR. PETER SLOLY:** I'm -- I have no idea what the
4 context of this telephone call that Ms. Huneault had with Deputy
5 Chief Bell on February 10th. So that does not -- those are not
6 notes that she was taking on my behalf. Those were notes she
7 was taking on her behalf, and I have no understanding of the
8 context.

9 **MR. DAVID MIGICOVSKY:** And if that is correct,
10 then what that would mean ---

11 **MR. PETER SLOLY:** Well it's not correct, sir,
12 from my understanding.

13 **MR. DAVID MIGICOVSKY:** If that was correct, ---

14 **MR. PETER SLOLY:** It's not correct, from my
15 understanding.

16 **MR. DAVID MIGICOVSKY:** If I could ask my
17 question, please?

18 If it was correct, that would mean that on
19 February 4th in the evening, Supt. Rheume was asked for time off
20 and was given it, and Supt. Dunlop became the Event Commander on
21 the 5th.

22 **MR. PETER SLOLY:** If that was correct, then that
23 would completely discount the fact that Supt. Dunlop presented
24 himself on two occasions on Thursday, February 3rd, to present
25 the Public Unit Order sub-plan that I had asked for, and that
26 Acting Deputy Chief Ferguson was responsible for coordinating in
27 our Major Incident Command Role. And so none of this makes
28 sense.

1 **MR. DAVID MIGICOVSKY:** Okay. And what also
2 doesn't make sense, if we could please turn up OPS00014484, page
3 10?

4 So this is your typed notes. I don't know when
5 you typed those notes. But you'll see "I advised..." this is on
6 the February 5th in the morning. It's 9:00 o'clock. It says:

7 "I advised that I had only just
8 official[ly] heard that Supt Dunlop had
9 replaced Insp Lucas as the Incident
10 Commander at the previous briefing.
11 DC Bell advised [...] he was the new
12 Incident Commander installed this week..."

13 That can't be accurate, Mr. Sloly, I suggest,
14 because the Incident Commander from the beginning of this event
15 to the end was Insp. Lucas throughout; correct?

16 **MR. PETER SLOLY:** What's happening here is
17 there's an interchange of terms between Incident Commander and
18 Event Commander. Event Commander is not a vernacular that I was
19 used to from time in Toronto Police Service. We didn't have
20 such a designation.

21 **MR. DAVID MIGICOVSKY:** But ---

22 **MR. PETER SLOLY:** If you'd like an explanation,
23 sir, I'm trying to provide that to you.

24 So in terms of terminology, you're right. It
25 doesn't make sense. But I go back to it.

26 On or around February 1st, I believe it was
27 February 1st, but I stand to be corrected if there's other
28 documentation, I was advised by Acting Deputy Chief Ferguson

1 that Insp. Lucas was tired, that he was involved in planning
2 prior to the arrival of the convoys, had worked through the
3 weekend under intense pressure, that Insp. Lucas needed time
4 off, and that he was being replaced. I don't recall whether or
5 not she told me who he was being replaced by. But I accepted
6 that.

7 Then I was waiting for a briefing from S/Sgt.
8 Mike Stoll on the Public Order Unit Plan that I requested on
9 February 1st.

10 Supt. Dunlop showed up on Thursday, February 3rd,
11 on two separate occasions, presenting that plan, and that caused
12 great confusion for me and it also meant that we couldn't
13 actually get the presentation.

14 When finally we started talking about it again on
15 February 5th, I was then told that Supt. Dunlop had been the
16 Incident Commander. That's my recollection and that's why I
17 wrote my notes as such.

18 **MR. DAVID MIGICOVSKY:** And ---

19 **MR. PETER SLOLY:** Had been replaced -- replaced
20 Insp. Lucas as the Incident Commander. And that's why I wrote
21 my notes as such.

22 **MR. DAVID MIGICOVSKY:** These are not notes that
23 you prepared at the time of the ---

24 **MR. PETER SLOLY:** These are contemporaneous
25 notes. Yes, sir.

26 **MR. DAVID MIGICOVSKY:** And I suggest to you that
27 you've got it wrong there, because what you were told on
28 February 5th in the morning was that Superintendent Rheaume had

1 asked for some time off ---

2 **MR. PETER SLOLY:** No, sir.

3 **MR. DAVID MIGICOVSKY:** Just -- you have to let me
4 finish, Mr. Sloly. And had been replaced by
5 Superintendent Dunlop. And in your notes you've written that's
6 it's Inspector Lucas who was replaced by Superintendent Dunlop
7 as the Incident Commander.

8 **MR. DAVID MIGICOVSKY:** Thank you for your
9 statement. You're inaccurate. That's not true.

10 **MR. DAVID MIGICOVSKY:** Okay. And -- so we are in
11 agreement, however, that Inspector Lucas was never replaced.

12 **MR. PETER SLOLY:** I am still under the impression
13 that he took time off, but I've heard his testimony that he
14 never had days off. But up until that point I was advised and
15 still believe that, well, I was advised that Inspector Lucas had
16 requested time off.

17 **MR. DAVID MIGICOVSKY:** And ---

18 **MR. PETER SLOLY:** It turns out it was
19 Superintendent Rheume. I stand corrected.

20 **MR. DAVID MIGICOVSKY:** And you're asking us to
21 accept that for the period of February 1st to February 5th you
22 were under a misapprehension of who the Event Commander was?

23 **MR. PETER SLOLY:** Yes, sir.

24 **MR. DAVID MIGICOVSKY:** If in fact the change was
25 made on February 4th in the evening, as we've heard from the
26 evidence, that would mean you were uninformed from the evening
27 of the 4th until the morning of the 5th; correct?

28 **MR. PETER SLOLY:** No, I was uninformed from the

1 1st until the 5th.

2 **MR. TOM CURRY:** Commissioner, Commissioner, may I
3 interject again? Forgive me please.

4 My -- I'm not -- I'm trying to follow my friend's
5 questions. If the suggestion that my friend is making to the
6 witness is that the evidence before you is that
7 Inspector Rheaume left on the 4th, then my friend should recall
8 that Commission Counsel led the evidence on Friday of
9 Inspector Rheaume's note that showed that he was replaced as
10 the, I think, Event Commander on the evening of February 1st,
11 1930 hours. Commission Counsel led that note from
12 Inspector Rheaume.

13 **MR. DAVID MIGICOVSKY:** This is quite proper
14 cross-examination. If my friend wants to raise that in
15 re-examination, he can. Superintendent Rheaume was not called
16 as a witness. Two different notebooks from him were put in. We
17 knew nothing about that. So my friend can certainly pursue that
18 in re-examination, but I submit this is proper cross-
19 examination.

20 **MR. TOM CURRY:** Commissioner, if I may just --
21 may I just add one comment?

22 **MR. DAVID MIGICOVSKY:** I'm concerned about my
23 time.

24 **MR. TOM CURRY:** I'm -- well, I'm -- I'll be very
25 brief. It's a matter of some significance. My friend cannot
26 say on behalf of the entity, the OPS, that he can pick and
27 choose through which notebook he likes. Commission Counsel led
28 that notebook, my friend just take account of it. That's all my

1 point. He's not being fair to the witness. Thank you.

2 **COMMISSIONER ROULEAU:** Well, I think a lot of
3 this is re-examination, if need be. There is conflicting
4 material. And I think given the short timeline that we're -- we
5 have, there is a certain amount of liberty. But if you could as
6 much as possible put everything in context without necessarily
7 citing everything.

8 **MR. DAVID MIGICOVSKY:** Sure. I understand that,
9 you know, that's the narrative. I'm challenging that narrative,
10 and my friend is certainly open to explore it. But I'm going to
11 move on from that point.

12 You would agree with me that as the Major
13 Incident Commander, Deputy Chief Ferguson operates at a
14 strategic level?

15 **MR. PETER SLOLY:** For the most part, sir, yes.

16 **MR. DAVID MIGICOVSKY:** And below her would be
17 Inspector Lucas at the Operational level?

18 **MR. PETER SLOLY:** No, below her would be the
19 Event Commander.

20 **MR. DAVID MIGICOVSKY:** I'm sorry, the Event
21 Commander, and below the Event Commander would be
22 Inspector Lucas as the Operational -- at the Operational level?

23 **MR. PETER SLOLY:** Well, not to get too off track,
24 but then what is the role of the Event Commander?

25 **MR. DAVID MIGICOVSKY:** Okay. And strategy at the
26 Major Incident Commander would be at a very high-level; correct?

27 **MR. PETER SLOLY:** No, sir.

28 **MR. DAVID MIGICOVSKY:** Okay. And I don't see

1 anywhere in the record any instructions that prohibited the
2 Major Incident Commander from choosing who should be the Event
3 Commander who reports to her.

4 **MR. PETER SLOLY:** And there are no instructions
5 in that regard, and there certainly were no instructions that I
6 gave in that regard either.

7 **MR. DAVID MIGICOVSKY:** And it's her decision, is
8 it not?

9 **MR. PETER SLOLY:** Yes. But as a strategy level
10 contact and the direct contact to me, that I would expect such
11 decisions would be communicated to me with an explanation that I
12 could understand in a timely manner.

13 **MR. DAVID MIGICOVSKY:** And when you raised it
14 with her on the 5th, you in fact told her that it was her
15 decision to either keep Superintendent Dunlop in that role if
16 she wanted to?

17 **MR. PETER SLOLY:** Yes, and she'd be accountable
18 for it, given that I had raised my concerns, yes.

19 **MR. DAVID MIGICOVSKY:** So obviously she had that
20 right to make a decision as to who she wanted as the Event
21 Commander?

22 **MR. PETER SLOLY:** Yes, sir, and I retained the
23 right as Chief of Police to make a decision if I felt that it
24 was going in the wrong direction.

25 **MR. DAVID MIGICOVSKY:** But you also warned her
26 that she'd be accountable for the decision to put
27 Superintendent Dunlop into that position.

28 **MR. PETER SLOLY:** I explicitly did so because it

1 was such an important decision to make, yes, sir. But it's
2 implicit in everything.

3 **MR. DAVID MIGICOVSKY:** And you would agree with
4 me that's somewhat of a threat that if things go wrong you'll be
5 blamed.

6 **MR. PETER SLOLY:** Not so -- not at all. It's not
7 a threat at all. It's simply stating the facts. "This is an
8 important decision you're making. We've just had an important
9 discussion. We are in a significant public safety crisis.
10 Decisions of this level are incredibly important. It's your
11 decision, but you'll be accountable for it." Yes, sir.

12 **MR. DAVID MIGICOVSKY:** And that was on
13 February 5th. And at February 5th, just in terms of what was
14 going on on the ground, things were not going well in the City
15 of Ottawa. Fair?

16 **MR. PETER SLOLY:** We were still struggling to
17 retain control, yes.

18 **MR. DAVID MIGICOVSKY:** Right. And you were
19 facing, really, unrelenting criticism in the media and on social
20 media because people didn't understand what the Ottawa Police
21 were doing.

22 **MR. PETER SLOLY:** The Ottawa Police Services
23 facing unrelenting criticism, and yes, as Chief of Police that
24 would come with the title.

25 **MR. DAVID MIGICOVSKY:** And that was very intense
26 pressure on you, was it not?

27 **MR. PETER SLOLY:** Intense pressure on everyone,
28 yes, sir, and it was intense on me.

1 **MR. DAVID MIGICOVSKY:** And what Deputy
2 Chief Ferguson confirmed with you was that in deciding who to
3 replace Superintendent Rheaume with she had consulted with her
4 colleague, who was Deputy Chief, and was experienced in the
5 Deputy Chief role, and you were suspicious of Deputy Chief Bell
6 for having had a conversation with Deputy Chief Ferguson about
7 his thoughts on the skillset required to be the Event Command.

8 **MR. PETER SLOLY:** Sorry, you just lost me there.
9 I'm not quite sure what you're asking or asserting.

10 **MR. DAVID MIGICOVSKY:** Sorry. Sorry if my
11 question had multiple parts, I'll try to break it up.

12 Deputy Chief -- you indicated that you were --
13 you did not support the decision she had made to choose
14 Superintendent Dunlop; correct?

15 **MR. PETER SLOLY:** My first concern was that I
16 wasn't advised about it. Then I raised the concern that he
17 might not be appropriate because he's still under review.

18 **MR. DAVID MIGICOVSKY:** And you also -- she told
19 you, as did Deputy Chief Bell, that he had consulted with her
20 and suggested Superintendent Dunlop, and you weren't happy about
21 Deputy Chief Bell giving his opinion to Deputy Chief Ferguson.

22 **MR. PETER SLOLY:** No, quite the opposite. I was
23 clear, once I understood that it was Deputy Chief Bell's
24 suggestion or recommendation to Acting Deputy Chief Ferguson, I
25 turned to Acting Deputy Chief Ferguson and said "You're the
26 Major Incident Commander. Whoever made the suggestion is
27 irrelevant, you have made that decision. It's on you to
28 communicate that to me."

1 **MR. DAVID MIGICOVSKY:** And she doesn't have the
2 ability to consult with her colleague, who's been in the Deputy
3 Chief role, to say, "Hey, what do you know about ---

4 **MR. PETER SLOLY:** I never said anything to that -
5 --

6 **MR. DAVID MIGICOVSKY:** --- Superintendent
7 Dunlop's skillset?"

8 **COMMISSIONER ROULEAU:** Okay, just try to not talk
9 over him, and if you could try and tighten your questions a bit.

10 **MR. PETER SLOLY:** I had no issues whatsoever with
11 Acting Deputy Chief Ferguson consulting with Deputy Chief Bell
12 on that occasion or any other occasion. In fact, I encouraged
13 it repeatedly.

14 **MR. DAVID MIGICOVSKY:** And I suggest that on
15 February 9th, so a couple of days later now, you were pretty
16 concerned that you would lose your job and be blamed for what
17 had happened.

18 **MR. PETER SLOLY:** Absolutely not, sir.

19 **MR. DAVID MIGICOVSKY:** Okay. And what you were
20 looking for was to blame somebody else.

21 **MR. PETER SLOLY:** Absolutely not, sir.

22 **MR. DAVID MIGICOVSKY:** Okay.

23 If we could please turn up OPS14454, page 131.
24 And if we could scroll down, please.

25 There's a meeting at 9:30 to 9:50, meeting with
26 Chief, Christiane Huneault and Inspector Maloney, your Executive
27 Officer. Do you see that?

28 **MR. PETER SLOLY:** Yes, sir.

1 **MR. DAVID MIGICOVSKY:** Okay. And if we could
2 scroll down.

3 And so you'll see at the bottom of the page...

4 Or, sorry, just go up -- yeah. If we could just
5 go up to the top, please.

6 "Chief"...

7 Thank you.

8 "Double sided Incident Command? Still
9 don't have it. Chief outlines concerns
10 over last week in the event he is
11 shipped out."

12 **MR. PETER SLOLY:** I'm sorry, I don't see that.

13 **MR. DAVID MIGICOVSKY:**

14 "Double sided Incident Command? Still
15 don't have it. Chief outlines concerns
16 over last week in the event he is
17 shipped out."

18 That indicates a concern you expressed again
19 about this incident of Superintendent Dunlop.

20 **MR. PETER SLOLY:** Again, not sure what "double-
21 sided Incident Command?" is. That's clearly the scribe. I
22 guess it's Christian Huneault, herself not quite sure what the
23 point was, so that's an indication of some confusion on my
24 scribe.

25 "Still don't have it". I don't know what that
26 refers to.

27 "Chief outlines concerns over last week". That's
28 definitely how the meeting started.

1 **MR. DAVID MIGICOVSKY:** In the event ---

2 **MR. PETER SLOLY:** "In the event she is shipped
3 out", again, that's her interpretation of what's being said. I
4 can't speak to it.

5 **MR. DAVID MIGICOVSKY:** And by February 14th, I
6 would suggest things were looking very bad for you in terms of
7 media coverage and what was happening with the OPP and the RCMP.

8 **MR. PETER SLOLY:** I'm sorry. Have we left this
9 meeting now?

10 **MR. DAVID MIGICOVSKY:** We have.

11 **MR. PETER SLOLY:** Okay. Thank you.

12 What was your question?

13 **MR. DAVID MIGICOVSKY:** By February 14th now, less
14 than a week later, things were looking even worse for you in
15 terms of what the media was reporting and what was happening
16 with OPP and the RCMP. You were under immense pressure.

17 **MR. PETER SLOLY:** Yes, there was an incredible
18 amount of pressure. Yes.

19 **MR. DAVID MIGICOVSKY:** If we could please call up
20 OPS00014479, page 97.

21 And if we could just go to the bottom of that
22 page, please.

23 So these are Deputy Chief Ferguson's notes:

24 "Advised Chief is looking for emails to
25 support I/we purposely left him out of
26 the information loop on the demo
27 coming."

28 We go up to the next page, and then it ends.

1 **MR. PETER SLOLY:** I'm sorry. I did not see what
2 you're referring to before the page ---

3 **MR. DAVID MIGICOVSKY:** I apologize.

4 "Advised Chief is looking for emails to
5 support I/we purposely left him out of
6 the information loop on the demo
7 coming."

8 **MR. PETER SLOLY:** And again, is these are Acting
9 Deputy Chief Ferguson's notes, I think I said several times on
10 Friday I can't understand why she was writing these things and
11 what was in her mind, but if that's her interpretation, that is
12 her interpretation. It certainly wasn't my intention at all.

13 **MR. DAVID MIGICOVSKY:** Well, she said you were
14 looking for emails to say that people intentionally left you
15 out.

16 **MR. PETER SLOLY:** I can see what she wrote. I
17 certainly never gave those directions. I never saw emails for
18 that purpose. I completely deny that assertion, as I have
19 before and will continue to do so.

20 **MR. DAVID MIGICOVSKY:** And -- thank you. You can
21 take that down for the -- or you can keep it for a moment. I
22 may go back to it.

23 Thank you.

24 You indicated that one of the concerns you had
25 about Superintendent Dunlop taking over as Event Commander, on
26 Friday you said was he wasn't at the February 1st meeting you
27 had with the POU, so perhaps he wasn't even up to date on it.

28 **MR. PETER SLOLY:** That certainly would have been

1 a concern. Yes, sir.

2 **MR. DAVID MIGICOVSKY:** And Superintendent Rheaume
3 wasn't at that February 1st meeting either, was he?

4 **MR. PETER SLOLY:** No, he wasn't, sir.

5 **MR. DAVID MIGICOVSKY:** And neither was Inspector
6 Lucas at the February 1st meeting.

7 **MR. PETER SLOLY:** But they were assigned roles
8 within the Major Incident Command structure and would have been
9 properly briefed by all the members there.

10 **MR. DAVID MIGICOVSKY:** And I understand from
11 Superintendent Dunlop's note that, in fact, he met with the POU
12 group on the following day, on February 2nd. You have no reason
13 to disagree with that.

14 **MR. PETER SLOLY:** I have no reason to know why he
15 would have met with the POU group because he wasn't part of the
16 Incident Command Team. He was overseeing investigations, so
17 that's confusing on its face.

18 **MR. DAVID MIGICOVSKY:** And I understand on
19 February 3rd, the following day, there was a POU update that
20 Superintendent Dunlop attended with you and the two Deputies at
21 10:15 that morning at which the three options were presented.

22 **MR. PETER SLOLY:** Yes.

23 And Commissioner, I just want to be clear.
24 Superintendent Dunlop had no functional role in the Incident
25 Command system on February 1st, 2nd, 3rd, 4th. I only became
26 aware of his involvement on the 5th, the Saturday.

27 My understanding on the February 1st meeting in
28 Kanata with the Public Order Unit officers was that I had

1 invited the Major Incident Commander, Acting Deputy Chief
2 Ferguson, the Incident Commander, Inspector Lucas and the Public
3 Order Commander, the SU Commander, Staff Sergeant Mike Stoll.

4 There were a number of other people who were
5 there who were within the Incident Command system, PLT members,
6 external Public Order Unit Commanders. Everybody that should
7 have been there was there with the exception of Inspector Lucas,
8 who said he could not be there.

9 I don't have a reference as to why Superintendent
10 Rheume wasn't there ---

11 **MR. DAVID MIGICOVSKY:** Okay. My ---

12 **MR. PETER SLOLY:** --- Superintendent Dunlop had
13 no functional role to play within the Incident Command system on
14 the Tuesday, the Wednesday, the Thursday.

15 I will concede at some point in that period he
16 was substituted in for Chris Rheume. I still don't know fully
17 why or when. But he should not have been at any of those other
18 meetings, and he was. And that was very confusing because he
19 had no functional role to play in those meetings.

20 **MR. DAVID MIGICOVSKY:** And you recognize the
21 importance of communicating and messaging; correct? That's an
22 important obligation that you have as a Chief, and it's
23 important that you communicate appropriately both in the service
24 and externally to the service; correct?

25 **MR. PETER SLOLY:** Yes, sir.

26 **MR. DAVID MIGICOVSKY:** And in that regard, you
27 retained a company called Navigator to provide strategic
28 communications and issues management advice related to the

1 Freedom Convoy from January 30th.

2 **MR. PETER SLOLY:** They were -- they were procured
3 to support the Ottawa Police Service and the Ottawa Police
4 Services Board. Yes, sir.

5 **MR. DAVID MIGICOVSKY:** And so we know they
6 provided services to you, a little bit to Chair Deans as well
7 during that period, from January 30th to February 15th.

8 **MR. PETER SLOLY:** Navigator was procured by the
9 Ottawa Police Service for services to the Ottawa Police Service
10 and the Ottawa Police Services Board.

11 **MR. DAVID MIGICOVSKY:** In fact, they even
12 prepared a report for you on what your reputation was during
13 this.

14 **MR. PETER SLOLY:** They prepared -- they prepared
15 general reports that covered a range of topic, including general
16 trust of the Ottawa Police Service. And yes, they broke it down
17 in some cases to assess trust in the -- in the Chief of Police.

18 **MR. DAVID MIGICOVSKY:** And there was a specific
19 report, actually, about your reputation.

20 **MR. PETER SLOLY:** I can't recall exactly, but I'm
21 sure it did come up in reports.

22 **MR. DAVID MIGICOVSKY:** If we could please have
23 OPS00008402.

24 You'll see that is a reputation audit performed
25 of relevant media, social media and political commentary
26 relating to Chief Sloly's reputation across local media,
27 national media and social media.

28 You reviewed that report, I assume?

1 **MR. PETER SLOLY:** I don't recall. There were
2 lots of reports that came across my desk, sir.

3 **MR. DAVID MIGICOVSKY:** What you say and how you
4 say things can be very important; correct?

5 **MR. PETER SLOLY:** Yes, sir.

6 **MR. DAVID MIGICOVSKY:** And my understanding is
7 OPS spent \$185,000 on Navigator providing communication advice
8 for the period of January 30th to February 15th, most of it
9 related to meetings and -- with you; correct?

10 **MR. PETER SLOLY:** That's not correct, sir.

11 **MR. DAVID MIGICOVSKY:** If we could please turn up
12 OPS00014934.

13 **MR. TOM CURRY:** Commissioner, excuse me again.

14 I understand that this document was loaded into
15 the party database only last evening. I may be wrong. My
16 friend will know. But it's a document, obviously, that we have
17 first learned about minutes ago when our friends emailed to say
18 they were going to put this document. It's, in my respectful
19 submission, not appropriate to put to the witness in the first
20 time in cross-examination.

21 I haven't even myself had a chance to look at it.

22 **MR. DAVID MIGICOVSKY:** In fairness, the question
23 of Navigator was certainly something that was raised throughout.
24 The Commission asked us for the invoice. We actually provided
25 the invoice to the Commission.

26 Yesterday when I was preparing, I discovered that
27 for some reason, it was not on the database, although certainly
28 the Commission had it. And there were many questions asked

1 about Navigator of many of the witnesses, so I don't see any
2 unfairness in it.

3 **COMMISSIONER ROULEAU:** Well, I think let's see
4 where it goes first and give him some time, if he needs it, but
5 at the moment, I'm -- I don't see a problem.

6 This is a document that would have been
7 available, certainly, to him when he was Chief, but that can
8 certainly be asked. And if he's not familiar, he can take the
9 time to review it.

10 **MR. DAVID MIGICOVSKY:** Thanks.

11 And so if you'll just see on the first page,
12 please, if you could scroll down, you'll see the total bill --
13 keep scrolling -- was 185, and you'll see from the invoice that
14 it covers January 30th to February 15th.

15 You heard Deputy Chief Bell say that he stopped
16 using them when he became Acting -- Interim Chief; correct?

17 **MR. PETER SLOLY:** Yes, sir.

18 **MR. DAVID MIGICOVSKY:** I want to talk -- so
19 Navigation -- Navigator provides communication advice.

20 Deputy Chief Ferguson has in her notes on
21 page 67. And I can turn it up if you want, but I suspect you
22 may remember this, that during the meeting on February 9th, you
23 said twice that you will crush anyone who undermines the
24 Operation, and she said your chin was twitching when you said
25 it.

26 **MR. PETER SLOLY:** I used the term "crush", and
27 that was an inappropriate term at a very stressful meeting, but
28 yes sir.

1 **MR. DAVID MIGICOVSKY:** And Ms. Huneault recorded
2 that in her notes as well.

3 And you would agree with me that when you say "no
4 changes can be made" and you will crush anyone, what your
5 Command Team would understand from that is "you better not
6 disagree with me"?

7 **MR. PETER SLOLY:** Not at all, sir. I was
8 actually very explicit after that. And Ms. Huneault's notes
9 talks about the context of that explicit context around note
10 changes. The notes are very clear. There is no changes to the
11 strategic direction, the framework, the changing of major
12 positions within the Incident Command Team. It was not said as
13 a blanket statement that there could not be any Operational,
14 Tactical, or even Strategic changes, but that we were to
15 communicate carefully, we were to act as a committed and
16 coordinated team and demonstrate that continuously going
17 forward.

18 **MR. DAVID MIGICOVSKY:** In fact, what the notes
19 say is no changes can be made to the Command Team unless you
20 approve it.

21 **MR. PETER SLOLY:** Which notes are you referring
22 to, sir?

23 **MR. DAVID MIGICOVSKY:** Deputy Chief Ferguson's.

24 **MR. PETER SLOLY:** Well, I haven't seen it. You
25 need to put that up on the screen. And I contest Deputy
26 Chief Ferguson's interpretations of my comments on many
27 occasions.

28 **MR. DAVID MIGICOVSKY:** Well, I ---

1 **MR. PETER SLOLY:** Unfortunately, she seems to
2 have taken her own interpretation and great liberties with those
3 interpretations on a regular basis, and I have stated that in my
4 evidence in-Chief.

5 **MR. DAVID MIGICOVSKY:** And Superintendent Abrams
6 testified from the OPP, and you recall that the OPP had an
7 Inspector Dawn Ferguson, who was working with the Ottawa Police?

8 **MR. PETER SLOLY:** Sorry, you confused me. What
9 question are you asking?

10 **MR. DAVID MIGICOVSKY:** Sure. I'm moving on. I'm
11 asking you something else. We're talking about communication.

12 You recall Superintendent Abrams testified?

13 **MR. PETER SLOLY:** Yes, he testified.

14 **MR. DAVID MIGICOVSKY:** And you recall that there
15 was reference to an Inspector Dawn Ferguson, who was an OPP
16 officer, who was working with the OPS?

17 **MR. PETER SLOLY:** Vaguely.

18 **MR. DAVID MIGICOVSKY:** Okay. And
19 Superintendent Abrams records that at 10 o'clock you went on a
20 rampage, was reported to him by Inspector Ferguson, and were
21 making unrealistic demands of some staff ---

22 **MR. PETER SLOLY:** Sorry, my recollection is that
23 Inspector Ferguson heard from somebody who described me as going
24 as a rampage. So this would be fourth or fifth hand
25 information. That's my recollection, sir.

26 **MR. DAVID MIGICOVSKY:** And it says that you went
27 on a rampage and were making unrealistic demands of your Command
28 staff and their partner agencies. You don't agree with that?

1 **MR. PETER SLOLY:** I don't agree with what was
2 told to Inspector Ferguson, I don't agree how he related that to
3 Superintendent Abrams, and I certainly don't agree with how
4 Superintendent Abrams would relate third and fourth hand
5 information in official channels to a partner agency as
6 important as the OPP. I think that's all very unfortunate and
7 very untrue.

8 **MR. DAVID MIGICOVSKY:** And Deputy Chief Ferguson
9 also records a meeting on February 9th where you got angry and
10 spoke of the conspiracy and told her it was all political. Do
11 you remember that?

12 **MR. PETER SLOLY:** I'm sorry. Again, sir, could
13 you pull up those notes?

14 **MR. DAVID MIGICOVSKY:** She -- do you remember
15 that?

16 **MR. PETER SLOLY:** Again, I don't even know what
17 day you're on right now, sir.

18 **MR. DAVID MIGICOVSKY:** I said February 9th.

19 **MR. PETER SLOLY:** Yes?

20 **MR. DAVID MIGICOVSKY:** That you spoke of a
21 conspiracy and told her it was all political.

22 **MR. PETER SLOLY:** In what meeting, sir?

23 **MR. DAVID MIGICOVSKY:** If we could please turn up
24 OPS00014479. Oh, I'm sorry, I didn't give you the page.
25 Page 67. The last bullet. Or you can actually go above:

26 "Talked about the plan for briefing the
27 embedded cell of planners and
28 commanders..."

1 And keep scrolling down, please:

2 "...and he spoke of a type of
3 conspiracy that is happening at
4 provincial and federal levels and that
5 this team is being handled by their
6 political masters and promoted the idea
7 that they're not really there to help.
8 I advised that they were asking us not
9 to bring the politics into our
10 operations. He got angry and told me
11 this was all political."

12 **MR. PETER SLOLY:** Again, I'm -- sorry, but I'm
13 just amazed at the amount of liberties that an Acting Deputy
14 Chief, Superintendent, relatively new and promoted
15 Superintendent, would take in terms of interpreting my
16 intentions. But none of this is accurate.

17 **MR. DAVID MIGICOVSKY:** Well, she's saying that
18 that's what you said, and you were angry.

19 **MR. PETER SLOLY:** And nobody else made notations
20 of that, so she seems to be the only one making those
21 interpretations.

22 **MR. DAVID MIGICOVSKY:** And on the same page...

23 If we go to the top of the page, please.

24 ...it said that morning you called them all into
25 the:

26 "...office after the morning briefing.
27 Present were the Chief, Deputy
28 Chief Bell, CAO [Dunker is it?]; Kevin

1 Maloney, and Christiane Huneault and
2 myself.

3 [And] the Chief began by saying he
4 floundered last week and because we..."

5 **MR. PETER SLOLY:** That was "we floundered", sir.
6 That's not "he floundered."

7 **MR. DAVID MIGICOVSKY:** "...we floundered last
8 week..." I read that as an "H", but ---

9 **MR. PETER SLOLY:** I'm sure you did.

10 **MR. DAVID MIGICOVSKY:** --- because there's a "W"
11 underneath it, but perhaps I've misread it:

12 "...and because we switched riders
13 partway through - indicating the switch
14 between Rheaume and Dunlop to
15 Patterson. The Chief and the team will
16 not change any of the players until the
17 operation is over."

18 And so again you raise this issue about the
19 switch in Event Commanders. You now are not referring to
20 Inspector Lucas anymore, you've sorted that out.

21 **MR. PETER SLOLY:** I believe we all sorted out a
22 lot of things in that timeframe, sir.

23 **MR. DAVID MIGICOVSKY:** And the people that you
24 accused were Deputy Chief Ferguson ---

25 **MR. PETER SLOLY:** I never accused anybody, sir.

26 **MR. DAVID MIGICOVSKY:** Okay. You spoke about
27 what had happened the previous week in which Deputy
28 Chief Ferguson, in consultation with Deputy Chief Bell, had

1 replaced the Event Commander, and you had that discussion in
2 front of their colleagues.

3 **MR. PETER SLOLY:** I think the term "we" is used
4 throughout this sentence. There was no finger pointing or
5 blaming. You're applying your own interpretation, sir, which I
6 completely disagree with.

7 **MR. DAVID MIGICOVSKY:** And on the same day, you
8 have a presentation to the OPP, and Deputy Chief Ferguson said
9 that you were hostile when they asked questions.

10 **MR. PETER SLOLY:** I don't have any statement that
11 says Deputy Chief Ferguson said that. If you'd like to pull it
12 up I'd be happy to see it.

13 **MR. DAVID MIGICOVSKY:** The notes are in the
14 record. That's fine.

15 Superintendent Abrams was also at that meeting,
16 and his notes say, and I'm happy to turn them up if you want,
17 that you became very stern with him ---

18 **MR. PETER SLOLY:** Please, please ---

19 **MR. DAVID MIGICOVSKY:** --- and he says that you
20 became ---

21 **MR. PETER SLOLY:** Please show me the statement,
22 then, sir.

23 **COMMISSIONER ROULEAU:** Can you just sort out ---

24 **MR. PETER SLOLY:** You keep referencing statements
25 and then you say they're in the record or you'd be happy to put
26 them up. If you're going to reference the statement, sir,
27 please put it on the screen for me.

28 **MR. DAVID MIGICOVSKY:** Well, I'm trying to save

1 time, but I will turn ---

2 **MR. PETER SLOLY:** I need to the statements if
3 you're going ---

4 **COMMISSIONER ROULEAU:** Just ---

5 **MR. PETER SLOLY:** --- to question me about it.

6 **COMMISSIONER ROULEAU:** Please let me control the
7 proceeding.

8 **MR. PETER SLOLY:** Sorry, Commissioner.

9 **COMMISSIONER ROULEAU:** So if you're going to
10 reference a comment in the record you should either ask him to
11 confirm it. If he doesn't want to confirm it or deny it until
12 he sees it, then you have to take it to him, but you can't --
13 it's not useful to just say there is this in the record.

14 **MR. DAVID MIGICOVSKY:** I appreciate it. Given
15 the time constraints I'm trying to do it. But I will call it
16 up.

17 It is OPP00000774.

18 And unfortunately, or fortunately for everyone, I
19 have not noted the -- I've noted what line it is, but I haven't
20 noted the page in my notes.

21 So I won't take you to that, I apologise.

22 What he indicates, and you can tell me if you
23 agree or disagree or you don't remember, is that you became
24 stern with him during that meeting and you became heated again.

25 **MR. PETER SLOLY:** I have no recollection of
26 Mr. Abrams's statement, sir, unless you can show it to me.

27 **MR. DAVID MIGICOVSKY:** And ---

28 **COMMISSIONER ROULEAU:** He's not -- excuse me.

1 He's not asking you about the statement, he's just asking you if
2 you recall and whether you agree or disagree.

3 **MR. PETER SLOLY:** I don't recall the statement by
4 Mr. Abrams, Commissioner, sorry.

5 **MR. DAVID MIGICOVSKY:** And Superintendent Pardy
6 records the meeting in his Will Say Statement as "the overall
7 tone of the meeting was somewhat unprofessional and
8 disrespectful." You've heard that evidence.

9 **MR. PETER SLOLY:** I do recall Mr. Pardy's
10 evidence. Yes, sir.

11 **MR. DAVID MIGICOVSKY:** And you obviously don't
12 agree with that either?

13 **MR. PETER SLOLY:** I can understand why he would
14 see that from his perspective, but I said in evidence-in-chief
15 that this was a critically important issue with resourcing and
16 that we were discussing things that had affected resourcing, and
17 politics was one of them.

18 So yes, I could understand it became a very tense
19 moment in the meeting.

20 **MR. DAVID MIGICOVSKY:** And the following day,
21 February 10th, there was an issue that arose about the
22 Rideau/Sussex operation that was supposed to have been the
23 subject of a POU operation the previous night? Do you recall
24 that?

25 **MR. PETER SLOLY:** Yes, sir.

26 **MR. DAVID MIGICOVSKY:** And that had ultimately
27 been called off because Supt. Burnett was of the view that it
28 was too dangerous?

1 **MR. PETER SLOLY:** I believe that was his
2 decision. I don't know all the reasons behind it. I'd heard
3 dangerous, I'd heard resources, but it was called off. Yes,
4 sir.

5 **MR. DAVID MIGICOVSKY:** And if we could please
6 turn up OPS00014479, page 74? And if we could go down to the
7 bottom of the page, last paragraph?

8 There's a -- let me read to you -- if we could go
9 up a little bit? Okay.

10 "I advised..." this is Deputy Chief Ferguson:

11 "...I fundamentally did not agree with the
12 approach."

13 The concern was about the use of PLTs; correct?

14 **MR. PETER SLOLY:** I don't know what she's
15 referencing.

16 **MR. DAVID MIGICOVSKY:** I'll continue reading.

17 "That they were not allowed negotiations
18 to take place. They did[n't] give them
19 the opportunity to negotiate fairly. I
20 told them that our policing partners have
21 huge concerns with the way things are
22 running [and] I don't believe we are
23 listening to them."

24 If we can scroll down, please?

25 "I advised the OPP are horrified with the
26 Rideau/Sussex plan and that both Dave
27 Springer's information was incorporated
28 into Paul [Paul being Paul Burnett's]

1 decision.
2 Chief asked who we should have in to be
3 POU incident commander and I asked for
4 Dave Springer. at that [point] Matt
5 Patterson said 'Dave Spring - an
6 inspector' came in to my office this
7 morning and told me what I should be doing
8 - that he wasn't actually there.
9 The Chief responded by saying if he did
10 that, he would cut off Dave Springer's
11 nuts and call his boss..."

12 And it goes on. and I don't recall if you
13 remember the rest of the statement you made?

14 **MR. PETER SLOLY:** I don't even recall that
15 incident, sir.

16 **MR. DAVID MIGICOVSKY:** Okay. So you don't recall
17 it or it didn't happen?

18 **MR. PETER SLOLY:** I don't recall the combination
19 of things that she's talking about here, sir.

20 **MR. DAVID MIGICOVSKY:** And you don't recall
21 saying that you'll cut off Dave Springer's nuts and use them as
22 bookends?

23 **MR. PETER SLOLY:** And use them as bookends? No,
24 sir, I don't recall saying that. I don't think I've ever said
25 anything like that.

26 **MR. DAVID MIGICOVSKY:** I want to move on. And
27 you would agree with me though, I think you said communication
28 is very important?

1 **MR. PETER SLOLY:** Yes, sir.

2 **MR. DAVID MIGICOVSKY:** I want to talk about the
3 PLTs. Insp. Lucas was the Incident Commander and expressed the
4 view that PLTs should be a negotiating team and de-escalating as
5 many issues as possible and that POU as a tactical resolution
6 should be the last step?

7 **MR. PETER SLOLY:** Is that Insp. Lucas ---

8 **MR. DAVID MIGICOVSKY:** Yes.

9 **MR. PETER SLOLY:** --- you're referring to?

10 **MR. DAVID MIGICOVSKY:** Yes.

11 **MR. PETER SLOLY:** Again, I don't have a clear
12 recollection of that, but I don't have any reason to ---

13 **MR. DAVID MIGICOVSKY:** That is your memory of his
14 position?

15 **MR. PETER SLOLY:** I think that's what his
16 testimony was, sir.

17 **MR. DAVID MIGICOVSKY:** And he explained in his
18 witness statement that it was made clear to him after the first
19 weekend that you interfered with his efforts to use the PLT to
20 shrink the footprint of the protestors and that both he and
21 Supt. Rheaume, the Event Commander at the time, supported
22 efforts to remove the protestors from the Rideau/Sussex
23 intersection and that it was made clear to him that Supt.
24 Rheaume lacked the authority to do this and the Chief's approval
25 was needed? Do you remember that evidence?

26 **MR. PETER SLOLY:** That was a lot of information
27 there. I'll just be very clear. I've said it again in my
28 evidence. I never gave any direction in regards to PLT at any

1 level, with the exception that PLT were critically important to
2 all of our operations in this. I did everything I could
3 repeatedly and demonstratively to support them, including
4 bringing the PLT commanders to the February 1st meeting with POU.

5 So I will say it again, sir. I have no idea
6 where this narrative of I did not support, would not allow, and
7 had to approve PLT actions.

8 The only evidence I've heard so far is that
9 someone assumes that that was my position. I gave no such
10 direction at any time during my tenure as chief and at no time
11 during the entire events of the convoy.

12 **MR. DAVID MIGICOVSKY:** And Supt. -- so you
13 disagree with Supt. Lucas?

14 **MR. PETER SLOLY:** Sorry, I disagree with the
15 entire assertion that I had some position against the PLT and
16 gave some direction that required my approval for any PLT
17 related action.

18 **MR. DAVID MIGICOVSKY:** And you disagreed --
19 because Supt. Abrams was also very clear in his evidence on that
20 point, so you disagree with that?

21 **MR. PETER SLOLY:** Supt. Abrams was very clear
22 that he got his information third and fourth hand from sources
23 that he never names as part of a rumour mongering mill.

24 **MR. DAVID MIGICOVSKY:** And Deputy Chief Ferguson
25 also noted fundamental disagreements with you on the role of
26 PLTs?

27 **MR. PETER SLOLY:** And yet Deputy Chief Ferguson
28 never points to any direction that I gave to that.

1 **MR. DAVID MIGICOVSKY:** If we could turn to
2 OPS00005631, please? That's the February 1st POU meeting that
3 you attended. If you could just scroll down a bit, please?

4 You'll see the discussion point is:

5 "PLT would like one more attempt to speak
6 with every convoy to get them on the same
7 page. Truckers need to clear all the
8 roads and stop honking in exchange for
9 fuel and a place to park. Have zero room
10 to negotiate. If they don't deal with it
11 [...] this way, they will be removed."

12 That was the position you were espousing?

13 **MR. PETER SLOLY:** I'm sorry, sir, but this is a
14 meeting with some 25 people in the room. There was absolutely
15 no attribution to who said anything on this document, other than
16 meeting with the Chief and the:

17 "Chief wants something in writing [...] within 72 hours..."

18 I don't know who made those statements, sir, and
19 I said that in my evidence-in-chief.

20 **MR. DAVID MIGICOVSKY:** Okay. The opportunity to
21 shrink the footprint by not getting the group at Rideau/Sussex
22 to move came up yet again on February 9th. And if we could
23 please go to OPS00009573 at page 2?

24 At the bottom, you will see that there is -- the
25 bottom of the email chain, Supt. Burnett is emailing Supt.
26 Patterson and he says at the end, he's talking about a possible
27 move of the Rideau/Sussex and he says, "Look, although it may
28

1 not be the desired outcome, it can assist in bringing an overall
2 resolution to the incident."

3 **MR. PETER SLOLY:** Sir, this is a long email. I'd
4 need to read through this from top to bottom to understand the -
5 --

6 **MR. DAVID MIGICOVSKY:** Well so you'll see the
7 bottom he said, you know, the various options.

8 **MR. PETER SLOLY:** Again, I'm sorry. I'm going to
9 need to see the email to understand ---

10 **MR. DAVID MIGICOVSKY:** At the bottom. I'm not --
11 -

12 **MR. PETER SLOLY:** --- the context.

13 **MR. DAVID MIGICOVSKY:** --- going to do that
14 because I'm running out of time. So I'll -- that's fine. You
15 don't recall this discussion; correct?

16 **MR. PETER SLOLY:** I don't even know what the
17 discussion is about, sir.

18 **MR. DAVID MIGICOVSKY:** Okay. And I'm going to
19 suggest to you that that information was forwarded to you as
20 Chief and you said, "We'll discuss it in the morning."

21 **MR. PETER SLOLY:** Sir, I don't know what the
22 information is. If you'd give me the chance to read through
23 this email, I can give you an answer. But unless I can read
24 through this long email, I don't know what point you're trying
25 to make, and so I won't agree to it or disagree to it.

26 **MR. DAVID MIGICOVSKY:** Okay. I'm going to move
27 on and come back to the subject of Navigator, who was hired to
28 provide you some advice?

1 **MR. PETER SLOLY:** Yeah, Navigator, again, sir,
2 please stop putting words in my mouth, Navigator was hired by
3 the Ottawa Police Service in consultation with the Ottawa Police
4 Services Board to support both the Ottawa Police Service and the
5 Ottawa Police Service's Board.

6 **MR. DAVID MIGICOVSKY:** And if we ---

7 **MR. PETER SLOLY:** The function of the Office of
8 Chief happens to be a function of the Ottawa Police Service.

9 **MR. DAVID MIGICOVSKY:** If we could please turn up
10 OPS14454, page 24?

11 That's a meeting on February 2nd called "Next
12 Steps Meeting OPS and Navigator". Present were Christiane
13 Huneault, the Chief, John Steinbach, who is a communications
14 person in OPS?

15 **MR. PETER SLOLY:** He's the Executive Director of
16 Strategy and Communication, yes.

17 **MR. DAVID MIGICOVSKY:** Erin Kelly, Matthew
18 Barrier, Jamie Watt, Amanda Galbraith; the last four names are
19 from Navigator; correct?

20 **MR. PETER SLOLY:** No, they're not, sir.

21 **MR. DAVID MIGICOVSKY:** One of them is from ASI?

22 **MR. PETER SLOLY:** Yes, that's correct, sir.

23 **MR. DAVID MIGICOVSKY:** That's the other company
24 that was doing social media scrolling for you?

25 **MR. PETER SLOLY:** I don't think I would call it
26 that, but they were a company that was provided to us that had
27 capabilities in open-source information, yes.

28 **MR. DAVID MIGICOVSKY:** And none of your command

1 team are present at that meeting; correct?

2 **MR. PETER SLOLY:** Well, yes, John Steinbach is.

3 **MR. DAVID MIGICOVSKY:** Okay. He wasn't involved
4 in the actual operations, though, was he?

5 **MR. PETER SLOLY:** Yes, he was. He provided
6 communications -- daily communication support to the Incident
7 Command system.

8 **MR. DAVID MIGICOVSKY:** Okay. And so this is
9 February 2nd. You've had -- just to situate you in time, you've
10 had a meeting with the PLU the previous day.

11 **MR. PETER SLOLY:** That's correct, sir.

12 **MR. DAVID MIGICOVSKY:** And you'll see on page 25,
13 the following page -- keep scrolling, please -- "PS"; that's
14 Peter Soly. You ask them the question -- so you've just had
15 the POU meeting the previous day:

16 "What do we need to do more? More
17 arrests? Tickets? Use of force? Then
18 what? Go to the politicians? Go into
19 big lockdown mode? Massive show of
20 police presence and then hold hands and
21 come together, or two bigger lockdown
22 of city for weekend?" (As read)

23 And then you'll see Erin at the bottom. Erin is
24 from Navigator or ASI?

25 **MR. PETER SLOLY:** ASI, sir.

26 **MR. DAVID MIGICOVSKY:** "Job is to keep the peace
27 and keep people protected. When you
28 take a hard line, citizens of Ottawa

1 will want this, but not everyone. Need
2 to acknowledge not everyone represents
3 or resonates as fringe group. This is
4 a national problem and Prime Minister
5 needs to get us out of it." (As read)

6 Jamie; Jamie is also from Navigator?

7 **MR. PETER SLOLY:** Jamie is, yes.

8 **MR. DAVID MIGICOVSKY:** "People want to do our
9 job. When does that begin and end?
10 When is the Chief's responsibility
11 starts and end?" (As read)

12 And it then goes on and then you'll see at the
13 bottom, Erin. Erin is also from Navigator?

14 **MR. PETER SLOLY:** No.

15 **MR. DAVID MIGICOVSKY:** Or ASI?

16 **MR. PETER SLOLY:** Erin is from ASI.

17 **MR. DAVID MIGICOVSKY:** "We need to be honest, but
18 the Chief will lose the trust of people
19 if the messaging exaggerated." (As
20 read)

21 And she then says:

22 "They need to go out and lay charges
23 but that may not be enough. Two-
24 pronged approach: We'll lay charges
25 and we'll do what we can, and secondly,
26 but also recognizes it may not be
27 enough." (As read)

28 And I believe that it then goes on, Erin says

1 that you needed a communication strategy to show that this is
2 beyond Ottawa. Do you remember that?

3 **MR. PETER SLOLY:** Do you have that in the notes,
4 sir? I don't have an independent recollection.

5 **MR. DAVID MIGICOVSKY:** Page 27. You'll see just
6 at the top, "We need a communication" if you scroll up, you'll
7 see she says:

8 "We need a communication strategy to
9 show this is beyond Ottawa." (As read)

10 Does that refresh your memory?

11 **MR. PETER SLOLY:** I'm sorry; I'm just trying to
12 find -- okay, thank you.

13 **MR. DAVID MIGICOVSKY:** Does that refresh your
14 memory of that meeting?

15 **MR. PETER SLOLY:** The notes refresh my memory but
16 -- well, the notes are the notes. I don't have an independent
17 recollection, sir. The notes are the notes.

18 **MR. DAVID MIGICOVSKY:** Page 29 is February 3rd.
19 So that's the next day. And on page 30, again it's another
20 meeting with ASI and Navigator.

