



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 20

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Ottawa, Ontario

--- Upon commencing on Wednesday, November 9, 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. Okay, so we have a new witness I expect this morning. Who is on for the Commission?

MR. JEAN-SIMON SCHOENHOLZ: Good morning, Commissioner. Jean-Simon Schoenholz, Commission Counsel. Our witness this morning will be Mr. Jim Willett.

COMMISSIONER ROULEAU: Good morning, Mayor.

THE REGISTRAR: Mr. Mayor Willett, will you swear on a religious document or do you wish to affirm.

MAYOR JIMMY WILLET: I'll swear on the Bible.

THE REGISTRAR: Please state your full name and spell it out.

MAYOR JIMMY WILLETT: My full name is Jimmy Willett, J-I-M-M-Y W-I-L-L-E-T-T.

--- MAYOR JIMMY WILLETT, Sworn:

COMMISSIONER ROULEAU: Go ahead.

--- EXAMINATION IN-CHIEF BY MR. JEAN-SIMON SCHOENHOLZ:

MR. JEAN-SIMON SCHOENHOLZ: Good morning, Mayor Willett.

MAYOR JIMMY WILLETT: Good morning.

MR. JEAN-SIMON SCHOENHOLZ: So I understand that you're the Mayor of Coutts, Alberta.

MAYOR JIMMY WILLETT: That's correct.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And you have been a
2 resident of Coutts since 2013?

3 **MAYOR JIMMY WILLETT:** That is correct.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And a councillor for
5 the past five years?

6 **MAYOR JIMMY WILLETT:** Yes.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And Mayor for four
8 years now?

9 **MAYOR JIMMY WILLETT:** Yes.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you had an
11 interview with me and my colleagues on September 6th of this
12 year? Do you remember that?

13 **MAYOR JIMMY WILLETT:** Yes, I do.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And you remember
15 seeing a summary of your interview?

16 **MAYOR JIMMY WILLETT:** I do.

17 **MR. JEAN-SIMON SCHOENHOLZ:** So if we could just
18 pull up WTS00000012.

19 So this is going to be a summary of that
20 interview. You had an opportunity to review this summary;
21 correct?

22 **MAYOR JIMMY WILLETT:** I did, yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And I
24 understand that you have a clarification to your summary this
25 morning?

26 **MAYOR JIMMY WILLETT:** I do. When we talk about
27 the police presence in the village, I mentioned the fact that
28 there were around six police cars that I saw the first day, and

1 then the next mention I made of police was when the group moved
2 in on the 1st or 2nd of February. Actually, there was a police
3 presence growing all the time in the village. It didn't go from
4 6 to 50 in one day, three days into the protests.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. So I'll bring
6 you to that passage just so that we can confirm.

7 So the second page, and it's the fourth paragraph
8 down.

9 So this is where you say, the paragraph starting
10 on January 29th, at second to last sentence:

11 "He observed approximately six RCMP
12 vehicles at the border that day."

13 Then you say:

14 "On February 1...an additional 42 RCMP
15 vehicles arrived at the border..."

16 And what you're saying is that between those
17 dates there was a gradual build up?

18 **MAYOR JIMMY WILLETT:** There was a build up, yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Perfect. Thank you.
20 So we're going to put that summary into evidence.

21 Now, I understand, Mr. Mayor, that you live about
22 four blocks from the border and three blocks from where the
23 protest was occurring. Is that about right?

24 **MAYOR JIMMY WILLETT:** Yeah, that's correct.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And while these
26 events were happening, would it be fair to say that you attended
27 the location or went to look what was going on on a fairly
28 regular basis?

1 **MAYOR JIMMY WILLETT:** That's correct, yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And what's the
3 population of the Village of Coutts?

4 **MAYOR JIMMY WILLETT:** The last census had us at
5 224.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand that
7 the village's amenities include a convenience store, a
8 restaurant, a bank, but that a number of the other services that
9 residents would use would be found in Milk River. Is that
10 correct?

11 **MAYOR JIMMY WILLETT:** That is correct. All of
12 the major things that you take for granted in a larger community
13 we have to go to Milk River for, doctor, pharmacy, dentist,
14 hardware store, any of that kind of thing, grocery store.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And Milk River is
16 about 18 kilometres away?

17 **MAYOR JIMMY WILLETT:** Eighteen K.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Sounds good.

19 So if we could just pull up COM924.

20 This is a map of Coutts and the surrounding area.
21 We looked at a similar map yesterday with one of the other
22 witnesses, and so I won't go into detail on this.

23 But if we can just go to page 5, and if we could
24 -- yeah, that works.

25 So my understanding is that the blockade formed
26 around the point identified as Checkpoint 4?

27 **MAYOR JIMMY WILLETT:** That's correct.

28 **MR. JEAN-SIMON SCHOENHOLZ:** That's correct. And

1 Smuggler Saloon, which we'll talk about a little bit today, that
2 is a local establishment, and that's identified here on the map
3 as well?

4 **MAYOR JIMMY WILLETT:** Yes.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And that's where a
6 number of protesters regularly met?

7 **MAYOR JIMMY WILLETT:** Yes, it became a gathering
8 spot, yeah.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Perfect. And so my
10 understanding is that the blockade that occurred was on
11 Highway 4. Is that correct?

12 **MAYOR JIMMY WILLETT:** Yes.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And that highway
14 connects Coutts and Milk River?

15 **MAYOR JIMMY WILLETT:** That's our connection,
16 yeah.

17 **MR. JEAN-SIMON SCHOENHOLZ:** When -- and I know
18 things may have fluctuated during this period, but when the
19 blockade was blocking both lanes of traffic was it preventing
20 Coutts residents from travelling to Milk River?

21 **MAYOR JIMMY WILLETT:** Yes, it was.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And would it have
23 also been preventing traffic flow from the border, coming out
24 from the border?

25 **MAYOR JIMMY WILLETT:** Well, a lot of it, yes.
26 Yes.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And any traffic south
28 to the border?

1 **MAYOR JIMMY WILLETT:** Yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Now, I also
3 understand that there was some kind of route, and I'm hoping you
4 can explain this to us some kind of alternative route available
5 through what I think you referred to as Patty Joe's field or
6 something like that.

7 **MAYOR JIMMY WILLETT:** It was actually her yard.
8 The -- I wasn't there when all of this part of the world was
9 developed, but when the highway was turned into a four-lane
10 major thoroughfare, things changed. An access road runs along
11 to the south of that highway and ends at a farm there. A local
12 family rented the farm. Then they continued their road around
13 their house, and it connected to the street, to -- I forget what
14 that is, Fourth Street I think, in Coutts. And with permission
15 ordinarily, you'd let Patty Joe know that you wanted to take a
16 load of whatever that way to miss the scales. Can I say that?
17 That you were going to be going through her yard, and you'd
18 drive through their yard and that was an alternate route, as it
19 were. It suddenly began carrying a whole lot of traffic. And
20 they got -- it got to the point where they couldn't use their
21 home really.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And so how is that
23 route being during January and February of this year, when there
24 was a full blockade on the highway, what did it allow traffic to
25 do?

26 **MAYOR JIMMY WILLETT:** Well, it allowed you to
27 miss the blockade and you could go up to -- close to the rail
28 crossing. I don't have -- there's a county road there and it

1 goes out onto the highway just at the rail crossing, around the
2 curve from what we're looking at here. And so it allowed people
3 to drive through there and miss the blockade and go on up to
4 Milk River.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And so would it allow
6 traffic coming from the border to circumvent the blockade and go
7 all the way up to Milk River?

8 **MAYOR JIMMY WILLETT:** It would have except it's
9 not really a truck route, and if somebody came in driving,
10 there's no reason that they couldn't have cut through Coutts and
11 then through Patty Joe's place, but you'd have to know. If
12 you're a local, you know. And, yeah, that -- you could get
13 around, yeah.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And I assume the same
15 is true for any Coutts residents trying to get to Milk River,
16 they could have also ---

17 **MAYOR JIMMY WILLETT:** Oh, yeah.

18 **MR. JEAN-SIMON SCHOENHOLZ:** --- used that route
19 had they known? Okay.

20 **MAYOR JIMMY WILLETT:** Yeah, everybody knew it was
21 there and you could go that way.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And are you aware of
23 whether RCMP was redirecting any traffic through that route?

24 **MAYOR JIMMY WILLETT:** Yes, they did. We talked -
25 - I talked with Curtis, Corporal Curtis Peters, who was my
26 contact, and let him know about the road. He wanted to -- they
27 made some communication. And what we wound up doing -- what
28 they wound up doing was making a square. The ground was frozen

1 and so they were able to run straight ahead from the street,
2 make a right at the end of Patty Joe's property and go down that
3 way, so you didn't have to go through her yard. And so it
4 became an unofficial exit point. In fact, they took trucks
5 through there later.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you very
7 much. I understand that police services for the village are
8 provided by the provincial division of the RCMP?

9 **MAYOR JIMMY WILLETT:** That's correct.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And the nearest
11 detachment is in Milk River; correct?

12 **MAYOR JIMMY WILLETT:** Yes.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And how many officers
14 are posted there?

15 **MAYOR JIMMY WILLETT:** Four to five.

16 **MR. JEAN-SIMON SCHOENHOLZ:** I'd like to go to
17 COU00000249. I understand that on January 4th, a protest
18 organizer attended the village office to advise of the upcoming
19 protest. Do you remember that?

20 **MAYOR JIMMY WILLETT:** Yes, you'll see this is
21 assigned Kelly. She's the assistant in the office to my CEO,
22 and she received a phone call.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And during that phone
24 call, how did the protester describe the anticipated protest?

25 **MAYOR JIMMY WILLETT:** They were just giving us a
26 heads up that they were going to be coming and doing a slow roll
27 around the entrance to the country. And as you can see, it says
28 that they won't be blocking any residents from using the

1 entrance and exit.

2 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
3 COU00001515? So I understand from your witness statement that
4 on social media, a little bit later around the 27th, I think you
5 said, you saw a post suggesting there would be an attempt to
6 block the border.

7 **MAYOR JIMMY WILLETT:** Yes.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Is that correct? Is
9 this the post that you saw?

10 **MAYOR JIMMY WILLETT:** Yes, it is.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And do you
12 know where you saw this posting?

13 **MAYOR JIMMY WILLETT:** It was on a bulletin board
14 out of Lethbridge. My wife spotted a link on the Lethbridge and
15 Area How are the Roads. It's a Facebook post that obviously
16 gives traffic reports and there was a link there, and we
17 followed that link to this particular document.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And so were you
19 concerned at that time about the risk of a blockade occurring?

20 **MAYOR JIMMY WILLETT:** Very much so.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And why were you
22 concerned, in particular for your residents? Can you tell us
23 about why you were concerned?

24 **MAYOR JIMMY WILLETT:** We had been slammed by
25 snowbirds, of which if you don't live there, that may make no
26 sense at all, but we -- the 18th of November, the U.S. changed
27 the border crossings to allow fully vaccinated people to enter
28 the States. And all of the people who ordinarily go south for

1 the winter down to Arizona in their RVs and so on decided they
2 had to be there at midnight in order to be the first to cross
3 the border. And we wound up with the largest demonstration
4 anybody down there had seen yet of truck blockages and so on.
5 And we had a highway blockage that ran across the tracks and on
6 off over the hill. And they came into the town and double
7 parked everywhere, blocked both entrances to the village, so
8 that in the event that we needed to get our firetruck out or
9 something, we wouldn't have been able to do it. So we had
10 experience with the blockage, and I had visions of what was
11 going to happen here as well.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And my understanding
13 is that wasn't a protest. That just a number of people trying
14 to cross the border at the same time?

15 **MAYOR JIMMY WILLETT:** I did a lot of protesting,
16 but, no, it wasn't a protest.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. I
18 understand -- so if we can just pull up for reference COU183? I
19 understand that on that same day, January 27th, you wrote to the
20 Premier, Premier Kenney of Alberta and the Solicitor General,
21 Sonya Savage, to advise them that you had heard about this risk
22 of a blockade; correct?

23 **MAYOR JIMMY WILLETT:** That's correct.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand
25 someone called you the next day in response to this email?

26 **MAYOR JIMMY WILLETT:** Yes, I received a call from
27 the Solicitor General's office. I do not know the name of the
28 person. I remembered the name Pilgrim and nobody by that name

1 has ever worked for the Government of Alberta that I can find,
2 so I'm not sure who I spoke to. Anyway, saying to the effect
3 that I had woken everybody up around -- that they had been in
4 contact then with the police of all flavours, and they were
5 going to -- RCMP's on top of it, and we got it under control,
6 basically, is what I remember.

7 **MR. JEAN-SIMON SCHOENHOLZ:** So my understanding
8 is that you observed on January 29th the convoy driving up to the
9 border; correct?

10 **MAYOR JIMMY WILLETT:** Yeah, me and everybody in
11 town were out to see what was going on.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And can you maybe
13 just tell us what you observed on that day?

14 **MAYOR JIMMY WILLETT:** Well, about what I had
15 expected. I'd seen convoy demonstrations by other groups on
16 television and online. A lot of trucks, a lot of signs, a lot
17 of honking, and it was a convoy; a parade of vehicles from half-
18 tons to -- no monster trucks but large tractor-trailers.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And that pinpoint,
20 that checkpoint 4 that we looked at before on the map, that's
21 where you saw them begin to U-turn to head back towards Milk
22 River?

23 **MAYOR JIMMY WILLETT:** Yeah, that's Highway 500,
24 and it's a major crossing point that goes -- comes up from over
25 the tracks out of the -- to the east of the village, and then
26 makes a crossing there with Highway 4. So it's the first place
27 that you could really make a U-turn, or the last place, I guess,
28 if you're coming from the north. It's the last place you could

1 make a U-turn, either there or the next exit, and it was
2 smaller. So the RCMP, I think, had decided this was the best
3 place to turn everybody around.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And my understanding
5 from your witness statement is that about 45 minutes later, you
6 observed that they had blocked that intersection where they were
7 U-turning; is that correct?

8 **MAYOR JIMMY WILLETT:** Yeah, I think the RMCP told
9 me 42 minutes, but it happened, yeah.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And how many RCMP
11 vehicles did you observe that day?

12 **MAYOR JIMMY WILLETT:** Again, there were --
13 there's a lot going on, so I didn't sit there and count, but I
14 saw half a dozen vehicles. They escorted the convoy down and
15 made sure that they made that U-turn. And that's what happened;
16 the vehicles started turning and going back up the road. So I
17 saw maybe six, at the most, RCMP vehicles.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And did you ever hear
19 about anything about it being a splinter group or something like
20 that that had caused the blockade?

21 **MAYOR JIMMY WILLETT:** The -- well, not ---

22 **MR. JEAN-SIMON SCHOENHOLZ:** A splinter group ---

23 **MAYOR JIMMY WILLETT:** --- in those terms, no.

24 **MR. JEAN-SIMON SCHOENHOLZ:** --- from the group
25 that had organized the convoy?

26 **MAYOR JIMMY WILLETT:** I knew from what I was
27 reading -- again, I spend way too much time online, but I knew
28 from what I was reading on social media that there were other

1 groups coming and joining up. At that time, I naïvely believed
2 that it was all about the mandates that had been put -- well,
3 the removal of the -- you'll have to forgive me, I do this once
4 in a while.

5 I thought that it had to do with cross-border
6 truckers having their permissions removed. For two years they'd
7 been travelling back and forth, exempt from vaccination
8 requirements and so on, and just when things were starting to
9 loosen up -- I mentioned the 18th, people are starting to go
10 across, everybody's getting more normal feel -- suddenly the
11 federal governments in both Canada and the US decided that you
12 no longer have an exemption, you're going to have to be
13 vaccinated, and I think that was the tipping point. So I
14 thought everybody was coming for that purpose.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

16 **MAYOR JIMMY WILLETT:** Long question -- long
17 answer.

18 **MR. JEAN-SIMON SCHOENHOLZ:** That's okay.

19 You told us in your interview the RCMP appeared
20 to be caught off guard by the blockade. How did you come to
21 that conclusion?

22 **MAYOR JIMMY WILLETT:** Well, at that 42-minute
23 mark when the trucks drove into the median and across both lanes
24 of traffic going both directions, it became obvious that nobody
25 was in control. Nothing happened, other than flashing lights
26 and talking to the guys, and it came to a standstill and that
27 was it.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Van Huigenbos

1 yesterday told us that on January 31st, the protesters let some
2 commercial vehicles through; commercial vehicles that had been
3 waiting at the blockade since the time it had become blockaded.
4 Are you aware of that, of commercial vehicles being let through
5 on the 31st?

6 **MAYOR JIMMY WILLETT:** Yes. I have a vantage
7 point in my house where I can see what's going on on the
8 highway, and we had been worried about these people sitting
9 there, their loads, the refrigerated trucks, and observed them
10 going along talking to them and some of the vehicles being let
11 to leave.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.
13 I understand that you had regular communications
14 by phone and text with Minister Sawhney, former Minister of
15 Transport for the Province; correct?

16 **MAYOR JIMMY WILLETT:** That's correct.

17 **MR. JEAN-SIMON SCHOENHOLZ:** So we'll pull up your
18 text messages with her and go through some of those. That's
19 COU00000016, and we'll start on the second page, I believe.

20 So in here, this is February 2nd at 12:41 p.m.
21 Minister Swanee -- Sawhney, sorry, says:

22 "I'm sorry this is happening. Please
23 take care. I'm working on this non
24 stop."

25 What did you understand her and the Alberta
26 government to be doing at this time to respond to the protest at
27 this early stage?

28 **MAYOR JIMMY WILLETT:** I understood her position,

1 not just from texts so much, we had phone calls as well.

2 She was working both sides; trying to talk to the
3 people that organized the protest, and also with the provincial
4 administration to get some kind of action happening. She's
5 responsible for -- or was responsible at this time for seeing
6 that that traffic flow works; that's our lifeline in Alberta.
7 And so she's pulling out all stops, talking to anybody she can.
8 I know she talked to truckers, she talked to Marco to -- I have
9 trouble with his last name, but he'll forgive me. Anyway, with
10 the contact people for the convoy, anybody that she could talk
11 to. So knowing the Minister the way I do and the dedication
12 that she shows for her position, means just what it says; she's
13 working on it nonstop.

14 **MR. JEAN-SIMON SCHOENHOLZ:** So your understanding
15 is that she was trying to negotiate some kind of resolution.

16 **MAYOR JIMMY WILLETT:** Yes.

17 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go a bit
18 lower? Okay.

19 So here we see at 6:16 on February 3rd, you asked
20 Minister Sawhney whether she was willing to come to Coutts to
21 meet the protesters; you recall that?

22 **MAYOR JIMMY WILLETT:** Yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And the response is:
24 "Of course! I just have to get
25 clearance from the Boss and [the] RCMP"
26 Did she ever come to meet the protesters?

27 **MAYOR JIMMY WILLETT:** No, she did not. She got
28 as far as Lethbridge and didn't get permission to come farther

1 south.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And you understood
3 that to be permission from who?

4 **MAYOR JIMMY WILLETT:** The provincial government.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Did you ever
6 receive an explanation for why that permission wasn't granted?

7 **MAYOR JIMMY WILLETT:** Not -- no. No.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And why did you
9 believe that it would be helpful for her to come to Coutts?

10 **MAYOR JIMMY WILLETT:** We thought at the very
11 first that it would be convenient because, as I said, she's
12 responsible for transportation and this is a transportation-
13 related blockade. She thought that possibly she could come and
14 talk to people and explain them that -- the importance of having
15 that corridor continue and stop all the madness. Everybody was
16 caught flatfooted and we were trying everything we could to get
17 it going.

18 So she was willing to come down and talk to
19 whoever to make things happen to get it opened up.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

21 If we can go down a little bit to the next page.
22 A little bit lower.

23 Okay. At 7:21 on February 3rd, you say, the
24 second line:

25 "They've closed the highway down again.
26 It was open briefly. A few commercial
27 vehicles did go through, then someone
28 barricaded the highway again."

1 So can you maybe give us a sense of how often --
2 it seems to me that there -- the highway was reopening at times.
3 We see later in your text messages that some traffic was
4 trickling through. How often was the highway completely
5 blockaded?

6 **MAYOR JIMMY WILLETT:** You would have had to stand
7 there and watch to be able to tell. It would be open, we'd see
8 a truck or two or three go through, and then the next time, you
9 know, well, it's closed again.

10 And the -- the whole idea, I think, that it -- at
11 this point that they were trying to do was to open up a single
12 lane each way and keep traffic flowing, but it was -- well, you
13 saw my mention here earlier they're trying to find a leader.

14 At that time, there were several different
15 groups. It was mob rule, I guess, is -- I don't like that
16 expression, but that's -- that's the idea. There was nobody
17 really able to just get everybody together and say, okay, we're
18 going to do this and everybody would go out and do it.

19 And so that's what was happening. We had traffic
20 and we didn't have traffic.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And you're
22 attributing that to the lack of -- the lack of leadership in the
23 group at that time.

24 **MAYOR JIMMY WILLETT:** At that time, yeah. There
25 was no cohesive structure that I could see.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And I think if you go
27 down a little bit more you'll see those comments that you just
28 mentioned, "Still some mob rule going on. Hoping they have an

1 established command structure soon."

2 You visited Smugglers Saloon and met with some
3 protestors on February 3rd?

4 **MAYOR JIMMY WILLETT:** Yes, I did.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And did you observe
6 for yourself this lack of leadership at that time?

