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EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 18

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IV

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Mr. Peter Sloly

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Mr. David Migicovsky

Ms. Jessica Barrow

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V

Appearances / Comparutions

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Ottawa, Ontario

--- Upon commencing on Monday, November 7, 2022 at 9:30 a.m.

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

COMMISSIONER ROULEAU: Good morning. Bonjour.

I see we have a different patch this morning. We're moving geographically, or figuratively, I guess, to the different area of Ontario.

Okay. And who is Commission Counsel this morning?

(SHORT PAUSE)

MS. NATALIA RODRIGUEZ: Good morning, Commissioner.

COMMISSIONER ROULEAU: Good morning.

MS. NATALIA RODRIGUEZ: The Commission would like to call Mayor Drew Dilkens.

COMMISSIONER ROULEAU: And if you could identify yourself for the ---

MS. NATALIA RODRIGUEZ: Natalia Rodriguez, Commission Counsel.

THE REGISTRAR: For the record, please state your full name and spell it out.

MAYOR DREW DILKENS: Drew Dilkens, D-r-e-w; D-i-l-k-e-n-s.

--- MAYOR DREW DILKINS, Sworn:

THE REGISTRAR: Thank you.

COMMISSIONER ROULEAU: Welcome.

1 **MAYOR DREW DILKENS:** Thank you.

2 **COMMISSIONER ROULEAU:** Okay, go ahead.

3 **--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:**

4 **MS. NATALIA RODRIGUEZ:** Good morning, Mayor
5 Dilkens. How are you?

6 **MAYOR DREW DILKENS:** Good morning. I'm well,
7 thank you.

8 **MS. NATALIA RODRIGUEZ:** Good. Nice to see you
9 again.

10 **MAYOR DREW DILKENS:** You as well.

11 **MS. NATALIA RODRIGUEZ:** You had an interview with
12 Commission Counsel on September 2nd of this year; you recall
13 that?

14 **MAYOR DREW DILKENS:** Yes.

15 **MS. NATALIA RODRIGUEZ:** And we had an interview
16 summary that was made as a result of that interview; do you
17 recall that?

18 **MAYOR DREW DILKENS:** Yes.

19 **MS. NATALIA RODRIGUEZ:** Yes. And you've had a
20 chance to review that summary?

21 **MAYOR DREW DILKENS:** Correct.

22 **MS. NATALIA RODRIGUEZ:** And do you have any
23 corrections to make to that summary at this time?

24 **MAYOR DREW DILKENS:** Just a slight correction as
25 it relates to the statement regarding the CBSA and the offer for
26 tow trucks.

27 **MS. NATALIA RODRIGUEZ:** Okay. So let's pull that
28 up. It's WTS00000019. And I believe you're referring to

1 evidence that was on page 5, so we'll go to page 5 of that.

2 (SHORT PAUSE)

3 **MS. NATALIA RODRIGUEZ:** Okay. And it's the
4 paragraph that says, "Towing Resources" right there?

5 **MAYOR DREW DILKENS:** Correct.

6 **MS. NATALIA RODRIGUEZ:** Okay. So what is it that
7 you would like to change with respect to that paragraph?

8 **MAYOR DREW DILKENS:** So the correction should be
9 that CBSA did not offer tow trucks to the Windsor Police Service
10 or the City. The CBSA offered to help clear the drivers and tow
11 trucks that may be available from the United States. So it
12 wasn't that the CBSA had tow trucks themselves that was offered.

13 **MS. NATALIA RODRIGUEZ:** Okay. So they were
14 facilitating the movement of tow trucks and drivers over the
15 border, is that right?

16 **MAYOR DREW DILKENS:** Correct.

17 **MS. NATALIA RODRIGUEZ:** Okay, perfect. We'll
18 make that correction. Thank you. And we'll have that witness
19 summary entered into evidence.

20 You also swore an affidavit attaching two
21 Institution Reports from the City of Windsor.

22 **MAYOR DREW DILKENS:** Yes.

23 **MS. NATALIA RODRIGUEZ:** And we're going to bring
24 -- well, first of all, we'll bring the affidavit up; it's
25 AFF00000013.

26 (SHORT PAUSE)

27 **THE CLERK:** Apologies, Counsel; is there a prefix
28 to that number?

1 **MS. NATALIA RODRIGUEZ:** AFF00000013.

2 (SHORT PAUSE)

3 **MS. NATALIA RODRIGUEZ:** Okay. And if we can
4 scroll down a little bit?

5 Do you recognize this as your affidavit?

6 **MAYOR DREW DILKENS:** Yes.

7 **MS. NATALIA RODRIGUEZ:** Okay, great. And we'll
8 go to the two Institution Reports, then. WIN.IR00000001.

9 (SHORT PAUSE)

10 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go
11 down a little bit? Okay.

12 And you recognize this as the Institution Report
13 for the City of Windsor?

14 **MAYOR DREW DILKENS:** Correct.

15 **MS. NATALIA RODRIGUEZ:** Do you have any
16 corrections to make to this Institution Report?

17 **MAYOR DREW DILKENS:** I would just make one
18 correction as it relates to -- and this is probably not material
19 but for the interest of being correct, there's a mention int
20 here that the City was formed in 1935, and it mentions an
21 *Amalgamation Act*. Windsor actually received city status in
22 1892.

23 **MS. NATALIA RODRIGUEZ:** Okay. So Windsor has
24 been a city since 1892 but it was amalgamated in 1935.

25 **MAYOR DREW DILKENS:** That's correct.

26 **MS. NATALIA RODRIGUEZ:** Okay, thank you. We'll
27 make that correction, and it will be entered into evidence.

28 And then if we can just have the second

1 Institution Report, WIN.IR00000002? And this, I believe, is a
2 timeline of key events. And you recognize that; correct?

3 **MAYOR DREW DILKENS:** Yes, I do.

4 **MS. NATALIA RODRIGUEZ:** Okay. Do you have any
5 changes to make to that Institution Report?

6 **MAYOR DREW DILKENS:** I do not.

7 **MS. NATALIA RODRIGUEZ:** Okay, thank you. We'll
8 have those entered into evidence, along with your affidavit.

9 So I understand you've been a mayor -- the Mayor
10 of Windsor since 2014, is that right?

11 **MAYOR DREW DILKENS:** That's correct.

12 **MS. NATALIA RODRIGUEZ:** And my understanding is
13 you've also been the Chair of the Windsor Police Services Board
14 since that time as well.

15 **MAYOR DREW DILKENS:** That's correct.

16 **MS. NATALIA RODRIGUEZ:** And as Mayor, you are
17 also part of the Community Control Group, is that right?

18 **MAYOR DREW DILKENS:** That's right.

19 **MS. NATALIA RODRIGUEZ:** And can you explain what
20 the Community Control Group is?

21 **MAYOR DREW DILKENS:** The Community Control Group
22 is, effectively, the members of our corporate leadership team,
23 so the Commissioners, and the appropriate people needed to deal
24 with certain events. And basically the idea is if we have a
25 significant event, we give information once to the whole group
26 and then provide a response where everyone is on the same page
27 and understand what needs to be done before we adjourn a
28 meeting.

1 **MS. NATALIA RODRIGUEZ:** And when you say,
2 "Commissioners" those are the kinds of leads of the different
3 departments in the City?

4 **MAYOR DREW DILKENS:** Yes. It's -- you know, it
5 would be analogous in a corporate setting to the Vice President.

6 **MS. NATALIA RODRIGUEZ:** Right.

7 **MAYOR DREW DILKENS:** So it's the senior City
8 leadership team; the city manager and all of the different
9 department heads for each department.

10 **MS. NATALIA RODRIGUEZ:** Okay, great. And that
11 includes EMS and the heads of -- well, I assume also members of
12 the WPS, or at least one member of the WPS would be there as
13 well?

14 **MAYOR DREW DILKENS:** If required, yes.

15 **MS. NATALIA RODRIGUEZ:** Yes, okay. Thank you.
16 And my understanding is that CCG was activated
17 during the blockade in Windsor of this year. Is that right?

18 **MAYOR DREW DILKENS:** That's correct.

19 **MS. NATALIA RODRIGUEZ:** And what kind of
20 decisions would be made at the CCG level?

21 **MAYOR DREW DILKENS:** Any sort of operational
22 decision that is required from a city perspective, and it could
23 be traffic control measures, it could be the acquisition of
24 Public Works items, perhaps jersey barriers. It could be
25 procuring any sort of legal resource that is needed.

26 It really runs the gamut depending on what's
27 required in each situation.

28 **MS. NATALIA RODRIGUEZ:** And what's -- what's an

1 example of the kind of decision that was made for this
2 particular event, which was the blockade?

3 **MAYOR DREW DILKENS:** Well, with respect to the
4 blockade, everyone got together. It was very quickly determined
5 that the right incident command for this event was a police
6 response, and so on the back end we were providing operational
7 support to police. And that was procurement of jersey barriers,
8 traffic signal control, signage, you know, whole host of
9 different inputs that would be required to manage what police
10 needed to deal with the event.

11 **MS. NATALIA RODRIGUEZ:** And was there also an
12 aspect that dealt with maintaining city services and ensuring
13 the impacts to the residents and businesses was as little as
14 possible?

15 **MAYOR DREW DILKENS:** That's true.

16 So from a transit perspective, we want to make
17 sure that the transit routes that would have crossed the area in
18 question, that they can continue to be maintained in some order
19 that people could continue to move throughout the city, and so
20 all of those people were around the table making sure that we
21 were deploying the right response to support police in this
22 endeavour.

23 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.

24 And so you kind of -- you wore three hats, in a
25 sense, during the event. You were the Mayor of the city, you
26 were the Chair of the Windsor Police Services Board, and you
27 were a member of the CCG; correct?

28 **MAYOR DREW DILKENS:** Correct.

1 **MS. NATALIA RODRIGUEZ:** And so in your role as
2 CCG, who was the -- who would have been briefing you? Would
3 that have been Chief Laforet?

4 **MAYOR DREW DILKENS:** Yeah, Chief Steve Laforet is
5 our fire chief, and so he took control of the CCG and was sort
6 of the -- I would say like the emergency coordinator, making
7 sure that all of the people were around the table and that the
8 facilities were available and he acted as the person in charge
9 for that group.

10 **MS. NATALIA RODRIGUEZ:** And as Mayor, would it
11 have been the CAO who briefed you?

12 **MAYOR DREW DILKENS:** Well, I mean, I received
13 briefings from the Chief of Police at the time, from the Deputy
14 Chief Bellaire, from the CAO, from city legal. I mean, there
15 were a number of inputs coming in to me throughout the day, and
16 certainly at CCG.

17 It was during the CCG meetings, it was a chance
18 for us to share information broadly so that everyone was on the
19 same page and that we knew what was required and we were, you
20 know, for lack of a better term, locked and loaded moving
21 forward.

22 **MS. NATALIA RODRIGUEZ:** So in many ways, your
23 three hats were kind of together at the same time. There wasn't
24 really a distinction between the three roles that were you
25 playing.

26 **MAYOR DREW DILKENS:** Almost none.

27 **MS. NATALIA RODRIGUEZ:** Okay. So I want to
28 familiarize the Commissioner and others with Windsor and the

1 geography of Windsor and the Ambassador Bridge, which is the
2 bridge in question, because I think it provides some context to
3 what we're going to be talking about in the next couple of
4 hours.

5 So I wanted to bring up the map that was
6 circulated earlier. And so this is a map of Windsor; correct?

7 **MAYOR DREW DILKENS:** A portion of it, yeah.

8 **MS. NATALIA RODRIGUEZ:** A portion of it. Okay.
9 Thank you.

10 And we can see at the bottom there the -- yeah,
11 that -- where the cursor is, that yellow line that goes east to
12 west. Is that the 401?

13 **MAYOR DREW DILKENS:** Yes. The part that's marked
14 401 will be the portion that goes to the new Gordie Howe Bridge,
15 and then the portion south of where it sees E.C. Row Expressway,
16 is basically -- it's called the Herb Gray Parkway, but it's a
17 direct connection. It effectively is the 401 and links the 401
18 to -- through the City of Windsor to the -- to the future Gordie
19 Howe Bridge. And then, of course, traffic -- that bridge is not
20 open yet, but traffic that is trying to access the Ambassador
21 Bridge has to get off the 401 north of E.C. Row Expressway where
22 they're getting on a municipal road.

23 So they move from a provincial highway to a
24 municipal road.

25 **MS. NATALIA RODRIGUEZ:** So maybe we can zoom in a
26 little bit on the municipal road.

27 So that would be the yellow road running
28 northwest. Is that right?

1 **MAYOR DREW DILKENS:** Correct.

2 **MS. NATALIA RODRIGUEZ:** Okay. And what's the
3 name of that road?

4 **MAYOR DREW DILKENS:** Huron Church Road.

5 **MS. NATALIA RODRIGUEZ:** Huron Church Road. Okay.
6 And so that's a municipal road now within the
7 boundaries of the city; correct?

8 **MAYOR DREW DILKENS:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** Okay. And so to get to
10 the bridge, we're going to zoom in. It's about five kilometres,
11 is my understanding, from the 401 to the bridge on Huron Church
12 Road. Is that right?

13 **MAYOR DREW DILKENS:** It might be somewhat less
14 than that, you know, say between just around a little over three
15 kilometres.

16 **MS. NATALIA RODRIGUEZ:** Okay. Fair enough.

17 And so let's zoom in a little bit there.

18 And so where would the entrance, then, to the
19 bridge be?

20 **MAYOR DREW DILKENS:** So just to the -- to the
21 left of where your cursor -- your pointer is, right there where
22 that green dot is, traffic would proceed north and continue to
23 follow the yellow line. Now you're onto the -- basically the
24 entrance -- you know, the approach to the bridge.

25 **MS. NATALIA RODRIGUEZ:** Okay. And so that's
26 still within the city. And is that now -- is there any federal
27 agencies that are in that area that are in charge of securing
28 that area?

1 **MAYOR DREW DILKENS:** Well, the response is a
2 municipal response, so if there was an accident, if there was
3 some form of criminality or something that required police
4 attention, Windsor Police would respond.

5 **MS. NATALIA RODRIGUEZ:** Okay.

6 **MAYOR DREW DILKENS:** But you are actually now
7 getting on privately-owned property. The Ambassador Bridge is
8 owned by a private corporation, and so that private corporation
9 is required to follow the provisions of the *International Bridges
10 and Tunnels Act*, which is federal legislation in Canada, and the
11 person -- the Minister responsible for administering that
12 legislation is the Minister of Transportation.

13 **MS. NATALIA RODRIGUEZ:** Okay. And does CBSA have
14 a presence on this portion on the entrance of the bridge?

15 **MAYOR DREW DILKENS:** Yeah. So CBSA, you see the
16 red -- looks like a Customs officer or police officer. That's
17 where CBSA has their staff.

18 **MS. NATALIA RODRIGUEZ:** Okay, great.

19 And so I wanted to make the map 3D, if we can,
20 just to show the elevation because the bridge actually starts
21 not at the river there, but actually further down in the actual
22 city. So I just wanted to show that.

23 If we can zoom in a little bit.

24 So it looks like the bridge really starts --
25 well, we can see there now it's going underneath Wyandotte
26 Street. Is that right?

27 **MAYOR DREW DILKENS:** It goes over Wyandotte
28 Street.

1 **MS. NATALIA RODRIGUEZ:** It goes over, yes.

2 **MAYOR DREW DILKENS:** Right.

3 **MS. NATALIA RODRIGUEZ:** And so it looks like part
4 of the bridge is actually going through the city itself, not
5 over water. Is that right?

6 **MAYOR DREW DILKENS:** Correct.

7 **MS. NATALIA RODRIGUEZ:** And ---

8 **MAYOR DREW DILKENS:** The bridge itself -- I mean,
9 people would refer to the bridge as the portion of the structure
10 between the two largest pillars. Everything else is the
11 approach, and so the approach to -- you can see the large pillar
12 coming out of the water there. Everything leading up to that
13 pillar is the approach and you can see the rise in elevation as
14 vehicles get on the bridge.

15 And just north of where the pointer is now,
16 that's University of Windsor campus. It's directly adjacent to
17 the Ambassador Bridge and they have about 17,500 students that
18 attend that campus.

19 **MS. NATALIA RODRIGUEZ:** And the other side looks
20 to be quite residential. Is that right?

21 **MAYOR DREW DILKENS:** That's correct.

22 **MS. NATALIA RODRIGUEZ:** Okay. So if we can zoom
23 back a little bit, yeah, and just move back.

24 So in order to, then, enter the bridge, drivers
25 would come north on Huron Church Road and they would enter what
26 we call -- is this called a plaza, this area where vehicles
27 would enter to go through Customs and go through the border?

28 **MAYOR DREW DILKENS:** So where the pointer is now,

1 you can see if you stayed to the left on that roadway, that
2 would be into the plaza area past the duty free and then onto
3 the bridge. And where that pointer was where the number 3 is,
4 again, if you stayed to the left you're going to the bridge.
5 Stay to the right, that's how people -- the majority of people,
6 I would submit, get to the University of Windsor each and every
7 day.

8 So that is one way to get on the Ambassador
9 Bridge. There is a second entrance to the Ambassador Bridge,
10 and that is sort of the middle of the screen where the yellow
11 dot is right there. There is an entrance point just down, you
12 know, 20 metres or 30 metres. You can turn in and access the
13 bridge that way as well.

14 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.

15 And my understanding is that the blockade
16 occurred at the intersection of Huron Church Road and College
17 Street. Is that correct?

18 **MAYOR DREW DILKENS:** That's correct.

19 **MS. NATALIA RODRIGUEZ:** Okay. So let's go to
20 that area.

21 I believe that's where the green cursor is. Is
22 that right?

23 **MAYOR DREW DILKENS:** Yes.

24 **MS. NATALIA RODRIGUEZ:** The green dot.

25 Okay. Thank you.

26 So now with that in mind, we can talk a little
27 bit about the blockade and how it occurred, having a better
28 understanding of the layout of the city and where the bridge is

1 in relation to the rest of the city. So thank you for that.

2 So you had mentioned that the Ambassador Bridge
3 is privately owned. And that's on both sides of the border;
4 correct?

5 **MAYOR DREW DILKENS:** Correct.

6 **MS. NATALIA RODRIGUEZ:** And the southern end, the
7 Canadian port of entry is, as we saw, within the City of
8 Windsor?

9 **MAYOR DREW DILKENS:** That's right.

10 **MS. NATALIA RODRIGUEZ:** And my understanding is
11 that there are a few other points of entry, or there are other
12 areas to be able to get to the U.S. side, including a tunnel.
13 Is that right?

14 **MAYOR DREW DILKENS:** Yes. So City of Windsor and
15 the City of Detroit, we respectively own our own halves of the
16 Windsor-Detroit Tunnel. We manage them together, but ownership
17 rests with each municipality.

18 **MS. NATALIA RODRIGUEZ:** And what kind of vehicles
19 pass through the tunnel, as opposed to through the bridge? Why
20 would one go over -- into the tunnel, versus the bridge?

21 **MAYOR DREW DILKENS:** The tunnel has -- the tunnel
22 is predominately just vehicular traffic, passenger cars.
23 Haulers, auto haulers, can go in the tunnel, but there are
24 weight and height restrictions. The tunnel is 90 plus years
25 old, so there are height and weight restrictions in the tunnel.
26 So the vast majority of truck traffic uses the Ambassador
27 Bridge. Passenger traffic uses the tunnel.

28 **MS. NATALIA RODRIGUEZ:** Okay. And my

1 understanding is there's also a ferry between Windsor and
2 Detroit. Is that right?

3 **MAYOR DREW DILKENS:** That's correct. And the
4 ferry is used for hazardous goods. They cannot cross through --
5 they cannot cross over the Ambassador Bridge if they're carrying
6 hazardous goods.

7 **MS. NATALIA RODRIGUEZ:** And does any kind of just
8 regular traffic go also on the ferry? Or is that exclusively
9 limited to hazardous goods?

10 **MAYOR DREW DILKENS:** It's exclusive to vehicles
11 carrying hazardous goods.

12 **MS. NATALIA RODRIGUEZ:** Okay. And I understand
13 there's also a rail tunnel that connects Windsor to Detroit? Is
14 that right?

15 **MAYOR DREW DILKENS:** There is, yes.

16 **MS. NATALIA RODRIGUEZ:** And what kind of traffic
17 goes through the rail tunnel?

18 **MAYOR DREW DILKENS:** I'm not sure, in terms of
19 the volume of traffic, but it is not a double stacked tunnel, so
20 it limits the type of traffic that can go through, train traffic
21 that can go through.

22 **MS. NATALIA RODRIGUEZ:** And is it generally
23 commercial traffic?

24 **MAYOR DREW DILKENS:** Yes.

25 **MS. NATALIA RODRIGUEZ:** Now, according to the
26 Institutional Report that we saw earlier, my understanding is
27 that there are over 2.6 million truck crossings over the bridge,
28 or there were in 2020. Does that sound about right?

1 **MAYOR DREW DILKENS:** That sounds about right.

2 **MS. NATALIA RODRIGUEZ:** And this is about 28
3 percent of all of Canada's truck crossings?

4 **MAYOR DREW DILKENS:** Correct.

5 **MS. NATALIA RODRIGUEZ:** And my understanding also
6 is that the bridge handles over \$390 million of trade each day.
7 Does that sound right?

8 **MAYOR DREW DILKENS:** Yeah, so the numbers vary,
9 and it really -- you know, the estimate is between 300 and 450
10 million, depending on the day, depending on the season. But
11 that -- you know, any way you cut it, it's hundreds of millions
12 of dollars a day. So between three and 450 is sort of the rule
13 of thumb.

14 **MS. NATALIA RODRIGUEZ:** And the bridge also
15 serves as an important corridor for travel for Windsor
16 residents? Is that right?

17 **MAYOR DREW DILKENS:** It does.

18 **MS. NATALIA RODRIGUEZ:** And generally, what kind
19 of day-to-day traffic, in terms of residents, is going over the
20 bridge?

21 **MAYOR DREW DILKENS:** Well I would say it's --
22 there really are two kinds. And so living in Windsor, we have
23 the benefit of being sort of that safe, small, city, community
24 in Canada. And then people who live in Windsor in our area
25 often cross for all of the amenities that you would find in a
26 big city, whether that's sports, or dining, or entertainment.
27 All of that exists in Detroit just 10 minutes away.

28 But we also have about 6,000 people who cross to

1 go to work. So people who live in our community and cross to go
2 to work in the greater Detroit area each and every day. And
3 those are, you know, everything from engineers and a whole host
4 of healthcare professionals that continue to cross even during
5 the pandemic.

6 **MS. NATALIA RODRIGUEZ:** And now you had mentioned
7 that if there was an accident on the bridge, it would be the
8 Windsor Police Service who would respond to that accident;
9 correct?

10 **MAYOR DREW DILKENS:** If it's on the Canadian
11 side, yes.

12 **MS. NATALIA RODRIGUEZ:** Yes. Now what happens
13 if, for example, somebody is trying to cross unlawfully or
14 there's another type of situation that's not, say, an accident?

15 **MAYOR DREW DILKENS:** Windsor Police, from my
16 understanding, would be the ones that would receive the first
17 call and provide the first response if there's other criminal
18 type of activity.

19 **MS. NATALIA RODRIGUEZ:** Does the OPP have any
20 jurisdiction anywhere in Windsor or the bridge, to your
21 knowledge?

22 **MAYOR DREW DILKENS:** Not to my knowledge. I
23 would say that the OPP is responsible. When we looked at the
24 map, just a few minutes ago, where the 401 meets the E.C. Row
25 Expressway, the OPP is responsible to patrol effectively the
26 401, which is in our area as well.

27 **MS. NATALIA RODRIGUEZ:** Right. But is -- the 401
28 is outside of the city limits is my understanding. Is that

1 right?

2 **MAYOR DREW DILKENS:** Exactly. Yeah.

3 **MS. NATALIA RODRIGUEZ:** And does the RCMP have
4 any jurisdiction anywhere in Windsor or on the bridge?

5 **MAYOR DREW DILKENS:** Not to my knowledge. They
6 have a presence in Windsor. There's a detachment. But I'm not
7 aware that they have any sort of operational dealings with the
8 Ambassador Bridge per say.

9 **MS. NATALIA RODRIGUEZ:** Okay. Now, just going
10 back to the arrival of the convoy that caused the blockade, and
11 to even go further before that time, my understanding is that
12 there were slow roll protests that happened at the end of
13 January. Is that correct?

14 **MAYOR DREW DILKENS:** Correct.

15 **MS. NATALIA RODRIGUEZ:** And were you aware of
16 those at the time?

17 **MAYOR DREW DILKENS:** I really wasn't aware of
18 them at the time. They really had no impact and the Chief of
19 the day hadn't mentioned that to me. And so I wasn't aware at
20 the time.

21 **MS. NATALIA RODRIGUEZ:** And these were convoys of
22 trucks going up and down Huron Church Road kind of slowly in a
23 slow manner? Is that your understanding of what that was?

24 **MAYOR DREW DILKENS:** Correct.

25 **MS. NATALIA RODRIGUEZ:** Okay.

26 **MAYOR DREW DILKENS:** And as I came to find out,
27 they weren't blocking traffic, so traffic to and from the
28 Ambassador Bridge was still able to move.

1 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Now,
2 at the end of the January, were you aware of the convoy protest
3 that was happening in Ottawa?

4 **MAYOR DREW DILKENS:** Yes.

5 **MS. NATALIA RODRIGUEZ:** And did you have, at that
6 time, any information to suggest that those protests might
7 impact Windsor?

8 **MAYOR DREW DILKENS:** I had no information myself,
9 and nothing was passed to me at the end of January.

10 **MS. NATALIA RODRIGUEZ:** Okay. So when were you
11 first advised that there was potentially a risk of a blockade to
12 the bridge or that there was maybe a plan to blockade the
13 bridge?

14 **MAYOR DREW DILKENS:** February the 4th.

15 **MS. NATALIA RODRIGUEZ:** Okay. So I'm going to
16 take you to WIN0000010. And this is an email dated February 4th.
17 And if we go to the bottom of the first page, yeah, we can see
18 the email is from somebody at CBSA to Carolyn Brown and some
19 other individuals.

20 Who is Carolyn Brown?

21 **MAYOR DREW DILKENS:** Carolyn Brown is a City
22 employee who is responsible for managing the Windsor-Detroit
23 Tunnel. Our half.

24 **MS. NATALIA RODRIGUEZ:** Your half of the tunnel.
25 Okay. Not the bridge, the tunnel?

26 **MAYOR DREW DILKENS:** Correct.

27 **MS. NATALIA RODRIGUEZ:** Right. And so she's
28 saying -- sorry, Mr. Boismier is saying to her:

1 "We have heard of additional 'slow roll'
2 protests in and around Huron Church and
3 the Ambassador Bridge over the next few
4 days. Information on social media also
5 suggests that 'if we don't see any change
6 by Monday we will be shutting down the
7 Windsor border crossing completely'.
8 While there is no information that I have
9 been made aware of regarding protests at
10 the Tunnel, if any such blockade occurs at
11 the Ambassador Bridge, we may see an
12 increase in passenger traffic and those
13 commercial vehicles that are able to
14 utilize the Tunnel."

15 Okay. So were you made aware of this information
16 at the time?

17 **MAYOR DREW DILKENS:** Not from the folks on this
18 email, but I did receive a call from the Chief of Police shortly
19 thereafter, who told me about the slow roll and that police are
20 monitoring this slow roll through the City of Windsor.

21 **MS. NATALIA RODRIGUEZ:** And at that time, was
22 there any discussion about potentially trying to prevent a
23 blockade from occurring?

24 **MAYOR DREW DILKENS:** No, what the Chief told me,
25 Chief Mizuno had said that that's when I found out that it was
26 already happening in the days prior to February the 4th and that
27 everyone had been peaceful, that there had been no blockage of
28 traffic to and from the Ambassador Bridge, and so what the Chief

1 told me was that they were monitoring the situation and she just
2 wanted to let me know.

3 **MS. NATALIA RODRIGUEZ:** Okay. And did the City
4 do anything in response to this information?

5 **MAYOR DREW DILKENS:** On this particular time, I
6 wouldn't say, on February 4th, not right away. I mean, what I
7 did when I found out, I sent a text to Minister Mendicino just
8 to let him know that I had received this information so that he
9 was aware, because we were watching, of course, what was
10 happening in Ottawa and elsewhere around the country and I just
11 passed that up to the Minister for his attention.

12 **MS. NATALIA RODRIGUEZ:** Okay. So we'll go to
13 those text messages since you've mentioned it.

14 WIN00002295. So these are your text messages to
15 Minister Mendicino? Is that right?

16 **MAYOR DREW DILKENS:** Yes.

17 **MS. NATALIA RODRIGUEZ:** And so the blue is you
18 and if we go down, there's some white. The white text is him?

19 **MAYOR DREW DILKENS:** That's correct.

20 **MS. NATALIA RODRIGUEZ:** Okay. And if we just go
21 back up a little bit:

22 "Hi....I know things are crazy for you.
23 Wanted you to know that police here are
24 prepping for the potential return of
25 truckers (and other malcontents) next
26 week. It sounds like they may be
27 attempting to block traffic to the
28 Ambassador Bridge."

1 So that's on February 4th, as you mentioned, it's
2 -- when it's -- came to your attention that there was a risk of
3 a blockade; correct?

4 **MAYOR DREW DILKENS:** That's correct.

5 **MS. NATALIA RODRIGUEZ:** And if we go down, it
6 says, "Thx man. Let's try [to] connect this..." -- let's go
7 down a little bit more, "...this weekend Stay safe"

8 Okay. So it sounds like you knew him from
9 before, is that right?

10 **MAYOR DREW DILKENS:** Correct.

11 **MS. NATALIA RODRIGUEZ:** Okay. It's not the first
12 time you're texting him.

13 **MAYOR DREW DILKENS:** No.

14 **MS. NATALIA RODRIGUEZ:** Okay. And he mentions to
15 connect that weekend; did you speak to him prior to the blockade
16 taking hold? So this would be Friday the 4th, so either on the
17 5th or the 6th?

18 **MAYOR DREW DILKENS:** I don't recall if we spoke
19 on the weekend.

20 **MS. NATALIA RODRIGUEZ:** Okay. Now, moving
21 forward to February 6, my understanding is that there was a risk
22 of a blockade at another location in Sarnia, is that right?

23 **MAYOR DREW DILKENS:** Yes.

24 **MS. NATALIA RODRIGUEZ:** And were you aware of
25 that at the time?

26 **MAYOR DREW DILKENS:** Yes, I was.

27 **MS. NATALIA RODRIGUEZ:** And can you tell us a
28 little bit about what that was about; where it was and what was

1 the issue?

2 **MAYOR DREW DILKENS:** Well, we were watching --
3 and the Chief had called me as well, but we were also watching
4 social media and traditional media as well -- and saw that there
5 was a thread and then a blockage at or around the Blue Water
6 Bridge.

7 **MS. NATALIA RODRIGUEZ:** And that's in Sarnia?

8 **MAYOR DREW DILKENS:** Yes.

9 **MS. NATALIA RODRIGUEZ:** And did -- do you know
10 how long that lasted or when it got resolved?

11 **MAYOR DREW DILKENS:** I don't recall how long it
12 lasted but my recollection is it was ended pretty quick.

13 **MS. NATALIA RODRIGUEZ:** And that raise any
14 concerns with respect to the Ambassador Bridge and possible
15 blockades there?

16 **MAYOR DREW DILKENS:** Yes, it did.

17 **MS. NATALIA RODRIGUEZ:** So let's move now to
18 February 7th, the day the blockade actually happened.

19 Can you just walk us through that day; what it
20 was like for you, when you found out, and what you did that day?

21 **MAYOR DREW DILKENS:** Well, I'll say leading up to
22 the 7th there was lots of activity over the weekend because you
23 could feel the temperature rising, in terms of comments on
24 social media, what was happening in around -- in and around
25 Sarnia. We were watching what was happening in Ottawa and we
26 know -- anyone who lives in Windsor knows and appreciates how
27 important the Ambassador Bridge is, not just for our local and
28 regional economies, but also provincially.

1 And so over the weekend we started making
2 preparations to acquire jersey barriers, at the request of
3 police. I had made an effort to secure one of our Transit
4 Windsor buses to put on the -- let's say the other side of
5 customs, on the duty-free side of the tunnel, just in case there
6 was a blockage at the bridge and the tunnel, because there were
7 -- there was the thought that you could have the closure of both
8 pieces of infrastructure. And we knew that we had to provide a
9 mechanism to move health -- move healthcare workers who lived in
10 Windsor and worked in Detroit. We had to be able to get them
11 through the tunnel, even if their cars could not get through the
12 tunnel.

13 And so we moved a transit bus to the other side,
14 to the duty-free plaza in the tunnel, and then there was --
15 there was work being done to figure out how to move that bus
16 through, because we were still in this COVID restriction period,
17 and there were ArriveCAN and all sorts of restrictions crossing
18 back and forth through the international border. So work was
19 going on, on that front as well.

20 So everyone was working very well together,
21 dealing with whatever information we had and trying to provide
22 and prepare for the eventual -- you know, the eventuality in the
23 worst-case scenario, which would be the closure of Huron Church
24 Road, leading to the Ambassador Bridge.

25 **MS. NATALIA RODRIGUEZ:** And ultimately, the
26 tunnel was not blocked, is that right?

27 **MAYOR DREW DILKENS:** Correct.

28 **MS. NATALIA RODRIGUEZ:** Okay. So the bus was not

1 -- did not need to be used?

2 **MAYOR DREW DILKENS:** It wasn't used but we made
3 all preparations just in case because it was imperative that we
4 had access for healthcare workers to get through to the United
5 States.

6 **MS. NATALIA RODRIGUEZ:** Okay. So there was a
7 sense that the temperature was increasing, as you say. And then
8 on the 7th, what happened on that day?

9 **MAYOR DREW DILKENS:** Well, on the 7th we opened
10 our Emergency Operations Centre, so that is at one of our
11 firehalls. The Chief opened the EOC; there was a meeting, say 9
12 or 10 o'clock in the morning that day at the EOC -- or of the
13 CCG, I should say. And everything was sort of laid out, "Here's
14 what we have"; police were on that call. Everyone was briefed
15 on the information that was available at the time. And, you
16 know, everyone was on the same page. So preparations were being
17 made, if it got worse.

18 **MS. NATALIA RODRIGUEZ:** And was there any
19 discussion about doing any kind of actions to prevent a blockade
20 from taking hold? Because it sounds like there was an
21 anticipation that this could happen; it hadn't yet happened.
22 Was there any discussion about trying to prevent it from
23 happening?

24 **MAYOR DREW DILKENS:** There were some efforts by
25 OPP, as I was made aware, up the 401, outside the boundaries of
26 the City of Windsor, to try and divert truck traffic that may be
27 on the way. But I think it's fair to say that, if you know the
28 City of Windsor, and anyone who lives in our city, because of

1 the distance from, say, E.C. Row Expressway, the end of the 401
2 to the Ambassador Bridge -- and we're talking three kilometers
3 each way -- the number of businesses, the number of homes, the
4 hotels that are built up that require direct access to Huron
5 Church Road, it would be, for all intents and purposes,
6 practically impossible to guarantee, with any certainty, that
7 you could provide a route for trucks and -- without having huge
8 disruption to the community. Not just the business community,
9 but also the people who live on the west side of the city.

10 **MS. NATALIA RODRIGUEZ:** Right, because Huron
11 Church Road does serve as an access point between the east side
12 of the city and the west side. It seems to cut right through
13 the city, is that right?

14 **MAYOR DREW DILKENS:** It bisects right through.

15 **MS. NATALIA RODRIGUEZ:** Yeah.

16 **MAYOR DREW DILKENS:** And so you can imagine the
17 Ambassador Bridge when it was built, you know, 90 years ago,
18 that the road -- Huron Church Road was effectively a road with
19 farms on either side back then. And over time -- there are
20 still home whose driveways require access to Huron Church Road,
21 but over time that's changed. And so again, you have hotels,
22 many, many hotels, and motels; you have lots of businesses, and
23 you have a whole community. In fact, the western side of Huron
24 Church Road is the oldest -- one of the oldest communities in
25 Ontario, going back to the mid-1700s. It was called Sandwich
26 Town at the time.

27 And so there is a -- it's a lot of history in
28 that area and a lot of people live there. Not just students

1 that go to the University of Windsor, but a whole host of folks.
2 I mean there's probably 25,000 people who live on the other side
3 of Huron Church Road, the west side.

4 **MS. NATALIA RODRIGUEZ:** Right. And so there was
5 a CCG meeting in the morning, and then what happened after that?

6 **MAYOR DREW DILKENS:** Everyone was just making
7 plans; doing the best they could do to support police as they
8 tried to mobilize everything that they required to provide us
9 support. It was very obvious that if something happened here,
10 it was a police response that would be required.

11 **MS. NATALIA RODRIGUEZ:** And do you know at what
12 point the blockade, the slow roll became a blockade, and the
13 blockade took hold?

14 **MAYOR DREW DILKENS:** I don't remember the exact
15 time.

16 **MS. NATALIA RODRIGUEZ:** Okay.

17 I'll take you to an email -- it may help.
18 WIN00002223. So this is another email -- if we go down -- from
19 CBSA to Ms. Brown, and this is in the morning:

20 "Open source information states that a
21 convoy will meet up in Comber, Ontario
22 between 0900 [and] 1000 this morning
23 and start heading for the Ambassador
24 Bridge at 1000. Info also states that
25 they will only be going to the Bridge
26 and the Tunnel will be left open for
27 emergencies and emergency vehicles."

28 So this would have been at 10:00 a.m. or at 9:44,

1 in any event, the bridge was still not blocked. Did you receive
2 this information; was this passed on to you?

3 **MAYOR DREW DILKENS:** I don't recall if that was
4 passed on to me or not.

5 **MS. NATALIA RODRIGUEZ:** Okay. Now, I'll take ---

6 **MAYOR DREW DILKENS:** I mean, you know, I say
7 that, and I'll tell you, I was talking to the Chief of Police or
8 the Deputy Chief probably five times a day.

9 **MS. NATALIA RODRIGUEZ:** Yeah.

10 **MAYOR DREW DILKENS:** And direct connection with
11 our City Manager and the department heads, so there was no lack
12 of sharing of information in Windsor. We were all pretty much
13 on the same page and aware of what was going on and trying to
14 develop and devise a response, and especially try to help police
15 as they needed.

16 **MS. NATALIA RODRIGUEZ:** And so I'll take you to
17 WIN00000098. And this is another update from CBSA to Ms. Brown.
18 And if we go down, let's go down. So actually let's go down all
19 the way. Let's keep going. There it is.

20 So Mr. Boismier says:

21 "I have been advised that all lanes of
22 the bridge are closed and negotiations
23 have halted. Protestors have advised
24 that they are staying put and not
25 moving. They appear to be setting up a
26 camp of sorts. Both lanes to and from
27 the Bridge, are at a standstill."

28 So this is now at 7:18 p.m. So do you recall

1 hearing at some time in the evening that the blockade had taken
2 hold.

3 **MAYOR DREW DILKENS:** Yes.

4 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And if
5 I can take you to WIN00002204?

6 Now, this is the CCG meeting that you had
7 mentioned that had happened on February 7th in the morning. It
8 looks like this was the first kind of blockade-specific or
9 convoy-specific CCG meeting that took place. Is that right?

10 **MAYOR DREW DILKENS:** That's correct.

11 **MS. NATALIA RODRIGUEZ:** And if we go down, let's
12 keep going to the next page. Yeah, we'll keep going. Let's see
13 -- no, let's go up a little bit more. Yeah, okay. Good.

14 Yeah. So I'm looking at the part that says, "We
15 do have a comprehensive plan." Okay, yeah. So at the bottom
16 there, Deputy Bellaire; can you tell us who Deputy Bellaire is?

17 **MAYOR DREW DILKENS:** He is a Deputy Police Chief
18 in the City of Windsor responsible for operations.

19 **MS. NATALIA RODRIGUEZ:** Okay. And you already
20 mentioned Chief Mizuno, who's the Chief of Police, right?

21 **MAYOR DREW DILKENS:** At the time, yes.

22 **MS. NATALIA RODRIGUEZ:** At the time. And so
23 Deputy Bellaire says:

24 "OK, we do have a more comprehensive
25 plan and some fallback and negotiation
26 strategies. There is freedom of
27 movement and we do live in a democracy.
28 If it is an aggressive [keep going

1 down] public demonstration, we have
2 incremental steps to take place as we
3 have done our legal homework.”

4 Do you recall what the discussion was around this
5 point; what Chief Bellaire was trying to express here?

6 **MAYOR DREW DILKENS:** You know, my sentiment at
7 the time was that they were doing everything they could to speak
8 with the protesters to try and find some way to allow a slow
9 roll to continue, if that's what folks wanted to do, but to
10 prevent a permanent shutdown of Huron Church Road.

11 **MS. NATALIA RODRIGUEZ:** And my understanding is
12 that in this meeting, the Police Service explained it had a plan
13 in place if the protest worsened, and that in the meeting
14 preparations were discussed such as jersey barriers and
15 mobilizing towing resources, is that right?

16 **MAYOR DREW DILKENS:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And can you explain a
18 little bit the City's role in securing jersey barriers?

19 **MAYOR DREW DILKENS:** I'm not sure exactly who did
20 it but there was requests made, and so likely it would have been
21 our Public Works Department sourcing whatever we had internally
22 as a city, and then where we were deficient in the numbers
23 required, reaching out to adjacent municipalities and trying to
24 procure the jersey barriers that police had asked for.

25 **MS. NATALIA RODRIGUEZ:** And my understanding is
26 that the Ministry of Transportation of Ontario ultimately did
27 provide a significant number of jersey barriers. Does that
28 accord with your recollection?

1 **MAYOR DREW DILKENS:** Certainly at the end of this
2 incident, we wouldn't have been able to do it without them. We
3 needed their help to secure three kilometres of jersey barriers
4 in each direction, so a total of six kilometres of jersey
5 barriers.

6 **MS. NATALIA RODRIGUEZ:** And my understanding is
7 the City was not -- did not secure towing capacity, or was not
8 able to secure towing capacity, is that right?

9 **MAYOR DREW DILKENS:** We have a -- the police have
10 a contract with a company, which is quite standard, and they
11 provide towing services. And so they have -- they had capacity
12 but there was, you know, -- also there were threats being made
13 against the company and the owners of the company that if they
14 participated and towed cars, there was all sorts of things going
15 on to sort of attack the company and their reputation; online
16 giving them negative reviews, and doing a number of things that
17 happened, ultimately.

18 So, yes, they were -- they are our contractor;
19 they were cooperative, but if the expectation is that they could
20 have helped move all of the vehicles that were there, including
21 some of the heavy trucks, I don't think they would have had --
22 it would have taken a long time, or they wouldn't have had all
23 of the resources required. We would have needed additional
24 support if any attempt was made to go in and move everyone in
25 any timely manner.

26 **MS. NATALIA RODRIGUEZ:** So they didn't refuse to
27 provide services; it's just they were one company and couldn't
28 do all of it, essentially.

1 **MAYOR DREW DILKENS:** Yeah, I'm not aware that
2 they refused to provide services.

3 **MS. NATALIA RODRIGUEZ:** Okay. But you are aware
4 that they did receive some kind of negative, I guess,
5 repercussions as a result of assisting?

6 **MAYOR DREW DILKENS:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** And my understanding is
8 that originally both the north and the southbound lane of the
9 bridge was blockaded, and then at some point one of the lanes
10 opened up. Do you have a sense for the kind of the movement of
11 the blockade and the different points of entry?

12 **MAYOR DREW DILKENS:** I think police would be
13 better positioned to answer, but the briefings that I received
14 from the Chief at the time is that the ongoing negotiations they
15 were trying to get a lane open for emergency purposes. And so
16 they were at one time successful in doing that, and then that
17 ended very, very quickly.

18 And part of the issue that we experienced
19 collectively in Windsor is that this was a leaderless movement.
20 You know, there was no-one speaking for the group who could
21 guarantee the behaviour of the other members.

22 And so police will know better the timing, in
23 terms of, you know, the ebb and flow of what they were able to
24 achieve, but the briefings I received from Chief Mizuno was that
25 at one time they did have a lane open but that that agreement
26 dissolved very quickly.

27 **MS. NATALIA RODRIGUEZ:** And my understanding,
28 too, is that the access from Wyandotte Road was open at one

1 time, and then that also became blockaded over time.

2 **MAYOR DREW DILKENS:** Correct.

3 **MS. NATALIA RODRIGUEZ:** And when you say, "A
4 leaderless movement"; is this information you received from the
5 police, or how did you come to that conclusion?

6 **MAYOR DREW DILKENS:** Yes, it's information I
7 received from police.

8 **MS. NATALIA RODRIGUEZ:** Okay. Now, on the 7th,
9 which is the day of the blockade, I understand you had a
10 discussion with Solicitor-General Jones; is that correct?

11 **MAYOR DREW DILKENS:** In or around the 7th. It was
12 the 7th or the 8th.

13 **MS. NATALIA RODRIGUEZ:** Okay. And she asked what
14 Windsor needed to respond to the blockade?

15 **MAYOR DREW DILKENS:** She did. And so, obviously,
16 the Solicitor-General had responsibility for the OPP at the
17 time, and I wanted to make sure that she was informed of what
18 was going on, on the ground. But my question to the Chief of
19 Police was, "Chief, what do you need? How many officers do you
20 need?" Because she told me she does not have enough human
21 resources to end the situation that had developed in Windsor.
22 So my response -- my question to her was, "What do you need?
23 Tell me what you need, and I'll help amplify whatever you need,
24 you know, up the chain with the folks that I speak to."

25 And so she said, "I need 100 officers." And so I
26 amplified that with the Solicitor-General; I amplified that with
27 the Premier; I amplified that with Minister Mendicino, and then
28 there were conversations later in the evening on the 8th with my

1 chief of staff and other chiefs of staff at the -- for sure, the
2 federal level, and they asked for that request in writing.

3 And so the Chief in her own right was already
4 working through her channels, and so I asked her -- I told her
5 that, "We're getting the request to put this in writing. Can
6 you please do that?" And she did that the next day. And so we
7 received the letter on the 9th, and we sent that -- she sent that
8 letter to -- asking for 100 officers, to the Commissioner of the
9 OPP and the Commissioner of the RCMP and we forwarded those
10 letters as well to the folks that we were talking to.

11 **MS. NATALIA RODRIGUEZ:** Okay. So if I understand
12 correctly, it started with a discussion between you and the
13 Chief. You asked her what she needed; she told you 100. You
14 then went to Solicitor-General Jones and to Minister Mendicino
15 and said, "We need 100 officers," and they came back and said,
16 "Please put that in writing," and then you went back to the
17 Chief told her, "Put it in writing," and on the 9th these letters
18 went out. Is that a fair summary?

19 **MAYOR DREW DILKENS:** Correct.

20 **MS. NATALIA RODRIGUEZ:** Okay. So when you spoke
21 to the Solicitor-General on the 7th, that would have been to tell
22 her the request for 100, and is that when she told you, "I need
23 it in writing"?

24 **MAYOR DREW DILKENS:** No. She never told me she
25 needed it in writing. And so I spoke with the Solicitor-General
26 just because I wanted her to be aware of what was happening on
27 the ground, and make sure that she was informed of what was
28 going on down here. And the same with Minister Mendicino, just,

1 "Here's the temperature and the tenor on the ground; here's what
2 we're seeing," just so they had a sort of situational awareness,
3 I would call it.

4 And so they didn't ask for it in writing, it was
5 through their staff, really, at the federal level -- through
6 staff at the federal level who said, "Can you please put the
7 request in writing?" And that was on the evening of the 8th, and
8 then I sent a message to the Chief saying, "They're asking for
9 this in writing," and she had one of her deputies or
10 superintendents put that in writing and she sent it off in
11 letter form to the Commissioner of the RCMP and the Commissioner
12 of the OPP.

13 **MS. NATALIA RODRIGUEZ:** And on February 8th that
14 was your chief of staff that participated in that staff meeting,
15 is that right?

16 **MAYOR DREW DILKENS:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** Okay. And do you recall
18 anything else noteworthy from that discussion with the
19 Solicitor-General at that time on the 7th?

20 **MAYOR DREW DILKENS:** No. She was just -- she was
21 obviously very concerned, very interested, very much wanting to
22 help. And, you know, we agreed just to stay in touch and make
23 sure that we were informing one another of important things
24 related to the matter.

25 **MS. NATALIA RODRIGUEZ:** And in terms of your
26 discussion with Mr. Mendicino that same day, was it similar kind
27 of tenor? Is that essentially the same type of discussion?

28 **MAYOR DREW DILKENS:** Exactly.

1 **MS. NATALIA RODRIGUEZ:** Okay. Now, on February
2 8th, there was also a meeting of the Windsor Police Services
3 Board; correct?

4 **MAYOR DREW DILKENS:** That's correct.

5 **MS. NATALIA RODRIGUEZ:** And that was an in-camera
6 meeting is my understanding. Do you recall that meeting?

7 **MAYOR DREW DILKENS:** Yes.

8 **MS. NATALIA RODRIGUEZ:** So I'll take you to the
9 minutes of that meeting.

10 WIN00001999. Okay. And if we go down?

11 Oh, sorry, I think this was actually your request
12 to call the meeting.

13 **MAYOR DREW DILKENS:** Yes.

14 **MS. NATALIA RODRIGUEZ:** So you called this
15 meeting as Chair; correct?

16 **MAYOR DREW DILKENS:** Sara Sabihuddin is our Board
17 assistant. And so I had asked her to call a meeting of the
18 Board. I think I did it -- if you went down even further, I
19 think I asked around noon on the 8th.

20 **MS. NATALIA RODRIGUEZ:** So and the minutes of
21 that meeting are actually at WIN00002174. There we go.

22 So it was on February 8th at 7:00 p.m. And we can
23 see the Chief was there, two deputy chiefs, you were there as
24 well, some councillors were there, and others. And if we go
25 down to, I believe it's -- there we go.

26 "Chief Mizuno provided an update to the
27 WPS Board on the recent situation
28 regarding the Ambassador Bridge Blockade.

1 WPS was notified last week of the
2 potential for this protest to take place
3 in Windsor."

4 And then if we go to the end of that page:

5 "WPS has requested assistance should we
6 need it from Chatham Police and Lasalle
7 Police. Out top concerns are public
8 safety and de-escalation."

9 What was the Board's role with respect to
10 securing resources from other local police forces?

11 **MAYOR DREW DILKENS:** The Board took no role in
12 that directly. The Board, and I think you see in the minutes,
13 was do you, you know, "Chief, do you have the resources required
14 to deal with the situation? What do you need from us? If you
15 don't have the resources, what do you need us to authorize in
16 terms of budget," or, you know, whatever was in our purview to
17 assist with the Chief providing the response that was required.