21 **MR. PETER SLOLY:** Sorry; could you scroll back up
22 again, please?

23 **MR. DAVID MIGICOVSKY:** Follow-up again, Erin,
24 Jamie, Matthew, Chief, John, Amanda, and Christiane Huneault;
25 correct?

26 **MR. PETER SLOLY:** Yes, thank you.

27 **MR. DAVID MIGICOVSKY:** Page 30. Are we at the
28 top of the page, please?

1 (SHORT PAUSE)

2 **MR. DAVID MIGICOVSKY:** Erin says at that meeting
3 that -- your line there, "May not be a police solution," which
4 is what you delivered at the press conference the previous day
5 after a Navigator meeting might have come too soon.

6 And then you'll see -- I wonder if you could
7 shrink it a bit, just so I can find the reference to Matthew on
8 that page? If you could shrink it a bit, please, so I could see
9 more the page, please?

10 You'll see Erin:

11 "This might not be a policing solution.
12 Anger against OPS has come down." (As
13 read)

14 They're the ones who came up with, "This might
15 not be a policing solution"; correct?

16 **MR. PETER SLOLY:** Not at all, sir.

17 **MR. DAVID MIGICOVSKY:** Okay. And if we could
18 just -- Matthew, "Plan for today." Matthew's from Navigator or
19 ASI?

20 **MR. PETER SLOLY:** He's from Navigator, I believe.

21 **MR. DAVID MIGICOVSKY:** "Plan for today: Show you
22 are doing everything in your power.
23 Need creative solutions. Cut off
24 [something] riot gear police [I can't
25 read that word] floodlights all night,
26 tickets, stickers for residents,
27 tactics we are trying to do is that it
28 look like we are doing everything

1 possible to resolve this." (As read)

2 Do you recall that meeting, then?

3 **MR. PETER SLOLY:** I recall the meeting, sir.

4 **MR. DAVID MIGICOVSKY:** And do you recall -- I'll
5 just -- there had been a discussion on February 3rd with you
6 about the POU options of hard, medium, and soft tactics;
7 correct?

8 **MR. PETER SLOLY:** Sorry; the meeting on February
9 3rd. There were two such meetings, both of them had to be ended
10 because the people who were supposed to be there and the
11 information they were supposed to be provided was not available.
12 That meeting was actually held on the afternoon of February 5th.

13 **MR. DAVID MIGICOVSKY:** And "Hard" means
14 "Tactical"; "Soft" is "Negotiation," and "Medium" is somewhere
15 in between; correct?

16 **MR. PETER SLOLY:** No, sir. In any option there
17 will always be an effort of de-escalation, mediation,
18 communication, engagement.

19 **MR. DAVID MIGICOVSKY:** OPS -- if we could please
20 turn up OPS14479, page 32?

21 And just to situate you, this is February 3rd, and
22 you'll see a discussion:

23 "Chief. Hard medium soft options for
24 each approach."

25 And then if you go to page 36, scroll down,
26 please.

27 So there was this discussion about Navigator.

28 **MR. PETER SLOLY:** Sorry; is this in the same

1 meeting?

2 **MR. DAVID MIGICOVSKY:** This is with respect to
3 Navigator.

4 **MR. PETER SLOLY:** But are we -- I don't know what
5 meeting we're in right now.

6 **MR. DAVID MIGICOVSKY:** It's February 3rd.

7 **MR. PETER SLOLY:** That's the date. What meeting
8 are we in?

9 **MR. DAVID MIGICOVSKY:** February 3rd. You've just
10 had a meeting with Navigator, and you've also had a meeting with
11 Deputy Chief Ferguson and others; in fact, you told us you had
12 two.

13 **MR. PETER SLOLY:** Sorry, sir. Can you scroll up?
14 I don't know -- here's a Navigator reference but I'm trying to
15 figure out what meeting.

16 **MR. DAVID MIGICOVSKY:** Well, I haven't asked you
17 the question yet.

18 **COMMISSIONER ROULEAU:** No, he's asking what
19 meeting this is that the notes of.

20 **MR. DAVID MIGICOVSKY:** That's why I gave you the
21 previous page, was February 3rd meeting. If you just want to go
22 back up to the previous page.

23 **MR. PETER SLOLY:** Okay. So I'm in a 10:15
24 meeting in regards to the POU update.

25 **MR. DAVID MIGICOVSKY:** Okay. And then on page --
26 the following page, and we saw -- just keep it there.

27 We saw elsewhere the notes of the meeting of
28 February 3rd with Navigator.

1 **MR. PETER SLOLY:** But these are not -- I'm
2 confused.

3 **MR. DAVID MIGICOVSKY:** I haven't asked you the
4 question yet.

5 **MR. PETER SLOLY:** Okay. What's the question?

6 **MR. DAVID MIGICOVSKY:** We saw that you went to a
7 meeting with Navigator on February 2nd and February 3rd, and you
8 talked about options. Remember that?

9 **MR. PETER SLOLY:** I was getting communications
10 advice, yes.

11 **MR. DAVID MIGICOVSKY:** Talked about options, ---

12 **MR. PETER SLOLY:** Getting communications advice.

13 **MR. DAVID MIGICOVSKY:** --- and you talked about,
14 "Hard medium soft."

15 **MR. PETER SLOLY:** Not with Navigator.

16 **MR. DAVID MIGICOVSKY:** Okay. And they talked
17 about enforcement tactics and the consequences.

18 **MR. PETER SLOLY:** No, sir.

19 **MR. DAVID MIGICOVSKY:** Okay. You don't agree.

20 **MR. PETER SLOLY:** Don't agree.

21 **MR. DAVID MIGICOVSKY:** And if we could please go
22 to OPS144 -- 00014479?

23 **COMMISSIONER ROULEAU:** This is 14479.

24 **MR. DAVID MIGICOVSKY:** Yes, I'm sorry; page 97
25 now.

26 The seventh line, the first -- that bullet, "In
27 the last" -- this is Deputy Chief Ferguson:

28 "In the last several weeks, there have

1 been daily Navigator prep meetings for
2 command. I have begun to decline them
3 because I believe it has begun to drive
4 our operations and influence the Chief's
5 decision around things like
6 enforcement..."

7 **MR. PETER SLOLY:** What date is this?

8 **MR. DAVID MIGICOVSKY:**

9 "... -- which, we know has been putting
10 our officers @ risk for safety reasons."

11 **MR. PETER SLOLY:** What date is this, sir?

12 **MR. DAVID MIGICOVSKY:** If you can just go
13 backwards, you'll see the date.

14 February 14th. So she's talking about the last
15 several weeks what's been happening.

16 And you don't agree with that either.

17 **MR. PETER SLOLY:** Well, what I'm concerned about
18 is that my Acting Deputy Chief in charge of -- it was Major
19 Incident Command would have any reservations that weren't shared
20 with me. I don't recall any time that Acting Deputy Chief
21 Ferguson came to me and shared those concerns, and that would
22 have been an expectation to me of her.

23 **MR. DAVID MIGICOVSKY:** And one of the messages we
24 saw that you were getting from Navigator was the need to
25 emphasize enforcement efforts of the police, to let them know
26 that the police were not letting people break and the law and
27 get away with it.

28 **MR. PETER SLOLY:** I think that was what we were

1 hearing almost universally at that point, sir.

2 **MR. DAVID MIGICOVSKY:** On Friday -- I want to
3 move on to talk about some evidence you gave on Friday.

4 You said that the two Deputy Chiefs were
5 responsible for lost time as a result of the decision to replace
6 Superintendent Rheame with Superintendent Dunlop.

7 **MR. PETER SLOLY:** No, sir. Again, you're putting
8 words in my mouth, and I don't appreciate it.

9 What I said that we had lost time, the churn of
10 the different Event Commanders moving in and out.

11 **MR. DAVID MIGICOVSKY:** And if there was a problem
12 with how the pre-arrival intelligence was analyzed, you're
13 suggesting it was the fault of Deputy Chief Bell.

14 **MR. PETER SLOLY:** Again, I made no such
15 assertion. You keep making it, sir, and I disagree with it.

16 **MR. DAVID MIGICOVSKY:** Okay. And even if he
17 didn't get the Hendon Reports and you did.

18 **MR. PETER SLOLY:** I'm sorry. I don't understand
19 the point you're making.

20 **MR. DAVID MIGICOVSKY:** And you told us ---

21 **MR. PETER SLOLY:** I'm sorry. I don't understand
22 the point you're making.

23 **MR. DAVID MIGICOVSKY:** I'll move on.

24 **MR. PETER SLOLY:** Well, I'd like to respond to
25 it.

26 Deputy Chief Ferguson oversaw the intelligence
27 information and investigative directorates. Several of his
28 members within there were receiving the Hendon Reports from the

1 very first time the Hendon Reports came out. He was responsible
2 and assigned to oversee the intelligence threat risk assessment
3 that would inform all the operational plans going forward.

4 Whether or not Deputy Chief Bell received reports
5 is immaterial to me. As long as he had an understanding that
6 intelligence was coming in from appropriate sources, was being
7 reviewed appropriately and provided in appropriate timely manner
8 to Acting Deputy Chief Ferguson for the operational plans, that
9 was my only concern.

10 **MR. DAVID MIGICOVSKY:** And the Project Hydra plan
11 was something, actually, that was -- Navigator and ASI came up
12 with; correct?

13 **MR. PETER SLOLY:** Absolutely not, sir.

14 **MR. DAVID MIGICOVSKY:** So I should disregard that
15 if that's what the notes say?

16 **MR. PETER SLOLY:** There's a note around the
17 naming of it. The plan itself is a concept of operations that I
18 brought to the team that morning and laid it out in an eight-
19 point structure, yes.

20 **MR. DAVID MIGICOVSKY:** And you said that if
21 people on your command team had concerns about your Project
22 Hydra plan, you would have expected them to raise it; correct?
23 Do you recall saying that?

24 **MR. PETER SLOLY:** In what meeting, sir?

25 **MR. DAVID MIGICOVSKY:** That's what you said on
26 Friday. If anybody on your command team had concerns about your
27 Project Hydra plan, you said you would have expected them to
28 raise it.

1 That was your evidence on Friday.

2 **MR. PETER SLOLY:** About the eight-point
3 structure, yes. And we had probably a two-hour meeting -- well,
4 one-hour meeting to that function.

5 **MR. DAVID MIGICOVSKY:** Okay. And even though you
6 had just said you would crush anyone who did not agree.

7 **MR. PETER SLOLY:** Again, to be very clear, the
8 notes that my -- that Christian Huneault took talked about not
9 disagreements with every aspect, but the overall structure, the
10 removal of significant leadership within the Incident Command.
11 It was not a blanket statement.

12 And in fact, the entire meeting on the Friday --
13 sorry. Now I'm confused about the dates and times.

14 The meeting where Hydra came up was the February
15 9th, I believe. Yes, February 9th, the morning, was an open
16 planning session with the Incident Command Team, all of the
17 Executive Team in the room to get a roundtable effort to poll
18 that plan to the highest level possible before the 12 o'clock
19 meeting with the OPP and the RCMP.

20 **MR. DAVID MIGICOVSKY:** And if you didn't succeed
21 in resolving the demonstration, it was because the Ministry
22 wanted you to fail and delayed in sending you resources.

23 **MR. PETER SLOLY:** I'm sorry. What's the
24 question?

25 **MR. DAVID MIGICOVSKY:** I'm asking you if you
26 agree with that.

27 **MR. PETER SLOLY:** That was a statement. Are you
28 asking me a question?

1 **MR. DAVID MIGICOVSKY:** Do you agree with that?

2 **MR. PETER SLOLY:** No, I don't, sir. Not at all.

3 **MR. DAVID MIGICOVSKY:** Okay. And if the OPP
4 Superintendent reported that he heard you tell your Commanders
5 to say they want to double the actual number of resources they
6 needed, he misunderstood that.

7 **MR. PETER SLOLY:** He misunderstood and he also
8 misrepresented it to his Command staff.

9 **MR. DAVID MIGICOVSKY:** And if David White, the
10 City solicitor, said that the police told him that there wasn't
11 a public safety concern on January 3rd (sic) after his phone
12 call with you, he's got that wrong, too.

13 **MR. PETER SLOLY:** I don't understand the context
14 of what you just said, sir.

15 **MR. DAVID MIGICOVSKY:** Well, you testified as --
16 on that on Friday.

17 **MR. PETER SLOLY:** About what, sir?

18 **MR. DAVID MIGICOVSKY:** You said that did not
19 reflect your view and he's got it wrong.

20 **MR. PETER SLOLY:** Again, I'm just trying to get
21 clarity. You keep jumping around dates and I don't know what
22 dates you're on and what meeting I'm supposed to have said that
23 in.

24 **MR. DAVID MIGICOVSKY:** And so if we go to ---

25 **MR. PETER SLOLY:** Sorry. I need to have -- I
26 need to understand the point you were making on Mr. White.

27 **MR. DAVID MIGICOVSKY:** If we go to OTT00029695.
28 It's a meeting (sic) from David White about his

1 call with you. He says, "I just got off a call with Chief
2 Sloly".

3 This is January 30th. And if you go to page 2,
4 he talks about -- you were taken to this document, I believe, on
5 Friday. And then he concludes by saying:

6 "Frankly, I was left with the impression
7 that the Chief is looking for an
8 opportunity to say that the City denied
9 OPS a tool and they cannot be blamed for
10 any public criticism of the police
11 handling of the protest."

12 **MR. PETER SLOLY:** That's an alarming assertion
13 made by the -- by counsel for the City and absolutely incorrect.

14 **MR. DAVID MIGICOVSKY:** Okay. So you wouldn't
15 agree with that, either.

16 **MR. PETER SLOLY:** No, sir.

17 **MR. DAVID MIGICOVSKY:** And many of the OPS
18 officers who testified here said you didn't properly follow the
19 Incident Command System and insisted on approving every
20 operational or tactical decision. And that's wrong as well;
21 correct?

22 **MR. PETER SLOLY:** I don't know about "many", sir.
23 Again, I've heard that Ottawa Police Commanders heard from
24 somebody and assumed things, but I haven't heard a single Ottawa
25 Police Service Commander say that they received a direction from
26 me directly or received an email with a direction from me to any
27 of that. That much is absolutely clear.

28 Everything asserted about me has come through a

1 rumour or something that went around the station. That's the
2 only thing that I've heard so far in the testimony.

3 **MR. DAVID MIGICOVSKY:** Okay. Commissioner, if I
4 might have just have a couple of extra minutes, I'm just
5 finishing up.

6 **COMMISSIONER ROULEAU:** Sure. Go ahead.

7 **MR. DAVID MIGICOVSKY:** Thank you very much.
8 February 14th was your last full day as the
9 Chief; correct? The next day, you concluded an agreement with
10 Chair Deans to ---

11 **MR. PETER SLOLY:** I had a full eight-hour day on
12 February 15th, sir.

13 **MR. DAVID MIGICOVSKY:** February 15th you
14 concluded an agreement with Chief -- with Chair Deans; correct?

15 **MR. PETER SLOLY:** That's correct, sir.

16 **MR. DAVID MIGICOVSKY:** And I'm not asking you the
17 amounts of the payment, but you concluded an agreement in which
18 you negotiated a payment from the Board and then resigned;
19 correct?

20 **MR. PETER SLOLY:** I concluded an agreement with
21 the Board for my separation from the organization. Yes, sir.

22 **MR. DAVID MIGICOVSKY:** Okay. And in fact, you'd
23 been thinking about resigning for a while.

24 **MR. PETER SLOLY:** Not at all, sir.

25 **MR. DAVID MIGICOVSKY:** Okay. So if that appears
26 in writing somewhere attributed to you, that's incorrect.

27 **MR. PETER SLOLY:** If you'd like to show me it,
28 I'd be happy to give you an assessment of it.

1 **MR. DAVID MIGICOVSKY:** If we could please turn to

2 ---

3 **MR. PETER SLOLY:** If it's in a Tweet, I wouldn't
4 know about it.

5 **MR. DAVID MIGICOVSKY:** If we could please turn to
6 OPS00014479, page 93.

7 This, you'll see, is on February 14th, so the day
8 before.

9 And you'll see that one of the things, if you
10 scroll down, please. Yeah.

11 At 9 o'clock:

12 "Command call - Chief finished with 'we
13 succeed as a team or [we] go down as
14 one'."

15 Did you say that?

16 **MR. PETER SLOLY:** I don't recall saying it, but
17 that just sounds like a good old team kind of rah talk. Let's
18 stick together ---

19 **MR. DAVID MIGICOVSKY:** And ---

20 **MR. PETER SLOLY:** --- let's get through this
21 together.

22 **MR. DAVID MIGICOVSKY:** And if we could please,
23 then, go to OPS14566, page 6, these are the scribe notes of
24 Vicky Nelson, who was your scribe.

25 And if we could please go to page 6? This is
26 February 14th. If you could keep going down, please? The last
27 three bullets? Thank you.

28 This is you:

1 "OPS has long standing incident command
2 systems, we can do Canada day very, but
3 when there's something that's longer, the
4 incident commanders do[n't] have the base
5 of level of expertise to draw on;
6 When we get something we don't expect - we
7 do[n't] act well.
8 At the onset, we did[n't] have core group
9 of senior commanders who have the skill
10 sets we needed -- which caused me to go
11 through the different levels of
12 management."

13 And if you could please go up to the next page?

14 "[The] 3rd area to discuss..."

15 This is your discussion with Chair Deans.

16 "...some persons took the opportunity to use
17 this for their personal agendas which were
18 not aligned to the mission and objectives.
19 I can absolutely prove that significant
20 changes were made to the command team,
21 which was withheld from my knowledge for
22 days, which caused us to miss
23 opportunities - this includes acts by both
24 DC Bell and A/DC Ferguson
25 Do I have [...] evidence to provide it was
26 deliberate misconduct? No, I do[n't] have
27 that evidence at this time but it['s] all
28 formally documented if needed.

1 Cannot and will not [...] blame on this
2 entirely on these members but it has
3 affected the outcome"

4 And so although you said you succeed as a team,
5 it's as a team effort, and if you fail, it's as a team member.
6 And I guess Deputy -- Chief -- Mr. Sloly, I apologize, you would
7 say that I guess you failed as a leader then?

8 **MR. PETER SLOLY:** Sorry, you're making a whole
9 bunch of jumps around here. I gave -- sorry, would you like me
10 to answer your question or your assertion?

11 **MR. DAVID MIGICOVSKY:** No, please go ahead.

12 **MR. PETER SLOLY:** Thank you so much. So every
13 day, in some way or the other, I made comments around team, and
14 I used a variety of terms that are familiar to me. So yes, I
15 would make that.

16 I was asked a direct question by the Chair of the
17 Police Services Board if we encountered any problems, and I gave
18 her a good answer, a full answer, and that answer is consistent
19 with my evidence and my statements that I've produced, and the
20 interviews that I've had with Commission Counsel.

21 **MR. DAVID MIGICOVSKY:** And finally, we saw a
22 number of text messages between the police and city officials,
23 between the police and other police services, we've seen text
24 messages from the OPP Commissioner Carrique with you. Those
25 were provided by the OPP. You did not provide any text
26 messages; correct?

27 **MR. PETER SLOLY:** I'm not sure what was requested
28 at disclosure.

1 **MR. DAVID MIGICOVSKY:** On May 26th, 2022, a
2 representative of OPS provided you with a USB stick of record --
3 of your records from your emails, and at that meeting, you
4 returned your phone to her? Do you remember that?

5 **MR. PETER SLOLY:** Sorry, again?

6 **MR. DAVID MIGICOVSKY:** Giving her back your OPS
7 phone?

8 **MR. PETER SLOLY:** Who is the person? Sorry,
9 you've just got me confused.

10 **MR. DAVID MIGICOVSKY:** Do you remember somebody
11 bringing you a USB key and you -- with all of your emails, ---

12 **MR. PETER SLOLY:** The Ottawa Police Service
13 provided an amount of information to allow me to prepare for the
14 Commission. Yes, sir.

15 **MR. DAVID MIGICOVSKY:** At the time, you then
16 returned your cell phone?

17 **MR. PETER SLOLY:** Yes, that's correct, sir.

18 **MR. DAVID MIGICOVSKY:** Correct. And all of your
19 texts had been wiped off?

20 **MR. PETER SLOLY:** The phone had been wiped. Yes,
21 sir.

22 **MR. DAVID MIGICOVSKY:** And so we don't have any
23 of the texts that you exchanged, except to the extent they've
24 been produced by other parties?

25 **MR. PETER SLOLY:** No, sir, that's actually not
26 correct. I handed in my phone the day of my resignation to the
27 IT services. I asked for it back after so I would have time to
28 communicate with people until I could get a new phone.

1 **MR. DAVID MIGICOVSKY:** And there are no text
2 messages that we had provided?

3 **MR. PETER SLOLY:** The IT Department could have
4 and should have secured whatever content was on that phone, sir.

5 **MR. DAVID MIGICOVSKY:** My understanding is they
6 were wiped.

7 **MR. PETER SLOLY:** No, they weren't, sir. When I
8 handed in my phone, it was a complete phone. They had all my
9 passwords. They had it for, I think, several days before I
10 asked for it to come back to me. That was the opportunity for
11 the Ottawa Police Service to retrieve any information on that
12 phone. And as far as I know, they should have had all of that
13 in their archives anyway.

14 **MR. DAVID MIGICOVSKY:** Thank you very much, Mr.
15 Soly. I appreciate your answers. Thank you.

16 **MR. PETER SLOLY:** Thank you, sir.

17 **COMMISSIONER ROULEAU:** Okay. Thank you.

18 We can move on the Convoy Organizers, if you'd
19 like to start and do sort of 15 minutes or a half hour? I think
20 that probably is best. But if it is a problem, then we can take
21 the morning break now.

22 I was afraid of that. Okay. I shouldn't have
23 given you the option. My problem.

24 Okay. Well we're going to take the morning break
25 for 15 minutes and we'll come back with the Convoy Organizers
26 then.

27 **THE REGISTRAR:** The Commission is in recess for
28 15 minutes. La Commission levée for 15 minutes.

1 --- Upon recessing at 11:09 a.m.

2 --- Upon resuming at 11:27 a.m.

3 **THE REGISTRAR:** Order. À l'ordre.

4 The Commission has reconvened. La commission reprend.

5 **COMMISSIONER ROULEAU:** Okay.

6 **--- MR. PETER SLOLY, Resumed:**

7 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

8 **MR. BRENDAN MILLER:** Good morning, sir. For the
9 record my name's Brendan Miller. I'm counsel to Freedom Corp.,
10 which is an entity that represents the protesters that were in
11 your city in January and February of 2022.

12 **COMMISSIONER ROULEAU:** Can you just speak up a
13 bit, please?

14 **MR. BRENDAN MILLER:** Yes.

15 And, first, thank you for your service, and I'm
16 sorry for all the things you've had to go through since
17 everything that's happened to you; it doesn't seem fair to me.

18 But I just want to get in to asking you some
19 questions about some of the things you gave evidence about. I
20 read the transcript, though I wasn't here on Friday. But you
21 described the issue with respect to the protesters as,
22 "Assaultive behaviour," and I just want to clarify; by that I
23 take it you don't mean actual physical assaults under the
24 *Criminal Code*; do you?

25 **MR. PETER SLOLY:** Two things -- thank you for
26 your questions.

27 Two things, and I may have been guilty of it
28 myself in-Chief. The pejorative term, "The protesters, the

1 convoy," it's not accurate. There were an amorphous group of
2 individuals, collectives, convoys that, in totality, could be
3 described as "The Protesters, the Occupiers," but they were by
4 no means unified in their mind or their intentions or their
5 actions.

6 Secondly, yes, I use the term, "Assaultive" in
7 the broadest case possible, broadest way possible. It is my
8 understanding that there was *Criminal Code* assaultive behavior
9 by individuals in and around the protest areas of the city, but
10 I can't tell you that they were specifically a part of one
11 convoy, or specifically a part of some group that had clearly
12 established themselves as a major, if a dominant factor. But
13 there was *Criminal Code* level assaultive, threatening behaviour
14 that became the subject of criminal investigations. I don't
15 know the status of those investigations.

16 **MR. BRENDAN MILLER:** Okay. And it's fair to say,
17 though, that though the OPS wasn't enforcing things for broken
18 windows or anything like that? That of course if there was a
19 physical assault in downtown Ottawa, no matter that the
20 protesters were there, that incident would be investigated and
21 charges would be laid, where appropriate, right?

22 **MR. PETER SLOLY:** Yes, sir, that would be my
23 understanding.

24 **MR. BRENDAN MILLER:** Nobody from the OPS held off
25 and wasn't enforcing the *Criminal Code*; they still were doing it
26 in full force and effect; is that fair?

27 **MR. PETER SLOLY:** They were, with the caveat
28 again, that officers had maximum discretion to assess whether or

1 not, A, there was a need to make an actual arrest; B, whether or
2 not that arrest would cause an escalation in public safety
3 issues for the public, for those participating in demonstration,
4 including the officers and other members themselves.

5 But there was an expectation that they would
6 still capture the evidence necessary and, if possible, pursue
7 charges bylaw, provincial, or criminal -- federal statute, at a
8 later appropriate time.

9 **MR. BRENDAN MILLER:** Right. And would it
10 surprise you to know -- it's already in evidence -- that in the
11 time period between the start of the protest and when the
12 invocation of the *Emergencies Act* came about, there was a total
13 of five charges for assault in total?

14 **MR. PETER SLOLY:** I don't know the statistics,
15 sir.

16 **MR. BRENDAN MILLER:** Thank you.

17 So the second thing I want to talk to you about
18 is the barricades that went up when the protest arrived, and I
19 just want to get some clarification on that from you. I
20 understand that the City put up the cement barricades, or
21 whatever; they have a term for the type of barricade. But they
22 put up cement barricades where the vehicles were parked,
23 basically in the first few days, and that those barricades
24 essentially would prevent any other vehicles from getting in to
25 where they were parked on the roadways, or from leaving; is that
26 fair?

27 **MR. PETER SLOLY:** Again, my understanding is
28 there may have been cement barricades used to close or redirect

1 traffic routes, even in advance of the convoys coming in.
2 Certainly, I think, as a general statement, once the "red zones"
3 were established, that those red zones were largely demarked by
4 barriers, barricades. I believe in the first weekend there was
5 a combination of different types of barricade usage, including
6 the use of City-owned vehicles at some locations. And there
7 were points along the red zone where there might have been a
8 police vehicle and police officers, either alone or in
9 combination with a variety of barriers and barricades.

10 **MR. BRENDAN MILLER:** Right, Because this
11 Commission has already heard some evidence, and even from the
12 Instant Response Group reports, that individual protesters with
13 vehicles were wanting to leave but couldn't because they were
14 barricaded in. Did you hear about that?

15 **MR. PETER SLOLY:** I don't recall the specifics.
16 I do know that there were, on two levels, it would have been
17 difficult to navigate through what had been established after
18 the first weekend, and that would require some level of
19 communication and assistance. But that there were several
20 occasions throughout my tenure as Chief of Police where I was
21 made aware that people wanting to leave within those zones were
22 able to leave, just with some facilitation by the officers.

23 **MR. BRENDAN MILLER:** As I understand it, they
24 weren't. And there is going to be evidence from our clients
25 that that was a problem; they would ask to leave and they
26 wouldn't remove the barricades. Did you hear anything about
27 that?

28 **MR. PETER SLOLY:** Nothing specifically, but I

1 could understand that there would be challenges in doing just
2 that, logistical challenges. But I do recall specifically being
3 told of a number of trucks, small vehicles, or individuals that
4 were able to -- indicated they wanted to leave and then were
5 able, through logistics, to facilitate their departure. Small
6 numbers is what my recollection is, but there were instances.

7 **MR. BRENDAN MILLER:** Okay. Thank you very much
8 for that.

9 And already in evidence is that on January 30th,
10 2022 you requested of Steven K. at the City of Ottawa to obtain
11 an injunction. You recall asking for that; is that right?

12 **MR. PETER SLOLY:** Can you just give me the date
13 again, sir?

14 **MR. BRENDAN MILLER:** January 30th, 2022. It was a
15 phone call and then a follow-up email.

16 **MR. PETER SLOLY:** Again, my recollection is that
17 we -- at the Ottawa Police Service started to consider a range
18 of options, injunction being one of them, as mitigation options,
19 ---

20 **MR. BRENDAN MILLER:** Yes.

21 **MR. PETER SLOLY:** --- post-incident response
22 options. I don't know when the first communication would have
23 went from the Ottawa Police Service to the City, and that might
24 have pre-dated that January 30th call with Steve -- City Manager
25 Steve Kanellakos, but I do recall that phone call with Steve
26 Kanellakos.

27 **MR. BRENDAN MILLER:** Right. And do you remember
28 -- I can put it up in front of you if you like, it's just a bit

1 bothersome; I'm hoping not to do it. Do you remember following
2 up with him with an email just reciting your call and what you
3 asked him, and he was then going to get back to you?

4 **MR. PETER SLOLY:** I don't have an independent
5 recollection, sorry.

6 **MR. BRENDAN MILLER:** Okay. I don't need to put
7 it up. But after you had that call, I take it that you had some
8 ideas for the terms of what the injunction would look like if it
9 was obtained; and you told him those things, I take it?

10 **MR. PETER SLOLY:** Again, there were very loose
11 ideas at that point. We were still just trying to figure out
12 what had landed in our city at that point.

13 **MR. BRENDAN MILLER:** Okay. And you then also
14 provided Mr. K. that legal counsel -- the internal legal counsel
15 for OPS would assist with whatever evidence and whatever support
16 they needed to obtain the injunction; correct?

17 **MR. PETER SLOLY:** I'd assign my general counsel
18 to lead that, and through her office they would be the primary
19 point of contact.

20 **MR. BRENDAN MILLER:** Right. And as a very senior
21 police officer, you're aware that once you obtain an injunction
22 its terms can be enforced via the *Criminal Code*, under section
23 127, if people don't follow its terms, right?

24 **MR. PETER SLOLY:** I don't have a lot of
25 experience with injunctions, sir, so -- and how they tie into
26 the *Criminal Code*. I will take you at face value.

27 **MR. BRENDAN MILLER:** Right. But it's fair to say
28 that if an injunction was obtained, it would add another tool to

1 the toolbox for enforcement purposes; fair?

2 **MR. PETER SLOLY:** It would add another tool well
3 beyond enforcement.

4 **MR. BRENDAN MILLER:** Yeah.

5 **MR. PETER SLOLY:** But that would be the potential
6 benefit, that in the net, there would be a net benefit to
7 addressing whatever the public safety issue was.

8 **MR. BRENDAN MILLER:** Right. And in your
9 testimony last week, I take it that you agreed that the evidence
10 of Insp. Beaudin with respect to crowd dynamics; do you remember
11 saying that?

12 **MR. PETER SLOLY:** Actually, I don't remember
13 saying exactly that, so it -- for context Commissioner, I think
14 Insp. Beaudin provided fantastic context in general around crowd
15 dynamics in theory, to the Commissioner; I would encourage you
16 to utilize that fully.

17 The only place I might diverge somewhat from
18 Insp. Beaudin, and I suspect if he had a chance to add clarity
19 to my commenting, I think we would find congruence, there were
20 multiple crowds and therefore multiple crowd dynamics.

21 **MR. BRENDAN MILLER:** M'hm.

22 **MR. PETER SLOLY:** So to describe the crowd within
23 the red zone, and then try to ascribe those dynamics to those in
24 the neighbourhoods, and then to describe those to the dynamics
25 of those in the suburban parts of our city, you couldn't do
26 that. The dynamics literally sometimes changed block by block.
27 The dynamics of the morning crowds were different from the
28 dynamics of the evening and overnight crowds. Weekend dynamics

1 were different from weekday. So, I just would put one small "c"
2 cautionary note on the otherwise excellent testimony of Insp.
3 Beaudin, that it wasn't "A crowd" and that crowd wasn't static
4 over a 24-hour period.

5 **MR. BRENDAN MILLER:** Right. But in his evidence,
6 and I think you were in agreement with this. Inspector Beaudin
7 talked about what has been referred to as the 80/20 rule. Do
8 you remember hearing that?

9 **MR. PETER SLOLY:** I'm not sure he said 80/20
10 rule, but I ---

11 **MR. BRENDAN MILLER:** Yeah.

12 **MR. PETER SLOLY:** --- understand the breakdown of
13 percentages, rough percentages that he was using.

14 **MR. BRENDAN MILLER:** Right. And just to
15 reiterate that, it's presumed that 80 percent of a crowd in a
16 protest are law abiding; is that right?

17 **MR. PETER SLOLY:** I think that's the general
18 comment, yes.

19 **MR. BRENDAN MILLER:** And then the other 15
20 percent are what I would call on the fence. They could go
21 either way. Maybe they're influenced, but there's that 15
22 percent factor?

23 **MR. PETER SLOLY:** That's what he was ascribing,
24 sir, yes.

25 **MR. BRENDAN MILLER:** Yeah. And then five percent
26 are the troublemakers. That's how he summarized it. So would
27 you agree that that's sort of the general rule with crowd
28 dynamics?

1 **MR. PETER SLOLY:** I'm not an expert in crowd
2 dynamics. I'll rely on Inspector Beaudin's testimony.

3 **MR. BRENDAN MILLER:** So if an injunction was
4 obtained, I take it, I know you were just spit-balling ideas at
5 the time, but I take it that two of the terms for that, the
6 major terms would have, of course, been that the trucks that
7 were blocking roadways due to where they were parked would be
8 removed; would that be fair?

9 **MR. PETER SLOLY:** Sorry, can you just repeat
10 that?

11 **MR. BRENDAN MILLER:** If an injunction was to be
12 obtained, I take it that you would have been looking for two
13 important points, and the first I'd put to you is that the
14 trucks that were blocking roadways due to where they were parked
15 would be removed; is that fair?

16 **MR. PETER SLOLY:** Unfortunately, no, sir, and
17 it's only in this context. Pursuing a City injunction that led
18 to that, I would first need to know that I had a reasonable
19 reliability on the resources necessary to execute such an
20 injunction. And quite frankly, I think until -- well, certainly
21 past my last day in office, I didn't have those resources.

22 **MR. BRENDAN MILLER:** Right. And of course, the
23 OPS simply cannot go out and get an injunction themselves
24 either; can they? They City does -- police officers -- Police
25 Services don't apply for injunctions. That's not happened.

26 **MR. PETER SLOLY:** That's correct, sir.

27 **MR. BRENDAN MILLER:** Right. And so it's fair to
28 say that you were relying upon the City of Ottawa to obtain an

1 injunction if one was going to be obtained?

2 **MR. PETER SLOLY:** Yes, sir.

3 **MR. BRENDAN MILLER:** Right. Now I take it
4 though, if the City did go out and obtain an injunction, if the
5 80 percent rule was applied and that injunction was served on
6 protesters, it's fair to say that some of them would have left
7 after being served the injunction; right?

8 **MR. PETER SLOLY:** I think it's fair to say that,
9 yes, some would see that as a reason, if they needed one ---

10 **MR. BRENDAN MILLER:** Yeah.

11 **MR. PETER SLOLY:** --- to leave at that point.

12 **MR. BRENDAN MILLER:** Absolutely. And so what I'd
13 like to bring up now is OPS document OPS00004927, please?

14 So these are the typed notes, and we went through
15 some of the handwritten ones of somebody called CH previously,
16 but these are the typed notes of your meeting with Brenda Lucki
17 as well as Commissioner Carrique from the OPP. So if you could
18 just take a minute, I'm sure you've seen these, PS is you; is
19 that fair?

20 **MR. PETER SLOLY:** Yes, sir.

21 **MR. BRENDAN MILLER:** Do you want to just review
22 that for a minute?

23 **MR. PETER SLOLY:** Yes, please.

24 Mme. Clerk if you could -- or, Mr. Clerk, if you
25 could scroll down to each one?

26 Sorry, please ---

27 **MR. BRENDAN MILLER:** You can scroll -- yes.

28 **MR. PETER SLOLY:** One last line. Okay. Thank

1 you.

2 **MR. BRENDAN MILLER:** Thank you. So and what I
3 want to chat with you about is the points that say four ops.
4 And there's five points there, but one's just commentary on the
5 other four. And so the four ops, which I will call the four-
6 pronged approach that you had pitched was,

7 "Ongoing public order management
8 Planning for long[...]term occupation
9 Police-led intervention to arrest to
10 bring to an end [and]
11 Seek an injunction at all levels
12 because of all 3 levels of land
13 involved"

14 So that's a multi-pronged, multi-tactic approach
15 that would be very common in policing; is that fair?

16 **MR. PETER SLOLY:** Yes, again, I think you've said
17 it, but just to be clear, it's not one or the other or the
18 other, but ---

19 **MR. BRENDAN MILLER:** Right.

20 **MR. PETER SLOLY:** --- some combination of both.

21 **MR. BRENDAN MILLER:** Correct, yeah. So it's a
22 multi-facet approach because you, you know, don't use a
23 sledgehammer to squash a mosquito, but you want to have all your
24 tools that you can in place to use them as appropriate.

25 **MR. PETER SLOLY:** Yes, sir.

26 **MR. BRENDAN MILLER:** So an injunction on -- when
27 you had this conversation on January 31st was something that was
28 part of those four ops?

1 **MR. PETER SLOLY:** Yes, sir.

2 **MR. BRENDAN MILLER:** Right. Okay. Now if we
3 could scroll down, please? And I take it BL here, that's
4 Commissioner Brenda Lucki; is that right?

5 **MR. PETER SLOLY:** I'll assume so, yes, sir.

6 **MR. BRENDAN MILLER:** Right. So I give you a
7 second to review those points.

8 **MR. PETER SLOLY:** Yes, sir, thank you.

9 **MR. BRENDAN MILLER:** Thank you. And so is that -
10 - those points, first, are those accurate from what you recall
11 from that conversation and what she said?

12 **MR. PETER SLOLY:** They're accurate. I recall
13 that the second bullet point around the injunction that the
14 Commissioner at the time went into a lengthy explanation of her
15 experience with and therefore position with injunctions and it
16 was clear that she was not -- did not believe it was going to be
17 a substantive part of the solution.

18 **MR. BRENDAN MILLER:** Right. And so here, she had
19 told you, and then I believe Commissioner Carrique somewhat
20 backed her up, but he was more on the fence, that she didn't
21 think an injunction was a good idea?

22 **MR. PETER SLOLY:** I would -- yes, that's correct.

23 **MR. BRENDAN MILLER:** Okay.

24 **MR. PETER SLOLY:** He was not as emphatic but was
25 not far off her overall theme.

26 **MR. BRENDAN MILLER:** Right. And so it's fair to
27 say that, at this point, this is the first time someone has told
28 you not to go the injunction route; is that right?

1 **MR. PETER SLOLY:** Again, I wouldn't use the
2 language told. Neither Commissioners directed me.

3 **MR. BRENDAN MILLER:** Right.

4 **MR. PETER SLOLY:** They provided their
5 perspective.

6 **MR. BRENDAN MILLER:** Okay. But even after this
7 meeting, I haven't seen anything in the records that you ever
8 changed your advice or anything to the City. You still were in
9 support of them getting an injunction if they wanted to do so
10 but it was up to them.

11 **MR. PETER SLOLY:** Agreed. Again, just with the -
12 - almost the inevitable caveat that no matter what you do,
13 whether it was a discussion around a declaration of state of
14 emergency, an injunction, if we don't have the resources, it
15 could be even more problematic.

16 **MR. BRENDAN MILLER:** Right. And so I then want
17 to take you to another document, if I can. It's the one that my
18 friends have been referring to. If I may, just a second. And
19 that would be OPS00014454. It's the long set of notes, and I'd
20 like to go to page 24 of those notes.

21 So just for my understanding too, sir, these
22 notes in the disclosure package, they say that they're from
23 somebody called CH. Do you know who that is?

24 **MR. PETER SLOLY:** That's general counsel
25 Christiane Huneault.

26 **MR. BRENDAN MILLER:** Okay. Thank you. And so
27 she is the general counsel to the OPS?

28 **MR. PETER SLOLY:** That's correct, sir.

1 **MR. BRENDAN MILLER:** All right. So if we can
2 scroll down? So these are from February 2nd and it's a meeting
3 that all of you had. And there it says, "Steve K had a meeting
4 with the federal government today." And at the bottom it says,
5 "Not likely an injunction." So from your recollection of that
6 meeting, did Steve K. tell you that the Feds told him not to get
7 an injunction, or whoever was representing Steve K. at this
8 meeting?

9 **MR. PETER SLOLY:** Yeah, thank you. I want to be
10 very careful because I think I've suffered somewhat from this,
11 trying to interpret other people's language from somebody else,
12 so I want to be very careful on this. It is the 2nd of February,
13 so ---

14 **MR. BRENDAN MILLER:** Yes.

15 **MR. PETER SLOLY:** --- this would have been the
16 first time that City Manager Steve Kanellakos advised me that
17 he'd been participating what I call tri-level calls.

18 **MR. BRENDAN MILLER:** Right.

19 **MR. PETER SLOLY:** Federal government, provincial
20 ---

21 **MR. BRENDAN MILLER:** Yeah.

22 **MR. PETER SLOLY:** --- government, municipal
23 government. And he gave me a very quick overview of the one or
24 more calls that he had been on and that's my best recollection
25 of his very brief overview. So I wouldn't want to ascribe
26 anything particular to the federal government based on this line
27 in this document.

28 **MR. BRENDAN MILLER:** So do you remember -- can we

1 scroll up too, just so you can see the date and who was there?
2 So it doesn't look like Steve Bell was present.

3 **MR. PETER SLOLY:** No, so it's myself, Christiane
4 Huneault, John Steinbachs, who's the Executive Director of
5 Strategy and Communications. The rest are from two external
6 service providers.

7 **MR. BRENDAN MILLER:** Right. And do you know who
8 was making the statements with respect to Steve Bell's meetings
9 with the Feds that are points one, two, three and four; do you
10 recall?

11 **MR. PETER SLOLY:** That would be me providing that
12 briefing to the group.

13 **MR. BRENDAN MILLER:** Okay.

14 **MR. PETER SLOLY:** And it's Steve Kanellakos, not
15 Steve Bell.

16 **MR. BRENDAN MILLER:** Or Steve -- my apologies, so
17 many names. So Steve K. had told you at another point in time
18 before this meeting that he was not likely going to go the
19 injunction route?

20 **MR. PETER SLOLY:** That he was on meetings,
21 tri-level meetings in which the topic of an injunction was
22 raised, and that's my best recollection of his best
23 recollection.

24 **MR. BRENDAN MILLER:** Okay. All right. So
25 outside of injunction I just want to talk to you about sort of
26 protests generally and how they work, and I'm not going to be
27 asking you questions a lot, this isn't an exam, but I just went
28 through this with Commissioner Carrique and I think it's

1 important to go through you as well.

2 Can you agree that in sort of general protest law
3 and enforcement and criminal offences regarding the same, you
4 basically have three types: You have lawful protests, which is
5 protected under the *Charter*; then you have unlawful assembly,
6 and then you have a riot. Do you agree with that?

7 **MR. PETER SLOLY:** Under the law if you're asking
8 if that's the definitions under the law, I will cede to you.
9 Under policing, we would talk about peaceful, peaceful/lawful,
10 peaceful/unlawful, unlawful, and then ---

11 **MR. BRENDAN MILLER:** Yeah.

12 **MR. PETER SLOLY:** --- there'd be a range of
13 other. But from a definition, legal definition perspective,
14 I'll -- I will leave that to your analysis.

15 **MR. BRENDAN MILLER:** Right. And you're aware, of
16 course, with protests that when they cross the Rubicon between
17 lawful protests and unlawful protests it becomes a criminal
18 matter under section 63 of the Criminal Code.

19 **MR. PETER SLOLY:** I am not as conversed with the
20 Code. Again, I will ---

21 **MR. BRENDAN MILLER:** Okay.

22 **MR. PETER SLOLY:** --- trust your interpretation.

23 **MR. BRENDAN MILLER:** Right. And -- so with that,
24 is it fair to say that the OPS and your office at no time prior
25 to the declaration issued any form of formal notice to the
26 protesters that they had been deemed to be an unlawful assembly
27 and they must disperse?

28 **MR. PETER SLOLY:** That's correct, sir.

1 **MR. BRENDAN MILLER:** So at no time that didn't
2 happen?

3 **MR. PETER SLOLY:** Not to my understanding.

4 **MR. BRENDAN MILLER:** Right. So you're aware also
5 of the riot provisions in the Criminal Code for the *Riot Act* ---

6 **MR. PETER SLOLY:** I am, sir, yes.

7 **MR. BRENDAN MILLER:** --- because that was
8 discussed? Right. And so that requires that even if a general
9 riot isn't happening, as recognised in law without the
10 declaration, and if a sheriff, a mayor or a justice of the peace
11 or judge of the Ontario Court of Justice, goes out, says this
12 set of words that end in "God save the Queen", or now "God save
13 the King", and it's then deemed an illegal gathering and people
14 ordered to disperse. You agree that's what that does?

15 **MR. PETER SLOLY:** Yes, sir. Sorry, I'm just --
16 so when it was written it was probably in an age where people
17 might hear those words ---

18 **MR. BRENDAN MILLER:** Exactly.

19 **MR. PETER SLOLY:** --- everybody in the area would
20 hear those words.

21 **MR. BRENDAN MILLER:** Right. And so there was
22 never a declaration, of course, this is a riot, and there was no
23 formal declaration that there was an unlawful assembly; and
24 therefore, the protesters who were there, who were sitting
25 there, no on in authority, it's fair to say, told them that they
26 were doing any illegal. Is that fair?

27 **MR. PETER SLOLY:** Again, I will cede to the legal
28 definition of it, but I couldn't agree that that would be the

1 case given the mass amount of social media, mainstream media
2 coverage of what was happening in our city here and across the
3 country. I think it would be very hard to believe that any
4 individual could not understand that there was a level of
5 unlawfulness and public danger and risk, heightened risk, at any
6 point from January 29th onwards.

7 **MR. BRENDAN MILLER:** Right. And so that brings
8 me interestingly enough to my next area. And I heard your
9 evidence or read your evidence about misinformation, and it's
10 fair to say that on social media, and particularly, and even in
11 the news, there was a whole bunch of misinformation about the
12 protesters. Is that fair?

13 **MR. PETER SLOLY:** About everything that had to do
14 with it, yes.

15 **MR. BRENDAN MILLER:** Right. So for example,
16 there was reports in the news that there was an arson committed
17 by the protesters, and I understand that was investigated and it
18 turned out that wasn't true.

19 **MR. PETER SLOLY:** Yes, sir.

20 **MR. BRENDAN MILLER:** And there ---

21 **MR. PETER SLOLY:** Sorry.

22 **MR. BRENDAN MILLER:** Yeah.

23 **MR. PETER SLOLY:** They -- post -- the
24 investigation was concluded after I left office.

25 **MR. BRENDAN MILLER:** Yes.

26 **MR. PETER SLOLY:** My "yes, sir" is what I
27 understood to be in the media, but not from the actual
28 investigators themselves.

1 **MR. BRENDAN MILLER:** Okay. And with the
2 misinformation, did you have any idea about how the
3 misinformation about the protests started? Did you do any
4 analysis with your Intelligence Bureau on that?

5 **MR. PETER SLOLY:** No, sir.

6 **MR. BRENDAN MILLER:** Okay. Well, I want to ---

7 **MR. PETER SLOLY:** Well, not that I'm aware of.
8 They may have made such attempts, but I wasn't aware of that.

9 **MR. BRENDAN MILLER:** All right. So I want to
10 bring up a document. I gave notice of this earlier today, and I
11 don't know if the feds are going to object, but I wouldn't be
12 surprised.

13 If I could bring up document
14 SSM.CAN.00007722_REL.0001.

15 All right, so what this is sir, this is a text
16 message from a fellow by the name of Alexander Cohen. Are you
17 familiar with him?

18 **MR. PETER SLOLY:** It doesn't ring a bell, sir.

19 **MR. BRENDAN MILLER:** Okay. He's with the -- he's
20 with Minister Marciano's [sic] office, the Minister of Public
21 Safety, and it's between him and Mary-Liz Power. Are you
22 familiar with Mary-Liz Power?

23 **MR. PETER SLOLY:** Again, the names aren't ringing
24 a bell.

25 **MR. BRENDAN MILLER:** Okay. She's with the Prime
26 Minister's Office. So I'm just going to read that to you for
27 you so you have an understanding. And this is from about the
28 24th, on or before the 24th of January, and it says:

1 "[I] [g]ot a quick response, people are
2 into it.

3 [Let me know] if your boss is too.

4 Happy to help however I can!

5 This is what I sent through, [though,
6 by the way]:

7 'Hi, I just had a chat with Alex at
8 PS...'"