7 **MAYOR JIMMY WILLETT:** I did. I talked to Alex
8 van Herck, who turned out being one of the people that became a
9 *de facto* leader, I guess, and the expression -- I've heard it
10 used here before talking about other places, it was like herding
11 cats, him trying to get some order out of the chaos that was
12 going on.

13 There's video that exists of him talking to
14 people and trying to get them to listen to him and being shouted
15 down because that's -- that was the nature of the beast at the
16 time.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we could go
18 to page 10 of this document.

19 So this is February 5th at 2:16. So you see that
20 second bubble, you say, "Now that Marco seems to have
21 established control, it might be good for someone to talk about
22 provincial mandates."

23 And then if we go just down just a little bit,
24 she responds, "Let's chat later."

25 So is your understanding that at this time on
26 February 5th a clearer leadership structure was emerging in the
27 group?

28 **MAYOR JIMMY WILLETT:** Yes.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And did you
2 have a discussion with Minister Sawhney regarding provincial
3 mandates at that time?

4 **MAYOR JIMMY WILLETT:** It's quite possible. We
5 had phone calls in here, but you've seen how good my memory is.

6 I know we talked about it from time to time what
7 could be done and what was being done, but I'm under oath and I
8 can't say for sure.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.

10 If we can go just a bit -- just to page 12, and
11 this is February 5th at 11:59.

12 So just a bit lower till we get to 11:59. There
13 we go.

14 Here you tell Minister Sawhney that the messaging
15 to the protestors needs to be controlled better. There seems to
16 be conflicting messages being circulated as true.

17 Do you recall that?

18 **MAYOR JIMMY WILLETT:** Yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And what was the
20 problem with the messaging at that time, as you understood it?

21 **MAYOR JIMMY WILLETT:** The feeling that I was
22 getting was that someone was building up hopes that things are
23 going to happen on a provincial level very quickly and the
24 Premier's going to announce that all the mandates are off. We
25 knew government doesn't work that quickly.

26 Premier Kenney was, the old expression, caught
27 between a rock and a hard place. He's definitely there because
28 we know all the stuff that goes on.

1 He was working to remove as many mandates as
2 possible as quickly as possible, but a lot of these people were
3 being told that there was going to be a caucus meeting and they
4 were going to drop all the mandates. And I don't know where
5 that came from, exactly.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can go
7 to page 14. It's February 6th at 2:40 p.m.

8 So you say that you talked to Mayor Feyter, and I
9 believe that's the Mayor of Fort MacLeod. Is that right?

10 **MAYOR JIMMY WILLETT:** That's correct.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And Glen Motz, who's
12 a federal MP; correct?

13 **MAYOR JIMMY WILLETT:** He's our MP for the --
14 yeah, for that riding.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And you say you
16 talked to them about Marco, "Marco is not in favour of the legal
17 action, has been working to move toward a legal protest."

18 And when you say moving towards working towards a
19 legal protest, did you understand that to be opening one lane
20 each way?

21 **MAYOR JIMMY WILLETT:** Yes.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And were those
23 efforts successful?

24 **MAYOR JIMMY WILLETT:** Again, it depends on the
25 time of day and which way the wind was blowing. Sometimes it
26 was successful. My son came down from Edmonton one day -- from
27 Calgary, rather -- came down from Calgary one day and after he
28 got through the checkpoint in Milk River, he drove into Coutts.

1 He said there's no trucks out there.

2 So they were shifting and moving things around,
3 so sometimes the road was open and sometimes it wasn't.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

5 If we can go to page 15, February 7th at 10:20.
6 I believe it's at the bottom of the page.

7 So Minister Sawhney says, "I heard the blockade
8 is back up." And you respond -- if we could go to the next
9 page, I believe. You say, "Yep, tractors just now, highway is
10 blocked."

11 If we keep going. Keep going. She says, "I
12 guess they were hoping for an announcement today."

13 Was your understanding that the -- this tractor
14 blockade on February 7th was because of frustrations associated
15 with the lack of an anticipated announcement as you were just
16 mentioning?

17 **MAYOR JIMMY WILLETT:** That's the word that I got,
18 yeah, from talking to someone else, that they'd been expecting
19 the announcement to come down that when all the mandates were
20 off, and again, this is from misinformation they were getting
21 from somewhere, and when they didn't they blocked the road
22 again.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And this is a member
24 of the protest who told you this?

25 **MAYOR JIMMY WILLETT:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** So the next day, on
27 February 8th, Premier Kenney announced a plan for the gradual
28 easing of pandemic-related health orders. Did that have any

1 impact on the blockade?

2 **MAYOR JIMMY WILLETT:** Not by then. As I said,
3 they had been told and led to believe that everything was going
4 to come off, and obviously it didn't. And so those people who
5 chose not to understand how government works decided they were
6 going to show us, so blocked it again.

7 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
8 page 19. This is on February 8th. If we can go down a little
9 bit. Down a bit more.

10 So you say:

11 "Need access to some land. No
12 construction."

13 And then on page 20, if we can skip down.

14 Minister Sawhney says:

15 "I'm glad...we could help you out with
16 the land parcel."

17 Was that in connection with the plot of land for
18 the legal protest site ---

19 **MAYOR JIMMY WILLETT:** Yes.

20 **MR. JEAN-SIMON SCHOENHOLZ:** --- that was
21 established in Milk River?

22 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. Yes, I had been
23 in the meeting in Milk River with the mayor from Milk River,
24 Reeve from the County of Warner, some representatives from --
25 I'm trying to think who else was in there. Anyway, we had had a
26 meeting and a discussion of where to have an alternate parcel of
27 land. The Milk River people and the County determined that
28 there was Queensland available, and so I happened to have the

1 contact information for the Minister of Transport who could make
2 that happen, and that's what happened here. I gave her the note
3 that they'd be calling her, they did, she made things happen so
4 I could get that parcel.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And did you
6 understand, was there any buy-in from protesters on moving the
7 protest to that site?

8 **MAYOR JIMMY WILLETT:** No. At that time, there
9 wasn't a great deal of interest in moving from the highway to a
10 plot of land just beside the highway.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand,
12 though, that once the blockade in Coutts came to an end there is
13 a group that moved to that site.

14 **MAYOR JIMMY WILLETT:** Yes.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Is that correct?

16 **MAYOR JIMMY WILLETT:** Yeah.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And they stayed there
18 for a number of weeks?

19 **MAYOR JIMMY WILLETT:** For a long time. It looked
20 like a unhoused encampment.

21 **MR. JEAN-SIMON SCHOENHOLZ:** So let's go to
22 page 26, February 14th, at 12:42 p.m.

23 So Minister Sawhney asked you:

24 "Are there people still there at the
25 blockade?"

26 You respond:

27 "Oh yeah. Nobody's leaving yet. It's
28 all fake news."

1 So your understanding at that time was that the
2 protesters were not leaving yet; correct?

3 **MAYOR JIMMY WILLETT:** That is correct. I didn't
4 hear until later in the afternoon that things were changing.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And what did you hear
6 that afternoon?

7 **MAYOR JIMMY WILLETT:** Sometime in the afternoon
8 or early evening, I think it was my contact with RCMP,
9 Corporal Peters, let me know that they had been notified the
10 thing was coming to an end.

11 **MR. JEAN-SIMON SCHOENHOLZ:** So you were told by
12 the RCMP that they had been notified by protesters that day that
13 they would be leaving the site?

14 **MAYOR JIMMY WILLETT:** Yeah.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand you
16 had a conversation with Mr. Jory Evans, who was a protester,
17 about that ---

18 **MAYOR JIMMY WILLETT:** Yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- as well? When
20 did you have the conversation with him about this decision to
21 end the blockade?

22 **MAYOR JIMMY WILLETT:** Sometime on the 14th, but I
23 don't -- without pulling it up, I don't have the exact time.
24 Well -- and I'm not sure times were on there or not.

25 Yeah, we were in contact quite a bit that day.
26 Jory, I still don't know his real position in the group, but he
27 was doing a lot of videoing. He did a -- he had a blog online
28 and so on called PB & J. Just a -- kind of a news summary of

1 what was going on, and what they knew and what they didn't know.
2 And he and I had established a rapport early on, and
3 communicated back and forth, obviously nothing confidential, but
4 talking about stuff.

5 And -- so he had let me know that day, first of
6 all, contacted me to know if I knew how to contact the person
7 who had been arrested, and then we went on from there. And he
8 talked about the guns, or the arrests and the guns. The guns
9 were all fake, but the fact that people don't want to have
10 anything to do with it.

11 **MR. JEAN-SIMON SCHOENHOLZ:** So he explained to
12 you that day that -- he spoke to you about the RCMP's arrest,
13 and did he explain to you that that was one of the reasons why
14 the protesters had decided to leave?

15 **MAYOR JIMMY WILLETT:** Yeah, that's the feeling I
16 got. I don't know if he actually said that or not. In my mind,
17 at this point in the time, it's -- well, yeah, that's what he
18 said, but I -- unless I see it in writing I'm not going to say
19 it for sure. I got that feeling, though, that because of what
20 had happened that the mood in the crowd had changed and they
21 were going to depart.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And your --
23 was your understanding that the agreement was that they would,
24 or that their intention was to leave the next morning?

25 **MAYOR JIMMY WILLETT:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And did you observe
27 them leave the morning of the 15th?

28 **MAYOR JIMMY WILLETT:** I did actually, yeah.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And so no enforcement
2 was required by the RCMP at that time to get them to leave?

3 **MAYOR JIMMY WILLETT:** No. On the night of the
4 14th, they lined up all their vehicles down the street. We have
5 a auction firm out there called Ritchie Bros, they auction off
6 from time to time a lot of agricultural equipment, and I said it
7 looked like the biggest sale that Ritchie Bros ever had because
8 they were all lined up down the... And it was mostly tractors.
9 At that point there weren't a lot of trucks around.

10 But anyway, they lined up down the street on the
11 14th, then I received the word they're going to go at 10, and at
12 10 o'clock they were gone. Well, they left.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And so you're not
14 aware of any enforcement powers available under the *Emergencies*
15 *Act* being used to clear the blockade then?

16 **MAYOR JIMMY WILLETT:** No, that had nothing to do
17 with it.

18 **MR. JEAN-SIMON SCHOENHOLZ:** When you met with the
19 protesters on -- at Smuggler Saloon on February 3rd, did they
20 explain to you what their plan was, what their objective was?

21 **MAYOR JIMMY WILLETT:** No. No, there was no -- I
22 talked to Alex briefly in a back room, just off the main floor
23 there, and I never seen a man look so haggard and beat as he did
24 at that time. I don't know if I got there just after he had
25 tried to talk to people. Marco says he was there, but Marco was
26 avoiding me.

27 So anyway, he's on video talking about "wish you
28 guys would want to leave" and getting shouted down. So I don't

1 know if I talked to him just after that or not, but no, there
2 was no... I talked so long I forgot the question.

3 **MR. JEAN-SIMON SCHOENHOLZ:** I was asking about
4 February 3rd, ---

5 **MAYOR JIMMY WILLETT:** Yeah.

6 **MR. JEAN-SIMON SCHOENHOLZ:** --- when you attended
7 the Smuggler's Saloon. Did you get a sense that they had an
8 exit strategy?

9 **MAYOR JIMMY WILLETT:** Oh, at that time, no. No,
10 the feeling that I got was, from talking to a couple of other
11 people in the crowd was, "No, we're here until mandates are
12 off." That was...

13 **MR. JEAN-SIMON SCHOENHOLZ:** If we could go to
14 COU00000012? These are your Facebook messages with Mr. Evans.

15 **MAYOR JIMMY WILLETT:** M'hm.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And I'd like to go to
17 page 2. Go down a little bit.

18 Okay. So here he tells you, and I think this is
19 in the context of the mandates, the provincial mandates:

20 "Yeah they keep ignoring and these guys
21 wanna get this shit done and go home [...]
22 Also connected with the group that closed
23 down Windsor ON today and things are going
24 crazy in Ottawa so it [...] adds flames to
25 that fire over there"

26 In your discussions with Mr. Evans, did you ever
27 understand that the -- were the protestors in Coutts in
28 communications with protestors in Ottawa or Windsor? What was

1 your understanding of that?

2] **MAYOR JIMMY WILLETT:** This is my understanding of
3 that. I have no other -- we never talked about it otherwise.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So this text
5 message is -- this text message is all you ---

6 **MAYOR JIMMY WILLETT:** That's it. Yeah.

7 **MR. JEAN-SIMON SCHOENHOLZ:** --- all you have.
8 Okay. Thank you. I understand that Mr. Evans told you about
9 concerns he had with more extreme elements participating in the
10 protest. Can you tell us about that?

11 **MAYOR JIMMY WILLETT:** Yeah. We had a meeting
12 where we talked -- I talked for quite a bit, for 45 minutes or
13 so. And one of the things I -- if you go back far enough in my
14 history, bear with me, go back far enough in my history, I
15 worked in mining in Northern Manitoba, was a steelworker, was a
16 steelworker steward, went through wildcat strikes and so on.
17 And there were always hardline guys, and then the guys that were
18 there for a goodtime. You could have a wildcat strike and
19 everybody is up and up and up and then it tapered off and you
20 wound up with the core, and you might even find guys that you'd
21 never seen before there.

22 And we talked about how that was a danger and if
23 something like this longer went on, the more the opportunity
24 existed for outside elements to come in and cause disruption.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And he agreed with --

26 -

27 **MAYOR JIMMY WILLETT:** And he agreed with that.

28 **MR. JEAN-SIMON SCHOENHOLZ:** He agreed with that?

1 **MAYOR JIMMY WILLETT:** That was one of his
2 concerns.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Did you yourself
4 observe the nature of the protests changing over time?

5 **MAYOR JIMMY WILLETT:** The mood changed. I talked
6 about, somewhere, it being almost like a big community meeting
7 of all the farmers in the area. And this was -- don't kid
8 yourself to think this is a big trucker protest. This is mostly
9 a farm protest.

10 **MR. JEAN-SIMON SCHOENHOLZ:** I think you, in your
11 witness statement, you say that about your meeting on February
12 4th?

13 **MAYOR JIMMY WILLETT:** Yeah. And, you know, they
14 had the kids there and it was just a family thing.

15 As it went on, a lot of that attitude
16 disappeared. Didn't see a lot of kids playing hockey anymore.
17 And just -- and if you follow their social media, they took a
18 picture when it was all over, just before they left, which was
19 handy for anybody investigating, but a picture of the whole
20 group in front of Smuggler's, and it wasn't a large group at
21 that time. It had gotten smaller.

22 But to go back to my strike days, it's the same
23 thing. As -- the longer you do something like this and you go
24 in expecting results right away and it doesn't happen, the more
25 disheartened you become, and then you start listening to other
26 things about, well, if we only did this, this would happen, and
27 so on. So it's just -- it's a typical demonstration. And while
28 I didn't have a crystal ball, if I had, it would have paid off,

1 because what we feared seems to have happened.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Did you observe any
3 violence or harassment during the protest?

4 **MAYOR JIMMY WILLETT:** Never did. No.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Did you yourself
6 receive any threats?

7 **MAYOR JIMMY WILLETT:** Yes. I got one death
8 threat online. Facebook. Serious enough that the RCMP took it
9 seriously. I'm not sure how good a threat it was, because it
10 was sent from a personal page. But anyway. It was a death
11 threat. And I received calls. Everybody gets phone calls.
12 Just the phone and hang up, or phone and "You thought you wanted
13 to be mayor, ha-ha." You know? Like that kind of stuff.

14 I had people out front taking pictures of my
15 house and it was first time I'd done this, so it was a little
16 nerve-racking.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Did you
18 ever observe any weapons yourself around that time in Coutts?

19 **MAYOR JIMMY WILLETT:** No, we didn't. Some of the
20 protestors were staying in the motel across the road from where
21 I live, and we saw from time to time them moving heavy hockey
22 bags, and my wife said, "It's guns," but we had no weapons that
23 I ever witnessed.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Did you ever hear
25 anything about efforts by protestors to dissuade tow truck
26 drivers from assisting the RCMP?

27 **MAYOR JIMMY WILLETT:** Not directly. Social
28 media, I saw what was going on. But I never directly talked to

1 anyone.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Did you ever have any
3 discussions with CBSA officials about the protest?

4 **MAYOR JIMMY WILLETT:** Never did. Other than see
5 somebody at the post office or something. Some of them live
6 there.

7 **MR. JEAN-SIMON SCHOENHOLZ:** I understand that the
8 RCMP attended a village council meeting on February 8th, and in
9 your summary you state that they described their response as
10 "building the airplane while you're flying it." What did you
11 understand those comments to be referring to?

12 **MAYOR JIMMY WILLETT:** Well just the way it
13 sounds. As I said, we all got caught flatfooted. Nobody had
14 expected this to happen. And the -- I'm not sure of his rank,
15 but anyway, the answer to the question was, "We're building the
16 airplane as we're flying it. We're making it up as we go along.
17 We've got tactics, and we're trying them, and if they don't
18 work, we try something else until we find out how it works." It
19 was an education, I guess, for everyone.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. In the
21 short time we have left, I'd just like to talk about the impact
22 on the village and its residents. In the summary, you say that
23 the blockade greatly disrupted everyday life for Coutts
24 residents. Could you maybe explain to us in what ways?

25 **MAYOR JIMMY WILLETT:** I have done a mental survey
26 and I think I had about a 70/30 split in the village, with 30 on
27 my side and 70 supporting the protest, regardless of what it
28 meant. The -- we still have neighbours that won't talk to each

1 other because of the protests. They didn't -- they didn't get
2 out and -- we had a lot of collaborators -- not collaborators;
3 sympathetic people in the village who figured it was our duty to
4 feed everybody; if they need a room, give them a room. These
5 are all good people and we should really look after them.

6 As unneighbourly and heartless as it seems, my
7 opinion was if you came down here and you blockaded the highway
8 and now you're not wanting to leave the protest, but you need
9 your medication that you left at home, the road goes that way,
10 go get your medication, instead of making a public scene about,
11 "I don't have my medicine, can you bring it to me?" "We don't
12 have food do," you know? "You got food at home." That what my
13 answer to those kind of complaints.

14 My neighbours being good, rural Alberta people
15 figure somebody's in need, you look after them regardless of how
16 they got there, I guess.

17 And there was a lot of sympathy over the -- and
18 as I said, the driving force of the protest, the original cause
19 had to do with cross-border vaccination and then it mutated into
20 "My body, my rights, my..." -- you know, all of the different
21 conspiracy things that were going on.

22 **MR. JEAN-SIMON SCHOENHOLZ:** How's ---

23 **MAYOR JIMMY WILLETT:** And then people -- people
24 didn't let that go, and so it still exists to this day.

25 **MR. JEAN-SIMON SCHOENHOLZ:** How significantly did
26 the protest interfere with residents' ability to access services
27 in Milk River?

28 **MAYOR JIMMY WILLETT:** Depending on the person,

1 how comfortable they were with driving past monster pieces of
2 equipment. I think we heard Marco yesterday talk about how one
3 tractor is intimidating even if it's sitting still, if you
4 haven't been around them. When you get a whole row of them,
5 some of them idling; you've got trucks, big pieces of equipment
6 and you're out there in your little Prius wanting to go up to
7 Milk River to get groceries, it can be very intimidating.

8 Other people; we have a lot of retired farmers;
9 it didn't bother them that much. Had one guy just the other day
10 say, "You're going to testify be sure you tell 'em we were never
11 blocked in, could always make it up there. Had to drive through
12 the field a couple of times but we weren't really blockaded."

13 So it depended on the person and how they could
14 handle it. And it affected some people -- I have a friend who
15 is a veteran of Afghanistan and she has PTSD. She had -- they
16 had to leave town because it triggered her PTSD and she just
17 couldn't take it. They're back now.

18 Older people; had one lady who would -- if
19 somebody drove her out to -- for a doctor's appointment or
20 something, she would curl up in a ball -- I wasn't going to do
21 this -- but just depends on the person; how they grew up, what
22 their situations are. Some people it really bothered.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

24 Did you hear any reports of intimidation of some
25 of your resident -- residents by protestors?

26 **MAYOR JIMMY WILLET:** A couple, and you take it
27 as -- you know, take everything with a grain of sand -- grain of
28 sand; grain of salt. The -- had a couple of people tell me that

1 they were coming back into Coutts and being stopped by
2 protestors and saying -- they'd say to the guy, "Now, what do
3 you think? Should we let these people through or not?" Or,
4 "Should let this guy through?" And, you know, "Where do you
5 think you're going?" and that kind of thing.

6 But nothing -- we had a situation where a
7 neighbour -- someone decided it'd be funny to tell everybody
8 that there were free showers at her house, so she had people
9 showing up at the door, that kind of thing. But not a lot of --
10 there was no physical intimidation, and it was basically just
11 the going through the gauntlet to get out of the village. Like
12 I said, if you drove through and up the highway and through the
13 ditch maybe, well, you could go, so...

14 **MR. JEAN-SIMON SCHOENHOLZ:** And lastly, I just
15 wanted to ask you, was there any impact on emergency services or
16 access to emergency services?

17 **MAYOR JIMMY WILLETT:** For the most part, no.
18 When it first happened, it was like when we had the RVs there;
19 the entrances, they said they wouldn't block it.

20 You have to understand, we depend on the
21 ambulance coverage from Milk River, the medical clinic there.
22 We have a volunteer fire department, we have volunteer EMS, and
23 you'd have to understand AHS to note that -- health services to
24 know why we have an ambulance that we can't use. But anyway, we
25 have one.