18 **MS. NATALIA RODRIGUEZ:** And did the WPS request
19 any assistance from the Board at this meeting?

20 **MAYOR DREW DILKENS:** No.

21 **MS. NATALIA RODRIGUEZ:** Okay. And if we go down,
22 keep going, Chief Mizuno there, in the middle, says:

23 "WPS officers are doing a fantastic job.
24 Lessons have been learnt from Ottawa and
25 from our own past experiences and external
26 assistance has been requested."

27 Do you know what the Chief meant when she says
28 "Lessons have been learnt from Ottawa..."? Do you know what those

1 lessons are?

2 **MAYOR DREW DILKENS:** In my conversations with the
3 Chief, the largest lesson learned was not to let this grow.
4 Don't let bouncy castles, and hot tubs, and sort of those types
5 of amenities come to the streets on Huron Church Road and allow
6 this to grow. So make sure that we're dealing with this, you
7 know, as quickly and swiftly and professionally in a way that,
8 as she said, provides for public safety and de-escalates. But
9 don't -- you know, lessons from Ottawa, don't allow this to
10 grow. There may have been others that were on her mind, but
11 that's one that she mentioned to me.

12 **MS. NATALIA RODRIGUEZ:** And are you aware whether
13 there were actions taken to contain it so that it wouldn't grow?

14 **MAYOR DREW DILKENS:** Police did take action with
15 respect to jersey barriers, and so they cordoned off certain
16 streets. And they had control of certain areas that I think,
17 you know, made their life a little easier and was able to
18 prevent the situation from getting larger.

19 **MS. NATALIA RODRIGUEZ:** And in terms of the
20 request for 100 officers, do you have a sense, or did the Board
21 have a sense for how those -- that number was conceived?

22 **MAYOR DREW DILKENS:** No idea. It was simply a
23 request of the Chief, "What do you need?" Recognizing that they
24 had already, on the weekend, say the 4th, 5th, 6th leading up to
25 this, already put a request in for some public liaison officers
26 from the OPP, and so they were -- she was already doing what was
27 required to ask for resources that we may not have had that
28 would have helped provide for what she's saying here, de-

1 escalation, public safety.

2 It was only when it was finally cemented, the
3 situation finally cemented itself and it became a permanent
4 blockade, she had told me, "I don't have everything I need. We
5 won't be able to resolve this with the human resources that we
6 have inside of the Windsor Police Service. We're going to need
7 additional help." To which my question was, "What do you need?
8 How many officers do you need? You tell me and I will help
9 amplify that, you know, at the political level so that they are
10 aware of what our request is."

11 And of course, the expectation was that she was
12 going to do what she needed to do through the OPP and the proper
13 channels operationally on her side.

14 **MS. NATALIA RODRIGUEZ:** Right. And in terms of
15 an operational plan, did the Board ever see how those officers
16 were going to be used?

17 **MAYOR DREW DILKENS:** No.

18 **MS. NATALIA RODRIGUEZ:** Okay. Did the Board ever
19 request to see an operational plan?

20 **MAYOR DREW DILKENS:** No, and I think that would
21 be somewhat unusual for -- at least for our Board. We wouldn't
22 get into that level of detail. And there was -- none was
23 presented and none was asked for.

24 **MS. NATALIA RODRIGUEZ:** Okay. And are you aware
25 whether those resources requested were ultimately provided?

26 **MAYOR DREW DILKENS:** I think it's fair to say
27 more than what was requested was actually provided. And so my
28 understanding, you know, at the -- sort of in the final analysis

1 is that we asked for 100. One may look at the fact that the
2 Chief wrote one letter to the RCMP and one letter to the OPP and
3 may say, "Well, in fact, you asked for 200." Even if you look
4 at 200 as, you know, if you look at it from that perspective and
5 you say we asked for 200, it's my understanding that we had at
6 least 500 officers attend to deal with the situation.

7 **MS. NATALIA RODRIGUEZ:** And when you say you were
8 amplifying the request politically, what was the response that
9 you were getting from the Federal Government and from the
10 Provincial Government?

11 **MAYOR DREW DILKENS:** A desire and willingness to
12 help. There were great lines of communication with Sylvia
13 Jones, great lines of communication with the Premier, Minister
14 Mendicino was excellent, and a great phone call with the Prime
15 Minister that I had that, you know, he was very understanding.
16 And of course, living through the situation here in Ottawa, had
17 a perspective on what we were dealing with and wanted to help.
18 So all lines of communication were open and it was back and
19 forth. So it was very good.

20 **MS. NATALIA RODRIGUEZ:** And did the Board take
21 any specific actions to support the WPS during this time?

22 **MAYOR DREW DILKENS:** No, the Board asked the
23 Chief, "What do you need from us?" And her comment effectively
24 was, "We have everything we need, or it's being worked on at
25 this point." There was no direction required from the Board
26 that wasn't already being worked on.

27 **MS. NATALIA RODRIGUEZ:** So it was the Board's
28 understanding on February 8th that the only thing preventing the

1 blockade from being dismantled was the influx of resources?
2 There was a plan in place and it was just -- they were just
3 waiting for the resources?

4 **MAYOR DREW DILKENS:** Correct.

5 **MS. NATALIA RODRIGUEZ:** Did the Board adopt any
6 policies pursuant to section 31 of the *Police Services Act* with
7 respect to either the slow roll or the blockade?

8 **MAYOR DREW DILKENS:** No.

9 **MS. NATALIA RODRIGUEZ:** Did the Board ever direct
10 the Police Chief in any way as contemplated in the *Police
11 Services Act*?

12 **MAYOR DREW DILKENS:** No.

13 **MS. NATALIA RODRIGUEZ:** And who was advising the
14 Board on these issues? On legal issues and interpretations of
15 the Act, et cetera?

16 **MAYOR DREW DILKENS:** We didn't have legal counsel
17 in these meetings. And so you'll see we had the entire -- in
18 this particular meeting, we had the entire Board, we had the
19 Chief, Deputy Chief Bellaire at the time was there, we had our
20 provincial police liaison person from the Solicitor General's
21 Office there as well, Dave Tilley.

22 And so it never got to a point where the Board
23 felt like or asked a question that couldn't be answered or was
24 unsatisfied in some way. So the Board felt satisfied at the end
25 of this meeting that they had asked the appropriate questions of
26 our Chief and were supporting her in every way that she asked.

27 **MS. NATALIA RODRIGUEZ:** Now, are you aware of
28 whether the WPS had any communications with protestors or

1 blockade organizers?

2 **MAYOR DREW DILKENS:** The Chief did tell me that
3 they continued, the police continued to talk to protestors.
4 Again, I go back to, you know, opening one lane for a period of
5 time. That was through a negotiation. And every day, the Chief
6 told me that they continued to talk, they continued to have
7 discussion and dialogue. It just, you know, ultimately didn't
8 change much.

9 **MS. NATALIA RODRIGUEZ:** Did you have any
10 discussions with protestors or organizers?

11 **MAYOR DREW DILKENS:** No.

12 **MS. NATALIA RODRIGUEZ:** Okay. Do you have a
13 sense for whether the protestors were local to Windsor, whether
14 they were coming from the outside, whether they were coming from
15 Ottawa? Do you have a sense for who these people were?

16 **MAYOR DREW DILKENS:** You know, I asked the
17 question, because clearly police were gathering intelligence on
18 license plates and, you know, scanning social media and doing
19 the work that they needed to do. And I asked the question on
20 whether or not these were, you know, generally local folks or
21 were they folks coming, you know, from elsewhere. And there
22 were a fair number of local folks, as I was told, that were part
23 of the demonstrating group, but I was also told by the Chief
24 that there were a fair number of folks who weren't even from
25 Essex County, that had come in from elsewhere to participate in
26 this.

27 **MS. NATALIA RODRIGUEZ:** Now, on February 9th, you
28 said to reporters that arresting the demonstrators opposed to

1 pandemic health measures and towing their vehicles could lead to
2 violence and -- because you said some of them were willing to
3 die for it.

4 Do you recall saying that?

5 **MAYOR DREW DILKENS:** I do.

6 **MS. NATALIA RODRIGUEZ:** And how did you reach
7 that assessment, that they were willing to die for it?

8 **MAYOR DREW DILKENS:** Well, there was a -- there
9 was a TV report that was also reported on the front page of the
10 Windsor Star where -- and this was very early on in the protest
11 -- that one of the protestors had said outright that they were -
12 - this is a cause that they were willing to die for.

13 And there was a -- in the reports to me was that
14 there was a very high temperature on the ground amongst the
15 protestors. They were very aggressive in their language and in
16 their posture, and it was that type of comment "willing to die
17 for the cause" that caused police to take a more measured
18 approach into the way that they dealt with the situation.

19 No one need to -- no one needed to die on the
20 streets of Windsor or elsewhere protesting vaccine mandates or
21 whatever the protests ultimately was about, and so everyone took
22 a pause. No one wanted to see a repeat, you know. That was one
23 thing the Chief had told me, that there was a concern about what
24 had happened in Toronto at the G20.

25 And so you know, members of the public in Windsor
26 were saying, "Why don't you just go in there and end this?".
27 Like it didn't seem like it wasn't something -- that it was an
28 issue that the police couldn't resolve quickly to the average

1 person.

2 And so the public was feeling, you know, the
3 energy that they wanted to see something happen and, at the same
4 time, you know, police are saying this is not, you know, a
5 typical protest that would see on a Sunday afternoon on the --
6 on the front lawn at City Hall. And so they were being very
7 measured, they were being very cautious. They did not want to
8 see a recreation of the events that happened in Toronto, and so
9 they were taking a lot of precaution.

10 **MS. NATALIA RODRIGUEZ:** And do you have a sense
11 for how many vehicles or number of protestors were involved?

12 **MAYOR DREW DILKENS:** It seemed to ebb and flow,
13 and so sometimes at night more would come out as I'm told the
14 party atmosphere sort of ramped up. And it could be 200 at one
15 point, you know, down to 75.

16 **MS. NATALIA RODRIGUEZ:** Sorry. Are you referring
17 to protestors or vehicles?

18 **MAYOR DREW DILKENS:** Protestors.

19 **MS. NATALIA RODRIGUEZ:** Okay.

20 **MAYOR DREW DILKENS:** Protestors.

21 Sorry. Was that your question?

22 **MS. NATALIA RODRIGUEZ:** Yes. Protestors and
23 vehicles.

24 **MAYOR DREW DILKENS:** Yeah.

25 **MS. NATALIA RODRIGUEZ:** Yes.

26 **MAYOR DREW DILKENS:** And vehicles, I'll leave it
27 to Deputy Chief Crowley to answer that. I'm not exactly sure
28 how many vehicles, ultimately, were there.

1 **MS. NATALIA RODRIGUEZ:** Okay. And so then is it
2 fair to say that Bylaw was not ticketing and towing, they were
3 not enforcing because of the reasons you mentioned in terms of
4 escalating?

5 **MAYOR DREW DILKENS:** Yeah. We would never --
6 with the temperature on the ground and the -- and the statements
7 folks were making, we would never send our Bylaw Officers in to
8 enforce municipal bylaws. In fact, you know, there was a report
9 to me that we had a -- our parking enforcement is outsourced to
10 the Commissionaires, and a Commissionaire did respond February
11 8th or 9th, went in to issue some tickets and was swarmed and
12 put in a situation that was -- she felt was very dangerous or
13 that they felt was very dangerous and actually had to be
14 escorted to their car by police and leave, you know. And folks
15 were spitting on the car as the Commissionaire left.

16 And so the temperature was too hot to think that
17 you were going to send municipal Bylaw Officers in there without
18 police -- without police accompanying them.

19 And so at the end of the day, the thought was
20 that negotiation would be the best way forward and, again, no
21 need to die or get hurt in this type of protest. Let's find a
22 sensible way through and get everyone to move on so we can get
23 the bridge open and the economy moving again.

24 **MS. NATALIA RODRIGUEZ:** Right. And are you aware
25 of any other incidents of threats or violence with respect to
26 the blockade aside from the one you just mentioned?

27 **MAYOR DREW DILKENS:** Well, related to the
28 blockade ---

1 **MS. NATALIA RODRIGUEZ:** Yes.

2 **MAYOR DREW DILKENS:** --- besides the one at my
3 house?

4 **MS. NATALIA RODRIGUEZ:** Well, maybe tell us about
5 that one.

6 **MAYOR DREW DILKENS:** Well, one of the -- one of
7 the folks involved threatened to, I think it was, to bomb my
8 house or do something like that and so, you know, we woke up and
9 all of a sudden there are two or three police cars around our
10 house for several weeks because of the temperature on the ground
11 and what people were posting on social media and the comments
12 that were being made.

13 It became a very direct threat to me and my
14 family, and so that, in itself, was concerning.

15 But it was just -- it was the nature and sort of
16 the spirit of the protest. It was unlike anything I've ever
17 seen, and I've lived my whole life in the City of Windsor. It's
18 unlike anything I've ever seen during that time. And the
19 posture and the language was -- you know, it was almost as if
20 folks wanted some sort of brawl on the streets. You know, they
21 were hoping police would engage in that way so they could have
22 some sort of, you know, brawl on the streets, if I can describe
23 it that way.

24 And I know police weren't interested in that. As
25 the Mayor, I wasn't interested in that. As Chair of the Police
26 Board, I wasn't interested in that.

27 We were interested in finding a way through this
28 that was sensible, that was practical but, ultimately, that, you

1 know, opened the road leading to the Ambassador Bridge because
2 it is such a vital economic -- piece of economic infrastructure,
3 not just for Windsor Essex County, but for the entire province
4 and, respectfully, for the nation. We had to get that roadway
5 open.

6 **MS. NATALIA RODRIGUEZ:** And are you aware of any
7 other individuals who received threats, anyone within City
8 Council, anyone within -- in any other kind of prominent
9 position?

10 **MAYOR DREW DILKENS:** I know Councillor Fabio
11 Costante, who represents the west side of the city on both
12 sides, frankly, of Huron Church Road, and there was a comment
13 made that they would protest at his law office. He's a lawyer
14 and he has a law office in Sandwich Town. And so there was a
15 comment made that they would be going there to protest at the
16 law office.

17 **MS. NATALIA RODRIGUEZ:** Did that materialize?

18 **MAYOR DREW DILKENS:** Not that I'm aware of.

19 **MS. NATALIA RODRIGUEZ:** Okay. So I want to go
20 back to the request for resources, if I can, for a minute.

21 Can I take you to WIN00001623?

22 And these are the letters that Chief Mizuno sent.
23 I believe this one is to the Minister of Emergency Preparedness,
24 there we go, to Minister Blair.

25 And that's on February 9.

26 And I just want to go down -- yeah. Here we go.

27 So it says:

28 "Windsor Police Service is requesting a

1 minimum of 100 police officers be
2 dispatched to the City of Windsor to
3 bolster current and potentially future
4 requirements."

5 Okay. And if we go down, I just want to see the
6 signature.

7 Yeah, Pamela Mizuno, Chief of Police. Thank you.
8 So that's the letter that she sent to Minister
9 Blair.

10 **MAYOR DREW DILKENS:** Yes.

11 **MS. NATALIA RODRIGUEZ:** And if we go to
12 WIN00001648. So this is now also dated February 9 addressed to
13 the Honourable Sylvia Jones, Solicitor-General. And if we go
14 down, I believe -- so this one is also requesting 100 police
15 officers. I believe it's the same letter.

16 The letters were also asking, in the second
17 paragraph, "marked police vehicles and tow trucks, including
18 heavy tows for large transport vehicles".

19 And if we go down, it's also from Chief Mizuno.

20 Now, you had mentioned that your understanding
21 was that the requests were made to the RCMP and the OPP. Are
22 you aware of other letters that were sent to the -- to the
23 Commissioners of the OPP and RCMP?

24 **MAYOR DREW DILKENS:** No.

25 **MS. NATALIA RODRIGUEZ:** Okay. So these would be
26 the requests, the letters that were sent.

27 **MAYOR DREW DILKENS:** Those are the letters that
28 I'm aware of. The Chief, I know, was having conversations with

1 her colleagues that I wasn't -- you know, that I wasn't party
2 to. But this is -- this is what we were asked for, to put it in
3 writing, and that's what she did.

4 And she sent it off from her office to Minister
5 Blair's office and to Minister Jones's office.

6 **MS. NATALIA RODRIGUEZ:** Okay. And on February 9
7 that same day, your Chief of Staff scheduled a meeting between
8 you and the Office of the Solicitor-General. Do you recall
9 that?

10 I know we had a discussion on the 7th or the 8th,
11 and now it looks like there's another one on the 9th.

12 What was the purpose of that discussion?

13 **MAYOR DREW DILKENS:** It was just an update, and
14 so, you know, I was just trying to keep everyone updated.

15 **MS. NATALIA RODRIGUEZ:** Was anything requested at
16 that time or offered in terms of assistance?

17 **MAYOR DREW DILKENS:** Nothing -- nothing more than
18 the 100 officers that we had asked for.

19 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go
20 to WIN00001583.

21 So this is now text messages between you and
22 Premier Doug Ford; is that right?

23 **MAYOR DREW DILKENS:** Correct.

24 **MS. NATALIA RODRIGUEZ:** And so the dark is you
25 speaking and then the light-coloured text is Premier Ford; is
26 that right?

27 **MAYOR DREW DILKENS:** That's correct.

28 **MS. NATALIA RODRIGUEZ:** Okay. And it looks like

1 he is asking you to call him on February 9. Did you have a call
2 with him on February 9th?

3 **MAYOR DREW DILKENS:** I did.

4 **MS. NATALIA RODRIGUEZ:** And what was the
5 discussion on that call?

6 **MAYOR DREW DILKENS:** Obviously, he was receiving
7 -- I shouldn't say obviously, but he was receiving phone calls
8 from businesses as well who were concerned about the blockade at
9 the Ambassador Bridge. I gave him sort of a situational
10 briefing on what we had going on down here, and, you know, that
11 we had asked for a hundred officers. So it was a -- I think a
12 fairly quick phone call, just a couple of minutes, and, you
13 know, he was stressing to me the importance of the Ambassador
14 Bridge and that we have to find a way to get this open. And I
15 certainly agreed with him and understood that as well.

16 **MS. NATALIA RODRIGUEZ:** Did he make any offers of
17 assistance or anything of that nature?

18 **MAYOR DREW DILKENS:** No, I had told the Premier
19 that we asked for a hundred officers and that OPP already had
20 some resources on the ground, PLT Liaison Teams, that were
21 already here.

22 **MS. NATALIA RODRIGUEZ:** Yeah.

23 **MAYOR DREW DILKENS:** So I told him that and told
24 him about the hundred officer request, and then he asked for
25 Minister Mendocino's phone number, which I texted to him.

26 **MS. NATALIA RODRIGUEZ:** And now this is two days
27 before the Province declared a provincial state of emergency.
28 Did that come up in your discussions with him?

1 **MAYOR DREW DILKENS:** Never, no.

2 **MS. NATALIA RODRIGUEZ:** So he didn't ask you
3 whether you wanted that or whether you needed that or anything
4 to that affect?

5 **MAYOR DREW DILKENS:** No.

6 **MS. NATALIA RODRIGUEZ:** Okay. What about the
7 *Emergencies Act*, the Federal *Emergencies Act*, was that ever
8 discussed with the Premier?

9 **MAYOR DREW DILKENS:** Never.

10 **MS. NATALIA RODRIGUEZ:** Now the next day on
11 February 10, you spoke to the media and said that additional
12 resources were being deployed by the OPP and that the Premier
13 and Solicitor General were responding rapidly to your call for
14 support. Was that accurate at the time?

15 **MAYOR DREW DILKENS:** I'm sorry, can you ---

16 **MS. NATALIA RODRIGUEZ:** It was on February 10 ---

17 **MAYOR DREW DILKENS:** Yeah.

18 **MS. NATALIA RODRIGUEZ:** --- you told reporters
19 that this request was being actioned very quickly and that the
20 OPP was being deployed and that the Premier and Solicitor
21 General were responding rapidly to your request for resources.

22 **MAYOR DREW DILKENS:** I believe that to be true,
23 yes.

24 **MS. NATALIA RODRIGUEZ:** Okay. And do you have a
25 sense for when -- it says there "OPP resources started to
26 arrive." So by the 10th you were receiving or the City was
27 receiving OPP resources?

28 **MAYOR DREW DILKENS:** Yes, we had some resources,

1 cars that you could see, OPP cars along the Huron Church Road.
2 And the Chief told me that there were PLT Units that were
3 already here negotiating, and then she did tell me that Public
4 Order Units were also starting to arrive.

5 **MS. NATALIA RODRIGUEZ:** Because my understanding
6 is that the Windsor Police Service did not have at the time a
7 PLT Unit or a POU Unit; is that correct?

8 **MAYOR DREW DILKENS:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** So they were coming in
10 from other -- the OPP was providing those; is that right?

11 **MAYOR DREW DILKENS:** Yes, OPP, RCMP.

12 **MS. NATALIA RODRIGUEZ:** Okay. Do you have a
13 sense for when RCMP officers arrived in Windsor?

14 **MAYOR DREW DILKENS:** I don't exactly, no.

15 **MS. NATALIA RODRIGUEZ:** Did the Board have any
16 role in swearing RCMP officers in?

17 **MAYOR DREW DILKENS:** No.

18 **MS. NATALIA RODRIGUEZ:** Do you know how that was
19 done or who did that?

20 **MAYOR DREW DILKENS:** I just was aware that that
21 was an issue and I'm not sure the mechanics behind the scenes
22 on, you know, how that was resolved.

23 **MS. NATALIA RODRIGUEZ:** Okay. Now my
24 understanding is that there was an injunction that was sought
25 and granted with respect to the blockade; correct?

26 **MAYOR DREW DILKENS:** Correct.

27 **MS. NATALIA RODRIGUEZ:** And how did this idea
28 come about? Who was the initiator of this?

1 **MAYOR DREW DILKENS:** Well, I was. And on
2 February the 9th, you know, in the -- in sort of the mid to late
3 afternoon, I'd had a conversation with our Commissioner of Legal
4 Services, Shelby Askin Hager, you know, about the prospect of an
5 injunction. And she wanted to think through it and make sure
6 she understood the best way to move forward with that idea. And
7 then on the 10th, in the morning, we had to move quickly if we
8 were going to make that happen. And so I said, "We need to do
9 this."

10 And the reason for doing this was -- there were
11 multiple reasons. What people need to appreciate is that not
12 just the temperature on the ground of the protesters, but the
13 temperature of the general public to this protest was amplifying
14 as well, and I could not as mayor, I could not as Chair of the
15 Windsor Police Services Board direct police operations and tell
16 the Chief or the police administration how to move forward and
17 when to move forward. I had no clear line of sight on how many
18 resources were coming here. I knew there -- you know, I'm
19 getting dribs and drabs of, you know, yes, some folks are en
20 route. Well, are they en route from Alberta? Are they en route
21 from Newfoundland? Are they coming from Orillia? I have no
22 sense of the timing. And so the public temperature to this
23 protest was also growing rapidly, to the point where you had
24 Facebook groups being set up where people wanted to go out and
25 undertake sort of vigilante type justice on the streets to
26 remove these protesters themselves.

27 And it was -- as it relates to, you know, the
28 pandemic that we'd all lived through, in Windsor, we had lived

1 through the same thing that many others have lived through, the
2 stops and the starts of businesses, people not getting paid for
3 a period of time, and going through that frustration and
4 friction as we've all dealt with the pandemic collectively. And
5 so just when we were at a point where there seemed to be, you
6 know, light on the horizon, this was seen to be very, how do I
7 say it, assaultive to many people in Windsor that this was a
8 small group of people, a relatively small group of people who
9 were now going to jeopardize their employment. And so you had,
10 like I said, Facebook groups that were starting where people
11 were suggesting, and union leadership suggesting they were going
12 to -- they were prepared to help move the protesters themselves
13 and take action themselves.

14 And so part of the reason for applying for the
15 injunction was to send a signal to the public that I'm doing
16 everything -- that the City is doing everything, that City
17 Council is doing everything we can from our side of the table to
18 try and resolve this issue. It was really the only positive
19 step I could think of taking that would be helpful in terms of a
20 signal to the public.

21 Before I did this, I did talk to the Chief and
22 said, "Would this be helpful to you?" And she said, "Listen, it
23 won't hurt." And so on the morning of the 10th, very early, we
24 activated legal teams to start putting the materials together,
25 trying to see if we could get a scheduled appointment in court
26 to present the application. And I worked with our Commissioner
27 of Legal Services and our City Manager and all of the right
28 people on the City side to see that move forward very quickly.

1 And so, you know, the conversation really was first thing in the
2 morning, seven or eight o'clock in the morning, and by two
3 o'clock, we were appearing in front of Justice Morawetz to have
4 this discussion.

5 **MS. NATALIA RODRIGUEZ:** Right. So I'll ---

6 **MAYOR DREW DILKENS:** And I would just say ---

7 **MS. NATALIA RODRIGUEZ:** Yes.

8 **MAYOR DREW DILKENS:** --- so ---

9 **MS. NATALIA RODRIGUEZ:** Go ahead.

10 **MAYOR DREW DILKENS:** --- the one part was the
11 public, letting the public know we're doing everything we can.
12 The other thing was putting, you know, another arrow in the
13 quiver for police. It was another tool that they could use with
14 respect to saying you are now in violation -- if we were
15 successful in getting the injunction, that you are in violation
16 of this injunction and it was another arrow in their quiver.

17 **MS. NATALIA RODRIGUEZ:** And so City Council
18 adopted a resolution that an injunction be sought; right?

19 **MAYOR DREW DILKENS:** Correct.

20 **MS. NATALIA RODRIGUEZ:** And this was on February
21 10th?

22 **MAYOR DREW DILKENS:** That's right.

23 **MS. NATALIA RODRIGUEZ:** So you were able to call
24 a meeting that quickly to get everybody together from the 9th
25 when you kind of conceived this to the 10th; is that right?

26 **MAYOR DREW DILKENS:** That's right.

27 **MS. NATALIA RODRIGUEZ:** And it seems like the
28 police was on board with the injunction, they thought it would

1 be -- it wouldn't hurt, in any event.

2 **MAYOR DREW DILKENS:** Wouldn't hurt.

3 **MS. NATALIA RODRIGUEZ:** And so, ultimately, as
4 you say, the injunction became effective at 7 p.m. on February
5 11 is my understanding; is that right?

6 **MAYOR DREW DILKENS:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** And why was the City an
8 intervenor in that application and not the main applicant; do
9 you know?

10 **MAYOR DREW DILKENS:** I think through our
11 discussions, before we proceeded, we talked about who was most
12 impacted, you know, and how could we tell the story here about
13 who was impacted, and it was clear. In the first 60 minutes of
14 Huron Church Road being blocked, our phone rang at the mayor's
15 office from our largest employer, Chrysler, or now Stellantis,
16 to say, "What's going on at the Ambassador Bridge?" You know,
17 there are 5,000 people directly who work in that facility making
18 Chrysler Pacificas and minivans that rely on smooth and
19 efficient border crossings because the whole industry, the whole
20 auto industry works on a just in time basis. There's no parts
21 being stored on site. They are brought in, and that bridge is
22 moving, and the material's moving across that bridge every hour
23 of every day. And so it's -- you know, for perspective, the
24 average part that goes into a car that rolls off the assembly
25 line at the end of the manufacturing process, those parts have
26 crossed the border on average six to seven times, back and
27 forth, Detroit back to Windsor, you know, as they continue to
28 be, you know, upgraded and built.

1 And so within the first 60 minutes, they called
2 and said, "What's going on at the Ambassador Bridge?" And so we
3 knew that the APMA, the Automotive Parts Manufacturer's
4 Association, the CVMA, the Canadian Vehicle Manufacturers
5 Association were impacted dramatically by the activity at the
6 bridge. And so they were certainly, you know, good parties to
7 put forward the request. And then we were -- we took the role -
8 - we played the role that we played, I think, appropriately.

9 **MS. NATALIA RODRIGUEZ:** And so my understanding
10 is the Attorney General of Ontario was also an intervenor in
11 that application?

12 **MAYOR DREW DILKENS:** That's correct.

13 **MS. NATALIA RODRIGUEZ:** And how did they become
14 involved and what was the coordination with them like?

15 **MAYOR DREW DILKENS:** I'm not sure.

16 **MS. NATALIA RODRIGUEZ:** Okay. Who took the lead
17 on the injunction from the City's side?

18 **MAYOR DREW DILKENS:** Shelby Askin Hager, who is
19 our Commissioner of Legal Services.

20 **MS. NATALIA RODRIGUEZ:** Okay. So she would have
21 had the coordination with the Attorney General? Is that right?

22 **MAYOR DREW DILKENS:** She would be the one in the
23 best position to answer your question.

24 **MS. NATALIA RODRIGUEZ:** Okay. Fair enough. So
25 as we said on February 11 at 7:00 p.m., the injunction came into
26 effect. It was extended then on February 18? Is that right?

27 **MAYOR DREW DILKENS:** That's correct.

28 **MS. NATALIA RODRIGUEZ:** And what, if anything,

1 did it change on the ground? What impact did it have, if any?

2 **MAYOR DREW DILKENS:** Well I think that once the
3 injunction became effective, that it sent a signal to the public
4 that this has now, from the public watching from the outside,
5 that we have done all that we can do. And again, it gave
6 another tool to police to go in, and they did. When the police
7 went in and actually had to arrest people, those folks were
8 charged with violating the terms of the injunction. And so it
9 sent a signal.

10 But I think, you know, I would like to think that
11 from a protestor's perspective, it also meant that the
12 protestors had their day in court, had the opportunity to
13 present their position to Justice Morawetz, Chief Justice
14 Morawetz, and have a conversation in court through the
15 established legal structures that we have in place. All parties
16 had a chance to do that.

17 And Chief Justice Morawetz ultimately made his
18 decision that was favourable to grant the injunction, but
19 everybody had an opportunity. In fact, our application on
20 February 10th was delayed and heard on February 11th to ensure
21 that all parties, including the protestors, were given notice so
22 that they could participate. Police went out and plastered
23 every telephone pole, the jersey barriers, with copies of the
24 order. We had to set up a website. We promoted it on social
25 media. Certainly it was amplified in every major media source
26 and through every social media channel that I saw.

27 **COMMISSIONER ROULEAU:** If you could just slow
28 down a bit ---

1 **MAYOR DREW DILKENS:** Sure.

2 **COMMISSIONER ROULEAU:** --- for the interpreters?

3 **MAYOR DREW DILKENS:** Thank you.

4 There were great efforts made to make sure that
5 all parties who had an interest in this application had an
6 opportunity to have their day in court.

7 **MS. NATALIA RODRIGUEZ:** And the City, in fact,
8 assisted to distribute these pamphlets once the injunction was
9 granted, to give notice of the injunction? Is that right?

10 **MAYOR DREW DILKENS:** Correct.

11 **MS. NATALIA RODRIGUEZ:** So would you say there
12 was adequate notice given about the injunction to those in the
13 blockade and in the protest area?

14 **MAYOR DREW DILKENS:** Absolutely.

15 **MS. NATALIA RODRIGUEZ:** Did it have the effect of
16 having people leave? Did anybody leave as a result of the
17 injunction or was it simply that then they were charged with
18 violating the injunction once the arrests took place?

19 **MAYOR DREW DILKENS:** You know, the reports -- I
20 wasn't on the ground, but the reports that came back to me said
21 many of the protestors were looking at this as, you know,
22 another court order, another law, another thing that just, you
23 know, was dispensable. They could violate it. It was no big
24 deal. It was just words on a paper. So I'm not that it had --
25 on the face of it, I'm not sure that it had the effect of having
26 people say, "Oh, there's a court order. I'm going to leave now.
27 I think it just, you know, gave them, the protestors, another
28 thing to rally behind, saying, "Nothing is going to make us

1 leave."

2 **MS. NATALIA RODRIGUEZ:** Now, was there any
3 discussion with the Windsor Police Service about whether they
4 had the resources at that time to enforce the injunction and
5 whether that was a concern at all?

6 **MAYOR DREW DILKENS:** Well I think it's fair to
7 say, as we got to -- that was a Friday, the 11th, as we got to
8 the Friday, all of the communication from the Chief to myself
9 was that we had major resources that were here on the ground,
10 the plans were devised and being, you know, sorted out with the
11 help of the OPP Commander and our own incident commanders.
12 Everyone was working through how to affect a resolution to this
13 blockade.

14 **MS. NATALIA RODRIGUEZ:** So fair to say that the
15 injunction and the resources were coming at the same time,
16 essentially?

17 **MAYOR DREW DILKENS:** Exactly.

18 **MS. NATALIA RODRIGUEZ:** So at -- there was also a
19 Board meeting, a special in-camera Board meeting on February
20 11th. Do you recall that?

21 **MAYOR DREW DILKENS:** Yes.

22 **MS. NATALIA RODRIGUEZ:** So that was the second
23 Board meeting with respect to this blockade. And I'm going to
24 take you to the minutes.

25 WIN00002173. Yeah, and if we go down. If we
26 keep going down. Okay. And yeah, keep going down a little bit.

27 There's a part where you ask a question. I'm
28 just trying to find that.

1 Keep going down. Okay. Let's go back to the
2 first page. Oh, there it is:

3 "Chair, Mayor Dilkens: Is there anything
4 required from WPS from the Board?

5 Chief Mizuno: No other resources required
6 at this time. We initiated OPP resources
7 Wednesday. Additional resources are
8 flowing in. RCMP have come to town as
9 well and are helping."

10 So this lines up with what you're telling me. By
11 the 11th of February, it sounds like resources have been
12 mobilized, they're starting to come in, and there's no real
13 concern over resources anymore. Is that right?

14 **MAYOR DREW DILKENS:** Correct.

15 **MS. NATALIA RODRIGUEZ:** And if we go down a
16 little bit more.

17 So Chief Mizuno there says:

18 "If and when we take action we will be
19 well positioned with resources to support
20 that. State of Emergency does help and
21 gives us additional tools in terms of
22 future protests."

23 Now, this on February 11. I assume she's
24 referring to the Provincial State of Emergency; correct?

25 **MAYOR DREW DILKENS:** That's correct.

26 **MS. NATALIA RODRIGUEZ:** And do you have a sense
27 for what those tools were that the Provincial State of Emergency
28 could assist with?

1 **MAYOR DREW DILKENS:** I don't recall the entire
2 list, but I knew that there were significant financial
3 penalties. And the Province, through their emergency action,
4 also sent a very strong signal that if you continue to
5 participate in these protests at these locations or border
6 crossings, that you could lose, if you were a truck driver, your
7 Commercial Vehicle Operating License, and you could also lose
8 your driving license if you were, you know, not a truck driver.

9 And so those are pretty significant penalties
10 that I think sent a signal to any reasonable or sensible person
11 to say, "We better think long and hard about wanting to continue
12 to protest at this location, because the -- you know, the
13 disincentive is huge."

14 **MS. NATALIA RODRIGUEZ:** Right. And do you have
15 any sense for whether that Provincial State of Emergency
16 encouraged protestors to leave the site?

17 **MAYOR DREW DILKENS:** I think that that Provincial
18 Emergency, you know, when the police were ready to move, and
19 they did the next day and ultimately cleared up two days after
20 this meeting, that you had compliance. When jersey barriers
21 were moved, when the police put their line in place and they
22 started, you know, moving forward with their line, and they got
23 to the point where there were vehicles there, the vast majority
24 of people ultimately left.

25 **MS. NATALIA RODRIGUEZ:** Now, I want to go back to
26 your discussions with the Minister of Public Safety -- sorry,
27 Minister Mendicino at WIN00002295. And these are the text
28 messages that we had seen before.

1 If we can go to page 3?

2 So you say:

3 "I told Premier I spoke to you and he asked for your number

4 I get the sense he is going to follow
5 Alberta and Saskatchewan"

6 What did you mean by that?

7 **MAYOR DREW DILKENS:** You know, the Premier, I
8 think appropriately, was feeling the temperature across the
9 province, was seeing these protests, probably in Ottawa, but
10 certainly in Windsor, as, you know, an outlet for some who
11 wanted some of the restrictions to be lifted.

12 And, you know, Alberta and Saskatchewan had moved
13 to start lifting some of the restrictions. And my sense from
14 the Premier is that he wanted to find a pathway to get back to
15 normal, you know, as soon as it made sense as well.

16 **MS. NATALIA RODRIGUEZ:** And did you have a sense
17 that that was because of the protests across Ontario?

18 **MAYOR DREW DILKENS:** No, not necessarily. I
19 think my sense from the conversation is that, again, he was --
20 he had his finger on the pulse of the people of Ontario and was
21 watching, of course, what was happening across the country as
22 well, and was feeling, you know, some of the frustration that we
23 were all feeling with respect to the lockdowns, recognising
24 that, you know, it was January of 2022, where we were in a
25 lockdown as well ---

26 **MS. NATALIA RODRIGUEZ:** Right.

27 **MAYOR DREW DILKENS:** --- a provincial lockdown.
28 So the Premier, sensibly, was echoing some of the

1 sentiments and looking at this as, you know, a percentage of the
2 population who was protesting because they felt most aggrieved
3 by this.

4 **MS. NATALIA RODRIGUEZ:** And if we go to page 9.
5 Go down.

6 You say:

7 "I'm told our police support is going
8 to be good. I think protesters are
9 looking to make show of things."

10 So in terms of the "police support going to be
11 good", was that from your discussions with Chief Mizuno?

12 **MAYOR DREW DILKENS:** Yes.

13 **MS. NATALIA RODRIGUEZ:** Okay.

14 **MAYOR DREW DILKENS:** Well, I should say
15 Chief Mizuno and Deputy Chief at the time Bellaire.

16 **MS. NATALIA RODRIGUEZ:** Bellaire. Okay, thank
17 you. And my understanding is you texted -- once the injunction
18 was granted, you texted the Minister as well as Deputy
19 Premier Jones and the Premier to let them know that the
20 injunction had been granted; right?

21 **MAYOR DREW DILKENS:** Correct.

22 **MS. NATALIA RODRIGUEZ:** Okay.

23 And if we go to page 12 of this document.

24 Okay. And he says, "Do you think it will end
25 today", and you're saying, "I'm thinking it will".

26 So what was your sense on February 12th of where
27 things were at in terms of resources and a plan to move forward
28 to clear the blockade?

1 **MAYOR DREW DILKENS:** That everything was in
2 place, that the resources were in Windsor, that the plan had
3 been devised, and in fact, on the 12th, the police started their
4 operation. They put out the line with Public Order Units and
5 all of the equipment behind them, and they started to move
6 forward on the 12th to deal with the situation on the ground.

7 **MS. NATALIA RODRIGUEZ:** And in text above, you
8 mention the congregation from Harvest Bible Church. My
9 understanding is they had something to do with continuing the
10 blockade at some point on the 12th. Can you explain that
11 situation?

12 **MAYOR DREW DILKENS:** So the picture above my
13 words I think is a link or a screenshot from the pastor at the
14 time, I'm not sure if he still is, but as the police started to
15 move forward and, you know, make advances on the 12th, there was
16 a call put out by the pastor of this church to ask for folks to
17 come down and support the protesters. And very quickly, which
18 might have been, you know, a hundred to two hundred people
19 turned into six hundred people, including parents with kids and
20 strollers, like it was almost unbelievable how fast that
21 situation grew in terms of the number of people.

22 But seeing the police action, I mean it was
23 disheartening to see the police action and them making advances
24 and then to see parents bringing their kids down to that
25 situation, and that's exactly what happened. Which is largely
26 why it wasn't resolved that particular day on Saturday. It took
27 until Sunday for the situation to be resolved.

28 **MS. NATALIA RODRIGUEZ:** I see. So the police

1 started moving in on the 12th, and weren't able to because now
2 the number of protesters grew in size?

3 **MAYOR DREW DILKENS:** Well -- and I think someone
4 in the police structure, probably several people, said this
5 would be -- you know, the most sensible thing here is to wait
6 because at some point these kids are going to get cold, it's
7 February, they're going to get cold, they're going to get tired,
8 they're going to get hungry, and they're going, you know,
9 they're going to leave. So we're not going to move forward with
10 the policing posture they had in place when you had a lot of
11 young kids there. They were being very wise in their approach
12 in saying let's do this at a different time when it makes more
13 sense.

14 **MS. NATALIA RODRIGUEZ:** And if we go to page 12
15 of this -- oh, we are on page 12. Okay, keep going down,
16 please. Keep going down. Okay.

17 So you say:

18 "It will end today, fingers crossed.
19 Police have full control of the area
20 now."

21 And this is now on the 13th; correct?

22 **MAYOR DREW DILKENS:** Yes.

23 **MS. NATALIA RODRIGUEZ:**

24 "[G]ood.
25 Bridge re-open today?"
26 "If so, it will be later once jersey
27 barriers [etc.] are removed. There is
28 still some activity in the plaza at..."

1 I can't really read that.

2 **MAYOR DREW DILKENS:** "Tecumseh and Huron Church."

3 **MS. NATALIA RODRIGUEZ:**

4 "...Tecumseh and Huron Church. Police
5 just got permission from owner to
6 trespass these people. Stay tuned."

7 "Ok keep me posted. Head[ed] into
8 meetings with the PM."

9 And if we go to page 18.

10 So this is now 3:40 p.m. on the 13, and he says:

11 "About to head into meeting with PM,
12 any critical updates?"

13 And you say:

14 "Small flare up. A block from Huron
15 Church. A few arrests made.
16 Simultaneously working to get Huron
17 Church open.
18 25-30 malcontents on scene."

19 Keep going down:

20 "Update: [about] 25 arrests now.
21 Police hoping to reopen bridge tonight.
22 Trying to secure 1,100 jersey
23 barriers...failing which, one side of
24 Huron Church will be open and operate
25 for 2-way traffic like a construction
26 zone."

27 And if we go down.

28 And then -- it looks like, then, on the 13th,

1 that's when the bridge reopened is my -- or the blockade was
2 cleared on the 13th; correct?

3 **MAYOR DREW DILKENS:** Correct.

4 **MS. NATALIA RODRIGUEZ:** And then on the following
5 day, he asks, "How's it going this am", on the 14th, in the
6 morning. "Smooth so far." And then you say:

7 "Are you guys taking some legislative
8 action re: *Emergencies Act*?"

9 And then he says:

10 "Will call you this [afternoon].
11 To the extent you can be supportive of
12 any additional authorities that gets
13 Windsor the resources you need to keep
14 the bridge open, people safe, that
15 would be great."

16 So I want to ask you about that exchange. What
17 gave you the sense that there was some consideration of the
18 *Emergencies Act* being considered at that time?

19 **MAYOR DREW DILKENS:** I had seen a report, and I
20 don't know which media source, CTV or CBC, had -- or Globe &
21 Mail had made some post that I saw that proposed that that may
22 be in the works. And so it just caused me to send him the
23 question.

24 **MS. NATALIA RODRIGUEZ:** And he said he would call
25 you about that. He didn't respond over text, but he said he
26 would call you. And did you have a discussion?

27 **MAYOR DREW DILKENS:** I don't -- no, we did not.

28 **MS. NATALIA RODRIGUEZ:** Oh, you didn't.

1 **MAYOR DREW DILKENS:** No.

2 **MS. NATALIA RODRIGUEZ:** Okay. And then what did
3 you understand him to mean when he says, "To the extent you can
4 be supportive of any additional authorities"?

5 **MAYOR DREW DILKENS:** Well, I think, you know, we
6 all know that that Act has never been used before, and we all
7 know that it's a serious Act and requires this type of thing to
8 happen afterwards, which is extraordinary. And so if they were
9 going to move forward with that, I think he's saying, you know,
10 "if you could express" -- the way I took that is "if you could
11 express what was happening on the ground that would help justify
12 this, that would be helpful to us." And I think it's really,
13 really important, you know, to reflect on that statement, but
14 also use that statement based on what we were seeing on the
15 ground in Windsor.

16 And so there may have been some great relief, and
17 there was great relief to a lot of people in Windsor on the
18 13th. Once the folks were moved, all of a sudden, you know, in
19 lightening speed 1,100 jersey barriers were replaced,
20 6 kilometres of jersey barriers, creating a direct pipeline from
21 the 401 to the Ambassador Bridge.

22 But the piece that needs to be explained here is
23 the heightened state of alert that was in place by police in the
24 community and the city with respect to sort of some sort of
25 recidivism that may happen as a result of this blockade being
26 moved. And it's the type of behaviour that's happened
27 throughout the pandemic, where you have members of the public in
28 Windsor saying, you know, "There's a protest. We're all

1 supposed to be masked metres apart from one another, and there's
2 a protest and a hundred people down, you know, by our great
3 Canadian flag at the waterfront. Why aren't police doing
4 anything? Why is that behaviour being allowed to continue?"

5 And it's hard to explain to people that if you
6 move hundred people out and take action against these sort of
7 lawbreakers or rulebreakers that you could have three thousand
8 the next weekend. You know, you become the rallying cry for
9 this.

10 And so that was the thought in place here. From
11 a police perspective, the conversations that we certainly had
12 amongst many of the senior staff and myself and the City is, you
13 know, "This action needs to be resolved. This action needs to
14 be taken to resolve the situation on the ground, but what
15 happens after they're gone?" And so the number of police that
16 were sent to the City of Windsor to move the protesters out was
17 one thing, but a significant number of police resources remained
18 in order to make sure that this didn't flare up again.

19 And so from an *Emergencies Act* perspective, you
20 know, anything that would send a signal to people contemplating
21 coming to Windsor to start this over again, I thought, from my
22 chair, was extremely helpful to send a signal. You had the City
23 declare an emergency, the Province declared an emergency, and
24 then the Federal Government declared an emergency, and I think
25 that sent -- ought to have sent a signal to a lot of people that
26 this is serious matter and will not be allowed to happen again.

27 **MS. NATALIA RODRIGUEZ:** Now, on that point, the
28 City of Windsor actually declared a municipal state of emergency

1 after the Province did, is that right?

2 **MAYOR DREW DILKENS:** Correct.

3 **MS. NATALIA RODRIGUEZ:** And it was on -- I
4 believe on the 14th, is that right?

5 **MAYOR DREW DILKENS:** That's correct.

6 **MS. NATALIA RODRIGUEZ:** So maybe just explain why
7 the municipal state of emergency was called after the blockade
8 had already been cleared, and not prior to that?

9 **MAYOR DREW DILKENS:** Yes, thank you for asking
10 that question.

11 So what happened is we had had a Council meeting
12 prior to me signing off on the declaration of Emergency on the
13 14th. One of the concerns that Council had generally was, there
14 was a portion of the resolution in front of Council that
15 provided wide latitude to the City Manager to do a number of
16 things that Council didn't feel comfortable giving sort of *carte*
17 *blanche* to the City Manager at that particular time. And we're
18 talking about acquiring resources or moving transit routes;
19 like, City operational type stuff. That I said, "Well, don't
20 worry. If you have a concern with that, let's not get held up
21 with that. I'll declare the emergency, which then would wrap
22 that authority up in me -- to me, and anything that's required
23 with respect to dealing with this direct pipeline that's been
24 created, I'll have the ability to deal with.

25 And so I signed it on the 14th and I, you know,
26 ended it 10 days later.

27 **MS. NATALIA RODRIGUEZ:** Right.

28 **MAYOR DREW DILKENS:** So that allowed us just --

1 and I don't even think there was much that came out of that, in
2 terms of, you know, needing to be dealt with operationally.
3 Everyone just sort of figured it out, and we did what we had to
4 do. I think we -- I think I may have given free transit to
5 people who started on the west side of Huron Church to be able
6 to get to the other side because the disruption was big.

7 There were a few things like that but nothing
8 material, I would say, was used -- was done by me with respect
9 to that emergency power.

10 **MS. NATALIA RODRIGUEZ:** Right. And as you had
11 mentioned, the injunction was really a signal to the public that
12 the City was doing everything it could. Why couldn't the state
13 of emergency also be a signal, even if measures wouldn't
14 necessarily be used or that it wasn't much additional powers
15 that could be gained from it; wouldn't it be a signal to the
16 public the City was doing everything it could?

17 **MAYOR DREW DILKENS:** Do you mean why didn't I
18 sign the Declaration of Emergency prior to the 14th?

19 **MS. NATALIA RODRIGUEZ:** Yes.

20 **MAYOR DREW DILKENS:** Well, you know, I felt like
21 that wasn't going to provide anything new that I needed at the
22 time. So we didn't have -- like, police were telling me what
23 they needed; I was trying to amplify their requests from a City
24 perspective. And with respect to Public Works and jersey
25 barriers and all the things that we had to mobilize, no-one came
26 to me saying, "We can't do this," or, "They're charging us 10
27 times the amount." Nothing -- nothing would have benefited. I
28 can't see the situation becoming better because I signed it at

1 that particular time.

2 What happened on the 14th, though, when everyone
3 woke up and they saw this tunnel from the 401 to the Ambassador
4 Bridge in both directions, if you live in Windsor, you know that
5 that was, like, a major, major thing. All cross traffic was
6 blocked, bus routes were rerouted; there were going to be
7 impacts on business, many businesses, over 200 businesses that
8 were, you know, impacted as a result of that particular action.
9 And, again, that wasn't something that was my decision; that was
10 a police decision to put these jersey barriers in place and
11 create a safe pipeline to and from the bridge.

12 So I anticipated that there would be some
13 requirement to deal very, very quickly on the municipal side
14 with stuff that we deal with operationally, but that tool would
15 have given me the benefit of acting quickly. And so that's why
16 I did it on the 14th as opposed to do it earlier, because I
17 didn't see the need to do it earlier.

18 **MS. NATALIA RODRIGUEZ:** And so the purpose, then,
19 was to get some sort of financial compensation for the
20 businesses that were prevented from getting business because of
21 the jersey barriers that were blocking east-west traffic?

22 **MAYOR DREW DILKENS:** I just knew -- not
23 necessarily. I knew that what had been done was a -- was going
24 to have some form of material impact on a variety of different
25 operations and businesses; a material impact on the way people
26 lived their lives on either side of Huron Church Road, and what
27 I wanted, it wasn't so much at that time sending a signal to the
28 public, it was just saying, "Okay, Council, if you feel

1 uncomfortable giving the City Manager that authority, I'll take
2 that authority under the *Emergencies Act* and be able to deal
3 with anything very, very quickly." And, again, in 10 days, once
4 the situation stabilized and normalized, I signed off and said,
5 "There's no longer a municipal emergency."

6 **MS. NATALIA RODRIGUEZ:** And how long were those
7 jersey barriers in place along Huron Church Road?

8 **MAYOR DREW DILKENS:** Weeks. Several weeks. I
9 can't remember the exact date when they were finally removed.
10 There was an incremental -- for a couple of weeks they were
11 there, and it was a direct pipeline and you had hundreds of
12 police on duty making sure that if trucks stopped, that they
13 were acting very quickly to have folks move on. But
14 incrementally and over time, you saw certain jersey barriers
15 removed at certain intersections so people could cross Huron
16 Church Road, and then police maintained a -- you know, I'd say a
17 heightened state of readiness at those locations, just in case
18 there was a flareup.