9 Meaning Public Safety:

10 "'...who had a bit of an interesting
11 idea. As you saw in the pod goals
12 chat, the truckers convoy and some of
13 their more extreme comments (IE calling
14 for a Jan 6 style insurrection) are
15 getting more coverage in [the] media.
16 Alex was surveying whether there'd be
17 interest in his boss doing some media
18 on this eventually. He was chatting
19 with Mendicino about it right before he
20 went into the cabinet retreat.'"

21 Now, I can tell you the cabinet retreat was on
22 the 24th, that's how I know it was before the 24th:

23 "'I think there could be an opportunity
24 to get in on this growing narrative of
25 the truckers, particularly with the
26 research that LRB is doing into their
27 backers. My thoughts of the framing
28 here would be similar to what

1 PM/Blair...'"

2 Meaning the Prime Minister and Minister Blair:

3 "'...said last year when Jan 6th

4 occurred:...'"

5 And the first thing is"

6 "'Our democracy is something we need to

7 nurture and protect every day.'"

8 Now, that text message then continues.

9 And I'd ask Mr. Clerk if you could bring up

10 SSM.CAN.00007722_REL.0001.

11 **THE CLERK:** Counsel, I think that's the current
12 document we're on.

13 **MR. BRENDAN MILLER:** Sorry, 2716. No, I
14 apologise. Hold on. Well, I've got the name of it wrong. I
15 think I got the wrong number. I emailed it to you earlier if
16 you could open it up. It's Text Message To. It just says Text
17 To.

18 **THE CLERK:** I have a Text To PBCAN0001527_REL.

19 **MR. BRENDAN MILLER:** We can see if that works.
20 I'll let you know if it's the right one.

21 **MR. CLERK:** It looks to be a text from someone
22 named Pam?

23 **MR. BRENDAN MILLER:** No. It's not. I can
24 forward it to you again here. I just sent it.

25 **COMMISSIONER ROULEAU:** I think that's why it's
26 good to have these things done in advance and not last minute.

27 **MR. BRENDAN MILLER:** True.

28 **MR. ERIC BROUSSEAU:** Mr. Clerk, it's Eric

1 Brousseau. I think -- I've opened the document that my friend I
2 think sent you, and I think it's 7724 would be the second text
3 message that he's trying to refer to.

4 **MR. BRENDAN MILLER:** All right, so this is the
5 continuation, and it's what's sort of the lines are going to be
6 in:

7 "We will always support the right of
8 peaceful protest.

9 Some of the calls that organizers of
10 these events are making are concerning
11 and we're taking them seriously (would
12 need something to back this up).

13 Will continue to monitor the situation
14 closely.

15 The fine line to walk would be to
16 ensure we are not looking like we're
17 directing the police, which obviously
18 is not the goal here. Hoping to
19 canvass your thoughts - Alex said he'd
20 come back to me with a proposal this
21 afternoon when he gets to chat with
22 Mendicino again and obviously pending
23 his boss's and our interest in looking
24 into this further."

25 And if you could scroll down. And Alex responds:

26 "Thanks. I had an initial chat with my
27 boss and he's supportive, but wants to
28 wait a day or two. There's a danger

1 that if we come down too hard they might
2 push out the crazies."

3 And the response:

4 "I think that's fair. Apparently Global
5 and others are working on stories.
6 Maybe see how those land."

7 So when I show you this, and I -- after this, the
8 exact same sort of narrative came out from the federal
9 government following these suggestions from their staff.

10 Is that misinformation?

11 **MR. PETER SLOLY:** I'm sorry. I can't really
12 comment. There's just not enough context to know how -- who
13 these people are, how -- what they represent, what information
14 or influence they have.

15 **MR. BRENDAN MILLER:** Right. Okay.

16 Well, then, just moving on to a last area I'd
17 like to question you about, and this is sort of on the fly.

18 I sat here and listened to the evidence with
19 respect to the notes that Deputy Chief Ferguson took, and all of
20 those notes were about you. Now, I've only been doing this for
21 12 years, but I've never seen anything like that with officers
22 keeping notes on one another.

23 Can you explain to me how odd that is or can you
24 -- would you like to elaborate on that? Because to me, officers
25 keep notes on an investigation. They don't keep notes on their
26 Chief and they don't keep notes on their colleagues. It's for
27 investigative purposes.

28 Do you -- do you have any concern with what

1 happened there?

2 **MR. PETER SLOLY:** In my 30 years in policing I've
3 never seen anything like that myself.

4 **MR. BRENDAN MILLER:** Anything else?

5 **MR. PETER SLOLY:** Well, I think my evidence,
6 Commissioner, is that her extreme editorial licence that she
7 took was extremely problematic for me and reflects on her, not
8 on me.

9 **MR. BRENDAN MILLER:** And would you agree that
10 it's in policing training that officers are taught to make notes
11 and whatever they write is, you know, for court or for
12 proceedings, typically, and it goes and it's used. If you don't
13 have something in your notes, it goes against your credibility
14 and if you do, it supports your credibility.

15 You're probably familiar with that.

16 **MR. PETER SLOLY:** Except for the last part ---

17 **MR. BRENDAN MILLER:** Yes.

18 **MR. PETER SLOLY:** --- my understanding is that
19 notes are evidentiary. They are produced for purpose of
20 judicial processes as well as for internal system and policy
21 requirements, but ---

22 **MR. BRENDAN MILLER:** And you'd agree just because
23 someone writes something in their notes doesn't mean it's true,
24 does it?

25 **MR. PETER SLOLY:** They are supposed to be an
26 honest representation.

27 **MR. BRENDAN MILLER:** Sometimes they're not.

28 **MR. PETER SLOLY:** Clearly in some cases.

1 **MR. BRENDAN MILLER:** Thank you.

2 **COMMISSIONER ROULEAU:** Thank you.

3 Next I'd call on the Government of Canada,
4 please.

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

6 **MS. DONNAREE NYGARD:** Good morning. My name is
7 Donnaree Nygard, and I'm counsel for Canada.

8 **MR. PETER SLOLY:** Good morning.

9 **MS. DONNAREE NYGARD:** I just want to start by
10 going back to something my friend just asked you about, and that
11 was in regards to your use of the word "assaultive" and what was
12 occurring during the protest. And he put to you that there were
13 a very limited number of charges for assaults following the
14 protest.

15 Would you agree with me that a lack of charges
16 doesn't necessarily mean that these activities weren't
17 occurring?

18 **MR. PETER SLOLY:** Absolutely.

19 **MS. DONNAREE NYGARD:** And there's a variety of
20 reasons why charges may not have been laid, for example, the
21 perpetrator couldn't be identified?

22 **MR. PETER SLOLY:** That's correct.

23 **MS. DONNAREE NYGARD:** There's been earlier, in
24 the hearing -- and I'm not sure if you watched all of this
25 evidence -- a lot of discussion about the resources that were
26 provided to OPS from the RCMP and when they were provided. And
27 I just want to go over some of that with you to try and provide
28 a little bit more clarity around that question.

1 So starting at the beginning, on the first
2 weekend of the protest there were -- and you were aware that
3 there were two Public Order Units of the RCMP stationed in two
4 different locations in Ottawa, one at Parliament Hill and one at
5 Rideau Cottage. They were not under OPS control, but you were
6 aware that they were there; correct?

7 **MR. PETER SLOLY:** I understood there were three
8 RCMP Public Order troops, but they were all assigned to
9 protection services that were under the RCMP's mandate and not
10 under the control of Ottawa Police Service.

11 **MS. DONNAREE NYGARD:** But you were also aware
12 that if something were to arise, those units were there and
13 would come to the assistance of the OPS; correct?

14 **MR. PETER SLOLY:** That was my understanding, yes.

15 **MS. DONNAREE NYGARD:** And in fact, after that
16 weekend, you sent a note to Commissioner -- to Commissioner
17 Lucki and also to Commissioner Carrique, and perhaps we can pull
18 that up.

19 It's PB.NSC.CAN.00001396, with the underscore
20 relativity, et cetera.

21 And if we can just scroll down a little bit.
22 That's good.

23 So this is an email that, as I said, you sent to
24 Commissioner Lucki and to Commissioner Carrique, amongst others,
25 after that first weekend. It was dated -- I don't know if you
26 got a chance to see it. It was dated January 30th.

27 And in there, you're expressing your appreciation
28 for the Public Order Units that were on the ground during that

1 weekend.

2 **MR. PETER SLOLY:** Yes.

3 **MS. DONNAREE NYGARD:** And you didn't make the
4 first formal request for officers to assist the OPS under the
5 OPS' direction until February 2nd; correct?

6 **MR. PETER SLOLY:** In regard specifically to the
7 RCMP?

8 **MS. DONNAREE NYGARD:** Yes, sorry, in regards to
9 the RCMP.

10 And I can pull up the email, if you like, if it
11 would be helpful.

12 **MR. PETER SLOLY:** Yeah, I won't challenge it. I
13 do recall just lots of emails going out prior to the arrival, so
14 I can't 100 percent say one of them didn't go to the RCMP, but
15 I'll take your ---

16 **MS. DONNAREE NYGARD:** So let's help refresh your
17 memory. It's PB.NSC.CAN.00001743.

18 And if we can scroll down to the first email in
19 the chain, please. And just maybe up a little bit so we can see
20 the date on it. So there.

21 So this is on February 2nd. It's an email from
22 you to the Commissioner of the RCMP, and you're requesting 50
23 uniformed members to be able to frontline traffic requirements
24 and leadership to go along with those teams and three Public
25 Order Units.

26 That was your request at that time; correct?

27 **MR. PETER SLOLY:** Yes.

28 But again, just for clarity, though, I don't have

1 an independent recollection that there wasn't some conversation
2 with the Commissioner or one of her NCR level staff that we
3 might need some resources. But this would be the first formal
4 request that went out.

5 **MS. DONNAREE NYGARD:** Right. And Ottawa's a
6 little bit unusual, isn't it, in that in Ontario, normally, if a
7 police service is in need of extra resources, it's the OPP they
8 would go to first, but in Ottawa you sometimes go directly to
9 the RCMP?

10 **MR. PETER SLOLY:** Sorry. I was about to
11 interrupt you, so sorry about that.

12 No, actually, my experience has mostly been you
13 would usually -- well, maybe Toronto was lucky. We would -- we
14 had GTA Police Services all around us and so we would normally
15 go to one of our border agency partners and ask for those
16 resources.

17 I can't recall other than for major planned
18 events like the G8 where we would go first to provincial police
19 and then escalate to RCMP. Normal transaction, we don't have
20 enough, we need more, we would go to those closest to us or
21 those who we had worked with and knew that our Public Order
22 Commanders had a good rapport with, so it's more informal in
23 that respect.

24 **MS. DONNAREE NYGARD:** But -- yes. And I should
25 have been clearer. I apologize.

26 In respect of going to the RCMP, the normal chain
27 would be to go through the OPP to go to the RCMP.

28 **MR. PETER SLOLY:** Normally, municipal, provincial

1 and then RCMP.

2 **MS. DONNAREE NYGARD:** Yes. But in Ottawa, just
3 because of your previous -- or the OPS' previous relationship
4 working with the RCMP on large events, you sometimes, as in this
5 situation, went straight to the RCMP; correct?

6 At the same time as going to the OPP.

7 **MR. PETER SLOLY:** Yes. And again, I want to be
8 clear. At this point, there's no sort of hierarchy of where we
9 should be going to. We were just going ---

10 **MS. DONNAREE NYGARD:** Yes. ...

11 **MR. PETER SLOLY:** --- to everybody.

12 **MS. DONNAREE NYGARD:** Yes. And you'd agree with
13 me that this email, if you're going to go directly to the RCMP,
14 that an email from you to the Commissioner is the appropriate
15 route to be making such requests; correct?

16 **MR. PETER SLOLY:** Absolutely. I would normally
17 fall -- would probably have sent a text, but I didn't, that
18 would be the normal just information reach out and then, heads
19 up, there's something more formal coming.

20 **MS. DONNAREE NYGARD:** Yeah. And when you make
21 such a request as you did in this email, you set out exactly
22 what it is that you're requesting. That you need frontline
23 traffic requirements, that you need leadership for those people,
24 and that you need Public Order Units. That's important
25 information to include in the request?

26 **MR. PETER SLOLY:** As best as I could receive it
27 from my folks and as best as they had that laid out, yes.

28 **MS. DONNAREE NYGARD:** And after this request was

1 made, the RCMP did, in fact, provide you with not -- in fact,
2 perhaps I'll back up and scroll up a little bit to Commissioner
3 Lucki's response. So, yeah, we could stop there.

4 So in her response, Commissioner Lucki sets out
5 in the second paragraph that all of her Public Order Units were
6 actively deployed and she wasn't in a position to be able to
7 redirect any to Ottawa at that time, and that in the next
8 paragraph, she indicates that the RCMP's experiencing
9 significant resource challenges, but she's asking her management
10 team to explore the possibility of providing you with some or
11 all of the other 50 resources you requested.

12 And the RCMP did, in fact, over the following
13 days, provide you with resources in that range; correct?

14 **MR. PETER SLOLY:** I can't tell you what extent
15 they achieved the request that I sent on February 2nd.

16 **MS. DONNAREE NYGARD:** Perhaps we can turn to
17 another document that might assist you. It's OPB00001014.

18 And maybe I'll start by asking, have you seen
19 this chart before?

20 **MR. PETER SLOLY:** Yes, I -- well, I've seen this
21 framework. I can't say I saw exactly this chart, but this was
22 an effort towards the last week of my time in office to try to
23 identify all of the resources that were available to us over the
24 course of the days of the convoy-related events, yes.

25 **MS. DONNAREE NYGARD:** So this is an OPS produced
26 document?

27 **MR. PETER SLOLY:** I believe so. There may have
28 been some support from our integrated partners, OPP, RCMP to

1 help to build this document out, and then, obviously, provide
2 the content and verification of it.

3 **MS. DONNAREE NYGARD:** Right. And this document
4 came to us through the OPB, so I assume at some point you
5 provided it to them?

6 **MR. PETER SLOLY:** OPSB. The Ottawa Police
7 Services ---

8 **MS. DONNAREE NYGARD:** Yeah.

9 **MR. PETER SLOLY:** --- Board?

10 **MS. DONNAREE NYGARD:** Yes.

11 **MR. PETER SLOLY:** Yes, I believe there was a
12 point where this -- a version of this document was sent to the
13 Ottawa Police Services Board.

14 **MS. DONNAREE NYGARD:** Okay. So if we can just
15 have a look at this document, it's broken into two parts. And
16 the top part of the chart is, as I understand it, the Public
17 Order Units or Public Order members that are provided and the
18 bottom part of the chart is regular members. Am I interpreting
19 that correctly?

20 **MR. PETER SLOLY:** Yes.

21 **MS. DONNAREE NYGARD:** And there's a note down at
22 the bottom that external Public Order deployments are incomplete
23 between January 30th and February 9th. But if we just focus for a
24 moment on the regular members that are provided, and the RCMP
25 are listed at the top of that bottom part of the chart?

26 **MR. PETER SLOLY:** Yes.

27 **MS. DONNAREE NYGARD:** And we can see that on
28 February 4th, which is 2 days after you made that request, there

1 are 20 and then it increases up to 45 the following day and 52
2 and 49?

3 **MR. PETER SLOLY:** That's correct.

4 **MS. DONNAREE NYGARD:** So you'd agree with me that
5 the request for 50 members was, in fact, actioned within a
6 couple of days by the RCMP?

7 **MR. PETER SLOLY:** That's correct.

8 **MS. DONNAREE NYGARD:** And as was set out in
9 Commissioner Lucki's response to you, you weren't provided with
10 any Public Order Units directly under your control at that time?

11 **MR. PETER SLOLY:** That's correct.

12 **MS. DONNAREE NYGARD:** And that was because she
13 said that they were deployed on other duties at that period of
14 time?

15 **MR. PETER SLOLY:** That's what her letter said,
16 yes.

17 **MS. DONNAREE NYGARD:** And you would agree with me
18 that when a request is made to a partner policing agency, they
19 have to make sure that they can fulfil their own mandate before
20 they can give you additional people; correct?

21 **MR. PETER SLOLY:** I assume that it wouldn't be
22 just that brutal, but they would also assess what the
23 overarching threats are and make a decision not just based on
24 fulfilling their own staffing, but that they could or should
25 make another investment. Sorry, I'd like to think it was more
26 than let's just look after ourselves before we look after
27 anybody else ---

28 **MS. DONNAREE NYGARD:** Yes.

1 **MR. PETER SLOLY:** --- as an equation to make a
2 decision around approving or not approving particularly Public
3 Order Unit assets.

4 **MS. DONNAREE NYGARD:** Yes, but if those assets
5 are actively operating somewhere else, then that has to be
6 obviously taken into consideration?

7 **MR. PETER SLOLY:** Absolutely. The entire threat
8 risk assessment, I would assume there would be some effort of
9 assessing risk, as well as assessing responsibility.

10 **MS. DONNAREE NYGARD:** And shortly after this on
11 February 7th, I won't pull it up, but I assume you are familiar
12 with the letter that was sent by the mayor both to the Prime
13 Minister and an identical letter to the province as well
14 requesting 1800 resources; correct?

15 **MR. PETER SLOLY:** 1790 and in change, but, yes, I
16 understand that.

17 **MS. DONNAREE NYGARD:** And that's not the normal
18 way for requesting resources from another policing agency; is
19 it?

20 **MR. PETER SLOLY:** No, and I said in my evidence
21 on Friday, this was -- these were not normal times.

22 **MS. DONNAREE NYGARD:** No. And that was an
23 attempt by everyone involved just to do whatever they could to
24 get the resources that you felt you required at the time?

25 **MR. PETER SLOLY:** Yes.

26 **MS. DONNAREE NYGARD:** And I assume it was hoped
27 that by having a piece of correspondence go from the mayor to
28 the political level, that that would apply some political

1 pressure to encourage movement on that front?

2 **MR. PETER SLOLY:** Pressure, incentive, whatever
3 the right term, but I think it was to send a different signal
4 under very unique and different circumstances.

5 **MS. DONNAREE NYGARD:** But at the end of the day,
6 you also knew that you had to have that discussion directly with
7 the RCMP? That letter in and of itself wasn't going to result
8 in anything by itself?

9 **MR. PETER SLOLY:** Absolutely.

10 **MS. DONNAREE NYGARD:** And as I understand it,
11 there was additional resources provided by the RCMP on February
12 8th to stand up the Integrated Planning Cell; correct?

13 **MR. PETER SLOLY:** They sent experts like
14 Superintendent Lue ---

15 **MS. DONNAREE NYGARD:** Yes.

16 **MR. PETER SLOLY:** --- yes, to ---

17 **MS. DONNAREE NYGARD:** Yes.

18 **MR. PETER SLOLY:** --- be part of that integrated
19 team.

20 **MS. DONNAREE NYGARD:** So senior members of the
21 RCMP to assist with the planning. And I think you said, and I
22 can turn you to it if you like, in your witness statement that
23 they were provided, at least in part, to assist the Ottawa
24 Police Service in securing the requested 1800 police resources;
25 is that accurate?

26 **MR. PETER SLOLY:** That's correct.

27 **MS. DONNAREE NYGARD:** And then the following day
28 on February 9th, there was a meeting with the RCMP and others in

1 which the February 9th plan was explained, and you provided some
2 more information about the nature of those resources; correct?

3 **MR. PETER SLOLY:** That's correct.

4 **MS. DONNAREE NYGARD:** Because the letter that
5 went from the mayor to the Prime Minister didn't include any
6 details about what those 1800 people were to be made up of;
7 correct?

8 **MR. PETER SLOLY:** I believe that's correct, yes.

9 **MS. DONNAREE NYGARD:** But you had prepared
10 internally that chart that we've seen but that wasn't part of
11 the letter that went ---

12 **MR. PETER SLOLY:** No, I don't think ---

13 **MS. DONNAREE NYGARD:** --- to the Prime Minister?

14 **MR. PETER SLOLY:** --- it was. That's my
15 recollection.

16 **MS. DONNAREE NYGARD:** So that information was
17 provided to the RCMP through this February 9th briefing; correct?

18 **MR. PETER SLOLY:** Absolutely it was. The only
19 hesitation, there was a request that came from -- my
20 recollection it came from Deputy Minister Rob Stewart for more
21 details, and I actioned that request through Acting Deputy Chief
22 Ferguson. I believe I saw emails with her corresponding back.
23 I just don't know what the timeline would have been between the
24 9th and that request from Deputy Minister Stewart.

25 **MS. DONNAREE NYGARD:** And I don't think I have
26 the document number here, but I have seen the email you're
27 referring to. I believe it occurred on the 10th. Would that fit
28 with what ---

1 **MR. PETER SLOLY:** I wouldn't argue ---

2 **MS. DONNAREE NYGARD:** --- with your recollection?

3 **MR. PETER SLOLY:** Somewhere in that zone, yes.

4 **MS. DONNAREE NYGARD:** And so on February 9th, the
5 resource ask was explained in a little bit more detail, because
6 you would agree, just a number of 1800 isn't something that
7 people could actually act on because they don't know what that
8 is comprised of.

9 **MR. PETER SLOLY:** Yes, sorry, just I am going to
10 back you up one day though. February 8th was the first time that
11 the Ottawa Police Service met with the members of the Integrated
12 Planning Team and that was at RCMP Headquarters ---

13 **MS. DONNAREE NYGARD:** Yes.

14 **MR. PETER SLOLY:** --- in the afternoon. There
15 were discussions. I wasn't there for the whole meeting, but I
16 understand there were discussions around what that 1,790 would
17 look like. The meeting carried on over into February 9th, and
18 then was a much deeper discussion with more information provided
19 around the staffing levels on the 9th.

20 **MS. DONNAREE NYGARD:** Right. And if we can go
21 back to that chart that was OPB1014 -- 00001014?

22 So if we look at this, very shortly after that
23 meeting on the 9th, by the 11th the numbers of RCMP officers start
24 to rise quite significantly on the 11th and the 12th; correct?

25 **MR. PETER SLOLY:** Yes.

26 **MS. DONNAREE NYGARD:** And there is some delay in
27 getting RCMP officers into a position where they can actually
28 assist the Ottawa Police Services; correct? They have to be

1 sworn in?

2 **MR. PETER SLOLY:** There is a delay. Again, just
3 sorry, as I'm recalling, somewhere around -- well, it was
4 February 5th, I received correspondence from Commissioner Lucki
5 that the RCMP were providing 250 officers. And I actually think
6 I made that announcement at the public Board meeting on February
7 5th, that I'd just received this communication.

8 So even before the official letter went out from
9 the Mayor and the Chair to the two levels of government, there
10 had been an offer of, promise of, 250 officers. That didn't
11 materialize until past the dates on this chart here. And I, to
12 this day, don't know what happened to that deployment of 250,
13 but certainly there's an indication that the 50 that was
14 requested on February 2nd was achieved very quickly, and
15 maintained. And then there was a significant increase in
16 staffing after the -- on the 11th, I guess.

17 **MS. DONNAREE NYGARD:** But you'll agree with me
18 that if the RCMP provide a certain number of officers, they
19 cannot all work every day, so you need a pool, for example,
20 larger than 50 in order to have 50 people working every day.

21 **MR. PETER SLOLY:** Sorry; I'm not sure I
22 understand what you're...

23 **MS. DONNAREE NYGARD:** So if the RCMP are going
24 to have -- supply to the OPS 50 boots on the ground on a given
25 day every day, that's not 50 individual officers; it has to be
26 more than that in order to cover off 50 boots on the ground
27 every day.

28 **MR. PETER SLOLY:** If a police service is sending

1 me 50 officers, and they'll be operating under our Incident
2 Command system, then my expectation would be that we would not
3 just deploy them on a dayshift, we'd deploy them on an as-needed
4 basis, and some of that 50 would work daytime, afternoons,
5 nighttime. But we would have 50 officers, 50 human beings who
6 are capable of being deployed under the direction of the Ottawa
7 Police Service Incident Command system.

8 I think we're saying the same thing but I'm not
9 sure we're saying the same thing.

10 **MS. DONNAREE NYGARD:** I'm not entirely sure we're
11 saying the same thing either.

12 I guess my point is because RCMP officers have to
13 come and be sworn in, and obviously have to have some time off;
14 they can't work 24 hours a day, that you would need a pool
15 larger than the number of boots you want on the ground in order
16 to have that many boots on the ground.

17 **MR. PETER SLOLY:** There certainly would be a
18 delay around the swearing in piece and I've heard it described
19 differently, in terms of the actual timing of that. There
20 wouldn't be an expectation that whoever arrives in Ottawa would
21 work every day, although most of our officers had been, you
22 know, in some cases, like Insp. Lucas, did work every day.
23 Again, that was one of our challenges was just maintaining the
24 health and wellness and safety of our members and partner
25 agencies.

26 My expectation would only be if you're offering
27 us something, make sure it arrives and that we can fully deploy
28 it, including days off. There wouldn't be an expectation that

1 any agency would have to over-supply to manage days off. We
2 just needed to know how many officers would be in our theatre,
3 dedicated to our Incident Command system, deployable as fully as
4 possible, at whatever time and whatever relevant duties are --
5 duties that are relevant to their capabilities.

6 **MS. DONNAREE NYGARD:** So you wanted to ensure you
7 had 50 people on the ground every day, and that might require
8 more than 50 people being here in order to accomplish it.

9 **MR. PETER SLOLY:** No.

10 **MS. DONNAREE NYGARD:** No?

11 **MR. PETER SLOLY:** Again, I just needed to know I
12 was going to have 50 officers from whatever jurisdiction had
13 asked.

14 So in this case, with the RCMP letter I sent on
15 February 2nd, that was the date of the letter I sent, the first
16 letter, ---

17 **MS. DONNAREE NYGARD:** Yes.

18 **MR. PETER SLOLY:** --- the 50 uniform officers, my
19 expectation, if it could be honoured, that they would arrive as
20 quickly as possible, and be deployable as fully as possible for
21 whatever period of time they could stay.

22 **MS. DONNAREE NYGARD:** Yeah. And I want to take
23 you to one more document on this, which is PBS.NSC.CAN.00003118;
24 this might help somewhat with this confusion.

25 If we just scroll down to the bottom a little
26 bit. A little further.

27 So this -- oh, no, too far.

28 This is an email on -- I believe it's February

1 12, and it's from Mike O'Beirne from the RCMP to a variety of
2 people, including C/Supt. Pardy, about RCMP resources as of that
3 day. So if we can just look -- scroll down to the numbers.

4 So this is the resourcing that the RCMP are
5 reporting as of February 12th, and they indicate there are,
6 "Detachment to support the OPS Assist Operations/Deployments:
7 320"; "Deployed [as of] this date (24 hours): 225"; and
8 "Operational Readiness: 159."

9 Can you help me and explain, if you know, what
10 the difference between those three numbers is?

11 **MR. PETER SLOLY:** I can't, and they don't align
12 to what was on the chart either.

13 **MS. DONNAREE NYGARD:** No, they don't, I agree.

14 **MR. PETER SLOLY:** That was a huge challenge for
15 us.

16 Again, this is no way meant to be a criticism of
17 the RCMP, but different police services call things differently,
18 they count things differently, they account for things
19 differently. And there wasn't a day that -- while I was in
20 office that I had a report from anyone, including my own folks,
21 that anybody could say was 100 percent accurate, nor was there a
22 day, other than maybe my last day in office, where we had a
23 number that anyone could reasonably believe, give or take 20 or
24 30, that we were no longer just hanging on protecting the red
25 zone; we were now getting sufficient resources to contemplate
26 substantial additional operations.

27 But this was a problem right from the beginning
28 when everyone was trying to figure out how many people Ottawa

1 Police Service actually had in our theatre under our ability to
2 direct through Incident Command system.

3 This is probably very accurate for the RCMP
4 purposes, but not particularly helpful for us to understand what
5 we actually had in terms of Ottawa Police Services responses.

6 **MS. DONNAREE NYGARD:** So you can't help us with
7 the difference between "Deployed" and "Operational Readiness"?
8 No?

9 **MR. PETER SLOLY:** No.

10 **MS. DONNAREE NYGARD:** Okay.

11 **MR. PETER SLOLY:** Certainly there were not 225
12 RCMP officers deployed to the Ottawa Police Service under our
13 ICS on the date of February 12th. The numbers on the chart we
14 just saw don't bear that out.

15 **MS. DONNAREE NYGARD:** Well, they don't match up
16 with the numbers in the chart, but you just said yourself even
17 your own numbers couldn't be guaranteed to be accurate.

18 **MR. PETER SLOLY:** Yes, but our numbers were plus
19 or minus 10, 15, 20; these are very different numbers; 320
20 detachment to support -- again, I don't know what the term
21 means. These are substantially different numbers.

22 **MS. DONNAREE NYGARD:** Okay. So I want to move on
23 to another issue, and that's the tow trucks.

24 You would agree with me that obtaining heavy tow
25 trucks in particular was a significant issue throughout these
26 events; correct?

27 **MR. PETER SLOLY:** Second only to getting extra
28 police officers, yes.

1 **MS. DONNAREE NYGARD:** And on Friday in your
2 testimony you commented at one point that towing was happening
3 throughout. I take it that you were referring to towing regular
4 vehicles with regular tow trucks, not heavy tows; correct?

5 **MR. PETER SLOLY:** I stand to be corrected but I
6 do recall having information that we did tow heavy trucks, not
7 in the red zone but in other parts of the theatre around the red
8 zone. But my understanding is there were some successful
9 efforts; minor successful efforts to tow heavy trucks.

10 **MS. DONNAREE NYGARD:** And do you know where those
11 tow trucks were obtained from?

12 **MR. PETER SLOLY:** We had a number of contract
13 tows. I believe we had City-owned heavy trucks but -- so I
14 don't know exactly where they were towing.

15 I think we had some three or five heavy tow
16 trucks through logistics, pre-staged that first weekend, and I'm
17 assuming it was some combination of those heavy tow trucks that
18 did the towing.

19 **MS. DONNAREE NYGARD:** But in any event, it very
20 quickly became, particularly with the heavy tow trucks, a
21 problem to get them to cooperate; correct?

22 **MR. PETER SLOLY:** Absolutely.

23 **MS. DONNAREE NYGARD:** And I think the first
24 reference that I have seen in relation to this is on
25 February 4th.

26 And if we can pull up OPS00006270.

27 And so this is the notes from a Command briefing
28 that you appear to be -- have been at. Do you recognise the

1 notes of this nature?

2 **MR. PETER SLOLY:** I don't recognise these
3 particular notes, but if it was a Command briefing, unless I was
4 tied up in something else, I would have been there.

5 **MS. DONNAREE NYGARD:** So -- and this -- the date
6 on this is February 4th, and this is one of those ones where we
7 have to subtract five from the time to get an accurate reading.
8 So it would have been around four o'clock in the afternoon.
9 Would that make sense for a Command briefing?

10 **MR. PETER SLOLY:** Yes, there's usually a morning
11 and afternoon briefing cycle.

12 **MS. DONNAREE NYGARD:** Okay.

13 So if we can just scroll down to the bottom of
14 the document. So -- oh, not quite that far. Yeah.

15 You'll see there is an attribution to you in the
16 last comment, and if we look at the very last couple of lines of
17 that it says:

18 "Chief concerned about lack of heavy
19 tow truck availability - need to manage
20 public expectations if this is the
21 case, add to Operational Plan as a
22 logistics need not being met; if tow
23 truck drivers are being threatened or
24 extorted, this needs to be
25 investigated."

26 So as early as February 4th, you were hearing
27 about tow truck drivers being threatened I assume from this
28 comment?

1 **MR. PETER SLOLY:** Yes.

2 **MS. DONNAREE NYGARD:** And you were already having
3 trouble getting tow trucks at that point?

4 **MR. PETER SLOLY:** Absolutely.

5 **MS. DONNAREE NYGARD:** And then, if we can go to
6 OPP00001521.

7 So this is a couple of days later, on
8 February 6th.

9 And if we can go to the fifth...

10 Oh, well, first, I'll situate you. This is a
11 call, it appears to be between various federal officials and
12 provincial and City officials and yourself. Do you recall?

13 **MR. PETER SLOLY:** This is what I, I think, would
14 call the tri-level meetings, yeah.

15 **MS. DONNAREE NYGARD:** Yes.

16 And if we can go to page 4 to start at the bottom
17 -- towards the bottom of the page.

18 And you can see there's these comments that are
19 attributed to you. You're talking about the RCMP officers being
20 sworn in.

21 And then if we can scroll down a little bit,
22 about three bullets down on the next page.

23 You say:

24 "Ottawa Police Service has two city tow
25 trucks supporting and they are looking
26 for other heavy tows."

27 So at that point, it appears you had two tow
28 trucks.

1 Now, we've heard that OCC Transpo had two heavy
2 tow trucks. Are those the tow trucks you're talking about?

3 **MR. PETER SLOLY:** I honestly don't know.

4 **MS. DONNAREE NYGARD:** But in any event, you were
5 still looking for other heavy tows at that point, and I assume
6 you were still having difficulty getting them to cooperate at
7 that point.

8 **MR. PETER SLOLY:** That's correct.

9 **MS. DONNAREE NYGARD:** And in fact, I won't --
10 well, I can take you there if you like, but in the February 9th
11 Plan, there is specific reference to the fact that tow truck
12 operators were receiving hundreds of threats are some of them
13 were death threats. Is that your recollection?

14 **MR. PETER SLOLY:** Not necessarily from the
15 February 9th Plan, but that was really just the state of affairs
16 from the middle of the first week throughout.

17 **MS. DONNAREE NYGARD:** And at one point there was
18 an attempt to get the Ministry of Transport to assist with the
19 tow truck issue. Do you recall that?

20 **MR. PETER SLOLY:** Federal Ministry of Transport?

21 **MS. DONNAREE NYGARD:** No, provincial.

22 **MR. PETER SLOLY:** I don't specifically recall,
23 but that was such a regular discussion. We -- at one point I
24 think even Commissioner Lucki, I don't think she was flippant
25 about it, but they were looking at Kijiji to find heavy tow
26 trucks in Canada.

27 **MS. DONNAREE NYGARD:** And even on -- as late as
28 February 14th, you were still making comments that you needed

1 heavy tow trucks; correct?

2 **MR. PETER SLOLY:** That's correct.

3 **MS. DONNAREE NYGARD:** And this document that we
4 just looked at is one example, and you've referred to it as
5 well. This was a consistent conversation you were having with
6 both federal ministers and federal officials that there was no
7 heavy tow trucks to be had, certainly not sufficient heavy tow
8 trucks to be had to carry out the work that you needed to do to
9 deal with this situation.

10 **MR. PETER SLOLY:** Yes. And just -- and I think
11 you mean it implicitly, but to make it explicitly, they were
12 there. It's whether we could predictably count on their ability
13 to support our Operations was the gap that needed to be closed.
14 They physically existed.

15 **MS. DONNAREE NYGARD:** Yes.

16 **MR. PETER SLOLY:** Our ability to engage them
17 reliably, predictably, on scale was the challenge.

18 **MS. DONNAREE NYGARD:** Because they were not
19 cooperating they did not want to participate.

20 **MR. PETER SLOLY:** They were intimidated for a
21 wide variety of reasons. The sum total effect was we could not
22 access them predictably on scale.

23 **MS. DONNAREE NYGARD:** And that was a consistent
24 message you were giving to your federal partners?

25 **MR. PETER SLOLY:** Yes.

26 **MS. DONNAREE NYGARD:** And at no time did you tell
27 them "Problem solved, we've got tow trucks"?

28 **MR. PETER SLOLY:** Not from me.

1 **MS. DONNAREE NYGARD:** So I'll switch off of tow
2 trucks now. We seem to spend an awful lot of time talking about
3 them. Although, actually just before I do, I just wanted to
4 confirm: In your witness statement, and I think you just said
5 this now, you indicated that that was the second most pressing
6 problem you had in order to be able to address this issue was
7 the lack of heavy tow trucks; correct?

8 **MR. PETER SLOLY:** From a resourcing standpoint,
9 people, police officers with particular knowledge skills and
10 capabilities; secondly, from a resourcing standpoint, tow
11 trucks. There were other issues that were challenging, but
12 those were the two main resource issues.

13 **MS. DONNAREE NYGARD:** So I want to turn to the
14 issue of negotiations, sort of broadly-speaking, in dealing with
15 the situation in Ottawa. And there's been quite a bit of
16 discussion about the work of the PLTs, and they were involved in
17 various negotiations throughout this piece. But these weren't
18 negotiations to resolve the entire thing. They were -- I'm
19 correct about that; right? They were negotiations to deal with
20 particular issues within the protest.

21 **MR. PETER SLOLY:** Well, technically, anything
22 that could move us towards a safe successful end was designed to
23 get us to a safe successful end, and PLT always has that role.
24 I couldn't tell you that any one PLT negotiation, there was a
25 huge expectation that that in and of itself would resolve the
26 entire theatre of risks and issues that we were dealing with, I
27 think that would be unrealistic ---

28 **MS. DONNAREE NYGARD:** Yes, exactly.

1 **MR. PETER SLOLY:** --- in any circumstance.

2 **MS. DONNAREE NYGARD:** Yes. So they were working
3 at smaller goals working towards the larger goal; correct?

4 **MR. PETER SLOLY:** Working at smaller goals in
5 support of the larger goal, yes, absolutely.

6 **MS. DONNAREE NYGARD:** Yes. For example, one of
7 the things we've heard about is the Confederation Park
8 negotiations, which resulted in Confederation Park being
9 cleared.

10 **MR. PETER SLOLY:** Correct.

11 **MS. DONNAREE NYGARD:** So that's an example of one
12 of the smaller goals towards the larger objective.

13 However, all of those smaller goals that they
14 were working toward during this time, even the Confederation
15 Park success, didn't result in a significant shrinking of the
16 footprint or a reduction in the number of protesters. It dealt
17 with some important issues, like getting people out of
18 Confederation Park, but those people didn't leave; correct?

19 **MR. PETER SLOLY:** They were important
20 contributions, but none of them on their own were sufficient
21 enough to end successfully and safely the entire events taking
22 place.

23 **MS. DONNAREE NYGARD:** And even in negotiations
24 that the Mayor brokered was along that same line. It wasn't
25 going to resolve the entire situation, it was an attempt to
26 solve a particular problem, the awful circumstances that the
27 residents in the downtown core were facing with the trucks in
28 their neighbourhood; correct?

1 **MR. PETER SLOLY:** That was my understanding, yes.

2 **MS. DONNAREE NYGARD:** And to your knowledge,
3 there were no trucks that left as a result of that negotiation,
4 although they were moved around?

5 **MR. PETER SLOLY:** I don't know. I believe -- my
6 understanding was there was some that departed the theatre, but
7 again, I don't have any independent recollection. There was
8 certainly a lot of movement, and my understanding was some of
9 them left the theatre. Whether they went outside of the city
10 limits or just left the downtown core, I can't tell you.

11 **MS. DONNAREE NYGARD:** And some of them refused to
12 move at all during that attempt; correct?

13 **MR. PETER SLOLY:** That is my understanding.

14 **MS. DONNAREE NYGARD:** And you were asking for
15 these large numbers of resources, the 1,800 that you had
16 requested, because although you thought and hoped that you would
17 be able to shrink the footprint of this protest through some of
18 these tools. There were significant elements within the protest
19 that you knew weren't going to voluntarily leave; correct?

20 **MR. PETER SLOLY:** Certainly that was part of the
21 considerations.

22 I go back to the February 1st meeting with the
23 Public Order Unit Commanders where, during the sort of open
24 discussion phase of what's our understanding of what we're
25 dealing with here and what's our best estimate at this point, I
26 think barely four days into it, as to what it's going to take to
27 substantially remove the red zone and bring about, ultimately, a
28 safe, successful -- and it was at that meeting where the scale

1 of the resources really became apparent where Public Order
2 Commanders from four or five different agencies within a
3 relatively short confab unanimously came back and said it's
4 going to require every Public Order Unit Officer in Ontario and
5 much more from across Canada.

6 I did quick math in my head. We all looked at
7 each other. That's somewhere between, lowball, 700, highball,
8 1,000, maybe a little bit more than that.

9 That scale, I think others have said,
10 unprecedented.

11 Add in patrol officers, add in investigators,
12 covert officers, civilian dispatchers, crime analysts, your
13 number goes towards 1,800, ultimately, I think, some 2,200. But
14 the scale was clear.

15 **MS. DONNAREE NYGARD:** Absolutely.

16 But my point was, at some point even using a
17 measured approach and using the PLTs to their utmost ability at
18 some point given the nature of this event, there was going to
19 have to be some enforcement action; correct?

20 **MR. PETER SLOLY:** I can't rule out -- so I ruled
21 in the likelihood that a PLT alone negotiated effort or any
22 negotiation -- negotiated effort, including the merest attempt,
23 would not likely result in the penultimate safe, successful end.
24 I can't rule that possibility out, though.

25 The likelihood was very, very tiny, but I can't
26 say that ---

27 **MS. DONNAREE NYGARD:** Fair enough.

28 **MR. PETER SLOLY:** --- it could not happen, that

1 some combination of negotiation efforts by the Ottawa Police
2 Service, by partner agencies, by some involvement of one or more
3 levels of government, an unknown and incredibly talented
4 interlocuter couldn't have arrived on the scene and some
5 combination of factors could have resulted in a fully negotiated
6 end. The likelihood, though, was very small, in my estimation.

7 **MS. DONNAREE NYGARD:** Right. And that's why you
8 needed the resources.

9 **MR. PETER SLOLY:** That's why I had to ask for
10 those resources.

11 **MS. DONNAREE NYGARD:** And you were of the view
12 that the situation in Ottawa, particularly taken in the context
13 of everything that was going on around the country, created a
14 threat to national security; correct?

15 **MR. PETER SLOLY:** That was my view, yea.

16 **MS. DONNAREE NYGARD:** And why were you of that
17 view?

18 **MR. PETER SLOLY:** Again, to be clear, I'm not a
19 national security expert, but in the totality of my experience
20 over 35 years, 30 of them in policing and almost five years in
21 Security and Justice, which included national security work
22 supporting agencies doing that, this was the closest thing that
23 I could see to a true national security event.

24 **MS. DONNAREE NYGARD:** And when you say the
25 totality of events, what are you taking into consideration
26 there?

27 **MR. PETER SLOLY:** Absolutely what was happening
28 here in Ottawa, but how that was being coordinated to different

1 sites across the country, Kootz and Ottawa happening at the same
2 time.

3 The first real signal to me was the -- and I
4 think it's captured in Commissioner Carrique's -- either his
5 statement or in his testimony, I forget -- but clearly, the move
6 to Windsor as the southernmost point away from Ottawa where a
7 significant policing operation was designed to split our
8 resources across a significant piece of territory at two very
9 high-profile, high-risk locations that would demand significant
10 resourcing.

11 I recall explicitly in conversations with
12 Commissioner Carrique when the Windsor piece was clearly under
13 way that, you know, we had some very capable -- I want to be
14 careful to use this term, but capable adversaries who, through
15 command, control and communication, could understand the
16 limitations of our resources and our logistics and create two
17 major events literally polar opposite north and south.

18 **MS. DONNAREE NYGARD:** And your view that this
19 situation was of that nature, that it created a national
20 security risk or threat, that was a view that you expressed
21 quite consistently throughout these events; correct? And quite
22 publicly.

23 **MR. PETER SLOLY:** I can't recall, I stand to be
24 corrected, if I used the term "national security event" while
25 still in office. I certainly have used it consistently as I've
26 appeared before various standing committees in my statement and
27 in my interviews with Mr. Howe and others, so.

28 **MS. DONNAREE NYGARD:** And your view of -- even if

1 you didn't use those words, of the nature of the event at the
2 time it was going on was something that you would have
3 communicated to the various federal officials and federal
4 ministers that you were dealing with.

5 **MR. PETER SLOLY:** Absolutely. Whether I used the
6 term "national security events" or not, again, I stand to be
7 corrected, but there was no doubt that my communication was this
8 was not just an Ottawa event. This was provincial and national
9 in nature, and they had elements of international in it.

10 **MS. DONNAREE NYGARD:** And not only was it not
11 just a local event, but that it was a very serious event.

12 **MR. PETER SLOLY:** Absolutely.

13 **MS. DONNAREE NYGARD:** And that it was causing --
14 created significant risks.

15 **MR. PETER SLOLY:** Absolutely.

16 **MS. DONNAREE NYGARD:** Those are my questions.

17 **MR. PETER SLOLY:** Thank you.

18 **COMMISSIONER ROULEAU:** Thank you.

19 City of Ottawa, please.

20 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

21 **MS. ANNE TARDIF:** Good afternoon, Chief Sloly.

22 **MR. PETER SLOLY:** Good afternoon.

23 **MS. ANNE TARDIF:** Or Mr. Sloly. My apologies.
24 My name's Anne Tardif. I represent the City of
25 Ottawa.

26 **MR. PETER SLOLY:** Thank you.

27 **MS. ANNE TARDIF:** So I want to start by
28 confirming what I think -- what I hope is an obvious point, and

1 that is that the Ottawa Police Service was the lead agency with
2 respect to the events that bring us here today.

3 **MR. PETER SLOLY:** It was till my last day in
4 office, and it's my understanding it was until the end of these
5 events here.

6 **MS. ANNE TARDIF:** Okay. Thank you.

7 And the only reason I raise that is in your
8 witness summary you indicated that the City saw OPS as the lead
9 agency, and that's, of course, because it was the lead agency.

10 **MR. PETER SLOLY:** Yes, that's correct.

11 **MS. ANNE TARDIF:** Great. Thank you for that.

12 Okay. Now, we've heard evidence already that,
13 obviously, OPS would provide some briefings and messagings to
14 the City in advance and during the demonstrations; correct?

15 **MR. PETER SLOLY:** That's correct.

16 **MS. ANNE TARDIF:** And my understanding, for
17 reasons you've already gone into, is that in general, those
18 briefings were at a fairly high level. Is that fair?

19 **MR. PETER SLOLY:** Either with the Mayor's office,
20 his staff and whoever they invited to the meeting or at Council
21 meetings where we were invited to make presentations and answer
22 questions.

23 **MS. ANNE TARDIF:** Okay. Thank you.

24 And I realize I was unclear, Mr. Sloly. I meant
25 that the information provided would be a fairly high level.

26 **MR. PETER SLOLY:** Yes.

27 **MS. ANNE TARDIF:** Yeah. Okay, great. Thank you.

28 Now, we've talked a bit about how, by January

1 31st, which is the Monday, in your view this had turned into not
2 only in your view, but since I'm the one questioning you, into
3 an occupation; right? There was a pivot required, to use the
4 language employed by some witnesses.

5 Is that fair?

6 **MR. PETER SLOLY:** That's correct.

7 **MS. ANNE TARDIF:** And from that point forward
8 until your last day in office, my understanding is that the
9 number one thing you needed was resources. Is that fair?

10 **MR. PETER SLOLY:** That's correct.

11 **MS. ANNE TARDIF:** Okay. And we talked a bit
12 about how, from January 30th, forward, because this is now an
13 occupation, the OPS is working on -- perhaps on a new plan, but
14 on evolving the plan to meet the changed circumstances; fair?

15 **MR. PETER SLOLY:** That's correct.

16 **MS. ANNE TARDIF:** Okay. I want to talk a little
17 bit about the injunction. I appreciate we spent some time on it
18 already.

19 I can take up documents and I will if we need to,
20 Mr. Sloly, but I think we might be able to get by without it.

21 My understanding is that as early as January
22 31st, both Commissioner Lucki of the RCMP and Commissioner
23 Carrique of the OPP expressed some concerns around an objection
24 -- an injunction, pardon me, being obtained at least at that
25 time. Is that accurate?

26 **MR. PETER SLOLY:** That's correct.

27 **MS. ANNE TARDIF:** And at least part of that
28 concern had to do with an issue you've already raised, which is

1 if you get an injunction, you have to be able to implement or
2 enforce it. Is that fair?

3 **MR. PETER SLOLY:** That's correct.

4 **MS. ANNE TARDIF:** And you did not, I take it,
5 until the day you left office, have the resources to do that.

6 **MR. PETER SLOLY:** That's correct.

7 **MS. ANNE TARDIF:** Thank you.

8 All right. So if we could then bring up
9 OPS00014454.

10 And these are Ms. Huneault's notes, the notes of
11 your general counsel, just while they're loading.

12 And if we could start at page 6, please, Mr.
13 Clerk.

14 And I'll take this opportunity, Mr. Commissioner,
15 I did not bring up my watch. I don't expect to go over time,
16 but please don't hesitate to let me know if you want me to stop
17 my questioning for the lunch break because I did come up at
18 quarter to one o'clock, Mr. Commissioner. So I'll accept the --
19 briefly the interruption.