26 We cover -- our fire department that is a rural
27 fire department that covers everything out in the surrounding
28 area, specially to the east. There's only that road at 501,

1 which is the road that crosses the tracks to get out to you
2 there.

3 That was one of my major concerns, was that we
4 had egress quickly in the event of an emergency. And then that
5 we could get an ambulance in. The RCMP ran an ambulance down
6 the highway to test that and the protestors were able to clear
7 it through quickly, so it was handled. But for the first few
8 hours, there wasn't any awareness on the part of the people.

9 I said more than once, I got the impression that
10 the protestors -- Coutts was an afterthought. They wanted to
11 plug the highway and, "Oh gee, there's 250 people over here and
12 we kind of affected them too." So it took us a while to work
13 that out, but -- now, after everybody was made aware, things
14 were fairly good.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you so much.
16 Those are my questions, ---

17 **MAYOR JIMMY WILLETT:** Yeah.

18 **MR. JEAN-SIMON SCHOENHOLZ:** --- Mayor Willett.

19 **MAYOR JIMMY WILLETT:** Thank you.

20 **COMMISSIONER ROULEAU:** Okay.

21 So first up is the Government of Canada, please.

22 **MS. ANDREA GONSALVES:** Thank you, Commissioner.

23 **--- CROSS-EXAMINATION BY MS. ANDREA GONSALVES:**

24 **MS. ANDREA GONSALVES:** Good morning, Mayor
25 Willett.

26 **MAYOR JIMMY WILLETT:** Good morning.

27 **MS. ANDREA GONSALVES:** My name is Andrea
28 Gonsalves, and I'm one of the lawyers representing the

1 Government of Canada in this Inquiry.

2 Thank you for being here today. I just have a
3 few questions for you.

4 And I want to start by talking about the port of
5 entry at Coutts. And I understand on the other side of the
6 border is the town of Sweet Grass, yes?

7 **MAYOR JIMMY WILLETT:** Sweet Grass, yes.

8 **MS. ANDREA GONSALVES:** Yeah. That port of entry,
9 you'll agree with me, is of vital importance to not only the
10 Coutts community, Milk River, the surrounding communities, but
11 also the Province of Alberta and Canada as a whole?

12 **MAYOR JIMMY WILLETT:** Yes.

13 **MS. ANDREA GONSALVES:** I understand that Highway
14 4 is the primary access to that port of entry, although there's
15 one sideroad that's not suitable for commercial vehicles, right?

16 **MAYOR JIMMY WILLETT:** Correct.

17 **MS. ANDREA GONSALVES:** And it's the only
18 designated commercial port of entry in all of Alberta?

19 **MAYOR JIMMY WILLETT:** I -- yeah, it's the only
20 24-hour port, yes.

21 **MS. ANDREA GONSALVES:** Right. That port of entry
22 allows for the cross-border transport of livestock, agricultural
23 goods, and other imports and exports that are critical to
24 Alberta's supply chain and the economy; yes?

25 **MAYOR JIMMY WILLETT:** Yes.

26 **MS. ANDREA GONSALVES:** And you can see, I assume
27 from, really, your front door, the constant flow of trucks that
28 are carrying billions of dollars' worth of goods north and south

1 across that border.

2 **MAYOR JIMMY WILLETT:** Yes.

3 **MS. ANDREA GONSALVES:** Yeah. Now, you've told us
4 that you learned early on of plans to -- that there were plans
5 in the works for protesters to engage in slow roll protests in
6 the vicinity of the Coutts port of entry?

7 **MAYOR JIMMY WILLETT:** That's correct.

8 **MS. ANDREA GONSALVES:** And those quickly evolved
9 into plans to actually block the highway to the border.

10 **MAYOR JIMMY WILLETT:** Yes.

11 **MS. ANDREA GONSALVES:** And that would have really
12 a two-fold impact on the people of Coutts, both their access
13 north into Milk River and the amenities there; right?

14 **MAYOR JIMMY WILLETT:** Yeah.

15 **MS. ANDREA GONSALVES:** As well as south down
16 across the border. And so I would expect this raised some
17 alarms for you as Mayor of this village?

18 **MAYOR JIMMY WILLETT:** Yes.

19 **MS. ANDREA GONSALVES:** Yeah. And you acted
20 quickly to communicate to residents how they could best prepare
21 themselves; right? You sent out that little notice.

22 **MAYOR JIMMY WILLETT:** Yes, I did.

23 **MS. ANDREA GONSALVES:** Yeah. It's COU00000001.
24 I don't think we need to pull it out unless you want to look at
25 it. But you were trying to best equip your residents for the
26 unknown of what was going to come; right?

27 **MAYOR JIMMY WILLETT:** That's correct.

28 **MS. ANDREA GONSALVES:** And that notice included

1 advice like pretending that they live in a big city?

2 **MAYOR JIMMY WILLET:** Yeah.

3 **MS. ANDREA GONSALVES:** What did you mean by that?

4 **MAYOR JIMMY WILLET:** With the risk of giving too
5 much away, a lot of people don't lock their doors. You might
6 have a car that you know so-and-so needs to borrow, you'll put
7 the keys in the car. We've got a almost zero percent crime rate
8 because of our location and because of the fact that CBSA people
9 live there and the guy that you broke into might have a gun. So
10 the -- just people get very comfortable with -- it's typical
11 small town Alberta.

12 **MS. ANDREA GONSALVES:** And there were folks
13 coming in that nobody knew ---

14 **MAYOR JIMMY WILLET:** No.

15 **MS. ANDREA GONSALVES:** --- and you were concerned
16 that that might pose a safety and security risk to the people of
17 Coutts?

18 **MAYOR JIMMY WILLET:** Yeah. It's -- like I told
19 a lot of people, you're driving south getting ready to hit the
20 border, you don't even know Coutts is there, and -- although we
21 can watch and wave. The -- and if you've got a stranger in town
22 word gets around. So, you know, there's a car going around and
23 I don't know who it belongs to, and oh, that's so-and-so,
24 they're visiting so-and-so, you know. The telegraph works very
25 well.

26 And all of a sudden we're going with -- the
27 potential existed that we were going to have massive influx of
28 people driving up and down the streets, and I just wanted

1 everybody to be careful. "Don't let your kids to run across to
2 the playground because somebody might be coming not looking for
3 kids there. Everybody in town knows your kids there, but if
4 they come in from out of town they don't." Just a heightened
5 awareness, I guess, of your situation.

6 **MS. ANDREA GONSALVES:** Okay. And another step
7 you took in the early stages was to reach out to provincial --
8 the provincial government; yes?

9 **MAYOR JIMMY WILLETT:** Yes.

10 **MS. ANDREA GONSALVES:** We saw in your examination
11 by Commission Counsel the January 27th email that you wrote to
12 Solicitor General Savage to advise of the plan to protest. Do
13 you recall that?

14 **MAYOR JIMMY WILLETT:** Yeah.

15 **MS. ANDREA GONSALVES:** And one of the things you
16 mentioned in that email you raised the possibility of the
17 situation being dealt with using Alberta's *Critical*
18 *Infrastructure Protection Act*. Do you remember that?

19 **MAYOR JIMMY WILLETT:** Yes, I do.

20 **MS. ANDREA GONSALVES:** And I understand that was
21 raised on January 29th in a letter you sent to the Minister of
22 Justice, and on January 30th in an email to Premier Kenney. Do
23 you recall those communications?

24 **MAYOR JIMMY WILLETT:** Yes.

25 **MS. ANDREA GONSALVES:** Okay. And I'll just note
26 for the record, but we don't have to pull them up, it's
27 COU00000005 and COU00000006.

28 And in your understanding, that legislation was

1 really purpose built for this kind of thing?

2 **MAYOR JIMMY WILLETT:** Exactly.

3 **MS. ANDREA GONSALVES:** Yeah. Now, you have
4 spoken a bit about the disruptions that the blockade of the
5 highway caused for the people of Coutts. And I just wanted to
6 pull up some photos.

7 It's PB.NSC.CAN00008500_REL.0001.

8 You mentioned that you did travel to the protest
9 sites on occasion. I just want to confirm that these photos
10 reflect or are similar to what you recall seeing when you were
11 there.

12 **THE CLERK:** Apologies. Could you repeat that
13 document ID, please?

14 **MS. ANDREA GONSALVES:** Yeah. The whole thing?
15 PB.NSC.CAN.00008500_REL.0001. And we'll begin, please, at
16 page 4.

17 Now, this is an RCMP document, so I wouldn't
18 expect you've seen the document before, it's just the photos.
19 Is that a picture of the blockade at Coutts the best you can
20 recognise? Or up on Highway 4?

21 **MAYOR JIMMY WILLETT:** Bear with me.

22 **MS. ANDREA GONSALVES:** We'll just make that a
23 little bigger there.

24 **MAYOR JIMMY WILLETT:** I can't place that exactly.
25 It doesn't actually look like the Coutts end of it, it looks
26 more like the Milk River.

27 **MS. ANDREA GONSALVES:** The Milk River end of it.
28 Okay.

1 **MAYOR JIMMY WILLETT:** Yeah, I think that's 501.

2 **MS. ANDREA GONSALVES:** Okay. And what we see
3 there, though, is the -- there are trucks parked in the median
4 between the two directions of the highway?

5 **MAYOR JIMMY WILLETT:** Yeah, but again, this is
6 actually not a full blockade. They're doing a slow roll through
7 that.

8 **MS. ANDREA GONSALVES:** That's a slow roll.

9 **MAYOR JIMMY WILLETT:** Yeah.

10 **MS. ANDREA GONSALVES:** Okay. Let's go down to
11 page 7, please.

12 **MAYOR JIMMY WILLETT:** Okay, that's Coutts.

13 **MS. ANDREA GONSALVES:** That's Coutts? Okay.
14 And page 9.

15 **MAYOR JIMMY WILLETT:** Yeah, those are both
16 Coutts.

17 **MS. ANDREA GONSALVES:** Okay, and let's go to
18 page 10, please. Sorry, it's not the one I wanted. The tray
19 29.

20 Are you able to place that one? That may be
21 Checkpoint 10.

22 **MAYOR JIMMY WILLETT:** Hmm. It doesn't get any
23 bigger?

24 **MS. ANDREA GONSALVES:** If you don't recognise it,
25 that's okay, we'll ---

26 **MAYOR JIMMY WILLETT:** Yeah, I don't ---

27 **MS. ANDREA GONSALVES:** --- have others.

28 **MAYOR JIMMY WILLETT:** --- for sure know where I

1 am there.

2 **MS. ANDREA GONSALVES:** Okay. That's okay. It
3 may be further down the highway than you were able to make your
4 way to.

5 **MAYOR JIMMY WILLETT:** Yeah.

6 **MS. ANDREA GONSALVES:** Now, you discussed your
7 interactions with Corporal Curtis Peters.

8 **MAYOR JIMMY WILLETT:** Yes.

9 **MS. ANDREA GONSALVES:** And we have those text
10 exchanges at COU00000011. In one of your text exchanges you
11 spoke -- you asked him to speak to the school bus driver. I
12 just wanted to be clear on this. Children from Coutts attend
13 school in Milk River?

14 **MAYOR JIMMY WILLETT:** That is correct.

15 **MS. ANDREA GONSALVES:** And in this text message,
16 you're explaining that the weather is supposed to turn bad, and
17 you were concerned about her travelling on the highway and folks
18 having to navigate the field to drop off and retrieve their
19 kids. Can you just explain that concern?

20 **MAYOR JIMMY WILLETT:** Yeah. The school bus
21 driver was a little concerned with coming through the blockade,
22 and so what she had offered as a solution was to come basically
23 the back way on a county road up to Patty Jo's that we talked
24 about. But the fact is that you have to drive either through
25 there or through the field and she didn't feel comfortable
26 taking the bus through there. So what she had suggested was
27 that the people in town who had kids would bring them all out
28 and meet her on the county road. And that's what that was.

1 **MS. ANDREA GONSALVES:** Okay. You also mentioned
2 in your text to Corporal Peters that folks on home care in
3 Coutts had not been visited since the blockade started.

4 **MAYOR JIMMY WILLETT:** That's correct.

5 **MS. ANDREA GONSALVES:** And that was one of your
6 concerns.

7 **MAYOR JIMMY WILLETT:** It was.

8 **MS. ANDREA GONSALVES:** I want to pull up, please,
9 COU00000002. This is a text exchange you had with Bill
10 Graveland. And that's who?

11 **MAYOR JIMMY WILLETT:** I'm sorry?

12 **MS. ANDREA GONSALVES:** Bill Graveland?

13 **MAYOR JIMMY WILLETT:** Oh, Bill Graveland. Yeah.
14 He's a reporter for Canadian Press.

15 **MS. ANDREA GONSALVES:** Okay. And if we go to
16 page 3, please? Just scrolling down there. Okay. Stop there.
17 In the first blue box, your test says:

18 "Morning Bill. The more things change the
19 more they stay the same. You need to find
20 someone in a protected position to call
21 these guys what they are, Domestic
22 Terrorists. Won't be me. They are right
23 outside my window. I would be strung up,
24 literally. Just a thought."

25 Why did you describe the protestors as domestic
26 terrorists?

27 **MAYOR JIMMY WILLETT:** Well, unlike most of the
28 people in the front rows here, I'm a Google lawyer. So it --

1 when I looked for the definition of a domestic terrorist, these
2 people seemed to fit that bill, and yet no one ever labeled them
3 that.

4 And so I just floated the idea out there, one
5 side to Bill and the other side to Minister Sawhney that maybe
6 they should be called that to get a little more attention.

7 **MS. ANDREA GONSALVES:** You felt they were
8 terrorizing people by their behaviour?

9 **MAYOR JIMMY WILLETT:** Because they were causing
10 harm to the country.

11 **MS. ANDREA GONSALVES:** Yeah. And if we go down
12 to page 4, if we could scroll down a little bit more? Just
13 pause there. Sorry, again a little bit further down. H'm. My
14 note may be off. There's a text where you -- if we could just
15 go back up? Let me try again. Up a little more. Yeah. Okay.
16 I'm not seeing it.

17 There's a text in this collection where you say
18 that:

19 "A more extreme element has moved in and I
20 am concerned about the final outcome."

21 Does that sound familiar to you?

22 **MAYOR JIMMY WILLETT:** Yeah.

23 **MS. ANDREA GONSALVES:** Yeah. In your interview
24 summary, you spoke about a sermon delivered on February 3rd at
25 the Smuggler's Saloon by a Pastor Artur Pawlowski.

26 **MAYOR JIMMY WILLETT:** Yes.

27 **MS. ANDREA GONSALVES:** And he -- have you seen
28 that sermon? Whether ---

1 **MAYOR JIMMY WILLETT:** Yes.

2 **MS. ANDREA GONSALVES:** Yes?

3 **MAYOR JIMMY WILLETT:** Yes, I have.

4 **MS. ANDREA GONSALVES:** Could we please pull up
5 PB.CAN.0000 -- hope this is right -- 1845_REL.0001?

6 **THE CLERK:** Was that PB.CAN.0001845?

7 **MS. ANDREA GONSALVES:** I hope so.

8 **THE CLERK:** Is it a multimedia file?

9 **MS. ANDREA GONSALVES:** Yes. Yeah.

10 While we're digging that up, that sermon, I
11 understand, was delivered on a day when MLA Hunter had told you
12 he had negotiated a deal with protestors to open up one lane of
13 traffic? Do you recall that?

14 **MAYOR JIMMY WILLETT:** I think that's right, yeah.

15 **MS. ANDREA GONSALVES:** And in a text message to
16 Minister Sawhney, you described this sermon as being inciting?

17 **MAYOR JIMMY WILLETT:** As being?

18 **MS. ANDREA GONSALVES:** Inciting.

19 **MAYOR JIMMY WILLETT:** Inciting? Yes.

20 **MS. ANDREA GONSALVES:** Yeah. And in your
21 interview summary, you said that it strengthened the protestor's
22 resolve. Do you recall that?

23 **MAYOR JIMMY WILLETT:** Yeah.

24 **MS. ANDREA GONSALVES:** I'm hoping we can just
25 watch ---

26 **THE CLERK:** Sorry, having difficulty locating
27 that one.

28 **MS. ANDREA GONSALVES:** Okay. I want to come

1 back. You told us that you also received a death threat, other
2 threats, and that a truck was parked outside your house taking
3 photos of it; correct?

4 **MAYOR JIMMY WILLETT:** Yeah.

5 **MS. ANDREA GONSALVES:** Yeah. And it's fair to
6 say that as time is going on, frustration is increasing, as is
7 concern over how this may end; right?

8 **MAYOR JIMMY WILLETT:** Yeah.

9 **MS. ANDREA GONSALVES:** Yeah. And your efforts to
10 engage higher levels of government were focused really on the
11 Province of Alberta?

12 **MAYOR JIMMY WILLETT:** That's correct.

13 **MS. ANDREA GONSALVES:** Did you ever receive any
14 explanation for why the Province did not make use of the
15 *Critical Infrastructure Protection Act*, as you had suggested?

16 **MAYOR JIMMY WILLETT:** No, I did not. But you
17 have to remember I'm the mayor of a small village. I'm kind of
18 at the bottom of the ladder. So I was not privy to everything
19 that was going on.

20 **MS. ANDREA GONSALVES:** Okay. And I now have the
21 correct reference for that video. It's RE -- sorry,
22 PB.CAN.0000.135 -- 1835, 1835.

23 And Mayor, while we're waiting for that to be
24 pulled up, in the few minutes I have left, you're aware that
25 what was going on in Coutts was not isolated; right? There were
26 also border blockades ---

27 **MAYOR JIMMY WILLETT:** Yes. Yes.

28 **MS. ANDREA GONSALVES:** --- at the port of entry

1 at Emerson, ---

2 **MAYOR JIMMY WILLETT:** Yeah.

3 **MS. ANDREA GONSALVES:** --- Ambassador bridge in
4 Windsor, ---

5 **MAYOR JIMMY WILLETT:** Yeah.

6 **MS. ANDREA GONSALVES:** --- Pacific Highway near
7 Surrey, B.C., ---

8 **MAYOR JIMMY WILLETT:** Yes.

9 **MS. ANDREA GONSALVES:** --- of course the
10 occupation of the City of Ottawa. And -- video ---

11 **THE CLERK:** You said 1835?

12 **MS. ANDREA GONSALVES:** One eight three five
13 (1835). Yeah.

14 And you said earlier, I thought I heard your
15 evidence that in some respects, it was a typical demonstration,
16 but of course, as time went on, you wouldn't describe the Coutts
17 Border Blockade as being a typical demonstration?

18 **MAYOR JIMMY WILLETT:** Yeah.

19 **MR. DAVID SHIROKY:** Excuse me, sorry, just to
20 step in, David Shiroky, counsel for the Government of Canada.
21 I believe that it's PB.CAN. ---

22 **MS. ANDREA GONSALVES:** Yeah.

23 **MR. DAVID SHIROKY:** ---00001835. I think there
24 may have been an NSC ---

25 **MS. ANDREA GONSALVES:** Oh, is that ---

26 **MR. DAVID SHIROKY:** --- in the previous reading,
27 but there's no NSC.

28 **MS. ANDREA GONSALVES:** No.

1 **MR. DAVID SHIROKY:** It's just PB.CAN.

2 **MS. ANDREA GONSALVES:** Thank you, Mr. Shiroky.

3 **THE CLERK:** It is here. I just need to download
4 it. It'll just be a moment.

5 **MS. ANDREA GONSALVES:** Okay. Thank you. I think
6 I can do the rest of my questions and come back to that.

7 And of course, you're aware, Mayor, that
8 ultimately search warrants were carried out the morning of
9 February 14th?

10 **MAYOR JIMMY WILLETT:** Yes.

11 **MS. ANDREA GONSALVES:** And a cache of weapons and
12 body armour was seized?

13 **MAYOR JIMMY WILLETT:** Yes.

14 **MS. ANDREA GONSALVES:** And there were a number of
15 arrests made; right?

16 **MAYOR JIMMY WILLETT:** Yes.

17 **MS. ANDREA GONSALVES:** And you were informed, in
18 addition to these arrests, an attempt was made by a vehicle to
19 ram a police vehicle?

20 **MAYOR JIMMY WILLETT:** Yeah.

21 **MS. ANDREA GONSALVES:** Again, we don't have to
22 pull it up while Mr. Clerk is doing me another favour, but the
23 email to you about those arrests is COU00000453.

24 And even with those arrests, I think I understood
25 your evidence that it took some time for the protestors to clear
26 out?

27 **MAYOR JIMMY WILLETT:** Well, some time. It
28 happened on the 14th and they left on the 15th. Yeah.

1 **MS. ANDREA GONSALVES:** Right. And that was after
2 the *Emergencies Act* had been invoked; right?

3 **MAYOR JIMMY WILLETT:** Just barely, yeah.

4 **MS. ANDREA GONSALVES:** And you mentioned in your
5 witness summary, you understood there were rumours circulating
6 among the protestors that the *Emergencies Act* would be invoked,
7 and among other things, their bank accounts could be frozen;
8 right?

9 **MAYOR JIMMY WILLETT:** Yeah. Again, that was
10 social media. But yes.

11 **MS. ANDREA GONSALVES:** Yeah. Okay. So I'm --
12 Mr. Commissioner, I'm just waiting for that video to load.

13 **THE CLERK:** Apologies. Just one more moment.

14 **MS. ANDREA GONSALVES:** That's okay. It's my
15 fault.