19 **MS. NATALIA RODRIGUEZ:** And what was your
20 understanding of the potential of another blockade taking hold
21 after the original one was cleared?

22 **MAYOR DREW DILKENS:** This is the important point;
23 again, that there was the thought, and the Chief expressed this
24 to me, and Deputy Chief Bellaire at the time expressed to me
25 that they were quite concerned that something would happen; you
26 know, that there would be behaviour where folks would come back,
27 and they didn't know when, they didn't know how many, and there
28 were resources -- police resources deployed along the 401

1 outside of the City of Windsor to sort of monitor this type of
2 activity. There were resources allocated to scan social media
3 and some of the likely sites to sort of gather intelligence on
4 that front as well. But the thought was that they were coming
5 back, and there were some attempts -- there were some attempts
6 that police intercepted, as I'm aware of.

7 **MS. NATALIA RODRIGUEZ:** And my understanding is
8 that there was also the concern that once Ottawa was cleared,
9 that those protesters would come to Windsor.

10 **MAYOR DREW DILKENS:** Correct.

11 **MS. NATALIA RODRIGUEZ:** And what can you tell us
12 about that?

13 **MAYOR DREW DILKENS:** Again, just monitoring what
14 was happening up in Ottawa, knowing that there was a high level
15 of frustration amongst that protester group; that, you know, if
16 they were looking to continue that type of protesting activity,
17 it's one thing to do it in Ottawa, at the seat of the federal
18 government, it's another thing to do it at the busiest border
19 crossing between our two countries; that has a significant
20 impact on the lives of tens of thousands of Canadians. Not just
21 people in my community, people all across this province that
22 rely on smooth and efficient border crossings for their
23 livelihoods, who've been impacted, you know, over a couple of
24 years with the pandemic.

25 And so, you know, there was -- I think we all
26 knew that if you wanted to have the biggest impact, the biggest
27 impact economically would be in Windsor, leading up to the
28 Ambassador Bridge.

1 **MS. NATALIA RODRIGUEZ:** And if I can take you to
2 WIN00000972?

3 Now, this is February 16, so a few days after the
4 blockade has been cleared. And this is a briefing, I believe
5 these were some remarks that you gave; is that correct?

6 **MAYOR DREW DILKENS:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** And if you go down --
8 keep going. So there; the bolded section there, you say:

9 "Let me be clear - this remains a
10 **national security situation** that
11 prevents us from simply reopening Huron
12 Church Road to regular traffic at this
13 time."

14 What did you mean by "National security
15 situation"?

16 **MAYOR DREW DILKENS:** Well, I would add even
17 national, you know, economic security situation. You know, the
18 amount of trade that crosses at the Ambassador Bridge is
19 material; it's material for our province; it's material for our
20 nation. And so every day that that bridge is closed, it has a
21 huge impact on the lives of tens of thousands of Canadians who
22 rely on smooth and efficient border crossings for their
23 livelihoods. And so national security situation; we had the
24 deployment of three kilometres of jersey barriers in each
25 direction. I didn't make that decision. That was a police
26 decision using the intelligence that they had, all the tools and
27 information they had at their disposal in order to find a way,
28 the best way forward, to get access to the Ambassador Bridge

1 from the 401 so that this bridge was open, that the economy was
2 moving once again, and that they could maintain control of what
3 I would argue is a piece of infrastructure that is in our
4 national economic interest. It is a very material, critical
5 piece of national infrastructure that just doesn't happen to be
6 -- that happens to be owned by a private interest.

7 **MS. NATALIA RODRIGUEZ:** Did you have any
8 discussions with Minister Mendicino or anybody else at the
9 federal government about the risk of another blockade after the
10 one on the 14th was cleared?

11 **MAYOR DREW DILKENS:** I probably did. You know,
12 there were check-ins. Minister Mendicino is very good at
13 checking in, saying, how are things going today? He did that
14 many days in a row. And to the extent I had information from
15 police where there was something worth reporting, I sent that
16 back to him, so that he had situational awareness of what we
17 were dealing with on the ground.

18 Minister Mendocino is someone who went -- he
19 lived in Windsor. He went to law school at the University of
20 Windsor, so he also knows the area. And once you have a
21 perceptive of what it's like on the ground, it's easier to have
22 a conversation. He knows the impact of what happened on Huron
23 Church Road without me even having to discuss it with him. He
24 just intuitively knows that because he's from -- he had
25 experience in the area.

26 And so, yeah, we went back and forth, and he was
27 very good at checking in, just asking for an update and trying
28 to gather information for his perspective.

1 **MS. NATALIA RODRIGUEZ:** So in terms of continuing
2 threats to the Ambassador Bridge, you're getting that
3 information from the Chief of Police or the Deputy Chief of
4 Police. You're not getting any information from any federal
5 entities giving you kind of intelligence or information?

6 **MAYOR DREW DILKENS:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** Okay. And to your
8 knowledge, were any of the federal emergency powers ever used to
9 prevent further blockades?

10 **MAYOR DREW DILKENS:** I'm not aware.

11 **MS. NATALIA RODRIGUEZ:** Now on March 17, you
12 wrote to Ministers Mendocino and Blair and to the Solicitor
13 General explaining some issues that you believed had been
14 brought to light by these blockades. Do you recall that?

15 **MAYOR DREW DILKENS:** Was this the letter asking
16 to have a, you know, a sit down and try and figure out the path
17 forward?

18 **MS. NATALIA RODRIGUEZ:** Yes.

19 **MAYOR DREW DILKENS:** Yes.

20 **MS. NATALIA RODRIGUEZ:** And so what were some of
21 those concerns that you had at the time?

22 **MAYOR DREW DILKENS:** Well, this is a -- the
23 Ambassador Bridge and the City of Windsor is a unique
24 circumstance. So you have, as I said, the Ambassador Bridge,
25 the busiest commercial border crossing between the United States
26 and Canada, which is privately owned, that sits at one end of
27 the municipal roadway, and three kilometres on the other end is
28 a provincial highway. And so, you know, the 401 is a roadway

1 where there are no traffic lights. It's sort of barrier free.
2 But as soon as you get off onto Huron Church Road, you're on
3 that municipal road, which falls under the responsibility and
4 authority of the City of Windsor and the Windsor Police Service.
5 You have six or seven traffic lights, so trucks as they make
6 their way from the 401 to the Ambassador Bridge have to go
7 through those series of municipal traffic lights. And it is a
8 unique situation that you have, you know, a provincial highway
9 at one end, a municipal roadway linking what I would suggest is
10 sort of important federal infrastructure. And so my request to
11 them, to the other levels of government was we need to sit down
12 and figure this out. We need to figure out in the event that
13 something like this were to happen again, how do we respond and,
14 you know, sort of pull the template off the shelf that the
15 response is seamless, that it's not, you know, a day or two here
16 trying to figure out how many folks we need, and who's going to
17 do what, and who should take the lead, and then ultimately,
18 who's paying for it.

19 You know, so the City of Windsor has carried all
20 of the water. We're paying all of the bills, \$5.3 million for
21 the, you know, execution of this particular police action, which
22 was absolutely necessary, but I would submit is completely
23 unfair that the City of Windsor is shouldering those costs. It
24 was not a typical municipal policing matter. In fact, it was a
25 national, economic emergency. And we responded appropriately.
26 The Windsor Police did a great job. The OPP did a great job.
27 The RCMP, they all worked very well together, but we need to
28 figure this out moving forward because the Ambassador Bridge is

1 not going away, our municipal road's not going away and the 401
2 is not going away. So what does this look like in the future,
3 and that was my request to them is to sit down and try and
4 figure out how we do this together in the future to eliminate
5 any sort of delays that might be inherent in the way we moved in
6 February.

7 **MS. NATALIA RODRIGUEZ:** And have you had any
8 response back?

9 **MAYOR DREW DILKENS:** No.

10 **MS. NATALIA RODRIGUEZ:** So can you give us a
11 sense for the impact of the blockade, specifically on the auto
12 sector, in Windsor?

13 **MAYOR DREW DILKENS:** Well, it was, you know,
14 almost immediate. Again, within the first hour, our largest
15 employer called saying, "What's going on?" The very next day,
16 on February the 8th, they suspended some of their manufacturing
17 operations and it was intermittent during the week of the
18 blockade. We also had part suppliers that basically stopped
19 producing parts because they had nowhere to send them, and they
20 don't stockpile large quantity of parts. And, you know, there
21 was a huge, huge impact in the auto sector. But don't forget,
22 even on -- in Essex County, you know, City of Windsor is plus or
23 minus 230,000 people. If we take the neighbouring county, and
24 we're part of that county, just not part of their government,
25 it's about 450,000 people total in that area. We have the
26 largest greenhouse operation in North America, second in the
27 world next to Holland. And so a full 80 percent of all
28 greenhouses in Canada are in Essex County. And so the produce

1 that is produced in those facilities that operate 24/7 365, the
2 vast majority of it is exported to the United States through the
3 Ambassador Bridge. And so the regional impact, which we cannot
4 discount, was material. It was major.

5 And, you know, having folks idle, having plants
6 idle is not good just for our economy. It also had an impact on
7 the U.S. side because of the integration of our supply chains.
8 And so that's why we had folks from the United States, you know,
9 senior leaders in the United States calling for an end to this
10 as well and trying to push for a resolution because it was
11 impacting their economy too.

12 **MS. NATALIA RODRIGUEZ:** And what discussions did
13 you have then with counterparts or others in the U.S.?

14 **MAYOR DREW DILKENS:** You know, I spoke with folks
15 at Homeland Security but more from an operational perspective at
16 the bridge, so the port director at the bridge, and I spoke with
17 the Mayor of Detroit, you know, once during the blockade, just
18 to sort of, you know, touch base because I was getting a lot of
19 media questions about whether I'd spoken to the Mayor of
20 Detroit, and I knew there really wasn't a whole lot that he
21 could do, but I wanted to touch base with him. So, you know, we
22 were trying to resolve this situation. There wasn't a lot that
23 I think could be provided from the U.S. At one point, we did
24 have an overture from the Governor of Michigan's office to
25 provide tow trucks. I think she made a comment to the media and
26 then folks brought that to our attention. And when we reached
27 out and had a conversation with her Chief of Staff, it really
28 wasn't that the State of Michigan had tow trucks, they just

1 offered to facilitate an introduction to tow truck companies
2 that may be able to provide the support.

3 **MS. NATALIA RODRIGUEZ:** I see. Any other
4 discussions with U.S. folks?

5 **MAYOR DREW DILKENS:** No.

6 **MS. NATALIA RODRIGUEZ:** Okay. So I want to take
7 you to WIN00001628. And these are remarks that you gave. Now
8 we're going back in time on February 9. But you said, at the
9 bottom of -- sorry, the top of page 2, you said,

10 "If Canada becomes known as a difficult
11 jurisdiction to do business with -- to
12 move goods in and out, for example --
13 then supply chains will evolve and
14 reconfigure to remove this element of
15 risk and avoid Windsor-Essex."

16 What were you basing that information on?

17 **MAYOR DREW DILKENS:** Well, I think everyone is
18 aware now, so I can contextualize this a little differently than
19 I could at the time, everyone is aware now that the City of
20 Windsor was successful in landing a \$5 billion investment from
21 LG -- a joint venture from LG and Stellantis. And so they're
22 building the first Canadian electric vehicle battery
23 manufacturing facility in the City of Windsor. All of that
24 discussion, all of that work and the preplanning was well
25 underway during the protest in February. It just hadn't been
26 announced publicly. And so, in fact, the CEO of Stellantis
27 Global went to Canada during this time to have a meeting with
28 senior officials.

1 And so this was me sending a signal, to the
2 extent that any of those folks were watching, that we understand
3 that this has to end, that we understand that you have a choice
4 in terms of where you locate these facilities, and that we're
5 doing all we can to try and move folks on. And that sort of
6 plays into the whole injunction piece as well, that it's the
7 public-facing part of it was that important, as was it important
8 to make sure police had another tool that they could use. But I
9 wanted to make sure that with respect to the folks, you know,
10 early on here, we're in the very early part of sort of rolling
11 out all of the pieces back in February for this major, major
12 investment, I wanted to make sure that they knew very clearly
13 that we were very -- taking this situation very seriously and
14 applying all resources that we could from a municipal
15 perspective to get this situation resolved, reflecting on the
16 fact that, you know, did I think that the first Ford factory in
17 Canada, 1904, I didn't think a 100-year or 120-year relationship
18 was going to be eviscerated because of a 7-day event. But at
19 this particular time, it was critical that I sent that signal
20 and had them have me acknowledge that this is an important issue
21 that needs to be resolved because it -- they were asking.

22 **MS. NATALIA RODRIGUEZ:** Right. And so were you
23 concerned to some extent that the image or the viability of
24 Windsor as a city to invest in might be compromised by this.

25 **MAYOR DREW DILKENS:** One hundred percent because
26 this investment that I'm talking about, we are fortunate and we
27 worked very hard to get this investment, but there were options
28 up the 401 in Ontario and there were lots of options across the

1 border in the state of Michigan, Ohio, Indiana and Kentucky.
2 And so I was determined on behalf of the city to make sure that
3 that landed here, and we were at a very fragile point in the
4 process that this could have been derailed.

5 You know, if they had looked at this and taken a
6 perspective that we don't want this hassle, it's just easier to
7 do business in the United States, this is the type of event that
8 could have derailed this major investment for Canada, for
9 Ontario and certainly for the City of Windsor.

10 **MS. NATALIA RODRIGUEZ:** And in terms of impacts
11 on residents, what impacts did the blockade have on the -- on
12 city services, social services, medical services,
13 transportation? What -- can you give us a sense?

14 **MAYOR DREW DILKENS:** Well, major. And so let me
15 mention several.

16 When this all started, EMS had to move an
17 ambulance to the other side of Huron Church. They had to make
18 sure that they could cover that part of the city.

19 Our fire chief moved and deployed fire resources.
20 There's a fire station literally 100 metres from where the
21 protestors were protesting, but it's on the east side of Huron
22 Church. They moved a truck to the west side to make sure that
23 they could provide -- that they could get there and provide
24 service to the west side of the city.

25 The transit routes were disrupted. The natural
26 flow of people back and forth and having Huron Church Road
27 closed was significant because there are no grocery stores on
28 one side of -- on the west side of Huron Church. They're all on

1 the east side. And a lot of folks have to take the bus. They
2 don't have their own car on the other side of -- the west side
3 of Huron Church, and so they require the city system to be able
4 to move around and live their daily lives.

5 The University of Windsor. The University of
6 Windsor is directly adjacent to Huron Church, directly adjacent
7 to the Ambassador Bridge. The primary route that people in the
8 City of Windsor would use to get to the University of Windsor is
9 Huron Church Road. So 17,500 students that attend the
10 University of Windsor.

11 You have a high school that was actually in the
12 protest zone, Assumption High School. It's been there for
13 probably 100 years. And so that school was directly impacted by
14 the protest activity.

15 And I mean, just -- those are just -- those are
16 several, but the impact was material during the protest and then
17 even after the protest because of the deployment of the jersey
18 barriers along Huron Church Road had a direct impact to the
19 hotels, the motels, the businesses, the small businesses, large
20 businesses, grocery stores. You name it, they were impacted,
21 including the high school, including the University of Windsor
22 because everyone had to find another way around.

23 **MS. NATALIA RODRIGUEZ:** And you had mentioned
24 that the cost to the city was over \$5 million; correct?

25 **MAYOR DREW DILKENS:** Correct.

26 **MS. NATALIA RODRIGUEZ:** And most of that, I
27 understand, was for the Windsor Police Service. Is that right?

28 **MAYOR DREW DILKENS:** It really is a mix, and we

1 certainly have welcomed any audit of those expenses. Some
2 police services sent us a bill. Some police services didn't.
3 But we had to pay for the jersey barriers, we had to pay for
4 overtime. There was a whole list of expenses that made up the
5 \$5.3 million that, you know, we are carrying that cost at this
6 particular time.

7 **MS. NATALIA RODRIGUEZ:** Right. Because in
8 addition to OPP and RCMP, there were several local police forces
9 that came to assist; correct?

10 **MAYOR DREW DILKENS:** Correct. And so Public
11 Order Units, I know some were deployed from other parts of
12 Ontario, but we contracted directly with the City of London.
13 They have trained resources. They have a standard contract that
14 they sent to us, I signed immediately. But that -- the
15 provision of that service was \$200,000, plus or minus.

16 We had to feed people, you know. The Chief asked
17 for 100 officers. I'm told that 500 showed up. Well, they may
18 not have charged us -- some of the services may not have charged
19 us for the salary and benefit costs, but we still had to put
20 some of those folks up in hotels, we still had to feed them. We
21 had to move them around.

22 There were direct costs which we would welcome
23 any other level of government to audit, but at the end of the
24 day, it's the residents and the City of Windsor who have -- who
25 have carried the full share of those costs to date.

26 **MS. NATALIA RODRIGUEZ:** And just to be clear, the
27 blockade on -- was cleared and the bridge reopened before the
28 *Emergencies Act* was invoked. Is that right?

1 **MAYOR DREW DILKENS:** On the 14th, so the 13th
2 around midnight into the 14th, I think the bridge opened around
3 midnight on the 14th. So the *Emergencies Act* came -- was
4 invoked some time on the 14th, so yes. The answer to your
5 question is yes.

6 **MS. NATALIA RODRIGUEZ:** Okay, great. So none of
7 the measures in the *Emergencies Act* were used to clear the
8 blockade since it came after; correct?

9 **MAYOR DREW DILKENS:** Correct.

10 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
11 Those are my questions for you. Thanks.

12 **COMMISSIONER ROULEAU:** Okay. So I think this is
13 probably a good time for the morning break, so we'll take 15
14 minutes and then come back to continue.

15 **THE REGISTRAR:** The Commission is in recess for
16 15 minutes. La commission est lever pour 15 minutes.

17 --- Upon recessing at 11:34 a.m.

18 --- Upon resuming at 11:51 a.m.

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

20 The Commission is reconvened. La commission
21 reprend.

22 **COMMISSIONER ROULEAU:** Ready to go?

23 **MAYOR DREW DILKENS:** Yes, sir.

24 --- MAYOR DREW DILKENS, Resumed

25 **COMMISSIONER ROULEAU:** Okay. So now if I could
26 call on the Democracy Fund to go first.

27 --- CROSS-EXAMINATION BY MR. ANTOINE D'AILLY:

28 **MR. ANTOINE D'AILLY:** Mr. Commissioner.

1 Good morning, Mayor. My name's Antoine D'Ailly;
2 I'm counsel of Citizens for Freedom, representing the peaceful
3 protestors in Windsor, Ontario.

4 First of all, my congratulations on your recent
5 re-election. I understand we heard earlier that you've been the
6 Mayor and the Chair of the Police Services Board since 2014.
7 But you also served prior to that in the capacity as a City
8 Councillor; is that correct?

9 **MAYOR DREW DILKENS:** Correct.

10 **MR. ANTOINE D'AILLY:** And when did that start?

11 **MAYOR DREW DILKENS:** December 2006.

12 **MR. ANTOINE D'AILLY:** And so since your tenure of
13 December 2006 would you agree that you have got some significant
14 influence and connections within the City of Windsor, and are a
15 central point of contact for organizations, such as the
16 University of Windsor, the businesses in the area, and that you
17 wield quite a bit of political influence?

18 **MAYOR DREW DILKENS:** I would say that as a Mayor,
19 certainly you're in touch with a lot of different people in the
20 community; businesses, residents, and institutions as well.

21 **MR. ANTOINE D'AILLY:** And so in -- just in terms
22 of the division of the powers, because I understand you do wear
23 several hats, one being, again, the Chair of the Police Services
24 Board. In your capacity as Chair, you said that it is not the
25 Board's responsibility to direct the activities of the police;
26 is that correct?

27 **MAYOR DREW DILKENS:** Correct. We don't direct
28 police operations.

1 **MR. ANTOINE D'AILLY:** Would you say that you
2 influence what tactics and methods they may use?

3 **MAYOR DREW DILKENS:** No.

4 **MR. ANTOINE D'AILLY:** And when it comes to
5 requests for resources, is that usually something that comes
6 from the police to -- and that request is made to the Police
7 Services Board, or is the Police Services Board itself making
8 requests for resources and things like that from the City?

9 **MAYOR DREW DILKENS:** We go through an annual
10 budgeting exercise. So the Chief presents a budget to the
11 Board, we go back and forth until we land on something that
12 ultimately gets approved by the Board, which is then sent to
13 City Council -- well, sorry; I'll speak slower.

14 A budget approved by the Windsor Police Services
15 Board is then sent to Windsor City Council for approval. And
16 the Chief would lay out, in the budget document, what is needed
17 for each department. If something extraordinary happens, if
18 there's a -- an expenditure or a request outside of the normal
19 budgeting process, the Chief would then make a request to the
20 Windsor Police Services Board, and the Board would make whatever
21 decision they felt appropriate.

22 **MR. ANTOINE D'AILLY:** Understood. And in your
23 capacity as Mayor as well, I presume that you also had regular
24 communication over the last couple of years, leading up to the
25 pandem -- to the protests, with the Windsor-Essex County Health
26 Unit and the Chief Medical Officer of Health of the region; is
27 that correct?

28 **MAYOR DREW DILKENS:** Frequent, yes. Not daily,

1 but there have been more -- there has been more contact during
2 the pandemic between my office and the Health Unit than any
3 other time that I can recall.

4 **MR. ANTOINE D'AILLY:** And would you say that over
5 the last two years that there was, in that increased
6 communication, is it typically the City seeking guidance from
7 the Windsor-Essex County Health Unit, or is it that, you know,
8 these decisions are being made together in a collaborative
9 fashion; what's that relationship between you and the Chief
10 Medical Officer of Health in the in the area?

11 **MAYOR DREW DILKENS:** They have very distinct
12 roles as spelled out in legislation, and so there are often
13 times -- because none of us have ever lived through a pandemic
14 before, or at least most of us haven't, there are times where
15 during the pandemic we've tried to sort out a course of action
16 with the Health Unit, to have a better understanding of where
17 the Medical Officer of Health may land on a certain topic.

18 But, ultimately, my experience with the Medical
19 Officer of Health is they may give you an impression or some
20 guidance, or some, you know, opinion, but ultimately, they left
21 it to the City to make every decision.

22 **MR. ANTOINE D'AILLY:** And so would it be fair
23 then to say that, typically, the recommendations -- because we
24 saw a number of section 22 Orders issued by the Health Unit,
25 that they were the subject to protests that led up to the
26 demonstration at the bridge. Would it be fair to say that the
27 recommendations of the Medical Officers is -- is the medical
28 advice, and that the actions of the City Council, in terms of

1 the bylaws and the Orders that are being passed, are more of the
2 political aspect of that?

3 **MAYOR DREW DILKENS:** Well, the Medical Officer of
4 Health independently makes any orders that he makes; it's not
5 dependent on us in any way. And then, of course, City Council
6 passes bylaws, resolution, and policy which is our normal
7 governance role.

8 **MR. ANTOINE D'AILLY:** Understood. And just in
9 terms that Community Control Group, so am I correct that this
10 community -- is it Community Control or Corporate Control Group?

11 **MAYOR DREW DILKENS:** Community Control.

12 **MR. ANTOINE D'AILLY:** And the Community Control
13 Group, they met during the week of February 11th on a daily
14 basis, 9:30 every morning; is that correct?

15 **MAYOR DREW DILKENS:** I don't know if it was every
16 day, but we met very frequently.

17 **MR. ANTOINE D'AILLY:** And did you attend all of
18 those meetings personally, whether remotely or in person, or did
19 you rely on others to communicate and relay to you the
20 information that was discussed during those meetings?

21 **MAYOR DREW DILKENS:** I'd have to look at the
22 minutes themselves for each day. I attended several but there
23 may have been a time where I didn't attend. And if I didn't
24 tend -- attend, my Chief of Staff, Andrew Teliszewsky, would
25 have attended.

26 **MR. ANTOINE D'AILLY:** And so I presume, then,
27 that the days that you did not attend those briefings about the
28 bridge you had other priorities to attend to at the time.

1 **MAYOR DREW DILKENS:** Correct.

2 **MR. ANTOINE D'AILLY:** And I guess you had an
3 understanding that, you know, whether it's your Chief of Staff
4 or the Police Services, or whoever else attending those meetings
5 was in control of that situation, and that your immediate
6 attention on that was not required; is that correct?

7 **MAYOR DREW DILKENS:** Well, the CCG does a good
8 job at providing one source of information to multiple people so
9 we're on the same page. But it's not exclusive. And so I may
10 have had, on any given day -- not may have; probably more than
11 five conversations every day with the Chief of Police about the
12 activity that was happening in Windsor related to the Freedom
13 Convoy. And so it didn't mean if I didn't -- wasn't in that
14 particular meeting that there was an absence of information
15 because there was great communication throughout the City, great
16 communication inter-governmentally at the time and for the
17 duration of the protests.

18 **MR. ANTOINE D'AILLY:** Okay. And when you speak
19 of the duration of the protests; is it fair to say that, as
20 Mayor of Windsor, part of your role and responsibility is not
21 only to represent the majority of citizens that elect you but
22 also the minority opinion?

23 **MAYOR DREW DILKENS:** I represent ---

24 **MR. ANTOINE D'AILLY:** Would you consider ---

25 **MAYOR DREW DILKENS:** --- the City of Windsor.
26 And so certainly I absolutely represent the people in the City
27 of Windsor.

28 **MR. ANTOINE D'AILLY:** And so would it be fair to

1 say that part of your role and responsibility, then, is to
2 attend to those minority -- those minority opinions and views,
3 or at least take them under consideration, particularly when
4 there's active protests in the city?

5 **MAYOR DREW DILKENS:** Of course. You would
6 consider what's being said on social media, you would try to
7 understand the perspective; and, as we did here, trying to find
8 a resolution. Trying to get this thing over with so we could
9 open the route to the border crossing.

10 **MR. ANTOINE D'AILLY:** Right. And I understand
11 that you testified earlier that you at no point in time actually
12 went down and spoke with the protesters at the Ambassador Bridge
13 protest; is that correct?

14 **MAYOR DREW DILKENS:** Correct.

15 **MR. ANTOINE D'AILLY:** In terms of the leadership,
16 were you aware that many of those attendees had also been
17 protesting on almost a weekly basis since 2020 down at the Great
18 Canadian Flag?

19 **MAYOR DREW DILKENS:** No.

20 **MR. ANTOINE D'AILLY:** You were not? As Mayor,
21 are you typically informed by somebody within the City's
22 apparatus of the protests that are happening?

23 **MAYOR DREW DILKENS:** Only if it was exceptional.
24 So for example, if there was a protest on the lawn of City Hall
25 today between 4:00 and 5:00, I may never be given notice of
26 that. I may walk out and see the protest, but it's not normal
27 that for sort of a general protest, which probably happens every
28 week in some form, that the Mayor's office would get notice of

1 that.

2 **MR. ANTOINE D'AILLY:** Okay. So you say that you
3 didn't receive notice of, you know, the anywhere between 25 to
4 50 people that gathered almost on a regular basis every weekend
5 on at the flag; you say you were not aware of those.

6 **MAYOR DREW DILKENS:** Oh. Oh, I was notified of
7 frequent protests at the flag, but I think your question was,
8 was I aware that people who are at the protest at the flag were
9 also part of the protests of the Freedom Convoy. I can't create
10 that connection.

11 **MR. ANTOINE D'AILLY:** Okay. And in the
12 information that you received about those weekly protests
13 leading up to the Ambassador Bridge, were you able to identify
14 any of the organizers or the leaders of those protests?

15 **MAYOR DREW DILKENS:** Yes.

16 **MR. ANTOINE D'AILLY:** And did you at any point
17 communicate the names or identities of those leaders to the
18 Windsor Police Service or anybody else within the City?

19 **MAYOR DREW DILKENS:** I didn't have to because the
20 police were attending those functions independently.

21 **MR. ANTOINE D'AILLY:** And so you saw the
22 interaction with the protestors, or at least the leaders of
23 those protests as more of a policing matter than a political
24 matter?

25 **MAYOR DREW DILKENS:** Well the -- and I don't know
26 if it was weekly. I don't think it was weekly protests at the
27 flag, but, you know, going back to when they started the
28 protests at the flag, with respect to COVID restrictions, there

1 were points where the gatherings were illegal; they were
2 contrary to provincial legislation, at a minimum. And so police
3 were there because you, again, had illegal activity, but you
4 also had members of the public who are saying, "Why aren't you
5 guys doing anything about that?"

6 Why are you letting this illegal activity happen
7 when we have to follow the rules, we are following the rules,
8 and clearly this behaviour is not following the rules? It's
9 illegal. Why are you not taking action?

10 **MR. ANTOINE D'AILLY:** Right. Would you agree
11 with me that over the course of the two years, those protests
12 were building? There were many changes to the legislation and
13 there was different times where perhaps the number of people
14 allowed at one of those protests was within the bounds of law,
15 and other times, you know, there could be further restrictions
16 in terms of the number of people that could gather, and that
17 that was a fluid situation, and that not all those protests were
18 legal?

19 **MAYOR DREW DILKENS:** I don't know, because I
20 wasn't receiving a debrief after every time folks gathered at
21 the flag to protest covid restrictions. So I can't help you
22 with an answer there, because I just don't know.

23 **MR. ANTOINE D'AILLY:** Okay. Is it fair to say
24 that in the protests leading up to the Ambassador Bridge, there
25 were multiple occasions where there was a far bigger turn out of
26 protestors and demonstrators than ever appeared at the bridge?

27 **MAYOR DREW DILKENS:** I'm aware of, I forget the
28 fella's name, but he had notoriety online and came to Windsor a

1 couple of times. And that seemed to generate more activity at
2 the flag when he came. Chris somebody, I think. But I can't
3 remember his full name.

4 But anyway, this person, when he came to Windsor,
5 and there was at least two occasions that I'm aware of, more
6 people seemed to gather on those two occasions over two years.

7 **MR. ANTOINE D'AILLY:** And did I hear you
8 correctly earlier that your understanding of the composition of
9 the protestors is that many of those at the bridge were locals
10 and it was not all from out of towners, and to the extent there
11 were people from out of town, a lot of them were coming from
12 Toronto and other places in southwestern Ontario, rather than
13 Ottawa?

14 **MAYOR DREW DILKENS:** Yeah, so my understanding
15 was about 50/50, from the Chief.

16 **MR. ANTOINE D'AILLY:** Okay. And so then, as your
17 role as part of the CCG, would you say that part of your
18 responsibility was communicating with the other branches of
19 government, whether it was, I think we saw some text messages
20 earlier with Minister Mendicino, with the Solicitor General in
21 the province. So one of your key responsibilities was being
22 that spoke on the wheel to these other government agencies? Is
23 that correct?

24 **MAYOR DREW DILKENS:** And our local Members as
25 well. Members of Provincial Parliament and Parliament.

26 **MR. ANTOINE D'AILLY:** And so can you just
27 explain, who is Brian Masse?

28 **MAYOR DREW DILKENS:** He's the NDP Member of

1 Parliament for Windsor West, which is the area where Huron
2 Church Road and the Ambassador Bridge is located.

3 **MR. ANTOINE D'AILLY:** And did you have much
4 correspondence or communications with him during the Ambassador
5 -- well, during the time leading up to the Ambassador protest?

6 **MAYOR DREW DILKENS:** Leading up -- I mean, I'm in
7 frequent contact with him. About that particular issue, I don't
8 recall any conversations specifically about the protests that
9 were going on. But when it happened, I did have communication
10 with him once it set hold in Windsor.

11 **MR. ANTOINE D'AILLY:** Okay. Can we just pull up
12 a document here, WIN00001659?

13 So, Mayor, we heard earlier that you said, you
14 know, the traffic at the Ambassador Bridge is of particular
15 economic importance, at every hour of every day there's goods
16 and services crossing that border, and that in your opinion, a
17 significant interruption to those products and services flowing
18 across the border is of economic importance. Did I hear you
19 correctly on that?

20 **MAYOR DREW DILKENS:** That's correct.

21 **MR. ANTOINE D'AILLY:** And I believe Mr. Masse --
22 if we can scroll down here on this letter? Appears to be dated
23 February 9th to many of the other Federal Ministers. And if we
24 scroll down, if you look at the top of the second paragraph
25 there, it says that:

26 "Traffic disruptions along the road
27 corridor to the Ambassador Bridge are not
28 uncommon..."

1 Do you have any idea of what Mr. Masse is
2 referring to here?

3 **MAYOR DREW DILKENS:** I don't. I mean, unless
4 he's talking about just sort of general construction that
5 happens on Huron Church Road, which is, you know, a requirement
6 on any road, I'm not aware of any major disruptions.

7 **MR. ANTOINE D'AILLY:** Okay. So I understand that
8 in your capacity as mayor, you may not hear about every protest
9 that's going on in Windsor, but do you recall a protest in March
10 20th of 2019, I think this was during your tenure, where a
11 gentleman named Edy Haddad -- is that name familiar to you?

12 **MAYOR DREW DILKENS:** Yes.

13 **MR. ANTOINE D'AILLY:** And who is Edy?

14 **MAYOR DREW DILKENS:** Edy is a Windsor resident.
15 Recently ran for city councillor and has run several times in
16 the past.

17 **MR. ANTOINE D'AILLY:** And do you share my
18 understanding that he's also currently the Chair of the Liberal
19 Party of Canada in the Southwest Division?

20 **MAYOR DREW DILKENS:** I don't know if he holds
21 that position.

22 **MR. ANTOINE D'AILLY:** And did you ever receive
23 any indication that he was also the Chair of the Essex Federal
24 Liberal Riding Association?

25 **MAYOR DREW DILKENS:** I have no idea if he is or
26 not.

27 **MR. ANTOINE D'AILLY:** Do you recall hearing a
28 statement from him on March 20th, 2019 in relation to a protest

1 dealing with funding for the university that apparently led to a
2 temporary blockage of the Ambassador Bridge in Windsor and Mr.
3 Haddad's quote saying that:

4 "We're going to continue to shut down the
5 bridge at every protest we do until they
6 reverse the cuts."

7 Do you recall that?

8 **MAYOR DREW DILKENS:** No.

9 **MR. ANTOINE D'AILLY:** So in addition to
10 construction, do you recall any other interruptions to the flow
11 of goods and services across the border at the Ambassador
12 Bridge?

13 **MAYOR DREW DILKENS:** Over what period of time?

14 **MR. ANTOINE D'AILLY:** Well I'd say most recently,
15 is it true that on October 3rd of 2022, both the Ambassador
16 Bridge and the Windsor Tunnel were shut down for a marathon?

17 **MAYOR DREW DILKENS:** Yeah, that happens every
18 year.

19 **MR. ANTOINE D'AILLY:** That happens every year?

20 **MAYOR DREW DILKENS:** Yeah.

21 **MR. ANTOINE D'AILLY:** And is it your
22 understanding that as part of that planning, both the bridge and
23 the tunnel were completely shut down to commercial and
24 pedestrian traffic for a period of time?

25 **MAYOR DREW DILKENS:** Correct. It's the Detroit
26 Free Press Marathon that happens every year. So it's very well
27 defined, very well prescribed, and the entire community on both
28 sides of the border knows it's going to happen.

1 **MR. ANTOINE D'AILLY:** Right. And were you also
2 aware of a CBSA strike and protest in support of that over some
3 wages or the fact that they had been working without a contract
4 that caused some major slow downs and disruptions at the bridge
5 in August of 2021, as I understand it?

6 **MAYOR DREW DILKENS:** I wasn't aware of any major
7 disruptions at the bridge, but ---

8 **MR. ANTOINE D'AILLY:** So would it be fair to say
9 then that this particular protest that happened in February of
10 2022 was not the first protest that impacted the free flow of
11 goods across the border at the bridge?

12 **MAYOR DREW DILKENS:** Well I would say it was the
13 most unique and caused a complete shut down of traffic to the
14 Ambassador Bridge. The others that you're trying to compare to
15 are very distinct and different.

16 **MR. ANTOINE D'AILLY:** And different, but also
17 insignificant to the point that you don't recall them as a major
18 event? Is that correct?

19 **MAYOR DREW DILKENS:** Exactly.

20 **MR. ANTOINE D'AILLY:** Okay. Now, you'd indicated
21 that, for example, the Detroit Marathon that happens every year,
22 it's well planned, it's well thought out, so all parties kind of
23 have notice that this is happening.

24 Would you agree with me that the primary concern,
25 perhaps from the City's perspective, as to this particular
26 protest in February of 2022 was the uncertainty in terms of how
27 long it might last and, you know, whether or not the City, or
28 the Province, or even the Federal Government had the resources

1 to handle that type of demonstration?

2 **MAYOR DREW DILKENS:** Yeah, we didn't know whether
3 the slow roll was ever going to become permanent. That wasn't -
4 - we weren't certain on that. And how long was it going to
5 last? It was a complete closure. The other ones were very time
6 limited for very discrete events, and this was something that,
7 you know, there was no known end date.

8 **MR. ANTOINE D'AILLY:** And when you say it was a
9 complete closure, are you aware of briefings through that CCG
10 group where at various times there was certainly at least one
11 lane open or two lanes open to allow traffic and at least
12 emergency vehicle access?

13 **MAYOR DREW DILKENS:** Well again, I think I
14 mentioned that this morning, that there were times when the
15 Chief told me that they had regained control of one lane and
16 they thought they were talking to someone who had authority as a
17 group leader to make sure that they could have emergency access
18 through one lane, but then that quickly did not last because one
19 party was never in power to speak for the other parties and they
20 decided to sort of block that lane. And that was part of the
21 problem here, that this was, in many ways, a leaderless movement
22 where, you know, there was no one specific to talk to, and no
23 one responsible for the outcome of the entire group.

24 **MR. ANTOINE D'AILLY:** I understand. And you
25 spoke earlier too about, you know, constructions and other
26 delays. And the importance of the just-in-time delivery system
27 for many of the auto parts manufacturers locally.

28 Would you agree with me that a slowdown or

1 significant slowdown, whether it's construction or otherwise,
2 would also have an impact, albeit not as severe, but certainly
3 has an economic impact on the auto parts manufacturers?

4 **MAYOR DREW DILKENS:** Not necessarily. And so as
5 long as one lane is open in each direction and vehicles can
6 move, that works. I mean, we could work with that over a short
7 period of time to continue commerce back and forth and let
8 healthcare workers get to work. That can continue, as long as
9 one lane is open. That is what police were trying to do from
10 the very beginning, was find a way to keep one lane open,
11 allowing the protests to continue, the slow roll protest to
12 continue but allowing one lane in each direction to be open so
13 commerce could continue.

14 **MR. ANTOINE D'AILLY:** Right. And so traffic
15 disruptions but the border still open. May we pull up POE.CFF I
16 believe it's seven 0s 1.

17 You could scroll down here and just notice the
18 date that it's made, 13th 2019. And is this an accurate
19 representation of Huron Church Line here? What are we looking
20 at in terms of the nearest cross street where those traffic
21 lights are?

22 **MAYOR DREW DILKENS:** I would have to have you
23 tell me that answer. I'm not sure.

24 **MR. ANTOINE D'AILLY:** Okay. Would it be fair to
25 say that this was close to the Ambassador Plaza and that we're
26 looking at roughly 2 to 300 metres, maybe a kilometre away from
27 the mouth of the bridge?

28 **MAYOR DREW DILKENS:** Yeah, that's correct.

1 **MR. ANTOINE D'AILLY:** Okay. And would you agree
2 that this type of traffic and slow down is not unusual along
3 that main corridor, in your experience since 2006?

4 **MAYOR DREW DILKENS:** I would say that there is --
5 because of the number of trucks that use Huron Church Road,
6 there is always the need for some form of repair,
7 rehabilitation or construction along that road.

8 **MR. ANTOINE D'AILLY:** M'hm.

9 **MAYOR DREW DILKENS:** We receive money from the
10 provincial government under a program called Connecting Lights,
11 which is designed to fund, repair and renewal of roads that are
12 municipally owned by really serve a greater purpose, like Huron
13 Church Road. And so this is an example of construction where
14 traffic is continuing to move in both directions and there's
15 construction happening today on that road that would look much
16 the same, where it's disruptive but it does not stop
17 international trade.

18 **MR. ANTOINE D'AILLY:** And so you would agree with
19 me then that this picture here in terms of the delays and the
20 traffic is also emblematic and similar to the current state of
21 the bridge since, let's say, the beginning of this summer?

22 **MAYOR DREW DILKENS:** Yeah, there is ongoing
23 construction on another portion of Huron Church Road which would
24 look similar to this as well.

25 **MR. ANTOINE D'AILLY:** Okay. Understood.

26 I'd like to briefly touch on sort of who knew
27 what when within the CCG. You had indicated earlier that you
28 were made aware of some demonstrations in Sarnia and that there

1 were the slow rolls happening in Windsor. But am I correct in
2 saying that Chief Mizuno was not terribly worried about the slow
3 rolls that were happening at the end of January, that was no
4 particular cause for concern?

5 **MAYOR DREW DILKENS:** Yeah, she expressed to me
6 that those were peaceful, that the vehicles continued to move,
7 and international trade continued to move as well.

8 **MR. ANTOINE D'AILLY:** All right. And were you
9 also made aware that the OPP had shut down the highway junction
10 at Highway 402 in an attempt to block either the west or
11 eastbound traffic and to control that situation on or about
12 February 6th?

13 **MAYOR DREW DILKENS:** I don't recall.

14 **MR. ANTOINE D'AILLY:** Can we put up document
15 WIN00000041? And if we can scroll down -- and so this email, I
16 understand, came from Joe Dedeckert. Do you know who he is?

17 **MAYOR DREW DILKENS:** No.

18 **MR. ANTOINE D'AILLY:** But would you agree with me
19 that if we scroll up here that this was sent to a City of
20 Windsor employee Carolyn Brown?

21 **MAYOR DREW DILKENS:** Looks that way, yes.

22 **MR. ANTOINE D'AILLY:** And so you were never
23 advised as to the contents of this email or this particular
24 update that the OPP had shut down Highway 402?

25 **MAYOR DREW DILKENS:** Yeah, I don't recall seeing
26 that email.

27 **MR. ANTOINE D'AILLY:** All right. If we could
28 scroll down a little bit further there, that the OPP in fact

1 shut down the highway and that no traffic was able to go
2 westbound to the U.S. through Sarnia due to police action. Is
3 that a fair assessment of the content of this email?

4 **MAYOR DREW DILKENS:** Yeah, I think it speaks for
5 itself.

6 **MR. ANTOINE D'AILLY:** Understood. And so if we
7 could pull up Windsor document 000000 and 39. And who is Andrew
8 Ray?

9 **MAYOR DREW DILKENS:** That's me.

10 **MR. ANTOINE D'AILLY:** Okay. And so were you
11 informed then by Stephen Laforet -- and Stephen Laforet is the
12 Windsor Chief of Fire; is that correct?

13 **MAYOR DREW DILKENS:** Correct.

14 **MR. ANTOINE D'AILLY:** And he also sits on the
15 CCG?

16 **MAYOR DREW DILKENS:** Yes.

17 **MR. ANTOINE D'AILLY:** And so he notified you
18 about the protest at Bluewater Bridge. He was informed that the
19 -- by EMO that the 402 is now closed and it was closed by OPP
20 and not by a blockade; is that -- were you made aware of this
21 back on February 6th around 8 in the afternoon?

22 **MAYOR DREW DILKENS:** It looks like that email was
23 sent to me, but I don't recall reading it.

24 **MR. ANTOINE D'AILLY:** Okay. And I think later in
25 this document too that they say that they are trying to block
26 off the Ambassador Bridge, or at least threatening to do so. Is
27 that further down in this email? Oh, you can scroll up a little
28 bit.

1 "There is concern based on some limited
2 intelligence the convoy will be or is
3 heading to Windsor today. Earlier
4 intel indicated that the bridge was
5 going to be targeted on Monday." (As
6 read)

7 So would it be fair to say that on February 7th
8 you had some intelligence that there may be an action at the
9 Ambassador Bridge?

10 **MAYOR DREW DILKENS:** I think it was even earlier
11 than that. And so I wasn't too concerned about -- I mean, I was
12 interested in the Bluewater Bridge, but that's not within my
13 scope of responsibility. But I think, you know, as soon as
14 February 4th came when the Chief told me, and she actually
15 elevated the fact that there was a slow roll protest, we started
16 making arrangements that weekend. I think I mentioned this
17 morning with respect to jersey barriers. We started making
18 arrangements with respect to moving the tunnel bus. I initiated
19 that action, trying to get the tunnel bus on the duty-free side,
20 so that we would have a way to get healthcare workers through
21 the tunnel in the event that there was a blockade at the tunnel
22 as well.

23 And so we didn't -- I mean, we started that
24 particular weekend making arrangements, not knowing if the slow
25 roll blockade or protest would ever become a full blockade.

26 **MR. ANTOINE D'AILLY:** Okay. And then if -- so
27 after you were made aware of the potential action in Windsor,
28 you basically left it to the Windsor Police Service to implement

1 a plan and to deal with the possibility of a blockade; is that
2 correct?

3 **MAYOR DREW DILKENS:** Well, again, they had a role
4 to play with respect to actions at the Ambassador Bridge. I was
5 looking at other things as well, again, the tunnel bus issue,
6 and making sure that, you know, the Chief had the resources she
7 needed as things developed, making sure that they could respond
8 very quickly, because we were watching what was happening in
9 Ottawa. We were watching what was happening across the country,
10 and we collectively wanted to make sure that we were finding
11 best practices so as not to see that type of behaviour happen in
12 Windsor as well.

13 **MR. ANTOINE D'AILLY:** Understood. Can we pull up
14 Windsor's -- WIN000002174? I believe these are the in-camera
15 meeting minutes from February 8th, 2022, at 7 p.m. Do you recall
16 being in attendance at this meeting?

17 **MAYOR DREW DILKENS:** Yes, sir.

18 **MR. ANTOINE D'AILLY:** And if we scroll down here,
19 I believe it's on page 2 -- scroll down a little further. I
20 think there's a quote that says that "At any point we can extend
21 the circle of control." Do we see that here?

22 Perhaps closer to the bottom of the page? All
23 right. So that's Deputy Bellaire saying that "At any point we
24 can extend the circle of control." What did you understand that
25 to mean?

26 **MAYOR DREW DILKENS:** That if this escalated, they
27 could expand the area in which they were going to provide
28 enforcement.

1 **MR. ANTOINE D'AILLY:** And did you have any
2 understanding in terms of what was within the circle of control
3 on February 8th at 7 p.m.?

4 **MAYOR DREW DILKENS:** No. I mean, I had just
5 assumed it would have been Huron Church Road, but I was never
6 given a plan that delineated the boundary.

7 **MR. ANTOINE D'AILLY:** Okay. And I believe
8 somewhere in here Chief Mizuno says as well that,
9 "...[we] are ready to ask should we
10 need assistance. [And that] the amount
11 of assistance [...] will be dictated by
12 what happens in the coming days."

13 Do you recall hearing Ms. Mizuno -- or Chief
14 Mizuno saying that?

15 **MAYOR DREW DILKENS:** Yeah, I believe that to be
16 accurate.

17 **MR. ANTOINE D'AILLY:** Perfect. And if we can
18 just pull up your witness statement, you said earlier no changes
19 needed to be made. I believe this is WTS0000019. I believe in
20 that document you said you weren't sure where the number 100
21 came from, referring to the request for additional officers.

22 **MAYOR DREW DILKENS:** Well, I know where it came
23 from. It came from the Chief to me, but I never asked her to
24 sort of explain to me how she came up with a hundred. I simply
25 asked her, "What do you need to help get this situation
26 resolved?" She got back to me and said, "I need a hundred
27 officers."

28 **MR. ANTOINE D'AILLY:** Okay. If we could pull up

1 document WIN000002306 at pages 10 and 11?

2 **COMMISSIONER ROULEAU:** I've been fairly liberal,
3 but you're now well over your time, so you're going to have to -
4 --

5 **MR. ANTOINE D'AILLY:** I thought we had 45 minutes
6 here today.

7 **COMMISSIONER ROULEAU:** No, you have 25 minutes.

8 **MR. ANTOINE D'AILLY:** Okay, I'll pick things up
9 then.

10 Okay, if we look at page 10, and we scroll down.
11 On the right side, is that -- is the -- are the
12 text messages that are darker, is that you to the Chief?

13 **MAYOR DREW DILKENS:** That's correct.

14 **MR. ANTOINE D'AILLY:** And is there that you
15 indicate that:

16 "We need to make an official request to
17 the Province and Feds for the
18 100 officers."

19 **MAYOR DREW DILKENS:** That's correct.

20 **MR. ANTOINE D'AILLY:** So could you help me
21 reconcile that? Was the request for 100 officers or the
22 estimate of 100 officers did that come from you or did that come
23 from the Chief?

24 **MAYOR DREW DILKENS:** Hundred percent it came from
25 the Chief. Is that February the 8th?

26 **MR. ANTOINE D'AILLY:** If we can just ---

27 **MAYOR DREW DILKENS:** If we can see the date.

28 **MR. ANTOINE D'AILLY:** --- scroll up.

1 I believe ---

2 Yeah, if we go up a little further ---

3 **MAYOR DREW DILKENS:** Okay, just ---

4 **MR. ANTOINE D'AILLY:** --- I think there's a
5 timestamp.

6 **MAYOR DREW DILKENS:** Yeah, there we go.

7 **MR. ANTOINE D'AILLY:** It's February 8th in the
8 evening; right?

9 **MAYOR DREW DILKENS:** So February the 8th --
10 that's correct. And so February the 8th, the Chief had told me
11 she needed 100 officers, which I amplified up to the Provincial
12 and Federal Governments. What happened in the evening of
13 February the 8th, my Chief of Staff, Andrew Teliszewsky, had a
14 meeting with chiefs of staff at the federal level of government
15 who asked that we put the request in writing.

16 **MR. ANTOINE D'AILLY:** Okay. Can we ---

17 **MAYOR DREW DILKENS:** Teliszewsky then told me
18 that we needed to put in writing. I sent it to the Chief
19 saying, "We need to put this in writing."

20 **MR. ANTOINE D'AILLY:** So your testimony is that
21 the request for 100 officers came directly from the Chief of
22 Police and it was not at your direction?

23 **MAYOR DREW DILKENS:** Correct.

24 **MR. ANTOINE D'AILLY:** Okay. Could we call up
25 Windsor document 00002295. I believe these are text messages
26 between the Mayor and Minister Mendicino.