20 **COMMISSIONER ROULEAU:** Okay. And you'll
21 appreciate I gave you no option.

22 **MS. ANNE TARDIF:** Yeah.

23 **COMMISSIONER ROULEAU:** You had to come.

24 **MS. ANNE TARDIF:** I did. I wasn't expecting one
25 after my previous refusal so.

26 Okay. So this is the Chief's meetings with City
27 Councillors; you see that there on January 31st?

28 **MR. PETER SLOLY:** Yes.

1 **MS. ANNE TARDIF:** Okay. And if we could just
2 scroll down. My understanding, Mr. Sloly, and you'll have to
3 correct me if I'm wrong, is that this is you briefing these
4 bullets. And perhaps we can go back up to the top, Mr. Clerk,
5 just to give Mr. Sloly a moment. My understanding is this is
6 you providing information to the Councillors. Does that accord
7 with your understanding?

8 **MR. PETER SLOLY:** Yes, I believe at different
9 points I invited comments and presentations from Acting Deputy
10 Chief Ferguson and Deputy Chief Bell, but I let off.

11 **MS. ANNE TARDIF:** Yeah, okay. That's my
12 understanding as well. That's helpful. Thank you.

13 And you'll see there so we're January 31st. The
14 fourth bullet down, "increasingly volatile and aggressive." Do
15 you see that?

16 **MR. PETER SLOLY:** Yes.

17 **MS. ANNE TARDIF:** And I should have started a
18 point above. We've already talked about this, turning from
19 demonstration to occupation; correct?

20 **MR. PETER SLOLY:** That's correct.

21 **MS. ANNE TARDIF:** And if we scroll down then to
22 page 7, right here, a little bit -- well, before we -- just stop
23 there. And you'll see there it says, "The crowd is turning and
24 officers getting swarmed." Do you see that?

25 **MR. PETER SLOLY:** Yes.

26 **MS. ANNE TARDIF:** Now I couldn't tell, to be fair
27 to you, Mr. Sloly, who made that comment, but does that accord
28 with your recollection of events? Is that some of the

1 volatility you were speaking to?

2 **MR. PETER SLOLY:** Absolutely.

3 **MS. ANNE TARDIF:** Okay. Perfect. And so let's
4 scroll down a little bit, please. A little bit further, Mr.
5 Clerk, sorry. Perfect right there.

6 Now do you see where it says "Matthieu" at the
7 top?

8 **MR. PETER SLOLY:** Yes.

9 **MS. ANNE TARDIF:** And so my understanding is
10 that's a reference to Mathieu Fleury, who was at the time a City
11 Counsellor; right?

12 **MR. PETER SLOLY:** That's my understanding.

13 **MS. ANNE TARDIF:** Okay. And he has some
14 questions. He's very shaken. He has some questions about OPS
15 focusing on the Hill but need to look at other communities and
16 some of the concerns that he in fact raised is in this
17 proceeding; do you see that?

18 **MR. PETER SLOLY:** Yes, I do.

19 **MS. ANNE TARDIF:** And if we scroll down a little
20 bit, there's a response attributed to you, and it says,

21 "Chief
22 Agree many minor incidents that would
23 usually get a police response but this
24 is not normal times.
25 - we'll look [at] new areas but
26 call[...] for more resources [and]
27 complexity"

28 So does that sort of accord with what Service

1 was able to do? You know, there were some minor issues, minor
2 incidents that would usually get a response, but you simply
3 couldn't up until that point because, again, you lacked
4 resources.

5 **MR. PETER SLOLY:** Yeah, I do want to clarify
6 something, and this may not be going to your point, so I
7 apologize.

8 **MS. ANNE TARDIF:** Oh, that's fine.

9 **MR. PETER SLOLY:** I'm taking your time. But
10 certainly, Commissioner, it was something that I had to make
11 adjustments about. Minor incidents in the vernacular of a
12 police officer is okay. It's not a homicide. It's not a
13 shooting. It's not a sexual assault. It's not an assault cause
14 bodily harm. It's a mischief. It's a hate incident. It's a
15 threatening behaviour, someone telling -- yelling at someone
16 take off your mask. In the pantheon of incidents, it's minor in
17 policing, but to a community member's facing that, that is a
18 major incident. That is traumatic incident. That is assaultive
19 in nature, and it can have long-standing trauma. And I believe
20 that that is the case and I needed to make a shift in my
21 language to be more clear about that. It's probably one of
22 those regrets, and something that if I would have a chance to do
23 over, I would have been much more clear in my language.

24 **MS. ANNE TARDIF:** So I understood it in the way
25 you've just explained it, but I appreciate that, Mr. Sloly. So
26 with that explanation, those, you call them here minor, you've
27 elaborated now on what you meant, but those are the kind of
28 incidents that you say would normally get a police response but

1 didn't over the weekend into that first Monday because the
2 service simply lacked the resources; fair?

3 And if we keep scrolling down to page 9, yeah, a
4 little further down. And stop there. And scroll up a little
5 bit. Sorry, Mr. Clerk. Just up to where we see Minard.

6 Okay. S. Minard is Councillor Minard; do you see
7 that, Mr. Sloly?

8 **MR. PETER SLOLY:** Yes, I do.

9 **MS. ANNE TARDIF:** And I'll let you just read what
10 he says. The point I'm going to draw your attention to is at
11 the bottom. He says, "2 messages: it's peaceful but violence if
12 we proceed". Do you see that?

13 **MR. PETER SLOLY:** Yes, I'm not a hundred percent
14 sure what he meant by that though.

15 **MS. ANNE TARDIF:** Well, then we'll scroll down to
16 your response, or the response attributed to you in the notes.
17 You say,

18 "- better language re "peaceful"

19 [because] Chief feels this..."

20 This is what's attributed to you.

21 "...this is peaceful [pardon me]

22 - can't build a mott [sic] [I think

23 that word is mote] around the city re

24 people/cars - Charter violation."

25 Do you see that, Chief?

26 **MR. PETER SLOLY:** Yeah, and thank you. Again,

27 this I think goes to the clarification I tried to proffer.

28 Peaceful meaning we had no deaths, no serious injuries, no

1 rioting, no burning police cars, but we had a lot of other
2 assaultive behaviour and a term I think we can use more broadly,
3 violence impacting communities. The closing of schools, the
4 inability of people to get medication, the constant -- at this
5 point, constant noise and so many other things happening in the
6 theatre at that time.

7 **MS. ANNE TARDIF:** Okay. Thank you for that.

8 **MR. PETER SLOLY:** Again, I tried not to use the
9 term peaceful after that and recognize there was a disconnect in
10 the language, police language versus what community could -- was
11 experiencing and therefore could consume.

12 **MS. ANNE TARDIF:** And I wonder, Mr. Sloly, if I
13 could put this to you. We can bring it back up if we need to,
14 but you've been taken twice now to David White, the City
15 solicitor, Mr. White's email, his summary or his notes of the
16 call he had with you. And is it possible that this focus on,
17 you know, public safety, maybe he's reflecting a change in your
18 language over time, that perhaps you use words like minor and
19 this is peaceful with him, intending what you've explained here
20 today, so possibly his notes of that call reflect wordings or
21 language that you were using at the time but now you've since
22 explained, well, I wouldn't use that wording, and as it went on,
23 I don't use that wording.

24 **MR. PETER SLOLY:** It's possible. I would have
25 hoped that he would have asked for clarity on that because he
26 expressed it in such a strong way that I would have assumed and
27 hoped that he would have asked for clarification on that either
28 before he wrote that email or subsequent to it. He never did,

1 to my recollection.

2 **MS. ANNE TARDIF:** Okay. Fair enough. Now if we
3 could go to page 10? And there should be -- if we could keep
4 scrolling down, keep scrolling down, there we go. We have a
5 note from Steve K., who is Steve Kanellakos, the City Manager;
6 correct?

7 **MR. PETER SLOLY:** That's correct.

8 **MS. ANNE TARDIF:** And we're still in the same
9 meeting, just so you're aware, Mr. Sloly.

10 **MR. PETER SLOLY:** Thank you.

11 **MS. ANNE TARDIF:** And he's explaining in response
12 to various queries,

13 "- no, [they] haven't opened the lines
14 [with the] province [and] fed[eral]
15 [government]
16 - not a fan of bringing military in to
17 deal with civil issue[s]"

18 And then he says,

19 "- our lead will come from Chief on
20 whether he needs more supports."

21 Do you see that?

22 **MR. PETER SLOLY:** Yes, I do.

23 **MS. ANNE TARDIF:** All right. And in fact, when
24 you did need more support from the City, fair to say that they
25 offered that support including with the letter of February 7th?

26 **MR. PETER SLOLY:** The City was very responsive
27 throughout the events.

28 **MS. ANNE TARDIF:** If we could turn, please, to

1 OPP00001521? And you've already seen this, Mr. Sloly, but these
2 are notes. They've been produced by the OPP, and I believe also
3 the provincial government, of a call on February 6th involving
4 you and various federal and one provincial representative.
5 You're familiar with this document?

6 **MR. PETER SLOLY:** Not the document but the
7 meeting itself.

8 **MS. ANNE TARDIF:** The meeting? Fair enough. So
9 if we could scroll to page 2, please? Further down. Go further
10 down. Perfect. Stop there. And you'll see here you explain to
11 provincial and federal representatives -- and I should mention
12 there's also a City representative on the call, that the OPS was
13 successful in negotiating the resolution of the encampment at
14 Confederation Park; correct?

15 **MR. PETER SLOLY:** That's correct.

16 **MS. ANNE TARDIF:** And that had been, in fact,
17 just that day or the day prior; right? Confederation Park was
18 resolved February 5th into February 6th; correct?

19 **MR. PETER SLOLY:** Yes.

20 **MS. ANNE TARDIF:** And if we turn to page 3, in
21 big bolded words, so, Mr. Clerk, you can just scroll down.

22 Perfect. Thank you. And that's where you advise that the,
23 "..."Service is compiling a list of
24 resources that [the Service will]
25 require for the next 72 hours to 2
26 weeks to assist in managing the
27 situation.

28 [And it] will be exhaustive, and [...]

1 provided to the Mayor of Ottawa."

2 Correct?

3 **MR. PETER SLOLY:** The only thing I would take
4 some issue is, is the two weeks amount. That would not have
5 been -- we were not seeing it as a two-week event, so that just
6 may be a misinterpretation by whoever compiled the notes, but
7 otherwise, it's accurate.

8 **MS. ANNE TARDIF:** Sort of 72 hours until the end,
9 if I can put it that way?

10 **MR. PETER SLOLY:** Yes.

11 **MS. ANNE TARDIF:** Okay. And this is the list of
12 resources you were preparing further to the direction provided
13 you by the OPSB or Board on February 5th; correct?

14 **MR. PETER SLOLY:** That's correct.

15 **MS. ANNE TARDIF:** And you're giving them a heads-
16 up that this is coming, right?

17 **MR. PETER SLOLY:** That's correct.

18 **MS. ANNE TARDIF:** Okay. And if we can go to page
19 4, please, of the document? Further down, there we go.

20 Deputy Chief Bell, he's explaining on the 6th that
21 the service has about, as of that date, 120 to 130 officers of
22 the ground -- on the ground, pardon me, and that's a combination
23 of OPP, RCMP, and Ottawa Police Service; correct?

24 **MR. PETER SLOLY:** I'm guessing -- that looks low,
25 so I'm guessing that's Ottawa Police Service Members? Oh no, no
26 okay, it says -- what date is this?

27 **MS. ANNE TARDIF:** February 6.

28 **MR. PETER SLOLY:** No, we should have had a lot

1 more than that.

2 **MS. ANNE TARDIF:** You believe the numbers were
3 higher?

4 **MR. PETER SLOLY:** Yeah.

5 **MS. ANNE TARDIF:** Okay.

6 **MR. PETER SLOLY:** Because the 6th was the Sunday
7 and that was a weekend, and so our numbers would have -- should
8 have been a lot higher, just based on the chart that we saw
9 earlier on.

10 **MS. ANNE TARDIF:** Okay.

11 **MR. PETER SLOLY:** That just -- again, maybe just
12 a transcribing challenge as opposed to ---

13 **MS. ANNE TARDIF:** And do you ---

14 **MR. PETER SLOLY:** --- the accuracy of Deputy
15 Bell. Sorry.

16 **MS. ANNE TARDIF:** No, that's no problem. The 100
17 and to 130 officers, would that have been per shift or both
18 shifts combined?

19 **MR. PETER SLOLY:** That would -- if it was, it
20 would be per shift, and then you would double or triple that
21 number. And that would be a more accurate number based on my
22 recollection of ---

23 **MS. ANNE TARDIF:** Okay.

24 **MR. PETER SLOLY:** --- of weekend staffing.

25 **MS. ANNE TARDIF:** Fair enough. And then at the
26 top of page 5, the second bullet, second clear bullet, you'll
27 see there:

28 "The additional support from OPP and

1 RCMP..."

2 Which was expected as of this date:

3 "...will help provide relief to Ottawa
4 Police Service Officers who have been
5 12..."

6 I think there's a word missing:

7 "...working 12 to 14 days straight."

8 Correct?

9 **MR. PETER SLOLY:** That's correct.

10 **MS. ANNE TARDIF:** And the influx that was
11 expected as of that time was really to help the service maintain
12 its current posture. It was not to shift; it was not enough,
13 basically, in the coming days to shift towards an enforced
14 solution to the demonstration.

15 **MR. PETER SLOLY:** Absolutely.

16 **MS. ANNE TARDIF:** Is that correct?

17 **MR. PETER SLOLY:** Absolutely. We never reached
18 those numbers until the final week.

19 **MS. ANNE TARDIF:** Okay.

20 If I could take you to the bottom of this page,
21 please. And you'll see in the second, "Response from Chief
22 Peter Sloly"; you see that Mr. Sloly?

23 **MR. PETER SLOLY:** Yes, I do.

24 **MS. ANNE TARDIF:** And you'll see that first
25 bullet underneath:

26 "He is concerned about the risk and
27 efficacy of enforcement actions now."

28 You say:

1 “The powers of existing legislation are
2 sufficient but whether to enforce given
3 the dynamic risk situation is the issue
4 and the number of vulnerable
5 individuals such as children and
6 families embedded in the encampment
7 elevates the calculation for Ottawa
8 Police Service.”

9 Right?

10 **MR. PETER SLOLY:** That’s correct.

11 **MS. ANNE TARDIF:** And that’s the same issue we’ve
12 been discussing; that is, that you can’t enforce powers unless
13 you have the resources necessary to do so safely?

14 **MR. PETER SLOLY:** Yes, and the additional element
15 in this, I believe it was around the end of the first week,
16 going into the weekend, that I became aware of the presence of
17 children or other vulnerable persons in the red zone in and
18 around the critical areas.

19 So it really was now two factors; the necessary
20 resources to do it safely and lawfully, and then the additional
21 risk factors of children and vulnerable persons in and around
22 there that became even more challenging.

23 **MS. ANNE TARDIF:** If we could go to the bottom of
24 page 8, please, and actually into the top of page 9. Keep
25 going. There we go.

26 And you’ll see here their discussion again of the
27 possibility of involving an interlocutor, and there’s a couple
28 of names mentioned there. You see that, Mr. Sloly?

1 **MR. PETER SLOLY:** Yes, I do.

2 **MS. ANNE TARDIF:** And so this was still in the
3 mix, if I can put it that way, as of February 6th, as a possible
4 way to manage the demonstrations?

5 **MR. PETER SLOLY:** Yeah, absolutely. This was a
6 very healthy discussion that was happening at the trilevel
7 meetings. And I'd been asked a number of times to suggest
8 names, and these were names that were top of mind to me. Just
9 -- and I put the caveat I didn't -- I mean, I knew some of them,
10 but I couldn't in any way presume that they would be willing and
11 able, or that the government would even want to go in that
12 route. But as I was asked for potential names, I provided it in
13 that context.

14 **MS. ANNE TARDIF:** So is it fair to say that by
15 February 6, we've still got the notion of a negotiation
16 strategy, perhaps involving an interlocutor, on the table, but
17 we're also looking at what a POU enforcement plan would look
18 like. Because you've testified at some length that you were
19 looking for a POU briefing up into this weekend; correct?

20 **MR. PETER SLOLY:** That's absolutely right, yes.

21 **MS. ANNE TARDIF:** And if we need to go the
22 enforcement route then we're going to need resources; no
23 questions.

24 **MR. PETER SLOLY:** Yeah, and again, I'm sure
25 you're aware but even the enforcement route, just to be clear,
26 still requires communication, negotiation, engagement, de-
27 escalation; you know, all of those things remain in even in an
28 enforcement Public Order-focused option.

1 **MS. ANNE TARDIF:** Fair enough. But if you're
2 going to end up, however long you get there, at the enforcement
3 end, you're going to need those massive numbers of resources
4 we've discussed, right?

5 **MR. PETER SLOLY:** And was proven true.

6 **MS. ANNE TARDIF:** Right. And when we're talking
7 about the involvement, or potential involvement of a negotiator
8 and interlock -- my goodness, interlocutor, fair to say that the
9 person or the entity that the protestors really wanted to
10 exchange with was the federal government; correct?

11 **MR. PETER SLOLY:** I can't say that.

12 **MS. ANNE TARDIF:** No?

13 **MR. PETER SLOLY:** I can't say that for sure.

14 **MS. ANNE TARDIF:** That was not your
15 understanding?

16 **MR. PETER SLOLY:** There was clearly a lot of
17 information on different open-source channels, but I can't tell
18 you for sure that -- first of all, I got to go back to -- there
19 wasn't "a" convoy or "a" demonstration or "a" anything. There
20 were a lot of interested parties and a lot of them had cross
21 purposes, or no converging purposes. But there certainly was a
22 lot of noise around it -- you know, the Governor General, the
23 Prime Minister, but I can't tell you that was the domino that
24 had to fall over for any substantive negotiated end to these
25 circumstances.

26 **MS. ANNE TARDIF:** Yeah, and I -- sorry; and I
27 think I misspoke. What I was trying to say was you said earlier
28 these were the interlocutors, but you couldn't say if the

1 government would agree to that.

2 **MR. PETER SLOLY:** Yes.

3 **MS. ANNE TARDIF:** That was my question is; who is
4 the government when you said that? Who were you referring to?

5 **MR. PETER SLOLY:** Probably predominantly, in my
6 mind, yes, the federal government but not exclusively.

7 **MS. ANNE TARDIF:** Fair enough. That's all I
8 wanted to clarify.

9 I can keep going, Mr. Commissioner, but my sense
10 is that we're right around 1 o'clock?

11 **COMMISSIONER ROULEAU:** You have a good sense.

12 So if this was a good time, ---

13 **MS. ANNE TARDIF:** Yes.

14 **COMMISSIONER ROULEAU:** --- we'll take the
15 lunchbreak and come back in an hour.

16 **THE REGISTRAR:** The Commission is in recess for
17 one hour. La commission est levée pour une heure.

18 --- Upon recessing at 1:04 p.m.

19 --- Upon resuming at 2:09 p.m.

20 **THE REGISTRAR:** Order. A l'ordre. The
21 Commission has reconvened. La Commission reprend.

22 **--- MR. PETER SLOLY, Resumed:**

23 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF (cont'd):**

24 **MS. ANNE TARDIF:** Afternoon.

25 **MR. PETER SLOLY:** Good afternoon.

26 **MS. ANNE TARDIF:** Still Anne Tardif for the City
27 of Ottawa.

28 Before the break, we had a bit of confusion

1 around the number of resources. I want to take you back to that
2 chart that my friend, the lawyer for Canada had up, just to
3 avoid any confusion.

4 So Mr. Clerk, if we could go to OPB00001014?

5 I think you'll recognize this, Mr. Sloly.

6 So this was the chart of resource deployments for
7 the Service from all agencies that was prepared and some version
8 of this went to the Police Services Board, correct?

9 **MR. PETER SLOLY:** Yes, that's correct.

10 **MS. ANNE TARDIF:** And if you look at the 6th,
11 6/02/2022 which was the date in issue, and you look at regular
12 members, there's a total there in the dark blue of 355. You see
13 that?

14 **MR. PETER SLOLY:** Yes.

15 **MS. ANNE TARDIF:** And the two days prior, which
16 would have been the Friday and the Saturday, before of course,
17 the 6th is the second weekend of the convoy, Sunday, are roughly
18 the same number, 329 on Friday the 4th, 362 on Saturday the 5th,
19 and 355 on Sunday the 6th, from all services, correct?

20 **MR. PETER SLOLY:** That's correct.

21 **MS. ANNE TARDIF:** And so when we saw in the
22 minutes of that meeting that there were about 120 or 130
23 officers on the ground, that must have been -- I'm assuming that
24 must have been per shift?

25 **MR. PETER SLOLY:** Again, I'm not sure where the
26 number came from, but that would be the only logical
27 explanation.

28 **MS. ANNE TARDIF:** Right. But these numbers are

1 the ones that ring a bell to you and that you were referencing
2 in your testimony before the break, correct?

3 **MR. PETER SLOLY:** These were the most accurate
4 numbers, although again, none of them were ever 100 percent
5 accurate.

6 **MS. ANNE TARDIF:** Okay. All right. Thank you
7 for that.

8 If we could now turn up OPS00008325, and if we
9 could go right down to the bottom, please, Mr. Clerk, and we'll
10 work our way up. Right there.

11 So this is an email, Mr. Sloly, from John
12 Steinbachs, and I -- you'll forgive me, I can't remember his
13 exact title, but I do know part of it is Communications.

14 **MR. PETER SLOLY:** He's the Executive Director of
15 Strategy and Communications.

16 **MS. ANNE TARDIF:** Okay, thank you.

17 So from him to you, and some of your colleagues
18 at the Service, and he says, "MO," which is the mayor's office -
19 - you can see there the subject line, "Mayor's Office Request."

20 And this is on Monday, February 7th.

21 And he says:

22 "MO, Mayor's Office, called Chair
23 Dean's office this a.m. advising that
24 we need to send a letter of request for
25 staffing to our federal, provincial
26 counterparts prior to sending a letter
27 to sol gen -- "

28 Meaning the solicitor general ---

1 "--- and public safety minister. Has
2 this occurred yet? If yes, can we
3 bundle them all and send over to chair
4 and mayor. If not, Kevin and Michelle
5 are on this email and can assist in
6 drafting, organizing. John."

7 And so my understanding, Mr. Sloly -- and I do
8 see this email went to you, among others -- is that the mayor's
9 office wanted to ensure that the request had been made, chief to
10 commissioner, as it were, before they sent a similar request for
11 1,800 officers to their political counterparts.

12 **MR. PETER SLOLY:** I don't have that
13 understanding. I don't really recall the email, to be frank,
14 but I read it the other way. We need to send, "we" meaning the
15 mayor and the chair need to send a letter to their federal
16 counterparts -- I'm assuming that would be the premier and prime
17 minister -- prior to us sending a letter to the solicitor
18 general and public safety minister. So I actually read that the
19 other way around. But it's still a bit confusing for me.

20 **MS. ANNE TARDIF:** Right, because I take it in
21 your capacity as Chief, you never sent a letter requesting
22 resources to the premier or prime minister, correct?

23 **MR. PETER SLOLY:** Nor did I send one to the
24 solicitor general or the public safety minister.

25 **MS. ANNE TARDIF:** Fair enough. And I think the
26 "we", the way I read it, is because it's John Steinbachs
27 drafting the email -- he's the author, and he's with Ottawa
28 Police -- so the way I read it, just so you understand, is that

1 the "we" was police. And if you read it differently, that's
2 fine, but my understanding is that in the ordinary course,
3 before -- first level of request would be from chief to
4 commissioner, fair?

5 **MR. PETER SLOLY:** Again, I just -- I have no
6 recollection of the email, and it's a bit ambiguous in the way
7 it's written, so ---

8 **MS. ANNE TARDIF:** All right. Can we scroll up?
9 Well, maybe that'll help.

10 Past the redactions. No, scroll down a little
11 bit. There we go.

12 Sorry, just up a little bit so we can see who
13 it's from.

14 This is from Michelle Gauthier, and she works
15 with John Steinbachs; is that right?

16 **MR. PETER SLOLY:** She was supporting him
17 directly, yes.

18 **MS. ANNE TARDIF:** Okay. And it's to John and
19 you, among others. And if we scroll down, she says:

20 "This is what I have so far in terms of
21 requirements for immediate, 30 days,
22 greater than 6 months. Getting more
23 details through my calls with
24 superintendents, et cetera. My
25 discussion this a.m. is focused on
26 immediate needs as per 9:00 a.m. call.
27 Will need a breakdown of the officers -
28 - general duty, and public order

1 officers in terms of immediacy."

2 So fair to say, she's trying to put together the
3 numbers, correct ---

4 **MR. PETER SLOLY:** Yes.

5 **MS. ANNE TARDIF:** --- that are being requested of
6 other forces?

7 **MR. PETER SLOLY:** Yes. Yeah, she's sort of the
8 central hub for all the spokes of information coming in.

9 **MS. ANNE TARDIF:** And Mr. Clerk, could we scroll
10 up from there, please? No -- and this is Blair Dunker now
11 forwarding the information, because she -- Blair Dunker, I
12 understand, is the one who would have, in addition to Michelle,
13 all of the information around resources, fair?

14 **MR. PETER SLOLY:** Well, she was the CAO, so she
15 would have had a material role to play in all this. But my
16 recollection, actually, on this email now is that Michelle
17 really was sort of the quarterback of all the requests coming
18 in.

19 Blair would oversee our HR and finances area, so
20 she would have an active role. I don't know if she was
21 practically driving the numbers in the way that Michelle was.

22 **MS. ANNE TARDIF:** Okay. And just to make sure
23 we've gone to the top, to be fair to you, Mr. Sloly, can we
24 scroll all the way up, Mr. Clerk? I think that's it. Right.
25 And it ends with an email from Blair Dunker.

26 So fair to say what we've seen here is the Ottawa
27 Police, those involved in this process, quarterbacking the
28 resource requests and trying to figure out what, in fact, they

1 are, right? That's the emails we've just gone through?

2 **MR. PETER SLOLY:** I think so, the back end of
3 that process.

4 **MS. ANNE TARDIF:** And leaving aside this email --
5 so I'm no longer asking you about this email -- but my general
6 understanding is that where the Service requires additional
7 resources over and above what it can provide in the ordinary
8 course, the request is made from chief to chief or chief to
9 commissioner?

10 **MR. PETER SLOLY:** M'hm.

11 **MS. ANNE TARDIF:** Correct?

12 **MR. PETER SLOLY:** That's right.

13 **MS. ANNE TARDIF:** Okay. And I think you've
14 mentioned and you've agreed that the letter from the mayor and
15 the chair deems that the OPSB was uncommon, but that these were
16 uncommon times?

17 **MR. PETER SLOLY:** That's correct.

18 **MS. ANNE TARDIF:** Fair enough.

19 Okay. And then I don't need to bring it up, but
20 you're obviously familiar with the February 7th letter signed by
21 the chief and Chair Deans sent to their political counterparts
22 in support of the OPS request for roughly 1,800 officers, right?

23 **MR. PETER SLOLY:** That's correct.

24 **MS. ANNE TARDIF:** And my understanding, and you
25 testified to this is that Chair Deans, on the meeting of
26 February 5th, directed you in her capacity as Chair of the
27 Board, to particularize your request for resources; right?

28 **MR. PETER SLOLY:** That's correct.

1 **MS. ANNE TARDIF:** And after you've done so, you
2 gave it to the Mayor and the Chair and, in fact, you briefed
3 City Council at their February 7th Council meeting; correct?

4 **MR. PETER SLOLY:** That's correct.

5 **MS. ANNE TARDIF:** And at that Council meeting,
6 you did explain that, in fact, this request for 1,800 officers
7 was being made.

8 **MR. PETER SLOLY:** That's right.

9 **MS. ANNE TARDIF:** Right. And once again, you've
10 said that's out of the ordinary, but given the events leading up
11 to that and the request by Chair Deans, that's what happened in
12 this case.

13 **MR. PETER SLOLY:** That's correct.

14 And a little indulgence, but I think I gave this
15 in my evidence in-chief on Friday.

16 The Board meeting on the 5th, the Chair's
17 commencement of that Board meeting was really around do we have
18 the ability to adequately and effectively provide police
19 services, dot dot dot, direction to Chief, send us the request
20 for adequate and effective -- the resource request for adequate
21 and effective.

22 Not only was this out of the norm, but it was the
23 Board, I believe, trying to exercise its -- one of its sole
24 primary functions, which is getting us the resources that we
25 need.

26 The Chair and the Board were very aware of all of
27 our efforts to get resources, including the February 5th
28 announcement in the middle of the meeting that the RCMP was

1 coming in with 250 resources.

2 So it was unusual, but I think it -- my
3 interpretation, and I recognize that comes with some difficulty,
4 but my interpretation of what the Chair and the Board were
5 trying to do, the Mayor and Council were trying to do was to
6 handle resources through unusual but direct means.

7 **MS. ANNE TARDIF:** Thank you.

8 If we could now turn up OPS00014565, Mr. Clark.

9 And while that's coming up, Mr. Sloly, you told
10 us that after the pivot to recognizing this is an occupation on
11 January 31st, the service had to evolve its plan, right, to
12 address these new circumstances. And my understanding is that
13 the service did that and we have seen -- I don't need to bring
14 it up, but we have seen as part of these proceedings a plan
15 that's not what's on the screen now, Mr. Sloly. A plan that's
16 dated February 9th and that's referred to as the 3.0 Plan.

17 You're familiar with that plan?

18 **MR. PETER SLOLY:** Yes.

19 **MS. ANNE TARDIF:** So this is your scribe notes of
20 that same day, February 9th. It's not the plan, but it's scribe
21 notes of that same day.

22 And if we scroll down, Mr. Clerk, right there,
23 you'll see there's reference to a phone call that you received
24 from the Mayor, Steve Kannellakos, the City manager, and Serge
25 Arpin, who's the Mayor's Chief of Staff, in the afternoon of
26 February 9th.

27 Do you see that?

28 **MR. PETER SLOLY:** Yes, I do.

1 **MS. ANNE TARDIF:** And the scribe indicates "only
2 heard Chief's side of conversation", so I think we're safe
3 attributing these bullet points to you.

4 So you explained to the city representative that
5 you've been in in a meeting all morning and into the early
6 afternoon with the RCMP and representatives from the "Big 12",
7 and that's the big 12 police forces in the Province of Ontario;
8 correct?

9 **MR. PETER SLOLY:** That's correct.

10 **MS. ANNE TARDIF:** Regarding the resource requests
11 that went out yesterday. And I assume that's the request for
12 the 1,800 officers or so; correct?

13 **MR. PETER SLOLY:** That's correct.

14 **MS. ANNE TARDIF:** And you say, "Making progress,
15 but we have not gotten one officer out of it"; right?

16 **MR. PETER SLOLY:** Yes.

17 **MS. ANNE TARDIF:** And then a few bullets down,
18 there's a bullet that starts with, "If Mayor hears anywhere".
19 Do you see that?

20 **MR. PETER SLOLY:** Yes.

21 **MS. ANNE TARDIF:** You say:

22 "If Mayor hears anywhere that we don't
23 have a plan, we have a plan."

24 Right? And that's what you were communicating to
25 the Mayor on that day.

26 **MR. PETER SLOLY:** That's correct.

27 **MS. ANNE TARDIF:** Okay. If we could turn now to

28 OPS00011411.

1 These should be, yes, your scribe notes of
2 February 10th. And I'm going to scroll to page 2, please. A
3 little further down.

4 And then just the call with Steve Kanellakos, Mr.
5 Clerk, so we could -- perfect.

6 Do you see there at 9:48 a.m. on February 10th,
7 you had a call with the City Manager?

8 **MR. PETER SLOLY:** Yes, I do.

9 **MS. ANNE TARDIF:** Right?

10 And again, you explain to him, and it's the
11 second bullet there, "We spent almost 24 hours with OPP and big
12 12, presented them our plan." Right?

13 **MR. PETER SLOLY:** That's correct.

14 **MS. ANNE TARDIF:** And although obviously the City
15 would not have participated in that meeting, I assume that's a
16 reference to the February 9th meeting that we've heard something
17 about in these proceedings.

18 **MR. PETER SLOLY:** Yeah. It would actually be the
19 February 8th meeting out at RCMP headquarters and then the carry
20 over to February 9th at our headquarters.

21 **MS. ANNE TARDIF:** Perfect.

22 And then you'll see there's a reference there to,
23 again, "We cannot do anything more if they don't give us the
24 numbers". That's you communicating to the City Manager that you
25 still need resources to action the plan; correct?

26 **MR. PETER SLOLY:** That's correct.

27 **MS. ANNE TARDIF:** And below that, you've provided
28 some -- I don't think we need to go through it, but you've

1 provided some additional details to Mr. Kanellakos about
2 resources that you think will be forthcoming, including from the
3 OPP; correct?

4 **MR. PETER SLOLY:** That's correct.

5 **MS. ANNE TARDIF:** So there's reason for cautious
6 optimism at this point in time; fair?

7 **MR. PETER SLOLY:** Yes.

8 **MS. ANNE TARDIF:** And then if you go to the
9 before last bullet of the call, you see it says, "We", and I
10 assume, but I'll ask you to confirm, that you mean Ottawa -- "We
11 are not their number 1 priority. Their concern is Sarnia and
12 Windsor."

13 Was that your understanding at the time?

14 And this is February 10th.

15 **MR. PETER SLOLY:** That was my understanding.
16 That's probably more so a self-assessment than an expressed --
17 an explicit expression from -- from "their", whoever "their" is.
18 I'm assuming that's OPP, but I just can't put that on them as a
19 statement. I won't do that.

20 **MS. ANNE TARDIF:** Fair enough.

21 And then you say, "Chief has low expectations".
22 And I take it what you mean from that was you knew it was going
23 to take a little bit of time for those resources to come to
24 Ottawa while the situation was resolved in Windsor; fair?

25 **MR. PETER SLOLY:** And other locations across the
26 province. There were multiple locations at that point.

27 **MS. ANNE TARDIF:** Understood.

28 And one final document, if I may, Mr. Clerk.

1 It's OPS00010373.

2 So these are scribe notes of a meeting on
3 February 12th between yourself and other Ottawa Police Service
4 representatives and Commissioner Lucki of the RCMP and
5 Commissioner Carrique of the OPP. They're an OPS document, Mr.
6 Soly, so I believe they were taken by an Ottawa Police Service
7 scribe.

8 **MR. PETER SLOLY:** Yes.

9 **MS. ANNE TARDIF:** If we could go to page 2,
10 please, Mr. Clerk.

11 So do you see the comment there that's attributed
12 to Commissioner Lucki, "Getting exhausted that someone cannot
13 communicate with Mayor or Steve Kanellakos"?

14 Do you see that?

15 **MR. PETER SLOLY:** Yes, I do.

16 **MS. ANNE TARDIF:** And I expect that we will be
17 asking Commissioner Lucki what she was referring to then at that
18 point, but given that you were in the meeting, I thought I'd ask
19 you whether you recall that comment or a comment to that effect
20 and if you know what she may have meant by that.

21 **MR. PETER SLOLY:** Yeah. I think there was a
22 general concern, not just from Commissioner Lucki, about the
23 accuracy of the numbers and, you know, from our standpoint, we
24 were being promised more than we saw on the ground. And from
25 the standpoints of other agencies, and I don't purport to speak
26 for them, but that they felt that what they had said they were
27 going to provide were there and available, but just numbers did
28 not reconcile.

1 By this point, the level of integration with the
2 Chief Pardy-led team was substantially under way and I think
3 everyone was starting to feel that with their planning and
4 logistics capabilities what they were doing centrally for the
5 province and even more for the country, that we would very
6 quickly get to a greater level of certainty, if not 100 percent,
7 but we weren't there yet.

8 And I mean, as much as I could feel the pressure
9 on people saying exactly how many people do you have, I'm sure
10 Commissioners Carrique and Lucki were -- and other police
11 leaders were feeling similar pressure.

12 I take it from all of that, that's the expression
13 that we got.

14 Add on to that when there are statements made in
15 the public about this or that, then the rollback towards the
16 Chief of jurisdiction or Commissioner of jurisdiction would have
17 been substantial.

18 **MS. ANNE TARDIF:** So just an expression of that
19 frustration that the numbers that the OPS was providing the City
20 and the numbers that the RCMP and OPP were providing provincial
21 and federal politicians didn't add up, an expression of that
22 frustration.

23 **MR. PETER SLOLY:** That's the way I took it.

24 **MS. ANNE TARDIF:** Thank you very much, Ms. Sloly.
25 Those are my questions.

26 **MR. PETER SLOLY:** Thank you.

27 **COMMISSIONER ROULEAU:** Thank you.

28 The next is the Ottawa Residents Coalition,

1 please.

2 **--- CROSS-EXAMINATION BY MS. EMILIE TAMAN:**

3 **MS. EMILIE TAMAN:** Good afternoon.

4 **MR. PETER SLOLY:** Good afternoon.

5 **MS. EMELIE TAMAN:** My name's Emilie Taman. I'm
6 one of the lawyers representing Ottawa residents and businesses,
7 and it's a group of community associations and BIAs who were
8 most impacted by the convoy occupation.

9 And I want to start by acknowledging how
10 validating it is for our clients to hear you acknowledge on
11 Friday and again today the significant harm and trauma that they
12 experienced in the course of the occupation.

13 You were asked on Friday by my friend,
14 Ms. Rodriguez for the Commission, whether the streets of Ottawa
15 were more akin to a family fun festival or a tinderbox waiting
16 to explode, and you'll recall, unless I'm mistaken, that you
17 didn't hesitate in expressing the view that it was more akin to
18 a tinderbox. Is that right?

19 **MR. PETER SLOLY:** That's correct, ma'am, and with
20 just a little indulgence if you don't mind. Again, I'm always
21 mindful, I've said this before, about pejorative terms. The
22 overarching sense was a tinderbox, but there were clearly
23 elements and areas where it was less so and elements and areas
24 where it was far more so. I want to be careful about that.
25 That I think there were some genuine people trying to do some
26 genuine things, and there was a lot of disingenuous people doing
27 very dangerous things. So I just want to be careful about
28 pejorative terms. But overall, the sense was a tinderbox ready

1 to explode.

2 **MS. EMILIE TAMAN:** For sure. And the residents
3 wouldn't be attributing their experience to any particular
4 individual or group, but that was the reality, you'd agree, that
5 they were experiencing within their community?

6 **MR. PETER SLOLY:** Yes.

7 **MS. EMILIE TAMAN:** And so I'd take it, then,
8 you'd agree with me that as early as January 29th, when you had
9 the opportunity to walk around and witness for yourself what was
10 happening, that there was extremely loud and prolonged honking?

11 **MR. PETER SLOLY:** Yes.

12 **MS. EMILIE TAMAN:** That they were spewing diesel
13 fumes from idling trucks?

14 **MR. PETER SLOLY:** Yes.

15 **MS. EMILIE TAMAN:** Blockading of streets?

16 **MR. PETER SLOLY:** Yes.

17 **MS. EMILIE TAMAN:** Threatening and anti-social or
18 assaultive behaviour, as you've described it?

19 **MR. PETER SLOLY:** Yes.

20 **MS. EMILIE TAMAN:** And a general sense of chaos
21 and lawlessness?

22 **MR. PETER SLOLY:** If I was a resident, yes, I
23 would have that sense, resident or businessowner.

24 **MS. EMILIE TAMAN:** Okay. And as the occupation
25 dragged on and the significant trauma and victimisation that
26 local residents and service providers and city workers and
27 businesses were experiencing were caused by a number of
28 different things, and that would've included, again, the

1 honking, the fumes, and I think you'd agree that also just
2 living under the constant threat of potential fires and
3 explosions as a result of fuel cannisters being stored beside
4 burn barrels and wooden pallets and fireworks, a tinderbox
5 waiting to explode as you described it?

6 **MR. PETER SLOLY:** Yes, ma'am.

7 **MS. EMILIE TAMAN:** And I believe you'd agree as
8 well that there were a number of residents and workers and
9 businesses who did experience harassment and intimidation by
10 some protesters.

11 **MR. PETER SLOLY:** Yes.

12 **MS. EMILIE TAMAN:** And you've been very careful
13 to say that you would never take away from someone's feelings,
14 and so I take it, then, that you'd agree that there was a
15 feeling among many in the core that they had been abandoned by
16 their government and by their police?

17 **MR. PETER SLOLY:** I understand that, yes.

18 **MS. EMILIE TAMAN:** So I take it, then, that you
19 would agree that enforcement activities in and around the red
20 zone not only had value but were actually quite critical for
21 public safety?

22 **MR. PETER SLOLY:** Absolutely, yes.

23 **MS. EMILIE TAMAN:** And my friend from the Ottawa
24 Police Service this morning put it to you that your interest was
25 more about being seen to do something, and you disagreed with
26 that; right?

27 **MR. PETER SLOLY:** Absolutely.

28 **MS. EMILIE TAMAN:** And that to describe them as

1 small wins or a kind of pandering to residents really grossly
2 underestimates the legitimate risk to public safety throughout
3 that occupation; right?

4 **MR. PETER SLOLY:** More than that, I think it
5 disrespects the residents and businesses who were actively
6 calling for that directly, indirectly through their councillors
7 and through many other channels.

8 **MS. EMILIE TAMAN:** Right. Now, my friend from
9 the Freedom Corporation this morning put it to you that any and
10 all complaints of criminality would be investigated and charges
11 laid if warranted, and you agreed with that, but subject to the
12 caveat that police had a wide discretion based on officer
13 safety; right?

14 **MR. PETER SLOLY:** And second caveat, that we
15 would pursue those charges when they were more appropriate and
16 safe to do so.

17 **MS. EMILIE TAMAN:** Right. But you wouldn't have
18 direct knowledge of incidents that were reported and not
19 investigated, either due to the exercise of officer discretion
20 or a simple lack of resources, do you?

21 **MR. PETER SLOLY:** Not to that level of detail.
22 That was the general briefings that I was getting, but exact
23 incidents and that, not to that level of detail, no.

24 **MS. EMILIE TAMAN:** Okay. And in fact, there were
25 a large number of complaints or there were a number of
26 complaints made to OPS which would've been difficult if not
27 impossible to investigate because the location and/or identity
28 of the alleged assailants weren't known to the complainant;

1 right?

2 **MR. PETER SLOLY:** That's correct.

3 **MS. EMILIE TAMAN:** And are you aware or maybe
4 you've heard in the course of these proceedings that
5 Councillor Mathieu Fleury made a report to the Ottawa Police
6 Service regarding intimidation and harassment by protesters at
7 his personal residence?

8 **MR. PETER SLOLY:** Actually, I'm not aware. I was
9 aware of something in relation to former Councillor McKenney,
10 other public officials. I don't recall if I spoke directly to
11 Councillor McKenney. I know I called another public official, a
12 very high-profile public official, who was receiving some type
13 of threatening behaviour. A lot of public officials received,
14 including myself, received direct threats as a result of all
15 this.

16 **MS. EMILIE TAMAN:** And Councillor Fleury's
17 evidence before this Commission in fact was that he reported it
18 to police and he never heard back from anyone about that
19 complaint. So I think -- I put that to you as an example, that,
20 you know, there likely are, unknown to you, numbers of
21 complaints that for one reason or another, in a very chaotic
22 environment, were not followed up on or investigated?

23 **MR. PETER SLOLY:** I would expect and hope that
24 there would've been some occurrence taken. Whether or not --
25 meaning, an occurrence taken of whatever the nature of the
26 threat was from Councillor Fleury, even if it didn't meet the
27 criminal threshold there would be a record of it, if not an
28 active investigation into it. It's not meant for any solace to

1 anybody, including Councillor Fleury, but I think when I left
2 office there was some five or six or seven threats against me,
3 and to this date, I haven't received a follow-up call yet
4 myself.

5 **MS. EMILIE TAMAN:** Right. Right. And so I
6 think, ultimately then, you'd agree that any available data
7 regarding criminal activity which was investigated and resulted
8 in charges, is not necessarily a reliable indicator of the scope
9 of criminality in the course of that occupation?

10 **MR. PETER SLOLY:** That's correct.

11 **MS. EMILIE TAMAN:** Okay.

12 **MR. PETER SLOLY:** It's one of the reasons why,
13 within our request, we requested additional investigators, crime
14 analysts. We just couldn't keep up with the volume of intake.
15 We needed extra dispatchers. So a lot of it was Public Order,
16 and yes, Investigations, but the ability even to do intake of
17 complaints, follow up on complaints were significantly
18 restrained during my time in office, I suspect for weeks if not
19 months after all the events concluded. So things like customer
20 service and reliability of follow ups were challenged always,
21 would have been extremely challenged during that time.

22 **MS. EMILIE TAMAN:** Right. Okay. So I'd like to
23 ask you a couple of questions about the lead up to the convoy
24 occupation. And I wondered whether you would agree that two big
25 factors leading to the convoy to become so entrenched, whether
26 as the result of reasonable mistake or misunderstanding or lack
27 of information or otherwise, were, number 1, not anticipating
28 that this would be a longer event that it ended up being. Would

1 you agree that that was a factor that allowed the convoy to
2 become so entrenched?

3 **MR. PETER SLOLY:** I'm not -- maybe I'm not sure
4 of the question or the assertion. So just if you could try one
5 more time for me?

6 **MS. EMILIE TAMAN:** Yeah, no problem.

7 **MR. PETER SLOLY:** Apologies.

8 **MS. EMILIE TAMAN:** So perhaps if OPS had
9 anticipated that it would be a longer occupation, the type of
10 planning that would've taken place would've maybe prevented them
11 from becoming so entrenched, that that was a factor?

12 **MR. PETER SLOLY:** Yeah, thank you. You probably
13 said it clearly the first time, it -- just my ears were slow
14 catching it.

15 Yes, but no.

16 **MS. EMILIE TAMAN:** Okay.

17 **MR. PETER SLOLY:** So length of time isn't the
18 issue as much as it is the quantity of the people that would be
19 staying. So it was clear to me in the week leading up that I
20 was getting regular briefings from the Intelligence Threat Risk
21 Assessment side of things that there will be a small group of
22 people staying longer, but that we had experienced those things
23 in the past, there were well-established contingency plans and
24 removal plans that would go through stages of days, weeks,
25 sometimes months, and that our partners in the NCR were well-
26 versed in how to do that. So there was always a sense that
27 there would be a longer portion to the weekend demonstration
28 involving a smaller group of occupiers.

1 What we did not have, and to this day I still
2 have not been able to see, even in hindsight, is there will be a
3 massive number of people who will remain behind for weeks if not
4 months and they will be engaging in a wide range of social
5 disorder and criminal assaultive type behaviours for that entire
6 period.

7 **MS. EMILIE TAMAN:** Right. And that's fair.
8 You've been clear to say that that was also probably one of the
9 missing pieces was the number of people who would stay.

10 And would you agree, then and again, not asking
11 you necessarily about the reasonableness yet at this point, but
12 that had the trucks not been allowed to enter the core, it
13 likely would have been more difficult for the protesters to have
14 become as entrenched as they did?

15 **MR. PETER SLOLY:** Again, yes, but no. Entering
16 the core meaning entering Wellington Street and the immediate
17 streets east and west of that. I have heard this even before
18 the convoy events arrived, like, closing down our core, closing
19 down our interprovincial bridges for any reason are hugely
20 problematic and they create a range of public safety and
21 community wellness issues.

22 For example, I believe it was in the late spring
23 of 2021 where there was a provincial order that related to the
24 pandemic, that interprovincial bridges and access points be
25 closed. There was very little, if any, material consultation
26 with the Ottawa Police Service that of all the police of
27 jurisdiction in Ontario had the biggest impact by that order,
28 and it caused a significant staffing challenge. We did close

1 the bridges to the letter in the first 24 hours, but the push-
2 back was massive and immediate from the health care sector, from
3 the business sector. Closing things anywhere in the downtown
4 core, anything in the downtown core is going to cause a range of
5 public safety, wellness and economic impacts on the city.

6 The concept of closing the entire downtown core,
7 I think you've heard from other witnesses, would probably use as
8 many resources as it took for the public order operation. Some
9 2,000 officers would have been required to come in.

10 **MS. EMILIE TAMAN:** M'hm.

11 **MR. PETER SLOLY:** And it took the better part of
12 a week and a half to get those officers here. So the assumption
13 that if we had known, we could have locked down the downtown
14 core, it would have still taken 7 to 10 days to get that many
15 officers in here to execute that plan, and then the impact on
16 the City of Ottawa and the greater Ottawa Gatineau area might
17 have been greater than the public safety problem we were trying
18 to prevent in the first instance.