16 And we'll just play from the beginning, not the
17 whole thing but just...

18 (VIDEO PLAYBACK)

19 **MS. ANDREA GONSALVES:** We can pause that there,
20 thank you.

21 Mayor Willett, is that video of the sermon that
22 Pastor Pawlowski delivered at the Smuggler's Saloon on February
23 3rd?

24 **MAYOR JIMMY WILLETT:** It is, yes.

25 **MS. ANDREA GONSALVES:** And that's the video you
26 understand was -- or you've described as inciting the crowd?

27 **MAYOR JIMMY WILLETT:** Yes.

28 **MS. ANDREA GONSALVES:** Thank you. Those are my

1 questions.

2 Thank you, Commissioner.

3 **COMMISSIONER ROULEAU:** Okay, thank you.

4 Next is the Government of Alberta.

5 **MS. HANA LAURA YAMAMOTO:** Good morning. Hana
6 Laura Yamamoto for the Government of Alberta.

7 Can you see and hear me?

8 **COMMISSIONER ROULEAU:** Yes, we can.

9 **MAYOR JIMMY WILLETT:** Yes.

10 **MS. HANA LAURA YAMAMOTO:** Perfect.

11 --- CROSS-EXAMINATION BY MS. HANA LAURA YAMAMOTO:

12 **MS. HANA LAURA YAMAMOTO:** Good morning, Mayor
13 Willett. I have a few questions for you.

14 **MAYOR JIMMY WILLETT:** Good morning.

15 **MS. HANA LAURA YAMAMOTO:** Clerk, if you could
16 please ---

17 **COMMISSIONER ROULEAU:** Could you identify
18 yourself, for the record. You may have but it didn't come
19 across.

20 **MS. HANA LAURA YAMAMOTO:** Of course,
21 Commissioner. Hana Laura Yamamoto for the Province of Alberta.

22 Mr. Clerk, if you could please bring up
23 WTS00000012; it's been up before. This is your witness
24 statement.

25 (SHORT PAUSE)

26 **MS. HANA LAURA YAMAMOTO:** And just while that's
27 coming up; so on page 5 you stated that you did not receive the
28 type of support you expected from the provincial and federal

1 governments. So what kind of support did you expect from the
2 federal government?

3 **MAYOR JIMMY WILLETT:** At that point, it seemed
4 like we were not getting anywhere, and I was looking for
5 somebody to do something to get the highway unblocked and get
6 things happening again. So any kind of support would have been
7 -- make them go away and make this end. I wasn't in a position
8 to say exactly who should do what, but somebody should appear to
9 be doing something, and at this time it didn't look like anybody
10 was doing much.

11 **MS. HANA LAURA YAMAMOTO:** Okay. And so I have
12 the same question with respect to provincial government; what
13 kind of support did you expect from the provincial government?

14 **MAYOR JIMMY WILLETT:** Same story. We had the --
15 as I mentioned before, an Act that was supposed to give
16 unlimited powers, basically, to protect infrastructure and
17 remedy this exact problem, and yet it appeared to me nothing was
18 going on.

19 Now, I've seen the situation reports since then
20 and it showed that there was action in the background, but I
21 wasn't privy to that, so where I was sitting in my office
22 looking out the window, I didn't see anything happening.

23 **MS. HANA LAURA YAMAMOTO:** Okay. So now that you
24 say that there's things that you saw going on in the background,
25 in your opinion is that statement still true, that you believe
26 that the provincial government should have made better use of
27 the *Critical Infrastructure Act*?

28 **MAYOR JIMMY WILLETT:** I guess it goes back to the

1 statement that the RCMP made to me about building the airplane
2 as we're flying it. I understand that the Province was in the
3 same situation; like, looking for tow trucks and that kind of
4 thing. So probably my opinion is not as harsh as it was at the
5 time. I believe the Province was doing more than was visible to
6 me and most people. There were things going on that -- where if
7 we'd gone a little farther down the road -- no pun intended, if
8 we'd gone a little farther down the road there would have been
9 actual physical action taken. So my opinion has changed a bit.

10 **MS. HANA LAURA YAMAMOTO:** Thank you, Mayor.

11 So you understand as well that the RCMP was the
12 lead agency responsible for responding to the border blockade
13 occurring at Coutts, and they would make the operational plans
14 and decisions?

15 **MAYOR JIMMY WILLETT:** I don't know if it was my
16 ears playing tricks or not; can you do that a little slower,
17 please?

18 **MS. HANA LAURA YAMAMOTO:** I apologize. I should
19 slow down for the translator as well.

20 So you understand that the RCMP would have been
21 the lead agency responsible for responding to the border
22 blockades occurring at Coutts, and they would have made the
23 operational plans and decisions?

24 **MAYOR JIMMY WILLETT:** Correct.

25 **MS. HANA LAURA YAMAMOTO:** Okay. And you worked
26 with the RCMP throughout this blockade?

27 **MAYOR JIMMY WILLETT:** We were in contact all the
28 time, yeah.

1 **MS. HANA LAURA YAMAMOTO:** Okay.

2 So Mr. Clerk, if I could have you pull up
3 ALB00000908.0001?

4 So what you're going to see here is a statement
5 from the Alberta Minister of Justice and Solicitor General
6 Savage on February 8th, 2022.

7 Now, the fourth and fifth paragraphs from the
8 bottom is just where we want to go. Perfect.

9 And it says:

10 "Those participating in this illegal
11 blockade could potentially face charges
12 or actions under any number of laws
13 including..."

14 And it includes the *Critical Infrastructure*
15 *Defence Act*, and goes on to say:

16 "Whatever action law enforcement may
17 take is at their independent
18 discretion. I trust the authorities to
19 lay appropriate charges wherever the
20 evidence provides reasonable grounds
21 [to do] so."

22 So based on that statement, do you now understand
23 that it's the RCMP that would have made decisions whether or not
24 to undertake enforcement under the *Critical Infrastructure*
25 *Defence Act*?

26 **MAYOR JIMMY WILLETT:** Correct, I understand that,
27 yeah.

28 **MS. HANA LAURA YAMAMOTO:** Okay. We saw your

1 texts with Minister Sawhney; we don't have to pull them up, but
2 those would be under COU00000016.

3 So these texts show contact every day, often
4 multiple times a day, from February 2nd to 18th, as well as you
5 said you had phone calls with Minister Sawhney?

6 **MAYOR JIMMY WILLETT:** Yes.

7 **MS. HANA LAURA YAMAMOTO:** Okay. And you also had
8 a phone call with the Premier?

9 **MAYOR JIMMY WILLETT:** I did.

10 **MS. HANA LAURA YAMAMOTO:** And at no time did you
11 make a request for specific supports or assistance from the
12 Province?

13 **MAYOR JIMMY WILLETT:** I think we -- when I talked
14 to the Premier, we talked more in generalities. As I said
15 earlier, he was kind of caught in a pinch-point between "Darned
16 if I do and darned if I don't"; we talked about that. He talked
17 about the fact that he could only do so much because of the lack
18 of surge capacity in the hospitals. He mentioned that he was
19 going to be talking to governors in the northern states to see
20 if they would put pressure on, on that side, because even if we
21 did get rid of the provincial mandates, the federal mandates
22 still sat there, and that was the thing that triggered the whole
23 deal in the first place.

24 So, no, it was more a generality thing. I did
25 not hit him up for any kind of action.

26 **MS. HANA LAURA YAMAMOTO:** But based on that
27 conversation, there were things that the Alberta government was
28 doing to support removing the border blockade at Coutts.

1 **MAYOR JIMMY WILLETT:** And again, I only caught
2 about half of that. I'm deaf in one ear and I can't hear in the
3 other one so.

4 **MS. HANA LAURA YAMAMOTO:** I apologise. I'll slow
5 down and speak up. And based on that conversation with Premier
6 Kenney, Alberta was providing supports if not -- even if you
7 weren't asking for specific supports; correct?

8 **MAYOR JIMMY WILLETT:** Yes.

9 **MS. HANA LAURA YAMAMOTO:** Okay. And you had
10 wanted Minister Sonya to speak with protestors?

11 **MAYOR JIMMY WILLETT:** It was not my suggestion.
12 It was her suggestion. She thought that she could come and talk
13 to people in the first day or two because she was getting
14 feedback from the fact that there are truckers stuck. She
15 wanted to come, and I don't know what she had planned to say,
16 but it was her suggestion that she come down.

17 **MS. HANA LAURA YAMAMOTO:** Okay. And you had said
18 that the protestors were like herding cats?

19 **MAYOR JIMMY WILLETT:** The protestors were letting
20 ---

21 **MS. HANA LAURA YAMAMOTO:** Were like herding cats,
22 sorry, excuse me.

23 **MAYOR JIMMY WILLETT:** Yeah, that's what Alex told
24 me when -- the first time I made contact with the guys, the
25 smugglers, he said at that time that it was like herd -- that's
26 my expression, but that was the impression. He said he could
27 get a group here and a group there and try and get them all
28 together and they'd make a decision, then they'd walk out the

1 door and forgot what they'd talked about. So he was very
2 frustrated.

3 **MS. HANA LAURA YAMAMOTO:** So there was no
4 definitive leader of the protest?

5 **MAYOR JIMMY WILLETT:** At that point, there didn't
6 appear to be.

7 **MS. HANA LAURA YAMAMOTO:** Okay. And I just have
8 one point of clarification. So in your evidence with my friend
9 Commission Counsel, you said that tractors lined up on the side
10 of the road on the 14th. And I just want to clarify, that's so
11 traffic could flow?

12 **MAYOR JIMMY WILLETT:** Oh, by then they were off
13 the highway, and I think at that point, traffic was being held
14 up in Milk River still, but there wasn't any really physical
15 blockading going on, on the morning on the 15th, possibly on the
16 evening of the 14th. I couldn't do 24-hour coverage. But, no,
17 the tractors were all lined up. They were just getting ready to
18 leave as a group, and so they pulled them all in -- actually
19 pulled them into the village and down that street and lined them
20 up along there, so they were out of the way.

21 **MS. HANA LAURA YAMAMOTO:** Okay. And you're not
22 sure if that was the evening of the 14th, or did that start the
23 evening of the 14th where they were moving the tractors?

24 **MAYOR JIMMY WILLETT:** When I went down the
25 morning of the 15th to see what was going on, they were all lined
26 up down the street. That's all I know, and I don't know exactly
27 when. Like I say, I wasn't sitting, watching them 24 hours a
28 day, so I'm not sure when they moved.

1 **MS. HANA LAURA YAMAMOTO:** Okay. Perfect. Thank
2 you, Mayor Willett. That's all my questions.

3 **MAYOR JIMMY WILLETT:** Thank you.

4 **COMMISSIONER ROULEAU:** Thank you. Next is the
5 City of Windsor.

6 **--- CROSS-EXAMINATION BY MICHAEL FINLEY:**

7 **MR. MICHAEL FINLEY:** Good morning ---

8 **MAYOR JIMMY WILLETT:** Good morning.

9 **MR. MICHAEL FINLEY:** --- Mayor Willett. My
10 name's Michael Finley. I represent the City of Windsor, which
11 as I'm sure you're aware, is a fellow border municipality.

12 **MAYOR JIMMY WILLETT:** Yes.

13 **MR. MICHAEL FINLEY:** And we heard today, Mayor
14 Willett, you live just blocks away from the protest site and
15 indeed the border; right?

16 **MAYOR JIMMY WILLETT:** No matter where you are in
17 Coutts, you're only blocks away, yeah.

18 **MR. MICHAEL FINLEY:** And that border crossing is
19 an important link; true?

20 **MAYOR JIMMY WILLETT:** It definitely is.

21 **MR. MICHAEL FINLEY:** And I think you described it
22 earlier as a lifeline and something with larger importance than
23 just to the village of Coutts; is that fair?

24 **MAYOR JIMMY WILLETT:** That's correct.

25 **MR. MICHAEL FINLEY:** And I guess perhaps I'm
26 stating the obvious, sir, but fair to say that the village of
27 Coutts doesn't have sufficient resources on its own to ensure
28 the security of that border crossing?

1 **MAYOR JIMMY WILLETT:** No.

2 **MR. MICHAEL FINLEY:** Or, in fact, to deal with a
3 blockade of the magnitude that you faced earlier this year?

4 **MAYOR JIMMY WILLETT:** No, our police force, as
5 you heard, is four or five officers stationed in Milk River.

6 **MR. MICHAEL FINLEY:** Right.

7 **MAYOR JIMMY WILLETT:** RCMP.

8 **MR. MICHAEL FINLEY:** And so a situation like that
9 requires more than a local response; is that fair?

10 **MAYOR JIMMY WILLETT:** Correct.

11 **MR. MICHAEL FINLEY:** Including because you noted
12 earlier, provincial support?

13 **MAYOR JIMMY WILLETT:** Yeah.

14 **MR. MICHAEL FINLEY:** And federal support too?

15 **MAYOR JIMMY WILLETT:** Yeah, well, that's RCMP, so
16 it's provincial and federal.

17 **MR. MICHAEL FINLEY:** And so that being so, would
18 you agree that one might benefit from having a plan or at least
19 a framework in advance to deal with situations like the one you
20 experienced, even if they're not exactly the same, in future?

21 **MAYOR JIMMY WILLETT:** Sure, yeah. It would be
22 nice. Dealing with hindsight is 20/20 but it would have been
23 nice to have a plan, yeah.

24 **MR. MICHAEL FINLEY:** I think you spoke about
25 being caught flatfooted and building an airplane while it's
26 flying. I guess we can agree you're sticking with that
27 metaphor? It's probably better to have the plane assembled in
28 advance before it takes to the air?

1 **MAYOR JIMMY WILLETT:** Yeah, if we're talking
2 about police response, they had response for certain situations,
3 but this was a situation that was unique, at the time, to
4 anything they'd faced. And so I'm not going to be an apologist
5 for the RCMP, but I think they were doing well under the
6 circumstances. I don't think it's fair to say they had no plan.
7 They would have had plans for demonstrations and so on, just
8 nothing of this magnitude.

9 **MR. MICHAEL FINLEY:** Right. And I suppose all
10 I'm getting at is it's better in this type of circumstance, I
11 hope you'll agree with me, when you have a multijurisdictional
12 issue to deal with to have some plan in advance to address it?

13 **MAYOR JIMMY WILLETT:** Yeah.

14 **MR. MICHAEL FINLEY:** Well, thank you, sir. Those
15 are all my questions.

16 **MAYOR JIMMY WILLETT:** Yeah.

17 **COMMISSIONER ROULEAU:** Thank you. Next are the
18 Convoy Organizers.

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

20 **MR. BRENDAN MILLER:** Good morning, Mayor. For
21 the record, Brendan Miller. I'm appearing as counsel for
22 Freedom Corp., which represents the protestors that were in the
23 City of Ottawa in January and February.

24 How are you doing?

25 **MAYOR JIMMY WILLETT:** Good. How are you?

26 **MR. BRENDAN MILLER:** Long flight. I love driving
27 through Coutts.

28 **MAYOR JIMMY WILLETT:** Yeah.

1 **MR. BRENDAN MILLER:** So beautiful part of the
2 country.

3 So if we could please bring up -- it's the
4 document that my friends have already referred to from the
5 federal government. It's the Canada document ending 8500 that
6 was just up?

7 **THE CLERK:** Apologies. Do you have the full doc
8 ID?

9 **MR. BRENDAN MILLER:** Yes, I do. It is
10 PB.NSC.CAN.00008500. Okay. Can we please scroll to page 32?
11 It's just loading still. There we go. Okay.

12 So this is a document my friend put to you. It's
13 a Power Point put together by the RCMP. And there you can see
14 that they are doing what they refer to as media engagement and
15 talking and listening to protesters, supporters and residents of
16 Coutts. Did you witness any of that?

17 **MAYOR JIMMY WILLETT:** Not personally.

18 **MR. BRENDAN MILLER:** Yeah.

19 **MAYOR JIMMY WILLETT:** I -- only on ---

20 **MR. BRENDAN MILLER:** Right.

21 **MAYOR JIMMY WILLETT:** --- line.

22 **MR. BRENDAN MILLER:** But you ended up going and
23 speaking to the protestors yourself too; didn't you?

24 **MAYOR JIMMY WILLETT:** Yes.

25 **MR. BRENDAN MILLER:** Right. And I understand
26 that when you did that, you ended up doing an interview with CTV
27 and City News about that experience; do you remember that?

28 **MAYOR JIMMY WILLETT:** I don't.

1 **MR. BRENDAN MILLER:** Okay. Well, let me ask you
2 if you remember saying this. I just want to put this -- this is
3 a statement that's been attributed to you. "I wasn't
4 negotiating or anything else. I was just there to find out if
5 they were as bad as some people have said, and they're certainly
6 not." Do you remember saying that?

7 **MAYOR JIMMY WILLETT:** Sounds like something I
8 would say, yeah.

9 **MR. BRENDAN MILLER:** And do you remember saying
10 this about the protestors, "They're the same guys that I have
11 for neighbours."

12 **MAYOR JIMMY WILLETT:** That was part of the
13 uniqueness of this whole demonstration, yeah.

14 **MR. BRENDAN MILLER:** Right. And you also said,
15 "They're the guy that owns the farm up on the hill, the guy that
16 hauls for local businesses." Remember saying that?

17 **MAYOR JIMMY WILLETT:** Probably did.

18 **MR. BRENDAN MILLER:** Right. And this situation,
19 I understand, polarised your community. There was -- the
20 community was essentially divided by half supporting, half
21 against the truckers. Is that fair?

22 **MAYOR JIMMY WILLETT:** As I said earlier, probably
23 70-30.

24 **MR. BRENDAN MILLER:** 70-30.

25 **MAYOR JIMMY WILLETT:** On a good day, yeah.

26 **MR. BRENDAN MILLER:** Right. And was that 70-30
27 in support or which one was in the 30 and 70?

28 **MAYOR JIMMY WILLETT:** That would have been

1 supporting the -- the protests.

2 **MR. BRENDAN MILLER:** Seventy (70) percent or 30
3 percent supporting the protest?

4 **MAYOR JIMMY WILLETT:** No, 70.

5 **MR. BRENDAN MILLER:** Seventy (70) percent.

6 **MAYOR JIMMY WILLETT:** Yeah.

7 **MR. BRENDAN MILLER:** Okay. So the majority of
8 your town.

9 **MAYOR JIMMY WILLETT:** Majority of the town, was
10 the feeling I got.

11 **MR. BRENDAN MILLER:** Yeah. And there was signs
12 up and flags of all kinds that were on residences of your town's
13 property. Is that fair?

14 **MAYOR JIMMY WILLETT:** A few, yeah.

15 **MR. BRENDAN MILLER:** And can you tell me about
16 some of the ones you saw and describe them?

17 I know some of them were a bit vulgar, but if
18 you'd like to.

19 **MAYOR JIMMY WILLETT:** Everybody has seen them.
20 The Trudeau flags, the ---

21 **MR. BRENDAN MILLER:** The ones that say "F
22 Trudeau"?

23 **MAYOR JIMMY WILLETT:** Yes.

24 **MR. BRENDAN MILLER:** Yeah, okay.

25 **MAYOR JIMMY WILLETT:** Some of the Gadsen flags,
26 the "Don't Treat on Me".

27 A lot of Canadian flags, many of them inverted,
28 which I wholeheartedly do not approve of.

1 **MR. BRENDAN MILLER:** Yeah. And those flags were
2 in your own community.

3 **MAYOR JIMMY WILLETT:** Yeah. A lot of U.S. flags.
4 Yeah.

5 **MR. BRENDAN MILLER:** And because you're right on
6 the border with Montana there; right? There is an intersect
7 between the population in Montana and Coutts. Is that fair?

8 **MAYOR JIMMY WILLETT:** Yeah.

9 **MR. BRENDAN MILLER:** Yeah. And can you explain,
10 how long have you been in rural Alberta politics?

11 **MAYOR JIMMY WILLETT:** In rural Alberta politics
12 since I was elected to Council -- we had this discussion -- five
13 years ago.

14 **MR. BRENDAN MILLER:** Okay. And what's the vibe
15 you get or the interactions you have with your residents with
16 respect to their support or lack of support for the federal
17 government as it currently is composed?

18 **MAYOR JIMMY WILLETT:** Well, I'll quote my CAO,
19 "Trudeau hates us", and that's basically -- you could talk to
20 anybody here. There's a great dislike for the federal
21 government on a high percentage.

22 **MR. BRENDAN MILLER:** Okay. And what is these
23 dislikes? What are they about? What are these people's
24 grievances in your residents and in that area?

25 **MAYOR JIMMY WILLETT:** Genetic. I don't know how
26 you -- I've lived in Alberta for half my life, which means a
27 long time, and I've seen this "us versus them" thing grow, east
28 versus west. I spend too much time on social media.

1 But the feeling -- smarter minds than me have
2 tried to figure it out. I really don't understand the great
3 dislike for the federal government.

4 **MR. BRENDAN MILLER:** So there was -- I don't know
5 if you got the opportunity to watch -- did you watch the
6 testimony of Ms. Tamara Lich in this proceeding because it was
7 played out on TV?

8 **MAYOR JIMMY WILLETT:** I saw some of it.

9 **MR. BRENDAN MILLER:** Did you -- do you remember
10 when she said that a lot of Albertans feel that they don't have
11 a voice because the elections that are in -- resulting in the
12 elections of MP and the federal executive are determined before
13 they even vote and that they just don't feel represented in
14 Ottawa?