27 So if I've got the timeline correct here, so
28 February 8th at 7:00 p.m., during the in-camera meeting,

1 Chief Mizuno says:

2 "We are ready to ask for assistance
3 should we need it." (As read)

4 Then later in that evening, you text her, and it
5 appears to say, "probably about 100 officers."

6 If we're looking at here page 4.

7 So on Wednesday, the following evening, then, it
8 appears that Minister Mendicino is under the assumption that the
9 police chiefs, that would be Chief Mizuno, told the OPP
10 Commissioner that they are not requesting additional enforcement
11 resources. And you said that that was inaccurate?

12 **MAYOR DREW DILKENS:** I said "wrong" because it's
13 completely contrary to the conversation that I had had with the
14 Chief and that we had discussed with the Board.

15 **MR. ANTOINE D'AILLY:** And if we scroll down a
16 little further here.

17 You had indicated earlier, correcting your
18 statement, that:

19 "CBSA went to offer tow truck support
20 to Windsor..."

21 And then the local police was saying that that
22 wasn't necessary, is that correct, or they weren't interested?

23 **MAYOR DREW DILKENS:** That's Minister Mendicino's
24 text to me.

25 **MR. ANTOINE D'AILLY:** Right.

26 **MAYOR DREW DILKENS:** And so what I said was that
27 we were offered tow truck support, but it was -- and what CBSA
28 offered to do is to find the pathway to allow tow trucks and tow

1 truck drivers into Canada, which may not normally be admissible
2 sort of as a matter of right. They agreed to work with us if we
3 needed to bring in U.S.-based tow trucks to find a pathway to
4 get them through the border so that they could be of assistance.

5 **MR. ANTOINE D'AILLY:** Okay. And so would it be
6 fair to say, then, that the two parts of this conversation we
7 saw you have having with Minister Mendicino, Minister Mendicino
8 was incorrect about whether or not that Chief Mizuno had
9 requested resources, and was also incorrect as to the type of
10 assistance that was offered by CBSA?

11 **MAYOR DREW DILKENS:** I think what happened, when
12 I received that message from Minister Mendicino and my response
13 was "wrong", I called the Chief immediately to make sure I
14 understood what was going on. The Chief explained to me that in
15 a conversation that she had had with Commissioner Carrique that
16 at that precise moment in time they weren't asking for anymore
17 because officers were coming in and she didn't know how many
18 officers were coming in.

19 **MR. ANTOINE D'AILLY:** Understood. Okay, and it
20 was also your understanding, then, that there was a plan in
21 place as early as February 10th to dismantle this protest; is
22 that correct?

23 **MAYOR DREW DILKENS:** Well, I knew that officers
24 were coming in. I did not know. The Chief could not tell me
25 how many officers were coming in, nor was I aware of how long it
26 would take to resolve the issue.

27 **MR. ANTOINE D'AILLY:** Okay.
28 Can we pull up WPS, I believe that's...

1 **COMMISSIONER ROULEAU:** I'm going to have to stop
2 you. You're now well over your time. So if you could wrap up,
3 please.

4 **MR. ANTOINE D'AILLY:** Yeah. Okay, so am I
5 allowed to just to show a couple of pictures here to make sure
6 that we're on the same page in terms of what the enforcement
7 action did look like on the -- February 13th?

8 If we could pull up CFF0000009.

9 **THE CLERK:** Sorry, Counsel. Is that -- is there
10 another digit after the nine?

11 **MR. ANTOINE D'AILLY:** Not according to this note
12 here. Okay, we can skip that one and look at CFF000000260
13 instead.

14 And so those officers there, is it your
15 understanding those are Windsor Police officers, or are those
16 OPP?

17 **MAYOR DREW DILKENS:** I can't tell from the flash
18 on their arm. It does not look like a Windsor flash, though.

19 **MR. ANTOINE D'AILLY:** What about CFF000000261?

20 Those appear to be officers on the roof. Do you
21 know if those are Windsor Police or is that OPP?

22 **MAYOR DREW DILKENS:** I can't tell.

23 **MR. ANTOINE D'AILLY:** Can't tell? Okay.

24 And you indicated you weren't sure exactly what
25 time on either the 13th or the 14th that the bridge had been
26 cleared completely. Do you recall reading a report from, again,
27 I believe this is Chief of Fire Steven LaForet, that the
28 blockade is clear and that all needs have been met. It's at

1 9:52 p.m. on February 13th.

2 **MAYOR DREW DILKENS:** Yeah, I do recall that the,
3 you know, the bridge had been -- the roadway had been cleared
4 earlier than the bridge opened, and so they had to get the
5 barriers in place. Once the people were moved out and the
6 vehicles were moved out, they had to get the barriers in place
7 before they could open the bridge, and then of course they had
8 to make sure to notify everybody.

9 **MR. ANTOINE D'AILLY:** But the area was secure.

10 **MAYOR DREW DILKENS:** As secure as it could be,
11 but there was a heightened state of alert on that particular day
12 and for weeks afterwards.

13 **MR. ANTOINE D'AILLY:** Understood. And just in
14 terms of the intentions of some of those protesters there. I
15 understand that you referred to what happened at the Ambassador
16 Bridge almost as "The Last of the Mohicans" moment, and that
17 when asked to clarify, you indicated that some people there were
18 willing to die for that cause.

19 Would you agree, based on some of your
20 observations, that in the evenings, at least, there was a party
21 atmosphere, that the vast majority of protesters there were not
22 willing to be shot in the streets to maintain that protest, and
23 that it was by and large absolutely peaceful?

24 **MAYOR DREW DILKENS:** Well, I ---

25 **MS. JENNIFER KING:** (Off mic) That was a compound
26 question that my friend has asked. I think it's an unfair
27 question to the Mayor, and he hasn't provided any of these
28 statements for him to see. I object to that question.

1 **MR. ANTOINE D'AILLY:** Okay, I'll move on there.

2 And just to clarify, so Chief Pam Mizuno, she is
3 no longer the Chief of the Police in Windsor, she announced her
4 sudden retirement on March 22nd. Is that correct?

5 **MAYOR DREW DILKENS:** She has retired, yes.

6 **COMMISSIONER ROULEAU:** Okay, I asked you ---

7 **MR. ANTOINE D'AILLY:** And honestly ---

8 **COMMISSIONER ROULEAU:** --- five minutes ago ---

9 **MR. ANTOINE D'AILLY:** --- I think I can wrap it
10 up there. No more questions for this witness. Thank you.

11 **COMMISSIONER ROULEAU:** Okay, thank you.

12 Next, is the Government of Canada.

13 **--- CROSS-EXAMINATION BY MR. DAVID SHIROKY:**

14 **MR. DAVID SHIROKY:** Good morning, Mayor Dilkens,
15 Commissioner. David Shiroky for the Government of Canada.

16 So in your evidence in-Chief through the
17 Commission Counsel you had indicated the City had supported an
18 Interim Injunction that was granted on the 11th of February.

19 I'd like to pull up the reasons for that interim
20 injunction, which I think can be found at a number of places,
21 but OTT00007333.

22 And as that's being pulled up, you'd indicated in
23 your evidence in-Chief that there was concerns about vigilantism
24 leading up to enforcement and that was a factor that went into
25 seeking the injunction. Is that correct?

26 **MAYOR DREW DILKENS:** Absolutely.

27 **MR. DAVID SHIROKY:** Where were these concerns
28 coming from?

1 **MAYOR DREW DILKENS:** Social media, for sure. A
2 Facebook group had been set up. We had local labour leadership
3 that was being very vocal about gathering a group of people and
4 going down there and ending this blockade.

5 And so it was -- it was a theme that I would
6 suggest had a head of steam fairly early on because everyone
7 appreciated the impact of what was going on here.

8 **MR. DAVID SHIROKY:** And were you aware of any
9 organized efforts either through that social media or through
10 announcements through the official groups?

11 **MAYOR DREW DILKENS:** Well, I'm aware that there
12 was a discussion with police that had people lower the
13 temperature, people who were purporting to want to do that to
14 lower the temperature and just let us resolve this in a peaceful
15 way.

16 **MR. DAVID SHIROKY:** And so we have the document
17 open which are the reasons that were for the injunction granted
18 on the 11th of February, and specifically I'd like to go to page
19 9 and, in particular, paragraph 46 of the decision.

20 And so paraphrasing a bit, the Court finds that
21 there's no question that the blockade had caused and will
22 continue to cause irreparable harm to Windsor.

23 Would you agree that the harm that's being
24 discussed here by the Court and, in fact, the harm that the City
25 of Windsor was talking about in supporting this injunction was
26 the harm caused by a continuous blockade and not temporary
27 increases in traffic?

28 **MAYOR DREW DILKENS:** A hundred percent. The harm

1 was economic harm to a lot of people in the community.

2 **MR. DAVID SHIROKY:** And is it your understanding
3 that roughly around midnight either the night of the 13th or the
4 14th, the blockade was cleared and the bridge reopened to
5 traffic?

6 **MAYOR DREW DILKENS:** Correct.

7 **MR. DAVID SHIROKY:** And with respect to the
8 timing of that enforcement, in your evidence in-chief you
9 indicated that there was a delay in enforcement due to the
10 arrival of children at the protest.

11 **MAYOR DREW DILKENS:** Correct.

12 **MR. DAVID SHIROKY:** What were you hearing from
13 police about the impact of the presence of children at the
14 protest?

15 **MAYOR DREW DILKENS:** What I heard from the Chief
16 is they were going to stand on the Saturday night, resume
17 enforcement on Sunday. You know, there were people live
18 streaming on social media from the area, so I watched some of
19 that as well, and media was there reporting.

20 And you saw the numbers of protestors swelled
21 dramatically, and it was all of a sudden you saw kids in
22 strollers, you saw young kids. And it was, I would submit, in
23 direct relation to the sort of call to support by the pastor in
24 that one particular church.

25 **MR. DAVID SHIROKY:** All right. And sort of in a
26 similar vein, I'd like to take the witness to WIN00002238,
27 please.

28 And while that's coming up, you'd indicated the

1 city had asked for an extension of the interim junction and that
2 was an indefinite extension. Is that correct?

3 **MAYOR DREW DILKENS:** That's correct.

4 **MR. DAVID SHIROKY:** And the document that we're
5 pulling up, again, are the Court's reasons for granting that
6 indefinite extension to the injunction.

7 If we could go to page 8, in specific paragraph
8 47.

9 And at the bottom there, I think it's at (iv),
10 the Court found that the City of Windsor had established a
11 continued threat of a new blockade.

12 And with respect to, again, the evidence and the
13 submissions that were being brought to the Court to extend this
14 injunction, is that the concern? Was it either a continued
15 blockade or a re-emergence of the blockade?

16 **MAYOR DREW DILKENS:** Yes. More a re-emergence.
17 I mean, at the time, obviously, it was -- it was to try and have
18 everyone move on, but again, I think it's -- I've said this
19 several times. The heightened state of alert that everyone was
20 under, that police were under following the removal of the
21 protestors and their vehicles, I've never seen that in my city
22 in the past. And so there was a strong concern that this would
23 happen again, which would put us on a cycle of having, you know,
24 another week of trying to move people out and mobilizing
25 resources from across the province and across the country.

26 **MR. DAVID SHIROKY:** And so the city provided a
27 number of affidavits in support of this injunction extension,
28 and I believe the application record from the city is at

1 WIN00000925.

2 And I won't ask that that be brought up. It's a
3 very long document. I just would like to refer to it, that
4 there was evidence provided that spoke to this continued risk of
5 a blockade re-emerging.

6 And so a document that I would like pulled up is
7 WIN00000803.

8 I'll just wait for that to come up.

9 Mr. Mayor, what are we looking at here in terms
10 of geographically within Windsor?

11 **MAYOR DREW DILKENS:** The yellow line is Huron
12 Church Road, and the Xs are intersections that access Huron
13 Church Road.

14 **MR. DAVID SHIROKY:** If we could scroll down
15 briefly.

16 So there's an indication there are no local
17 traffic beyond this point, and that's the period -- you spoke of
18 sort of a tunnel. I know there is a literal tunnel, but the
19 tunnel leading down Huron Church Road to the Ambassador Bridge,
20 that's the area you're speaking of?

21 **MAYOR DREW DILKENS:** That's correct. Once you
22 pass that red bar where it says "no local traffic", you
23 basically had to get on the Ambassador Bridge.

24 **MR. DAVID SHIROKY:** And if I told you that this
25 was a map of the traffic structure on the 16th of February,
26 would that sound about right to you?

27 **MAYOR DREW DILKENS:** That's correct.

28 **MR. DAVID SHIROKY:** So this was a closure of a

1 major municipal road in Windsor, wasn't it?

2 **MAYOR DREW DILKENS:** Yes.

3 **MR. DAVID SHIROKY:** And it impacted residents in
4 nearby homes and neighbourhoods.

5 **MAYOR DREW DILKENS:** Massively.

6 **MR. DAVID SHIROKY:** And you'd indicated the
7 specific neighbourhood of Sandwich Town as being to the west of
8 Huron Church Road.

9 **MAYOR DREW DILKENS:** That's correct.

10 **MR. DAVID SHIROKY:** And there were no access to
11 groceries for the residents of Sandwich Town as a result of the
12 blockade and then the subsequent closure of the road.

13 **MAYOR DREW DILKENS:** They had to take a very long
14 route to get to the same grocery store that they would normally
15 get to.

16 **MR. DAVID SHIROKY:** And so the city had to
17 provide alternative bus services to those residents so that they
18 could go about their lives.

19 **MAYOR DREW DILKENS:** And we did, yes.

20 **MR. DAVID SHIROKY:** And you would agree with me
21 that the city and the police would not choose to continue to
22 limit access by residents to Huron Church Road unless it
23 believed there was a real risk that a demonstration could
24 return.

25 **MAYOR DREW DILKENS:** Correct.

26 **MR. DAVID SHIROKY:** And I know you said that you
27 were uncertain on the date at which point these traffic closures
28 stopped, but you would agree with me that the measures to

1 prevent the re-establishment of a blockade remained in place
2 after the 23rd of February?

3 **MAYOR DREW DILKENS:** Yes.

4 **MR. DAVID SHIROKY:** So Commission counsel took
5 you to WIN00000972. And I'd actually like that to be brought
6 up, please.

7 And I'll take you to a similar portion where you
8 refer to it remaining a national security situation.

9 If we could scroll down, there's bolded text.

10 There it is.

11 And so this is the situation that, again, it says
12 here, "prevented reopening Huron Church Road", and that's the
13 closure we were just looking at on that map.

14 **MAYOR DREW DILKENS:** Yes.

15 **MR. DAVID SHIROKY:** If we could go to page 3.

16 And so it says here, "We cannot ignore these
17 ongoing threats because of the inconvenience that's being caused
18 along Huron Road Church."

19 With respect to these "ongoing threats", can you
20 speak a little bit about -- I know you said the information was
21 coming from police, but what were you hearing during that time
22 period?

23 **MAYOR DREW DILKENS:** There were, for several
24 weeks -- I mean, immediately, once the jersey barriers were put
25 in and access to the bridge was made available, there was a high
26 state of alert for police. There was still a huge police
27 presence along Huron Church Road, and there was a strong concern
28 expressed to me by Chief Mizuno that there was a concern that

1 this could flare up again.

2 And that lasted for several weeks. It lasted, in
3 fact, you know, until the situation was dealt with in Ottawa and
4 the thought was that when Ottawa -- the protest in Ottawa was
5 disbanded that folks would get in their trucks and come back to
6 Windsor.

7 So this lasted for quite some time.

8 **MR. DAVID SHIROKY:** And so you referred in the
9 statement to it being a national security situation.

10 Did you see the events in Windsor as being
11 connected, ideologically or otherwise, to other events happening
12 nationally?

13 **MAYOR DREW DILKENS:** Yeah. I mean, certainly,
14 you know, watching what happened in the U.S. where there were
15 Freedom Convoys in the U.S. and that happened in several cities,
16 that was concerning. Seeing what happened in Ottawa, that was
17 concerning. Knowing the money that was being reported with
18 respect to flows from those -- the Give Send Go or whatever it's
19 called, GoFundMe, that was concerning.

20 And so there were lots -- there was no shortage
21 of concern, and this was, in my mind, and will remain until I'm
22 long gone, a national economic emergency. And that is a direct
23 -- there is a direct correlation to a national economic
24 emergency and, I would submit, to a national security issue.
25 This is exactly what this was.

26 **MR. DAVID SHIROKY:** And with respect to the
27 specific topic of security, were you aware of the arrests that
28 took place in Coutts, Alberta in the 14th of February?

1 **MAYOR DREW DILKENS:** Yes, sir.

2 **MR. DAVID SHIROKY:** And how did you become aware
3 of those?

4 **MAYOR DREW DILKENS:** Through traditional media.

5 **MR. DAVID SHIROKY:** And what's your understanding
6 of those events?

7 **MAYOR DREW DILKENS:** That police were able to
8 intercept a group of people who had weapons that intended to do
9 harm to others, and they were part of the protest in Coutts,
10 Alberta.

11 **MR. DAVID SHIROKY:** And acknowledging, of course,
12 that Coutts is quite geographically distant from Windsor,
13 Ontario, reading that with respect to, again, talking about
14 security, were there any concerns that were raised in your mind
15 at that time?

16 **MAYOR DREW DILKENS:** You know, I would say that
17 what -- for my impression, what I saw happen in Coutts, was the
18 type of behaviour that police were posturing for here, the type
19 of behaviour they thought may play out here. And I think that
20 played out in the posture that they presented and the way that
21 they handled themselves in Windsor. And so the Coutts'
22 situation happened after the fact, but there was that level of
23 temperature on the ground where police in Windsor were quite
24 concerned and did not want to inflame the situation. They were
25 taking every opportunity to de-escalate a highly charged
26 situation.

27 **MR. DAVID SHIROKY:** And so you said both in your
28 evidence in-Chief and in your witness statement, your

1 understanding or belief that the invocation of the *Emergencies*
2 Act sent a signal that the federal government was taking the
3 blockade situation seriously.

4 **MAYOR DREW DILKENS:** I agree with that.

5 **MR. DAVID SHIROKY:** And that it may have
6 discouraged the reestablishment of the blockades, particularly
7 with respect to the Ambassador Bridge?

8 **MAYOR DREW DILKENS:** I agree with that fully.

9 **MR. DAVID SHIROKY:** And that's -- is that still
10 your view?

11 **MAYOR DREW DILKENS:** Yes, sir.

12 **MR. DAVID SHIROKY:** Moving on to economic issues,
13 I'd like to take the witness to SSM.CAN00000495_REL, and in
14 particular, page 2. And while that's coming up -- well,
15 actually, we'll start on page 1, just so we can identify the
16 document. Now this is likely not something you've seen. This
17 is a backgrounder report with respect to the impact of the road
18 blockade on the Ambassador Bridge that I believe was prepared by
19 Finance Canada. So if we move to page 2 -- the reason I'm
20 bringing this up -- if we scroll down, now there's a discussion
21 here about both the exports, and I think the exports have been
22 well covered in your evidence. What's your understanding about
23 the items or goods that are imported from the United States into
24 Windsor?

25 **MAYOR DREW DILKENS:** I don't know that I have a
26 discreet -- I don't know that I have discreet knowledge on the
27 imports versus the exports, and I would just say that with
28 respect to the trade that we see regionally in our community, or

1 at least locally in my city, there is -- I go back to the parts
2 that cross the border six to seven times before they're put into
3 a vehicle that rolls off the assembly line. It speaks to the
4 tightly integrated supply chains that we have in Windsor and
5 Detroit, which are -- respectively, our own auto capitals of our
6 countries.

7 **MR. DAVID SHIROKY:** And so going back to the
8 report in the last paragraph that's on the screen there, it
9 speaks to Canada importing \$4 billion worth of pharmaceutical
10 products and \$2.4 billion in medical equipment that go through
11 the Ambassador Bridge and that was in 2021; is that a figure
12 that would be surprising to you?

13 **MAYOR DREW DILKENS:** No. I believe that.

14 **MR. DAVID SHIROKY:** You also mentioned the
15 bridge's impact regionally. Would you agree with me that the
16 imports that come in through the bridge don't stay in Ontario in
17 their entirety?

18 **MAYOR DREW DILKENS:** In their entirety, no.

19 **MR. DAVID SHIROKY:** And that it's part of a
20 national supply chain?

21 **MAYOR DREW DILKENS:** One hundred percent agree
22 with that statement.

23 **MR. DAVID SHIROKY:** I'd like to now take the
24 witness to WIN00001628. And this is a statement that my friend
25 -- Commission Counsel took you to earlier that was delivered on
26 the 9th of February. And if we could scroll down to, I believe,
27 the top of the second page.

28 So it's the statement here again that,

1 "If Canada becomes known as a difficult
2 jurisdiction to do business with -- to
3 move goods in and out, for example --
4 then supply chains will evolve and
5 reconfigure to remove this element of
6 risk and avoid Windsor-Essex."

7 And was that your concern at the time with
8 respect to Canada, or Windsor specifically's reputation as a
9 place to do business?

10 **MAYOR DREW DILKENS:** It was part of the concerns
11 for the reason that I mentioned, and they actually play out in
12 part of the conversation, the read out which has been submitted
13 in terms of documents, my read out with my conversation with the
14 Prime Minister where I even raise the issue of the battery
15 factory in that conversation with him. And so there is no doubt
16 that we must tread very lightly with respect to these types of
17 incidents as they relate to our competitive position, not just
18 as a City of Windsor, but provincially and nationally because we
19 are competing against Michigan, Ohio, Indiana, Kentucky,
20 Tennessee for these types of investments. And you've seen big
21 auto makers make investments in those states, and we knew that
22 we were fourth in goal, to quote a football term, on landing
23 this battery factory, and so I needed to make sure that the
24 signal was sent to those who would be interested in this, that
25 we take this very seriously and we're going to resolve this very
26 seriously and very quickly.

27 **MR. DAVID SHIROKY:** Oh, acknowledging that I'm
28 just at my 15 minutes, if I could just briefly take the witness

1 to one more document and wrap up would that be acceptable?

2 Thank you.

3 **COMMISSIONER ROULEAU:** Go ahead.

4 **MR. DAVID SHIROKY:** It's PB.CAN. -- sorry, yeah,
5 .00000023_REL. And while that's coming up, I'll provide some
6 context. This is another document that you may not have seen.
7 It's a February 10th email chain between employees of the
8 Canadian Embassy in Washington, D.C. and the Consulate General
9 in Detroit. And specifically, I'd like to go to page 2.

10 These are a series of Tweets from a U.S.
11 representative Slotkin, who I understand is the congressional -
12 eighth Congressional District Representative in Michigan. And I
13 -- if the Commissioner will allow, I'd like to give the witness
14 some time to read. There's a series of Tweets that go down the
15 page, so if you could take a look and let the Clerk know when
16 you can scroll a bit further.

17 **MAYOR DREW DILKENS:** You can keep scrolling.

18 **MR. DAVID SHIROKY:** It's the upside of a Tweet is
19 at least they can be read quick.

20 **MAYOR DREW DILKENS:** Yeah.

21 Just underscores -- those statements underscore
22 my explanation.

23 **MR. DAVID SHIROKY:** And so you would understand
24 these statements to be a political representative from the U.S.
25 saying that we would need to move manufacturing to the U.S. as a
26 result of incidents like the blockade at the Ambassador Bridge?

27 **MAYOR DREW DILKENS:** That's absolutely correct.

28 **MR. DAVID SHIROKY:** And my friend with Commission

1 Counsel took you to some texts that you had with Premier Ford,
2 and in the interest of time, I won't ask that they be brought up
3 again, but do you recall him texting you that he had every major
4 company all over him?

5 **MAYOR DREW DILKENS:** Yes.

6 **MR. DAVID SHIROKY:** Do you understand what he
7 meant by that statement?

8 **MAYOR DREW DILKENS:** Absolutely I do.

9 **MR. DAVID SHIROKY:** What was your understanding
10 of that statement?

11 **MAYOR DREW DILKENS:** That this was not just
12 companies in Windsor or companies in Essex County, that this
13 bridge and this border crossing has -- it's of provincial and
14 national significance. So when it's blocked, he gets phone
15 calls from major manufacturers all the way up the 401.

16 **MR. DAVID SHIROKY:** At the risk of pushing my
17 luck, Mr. Commissioner, if I was to add two more questions?

18 **COMMISSIONER ROULEAU:** Go ahead.

19 **MR. DAVID SHIROKY:** Thank you very much. You
20 would agree with me that a blockade at the Ambassador Bridge
21 would be more economically damaging than blocking the
22 Detroit/Windsor tunnel?

23 **MAYOR DREW DILKENS:** Yes.

24 **MR. DAVID SHIROKY:** And that an experienced truck
25 driver would know that they could not use the tunnel?

26 **MAYOR DREW DILKENS:** Correct.

27 **MR. DAVID SHIROKY:** Those are all my questions.
28 Thank you very much for that indulgence, sir.

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

2 Next the Convoy Organizers.

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

4 **MR. BRENDAN MILLER:** Good afternoon.

5 **MAYOR DREW DILKENS:** Good afternoon.

6 **MR. BRENDAN MILLER:** For the record, Brendan
7 Miller. I appear as Counsel for Freedom Corp., which represents
8 the protesters that were in Ottawa in January and February of
9 2022.

10 Good afternoon, sir, again, and thank you for
11 appearing here today. My first question is, is prior to you
12 taking on your current office, your former office, what did you
13 do in -- as a job prior?

14 **MAYOR DREW DILKENS:** I'm a lawyer as well.

15 **MR. BRENDAN MILLER:** You're a lawyer as well?

16 **MAYOR DREW DILKENS:** Yes, sir.

17 **MR. BRENDAN MILLER:** And I take it you didn't
18 ever work at national security law; did you?

19 **MAYOR DREW DILKENS:** No, sir.

20 **MR. BRENDAN MILLER:** All right. And so it's fair
21 to say you're not a national security expert and you don't have
22 background on what constitutes a national security emergency; is
23 that fair?

24 **MAYOR DREW DILKENS:** I would say that I've never
25 practiced national security law, but there are some things on
26 the face of it that present themselves and I think would be
27 obvious to everyone, could be related to national security.

28 **MR. BRENDAN MILLER:** Right. And when it comes to

1 national security, I take it you rely a lot on law enforcement,
2 is that correct, with respect to providing you information?

3 **MAYOR DREW DILKENS:** Correct.

4 **MR. BRENDAN MILLER:** Right. And in your
5 capacity, of course, municipally, that's primarily going to be
6 your municipal police force and the OPP?

7 **MAYOR DREW DILKENS:** Mostly municipal police.

8 **MR. BRENDAN MILLER:** Mostly municipal police.

9 **MAYOR DREW DILKENS:** Yeah.

10 **MR. BRENDAN MILLER:** Right. And can you agree,
11 if -- you've said you have some of an understanding of national
12 security, so you're familiar with the Canadian Security
13 Intelligence Service?

14 **MAYOR DREW DILKENS:** Yes, sir.

15 **MR. BRENDAN MILLER:** And what's your
16 understanding of what they do?

17 **MAYOR DREW DILKENS:** Well, they have their own
18 Act, and certainly, I'm sure it's well spelled out in the Act,
19 that if you brought it up, we could go through it but ---

20 **MR. BRENDAN MILLER:** Yeah, but you agree with me
21 that there's the Federal Intelligence Service, sort of the
22 Canadian equivalent to the CIA; is that fair?

23 **MAYOR DREW DILKENS:** Yes.

24 **MR. BRENDAN MILLER:** Okay. And so the
25 intelligence they gather with respects to threats to the
26 security of Canada, can you agree with me that they would
27 probably have the best information?

28 **MAYOR DREW DILKENS:** I think they're certainly a

1 good source. I think RCMP would also be a great source as well
2 from a policing perspective and ---

3 **MR. BRENDAN MILLER:** Okay. Could we please bring
4 up a document, I've sent an email about it, arising from my
5 friend's cross. TS.NSC.CAN.001.00000206_REL_0001.

6 **MS. JENNIFER KING:** Jennifer King for the City of
7 Windsor. Commissioner, we received an email it appears from my
8 friend, Mr. Miller, less than 15 minutes ago with three
9 documents that he ---

10 **MR. BRENDAN MILLER:** If I can assist, I'm only
11 referring to the one. That's it.

12 **MS. JENNIFER KING:** In event, we had notice of
13 these documents. It's contrary to the rules. We haven't had
14 any notice that he intends to put this to Mayor Dilkens.

15 **COMMISSIONER ROULEAU:** Okay. Mr. Miller, I got
16 the document the first time ---

17 **MR. BRENDAN MILLER:** Yes. And it only arose from
18 cross-examination from my friend, as I made clear in my email.
19 Not from Steve Windsor, not from the Commissioner, but from my
20 friend with the Federal Government, which made it relevant.

21 **COMMISSIONER ROULEAU:** Well let's see what the
22 document is, and if there's a problem, either the witness needs
23 time, or if counsel for Windsor has ---

24 **MR. BRENDAN MILLER:** Right.

25 **COMMISSIONER ROULEAU:** --- an objection, we can
26 deal with it.

27 **MR. BRENDAN MILLER:** Now, sir, this is a document
28 from the Canadian Security Intelligence Service summarizing what

1 it is they discussed with Cabinet regarding threats to national
2 security.

3 If we could just scroll down to page 5, please?

4 Okay. So I just want you to see that. So on
5 that document there:

6 "On February 3rd, CSIS assessed there's no
7 indicators that known IMVEs [and I take
8 you know what that is] actors were
9 planning to engage in violence." (As
10 read)

11 And then if you scroll down to the other bullet
12 point, it states:

13 "On February 13th, CSIS advised that the
14 implementation of the EA would likely
15 galvanize the anti-government narrative
16 within the convoy and further radicalize
17 some towards violence referring tot eh
18 increase in violence rhetoric following
19 the declaration of the State of Emergency
20 in the Province of Ontario. Furthermore,
21 CSIS advised that..." (As read)

22 **COMMISSIONER ROULEAU:** Slow down for ---

23 **MR. BRENDAN MILLER:** Yeah. Thank you.

24 "Furthermore, CSIS advised that the
25 invocation of the EA by the Federal
26 Government would likely lead to the
27 dispersing of the convoy within Ottawa,
28 but would likely increase the number of

1 Canadians who hold extreme anti-government
2 views and pushed some towards the belief
3 that violence is the only solution to what
4 they perceived as a broken system and
5 government.

6 Following the invocation of the EA, CSIS
7 briefed Cabinet and reiterated the
8 potential for the EA to increase anti-
9 government views and violent ideologies,
10 including in those not yet radicalized.”

11 (As read)

12 Now, can you agree with me that you would never
13 want to do anything that could create further radicalization of
14 extremists within the City of Windsor? Is that fair?

15 **MS. JENNIFER KING:** I’m going to object to this
16 question on this document ---

17 **MR. BRENDAN MILLER:** Withdrawn.

18 **MS. JENNIFER KING:** --- and object to this
19 document being put to the Mayor.

20 **MS. BRENDAN MILLER:** Withdrawn. I’m done. Thank
21 you, sir.

22 **COMMISSIONER ROULEAU:** Okay. Next is the City of
23 Ottawa. You can get started, if you’d like, and we’ll -- seems
24 to always happen that the City of Ottawa to be at lunch time.

25 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

26 **MS. ANNE TARDIF:** Good afternoon, Mayor. My name
27 is Anne Tardif. I’m one of the lawyers for the City of Ottawa.

28 You mentioned in your testimony, and I think in

1 your witness summary, that you had calls with both the Solicitor
2 General, Sylvia Jones, for Ontario, and the Federal Minister of
3 Public Safety, Minister Mendicino; correct?

4 **MAYOR DREW DILKENS:** Correct.

5 **MS. ANNE TARDIF:** And you were requesting
6 additional police resources, and I should say that you were
7 amplifying the request that your chief had alerted you to.
8 Fair?

9 **MAYOR DREW DILKENS:** That's correct.

10 **MS. ANNE TARDIF:** Thank you. And you mentioned
11 that the Federal Government in particular was very supportive?

12 **MAYOR DREW DILKENS:** So was Minister Jones.

13 **MS. ANNE TARDIF:** Both were very supportive.
14 Fair enough.

15 **MAYOR DREW DILKENS:** Both were great.

16 **MS. ANNE TARDIF:** And I take it that staff -- if
17 I understood you correctly, staff at the federal level asked
18 that your request, or the request for additional resources be
19 put in writing? Is that correct?

20 **MAYOR DREW DILKENS:** That's correct.

21 **MS. ANNE TARDIF:** And we saw the letters that
22 Chief Mizuno sent further to that request to both the Provincial
23 and the Federal Government; right?

24 **MAYOR DREW DILKENS:** That's right.

25 **MS. ANNE TARDIF:** And I take it they were sent
26 more or less at the same time? Fair?

27 **MAYOR DREW DILKENS:** That's true.

28 **MS. ANNE TARDIF:** Is it fair to say then that no

1 one at the Federal Government said to you, "You've got to go to
2 the Province first. You're not following proper protocol," or
3 anything of that nature?

4 **MAYOR DREW DILKENS:** Well they didn't say, "Don't
5 send me the letter, but, you know, there was a conversation that
6 the order of operations is Municipal to Provincial, Provincial
7 to Federal. But, you know, the nature of what was happening
8 here, and the nature of what was going on across the country, we
9 knew -- I think a sensible person would know that there's
10 limited resources and they're being drawn to assist in different
11 areas, that from my chair and my perspective, and I think it's
12 fair to say from Chief Mizuno's perspective, we didn't care
13 whether it was the OPP or the RCMP that arrived. We just needed
14 more boots on the ground to help resolve the issue.

15 **MS. ANNE TARDIF:** Perfect. Thanks very much.

16 If I could bring up WIN00000410?

17 And while this is coming up, Mayor, it's an email
18 exchange between Jason Reynar? Am I pronouncing that correct?

19 **MAYOR DREW DILKENS:** Yes, you are.

20 **MS. ANNE TARDIF:** Thank you. At the City of
21 Windsor, and Chief Laforet, who I understand is the Fire Chief
22 in Windsor and was also the Chair, if I understood correctly, of
23 the CCG?

24 **MAYOR DREW DILKENS:** That's true.

25 **MS. ANNE TARDIF:** And if we scroll down to the
26 bottom?

27 There's the email from Mr. Reynar to the entire
28 Corporate Leadership Team, including, of course, Chief Laforet.

1 And he's advising that the injunction has been granted and will
2 "...come into effect at 7 PM tonight..." which is Friday, February
3 11th; correct?

4 **MAYOR DREW DILKENS:** That's correct.

5 **MS. ANNE TARDIF:** And if we could scroll down,
6 Mr. Clerk?

7 He says:

8 "But these advancements may have the
9 effect of 'ratcheting up' the protestors
10 (and their supporters). We will be
11 watching closely to see what developments
12 happen over the next 24 hours."

13 And it goes on from there.

14 So this concern about ratcheting up the
15 protestors with the issuance of an injunction was something I
16 take it that the City was aware of on the 11th?

17 **MAYOR DREW DILKENS:** Well the City was, but the
18 Chief, when I told her -- when I asked her, ---

19 **MS. ANNE TARDIF:** M'hm.

20 **MAYOR DREW DILKENS:** --- "We're going to apply
21 for an injunction. Do you think this would be helpful?" That
22 was never a conversation or a concern that she expressed to me
23 from a policing perspective.

24 So our Fire Chief saying that, I'm not sure where
25 -- you know, where he put that -- where he got that from to
26 think of putting that in an email, but clearly, you know, we
27 weren't looking to ratchet things up. We were looking to
28 resolve things in a sensible way.

1 **MS. ANNE TARDIF:** And I take then your Chief
2 reassured you that that was not a concern, or not one that she
3 had at heart?

4 **MAYOR DREW DILKENS:** She never expressed to me a
5 concern about or drew a correlation between an injunction and
6 the thought that we would be ratcheting up or escalating the
7 situation.

8 **MS. ANNE TARDIF:** Okay. Thanks very much. I
9 understand, and we've heard already in your testimony that there
10 was an original injunction time limited for 10 days obtained on
11 February 11th, and that the City then moved to obtain an
12 indefinite extension of that injunction; correct?

13 **MAYOR DREW DILKENS:** That's correct.

14 **MS. ANNE TARDIF:** And this will be the last
15 document I'll ask Mr. Clerk to put up, and it is WIN00000921.

16 Mayor, this is the factum or the legal argument -
17 - well you're a lawyer, the factum, I guess I can use that word,
18 that the City of Ottawa, if we scroll down just a little bit --
19 City of Windsor, pardon me, filed in support of the order --
20 seeking the order for an indefinite extension of the injunction.
21 If we just scroll down, you'll see it there. Factum of the
22 intervening party, the corporation, and the City of Windsor.

23 And if we could go to paragraph 2, Mr. Clerk?

24 And before I take you through this, you've given
25 ample evidence already about the concern that the City had about
26 the possible resurgence of a blockade at the bridge if the
27 injunction were to expire; correct?

28 **MAYOR DREW DILKENS:** Yes.

1 **MS. ANNE TARDIF:** And I just wanted to draw this
2 out. This is the argument put forth by the City of Windsor and
3 it says:

4 “The events in the days since the February
5 11[th] Order [...] was made have reinforced
6 the ongoing need for the injunction.
7 Since the February 11[th] Order came into
8 effect at 7:00 PM on February 11[th],
9 2022...”

10 It’s paragraph -- subparagraph A:

11 “Protesters defied the February 11[th]
12 Order, with numbers increasing and peaking
13 at between 600 and 800 individuals during
14 the evening of Saturday, February 12[th],
15 2022...”

16 And I take it that was information the City
17 obtained from police?

18 **MAYOR DREW DILKENS:** Yes.

19 **MS. ANNE TARDIF:** Okay. And that was information
20 that formed part of the City’s decision then to seek a
21 continuation of that injunction?

22 **MAYOR DREW DILKENS:** Yes.

23 **MS. ANNE TARDIF:** Thanks very much, Mayor. Those
24 are my questions.

25 **COMMISSIONER ROULEAU:** Okay. So I think this is
26 an appropriate time to take the lunch break. So we’ll take an
27 hour and come back to continue the questioning.

28 **THE REGISTRAR:** The Commission is in recess for

1 one hour. La Commission levée pour une heure.

2 --- Upon recessing at 1:01 p.m.

3 --- Upon resuming at 2:01 p.m.

4 **THE REGISTRAR:** The Commission is reconvened. La
5 Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay. Next up I believe
7 is the Windsor Police Service.

8 **MR. TOM McRAE:** Thank you, Mr. Commissioner.

9 I am Tom McRae for the Windsor Police Service.

10 We have no questions for Mayor Dilkens and give our time, if we
11 may, to the City of Windsor.

12 Thank you.

13 **COMMISSIONER ROULEAU:** Okay. Former Chief Sloly?

14 **MR. TOM CURRY:** Thank you, Commissioner.

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

16 **MR. TOM CURRY:** Mayor Dilkens.

17 **MAYOR DREW DILKENS:** Good afternoon.

18 **MR. TOM CURRY:** I am Tom Curry for former Chief
19 Sloly of the Ottawa Police Service, and I just have a few
20 questions for you, if I can have you assist the Commissioner.

21 First things first, unprecedented in your
22 experience both in politics and as a resident of Windsor.

23 **MAYOR DREW DILKENS:** That's correct.

24 **MR. TOM CURRY:** And I think you told the
25 Commissioner it was unlike anything you have ever seen in the
26 roles that you've played, including as the Chair of the Police
27 Services Board.

28 **MAYOR DREW DILKENS:** That is correct.

1 **MR. TOM CURRY:** All the way down to the death
2 threats against you and presumably other members of your Council
3 or the administration of the city. Is that true?

4 **MAYOR DREW DILKENS:** I -- there were threats to
5 firebomb my house. I was -- my -- some of the folks put my home
6 address online. People were driving by my house and police were
7 there.

8 So you know, there was -- that was that threat
9 directly.

10 The other threats were to protest, and I'm not
11 aware of any other death threats to other members of Council.

12 **MR. TOM CURRY:** And that's a first -- an
13 unpleasant first for you as well.

14 **MAYOR DREW DILKENS:** Yeah, I think it's -- you
15 know, I live with my wife and two kids, so it's unpleasant to
16 have someone threaten to come and firebomb my house.

17 **MR. TOM CURRY:** In -- Chief Sloly has told the
18 Commissioner that this -- that the events in Ottawa represented
19 a paradigm in protest as we have understood it in Canada. Do
20 you share that view?

21 **MAYOR DREW DILKENS:** Well, I can speak just from
22 my perspective in the City of Windsor. And again, I would
23 reiterate that this was different than almost anything else I
24 can recall seeing in my entire time in the city, certainly my
25 entire time as an elected official in the City of Windsor. And
26 it was the temperature and the tenor and the aggressive nature
27 of the actors that certainly caused everyone to respond in a
28 different way and be far more calculated and concerned about the

1 approach.

2 **MR. TOM CURRY:** And I believe it's also true that
3 this is the first time that the Ambassador Bridge or other
4 critical infrastructure in Canada, I suppose, has been used to -
5 - by protestors -- the first time it's ever been closed by a
6 protest, first of all. Is that true?

7 **MAYOR DREW DILKENS:** That not true.

8 There was a protest back in the early nineties,
9 but there was an injunction granted very, very quickly to re-
10 establish the route to the Ambassador Bridge so it did not last
11 for a very long time.

12 **MR. TOM CURRY:** Okay, got it.

13 First time, I suppose, also as Chair of the
14 Police Services Board that you have seen the Windsor Police
15 Service unable to mount a police response with their own
16 resources.

17 **MAYOR DREW DILKENS:** Correct.

18 **MR. TOM CURRY:** And that led you to -- as you
19 have told us, that led you to engage with your provincial and
20 federal and municipal partners along with Chief Mizuno to get
21 the resources that you needed; right?

22 **MAYOR DREW DILKENS:** That's right.

23 **MR. TOM CURRY:** And I think you also told the
24 Commissioner that there were no impediments raised by the
25 provincial or federal -- your provincial or federal counterparts
26 at the political level to the -- to the obtaining of those
27 resources.

28 You put your hand up and said, "We need help" and

1 they came to your aid.

2 Is that fair?

3 **MAYOR DREW DILKENS:** Yeah, that's fair. I think
4 they were responding to the best of their ability. Chief Mizuno
5 did tell me that someone in the mechanism of -- or in the group
6 of folks she was working with, the mechanism of the police
7 order, that they had to figure out how to allocate resources in
8 Ontario because we were not the only place experiencing a
9 protest like this.

10 **MR. TOM CURRY:** At the time of the protest in
11 Windsor or the blockage on the 7th of February, of course,
12 Ottawa was -- had by then been -- choose the word, but I'll use
13 the occupy language. It had been occupied by protestors for
14 several days by that time. You knew that.

15 **MAYOR DREW DILKENS:** That's correct.

16 **MR. TOM CURRY:** And were you told or do you
17 recall being told by the Minister -- I'm now referring to the
18 Solicitor-General -- or the federal Minister that Windsor was
19 the provincial and federal priority for the OPP and RCMP?

20 **MAYOR DREW DILKENS:** No.

21 **MR. TOM CURRY:** All right. You did not know that
22 Windsor by the 7th or soon after the 7th was identified by those
23 partners as -- as their priority?

24 **MAYOR DREW DILKENS:** No one said that to me, but
25 you know, because of the significant economic damage that was
26 being caused, a reasonable person would say they need to fix
27 this quick.

28 **MR. TOM CURRY:** Understood.

1 And you've -- you told us -- I think you told the
2 Commissioner that these events in Windsor affected tens of
3 thousands of Canadians. It would be -- it would not be an
4 exaggeration to say it affected many more than that given the
5 economics that you described. Is that fair?

6 **MAYOR DREW DILKENS:** It's probably hundreds of
7 thousands, if we're being completely honest.

8 **MR. TOM CURRY:** You -- as the Chair of the Police
9 Services Board, just a couple of questions about that, you --
10 whether as the Chair of the Police Services Board or as Mayor,
11 am I right that you made public statements to provide
12 information to the residents in Windsor and to the wider
13 audience about the need for resources that you had requested?

14 **MAYOR DREW DILKENS:** Not specifically. We did
15 not go out and say we need 100 officers, but we did amplify the
16 police request for additional officers so that the public knew
17 that city, that police, that we were in harmony working together
18 and we need additional support.

19 **MR. TOM CURRY:** Right. I saw -- tell me if my
20 memory is right, but I thought I saw that on one -- in one of no
21 doubt many interviews that you were giving at the time, I think
22 it was to a CTV reporter, that you did identify the number that
23 had been requested at the earliest date, I think being 100.

24 Is it possible that you mentioned that?

25 **MAYOR DREW DILKENS:** If I made that mistake, it
26 was corrected very quickly and it was not made twice.

27 **MR. TOM CURRY:** Okay. Understood.

28 And as well, am I right from the record that you

1 held your police -- you decided as the Chair of the Police
2 Services Board to maintain those meetings that you had with
3 Chief Mizuno and her staff *in camera*?

4 **MAYOR DREW DILKENS:** The Police Board meetings?

5 **MR. TOM CURRY:** Yes.

6 **MAYOR DREW DILKENS:** That's correct.

7 **MR. TOM CURRY:** Okay. Now, can I just ask you,
8 please, to look with us at one of those Police Services Board
9 meetings that you showed my colleagues, and that is, for the
10 registrar, Windsor, WIN2173.

11 These are minutes, I think, Mayor, of the Police
12 Services Board meeting.

13 Just while that's coming up, can I just ask you
14 also, it seemed both listening to you and looking at the record
15 that you made a conscious effort to have your Council and the
16 Police Services Board speaking with one voice.

17 **MAYOR DREW DILKENS:** Very early on, my Chief of
18 Staff, Andrew Teliszewsky, sent a message to City Council asking
19 that any requests for media interviews, any public comments, any
20 desire to post on social media that we really speak with a
21 unified voice so that there was clarity and no confusion.

22 And I must give City Council immense credit for
23 doing that. They were very -- we worked very well in harmony
24 together.

25 **MR. TOM CURRY:** And am I right -- and again, for
26 the Commissioner's purposes as he considers recommendations, you
27 faced enormous public pressure, didn't you ---

28 **MAYOR DREW DILKENS:** Yes.

1 **MR. TOM CURRY:** --- to act and the Police Service
2 experienced enormous public pressure to act.

3 **MAYOR DREW DILKENS:** That's true.

4 **MR. TOM CURRY:** And do you agree with me it was
5 important and it would be important in the future for municipal
6 leaders like you and Police Service Board Chairs like you to be
7 disciplined about speaking with one voice and to have matters
8 dealt with *in camera*?

9 **MAYOR DREW DILKENS:** That was extremely helpful.
10 It was extremely helpful with communication to the public that
11 they had one source of contact, that we weren't stepping on each
12 other in terms of messaging, and as a City Councillor there's a
13 great desire to respond to every complaint that's coming in from
14 residents, and we were all receiving them.

15 And so by sticking together like we did, I think
16 it was actually good for the public that they had cohesive
17 communication, that it was checked and many times the public
18 comments where we had public pressure conferences, those
19 comments that I delivered were reviewed by the Chief of Police
20 and her tea so that there was no -- there were no surprises when
21 we delivered a message.

22 **MR. TOM CURRY:** Understood.

23 And am I right that the other thing that you did
24 was you became the voice of the Unified Council Police Services
25 Board and the City's response; you were the spokesperson?

26 **MAYOR DREW DILKENS:** Spokesperson for the City,
27 yeah.

28 **MR. TOM CURRY:** Right. Did -- in that role, did

1 you take -- did you take some of the pressure away from the
2 police service having to deal with those matters themselves or
3 the chief herself?

4 **MAYOR DREW DILKENS:** Probably. I mean the most
5 important point was that they were focused on the police
6 operation and the communication to the public. Even as
7 enunciated in our CCG, you know, duties and responsibilities,
8 it's the mayor's responsibility to communicate with members of
9 council, members of the public, members of the media, and so we
10 just followed the roles were spelled out, and it worked very
11 well.

12 **MR. TOM CURRY:** Thank you. And while we're on
13 recommendations, you mentioned to the Commissioner that you had
14 penned a letter to the -- to your federal and provincial
15 counterparts concerning the expenses that Windsor has borne as a
16 consequence of the blockade and, so far, no reply. But would
17 you say that for -- in terms of recommendations, from what you
18 have gone through, that what would be worth considering is a
19 coordinated effort by all three levels of government to deal
20 with these kinds of events in the future were they to arise
21 again, including down to cost sharing?

22 **MAYOR DREW DILKENS:** Absolutely. These things
23 should be spelled out so -- especially if you use -- the
24 Ambassador Bridge is the perfect example, where you have federal
25 responsibility, municipal roadway and municipal responsibility,
26 and then connecting to provincial where there's provincial
27 responsibility, these types of things ought to be worked out.
28 I'll slow down. These things should be worked out in advance.

1 Most importantly, who's doing -- who's paying for what because,
2 at the end of the day, we've -- we are shouldering a big expense
3 on the backs of the residence in the City of Windsor to deal
4 with what I call "a national economic emergency".

5 **MR. TOM CURRY:** Understood. And then may I just
6 get your help with this? What is on the screen now, 2173 --
7 that you, Mr. Registrar -- is the in-camera meeting of the
8 Police Services Board, February 11th, so this is just shortly
9 before the operation began on the next day, the 12th; is that
10 true?

11 **MAYOR DREW DILKENS:** That's correct.

12 **MR. TOM CURRY:** And Chief Mizuno is there; you're
13 there. Just scroll down if you don't mind. I just wanted to
14 have you help us with -- you asked if there was anything
15 required. Chief Mizuno said, "No, resources are flowing. What
16 are the outcomes?" and so on. Just scroll down. It's just to
17 page 2 that I wanted to -- stop there, please.

18 Chief Mizuno, when asked about specifics, said:

19 "The situation is still fluid. We are
20 working on our operational plans and
21 continue to review as new information
22 such as this becomes available. The
23 goal is to reinstate traffic on the
24 bridge."

25 Councillor asked a question about the injunction
26 being enforced, and she said:

27 "We are actively working on our plan."

28 I won't take you through the rest of it but do I

1 have it that Chief Mizuno did not ever provide the Police
2 Services Board with details of the operational plan which was,
3 as of the 11th, still being actively worked on?

4 **MAYOR DREW DILKENS:** That's correct.

5 **MR. TOM CURRY:** And is it true, also, that the
6 absence of that finalized plan to be presented to the Police
7 Services Board, or to anyone, did not impair or delay the
8 delivery of resources from your policing partners at the
9 provincial and federal level?

10 **MAYOR DREW DILKENS:** That's true. We -- the
11 board was never waiting on the plan to be presented to us for
12 some sort of receipt for information or approval. We knew --
13 the point was, does the chief have the resources to implement
14 whatever plan is being prepared? And that was the question
15 asked by the board.