19 **MS. EMILIE TAMAN:** Okay. Well, appreciate that.
20 And so but do you recall at the January 26th special Board
21 meeting of the Police Services Board where Mathieu Fleury,
22 Councillor Fleury asked you about the possibility of at least
23 holding trucks to truck routes, and that you indicated at that
24 time, or he says that you indicated to him that you had received
25 a legal opinion that the *Charter* would preclude that activity
26 based on your understanding of the expected public safety risks
27 at that time?

28 **MR. PETER SLOLY:** I don't -- I recall the truck

1 route comment. I believe my comment was in relation to the
2 broader discussion can we block the downtown core, can we block
3 them from coming in to the city. And that was the context in
4 which I gave my response. And again, it was the 26th. I would
5 have already had my legal advice from my general counsel. And
6 by then, I think the 27th was when we requested external legal
7 advice, which essentially supported the same position.

8 **MS. EMILIE TAMAN:** And when you say external
9 legal advice, are you referring to OPS Legal Services?

10 **MR. PETER SLOLY:** OPS Legal Services sought
11 external legal advice to bolster their own opinion that they
12 provided internally. Not to bolster, but to validate one way or
13 the other their own opinion internally.

14 **MS. EMILIE TAMAN:** Okay. But there doesn't seem
15 to be any record of that internal opinion; is that fair?

16 **MR. PETER SLOLY:** I'm not aware but that was a
17 question I asked of my own general counsel.

18 **MS. EMILIE TAMAN:** And you recall asking that
19 question?

20 **MR. PETER SLOLY:** Yes, I do.

21 **MS. EMILIE TAMAN:** Okay. And I'm going to just
22 bring you to some of the other evidence that we've heard and get
23 you to comment on it. So Deputy Chief Bell testified that he
24 believed that Ottawa Police did have the authority to stop
25 vehicles entering into the city, but that because the Service
26 had successfully managed vehicle convoys in the past, it wasn't
27 viewed as necessary.

28 **MR. PETER SLOLY:** I don't ---

1 **MS. EMILIE TAMAN:** I'm not sure if you're aware
2 of that.

3 **MR. PETER SLOLY:** I don't recall his testimony in
4 that way.

5 **MS. EMILIE TAMAN:** Yeah.

6 **MR. PETER SLOLY:** So I apologize.

7 **MS. EMILIE TAMAN:** No need to apologize. And my
8 review of Acting Deputy Chief Ferguson's evidence was that she
9 couldn't recall whether a legal opinion had been sought, but
10 that like Deputy Chief Bell, based on decades of past experience
11 managing events, OPS believed it had the capacity to manage
12 trucks in the core.

13 **MR. PETER SLOLY:** Again, I've watched much of
14 their testimony. I just can't recall those specific elements.

15 **MS. EMILIE TAMAN:** But is it possible, do you
16 think, that you never did receive a legal opinion before January
17 28th, and that, in fact, the question of whether to stop trucks
18 coming into the core never arose?

19 **MR. PETER SLOLY:** I wouldn't have gone to
20 external counsel unless I'd started with my own counsel first.

21 **MS. EMILIE TAMAN:** Okay. Okay. So I'd like to
22 ask you -- just going to move on to another topic then if you
23 don't mind, sir. You had a discussion this morning with one of
24 the counsel about the role that Navigator played in the course
25 of your managing of the occupation. And if I could just ask,
26 Mr. Clerk, for you to pull up a document, please. It's
27 OPS00005912. This would have been on the Commission's list of
28 documents.

1 And if we could just go back down to the start of
2 the chain? Okay. So here we have an email -- can you just go
3 up a teensy bit more? Yeah. It's from John Steinbachs from
4 Corporate Communications to Erin Kelly and Lee Thompson. And
5 who are they?

6 **MR. PETER SLOLY:** That's with Advanced Symbolics
7 Incorporated.

8 **MS. EMILIE TAMAN:** So that's ASI?

9 **MR. PETER SLOLY:** That's correct.

10 **MS. EMILIE TAMAN:** And what is that exactly?

11 **MR. PETER SLOLY:** It's a private company that
12 uses open-source information. I'm going to not -- I'm not going
13 to do a great job on the company's description, but to a degree,
14 it's sentiment analysis, but it also tends to predict small "p"
15 predict what opinion will be around different topics.

16 **MS. EMILIE TAMAN:** Okay. And in that first
17 inquiry, if we could just scroll down a little bit, the question
18 is,

19 "Are there any sentiment indicators you
20 can provide us relat[ing] to..."

21 And then it lists a number of issues. So -- and,
22 sorry, what's your understanding of what a sentiment indicator
23 is?

24 **MR. PETER SLOLY:** Again, I'm probably doing a
25 disservice to this company, but broadly speaking in the
26 industry, a scrape of social media sentiment expressed on
27 various platforms, and then rating it one way or the other,
28 positive, neutral, negative.

1 **MS. EMILIE TAMAN:** Okay. And what was the
2 purpose of seeking this information?

3 **MR. PETER SLOLY:** Again, to see how people within
4 our community, a million people across the largest municipal
5 geography in Canada, the second largest in North America, were
6 feeling around an incident that was happening, unfolding in a
7 very, very small area.

8 **MS. EMILIE TAMAN:** Yeah.

9 **MR. PETER SLOLY:** Began to see we had policing
10 responsibilities across the city, and we obviously had
11 increasing policing responsibilities in this micro-percentage
12 point in the heart of the city.

13 **MS. EMILIE TAMAN:** And you would have received
14 regular briefings from ASI, I take it, by email over the course
15 of the time that you were managing the ---

16 **MR. PETER SLOLY:** Yes.

17 **MS. EMILIE TAMAN:** --- application? Okay. So if
18 we could go back up to the first page, please? So this is now
19 an email dated February 3rd, again, from Erin Kelly to yourself
20 and others within the Ottawa Police. And it starts,

21 "Hi team.

22 We ran the scenario the Chief asked

23 "What if we were to take further action
24 and what happened in Alberta were to
25 happen in Ottawa?"

26 So what did you mean when you asked what happened
27 in Alberta?

28 **MR. PETER SLOLY:** So Coutts, Alberta was

1 happening almost concurrently. I forget whether it started on
2 the same day, the 29th, that our events happened -- or escalated.
3 And I recall, whether it was the Sunday or the Monday, but early
4 in the week there was an attempt by the Coutts -- by the
5 operational -- well, there was an operation attempting to remove
6 the blockade in Coutts. And I could see just from mainstream
7 media, and I believe I got a briefing later on from Commissioner
8 Lucki that it wasn't successful. That literally within minutes,
9 what looked like a well planned and well staffed exercise was
10 frustrated and failed within minutes by a wide variety of
11 countermeasures, whether they were planned and exercised before
12 or they were just done in the spur of the moment. And my
13 concern was that if that was on a two-lane highway in a very
14 rural part of Canada, with no other buildings on the sides of
15 the road and no density and no school zones or anything else, a
16 much smaller footprint of vehicles and protesters and a
17 proportionally much larger amount of available resources, if it
18 failed so quickly, then any effort that we would do here would
19 be extremely dangerous. So it was in that context that I asked
20 that question.

21 **MS. EMILIE TAMAN:** Okay. So you're asking for
22 their assessment of what would be the impact on public sentiment
23 vis-à-vis the Ottawa Police Service if there were to be a failed
24 operation to dismantle the convoy or to ---

25 **MR. PETER SLOLY:** Yeah, I don't know if I'd put
26 the emphasis on the fail but just on the operation as a whole.

27 **MS. EMILIE TAMAN:** Okay.

28 **MR. PETER SLOLY:** But yes.

1 **MS. EMILIE TAMAN:** Okay. Fair. And so Erin
2 Kelly then goes on to say, having undertaken that assessment,
3 "Currently, under 10% of people in
4 Ottawa are experiencing deep concern
5 about how the trucker convoy is being
6 handled. Most of these people are
7 downtown, but that wouldn't be
8 surprising to you, right, that the
9 people the most concerned were the
10 people that were experiencing it?

11 If you were to take an Alberta-type action, you
12 would get a 10 percent lift in public opinion from Centertown
13 residents because they're happy you took action, but you would
14 take a 50 percent hit from residents in other parts of the city
15 who were currently not expressing any concern with the
16 situation. If things went south, like in Alberta, then they
17 would blame the Ottawa Police for the misstep.

18 So why would it matter what the sentiment
19 indicators were for residents unaffected by -- and unconcerned
20 about the Freedom Convoy?

21 **MR. PETER SLOLY:** It really didn't matter to me
22 at this point, to be honest. I'd already had my meeting on
23 February 1st in Kanata with the public order commanders. The
24 level of effort that we would have to have, the scale would be,
25 as I said, somewhere between the 700 range to the thousand-plus
26 range to even begin to contemplate an operation that happened in
27 Coutts.

28 So I mean, I don't want to say it was too little,

1 too late. Whatever modelling was taking place here, it really
2 was immaterial. The situation in here just required a scale
3 that we couldn't contemplate a similar operation.

4 **MS. EMILIE TAMAN:** So the circumstances on the
5 ground were just changing so rapidly that you weren't even
6 really contemplating a Coutts -- an Alberta-like intervention by
7 the time you received this analysis?

8 **MR. PETER SLOLY:** Yes, and importantly to the
9 point I think you were making -- and if I get it wrong, I'm sure
10 you'll correct me -- but understanding, we brought in ASI to
11 understand the budget implications. That's the original
12 contract of ASI was around the almost year-long budget debate
13 that happened throughout 2021, in which case, the budget
14 expectations and needs of a farmer out in the outskirts of
15 Ottawa was as important as a condominium dweller or a business
16 owner in downtown Ottawa.

17 But in terms of to your point, the people that
18 were most directly impacted, traumatized, victimized, were the
19 people living immediately within the red zone or around the red
20 zone. And so while it was somewhat interesting to know how
21 people felt, more broadly, the victimization was happening in a
22 micro location, and the risk was happening in a microdonation.
23 Ninety-eight (98) percent, 99 percent of what we were dealing
24 with was within 1 percent of the geography of the city.

25 And so it was an interesting exercise. It didn't
26 prove fruitful, and the scale of the operation that ultimately
27 was required made this a rather less than productive exercise.

28 **MS. EMILIE TAMAN:** But you did continue to get

1 updates from ASI throughout, kind of gauging -- so in fact, if
2 you scroll up to the very top, please, Mr. Clerk, you'll see,
3 you know, anger against OPS is down 10 percent from yesterday.
4 You know, you're trending in the right direction.

5 So I mean, I guess what I'm asking is, do you see
6 why some residents might be concerned that there was a
7 preoccupation with almost a PR matter when, you know, they were
8 going through something really tough?

9 **MR. PETER SLOLY:** Absolutely, I can see why. And
10 as I've said, Commissioner, to you and others, public trust is a
11 direct equation to public safety, and what might look like a PR
12 exercise to some is as rudimentary attempt as we could in the
13 crisis that we were having to get a sense of where public trust
14 lay.

15 I could look at crime stats up and down, but I
16 can tell you, you can actually have crime going the wrong way,
17 and public trust going the right way.

18 For instance, underreported sexual assault and
19 domestic assault, when you can win public trust, what happens is
20 that you get an immediate spike in reporting.

21 **MS. EMILIE TAMAN:** Right.

22 **MR. PETER SLOLY:** And so sometimes a crime trend
23 up is an indication of public trust up. And I've learned that
24 over the decades in policing. It's important to keep an eye on
25 trust indicators as much as it is important to keep an eye on
26 crime or victimization indicators.

27 They are necessarily coupled. This was our best
28 effort in the middle of a crisis to try to do some of that, but

1 it was by no means a perfect effort. It was quite imperfect,
2 this was.

3 **MS. EMILIE TAMAN:** Understood.

4 So just one last area I want to ask you a few
5 questions about.

6 In your testimony on Friday, you indicated that
7 misinformation and disinformation caused a number of -- are
8 causing challenges as far as policing is concerned, right?

9 **MR. PETER SLOLY:** Yes.

10 **MS. EMILIE TAMAN:** And you agree -- and I believe
11 you agreed on Friday -- that there was a perception in the
12 public that there were elements within your police service who -
13 - and other police services -- who were sympathetic or even
14 supportive of the Freedom Convoy?

15 **MR. PETER SLOLY:** Yes.

16 **MS. EMILIE TAMAN:** Right? But if I understood
17 your evidence correctly, it's your view that the public
18 perception in that regard was based on misinformation or
19 disinformation?

20 **MR. PETER SLOLY:** No. It wasn't that black or
21 white. It never is, in my world anyway.

22 No. I mean, I think legitimately, there would be
23 within communities that were directly impacted and those that
24 were literally within line of sight questioned a lot of things,
25 again, without having background information or other context
26 would question those things.

27 I know that there were complaints coming in, and
28 every one of those complaints that came to my attention were

1 assigned to our Professional Standards Bureau for review, and
2 any one of those reviews that showed misconduct were then
3 assigned for proper investigation. During my time, I suspended
4 one officer. I don't know what the status of that case is right
5 now.

6 So to any extent where there was a reasonableness
7 to a complaint around not sympathy but actions that in any way
8 undermine our ability to keep the city and the communities safe
9 and bring about a successful, safe outcome, we took documented,
10 formal, measured actions.

11 **MS. EMILIE TAMAN:** Okay. And I appreciate that
12 more detailed and nuanced answers because certainly, I think
13 your evidence on Friday might have left the impression that you
14 rejected completely that any high five or selfie or fist bump
15 could be anything but a calculated effort at de-escalation.

16 **MR. PETER SLOLY:** I ---

17 **MS. EMILIE TAMAN:** But that's not your evidence?

18 **MR. PETER SLOLY:** I appreciate the chance to
19 clarify that with some subtlety. The majority of it, I believe,
20 were genuine officer efforts to keep people calm and situations
21 calm, but I can't rule out that some element of that at some
22 point could have been more nefarious.

23 **MS. EMILIE TAMAN:** Okay. I'll appreciate that.

24 And you're aware then, I take it, of reports in
25 the media -- and you may even be aware of this from your own
26 tenure as chief that there are at least two dozen current and
27 former members of the OPS who have been identified as donors to
28 the GiveSendGo campaign that was raising money to support the

1 convoy occupation?

2 **MR. PETER SLOLY:** I've seen some media reports,
3 but that information wasn't available to me during my time as
4 chief.

5 **MS. EMILIE TAMAN:** And are you aware of recent
6 media reports that there's a review by Professional Standards
7 into a member of the OPS Intelligence Unit, Sgt. Chris Kiez, who
8 authored a pre-convoy intelligence report that expressed
9 sympathy to protestors against COVID-19 public health mandates,
10 described the convoy protestors as "mainstream" and holding
11 opinions that are, you know, the views of the silent majority of
12 Canadians? Are you aware? Have you read any reports of this?

13 **MR. PETER SLOLY:** No, I haven't.

14 **MS. EMILIE TAMAN:** And there is a document in the
15 disclosure, that particular report, that has been reported in
16 the media as raising concerns about the -- a perceived double
17 standard between how left-wing, or as Kiez describes them,
18 "professional protestors" and characterizing this particular
19 occupation as more of a grass-roots real authentic movement.

20 But were you aware of any sentiments of that
21 nature among your members in your time as chief?

22 **MR. PETER SLOLY:** I was going to answer, but then
23 you threw a little curve at the end. So I just want to make
24 sure I don't answer the wrong question, but there is a point I
25 would like to make to the Commissioner and yourself, so if you
26 can just repeat the last part, just so I get the question right?

27 **MS. EMILIE TAMAN:** Well, I was wondering whether
28 you were aware that there is at least a perception of a double

1 standard and how some kinds of protestors, be they, you know,
2 associated with the defund police movement or Black Lives Matter
3 or environmental protestors or Indigenous protestors on the one
4 hand and a movement like this one on the other?

5 **MR. PETER SLOLY:** So I was not aware of any
6 complaint or internal matter in regards to that member. Just,
7 I'll put that aside.

8 But I think your question is important.
9 Commissioner, I would just sort of engage you more directly,
10 with your indulgence.

11 But this has been something that I saw during my
12 tenure as Chief of Police. It was something that I saw during
13 my time in the private sector, and it is something with less
14 clarity but in general, a trend, in regards to intelligence
15 gathering, threat assessments at local, provincial, national,
16 international levels.

17 There is a bias, and I've spoken very publicly
18 about systemic bias in policing, and not limited to systemic
19 racism, in every aspect of humanity.

20 I saw this during my time in Kosovo in peace
21 keeping after 9/11 happened. There was a significant shift
22 operationally, politically, socio-economically, geo-politically
23 to the threat that was posed by the various terms around radical
24 Islam and Islamic-based terrorism.

25 When I was in private sector, I was invited by
26 Public Safety Canada to be the Co-Chair of a committee of
27 citizens from across the country looking at online
28 radicalisation to violence and terrorism. And we received a

1 briefing from CSIS, including senior RCMP officials, on the
2 current state of the national threat assessment, and this would
3 be the summer of 2019, 18 months before the arrival of the
4 convoy.

5 But this is also the time that we had the Incel
6 van attack in Toronto. This is also the time that we had seen a
7 rise of right-wing extremism, white supremacy, and violent
8 events south of the border, and increasing levels of violence
9 and recruitment north of the border. Presentation that we got
10 on the national threat assessment had no mention whatsoever,
11 zero, of right-wing extremism and white supremacy.

12 So the question that was asked of me, is this a
13 concern of mine, it was a concern of mine in my days with the
14 Toronto Police Service, in peacekeeping missions, in private
15 sector, on a Public Safety Canada committee, and as the Chief of
16 Police here in Ottawa. I would validate that concern.

17 **MS. EMILIE TAMAN:** And just a final question,
18 then. I take it, then, that you would violently agree that in
19 order to rebuild trust in policing institutions generally, but
20 specifically here in Ottawa after the events of January and
21 February of this year, that it will be important for the
22 organisation to sort of confront those biases straight on and
23 not be shy to recognise when its own members fall short by
24 engaging in that kind of unfortunate analysis?

25 **MR. PETER SLOLY:** First of all, I'm probably out
26 of order here, but your line of questioning has been excellent,
27 and how you're probing is helpful for me, I hope it'll be for
28 the Commissioner.

1 It's almost entirely the reason I was brought
2 here, ma'am. That's why they recruited me. Because I have an
3 outspoken track record over decades, not just when it was
4 popular to do so, to confront racism and discrimination in any
5 form in policing, a profession that I dearly love and devoted my
6 life to. But one that I know, not because so much of individual
7 factors, because we're just human beings, and we are incredibly
8 imperfect, but incredibly imperfect human beings will build
9 really imperfect systems, and those systems can have very bad
10 impacts on communities, usually the most marginalised and
11 racialized communities. And I have been outspoken on those
12 matters, and I've dedicated the bulk of my leadership to
13 addressing them.

14 When I came to Ottawa, Commissioner, that's
15 exactly why I was recruited to come here. That's the mandate I
16 was given. And that I did that every day I held my office until
17 the last day. And it is singularly the number one reason for
18 the resistance to me, the undermining of me.

19 And so yes, that was a priority for me on day
20 one, and it was still a priority for me on day last one.

21 **MS. EMILIE TAMAN:** Okay, thank you very much.
22 Those are my questions, sir.

23 **COMMISSIONER ROULEAU:** Thank you.

24 Next, I'd like to call on the OPP.

25 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

26 **MR. CHRISTOPHER DIANA:** Good afternoon, sir.
27 Chris Diana for the OPP.

28 **MR. PETER SLOLY:** Good afternoon, sir.

1 **MR. CHRISTOPHER DIANA:** Just a couple of topics
2 that I'd like to discuss with you. The first one relating to
3 OPP assistance that was received by OPS during this time.

4 As a general proposition, I'm sure that you would
5 agree with me that the OPP provided a significant level of
6 assistance to the Ottawa Police Service from the beginning to
7 the end of the convoys, plural, presence in Ottawa?

8 **MR. PETER SLOLY:** Yes, sir.

9 **MR. CHRISTOPHER DIANA:** And even before the
10 convoy arrived the OPP was already offering to provide
11 assistance; correct?

12 **MR. PETER SLOLY:** Yes, sir.

13 **MR. CHRISTOPHER DIANA:** Now, we've seen text
14 messages between you and Commissioner Carrique. Is it fair to
15 say that you communicated with Commissioner Carrique almost
16 every day, if not every day, during the course of late January
17 until the day you left.

18 **MR. PETER SLOLY:** Yes, sir.

19 **MR. CHRISTOPHER DIANA:** So if we can go, please,
20 to OPP4586.

21 All right. So these are the text messages that I
22 was referring to you between you and the Commissioner. And it
23 starts off, I believe the first one, it says:

24 "Good afternoon, Tom. Just left you a
25 voice mail. Please have a listen and
26 call me back at your earliest
27 convenience."

28 Now, that's January 27th, so that's the day

1 before the convoy arrived; correct?

2 **MR. PETER SLOLY:** Yes, sir.

3 **MR. CHRISTOPHER DIANA:** And I take even the day
4 before you had already established kind of a relationship with
5 Commissioner Carrique where you felt you could discuss issues.

6 **MR. PETER SLOLY:** Yeah. Sorry, just one small --
7 the 27th is the Thursday; 28th, the Friday; 29th. Technically,
8 the convoy started arriving on the 27th, technically, in
9 trickles ---

10 **MR. CHRISTOPHER DIANA:** Yes.

11 **MR. PETER SLOLY:** --- a little bit more on the
12 28th, the Friday, and then the big wave, tsunami, on the 29th.

13 **MR. CHRISTOPHER DIANA:** Yes. Thanks for
14 clarifying. You are correct, but I always think of it as the
15 28th, because that's when a lot of them really started to come
16 in.

17 But I guess the point that I'm trying to make
18 here is that even early stages, before many of the people and
19 trucks arrive, you've already got an established relationship
20 with Commissioner Carrique?

21 **MR. PETER SLOLY:** I had an established
22 relationship with him throughout my entire tenure as Chief of
23 Police. He was incredibly assisting on a number of issues.

24 **MR. CHRISTOPHER DIANA:** Okay, so if we scroll
25 down.

26 We've got January 28th, which is the next day.
27 My understanding, based on what we've heard before, is that the
28 timestamp is actually five hours earlier than the time actually

1 stamped, and that appears to be a text from the Commissioner:

2 "Hi Peter - just checking in to ensure
3 you have everything you need."

4 Your response was to thank him for checking in
5 and your response is, as it says:

6 "All good right now - we greatly
7 appreciate the public order support.
8 Please also keep the intel coming."

9 That's on January 28th; correct?

10 **MR. PETER SLOLY:** Yes, sir.

11 **MR. CHRISTOPHER DIANA:** All right. And so you're
12 at this stage happy with how the OPP has stepped up and offered
13 that kind of assistance, as well as the intel?

14 **MR. PETER SLOLY:** I very rarely use the term
15 "happy", but I am very satisfied.

16 **MR. CHRISTOPHER DIANA:** Yes, that's fair enough.
17 For that first weekend, we've heard evidence
18 prior that the OPP provided frontline officers in addition to
19 Public Order Unit members. Is that your understanding?

20 **MR. PETER SLOLY:** Yes, although in fairness, I
21 now understand the POU were not underneath our Incident Command
22 but they were certainly within the theatre.

23 **MR. CHRISTOPHER DIANA:** Yes.

24 If we can go down to page 3. I'm looking for the
25 time that's stamped 11 -- February -- so this is February 4th.
26 We're looking for the time that's stamped 11:07. There we go.

27 So this is to situate you. Sorry, this is
28 February the 4th. It says:

1 "Peter, over and above the number of
2 people we have supporting, checking in
3 to ensure you are receiving the level
4 of support and counsel you were hoping
5 to receive from our POU, CIC and PLT
6 command group that is contributing to
7 your concepts of operations and
8 planning process."

9 Scroll down.

10 And you've asked for a quick call.

11 Scroll down again.

12 Okay. And so he was available at your
13 convenience.

14 So again, on February 4th, we're a few days into
15 this now, the Commissioner is again reaching out by text to make
16 sure you've got everything you need; correct?

17 **MR. PETER SLOLY:** Yes, sir.

18 **MR. CHRISTOPHER DIANA:** And that's consistent
19 with how the Commissioner was available to you throughout this
20 time period.

21 **MR. PETER SLOLY:** Yes, sir.

22 **MR. CHRISTOPHER DIANA:** All right, can we go to
23 another document. I want to go back to this one eventually, but
24 let's go to OPS7455. All right. So if we can go down to the
25 bottom of page 1. All right, so stop there.

26 This is an email, again to situate you, an email
27 from yourself to Commissioner Carrique, February 4th, 5:30 p.m.

28 Scroll down.

1 And here, again you can read it just as well as I
2 can, where you're expressing your appreciation for "your
3 significant and ongoing support" that the Commissioner and his
4 team "have provided to the OPS over the course of the
5 demonstrations."

6 And you refer to OPP officers:

7 "...demonstrating the highest levels of
8 professionalism and work ethic..."

9 And that:

10 "...their turn out is universally 'top
11 shelf'."

12 I'm curious what you mean by "turn out". I'm not
13 sure what that turn of phrase means.

14 **MR. PETER SLOLY:** their dress and deportment.
15 They -- the way they presented themselves, which was, quite
16 frankly, the most positive level and the earliest level of
17 officer enforcement, just a professional image of an officer,
18 and they were really top shelf just across the board.

19 **MR. CHRISTOPHER DIANA:** And I take it that -- I
20 mean, this is you obviously showing your appreciation for the
21 support you've been given, but I take it this is a genuine
22 email. I take it from the tone of that that you generally did
23 appreciate that ---

24 **MR. PETER SLOLY:** You could've done blah, blah,
25 blah, blah, blah, "their turn out was universally 'top shelf'."
26 I was telling the Commissioner of the largest police service
27 outside of the RCMP that whoever they selected, however they
28 arrived here, they showed up looking good and gave me confidence

1 that they would do good in the circumstances that they're here.

2 **MR. CHRISTOPHER DIANA:** Okay, so we can -- can we
3 go back to the text exchange, please, which is OPP4586? And
4 let's go to page 6. So we're looking at -- if you scroll down a
5 little bit. We're looking for February 7th at -- the time
6 stamped is 10:58. Right.

7 So it says:

8 "Hi Peter - at your convenience, can we
9 connect regarding operationalizing the
10 request for additional police resources
11 that the province received from the
12 mayor. Thanks."

13 Do you see that?

14 **MR. PETER SLOLY:** Yes, sir.

15 **MR. CHRISTOPHER DIANA:** And your response:

16 "Hello Tom. I've consulted with
17 Deputy... Ferguson and the resource
18 planning team will be established
19 within the current OPS Incident
20 Command. Inspector... Palmer will be the
21 contact point for your OPP team."

22 So do you recall that exchange?

23 **MR. PETER SLOLY:** I do. The gap in the three
24 hours is probably some other conversation that we had. But this
25 is the understanding that we had discussed an integration, a
26 greater level of integration. He was going to send some of his
27 best not just planners but operational leaders.

28 Chief Superintendent Pardy's name was one of

1 those and I welcomed it, welcomed the support of expertise and
2 experienced leaders and welcomed the greater level of
3 integration. And this is just me advising --
4 Yeah, I've got point people on our side to make this thing
5 happen as quickly as possible."

6 **MR. CHRISTOPHER DIANA:** Yes. And you also
7 indicated that this would be under OPS Command, so I guess you
8 were just being clear so there was no misunderstanding. This
9 was an OPS operation.

10 **MR. PETER SLOLY:** And that's what we'd agreed to
11 in our conversations that you're not coming in to run our shop.
12 You're coming in to help our shop run at a higher level.

13 **MR. CHRISTOPHER DIANA:** And I take it the
14 Commissioner respected those jurisdictional boundaries at all
15 times?

16 **MR. PETER SLOLY:** Not only did he respect them,
17 he understood that what we needed was help. We did not need --
18 and I think he was -- I won't put words in his mouth. But I
19 think his testimony ultimately said that there wasn't a need to
20 come in.

21 **MR. CHRISTOPHER DIANA:** Right. And because we
22 understand under the *Police Services Act*, the OPP just can't
23 walk into another police services jurisdiction and take over,
24 right?

25 **MR. PETER SLOLY:** Well, it can't and it
26 shouldn't. There should always be a reason.

27 **MR. CHRISTOPHER DIANA:** Right. And there's only
28 very limited exceptions that would even allow that under the

1 *Police Services Act.*

2 **MR. PETER SLOLY:** That's my understanding, sir,
3 yes.

4 **MR. CHRISTOPHER DIANA:** And you felt at the time
5 that the OPS was more than capable of handling this with extra
6 help?

7 **MR. PETER SLOLY:** That's correct. I don't want
8 to speak for the Commissioner but I believe that's what he
9 shared with me throughout our daily calls, and nothing changed
10 to my last day in office.

11 **MR. CHRISTOPHER DIANA:** And in addition -- and I
12 don't need the document any further -- you're probably also
13 aware that during this period of time the Commissioner also
14 chaired various calls, almost every day with Big 12 or OACP to
15 help coordinate further resources, correct?

16 **MR. PETER SLOLY:** Again, that was a phone call
17 that Commissioner Carrique and I had, I think it was the first
18 weekend. A suggestion that I had made that we have some sort of
19 a convened group of leaders. I think I was focused mostly in
20 Ontario. And as Mr. Carrique would often do, he said, "You know
21 what? Let's get on that. We'll run that for you, Peter. You're
22 busy."

23 And then what he established was more than I had
24 requested and grew in a relatively short period of time.

25 **MR. CHRISTOPHER DIANA:** Right. And you may be
26 aware -- you may not have see the document. It's an OPP
27 document but he sent correspondence out to other police services
28 to try to integrate all of that.

1 **MR. PETER SLOLY:** Absolutely. I was very much
2 aware of it, without even seeing the documentation. I had that
3 sense he was lifting that to the highest level possible.

4 **MR. CHRISTOPHER DIANA:** And so you understand, of
5 course, that the OPP provided not only boots on the ground but a
6 lot of specialists as well, and services such as logistics,
7 aviation, PLT, undercover, incident commanders, planners, POU?

8 **MR. PETER SLOLY:** Yes, sir.

9 **MR. CHRISTOPHER DIANA:** And did you hear
10 Commissioner Carrique's evidence?

11 **MR. PETER SLOLY:** For the most part, yes, sir.

12 **MR. CHRISTOPHER DIANA:** One of the comments he
13 made was that when it comes to providing assistance the OPP
14 unfortunately doesn't have extra officers that he can take off a
15 shelf and send where they're needed. Do you recall him saying
16 that?

17 **MR. PETER SLOLY:** I do. I feel his pain.

18 **MR. CHRISTOPHER DIANA:** Yeah. And so he also
19 indicated that every frontline officer that goes to help with
20 Ottawa or Windsor or anywhere is taken out of a community where
21 that officer would usually work.

22 **MR. PETER SLOLY:** I had the same experience in
23 Toronto where we had to move hundreds of officers on a regular
24 basis to other jurisdictions and they were not available for
25 their primary duties in Toronto.

26 **MR. CHRISTOPHER DIANA:** And so you can recognize
27 that when -- and I believe the OPP's institutional report -- and
28 I won't pull it up. I think the maximum number of frontline

1 officers on any given day was 463 on one day in Ottawa. You
2 would recognize and understand the kind of strain that could put
3 on the OPP and the other communities it polices?

4 **MR. PETER SLOLY:** Absolutely, sir.

5 **MR. CHRISTOPHER DIANA:** All right. The other
6 area -- I'd like to move on to Intelligence because I think one
7 of the things we're trying to figure out here is kind of what
8 happened and how do we do things better going forward. And so
9 we need to figure out what happened on the Intelligence side.

10 **MR. PETER SLOLY:** Right.

11 **MR. CHRISTOPHER DIANA:** I've spoken about the
12 different levels of assistance but I'm sure you would agree that
13 the Hendon Reports and the daily conference calls on
14 Intelligence were another form of assistance provided by the
15 OPP.

16 **MR. PETER SLOLY:** Yes, sir.

17 **MR. CHRISTOPHER DIANA:** And I believe your
18 evidence was -- and I misstate it, please correct me -- was that
19 you became aware of the January 13th Hendon Report received at --
20 you understandably had a lot of other things on your plate at
21 the time and so you asked Deputy Chief Bell to conduct an
22 Intelligence review; is that correct?

23 **MR. PETER SLOLY:** No. Well, it is mostly correct
24 but just -- I asked Deputy Chief Bell to oversee -- to oversee,
25 not to conduct himself -- the Intelligence Threat Risk
26 Assessment that would then inform Acting Deputy Chief Ferguson
27 who was assigned the role of developing the operational plan, an
28 intelligence-led operational plan that was reliant on the

1 Intelligence Threat Risk Assessment. The Hendon Report is
2 simply one of many things that would go into the Intelligence
3 Threat Risk Assessment.

4 **MR. CHRISTOPHER DIANA:** And that made sense, of
5 course, because Deputy Bell at the time was responsible for the
6 Intelligence part of the portfolio?

7 **MR. PETER SLOLY:** Yes.

8 **MR. CHRISTOPHER DIANA:** And Deputy Ferguson was
9 responsible for planning?

10 **MR. PETER SLOLY:** Yes.

11 **MR. CHRISTOPHER DIANA:** And if I get the chain of
12 command incorrect, then please correct me. But under Deputy
13 Bell would it be Superintendent Patterson at the time on the
14 Intelligence side?

15 **MR. PETER SLOLY:** I believe so, yes.

16 **MR. CHRISTOPHER DIANA:** Now, when it comes to
17 Deputies Bell and Ferguson, you did give some evidence about a
18 lot of the changes that were taking place and the challenges
19 that you had in senior command, COVID, turnover, other things.
20 But neither had been in their positions for long, correct?

21 **MR. PETER SLOLY:** That's correct. The transition
22 had happened at the command level, I think, the last week or the
23 second last week of December, 2021. And then functionally it
24 flowed down into the first week for superintendents, inspectors
25 and civilian equivalents.

26 **MR. CHRISTOPHER DIANA:** But both of them were
27 senior officers though, right? They'd been with the OPS for a
28 long time?

1 **MR. PETER SLOLY:** Yes.

2 **MR. CHRISTOPHER DIANA:** And both had many years
3 of experience dealing with large protests in Ottawa?

4 **MR. PETER SLOLY:** I don't know to what extent
5 Deputy Bell had. I don't think he had as deep experience in
6 that area as Acting Deputy Chief Ferguson, but yes, they would
7 have both been around and seen and been involved in, to some
8 degree, events. I think Acting Deputy Chief Ferguson's actual
9 experience as a Critical Incident Commander and training was a
10 little bit more than Deputy Chief Bell's.

11 **MR. CHRISTOPHER DIANA:** But either way, you
12 trusted in their ability to review the intelligence and prepare
13 an appropriate plan, correct?

14 **MR. PETER SLOLY:** Yes, sir.

15 **MR. CHRISTOPHER DIANA:** And you testified that
16 you did not review the Hendon reports in detail and that for the
17 most part you skimmed them when they came in.

18 **MR. PETER SLOLY:** I've read reports in detail but
19 not every one. I skimmed other reports and sometimes I would
20 not have had time to open my email. But again, at that point I
21 would have known that these reports were being sent to
22 individual members within the Ottawa Police Service, but
23 particularly within the Intelligence section.

24 **MR. CHRISTOPHER DIANA:** Right, because there were
25 a number of OPS members on the distribution list so you trusted
26 in your team to review them and to keep you apprised as
27 necessary, correct?

28 **MR. PETER SLOLY:** As necessary. Yes, sir.

1 **MR. CHRISTOPHER DIANA:** And I take it that once
2 you skimmed kind of the -- or once you saw the first Hendon
3 Report I expect that you knew that that could be a valuable
4 source of information as the convoy made its way across?

5 **MR. PETER SLOLY:** Yes, sir. That's why my
6 recollection to this day is that I forwarded it on. But I stand
7 correct.

8 **MR. CHRISTOPHER DIANA:** Now, I take it you did
9 not participate in the daily Hendon conference calls?

10 **MR. PETER SLOLY:** No, sir. I did not.

11 **MR. CHRISTOPHER DIANA:** And that's something that
12 you would have relied on, either Deputy Bell or Superintendent
13 Patterson or someone within that ---

14 **MR. PETER SLOLY:** Someone would have had that
15 delegated responsibility, yes.

16 **MR. CHRISTOPHER DIANA:** And you testified that it
17 was your expectation that this would primarily be a weekend long
18 event, correct?

19 **MR. PETER SLOLY:** Yes, sir, with a small group
20 remaining behind.

21 **MR. CHRISTOPHER DIANA:** Right. Now, this is what
22 you were told by your team. You're not coming to your own
23 assessments necessarily at this point? You're relying on your
24 team to tell you that?

25 **MR. PETER SLOLY:** That's the sum total of the
26 balance of information and the threat risk assessment that came
27 from it that was briefed to me.

28 **MR. CHRISTOPHER DIANA:** Right. And so I believe

1 in your witness summary you indicated that you were advised by
2 Deputy Bell that he expected the vast majority would leave at
3 the end of the weekend or shortly thereafter.

4 **MR. PETER SLOLY:** Yes, sir.

5 **MR. CHRISTOPHER DIANA:** Did he tell you -- and
6 this is why I just want to get into kind of your own personal
7 awareness of what was in the Hendon reports and kind of when you
8 knew. Did Deputy Bell tell you that there were a number of
9 indications in the Hendon reports that suggested there could be
10 a lengthier stay?

11 **MR. PETER SLOLY:** Again, I just want to be
12 careful. The briefings I was getting from Deputy Chief Bell are
13 what -- the briefings that were passed up to him.

14 **MR. CHRISTOPHER DIANA:** Sorry, can you say that
15 again?

16 **MR. PETER SLOLY:** The briefings the Deputy Bell
17 provided were the substance of briefings that he received. So I
18 just want to be careful. He's not the intelligence commander.
19 He's not the OPS's version of Superintendent Morris.

20 **MR. CHRISTOPHER DIANA:** Right.

21 **MR. PETER SLOLY:** Just to be clear.

22 **MR. CHRISTOPHER DIANA:** No, that's good
23 clarification. But you're hearing it from Deputy Bell and
24 Deputy Bell can kind of speak for himself as to where he heard
25 it or who he heard it from or who briefed him.

26 **MR. PETER SLOLY:** Absolutely.

27 **MR. CHRISTOPHER DIANA:** You're hearing it from
28 Deputy Bell, correct?

1 **MR. PETER SLOLY:** Yes.

2 **MR. CHRISTOPHER DIANA:** And so my question was,
3 did you hear from -- did Deputy Bell inform you of some of the
4 warnings in the Hendon reports?

5 **MR. PETER SLOLY:** I don't have explicit
6 recollection of explicit lines from the Hendon Report and nor
7 would I expect. I would expect and receive briefings that said,
8 "On total, the balance of what we're getting. Here's what I'm
9 being told in totality," as opposed to, "There's a line in the
10 Hendon Report that says x; there's a tweet that says y. And
11 there's an Instagram video that shows z."

12 What I was getting was a roll-up briefing not
13 attributed to the exact data source where it came from. Did we
14 at some point discuss explicitly the Hendon Report or reports?
15 Probably, but at a macro level, at an aggregate level as opposed
16 to a line-by-line detailed analysis and whether or not all of
17 that added up to X. I was getting briefings of the sum total of
18 balance of intelligence information available.

19 **MR. CHRISTOPHER DIANA:** Because ultimately, as a
20 chief, you need the higher level, right? So you don't
21 necessarily need to hear the details, you need to hear from
22 Deputy Bell who needs to hear from his people, "Look this is
23 going to be a weekend event," or "This is the sum total of what
24 the problems could be," correct?

25 **MR. PETER SLOLY:** Yes, sir.

26 **MR. CHRISTOPHER DIANA:** And so -- but Deputy
27 Bell, again, just so I understand this -- your understanding was
28 this would be a weekend event, and was that kind of the

1 summation of what you were told by Deputy Bell?

2 **MR. PETER SLOLY:** Weekend event with a small
3 group that would be remaining behind with some level of
4 occupying, but nothing that we had not seen in previous events.

5 **MR. CHRISTOPHER DIANA:** But he did not say,
6 "Look, we think this is going to be a weekend event, but there
7 are some indications that suggest it actually could be a long-
8 term event"?

9 **MR. PETER SLOLY:** So we looked at the range of
10 what -- I was getting a briefing on the range of what this could
11 be, and yes, there were certainly, in some of those briefings,
12 this could be longer term, but the sum total of it came back to
13 the consistent briefing of the threat risk assessment, multi-day
14 event, primarily over the Saturday/Sunday, smaller group
15 remaining behind, something that we've dealt with in the past.
16 That's what we're planning for.

17 **MR. CHRISTOPHER DIANA:** All right. And I'm going
18 to ask if you, at the time, and this is ---

19 **MR. PETER SLOLY:** Sorry, and I apologize; I am
20 interrupting you, but ---

21 **MR. CHRISTOPHER DIANA:** No worry.

22 **MR. PETER SLOLY:** --- there was the other end.
23 This is all a overblown, social media thing. This group may
24 never even make it here. If they do, it could be a relatively
25 small thing. We never cancel anything out, but the aggregate of
26 the assessment landed where we were.

27 **MR. CHRISTOPHER DIANA:** Now, were both
28 possibilities being given as kind of equal probabilities that it

1 might be -- it's equally likely they're here for the long term
2 and equally likely they're ---

3 **MR. PETER SLOLY:** No. And in fairness, I don't
4 think there was an algorithm attached to that. That level of
5 sophistication, I'm not sure exists anywhere, but it certainly
6 wasn't a level of detail and mathematical equation that may be
7 of indicating. But I was given a reasonable overview of the
8 reasonable spectrum around which we did an assessment on the
9 balance of probabilities, what it was planned to be.

10 **MR. CHRISTOPHER DIANA:** All right. So what I'm
11 trying to understand now is again -- and I know you were
12 briefed, and then that was primary source more than your own
13 review of the Hendon Reports, correct?

14 **MR. PETER SLOLY:** Yes.

15 **MR. CHRISTOPHER DIANA:** And so I'm just trying to
16 understand kind what you knew before the convoy arrived. Did
17 you know, for example, that the reports indicated that there was
18 no exit strategy?

19 **MR. PETER SLOLY:** I believe I saw that at some
20 point in a Hendon Report, but again, I just want to be clear. I
21 can't tell you how many protests and demonstrations pop up or
22 were planned where the presence or absence of the exit strategy
23 were weighted in any significant way. I'm just telling you what
24 my experience is, okay?

25 **MR. CHRISTOPHER DIANA:** M'hm. And did you know
26 that the intent was to remain in Ottawa until all mandates and
27 restrictions had been lifted?

28 **MR. PETER SLOLY:** Again, I just want to be

1 careful about pejorative language. It was clear in a variety of
2 forms and reports, including the Hendon Report, that they could
3 not speak for every person that was planning to or talking about
4 coming. So that much was clear to me, that Hendon Reports or
5 other reports, social media monitoring that was happening,
6 canvassing of various people, PLT actions, it was clear, over
7 and over again, there is no one entity called "the convoy".
8 There is no one person who represents "the protestors".

9 And so everything that I got briefed on had
10 explicitly or implicitly, "This is what we're getting from some,
11 this is what others are saying. They got a line here that says
12 this, but we can't extrapolate that to mean this."

13 That's the context in which the majority of the
14 briefings were coming to me.

15 **MR. CHRISTOPHER DIANA:** No, and the reason I ask,
16 and particularly the last point, I think, is an interesting one
17 about their stated intention to remain until the mandates and
18 restrictions were lifted, because it's one thing to say there's
19 an elective strategy; it's another to set a specific goal before
20 they leave, and that's something that you probably wouldn't have
21 experienced before, is it?

22 **MR. PETER SLOLY:** No. Actually, many
23 demonstrations, 76 days straight in front of the U.S. Embassy
24 when NATO was bombing in Yugoslavia. "We're not leaving until
25 the war's over."

26 I mean, you can stand on a corner here and watch
27 somebody draped in a Ukraine flag, "I'm not leaving until the
28 war's over."

1 So that's a relatively common -- the Tamil events
2 in Toronto and I believe here in Ottawa all had that sense, "We
3 are here to support what's going on over there, and we're not
4 leaving here until over there is better or completed."

5 That's a pretty regular item.

6 **MR. CHRISTOPHER DIANA:** Well, what's not -- and I
7 just put to you -- what's not regular is that the protestors
8 would come all the way across Canada, have millions of dollars
9 of fundraising, lots of trucks and people all converging with
10 that stated goal. That's not regular, is it?

11 **MR. PETER SLOLY:** Again, I want to be careful.
12 Not all of them had that stated goal, and not all of them came
13 from across Canada. A lot of them came from right here in this
14 good old city as well too.

15 So again, I just want to be really careful. I
16 don't operation in pejorative terms. That is a universal
17 application of anything, good or bad, to any group, is never
18 fair to any one individual in that group. And I ---

19 **MR. CHRISTOPHER DIANA:** Well, I ---

20 **MR. PETER SLOLY:** --- can't take that position.

21 **MR. CHRISTOPHER DIANA:** No, I understand that,
22 but I think what we're trying to do here is to try to figure out
23 to what extent the planning here was based on the actual
24 intelligence that was being received, or as I would suggest, it
25 was based more on experience of OPS and others that have seen a
26 lot of protests come and go and that perhaps there might have
27 just been a bit of an over-emphasis on what had happened in the
28 past.

1 **MR. PETER SLOLY:** Yeah, I'm certainly going to be
2 agreeing with you that it was a little bit of both. It was a
3 lot of both. I can't tell you if it was 49 versus 51 percent on
4 any particular topic. But I think there was some good evidence
5 presented, and it's certainly been my experience that you go
6 based on imperfect intelligence and you go based on imperfect
7 experience and try to project forward what is the most likely
8 outcome that's going to happen, and then you build a plan that
9 will not only address the threat that you've now gone through
10 the process on, but not cause additional problems beyond that.

11 **MR. CHRISTOPHER DIANA:** Now, I know we're looking
12 back at it and we have a certain lens because we can look back
13 at what happened. But when we look back, isn't the -- the issue
14 isn't the quality of the Hendon Reports, isn't the issue the
15 fact that Ottawa Police just didn't take them seriously enough?

16 **MR. PETER SLOLY:** Absolutely not, sir. First of
17 all, the issue isn't the Hendon Report, and I don't know when it
18 became the issue, maybe for the OPP. You see it as the issue.
19 For me, I don't see it as the issue, and I don't know any member
20 of my police service, former police service that said, "You know
21 what? This is all on the Hendon Report. If OPP had done a
22 better job."

23 I actually never heard that, never said that,
24 I've never heard that.

25 **MR. CHRISTOPHER DIANA:** Because the Hendon
26 Reports, in fact, were actually very useful tools, right?

27 **MR. PETER SLOLY:** I always said they were.

28 I would say, though -- I'm not sure I referenced

1 this to you on Friday -- I think the OPP did an outstanding job.
2 I'm not sure it was their job to provide national threat
3 intelligence assessments. I'm grateful they did, because
4 otherwise it wouldn't have gotten done from any other forum that
5 I know of. But I don't think it's fair to the OPP to do that.

6 Thank heavens they did it. I just don't think
7 it's fair to them. It's a structural deficit that the OPP did
8 their best to fill, but it's actually not the job of a
9 provincial police service to provide national threat risk
10 assessments on what was a national event from beginning to end.

11 **MR. CHRISTOPHER DIANA:** I'm not sure you would
12 get any disagreement with the OPP on that point, but I guess,
13 again, looking back at things with the hindsight -- which is
14 what we're forced to do here, of course -- a lot of the warnings
15 in the Hendon Reports were correct, right?

16 **MR. PETER SLOLY:** A lot of them were incorrect.

17 **MR. CHRISTOPHER DIANA:** But a lot of them were
18 correct?

19 **MR. PETER SLOLY:** And a lot of them were
20 incorrect, sir. Again, it's not an indictment of the Hendon
21 Report, and I don't want my answers to you to seem that I'm
22 somehow blaming a deficiency. But they are like most
23 intelligence reports. They get some of it right and some of it
24 wrong, and you never know until after the event what was right
25 and what was wrong.

26 **MR. CHRISTOPHER DIANA:** We heard some evidence
27 from Supt. Bernier who indicated that even though that wasn't
28 his role at the time, he did happen to see some Hendon Reports,

1 and his evidence was that they were, in his view, comprehensive
2 and like nothing you usually would see in advance of a typical
3 demonstration.

4 **MR. PETER SLOLY:** I would agree with Supt.
5 Bernier that the Hendon Reports were one of the better
6 intelligence documents that I have seen. I've seen some
7 outstanding examples and I've seen at least one that was even
8 better, but it was one of the better ones.