15 Do you remember hearing that?

16 **MAYOR JIMMY WILLETT:** Yeah, it's -- I think I
17 heard that, yeah.

18 **MR. BRENDAN MILLER:** Is that a general grievance
19 that you've heard some of your constituents and that you've
20 heard some of rural Albertans and other Albertans talk about?

21 **MAYOR JIMMY WILLETT:** I believe so. Mr. Motz
22 would probably disagree with the part that they're not
23 represented because he has represented us very well from that
24 area.

25 But I think the -- just talking -- that is a
26 problem that anybody that has studied politics or government
27 will agree with the fact that you've got a mass of population
28 concentrated in the east and you don't have in the west, and if

1 you do just by votes, it's very difficult to feel like you're
2 swaying anything when all of the election returns come in and by
3 the time you're voting, it's already been decided.

4 So I can understand it.

5 **MR. BRENDAN MILLER:** Are you aware that with
6 respect to the protests in Ottawa it's been reported that
7 Albertans made up the -- essentially almost half of the
8 individuals that were here?

9 **MAYOR JIMMY WILLETT:** I wasn't aware of that, but
10 it doesn't surprise me.

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

12 **MAYOR JIMMY WILLETT:** Yeah.

13 **COMMISSIONER ROULEAU:** Okay. Next is the
14 Democracy Fund, JCCF.

15 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

16 **MR. ALAN HONNER:** Yes. Good morning,
17 Commissioner. Good morning, Mayor.

18 **MAYOR JIMMY WILLETT:** Good morning.

19 **MR. ALAN HONNER:** My name is Alan Honner. I'm a
20 lawyer at the Democracy Fund. We share status with the JCCF and
21 with Citizens for Freedom.

22 Mayor, I think you gave evidence earlier today
23 that Coutts is the only 24-hour border crossing in Alberta? Did
24 I understand that right?

25 **MAYOR JIMMY WILLETT:** That's correct.

26 **MR. ALAN HONNER:** Okay. And about 75 kilometres
27 away from Coutts, there's another border crossing at Del Bonita?

28 **MAYOR JIMMY WILLETT:** Yes.

1 **MR. ALAN HONNER:** And do you know if the border
2 crossing times at Del Bonita were extended during the times of
3 the Coutts protest?

4 **MAYOR JIMMY WILLETT:** Yes, they were, I believe.

5 **MR. ALAN HONNER:** Can you tell us a little bit
6 more about that, the hours of the days they were extended?

7 **MAYOR JIMMY WILLETT:** Oh, I can't give you that
8 without it in front of me, but I don't believe it ever went 24
9 hours. I know that it was increased considerably. I believe I
10 read a number somewhere that percentage-wise, they saw crossings
11 go up 917 percent or something like that, so it was -- it would
12 have had to have been open a lot more, but I don't have the
13 numbers.

14 **MR. ALAN HONNER:** That's fair. Thank you.

15 I'm wondering, before the protestors left on the
16 15th and before the -- let me actually rephrase this.

17 After the *Emergencies Act* was invoked, did you
18 speak to any of the protestors before they left?

19 **MAYOR JIMMY WILLETT:** Not directly, no.

20 **MR. ALAN HONNER:** But you told us about rumours
21 on social media which referred to bank accounts being frozen.

22 Were those -- were those social media accounts
23 coming from the protestors?

24 **MAYOR JIMMY WILLETT:** Yes.

25 **MR. ALAN HONNER:** And how do you know that?

26 **MAYOR JIMMY WILLETT:** Well, okay, I'm not going
27 to say 100 percent. Somebody could have been faking it. But
28 there were -- there were Facebook pages called "Coutts Convoy",

1 "Coutts Convoy Restart" -- I'm not going to name them all. But
2 they were obviously followers or participants of the protest by
3 the content that was posted, by things that they said, and...

4 **MR. ALAN HONNER:** So these -- these were social
5 media sites where you could sign up and you could make posts
6 regardless of whether or not you were at the protest.

7 **MAYOR JIMMY WILLETT:** That's correct.

8 **MR. ALAN HONNER:** So anybody could have posted
9 those rumours on that site.

10 **MAYOR JIMMY WILLETT:** Anybody could. They are --
11 they were moderated sites. They would have to get past the
12 administrator, but I don't know -- I didn't put them up there.

13 **MR. ALAN HONNER:** Okay. Whatever the case is,
14 however, you'd agree with me that the reason why the protestors
15 ultimately leave, what you call the straw that broke the camel's
16 back, was the discovery of the weapons and it was not the
17 rumours of the -- about the *Emergencies Act*.

18 **MAYOR JIMMY WILLETT:** I think that's correct. I
19 saw an interview with Alex van Herk that he did the evening of
20 the 14th. It's on YouTube, where he explicitly said that it was
21 the weapons. It wasn't the Act because they'd heard about it,
22 but they were prepared to stay until it -- you know, that's in
23 Ottawa, basically, is what his sympathies were.

24 **MR. ALAN HONNER:** And Alex van Herk was one of
25 the spokespeople or one of the leading people at Coutts among
26 the protestors.

27 **MAYOR JIMMY WILLETT:** That's correct. He's been
28 charged along with Marco, so I'm not sure how much I'm supposed

1 to talk about it, but.

2 **MR. ALAN HONNER:** We'll move on.

3 My friend from the Government of Canada brought
4 up the *Critical Infrastructure Defence Act*. And I understand
5 you thought that the RCMP should have used that Act against the
6 protestors.

7 **MAYOR JIMMY WILLETT:** I did. Part of that might
8 have been my misunderstanding of what they were doing. As I
9 said, I wasn't privy to the situation reports that were coming
10 out every day until I saw them the other night. So there was
11 stuff going on and there possibly are even charges still waiting
12 for people over that Act. So ---

13 **MR. ALAN HONNER:** And ---

14 **MAYOR JIMMY WILLETT:** Yeah, go ahead.

15 **MR. ALAN HONNER:** I'm sorry to interrupt. I
16 think maybe what -- would you agree with me that the RCMP may
17 have exercised their jurisdiction under that Act or their
18 discretion under that Act, had the protest not ended when it
19 did?

20 **MAYOR JIMMY WILLETT:** I think they were doing it
21 even as -- like, I know that there were violation tickets and so
22 on being issued and that there possibly are still charges
23 coming. So the process maybe doesn't move as quickly as I would
24 like it to, but I believe they were working under that Act, yes.

25 **MR. ALAN HONNER:** Okay. And I just want to ask
26 you about that Act. Is it your understanding that the Act
27 prohibits the wilful obstruction of essential infrastructure, if
28 that obstruction renders the infrastructure dangerous, useless,

1 inoperative, or ineffective?

2 **MAYOR JIMMY WILLETT:** Yes.

3 **MR. ALAN HONNER:** Okay. And in your view, that
4 was happening in Coutts because of the blockade?

5 **MAYOR JIMMY WILLETT:** Yes.

6 **MR. ALAN HONNER:** And if somebody commits an
7 offence under that Act, the police can arrest that person
8 without a warrant? Is that right?

9 **MAYOR JIMMY WILLETT:** I'm not sure about the
10 without a warrant, but I know they can arrest them.

11 **MR. ALAN HONNER:** But you would take it from me
12 that the Act says that?

13 **MAYOR JIMMY WILLETT:** Sure.

14 **MR. ALAN HONNER:** There are also fines under the
15 Act?

16 **MAYOR JIMMY WILLETT:** Yes.

17 **MR. ALAN HONNER:** And does it accord with your
18 understanding that the fine for a first offence can be no less
19 than \$1,000 and can be as much as \$10,000?

20 **MAYOR JIMMY WILLETT:** I've heard that, yes.

21 **MR. ALAN HONNER:** And that a fine for a second
22 offence or a third offence can be as high as \$25,000?

23 **MAYOR JIMMY WILLETT:** Sure.

24 **MR. ALAN HONNER:** Do you know if any of the
25 protestors at Coutts were driving company vehicles or were
26 parking company vehicles?

27 **MAYOR JIMMY WILLETT:** I don't know for sure.
28 There might have been some owner/operators there. I didn't see

1 any name brand company vehicles parked there.

2 **MR. ALAN HONNER:** But some of those trucks could
3 have been owned by corporations?

4 **MAYOR JIMMY WILLETT:** It's possible.

5 **MR. ALAN HONNER:** And it's also, under the
6 *Critical Infrastructure Defence Act*, someone can be fined -- a
7 corporation can be fined a minimum of \$10,000 for an offence and
8 a maximum of \$200,000? Did you know that?

9 **MAYOR JIMMY WILLETT:** I may have seen those
10 numbers. I don't know. I'll take your word for it.

11 **MR. ALAN HONNER:** Okay. Thank you very much.
12 Those are my questions.

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

14 Mayor Willett, do you want to add anything?
15 We're done the cross-examinations. I'm just going to ask for --
16 whether there's any re-examination by the Commission Counsel.
17 So I'll let the re-examination go and then I'll give you a
18 chance to add anything, if you'd like.

19 **MAYOR JIMMY WILLETT:** Okay.

20 **--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:**

21 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. Oh. Yes, okay.
22 I just have two brief questions for you. Just to clarify a
23 point, when you were talking about your discussion with Mr.
24 Evans about the arrests on the 14th, I think you kind of trailed
25 off a bit under your breath and said something about the weapons
26 were all fake. Something like that. Is that something Mr.
27 Evans told you?

28 **MAYOR JIMMY WILLETT:** I believe he mentioned that

1 there was a rumour they had been planted, even at that early
2 date. And then I know that YouTube video I saw of Mr. Van Herk,
3 where he also said he didn't believe that they were real, but
4 they were going to -- that was the -- that was what was being
5 said, so it was what happened.

6 But yeah, to answer your question, that's what
7 was said.

8 **MR. JEAN-SIMON SCHOENHOLZ:** I just wanted to
9 confirm, that was not your own assessment of the situation?

10 **MAYOR JIMMY WILLETT:** That was not my assessment,
11 no.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

13 **MAYOR JIMMY WILLETT:** Yeah.

14 **COMMISSIONER ROULEAU:** Okay. So that's it. Do
15 you want to add anything before you head back west?

16 **MAYOR JIMMY WILLETT:** It's cold out there. How
17 long can I talk?

18 No, the situation that happened there, there were
19 a lot of people that said that I was against the protest. And I
20 wanted to make it perfectly clear, I was never against the
21 protest. You have that freedom, that right to protest anytime
22 you want, as long as you don't break the law and interfere with
23 my right to travel and so on.

24 I mean, I -- in a way, I participated in their
25 protest, because along with the other border mayors, we
26 communicated with the Federal Government saying, "This is not
27 right, to treat these guys, after the two years, as if they've
28 suddenly become pariahs or something."

1 So the biggest problem that I had, and I still
2 have, understanding blocking that highway, was who you thought
3 you were damaging. You were damaging your neighbours. I had
4 stock movers who couldn't move cattle because it was blocked.
5 That's a whole part of a chain. People grow their stock, they
6 plan for a particular date to deliver it to the feedlot, so
7 they've got feed for X number of days. Now that's backed up.
8 Now they've got to try and find feed. Well, gee, the feed comes
9 from the other side of the border.

10 They didn't take into consideration the fact
11 that, yes, they made a big splash, but they were hurting the
12 very people that they figured they were helping by getting the
13 mandates off.

14 We're a very agricultural area. I mentioned that
15 I'm the chair of a regional economic development initiative.
16 Our whole emphasis is on helping to establish that Canada trade
17 corridor and the food corridor with all of the potatoes, and
18 sugar beets, and pulses, and all of those products. That's our
19 main emphasis. And when you cut -- you stand there with your
20 foot on my throat and say, "You're not going to go through here
21 anymore," and what you're doing is you're actually choking the
22 livelihood of all your friends and neighbours.

23 And even if they sympathise with you, when they
24 go to the grocery store and there's no fresh produce there
25 because it's on the other side of the border, it's something to
26 consider.

27 So that was the main thing. And when the protest
28 turned to an illegal blockade, they lost my support. And that's

1 it. And I did what I did as far as the village goes because I'm
2 responsible for those people.

3 And I'll try and get through without breaking
4 down here this time, but there were people -- it was literally -
5 - people were literally physically frozen and not able to go
6 through that blockade. And since everything is on the other
7 side, it was a tough situation.

8 But we're not here to argue about that anyway.

9 The feeling that I got, to be truthful, is --
10 which I have to be, right, is that the federal action had very
11 little to do with the resolution of the blockade there. I think
12 it was the police action, the finding of the undesirable
13 element. I know that happened. I have -- I've talked to
14 neighbours who saw the actual police action that night. It
15 wasn't a carrying in weapons and planning them. It was a raid
16 with SWAT-type vehicles. We had a field hospital set up at the
17 fire hall and that kind of thing. So it was a very serious --
18 very serious situation.

19 So -- and one last thing. I'm very complimentary
20 of the police. The RCMP handled themselves very well. And I'm
21 glad it's over. It's -- and I thank you for that opportunity.
22 I'd ---

23 **COMMISSIONER ROULEAU:** Well, that's fine. We're
24 here to get at the bottom of what happened, not only in Coutts,
25 but across. Can I just ask you one thing following up on you're
26 all in favour of protests, and you'd mentioned about the land
27 that had been set up to continue protesting and it wasn't used
28 until after the blockade was cleared.

1 **MAYOR JIMMY WILLETT:** Yeah.

2 **COMMISSIONER ROULEAU:** Did I hear you correctly?

3 **MAYOR JIMMY WILLETT:** Yes.

4 **COMMISSIONER ROULEAU:** And they continued to
5 protest there for some time you said?

6 **MAYOR JIMMY WILLETT:** Weeks. Yeah, I don't know
7 the exact number.

8 **COMMISSIONER ROULEAU:** And do you know if it was
9 the same group that had blockaded that continued to protest
10 there?

11 **MAYOR JIMMY WILLETT:** I believe that most of that
12 was people who had showed up for the secondary encampment and
13 they just moved off the road because they had no where else to
14 go.

15 **COMMISSIONER ROULEAU:** Okay. Well, thank you
16 very much for coming. It's appreciated. Your evidence was
17 appreciated. You're free to go back to the cold.

18 **MAYOR JIMMY WILLETT:** Well, thanks, I think.

19 **COMMISSIONER ROULEAU:** Okay. So we're going to
20 take the morning adjournment, the morning break, and come back
21 with a new witness, so we'll take 15 minutes.

22 **THE REGISTRAR:** The Commission is in recess for
23 15 minutes. La Commission levée pour 15 minutes.

24 --- Upon recessing at 11:40 a.m.

25 --- Upon resuming at 11:54 a.m.

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

27 The Commission is reconvened. La commission
28 reprend.

1 **MR. GABRIEL POLIQUIN:** Bonjours. Call Mario Di
2 Tommaso to the stand, please.

3 **THE REGISTRAR:** Mr. Di Tommaso, will you swear on
4 a religious document, or do you wish to affirm?

5 **DSG MARIO Di TOMMASO:** I would like to swear,
6 please.

7 **THE REGISTRAR:** We have the Bible, the Quran or
8 the Torah available.

9 **DSG MARIO Di TOMMASO:** The Bible.

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

12 Mario Di Tommaso. D-I T-O-M-M-A-S-O.

13 **--- DSG. MARIO DI TOMMASO, Sworn:**

14 **THE REGISTRAR:** Thank you.

15 **--- EXAMINATION-IN-CHIEF BY MR. GABRIEL POLIQUIN:**

16 **MR. GABRIEL POLIQUIN:** Good morning, Mr. Di
17 Tommaso.

18 **DSG MARIO Di TOMMASO:** Good morning.

19 **MR. GABRIEL POLIQUIN:** And for the record, my
20 name is Gabriel Poliquin, senior counsel to the Commission. We
21 just a have a few little points of business here. If we could
22 pull up the document WTS00000041, please?

23 While that's being brought up, you sat down with
24 us, Mr. Di Tommaso, in September for an interview and you
25 produced an interview summary, which I believe you and your
26 counsel have had the opportunity to review; is that correct?

27 **DSG MARIO Di TOMMASO:** Yes.

28 **MR. GABRIEL POLIQUIN:** Okay. Are there any

1 changes you would like to bring to the interview summary today?

2 **DSG MARIO Di TOMMASO:** No.

3 **MR. GABRIEL POLIQUIN:** Okay. So we'll enter the
4 summary into evidence.

5 The next documents I'll refer to, I don't think
6 it's necessary to put them up, the first one is AFF000000114 --
7 or 14, for the record, and the second one being ONT.IR.00000001,
8 which is -- the first one is the affidavit that you swore
9 advising on behalf of the province, the Ontario's institutional
10 report, which is the second document, but that document is
11 accurate and complete; is that correct?

12 **DSG MARIO Di TOMMASO:** That's correct.

13 **MR. GABRIEL POLIQUIN:** Okay. We will enter those
14 into evidence as well.

15 So, Mr. Di Tommaso, you're, of course, the Deputy
16 Solicitor General for Ontario?

17 **DSG MARIO Di TOMMASO:** Before we proceed,
18 Commissioner ---

19 **MR. GABRIEL POLIQUIN:** Yeah.

20 **DSG MARIO Di TOMMASO:** --- may I have your
21 indulgence? I'd like to use a calendar with key dates on it for
22 reference. It just has key dates on it, if that's permissible.

23 **COMMISSIONER ROULEAU:** I don't see a problem.

24 **MR. GABRIEL POLIQUIN:** That's fine with me.

25 **DSG MARIO Di TOMMASO:** Thank you.

26 **MR. GABRIEL POLIQUIN:** Okay. Indeed. We'll be
27 discussing lots of dates and so ---

28 **DSG MARIO Di TOMMASO:** Yes.

1 **MR. GABRIEL POLIQUIN:** --- orienting yourself in
2 time I think is probably advisable. So, yes, just to -- to
3 start over, your position, of course, is Deputy Solicitor
4 General for Ontario; correct?

5 **DSG MARIO Di TOMMASO:** Yes.

6 **MR. GABRIEL POLIQUIN:** Okay. And are you the
7 only Deputy Solicitor General?

8 **DSG MARIO Di TOMMASO:** No, sir, there's another
9 Deputy Solicitor General in the Ministry and she is responsible
10 for the corrections portfolio.

11 **MR. GABRIEL POLIQUIN:** Okay. And only the
12 corrections portfolio?

13 **DSG MARIO Di TOMMASO:** Correct.

14 **MR. GABRIEL POLIQUIN:** Okay. And that was your
15 position at the time of the events that are of interest in this
16 Commission; correct?

17 **DSG MARIO Di TOMMASO:** Yes.

18 **MR. GABRIEL POLIQUIN:** January/February 2022?

19 **DSG MARIO Di TOMMASO:** Yes.

20 **MR. GABRIEL POLIQUIN:** Okay. Now just to set the
21 table, if you could give us an understanding of the role of the
22 Solicitor General as a government department within the Province
23 of Ontario, the Government of Ontario.

24 **DSG MARIO Di TOMMASO:** So the Ministry of the
25 Solicitor General led by the Solicitor General, responsible for
26 the safety and security of Ontarians. The Minister runs both
27 the correctional side, which looks at 25 institutions, bail, and
28 parole. And then there's the community safety side that has

1 nine, or at the time had nine different pillars delivering
2 public service and policy development with regards to the safety
3 and security of Ontarians.

4 So at the time I had nine divisions that reported
5 to me directly, and the OPP was one of those nine divisions.

6 **MR. GABRIEL POLIQUIN:** Okay. I was getting to
7 that. And so as part of your responsibilities, would you
8 describe it as your -- a responsibility of oversight on the OPP
9 that you would have?

10 **DSG MARIO Di TOMMASO:** Yes. But the OPP reported
11 to the Solicitor General, in terms of policy and longer-term
12 initiatives. But certainly the OPP reported to me on a daily
13 basis, and that was Comm. Carrique.

14 **MR. GABRIEL POLIQUIN:** Okay. And yeah, we'll get
15 to that in detail in a sec.

16 And the Solicitor General's responsibility under
17 the *Police Services Act* includes, to monitor police forces to
18 ensure that adequate and effective police services are provided
19 at the municipal and provincial levels; you would agree with
20 that?

21 **DSG MARIO Di TOMMASO:** Yes, that's under section
22 3 of the *Police Services Act*.

23 **MR. GABRIEL POLIQUIN:** That's correct. And, of
24 course, that extends for the whole province of Ontario; correct?

25 **DSG MARIO Di TOMMASO:** Correct.

26 **MR. GABRIEL POLIQUIN:** And when we talk about
27 responsibilities of oversight, and here I understand that
28 there's a difference between the Solicitor General as a

1 government department and your responsibilities, but when we
2 talk about oversight of the OPP, what does that include?

3 **DSG MARIO Di TOMMASO:** So with regards to
4 oversight, I do not have the ability to direct the Commissioner
5 in any way with regards to any policing operations, day-to-day
6 operations, that -- and deployment. That remains the exclusive
7 jurisdiction of the Commissioner of the OPP.

8 Having said that, anything to do with human
9 resources, in terms of expanding or contracting the size of the
10 OPP; procurement; financing, that type of thing, that
11 responsibility lies with me, and I have frequent discussions
12 with the Commissioner on those topics.

13 **MR. GABRIEL POLIQUIN:** Okay. And we'll get to
14 specific examples, of course, of this when we get down to the
15 facts, but just to clear something up, when you say expanding
16 the size or the -- the size of the OPP; are we talking about the
17 size of the OPP as a whole, or the size of the OPP deployed in a
18 specific location?