16 **MR. TOM CURRY:** Understood. And just two more
17 things very quickly to have your help with, please. Could I
18 please show the mayor WPS, lots of zeros, 522, Mr. Registrar,
19 please? This is a Situational Update, Mayor Dilkens, and I just
20 want to get your help for the Commissioner. In terms of the
21 status of these -- the circumstances in which you found yourself
22 as of the 8th -- this is at 14:30 hours -- you knew that these
23 situational reports were being prepared and you would be briefed
24 by the chief or her deputies?

25 **MAYOR DREW DILKENS:** I was not privy to this. I
26 didn't know that there were these particular reports, but the
27 chief would share with me the things she thought I needed to
28 know.

1 **MR. TOM CURRY:** Right. I just want to -- tell me
2 whether you learned this information at any briefings, that
3 there were 50 to 60 vehicles at that time. So this is the
4 afternoon on the 8th and they're described there, and this last
5 sentence of that first paragraph:

6 "One group is willing to work with
7 police and open some lanes while the
8 other is very oppositional and refuses
9 to give up any ground. Propensity for
10 violence is possible. Windsor police
11 attempted to tow a vehicle. Drivers
12 exited their vehicles with tire irons
13 and threatened to assault the tow truck
14 drivers. Officers blocked off traffic
15 points leading to the demonstration."

16 And then just scrolling down, there was -- you
17 see:

18 " The concern of the police is if they
19 start to allow traffic into the area..."

20 -- the one they've described --

21 "...there is a potential for many any
22 additional supporters to join the
23 demonstration."

24
25 Does that -- is that the tenor of the tenor of
26 the briefings that you were getting in and around that time?

27 **MAYOR DREW DILKENS:** Yes, that's true. That's
28 correct.

1 **MR. TOM CURRY:** Including the risk -- the actual
2 risk that there was a violent act threatened against tow truck
3 operators with protesters using tire irons?

4 **MAYOR DREW DILKENS:** That specific incident was
5 relayed to me directly by the chief, and that happened in the
6 parking lot of the high school.

7 **MR. TOM CURRY:** I think you told the
8 Commissioner, "No negotiations were successful in any material
9 way to resolve this protest."

10 **MAYOR DREW DILKENS:** Not in any lasting way.

11 **MR. TOM CURRY:** Right. Were you made aware that
12 the solicitor general herself wrote a letter to the protesters
13 or proposed to negotiate with them and they refused that
14 invitation as well?

15 **MAYOR DREW DILKENS:** I only became aware of that
16 in reviewing some of the documents for this Commission.

17 **MR. TOM CURRY:** Right.

18 **MAYOR DREW DILKENS:** I was unaware at the time.

19 **MR. TOM CURRY:** Okay, fair enough. I won't take
20 you to it but, Commissioner, just for your reference, that's
21 WPS1454, a letter from the solicitor general.

22 Mayor Dilkens, thank you. I don't have any
23 additional questions.

24 Thank you, Commissioner.

25 **COMMISSIONER ROULEAU:** Okay, thank you.

26 Ottawa Police Service.

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

28 **MR. DAVID MIGICOVSKY:** Good afternoon, Mayor

1 Dilkens. My name is David Migicovsky and I'm counsel for the
2 Ottawa Police Service.

3 **MAYOR DREW DILKENS:** Good afternoon.

4 **MR. DAVID MIGICOVSKY:** The protest in Windsor --
5 or the blockade, I should say, began on February 7th and was
6 cleared on February 13th; is that correct?

7 **MAYOR DREW DILKENS:** That's correct.

8 **MR. DAVID MIGICOVSKY:** And geographically, the
9 area where the blockade was, I understand was a significantly
10 smaller footprint than in Ottawa; is that fair?

11 **MAYOR DREW DILKENS:** From my understanding,
12 that's true.

13 **MR. DAVID MIGICOVSKY:** And so the total number of
14 trucks when -- at its highest was, I think you said, 200?

15 **MAYOR DREW DILKENS:** I would rely on Deputy Chief
16 Crowley for that information. I know that it -- the number of
17 protesters ebbed and flowed and there were 200 at one time, but
18 ---

19 **MR. DAVID MIGICOVSKY:** I see.

20 **MAYOR DREW DILKENS:** --- in terms of the number
21 of trucks, I'd hate to hazard a guess because the police were
22 tracking that with more precision.

23 **MR. DAVID MIGICOVSKY:** Sure. I seem to recall
24 that it was about 100 or so, but we can verify that with the
25 deputy chief. The convoy reached Ottawa on January 28th, I
26 believe, and I understand that the City of Windsor learned some
27 important lessons based on what had occurred in Ottawa; is that
28 fair?

1 **MAYOR DREW DILKENS:** That's fair.

2 **MR. DAVID MIGICOVSKY:** And that was because it
3 was an unprecedented situation for which neither the City of
4 Windsor nor the Windsor Police could be prepared. But given
5 what they learned in Ottawa, there were some things that they
6 thought they could adapt; is that right?

7 **MAYOR DREW DILKENS:** It's true that there were
8 lessons learned that they were trying employ in Windsor that
9 were happening in Ottawa.

10 **MR. DAVID MIGICOVSKY:** Sure. And so one of them
11 was -- and you mentioned it to my friend, Mr. Curry. If we
12 could just pull up WIN00000152 at page 2, please, there's an
13 email from Andrew at 18 -- further down, please. You'll see the
14 Councillor Costante; Councillor Costante is a municipal
15 councillor. And, actually, if you scroll down a little bit
16 further, you'll see the beginning of the chain. And so what I
17 take -- and you can scroll through this if you need to. What I
18 take from this is the point that you made with Mr. Curry is that
19 it was important that the City be united with the police in
20 terms of their response; correct?

21 **MAYOR DREW DILKENS:** Absolutely.

22 **MR. DAVID MIGICOVSKY:** And that everybody from
23 the City speak with one voice, that the councillors not all be
24 saying different things, correct?

25 **MAYOR DREW DILKENS:** That's correct.

26 **MR. DAVID MIGICOVSKY:** And I see from the email
27 chain that in fact, Councillor Costante did comply with that
28 request, correct?

1 **MAYOR DREW DILKENS:** Yes, that's correct.

2 **MR. DAVID MIGICOVSKY:** And the concern was that
3 that was not what had been -- occurred in Ottawa, correct?

4 **MAYOR DREW DILKENS:** That's what Mr. Teliszewsky
5 put in the email, yes.

6 **MR. DAVID MIGICOVSKY:** And I believe the OPP also
7 may have talked about the need for everybody to speak with one
8 voice, correct?

9 **MAYOR DREW DILKENS:** I believe that's true as
10 well.

11 **MR. DAVID MIGICOVSKY:** And there's another
12 example. I'll just call it up. It's WIN00001091.

13 And so if you scroll down to the bottom of it,
14 you'll see that a constituent -- you could just scroll -- it was
15 a constituent writing to -- and scroll up, please -- a
16 constituent writing to the councillors and complaining that
17 Windsor Police were doing the same as Ottawa and surrendering
18 control to the protestors.

19 And you'll see the response above that was really
20 twofold, which was firstly, council can't direct the police, and
21 the second point was to tell the constituents that they're
22 misinformed when they think that the police are not doing
23 anything, correct?

24 **MAYOR DREW DILKENS:** M'hm. That's correct.

25 **MR. DAVID MIGICOVSKY:** And it's important for the
26 City to be supporting the police because sometimes, the public
27 doesn't see what the police is doing and why they are doing or
28 not doing, taking certain enforcement actions; is that your

1 understanding?

2 **MAYOR DREW DILKENS:** That's true.

3 **MR. DAVID MIGICOVSKY:** And another useful lesson
4 you indicated you learned from Ottawa was not to publicly
5 announce the number of officers requested. And I believe, as I
6 understand it, had Ottawa not happened first, you might not have
7 realized that; is that fair?

8 **MAYOR DREW DILKENS:** Well, I think that may have
9 come out very quickly, to the extent that it was mentioned to a
10 member of the media. The course was corrected very quickly
11 thereafter.

12 And so we obviously don't want to -- and
13 certainly, as the Chair of the Police Board -- did not want to
14 do anything that would jeopardize the police operation or tip
15 our hand in terms of what additional resources might be needed
16 specifically.

17 **MR. DAVID MIGICOVSKY:** Right. And that was
18 something I think the OPP conveyed to you as a result of lessons
19 learned from Ottawa; is that right?

20 **MAYOR DREW DILKENS:** Yes.

21 **MR. DAVID MIGICOVSKY:** And another thing I know -
22 - and we don't need to turn it up unless you want to see it is,
23 I think another message that was repeated by the City was for
24 councillors not to go on social media, to be very careful what
25 they put on social media, correct?

26 **MAYOR DREW DILKENS:** Correct.

27 **MR. DAVID MIGICOVSKY:** And the blockade -- just
28 finishing off my last point -- the blockade, I think we said,

1 began on February 7th, and we know from your evidence this
2 morning that on February 4th, I believe, you wrote a text -- you
3 sent a text message to Minister Mendicino?

4 **MAYOR DREW DILKENS:** Yes.

5 **MR. DAVID MIGICOVSKY:** So a couple of days in
6 advance. And at that time, you were not considering blocking
7 all access to the bridge in advance because that would ---

8 **MAYOR DREW DILKENS:** No.

9 **MR. DAVID MIGICOVSKY:** --- involve many, many
10 access points?

11 **MAYOR DREW DILKENS:** It would have been such a
12 dramatic action to take that step in advance of a full blockade
13 that I mean, no one would have understood that.

14 **MR. DAVID MIGICOVSKY:** Right. And it would
15 require many more resources, obviously, than would be available?

16 **MAYOR DREW DILKENS:** Absolutely true.

17 **MR. DAVID MIGICOVSKY:** And I guess finally,
18 blocking all access would disrupt residents and businesses,
19 obviously, but it could also mean that if you did that, the
20 trucks would spread out over a larger part of Windsor as well;
21 is that fair?

22 **MAYOR DREW DILKENS:** That was a concern,
23 especially as it related to the Windsor Detroit tunnel.

24 **MR. DAVID MIGICOVSKY:** And that would disrupt
25 even more people?

26 **MAYOR DREW DILKENS:** Absolutely true.

27 **MR. DAVID MIGICOVSKY:** Thanks very much. I have
28 no additional questions.

1 **COMMISSIONER ROULEAU:** Okay, thank you.

2 Ontario Provincial Police?

3 **MS. JINAN KUBURSI:** Thank you, Commissioner.

4 This is Jinan Kubursi. I'm here for the Ontario Provincial
5 Police, and I have no questions. Thanks.

6 **COMMISSIONER ROULEAU:** Okay, thank you.

7 Next are the Ottawa Residents Coalition.

8 **MS. CHRISTINE JOHNSON:** Thank you, Commissioner.

9 Christine Johnson for the Ottawa Residents and Businesses
10 Coalition. We also have no questions for this witness.

11 **COMMISSIONER ROULEAU:** National Police

12 Federation?

13 **MS. LAUREN PEERCE:** Hi there. This is Lauren

14 Peerce coming in via Zoom. We also have no questions for this
15 witness.

16 **COMMISSIONER ROULEAU:** Thank you.

17 City of Windsor?

18 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

19 **MS. JENNIFER KING:** Good afternoon, Commissioner,
20 Mayor Dilkens.

21 **MAYOR DREW DILKENS:** Good afternoon.

22 **MS. JENNIFER KING:** For the record, I am Jennifer
23 King, counsel to the City of Windsor.

24 I only have a few questions remaining for you.
25 Most of my questions have already been asked and answered.

26 Could I ask you to please look at WIN00000992?

27 While this is coming up, Mayor Dilkens, this is a
28 letter from yourself to the Honourable Helena Jaczek, Minister

1 responsible for the Federal Economic Development Agency for
2 Southern Ontario.

3 Do you recognize this letter?

4 **MAYOR DREW DILKENS:** Yes, I do.

5 **MS. JENNIFER KING:** Okay. If you could scroll to
6 the last paragraph on the page, we'll see here you wrote:

7 "Windsor Police and their partners in
8 law enforcement have done an exemplary
9 job in quickly clearing the illegal
10 occupation and maintaining the security
11 of Huron Church Road for over 400
12 million in goods that travel this
13 crossing each day. Unfortunately, the
14 price of that economic security has
15 meant a significant and sustained loss
16 for small and medium-sized businesses
17 who operate along Huron Church Road in
18 Windsor."

19 If you could keep scrolling down? And you'll see
20 here that you ask or you urge the Minister to show the same
21 level of leadership and support the business community along
22 Huron Church Road as was showed to Ottawa businesses who managed
23 through the pandemic and now must cope with police barricades
24 designed to protect our national economy from those who would
25 seek to disrupt it because they oppose Canada's pandemic-related
26 policies.

27 Did you receive a response to this letter and
28 request?

1 **MAYOR DREW DILKENS:** Yes. I received a phone
2 call from the Minister and then the federal government provided
3 funding and business support for the businesses affected by the
4 blockade.

5 **MS. JENNIFER KING:** And just to confirm, was it
6 the federal government or was it the FedDev program?

7 **MAYOR DREW DILKENS:** I'd have to double check,
8 but through this federal minister, the funds flowed to our
9 Invest Windsor Essex Organization who acted as the clearinghouse
10 for businesses affected to make application and receive payment.

11 **MS. JENNIFER KING:** Okay. And they received
12 those funds?

13 **MAYOR DREW DILKENS:** Yes.

14 **MS. JENNIFER KING:** I just have a question. If
15 you could pull up, please, the Clerk bring up WIN00002240?

16 And while this is coming up, Mayor Dilkens --
17 it'll take a moment -- my friend Commission counsel asked you
18 questions, if you'll recall, about your March letters to
19 Minister Freeland and some others, and then also a second letter
20 to former Solicitor General Jones. And what you see here, is
21 this your letter from -- dated March 17th to Minister Jones,
22 Minister Mendicino, and Minister Blair?

23 **MAYOR DREW DILKENS:** Yes.

24 **MS. JENNIFER KING:** Okay. And if you could just
25 go to the second page, second-to-last paragraph, please?

26 Right. You'll see here, Mayor, that you wrote
27 that the recent blockade incident at the Ambassador Bridge
28 highlighted a vulnerability in our governance model.

1 **COMMISSIONER ROULEAU:** Can I just ask you to go
2 slowly when you're reading for the interpreters?

3 **MS. JENNIFER KING:** Thank you for the reminder.

4 "The City of Windsor is certainly
5 responsible for local infrastructure
6 and the Windsor Police Service is
7 capable of providing adequate and
8 effective law enforcement for our
9 community. That said, the need for
10 broader collaboration and support from
11 provincial and federal governments to
12 bolster the safety and security of our
13 borders appears obvious."

14 Can you tell the Commissioner and give us some of
15 your thoughts about what role you think each of the three levels
16 of government, federal, provincial, and municipal, should play
17 in protecting the Ambassador Bridge?

18 **MAYOR DREW DILKENS:** Well, because of the
19 construct of the roadways and the infrastructure that exists
20 going back 90 years, it really is imperative that we have a
21 three-pronged approach here.

22 Every level of government has a role to play.
23 The City has to be an equal partner, and the City, respectfully,
24 plays a disproportionate role in trying to resolve some of these
25 issues, like the issue we're talking about in February, that we
26 need to have these things coordinated in advance, have the
27 conversation worked out in advance so we know who's doing what
28 and who's responsible to fund some of these costs.

1 And so after the fact, trying to get payment of
2 over \$5 million is -- it's frustrating to be honest, but, you
3 know, we need to have these things worked out. And the response
4 that we provided during the, let's say the week of -- the
5 primary week of activity, all we did is respond. You know, we
6 responded, we -- if it were the jersey barriers, someone said
7 they're \$1.3 million. "How fast can you get them here?" was the
8 answer. We wanted to be as responsive as possible.

9 But you know, from a City perspective there is a
10 disproportionate burden, and so hosting an international
11 crossing like this presents some opportunities for the City from
12 an economic development perspective, but it also puts a
13 disproportionate burden on the residents in the City of Windsor.
14 Whether it's noise and air pollution, you know, whether it's,
15 you know, traffic congestion on municipal roads and having to
16 fund the costs of some of these municipal roads that fund truck
17 traffic to an international crossing, all of these things, we
18 really needed to sit down.

19 And the point of this letter was "Let's sit down
20 in advance. This may happen again, it may not happen again, but
21 it's probably worth a few hours of discussion to figure out how
22 we're going to do this moving forward so that it is -- you know,
23 pull it from the shelf and implement as opposed to trying to
24 figure it out in real time."

25 **MS. JENNIFER KING:** Thank you. Those are all my
26 questions.

27 **COMMISSIONER ROULEAU:** Thank you.

28 Any re-examination?

1 **MS. NATALIA RODRIGUEZ:** Yes, just very briefly.
2 Natalia Rodriguez for the Commission.

3 **--- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:**

4 **MS. NATALIA RODRIGUEZ:** Mayor Dilkens, my friend
5 for JCCF had asked about an annual marathon I believe that takes
6 place that closes the bridge in its entirety. Is that right?

7 **MAYOR DREW DILKENS:** That's correct.

8 **MS. NATALIA RODRIGUEZ:** And I just wanted to
9 better understand how the closure of the bridge for that purpose
10 affects the just-in-time delivery that you had spoken about in
11 your earlier testimony.

12 **MAYOR DREW DILKENS:** I would submit that it
13 really has no impact. Because this event has been happening for
14 decades, it happens on a Sunday morning, I believe generally,
15 and the closure is very early in the morning, say seven o'clock,
16 for a defined period of time. And so runners will start the
17 race in Detroit, run across the Ambassador Bridge, run down
18 municipal streets in the City of Windsor, run back through the
19 Windsor/Detroit Tunnel, back to the United States. And so
20 everything is planned, coordinated, organised, and it's very
21 time limited, and so with respect to local industry, they're
22 able to adjust and adapt for that very time limited period.

23 **MS. NATALIA RODRIGUEZ:** And is a time-limited
24 period more than 24 hours?

25 **MAYOR DREW DILKENS:** Oh, no. No, we're talking a
26 matter of maybe two hours.

27 **MS. NATALIA RODRIGUEZ:** I see. Okay, thank you,
28 that does help clarify.

1 And I just wanted to also clarify the
2 communications that you had with the Premier and Solicitor
3 General Jones over this period of time. My understanding is
4 that you had one phone call with each of them; is that correct?

5 **MAYOR DREW DILKENS:** No, I think I had two phone
6 calls, but they were all quick. You know, it was just everyone
7 was busy, I was trying to give information so they had
8 situational awareness, pass out the information that I knew was
9 coming, you know, through other channels, like the number of
10 officers.

11 And both the Premier, I think I've said this, but
12 the Premier, the Solicitor General, Minister Mendicino, the
13 Prime Minister, all extremely receptive, understood the issue,
14 were well briefed. And certainly, you know, it was very good
15 communication from my perspective with the two orders of
16 government.

17 **MS. NATALIA RODRIGUEZ:** And with respect to the
18 Premier specifically, we know you had a discussion with him on
19 February 9, it's in the Institutional Report. When would the
20 second phone call have taken place?

21 **MAYOR DREW DILKENS:** I can't remember if it was
22 just a text or whether it was a quick phone call in and around
23 the time the injunction was granted.

24 **MS. NATALIA RODRIGUEZ:** And with Solicitor
25 General Jones, my understanding is that there was also one phone
26 call around the 7th or 8th of February to discuss the resource
27 request. Is that correct?

28 **MAYOR DREW DILKENS:** That's correct.

1 **MS. NATALIA RODRIGUEZ:** Okay. And aside from
2 that, the discussions would've been over text message?

3 **MAYOR DREW DILKENS:** I thought there was more
4 than one call with both, but I just can't be sure, and it's a
5 function of the volume of what was happening. There were very
6 quick touchpoints, and it was just a matter of sharing
7 information very quickly. These were not long phone calls. It
8 was in an effort for me to share what I knew. And you know, the
9 Premier was excellent in terms of understanding the impact on
10 the business community, he relayed that to me, and both of them
11 were great to deal with.

12 **MS. NATALIA RODRIGUEZ:** Anything else that you
13 can tell us about the content of those discussions, other than
14 what you've told us?

15 **MAYOR DREW DILKENS:** Nothing else to add.

16 **MS. NATALIA RODRIGUEZ:** And I understand you also
17 had a discussion with the Prime Minister on February 10th; is
18 that right?

19 **MAYOR DREW DILKENS:** That's correct.

20 **MS. NATALIA RODRIGUEZ:** And did he initiate that
21 call or did you?

22 **MAYOR DREW DILKENS:** I can't remember who
23 initiated it. I mean, it was set up, and I know our federal
24 member had asked, and you know, there was lots of things going
25 on behind the scenes. But I was told the Prime Minister is
26 going to call at a certain time on that date, so I was by the
27 phone waiting for the phone call.

28 **MS. NATALIA RODRIGUEZ:** And what can you tell us

1 about the content of that discussion?

2 **MAYOR DREW DILKENS:** We talked about what was
3 happening on the ground in the City of Windsor. We talked about
4 the battery factory, and you know, the work that was being done.
5 And the Prime Minister understood very clearly what the impact
6 was. He knows the City of Windsor, he understood what the
7 impact was with that particular closure as it related to the
8 Ambassador Bridge and the importance of the Ambassador Bridge,
9 and he was very supportive in conversation about trying to find
10 a resolution that got us all past this particular point in time
11 and got things back to normal.

12 **MS. NATALIA RODRIGUEZ:** And was the *Emergencies*
13 *Act* discussed in that call, either by you or by him?

14 **MAYOR DREW DILKENS:** No, not at all. The Prime
15 Minister mentioned in that call that, you know, there may be
16 something coming with respect to the United States that would
17 make folks who participated in these types of activities,
18 perhaps make them inadmissible to enter the United States, and I
19 think that was enunciated in the readout of the call. But no
20 discussion and nor was the *Emergencies Act* ever mentioned in
21 that call.

22 **MS. NATALIA RODRIGUEZ:** Okay, thank you. Now,
23 with respect to my friend from the City of Ottawa, you told her
24 that at some point somebody did indicate to you that the normal
25 order of operations would be to go to the OPP or the Province
26 for resources first and then to the RCMP or the Federal
27 Government. Can you tell us who indicated that to you and at
28 what point in time in terms of the resource request?

1 **MAYOR DREW DILKENS:** It came up in a conversation
2 with Minister Mendicino. But I didn't -- you know, when -- I
3 mean, I knew that that was the order of operations, he knew that
4 was the order of operations, so we had a quick discussion about
5 that and I relayed to him that my primary concern was getting
6 the resources here on the ground so the response could be
7 provided. I never felt like the Federal Government was sitting
8 on their hands and not wanting to act in any way. I always got
9 the sense that they were very receptive and trying to be a
10 partner in trying to solve the situation and to find resources
11 that would be helpful.

12 **MS. NATALIA RODRIGUEZ:** So there was no sense
13 that RCMP resources could be delayed as a result of having gone
14 to the OPP first, for example?

15 **MAYOR DREW DILKENS:** I never felt that way, no
16 one never enunciated that, and I don't believe that to be true.

17 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And
18 finally, my friend for, I believe former Chief Sloly, spoke you
19 about the in-camera board meetings that you had. I just want to
20 clarify, who requested that these meetings be held in-camera?

21 **MAYOR DREW DILKENS:** I did.

22 **MS. NATALIA RODRIGUEZ:** You did.

23 **MAYOR DREW DILKENS:** I did.

24 **MS. NATALIA RODRIGUEZ:** Okay. And why was that?

25 **MAYOR DREW DILKENS:** Because I anticipated that
26 the police would feel more comfortable to share operational
27 details that we would not want to be in the public forum, and I
28 also wanted the board members to feel comfortable to ask any

1 question of the Chief or the administration that they felt
2 needed to be asked, and so in-camera was the best place to do
3 that. And I, you know, I thought it was right then and I think
4 it's right now.

5 **MS. NATALIA RODRIGUEZ:** Okay, thank you very
6 much. Those are my questions.

7 **COMMISSIONER ROULEAU:** Okay. Well,
8 Mayor Dilkens, thank you very much for your testimony. You're
9 free to go and ---

10 **MAYOR DREW DILKENS:** Thank you, sir.

11 **COMMISSIONER ROULEAU:** --- very appreciated.

12 Okay. Next witness. I think you have a
13 procedural matter to deal with first?

14 **MR. ERIC BROUSSEAU:** Yes, Commissioner. Eric
15 Brousseau, Commission Counsel for the record.

16 Before we call the next witness, I just want to
17 formally table the bulk entry list from last week, which some
18 may have noticed was not tabled. The list being entered today
19 was first circulated on October 24th. We asked parties for
20 their objections by 5:00 p.m. on November 1st. Commission
21 Counsel received those objections, removed those doc IDs from
22 the list.

23 And the final list consists of 250 documents
24 identified by Commission Counsel working on the police aspect of
25 the Commission's mandate, as with the prior lists, emails,
26 plans, a number of documents which we did not have time to put
27 to the witnesses. And as well, there were 92 documents
28 identified by Commission Counsel working on the protester aspect

1 of the Commission's mandate, largely documents produced by the
2 convoy organisers group, but other Commissioned documents OPS,
3 JCF, and a few other parties. So those now will be sort of
4 formally tagged and marked as exhibits.

5 And I also just want to speak very briefly about
6 the process for resolving the objections, which the parties were
7 advised of this morning. Going forward, Commission Counsel will
8 be using a revised template to send out the document IDs each
9 week. We will continue to give a week's sort of notice and
10 opportunity to review the documents. By five p.m. the following
11 Monday, we will ask for the parties to put their objections in
12 writing within that Excel spreadsheet. We will, as Commission
13 Counsel, put them together and then try to deal with them
14 directly with the party who has objected, and if not, Commission
15 Counsel will embed their responses within that sheet, which will
16 then be up to you, Commissioner, to sort of make a decision on
17 the admissibility. The default will be that it will be done in
18 writing, so parties are being encouraged to put their
19 submissions as fulsomely as they would like in that Excel. Oral
20 hearings will be sort of exceptional, subject to your
21 discretion. This is the process which we will use starting
22 today, for this week's bulk entry. And at some point, we will
23 communicate a timeline for dealing with all of the objections,
24 which have accrued to date. And so I just wanted to put that on
25 the record.

26 And now I'd like to call the Commission's next
27 witness, which is Deputy Chief Crowley of the Windsor Police
28 Service.

1 **THE REGISTRAR:** Deputy Chief Crowley, will you
2 swear on a religious document, or do you wish to affirm?

3 **DEPUTY CHIEF JASON CROWLEY:** It's the Bible,
4 please.

5 Thank you.

6 **THE REGISTRAR:** For the record, please state your
7 full name and spell it out.

8 **DEPUTY CHIEF JASON CROWLEY:** Jason Crowley, J-A-
9 S-O-N C-R-O-W-L-E-Y.

10 --- DEPUTY CHIEF JASON CROWLEY, Sworn:

11 **THE REGISTRAR:** Thank you.

12 --- EXAMINATION-IN-CHIEF BY MR. ERIC BROUSSEAU:

13 **MR. ERIC BROUSSEAU:** Good afternoon, Deputy Chief
14 Crowley.

15 **DEPUTY CHIEF JASON CROWLEY:** Good afternoon.

16 **MR. ERIC BROUSSEAU:** What is your current rank
17 with the Windsor Police Service?

18 **DEPUTY CHIEF JASON CROWLEY:** I am the Interim
19 Deputy Chief of Operations.

20 **MR. ERIC BROUSSEAU:** Okay. And that's not the
21 same rank that you held in January and February; correct?

22 **DEPUTY CHIEF JASON CROWLEY:** That's correct, sir.
23 I was the Superintendent of Investigation Services at the time.

24 **MR. ERIC BROUSSEAU:** Okay. And I'd ask the Clerk
25 to pull up your witness statement, which is WTS00000017. You'll
26 recall sitting for an interview with Commission Counsel this
27 summer?

28 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

1 **MR. ERIC BROUSSEAU:** Okay. And you reviewed this
2 witness statement before it was finalized?

3 **DEPUTY CHIEF JASON CROWLEY:** Yes.

4 **MR. ERIC BROUSSEAU:** Okay. And do you have any
5 corrections that you'd like to make to it?

6 **DEPUTY CHIEF JASON CROWLEY:** There is one small
7 correction on page 3.

8 **MR. ERIC BROUSSEAU:** Okay.

9 **DEPUTY CHIEF JASON CROWLEY:** Could we go to that,
10 please? I think it's near the bottom. Very last paragraph it
11 says, "protesters block the lanes that lead to the Ambassador
12 Bridge." They actually protest -- or they actually block the
13 southbound lanes away from the bridge originally. It's the only
14 correction.

15 **MR. ERIC BROUSSEAU:** Okay. Thank you.
16 Everything else remains accurate, to your knowledge?

17 **DEPUTY CHIEF JASON CROWLEY:** Yes.

18 **MR. ERIC BROUSSEAU:** Okay. And I'm also going to
19 ask that the Windsor Police Service Institutional Report be
20 pulled up. That is WPS.IR.00000001. And you've reviewed this
21 in preparing to attend today?

22 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

23 **MR. ERIC BROUSSEAU:** Okay. And does that remain
24 accurate?

25 **DEPUTY CHIEF JASON CROWLEY:** There are a couple
26 clarifications, if I could.

27 **MR. ERIC BROUSSEAU:** Absolutely. Just you just
28 let Mr. Clerk know which page?

1 **DEPUTY CHIEF JASON CROWLEY:** Paragraph 23, sir,
2 please.

3 More of a clarification. It says the Public
4 Order Units were from the OPP and Waterloo Service started to
5 arrive on the 9th, I believe. Can you scroll down just a little
6 bit, please? Yes, on the 9th.

7 **MR. ERIC BROUSSEAU:** Yeah.

8 **DEPUTY CHIEF JASON CROWLEY:** So they did -- there
9 was, like, a slowly through the night. They weren't deployed
10 that night. They were just slowly arriving amongst other
11 agencies as well, but that was just a clarification. They all
12 didn't show up on the 9th.

13 **MR. ERIC BROUSSEAU:** Okay.

14 **DEPUTY CHIEF JASON CROWLEY:** The other
15 clarification is paragraph 58. So, essentially, the Public
16 Order Unit was moving southbound down Huron Church. This
17 paragraph refers to that. And it talks about the -- other -- a
18 secondary group of officers travelling northbound. If you could
19 scroll down, please? To the southbound -- in the southbound
20 lanes of Huron Church to move the crowd eastbound onto Tecumseh
21 Road. So that was the eventual movement once they hit Tecumseh
22 Road, that was the movement towards -- on Tecumseh Road towards
23 the east. It just -- those two roads intersect, as we know, so
24 I just wanted to clarify that. That's all.

25 **MR. ERIC BROUSSEAU:** Okay. Thank you.

26 **DEPUTY CHIEF JASON CROWLEY:** And that is it.

27 **MR. ERIC BROUSSEAU:** And the rest remains
28 accurate?

1 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

2 **MR. ERIC BROUSSEAU:** Okay. Now so in your role
3 at the time as Superintendent of Investigation Services, what
4 did that entail?

5 **DEPUTY CHIEF JASON CROWLEY:** I oversaw the entire
6 division in investigations, so everything from the investigative
7 side of the house, which includes major crime, and property
8 crime, right over to the support side of the investigations, so
9 the drug units and, you know, ident, things like that. So that
10 was my designation at the time. I also was the -- in charge of
11 our Critical Incident Command Program, and I oversaw that as
12 well.

13 **MR. ERIC BROUSSEAU:** Okay. And so you're trained
14 as a Critical Incident Commander?

15 **DEPUTY CHIEF JASON CROWLEY:** Yes, I am.

16 **MR. ERIC BROUSSEAU:** I understand you were
17 appointed as one of the two Critical Incident Commanders from
18 WPS for this incident?

19 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

20 **MR. ERIC BROUSSEAU:** And at the time of the
21 convoys, did WPS have any Public Order Unit trained officers?

22 **DEPUTY CHIEF JASON CROWLEY:** No, we did not.

23 **MR. ERIC BROUSSEAU:** How about Police Liaison
24 Team?

25 **DEPUTY CHIEF JASON CROWLEY:** No, we did not.

26 **MR. ERIC BROUSSEAU:** Okay.

27 **DEPUTY CHIEF JASON CROWLEY:** We had critical
28 incident -- or, sorry, we had critical negotiators, critical

1 incident negotiators, but not PLT per se.

2 **MR. ERIC BROUSSEAU:** Okay. And we heard Mayor
3 Dilkens this morning explain to us a little bit about
4 jurisdiction, but perhaps you can just sort of refresh us and
5 help us in terms of what WPS's responsible to police versus the
6 RCMP versus the OPP in this Windsor area.

7 **DEPUTY CHIEF JASON CROWLEY:** M'hm. So the
8 Windsor Police would be responsible for municipal policing
9 within the batteries of Windsor. There is an OPP presence on
10 the provincial highways that lead into Windsor, which I believe
11 now includes the Herb Gray Parkway, which is the extension of
12 the 401 to the new bridge. And the RCMP, they do have a
13 presence that is more, I believe, customs and excise, things
14 like that with -- when it comes to international
15 responsibilities, but nothing as far as municipal policing goes
16 at all.

17 **MR. ERIC BROUSSEAU:** Okay. And so when an
18 incident occurs on the bridge, who responds?

19 **DEPUTY CHIEF JASON CROWLEY:** The Windsor Police
20 do.

21 **MR. ERIC BROUSSEAU:** Okay. I want to ask you a
22 little bit about the intelligence leading up to the blockade.
23 Now I understand there were a number of slow roll protests that
24 had come through Windsor previously; is that correct?

25 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

26 **MR. ERIC BROUSSEAU:** When did those start?

27 **DEPUTY CHIEF JASON CROWLEY:** They started months
28 before the bridge blockade, months. We were dealing with them

1 on a weekly basis, all over the city, but the ones that pertain
2 to the bridge, really, we were well -- like, made aware of them
3 that weekend they were going to be ramped up, which would have
4 been the 4th, 5th and 6th.

5 **MR. ERIC BROUSSEAU:** Okay. So before that, there
6 had been slow rolls in the Windsor area, but nothing that
7 targeted the bridge ---

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MR. ERIC BROUSSEAU:** --- specifically? Okay.
10 And how long had these slow rolls lasted typically?

11 **DEPUTY CHIEF JASON CROWLEY:** Typically, they
12 would be -- you know, last two or three hours. We would assign
13 a certain group of officers to basically monitor it, manage it.
14 There were never any issues typically. The slow rollers were --
15 typically, they were cooperative, and we would work with them
16 prior to the slow roll. We would reach out to them to ensure
17 that they -- you know, if we could do something for them
18 essentially, as in facilitate their route, or things like that.
19 But we would try and reach out to the organizers to maintain
20 that communication piece.

21 **MR. ERIC BROUSSEAU:** Okay. Now you're familiar
22 with the terms Project Hendon and the Hendon reports?

23 **DEPUTY CHIEF JASON CROWLEY:** Yes, I am.

24 **MR. ERIC BROUSSEAU:** You were receiving those
25 directly from the OPP?

26 **DEPUTY CHIEF JASON CROWLEY:** Yes. But I did have
27 -- I was not responsible for monitoring Hendon. I had an
28 inspector that was responsible, Insp. Karel DeGraaf, who was on

1 those calls daily, or as much as they were happening, anyways.
2 And he was responsible for intaking those Hendon reports and
3 updating me on any pertinent information.

4 **MR. ERIC BROUSSEAU:** Okay. Did you read them
5 when you received them?

6 **DEPUTY CHIEF JASON CROWLEY:** No, I read them on
7 Insp. DeGraaf's recommendation.

8 **MR. ERIC BROUSSEAU:** Okay. Would you have
9 discussed most of the Hendon reports with Insp. DeGraaf on a
10 daily basis?

11 **DEPUTY CHIEF JASON CROWLEY:** Yes. And
12 particularly when Windsor was mentioned, but that wasn't very
13 often at the very beginning of Hendon.

14 **MR. ERIC BROUSSEAU:** Okay. And did you brief
15 Deputy Chief Bellaire or Chief Mizuno on the reports?

16 **DEPUTY CHIEF JASON CROWLEY:** Yes. Anything I
17 thought they needed to be aware of, I would certainly bring that
18 to their attention.

19 **MR. ERIC BROUSSEAU:** Okay. So I'd like to bring
20 up the Hendon report for January 31st, which is OPP00000819. And
21 this, if we can go to page 3, looking for point 13.

22 This is, again, like I said, from the 31st. So
23 point 13 says:

24 "Open source information suggests that
25 truck drivers from the United States
26 plan to block the American side of the
27 Ambassador Bridge in Windsor to
28 coincide with Canadian drivers blocking

1 the bridge in Windsor. The available
2 information does not include a date or
3 time."

4 So do you recall seeing that at the time?

5 **DEPUTY CHIEF JASON CROWLEY:** I think I do, yes.

6 **MR. ERIC BROUSSEAU:** And what steps did the
7 Windsor Police take to prepare for that possibility?

8 **DEPUTY CHIEF JASON CROWLEY:** Again, these are --
9 this is our best source of intelligence, so we would obviously
10 meet and discuss potential blockages, but there was also reports
11 saying that numerous bridges might be blocked, so we would
12 basically just keep that intelligence handy. I was on the -- I
13 still am, actually, on the Ontario Association of Chiefs of
14 Police Emergency Preparedness Committee, and this is -- these
15 are the things that were discussed during almost a daily meeting
16 on those -- that committee.

17 **MR. ERIC BROUSSEAU:** Okay. Would this
18 information have gone to the OPP from Windsor Police, or this is
19 coming to you through the Hendon report, and you're sort of
20 learning of it for the first time?

21 **DEPUTY CHIEF JASON CROWLEY:** This was being
22 learned about for the first time, essentially.

23 **MR. ERIC BROUSSEAU:** Okay.

24 **DEPUTY CHIEF JASON CROWLEY:** So there was -- if I
25 can take you back to that time, you can imagine Ottawa was, you
26 know, just starting to gain some traction and the protesters had
27 just rolled in here. We were dealing with protests in Toronto,
28 as a committee, on the weekends at Queen's Park. So a lot of

1 the discussion went there in this -- this intelligence and this
2 information wasn't really at the forefront at this time.

3 **MR. ERIC BROUSSEAU:** Okay. Now, a few days later
4 -- I'm sort of skipping ahead to February 3rd, I believe you told
5 us this summer that the Windsor Police learned through
6 monitoring social media that there was a slow roll planned for
7 the coming weekend; is that correct?

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MR. ERIC BROUSSEAU:** Okay. And at that point in
10 time, was there an indication of a blockade on February 3rd?

11 **DEPUTY CHIEF JASON CROWLEY:** Just what I had
12 previously mentioned about, you know, potential bridge or border
13 crossing blockades, but nothing that I recall that was specific
14 to February 3rd.

15 **MR. ERIC BROUSSEAU:** Okay. And from what I
16 understand at that point perhaps if it was a little bit more
17 serious and Chief Mizuno actually sort of put you in charge of
18 the Windsor Police Service's response to that intended slow
19 roll; is that correct?

20 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

21 **MR. ERIC BROUSSEAU:** Okay. And what did that
22 response look like?

23 **DEPUTY CHIEF JASON CROWLEY:** At this point I met
24 with our patrol inspectors; I asked for an Operational Plan from
25 them regarding the slow rolls. They seemed to have more
26 traction and be a bigger entity than we had been dealing with,
27 so I was asking for an Operational Plan. I also started to
28 include members of the bridge, so CBSA, the bridge company; that

1 was their contact so indirectly they were involved. Our
2 Intelligence Unit, I included them quite a bit.

3 So this is the day the meetings really started
4 about, okay, we're going to deal with these slow rolls but what
5 if? This is where these conversations started.

6 **MR. ERIC BROUSSEAU:** Okay. And what was the
7 plan? I mean, you mentioned, "What if?" What was the plan if
8 the slow rolls just blocked the bridge?

9 **DEPUTY CHIEF JASON CROWLEY:** Well, this was the
10 problem. So I think it's been discussed prior to this about the
11 difference between intelligence and information. Intelligence
12 was very -- was limited, in my view, at this point, about
13 confirmation of a blockade or a slow roll that would bearhug the
14 bridge. To me, that was more information at this point. They
15 still didn't explain how they would do it, how it would be done
16 and what we could do to stop it.

17 I think what we really were thinking at the time,
18 this bearhug idea. If you can recall the geography of the
19 bridge, it's essentially the road is a circle around the entire
20 bridge property. And they talked about the bearhug and if that
21 -- essentially, if vehicles went around the bridge, stopped,
22 that would essentially shut down the bridge.

23 So that's kind of where we were thinking that
24 might happen, so we tried to put some mitigating plans in place
25 there, for that.

26 **MR. ERIC BROUSSEAU:** Okay. And if I could just
27 stop you there for a second, because we talked about slow rolls
28 and how the Windsor Police Service just, you know, took steps to

1 facilitate those in the weeks leading up to it.

2 I mean, section 132 of the *Highway Traffic Act*
3 prohibits unnecessarily slow driving, so a slow roll, depending
4 on the speed, would be contrary to the *Highway Traffic Act*;
5 correct?

6 **DEPUTY CHIEF JASON CROWLEY:** Correct.

7 **MR. ERIC BROUSSEAU:** And so why was it that the
8 Windsor Police Service was, to use your words, were facilitating
9 those protests?

10 **DEPUTY CHIEF JASON CROWLEY:** So we were of the
11 mindset, amongst other police services in the province, we were
12 trying to find that balance of people's ability and right under
13 the *Charter* to protest. We felt it was better to work with the
14 protesters to facilitate their slow rolls; it maintains public
15 safety, which is what we were concerned about, and we did not
16 certainly want to escalate any situation, and it was in the
17 model of the way slow rolls were being policed throughout the
18 province.

19 **MR. ERIC BROUSSEAU:** If we could pull up
20 OPP00000825?

21 I'm taking you to the Hendon report, dated
22 February 4th.

23 And Mr. Clerk, if we could go to page 6? There's
24 a section entitled, "Ontario: Open Source Information (Media
25 and Social Media)."

26 And so this right there, the second point:

27 "Commercial truck drivers and
28 supporters may conduct slow rolls on

1 roadway near the Ambassador Bridge
2 over the next three days, and may
3 attempt to block the bridge on
4 [February 7]."

5 I think this is the first time that there's
6 actually a kind of specific date to a potential blockade, is
7 that right?

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MR. ERIC BROUSSEAU:** Okay. And in light of this
10 information in this Hendon report, what steps were taken to
11 prepare?

12 **DEPUTY CHIEF JASON CROWLEY:** So not undifferent
13 [sic] to other slow rolls, we were in communication with the
14 organizer; very cooperative, worked with the police, supportive
15 of our involvement. We had no issues with this slow roll group,
16 this -- for that weekend. But as the weekend progressed, this
17 intelligence became a little bit more solid, I would say, and
18 that's when by the Sunday, which would have been the 6th, we
19 started to gain more information about this date being
20 legitimate of a blocking bridge.

21 Again, the problem we ran into was how? How are
22 we going to -- how are they going to block the bridge? We had
23 no intelligence. Again, the geography of the bridge is very
24 porous; it's critical infrastructure in the middle of our west-
25 end, with side streets and access to the bridge, exits to the
26 bridge; it's not as easy as a one-way-in, one-way-out. So we
27 were trying to make considerations for numerous plans, but
28 nothing was in stone because we didn't know what we didn't know.

1 **MR. ERIC BROUSSEAU:** Fair enough. I'd like to
2 take you to the Operational Plan for dealing with a slow roll
3 now, which is WPS00001883. Although it might actually be five
4 zeros, I think; WPS's use nine digits.

5 And so I think this is the operational plan that
6 you had asked to be put together on February 4th for the slow
7 rolls. You'll be able to tell me if that's correct?

8 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

9 **MR. ERIC BROUSSEAU:** Okay. Now, if we go down to
10 page 2 on the "SITUATION", in the middle of the paragraph.

11 "There is further mention of the ongoing
12 protests/blockade situation at Coutts,
13 Alberta Port of Entry with intention to
14 mirror this type of activity in Windsor at
15 the Ambassador Bridge Port of Entry."

16 And if we can go down to the "EXECUTION"? The
17 same page, the fourth point:

18 "They will be utilizing this route for 3
19 days then consider Ambassador Bridge
20 blockade on February 7, 2022."

21 And so I mean I think there was pretty clear
22 evidence as of the 4th that the 7th was going to be the day of a
23 blockade if one was going to occur. Is that right?

24 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

25 **MR. ERIC BROUSSEAU:** Okay. And so what kind of
26 assistance did Windsor Police Service seek at that point?

27 **DEPUTY CHIEF JASON CROWLEY:** So that weekend was
28 very busy reaching out to numerous partners. So locally, it was

1 the Chief of Fire, Windsor Fire Rescue, Steve Laforet. Also
2 Bruce Crowder, from our Emergency Medical -- EMS. Again, I
3 already said we spoke with CBSA. Those kinds of plans started
4 logistically. Again, "What if this happens? What do we need to
5 do to help our partners?" We believed right from this point it
6 was a police response. So we certainly were trying to help out
7 our partners as best we can to plan for them, as well as us.

8 **MR. ERIC BROUSSEAU:** And I understand that Chief
9 Mizuno spoke with Commissioner Carrique of the OPP on February
10 4th as well?

11 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

12 **MR. ERIC BROUSSEAU:** Do you know -- I don't think
13 you were on that call, but did Chief Mizuno relay to you what
14 was discussed?

15 **DEPUTY CHIEF JASON CROWLEY:** I think in email,
16 there was some discussion about -- I was not on that call,
17 sorry, to clarify that. There was some discussion about getting
18 some local assistance from the OPP from the two detachments
19 within our area for some help. Also, sending some Public
20 Liaison officers, PLT, down to Windsor to assist us on Monday.

21 Those were the discussions of potentially maybe
22 having 35 officers or so come and help us.

23 And at that point, it was strictly to -- for
24 traffic control, intersection control. That kind of thing, to
25 set up a perimeter that we felt was manageable.

26 **MR. ERIC BROUSSEAU:** Okay. So on the 4th, the
27 intention was to be setting up a perimeter to try to prevent the
28 blockade?

1 **DEPUTY CHIEF JASON CROWLEY:** Yes, essentially.
2 So to prevent the blockade, to manage the slow roll, all these
3 things that, again, we didn't have specifics where we could plan
4 a specific response to a specific action by protestors, but
5 certainly we were trying to do a very general response to be
6 able to react to something that could possibly happen.

7 **MR. ERIC BROUSSEAU:** Okay. I take it you didn't
8 have a time on the 7th? You didn't know anything more than
9 something might materialize on the 7th?

10 **DEPUTY CHIEF JASON CROWLEY:** Yes, the information
11 I had was that the bridge would be blocked if they didn't get
12 what they want, meaning relief of vaccine mandates, things like
13 that. That was the only information I had on Monday.

14 **MR. ERIC BROUSSEAU:** I'd like to take you to I
15 think probably one of the emails you just mentioned, which is
16 WPS000001880. This is an email exchange between yourself and
17 someone named Dwight Thib of the OPP. Who is Dwight Thib?

18 **DEPUTY CHIEF JASON CROWLEY:** Dwight Thib is the
19 Chief Superintendent of the Region. So as a result of Chief
20 Mizuno's conversation with the Commissioner, I spoke to Dwight,
21 who you can see here that he put me in touch with Diana Earley,
22 who is a Superintendent of the Region, one of the
23 superintendents for the OPP, basically saying if you need
24 something, please don't hesitate. And he CC'd Supt. Diana
25 Earley, who oversees our Emergency Response Team.

26 **MR. ERIC BROUSSEAU:** And he says in this email:
27 "As discussed, you can continue to liaise
28 with our Essex Detachment Command team..."

1 **DEPUTY CHIEF JASON CROWLEY:** Yes.

2 **MR. ERIC BROUSSEAU:**

3 "Should intel be received or action by
4 demonstrators taken to shut down the [...]
5 bridge dont [sic] hesitate to reach out..."

6 **DEPUTY CHIEF JASON CROWLEY:** Yes. That original
7 discussion with the Essex Detachment Command Team was more of an
8 information sharing session at that point, and they were going
9 to monitor the 401 for us. But exactly what -- the intention
10 there was to continue discussing with them.

11 **MR. ERIC BROUSSEAU:** Okay. And at this point, I
12 guess what I'm trying to understand, even on the 4th, there is a
13 threat of a blockade on the 7th. And the response is at the
14 local OPP detachment level, nothing that kind of was escalated
15 above that from a resource perspective?

16 **DEPUTY CHIEF JASON CROWLEY:** That's correct. I
17 would call those, like, informal requests.

18 **MR. ERIC BROUSSEAU:** Okay. And I think you
19 mentioned earlier that there were 35 officers dispatched as part
20 of that?

21 **DEPUTY CHIEF JASON CROWLEY:** Approximately, yes.

22 **MR. ERIC BROUSSEAU:** And those would have all
23 come from the Essex Detachment?

24 **DEPUTY CHIEF JASON CROWLEY:** Essex, and
25 Lakeshore, and anywhere that might be close to those.

26 **MR. ERIC BROUSSEAU:** Okay.

27 **DEPUTY CHIEF JASON CROWLEY:** I'm assuming. I
28 can't say for sure. But I would assume.

1 **MR. ERIC BROUSSEAU:** And your summary of our
2 interview this summer mentions that you spoke with a CBSA
3 officer and RCMP officer, Border Integrity Officer on that day
4 as well. What can you tell us about that?

5 **DEPUTY CHIEF JASON CROWLEY:** That's correct. So
6 my first call was to a Chief Superintendent RCMP officer in
7 London, who put me in touch with Kevin McGonagall, who is a
8 border integrity officer. I believe he's also out of London,
9 but he was the closest contact for me, as far as the RCMP goes,
10 as the border -- it pertains to the border.

11 So I spoke with Kevin and basically said, you
12 know, their resources were stretched thin because of other --
13 potential threats to other borders in the province, but
14 certainly they had people on call and they would assist as
15 needed or as could be.

16 **MR. ERIC BROUSSEAU:** Neither of them were --
17 neither the CBSA nor the RCMP were taking steps to prepare for,
18 like, the blockade?

19 **DEPUTY CHIEF JASON CROWLEY:** Not at that time.
20 In speaking with CBSA, I asked them if they had an operational
21 plan, I believe on the Friday the 4th, and they didn't. They
22 were referencing Coutts as well, because the Coutts blockade was
23 not on the border property, it was down the road, similar to
24 ours. So they were just trying to work with us in our response
25 and help us in any way they can.

26 **MR. ERIC BROUSSEAU:** Okay. I'd like to take you
27 to another Hendon Report dated February 6th. That's OPP00001622.
28 And on page 6, there's, again, a reference to the possible

1 attempt to block the Ambassador Bridge.

2 So this is now -- February 6th is the Sunday.
3 What steps were being taken that weekend to prepare? The 5th,
4 the 6th. The information still says, "Yeah, Monday, there's
5 likely to be a blockade."