9 But I want to be cautious. Supt. Bernier, Acting
10 Supt. Bernier, then Inspector Bernier -- because he was an
11 inspector -- was not involved in the incident command system.
12 He was not involved in getting daily briefings. He was not
13 involved in the threat risk assessment. He, like many members
14 of the Ottawa Police Service, were picking up a little bit of
15 data and he had an opinion. But I think even he cautioned that
16 his opinion was less informed and not fully appropriate, given
17 that he was not involved.

18 **MR. CHRISTOPHER DIANA:** So Deputy Ferguson's
19 evidence was that the plan that was prepared, presumably under
20 her own watch, was not intelligence led. That was her evidence.
21 Would you agree with her or disagree with her?

22 **MR. PETER SLOLY:** That was her evidence, but I
23 have to tell you, that's alarming that if she felt that was the
24 case, then she really needed to have worked harder on it.

25 **MR. CHRISTOPHER DIANA:** So again, just to get the
26 answer, you would disagree with her then on that point?

27 **MR. PETER SLOLY:** I never heard her say at any
28 point in any of the briefings that we had that there was a

1 misalignment, an underdeveloped plan, and one that she wanted to
2 change substantially. The plan I received from her on February
3 28th was one that I received with no reservations from her. I
4 sent back some minor feedback. I heard nothing else from her
5 until she gave testimony before the Commissioner and said some
6 things that were very concerning.

7 **MR. CHRISTOPHER DIANA:** All right. Thank you,
8 sir. I appreciate your evidence.

9 **COMMISSIONER ROULEAU:** Thank you.

10 Next, I believe it's the Canadian Constitutional
11 Foundation.

12 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

13 **MR. SUJIT CHOUDHRY:** Mr. Sloly, good afternoon.
14 My name is Sujit Choudhry. I am counsel for the CCF.

15 I'd like to begin my questions to you by
16 returning to the theme of your conversation with my friend, Ms.
17 Nygard, from the Government of Canada.

18 And I think that -- my recollection is that you
19 agreed with her that there was no need for the OPS or, for that
20 matter, for the City of Ottawa, so reach out to the OPP or the
21 province first before going to the RCMP for assistance. It was
22 perfectly appropriate for the OPS to go to the RCMP directly in
23 parallel with outreach to the OPP because Ottawa is the seat of
24 the federal government and of federal institutions.

25 **MR. PETER SLOLY:** Up until the last comment
26 around the seat of anything, my comments were exactly that.

27 At that time, I was trying to get resources from
28 any source and I didn't have a priority in my mind as to what

1 sequence I should go through. I was simply actioning a series
2 of requests to agencies that were large enough and near enough
3 to provide immediate resource relief to what we were facing at
4 that time.

5 **MR. SUJIT CHOUDHRY:** Good.

6 So let me take you back to when you dramatically
7 increased your request for resources. And I'm speaking here of
8 the February 7th letters, one sent to the province, one sent to
9 the federal government. I'd like to focus on the federal
10 letter, if I may.

11 So it was a letter from Chair Deans and Mayor
12 Watson to Prime Minister Trudeau and Minister Mendicino. And I
13 won't call it up because we've seen it a number of times, but
14 it's true -- is it true that in that letter, that was based on
15 your advice that a request was made for a total of 1,800
16 additional officers from other police forces in Canada?

17 **MR. PETER SLOLY:** Again, I believe the number was
18 1,790 and change as -- 1,800 has become the rounded number. And
19 some 100 of those resources were civilian.

20 But yes. Substantially, yes.

21 **MR. SUJIT CHOUDHRY:** And is it true approximately
22 that about one-third of that number was to come from each of the
23 RCMP, the OPP and other municipal forces?

24 **MR. PETER SLOLY:** I never put those restrictions
25 on there. I've never heard those numbers -- those divisions of
26 responsibility ---

27 **MR. SUJIT CHOUDHRY:** But you ---

28 **MR. PETER SLOLY:** --- until you just put it to me

1 now.

2 **MR. SUJIT CHOUDHRY:** But you know Mayor Watson
3 put it that way to Prime Minister Trudeau.

4 **MR. PETER SLOLY:** In the letter?

5 **MR. SUJIT CHOUDHRY:** No, in a phone call with
6 him.

7 **MR. PETER SLOLY:** I have no idea what that
8 conversation was, sorry.

9 **MR. SUJIT CHOUDHRY:** Well -- and so how many RCMP
10 officers did you wish to be deployed from that 1,800?

11 **MR. PETER SLOLY:** I never put a percentage or a
12 number against it, sir.

13 **MR. SUJIT CHOUDHRY:** Okay. So Commissioner, I'd
14 seek leave to put -- to pull up the interview summary for
15 Minister Bill Blair and to show it to Mr. Sloly, if I may.

16 **COMMISSIONER ROULEAU:** Okay. Well, that's
17 unusual. Is there any objection?

18 So maybe we can see. Again, that will not be
19 entered as an exhibit in the normal course. It'll just be
20 referred to and wouldn't go in as an exhibit until -- if and
21 until Minister Blair comes to testify.

22 So go ahead, and we'll see if there's any
23 problem.

24 **MR. SUJIT CHOUDHRY:** Sure.

25 So this is -- Mr. Registrar, this is witness
26 summary 48.

27 And could you please go to page 5?

28 And so let's just stop there.

1 So Mr. Sloly, I take it you've never seen this
2 document.

3 **MR. PETER SLOLY:** No, I haven't.

4 **MR. SUJIT CHOUDHRY:** So we're going to take a
5 little bit of time to let you read a couple of passages. So the
6 first passage I'd like to direct you to is the paragraph that
7 states, "Minister Blair explained there were two problems with
8 the Mayor's request for resources".

9 And then in the next paragraph, I'll summarize
10 for you, he speaks to the issue of a -- of planning and the need
11 for a comprehensive plan in order for the OPS to receive
12 assistance from the OPP and RCMP. That's not what I want to
13 focus you on. It's the next paragraph.

14 So if you could scroll up, please, to the ---

15 **MR. PETER SLOLY:** Sorry.

16 **MR. SUJIT CHOUDHRY:** Sorry. Go ahead, sir.

17 **MR. PETER SLOLY:** I thought I was being asked to
18 read something.

19 **MR. SUJIT CHOUDHRY:** Sir, please, go ahead.

20 **MR. PETER SLOLY:** Now you're scrolling away from
21 it.

22 **MR. SUJIT CHOUDHRY:** Yeah.

23 **MR. PETER SLOLY:** Do you want to explain
24 everything to me and then me read everything?

25 **MR. SUJIT CHOUDHRY:** Well, I'm just summarizing
26 that one paragraph, but I want to ask you questions about the
27 following paragraph.

28 **MR. PETER SLOLY:** I'm in your hands. I can start

1 reading now or just wait till you've finished summarizing and
2 then read everything.

3 **MR. SUJIT CHOUDHRY:** Well, why don't you read
4 these two paragraphs and I'd like to ask you about the second.

5 **MR. PETER SLOLY:** Okay. Thank you.

6 (SHORT PAUSE)

7 **MR. PETER SLOLY:** Okay. I've read as much as
8 what's on the page here, sir.

9 **MR. SUJIT CHOUDHRY:** So I want to ask you some
10 questions about that second paragraph.

11 **MR. PETER SLOLY:** Sure.

12 **MR. SUJIT CHOUDHRY:** So Minister Blair, would you
13 agree that in that paragraph he makes two points? First, that
14 in his view, the OPS was required to go to the OPP first before
15 requesting assistance from the RCMP. And second, that the
16 *Police Services Act* requires the OPS to go to the OPP first
17 before going to the RCMP.

18 **MR. PETER SLOLY:** What's the question? Sorry.

19 **MR. SUJIT CHOUDHRY:** So do you agree that that's
20 what he says?

21 **MR. PETER SLOLY:** It's a bit confusing because
22 I've -- in all my times in the Toronto Police Service when he
23 was the Chief, that was never the case.

24 **MR. SUJIT CHOUDHRY:** Okay. Well, I want to -- I
25 want to ask you some questions about that.

26 So before we get there, I want to talk about and
27 ask you some questions about the tripartite meetings that took
28 place on February 7th, 8th and 10th. And if -- you were at two

1 of those meetings, February 7th where you came a little bit
2 late, and February 8th.

3 **MR. PETER SLOLY:** I was at, I think, four or five
4 of those meetings.

5 **MR. SUJIT CHOUDHRY:** So Mr. Sloly, I'm sorry. In
6 the course of the Commission's work we've referred to three of
7 those meetings, 7th, 8th and 10th, so let me focus your
8 attention on those three or ---

9 **MR. PETER SLOLY:** That's fine ---

10 **MR. SUJIT CHOUDHRY:** --- those two.

11 **MR. PETER SLOLY:** --- but I was at far more of
12 those meetings.

13 **MR. SUJIT CHOUDHRY:** Sure.

14 So let's go to -- if we could -- Mr. Registrar,
15 if we could please call up the readout for the February 7th
16 meeting. And the document is PB.NSC.CAN.2335.

17 Good. So Mr. Sloly, have you seen this document
18 before?

19 **MR. PETER SLOLY:** What's on the page here doesn't
20 ---

21 **MR. SUJIT CHOUDHRY:** If you could scroll down,
22 please.

23 **MR. PETER SLOLY:** No, I've never seen this
24 before.

25 **MR. SUJIT CHOUDHRY:** Okay. So this is a readout
26 from this call.

27 If you go down to page 4, please. Just go back
28 up a bit.

1 And so here is an exchange between Minister
2 Blair, BB, and you. And I just want to focus on the last
3 exchange here.

4 **MR. PETER SLOLY:** What's the date on this, sir?
5 Sorry.

6 **MR. SUJIT CHOUDHRY:** So the -- we've been told
7 that this is readout from a call that took place on February
8 7th.

9 **MR. PETER SLOLY:** February 7th?

10 **MR. SUJIT CHOUDHRY:** Correct.

11 **MR. PETER SLOLY:** The only recollection I have of
12 a direct conversation with Minister Blair was on the last
13 weekend, but I may be wrong, so sorry. Continue on.

14 **MR. SUJIT CHOUDHRY:** Well, let me ask you what --
15 you know, a question based on this evidence.

16 **MR. PETER SLOLY:** Sure.

17 **MR. SUJIT CHOUDHRY:** And so -- and so there's an
18 exchange here at the end where you discuss how you've -- you
19 know, you have great respect for former Chief, now Minister
20 Blair, and Minister Blair says:

21 "We are working to provide the City with
22 the resources you require. That is our
23 sole intent. There will be follow-up
24 conversations. We will be here for
25 you."

26 I take it you don't recall that exchange.

27 **MR. PETER SLOLY:** No, I -- no, I don't recall
28 that exchange. I recall a different exchange on a different

1 date.

2 **MR. SUJIT CHOUDHRY:** What date was that?

3 **MR. PETER SLOLY:** I haven't been able to find it
4 in any of the notes here, but it was either the Saturday or the
5 Sunday, so the -- of the last weekend in office, so what that
6 would be, the 12th and 13th, maybe the 14th. Maybe. But I
7 think it was more the 12th and 13th.

8 **MR. SUJIT CHOUDHRY:** Okay. Well, I want to --
9 let's get to that in a minute.

10 So -- but would you agree here that in this
11 record of this exchange you had with Minister Blair, he didn't
12 raise with you the concern that the request was somehow
13 problematic because you had not gone to the OPP first or you
14 hadn't complied with the *Police Services Act*.

15 **MR. PETER SLOLY:** That's correct. And what's
16 transcribed here and certainly my recollection of the other
17 conversation, neither of those times were those concerns raised
18 to me.

19 **MR. SUJIT CHOUDHRY:** Okay. And so ---

20 **MR. PETER SLOLY:** Or anything about a plan or not
21 having a plan or not having a good enough plan raised.

22 **MR. SUJIT CHOUDHRY:** And, Mr. Sloly, I'll ask you
23 to come back to that in just a minute.

24 Mr. Registrar, could you please take us to the
25 read-up from the February 8th tripartite meeting, and the
26 document number is SSM.NSC.CAN.2052.

27 And so, Mr. Sloly, you would recall participating
28 in this call. I imagine there were hundreds of calls, so

1 probably not.

2 **MR. PETER SLOLY:** That's right. I'm looking at a
3 date ---

4 **MR. SUJIT CHOUDHRY:** Could you scroll down a bit,
5 please?

6 **MR. PETER SLOLY:** --- Wednesday, February 23rd,
7 so, that definitely wouldn't have been me.

8 **MR. SUJIT CHOUDHRY:** Oh, I think we might have
9 the wrong document. Give me a second, please. And I apologize,
10 Mr. Registrar. Give me one second.

11 Commissioner, I have a request. When are we due
12 for a break? Because it might be helpful if I could pull up
13 these notes correctly. I apologize for having given the wrong
14 document ID to the Registrar.

15 **MR. CLERK:** Counsel, is it a February 8 meeting?

16 **MR. SUJIT CHOUDHRY:** Yes, it is. You have it.
17 Thank you.

18 **COMMISSIONER ROULEAU:** We've had excellent
19 service with our document people.

20 **MR. SUJIT CHOUDHRY:** Yes, we have.

21 So if you could scroll down to -- so this is
22 another read-out, Mr. Sloly, and if you could scroll down,
23 please, to page 4? The participants in this call were yourself,
24 BB, who's Minister Blair, MM, who's Minister Mendocino and
25 others. And I'd like to take you to the last exchange between
26 yourself and Minister Blair where it begins, "On the RCMP, only
27 20 have been sworn in. The rest are with Rideau Cottage...",
28 which of course refers to where the Prime Minister's residence

1 is, "and the precinct", which I assume refers to the Parliament
2 precinct. "I need more."

3 And then Minister Blair says, "For how long are
4 you asking resources?" And then it's not attributed to you, but
5 I think it's reasonable to infer that the five to seven days
6 answer came from you.

7 **MR. PETER SLOLY:** I wouldn't say five to seven
8 days, sir.

9 **MR. SUJIT CHOUDHRY:** You wouldn't have?

10 **MR. PETER SLOLY:** No, not at that point.

11 **MR. SUJIT CHOUDHRY:** But you do -- but you would
12 agree that these notes state that you said we need more RCMP
13 officers, only 20 have been sworn in.

14 **MR. PETER SLOLY:** Yes, that was ---

15 **MR. SUJIT CHOUDHRY:** Okay.

16 **MR. PETER SLOLY:** --- that was part of the
17 challenge in terms of getting RCMP getting sworn.

18 **MR. SUJIT CHOUDHRY:** And you'll agree that, so
19 when Minister Blair asked you for how long are you asking
20 resources, he did not raise with you the concern that you were
21 going to the RCMP first, or not going to the OPP first, and you
22 were not complying with the *Police Services Act*?

23 **MR. PETER SLOLY:** That's correct, sir, but I just
24 -- just a note for the Commissioner. This is the first time I'm
25 seeing these documents. They are -- they're -- I'm not debating
26 the content, but I just haven't had a chance to read through
27 them to see the context, to ---

28 **MR. SUJIT CHOUDHRY:** Of course.

1 **MR. PETER SLOLY:** --- situate myself in it, so
2 I'm answering your questions as best as my recollection can be
3 stimulated from these documents, but they're the first time I'm
4 seeing them, sir.

5 **MR. SUJIT CHOUDHRY:** Of course, Mr. Sloly, and
6 we're doing our best here given the limited time we have
7 available to you.

8 Mr. Sloly, you referred to a third conversation
9 you had ---

10 **MR. PETER SLOLY:** Yes, sir.

11 **MR. SUJIT CHOUDHRY:** --- with Minister Blair.
12 Would you be able to tell us a bit about that conversation on
13 these themes?

14 **MR. PETER SLOLY:** Yes, so, again, my recollection
15 is that this other conversation takes place on the last weekend
16 that I'm in office. This was Saturday, Sunday, potentially
17 Monday the 14th of February. I was late coming onto the call.
18 Minister's Mendocino and Blair were on the call. There were
19 others. And sort of kind of waited in until things turned
20 around towards me and then I recall there was an exchange
21 between the two Ministers. Minister Mendocino indicated that he
22 would leave the commentary to Minister Blair and then he
23 proceeded to ask me two questions. The first question was
24 whether or not we had considered using by-law enforcement to
25 address some of the challenges that we were facing here. I
26 thought it was an odd question, and so I said, "Yes, we've
27 actually issued hundreds if not thousands of by-law enforcement
28 tickets, but that any level of enforcement was difficult, both

1 in terms of the potential volatility of public safety impacts
2 and the resource restrictions." He then asked a second question
3 as to whether or not we considered towing trucks or vehicles.
4 And I said, "Yes, we towed hundreds of vehicles and we'd
5 actually towed some heavy trucks. But again, there's an extreme
6 volatility around that type of enforcement action and that we
7 had resource challenges with the tow trucks, particularly heavy
8 trucks." And that was the sum total of it.

9 **MR. SUJIT CHOUDHRY:** But he -- so he never raised
10 these procedural objections that he appears to be raising?

11 **MR. PETER SLOLY:** Neither the procedural
12 objections or the concerns around the plan or lack thereof a
13 plan.

14 **MR. SUJIT CHOUDHRY:** So, Mr. Sloly, how long have
15 you been or were you a police officer in Ontario?

16 **MR. PETER SLOLY:** I think just over 30 years in
17 total in 2 different police services.

18 **MR. SUJIT CHOUDHRY:** And so you're familiar with
19 the *Police Services Act*?

20 **MR. PETER SLOLY:** Yes, sir.

21 **MR. SUJIT CHOUDHRY:** And is there any provision
22 in Section 9 of the *Police Services Act* that requires a
23 municipal Chief of the Police to go first to the OPP before
24 seeking assistance from the RCMP?

25 **MR. PETER SLOLY:** Not that I'm aware of, but I
26 stand to be corrected by lawyers who understand the Act better
27 than I ever will. But I said, my practical experience has been,
28 over the course of those 30 years in 2 police services, and for

1 a substantial amount of time where I actually perform that
2 function for Chief Blair, that if we needed help, we went to the
3 best agency available where were likely to get the best help
4 from. We didn't -- I wasn't directed to, nor did I have a
5 system where I had to reference Section 9 and call the
6 Commissioner of the day from the OPP and then through that
7 process find my way to the right resource. I would call north
8 of Steeles and say, "Hey, York Region, can you send us a Public
9 Order Unit?" I'd call west of the 427, "Hey, Peel, can you send
10 us a Public Order Unit?" I'd call over past the zoo and say,
11 "Hey, Durham, can you send us a Public Order Unit?" And they
12 would do the same thing, and we would do that in reciprocity.
13 I'd never before seen any reference to Section 9 of the *Police*
14 *Services Act*.

15 **MR. SUJIT CHOUDHRY:** And, Mr. Sloly, RCMP
16 officers can be sworn in as special constables ---

17 **MR. PETER SLOLY:** That's my understanding.

18 **MR. SUJIT CHOUDHRY:** --- pursuant to Section
19 53(1) of the *Police Services Act*.

20 **MR. PETER SLOLY:** I'll trust you on the section.

21 **MR. SUJIT CHOUDHRY:** And as far as you know,
22 there's no condition for swearing in an RCMP officer as a
23 special constable, that a request must first be made to the OPP?

24 **MR. PETER SLOLY:** I'm not aware of that, sir.

25 **MR. SUJIT CHOUDHRY:** And so -- and now, Mr.
26 Sloly, if we had more time, I would take you to the *RCMP Act*,
27 but I'd put it to you that there is no provision of the *RCMP Act*
28 that requires a local police force to go first to a provincial

1 police force, if there is one?

2 **MR. PETER SLOLY:** I'll trust you on that, sir. I
3 have no understanding of the *RCMP Act*.

4 **MR. SUJIT CHOUDHRY:** And so would you say, Mr.
5 Sloly, that at best, so there is no federal or provincial law,
6 there's no RCMP policy, there's no OPP policy that required the
7 OPS to go to the OPP first.

8 **MR. PETER SLOLY:** I'm not aware of any of those
9 things, sir. I just used the practice that was long established
10 and never previously challenged by any level of government or
11 any other police service.

12 **MR. SUJIT CHOUDHRY:** And, Mr. Sloly, do you wish
13 that these concerns about procedure had been raised with you at
14 the time so you could have responded to them?

15 **MR. PETER SLOLY:** That would have been the fair
16 thing to do, yes.

17 **MR. SUJIT CHOUDHRY:** Thank you, Mr. Sloly.

18 **COMMISSIONER ROULEAU:** Thank you. The next if I
19 can call on the CCLA?

20 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

21 **MS. CARA ZWIBEL:** Good afternoon, Mr. Sloly. I'm
22 joining you via Zoom. Can you hear and see me?

23 **MR. PETER SLOLY:** Good afternoon. I can see you,
24 yes.

25 **MS. CARA ZWIBEL:** Okay. Thank you. My name's
26 Cara Zwibel. I'm a lawyer for the Canadian Civil Liberties
27 Association. And I have a few questions for you, and I think --
28 I apologize because I know you're having to go back and forth in

1 time here, but I think we might actually talk about some of the
2 other sort of tripartite type meetings that you were just
3 mentioning, some of the ones that you had participated in.

4 So I'm going to be asking you about a few
5 meetings that involved Commissioners Lucki and Carrique, as well
6 as the Head of CSIS, Mr. Vigneault, as well as Deputy Minister
7 Rob Stewart and Jody Thomas, who I believe was the National
8 Security and Intelligence Advisor to the Prime Minister.

9 Before we do that though, I just -- we're going
10 to do that by looking at some other legal counsel's notes, the
11 notes that we've looked at a number of times.

12 But before we go there, I just wanted to get at
13 some of your notes and ask you a few questions.

14 And this is document OPS00014484, and we would be
15 starting at page 20, please.

16 These are, I think, notes you said you sometimes
17 send yourself an email or make notes through Outlook or your
18 email program about things that are going on.

19 So on page 20, this is a call, sort of reporting
20 on a call, I'm not sure whether it was a call you made to Yasir
21 Naqvi or a call that he made to you. Do you recall?

22 **MR. PETER SLOLY:** I remember it was a phone call.
23 I forget who contacted who.

24 **MS. CARA ZWIBEL:** Okay. So this is January 31st,
25 so I guess the -- so the Monday or -- Monday, yes.

26 **MR. PETER SLOLY:** Monday, yes.

27 **MS. CARA ZWIBEL:** The Monday, okay. And he was
28 contacting you because he's an MP in the Ottawa area?

1 **MR. PETER SLOLY:** Yes, ma'am.

2 **MS. CARA ZWIBEL:** Okay. And he also was asking
3 how he could help?

4 **MR. PETER SLOLY:** Yes. I mean, I think he was
5 both a situation update and "what can we do to help you, Peter?"

6 **MS. CARA ZWIBEL:** Okay. And do you know, was he
7 going to engage with his network within the Federal Government
8 to see what he could do? Was this the sort of first outreach
9 from someone within the Federal Government?

10 **MR. PETER SLOLY:** Other than my communications
11 with Commissioner Lucki, I think this was the first time I had
12 spoken with anybody else.

13 **MS. CARA ZWIBEL:** Okay. So the sort of the first
14 political person, let's say, within the Federal Government?

15 **MR. PETER SLOLY:** Yes.

16 **MS. CARA ZWIBEL:** Okay, great. Thank you.

17 And if we can just scroll down, I think it's the
18 next page. Thank you.

19 This is a call from the Deputy Solicitor General
20 of Ontario, Mr. di Tommaso?

21 **MR. PETER SLOLY:** Yes.

22 **MS. CARA ZWIBEL:** And this is from February 2nd.

23 And if you could just scroll down a little bit.

24 So he asked you if there was any interference of
25 hospital or medical staff from the demonstration, and you
26 advised yes. You asked if you were getting -- he asked if you
27 were getting help from the OPP, and you advised yes, and that
28 you were also getting support from the local Crown office. And

1 you also told him that other than the OPP Commissioner, he was
2 the first provincial official to call you regarding the
3 demonstration.

4 Do you recall how or if he responded to that
5 statement?

6 **MR. PETER SLOLY:** He did respond, and he asked if
7 I would like to have a call with then Solicitor General Jones,
8 and ---

9 **MS. CARA ZWIBEL:** Okay.

10 **MR. PETER SLOLY:** --- I said yes.

11 **MS. CARA ZWIBEL:** Okay. And did that call
12 happen?

13 **MR. PETER SLOLY:** It did. I think it was
14 scheduled for later on on the same day somewhere ---

15 **MS. CARA ZWIBEL:** Okay.

16 **MR. PETER SLOLY:** --- in the evening hours, I
17 believe.

18 **MS. CARA ZWIBEL:** And -- I mean, were you making
19 that statement because you were surprised that by this point, I
20 guess February 2nd, we're at the Wednesday or -- Wednesday?
21 Wednesday?

22 **MR. PETER SLOLY:** The Wednesday.

23 **MS. CARA ZWIBEL:** That by that point were you
24 surprised you hadn't heard from someone at the provincial level
25 yet?

26 **MR. PETER SLOLY:** Yes.

27 **MS. CARA ZWIBEL:** Okay. Do you recall where
28 things went with Minister Jones when you -- with the Solicitor

1 General when you did eventually speak to her?

2 **MR. PETER SLOLY:** There's probably notes around
3 that, but I think the sum total of the call was that she had
4 received the information from Deputy Solicitor General Di
5 Tommaso, that is noted here. She had understood that I was
6 interested in a phone call with her. I provided for her a very
7 brief update on what had transpired locally. She quietly
8 listened to it and said thank you, and there was sort of a bit
9 of a pause. I asked if she wanted to get a deeper briefing if
10 she felt there might be any need to engage other ministers or
11 even the Office of the Premier. I can't remember what her exact
12 response was, but essentially, you know, she would consider that
13 on her own undertaking ---

14 **MS. CARA ZWIBEL:** Okay.

15 **MR. PETER SLOLY:** --- and that was the substance
16 of the call.

17 **MS. CARA ZWIBEL:** Okay. Thank you. Thank you
18 very much. Okay.

19 And now, if we can take a look at that other
20 document I mentioned. So this is OPS00014454, and we're going
21 to start at page 35.

22 So these are, once again, Ms. Huneault's notes.

23 **MR. PETER SLOLY:** Sorry, I -- just -- I apologise
24 for interrupting.

25 **MS. CARA ZWIBEL:** No, go ahead.

26 **MR. PETER SLOLY:** In my update to Minister Jones,
27 I did reference that I felt at this point, February 2nd, that
28 this was going to have a significant impact across the province.

1 While I didn't have specific locations, I don't even think at
2 this point the planned protest to Queen's Park had been
3 announced or I wasn't aware of it at this point, certainly, the
4 Windsor and Sarnia events were not known at all at this point,
5 but it was clear to me that this was going to have a larger
6 provincial impact, and so it was actually more of a suggestion
7 than a passive voice that the Premier be briefed to some degree
8 and that other ministers be prepared to engage beyond the
9 Solicitor General.

10 **MS. CARA ZWIBEL:** Okay. And did Solicitor Jones
11 -- Solicitor General Jones, at any point I guess between when
12 this conversation took place and your last day in office on the
13 15th, did that briefing to the Premier or other provincial
14 ministers ever happen?

15 **MR. PETER SLOLY:** To my knowledge, I don't know.

16 **MS. CARA ZWIBEL:** Okay. But you didn't provide a
17 briefing. I mean, you weren't asked to arrange one?

18 **MR. PETER SLOLY:** No.

19 **MS. CARA ZWIBEL:** Okay, thank you. Okay, so this
20 is, again, Ms. Huneault's notes, and this is looking at the
21 February 3rd meeting in the evening with Mr. Kanellakos,
22 Mr. Stewart, Kevin Maloney, Commissioner Lucki, David Vigneault
23 is at this meeting. I'm not sure what that middle name is,
24 Press, I don't know if you know. That's fine.

25 So I just want to...

26 If we can scroll down just a little bit.

27 So there is the Prime Minister's Office, you
28 know, wants to open a line of communication here. I'll give you

1 a moment to read right through this. I'm going to ask you about
2 a particular part.

3 There's a note:

4 "Understanding we've avoided the worst
5 but now dealing with illegal
6 protesters.

7 We are risking public confidence to
8 solve this problem.

9 [Government] want[s] to be helpful but
10 has limits.

11 What can we do? If we were going to
12 engage then who would we engage with?"

13 There's questions about by-law and the *Highway*
14 *Traffic Act* enforcement.

15 Can we scroll down a little bit more, please?

16 Yeah, keep going.

17 I know that -- so there's a bit -- something from
18 Mr. Kanellakos.

19 A little bit -- next page, please. Sorry. Okay.
20 And then -- sorry, can you scroll down just a little bit more?

21 So these are, I think, RS for First
22 Minister Stewart, and he's asking about enforcement and what
23 leverage do you have, and this is the note that your counsel has
24 written:

25 "If you want an assessment of risk of
26 this demonstration please frame the
27 questions properly so you can get the
28 info you need.

1 Don't appreciate you suggesting I
2 police differently based on colour."

3 And I think Mr. Stewart is saying that there's a
4 reference that a minister said this:

5 "Your observation is very insulting to
6 me."

7 And he's, I think, saying "I hear you." And then
8 you're providing him with a briefing about the risk assessment.

9 Do you recall this exchange and what this was
10 about?

11 **MR. PETER SLOLY:** Very much so.

12 **MS. CARA ZWIBEL:** Do you mind telling us about
13 it?

14 **MR. PETER SLOLY:** This was the first of the
15 tri-level meetings that I had attended. I had been advised
16 about their existence I think the day before from City
17 Manager Kanellakos. He suggested that I participate in them,
18 and I welcomed that invitation because it would allow me to be
19 able to speak to all three levels at the same time, and ideally,
20 to secure resources that we so desperately needed at that time.

21 So I attended the meeting with great expectation
22 and hope, quite frankly, that this would be a very productive
23 and constructive environment and one that would accelerate the
24 delivery of resources, not just police officers, but across the
25 board support to something that we desperately needed here in
26 Ottawa, and I think increasingly, the province and the country
27 were dealing with. Coutts, Alberta was active, other locations
28 across the country were active. I think by this time we knew

1 there was something going to be happening in Queen's Park on the
2 weekend. So I was looking forward to this.

3 The section on the page above that you rolled --
4 you scrolled through was largely, I'll describe it as a
5 monologue that Deputy Minister Stewart was providing to the
6 group on the call. I wasn't familiar with most of the people on
7 the call, so I was just quietly listening and sort of waiting
8 for it to become more of a discussion.

9 But there was a comment near the end of that that
10 isn't captured by my general counsel, but it's what I reference
11 on this page here. And this is not an exact quote because I
12 don't have -- so I'm going off of memory and it's not captured
13 in these notes. But essentially the comment was "The Ottawa
14 Police Service seems to be wanting to help a group of extremists
15 and white supremacists to take over Ottawa, Wellington Street."
16 It is that comment that I took great offense to.

17 **MS. CARA ZWIBEL:** Okay. And was -- this was a
18 comment made in the meeting, or was it reflecting something that
19 had been said by a Minister elsewhere? It wasn't sort of clear
20 to me from the notes if ---

21 **MR. PETER SLOLY:** Well, so I took it as a comment
22 from Deputy Minister Stewart. I don't recall him clarifying as
23 that note in the corner says that this is something he heard a
24 Minister say, but it seems to be captured by general counsel
25 Huneault.

26 **MS. CARA ZWIBEL:** Okay. Okay. So would you
27 agree that, even at this point, we're at the 3rd of February
28 there, there is starting to -- you're starting to feel some

1 significant pressure from the government about the situation?

2 **MR. PETER SLOLY:** Well, I go well past pleasure.
3 That seems to be a condemnation statement, an allegation, and
4 that is why I said I found that suggestion that I, police, or
5 the Ottawa Police Service who I represent differently based on
6 colour, on race.

7 **MS. CARA ZWIBEL:** Was this a -- I know that in
8 your testimony on Friday you mentioned that there were a few
9 points where you felt that individuals both at the federal level
10 and the provincial level had made some public statements that
11 you felt undermined the public trust in the Ottawa Police. Is
12 this -- I know this wasn't a public statement, but is this the
13 type of comment that you're talking about?

14 **MR. PETER SLOLY:** Yes, not a public statement,
15 but in the room that had representatives, City Manager,
16 Ministers from across a variety of platforms at the federal
17 level. I don't believe the province was represented on this
18 call, but I don't know ---

19 **MS. CARA ZWIBEL:** I think you're right about
20 that.

21 **MR. PETER SLOLY:** --- I don't know everybody else
22 that was in the room, but these are policing partners, like,
23 Commissioner Lucki, National Security partners like David
24 Vigneault.

25 **MS. CARA ZWIBEL:** Right.

26 **MR. PETER SLOLY:** I found it very problematic and
27 very embarrassing.

28 **MS. CARA ZWIBEL:** Okay. Thank you. And can we

1 scroll down again to page 38, towards the end of the page. This
2 is the same meeting. And I think you've been talking -- there's
3 been some discussion about the possibility of negotiations. I
4 think Mr. Kanellakos said, you know, is it worth it to
5 negotiate. Mr. Stewart -- or, sorry, Mr. -- sorry, can we
6 scroll down to just the next page? So I think this was Mr.
7 Stewart saying, "I hear you say yes it's productive to
8 negotiate." And you say, "I need constructive conversation and
9 questions from all levels of government."

10 So in this meeting, am I right that you are --
11 you're communicating or trying to communicate to the federal
12 government representatives that, as you said before, all options
13 are on the table, the federal government, I think, Mr. Stewart
14 was interested in understanding what the group needed to feel
15 like to have a win. There's a statement I think earlier up that
16 was attributed to him. Is that sort of the nature of the
17 discussion that's happening here?

18 **MR. PETER SLOLY:** Yes. We got into a very
19 constructive dialogue at this point and that is the gist of it.

20 **MS. CARA ZWIBEL:** Okay. Thank you. And can we
21 just go down to the middle of page 40? This is where Mr.
22 Vigneault comes into the conversation. And I think that first
23 note is, "This is unprecedented." The word of the day or the
24 word of the Commission I would say. "The social media is
25 creating reactions." And then he talks about command structure.
26 So,

27 "- we need to break this down better.
28 We can look at foreign interference,

1 observe the people involved are nimble
2 (ex-cops)
3 - might be some things to be done to
4 expose their roles..."

5 I'm not sure what the thing in brackets refers to
6 but ---

7 **MR. PETER SLOLY:** CIOPS, psychological
8 operations.

9 **MS. CARA ZWIBEL:** Okay. And then
10 "Notion of engagement - people below
11 the PM and Ministers that may better
12 understand the dynamics. Today press
13 conf[erence] - she is more organized!
14 They have lawyer."

15 So I'm not sure if you -- do you recall those
16 things being mentioned? Do you know what Mr. Vigneault's doing
17 there? Are these sort of the items he's taking back to look at?

18 **MR. PETER SLOLY:** Yes, this is my understanding,
19 and my recollection is that M. Vigneault was giving from a CSIS
20 perspective his assessment of unprecedented. He's -- in point
21 number one he's talking about the command structure of the
22 convoy's demonstrators at large. Again, I won't speak for Mr.
23 Vigneault, but I'm not suggesting there was a unified command,
24 but he's talking about elements of a command structure there.
25 He then goes into in point two to talk about how nimble they
26 are, including the fact that it involves ex police officers. I
27 forget if he talked about ex military or national security, but
28 he certainly referenced officers. CIOPS is a term that I knew

1 from my time in peacekeeping in Kosovo. And in point three,
2 engaging and educating, my word educating, his word engaging
3 Prime Minister and Ministers to better understand the dynamics
4 of what's actually taking place here. And he used the example
5 of the press conference, I believe that day, to give an example
6 of the level of ability and capacity to use social media, use
7 mainstream media for leadership that seems if not unified,
8 cohesive, as examples of capability around his original term
9 this is unprecedented. We haven't seen this before.

10 **MS. CARA ZWIBEL:** Right.

11 **MR. PETER SLOLY:** And I would suggest of all the
12 moments in this meeting and one of the most significant moments
13 for me in my entire time in these events was hearing the head of
14 CSIS describe what I had at that point begun to realize. This
15 was a national security level event that nobody had seen coming,
16 nobody fully understood, and was rapidly still evolving, not
17 just here in Ottawa, but across the country. And I hoped that
18 was a really big alarm bell for the people on this call, more so
19 than the one that I had been trying to ring loud and clear here
20 in Ottawa as a Police Chief of the Ottawa Police Service.

21 **MS. CARA ZWIBEL:** Okay. And so am I right that -
22 --

23 **COMMISSIONER ROULEAU:** Ms. Zwibel, just to remind
24 you, you're over your time.

25 **MS. CARA ZWIBEL:** Okay.

26 **COMMISSIONER ROULEAU:** So ---

27 **MS. CARA ZWIBEL:** Already over my time. Okay.
28 Can I just pose maybe one or two more very brief questions,

1 Commissioner?

2 **COMMISSIONER ROULEAU:** As long as they're quick
3 and sharp.

4 **MS. CARA ZWIBEL:** All right. I will do my best.
5 Can I just ask about Mr. Vigneault? Is it accurate to say that
6 at this stage he hadn't formed any opinion or hadn't made an
7 assessment about whether this was, you know, a foreign
8 influenced action, or that these were things that he was going
9 to explore but there was no assessment at this stage?

10 **MR. PETER SLOLY:** I don't believe there was. I
11 do remember either on this call or a subsequent call, he touched
12 on the level of foreign involvement, and it was, I believe,
13 minimal, if anything.

14 **MS. CARA ZWIBEL:** Okay.

15 **MR. PETER SLOLY:** I can't recall if it was on
16 this call or not.

17 **MS. CARA ZWIBEL:** Okay. Thank you. And can we
18 just briefly go to the bottom of page 92, and this will be my
19 last point.

20 This is another one of these meetings, I believe.
21 This is the one on February 6th with Mr. Vigneault and Mr.
22 Stewart are in this meeting again, as is Mr. Di Tommaso. And if
23 we go to the bottom of page 92 -- yeah. So Mario, I think
24 that's Mr. Di Tommaso,

25 "No appetite to engage and think
26 fed[eral government] needs to step up
27 and engage."

28 And then if you can scroll down? And then I

1 think this is Ms. Thomas saying, you know, if this --

2 "If not Ottawa, would prov[ince] be
3 looking [at] fed[eral government]"

4 And he replies,

5 "Yes, this is a trucker protest
6 [because] of mandates [at] the border
7 that Fed[eral Government] put in
8 place."

9 Do you recall this exchange?

10 **MR. PETER SLOLY:** I don't have an independent
11 recollection, but it seems to be well noted here.

12 **MS. CARA ZWIBEL:** Okay. Did you -- was that your
13 overall sense that Mr. Di Tommaso was communicating to you that
14 the provincial government had no appetite to engage in sort of
15 the negotiations that were being discussed?

16 **MR. PETER SLOLY:** Again, with great reluctance, I
17 don't want to presume intention on anybody. It's been used
18 against me too much. I can only give my observations. It was
19 several days into it before there was any outreach from the
20 provincial government to me directly. The first two meetings
21 that I was on, on the trilevel meetings, I don't believe there
22 was any provincial representation. The next two I believe there
23 were. Those are my -- those are the only facts I can tell you.
24 I won't try to put intention into anybody's comments.

25 **MS. CARA ZWIBEL:** Thank you. Thank you very much
26 for answering those questions and thank you, Mr. Commissioner,
27 for the indulgence.

28 **COMMISSIONER ROULEAU:** Okay. Next is the

1 National Police Federation, but before we turn to them, this
2 might be a good time for the morning break. I don't mean to --
3 or, I'm sorry, the afternoon. I'm just having -- it's so
4 exciting that I want to hear more.

5 Thank you for the correction. I will take the
6 afternoon break for 15 minutes.

7 **THE REGISTRAR:** The Commission is in recess for
8 15 minutes. La commission est levée pour 15 minutes.

9 --- Upon recessing at 4:05 p.m.

10 --- Upon resuming at 4:22 p.m.

11 **THE REGISTRAR:** The Commission is reconvened. La
12 commission reprend.

13 **--- MR. PETER SLOLY, Resumed:**

14 **COMMISSIONER ROULEAU:** Okay, where -- are you
15 ready?

16 **MS. NINI JONES:** I am. Can ---

17 **COMMISSIONER ROULEAU:** Okay.

18 **--- CROSS-EXAMINATION BY MS. NINI JONES:**

19 **MS. NINI JONES:** Hello, Mr. Sloly. My name is
20 Nini Jones, and I'm counsel to the National Police Federation.
21 Can you see and hear me okay?

22 **MR. PETER SLOLY:** Yes, I can. Thank you.

23 **MS. NINI JONES:** Thank you.

24 The National Police Federation is the union or
25 RCMP members, and one of the good things about going late in the
26 day is that most of my questions have been asked and answered
27 already. So I'm going to be very brief with you and focus in on
28 an area that we haven't touched on, I don't think, over the

1 course of the day.

2 So you've had lots of questions today about the
3 resources available to the Ottawa Police, including from the
4 RCMP as well as the OPP and other large police services in
5 Ontario. But no-one's asked you about the Parliamentary
6 Protective Services, or the PPS. Are you familiar with them?

7 **MR. PETER SLOLY:** Yes, I am.

8 **MS. NINI JONES:** Okay. And you know that they're
9 a few hundred security officers based out of Parliament Hill?

10 **MR. PETER SLOLY:** Yes, I do.

11 **MS. NINI JONES:** In the main, I mean; other
12 Parliamentary -- other elements of the Parliamentary precinct.

13 And the Ottawa Police Service didn't look to them
14 for assistance in responding to the convoy; correct?

15 **MR. PETER SLOLY:** I'm sorry; did or didn't? I
16 didn't hear you.

17 **MS. NINI JONES:** Did not.

18 **MR. PETER SLOLY:** Well, they were part of our
19 Intersect Planning Team, and have been for years, so in that
20 sense, yes, they would have been able to support information
21 gathering, intelligence, potentially logistics. So I have no
22 information to suggest that they weren't involved; maybe not as
23 involved as other entities like the RCMP, but I have no
24 indication to say that they were not involved.

25 **MS. NINI JONES:** Okay. You know that their
26 security officers are not peace officers?

27 **MR. PETER SLOLY:** That's correct.

28 **MS. NINI JONES:** And you know they're not a law

1 enforcement agency?

2 **MR. PETER SLOLY:** That's correct.

3 **MS. NINI JONES:** And so in fact if a criminal
4 offence occurs on Parliament Hill, they actually call the Ottawa
5 Police Service, right?

6 **MR. PETER SLOLY:** That's correct.

7 **MS. NINI JONES:** And so during the convoy, just
8 to sort of circle that back, PPS officers weren't a resource to
9 support -- in terms of what I think some of my friends have said
10 earlier, in terms of the boots on the ground to support OPS in
11 its physical response to the convoy.

12 **MR. PETER SLOLY:** No, actually I wouldn't say
13 that.

14 **MS. NINI JONES:** Okay.

15 **MR. PETER SLOLY:** While they certainly are not
16 imbued with full police powers, they have some force protection
17 capability. They would be able to provide, at a minimum,
18 situational awareness updates from the ground as to what's
19 taking place. All of that would ---

20 **MS. NINI JONES:** At Parliament Hill.

21 **MR. PETER SLOLY:** At Parliament Hill. Their line
22 of sight would have taken them well beyond Parliament Hill.

23 **MS. NINI JONES:** M'hm.

24 **MR. PETER SLOLY:** They would have had
25 interactions with protesters and other people, and those could
26 have produced information that could have been valuable; it
27 could have been shared in real time or in briefing notes at the
28 end of the day, in briefing cycles.

1 So, again, I'm not saying that in any -- these
2 aren't items that I know took place, but to suggest that they
3 would have had no physical benefit to the entire theatre of
4 operations, I don't think is correct.

5 **MS. NINI JONES:** Okay. Well, just to go back to
6 some of the evidence that we've heard, you know, it's clear
7 Ottawa Police Service was looking for additional bodies or boots
8 on the ground to respond to the convoy.

9 **MR. PETER SLOLY:** Yes.

10 **MS. NINI JONES:** And you'll agree with me that
11 the PPS did not provide that, in terms of boots on the ground to
12 response to the convoy, in terms of those policing
13 responsibilities on Wellington and beyond.

14 **MR. PETER SLOLY:** Again, all I can say is that I
15 never made a specific request; I wasn't asked to make a request
16 and I never made a specific request for PPS members to be
17 participating in it. I can't rule out whether or not any PPS
18 members would have had the skillsets, the knowledge, skills, and
19 abilities that we listed in our 1,790-odd requirements. There
20 potentially could have been a member of the PPS that had a
21 background in investigations and crime analysis who could have -
22 - who had a background in some form of skill that could have
23 helped with mass arrests and processing of prisoners. So I just
24 can't rule it out.

25 **MS. NINI JONES:** Right.

26 **MR. PETER SLOLY:** I don't have an explicit note
27 that we made an explicit request to them.

28 **MS. NINI JONES:** Okay. And in fact, would you

1 agree with me that as police of jurisdiction, OPS had to
2 actually account for providing policing assistance or support to
3 the PPS on Parliament Hill?

4 **MR. PETER SLOLY:** That would have been a risk
5 area that we would have had to assess, but, again, I would
6 suggest that that -- by the virtue of the PPS and their
7 capabilities, that would be -- there was some capability there
8 for us to lean on, as opposed to a condominium building next to
9 the red zone that didn't have any security, that probably would
10 have required more direct and urgent help should something go
11 wrong there.

12 **MS. NINI JONES:** I think it's fair to say that we
13 can agree that some security is better than no security, that's
14 fair. But to be clear, if there was an unlawful event, if the
15 convoy, protest overtook Parliament Hill, for example, if there
16 was some sort of unlawful event on Parliament Hill, you'd agree
17 with me that that would fall to the OPS and the additional
18 resources it had gathered to respond to, in terms of criminal
19 conduct or the convoy actually making headway towards Parliament
20 Hill?

21 **MR. PETER SLOLY:** Yes. As police of
22 jurisdiction, we would have primary responsibility. I just,
23 again, note there were, I believe, three RCMP Public Order Unit
24 troops and two OPP Public Order Unit in its -- assigned into
25 that theater, not to the Ottawa Police Service, and any one of
26 those units could have also responded, not as police of
27 jurisdiction but could have responded in exigent circumstances
28 to support whatever was happening there.

1 **MS. NINI JONES:** And, in fact, just to sort of
2 close this circle, the fact that those POU Units had to be
3 placed inside the Parliamentary Protective Services areas was --
4 meant they couldn't be available to OPS outside of Parliament
5 Hill, right?

6 **MR. PETER SLOLY:** Fair point, yes.

7 **MS. NINI JONES:** Okay. Those are my questions.
8 Thank you so much for your time.

9 **MR. PETER SLOLY:** Thank you.

10 **MS. NINI JONES:** Thank you very much.

11 **COMMISSIONER ROULEAU:** Okay, thank you.

12 Next it's the Democracy Fund and JCCF.

13 (SHORT PAUSE)

14 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

15 **MR. ROB KITTREDGE:** Good afternoon, former Chief
16 Sloly. My name is Rob Kittredge, and I'm counsel to the Justice
17 Centre for Constitutional Freedoms in these hearings.

18 I think maybe we had all hoped that the towing
19 question was put to rest last week but it's starting to look
20 like a bit of an inquiry into a purported national towing
21 emergency, so I've got a few questions to ask on that subject,
22 about what -- your conversation with counsel for Canada earlier
23 today.

24 You indicated that you felt that there were two
25 main obstacles to clearing the Ottawa protest. First you needed
26 additional resources, meaning about 1,800 people, skilled police
27 officers and skilled associated people; and second, you needed
28 to secure heavy towing services. Is that a fair

1 characterization of your testimony?

2 **MR. PETER SLOLY:** From a resource standpoint
3 that's what I was needing; I was needing a lot more beyond
4 resources to have a safe, successful outcome that was
5 envisioned.

6 **MR. ROB KITTREDGE:** All right. If -- so maybe on
7 that note, I'll skip the next two questions and jump to
8 something a little more certain.

9 In your conversation with counsel for Canada you
10 said that while you may have had some concerns about their
11 willingness to participate in clearing the protest, tow trucks
12 were there. When you say that tow trucks were there, you're
13 talking about the City's standing order towing contractors,
14 weren't you?

15 **MR. PETER SLOLY:** So my understanding was we had
16 somewhere between three to five two trucks available to us on
17 the first weekend. And those numbers did not increase, to my
18 knowledge, until my last day in office.

19 **MR. ROB KITTREDGE:** Right. So those would be the
20 towing contractors that you typically deal with when you have
21 towing to do on any given day.