19 **DSG MARIO Di TOMMASO:** As a whole. So, for
20 example, when various initiatives come to the table that require
21 additional resources province-wide to implement an initiative, I
22 will have discussions with the OPP Commissioner on what the
23 staffing needs are; prepare a Treasury Board submission, and
24 hopefully with the approval of Treasury Board, grant the
25 Commissioner the ability to expand the size of the OPP, to
26 implement whatever initiative is on the table. So it's
27 province-wide.

28 **MR. GABRIEL POLIQUIN:** Okay. Okay, so just to

1 summarize, is it fair to say that the kinds of decisions that
2 your -- are in your jurisdiction; and forgive me if I use your
3 in a broad sense, I realize that there -- the responsibilities
4 are the jurisdiction of the Solicitor General, and you're in
5 charge of implementing those responsibilities on a day-to-day
6 basis.

7 But the sorts of decisions that are under your
8 jurisdiction are when human resources need to be expanded, that
9 has an impact, of course, on the public purse, as it were. This
10 is where you come in; is that correct?

11 **DSG MARIO Di TOMMASO:** Correct.

12 **MR. GABRIEL POLIQUIN:** And decisions that are
13 under the jurisdiction of the Commissioner of the OPP are
14 related to operations; is that correct?

15 **DSG MARIO Di TOMMASO:** Operations, deployment,
16 discipline; yes.

17 **MR. GABRIEL POLIQUIN:** Okay. Now, during the
18 events of January and February 2022, what were your -- how were
19 your responsibilities implemented?

20 **DSG MARIO Di TOMMASO:** So in late February -- I'm
21 sorry; early February, I was in receipt of information from
22 Comm. Carrique, with regards to this convoy that was coming
23 through Ontario and on its way to Ottawa. And so in those
24 communications, Comm. Carrique was informing me of the various
25 steps that he was taking to mitigate the possible impact of the
26 convoy arriving in Ontario. And at the time, I recall having
27 conversations with Comm. Carrique that there was a plan in place
28 in Ottawa and that he, the Commissioner, was deploying whatever

1 resources were required by the Ottawa Police Service at the
2 time.

3 I had some level of information that the
4 intention of the -- some convoy organizers was to stay longer
5 than anticipated, but the plan that was communicated to me by
6 Comm. Carrique was such that my understanding was that the
7 truckers would be invited into the boundaries of the City of
8 Ottawa, but certainly not downtown; that they would be parked
9 away from the downtown core and then the protestors would be
10 bused in.

11 I was also comforted by the fact that Comm.
12 Carrique was in contact with Chief Sloly, discussing various
13 options, and providing the resources that Chief Sloly was
14 requesting.

15 **MR. GABRIEL POLIQUIN:** So just following up on a
16 point here; you were informed that the plan was to have the
17 convoy protestors parked elsewhere out of downtown and then
18 bused in. So when did that information come to your knowledge?

19 **DSG MARIO Di TOMMASO:** I believe that would've
20 been the 27th or 28th of January.

21 **MR. GABRIEL POLIQUIN:** Okay. And I'm -- wasn't
22 looking for an exact date but, you know -- so it was before the
23 protest ---

24 **DSG MARIO Di TOMMASO:** Correct.

25 **MR. GABRIEL POLIQUIN:** --- happened? Okay. And
26 you were informed of that by Comm. Carrique?

27 **DSG MARIO Di TOMMASO:** Yes.

28 **MR. GABRIEL POLIQUIN:** Okay. And do you know

1 where he got that information from?

2 **DSG MARIO Di TOMMASO:** Not exactly. I can infer.
3 I suspect he got that information from -- you know, directly by
4 speaking to Chief Sloly, I'm assuming. And then from Project
5 Hendon reports as well.

6 **MR. GABRIEL POLIQUIN:** Okay. And so before the
7 protest happened, before that first weekend, you said you were
8 comforted that there was some sort of plan; is that fair?

9 **DSG MARIO Di TOMMASO:** Yes.

10 **MR. GABRIEL POLIQUIN:** Okay. Now, throughout
11 this period how often were you briefed by Comm. Carrique?

12 **DSG MARIO Di TOMMASO:** On a regular basis.
13 Throughout this period, I was receiving situational updates on a
14 daily basis from Carrique -- Comm. Carrique, and there were
15 daily phone calls as well.

16 **MR. GABRIEL POLIQUIN:** Okay. You had daily phone
17 calls. And were you communicating with him by text as well, is
18 my understanding?

19 **DSG MARIO Di TOMMASO:** Yes.

20 **MR. GABRIEL POLIQUIN:** Okay. And we'll look at
21 -- you took extensive notes throughout that period; correct?

22 **DSG MARIO Di TOMMASO:** Yes.

23 **MR. GABRIEL POLIQUIN:** Okay. So we'll be looking
24 at some of those notes and some of those texts to unpack what
25 you were receiving during those briefings.

26 Now, did the Solicitor General, Solicitor General
27 Jones, participate in some of these briefings?

28 **DSG MARIO Di TOMMASO:** Not with Comm. Carrique

1 and I, no.

2 **MR. GABRIEL POLIQUIN:** Okay. At no point?

3 **DSG MARIO Di TOMMASO:** No.

4 **MR. GABRIEL POLIQUIN:** Okay. Now, how often did
5 you brief Minister Jones?

6 **DSG MARIO Di TOMMASO:** On a regular basis.

7 **MR. GABRIEL POLIQUIN:** A regular basis being
8 every day, or...?

9 **DSG MARIO Di TOMMASO:** So my practice was to
10 basically copy and paste the texts that I received from Comm.
11 Carrique, and I would forward them on to Minister Jones.

12 **MR. GABRIEL POLIQUIN:** Okay. And did you have
13 any phone calls with her as well?

14 **DSG MARIO Di TOMMASO:** I did.

15 **MR. GABRIEL POLIQUIN:** Okay. Now, would you say
16 your briefings from Comm. Carrique were the only source of
17 information you had about what was going on in Ottawa?

18 **DSG MARIO Di TOMMASO:** No.

19 **MR. GABRIEL POLIQUIN:** Now, would it be fair to
20 say they were your main source of information?

21 **DSG MARIO Di TOMMASO:** Yes.

22 **MR. GABRIEL POLIQUIN:** Okay. What were your
23 other sources of information as to what was going on on the
24 ground?

25 **DSG MARIO Di TOMMASO:** Mainstream media, social
26 media, situational reports from the Office of the Provincial
27 Security Advisor, daily reports from the Office of Emergency
28 Management as well.

1 **MR. GABRIEL POLIQUIN:** Okay. And you mentioned
2 the Provincial Security Advisor; who is that and what are their
3 responsibilities?

4 **DSG MARIO Di TOMMASO:** So that would be Assistant
5 Deputy Minister Chris Letang, and their responsibilities are to
6 engage in dialogue with various stakeholders on the Intelligence
7 front, and then distill that information to me. So I knew that
8 certainly Assistant Deputy Minister Chris Letang was in his
9 office, was in receipt of these Hendon reports, I was not. And
10 there was a higher-level summary of some of those reports
11 provided to me.

12 **MR. GABRIEL POLIQUIN:** Okay. And is it fair to
13 say that you are the person in charge of informing the Solicitor
14 General of what's going on in the province, from a security
15 standpoint?

16 **DSG MARIO Di TOMMASO:** Yes.

17 **MR. GABRIEL POLIQUIN:** And is it fair to say that
18 it's the Solicitor General's responsibility to brief and inform
19 Premier Ford?

20 **DSG MARIO Di TOMMASO:** Yes.

21 **MR. GABRIEL POLIQUIN:** Okay. And that is -- and
22 to your knowledge, is that Premier Ford's main source of
23 information, in terms of public safety in the province?

24 **DSG MARIO Di TOMMASO:** Would be Minister Jones,
25 yes.

26 **MR. GABRIEL POLIQUIN:** Okay. Now, did you have
27 any briefings from Chief Sloly during this period?

28 **DSG MARIO Di TOMMASO:** No, not briefings, but I

1 did have discussions.

2 **MR. GABRIEL POLIQUIN:** Right. And we'll get some
3 -- to some of those discussions, but you didn't have the same
4 relationship with Chief Sloly as you had with Comm. Carrique?

5 **DSG MARIO Di TOMMASO:** That's correct with
6 Commissioner Carrique?

7 **DSG MARIO Di TOMMASO:** That's correct, and that's
8 because I don't have any jurisdiction or oversight over Chief
9 Sloly.

10 **MR. GABRIEL POLIQUIN:** Right. And my
11 understanding is, of course, the Chief of Police of Ottawa
12 reports to the Ottawa Police Services Board; is that right?

13 **DSG MARIO DI TOMMASO:** Correct.

14 **MR. GABRIEL POLIQUIN:** Okay. Now -- and we'll
15 get to more details later on, but as a general matter, if you
16 have significant concerns with the way a Police Chief in the
17 province managed a situation, could you pick up the phone and
18 call that Chief of Police and let them know what your concerns
19 are?

20 **DSG MARIO DI TOMMASO:** Yes, but once again, I am
21 not the oversight body. That responsibility falls to the Police
22 Service Board of jurisdiction.

23 **MR. GABRIEL POLIQUIN:** Okay. And in what
24 circumstances would you pick up the phone and let them know your
25 concerns?

26 **DSG MARIO DI TOMMASO:** Well, you're asking me to
27 speculate. If I had concerns, I would certainly be in a
28 position to pick up the phone and call various Chiefs of Police.

1 **MR. GABRIEL POLIQUIN:** I suppose let me put the
2 question this way. So, of course, I understand that Chief of
3 Police reports to the OPS but suppose a Police Services Board
4 were to talk to you and say, "We have concerns about our Chief,"
5 would that be an opportunity for you to express your concerns
6 directly to the Police Chief, or is that just not done?

7 **DSG MARIO DI TOMMASO:** So I've never had the
8 experience where a Police Services Board has contacted me to
9 have a discussion with their Chief of Police. I've never had
10 that experience, and I think that would be problematic, quite
11 frankly.

12 **MR. GABRIEL POLIQUIN:** Why is that?

13 **DSG MARIO DI TOMMASO:** Well, the oversight, the
14 responsibility and accountability for monitoring the performance
15 of a Chief of Police lies exclusively with the Police Service
16 Board of jurisdiction.

17 **MR. GABRIEL POLIQUIN:** Okay. Now turning to
18 Windsor, did you have any regular contact with Windsor Police
19 Service Chief Pat Mizuno?

20 **DSG MARIO DI TOMMASO:** I had one call with her.

21 **MR. GABRIEL POLIQUIN:** Okay. Now turning to some
22 dates here and we'll start chronologically with the first
23 weekend. Before the convoy made it to Ottawa, you already had
24 some information that they were coming and you -- we'd
25 established that you were comforted that there was some kind of
26 plan to deal with the situation. Did you have any concerns for
27 that first weekend?

28 **DSG MARIO DI TOMMASO:** I did not. Ottawa Police

1 Service, quite frankly, is one of the major policing services in
2 Ontario, if not Canada. They are led by an able leadership.
3 They have plenty of experience with regards to protests on a
4 regular basis. I knew that Commissioner Carrique was in regular
5 contact with Chief Sloly and I knew that the OPP Commissioner
6 was providing resources to mitigate any possible risks. And so
7 that certainly gave me a sense of comfort. As well, that the
8 plan was to keep the truckers out of the downtown core and then
9 be bussed in. So from that perspective, from that information
10 that Commissioner Carrique relayed to me, that gave me a sense
11 of comfort. And so didn't have concerns over the first weekend.

12 However, with the media with what it was, you
13 know, and displaying all the activities over the first weekend,
14 that concern certainly grew.

15 **MR. GABRIEL POLIQUIN:** Yes, and we'll get into
16 that first weekend in more detail. But before the weekend
17 began, I take it your expectations would -- given the experience
18 of the Police Service, given the leadership that your
19 expectations were that was this going to be a passing event, a
20 short-lived event?

21 **DSG MARIO DI TOMMASO:** I don't know what my
22 expectations were. I -- my expectations were that Ottawa Police
23 Service in conjunction with the OPP and with those resources
24 would be in a position to deal with the situation. There were -
25 - there was conflicting information as to the size and the scope
26 of the actual protest, the number of truckers, the number of
27 people and the length of time that they would be staying.

28 **MR. GABRIEL POLIQUIN:** Okay. And that

1 information, that conflicting information was before the weekend
2 started?

3 **DSG MARIO DI TOMMASO:** Correct.

4 **MR. GABRIEL POLIQUIN:** Okay. And the fact that
5 there was conflicting information, did that raise any concerns
6 with you that the risk assessment might not be correct, or did
7 you have any misgivings at that point?

8 **DSG MARIO DI TOMMASO:** I did not. From my
9 perspective, this was a policing matter that was being dealt
10 with by both Commissioner Carrique and Chief Sloy.

11 **MR. GABRIEL POLIQUIN:** Okay. Now what changed
12 after that first weekend?

13 **DSG MARIO DI TOMMASO:** Well, what changed was
14 that there was not an exit plan for the truckers, that the
15 truckers were well entrenched, and there was certainly a very
16 well communicated refusal to leave. So that first weekend, in
17 my mind, caused me to believe that this protest had morphed into
18 an occupation, and so that's what changed after the first
19 weekend.

20 **MR. GABRIEL POLIQUIN:** And you said that at first
21 you were comforted by the fact that there was a plan that they
22 would not be entrenched downtown, and once they were entrenched
23 downtown, did that surprise you?

24 **DSG MARIO DI TOMMASO:** Yes. Yes, it did. My
25 understanding was that there would be a plan to bus these
26 protesters in from the outskirts of Ottawa into the downtown
27 area. So I was questioning the issue of, you know, how did they
28 get downtown.

1 **MR. GABRIEL POLIQUIN:** Okay. And did you get any
2 answers to that question at the time?

3 **DSG MARIO DI TOMMASO:** I did not.

4 **MR. GABRIEL POLIQUIN:** Okay. And so, at that
5 point, that first weekend, the protestors are entrenched
6 downtown. What were the public safety risks in Ottawa at that
7 point, from your perspective?

8 **DSG MARIO DI TOMMASO:** I was not aware at that
9 point in time that there were any significant public safety
10 risks, and when I say that, I mean in terms of *Criminal Code*
11 offences, in terms of robberies, aggravated assaults, that type
12 of thing. The impact that I saw was primarily significant harm
13 being imposed and committed on the community. So the community
14 sense of wellbeing and mental health, that was certainly being
15 impacted by this protest. And but I did not hear of any
16 significant violations of the *Criminal Code* in terms of violent
17 assaults.

18 **MR. GABRIEL POLIQUIN:** And when you say you
19 didn't hear about it, do you mean you didn't hear about it from
20 Commissioner Carrique?

21 **DSG MARIO DI TOMMASO:** Correct.

22 **MR. GABRIEL POLIQUIN:** Okay. If we could bring
23 up the first text, it's ONT00005311, please?

24 So these are texts exchanged between you and Mr.
25 -- or Commissioner Carrique. Thomas TC is Thomas Carrique;
26 correct?

27 **DSG MARIO DI TOMMASO:** Yes.

28 **MR. GABRIEL POLIQUIN:** Okay. If we could just

1 scroll down a little bit, I'm not sure if there's an answer from
2 you, but do you recognise this text?

3 **DSG MARIO DI TOMMASO:** I do.

4 **MR. GABRIEL POLIQUIN:** Okay. And so if we could
5 just start from the top, please? So in point form he reports,
6 "Road services and heavy equipment have
7 been utilized to maintain emergency
8 routes.
9 - OPS parking remaining convoy vehicles
10 on Sir John A MacDonald Parkway.
11 Roadway almost at capacity.
12 - Downtown remains gridlocked."

13 **COMMISSIONER ROULEAU:** Can you ---

14 **MR. GABRIEL POLIQUIN:** Oh, sorry.

15 **COMMISSIONER ROULEAU:** --- slow down a bit ---

16 **MR. GABRIEL POLIQUIN:** I'm sorry.

17 **COMMISSIONER ROULEAU:** --- for the interpreters.

18 **MR. GABRIEL POLIQUIN:** "Downtown remains
19 gridlocked. Vehicle traffic is not
20 feasible."

21 If you could scroll down? And if you look at the
22 second point,

23 "Crowd continues to grow but remains
24 calm. Crowds estimated to be 1,000 at
25 Parliament Hill and another 1500-2000
26 within the streets.

27 - PPS reported no major issues."

28 And I believe it says further down that -- or

1 that maybe the next text, but we can go to that later. Is it
2 fair to say that this text, this -- which is a situational
3 report, and informal, but a situational report, that the news
4 can be characterised as being everything's under control. Is
5 that a fair ---

6 **DSG MARIO DI TOMMASO:** That's fair.

7 **MR. GABRIEL POLIQUIN:** Okay. And if we could
8 turn to the next text at ONT00005316, please?

9 **MR. CLERK:** That's 5316?

10 **MR. GABRIEL POLIQUIN:** Correct.

11 I believe that's the continuation of that text
12 chain. Starts with,

13 "Crowd diminished overnight but
14 remained in good spirits."

15 Again,

16 "PPS/OPS reported no major issues..."

17 And other pieces of information."

18 Again, is it fair to say that, from your
19 perspective, everything's under control?

20 **DSG MARIO DI TOMMASO:** Yes.

21 **MR. GABRIEL POLIQUIN:** Okay.

22 And we'll turn to maybe one or two more texts.

23 The next one is ONT00005319, please. So here's a piece of news
24 that's a bit more concerning, perhaps.

25 "Protestors appear to be more aggressive
26 and confrontational with police today
27 compared to previous."

28 There are:

1 "...several vehicles attempting to
2 circumvent roadblocks."

3 If we could scroll down? And we see that:

4 "...a convoy 50km in length may be headed to
5 Ottawa - Convoy is unconfirmed."

6 I don't know if that changes anything from your
7 perspective of things being under control?

8 **DSG MARIO Di TOMMASO:** So what's the date of this
9 particular text?

10 **MR. GABRIEL POLIQUIN:** If we could scroll up? I
11 think it's January 31st. Oh, we don't have the date. I believe
12 on the previous one it said January 31st, and this is the
13 continuation of that text.

14 **DSG MARIO Di TOMMASO:** So yes. I am becoming a
15 little concerned, given the fact that the protestors appear to
16 be more aggressive and confrontational with police today
17 compared to previous. But I also have a sense of comfort in
18 knowing that the OPP, YRP, and OPS Public Order Units are being
19 utilized.

20 **MR. GABRIEL POLIQUIN:** Okay.

21 **DSG MARIO Di TOMMASO:** So that concern is
22 mitigated somewhat.

23 **MR. GABRIEL POLIQUIN:** Okay. So it would be fair
24 to characterize it this way, that there are issues going on in
25 Ottawa that of course require law enforcement to intervene, but
26 there are no issues with law enforcement at that point, from
27 your perspective?

28 **DSG MARIO Di TOMMASO:** That would be correct.

1 **MR. GABRIEL POLIQUIN:** Okay. Now, on February
2 3rd, you have a call with Rob Stewart, who at the time was the
3 Deputy Minister of Public Safety Canada. Do you recall that
4 phone call?

5 **DSG MARIO Di TOMMASO:** I do.

6 **MR. GABRIEL POLIQUIN:** Okay. And we'll turn to
7 your notes for that one, just to jog your memory, if you need
8 to.

9 That's ONT00005153, please. Part of it is
10 redacted. If we could go down to -- just scroll down, please.
11 Okay.

12 So you have a phone call at 1300 hours, I think,
13 with Deputy Minister Rob Stewart. He says that there are 300
14 commercial -- CMV. That's commercial vehicles?

15 **DSG MARIO Di TOMMASO:** Yes.

16 (SHORT PAUSE)

17 --- Upon recessing at 12:24 p.m.

18 --- Upon resuming at 3:02 p.m.

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

21 **COMMISSIONER ROULEAU:** Thank you.

22 Good afternoon; and thank you for adjusting our
23 schedules. That's very accommodating. I understand a witness
24 is willing to go ahead today out of order. It's Mr. Freeman, I
25 think. And counsel ready?

26 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Commissioner,
27 Jean-Simon Schoenholz for the Commission. And as you said, the
28 next witness is Mr. Ian Freeman.

1 **COMMISSIONER ROULEAU:** Okay.

2 (SHORT PAUSE)

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

5 **DM IAN FREEMAN:** Ian Freeman; I-a-n, F-r-e-e-m-a-
6 n.

7 --- ADM IAN FREEMAN, Sworn:

8 --- EXAMINATION IN-CHIEF BY MR. JEAN-SIMON SCHOENHOLZ:

9 **MR. JEAN-SIMON SCHOENHOLZ:** Hi, Mr. Freeman.

10 **ADM IAN FREEMAN:** Hi.

11 **MR. JEAN-SIMON SCHOENHOLZ:** How are you?

12 **ADM IAN FREEMAN:** I'm good, thank you.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Good to see you
14 again.

15 So Mr. Freeman, you sat down with Commission
16 Counsel, I believe last month, for an interview; you recall
17 that?

18 **ADM IAN FREEMAN:** I do.

19 **MR. JEAN-SIMON SCHOENHOLZ:** So let's pull up
20 WTS00000021. You've -- we've prepared a summary of that
21 interview and you've had a chance to review it with your
22 counsel?

23 **ADM IAN FREEMAN:** I have.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Do you have any
25 changes to make to the summary?