6 **DEPUTY CHIEF JASON CROWLEY:** M'hm. So and again,
7 we didn't know what we didn't know. With the geography that
8 presents itself to us, the bridge is very difficult to plan
9 something solid that we don't know what's going to happen -- how
10 it's going to happen, I should say.

11 We did discuss, as was suggested earlier, about,
12 you know, potentially rerouting traffic off the 401, closing the
13 401, which just was not an option, coming into the city.

14 So there was all kind of discussions on how we
15 might be able to do it, but essentially we thought if we could
16 control that intersection around the bridge, that again, we were
17 in the mindset of this Bearhug, if we controlled the
18 intersection, limited vehicle traffic through it, we would be
19 able to essentially control access to the bridge.

20 **MR. ERIC BROUSSEAU:** Okay. And we'll talk about
21 that in a moment.

22 **DEPUTY CHIEF JASON CROWLEY:** Okay.

23 **MR. ERIC BROUSSEAU:** But that evening of the 6th,
24 there was a slow roll protest at Mic Mac Park; correct?

25 **DEPUTY CHIEF JASON CROWLEY:** Yes.

26 **MR. ERIC BROUSSEAU:** And what happened there?

27 **DEPUTY CHIEF JASON CROWLEY:** That was the first
28 noticeable difference in any of the slow rolls that we'd had.

1 There was a little bit more aggression by the protestors at Mic
2 Mac Park. There was a fair number of them. And that was the
3 first time that, like, officers had to actually disengage some
4 of the protestors, because of the aggression that they showed.

5 **MR. ERIC BROUSSEAU:** Disengage from the
6 protestors?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes.

8 **MR. ERIC BROUSSEAU:** Okay.

9 **DEPUTY CHIEF JASON CROWLEY:** Again, we're trying
10 not to escalate things. We're trying to plan -- you know,
11 knowing what's going on in Ottawa at the time and in Coutts,
12 we're trying not to escalate anything and work with, as all the
13 previous other -- the previous slow rolls, we're trying to work
14 with the protestors.

15 And also at this time, we are also planning for
16 information we had received was for the next morning of a
17 potential gathering at Comber Rest Stop, which is about 25
18 minutes outside of Windsor on the 401. There's a truck stop.
19 And we were potentially planning for this gathering. So we had
20 planned for our surveillance team to go out as well as the OPP.
21 They were going to be there and try and engage the truckers to
22 see what their -- their plan was and their intentions were that
23 morning.

24 **MR. ERIC BROUSSEAU:** Okay. Now, you mentioned by
25 this point you had seen what was going on in Ottawa, so if you
26 can just pause there briefly and tell us what -- up to the 6th,
27 what lessons the Windsor Police Service had taken away from what
28 had been going on in Ottawa for 10 days by then?

1 **DEPUTY CHIEF JASON CROWLEY:** So I think -- to be
2 honest, at this point we were so involved in our planning and
3 what we had been doing, I can't say that there was a -- you
4 know, a lot of takeaways at this point from Ottawa, but
5 certainly we knew about private property, engaging our partners
6 and our business owners at this point about who is willing to
7 have protestors on their property and the other bridge so we
8 didn't have to waste any kind of valuable time in the -- in the
9 moment.

10 Again, dealing with protest leadership was a big
11 one, and also we knew a strong command team had to be set up.

12 **MR. ERIC BROUSSEAU:** Okay. And those are all --
13 you're saying those are all lessons you had taken away from what
14 had been going on for 10 days.

15 **DEPUTY CHIEF JASON CROWLEY:** Yes. So part of it
16 was because of this Emergency Planning Committee that I sit on.
17 A lot of the other police leaders were in Ottawa, you know,
18 could see that -- some of the issues they were going through as
19 we went to planning and things like that, so I realized that
20 this was a large piece of what we needed to accomplish.

21 **MR. ERIC BROUSSEAU:** I'd like to pull up
22 WPS00000221. These are some emails early in the morning between
23 Deputy Chief Bellaire and Chief Mizuno. I'll ask you about
24 them.

25 **DEPUTY CHIEF JASON CROWLEY:** Okay.

26 **MR. ERIC BROUSSEAU:** We're still on the 7th.
27 Chief Mizuno emails Deputy Chief Bellaire:

28 "If we know then they are coming and

1 where from, any thought to stopping the
2 convoy and negotiating some terms before
3 they reach the bridge? It sounds like
4 they want the transports to leave the
5 convoy with everyone following, so there
6 may be an opportunity to try to control
7 it."

8 And then Deputy Chief Bellaire says, "Yes,
9 talking to JC about that exact thing."

10 I assume JC is ---

11 **DEPUTY CHIEF JASON CROWLEY:** Is me, yes.

12 **MR. ERIC BROUSSEAU:** So what can you tell us
13 about his attempts at negotiation the morning that the convoy is
14 descending upon Windsor?

15 **DEPUTY CHIEF JASON CROWLEY:** So this was one of
16 the major differences from Ottawa. Again, we assumed a lot
17 seeing what we had seen here.

18 This is not -- so at Comber that morning, there
19 was some trucks, which there always are going to be trucks at
20 the truck stop, but there was more pedestrian cars than we
21 expected. We had information again that there was convoys
22 sitting in concession roads off the 401 hiding, waiting to join
23 the trip down the 401, which never materialized, but it was
24 something we thought, okay, that's the information. That's
25 what's happening.

26 But the main difference was, it wasn't all semis.
27 It was a lot of pedestrian vehicles, pick-up trucks with flags,
28 and at this point when we were there, we don't know who a

1 protestor is at that point other than, you know, people with
2 flags, for instance.

3 So it was very difficult to even determine who is
4 a protestor and who's just driving down the 401, essentially.

5 So stopping a convoy just wasn't as easy as it
6 sounded.

7 **MR. ERIC BROUSSEAU:** Okay. And I understand
8 that, ultimately, there were sort of multiple groups of
9 protestors that set up in Windsor. Was that apparent at this
10 stage the morning of February 7th?

11 **DEPUTY CHIEF JASON CROWLEY:** I wouldn't say it
12 was as obvious as it became at this point. Like I said, we had
13 very good relationship with the organizer of the slow rolls and
14 that was the first -- that Sunday group was that first different
15 group that we said, okay, there's a different leadership faction
16 here. And in fact, the original slow roll organizer actually
17 pleaded with the other group not to block the bridge, so he --
18 we had to develop that relationship with him to, on our behalf,
19 try and plead with them not to do it.

20 So that's the first, but it wasn't as obvious
21 down the road.

22 **MR. ERIC BROUSSEAU:** And did that original slow
23 roll organizer ultimately participate in the blockade of the
24 bridge?

25 **DEPUTY CHIEF JASON CROWLEY:** I don't believe he
26 did. I just can't say for sure, but I don't believe he did.

27 **MR. ERIC BROUSSEAU:** Now, I'd like to go to
28 WPS000000266. These are emails between yourself and somebody at

1 the RCMP.

2 Kevin McGonigal, I think is the name that you ---

3 **DEPUTY CHIEF JASON CROWLEY:** Yes.

4 **MR. ERIC BROUSSEAU:** --- gave us before.

5 So he is writing to you again the morning of the
6 7th:

7 "Wanted to check in to see how things are
8 going in Windsor this morning. As you are
9 aware, we are being requested to support
10 Ottawa with the situation there. We will
11 have to balance operational response in
12 all of our border points, especially
13 Windsor, Sarnia, Erie, etc. Evaluating
14 what is going on in those locations will
15 assist with our decisions."

16 So I guess my first question is, what sort of
17 pre-February 7th assistance was the RCMP making available, had
18 they made available to the Windsor Police?

19 **DEPUTY CHIEF JASON CROWLEY:** At that point, it
20 was just a connection that was made with Kevin and offering if
21 there's anything they could do, let them know.

22 **MR. ERIC BROUSSEAU:** Okay.

23 **DEPUTY CHIEF JASON CROWLEY:** It was more of an
24 intelligence thing, I think, at that point. We didn't really
25 utilize Kevin McGonigal's services at this point.

26 **MR. ERIC BROUSSEAU:** And there's sort of a
27 reference made to balance operational response. Now, I'm just
28 talking about the convoy protest in general.

1 Did that -- did that play out in the sense of did
2 you see an inability or a reticence or were you told, "We can
3 only send you X number of officers because we've got to police a
4 whole bunch of different protests"?

5 **DEPUTY CHIEF JASON CROWLEY:** M'hm. The police
6 resources were spread very thin throughout the province. It was
7 very clear to me, being as a part of the Emergency Planning
8 Committee, it was quite clear that resources were in high
9 demand, so yes, I saw that quite clearly.

10 **MR. ERIC BROUSSEAU:** I think you told us this
11 summer, and it's in your statement, that you attended a meeting
12 of the Ontario Association of Chiefs of Police Committee that
13 day on the 7th and you were told effectively the same thing,
14 there's a limit to the number of resources that we have for
15 Windsor.

16 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

17 **MR. ERIC BROUSSEAU:** And how about when it came
18 to the OPP? At this stage on the 7th, were you being told the
19 same thing, there's -- you know, we can only give you X number
20 of officers, vehicles?

21 **DEPUTY CHIEF JASON CROWLEY:** Yes. At this point,
22 the bridge had not been blocked, so we were -- you know, we were
23 okay with just having boots on the ground providing traffic, you
24 know, resources at that point. But I had sent Dana Early an
25 email, I believe the night before, or maybe -- maybe this -- on
26 the 7th, asking, "Hey, if things go a bit sideways here, how
27 available is any POU resources?".

28 So that was really my first, again, informal ask

1 just to get an understanding if we need to look that way, what
2 does it look like for you.

3 **MR. ERIC BROUSSEAU:** And what was the response?

4 **DEPUTY CHIEF JASON CROWLEY:** I don't know. I'd
5 have to see the email exactly what the response was. But at
6 this point, Dana was working with us from London still,
7 basically trying to put resources together. I think the
8 response, essentially, was if you need something, we're going to
9 supply it for you.

10 **MR. ERIC BROUSSEAU:** Okay. And I think I've got
11 the email, but tell me if I'm wrong.

12 If we could pull up WPS000000374.

13 This is an email from February 8th. This may not
14 be the one that you're looking for, but you reach out to
15 Superintendent Early and say:

16 "Hi, Dana. I received direction from
17 Orillia to contact you if our blockade
18 occurred and began to get to a point
19 where extra resources may be required.
20 It's relatively manageable. I know your
21 people are very spread out, but my ask
22 at this point is if we were to need POU
23 or PLT down here, what would
24 availability be?"

25 This is the email?

26 **DEPUTY CHIEF JASON CROWLEY:** This is this,
27 correct. Yeah.

28 **MR. ERIC BROUSSEAU:** And again, what -- I don't

1 know that we have a response, not in this thread, but what was
2 the response in terms of availability?

3 **DEPUTY CHIEF JASON CROWLEY:** Again, I think it
4 was if -- you know, let us know what you need and we will try
5 and make arrangements, essentially.

6 **MR. ERIC BROUSSEAU:** And what kind of
7 coordination occurred with the CBSA at this point once the
8 blockade started?

9 **DEPUTY CHIEF JASON CROWLEY:** So at the very
10 beginning of it, we were managing the blockade from our Windsor
11 Police Headquarters in a project room to later in the day, we
12 moved to the EOC and stood it up.

13 At that point is when I expanded the command team
14 and invited CBSA to be a part of the command team.

15 So they supplied personnel at that point to be
16 that direct link with us to CBSA, and they were providing
17 intelligence and any information they had, along with the
18 resource at that point.

19 **MR. ERIC BROUSSEAU:** Which other organisations
20 were part of the Command Team?

21 **DEPUTY CHIEF JASON CROWLEY:** At this point, I
22 would say CBSA was the only external partner that was in the EOC
23 with us. We had expanded our internal resources to include
24 Major Crime at this point. We expanded to include more
25 Intelligence officers, along with the sergeant that was already
26 in the Command Team. And some more resources for logistics
27 because we -- it was growing, we needed some help.

28 **MR. ERIC BROUSSEAU:** Okay.

1 If we could pull up WPS000000235.

2 This is an email with Glenn Miller of the OPP
3 about the availability of the OPP's PLT for Windsor. These are
4 Windsor Police.

5 You can go down to the email at -- there. Sorry.
6 The last paragraph:

7 "As we speak Brad is reaching out to
8 Sgt. Mike Acton, PLT if he could have
9 his resources immediately deployed to
10 Comber as its anticipated those in
11 attendance will be leaving at
12 1000 hrs..."

13 So were the OPP PLT able to reach the protesters
14 before they set up the blockade?

15 **DEPUTY CHIEF JASON CROWLEY:** You know, that's a
16 really good question. I don't recall if they did or not. I had
17 never heard of PLT until this weekend ---

18 **MR. ERIC BROUSSEAU:** Okay.

19 **DEPUTY CHIEF JASON CROWLEY:** --- unbelievably,
20 and I don't recall if they made it or if it was just regular OPP
21 officers discussing intentions with the Comber people.

22 **MR. ERIC BROUSSEAU:** Ultimately, there were OPP
23 PLT deployed to Windsor?

24 **DEPUTY CHIEF JASON CROWLEY:** Yes.

25 **MR. ERIC BROUSSEAU:** And I think you told us this
26 summer that they had some success.

27 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

28 **MR. ERIC BROUSSEAU:** Can you expand upon that or

1 elaborate on that?

2 **DEPUTY CHIEF JASON CROWLEY:** So in those first
3 days, when we were really relying on just essentially, you know,
4 mostly Windsor Police resources, we had some difficulty in
5 negotiating ourselves with all the protesters. Again, we talked
6 about the fraction of leadership and different groups. The PLT,
7 how it was explained to me through local OPP resources, were,
8 you know, they have relationships with a lot of people through
9 different protests across the province. They -- that's their --
10 essentially that's their role to maintain these relationships,
11 and because of that trust is built, and they are able to, you
12 know, basically fulfill their mandate with the negotiations with
13 any kind of demonstration.

14 In this case, they were able to -- and again, it
15 was so dynamic over the first four or five days with lanes
16 closing, lanes opening. I can't tell you times or days, but
17 there was numerous times where lanes were opened and closed, but
18 essentially it was PLT doing that for us. They had also brought
19 in a couple of minor tactics with printed pieces of paper for
20 officers and their notebook for common messaging handouts for
21 the protesters. So it was all about education and communication
22 with them, and they did a fantastic job.

23 **MR. ERIC BROUSSEAU:** Do you know why, when they
24 succeeded in opening a lane or a couple of lanes, those lanes
25 would then subsequently reclose or be blockaded again.

26 **DEPUTY CHIEF JASON CROWLEY:** Yes. So we had the
27 -- we were monitoring many open sources for Intelligence. We
28 actually heard a lot of the conversation from the protesters

1 about their conversations about the police on a Zello app, and -
2 - so that was part of it.

3 We could hear the infighting. So somebody would
4 negotiate a lane open and someone else would step up and say,
5 "no way we're giving -- we're not giving this to the police",
6 and their people would come and clog it up. And then we would
7 hear that right on ground as well. So it was quite obvious that
8 the leadership was not -- there was no solidarity there for
9 sure.

10 **MR. ERIC BROUSSEAU:** Yeah. Now, I want to move
11 ahead to the evening of February 7th, and there's an event that
12 happens on the property of Assumption High School.

13 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

14 **MR. ERIC BROUSSEAU:** Can you describe that for
15 us?

16 **DEPUTY CHIEF JASON CROWLEY:** So if I could just
17 back up to the Monday. One of my first questions was, again,
18 when it comes down to lessons from Ottawa, knowing that the tow
19 truck companies did not want to participate with the Ottawa
20 Police or help them that was one of my first questions. Are --
21 we have a contract with the company in Windsor, and my -- to
22 Inspector Crosby, I remember asking her, are they onboard? And
23 she said she already had asked that question, and they were.

24 So that was good news to us. And that first
25 night, again, the -- we were trying to keep protesters off of
26 private property and Assumption High School is, as the Mayor
27 said, right in the protest area on Huron Church, between
28 Tecumseh and College. We started seeing protest vehicles go

1 into the school property parking lot, and we went over there to
2 discuss with them to, you know, "You're not welcome here. We've
3 already talked to the Board, you're not welcome, it's time to
4 go." And we kind of gave them an ultimatum, saying, "Listen,
5 you have 10, 15 minutes to move. We're going to tow you."

6 So we held the tow trucks back out of sight as
7 best we could, again, not wanting to escalate things, you know,
8 and somebody spotted one of the tow trucks. And we had some
9 altercations, or sorry, not altercations, some of the protesters
10 came out of their cars with tire irons, and we were at times,
11 not only on this occasion but almost outnumbered in getting
12 swarmed a little bit, and again, having our officers have to
13 disengage to not escalate. So then they ended up moving after
14 some negotiation. But that was the Assumption High School
15 incident.

16 **MR. ERIC BROUSSEAU:** Okay. And just jumping
17 ahead a bunch in the story, but you mentioned wanting to keep
18 protesters off private property as something that you had
19 learned from the experience in Ottawa.

20 **DEPUTY CHIEF JASON CROWLEY:** Yes.

21 **MR. ERIC BROUSSEAU:** And once the blockade was
22 cleared, my understanding is there was a decision made, within
23 the Windsor Police Service, not to set up an alternative protest
24 site on private property or sort of away from Huron Church Road,
25 and that that was also sort of a lesson drawn from Ottawa.

26 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

27 **MR. ERIC BROUSSEAU:** So can you tell us, what
28 that lesson is and why that decision was made?

1 **DEPUTY CHIEF JASON CROWLEY:** So under the
2 *Trespass of Property Act*, we cannot remove someone from private
3 property without -- we act as an agent for the owner. If they
4 are not -- if they're willing to have someone go to their
5 property and not be removed, then the police are -- have no
6 authority there to remove them.

7 So we did not want to give any kind of, you know,
8 spot for the protesters to basically congregate. Essentially
9 right there at Tecumseh Road, we have very large parking lots,
10 there is a grocery store and numerous a mall essentially, so
11 it's a very big parking lot. So that could've really led to
12 some -- you know, another protest area, essentially, plus we had
13 smaller businesses of the cab company, all these places, that we
14 just did not want to interfere with business anymore than we
15 already had and keep things under control.

16 **MR. ERIC BROUSSEAU:** Okay. So there was no
17 option to continue protesting in the way that had been the case
18 once the blockade was cleared?

19 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

20 **MR. ERIC BROUSSEAU:** Yeah. Sort of going back in
21 time to the establishment of the blockade, can you tell us how
22 that unfolded the evening of the 7th?

23 **DEPUTY CHIEF JASON CROWLEY:** So we had carried
24 through with the plan that we had talked about with trying to
25 control the intersection of College and Huron Church, which is
26 the first intersection south of the entrance to the bridge. And
27 what we did we established control of it with traffic officers,
28 our traffic enforcement officers, by basically just letting two

1 or three cars go at a time, and if they went on the bridge and
2 crossed then we'd let another two or three. So that's how we
3 controlled for quite a while, actually. Same with coming off
4 the bridge, we would try and do that best we can -- we could.

5 And then I think doing that for sometime, it was
6 frustrating. The protesters, again we were listening to open
7 source media, and they were getting frustrated with us. So I
8 think the comment was one of them basically said, "I wonder what
9 happens if I just stop my truck right here in the southbound
10 lanes?" And that's what happened. Best truck stopped, a pickup
11 truck stopped, I would say 200, 300 metres south of College,
12 another one stopped and another stopped, and the next thing you
13 know all three lanes were blocked, and that's how it started.

14 So from there, the traffic started to block up or
15 clog up very quickly, and within probably 20 minutes there was a
16 line of semi-trucks that were just regular commuters for
17 industry creating a line of trucks miles into Detroit and
18 Michigan. So that's how it started.

19 **MR. ERIC BROUSSEAU:** And I understand early in
20 the blockade a number of trucks were sort of stranded on the
21 bridge; is that right?

22 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

23 **MR. ERIC BROUSSEAU:** How were they cleared? How
24 and why?

25 **DEPUTY CHIEF JASON CROWLEY:** so the why would be,
26 you know, people were stuck on this bridge for hours. The
27 bridge is almost a hundred years old. So we were worried about
28 structural integrity of the bridge. We were worried about

1 commerce. We were worried about people having no, you know,
2 food, water, you know, washrooms, being up on the bridge. We
3 wanted to get that bridge cleared off.

4 So the how was very difficult. So, again, the
5 geography of the bridge, there's one main entrance that comes
6 out onto Huron Church Road, which is southbound. There is a
7 secondary entrance -- or exit, sorry. If I said entrance the
8 first time, I meant exit. There's a secondary exit that turns
9 to the west and goes up a small road, part of Huron Church
10 beside the bridges towards Wyandotte. And then the only other
11 access to the bridge is off of Wyandotte Street. It's an
12 entrance.

13 So at that point, again, very dynamic. There was
14 blockages at all three at times. So we were -- at points, we
15 were using an entrance on the north side of the bridge for
16 exiting. We were trying to get out that secondary exit, which
17 wasn't possible because cars and trucks had clogged that small
18 section of Huron Church just west of the bridge almost
19 instantly. There was a decision made at one point by myself to
20 allow trucks access to College westbound, which I didn't want to
21 do because that was out emergency route for fire, because they -
22 - their fire station is just east of Huron Church. And if
23 protesters clog College, we were in a bad way. But there was no
24 -- there was just no other decision to make at that point. We
25 literally had to do what we could to clear that bridge.

26 So, and again with negotiations through all that
27 to allow us to essentially, you know, open this part, open that
28 part, to eventually clear the bridge, and I think the bridge was

1 cleared of traffic by about 10:20 at night. So they were up
2 there a while.

3 **MR. ERIC BROUSSEAU:** I want to pull up
4 WPS000000356. This is an email from February 7th and it's
5 regarding the Ambassador Bridge Corporation and the President of
6 the Corporation. So you're not on it, but Gary Williams sent an
7 email to looks like Mem Murphy. I don't know if you know who
8 that is.

9 **DEPUTY CHIEF JASON CROWLEY:** Marc Murphy is an
10 inspector ---

11 **MR. ERIC BROUSSEAU:** And it's essentially
12 relaying a conversation that Gary Williams had with the
13 President of the Ambassador Bridge Corp., and Marc says,
14 "I will forward to degraaf and Crowley
15 to deal with. Thanks for the heads
16 up."

17 So first of all, did you get that email and sort
18 of deal with it?

19 **DEPUTY CHIEF JASON CROWLEY:** I don't know if I
20 got this email, but I definitely got a message, either directly
21 from Murphy or from our Communications Centre, our 9-1-1 Centre,
22 that this call was coming in to them as well. The bridge
23 company wasn't happy with us. I think they thought we were
24 blocking the bridge, and we were just trying to tell them we are
25 doing the best we can. And my question to them was, "Have you
26 stopped letting trucks on the bridge?" Because that just
27 wouldn't help us to continue to let trucks on the bridge. So at
28 some point, they started routing traffic to the Bluewater

1 Bridge, which at this point, they had no issues there so.

2 **MR. ERIC BROUSSEAU:** Do you know why they thought
3 Windsor Police was blocking the bridge?

4 **DEPUTY CHIEF JASON CROWLEY:** I don't have a clue.

5 **MR. ERIC BROUSSEAU:** And how -- was this your
6 only sort of contact with the company or did the Ambassador
7 Bridge Corporation, you know, weigh in or sort of get in touch
8 with the Windsor Police throughout that week?

9 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I can't say.
10 I didn't have anymore conversation or contact with the bridge
11 company at that point. That was my only contact with them.

12 **MR. ERIC BROUSSEAU:** Okay. Do you know if anyone
13 -- do you know if Chief Mizuno or Deputy Chief Bellaire did?

14 **DEPUTY CHIEF JASON CROWLEY:** No, I don't.

15 **MR. ERIC BROUSSEAU:** No. And how about just,
16 again, generally speaking, other interests, unions, there was
17 some evidence this morning about Stellantis, this new EV battery
18 manufacturer, I think, but what was the sort of economic
19 pressure like from the businesses in Windsor?

20 **DEPUTY CHIEF JASON CROWLEY:** So being the EOC, I
21 mean, we were approximately 10 kilometres away from the bridge.
22 So, like, I was getting reports, but to be all honesty, the
23 pressure that we felt, just knowing the impact of what was going
24 on in the EOC was enormous pressure. We felt that we wanted to
25 do more but we were so handcuffed at this point with what was
26 going on. But certainly, you know, just reports in mainstream
27 media and the economic impacts, we knew it was humungous. It
28 was just giant.

1 **MR. ERIC BROUSSEAU:** So is it fair to say, I
2 mean, you were aware from reading the news that this was having
3 an impact, but you weren't personally aware of pressure being
4 inserted on the Windsor Police Service to ---

5 **DEPUTY CHIEF JASON CROWLEY:** No, that was not in
6 my realm at that point, but growing up in Windsor, I grew up my
7 whole life, I understand that the essence of what -- how
8 important that bridge is to our community and our country, to be
9 honest. So it's not lost on me the impact that that would have.

10 **MR. ERIC BROUSSEAU:** Okay. I'd like to go to
11 WPS000000609. So move ahead to Wednesday, February 9th. This is
12 an email from you to Jen Crosby and Inspector DeGraaf, saying,

13 "I was asked by Jay to put something
14 together to present to the OPP for a
15 request for 100 officers to assist and
16 include how, why, what, etc[etera]..."

17 And further down in that paragraph,

18 "The 100 officer request does not
19 include POU."

20 And so the attachment, which is the next number
21 610, and then so what I assume when you say I was asked by Jay,
22 that's Deputy Chief Bellaire?

23 **DEPUTY CHIEF JASON CROWLEY:** No, I think that was
24 me.

25 **MR. ERIC BROUSSEAU:** Sorry, I think you were
26 writing that. If we can just pull that back up?

27 **DEPUTY CHIEF JASON CROWLEY:** Oh, sorry; was I?

28 **MR. ERIC BROUSSEAU:** You were writing that -- you

1 sent that email.

2 **DEPUTY CHIEF JASON CROWLEY:** Okay. Sorry. Then
3 that would be Deputy Chief Bellaire at the time, yes.

4 **MR. ERIC BROUSSEAU:** And so you -- you're the one
5 who spearheaded kind of putting together, okay, here's the
6 numbers we're going to request and here's how they're going to
7 be used; is that right?

8 **DEPUTY CHIEF JASON CROWLEY:** Yes. The background
9 of that actually was before the -- sorry, that was on the 9th.
10 Before that, I had received a call on the 8th at about 6:30 in
11 the morning from Superintendent Mike McDonell from the OPP, who
12 I was a colleague with on the Emergency Preparedness Committee.
13 And he obviously had seen on the news what was going on, and he
14 asked me what we needed. And I just told him, "We need some
15 bodies."

16 So his ask to me was -- and this was over time.
17 This was not on that first conversation. He said he would talk
18 to the Commissioner. But again, informal request here; right?
19 This is a Superintendent asking another Superintendent. It's an
20 informal request. So within time, he gets back to me and says,
21 "I need a plan of what you're going to do with 100 officers."
22 And I understood that just to ask for a hundred officers, so I
23 put together a very generic plan, considering there was 2 -- you
24 know, 24-hour coverage, 2 12-hour shifts, essentially, and we
25 are also policing a very busy city with our own resources and
26 resources for the bridge. So that was really my ask and I put
27 together this very generic plan for them.

28 **MR. ERIC BROUSSEAU:** Okay. And just so I -- I

1 want to make sure I understood correctly, it was McDonnell who
2 suggested the hundred officer figure to you?

3 **DEPUTY CHIEF JASON CROWLEY:** No, he asked me what
4 we needed, and, you know, just literally doing the quick math
5 kind of right there, I said, "I could probably use a hundred
6 officers." But he asked me for a plan. "Well, I need to know
7 what you need a hundred officers for." I said, "No problem."

8 **MR. ERIC BROUSSEAU:** Okay. And so this document
9 that we're looking at on the screen is -- was the plan for how
10 you're going to use the hundred officers?

11 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I think so,
12 yeah.

13 **MR. ERIC BROUSSEAU:** And if we could just scroll
14 down, just so you see all of it.

15 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I would say it
16 is, yeah.

17 And this is being put together with not knowing
18 anything about the OPP's collective agreements, what shifts they
19 worked, what -- you know, I came to found out over -- find out
20 over time how this is very normal for them, and they all expect
21 deployments like this. And, you know, this is very normal. So
22 but this is at a time where I -- you know, I'm trying not to
23 step on another organization's collective bargaining agreement,
24 and to try and, you know, satisfy our needs as well so.

25 **MR. ERIC BROUSSEAU:** We saw in the covering email
26 that this doesn't include POU Units. Why would you have left
27 those out of this request?

28 **DEPUTY CHIEF JASON CROWLEY:** I think this was

1 still fairly early in the sense of this conversation happened
2 essentially less than 24 hours after the bridge was locked. So,
3 again, our plan at the time was to negotiate. We had set up a
4 perimeter and to negotiate with them. And at the time, this is
5 -- we thought hopefully we could get there at the end of it
6 through negotiation. Again, not trying to escalate anything,
7 but that's why, you know, my background told me three days
8 before to ask Dana, "Hey, if it goes this way, what are we
9 looking at?" But that was not in the plan yet, and again,
10 knowing what was going on here and in Toronto.

11 **MR. ERIC BROUSSEAU:** And so this exchange is
12 between -- this arises as a result of your discussion with Supt.
13 McDonnell but you're aware, on the same day, Chief Mizuno sent
14 letters to Minister Jones, the Solicitor General in Ontario, and
15 to Bill Blair, Minister Blair; correct?

16 **DEPUTY CHIEF JASON CROWLEY:** I was not aware of
17 that at that time.

18 **MR. ERIC BROUSSEAU:** Okay.

19 **DEPUTY CHIEF JASON CROWLEY:** I -- in preparing
20 for this, I found that out, and I'm assuming that that ask was
21 the formal ask because of this. But I can't confirm that. I
22 don't know.

23 **MR. ERIC BROUSSEAU:** So -- and again, just so we
24 understand, on February 9th, Chief Mizuno did not consult you or
25 make you aware that she was writing to those two politicians
26 asking for 100 officers.

27 **DEPUTY CHIEF JASON CROWLEY:** I don't recall that
28 she did, no.

1 **MR. ERIC BROUSSEAU:** Okay. Now, if we could pull
2 up WPS000000827. And so apart from seeing the letters, do you
3 remember any discussion with Chief Mizuno or Deputy Chief
4 Bellaire at the time about those -- that correspondence to
5 Sylvia Jones or Bill Blair?

6 **DEPUTY CHIEF JASON CROWLEY:** No, I don't recall
7 that at all. I -- I was sending situation reports to them
8 regularly, and there may have been conversations back and forth,
9 but I don't recall them, to be honest.

10 **MR. ERIC BROUSSEAU:** So I'm showing you an email,
11 and again, you're not on this email, but it's an email in which
12 Commissioner Carrique of the OPP is writing to Commissioner
13 Lucki of the RCMP, and it's subsequent to Chief Mizuno's emails
14 -- letters to the ministers. It says:

15 "Chief Pam Mizuno and I had an
16 opportunity to discuss the attached
17 correspondence. Currently, Windsor
18 Police does not require the deployment
19 of additional police officers from the
20 OPP or the RCMP."

21 And so what I'm trying to understand is, do you
22 know why the about-face? I mean that morning, Chief Mizuno had
23 said, "We need 100 officers," sent the letters directly to the
24 ministers, and then that evening, it's -- according to
25 Commissioner Carrique's email, it's -- everything's fine.

26 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I can't
27 explain this. I did not know about this when it happened. I
28 mean, if you look at the time, it's 11:20 at night on the 9th. I

1 was working straight midnights at point and if I would have
2 known this at the time -- you know, I understand there was mass
3 confusion to a situation that we have never dealt with. So I
4 can't explain this email. I did not know about it at the time.

5 **MR. ERIC BROUSSEAU:** Okay. And we heard this
6 morning from Mayor Dilkens that there might have been some issue
7 or confusion over going to the OPP and the RCMP, and that the
8 proper channel is to go to the OPP first. Was that something
9 that you were made aware of around this time?

10 **DEPUTY CHIEF JASON CROWLEY:** No, but the *Police*
11 *Services Act of Ontario* is quite clear, that is we can't provide
12 our own, for instance, in this case, public order unit, we need
13 to go to the OPP, and our directive, our policy, says that as
14 well, so.

15 **MR. ERIC BROUSSEAU:** Thank you, Deputy Chief.
16 Commissioner, as I believe you know, the balance
17 of the examination will be completed by my colleague, Guillaume.
18 I don't -- we're sort of 15 minutes prior to the break; I don't
19 know if you'd like Guillaume to start now or take the break
20 early.

21 **COMMISSIONER ROULEAU:** Yeah, this might be a good
22 time to take a break, then, if you're going to change counsel,
23 then. So we'll take the afternoon break for 15 minutes.

24 **MR. ERIC BROUSSEAU:** Thank you, Deputy Chief.

25 **THE REGISTRAR:** The Commission is in recess for
26 15 minutes. La Commission est levée pour 15 minutes.

27 --- Upon recessing at 3:45 p.m.

28 --- Upon resuming at 4:01 p.m.

1 **THE REGISTRAR:** Order. À l'ordre. The
2 Commission is reconvened. La Commission reprend.

3 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS-GINGRAS:**

4 **MR. GUILLAUME SIROIS GINGRAS:** Good afternoon.
5 I'm Guillaume Sirois, Commissioner Counsel. I will be leading
6 from the events of February 10th. In the morning of February
7 10th, this is when Supt. Dana Earley from the OPP arrived in
8 Windsor?

9 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

10 **MR. GUILLAUME SIROIS GINGRAS:** I would like to
11 pull up WTS.00000022. While it's being pulled up, I'll just
12 summarize what's mentioned. That's Dana Earley's witness
13 summary. At page 3, the second paragraph at the top, she
14 mentions that, upon arriving in Windsor, Dana -- or Supt. Earley
15 engaged in discussions with the Windsor Police Command team,
16 including Deputy Chief Bellaire, and that during those
17 discussion, Deputy Chief Bellaire told her that WPS welcome
18 OPP's assistance, understood that OPP had more experience
19 policing blockades and protests that WPS, and understood that
20 all operational decisions needed to come through Supt. Earley.
21 Is that -- were you present during these discussions?

22 **DEPUTY CHIEF JASON CROWLEY:** I was not present
23 during these sessions. I was working midnights at this point.
24 Karel Degraaf our critical incident commander on days, but I was
25 not present during this, no.

26 **MR. GUILLAUME SIROIS GINGRAS:** And were you
27 informed about the content of these discussions afterwards?

28 **DEPUTY CHIEF JASON CROWLEY:** No. I mean -- so

1 Dana Earley came with numerous resources. It was clear that the
2 Windsor Police, to all of our admission, had no experience in
3 public order. So it was my understanding right from the
4 beginning that Dana and her team was in charge of the public-
5 order response as well as numerous OPP resources. So that would
6 just -- my understanding was we would be forming a unified
7 command team.

8 **MR. GUILLAUME SIROIS GINGRAS:** And was this
9 understood prior to Supt. Earley's arrival or once she arrived?

10 **DEPUTY CHIEF JASON CROWLEY:** I would say before
11 she arrived. That was the intention. We did not have that
12 experience, and we were asking for help, essentially.

13 **MR. GUILLAUME SIROIS-GINGRAS:** So it was -- just
14 to make sure I understand correctly -- it was OPP -- sorry, WPS
15 command's position that OPP should take over the event in
16 Windsor?

17 **DEPUTY CHIEF JASON CROWLEY:** No, that was not my
18 understanding. I was never told that. My understanding was
19 unified command of which again -- so in my experience, before I
20 was a Critical Incident Commander and as a Critical Incident
21 Commander, when you have multi-jurisdictional command and
22 unified command in that multi-jurisdictional command, there are
23 times to step forward as a Critical Incident Commander and there
24 are times to step back, and that's what unified command is.

25 We learned through this process that Supt.
26 Earley's command was -- she was in command of public order
27 response, was in command of OPP resources. Those were the times
28 she stepped forward, and there was operational times when the

1 Windsor Police would step forward, be it myself or Inspector
2 Karel DeGraaf.

3 **MR. GUILLAUME SIROIS-GINGRAS:** So you would say
4 that OPP was in charge of the POU response and PLT perhaps, and
5 WPS maintained control of the overall operation?

6 **DEPUTY CHIEF JASON CROWLEY:** It was, again, this
7 unified command. I can't say anyone was in charge of the
8 overall operation. Unified command, there is consultation that
9 goes on. Like, for instance, even the POU plan where Supt.
10 Earley was clearly in charge of the POU plan, she consulted us
11 on it after it was done. She would consult us, any issues, any
12 logistical issues, any Windsor issues. So that's -- that is the
13 true meaning of unified command.

14 So this, I was not part of those discussions, so
15 that was not my understanding.

16 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. So in the
17 same paragraph, we see that Supt. Earley later called Craig
18 Abrams and informed him that Windsor has told us -- us being OPP
19 --this is now ours.

20 And Supt. Earley explained that she meant that
21 OPP was in charge and that WPS will be working alongside OPP.
22 That's not your understanding of how it took place?

23 **DEPUTY CHIEF JASON CROWLEY:** Well, I agree with
24 the working alongside. Yes, it's 100 percent, I agree with
25 that.

26 I don't know about this. I was never informed of
27 this. I would say that yes, we worked alongside each other and
28 again, that concept of stepping forward and stepping back in

1 unified command was present right from the immediate arrival of
2 Supt. Earley and her team. And I would also say that Windsor
3 Police was always the police of jurisdiction. We never were not
4 the police of jurisdiction through this event.

5 **MR. GUILLAUME SIROIS-GINGRAS:** I think we can
6 come back to the witness summary later on, but I would like to
7 pull up WPS00000002 at page 27, because I think I just want to
8 understand who was taking decisions and who was giving advice
9 and so on in their command structure, because I understand that
10 the idea of coming forward and giving some space to the other
11 command, but I just want to make sure I understand properly how
12 this works in practice.

13 **DEPUTY CHIEF JASON CROWLEY:** Okay.

14 **MR. GUILLAUME SIROIS-GINGRAS:** And that -- this
15 is a document that -- the debrief. Do you recognize this?

16 **DEPUTY CHIEF JASON CROWLEY:** Yes, I do.

17 **MR. GUILLAUME SIROIS-GINGRAS:** This is something
18 that you prepared?

19 **DEPUTY CHIEF JASON CROWLEY:** It's not my
20 document, no.

21 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. But it was
22 prepared after the Freedom Convoy events to make a debrief of
23 the events and recommendations moving forward?

24 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

25 **MR. GUILLAUME SIROIS-GINGRAS:** And if we can go
26 at page 27, please?

27 On the right table, it's the -- it's point 4. It
28 says, under "CIC Takeaway" -- CIC, I understand, is Critical

1 Incident Command -- we see at point 4:

2 "Needed WPS to be more engaged with
3 collaborating on operational plans.
4 WPS members have best idea of the area
5 and implications of decisions and
6 should be embedded in decision making
7 matrix."

8 **DEPUTY CHIEF JASON CROWLEY:** So this document was
9 -- there's a lot of opinion in this document. The way it was
10 prepared, the superintendent that was in charge of this document
11 of preparing it essentially sent out opinion papers to all our
12 subject matter experts within our service, and this -- I don't
13 know where that came from. It didn't come from me, but
14 certainly, that was just part of a recommendation that somebody
15 felt that, you know, was legitimate.

16 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. Maybe we
17 can talk a little bit about the command table that was formed by
18 Supt. Earley. Do you recall that command table?

19 **DEPUTY CHIEF JASON CROWLEY:** Yes, very well.

20 **MR. GUILLAUME SIROIS-GINGRAS:** Can you just
21 explain how it worked and who from the WPS was on the command
22 table, what was their role, and so on?

23 **DEPUTY CHIEF JASON CROWLEY:** So prior to the OPP
24 command team arriving, we had our command table. Supt. Earley
25 came with her command table, which essentially, in the
26 positions, kind of mirrored ours.

27 But -- so her team arrived on the 10th, and
28 immediately, that team was inserted in our command table

1 effortlessly, seamlessly. So she had a scribe, as I had a
2 scribe. She had another inspector involved in logistics. She
3 had a boardsperson that is in charge of all the whiteboards with
4 all the information on it that we -- that is changing throughout
5 the event.

6 Essentially, it was the very same setup, a very
7 similar setup than we had. But the day they came in, they had
8 some recommendations on the actual layout of our EOC which were
9 taken into consideration immediately, things like more boards,
10 you know, things like that.

11 So those were taken care of right away, but after
12 that, they hit the ground running with us, and there was -- it
13 was a seamless transition, to be honest.

14 **MR. GUILLAUME SIROIS-GINGRAS:** So it's fair to
15 say that your initial command table just merged with theirs?

16 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's what I
17 would say.

18 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. More -- on
19 the same topic but more narrowed on the Critical Incident
20 Command questions -- we can remove that PowerPoint, by the way -
21 - just specifically on the Critical Incident Command structure
22 and how it works, we understood from previous testimony that the
23 CIC's purpose was to give autonomy to the CICs to take decisions
24 on the go and to have their own autonomy and so on. I'm
25 wondering how did it work with Dana Earley, Supt. Earley being a
26 Critical Incident Commander for the same incident that you and -
27 - that you were?

28 **DEPUTY CHIEF JASON CROWLEY:** So again, that

1 shared or unified command in stepping forward and stepping back.
2 So for instance, a perfect example is the POU response. Supt.
3 Earley put that plan together with her team, consulted us after.
4 There were other times, for instance -- and I don't want to jump
5 ahead too often or too much -- but on the Saturday night, for
6 instance, there was a bomb threat. It was a tactical call. I
7 stepped up and took a lead on that.

8 So those are the kind of things -- you know, and
9 again, even if I'm making decisions at that bomb threat, Dana
10 was right next to me. We were talking about decisions as
11 they're made, you know, because that's that shared command.

12 So that's kind of the dynamic, if that helps.
13 But that's the model.

14 **MR. GUILLAUME SIROIS-GINGRAS:** Yes, this provides
15 a lot of clarity. Thank you.

16 Maybe we can jump to February 11th, about the
17 approval of the operational plan. We can pull up the
18 operational plan, just to refresh your memory. It's WPS1440
19 page 2. That's not the operational plan itself, but it's an
20 email that presents the operational plan. I'm wondering -- it
21 says that it's Inspector Younan who was in the planning team
22 under Inspector -- under Supt. Earley, and the emails were about
23 the plan. And he says:

24 "Please reply all with your approval of
25 the plan so that our municipal partners
26 have the recorded approval."

27 I just want to understand why it was necessary to
28 have the approval recorded for your purposes?

1 **DEPUTY CHIEF JASON CROWLEY:** So the part of Dana
2 Earley's team was the Public Order Commanders, so that would be
3 Jason Younan, Inspector Younan and Angela Ferguson. The two
4 inspectors were in charge of their OPP Public Order Units. They
5 would come up with the plan because they're the subject matter
6 experts. Just like in any critical incident, that's what a
7 Critical Incident Commander relies upon, their subject matter
8 experts to come up with a plan, and then within the framework of
9 Critical Incident Command, the Commander will either approve it
10 or not approve it. May have questions about it, may have -- you
11 know, may suggest things that may be added or deleted. But
12 essentially, they have questions -- they'll be able to approve
13 or not approve that plan.

14 So it wasn't -- as a Critical Incident Commander,
15 it's not Supt. Earley's job, or even maybe not even her subject
16 matter expertise to physically make that plan. So that's why it
17 has to be approved by the Critical Incident Commander, because
18 the CIC is essentially in charge of every decision that's being
19 made in that Command Team.

20 **MR. GUILLAUME SIROIS-GINGRAS:** And that's why you
21 had to have her approval for your records?

22 **DEPUTY CHIEF JASON CROWLEY:** Yes, because -- in
23 that planning team though, there was other POUs involved. We
24 had other municipalities in that Public Order Unit. So the
25 Public Order Commanders have come up with this plan. They send
26 it to Supt. Earley, because that's who is in charge of the
27 Public Order Plan, and then she approves it, and in that process
28 of approval, she consults with Insp. Degraaf, myself, whoever

1 was there and, you know, "Is there any concerns?

2 **MR. GUILLAUME SIROIS-GINGRAS:** Excellent. Can we
3 pull up OPP00004557? I understand this is the Overall
4 Ambassador Bridge Operational Plan. I just have a few questions
5 on it.

6 I'm wondering, it took only two days, in fact, to
7 come up with that plan. Do you have any insight to why it was
8 so quick?

9 **DEPUTY CHIEF JASON CROWLEY:** This is why you rely
10 on your subject matter experts. So, you know, this planning
11 informally starts with those first few phone calls and emails to
12 Supt. Earley, you know, "Hey, we might need some Public Order
13 help." So the situational reports were going to her and her
14 team before they even came to Windsor. So they knew the
15 geography, they knew what was going on with us, they knew what
16 was happening with the protestors. So when they get there,
17 subject matter experts can work very quickly to come up with a
18 plan to essentially clear the bridge. And that's what happened.

19 **MR. GUILLAUME SIROIS-GINGRAS:** And on February
20 11th as well, not only the plans were approved, but the Province
21 declared a State of Emergency under the MCPA and there was a
22 civil injunction that went into effect?

23 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

24 **MR. GUILLAUME SIROIS-GINGRAS:** That's quite a
25 busy day.

26 **DEPUTY CHIEF JASON CROWLEY:** Yes, it was a very
27 busy day, actually. It was.

28 **MR. GUILLAUME SIROIS-GINGRAS:** Did either of

1 those, either the Declaration of Emergency, or the injunction,
2 have any effect on the plan or the operation itself?

3 **DEPUTY CHIEF JASON CROWLEY:** I would say the
4 injunction was impactful for us. It allowed -- obviously, just
5 another tool for us during the whole planning of everything.
6 But it allowed us to really focus on exterior or perimeter
7 roads, as opposed to just Huron Church. So if there was parking
8 -- and, you know, that came into play later. But towing cars
9 off of side streets. That was -- the injunction was very
10 helpful for things like that. It was another tool. Plus, of
11 course, it was another charge that we would be able to lay if we
12 had arrested anybody.

13 The Emergency for the -- under the EMPCA really,
14 I don't think, was much of a consideration for us for this plan.

15 **MR. GUILLAUME SIROIS-GINGRAS:** So I understand
16 that charges were laid under the breaking of court order
17 criminal offence ---

18 **DEPUTY CHIEF JASON CROWLEY:** Yes.

19 **MR. GUILLAUME SIROIS-GINGRAS:** --- under the
20 *Criminal Code*. Do you know if there were -- these charges were
21 laid during the operation or afterwards?

22 **DEPUTY CHIEF JASON CROWLEY:** Well, the rest were
23 made during Public Order action on the 12th and 13th, and the
24 subsequent charges were laid after that. Like, you know, the
25 investigators then take the files and lay the information
26 subsequent to the arrests.

27 But prior to the injunction, we already had
28 reasonable grounds for criminal mischief. Like I said, the

1 injunction was simply another charge that we would be able to
2 lay on the protestors upon arrest.

3 **MR. GUILLAUME SIROIS-GINGRAS:** And I would like
4 to move to the operation itself. I think we can remove that --
5 the plan.

6 You explained in your witness summary that there
7 was, perhaps, around 730 officers that participated in the
8 operation and approximately 500 OPP officers that were present?
9 Is that ---

10 **DEPUTY CHIEF JASON CROWLEY:** Those are
11 estimations. I think my point, I was never involved in the
12 scheduling. I was involved in some discussions with the
13 officers we had scheduling out of our training branch. It was
14 hectic. We had people reporting that we didn't know were
15 reporting and, I mean, you can imagine the logistical -- you
16 know, it was very difficult for our schedulers.

17 So those were estimations, judging by what we
18 knew the OPP had sent and other municipalities had sent us.

19 **MR. GUILLAUME SIROIS-GINGRAS:** And do you have
20 any understanding or insight about why so many officers were
21 sent in the end, despite the fact that only 100 officers were
22 asked at the beginning?

23 **DEPUTY CHIEF JASON CROWLEY:** I really don't have
24 that information. I think that's probably better directed at
25 the OPP. But I would say, like, from my point of view, the 100
26 -- the original ask of 100 officers was simply an initial
27 response to the beginnings of the blockade. The blockade grew
28 enormously throughout the week and it really peaked on the

1 Saturday night to really, and I call it the highest point of
2 incivility that I've seen in a long time. So I would say that's
3 probably why. The number of officers, the conditions we were
4 working in, it was cold, the snow, Public Order had done their
5 thing that morning on the Saturday. They started their action.

6 So I would say just -- and then they were -- I
7 wouldn't say that there were 700 officers at one point. I would
8 say there was probably in and out, because there was officers
9 going from Windsor to Ottawa and to Toronto and to all these
10 other things. They were in and out and almost interchangeable
11 at times, from my understanding anyways.

12 **MR. GUILLAUME SIROIS-GINGRAS:** And what was WPS'
13 role during the operation itself? You mentioned a bomb threat.
14 Was there any other things?

15 **DEPUTY CHIEF JASON CROWLEY:** Well we were side-
16 by-side with OPP, and RCMP, and, you know, other municipal
17 officers. So we would have, say, like, for instance, it came up
18 earlier about swearing RCMP officers in. So before we could
19 swear the RCMP officers in for provincial legislation, we would
20 have to pair them with a municipal officer or an OPP officer to
21 ensure that they would have those abilities to enact provincial
22 offences.

23 So we had -- at times, we had an OPP cruiser with
24 two Windsor Police officers in it. Like, it was just -- it was
25 shared resources for perimeter control, for any kind of uprising
26 that we might need, like the bomb call, or we had an abandoned
27 house fire at one point in the area. So these are the kind of
28 things that we were trying to manage that perimeter with the

1 boots on the ground, those initial officers other than POU.

2 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. And the
3 operation lasted from the February 12th to the 13th?

4 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

5 **MR. GUILLAUME SIROIS-GINGRAS:** And would you
6 consider the operation a success?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes, I would
8 consider it very successful. We had -- eventually, I think we
9 charged 44 people. I think that was the number. We had no
10 injuries, no property damage, and we were able to clear that
11 bridge relatively quickly, in my book anyways.

12 **MR. GUILLAUME SIROIS-GINGRAS:** And now moving on
13 from the operation, on February 13th, I understand that WPS, the
14 Windsor Police, and the OPP both adopted a Joint Traffic Plan?

15 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

16 **MR. GUILLAUME SIROIS-GINGRAS:** We can pull up the
17 plan, if possible. It's WPS0000711 at page 2.

18 So the goal of that plan was to prevent a further
19 blockade?

20 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

21 **MR. GUILLAUME SIROIS-GINGRAS:** And if we go at
22 page 2, there's that mission statement, which is basically the
23 same of the February 9th operational plan, about maintaining --
24 establishing and maintaining a safe flow of traffic respecting
25 individuals' *Charter* Rights.