22 **MR. PETER SLOLY:** City-owned vehicles and/or tow
23 contracts. But, again, I'm not certain about the tow contract
24 part of things, ---

25 **MR. ROB KITTREDGE:** Right.

26 **MR. PETER SLOLY:** --- just the number of
27 vehicles.

28 **MR. ROB KITTREDGE:** All right. You weren't

1 directly involved in the procurement of towing services for the
2 eventual police operation that cleared the protest, were you?

3 **MR. PETER SLOLY:** No, sir.

4 **MR. ROB KITTREDGE:** And in fact, that procurement
5 was handled by the OPP and not the OPS; isn't that true?

6 **MR. PETER SLOLY:** I don't know who handled it,
7 sir.

8 **MR. ROB KITTREDGE:** Right. But you don't have
9 any direct knowledge related to the out of town towing services
10 procured by the OPP at all, do you?

11 **MR. PETER SLOLY:** No.

12 **MR. ROB KITTREDGE:** So you really don't know if
13 there was any reason to think that the tow trucks procured by
14 the OPP weren't, as you put it earlier to counsel for Canada,
15 "reliably and predictably engaged to provide towing services
16 during the police operation", do you?

17 **MR. PETER SLOLY:** Well, what I was talking about
18 to Canada counsel was the need for reliable predictability
19 around the resources necessary for any operational plan of the
20 scale that was being considered.

21 If your question is did I know whether this
22 contract was going to prove reliable and predictable, I had no
23 involvement in that contract.

24 **MR. ROB KITTREDGE:** Right. And the towing
25 providers that eventually participated in the police operation
26 had travelled long distances to Ottawa, and if the OPP was
27 confident that they were, in fact, ready, willing, and able to
28 participate in the towing operation, you have no reason to

1 disagree with their opinion, would you?

2 **MR. PETER SLOLY:** I had no involvement in it
3 whatsoever, so I can't comment on it whatsoever.

4 **MR. ROB KITTREDGE:** Right. But you'd have no
5 reason to disagree with their assessment?

6 **MR. PETER SLOLY:** Again, I had no involvement in
7 it, sir.

8 **MR. ROB KITTREDGE:** Okay. Fair enough.

9 And counsel for Canada also asked you about
10 national security issues relating to the protests. I take it
11 that you agree with the evidence from all OPP and OPS officers
12 who have testified on the subject so far that there was no
13 credible intelligence or evidence indicating a threat to the
14 security of Canada as that term is defined in section 2 of the
15 *CSIS Act*, do you?

16 **MR. PETER SLOLY:** I am unfamiliar with section 2
17 of the *CSIS Act*, and I've heard some testimony. From where I
18 stood, this was a national crisis.

19 **MR. ROB KITTREDGE:** Right. But did you have any
20 credible intelligence or evidence of espionage or sabotage
21 against Canada or -- that which is detrimental to the interests
22 of Canada or activities directed toward or in support of such
23 espionage or sabotage?

24 **MR. PETER SLOLY:** No, sir.

25 **MR. ROB KITTREDGE:** Did you have any credible
26 intelligence or evidence of foreign influenced activities within
27 or relating to Canada that were detrimental to the interests of
28 Canada and were clandestine or deceptive or involved a threat to

1 any person?

2 If you'd like me to read that again, I'm happy to
3 do it.

4 **MR. PETER SLOLY:** From where I sat in Ottawa and
5 the information available to me, there were significant elements
6 of foreign funding. There were briefings that people might be
7 coming north of the border to join in some of the protest
8 activities. I can't rule out, as police chief here, that there
9 were not some elements of other nation involvement in one way or
10 the other. Whether it rose to the level as you're describing
11 under section 2, I don't have the ability to say that, sir.

12 **MR. ROB KITTREDGE:** Right. So you had -- you're
13 saying that you had credible intelligence or evidence of such a
14 threat?

15 **MR. PETER SLOLY:** I had information available to
16 me that suggested there were activities taking place beyond our
17 borders.

18 **MR. ROB KITTREDGE:** That were activities taking
19 place beyond Canada's borders. So I mean, I guess, can you just
20 ---

21 **MR. PETER SLOLY:** I didn't test it with any great
22 measure. Again, the level that you're describing in section 2 -
23 --

24 **MR. ROB KITTREDGE:** Right.

25 **MR. PETER SLOLY:** --- was just the vast funnel of
26 information that was coming to me, and there was different calls
27 where questions were being asked or information was being
28 provided about whether or not convoys were joining from United

1 States into Canada, whether or not the convoys here were
2 impacting other countries, whether or not money was flowing into
3 any of the different funding projects from foreign sources. So
4 I'm just telling you the sum total of all the information that I
5 was aware of, some of it related to activities outside of our
6 borders.

7 **MR. ROB KITTREDGE:** Right, but would it be fair
8 to describe that as you had information or a suspicion that
9 there might be participants in the protest coming from outside
10 of Canada and that some amount of funding might have been
11 directed, you know, donations to the GoSendMe account or
12 GoFundMe account or whatever ---

13 **MR. PETER SLOLY:** That's the balance of the
14 information ---

15 **MR. ROB KITTREDGE:** --- from outside of Canada?

16 **MR. PETER SLOLY:** --- that I had, yes.

17 **MR. ROB KITTREDGE:** So that would be the sort of
18 -- that's what you're talking about when you're talking about
19 foreign influenced activities?

20 **MR. PETER SLOLY:** Yes, sir.

21 **MR. ROB KITTREDGE:** All right. And there was
22 nothing mentioned in the Hendon Report about a credible threat
23 on that?

24 **MR. PETER SLOLY:** I don't have a complete memory
25 of the Hendon Report, so I wouldn't be able to say for certain.

26 **MR. ROB KITTREDGE:** But you don't think, as a
27 matter of recollection, that that's the source of your
28 information?

1 **MR. PETER SLOLY:** There were some 20-odd, 24, 30
2 Hendon Reports. I can't tell you whether or not it was ever
3 mentioned within the Hendon Reports. It's a question probably
4 better placed to the OPP.

5 **MR. ROB KITTREDGE:** Sure. With regard to your
6 own recollection on this subject, can you remember what the
7 source of the information that you're talking about was?

8 **MR. PETER SLOLY:** There was a discussion at one
9 point on the tri-party level where I believe CSIS Director
10 Vigneault referenced his discussions with CBSA and other
11 entities around whether or not convoys were coming north, people
12 were crossing the border. He made some reference to
13 international funding, as an example.

14 **MR. ROB KITTREDGE:** That would be funding in the
15 level of donations to the GoFundMe account having ---

16 **MR. PETER SLOLY:** I couldn't tell you how he
17 broke down the funding comment, but that's my recollection, sir.

18 **MR. ROB KITTREDGE:** All right. Well then, I'll
19 move on to the last two items here and I'll be finished with you
20 for the day.

21 So did you have credible intelligence or evidence
22 of activities within or relating to Canada directed toward or in
23 support of the threat or use of acts of serious violence against
24 persons or property for the purpose of achieving a political,
25 religious, or ideological objective within Canada?

26 **MR. PETER SLOLY:** There was a wide array of
27 social media posting. I don't know to what extent they were all
28 identified, validated, and in one way or the other, cancelled as

1 a threat, but I was aware of a wide variety of open source
2 social media that made a wide range of threatening type
3 behaviour that might touch on one or more of the points that you
4 raise, sir.

5 **MR. ROB KITTREDGE:** And do you consider any
6 social media posts to be a credible threat?

7 **MR. PETER SLOLY:** On its own, no. It has to be
8 validated and corroborated by other information.

9 **MR. ROB KITTREDGE:** But you aren't aware of any
10 social media post that was validated and corroborated?

11 **MR. PETER SLOLY:** Not to my awareness, sir, no.

12 **MR. ROB KITTREDGE:** Okay, thank you.

13 And was there any credible intelligence or
14 evidence of activities directed towards undermining by covert,
15 unlawful acts or directed toward or intended ultimately to lead
16 to the destruction or overthrow by violence of the
17 constitutionally established system of government in Canada?

18 **MR. PETER SLOLY:** No, sir.

19 **MR. ROB KITTREDGE:** All right. Well, thank you
20 very much, and my sympathies and my -- I'm very impressed with
21 your sheer endurance here and on Friday.

22 **MR. PETER SLOLY:** Thank you so much.

23 **MR. ROB KITTREDGE:** Thank you very much.

24 **COMMISSIONER ROULEAU:** Thank you.

25 Next, if I could call on the Province of Alberta?

26 **--- CROSS-EXAMINATION BY MS. MANDY ENGLAND:**

27 **MS. MANDY ENGLAND:** Thank you very much.

28 I have just a few brief questions this afternoon

1 aimed at possibly clarifying just one aspect of the timeline.

2 Mr. Clerk, if you could please pull up Document
3 SSM.NSC.CAN.00002052_REL?

4 Thank you very much.

5 And so Mr. Sloly, you'll recall my friend Mr.
6 Choudhry for CCF took you to this document earlier. It's
7 minutes that somebody recorded of a February the 8th tripartite
8 meeting that you had been on?

9 **MR. PETER SLOLY:** Yes.

10 **MS. MANDY ENGLAND:** And in that discussion, you
11 had mentioned that it was your recollection that you had had a
12 subsequent call, you believed it was the weekend of February
13 12th or 13th, with Ministers Blair and Mendicino, in which
14 Minister Blair had asked you about two issues; first of all,
15 whether you had considered law enforcement, bylaw enforcement,
16 sorry; and the second issue on the status of towing efforts. Do
17 you recall that conversation?

18 **MR. PETER SLOLY:** Yes.

19 **MS. MANDY ENGLAND:** Could I just take you to page
20 3 of this document, please, about halfway down the page? And
21 I'll let you read this, Mr. Sloly, just starting at the part
22 that says, "BB", which is Minister Blair. Then there's a brief
23 response from the mayor, and then there's a paragraph indicating
24 your response to Minister Blair.

25 **MR. PETER SLOLY:** Well, thank you. This is
26 usually clarified, and that's why I was hoping to be able to
27 read the whole document the first time, but -- so this would be
28 the one and only time I did speak to the two -- well, I was on a

1 call with the two ministers, and it does relate to the
2 conversation that I had with Minister Blair.

3 Could I just read the document now though,
4 because it is refreshing my memory?

5 **MS. MANDY ENGLAND:** This is my only area of
6 questioning, and I have five minutes, so I'm content if the
7 Commissioner's content to give you the time to look at that.

8 **MR. PETER SLOLY:** Okay, thank you. Could someone
9 just scroll back up to the top of this and I'll just read
10 through it then?

11 Sorry, can you just go up a little bit further,
12 please? Okay. Thank you. Just -- yeah, even further then,
13 please?

14 And these were all notes from within the same
15 minute -- meeting?

16 **MS. MANDY ENGLAND:** Yes.

17 **MR. PETER SLOLY:** Okay. Please go further. Up
18 to the very top, please, sorry. I just need to know when I come
19 into this meeting, because I recall coming in partway.

20 Okay, keep going now, please. Stop there. Okay,
21 thank you.

22 Okay, next. Okay, thank you.

23 Keep going. Thank you. Keep going. Sorry, just
24 down a little bit.

25 Up a little bit more now, thank you. Just stop
26 there.

27 Okay, up to the top there, please, and keep
28 going. And stop there.

1 And down again.

2 Okay, I believe that's the end of it? Yes.

3 Thank you very much, Commissioner, for your
4 indulgence.

5 **MS. MANDY ENGLAND:** So Mr. Clerk, if we could
6 return to that portion on page 3, please, with the exchange with
7 Minister Blair and Mr. Sloly.

8 Would this, then, just for the transcript,
9 briefly. Minister Blair asks whether you'd look at traffic
10 laws, et cetera, and expands on that. And your response is,
11 "rest assured", you talk about a number of ticketing efforts:

12 "We are looking at insurance and
13 licensing.... We are looking to create
14 an IMPOUND ZONE, simply put, we can
15 create this zone, IMPOUND these
16 vehicles where they are, until we are
17 able to remove them with the trucks we
18 have, or get more trucks."

19 A very, very brief summary of what the exchange
20 is.

21 Would this be the exchange that you thought had
22 occurred perhaps on February 12th or 13th?

23 **MR. PETER SLOLY:** Yes, it is in fact.

24 **MS. MANDY ENGLAND:** Okay. Thank you very much.
25 I just wanted to clarify that. Those are my questions.

26 **MR. PETER SLOLY:** Thank you.

27 **COMMISSIONER ROULEAU:** Okay.

28 **MS. MANDY ENGLAND:** Thank you.

1 **COMMISSIONER ROULEAU:** The next is counsel for
2 Mr. Sloly.

3 **MR. TOM CURRY:** Thank you, Commissioner. For the
4 record, I am counsel to former Chief Sloly.

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

6 **MR. TOM CURRY:** I just have a few questions that
7 I'm going to ask you ---

8 **COMMISSIONER ROULEAU:** And you are?

9 **MR. TOM CURRY:** Tom Curry. Sorry. I left that
10 part out. Thank you, Commissioner.

11 **COMMISSIONER ROULEAU:** The voice would've given
12 an indication which counsel, but I think there are three, so it
13 ---

14 **MR. TOM CURRY:** Yes.

15 **COMMISSIONER ROULEAU:** --- doesn't say
16 everything.

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

18 Chief Sloly, a few things for you, please.
19 Chair Deans of the Police Services Board, has told the
20 Commissioner that when you became Chief of this Police Service
21 she described as the honeymoon period was very short. Do you
22 agree with her?

23 **MR. PETER SLOLY:** It was fair, yes.

24 **MR. TOM CURRY:** And counsel for the OPS has
25 raised a number of issues about trust and confidence among the
26 members Command staff, including some issues raised in notes
27 that he took you to, including a conversation that you had I
28 believe recorded with a meeting with Chair Deans, February 14th.

1 I wonder if I could just ask you to look at that to refresh your
2 recollection, please.

3 For the registrar, it's OPS14566, and it should
4 be found on I think page 3, or it's 1314 hours. So if that's
5 page 3 it's a -- could you try page 5. I think -- it's
6 1314 hours we should see in the margin. There it is. Thank
7 you. Thank you for that.

8 Do you recall this conversation, February 14th,
9 with the Chair?

10 **MR. PETER SLOLY:** Yes, I do, sir.

11 **MR. TOM CURRY:** And you can see...

12 If we just scroll down just a little bit, thank
13 you.

14 ...that the discussion between you and the Chair
15 concerned the invocation of the *Emergencies Act*?

16 **MR. PETER SLOLY:** Yes, sir.

17 **MR. TOM CURRY:** And the implications for, among
18 other things, enforcement through tow trucks that are described
19 there.

20 You were asked questions about the -- in the
21 middle of that bullet, about orders that might have been
22 disobeyed during the demonstration, and you described, I won't
23 repeat it, it's in the note. You -- what is recorded is that
24 you say that:

25 "The best and the worst of us have been
26 strained. This is why there has been
27 tense meetings and why some have not
28 demonstrated their best levels.

1 Like everyone, I have been at my best
2 and I have not been at my best."

3 You were asked some questions about this
4 previously. But just explain to the Commissioner in -- from
5 your perspective, as the Chief at the time, we can probably
6 understand the things that you did that were your best. What
7 were the things that you did that were not your best?

8 **MR. PETER SLOLY:** Oh, the range of meetings that
9 we had on a daily basis, I mean, I think we've -- there have
10 been some in my examination in-Chief where I started my date at,
11 you know, four o'clock in the morning and didn't end until
12 sometime after 10, 11 o'clock, and for me, I think I was 21 days
13 in and there were officers that worked longer than that, and
14 members that worked longer than that. It's just beyond the
15 human condition to be at your best and turn up as a leader in
16 every single moment and every single conversation, phone call,
17 text message, email, operating at the highest levels. And I've
18 been in three different professions and every one of them
19 required me to be a high-performance athlete, high-performance
20 police executive, and high-performance business executive. And
21 despite your best efforts, you just can't perform optimally in
22 every single occasion.

23 That's what I was trying to say here, not just on
24 my behalf, but on behalf of the people that worked for me at
25 every level and every part of the organisation. And in
26 fairness, that holds across all institutions and organisations.

27 **MR. TOM CURRY:** Did the fact that you came from
28 outside the Ottawa Police Service with the mandate that you told

1 the Commissioner have implications for the points that you made
2 in this conversation?

3 **MR. PETER SLOLY:** Absolutely. Chair Deans,
4 again, I think it's been well-documented, that the Board of the
5 day was seeking an outside Chief of Police, one that would
6 tackle a major change agenda. Almost all of the questions put
7 to me and all of the components of the negotiation for me to
8 sign a contract were around a change mandate. The introduction
9 of me by Chair Deans to the public in late August was all around
10 an outsider coming into change an organisation that was in
11 significant need of change and a change that was well-
12 established for years and was going to be a very large effort.

13 Almost every conversation, board meeting that I
14 was involved in during my entire tenure of Chief of Police had
15 some element of major change, culture change, administrative
16 change, HR change, operational change, change of the
17 relationship with our communities, particularly racialized and
18 marginalized communities.

19 So it couldn't have been emphasised more before I
20 took the job. It was continually emphasised literally every
21 time I had any interaction with the Board, and certainly was the
22 focus of the vast majority of my efforts as Chief of Police
23 internally with our members.

24 **MR. TOM CURRY:** Chair Deans told us that of
25 course you were the first Black police chief in this community.

26 **MR. PETER SLOLY:** That's a fact.

27 **MR. TOM CURRY:** And how many -- at the time that
28 you assumed that command in 2019, how many police services in

1 our country had Black police chiefs?

2 **MR. PETER SLOLY:** Only the Ottawa Police Service.

3 **MR. TOM CURRY:** She also discussed that, and has
4 discussed publicly and also in her evidence, in her view you had
5 faced issues of racism during your time as Chief of the OPS.

6 **MR. PETER SLOLY:** That's correct, sir.

7 **MR. TOM CURRY:** And did that impact your ability
8 to lead the Service?

9 **MR. PETER SLOLY:** Absolutely. I mean it's an
10 outflow of resistance to change on a variety of levels, some
11 indication of the depth of the change needed, and any personal
12 attack on the office holder of Chief of Police will be a
13 challenge to manage. But attack of that nature on the office of
14 the Chief of Police, I would suggest, is a very significant
15 indication of the depth of the challenges that were facing me
16 and the Board and the organization and the city.

17 **MR. TOM CURRY:** I want to ask you some questions,
18 please, about staffing. My friend from the Ottawa Police
19 Service asked you about the event commander and in particular
20 Superintendent Rheaume who was event commander, and when you
21 learned that that change had been made. Do you recall those
22 questions?

23 **MR. PETER SLOLY:** Yes, sir.

24 **MR. TOM CURRY:** I'm not going to turn it up but
25 for the record, OPS14537, Commissioner, at page 5 are the notes
26 that Superintendent Rheaume made indicating that he had been
27 removed from that role by Acting Deputy Chief Ferguson on
28 February 1st. Did you know about that at the time?

1 **MR. PETER SLOLY:** No sir, I did not.

2 **MR. TOM CURRY:** And within the Incident Command
3 structure who had the responsibility for making those decisions?

4 **MR. PETER SLOLY:** The Major Incident Commander.

5 **MR. TOM CURRY:** Who is?

6 **MR. PETER SLOLY:** Acting Deputy Chief Ferguson.

7 **MR. TOM CURRY:** In relation to the Incident
8 Command structure, the Commissioner has heard some evidence from
9 Commissioner Carrique about this. But what role is played by
10 the Chief of the Police Service?

11 **MR. PETER SLOLY:** Like all things, I'm
12 responsible for all operations and all administration of the
13 police service. It all rolls up to me. I delegate authority
14 down through several levels around functional responsibility.
15 Usually that is in the function of an organizational chart but
16 in this case it's the function of an Incident Command operation
17 in which case I delegate operational authority down through the
18 Major Incident Commanders, the Event Commander, Incident
19 Commander, and so on.

20 **MR. TOM CURRY:** Thank you. In answer to
21 questions from my friends at Commission counsel you spoke about
22 the numbers of vehicles that were in the city to support the
23 protest over the first weekend and that left on the first, I
24 believe, Sunday. So if you're with me, the end of the first
25 weekend where there was an expectation some vehicles were
26 leaving.

27 Could I ask you please to look with us at OPS-IR.
28 So his would be the Institutional Report, Mr. Registrar at page

1 13. I just want to have your assistance with something, please.

2 This is an institutional Report prepared by -- on
3 behalf of the Ottawa Police Service, I believe, by our friends
4 who are counsel to the OPS. So if you -- just look at the
5 paragraph and the text, please, Chief Sloyly.

6 "[And] in actuality, thousands of
7 vehicles descended on Ottawa for the
8 first three days [...]. The following
9 sets out an estimation of individual
10 protesters and vehicles present in the
11 downtown core..."

12 The date is imprecise and it refers to the fluid
13 nature of the circumstances. Do you see that?

14 **MR. PETER SLOLY:** Yes, sir.

15 **MR. TOM CURRY:** If you look at the column on the
16 date, 29 January, 30, 31, and then into February, you see the
17 numbers there according to the different geographic areas --
18 Parliament, Wellington/ Elgin/ Rideau/ Sussex, Other, and then
19 the vehicles.

20 You see that on February 1st, looking at the final
21 column, 676 is the estimate of vehicles on Feb. 1, and thousands
22 is the estimate on the three days previously. DO you see that?

23 **MR. PETER SLOLY:** Yes sir, I do.

24 **MR. TOM CURRY:** Does that accord with your
25 recollection and the information you had that vehicles left at
26 the end of the third -- a significant number of vehicles left at
27 the end of the weekend.

28 **MR. PETER SLOLY:** Yeah, and math was never my

1 strong suit. So someone will correct me but January 31st is
2 actually the Monday. So I would look at the Monday, not
3 February 1st. And if I'm looking at the total, the first two
4 columns that say "Parliament Wellington" are those protesters or
5 vehicles that I'm looking at?

6 **MR. TOM CURRY:** I believe those are protest
7 numbers, protester numbers.

8 **MR. PETER SLOLY:** Protestor numbers are down to
9 250 which if I just use the 5,000 to 6,000 number, that would be
10 five percent of 5,000. And I stand to be corrected by the math
11 teachers in the room.

12 **MR. TOM CURRY:** Right. And there is another --
13 Commissioner, we can deal with it later but there is another
14 document. I won't ask it be turned up but the RCMP has an
15 estimate of the number of trucks at PBNSSCAN1369.

16 I don't need that document, Mr. Registrar. Thank
17 you, but just for the record.

18 I want to ask you some questions if I can about
19 the plans and mission statement.

20 **MR. PETER SLOLY:** Yeah, and sorry, not to
21 interrupt you, sir, but again, there's been a lot of questions
22 about, "Well, what did you know? There's a large group coming
23 and some will stay behind." Five percent stayed behind as of
24 Monday. I don't have the number of trucks because it says
25 thousands. But I think the estimate of trucks was somewhere
26 between 3,000 to 5,000 and 676 would indicate around 10 percent
27 of the vehicles stayed behind. I think that falls more closely
28 to the bucket of "some" than "all"..

1 **MR. TOM CURRY:** Right. And of course the numbers
2 -- it continued to increase on the weekends as you have already
3 described.

4 **MR. PETER SLOLY:** Absolutely.

5 **MR. TOM CURRY:** I wanted to ask you then some
6 questions, please. About the plans and mission statements.

7 You were asked by my friends for the Commission
8 about a February 5th plan. Could I please ask you, Mr. Registrar
9 for your help -- OPS6941.

10 Do you recall those -- while that document is
11 coming up, do you recall those questions?

12 **MR. PETER SLOLY:** Yes, sir.

13 **MR. TOM CURRY:** I'm interested in two things in
14 this document, the mission statement first of all.

15 Thank you. It's just within the first few pages.

16 Keep going and I think -- if you go to page --
17 there it is. Thank you very much.

18 You'll see that the mission statement in this
19 plan was for:

20 "...the Ottawa Police Service in a
21 collaborative approach with other
22 police agencies, et cetera, provide a
23 safe and secure environment in the city
24 during the Freedom Convoy event. The
25 primary goal is to end the protest
26 peacefully, may be achieved through
27 proactive engagement by all officers
28 including police liaison teams,

1 facilitating communication, de-
2 escalation and negotiation.”

3 Do you see that?

4 **MR. PETER SLOLY:** I do, sir.

5 **MR. TOM CURRY:** And was the idea of negotiation
6 important to you?

7 **MR. PETER SLOLY:** Clearly it was by how much
8 space it took up in the mission statement.

9 **MR. TOM CURRY:** Now, could I -- that's fine with
10 that document, thank you, Mr. Registrar.

11 Can I ask you some questions please next about
12 resources?

13 **MR. PETER SLOLY:** M'hm.

14 **MR. TOM CURRY:** I want to first start with your
15 own resources, the management of the OPS resources. Can you
16 tell the Commissioner what steps were taken by your service in
17 cooperation with the Ottawa Police Association, to use the
18 resources it had available to maximum effect, to maintain the
19 safety and security of the city?

20 **MR. PETER SLOLY:** Thank you very much, sir.

21 As I was reaching our resources I had to ensure,
22 Commissioner, that we had utilized everything that we had
23 available in good faith. I couldn't ask for other police
24 services to go down in capacity when we hadn't exhausted
25 everything that we had.

26 To that effect, I think by the end of the first
27 weekend we had extended shift schedules, increased our overtime
28 pay. We then cancelled a COVID reserve platoon that we kept in

1 case a new wave of COVID wiped out a platoon, that we would be
2 able to bring another in and not have any gaps. So we cancelled
3 that and deployed those resources.

4 That would be the Monday Tuesday after the first
5 weekend.

6 Shortly around that time we got into negotiations
7 with the Ottawa Police Association. I don't want to exclude the
8 Ottawa Police Senior Officer Association because we probably
9 needed to extend our senior officers and senior managers as
10 well. That was assigned to CAO Blair Dunker to lead that. I
11 believe towards the end of the first weekend to the second week,
12 we achieved a successful negotiation with the OPA and that
13 allowed us to change the shift schedule timing significantly and
14 that brought additional hundreds of more officers into bare. We
15 had already notified that we'd be cancelling elective leave, and
16 I think at that point, we just cancelled everything.

17 Around that point of the -- I'd say the end of
18 the second weekend, I don't think we had anything in reserve,
19 and at that point, we were only giving officers time off
20 literally for health and safety reasons, and we've heard some
21 examples around that. We already had officers working in excess
22 of 2 weeks straight, 10, 12 hours a day, and it's been given in
23 evidence, I've given it, most of this is during the coldest snap
24 that Ottawa's had in over a decade, with average temperatures
25 daytime minus 25 to 30 and nighttime minus 35. There was a
26 frostbite warning for the majority of that.

27 So these were all the efforts, and there's
28 probably more that I can't recall off the top of my head, that

1 we put in place leading up to the request for that additional
2 1,790 odd officers.

3 **MR. TOM CURRY:** Thank you. My friend from the
4 Ottawa Police Service also asked you some questions about OPP
5 Superintendent Abrams, including questions, I believe, about the
6 memorandum or email that he sent to his chain of command. Just
7 tell the Commissioner, did Superintendent Abrams raise any
8 concerns with you about the nature of the estimate for resources
9 that had been provided?

10 **MR. PETER SLOLY:** No, he did not.

11 **MR. TOM CURRY:** Or did anyone on your team raise
12 any concern or question about that?

13 **MR. PETER SLOLY:** No.

14 **MR. TOM CURRY:** Now resource requests you've told
15 us were made both to your policing partners, both before and
16 during the convoy protest. Did you have direct contact with
17 Ministers and Deputy Ministers and police leaders throughout the
18 entire period of occupation concerning your need for resources?

19 **MR. PETER SLOLY:** Yes, sir.

20 **MR. TOM CURRY:** Now a couple of just questions to
21 fill in for the Commissioner. Who is the Deputy Minister of the
22 Solicitor General Mr. Di Tommaso?

23 **MR. PETER SLOLY:** I'm sorry, I don't ---

24 **MR. TOM CURRY:** Do -- did you know -- we saw the
25 Deputy Minister Solicitor General Ontario is Mr. Di Tommaso?

26 **MR. PETER SLOLY:** Yes, sir.

27 **MR. TOM CURRY:** Were you familiar with him?

28 **MR. PETER SLOLY:** Very. Very much so.

1 **MR. TOM CURRY:** And how do you know him?

2 **MR. PETER SLOLY:** He and I were colleagues
3 together in the Ottawa Police Service, worked together for
4 probably the better part of two decades.

5 **MR. TOM CURRY:** Just a sec, I'm going to stop
6 you. You said Ottawa Police.

7 **MR. PETER SLOLY:** Sorry, yeah, sorry, Toronto
8 Police Service. Thank you. We worked together for the better
9 part of two decades. Probably the closest time working together
10 was when he was promoted to Staff Superintendent. I was already
11 a Deputy Chief. So his promotion would probably have been
12 around 2012, 2013 and he reported directly to me. He was one of
13 two Staff Superintendents that reported directly to me. Ran an
14 area of responsibility of some seven, eight, nine business
15 units, mostly frontline operations.

16 **MR. TOM CURRY:** Right.

17 **MR. PETER SLOLY:** I also became very involved in
18 a significant incident in Mario's life, and I won't go into it
19 for public record, but it was a significant incident and one
20 that I was able to provide as much support as I could, beyond my
21 role as his supervisor, to him and his family during that
22 period, this extended period of time.

23 **MR. TOM CURRY:** And you were also asked questions
24 about Deputy Minister Rob Stewart, we've seen communications.
25 What about Mr. Stewart? Did you know him prior to the events of
26 the convoy?

27 **MR. PETER SLOLY:** No, sir.

28 **MR. TOM CURRY:** Now I want to ask you some

1 questions about an exchange that you were asked about again
2 concerning -- between the two Commissioners, Commissioner Lucki
3 and Commissioner Carrique. OPP4583, please, page 3 and 4.

4 Just -- thank you, if we could just stop there.
5 This -- you've seen this exchange, and correcting for the hour
6 of the day, Commissioner of the RCMP writes,

7 "Between you and I only, the
8 [Government of Canada] losing/lost
9 confidence in OPS..."

10 Now that's written on February 5th. Did you know
11 about this at the time?

12 **MR. PETER SLOLY:** No, I didn't, sir.

13 **MR. TOM CURRY:** Did you know what lay behind the
14 loss of confidence, if indeed that was accurate, that is
15 expressed here by the Commissioner of the RCMP to the
16 Commissioner of the OPP?

17 **MR. PETER SLOLY:** No, and when I take GOC, I take
18 that to mean Government of Canada, that the entire Government of
19 Canada, the entire Government of Canada had lost support or was
20 losing, lost support, confidence in the OPS. It's quite a
21 statement.

22 **MR. TOM CURRY:** Could you scroll down, Mr.
23 Registrar, please? Exchange continues with Commissioner
24 Carrique describing that he has -- looked like he had reached
25 out to you. We're going to assume that you're the Peter there.
26 For a call, are you free for a call. And then the Commissioner
27 of the RCMP writes, "No, still on the call with Ministers." And
28 then please scroll down. Trying to -- stop there, thank you.

1 "Trying to calm them down, but not easy
2 when they see cranes, structures,
3 horses, bouncing castles in downtown
4 Ottawa."

5 Just stopping there. To the extent that the
6 concern from the Government of Canada it's expressed at the
7 level of Ministers observing the circumstances on Wellington
8 Street, would that concern have been shared by you and every
9 other person affected in Ottawa?

10 **MR. PETER SLOLY:** Yes, sir.

11 **MR. TOM CURRY:** Now sticking with -- thank you
12 for that one. Sticking then please just with Commissioner
13 Carrique now for a moment, I want to show you OPP4586, and, Mr.
14 Registrar, it's page 5. I believe you spoke to counsel about
15 this. You exchanged messages with Commissioner Carrique by text
16 and email and other forms of communication, calls and so on. I
17 want to ask you about this one, February 6th; do you see that?

18 **MR. PETER SLOLY:** Yes, sir.

19 **MR. TOM CURRY:** This is to you from Commissioner
20 Carrique,

21 "[Good morning, Peter, or] GM Peter,
22 [good morning] - a beyond difficult day
23 yesterday. Here for you, if you
24 personally or OPS need anything this
25 morning before the 11 am meeting or in
26 general."

27 And then just scroll down. You describe back to
28 him you're,

1 "Getting a 10 am briefing then will
2 [let if -- let] know if any new
3 resource needs"

4 And you say thank you to him. And then he writes
5 back to you, and I believe -- I'm not going to take you to it,
6 but I believe the briefing to which this is a reference the
7 Commissioner will learn, it's a -- there's a briefing of the
8 larger group federal and provincial representatives including
9 the two Commissioners and so on. Commissioner Carrique writes
10 to you,

11 "Outstanding briefing this morning
12 Peter. Thanks for representing us all
13 so well. You've got this - and you
14 continue to have our unwavering
15 support."

16 Did you receive that message from the
17 Commissioner?

18 **MR. PETER SLOLY:** Yes ---

19 **MR. TOM CURRY:** In his discussions with you, did
20 Commissioner Carrique continue to support your command through
21 to the end of your term?

22 **MR. PETER SLOLY:** Yes, he did.

23 **MR. TOM CURRY:** And in your discussions with
24 Commissioner Lucki, did she convey the same thing, that she --
25 you had her support?

26 **MR. PETER SLOLY:** Not as explicitly and certainly
27 not as emphatically or regularly. There were, you know, clear
28 statements that she would consider resource requests and there

1 were efforts to fulfil those, but I found that I was getting a
2 lot of questions from Commissioner Lucki on things that I
3 thought we had cleared and kept coming back to them. Things
4 like did you sign off on the plan? Has the plan been signed off
5 on, going into the last -- my last weekend in office. Overall,
6 it was constructive, but there were elements that I found we
7 seemed to be just going around in circles on a little bit.

8 **MR. TOM CURRY:** Right. I think you touched on
9 this in the -- in your evidence and my friends from the
10 Commission about knowing what we -- what you now know, the
11 embedded convoy protesters, the challenges that it posed to the
12 Ottawa Police Service and the policing partners, just in terms
13 of the issue of resources, can you tell the Commissioner whether
14 knowing what you now know you would have approached the resource
15 request differently in order to accomplish your objectives?

16 **MR. PETER SLOLY:** Again, with the wonderful
17 benefit of hindsight and all of what's been presented, sir, and
18 disclosed, if I had arrived at an earlier understanding of the
19 level of the occupation, fortification that took place here and
20 the resulting impacts and events that took place across the
21 country, at any point that that became crystal clear, I think
22 the effort would have been around convening a very specific
23 meeting, probably with the big 12 agencies. I would have no
24 doubt either hosted or asked OPP Commissioner Carrique to host
25 it or asked OPP Commissioner Carrique to host it or Commissioner
26 of the RCMP if she felt other agencies from across the country
27 should have been involved. But essentially, I think we needed
28 to have the discussion around greater integration leading to a

1 unified command structure, as was where we ended up on the 13th
2 of February.

3 There would have been a joint assessment, as
4 there was on February 1st in Kanata, where we had multiple POU
5 commanders, experienced, credible commanders whiteboarding an
6 understanding of the scale of resources and very quickly coming
7 to an understanding that it was going to be of a scale that we
8 had never seen outside of a planned event in the range of 1,000
9 POU officers, and that within that same 72-hour period that I
10 asked for, a three option plan to come back, we would have had
11 an integrated, if not a unified effort across 12 agencies
12 nationally, 3 levels of policing putting the logistics and
13 planning in place to lift those officers into this jurisdiction
14 or any other jurisdiction that was facing a similar level of
15 threat.

16 That's probably the number one thing that I would
17 have initiated, and I suspect if I had this information,
18 Commissioner Carrique would have had this information,
19 Commissioner Lucki would have had this information, Interim
20 Chief (audio skip) would have had this information, and we would
21 have been blowing up each other's phones saying, "We need a call
22 and we need a plan and we need to pull this thing together on
23 behalf of Canadians."

24 **MR. TOM CURRY:** I'm going to ask you --just, you
25 raised an issue about planned events. Were you a member of the
26 Toronto Police Service at the time in 2010 of the G20 summit?

27 **MR. PETER SLOLY:** Yes, sir. I was a deputy
28 chief.

1 **MR. TOM CURRY:** And I understand from Justice
2 Morden's report that the Toronto Police Service had four months
3 to plan for the G20, approximately.

4 **MR. PETER SLOLY:** I recall five, but ---

5 **MR. TOM CURRY:** Call it five. Did you play a
6 role in the G20 -- or in the response to G20 by the Toronto
7 Police Service and other police services, either before or
8 after?

9 **MR. PETER SLOLY:** Yes, sir. I was asked by Chief
10 Blair to attend the initial briefing up in Muskoka. That was a
11 briefing done jointly, I believe, by OPP and RCMP on the status
12 of the G8-G20.

13 At that briefing, it feels like about an hour
14 into a two-hour briefing, the announcement was made, "We're
15 severing the G20 from Muskoka. It will go down to the City of
16 Toronto."

17 That's a memory that won't leave me very quickly,
18 because at that point, even without fully understanding the
19 implications of that statement, I knew that our colleagues there
20 had some four or five years of planning lead time and we were
21 going to be really behind where they were to take on the G20
22 aspect in the City of Toronto, and driving straight back down to
23 provide that information to the command team.

24 **MR. TOM CURRY:** Did that -- did your experience,
25 G20, Toronto Police Service, inform any part of your response to
26 the events that unfolded here in Ottawa?

27 **MR. PETER SLOLY:** Hugely, hugely.

28 **MR. TOM CURRY:** Now, then a couple of other

1 things then please. Navigator, you were asked by my friend
2 again from the OPS about Navigator. And I understand Navigator
3 is a best in class advisory firm dealing with communications
4 advice in crisis management?

5 **MR. PETER SLOLY:** Yes, sir.

6 **MR. TOM CURRY:** Have you been involved in a -- in
7 other complex crises other than the protest that we're dealing
8 with here?

9 **MR. PETER SLOLY:** All too many, sir.

10 **MR. TOM CURRY:** And have you made use of or other
11 police services, to your knowledge, made use of experts in
12 communications?

13 **MR. PETER SLOLY:** Yes, sir. Yes.

14 **MR. TOM CURRY:** Now, why in this case did the OPS
15 and the Board, the OPS Board, want the advice of communication
16 specialists of the calibre of a firm like Navigator?

17 **MR. PETER SLOLY:** I can't remember if I provided
18 it in statement or in evidence in-chief, but throughout my
19 tenure as chief, my performance evaluations by the HR committee
20 of the Board were always outstanding. The one area that they
21 wanted me to continue to try to push on was the Service's
22 capability for corporate communications broadly, crisis
23 communications specifically.

24 While I explained that was a function of a lack
25 of staffing and a lack of budget to fill staffing, our inability
26 to recruit that type of quality communications into the
27 organization, it was going to take far too long for us to build
28 that capability organically through HR processes, and if they

1 felt that we needed to make a leap, then we would have to
2 procure those services.

3 The Board was very much supportive of that,
4 particularly going into the long budget battle that was 2021,
5 and so I made a recommendation, I believe at a public Board
6 meeting that the Board consider a procurement for a firm of
7 Navigator's quality, and I was granted approval by the Board to
8 pursue that with the condition that they would support both the
9 Board and the Ottawa Police Service.

10 Through the procurement process, Navigator was
11 signed on. That was to help us with very high-risk, high-
12 profile, controversial joint-Board service initiative to address
13 workplace sexual harassment, workplace sexual violence and
14 harassment in the Ottawa Police Service, systemic misogyny, to
15 be clear.

16 And Navigator was contracted to come in to
17 support the Board and the Service around internal and external
18 communications.

19 When the convoy events arrived here, they
20 recommended to the Board that we continue the contract with
21 Navigator to support both the Board and the service around
22 communications and crisis communications.

23 **MR. TOM CURRY:** My friend again from the Ottawa
24 Police Service asked you -- showed you an invoice that actually
25 was delivered after you had left office, but had you remained as
26 chief of the Police Service, once this convoy event was over,
27 would you also have ended the mandate that was the procurement
28 for assisting in that respect?

1 **MR. PETER SLOLY:** No, until I had -- probably had
2 the conversation I would have had, Commissioner, was with --
3 through that unified command structure, to what extent would
4 Navigator support that unified command structure, and
5 particularly the communications component of it.

6 If there was no need for any further supports
7 from Navigator to the incident command, unified command, then I
8 would have ended Navigator's participation in that because they
9 did support communications efforts up until that point.

10 The next conversation I would have had was
11 commissioner to commissioner, Carrique and Lucki, to what extent
12 do the three of us believe that Navigator supports benefit us
13 going forward in that unified organization chart that you
14 showed, and if I had received significant negative feedback or a
15 significant decision position from both of them that we
16 discontinue, I would have taken that into serious consideration
17 and likely ended the contract totally at that point.

18 If I didn't and my two colleagues felt that it
19 was useful, I would have continued on the contract, but only to
20 support the strategic level, the command level of that unified
21 command.

22 **MR. TOM CURRY:** And just as to that -- I'm not
23 going to pull the document up -- but am I right that you shared
24 the fact that OPS and the OPS Board were using Navigator to
25 assist in communications with your federal agent -- federal
26 policing partner and other policing partners?

27 **MR. PETER SLOLY:** Yes, sir. Both Navigator and
28 ASI were referenced in my tri-level meetings where all three

1 levels of government were present, and in both occasions, I
2 offered their services to any of those levels or any of those
3 parties if they thought it would be helpful. I was completely
4 above board about the fact that we procured these services and I
5 was willing to share those resources should there be any value
6 in it by any of those partners.

7 **MR. TOM CURRY:** Just for the record, OPS -- I
8 don't need it, Mr. Registrar -- but OPS14454 at page 39 is one
9 such communication.

10 I think you told the Commissioner that Navigator
11 was in -- was working with your communications team at the OPS?

12 **MR. PETER SLOLY:** Significantly augmenting
13 vacancies that existed and capabilities that we simply did not
14 have.

15 **MR. TOM CURRY:** Now, I want to ask you then
16 please some questions about your February 2nd comment that there
17 may not be a policing solution to this protest.

18 You've explained that this was an aspect of the
19 event that you wish you'd done differently. I won't go back to
20 that part of it, but after the meeting of February 2nd, 2022,
21 you did clarify your comments in a number communications. I
22 want to just get you to identify them, please.

23 Mr. Registrar, OPB424, please? This should be an
24 email February 3rd, between you, Chief Sloly, and Chair Deans.

25 Just scroll down if we can. There.

26 If you see in the first paragraph:

27 "I encourage you as Board Chair and
28 other City officials to use your

1 influence to secure additional
2 resources for a safe, lawful end to the
3 demonstration. I once again accept
4 your full support to secure more
5 resources. This aligns with my
6 statement that there may not be a
7 police solution to this demonstration
8 despite the fact that we are doing
9 everything reasonable to resolve the
10 situation safely and lawfully."

11 And it carries on.

12 Did you send that to the Chair?

13 **MR. PETER SLOLY:** Yes, sir.

14 **MR. TOM CURRY:** Can I please ask you to look at
15 OPB981.

16 And Mr. Registrar, this time on page 2 of the
17 document, please.

18 Now, of course I... Ah, there it is. You see
19 the Radio-Canada reporter? "Earlier" -- the question is to you
20 -- these are notes of a press briefing:

21 "Earlier, you said there might not be a
22 policing solution...do you still have
23 that same opinion, regardless of what
24 is being said at the federal level?"

25 "We continue to do our..."

26 You wrote or said:

27 "We continue to do our very best and as
28 you know, this has gone far beyond

1 Ottawa.

2 ...I will continue..."

3 And you gave another answer.

4 This continued to be a discussion and you
5 continued to try to clarify and answer press questions and other
6 questions?

7 **MR. PETER SLOLY:** Absolutely, sir.

8 **MR. TOM CURRY:** Okay. And it carries on, but I'm
9 not -- I'm going to leave it at that, please.

10 You were asked questions today about documents,
11 rather, that showed the possibility of a interlocutor to assist
12 in negotiating a solution to this issue. Is that a policing
13 solution?

14 **MR. PETER SLOLY:** No, it would not be, sir.

15 **MR. TOM CURRY:** Right. I'm going to ask you some
16 questions about the PLT and your support for PLT. Could I
17 please ask you look at OPS14454.

18 And Mr. Registrar, this is page 49 of the
19 document, please, February the 4th.

20 These are notes of your -- and I believe your
21 general counsel.

22 And just scroll down, if you would, to page 3 of
23 the meeting notes, or it's page 3 of this meeting. One, two,
24 three, there we go. Just at the top then, thank you,
25 Mr. Registrar.

26 You see "PS", that's you?

27 **MR. PETER SLOLY:** Yes, sir.

28 **MR. TOM CURRY:** "Want a full..."

1 **MR. PETER SLOLY:** "Negotiation strategy."

2 **MR. TOM CURRY:** "...negotiation strategy", thank
3 you:

4 "It won't be perfect but build a PLT
5 part into it."

6 **MR. PETER SLOLY:** Yes, sir.

7 **MR. TOM CURRY:**

8 "We won't take this down at once, we
9 are working on a larger [negotiation]
10 strategy."

11 **MR. PETER SLOLY:** Yes, sir.

12 **MR. TOM CURRY:** Did you make that comment?

13 **MR. PETER SLOLY:** Yes, sir, not just in this
14 meeting, but many, many others.

15 **MR. TOM CURRY:** Did it express your intention and
16 attitude towards PLT and negotiation?

17 **MR. PETER SLOLY:** I think so, explicitly and
18 repeatedly.

19 **MR. TOM CURRY:** Could I ask you, please, to look
20 at OPS7999. And just for the record, that was February the 4th.

21 Could I go to February 7th, OPS7999, please,
22 Mr. Registrar?

23 Just -- this is an email message that you sent,
24 you see, to a number of people. I'm not going to get the ranks
25 right, but you can see that it's the Senior Command. It's
26 Superintendent, or perhaps at that time, Inspector Bernier ---

27 **MR. PETER SLOLY:** Actually, the "to" line is to
28 Sergeant Louis Carvalho, who is an outstanding frontline

1 supervisor, and was one of the two supervisors for the Ottawa
2 Police Service, PLT.

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

4 **MR. PETER SLOLY:** On the same line, I've put Mark
5 Patterson, who then was the Event Commander.

6 **MR. TOM CURRY:** And you wrote:

7 "Thank you for this...

8 You, and the PLT members, are
9 invaluable. We are still learning how
10 best to work with you/integrate
11 you/leverage you/support you - please
12 be patient and continue your great
13 work.

14 Be safe and be well."

15 You sent that to the team?

16 **MR. PETER SLOLY:** Yes, sir.

17 **MR. TOM CURRY:** Same question. Did it express
18 your view and attitude towards PLT and its work?

19 **MR. PETER SLOLY:** Absolutely. And beyond this
20 email I went down to the PLT room at Headquarters, at sorry, at
21 City Hall, and spent the better part of an hour with them,
22 listening to their concerns, hearing their ideas, expressing
23 directly unfiltered from me to them my full support and
24 appreciation to them. I brought Louis Carvalho and his
25 colleague, and I shouldn't forget his name, another excellent
26 road sergeant, who led the PLT to the November 1st meeting with
27 the Public Order Unit, to make sure that they had direct input
28 and involvement in that most critical moment.

1 I just can't think of anymore that I could do and
2 could say to demonstrate my full commitment to the PLT function
3 in these events, and this reflects my commitment to them well
4 before these events arrived in my city.

5 **MR. TOM CURRY:** Thank you. A couple of other
6 questions, then, please, finally. Texts -- text messages,
7 mobile devices. You were asked questions by counsel for the OPS
8 about your mobile device. I understand that you surrendered
9 your service-issued mobile phone to the OPS when you left your
10 command. Is that true?

11 **MR. PETER SLOLY:** That's correct, sir.

12 **MR. TOM CURRY:** And when did you receive it back?

13 **MR. PETER SLOLY:** I can't remember the sequence,
14 but shortly after, when I didn't have any communications and
15 people were trying to get a hold of me, I asked if I could get
16 it back. And I was given it back. And then I asked, "When are
17 you going to" -- once I got my own device, personal device now
18 set up, I asked when they were going to pick it up, and I
19 literally got no response sometimes for weeks on end.

20 Somewhere around May, I'll take
21 Counsel Migicovsky's advice that it was late May when they
22 finally sent somebody around, A, to deliver disclosure that I
23 had been waiting on; and B, pick up my device. I had stopped
24 using it months before, and so I simply cleared it to make sure
25 that it wasn't going to be used by anybody else.

26 **MR. TOM CURRY:** Did you know in the period of
27 time when the Service had it back, prior to it being returned to
28 you, what was extracted from the device or what could've been

1 recovered by the Service?

2 **MR. PETER SLOLY:** They could've taken everything
3 out of the device if they chose to.