26 **DM IAN FREEMAN:** There is one change I'd like to
27 make.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

1 Deputy Minister of the Corporate Services Division at the
2 Ministry of Transportation, which is also the Chief
3 Administrative Officer.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand that
5 wasn't your position during the events of January and February
6 ---

7 **ADM IAN FREEMAN:** Yeah. Yeah, that's correct.
8 At the time I was the Assistant Deputy Minister of the Policy
9 and Planning Division at MTO.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And can you tell us
11 briefly what your responsibilities are -- were at the time?

12 **ADM IAN FREEMAN:** Yeah. So as Assistant Deputy
13 Minister in Policy and Planning, I was responsible for
14 developing long-term transportation plans, developing
15 transportation policies. We had a unit that was responsible for
16 intergovernmental relations, as well as other policy
17 coordination-type activities.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And what
19 generally is the MTO's mandate?

20 **ADM IAN FREEMAN:** Well, MTO's mandate is to
21 provide safety for the transportation network to do operating of
22 the provincial highway system, to provide long-term
23 transportation planning for Ontario's transportation system, ad,
24 you know, other safety and operational activities related to the
25 transportation system.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And your role within
27 that is the lead on policy development.

28 **ADM IAN FREEMAN:** That's right.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And who do you report
2 to?

3 **ADM IAN FREEMAN:** I report to the Deputy Minister
4 of Transportation.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And who is the Deputy
6 Minister at the time?

7 **ADM IAN FREEMAN:** It was Deputy Minister Laurie
8 Leblanc at the start. About halfway through the protest period,
9 in mid-February, we had a new -- the Deputy Minister retired,
10 and we had a new Deputy Minister, Doug Jones. There was a very
11 brief period where an associate took over for a few days.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And how many
13 other Assistant Deputy Ministers are there?

14 **ADM IAN FREEMAN:** There are six other Assistant
15 Deputy Ministers.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you
17 regularly have direct contact with the Minister of Transport?

18 **ADM IAN FREEMAN:** Not daily but regular.
19 Probably weekly, sometimes less or more, depending on, you know,
20 the circumstance and what's happening.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And what kind of
22 contact would you have had with her during the events?

23 **ADM IAN FREEMAN:** During the events, we were --
24 we had occasional briefings with her to give her updates on what
25 was happening operationally and the support that the Ministry
26 was providing, as well as discussions on what else could the
27 Ministry do from a -- you know, a regulatory or policy
28 perspective.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And what role
2 did the Minister have, then -- have in responding to these
3 events?

4 **ADM IAN FREEMAN:** I don't know that the Minister
5 had a direct role in responding to the events. The government's
6 response of -- Government of Ontario's response was being
7 coordinated through the Solicitor -- Ministry of the Solicitor
8 General. So she would have certainly had a role in terms of the
9 mandate that I spoke to at the beginning, that she would
10 exercise that, but I don't think she had a specific role in
11 regards to these protests.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Thanks. Can you tell
13 us generally what Acts and Regulations MTO is responsible for
14 enforcing?

15 **ADM IAN FREEMAN:** The main Act would be the
16 *Highway Traffic Act*. There's -- I think there's quite a few
17 other Acts that we also enforce or have responsibility for, but
18 our key Act is the *Highway Traffic Act*.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And am I correct that
20 both police as well as MTO officers can enforce the provisions
21 of the *Highway Traffic Act*?

22 **ADM IAN FREEMAN:** That's correct. I don't know
23 if our enforcement officers enforce all aspects of the *Highway*
24 *Traffic Act*. I think there's certain elements of that that they
25 do, among -- among other legislation as well.

26 **MR. JEAN-SIMON SCHOENHOLZ:** So in some cases, MTO
27 officers could enforce independently; in others, they would
28 require enforcement by police?

1 **ADM IAN FREEMAN:** Correct.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. I'd like to go
3 to ONT00000447. So this is a email dated January 21st from
4 Jessica Barton, who I understand is at the MTO. And if we go to
5 the second paragraph, it says,

6 "The convoy is expected to start in
7 some areas of Ontario on January 25th,
8 ending travel to Ottawa January 29th at
9 noon. Primarily, it will be bobtail
10 trucks but may also include four-wheel
11 vehicles and trailers as well.

12 Currently, there's no estimated number
13 of trucks; however, it is expected to
14 be in the thousands into Ottawa." (As
15 read)

16 Did you receive this briefing? Yeah, if you go
17 up, you can see the recipient list ---

18 **ADM IAN FREEMAN:** No, I wouldn't be part of that
19 distribution list.

20 **MR. JEAN-SIMON SCHOENHOLZ:** You weren't a part of
21 that. Was this information that was generally available to you
22 at this time on the 21st?

23 **ADM IAN FREEMAN:** No. No, this would be -- so
24 this is our enforcement branch that this is being referred to,
25 so our Transportation Enforcement Branch. I wouldn't have any
26 dealings with them that ---

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

28 **ADM IAN FREEMAN:** --- or for this issue at this

1 time.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And so can you maybe
3 just tell us who the ADM for that branch would -- or was at the
4 time?

5 **ADM IAN FREEMAN:** That would have been the ADM of
6 our Transportation Safety Division, which was Shelley
7 Unterlander.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.

9 Can you tell us, do you have information on what
10 MTO did at this time upon receiving this type of information in
11 anticipation of the events?

12 **ADM IAN FREEMAN:** My understanding is the
13 Transportation Safety Division developed an operational plan,
14 which would be normal course of action for them to do, which
15 would speak to what the officers -- you know, who -- like,
16 what's the flow of information, what their anticipated role
17 might be, kind of rules of engagements for officers. I would
18 also imagine, although I don't have direct knowledge of it, that
19 our Operations Division would also connect with police through
20 likely the OPP to see if there was any sort of information that
21 might be needed from Highway Operation, so, for example,
22 changeable message signs, any support that might be needed for
23 police. But I don't have specific knowledge as to what
24 activities they took at this time.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

26 **ADM IAN FREEMAN:** But those would typically be
27 the types of actions that would happen for an event such as
28 this.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And if we can go to
2 ONT00005150, I just want you to confirm, I believe this is a
3 copy of that plan that you just mentioned that was developed.
4 Is that the plan you mentioned?

5 **ADM IAN FREEMAN:** Yes, this would be it.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And again, the
7 purpose of that plan was to kind of anticipate what type of
8 actions MTO officers would be required to take as part of this
9 event?

10 **ADM IAN FREEMAN:** That's right.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know what
12 was anticipated at that time for possible actions they would
13 take?

14 **ADM IAN FREEMAN:** Well, from my review of the
15 document previously, they were expecting a peaceful protest. So
16 and they would not be directly engaging with the protest, but
17 that they would, you know, be available if police needed
18 assistance with any sort of expertise around commercial truck
19 inspections and those types of -- that type of work.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So have you
21 had a chance to review Ontario's institutional report ---

22 **ADM IAN FREEMAN:** Yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** --- that's been
24 provided?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. So we don't
27 necessarily need to pull that up, but it states that on February
28 4th, MTO officers began supporting the OPP with issues arising

1 from a planned protest at Queen's Park in Toronto. Do you
2 recall that?

3 **ADM IAN FREEMAN:** I do.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And I guess what
5 support was being provided?

6 **ADM IAN FREEMAN:** My understanding was there
7 wasn't any direct support that was needed. The officers were
8 patrolling the GTA highways to be visible, but they weren't
9 directly engaging in the protest activities.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And would engagement
11 have been only subject to a request by OPP?

12 **ADM IAN FREEMAN:** Yes.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And that request
14 didn't come; I take it?

15 **ADM IAN FREEMAN:** That's my understanding.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And the request for
17 that support for that visibility in Toronto around that time,
18 that would have been on OPP's request?

19 **ADM IAN FREEMAN:** Yes.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know whether
21 there was any requests by either OPP or OPS for a similar kind
22 of presence in Ottawa ahead of the arrival of the convoy in
23 Ottawa?

24 **ADM IAN FREEMAN:** I don't -- I'm not aware of a
25 request for that.

26 **MR. JEAN-SIMON SCHOENHOLZ:** How many -- just to
27 provide us with some context, how many MTO officers are there in
28 the province?

1 **ADM IAN FREEMAN:** There's approximately 150.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And I take it
3 that those -- the MTO is able to deploy those to different areas
4 as necessary?

5 **ADM IAN FREEMAN:** It can be done. It's not
6 typical. Typical, they will operate out of specific regions and
7 locations, but if needed, they can be.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you know if
9 that was done in the present case, redeployment?

10 **ADM IAN FREEMAN:** That's my understanding is that
11 officers were redeployed to Ottawa at the request of the OPP,
12 you know, towards the back end of the protest.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. In the
14 institutional report, it states that on February 4th there was a
15 meeting between the MTO, Transport Canada and others to discuss
16 certain measures that might be available. If we can pull up
17 ONT00002759? And if we can just go down to the next email?
18 Yes. So this is an email that you sent, I understand, with a
19 summary of the calls. I understand there was a first call on
20 the 4th and then a follow-up on the 5th; is that correct?

21 **ADM IAN FREEMAN:** That's right.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And this is your
23 summary of those calls?

24 **ADM IAN FREEMAN:** The one that's showing here is
25 my summary of the February 5th call.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

27 **ADM IAN FREEMAN:** I'm not sure if further down it
28 summarises the 4th.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's -- I
2 want to touch on a couple points in this ---

3 **ADM IAN FREEMAN:** Sure.

4 **MR. JEAN-SIMON SCHOENHOLZ:** --- email. So here
5 at the point that starts by number one, it says -- well, I guess
6 I'll start just above that. "They", they being Transport
7 Canada; correct?

8 **ADM IAN FREEMAN:** Yes.

9 **MR. JEAN-SIMON SCHOENHOLZ:** "...are looking for
10 the following." And then you ask for a response to this. You
11 say point one,

12 "Can we provide the impacts of any
13 charges that could be laid to truck
14 drivers/operators, for example, types
15 of charges that lead to CVOR points,
16 what are potential impacts of that?
17 Insurance, sanctions, contracts. Are
18 there other potential non-CVOR
19 impacts?" (As read)

20 So what was the inquiry here from Transport
21 Canada? What were they looking for?

22 **ADM IAN FREEMAN:** Transport Canada was interested
23 in understanding if police laid charges, or even if there was
24 the threat of laying charges, what would be the impact to
25 commercial vehicle operators in Ottawa who were protesting. And
26 just to be clear, CVOR stands for commercial vehicle operator
27 registration. It's the licensing regime for commercial vehicle
28 operators in Ontario. So they were interested in understanding,

1 you know, what type of highway traffic offences, as an example,
2 that might lead to sanctioning of a carrier.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you
4 anticipate my question that defining CVOR. So that's very good.
5 Did MTO make those inquiries?

6 **ADM IAN FREEMAN:** We did.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And what generally --
8 -- can you explain to us what the response to this point would
9 have been?

10 **ADM IAN FREEMAN:** Well there's -- I mean, there's
11 all sorts of offences. There's a long list of offences that can
12 lead to point. It could be mechanical fitness, it could be, for
13 example, even stopping on a roadway. Any number of driving
14 offences could lead to CVOR points. So there's -- you know,
15 quite a few of the *Highway Traffic Act* offences would lead to
16 CVOR points.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We'll talk a
18 bit more about that later, ---

19 **ADM IAN FREEMAN:** Sure.

20 **MR. JEAN-SIMON SCHOENHOLZ:** --- but that's a good
21 introduction. Thank you.

22 It continues at point two:

23 "Some jurisdictions have legislation in
24 place that protects critical
25 infrastructure services from occupation,
26 disruption with significant fines, et
27 cetera. Does Ontario have anything not
28 that I'm aware of?" (As read)

1 And can you maybe explain what that was about and
2 what the response was?

3 **ADM IAN FREEMAN:** Transport Canada raised that --
4 I can't remember if it was New Brunswick or Nova Scotia, but one
5 of the Atlantic provinces had -- I don't know if it was under
6 emergency orders or what, but they had legislation in place that
7 where there was similar situations that were impacting critical
8 infrastructure, so not related to safety, but related to, you
9 know, protests or civil unrest, that there were substantial
10 financial penalties included in their legislation. So we were -
11 - Transport Canada was interested if anything existed in
12 Ontario. And I wasn't aware of anything, and I don't believe we
13 found anything that existed in Ontario that would be helpful.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. It
15 continues at point three:

16 "Tow operators. Are there any incentives
17 we might recommend to get them to help if
18 needed or penalties if they don't?" (As
19 read)

20 And then you say:

21 "This is a tough one, as I'm not sure we
22 have any direct contracts with them." (As
23 read)

24 Et cetera, et cetera. So can you explain again
25 what the nature of the request was here and what the response
26 was?

27 **ADM IAN FREEMAN:** Yeah, I think simply put,
28 Transport Canada was just wanting to know, should police need

1 heavy tow trucks, would MTO be -- have direct contracts with tow
2 operators that would be able to be deployed in the City of
3 Ottawa? And so my comment there was that I didn't believe that
4 we did have contracts with tow operators that would be
5 applicable inside municipalities. But I was asking the question
6 for them to find out.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And did -- and what
8 did you find out on that point?

9 **ADM IAN FREEMAN:** We did not.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Let's go
11 to ONT00000311.

12 While we're pulling that up, we've heard from the
13 City of Ottawa that they asked the Deputy Minister of
14 transpiration whether there was anything that could be done in
15 regards to trucker's insurance or CVORs, but that the Province
16 wasn't prepared to do anything in that respect.

17 So I guess my question is, is that accurate? You
18 know, what's your response to that?

19 **ADM IAN FREEMAN:** Yeah, there's several
20 documents, I think, in the record that speak to questions around
21 this. So maybe if I could just try and explain the CVOR?

22 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

23 **ADM IAN FREEMAN:** How it works? And I think the
24 Deputy speaks to it a little bit here. But the way that the
25 CVOR regulation works is it's a -- it's a process by which
26 there's escalating penalties and by which a safety record is
27 built over time that allows the Deputy Registrar to take action.

28 So what I mean by that is based on an operator's

1 safety record, so based on, you know, the inspections that they
2 have, the convictions that they have, or on road events, so
3 collisions, they accumulate points. And as they accumulate
4 points on their record, the Province takes escalating sanctions
5 towards them. So it starts with warning letters, it might
6 involve an interview to talk to them about their safety
7 practices, and then it would move to perhaps suspensions or
8 other kind of actions to try and redirect them, perhaps a safety
9 audit, up to eventually it could include a cancellation.

10 At the time that we issue a cancellation, or
11 throughout this process, they're given written notice that this
12 has happened, they're -- at the time of cancellation, and then
13 they are allowed to seek a hearing or a response in writing to
14 the Deputy Registrar. There's -- based on that, there's also an
15 appeals process that they're allowed to go through as well.

16 So I think that was the challenge that we were
17 trying to communicate to Transport Canada and the City of Ottawa
18 at the time was that the *Highway Traffic Act* itself and the CVOR
19 is built around this process or these procedures that are well
20 understood by the Courts, well understood by industry, and to
21 protect the legitimacy of it, we couldn't try and use that
22 process to do something different. And that was the challenge
23 that we were trying to articulate, until the emergency orders
24 were put in place, where it was a different regime. And I'm
25 sure we'll get into that later.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. That's
27 helpful. And we will get to that.

28 So if we can go -- these are minutes taken from,

1 or a summary of a call between the City, the Federal Government,
2 the Provincial Government, on February 6th. And if we can go to
3 page 6? My understanding is you weren't present at this call;
4 correct?

5 **ADM IAN FREEMAN:** Correct.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Your Deputy Minister
7 was present?

8 **ADM IAN FREEMAN:** That's right.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So if we can go down?
10 Down, down, down. So right there.

11 So here we have a few points, a summary of what
12 was said by the Deputy Minister; correct?

13 **ADM IAN FREEMAN:** Yes.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And here, first it
15 says:

16 "On tow trucks, they will be working with
17 the private sector [...] to see what['s]
18 available and can be provided."

19 Are you aware of what efforts MTO made to work
20 with the private sector to obtain tow trucks at that time?

21 **ADM IAN FREEMAN:** We started investigating this
22 right away and had great difficulty finding tow truck operators
23 that were willing to help. We looked at -- we do have some
24 arrangements with tow truck operators. Not in municipal, but on
25 highways, certain highways, as well as in our truck inspection
26 stations, some of them. so we started contacting them, as well
27 as any other providers we spoke to, some of their, you know,
28 stakeholder representatives that represent the tow truck

1 industry and had very little luck. Eventually we were able to
2 find a few that would agree to help out, but my understanding
3 was, and I wasn't directly involved in this, but my
4 understanding from those that were, that it was a very difficult
5 process to try and find tow truck operators that would be
6 willing to help.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And were you aware of
8 what was making that so difficult?

9 **ADM IAN FREEMAN:** It was the threat of -- to
10 their livelihoods, to their business, and to their drivers.
11 They had indicated to us that, you know, there was a lot of
12 social media that was obviously -- and in the news about this.
13 So I think they were very worried that, you know, these are also
14 their customers, that if they participated in this, they
15 wouldn't have any business.

16 But I even know when some names did leak out,
17 they were inundated with calls and threats. And I believe some
18 backed out as a result of that as well.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And in the end, I
20 think you've already said in your correction to your witness
21 statement, MTO was able to find 10 tow trucks that were deployed
22 to Ottawa?

23 **ADM IAN FREEMAN:** That's right.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And how were
25 those found?

26 **ADM IAN FREEMAN:** Just through calls through
27 contacts that were made by -- in our Operations Division. They
28 were calling, you know, late into the nights to try and find

1 someone, and eventually a small number, one or two, said yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And would those have
3 been made available to the OPP?

4 **ADM IAN FREEMAN:** Correct. We didn't actually
5 contract with them directly, they were just -- we just helped to
6 facilitate for the purposes of the OPP.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know if the
8 powers available under the *Emergencies Act* were used to secure
9 those 10 tow trucks?

10 **ADM IAN FREEMAN:** My understanding from the area
11 that was working with them, they weren't used directly, they
12 weren't forced to do it, but the indemnification that came in
13 the federal Emergency Order was helpful because they were
14 worried about damage to their vehicles. I was told they
15 couldn't get insurance. So I don't know if this tipped the
16 scales or not, I wasn't part of those discussions and when they
17 made their decisions, but I understand that insurance was an
18 issue for them and that this was helpful.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Second
20 point says:

21 "From an enforcement perspective, the
22 [MTO] is providing assistance where
23 requested. However...enforcement
24 resources are limited."

25 Can you explain what that referred to and what
26 way were they limited?

27 **ADM IAN FREEMAN:** I think just to the point of
28 there is about 150 officers spread around the entire province

1 doing -- also providing -- doing their daily safety mandate. So
2 that's a limited number compared to I think the numbers that
3 were being talked about for police, and certainly small compared
4 to the size of the police forces across the province.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Was there ever a
6 shortage of MTO officers being requested to be deployed in this
7 event, or was it more so just getting them to where they needed
8 to be?

9 **ADM IAN FREEMAN:** I don't think -- to my
10 knowledge, there was never a request for resources that we
11 weren't able to meet. This was -- you know, this was early in
12 the dialogue that was happening, where the Ministry of
13 Transportation was brought in. So I think she was more making a
14 point that, you know, it's a -- I mean, it's much larger than
15 some small municipal police forces, but it's much smaller than,
16 you know, the OPP has, for example, that we just don't have a
17 large pool of resources to direct to help.

18 **MR. JEAN-SIMON SCHOENHOLZ:** The third point here:

19 "In response to the point about using
20 licensing and sanctioning as a tool,
21 she..."

22 Being Deputy Minister LeBlanc:

23 "...noted that demerit point is a long-
24 term strategy that will not help with
25 immediacy of the situation. It will
26 not impact the actions of many in the
27 short-term."

28 Can you -- I think maybe you've already touched

1 on this a little bit, but could you maybe explain this short-
2 term, long-term dilemma?

3 **ADM IAN FREEMAN:** I believe what she's referring
4 to here is the point that I was making when I described the CVOR
5 regime, where -- or even licensing, for example, where points
6 are accumulated on a driver record or a carrier record based on,
7 you know, convictions and things that actually happen, and that
8 takes time. You know -- so for that to happen, if there was a
9 desire to see us jump to, for example, as some have indicated,
10 just start to cancel CVORs, I think she was trying to make the
11 point that that's not how we deploy that legislation, it's done
12 through the process that I outlined before, which takes actually
13 quite a bit of time to move through the system.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And so your evidence,
15 then, is that there was no mechanism to apply that kind of
16 penalty in the short-term?

17 **ADM IAN FREEMAN:** That's right.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Last point:
19 "In addition, it seems that many of the
20 trucks were from outside the province
21 and it adds a layer of complexity to
22 the enforcement of the licensing
23 regime."

24 Can you explain what that additional complexity
25 is when it comes to out of province vehicles?

26 **ADM IAN FREEMAN:** The trucking industry is
27 regulated provincially across the country. So if you're a
28 trucking company that home base is in Alberta, for example, the

1 Province of Alberta regulates that trucking company, Ontario
2 does not. So I think she was simply referring to that, that,
3 you know, even notwithstanding the time that it would take to
4 sanction an Ontario carrier, we don't actually regulate out of
5 province carriers. So I think she was just trying to speak to
6 that, that each jurisdiction regulates those trucking companies
7 in their home province.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And I think my
9 understanding from your interview summary is that the -- while
10 the convictions would have some inter-jurisdictional impact,
11 Ontario had no way of imposing penalties on outside of the
12 province vehicles; is that right?