26 If we move -- yeah, it's here as well. The
27 Immediate Action Plan, it says what you mentioned, that:

28 "If members observe an imminent highway

1 blockade and form reasonable grounds an
2 offence is about to be committed, officers
3 will intervene to prevent a blockade if
4 it is safe to do so."

5 I'm just curious as to how both interact,
6 preventing a blockade and respecting individual's *Charter* rights
7 and freedom?

8 **DEPUTY CHIEF JASON CROWLEY:** So at this point,
9 when we had control of the area through jersey barriers and
10 police presence, we had no problems with protesters that were
11 still in the area on sidewalks, and there wasn't very many of
12 them, but there were a handful, mostly up at the Tecumseh Road
13 area at Huron Church, and that was okay. So that's -- that was
14 still respecting people's right to come out and protest on the
15 sidewalk. We don't want you to block critical infrastructure.

16 And then relying again on the OPP's experience in
17 these long drawn out protracted demonstrations, we adopted this
18 plan, that mostly it was from their experience. And so we were
19 able to control that area from, essentially, E.C. Row Expressway
20 to the bridge through jersey barriers, and if there was
21 protesters out on the sidewalks or even on foot in some of the
22 parking lots, we just allowed it.

23 **MR. GUILLAME SIROIS-GINGRAS:** So the limits of a
24 stay, sort to say, is blocking infrastructure or a highway, that
25 was a no-go, but as long as it's off the highways ---

26 **DEPUTY CHIEF JASON CROWLEY:** Well, at this point
27 we were dealing with, like probably under 10 protesters. Again,
28 I'm still working midnights at this point, so the crowds at

1 night were, you know, four, five in the morning, people were
2 sleeping. So you might have five or six, seven protesters on
3 the corner of Tecumseh and Huron Church. That was okay, we
4 weren't going to remove them. They were off the road, they
5 weren't, you know, in any danger, and they were allowed to
6 protest.

7 **MR. GUILLAME SIROIS-GINGRAS:** Understood. So you
8 briefly mentioned the plan itself on the ground consisted of
9 establishing jersey barriers all along Huron Church Road. I
10 think Mayor Dilkens explained as a -- this morning as a pipeline
11 to allow the trucks to go directly from the 401 to the
12 Ambassador Bridge. Is that correct?

13 **DEPUTY CHIEF JASON CROWLEY:** That's correct. We
14 had left a safety out in case somebody accidentally got up and
15 tied up in the -- at Tecumseh Road, but we didn't advertise
16 that. If somebody came across and said, "Hey, I don't really
17 want to go on the bridge, I'm just here on accident", there was
18 an out for them. But essentially, it was a tunnel of jersey
19 barriers from the expressway to the bridge, yes.

20 **MR. GUILLAME SIROIS-GINGRAS:** And members of the
21 public were not allowed to just go on the highway without a
22 lawful reason or justification on Huron Church Road?

23 **DEPUTY CHIEF JASON CROWLEY:** No, the bridge was
24 open. If members of the public wanted to go over to the States
25 they could have used that. But once they would have to enter at
26 the expressway, which was very -- you know, a few kilometres
27 south of the bridge.

28 **MR. GUILLAME SIROIS-GINGRAS:** Okay, but they had

1 to move forward and go towards Ambassador Bridge or else they
2 could not just hang on on Huron Church Road.

3 **DEPUTY CHIEF JASON CROWLEY:** No, no. Yeah, they
4 could not stop and -- no. We -- but we didn't have that
5 problem, we didn't -- not to my recollection at this point
6 anyways, we had anybody stop and try and block that, but there
7 was numerous threats of it.

8 And that's why we would re-evaluate every single
9 day to where the traffic plan was and when can we start
10 demobilisation of that traffic plan. It was very measured and
11 very conscious of what, you know, what the Intelligence was and
12 what the potential threat of protesters coming back to the block
13 the bridge.

14 Again, open sources, we were hearing people
15 asking other protesters from Ottawa and Toronto to come down to
16 Windsor. "We're going to come at them again. We're going to
17 block the bridge again." This was daily. So we would
18 re-evaluate with our Intelligence our information every day, and
19 then act accordingly from there.

20 **MR. GUILLAME SIROIS-GINGRAS:** So there were --
21 were there any situations where the traffic management plan was
22 helpful in preventing any blockades?

23 **DEPUTY CHIEF JASON CROWLEY:** It was helpful every
24 day.

25 **MR. GUILLAME SIROIS-GINGRAS:** Yeah.

26 **DEPUTY CHIEF JASON CROWLEY:** I know it was a
27 major inconvenience for the citizens of Windsor, and I think the
28 Mayor explained it well. People on the west end trying to get

1 to the other side or the east side of Huron Church was very
2 difficult. I would hear it on the radio myself of our local
3 radio stations, and you know, the frustration of the people
4 because that was closed, or not closed, but that was -- we were
5 controlling those roadways for a considerable amount of time.

6 So we understood the frustration, but we just --
7 that's why we would re-evaluate every day. We really understood
8 the importance of maintaining that posture there by the bridge
9 to ensure that we wouldn't lose it again.

10 **MR. GUILLAME SIROIS-GINGRAS:** And just moving on
11 to February 14th, the day the -- there was a declaration of
12 emergencies by the Federal Government.

13 **DEPUTY CHIEF JASON CROWLEY:** M'hm.

14 **MR. GUILLAME SIROIS-GINGRAS:** I'm wondering if
15 you had any -- because of the injunction was enforced the *EMCPA*
16 was in place, you had a traffic management plan, is there
17 anything that the *Emergencies Act* added to the situation or
18 helped you in any way in preventing further blockades?

19 **DEPUTY CHIEF JASON CROWLEY:** I can't say
20 operationally that we didn't use the *Emergencies Act* after that,
21 but I can't imagine it didn't dissuade people from coming back,
22 but I -- that's just a speculation. We did not use the
23 *Emergencies Act* at all.

24 **MR. GUILLAME SIROIS-GINGRAS:** So you would say it
25 may have had a dissuasive effect but it was not used on the
26 ground?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

28 **MR. GUILLAME SIROIS-GINGRAS:** And moving further

1 down the timeline, just to wrap up the Windsor story, we -- the
2 WPS and OPP adopted the mobilisation plan as well, which it
3 lasted until March 13 to fully mobilise I think OPP. It seems a
4 bit long. Do you -- would you agree?

5 **DEPUTY CHIEF JASON CROWLEY:** Well, yeah. If I'm
6 a citizen of Windsor trying to cross, yes, it seemed long, but
7 really felt it was necessary. And again, we're relying on the
8 experience of the Ontario Provincial Police in these matters.
9 So we would take their advice. We did -- in the demobilisation
10 we did modify the plan more than once because of those
11 re-evaluations daily of "Hey, are we at a spot where we can open
12 up a little more than the plan says?" And we did that probably
13 three or four times throughout those weeks, and...

14 But it was very important to us, especially when
15 we got up to Tecumseh Road, to take a very measured approach on
16 reopening. We were very paranoid about it happening again.

17 **MR. GUILLAME SIROIS-GINGRAS:** Was there any
18 threats, any Intelligence about a possible blockade happening
19 further down ---

20 **DEPUTY CHIEF JASON CROWLEY:** Just on open source.
21 So I don't recall any credible Intelligence or information from
22 law enforcement, but I -- that's just my recollection right now,
23 I could be wrong, I stand to be corrected on that. But
24 certainly on the -- on open source, on all the social media, we
25 had heard numerous pleas and numerous threats that it was going
26 to happen again.

27 **MR. GUILLAME SIROIS-GINGRAS:** Now, that the
28 Windsor story is complete, I just want to go to lessons learned,

1 concluding questions for just a few questions.

2 Would it be possible to pull up WPS000002? It's
3 the same document that we viewed earlier about the debriefing by
4 WPS about the Freedom Convoy event. If we can go on page 19,
5 please.

6 There's a mention about -- it's areas to improve
7 about the initial patrolled response, which I understand is
8 before the blockade happened or before OPP arrived?

9 **DEPUTY CHIEF JASON CROWLEY:** M'hm.

10 **MR. GUILLAME SIROIS-GINGRAS:** It mentions areas
11 to improve, issues with the Operational Plan. Is that in
12 reference to the February 4th plan?

13 **DEPUTY CHIEF JASON CROWLEY:** I can't answer that
14 at that point, it's -- that's not my document. I don't know
15 what that's referencing. I would assume that that's what it's
16 referencing.

17 But again, we were a medium-sized service trying
18 to police a city and deal with this at the same time. So -- and
19 just because everyone didn't know about an Operational Plan and
20 the ins and outs of an Operational Plan, you know, some of these
21 opinions may come from that; right? Like, they didn't know what
22 the -- you know, we weren't communicating what the Operational
23 Plan is to everyone in the organisation.

24 **MR. GUILLAME SIROIS-GINGRAS:** In your witness
25 summary you mentioned that if WPS had a Public Order Unit at the
26 time, it would have been able to come up with a better plan in
27 responding to the initial stages of the blockade.

28 **DEPUTY CHIEF JASON CROWLEY:** We may have. It was

1 a very -- even I think the protesters were disorganised at the
2 very beginning. Probably at the height of -- because we talked
3 about this fractured leadership that they had, they were
4 probably as disorganised at the beginning as throughout the
5 whole protest. So if we would have had a Public Order Unit in
6 place and the experience and the subject matter experts I would
7 think that we might have been able to act accordingly because of
8 the state of that initial few hours, but again, that's an
9 assumption by me. I don't know, I don't have that experience in
10 public order.

11 **MR. GUILLAUME SIROIS-GINGRAS:** And it says also
12 on that same slide on the second point on the left side,
13 "Extremely resource intensive; only a
14 fraction of patrol officers remained to
15 take calls [...]; patrol personnel were
16 totally burned out"

17 So it was not just a POU issue. It was a
18 resource issue as well.

19 **DEPUTY CHIEF JASON CROWLEY:** It was an enormous
20 resource issue. We -- again, this is an opinion that someone
21 had, but certainly, we had nowhere else to draw from other than
22 our regular patrol and investigative personnel to police the
23 bridge. So were our patrol personnel very tired and getting
24 very burned out? I imagine they were, as were the OPP and all
25 the other municipal officers that came into town for sure.

26 **MR. GUILLAUME SIROIS-GINGRAS:** I would like to
27 pull up COM0000822. It's the Adequacy and Effectiveness of
28 Police Services Regulation, which I assume you're familiar with?

1 **DEPUTY CHIEF JASON CROWLEY:** I didn't quite hear.
2 So which regulation is it?

3 **MR. GUILLAUME SIROIS-GINGRAS:** Sorry, it's the
4 Adequacy and Effectiveness of Police Services Regulation. It's
5 under the *Police Services Act*. It's ---

6 **DEPUTY CHIEF JASON CROWLEY:** Yes.

7 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. And under
8 Section 18, it mentions that,

9 "Police forces shall have a public
10 order unit. [...]
11 Despite subsection..."

12 Subsection 2 says,

13 "Despite subsection (1), [...] a board
14 may enter into an agreement [...] to
15 provide the services [...] through
16 another police force..."

17 Are you aware of any agreement with another
18 police force to have a Public Order Unit dispatched in case of a
19 public order event?

20 **DEPUTY CHIEF JASON CROWLEY:** We do not have a
21 formal agreement with another police force. I think what -- and
22 our policy is mirroring -- that mirrors this Adequacy Standard
23 and this legislation. Essentially, what our policy says that we
24 shall enter into an agreement in the event we need one. Like,
25 for instance, the London Police had one right away when we asked
26 for help and we signed it -- well, the mayor signed it, I think.
27 So certainly, no one asked us to do that, but certainly, we are
28 ready to, upon requirement, we would enter into an agreement for

1 sure.

2 **MR. GUILLAUME SIROIS-GINGRAS:** I think I have the
3 policy you're mentioning. Can we pull up WPS00001877? I think
4 that's the policy about Public Order Units deployment and the
5 possibility of entering into an agreement.

6 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

7 **MR. GUILLAUME SIROIS-GINGRAS:** Do you recognize -

8 --

9 **DEPUTY CHIEF JASON CROWLEY:** Yeah, that's
10 correct.

11 **MR. GUILLAUME SIROIS-GINGRAS:** Is that the one
12 you were mentioning?

13 **DEPUTY CHIEF JASON CROWLEY:** Exactly.

14 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. And is this
15 the version that was enforced during the Freedom Convoy events?

16 **DEPUTY CHIEF JASON CROWLEY:** Yes, I'm assuming it
17 is, yes.

18 **MR. GUILLAUME SIROIS-GINGRAS:** Okay. Can we go
19 at point D on page 2, please?

20 As you mentioned, it says that,

21 "The Service shall provide [a]
22 service[...] of a Public Order Unit
23 through the provisions of an agreement
24 with the [...] (OPP)."

25 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

26 **MR. GUILLAUME SIROIS-GINGRAS:** I'm just not sure
27 I understand why such an agreement was not entered upon prior to
28 the Freedom Convoy events and ---

1 **DEPUTY CHIEF JASON CROWLEY:** So that's -- that is
2 very -- it's explainable. So the OPP provides many services to
3 many municipal services throughout the province. For instance,
4 we don't have a dive team. We don't have an agreement to use
5 the dive team. When we need to use the divers, we gave a formal
6 request to the Commissioner, "We would like to use your dive
7 team for this investigation." No problem. They get sent down.
8 There's no agreement. We need a technical expert in, say, in
9 vehicles with extracting information from the computers. The
10 OPP have those. Informal request goes to our Chief to the
11 Commissioner, comes back, no problem, here you go. So there's
12 no agreement for any of that. It's a Chief-to-Chief request.
13 And certainly, this is no different. But if the Commissioner
14 would have come and said, "Hey, we have an agreement, would you
15 please sign it?" I'm pretty sure our Board would have signed it
16 immediately.

17 **MR. GUILLAUME SIROIS-GINGRAS:** But this offer
18 from the Commissioner never came to ---

19 **DEPUTY CHIEF JASON CROWLEY:** No, we never -- as
20 far as I know, we never received any agreement except from the
21 London Police Service.

22 **MR. GUILLAUME SIROIS-GINGRAS:** And you mentioned
23 formal versus informal request for assistance. I just want to
24 make sure I understand what's the difference between the two,
25 especially as it relates to Public Order Units or assistance at
26 large to a public order event. In your view, what's the
27 difference between a formal or informal request?

28 **DEPUTY CHIEF JASON CROWLEY:** Okay. So a perfect

1 example of informal request was this Emergency Preparedness
2 Committee that I sit on for the OACP. Again, we are meeting at
3 least two, three times a week by -- just by -- on Zoom or Teams
4 or whatever it was. And the discussion, at this time, before
5 our blockade, was focussing on Ottawa and the Toronto weekend
6 protests that were happening every weekend. So amongst police
7 leaders at our ranks and superintendent, inspector, those were
8 the requests saying, okay, who can send people to Ottawa? It
9 necessarily wasn't POU specific, but it was who can spare some
10 bodies for Ottawa, or who can send people to Toronto.

11 So after our blockade was concluded, months went
12 by. Ottawa had two other pretty robust protests, Rolling
13 Thunder and there was another one, I don't remember the name of
14 it, but we sent people from Windsor, because they needed people
15 on ground. We don't have Public Order, but we sent resources
16 because, you know, that was the right thing to do, and we felt
17 that we really had a debt to actually pay for a lot of the other
18 services. So that's just an example of an informal request.
19 They would eventually be formalized through the Chiefs, which
20 again, is covered in the *Police Act*. Chief makes a request to
21 the Commissioner and that's one, you know, one of the ways that
22 those -- or those formal requests are made. I can't see that a
23 Superintendent is going to authorize these requests without the
24 Chief knowing so.

25 **MR. GUILLAUME SIROIS-GINGRAS:** And on February
26 4th, we know that Chief Mizuno had a call with Commissioner
27 Carrique asking for assistance. Would that -- but I think you
28 mentioned, it was not a formal request process since -- do you

1 know why?

2 **DEPUTY CHIEF JASON CROWLEY:** No, I can't really
3 comment because I didn't know about that directly, like, I
4 wasn't involved in that conversation. What I did get, what I
5 think my testimony was that Chief Mizuno asked me to contact
6 Chief Superintendent Thib, because those were -- that was a
7 small request and that wasn't a POU request. That was a local
8 request to get local resources from the local detachments, and I
9 don't think that is something that necessarily the Commissioner
10 was concerned with a local request to the local detachments.

11 **MR. GUILLAUME SIROIS-GINGRAS:** And however, your
12 -- when you reach out through Dwight Thib on the same day, would
13 that be considered a formal request under the *Police Services*
14 *Act*?

15 **DEPUTY CHIEF JASON CROWLEY:** Yes, I would think
16 that. Just the formal request of resources locally and the
17 Commissioner knew about it through the conversation with the
18 Chief, and but that's -- that was my direction. I was told to
19 call Chief Superintendent Thib and that was my direction and
20 that's what I did.

21 **MR. GUILLAUME SIROIS-GINGRAS:** And under the
22 *Police Services Act*, I'm sure you're familiar. It's not
23 necessary to pull it up, but the Commissioner of OPP has to
24 provide the resources it deems -- he deems, or she deems
25 necessary in response to a formal request for assistance. I'm
26 wondering, there was no request provided on February 4th. I'm
27 wondering, do you have any idea why is that?

28 **DEPUTY CHIEF JASON CROWLEY:** I don't, no. I

1 don't. I think at the beginning of that process, we just -- we
2 didn't have as big of an event on our hands.

3 **MR. GUILLAUME SIROIS-GINGRAS:** Perfect. I have
4 no further questions. Thank you.

5 Thank you, Commissioner.

6 **COMMISSIONER ROULEAU:** Thank you.

7 Okay. So first up is the City of Windsor.

8 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

9 **MS. JENNIFER KING:** So many of our questions --
10 oh, this is Jennifer King, Counsel for the City of Windsor.
11 Most of our questions have already been canvassed. I do have a
12 series of questions on one topic, the Windsor-Detroit marathon.

13 So, Deputy Chief, you are a long-time resident of
14 Windsor-Essex?

15 **DEPUTY CHIEF JASON CROWLEY:** That's correct, my
16 whole life.

17 **MS. JENNIFER KING:** Then I would expect you're
18 familiar with the Windsor Detroit Marathon?

19 **DEPUTY CHIEF JASON CROWLEY:** I am.

20 **MS. JENNIFER KING:** And you're familiar with the
21 road closures and restrictions during the marathon?

22 **DEPUTY CHIEF JASON CROWLEY:** Yes.

23 **MS. JENNIFER KING:** Mayor Dilkens was asked some
24 questions about the closure of the Ambassador Bridge during the
25 marathon this summer.

26 **DEPUTY CHIEF JASON CROWLEY:** Yes.

27 **MS. JENNIFER KING:** Yes. And you were here for
28 his testimony?

1 **DEPUTY CHIEF JASON CROWLEY:** I was.

2 **MS. JENNIFER KING:** You'll agree with me that
3 generally, during the marathon, traffic is only restricted on
4 the bridge, not entirely closed?

5 **DEPUTY CHIEF JASON CROWLEY:** Well, that's a good
6 question. I don't know that. I've never run the marathon, so I
7 don't know. I would like to, but, no, I don't know if it's
8 restricted or completely closed, but either way, it's for a very
9 small period of time.

10 **MS. JENNIFER KING:** Okay. And so that's
11 generally early in the morning on a Sunday?

12 **DEPUTY CHIEF JASON CROWLEY:** It's always on a
13 Sunday I've worked it. It's always on a Sunday. It's usually
14 very early, 6:00 or 7:00 in the morning, yes, for maybe a couple
15 of hours.

16 **MS. JENNIFER KING:** Well, it's our understanding
17 that generally it's only entirely closed this year. It was only
18 entirely closed this year because there was construction at the
19 same time. Were you aware that there was construction on the
20 bridge this year?

21 **DEPUTY CHIEF JASON CROWLEY:** Yes.

22 **MS. JENNIFER KING:** Okay, thank you.

23 **DEPUTY CHIEF JASON CROWLEY:** Thank you.

24 **MS. JENNIFER KING:** Those are all of my
25 questions.

26 **COMMISSIONER ROULEAU:** Okay, thank you.

27 Next is the Government of Canada.

28 **--- CROSS-EXAMINATION BY MR. ANDREW GIBBS:**

1 **MR. ANDREW GIBBS:** Good afternoon, Deputy Chief -

2 --

3 **DEPUTY CHIEF JASON CROWLEY:** Good afternoon.

4 **MR. ANDREW GIBBS:** --- Commissioner. My name is
5 Andrew Gibbs and I am one of the counsel with the Government of
6 Canada.

7 Just briefly touching on some of the testimony
8 you've given already, you mentioned that the leadership was
9 quite divided, and you used the word "faction".

10 **DEPUTY CHIEF JASON CROWLEY:** Fractured.

11 **MR. ANDREW GIBBS:** Fractured.

12 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's how I
13 would describe it, yes. That was my opinion.

14 **MR. ANDREW GIBBS:** Okay. And so there were in
15 fact multiple leaders and it made it very difficult to determine
16 who was in charge.

17 **DEPUTY CHIEF JASON CROWLEY:** That's correct.
18 That's what it seemed like.

19 **MR. ANDREW GIBBS:** You also described the
20 situation as "dynamic". Would you say it was fluid?

21 **DEPUTY CHIEF JASON CROWLEY:** Yes.

22 **MR. ANDREW GIBBS:** Unpredictable?

23 **DEPUTY CHIEF JASON CROWLEY:** Yes.

24 **MR. ANDREW GIBBS:** Volatile?

25 **DEPUTY CHIEF JASON CROWLEY:** Yes.

26 **MR. ANDREW GIBBS:** And aggressive?

27 **DEPUTY CHIEF JASON CROWLEY:** Yes, at time.

28 **MR. ANDREW GIBBS:** At times. On February 10th,

1 were there threats made to block or blockade the Windsor Police
2 Services Headquarters?

3 **DEPUTY CHIEF JASON CROWLEY:** Yes.

4 **MR. ANDREW GIBBS:** And why would that have been a
5 concern to you?

6 **DEPUTY CHIEF JASON CROWLEY:** Well, I mean it
7 impacts our daily operations greatly. We -- our fleet vehicles
8 are parked in the basement. I would imagine exiting and
9 entering the building if it's blocked would be very difficult.
10 It would impact our employees coming in and out of work, I would
11 imagine. It would just impact every -- every use of our
12 operating -- you know, our operations every day.

13 **MR. ANDREW GIBBS:** And for those of us who are
14 not police officers, that would mean you couldn't come and help
15 people if they called 911?

16 **DEPUTY CHIEF JASON CROWLEY:** That's exactly
17 right.

18 **MR. ANDREW GIBBS:** Were there also threats to
19 block the Windsor-Detroit Tunnel?

20 **DEPUTY CHIEF JASON CROWLEY:** Yes, there were.

21 **MR. ANDREW GIBBS:** And the Windsor Airport?

22 **DEPUTY CHIEF JASON CROWLEY:** Yes, there were.

23 **MR. ANDREW GIBBS:** And those threats did not
24 materialize?

25 **DEPUTY CHIEF JASON CROWLEY:** No.

26 **MR. ANDREW GIBBS:** But you couldn't ignore them?

27 **DEPUTY CHIEF JASON CROWLEY:** No, we had to deploy
28 resources to all three of those places that you mentioned, as

1 well as very concerning -- that whole corridor where our
2 headquarters is, it had hospitals and essential services that,
3 if that area got blocked, it would have caused enormous problems
4 for us, not mentioning the tunnel with what the mayor said was
5 thousands of people going over there to work.

6 **MR. ANDREW GIBBS:** You also mentioned, just in
7 terms of general public safety and officer safety concerns,
8 there was a bomb threat at the mayor's house ---

9 **DEPUTY CHIEF JASON CROWLEY:** Yes.

10 **MR. ANDREW GIBBS:** --- that also took resources?
11 I believe you mentioned two to three police cars were there for
12 a week or two?

13 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

14 **MR. ANDREW GIBBS:** There was a bomb threat behind
15 the police lines on February 12th; is that correct?

16 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

17 **MR. ANDREW GIBBS:** And it turned out to be not
18 credible?

19 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

20 **MR. ANDREW GIBBS:** But the threat was made?

21 **DEPUTY CHIEF JASON CROWLEY:** That we had to deal
22 with, yes. It was made ---

23 **MR. ANDREW GIBBS:** And it was investigated?

24 **DEPUTY CHIEF JASON CROWLEY:** --- and we had to
25 put resources to it, investigate it, and -- yes.

26 **MR. ANDREW GIBBS:** Was there also a drone flying
27 over, a protester drone flying over the police enforcement
28 operation on February 12th?

1 **DEPUTY CHIEF JASON CROWLEY:** I imagine there was.
2 I don't know for sure but I imagine -- there was all kinds of
3 live footage that we were watching in the OIC that was open-
4 source, and that was part of it.

5 **MR. ANDREW GIBBS:** Okay, thank you. And you
6 mentioned that it was cold and there was snow. The officers
7 were putting in a lot of overtime?

8 **DEPUTY CHIEF JASON CROWLEY:** Yes, we cancelled --
9 I cancelled the days off from -- I think it's -- I would have to
10 check the dates but I cancelled a week of rest days of our own
11 officers, let alone the ask from the OPP and the municipal
12 forces to be away from home and cancel their days off as well.
13 So, yes, it was -- there was long, long days.

14 **MR. ANDREW GIBBS:** So there was a lot of tension?

15 **DEPUTY CHIEF JASON CROWLEY:** Absolutely.

16 **MR. ANDREW GIBBS:** And I think you said people
17 were burnt out?

18 **DEPUTY CHIEF JASON CROWLEY:** Yes.

19 **MR. ANDREW GIBBS:** There was also a mention of
20 children being involved. I believe the mayor mentioned that
21 children were involved at the protest, and particularly when the
22 police enforcement action was scheduled to take place on
23 February 12th?

24 **DEPUTY CHIEF JASON CROWLEY:** Yes.

25 **MR. ANDREW GIBBS:** What impact does the presence
26 of children in a mass protest have on police operations?

27 **DEPUTY CHIEF JASON CROWLEY:** Well, the
28 unpredictability of any crowd gathering is an enormous

1 consideration for us. But in something like that, we had to
2 make plans with Children's Aid Society on arrest plans. We had
3 resources dedicated to just Children's Aid. Obviously, there's
4 a huge safety concern. There was talk on open-source
5 communications that they were going to use children as human
6 shields at one point. So there was all kinds of considerations
7 for us to keep the welfare of children, you know, very, you
8 know, safe.

9 **MR. ANDREW GIBBS:** Mr. Clerk, can we please turn
10 up OPP00004539? And go to page 41 on this point. So Karel
11 DeGraaf, you know who this is?

12 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

13 **MR. ANDREW GIBBS:** And this is an email from
14 Karel DeGraaf to Dana Earley, the OPP Joint Commander, the
15 unified command you mentioned earlier:

16 "FYI regarding using children as a
17 defensive tactic."

18 And this is sent on February 11th. If you'll
19 scroll down, please, clerk, this appears to be an exchange of
20 tweets.

21 "Thank you. As more children with us,
22 as less option to power for police.
23 Children is our best weapon against
24 them."

25 And someone responds, essentially, that this is
26 an evil strategy:

27 "Children are not weapons or human
28 shields. If this man wants to bring

1 his family to a protest, he can do his
2 research and should be aware of people
3 who speak like you."

4 Going down to the last tweet:

5 "It is a war. They prepare for us with
6 guns, cold water, gas."

7 Is that consistent with the information that you
8 were receiving with respect to children being used as, what you
9 said, human shields?

10 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

11 **MR. ANDREW GIBBS:** Thank you. I only have a few
12 minutes left. So I understand -- in summary, you've answered a
13 lot of these questions already but I think you had mentioned
14 that they were burnt out -- the officers were burnt out, and I
15 think you believed -- I believe you said they were spread very
16 thin across the province; is that correct?

17 **DEPUTY CHIEF JASON CROWLEY:** That was my opinion,
18 that police resources across the province were getting spread
19 thin, yes.

20 **MR. ANDREW GIBBS:** So that would involve all
21 police resources?

22 **DEPUTY CHIEF JASON CROWLEY:** Certainly, because
23 of the asks on the EPC Committee, and the public order being
24 spread thin, and -- for sure.

25 **MR. ANDREW GIBBS:** And so you -- there are a
26 series of documents. I won't go through them but you were taken
27 at one point to the justification for the 100 officers. And
28 that, Mr. Clerk, is at WPS000000610. And Commission counsel

1 took you to some of the basic numbers. I'd like to go to page 2
2 where you mentioned that -- scroll down a bit. I think it --
3 there should be a reference that says that:

4 "Currently officers are being
5 outnumbered and surrounded by
6 protesters when confronted or
7 approached."

8 **DEPUTY CHIEF JASON CROWLEY:** Yes.

9 **MR. ANDREW GIBBS:** Is that an accurate
10 description?

11 **DEPUTY CHIEF JASON CROWLEY:** Absolutely. I
12 watched it myself on open-source YouTube channels.

13 **MR. ANDREW GIBBS:** And you mentioned that you
14 were trying to continue the regular Windsor policing at that
15 time ---

16 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

17 **MR. ANDREW GIBBS:** --- because regular city life
18 involves all sorts of things that sometimes require police
19 assistance?

20 **DEPUTY CHIEF JASON CROWLEY:** Yes, we have a very
21 busy police service, yes.

22 **MR. ANDREW GIBBS:** And do you think it would be
23 fair to say that every city in the province of Ontario would
24 involve that type of requirements for their police services?

25 **DEPUTY CHIEF JASON CROWLEY:** Absolutely.

26 **MR. ANDREW GIBBS:** And they were also being
27 stretched thin?

28 **DEPUTY CHIEF JASON CROWLEY:** Yes.

1 **MR. ANDREW GIBBS:** And you've mentioned that this
2 would happen, essentially, across the country, would it not?

3 **DEPUTY CHIEF JASON CROWLEY:** That's my opinion,
4 yes, for sure.

5 **MR. ANDREW GIBBS:** And so turning lastly to the
6 resurgence, you mentioned that you were quite concerned -- or
7 the Windsor Police Force were quite concerned, as was the mayor,
8 that this -- they could return, the protesters could return.

9 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

10 **MR. ANDREW GIBBS:** And in fact, Interim Chief
11 Bellaire submitted an affidavit in support of the Windsor City
12 motion to extend the injunction indefinitely; is that correct?

13 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

14 **MR. ANDREW GIBBS:** And I won't pull it up, but
15 Interim Chief Bellaire swore an affidavit, which is found at
16 WSP0000049, and in particular at paragraphs 44 to 54, he states
17 that based on -- and I'm paraphrasing, but based on monitoring
18 of social media, demonstrators are asking more locals to join,
19 more vehicles are travelling to the area. Social media
20 indicating further action from protesters expected. "It's not
21 over. Regroup. We are not done. Slow roll is next." And
22 finally, "Civil war time."

23 Anti-police comments are also observed and the
24 February 15th convoy of several transport trucks from Ottawa en
25 route to Windsor was intercepted by police.

26 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

27 **MR. ANDREW GIBBS:** And in fact, Justice Morawetz,
28 based on that evidence and other evidence, granted the interim

1 injunction indefinitely?

2 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

3 **MR. ANDREW GIBBS:** Now, you stated that you did
4 not use the *Emergencies Act*, sir, but is it fair to say that
5 that's because this resurgence did not materialize?

6 **DEPUTY CHIEF JASON CROWLEY:** That's what -- yes,
7 that's fair to say for sure.

8 **MR. ANDREW GIBBS:** So in fact, we don't know if
9 it would have been needed?

10 **DEPUTY CHIEF JASON CROWLEY:** Absolutely.

11 **MR. ANDREW GIBBS:** And finally, with all of these
12 local protests in all of the cities that you'd mentioned,
13 including Sarnia, Toronto, Ottawa, Cornwall, Quebec City,
14 Emerson, Coutts, and Surrey, British Columbia, and others, and
15 the location and duration of a blockade is unpredictable, and
16 when police resources are stretched thin and the officers are
17 exhausted, would you agree that this leads to an increased risk
18 of safety and security for the officers and the general public?

19 **DEPUTY CHIEF JASON CROWLEY:** It certainly could.

20 **MR. ANDREW GIBBS:** And that would exist wherever
21 those protests may pop up?

22 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

23 **MR. ANDREW GIBBS:** Those are my questions. Thank
24 you very much, sir.

25 **COMMISSIONER ROULEAU:** Thank you.

26 Next is the Democracy Fund and Citizens for
27 Freedom.

28 **--- CROSS-EXAMINATION BY MR. ANTOINE D'AILLY:**

1 **MR. ANTOINE D'AILLY:** Mr. Commissioner and Deputy
2 Chief. I'm aware of the 10 minutes allotted here and brief as
3 possible.

4 So Registrar, could we pull up WPS000000102?
5 Again, Deputy Chief, it's Antoine D'Ailly,
6 counsel for Citizens for Freedom.

7 In the interests of limited time, if you could
8 answer yes or no where possible, is it your understanding that
9 there's CCTV cameras posted along various intersections on Huron
10 Church Road?

11 **DEPUTY CHIEF JASON CROWLEY:** There's traffic
12 cameras, yes.

13 **MR. ANTOINE D'AILLY:** And those cameras include
14 EC Row and Huron Church, which is about four kilometres away
15 from the mouth of the bridge?

16 **DEPUTY CHIEF JASON CROWLEY:** I'm not aware of EC
17 Row. It could be.

18 **MR. ANTOINE D'AILLY:** How about Huron Church at
19 Tecumseh, about one kilometre from the bridge?

20 **DEPUTY CHIEF JASON CROWLEY:** Yes.

21 **MR. ANTOINE D'AILLY:** And then Huron Church at
22 College, which is about 50 metres from the foot of the bridge;
23 is that correct?

24 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

25 **MR. ANTOINE D'AILLY:** And this photo here, is
26 this from a CCTV camera?

27 **DEPUTY CHIEF JASON CROWLEY:** I'm going to say
28 that's probably a drone picture.

1 **MR. ANTOINE D'AILLY:** That one's from a drone?

2 **DEPUTY CHIEF JASON CROWLEY:** Yeah.

3 **MR. ANTOINE D'AILLY:** Was somebody monitoring the
4 CCTV cameras during the demonstration?

5 **DEPUTY CHIEF JASON CROWLEY:** Yes. They were
6 actively being monitored.

7 **MR. ANTOINE D'AILLY:** And was this happening at
8 the EOC?

9 **DEPUTY CHIEF JASON CROWLEY:** Yes.

10 **MR. ANTOINE D'AILLY:** And was your understanding
11 that live CCTV footage or at least, you know, frequent screen
12 shots are normally available to the public online from the CCTV
13 cameras?

14 **DEPUTY CHIEF JASON CROWLEY:** Yes.

15 **MR. ANTOINE D'AILLY:** And was there ever a
16 decision made by Windsor Police Service to restrict access of
17 these cameras to the public?

18 **DEPUTY CHIEF JASON CROWLEY:** No.

19 **MR. ANTOINE D'AILLY:** Are you ---

20 **DEPUTY CHIEF JASON CROWLEY:** To be honest, we
21 didn't -- this CTV camera was not very helpful, and the one at
22 College was old and we had to put up our own camera, to be
23 honest.

24 **MR. ANTOINE D'AILLY:** Okay. But there was no
25 decision to deliberately restrict access?

26 **DEPUTY CHIEF JASON CROWLEY:** No.

27 **MR. ANTOINE D'AILLY:** Understood. This looks
28 like the beginnings of what may form a blockade, and it looks

1 like the police have vehicles there. Is this the Tecumseh and
2 Huron Church intersection?

3 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

4 **MR. ANTOINE D'AILLY:** And so this is about a
5 kilometre away from the foot of the bridge; is that correct?

6 **DEPUTY CHIEF JASON CROWLEY:** Approximately.

7 **MR. ANTOINE D'AILLY:** And do you have any idea of
8 when this particular photo was taken?

9 **DEPUTY CHIEF JASON CROWLEY:** No idea. This was a
10 dynamic intersection as well. It would be like this. There
11 would be 50 cars there. It was dynamic.

12 **MR. ANTOINE D'AILLY:** Would it be fair to say
13 this would be closer to the beginning of protest activity on
14 Huron Church?

15 **DEPUTY CHIEF JASON CROWLEY:** I don't know.

16 **MR. ANTOINE D'AILLY:** Okay. You spoke earlier
17 about this BearHug strategy, and indicating that there's almost
18 like, this plaza around the mouth of the bridge. Is it fair to
19 say that there's two ingress points and two egress points from
20 the border itself?

21 **DEPUTY CHIEF JASON CROWLEY:** I'm only aware of
22 one egress -- or sorry, one -- no, wait -- two egress and two in
23 -- yes, sorry. You're correct.

24 **MR. ANTOINE D'AILLY:** And so also you've got the
25 northbound and southbound lanes coming out of that main
26 entrance, and then two ancillary roads coming out to Wyandotte
27 Street; is that correct?

28 **DEPUTY CHIEF JASON CROWLEY:** Yes.

1 **MR. ANTOINE D'AILLY:** And we heard earlier in
2 terms of the police establishing a circle of control or a
3 perimeter. Would it be fair to say that that perimeter would be
4 then set out around those points of ingress and egress?

5 **DEPUTY CHIEF JASON CROWLEY:** That was part of it,
6 but it was expanded to, you know, the intersections on Huron
7 Church, expanded that way. But for sure, those would be part of
8 it.

9 **MR. ANTOINE D'AILLY:** And do you have any
10 indication when that initial circle of control was established?

11 **DEPUTY CHIEF JASON CROWLEY:** No, I don't.

12 **MR. ANTOINE D'AILLY:** Is it your understanding
13 that on February 10th, a plan had already been put in place for
14 Windsor Police Service to remove the protestors on Saturday,
15 February 12th?

16 **DEPUTY CHIEF JASON CROWLEY:** There was
17 discussions amongst the POU plan to -- of what day it would be
18 actioned, but I don't know exactly when it was. But that when
19 initial plans formed, initial days.

20 **MR. ANTOINE D'AILLY:** Mr. Registrar, could we
21 pull up WPS000000042, and page 2 of that document, please?

22 I understand these are notes by Supt. Karel
23 DeGraaf. We're unable to see who this email was sent to or
24 from. Did you ever have a chance to see this email or the
25 contents of Mr. -- Inspector DeGraaf's update?

26 **DEPUTY CHIEF JASON CROWLEY:** I probably saw this
27 at some point, but I don't recall it.

28 **MR. ANTOINE D'AILLY:** And so is it fair to assume

1 that this was indeed produced February 10th, that Inspector
2 DeGraaf reports:

3 "There's no significant issues with
4 managing the protesting and the numbers
5 have remained consistent compared to
6 the last three days."

7 **DEPUTY CHIEF JASON CROWLEY:** It could be. So
8 Inspector DeGraaf worked mainly days, and at night, I put myself
9 on nights because of this. My experience, these kind of
10 situations, that's when it ramps up.

11 **MR. ANTOINE D'AILLY:** There's -- could we scroll
12 down a little bit further here to the sixth point, right?

13 And so on February 10th -- so this is before the
14 City or the AMPA applied for their injunction, there's already
15 an arrest plan in place, there's already an idea that removal's
16 going to begin on Saturday, and there's already indications that
17 Children's Aid will be involved; is that correct?

18 **DEPUTY CHIEF JASON CROWLEY:** It was probably in
19 the development of the plan, that's correct.

20 **MR. ANTOINE D'AILLY:** And you had indicated that
21 at some point right around February 10th, there was a shift to
22 this joint command with OPP. Are you aware whether or not this
23 plan was produced before or after joint command was established?

24 **DEPUTY CHIEF JASON CROWLEY:** Well, this would
25 have been after, because OPP was in charge of the POU plan, of
26 developing it.

27 **MR. ANTOINE D'AILLY:** Understood. Mr. Registrar,
28 could we pull up CFF00000106?

1 So Deputy Chief, you spent some time in the EOC
2 and had a good briefing in terms of what was going on during the
3 -- throughout the week?

4 **DEPUTY CHIEF JASON CROWLEY:** Twenty-one (21)
5 days.

6 **MR. ANTOINE D'AILLY:** And so is this an accurate
7 depiction, I suppose, of the protest and the police on February
8 12th, being the Saturday?

9 **DEPUTY CHIEF JASON CROWLEY:** That looks accurate,
10 yeah.

11 **MR. ANTOINE D'AILLY:** And can you identify which
12 intersection this is at? Would that be Huron Church and
13 College?

14 **DEPUTY CHIEF JASON CROWLEY:** It looks like
15 College to be with the berm on the top left there. It looks the
16 university property, but I can't say for sure, but that's what
17 it looks like.

18 **MR. ANTOINE D'AILLY:** And it does look like there
19 then on the northbound lanes there's a number of police cars in
20 those four -- or three or four northbound lanes there, and
21 behind the police line, there's a number of police vehicles
22 there as well; is that correct?

23 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

24 **MR. ANTOINE D'AILLY:** And it appears there may be
25 a small number of protestor vehicles in the southbound lanes,
26 both in front and behind that police line; is that correct?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

28 **MR. ANTOINE D'AILLY:** And would you agree with me

1 that the police reports that were produced indicated that a
2 towing plan was successfully executed on February 12th and 13th?

3 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

4 **MR. ANTOINE D'AILLY:** And earlier, you mentioned
5 multiple threats that were made or received. Do you agree with
6 me that although resources are required to investigate and
7 respond, not all threats in social media posts are credible?

8 **DEPUTY CHIEF JASON CROWLEY:** Yes, for sure.

9 **MR. ANTOINE D'AILLY:** And would you also agree
10 with me that the threats, whether it's to the airport or the
11 police station or these bomb threats by and large did not
12 materialize?

13 **DEPUTY CHIEF JASON CROWLEY:** No, but credible or
14 not, we still have to ---

15 **MR. ANTOINE D'AILLY:** Understood. Resources have
16 to be ---

17 **DEPUTY CHIEF JASON CROWLEY:** For sure.

18 **MR. ANTOINE D'AILLY:** If I could pull up two
19 multi-media database videos? You had indicated earlier that
20 police were, in general, respectful of protesting on the
21 sidewalk, and that you understood this was part of the
22 injunction that lawful protest was still allowed as long as
23 you're not impeding traffic; is that correct?

24 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

25 **MR. ANTOINE D'AILLY:** And so if we could put this
26 first video up again? That's CFF00000015? It's a 30-second
27 video here.

28 [VIDEO PLAYBACK]

1 And then if we could pull up one more video as
2 well? CFF00000004.

3 And while that video is coming up, Deputy Chief,
4 would you agree with me that the records indicate that there was
5 at least 44 arrests and that the majority of people that were
6 arrested were charged with both mischief and for disobeying a
7 court order?

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MR. ANTOINE D'AILLY:** Let's watch this video
10 here.

11 [VIDEO PLAYBACK]

12 Would you agree with me that it appears that
13 there's a woman sitting peacefully on the grass there being
14 arrested?

15 **DEPUTY CHIEF JASON CROWLEY:** Yes, but the roadway
16 here, under the legislation, is fence line to fence line.

17 **MR. ANTOINE D'AILLY:** Okay. I ---

18 **DEPUTY CHIEF JASON CROWLEY:** We're trying to
19 establish a perimeter in a controlled area. That's what we're
20 doing.

21 **MR. ANTOINE D'AILLY:** But the sidewalk and the
22 grass are both on the interior of the fence lines that you're
23 alluding to?

24 **DEPUTY CHIEF JASON CROWLEY:** Yes.

25 **MR. ANTOINE D'AILLY:** Can we agree that she's not
26 impeding vehicular traffic from her location there?

27 **DEPUTY CHIEF JASON CROWLEY:** We were trying to
28 clear out an area, so that's why she's getting arrested.

1 **MR. ANTOINE D'AILLY:** Understood. And would
2 agree with me that both of the videos that we just saw are
3 police enforcement on the weekend, either the 12th or the 13th of
4 February?

5 **DEPUTY CHIEF JASON CROWLEY:** Yes, I would agree
6 with that.

7 **MR. ANTOINE D'AILLY:** Thank you. And just
8 quickly, in terms of the past protests, I understand police were
9 in charge of monitoring, then went back as far as June 24th,
10 2020. Do you recall about 100 protestors outside of the Windsor
11 Essex County Health Unit when the first mask section 22 order
12 was implemented?

13 **DEPUTY CHIEF JASON CROWLEY:** Yes, I do.

14 **MR. ANTOINE D'AILLY:** And do you also recall
15 hundreds of protestors in front of City Hall when the City
16 implemented a more restrictive mask mandate than the Health Unit
17 did?

18 **DEPUTY CHIEF JASON CROWLEY:** I believe so.

19 **MR. ANTOINE D'AILLY:** And more than 100
20 protestors in January of 2021 marching down Oullette, one of the
21 main streets in Windsor on the road towards the Health Unit with
22 concerns about serious adverse reactions to a segment of the
23 population from these vaccination mandates?

24 **DEPUTY CHIEF JASON CROWLEY:** I don't recall that
25 that's why, but I recall the walking on Oullette, yes.

26 **MR. ANTOINE D'AILLY:** And do you recall thousands
27 of people, or at least 1,000 people at the flag August 28th, 2021
28 with concerns about risks of serious bodily injury, talking

1 about myocarditis and pericarditis, issues with vaccination?

2 **DEPUTY CHIEF JASON CROWLEY:** I don't recall ever
3 being a protest of 1,000 people, but weekly there was protests
4 at the flag, yes.

5 **MR. ANTOINE D'AILLY:** Okay. And what about
6 September 29th? Do you agree that there was reports that there
7 was hundreds of people protesting across the street from Windsor
8 Regional Hospital because of the termination of nurses, doctors,
9 and other front line hospital staff?

10 **DEPUTY CHIEF JASON CROWLEY:** Yes, I recall that.

11 **MR. ANTOINE D'AILLY:** And do you also recall a
12 silent protest with at least 1,000 people at the flag on
13 September 18th, 2021 in response to the termination of first
14 responders and City employees by the City of Windsor?

15 **DEPUTY CHIEF JASON CROWLEY:** Again, the reason I
16 don't know, but, yes, protests were happening weekly.

17 **MR. ANTOINE D'AILLY:** And do you also recall that
18 instead of placing employees on a leave of absence until the end
19 of the COVID-19 period, as provided for in the *Employment*
20 *Standards Act* and the Infectious Disease Emergency Leave, that
21 the City of Windsor made a choice, an intimidating choice,
22 threatening the economic security of many of its employees, that
23 they would be terminated, rather than on a leave of absence if
24 they refused to accept the Government's medicine into their
25 body?

26 **DEPUTY CHIEF JASON CROWLEY:** I remember a vaccine
27 policy, but I don't know anything about that. I had nothing to
28 do with that.

1 **MR. ANTOINE D'AILLY:** Are you aware of any
2 Windsor Police Officers that no longer have a job because of
3 their medical decisions?

4 **DEPUTY CHIEF JASON CROWLEY:** No, I don't think
5 so.

6 **MR. ANTOINE D'AILLY:** No further questions.
7 Thank you.

8 **COMMISSIONER ROULEAU:** Okay. Next is the OPP.

9 --- CROSS-EXAMINATION BY MS. JINAN KUBURSI:

10 **MS. JINAN KUBURSI:** Commissioner, good afternoon.

11 **DEPUTY CHIEF JASON CROWLEY:** Good afternoon.

12 **MS. JINAN KUBURSI:** And good afternoon, Deputy
13 Chief. I'm Jinan Kubursi, here representing the Ontario
14 Provincial Police today.

15 So we've heard your evidence further to questions
16 from Commission Counsel regarding intelligence that the Windsor
17 Police Service, you and your colleagues, were aware of and
18 receiving in late January and early February. You recall ---

19 **DEPUTY CHIEF JASON CROWLEY:** Yes.

20 **MS. JINAN KUBURSI:** --- discussing that?

21 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

22 **MS. JINAN KUBURSI:** And so it seems to me it's
23 accepted, or well established at least, that as far as you're
24 concerned at the Windsor Police Service, that the communication
25 flow, the receipt of the intelligence information prepared by
26 the intelligence Bureau at the OPP was -- it was an effective
27 communication system. The distribution for the Hendon Reports
28 and so on.

1 **DEPUTY CHIEF JASON CROWLEY:** Yes, I would say
2 it's very effective.

3 **MS. JINAN KUBURSI:** Yes. And so in addition to
4 that intelligence that you were receiving from the Ontario
5 Provincial Police, I understand that Windsor Police Service also
6 had some of its own intelligence and information that was being
7 locally gathered?

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MS. JINAN KUBURSI:** Right. And would it be also
10 fair to say that with all of that intelligence, and the benefit
11 of that information, it was still not entirely clear or certain
12 what was going to happen as these slow rolls proceeded in the
13 area of Windsor?

14 **DEPUTY CHIEF JASON CROWLEY:** Yes, I agree with
15 that completely.

16 **MS. JINAN KUBURSI:** Right. And so Windsor Police
17 Service planned based on the information that you had?

18 **DEPUTY CHIEF JASON CROWLEY:** Correct.

19 **MS. JINAN KUBURSI:** Is that fair?

20 **DEPUTY CHIEF JASON CROWLEY:** Yes.

21 **MS. JINAN KUBURSI:** And also, you were in regular
22 communication with a number of your OPP colleagues at different
23 levels across the organization?

24 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

25 **MS. JINAN KUBURSI:** Right. And so can we say
26 that there was effective communication, information sharing, and
27 cooperation that was taking place between the OPP and the
28 Windsor Police Service throughout this time period?

1 **DEPUTY CHIEF JASON CROWLEY:** Yes, I could say
2 that.

3 **MS. JINAN KUBURSI:** Okay. I'd like to ask you a
4 bit about the discussions that we've heard took place at the
5 Emergency Committee. I'm not sure if that's ---

6 **DEPUTY CHIEF JASON CROWLEY:** Oh, the Preparedness
7 Committee. Yes.

8 **MS. JINAN KUBURSI:** Emergency Preparedness
9 Committee at the OACP, I understand.

10 **DEPUTY CHIEF JASON CROWLEY:** Yes.

11 **MS. JINAN KUBURSI:** And you were a participant in
12 that committee?

13 **DEPUTY CHIEF JASON CROWLEY:** Yes.

14 **MS. JINAN KUBURSI:** And we heard that there was
15 some discussion about what was happening in the region.

16 **DEPUTY CHIEF JASON CROWLEY:** M'hm.

17 **MS. JINAN KUBURSI:** And in particular, were you
18 familiar with what was happening in the area of the Blue Water
19 Bridge?