4 **MR. TOM CURRY:** Or what might be available to
5 them as the service -- from the service provider that provided
6 mobile phone services to the Service?

7 **MR. PETER SLOLY:** Absolutely, sir.

8 **MR. TOM CURRY:** Right. And final question then,
9 please, final topic, your resignation. Chair Deans told the
10 Commissioner that in the midst of these events, the convoy
11 events, she spoke with you and performed a form of wellness
12 check during -- had a conversation with you. Do you recall
13 first of all having that encounter with her?

14 **MR. PETER SLOLY:** I had a conversation with her,
15 but it was not a wellness check, sir.

16 **MR. TOM CURRY:** She told us that she told you
17 that there were people who, I think she used this language,
18 "wanted your head".

19 **MR. PETER SLOLY:** Yes, sir.

20 **MR. TOM CURRY:** Do you recall that?

21 **MR. PETER SLOLY:** Yes, sir.

22 **MR. TOM CURRY:** Can you tell us what was your
23 reaction to that?

24 **MR. PETER SLOLY:** I have to tell you, sir, I
25 think by that point the wanting your head comment just piled
26 onto the hundreds if not thousands of other comments that I was
27 receiving through literally every form of human communication
28 possible.

1 **MR. TOM CURRY:** She told us that she telephoned
2 you on the evening of the 14th of February, and that she raised
3 the issue of your possible resignation. You told us about that.

4 **MR. PETER SLOLY:** Yes, sir, she did.

5 **MR. TOM CURRY:** And please tell the Commissioner,
6 what was your answer to Chair Deans when she asked you whether
7 you wished to resign?

8 **MR. PETER SLOLY:** My answer was actually recently
9 accurate, as reported by Chair Deans, "I've put my heart and
10 soul into this." And by "this", Commissioner, I meant this
11 entire Ottawa Police Service for my entire tenure as the Chief
12 of Police, and it included the last three very difficult weeks
13 of the convoy events. I told her that it was my intention to
14 see it through right to the end, a successful and safe end for
15 the events happening here in Ottawa, and through that, a
16 contribution to the events happening across the country.

17 I told her that it was very inappropriate for her
18 to have this call with me, I think at 9:30 at night, on
19 Valentine's Day, and I just happened to be in my bedroom with my
20 wife trying to get some sleep before another busy day the next
21 day. And to be asking me to resign from my office at this
22 stage, at that time, and in that manner, I thought was very
23 inappropriate.

24 **MR. TOM CURRY:** What did she ask you to do in
25 response when you told her that?

26 **MR. PETER SLOLY:** "Think about it." Which to me
27 meant she'd already made up her mind. She wasn't interested in
28 hearing anything about my commitment to the organisation or my

1 commitment to see it through, she was pushing for me to resign.

2 **MR. TOM CURRY:** Did she ask you to think about it
3 overnight?

4 **MR. PETER SLOLY:** Yes.

5 **MR. TOM CURRY:** Now, you've explained that the --
6 to the Commissioner your resignation was motivated by your wish
7 to enhance public safety and removing yourself from the equation
8 could allow the resources to be obtained. Was it also important
9 to you, or how was it -- how important was it to you to show the
10 community and the Service and your family, who had come to --
11 followed you to -- here to Ottawa, that you were not quitting?

12 **MR. PETER SLOLY:** It was critically important on
13 both ends. Most importantly, Commissioner, I did everything I
14 could, literally, with the last act of my time in office, to
15 remove myself out of a trust equation that was heading in the
16 wrong direction for the Ottawa Police Service, which I led.
17 Anything that could have contributed to faster and more
18 resources arriving in this city, to address the still
19 metastasising, local crisis and national crisis was my
20 obligation, was my responsibility, and so I took that last act.
21 But I will tell you, it mixed very heavily with the concept of
22 me quitting something. And to this day, it still rubs me -- I
23 won't do justice. It still hurts me, and it hurts my family.

24 **MR. TOM CURRY:** Thank you very much.

25 Thank you, Commissioner. I have no further
26 questions.

27 **MR. PETER SLOLY:** Thank you, sir.

28 **COMMISSIONER ROULEAU:** Thank you.

1 Any re-examination?

2 **MR. FRANK AU:** Yes, please.

3 **COMMISSIONER ROULEAU:** Go ahead.

4 **--- RE-EXAMINATION BY MR. FRANK AU:**

5 **MR. FRANK AU:** Good afternoon, Chief Sloly.

6 **MR. PETER SLOLY:** Good afternoon, sir.

7 **MR. FRANK AU:** This morning counsel for the
8 Ottawa Police Service asked you about the circumstances in which
9 Superintendent Rheaume was removed.

10 **MR. PETER SLOLY:** Yes, sir.

11 **MR. FRANK AU:** Do you recall those questions?
12 Setting aside any dispute as to why he was removed, help us
13 understand how the Incident Command Structure works normally.
14 Isn't there someone predesignated to step in and -- for
15 contingencies such as when the Event Commander becomes
16 unavailable or to simply cover 24/7 when the Event Commander
17 needs to go to sleep?

18 **MR. PETER SLOLY:** Yes. A challenge that I found
19 when I came into the organization. When I built the Incident
20 Command Team at the Toronto Police Service, I identified that as
21 a major risk. So as we're going back, Commissioner, this will
22 be somewhere in the range of 2000 and -- late 2007, 2008. We
23 would have multiple cycles on regular occasion in Toronto for
24 major events, major incidents that would require an Incident
25 Commander and potentially an Event or Major Incident level
26 Commander on top of that. So when I started to build that as a
27 Staff Superintendent for the Toronto Police Service, I built in
28 three levels of redundancy, so that we could handle any three

1 major events in the city at any time with full Incident Command
2 Teams, full teams meaning an Incident Commander, an Operations
3 Lead, a Planning Lead, a Logistics Lead at a minimum and then it
4 could be built out from there, but we could have 3 stood up
5 Incident Command Teams fully trained and capable, deployable
6 within a 24-hour basis. It also meant that if we had one event,
7 but it was protracted, it went longer than 12 hours or 24 hours,
8 we would have a Plan B and a Plan C to come in place.

9 Now I did not inherit that level of staffing or
10 that level of funding when I came here as Chief of Police, but
11 that is an optimal level. And the Ottawa Police Service at no
12 point during my tenure was anywhere near that optimal level.
13 Even with that, I encouraged our thinking around Incident
14 Command and Critical Incident Command to go beyond the 12-hour
15 cycle, because every now and then, something takes us past that
16 point of human resilience where we see a significant decline of
17 decision making and capability. We didn't have that ability
18 going into these events. We were very stretched. We were
19 already overwhelmed by the events of the explosion that we've
20 talked about in Maryville, and so we were overstretched and
21 overtired before we even got to the point of these convoy events
22 unfolding on the weekend of January 29th.

23 **MR. FRANK AU:** Now you also said this morning in
24 response to questions from my friend, counsel for the OPS, that
25 Superintendent Dunlop attended a meeting on February the 3rd in
26 the morning. Do you recall if you asked the deputies that
27 afternoon as to why Superintendent Dunlop was at that earlier
28 meeting?

1 **MR. PETER SLOLY:** I didn't ask him that
2 afternoon. I asked him both times when the meetings happened.
3 I think the first meeting is around 10:30. I stand to be
4 corrected. I asked during the meeting, "Why is Superintendent
5 Dunlop providing this briefing? I want to hear from Staff
6 Sergeant Mike Stoll. I want to hear from Inspector Marand.
7 Jamie, why are you providing this briefing?" And he tried to
8 give me some explanation. "We've moved off of the Public Order
9 Plan. We're going to talk about a neighbourhood policing
10 strategy." Again, I politely interrupted. "That's not what
11 this briefing is about. The briefing is about the Public Order
12 options, the plan that I asked for on February 1st."

13 Literally after doing that two times, and not
14 wanting to go to a third time, I said, "Look, I think we're not
15 in a constructive place here. Let's end this meeting. I would
16 like another meeting before noon hour where I get Inspector
17 Marand and Staff Sergeant Stoll giving me a briefing on the
18 Public Order Plan with the three options." I waited patiently
19 for another hour and a half, and I think somewhere around 12 or
20 12:30, another briefing happened. Again, Superintendent Dunlop
21 appeared on my Teams screen and started to present a discussion
22 around neighbourhood policing in the neighbourhoods outside of
23 the red zone. And I politely interrupted, "That's not the
24 briefing I'm looking for. Where is Staff Sergeant Mike Stoll?"
25 I was told he was in another room. I said, "Well, let's wait.
26 Somebody go get him. Bring him onto the screen or have him sign
27 onto the Teams meeting. I need to hear from Staff Sergeant Mike
28 Stoll."

1 Eventually, Staff Sergeant Mike Stoll was brought
2 into the room and given a chair next to Superintendent Dunlop.
3 I then asked Mike, "What is the plan? What are the options?"
4 And he started to tell me that they hadn't got the resources
5 they had requested on February 1st. He wasn't in a position to
6 provide the briefing to me. I was extremely frustrated and
7 disappointed, and I was confused because I still did not
8 understand why Superintendent Dunlop was involved in this
9 meeting, nor did Acting Deputy Chief Ferguson. I can't remember
10 if Deputy Chief Bell was on either one of those calls, in
11 fairness, but Deputy Chief Ferguson didn't explain to me at any
12 point as to what the role of Superintendent Dunlop was and why
13 we were not getting a presentation on the Public Order Plan and
14 the three options. I only found out about Superintendent Dunlop
15 on Saturday morning, February 5th, towards the end of that
16 morning Incident Command briefing, where finally I said,
17 "Where's the Incident Commander?" And I was told then by Acting
18 Deputy Chief Ferguson that that was Superintendent Dunlop.

19 I closed the meeting. I raised concern that I
20 was not aware of it. I closed the meeting and then I asked for
21 Acting Deputy Chief Ferguson and Deputy Chief Bell to see me in
22 my office. It was at that point I finally had the disclosure
23 from Acting Deputy Chief Ferguson that she had switched
24 Superintendent Dunlop into the Incident Command. I felt -- I
25 understood it was an Incident Command level, not an Event
26 Commander level, and I understand there's some confusion around
27 that. But the essential disclosure on February 5th was that
28 Rheaume was no longer part of this. Lucas was at a lower level,

1 and Superintendent Dunlop had been inserted into the significant
2 decision-making operational level. That was the first time I
3 heard of it. I counselled both for their respective roles, and
4 I made sure that from there on in, in repeated meetings, that we
5 would not have a repeat of that level of miscommunication. I
6 never removed the decision-making authority from Acting Deputy
7 Chief Ferguson. I always allow her to confer with whoever she
8 needed to around these decisions, but I was very clear going
9 forward, no more surprises like that.

10 **MR. FRANK AU:** Now in relation to these events,
11 I'd like to take you to a document and see if it refreshes your
12 memory. OPS00014454. Mr. Clerk, if we go to page 3 and 4,
13 please? Oh, sorry, 14484.

14 So this appears to be some notes to yourself
15 dated February the 3rd, page 3. The time is 1 o'clock to 1:30,
16 and the title says, "Meeting with Acting Deputy Chief Ferguson
17 and Deputy Chief Bell with POU Briefings." So this would be the
18 afternoon after Superintendent Dunlop attended the morning
19 meeting at 10; right?

20 **MR. PETER SLOLY:** Yes, sir.

21 **MR. FRANK AU:** So if we go down to page 4, so
22 scroll down a bit? Do you see the paragraph that starts with,
23 "I asked why [Superintendent] Dunlop
24 was doing the POU briefing and not
25 [Staff Sergeant] Stoll."

26 Was that a question you asked at this meeting?

27 **MR. PETER SLOLY:** I believe so, yes, sir.

28 **MR. FRANK AU:** What answer did you get?

1 **MR. PETER SLOLY:** I don't think I got any answer,
2 except that Jamie was -- Superintendent Dunlop was really
3 experienced with neighbourhood policing issues. I said, "That's
4 not what we're dealing with here. It's a POU Plan." Jamie's
5 not in charge of the ESU, which is our version of POU. Staff
6 Sergeant Mike Stoll was in charge of it. Again, there was no,
7 sir, you need to understand, we made this switch, this is what's
8 going on, and in that switch, Superintendent Dunlop feels that
9 we don't need a POU Plan, we need a neighbourhood policing plan.
10 That wasn't provided to me.

11 **MR. FRANK AU:** Now in relation to Staff Sergeant
12 Mike Stoll, who the person who you expected a POU briefing from,
13 what was his role within the POU at that time?

14 **MR. PETER SLOLY:** He was in charge of the Public
15 Order Unit.

16 **MR. FRANK AU:** And do you know if he continued in
17 this role into February?

18 **MR. PETER SLOLY:** No, it's my understanding, and
19 I still haven't received any formal explanation, that he removed
20 himself from that role at some point in the next week. I still
21 don't know to this day a specific reason why. I've heard
22 through my own staff that he was frustrated with the overall
23 Incident Command, but I haven't heard it was in relation to any
24 one individual or any one particular incident, to this day. And
25 I don't know if in the after action review that was completed
26 that that's become more clear for anyone.

27 **MR. FRANK AU:** We've seen references in some
28 documents that he resigned his position on February the 7th.

1 Now, are you aware of why he left his position with the POU or
2 anything that was expressed, either in writing or otherwise?

3 **MR. PETER SLOLY:** My Ceremonial Sergeant Major,
4 Steve Boucher, was the one that gave me the information that he
5 was frustrated with what was happening. Something to do with
6 the turnover within the Incident Command Team, and that his
7 position was no longer valid or valued enough. But I never got
8 anymore details than that.

9 **MR. FRANK AU:** Okay. Counsel for the OPS also
10 asked you about your meeting on February the 9th at 9:15 a.m.

11 **MR. PETER SLOLY:** Yes.

12 **MR. FRANK AU:** And he put to you some questions
13 based on the notes of Deputy Chief Ferguson, and you commented
14 on the quality of her notes.

15 Now, we also happen to have notes taken by Ms.
16 Huneault; she's the general counsel for the OPS, and I want to
17 take you to those notes, please. OPS00014454.

18 (SHORT PAUSE)

19 **MR. FRANK AU:** So can we go to page 130, please?
20 Go down, please.

21 So do you see the notation that starts with:

22 "Very little political support to get
23 us supports [or] resources. If we
24 don't change that dynamic we'll get
25 nothing. Now they've sent their team
26 to support us over 30 days - their
27 political masters don't think OPS did
28 their jobs and we won't bail out. They

1 don't have a plan. They then will go
2 publicly that..."

3 I guess that's an equal sign with a slash, so:
4 "...that [doesn't equal] leadership and
5 they will take it from us."

6 That's the best I can make from the handwritten
7 notes.

8 Now, I want to ask you to comment on the quality
9 or the accuracy of these notes.

10 **MR. PETER SLOLY:** Well, Christiane Huneault is
11 many things; I don't know if she was ever trained on being a
12 scribe, but she's certainly capable to taking a lot of notes,
13 and has proven so, not just in these events.

14 But just what particularly are you looking for
15 here?

16 **MR. FRANK AU:** No, just because these are notes
17 of the same meeting that counsel for the OPS had asked you, and
18 your answer to Mr. Migicovsky's questions were based on your
19 questioning of Deputy Chief Ferguson's notes. So I want to take
20 you to different sets of notes and ask you to comment on what
21 happened at that meeting.

22 Do these notes accurately reflect what happened
23 at that meeting, as things that were said?

24 **MR. PETER SLOLY:** Yes, they're a more accurate
25 reflections, sir, yes.

26 **MR. FRANK AU:** Okay. Those are my questions. My
27 colleague, Ms. Rodriguez, will have more.

28 (SHORT PAUSE)

1 **MR. PETER SLOLY:** Just, sorry; the portion of the
2 notes you just showed me are what I'm referring to. If you'd
3 like me to adopt the entire thing more fully, then I'm not sure
4 if that's sufficient, but...

5 **MR. FRANK AU:** No, I took you to this passage
6 because I believe that was the context in which counsel for the
7 OPS asked these questions this morning.

8 **MR. PETER SLOLY:** Thank you, sir.

9 **--- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:**

10 **MS. NATALIA RODRIGUEZ:** Hi Mr. Sloly, again.

11 I do have some clarification questions that arose
12 from your questioning today. I wanted to take you first to
13 OPS00014565.

14 Now, counsel for the City of Ottawa took you to
15 this document and asked you some questions, and these are your
16 notes of February 9. And I want to take you to the fifth bullet
17 point. Sorry; fifth from the redacted portion.

18 "Important for Mayor to know." So this is now a
19 phone call with the Mayor, Steve Kanellakos, Serge Arpin at
20 about 2:20, and this is your side of the conversation as
21 reported by the scribe:

22 "Important for Mayor to know... until
23 this is fixed in Ottawa - this will
24 continue in other area in the province.
25 If Mayor hears anywhere that we don't
26 have a plan - we have a plan. They
27 think we have a too aggressive -- too
28 aggressive of a plan here"

1 So I wanted to ask you about that part.

2 My understanding is that 12:10 or so, there was a
3 meeting with respect to the 3.0 plan. And so when you say,
4 "They think we have too aggressive of a plan here"; I assume
5 that the "They" in that sentence is OPP and RCMP, is that right?

6 **MR. PETER SLOLY:** The Integrated Planning Team
7 that had arrived, yes.

8 **MS. NATALIA RODRIGUEZ:** Yes.

9 **MR. PETER SLOLY:** Yes, ma'am.

10 **MS. NATALIA RODRIGUEZ:** And so I wanted to ask
11 why did you think that their view was that the plan was too
12 aggressive?

13 **MR. PETER SLOLY:** I think we've heard in previous
14 testimony; it might have been C/Supt. Abrams or -- sorry;
15 C/Supt. Pardy or Supt. Abrams that there was a pretty healthy
16 and long discussion at the point where Supt. Patterson started
17 to present our 24- to 72-hour priorities, operational
18 priorities.

19 Again, just for context, sir, that was never a
20 presentation to be a tactical briefing for Commanders to pull
21 apart a plan and assess it; that actually took place later on in
22 the evening. But Supt. Patterson wanted to present a sense to
23 the Integrated Planning Team that we, having just heard the
24 overall plan from Acting Deputy Chief Ferguson, comments from
25 me, that this was a demonstration that as the operational lead,
26 he had a sense of what the priorities were for the next 24 to 72
27 hours, and what the resources would be necessary for those types
28 of priorities. It wasn't intended to invite a detailed debate

1 about the adequacy and effectiveness of those priorities and
2 those plans.

3 A debate did ensue, and probably in hindsight a
4 healthy debate to have at that point of forming, storming,
5 norming around a very new escalation and integration.

6 But the feedback that I was giving was they might
7 not like our plan but there is a plan. They might think our
8 plan is too aggressive but there is a plan. And if you hear
9 from other sources that there isn't a plan, well, there is a
10 plan. That's the context around which I'm giving that
11 information.

12 **MS. NATALIA RODRIGUEZ:** Right. And was there
13 anything in particular that they thought was too aggressive
14 about the plan?

15 **MR. PETER SLOLY:** Again, I think it was the
16 concept of a nighttime Public Order operation at one of the
17 sites. There were other -- you know, you don't have enough POU
18 resources; have you used PLT all the way? There was a range of
19 issues that were raised, and I think are documented in-Chief,
20 one or both of those OPP officers, and there was an
21 intervention, I believe, by an RCMP officer that suggested we
22 would need some seven or 900 POU to carry that out, and then a
23 commitment that they would get us some 500 or 516 Public Order
24 officers to effect that.

25 **MS. NATALIA RODRIGUEZ:** Thank you.

26 Now, in response to a question from my friend for
27 CCF, you indicated that in a conversation with Minister Blair,
28 you had indicated to him that you had towed hundreds of

1 vehicles, when he asked about enforcement and whether
2 enforcement had been considered. You recall saying that?

3 **MR. PETER SLOLY:** I can't remember it was
4 hundreds of vehicles, but I know that the document was on there
5 I had given some accurate numbers of vehicles that we towed.

6 **MS. NATALIA RODRIGUEZ:** It wasn't in a document.
7 You were relaying a discussion you had with Minister Blair in
8 which you said to him, "You know, we've issued thousands of
9 tickets. We've towed hundreds of vehicles."

10 **MR. PETER SLOLY:** Okay. There was a document
11 that I viewed earlier on but, ---

12 **MS. NATALIA RODRIGUEZ:** Yes.

13 **MR. PETER SLOLY:** --- yes, I did try give him the
14 most accurate assessment of the bylaw offences that we had
15 issued and the number of vehicles and the nature of vehicles
16 that we took.

17 **MS. NATALIA RODRIGUEZ:** Okay. Mr. Ayotte
18 testified that on the 1st weekend, 28 vehicles were towed as a
19 result of, essentially, blocking emergency lanes. And so towing
20 was used as a way to clear emergency -- emergency lanes.

21 He testified that that was essentially the
22 purpose of towing; to maintain those emergency lanes. And after
23 the first weekend, there was generally compliance with
24 maintaining those emergency lanes and therefore there wasn't
25 much towing needed after that. And he agreed that there were
26 about zero to three vehicles towed thereafter, after the first
27 weekend, every day.

28 So many days there were zero, some days they were

1 one, two, up to three vehicles. But in total the number of
2 vehicles towed was quite low, and there were never any heavy
3 trucks that were towed. They were all passenger vehicles.

4 So I just want to understand where you got that
5 understanding, that hundreds of vehicles had been towed.

6 **MR. PETER SLOLY:** Again, I would need to see a
7 document where I said that. I just recall seeing a document
8 earlier on today about hundreds. I felt I gave an accurate
9 answer to Minister Blair that have you considered towing any
10 vehicles, and I said, "We had been towing vehicles since the
11 beginning." I think that aligns with what you've just said. If
12 I got the tone wrong, that's a challenge of communicating
13 numbers and me wouldn't be able to remember numbers.

14 **MS. NATALIA RODRIGUEZ:** Okay.

15 **MR. PETER SLOLY:** But we were towing vehicles
16 heavily at the beginning and consistently throughout where it
17 was safe to do so using the equipment that we have, and that was
18 my substantive answer to Minister Blair when he said, "Have you
19 thought about towing vehicles?"

20 **MS. NATALIA RODRIGUEZ:** Okay. So we can rely on
21 Mr. Ayotte's evidence and the documents from the City of Ottawa
22 By-law with respect to the number of tows?

23 **MR. PETER SLOLY:** I would prefer to rely on the
24 Incident Commander and the stats that we kept overall because
25 there may have been other towing operations that Mr. Ayotte was
26 not aware of. Again, I'm not challenging Mr. Ayotte's numbers.
27 I just don't know if that is the single source of truth for all
28 towing activities in the theatre.

1 **MS. NATALIA RODRIGUEZ:** Okay. Fair enough. I
2 want to talk to you a little bit about a discussion you had with
3 Mr. Miller about crowd dynamics and generally the risk of harm
4 in enforcement efforts. If I can take you to OPS00014454? And
5 this is, again, Ms. Huneault's notes. And I'll take you to page
6 6, which is notes from January 31st. And I believe we've seen
7 this before. If we can zoom in? Right.

8 So if you see the third bullet,
9 "- Turning from demo to occupation
10 - Increasingly volatile [and]
11 aggressive"

12 And then it says,
13 "- Police intervention to remove -
14 massive risk injury, loss of life."

15 And so if we look further down, after the list of
16 police forces that are there, it says,

17 "- Operational arrest - no safe way to
18 do this - injury death"

19 And then under that, "avoided full scale riots".

20 So I wanted to understand your basis for
21 understanding that there was no safe way to carry out removals
22 or arrests without the risk of injury or death. What was the
23 basis for saying that there was no safe way to do arrests
24 without risking injury or death?

25 **MR. PETER SLOLY:** Just to be clear, clearly, we
26 did do enforcement and clearly, we did make arrests. But to be
27 absolutely clear, I forget who asked the questions,
28 Commissioner, but was this more like a family event or a powder

1 keg? It was more like a powder keg. And no point ever more
2 powder keg than that very first weekend. I had experienced it
3 myself when I went on foot patrol at Wellington and Rideau and
4 Sussex. I had experienced it myself. I had seen it and felt it
5 firsthand. And those efforts of swarming officers, not just an
6 individual officer writing a by-law offence, but sometimes
7 officers in twos or threes or more were swarmed, senior
8 experienced officers. We had brand-new recruits on the streets.
9 This is a regular occurrence.

10 Sometimes that serious injury or death is not the
11 death or the injury to the officer. It's that an officer being
12 swarmed and overwhelmed physically may need to resort to serious
13 injury or death to prevent themselves from being overwhelmed.
14 So it's a two-way issue. Not fear that the officer's going to
15 get hurt, but the officer may hurt or take the life of someone
16 who's trying to overwhelm them. And in every one of the
17 incidences that I saw, or I even attempted as a uniform officer
18 to gain compliance, even the most small compliance, was
19 aggressively surrounded and intimidated. And if I had carried
20 through on that or other officers carried it through on the most
21 basic level of engagement, never mind enforcement, there was a
22 risk of escalation to violence. And the crowd dynamics that
23 existed that weekend, it is only but the grace of God that
24 something worse did not happen.

25 **MS. NATALIA RODRIGUEZ:** Right. So you're telling
26 me there was enforcement, and my understanding is no police
27 officers were ever assaulted.

28 **MR. PETER SLOLY:** That is not correct. I believe

1 that we -- I have given an example on the situational report
2 from the night of February 4th into February 5th, Inspector
3 D'Aoust talked about one of our sergeants who was swarmed and
4 assaulted. City workers in the same situational report who were
5 swarmed. Now I don't know whether or not a *Criminal Code* charge
6 was ever laid, whether or not the officer could identify who did
7 it, but as was led earlier on, not every incident of assault or
8 threat led to an actual charge, but those incidents occurred on
9 a regular basis, on a 24/7 basis across that micro-theatre that
10 caused us so much harm and trauma in the city.

11 **MS. NATALIA RODRIGUEZ:** And were you also then --
12 in that assessment that there was risk of injury or death and
13 that the crowd was volatile, were you receiving specific
14 intelligence about the composition of some of the people there
15 that led you to think that? Were you receiving intelligence or
16 information that led you to believe that there was this risk?

17 **MR. PETER SLOLY:** I could see it firsthand, and,
18 yes, I got regular reports, literally at every single briefing
19 cycle, about the level of volatility across the theatre.

20 **MS. NATALIA RODRIGUEZ:** And you were using that
21 then to determine when enforcement action should be used and
22 where?

23 **MR. PETER SLOLY:** No, I didn't determine when
24 enforcement action should be. I set a strategic level
25 direction, use discretion. We don't want to cause a bigger
26 problem than we're trying to solve. Make sure officer safety
27 and wellness is there. Make sure we understand that trying to
28 do enforcement in one area may be more risky than not. So I

1 never directed any particular enforcement action if that's what
2 you're asking me.

3 **MS. NATALIA RODRIGUEZ:** Sorry, by you I meant OPS
4 generally, not you, personally.

5 **MR. PETER SLOLY:** Through the Incident Command
6 process, yes.

7 **MS. NATALIA RODRIGUEZ:** Okay. Ms. Taman for the
8 Coalition of Businesses and Residents had asked about closing
9 access to the downtown core prior to the convoy's arrival and
10 your view that the *Charter* precluded that activity. You recall
11 that discussion you had with her?

12 **MR. PETER SLOLY:** I think I put some nuance into
13 it, but the advice that I had got around full closures of the
14 downtown area were not in alignment with that course of action.

15 **MS. NATALIA RODRIGUEZ:** And did you ever consider
16 the distinction between an individual's right to go down to
17 Parliament Hill and protest and the need for the trucks to
18 access the downtown? So that is, did you ever consider blocking
19 access to the trucks but not the individual protesters?

20 **MR. PETER SLOLY:** I won't say there was no
21 consideration around that, but the conveyance, whether it's a
22 skateboard or a truck, is what brings the person to the
23 location.

24 **MS. NATALIA RODRIGUEZ:** Okay. Sorry, just so --
25 but the skateboard is clearly able to go into downtown. There's
26 no restrictions to skateboards. There are established truck
27 routes that allow only certain types of vehicles to be on
28 certain roadways; right?

1 **MR. PETER SLOLY:** And it's my understanding that
2 PLT tried to negotiate around those truck routes and to keep as
3 many trucks out of the downtown core as possible.

4 **MS. NATALIA RODRIGUEZ:** Okay. So you also told
5 counsel for the City of Ottawa that one of the OPSB's primary
6 functions was to assist in getting the resources that OPS
7 needed. Do you recall that exchange?

8 **MR. PETER SLOLY:** Yes.

9 **MS. NATALIA RODRIGUEZ:** Now are you aware of the
10 other primary functions of the Board during a major event such
11 as this one?

12 **MR. PETER SLOLY:** During a major event or just
13 the primary functions of a Board in general?

14 **MS. NATALIA RODRIGUEZ:** Well, in setting
15 priorities, especially when it comes to a critical incident or a
16 major event such as this one?

17 **MR. PETER SLOLY:** I'm not aware of the Board's
18 ability to set priorities during a major event. They can set
19 priorities for the organization, overarching priorities,
20 strategic priorities, but I'm not aware of, I stand to be
21 corrected, that the Board can set priorities for any specific
22 event.

23 **MS. NATALIA RODRIGUEZ:** Okay. So I'll take you
24 to the Morden report, which we've seen before, COM00000616. And
25 I just want to make sure that we're clear about the scope of the
26 function of the Board, that it's not limited to getting
27 resources, at least not according to the Morden Report. If we
28 can go to page 22?

1 So there it talks about three elements to the
2 consultation protocol. So the first element is,
3 "Information exchange between the Board and the Chief of Police:
4 [...] reciprocal information exchange [...] must exist..."

5 And I'm going to kind of condense it a little bit
6 for time.

7 "...to ensure that each obtain
8 information relevant to their
9 respective roles. [...] the Board will
10 be provided with operational
11 information that will inform its
12 policy-making function and the Chief of
13 Police will have an opportunity to
14 provide his or her views on policy
15 options the Board is considering. With
16 this exchange, both policies and
17 operations may be adjusted to address
18 changing circumstances."

19 And so the first step is exchange of information.
20 Now the critical point is the second element, which,

21 "...seek[s] specific operational
22 information from the Chief of Police
23 where a "critical point" arises."

24 And now according to Morden, this is specific
25 policing operations, such as a gun and gang operation, events
26 such as, for example, a G20, or organizationally-significant
27 issues.

28 And so I would put to you that the events that

1 happened in January and February of 2022 in the convoy was a
2 critical point that the Board should have been involved with at
3 an operational level. Would you agree that that's contemplated
4 in Morden?

5 **MR. PETER SLOLY:** No, I wouldn't. And even with
6 this information in front of me. I mean, if what Morden is
7 considering -- first of all, Morden is a report. It is not a
8 statutory authority with the *Police Services Act*, so it's
9 informative but it's not instructive. Secondly, if what he
10 refers to is a policing operation as a gun and gang operation,
11 if that is, for instance, "What is", I go back to my Toronto
12 Police days, but Toronto Police experienced, you know, sometimes
13 years in a row of escalating guns and gang violence, "What is,
14 Chief, your approach to addressing gun and gang violence in the
15 city? We'd like to have some policy positions on that. For
16 instance, we are not going to use street checks and carding to
17 disproportionately stigmatise or victimise Black and Brown
18 populations in the city." Check, Morden's right. If what
19 Morden is considering is that, "Chief, when you go to take down
20 the Bloods and Crips, operating between 31 and 23 Division, you
21 need to make sure that you have overwatch capability to make
22 sure that none of our officers get hurt." "Sorry, you've
23 crossed the line, you shouldn't be there."

24 I can't imagine in a thousand years that Morden
25 would consider that the Board would sit down with the Chief of
26 Police in the middle of the first weekend and start to debate
27 policy instructions around a still unfolding national security
28 event.

1 **MS. NATALIA RODRIGUEZ:** Well, maybe we should
2 keep reading. So specifically, I was considering the point of
3 "event", not an -- a specific operation but an event like an
4 international summit of world leaders, a protest of this size I
5 would put to you is a significant event that would trigger the
6 second element that's identified here.

7 **MR. PETER SLOLY:** No.

8 **MS. NATALIA RODRIGUEZ:** Okay.

9 **MR. PETER SLOLY:** A planned event for a visit of
10 world leaders usually has a four to five year cycle of planning,
11 and in which case, yes, they would have plenty opportunity.

12 I gave information earlier on, Commissioner,
13 about the planning that went into the G20 that severed from
14 Muskoka down to Toronto. In five months we had regular
15 meetings, regular scheduled board meetings, specially scheduled
16 board meetings, where Chief Blair and the Command Team, which I
17 was a part of, provided a lot of information to the Board around
18 what we were planning for. The Board had time to take tour of
19 facilities were giving. We were able to give very detailed
20 updates, even though we were on an incredibly tense timeline.
21 And the Board could therefore on those occasions express policy
22 matters. But not in the middle of the weekend where the G20
23 burnt cars down in our city were we sitting down having policy
24 discussions with the Board.

25 **MS. NATALIA RODRIGUEZ:** So I'll take you to the
26 third element:

27 "Board collaboration in defining the
28 'what', but not the 'how', of an

1 operation:"

2 So it says:

3 "The Board should use the operational
4 information it obtains from the Chief
5 of Police to determine what
6 the...Police Service's overall
7 objectives and priorities will be for a
8 particular operation, event, or
9 organizationally-significant issue."

10 So if I hear what you're saying correctly, you're
11 telling me that the protests in Ottawa was not -- did not fall
12 into any of these categories. Is that what you're telling me?

13 **MR. PETER SLOLY:** I don't believe they did, and
14 even if they did, the ability for us to slow the world down in
15 order to have a policy discussion, I don't think would've been
16 practical.

17 **MS. NATALIA RODRIGUEZ:**

18 "With these established, the Toronto
19 Police Service can create specific
20 operational plans that will outline how
21 the policing mission[s] and objectives
22 will be achieved. The Toronto Police
23 Service must always maintain its
24 autonomy to make and execute particular
25 decisions during the operation. The
26 Board should review the Toronto Police
27 Service's operational plans to ensure
28 they are consistent with the mission or

1 objectives stated by the Board and that
2 they have the benefit of an adequate
3 policy framework."

4 So if I'm understanding correctly, your view is
5 that that doesn't apply to this situation; correct?

6 **MR. PETER SLOLY:** If I understand everything
7 that's in this paragraph and where it fits into the larger
8 structure of the Morden Report, if I understand it, Morden is
9 suggesting the Board should set the mission statement for the
10 Incident Command Operational Plan, I would have to reject that.

11 **MS. NATALIA RODRIGUEZ:** Okay, fair enough. And
12 so it's fair to say that in this case the Board did not have an
13 opportunity to provide input on the what, as is contemplated
14 here; is that correct?

15 **MR. PETER SLOLY:** Again, based on my limited
16 ability to interpret this section in regards to the larger
17 report.

18 **MS. NATALIA RODRIGUEZ:** Okay. Now, during the
19 February 5th OPSB meeting, Chair Deans asked you to indicate
20 what you needed in order to bring the demonstration to an end.
21 We've talked about that. And today, the fact that the answer
22 was made public has come up as something that was potentially
23 problematic. Do you recall ---

24 **MR. PETER SLOLY:** Yes, ma'am.

25 **MS. NATALIA RODRIGUEZ:** --- that was being
26 discussed? So in your witness statement you say:

27 "Chief Sloly publicly announced the
28 request for 1,800 police resources

1 during a special City Council meeting
2 on February 7th. This was not his
3 normal course of action, but the
4 Freedom Convoy was unprecedented.
5 Specifically, Ms. Deans asked
6 Chief Sloy in a public OPSB meeting to
7 provide a detailed report on that level
8 of resources required." (As read)

9 And then at page 43, you say:

10 "Commissioner Lucki expressed concern
11 that his public request for 1,800
12 officers was creating officer safety
13 issues. Chief Sloy recalls defending
14 the decision, as it had been made by
15 his Board Chair, Ms. Deans, at a public
16 meeting." (As read)

17 Did Chair Deans or the Mayor consult with you on
18 whether to make the specifics of the request public?

19 **MR. PETER SLOLY:** The short answer would be yes.
20 There was a lot of discussion back and forth as to who would
21 sign the letter, when the letter would be presented, how it
22 would be presented. Quite frankly, I left that largely to the
23 Chair and the Mayor to sort out.

24 **MS. NATALIA RODRIGUEZ:** But in terms of them
25 asking whether or not the request should be made public in a
26 public forum and to be released to the public, was that ---

27 **MR. PETER SLOLY:** Well, the substantive
28 discussion was around the Board's ability to secure adequate and

1 effective resources for what we were dealing with. It was going
2 to be a public document. I don't think there was a discussion
3 about it, it probably wasn't a very long discussion. The intent
4 was for one or both of those individuals to sign a public letter
5 and to send it to the highest offices of the land provincially
6 and federally.

7 **MS. NATALIA RODRIGUEZ:** And did you ever ask that
8 it not be made public?

9 **MR. PETER SLOLY:** No, I didn't.

10 **MS. NATALIA RODRIGUEZ:** Okay. Those are all my
11 questions.

12 **MS. ANNE TARDIF:** My apologies. Perhaps I've
13 missed it. Is the fact that the letter was made public just
14 that it's sent? I just want to make sure I understand the
15 question.

16 **MS. NATALIA RODRIGUEZ:** No, the numbers were not
17 provided in-camera, and that the letters were made public and
18 were not kept confidential, like sent on a confidential basis.

19 **MS. ANNE TARDIF:** Sorry, the -- and perhaps I've
20 just misunderstood, Commissioner, that the letters were made
21 public when they were sent to the Prime Minister and the
22 Solicitor General and the Premier and the Minister of Public
23 Safety, or that they were otherwise made public?

24 **COMMISSIONER ROULEAU:** Yeah, I'm not sure we're
25 going to -- that we -- we're going to be giving evidence lawyer
26 to lawyer.

27 **MS. ANNE TARDIF:** No, I just mis -- I ---

28 **COMMISSIONER ROULEAU:** If you want, if you want

1 the counsel to ask the witness a further question you might put
2 it that way, but I'm not going to ask for evidence from counsel.

3 **MS. ANNE TARDIF:** That was certainly not my
4 intention, Commissioner, I'm just trying to understand the basis
5 for my friend's question. That's all. I just -- I don't
6 understand what my friend means by making the letter public. I
7 just -- I don't understand. And if the suggestion is that the
8 letter was made public otherwise than by sending it to the
9 politicians, then I question the basis for the question. That
10 is all.

11 **COMMISSIONER ROULEAU:** Well, the question stands.
12 What it means is something that -- the witness can be asked what
13 he understands from the question, but I -- it's not up to you to
14 cross-examine or question the questioner. If you want a further
15 opportunity to ask questions to the witness that's fine. The
16 questions and answers -- maybe I've misunderstood, but there was
17 a question and it was answered. Is that -- am I wrong about
18 that?

19 **MS. ANNE TARDIF:** Sorry, Commissioner, I -- and I
20 -- perhaps it's late in the day and I'm -- I apologise if I'm
21 only adding to the confusion. I certainly don't intend to
22 cross-examine my friend on her question. That was by no ---

23 **COMMISSIONER ROULEAU:** But you were, but go
24 ahead.

25 **MS. ANNE TARDIF:** Well, I don't ---

26 **COMMISSIONER ROULEAU:** What are you seeking?

27 **MS. ANNE TARDIF:** I don't believe I was,
28 Commissioner, with -- and certainly I can assure you and my

1 friend that was not at all my intent. The reason I'm -- the
2 only reason I'm speaking is I had understood Mr. Sloly to say in
3 his witness testimony, and it came out during his evidence, and
4 I put it to him that he had made the number public during the
5 February 7th Council meeting. My friend has asked him whether
6 the letter was made public. And I didn't understand that to
7 have been the case or that to have been in evidence up until the
8 moment of the Council meeting.

9 So I'm just asking what is meant so that I can
10 understand the basis for the question. It's not a cross-
11 examination, but of course there has to be a basis for any
12 question put forward. That's the only clarification I was
13 seeking.

14 If it's confusing, I'll leave it there. I think
15 I've stated my concern for the record, and I'll leave it there.

16 **MS. NATALIA RODRIGUEZ:** I'm happy to respond. My
17 question was whether the request was ever made to keep the
18 request private, not public. It wasn't about the letters, it
19 was about the resource request, the numbers, whether that was
20 ever -- it was ever requested that the number of resources
21 required be kept confidential. I wasn't asking about the
22 letters, I was asking about the number of resources, but in any
23 event.

24 **MS. ANNE TARDIF:** I'm more than content to leave
25 it there. I just -- again, maybe it's late in the day. I'm
26 content to leave it there.

27 **COMMISSIONER ROULEAU:** Okay. Well, if
28 everybody's content I'm content.

1 So you've completed?

2 **MS. NATALIA RODRIGUEZ:** That's -- those are all
3 my questions. Thank you.

4 **COMMISSIONER ROULEAU:** Thank you. I don't have
5 much.

6 I only have one area I want to just touch base
7 with you on, and that's following up a question you answered
8 from Ms. Rodriguez towards the end.

9 And it was something like, "they", I think
10 referring to the OPP and RCMP, the Commissioners, might not like
11 our plan, but there is a plan. Is that -- do you remember that
12 answer, that question?

13 **MR. PETER SLOLY:** Yes, Commissioner. It wasn't
14 so much the Commissioners wouldn't like my plan, but the
15 representatives that they had sent to the integrated planning
16 team might, not having had that briefing, suggest that it was a
17 sufficient plan or the right type or tone of plan, but there is
18 a plan. We spent 24 hours discussing our plan, presenting our
19 plan, and there was an agreement to move forward around
20 integrating around that the details still to be resolved, should
21 you hear from other services -- other sources, sorry, that there
22 is no plan; there is a plan.

23 **COMMISSIONER ROULEAU:** And then I'm trying to
24 understand a bit -- big picture what that plan involved, and I
25 saw as we went through the documents, there was reference to --
26 and I think this comes from meetings with the levels of
27 government but also from other documents -- that there was, for
28 example, bite-size plans to, for example, deal with the Rideau

1 Centre or the Rideau and Sussex problem. And we heard about
2 that operational plan.

3 I guess what I'm asking was, big picture, was the
4 plan as you saw it at that time, that you would take bites out
5 of the whole demonstration, starting with Rideau and then moving
6 to other areas -- I think I saw reference to that -- and you
7 would take chunks out of it? That was big picture, the plan you
8 conceived of at that time?

9 **MR. PETER SLOLY:** I would add to that, sir. So
10 that is a significant portion of it.

11 Two things that are important. That plan was
12 based on on February 8th when it was first presented, refined
13 again on February 9th, still based on the level of resources
14 that we currently had and could reasonably predict. And based
15 on that current level of resources, February 8th, 9th, 10th,
16 until we started to really see the numbers go up over the 12th,
17 13th, 14th, the best that we could envision operationally is
18 taking chunks or bites out of the red zone, holding that, moving
19 on to the next part, removing what was in there and holding that
20 ground.

21 If we were able to get the concept of predictable
22 resources in the thousand, thousand-plus, the majority of which
23 would be Public Order, we could conceive of an entire theatre of
24 operations similar to the one that ultimately was deployed at
25 the back end of the fourth week, the 17th, 18th, and 19th. But
26 given the resource amounts that we currently had and could
27 reasonably predict for 72 hours out, the best we could do was
28 prioritize a list of locations and attempt each day to take one

1 or more of those out, secure that area so people couldn't come
2 back in, and move to the next highest priority, based on
3 intelligence, based on the context of that 24-hour period, and
4 based on the resources available in that 24-hours.

5 **COMMISSIONER ROULEAU:** Because you did talk about
6 this 24-hour to 72-hour, and I'm just trying to understand, was
7 that, in essence, the plan you were referring to when you said,
8 "We do have a plan", or is it another plan that is the one, as
9 you say, the big plan to take down everything, or were they
10 separate plans? I'm trying to understand.

11 **MR. PETER SLOLY:** Thank you. I think it's caused
12 a lot of confusion for a lot of people, and I'll try to do a
13 better job.

14 There was only ever one plan, in my humble
15 opinion, only ever one plan, the January 28th pre-arrival plan
16 that pivoted after the first weekend into January 31st, that
17 became the February 5th document that my counsel shared with
18 you, sir, earlier on. That was the 2.0 version of it, it going
19 into the second weekend. And then going into the meeting with
20 the integrated planning unit, February 8th and 9, that became
21 the 3.0 document.

22 The concept of operations was -- I remember it
23 being an eight-point concept -- I believe it was finally
24 captured as a seven-point concept -- talked about things like a
25 Public Order sub-plan that would take and hold the area. It
26 talked about negotiations, it talked about officer -- member
27 wellness and health and safety, a range of frameworks around
28 which the overall operating plan was focused on.

1 The take and hold component, the Public Order
2 component that I was previously answering, I would say that
3 would be a sub-plan that fed into the larger plan. It wasn't
4 the plan on its own that was -- that wasn't, on its own, the
5 take and hold, the overarching plan that we were inviting the
6 integrated planning team to come in and assist with. It was our
7 current attempt with the current resources we had to make a
8 meaningful impact, safe and successful, but meaningful impact in
9 the small way that our resources would allow us at this current
10 time.

11 I hope that clarifies things.

12 But there is one overarching plan and several
13 sub-plans. That sub-plan of take and hold was specifically
14 explained to the integrated team at the February 9th meeting,
15 and they challenged that sub-plan, I think constructively
16 challenged that sub-plan, but they weren't challenging the
17 overarching plan, the framework of operations.

18 **COMMISSIONER ROULEAU:** Because I'm just -- I'm
19 still having some trouble understanding. If you have the take
20 and hold, basically, and I think that was explained to the --
21 one of the documents to the tripartite group, I think, saying,
22 "Well, that allows us to move," and it included, I think, moving
23 to Wellington. So I'm trying to understand, you need a big plan
24 if you've got the bites that work. But maybe I'm
25 misunderstanding.

26 **MR. PETER SLOLY:** But -- no, and sorry, it is
27 hard to understand. That wouldn't be sustainable. We could --
28 with the resources stretched as we were, we were trying to take

1 what we could in terms of Public Order plans. But if we didn't
2 get a significant, greater amount of resources, we would run out
3 of steam very quickly. It's not a sustainable thing. And bite-
4 sized across even the theatre that we had, that would take weeks
5 if not months, and we just couldn't sustain our operations at
6 that point without that massive extra amount of resources that
7 the larger concept was requiring, the 1,800 or 1,790 change.

8 So the concept of operations plan, the 3.0 plan
9 was for a massive amount of resources to come in to do a
10 significant amount of activities. While that was happening, we
11 presented this sub-plan of existing resources to take and hold
12 areas of the red zone. But that was not sustainable, and that
13 would not have ultimately led to a safe, successful outcome.
14 It's the best we could do at that time, and that's what we were
15 presenting.

16 **COMMISSIONER ROULEAU:** Okay. So that may answer
17 the question I was going to ask you. So your bite-size plan
18 process, you weren't asking or you weren't complaining about the
19 lack of additional resources by OPP and RCMP to fuel that sub-
20 plan, you were focused on the big plan?

21 **MR. PETER SLOLY:** Yes, sir.

22 **COMMISSIONER ROULEAU:** Okay. Thank you. That's
23 helpful.

24 So we'll adjourn for the -- oh, sorry? Oh, yes.
25 There's one further announcement to make. I'm sorry.

26 **MR. FRANK AU:** The Former Chief Sloly is the last
27 witness we intend to call from the OPS, but I do want to note
28 for the record that the Commission had hoped and intended to

1 call Supt. Mark Patterson as a witness in these proceedings.

2 His counsel advised the Commission that he's
3 unable -- Supt. Patterson is unable to testify for medical
4 reasons.

5 The Commission did its due diligence to ascertain
6 whether he could testify with our without accommodation in these
7 proceedings. That due diligence included seeking and reviewing
8 the opinions of two medical experts' bearing on his health.

9 The Commission is satisfied, in the
10 circumstances, that it would not be appropriate to call him as a
11 witness.

12 **COMMISSIONER ROULEAU:** Thank you.

13 With that further explanation of our witness not
14 attending, we're going to adjourn for the day, and tomorrow, I
15 think we're going to start with some of the witnesses that were
16 involved in the protests themselves, I believe, or organizing
17 the protests.

18 So adjourned til tomorrow morning at 9:30. Thank
19 you.

20 **THE REGISTRAR:** The Commission is adjourned. La
21 Commission est ajournée.

22 --- Upon adjourning at 6:20 p.m.

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C E R T I F I C A T I O N

I, Sandrine Martineau-Lupien, 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, Sandrine Martineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sandrine Martineau-Lupien