20 **DEPUTY CHIEF JASON CROWLEY:** A little bit. Are
21 you talking -- you're referring to right before ours started?
22 Or right in that same time period?

23 **MS. JINAN KUBURSI:** Right around that same time
24 period.

25 **DEPUTY CHIEF JASON CROWLEY:** A little bit -- yes.
26 A little ---

27 **MS. JINAN KUBURSI:** I believe a document was
28 pulled up earlier today ---

1 **DEPUTY CHIEF JASON CROWLEY:** Yes.

2 **MS. JINAN KUBURSI:** --- indicating that on around
3 February 6th there was some activity around the Blue Water Bridge
4 and that the OPP had restricted or blocked parts of Highway 402?

5 **DEPUTY CHIEF JASON CROWLEY:** Yes, I recall.

6 **MS. JINAN KUBURSI:** You're familiar with that?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes.

8 **MS. JINAN KUBURSI:** I expect we may hear a bit
9 more evidence about that from Supt. Diana Earley from the OPP
10 who will be appearing here tomorrow, but from your awareness of
11 the situation, I'd just like to ask you, is it possible or was
12 it considered as an option in Windsor to try to execute
13 something similar to what was done in the area of the Blue Water
14 Bridge? Or are there simply differences in the situation that,
15 you know, lead to different decisions about planning?

16 **DEPUTY CHIEF JASON CROWLEY:** Certainly. Yes. We
17 had those conversations. So it's my understanding of the Blue
18 Water Bridge, I'm well aware of the 402 coming off the 401.
19 It's one exit when you're going west bound. And there was farm
20 equipment, from my recollection, trying to block that area.
21 Police took a proactive stance there, the OPP, and stopped that
22 one road coming off the 401.

23 And like any highway, there's exits and entrances
24 along the way. But limited. So a little bit more manageable
25 from an emergency preparedness and emergency management, you
26 know, lens, where our infrastructure is kilometres long, side
27 streets everywhere. So we did discuss blocking access to Huron
28 Church. That leads to blocking access to the other -- where the

1 401 splits -- Heron Church goes to Dougall. Dougall goes right
2 to our tunnel, and the hospital, and all these other things that
3 we wanted to keep the traffic away from. We did not want to put
4 any focus on the tunnel, because that was our main access for
5 our citizens that work in Detroit and in Michigan, plus the
6 hospital was a very big concern for us as well.

7 So in those initial discussions we just -- we
8 could not -- we did not have the resources. We couldn't -- it
9 was just a -- logistically, there was no way we could block all
10 those intersections and shut down Windsor, essentially, from
11 incoming traffic, like they did at 402.

12 **MS. JINAN KUBURSI:** So from what you're
13 describing, even those of us who don't know the geography of
14 Windsor as well as you do, it seems clear that just the
15 geography and the nature of the approach to the Ambassador
16 Bridge, just gives rise to a lot more complications with any
17 effort to stop the flow of traffic in that direction.

18 **DEPUTY CHIEF JASON CROWLEY:** Absolutely.

19 **MS. JINAN KUBURSI:** So I understand that a plan
20 was developed on around February 7th, I understand, to focus on
21 the intersection right at the entrance to the bridge.

22 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

23 **MS. JINAN KUBURSI:** And would it be fair to say
24 that based on the information that you knew at that point, that
25 seemed to be a reasonable approach?

26 **DEPUTY CHIEF JASON CROWLEY:** It was reasonable
27 and really we -- other than the fact that we didn't know what
28 the tactic might be, that was the most reasonable tactic that we

1 could use.

2 **MS. JINAN KUBURSI:** Right. And so ultimately
3 that plan didn't prove to be successful in dealing with the
4 blockade entirely, and then, as we've heard in the evidence,
5 things started to develop very quickly, and conversations were
6 happening at different levels within the OPP regarding provision
7 of resources to assist Windsor in dealing with this developing
8 blockade.

9 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

10 **MS. JINAN KUBURSI:** Right. And we heard that a
11 team of PLT officers was among the first of the officers that
12 were deployed to Windsor to assist and lend their expertise.

13 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

14 **MS. JINAN KUBURSI:** And then in addition to that,
15 there's been some discussion of the request for 100 officers.
16 So I'd just like you to make clear for us, when we're referring
17 to those 100 officers, is it correct that you're referring to
18 frontline uniform officers who might be described as officers
19 who could take on general duties; ---

20 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

21 **MS. JINAN KUBURSI:** --- patrolling, monitoring
22 intersections?

23 **DEPUTY CHIEF JASON CROWLEY:** That's exactly what

24 ---

25 **MS. JINAN KUBURSI:** Those sorts of duties?

26 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

27 **MS. JINAN KUBURSI:** So that number of officers
28 certainly doesn't include the number of officers that might be

1 required for a Public Order Unit operation?

2 **DEPUTY CHIEF JASON CROWLEY:** Absolutely not.

3 **MS. JINAN KUBURSI:** Right. And those
4 determinations came later after the shared command or unified
5 command, as it's also been referred to, was established,
6 starting on around February 10th when Supt. Earley arrived.

7 **DEPUTY CHIEF JASON CROWLEY:** Correct.

8 **MS. JINAN KUBURSI:** Okay. Commission Counsel --
9 just moving to that time period. Commission Counsel referred
10 you to an email, WPS1440, that was the email that was sent to
11 Supt. Earley seeking her approval for a Public Order Unit Plan.

12 Thank you for pulling that up.

13 And you just reviewed this document with
14 Commission Counsel, but I'd like to just pull up what I believe
15 to be the attachment to this email, which is WPS1441.

16 Clerk, if you could please pull that up as well,
17 just so that we can see that attachment.

18 And Deputy Chief, I'd like you to just take a
19 quick look at it to confirm that this is the Public Order
20 Deployment Plan; it's dated February 12th.

21 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's it.

22 **MS. JINAN KUBURSI:** So this was developed by the
23 planners that arrived with Supt. Dana Earley, and were working
24 with you.

25 **DEPUTY CHIEF JASON CROWLEY:** That's correct.
26 Like, yeah, they developed the plan.

27 **MS. JINAN KUBURSI:** Right. So there was -- when
28 you speak of the shared command or the unified command, it

1 appears that an effective way of putting that into operation was
2 to play to the strengths of the different organizations.

3 **DEPUTY CHIEF JASON CROWLEY:** Exactly right.

4 **MS. JINAN KUBURSI:** Right. And since the OPP had
5 POU experience and then some other planning experience, that was
6 taken care of by the OPP team.

7 **DEPUTY CHIEF JASON CROWLEY:** Absolutely, 100
8 percent. That was -- that was the -- again, especially with my
9 background, that was the ask. That was the ask, for them to
10 come in and provide us their experience, and that's what they
11 did, admirably.

12 **MS. JINAN KUBURSI:** And given your local
13 expertise in the City of Windsor and policing in the City of
14 Windsor, obviously your focus might have been on issues that
15 require that kind of expertise.

16 **DEPUTY CHIEF JASON CROWLEY:** That's right.

17 **MS. JINAN KUBURSI:** Is that also fair? Okay.

18 **DEPUTY CHIEF JASON CROWLEY:** But that being said,
19 a lot of consultation went, you know, afterwards, both ways,
20 so...

21 **MS. JINAN KUBURSI:** Of course.

22 **DEPUTY CHIEF JASON CROWLEY:** Yeah.

23 **MS. JINAN KUBURSI:** I'd also just like to refer
24 as well to OPP4560, and ask you, Deputy Chief, were you also --
25 or I expect you also had the opportunity to review the full set
26 of plans that was prepared by the team.

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

28 **MS. JINAN KUBURSI:** So this is a package of

1 documents that were prepared by the OPP, but if you scroll down,
2 Clerk, I just want to bring this document to attention.

3 If you could scroll down further, please, several
4 pages, it also will include a copy of that Public Order Plan, as
5 well as some other supporting documents that supported the
6 planning process.

7 Okay, we can leave that for now. I expect we'll
8 look at that in more detail with Supt. Earley.

9 I'm mindful of the time, Commissioner.

10 So I would like to also ask you, Deputy Chief, so
11 as the plan was then, you know, ready to be implemented, as
12 determined by the Command Team -- and this happened fairly
13 quickly, as I understand it.

14 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

15 **MS. JINAN KUBURSI:** You know, some might be
16 surprised to see that a plan containing all the required
17 elements was produced within a matter of days, but that is the
18 reality.

19 **DEPUTY CHIEF JASON CROWLEY:** No, that's a
20 testament to the experience that they bring.

21 **MS. JINAN KUBURSI:** Okay. And we've heard some
22 reference to the effectiveness of the OPP PLT officers who came
23 onto the scene to support the work that some of the Windsor
24 Police Service Liaison Officers had also been working towards,
25 in developing rapport and communication with the protesters.
26 Yes?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

28 **MS. JINAN KUBURSI:** I take it you became aware

1 that on the 11th of February, there was an effort to come to some
2 kind of resolution with the protesters who had indicated through
3 a PLT officer that the protesters would like to speak to someone
4 from the provincial government, and they were asking for a
5 letter, essentially, to that effect.

6 **DEPUTY CHIEF JASON CROWLEY:** Yes, that's correct.

7 **MS. JINAN KUBURSI:** You're familiar with that?

8 So I'd just like to pull up that document, Mr.
9 Clerk. It's WPS1454.

10 I believe my friend, Mr. Curry, I think alluded
11 to this earlier, but I'd just like to pull it up on the screen
12 and, Deputy Chief, have you take a look at it.

13 Right. So if we scroll down a little bit, we see
14 that this is February 11th; it's addressed to Comm. Carrique.
15 And if we continue to scroll down, it's from Sylvia Jones, and
16 it says:

17 "The Government of Ontario is proposing that a meeting occur
18 within an agreeable time period, with a select group of protest
19 leadership..."

20 And so on. So you're familiar with this
21 resolution attempt ---

22 **DEPUTY CHIEF JASON CROWLEY:** Yes, I am.

23 **MS. JINAN KUBURSI:** --- that was undertaken?

24 I understand that this letter was delivered to
25 the protesters on the evening of February 11th.

26 **DEPUTY CHIEF JASON CROWLEY:** Yes, I'm aware of
27 that.

28 **MS. JINAN KUBURSI:** That's correct? But

1 ultimately it unfortunately did not lead to a resolution of the
2 blockade ---

3 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

4 **MS. JINAN KUBURSI:** --- of the bridge. And in
5 that regard, what I mean is the bridge continued to be blocked.

6 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

7 **MS. JINAN KUBURSI:** Okay. If I might just have
8 one moment?

9 Deputy Chief, you were taken to a debrief
10 document by Commission Counsel that had a number of comments
11 about the experience that had taken place throughout the protest
12 and the blockade, and then the resolution of the blockade. And
13 you noted that you thought it was, you know, expressing opinions
14 of particular individuals that were present there. I'd just
15 like to ask you what, in your view, if you were asked to
16 debrief, what would you say were the lessons learned, the things
17 that worked or things that didn't work?

18 **DEPUTY CHIEF JASON CROWLEY:** Sure. I think that
19 a lot of the document is true. Like, you know, like, this
20 document is all about transparency for us. We're trying to
21 improve. We're trying to develop policy and procedure that can
22 maybe one day mirror the experience of the OPP.

23 So these kind of things, like, internal
24 communication was a big one, improving that. Improving who was
25 actually in the EOC, not at the Command table but in the EOC
26 for, like, say, for finance, and for maybe the Executive Officer
27 or the Chief should have been there for a better communication,
28 for internal communication. These are the things that, you

1 know, we right away realize that, you know, we're learning, and
2 certainly there was -- there would be some changes, but the
3 things that worked were when the OPP came into town, we were
4 completely welcoming. And the -- that seamless integration of
5 Superintendent Earley's team with our team, everybody was
6 pulling the rope in the same direction, and that was what helped
7 us. That was our success.

8 **MS. JINAN KUBURSI:** Okay. Okay. Those are all
9 my questions. Thank you very much.

10 **COMMISSIONER ROULEAU:** Okay. Next is former
11 Chief Sloly's counsel.

12 **MR. TOM CURRY:** Thank you, Commissioner.

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

14 **MR. TOM CURRY:** Deputy Chief, Tom Curry for
15 former Chief Sloly.

16 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

17 **MR. TOM CURRY:** A few minutes and just a few
18 questions.

19 **DEPUTY CHIEF JASON CROWLEY:** Okay.

20 **MR. TOM CURRY:** Just to get your help as a person
21 who's been in policing as long as you have been and holding the
22 roles that you -- or holding the positions and ranks that you
23 have held. You mentioned the limitations on the Service's
24 ability to act on information as opposed to intelligence. Do
25 you recall that?

26 **DEPUTY CHIEF JASON CROWLEY:** I don't -- no, I
27 don't. Like, if that's what I said, I don't know if we had an
28 inability to act on information. It was the inability or maybe

1 the desire to act on information at times that was not
2 legitimate or confirmed or things like that. That's ---

3 **MR. TOM CURRY:** Fair enough.

4 **DEPUTY CHIEF JASON CROWLEY:** --- maybe what I
5 meant.

6 **MR. TOM CURRY:** Maybe I'll -- maybe I can ask you
7 about this. Your colleague who's in the role now of Chief,
8 Chief Bellaire ---

9 **DEPUTY CHIEF JASON CROWLEY:** Yes.

10 **MR. TOM CURRY:** --- he gave a statement to
11 Commission Counsel. I'm not going to turn it up, but can I just
12 read you this? He isn't going to testify, so I'm just going to
13 get you to see whether he has captured the idea that you have --
14 that I understood you were expressing. And this is in relation
15 to the February 6th information about the slow roll and the
16 possibility that protesters had threatened to block the
17 Ambassador Bridge. Do you recall that on the 6th learning that?

18 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

19 **MR. TOM CURRY:** What Chief Bellaire said, and
20 this is just for reference on page 2 of his statement, he said,

21 "However, he stated that he was
22 reluctant to interfere with the flow of
23 traffic to and from the bridge in the
24 absence of compelling intelligence
25 because of the importance of the bridge
26 to international trade." (As read)

27 **DEPUTY CHIEF JASON CROWLEY:** Okay.

28 **MR. TOM CURRY:** Is that a sentiment that you

1 agree with?

2 **DEPUTY CHIEF JASON CROWLEY:** As a Critical
3 Incident Commander, I mean, I can't disagree with it, but I
4 certainly was not willing to interject in that point to escalate
5 the situation.

6 **MR. TOM CURRY:** Right. In other words, not --
7 you weren't going to be -- on the basis of what you had heard of
8 a threat, you weren't going to go closing roads all ---

9 **DEPUTY CHIEF JASON CROWLEY:** No.

10 **MR. TOM CURRY:** --- over town ---

11 **DEPUTY CHIEF JASON CROWLEY:** We were not.

12 **MR. TOM CURRY:** --- and disrupt things.

13 **DEPUTY CHIEF JASON CROWLEY:** No.

14 **MR. TOM CURRY:** And I don't know how -- when you
15 say earlier that you were following the events in Ottawa, you
16 understood that that was a much larger, much more significant
17 and complex protest than the one that you were dealing with?

18 **DEPUTY CHIEF JASON CROWLEY:** I would agree.

19 **MR. TOM CURRY:** The number of vehicles that
20 actually blocked this critical infrastructure strikes me as a
21 very small number. Do you agree?

22 **DEPUTY CHIEF JASON CROWLEY:** Well, compared to
23 what Ottawa's dealing with, I would say yes, but, I mean, we had
24 times we were estimating up to a 100, 150 vehicles.

25 **MR. TOM CURRY:** 150? And as -- and the low end,
26 for the Commissioner's purposes, sometimes I saw numbers that
27 were below 50 even as they came and went?

28 **DEPUTY CHIEF JASON CROWLEY:** I'd have to trust

1 you on that. I don't ---

2 **MR. TOM CURRY:** Okay. Well, that's -- don't --
3 we'll leave ---

4 **DEPUTY CHIEF JASON CROWLEY:** My intelligence was
5 going by drone shots and things like that. I mean, 10
6 kilometres away. Right.

7 **MR. TOM CURRY:** Very hard to get actual
8 information about it. Tell the Commissioner if you would,
9 please, where were these plates -- where were these vehicles
10 coming from? What do you got on the plates?

11 **DEPUTY CHIEF JASON CROWLEY:** Ontario, I would --
12 most of them. There were some locals. As we ran plates, the
13 officers on grounds running plates, you know, there was
14 different areas of the province.

15 **MR. TOM CURRY:** Right.

16 **DEPUTY CHIEF JASON CROWLEY:** I would say mostly
17 Ontario though.

18 **MR. TOM CURRY:** And were there any from outside
19 of Ontario?

20 **DEPUTY CHIEF JASON CROWLEY:** I don't recall, sir,
21 I really don't.

22 **MR. TOM CURRY:** Okay. And therefore, we wouldn't
23 know -- you wouldn't have any good intelligence as to whether
24 any of them had originated at the protest in Ottawa and then
25 come down to Windsor?

26 **DEPUTY CHIEF JASON CROWLEY:** No.

27 **MR. TOM CURRY:** A couple of then just very quick
28 things, resources. If I understand what you were telling us,

1 you -- when resources were required and it was obvious that,
2 first of all, that the Windsor Police Service was overwhelmed by
3 this ---

4 **DEPUTY CHIEF JASON CROWLEY:** Yes.

5 **MR. TOM CURRY:** --- couldn't handle it itself ---

6 **DEPUTY CHIEF JASON CROWLEY:** Yes.

7 **MR. TOM CURRY:** --- that the main goal is to get
8 the resources in town, and you can formalize the requests
9 afterwards. I think you talked about Inspector to Inspector and
10 then having a more formal request go from the Chief to the Chief
11 as needed; is that fair?

12 **DEPUTY CHIEF JASON CROWLEY:** Yeah, that's fair.

13 **MR. TOM CURRY:** And the -- you were asked by my
14 friends from the Commission about whether you knew about the
15 fact that the Chief, that is your Chief, had sent a letter to
16 the Minister, to Minister Jones to -- or Solicitor General Jones
17 and Minister Mendocino on February 9th, and you indicated you did
18 not know that at the time?

19 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I don't think
20 I did. I mean, I was working midnights at the time. I don't
21 think I did.

22 **MR. TOM CURRY:** Well, and it reflects, doesn't
23 it, what might be euphemistically referred to as the fog of war.
24 There was a lot going on.

25 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

26 **MR. TOM CURRY:** And the environment was very
27 complex and complicated.

28 **DEPUTY CHIEF JASON CROWLEY:** It was.

1 **MR. TOM CURRY:** You couldn't be expected to know
2 every single thing that was going on in the Service; is that
3 fair?

4 **DEPUTY CHIEF JASON CROWLEY:** No, I mean, we all
5 had our roles. My role was Critical Incident Command. I was
6 either working or sleeping at that point.

7 **MR. TOM CURRY:** Probably very little of the ---

8 **DEPUTY CHIEF JASON CROWLEY:** Very little of the -
9 --

10 **MR. TOM CURRY:** --- of the sleep.

11 **DEPUTY CHIEF JASON CROWLEY:** --- last, yes.

12 **MR. TOM CURRY:** And then finally, can I just ask
13 you a question about Critical Incident Command?

14 **DEPUTY CHIEF JASON CROWLEY:** Certainly.

15 **MR. TOM CURRY:** First of all, you remained the
16 police of jurisdiction. You've told us that.

17 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

18 **MR. TOM CURRY:** Superintendent Earley's -- and
19 she's coming here, but Superintendent Earley described in her
20 statement, and I anticipate she will say, that there was a delay
21 in the -- in undertaking the operation, as a consequence of the
22 letter that -- or that you've heard about and that you saw.

23 **DEPUTY CHIEF JASON CROWLEY:** Okay.

24 **MR. TOM CURRY:** Were you aware of that?

25 **DEPUTY CHIEF JASON CROWLEY:** No, I was not.

26 **MR. TOM CURRY:** And did you know that the
27 decision to delay the operation was reviewed by Commissioner
28 Carrique and a Deputy Commissioner, Deputy Commissioner Harkins,

1 who I'm going to use the language overruled or at least
2 expressed the view that Commissioner -- or that Superintendent
3 Earley should not pause the enforcement out of concern about the
4 potential impact of that letter from the Solicitor General.
5 Were you aware of any of that?

6 **DEPUTY CHIEF JASON CROWLEY:** I -- no, I was not
7 aware of that. I was aware of a possible date change, but I was
8 not aware when it went back to the 12th.

9 **MR. TOM CURRY:** And did you know that what
10 Superintendent Earley was concerned with was that if a letter
11 was going to go to Windsor protesters from the Solicitor
12 General, that it might have an impact up in Ottawa, and that
13 maybe we better -- maybe she thought we better get that letter
14 up to Ottawa, which she did.

15 **DEPUTY CHIEF JASON CROWLEY:** Okay.

16 **MR. TOM CURRY:** Were you aware of any of that?

17 **DEPUTY CHIEF JASON CROWLEY:** No, not at the time.

18 **MR. TOM CURRY:** And then finally, am I right that
19 you became aware that in terms of the chain of command and who
20 needs to approve what, that before an OPP Public Order Unit
21 operation is rolled out, that it is not just up to the Critical
22 Incident Commander, but rather a Deputy Commissioner has to
23 authorize that?

24 **DEPUTY CHIEF JASON CROWLEY:** That is -- I don't
25 know that. That may ---

26 **MR. TOM CURRY:** Okay.

27 **DEPUTY CHIEF JASON CROWLEY:** --- be an OPP
28 policy, but I ---

1 **MR. TOM CURRY:** That's fine.

2 **DEPUTY CHIEF JASON CROWLEY:** --- that certainly
3 wasn't a Windsor policy.

4 **MR. TOM CURRY:** Okay. Right. Understood.

5 **DEPUTY CHIEF JASON CROWLEY:** Okay.

6 **MR. TOM CURRY:** Well, we can ask Superintendent
7 Earley. Thank you for your help.

8 **DEPUTY CHIEF JASON CROWLEY:** Thank you, sir.

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

10 **COMMISSIONER ROULEAU:** Okay. Next is the Ottawa
11 Police Service.

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

13 **MR. DAVID MIGICOVSKY:** Good afternoon, Deputy
14 Chief Crowley. My name is David Migicovsky. I'm Counsel for
15 the Ottawa Police Service.

16 **DEPUTY CHIEF JASON CROWLEY:** Good afternoon.

17 **MR. DAVID MIGICOVSKY:** You served as the Critical
18 Incident Commander during the day shift; is that correct?

19 **DEPUTY CHIEF JASON CROWLEY:** No ---

20 **MR. DAVID MIGICOVSKY:** During the ---

21 **DEPUTY CHIEF JASON CROWLEY:** --- night shift.

22 **MR. DAVID MIGICOVSKY:** --- night shift; correct?

23 **DEPUTY CHIEF JASON CROWLEY:** Yes, yes.

24 **MR. DAVID MIGICOVSKY:** And in that regard, am I
25 correct that you had operational autonomy to make necessary
26 decisions under the incident command system?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

28 **MR. DAVID MIGICOVSKY:** And so you would be

1 operating at the operational level?

2 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

3 **MR. DAVID MIGICOVSKY:** And the level above you
4 would be the chief at the strategic level?

5 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

6 **MR. DAVID MIGICOVSKY:** But there's only one level
7 above you; correct?

8 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

9 **MR. DAVID MIGICOVSKY:** And so unlike in Ottawa
10 where we had an incident commander, an event commander, and a
11 major incident commander, and then a chief, that wasn't
12 comparable to the situation in Windsor, was it?

13 **DEPUTY CHIEF JASON CROWLEY:** No, that's -- you're
14 correct in saying that.

15 **MR. DAVID MIGICOVSKY:** And Chief Mizuno and
16 Deputy Bellaire respected your autonomy and didn't interfere
17 with your operational decisions?

18 **DEPUTY CHIEF JASON CROWLEY:** Completely respected
19 it, yes.

20 **MR. DAVID MIGICOVSKY:** And that's an important
21 aspect of how the incident command system is supposed to work;
22 am I correct?

23 **DEPUTY CHIEF JASON CROWLEY:** You're correct.

24 **MR. DAVID MIGICOVSKY:** And you shared command
25 with the OPP but that's because the Windsor Police Service
26 recognized that in an operation of this nature, the OPP
27 obviously had much more experience and expertise than the
28 Windsor Police Service had?

1 **DEPUTY CHIEF JASON CROWLEY:** That's correct, yes.

2 **MR. DAVID MIGICOVSKY:** Lesson learned from
3 Ottawa, I believe you learned a number of lessons based on what
4 had happened in Ottawa, and these are things that you would not
5 otherwise have known; is that fair?

6 **DEPUTY CHIEF JASON CROWLEY:** That's fair.

7 **MR. DAVID MIGICOVSKY:** And so, in fact, in -- I
8 won't call up the document but I believe in one of the
9 documents, you talked about benefitting from the hindsight of
10 Ottawa's -- of enjoying the benefits of the hindsight from
11 Ottawa's experience, and that impacted how Windsor decided to
12 proceed; correct?

13 **DEPUTY CHIEF JASON CROWLEY:** On certain things,
14 the things that I talked about earlier, certainly, but not
15 everything. I mean, like, for instance, when the OPP came down
16 and we, you know, started to share command and work as a team,
17 that was just the way I -- it went. Like, that was just -- that
18 was an accepted practice in my book. That's how I wanted to
19 work. And I'm sure Supt. Earley will say the same thing -- or
20 -- and should say the same thing because that's -- it just
21 worked that way.

22 **MR. DAVID MIGICOVSKY:** And another example of
23 learning from Ottawa was -- I believe we saw in one of the
24 documents -- again I won't turn it up -- when it came to looking
25 at the message to be given to demonstrators, I think it was a
26 bit of a cut and paste from what Ottawa had done; correct?

27 **DEPUTY CHIEF JASON CROWLEY:** I can't -- I can't
28 confirm that, sorry.

1 **MR. DAVID MIGICOVSKY:** I can call up the document
2 if that'll help. It's WPS00001017. And so you'll see this is
3 simply a prepared statement if required for future use. It very
4 much mirrors what Ottawa Police put out, and I made very few
5 changes to what they had. And then underneath, if you scroll
6 down, you'll see that was the message given to demonstrators.

7 **DEPUTY CHIEF JASON CROWLEY:** Okay, just judging
8 by the time, I was not at work yet. I was still on midnights of
9 the email, but I certainly can't disagree that maybe it is the
10 same.

11 **MR. DAVID MIGICOVSKY:** Thank you very much. You
12 can take that down, thank you. From the outset, as I understand
13 it, Windsor Police Service tried their very best to respect the
14 right to peaceful assembly ---

15 **DEPUTY CHIEF JASON CROWLEY:** Correct.

16 **MR. DAVID MIGICOVSKY:** --- keeping lines of
17 communication open ---

18 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

19 **MR. DAVID MIGICOVSKY:** --- and, very importantly,
20 using police discretion?

21 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

22 **MR. DAVID MIGICOVSKY:** And using police
23 discretion means sometimes officers need to retreat when crowds
24 get aggressive? In fact, I think you told us an example in
25 which you witnessed that; correct?

26 **DEPUTY CHIEF JASON CROWLEY:** It's part of their
27 use-of-force model, yes.

28 **MR. DAVID MIGICOVSKY:** And just -- I want to just

1 briefly conclude by talking about the intelligence, and I
2 understand that the first Hendon Report that has a possible to a
3 blockade in Windsor was January 31st, but there wasn't a lot of
4 information about it; correct?

5 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

6 **MR. DAVID MIGICOVSKY:** You didn't know numbers.
7 You didn't know dates. And although I understand -- after that,
8 then, on February 4th, I gather there were some social media
9 reports suggesting a possible blockade but, again, not a lot of
10 information; correct?

11 **DEPUTY CHIEF JASON CROWLEY:** That's correct, sir,
12 yes.

13 **MR. DAVID MIGICOVSKY:** And I understand that
14 although you had some advance information then about a possible
15 blockade on January 31st to February 4th, the specific operational
16 plan wasn't in place when the bridge initially shut down on the
17 7th; correct?

18 **DEPUTY CHIEF JASON CROWLEY:** You're talking about
19 the Public Order Plan?

20 **MR. DAVID MIGICOVSKY:** Yes.

21 **DEPUTY CHIEF JASON CROWLEY:** Yes, that was not in
22 place, no.

23 **MR. DAVID MIGICOVSKY:** And it's not always
24 possible to be completely prepared in advance; is that fair?

25 **DEPUTY CHIEF JASON CROWLEY:** That is fair, yes.

26 **MR. DAVID MIGICOVSKY:** And so I believe on
27 February 8th, there was a general request, we heard, to the OPP
28 for officers, and that was followed on February 9th with that

1 letter that we saw earlier for the 100 officers, which gave some
2 information, but that didn't provide a complete plan; was it?

3 **DEPUTY CHIEF JASON CROWLEY:** No it was not a
4 complete plan at all.

5 **MR. DAVID MIGICOVSKY:** And ultimately what was
6 required was -- a POU operation was necessary to end the matter?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

8 **MR. DAVID MIGICOVSKY:** And that means there's
9 going to be arrests, there's going to be criminal charges ---

10 **DEPUTY CHIEF JASON CROWLEY:** Likely.

11 **MR. DAVID MIGICOVSKY:** --- and it's an
12 escalation; correct?

13 **DEPUTY CHIEF JASON CROWLEY:** That's correct. It
14 is an escalation, for sure.

15 **MR. DAVID MIGICOVSKY:** Thank you very much. I
16 have no further questions.

17 **DEPUTY CHIEF JASON CROWLEY:** Thank you, sir.

18 **COMMISSIONER ROULEAU:** Next is the National
19 Police Federation.

20 **MS. LAUREN PEARCE:** Hi there. This is Lauren
21 Pearce for the National Police Federation. Our questions have
22 been asked already. We have no further questions.

23 **COMMISSIONER ROULEAU:** Thank you.

24 **MS. LAUREN PEARCE:** Thank you.

25 **COMMISSIONER ROULEAU:** Next are the Convoy
26 Organizers.

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

28 **MR. BRENDAN MILLER:** Good evening.

1 **DEPUTY CHIEF JASON CROWLEY:** Good evening.

2 **MR. BRENDAN MILLER:** For the record, Brendan
3 Miller appearing as counsel for Freedom Corp., which represents
4 the protesters that were in the City of Ottawa in January and
5 February.

6 Sir, if we could first, Mr. Clerk, have just the
7 document that my friend referred to, OPP00004539; could we bring
8 that up and go to the page that he was on, page 42, where that
9 tweet is?

10 Okay, so that's the tweet that my friend put to
11 your earlier; fair?

12 **DEPUTY CHIEF JASON CROWLEY:** Fair.

13 **MR. BRENDAN MILLER:** Right. And can we scroll
14 down with the commentary. Okay. Who is that individual? Do
15 you know who posted that?

16 **DEPUTY CHIEF JASON CROWLEY:** I have no idea. I
17 don't even know if I ever saw this back then.

18 **MR. BRENDAN MILLER:** Okay. You don't know if
19 they even were at the Windsor Bridge?

20 **DEPUTY CHIEF JASON CROWLEY:** Don't know.

21 **MR. BRENDAN MILLER:** Right. You don't even know
22 if that's a real account?

23 **DEPUTY CHIEF JASON CROWLEY:** I don't know.

24 **MR. BRENDAN MILLER:** Okay. Can you agree with me
25 -- and I just want to put, sort of, as I understand -- and these
26 are no my words I'm about to put to you but I want to know if
27 you agree with the following with respect to online social media
28 and spaces. So, "The anonymity of an online space allows

1 individuals to post commentary that they would not normally say
2 in public. Many posts in this space are best articulated" --
3 and again, this is not my words -- "as shit posting.
4 Confirmation bias: strategic analysis must be driven by direct-
5 evidence collection and assessment as opposed to reliance on
6 social media posting as it lacks context and where the poster's
7 bias may not be considered." Would you agree with that?

8 **DEPUTY CHIEF JASON CROWLEY:** Potentially, yes,
9 but I can say that -- like I said, I don't even think I saw
10 this.

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

12 **DEPUTY CHIEF JASON CROWLEY:** But when it talks
13 about "real evidence", when I heard the protesters themselves on
14 the open chat talking about human shields -- children as human
15 shields and seeing a picture with children holding hands across
16 the intersection here in -- Church and College in the early
17 stages, that's hard evidence for me.

18 **MR. BRENDAN MILLER:** Okay. And of course you
19 followed up on investigating that and making sure that, you
20 know, that wasn't an issue?

21 **DEPUTY CHIEF JASON CROWLEY:** Out Special
22 Investigations Unit was definitely involved and they -- to deal
23 with the children, the harms against children, along with CAS,
24 for sure.

25 **MR. BRENDAN MILLER:** Okay. Can we scroll down to
26 page 44, please? Okay. And so this is your -- an OPP
27 Intelligence Assessment of Windsor. Can we scroll down. And do
28 you want to just to take a minute to read that?

1 **DEPUTY CHIEF JASON CROWLEY:** What's the date on
2 this, sir, 12th? Okay, thank you -- 4:00 in the morning.

3 **MR. BRENDAN MILLER:** And you can agree there that
4 the report there from the 12th from the OPP says:

5 "No persons were observed but believed
6 to be inside the camper."

7 If we can scroll down, "Only Canadian flags
8 observed." That's it.

9 So you can agree based on that report, as of the
10 12th, according to the OPP, that wasn't really an issue.

11 **DEPUTY CHIEF JASON CROWLEY:** Not at this time,
12 for sure.

13 **MR. BRENDAN MILLER:** And again, we -- you agreed
14 possibly with what I said to you with respect to essentially the
15 validity of relying on social media alone; right?

16 **DEPUTY CHIEF JASON CROWLEY:** We did not rely on
17 it alone, but I would agree with that, you cannot rely on it
18 alone, yes.

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

20 **DEPUTY CHIEF JASON CROWLEY:** Thank you.

21 **COMMISSIONER ROULEAU:** Okay. Next, the Ottawa
22 Residents Coalition.

23 **MS. CHRISTINE JOHNSON:** Hi there. Christine
24 Johnson for the Ottawa Residents and Businesses. We have no
25 questions for this witness. Thank you.

26 **COMMISSIONER ROULEAU:** Okay. Next is the City of
27 Ottawa.

28 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

1 **MS. ANNE TARDIF:** Good evening, Deputy Chief. My
2 name's Anne Tardif. I am one of the lawyers representing the
3 City of Ottawa.

4 **DEPUTY CHIEF JASON CROWLEY:** Good evening.

5 **MS. ANNE TARDIF:** Mr. Clerk, if we could put up
6 WPS000000216. All right. And if we could go to page 8. Well,
7 actually, let's just identify the document first. There we go.

8 Deputy Chief, these are the scribe notes for the
9 Critical Incident Commanders during the period in question. Is
10 that correct?

11 **DEPUTY CHIEF JASON CROWLEY:** These are the
12 Windsor scribe notes, yes.

13 **MS. ANNE TARDIF:** Sorry, the WPS scribe notes,
14 right, for the Windsor CIC.

15 **DEPUTY CHIEF JASON CROWLEY:** Oh, sorry, I didn't
16 hear you say that. Yes.

17 **MS. ANNE TARDIF:** Yes.

18 **DEPUTY CHIEF JASON CROWLEY:** They're WPS scribe
19 notes for the -- yes.

20 **MS. ANNE TARDIF:** I may not have said it, it's
21 late in the day.

22 **DEPUTY CHIEF JASON CROWLEY:** Yeah, I hear you.

23 **MS. ANNE TARDIF:** And thank you for that. And so
24 these would have been scribe notes for you during what we're
25 calling the midnight shifts and Inspector Degraaf during the
26 dayshift; fair?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct, yes.

28 **MS. ANNE TARDIF:** Okay. And we've heard some

1 evidence from the Mayor this morning about his being reminded or
2 advised at some point that he perhaps should not have made the -
3 - the concerns about making specific requests for additional
4 resources public. And I just wanted to go to page 8 of this
5 document first. Just to situate us in time, do you see the date
6 there, Deputy Chief, February 9th?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes.

8 **MS. ANNE TARDIF:** And if we could scroll down to
9 page 11, it'll still be February 9th, but just to situate us.
10 At timestamp of 11:35, please, Mr. Clerk, if we could scroll
11 down.

12 Do you see there, it says, "CIC Supt Mike
13 McDonnell." And he's a Superintendent with the OPP; correct?

14 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

15 **MS. ANNE TARDIF:** And then it says:

16 "[C]omm's OPP liaison via phone. CIC
17 relay message from him..."

18 Being Superintendent McDonnell:

19 "...to Chief & also to Mayor, not
20 discuss any requests or additional
21 resources. Goes against/contrary
22 messaging from OPP and RCMP. Prompts
23 protesters to gather strength and
24 intensity..."

25 That should perhaps be "intensify presence". Do
26 you see that?

27 **DEPUTY CHIEF JASON CROWLEY:** Yes.

28 **MS. ANNE TARDIF:** So I take it that

1 Superintendent McDonnell from the OPP was asking the Windsor CIC
2 to relay to the Chief of Police and to the Mayor their advice or
3 their request that any request for additional resources not be
4 discussed publicly. Is that fair?

5 **DEPUTY CHIEF JASON CROWLEY:** That's fair, yes.

6 **MS. ANNE TARDIF:** And if we scroll to the 11:35
7 timestamp.

8 That message, I guess, was relayed; correct?

9 **DEPUTY CHIEF JASON CROWLEY:** I'm assuming. I --
10 this was a dayshift, so I wasn't there for this part. I'm
11 assuming it was relayed, yes.

12 **MS. ANNE TARDIF:** If it's in the scribe notes,
13 fair to assume that it was ---

14 **DEPUTY CHIEF JASON CROWLEY:** It's fair.

15 **MS. ANNE TARDIF:** --- in fact relayed?

16 **DEPUTY CHIEF JASON CROWLEY:** Yes.

17 **MS. ANNE TARDIF:** Thank you very much. Those are
18 my questions.

19 **COMMISSIONER ROULEAU:** Okay. Next, call on the
20 Government of Alberta.

21 **MS. STEPHANIE BOWES:** Good evening. Can you hear
22 me?

23 **COMMISSIONER ROULEAU:** Yes.

24 **MS. STEPHANIE BOWES:** All right, thank you.

25 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

26 **MS. STEPHANIE BOWES:** My name is Stephanie Bowes
27 appearing on behalf of the Government of Alberta. I just have a
28 couple of questions today.

1 You've already been taken to the letter that was
2 sent by Chief Mizuno to both Minister Blair and Minister Jones.
3 I don't intend to call that up again, but I understand from your
4 responses to Commission Counsel's questions earlier, that you
5 were not aware of that letter. Is that correct?

6 **DEPUTY CHIEF JASON CROWLEY:** That's correct.

7 **MS. STEPHANIE BOWES:** And in the -- one of the
8 requests within that letter was a request for tow trucks,
9 including heavy tow trucks for large transport vehicles. Is it
10 fair to say that you were not aware of this request for tow
11 trucks as well?

12 **DEPUTY CHIEF JASON CROWLEY:** It could be. I
13 don't recall to be honest. I know that we were in need of those
14 kind of services. We only had the one contracted service in
15 Windsor, but I can't say that if I knew that or not.

16 **MS. STEPHANIE BOWES:** Do you recall if you
17 received any assistance in the form of tow trucks?

18 **DEPUTY CHIEF JASON CROWLEY:** At the POU Action
19 Day, we did receive help from the State of Michigan. They ended
20 up sending a handful of trucks, tow trucks over to Windsor.
21 They were staged at Mic Mac Park, which is approximately
22 4 kilometres from the bridge, but we did not use them.

23 **MS. STEPHANIE BOWES:** Okay. And were you -- are
24 you aware if there was any response ever received by the Windsor
25 Police Service to those requests from -- to Minister Blair or
26 Minister Jones?

27 **DEPUTY CHIEF JASON CROWLEY:** I'm not aware of
28 any.

1 **MS. STEPHANIE BOWES:** All right. Thank you.
2 Those are all my questions today.

3 **DEPUTY CHIEF JASON CROWLEY:** Thank you.

4 **COMMISSIONER ROULEAU:** Okay. Next, call on the
5 Windsor Police Service.

6 **MR. THOMAS McRAE:** Thank you, Mr. Commissioner.
7 I am Tom McRae for Windsor Police Service.

8 **--- CROSS-EXAMINATION BY MR. THOMAS McRAE:**

9 **MR. THOMAS McRAE:** Can I ask you to go, please,
10 to a document that was shown to you earlier, WPS000001441,
11 please? Could you please tell us whose flashes are on that
12 first page?

13 **DEPUTY CHIEF JASON CROWLEY:** That would be the
14 Ontario Provincial Police, the Windsor Police, the London
15 Police, and the flash of the RCMP.

16 **MR. THOMAS McRAE:** In addition to those police
17 services, who else assisted Windsor Police Service in its
18 operations at the Ambassador Bridge?

19 **DEPUTY CHIEF JASON CROWLEY:** We had assistance
20 from the Hamilton Police Service and the Waterloo Police
21 Service. Off the top of my head, that may be it.

22 **MR. THOMAS McRAE:** Thank you.

23 Could I ask, Mr. Clerk, that you call up the
24 witness statement of Catherine Diodati. It's 00000062.

25 For context, Ms. Diodati is a protester who was
26 present in Windsor. I understand the Commission does not intend
27 to call her but intends to submit her witness statement in
28 evidence.

1 Could you go, please, to the third page, about
2 halfway down. A little more. That's perfect. That's perfect.

3 It says:

4 "At 7:00 p.m., the injunction came into
5 effect. Ms. Diodati said that by
6 7:30 p.m., a young police officer was
7 handing out sheets of paper which
8 explained the terms of the injunction
9 and the potential consequences for
10 failing to comply with it, including
11 fines and confiscation of property."

12 (As read)

13 Can you assist the Commission, Deputy Chief, by
14 advising us as to the best of your knowledge what other efforts
15 were made to inform the public of the terms of the injunction,
16 and generally, the legal consequences of the protest?

17 **DEPUTY CHIEF JASON CROWLEY:** Certainly. So we
18 utilised mainstream media, we utilised social media. We printed
19 the documents, put them on telephone poles, jersey barriers,
20 anywhere we could. We handed flyers out to the protesters. We
21 made every effort we could with every source of media that we
22 could to educate people on the existence of it. And the
23 consequences would be, of course, charge of -- a criminal charge
24 of disobeying a Court Order.

25 **MR. THOMAS McRAE:** Thank you. The statement
26 continues:

27 "Ms. Diodati said she asked the officer
28 'What does this mean in terms of

1 legality of protests? Will someone
2 arrest us?' She observed that the
3 officer was shaking, which surprised
4 her. She said that she thought that
5 the officer must have heard that the
6 protesters were violent, so she told
7 the officer 'You're safe. It's okay.
8 None of us have ever been violent.'"

9 (As read)

10 Was there violence during the context of -- or
11 during this blockade at the Ambassador Bridge?

12 **DEPUTY CHIEF JASON CROWLEY:** Yes.

13 **MR. THOMAS McRAE:** The next paragraph, it says:

14 "On Saturday, February 12th,
15 Ms. Diodati went to Huron Church Road
16 near College Road. Ms. Diodati said
17 the area was barricaded by the police
18 and the intersection looked like a war
19 zone, which did not fit with the joyful
20 atmosphere. Ms. Diodati recalled that
21 she also spoke to a police officer from
22 the East Coast. She said, 'Look at
23 these heavy armoured vehicles and
24 firearms, what are you planning to do
25 with us?"

26 On the 12th, were there armoured vehicles in the
27 neighbourhood of the Ambassador Bridge?

28 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir.

1 **MR. THOMAS McRAE:** What was their purpose?

2 **DEPUTY CHIEF JASON CROWLEY:** Well, they
3 potentially have numerous purposes. They can be used to block
4 intersections to assist us in that capacity. In this state, on
5 the 12th, they were there to -- you know, you can imagine the
6 unpredictability of an even of this kind at this point, so in
7 Critical Incident Command, there's a saying that rather be
8 looking at it than asking for it.

9 So typically, those are held for a higher ground.
10 An officer can be at the top of -- it's a very high vehicle --
11 can see the crowd from a better perspective, and also it is
12 essentially sat back in case we need it for crowd control or
13 anything worse.

14 **MR. THOMAS McRAE:** Other than these policing
15 purposes you described, is there any -- was there any other
16 purpose for these ---

17 **DEPUTY CHIEF JASON CROWLEY:** No.

18 **MR. THOMAS McRAE:** --- vehicles?

19 **DEPUTY CHIEF JASON CROWLEY:** No, not at all.

20 **MR. THOMAS McRAE:** You told my friend, Mr.
21 Migicovsky for the Ottawa Police, that the chief and the deputy
22 chief did not get involved in your Critical Incident Command.
23 Was there any political involvement in any of your decisions
24 with respect to the Ambassador Bridge blockade?

25 **DEPUTY CHIEF JASON CROWLEY:** Zero.

26 **MR. THOMAS McRAE:** Thank you. Those are my
27 questions.

28 **COMMISSIONER ROULEAU:** Any re-examination?

1 **MR. ERIC BROSSEAU:** None, Commissioner.

2 **COMMISSIONER ROULEAU:** I haven't got much. I
3 just -- one thing I'm confused about, and that arises from the
4 videos that the -- were shown by Citizens for Freedom, and you
5 saw the arrest of the person who was on the ground.

6 How does that fit in? I thought you testified
7 that there were -- they could continue to protest on the
8 sidewalk, and this person doesn't seem to have been on the
9 street, and I'm trying to understand exactly -- maybe I don't
10 know the geography.

11 **DEPUTY CHIEF JASON CROWLEY:** Yes. Sorry, sir.

12 So they're -- let me explain. When I said that
13 about the protestors on the sidewalk, that was outside of the
14 area of control that we had tried to establish. So once --
15 after the 13th, we established basically from the bridge to
16 Tecumseh Road and a little bit to the east. So there's a
17 Canadian Tire, for instance, right, on that northwest --
18 northeast corner. If they're on that sidewalk outside of our
19 jersey barriers, we had no problem with that.

20 If they're inside the area of control that we
21 were trying to establish, they were asked to leave, and if they
22 weren't, they were arrested.

23 So that arrest in that video that we were shown,
24 that is in that area of control on Huron Church north of
25 Tecumseh Road between the Tecumseh Road and the bridge. That is
26 the area that public order was clearing of vehicles and of
27 pedestrians, essentially.

28 So again, once that area of control was

1 determined and established, anyone outside of it could stay on
2 the sidewalk, no problem. That video was not in that area that
3 I'm talking about on the sidewalk.

4 **COMMISSIONER ROULEAU:** Can you just remind me
5 then again -- and I'm lost in that from my mind -- the area of
6 control, that you call it, is -- was from the bridge to Tecumseh
7 Road; is that ---

8 **DEPUTY CHIEF JASON CROWLEY:** That was the area
9 that POU cleared, but south of Tecumseh Road was part of the
10 traffic plan with the jersey barriers. But that was another
11 area of protestors, if they were on a sidewalk in that area --
12 which they weren't -- but if they were, no problem. They were
13 out of that area of control south of Tecumseh Road.

14 So that's -- yes, from Tecumseh to the bridge was
15 the area that we were trying to maintain no protestors.

16 **COMMISSIONER ROULEAU:** And how far is it from
17 Tecumseh to the expressway?

18 **DEPUTY CHIEF JASON CROWLEY:** Two kilometres or
19 so.

20 **COMMISSIONER ROULEAU:** So the -- and so the
21 bridge to Tecumseh would be about a kilometre?

22 **DEPUTY CHIEF JASON CROWLEY:** I'd say two or
23 three, maybe -- yeah, two.

24 **COMMISSIONER ROULEAU:** So about half of the Huron
25 Church Road would be, if you like, not available on the
26 sidewalks for protestors, but the other half would be?

27 **DEPUTY CHIEF JASON CROWLEY:** That's correct,
28 based on their areas of protest for that week, because they had

1 areas at Tecumseh Road, at that south side of the bridge, and
2 the north side of the bridge. That was the area we were trying
3 to clear.

4 **COMMISSIONER ROULEAU:** Okay. And the -- you
5 talked about being at the Emergency Preparedness Committee of
6 the Chiefs of Police and discussion there?

7 **DEPUTY CHIEF JASON CROWLEY:** Yes.

8 **COMMISSIONER ROULEAU:** Were there meetings of
9 that group during this period in early February when the
10 protests were going on?

11 **DEPUTY CHIEF JASON CROWLEY:** Yes, sir, there
12 were.

13 **COMMISSIONER ROULEAU:** And ---

14 **DEPUTY CHIEF JASON CROWLEY:** I assume.

15 **COMMISSIONER ROULEAU:** Oh, so you weren't a party
16 to those meetings?

17 **DEPUTY CHIEF JASON CROWLEY:** I wasn't personally
18 because again, I was on midnights. Inspector DeGraaf would have
19 tuned in to those, but when I flipped over to days about halfway
20 through, I would be on those meetings when they were scheduled,
21 yes.

22 **COMMISSIONER ROULEAU:** Okay. And were there
23 discussions at those meetings about the available resources for
24 POU units across the province?

25 **DEPUTY CHIEF JASON CROWLEY:** That's correct.
26 There's a POU hub. That's how we try and work it within the
27 province of distributing necessary resources in these cases,
28 yes. So there was those discussions at those meetings.

1 **COMMISSIONER ROULEAU:** And were those
2 discussions, did they include what was needed for Ottawa and
3 were there enough POU units to deal with the Ottawa situation in
4 Ontario?

5 **DEPUTY CHIEF JASON CROWLEY:** Yes, in my opinion
6 and being a part of that committee, it seemed like there was.

7 **COMMISSIONER ROULEAU:** And so were you part of
8 those discussions?

9 **DEPUTY CHIEF JASON CROWLEY:** I was on those
10 meetings, but because Windsor didn't have POU officers to offer
11 because we don't have a POU, you know, I was just a part of it.
12 I wasn't an active part of it because I had nothing to offer, at
13 that point.

14 **COMMISSIONER ROULEAU:** Okay, thank you.

15 So I think that completes the evidence. Thank
16 you for your attendance and your evidence.

17 And we will adjourn til tomorrow morning at 9:30.

18 **THE REGISTRAR:** The Commission is adjourned. La
19 Commission est ajournée.

20 --- Upon adjourning at 6:00 p.m.

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C E R T I F I C A T I O N

3

4 I, Sandrine Martineau-Lupien, a certified court reporter, hereby
5 certify the foregoing pages to be an accurate transcription of
6 my notes/records to the best of my skill and ability, and I so
7 swear.

8

9 Je, Sandrine Martineau-Lupien, une sténographe officiel,
10 certifie que les pages ci-hauts sont une transcription conforme
11 de mes notes/enregistrements au meilleur de mes capacités, et je
12 le jure.

13

14



15 Sandrine Martineau-Lupien

16