13 **ADM IAN FREEMAN:** That's correct.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you. I
15 just want to put to you in relation to this call, there was
16 testimony from Mr. Steve Kanellakos, the City of Ottawa's City
17 Manager. He recalled that during this call the issue was raised
18 of what tools were available from MTO's perspective, and he
19 recalled that Ms. LeBlanc seemed to be a little miffed that she
20 got put on the spot and basically said, "I'll get back to you,
21 I'll look into it", and never did.

22 So I'm just wondering if you heard about that
23 interaction if you have any response to that?

24 **ADM IAN FREEMAN:** I didn't.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.
26 Are you aware of any more detailed response on kind of the
27 points you've outlined to me being provided to the City of
28 Ottawa at any point outside of this call?

1 **ADM IAN FREEMAN:** I am not aware of direct
2 conversations with the City of Ottawa. Most of our interactions
3 were done through -- the interactions that I was involved in
4 were through Transport Canada.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.
6 So let's pull up SSM.CAN.00000363.

7 So my understanding from the Institutional Report
8 is that Deputy Minister LeBlanc attended a FTP, Federal
9 Provincial Territorial, meeting with federal counterparts to
10 discuss transportation enforcement responses to the protests.
11 So that would have been on the 7th.

12 And if we go down, these are the notes from that
13 call. You're familiar with those?

14 **ADM IAN FREEMAN:** Yes, I have seen these.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know what
16 the purpose of this meeting was?

17 **ADM IAN FREEMAN:** On Monday, I think. I don't
18 recall the specific purpose of this meeting, but I do know,
19 because there were several meetings that were happening on
20 Monday, and at that point there was a desire to try and
21 understand the options that could be deployed by transportation
22 ministries and getting situational updates based on what was
23 happening in each jurisdiction. I suspect that's what the
24 discussion was here, but I would need to just look at the notes
25 again.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Well, here we
27 can start at the top here. It says:

28 "TC Proposal:

1 Maximum enforcement strategy."

2 You're familiar with that strategy that was put
3 forward by Transport Canada?

4 **ADM IAN FREEMAN:** I'm familiar -- not necessarily
5 that term of maximum enforcement strategy. I am familiar with a
6 document that they created called an enforcement strategy.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

8 So let's go down to page 2.

9 And it says here, under Ontario, on the second
10 point:

11 "Collective enforcement rather than
12 maximum enforcement."

13 I understand that to be Ontario's response to the
14 -- to Transport Canada's proposal. Are you able to explain what
15 was being proposed as a change to the fed's proposal?

16 **ADM IAN FREEMAN:** I don't -- I have -- I've read
17 this, and I -- I'm sorry, I don't know what's intended by that
18 statement.

19 And I'm wondering, can you just -- can you go
20 back up to -- I'm wondering if this was -- and just -- yeah like
21 right to the top, I'm just wondering if it shows the -- oh, no,
22 it doesn't the attendees. Sorry.

23 I'm just not sure if this was the call that
24 Deputy Minister Leblanc was on or whether it was Deputy Di
25 Tommaso that might have also been on this because I think joint
26 PSTC might have been -- might have been Transportation's and
27 Solicitor-General, so it might like -- because a statement like
28 that around enforcement doesn't sound like something that would

1 have come from the Ministry of Transportation.

2 **MR. JEAN-SIMON SCHOENHOLZ:** That's helpful. So
3 we can ask him, then.

4 From our interviews with Transport Canada, they
5 seem to have understood that Ontario was concerned about being
6 perceived to be directing law enforcement agencies in how they
7 were carrying out their functions. Would you agree with that
8 characterization?

9 **ADM IAN FREEMAN:** Well, again, that would be the
10 Solicitor-General, and I would say, you know, I think there
11 would be a general sentiment that -- in the Ontario government
12 that they do not direct police forces.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And that was part of
14 what -- that was part of what guided MTO's response.

15 **ADM IAN FREEMAN:** Well, not quite because MTO
16 would -- MTO certainly would not direct police, like, and -- but
17 our role in this was to support police. So I would say that was
18 more of our guiding principle rather than that we don't direct
19 them, is it's a further -- we're further removed from that in
20 these types of events where there's a protest or, you know, it's
21 a public order issue. Police lead the response, and Ministry of
22 Transportation is there only to assist.

23 I would say that would be our more fundamental
24 principle as how we would respond in all cases here.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And so would you --
26 would you agree, then, that in addition to the various practical
27 concerns around the actual enforcement powers that were
28 available, MTO was also concerned about only stepping in in

1 assistance to police and upon their request? Is that fair to
2 say?

3 **ADM IAN FREEMAN:** I think so. And maybe I would
4 add to that, too. We would want to be careful not to -- not to
5 interfere with what was a police-led response.

6 What I mean by that is, you know, police would be
7 -- as I'm sure -- I know the Commission has heard, developing
8 plans, developing communication strategies, all of these things,
9 we would not want to as -- in our role as just playing an
10 assisting role, somehow inadvertently create a problem for what
11 police were planning to do, so I would say, you know, the
12 principle was we were there to assist, but we were also, you
13 know, more importantly, not there to not somehow interfere with
14 what they were doing as well.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

16 If we could go to ONT00000095. So this an email
17 from you with some key takeaways from a meeting earlier on
18 February 8th with representatives from Transport Canada.

19 So if we can go to page 2. Here we go.

20 So maybe just go up first to the top of that
21 email.

22 So this an email from yourself to the Deputy
23 Minister, and you're briefing her on the key points from that
24 call; correct?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** So if we can go back
27 down past the redactions there.

28 So it says, and I think this may go to what we

1 were just talking about:

2 "Sol-Gen is the Ontario lead for
3 anything to do with enforcement of legal
4 regulatory authority. Communications
5 requests should go through them to
6 ensure consistency and nothing is taken
7 out of context." (As read)

8 Is that essentially reflective of what you've
9 just told me?

10 **ADM IAN FREEMAN:** It is.

11 And you know, in reading this, I would probably
12 position it a little bit differently in that police are the lead
13 for anything to do with enforcement. Sol-Gen was the, you know,
14 coordinating body from an Ontario government perspective.

15 I think, you know, in writing that out I probably
16 used a -- I just want to kind of clarify that because I don't
17 think Sol-Gen was the lead for enforcement. I think that was --
18 that was police. But from an Ontario government response, Sol-
19 Gen was coordinating that.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And so is your
21 understanding that enforcement issues, enforcement requests
22 would come through OPP through to Sol-Gen and then if MTO was
23 needed, those requests would be channelled through Sol-Gen to
24 the MTO?

25 **ADM IAN FREEMAN:** Actually, no. So if there was
26 requests from police, they would go directly to MTO, either our
27 Operations Division to support with, you know, signage and those
28 types of things, or to our Transportation Enforcement branch for

1 assistance there.

2 Sol-Gen would more be a coordinating body from a
3 government response to this.

4 So I think what we were trying to position here
5 is that when the federal government was reaching out to Ontario
6 Ministries, so Ministry of Transportation, we really wanted to
7 try and funnel the response through Sol-Gen, who were at, you
8 know, meetings and they were more involved than Ministry of
9 Transportation was.

10 So we didn't want to be sending up information
11 that perhaps would be, you know, different than what the
12 policing strategy or the enforcement strategy might be from Sol-
13 Gen, who are having more direct conversations with the police.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And would I be right
15 to say that this isn't necessarily the usual approach for MTO
16 that it would apply in every circumstance? It's unique to the
17 type of activity in this case that would be police led?

18 **ADM IAN FREEMAN:** Sorry. Can you just -- when
19 you mean "usual activities", can you ---

20 **MR. JEAN-SIMON SCHOENHOLZ:** So in the normal
21 course, MTO would be able to enforce without coordination with
22 police.

23 **ADM IAN FREEMAN:** Oh, yes. Yes. If it's a
24 transportation safety initiative, so you know, our
25 Transportation Enforcement Officers have a mandate and they
26 deploy that mandate regularly. It does not involve policing,
27 for example. They don't have the powers to arrest or they --
28 certainly if -- I would say if it was, you know, any protest,

1 whether it was of this magnitude or even a -- you know, a small
2 protest, police would lead the response to that.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Moving to the second
4 point, in Ontario, licence demerits and operator registration
5 points are affected by convictions, not charges.

6 That point is just a reiteration of the kind of -
7 - the fact that this is a long-term process; correct?

8 **ADM IAN FREEMAN:** That's right. I think the only
9 thing we were just clarifying there is that it -- the point on
10 convictions, not charges, so to -- for something to affect an
11 operator's record, it has to be a conviction, not simply a
12 charge.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Obviously. And a
14 conviction taking some time, as it has to work through the Court
15 system.

16 **ADM IAN FREEMAN:** That's right.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And the final point:
18 "MTO Enforcement is ready to assist with
19 commercial vehicle enforcement that
20 supports its road safety mandate at the
21 request of police." (As read)

22 And so going to maybe your earlier point, why was
23 this different that MTO would only act at the request of police?
24 Is it because it was a public order issue?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And had there been
27 any requests from police for assistance at this point? Again,
28 we're ---

1 **ADM IAN FREEMAN:** Just remind me of the date of
2 this.

3 **MR. JEAN-SIMON SCHOENHOLZ:** February 8th.

4 **ADM IAN FREEMAN:** Actually, I believe on February
5 the 8th is when -- so yes, there had been requests of police, so
6 -- the weekend before where there was the protest in Toronto
7 where we were asked to kind of patrol, so there was those
8 requests.

9 And I believe it was on February the 8th that the
10 OPP asked that Transportation Enforcement Officers be under
11 their command for the purposes of the response.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so
13 essentially -- and was that -- that second response, that was
14 complied with, I guess, by MTO?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

17 We can go to ONT00000458. So this is an email
18 from Param Patel. Who is he?

19 **ADM IAN FREEMAN:** Param is the Director of the
20 MTO Enforcement Program.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We can go
22 down. Down, down, down. Okay. So he says,
23 "I just got off a call with OPP Chief
24 Superintendent Rohan Thompson. There
25 will be a request coming through Sol
26 Gen [I guess] to request a couple of
27 things. Heavy toe and information and
28 support." (As read)

1 I think we've already talked about ---

2 **ADM IAN FREEMAN:** Yeah.

3 **MR. JEAN-SIMON SCHOENHOLZ:** --- that. And then
4 it says,

5 "MTO Enforcement support. MTO
6 Enforcement officers would be put under
7 the incident command of the OPP to
8 assist with ongoing protests across the
9 province." (As read)

10 That's the request you were just referring to?

11 **ADM IAN FREEMAN:** Yes.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And so, effectively,
13 MTO officers would be available to the OPP but they would only
14 act at their request; is that correct?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And that
17 request, as you already said, was approved by MTO?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
20 ONT00000460? This is another email from Mr. Patel. We can just
21 go down. Down a bit more. Down, down, down. Sorry, if we can
22 go up? Up. Okay.

23 So it's this paragraph under the bold.

24 "The role that MTO officers would do
25 can include patrolling highways as a
26 deterrent, provide intelligence on
27 highways, be a subject matter expert on
28 CMVs..." (As read)

1 What are CMVs?

2 **ADM IAN FREEMAN:** Commercial motor vehicles.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

4 "...for the OPP, provide CMV expertise
5 to municipal police services and OPP,
6 CVSA inspections..." (As read)

7 What are CVSA inspections?

8 **ADM IAN FREEMAN:** It's Commercial Vehicle Safety
9 Association, I believe. These are basically -- that's an
10 organising body, but it's basically what he's referring to there
11 is doing mechanical inspections of ---

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

13 **ADM IAN FREEMAN:** --- commercial vehicles.

14 **MR. JEAN-SIMON SCHOENHOLZ:** "...dangerous goods
15 support and providing other support as
16 required. The work will be coordinated
17 through OPP Emergency Operations Centre
18 and MTO Enforcement officers will be
19 fully embraced within the OPP incident
20 command for deployment and dispatch."
21 (As read)

22 So that's consistent with what you just told me,
23 that they would be integrated within the OPP. And is the list I
24 just went through there in that first sentence, is that
25 consistent with your understanding of what they would be doing
26 in support of the OPP?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can just

1 go up to the top of this email, just right up to the top? So
2 are you aware of what was the purpose of this email?

3 **ADM IAN FREEMAN:** I don't know who he's sending
4 to. It looks -- I'm assuming he's sending it to all of -- the
5 entire MTO Enforcement officer group. So I think he's -- I
6 think it's information sharing, so knowing that this is what's
7 happening, and to make sure officers are aware of what their
8 responsibilities are.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So it's effectively
10 to brief officers on what the agreement is ---

11 **ADM IAN FREEMAN:** Yeah.

12 **MR. JEAN-SIMON SCHOENHOLZ:** --- between OPP and
13 MTO?

14 **ADM IAN FREEMAN:** Yeah.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

16 **ADM IAN FREEMAN:** Yeah, and I know they
17 ultimately, you know, updated the operational plans, et cetera,
18 to accommodate this, but I suspect this was the, you know,
19 having just been informed and agreed to that's what they were
20 doing, they were making sure officers were aware as quick as
21 possible.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
23 ONT00000461. We can scroll down. I think there's a portion in
24 bold. This is -- sorry, before we go down, so this is an
25 enforcement directive. So is this a directive that would have
26 been issued to all enforcement officers?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. On -- so this

1 is February 9th. If we can go down, there's a section in bold
2 there. It says there,

3 "Officers are not to engage in
4 enforcement activities with individuals
5 or vehicles participating with the
6 Convoy for Freedom or related protest
7 activities." (As read)

8 What specifically was this meant to address?

9 **ADM IAN FREEMAN:** This is basically making sure
10 that officers understand that they're there in a supporting role
11 for police based on that -- it's probably outlined in here as
12 well, but similar to what you would have saw in the exhibit we
13 just had, which was speaking to their role of helping with
14 inspections, providing expertise, that type of role versus, you
15 know, making sure that they know they're not out there handing
16 out tickets or doing those types of things.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And was this
18 direction coming on request to the OPP, or was this a decision
19 from MTO not to have officers conduct enforcement themselves?

20 **ADM IAN FREEMAN:** I don't know where it came
21 from, but it would be -- it rings true as to the way that these
22 type of -- the approach and -- to this type of activity is --
23 when there's a police-led initiative, police are there to do
24 enforcement, we provide support and expertise within our
25 mandate. But again, our officers are not -- they're not armed.
26 They're not -- they don't -- you know, they don't have firearms
27 and things like that, so they would not provide that type of
28 support.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

2 So I'd like to go to ONT0000156. This is a
3 February 8th letter from Deputy Minister Leblanc to Deputy
4 Minister Michael Keenan of Transport Canada. You're familiar
5 with this letter; correct?

6 **ADM IAN FREEMAN:** Yes.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Were you involved in
8 discussions around the drafting of this letter?

9 **ADM IAN FREEMAN:** Yes.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And can you
11 maybe explain what the purpose generally of this letter was?
12 What was it in response to?

13 **ADM IAN FREEMAN:** I think it was twofold. There
14 had been a lot of discussions that we had had back and forth
15 between the Ministry of Transportation and Transport Canada,
16 where we had committed to following up, and we wanted to make
17 sure that our position was formally responded to. But I also
18 think, you know, there was many discussions where the federal
19 government or municipalities had made suggestions that, you
20 know, why don't you just cancel COVR, as an example? Like, you
21 know, why can't you use these types of powers? And we were
22 trying to just make it clear that this -- you know, we've looked
23 into this and it's not possible, so we just wanted to make sure
24 we went on record by describing what we felt we could and
25 couldn't do, so that there was no kind of ambiguity to it. And
26 the other piece was just to make sure the roles and
27 responsibilities within the Ontario government was made clear
28 that Sol Gen, the Solicitor General's, the Ministry of Solicitor

1 General was the coordinating Ministry body and MTO was there to
2 assist.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we could go
4 to the third paragraph in this letter? It says, starting at the
5 second sentence,

6 "Ministry of Transportation stands
7 ready to provide support as needed to
8 law enforcement in areas where the
9 Ministry is well placed to help, and we
10 have been working closely with the
11 Ministry of the Solicitor General
12 including the OPP to assist where
13 possible. This includes providing
14 traffic management support such as
15 messaging signs and barriers to support
16 traffic rerouting caused by the
17 protests and rigorously enforcing any
18 convictions resulting from the
19 protests.

20 It also includes providing commercial
21 vehicle enforcement support in ways
22 that support the Ministry's road safety
23 mandate at the request of police.

24 Ontario's response is being coordinated
25 through the Ministry of the Solicitor
26 General and all requests should be
27 directed through them." (As read)

28 So was the Federal Government to understand then

1 that all requests for MTO enforcement assistance were to come
2 through police and to be communicated through the Solicitor
3 General's Office?

4 **ADM IAN FREEMAN:** Requests from the Federal
5 Government to the Ontario Government, yeah, we were requesting
6 that that go through the Solicitor General.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

8 **ADM IAN FREEMAN:** The Ministry of the Solicitor
9 General, sorry. Not the Solicitor General.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And so was the
11 response here effectively trying -- communicating to the Federal
12 Government that they were asking MTO to go beyond their
13 enforcement capabilities?

14 **ADM IAN FREEMAN:** No, I don't think that was the
15 intent, so much as, you know, in this part of the week, you
16 know, the first half of the week of, you know, started on, I
17 guess, you know, from the 4th to the 8th or 9th when this was
18 sent, there was a lot of reach out between different parties
19 trying to get their arms around what's possible, what's not
20 possible. And I think in Ontario, we were trying to put some
21 order to our response so that we could be coordinated and, you
22 know, most effectively support the operations.

23 So I don't think it was meant to be anything more
24 than that, was to just try and put in -- chain of command is
25 probably not the right language, but, you know, a proper
26 communication flow so that we could make sure that, as an
27 Ontario Government, we were all working together to support as
28 best as possible. But it wasn't to suggest that anybody was

1 overreaching or -- and it certainly wasn't to try to be
2 unhelpful in any way. It was trying to help us be organized in
3 our response.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And this last
5 paragraph here on page 1:

6 "However, I want to clarify some potential
7 misunderstanding on the applicability of
8 drivers' licenses and commercial vehicles
9 operator permissions in a protest
10 situation." (As read)

11 I won't read the full paragraph, but essentially
12 was the clarification here along the lines of what you've
13 already provided on CVORs?

14 **ADM IAN FREEMAN:** Yes.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Was the
16 Federal Government asking MTO to apply sanctions under that
17 regime, like, without convictions?

18 **ADM IAN FREEMAN:** The -- and I don't know if it
19 was ever a direct ask, but it was certainly questions or
20 comments that suggested we should be using all powers within our
21 toolkit, including cancellations of CVORs.

22 I don't think they were suggesting that, like,
23 you know, go against what is allowed by the *Highway Traffic Act*,
24 or going against procedures, but they also didn't understand all
25 of the procedures. So I think it was them trying to understand
26 and in a very, you know, narrow review of the legislation, it
27 could be interpreted that you could just do that. And we were
28 trying to explain that the application of the legislation

1 doesn't practically do that.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Well we'll see later
3 that there were warning letters issued, after the Provincial
4 State of Emergency was declared, of potential CVOR consequences
5 under that law. Could that have been done prior to the
6 invocation of the provincial emergency? To send warning letters
7 about known potential violations?

8 **ADM IAN FREEMAN:** I think -- technically anything
9 is -- you could send a warning letter to do something like that.
10 We were never asked by police to do it and it was a police-led
11 response. So I would clarify that first. But I would also say
12 I think we would be of the opinion that, you know, sending
13 warning letters for something that we know we wouldn't deploy
14 wouldn't be the right thing to do.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And was that type of
16 measure ever contemplated or discussed, as far as you know?

17 **ADM IAN FREEMAN:** Certainly there was lots of
18 discussions about what we could and couldn't do, including, you
19 know, notifying commercial vehicle operators that their trucks
20 were there. Like, we looked at all sorts of different things
21 that could be considered. I don't know whether this was
22 specifically discussed.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We could go to
24 PB.CAN.00000810? And we'll go to page 4 once you open that up.

25 So our understanding is that OPS had identified
26 potential violations of the *Transportation of Dangerous Goods*
27 *Act*.

28 Go down to page 4 and down to that background

1 section, please. And you'll see here in this third paragraph:

2 "The Ottawa Police are seeking the
3 assistance of TDG [which I understand to
4 be Transportation of Dangerous Goods]
5 inspectors to participate in joint police
6 and MTO operations to provide subject
7 matter expertise to confirm violations
8 under the Act and Regulations." (As read)

9 Are you aware of these joint operations?

10 **ADM IAN FREEMAN:** No.

11 **MR. JEAN-SIMON SCHOENHOLZ:** No. And so does MTO
12 play a role in enforcing this *Transportation of Dangerous Goods*
13 *Act*?

14 **ADM IAN FREEMAN:** We do. Yeah, our -- the
15 Transportation Enforcement Officers are trained in
16 Transportation of Dangerous Goods legislation.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And are you aware
18 whether MTO officers engaged any enforcement of that Act during
19 these events?

20 **ADM IAN FREEMAN:** I'm not aware. It doesn't mean
21 it didn't happen. I'm just not specifically aware of whether or
22 not the officers -- that was part of their mandate that was
23 given, if asked by police to do that. I do not know if they
24 actually did it.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you. If
26 we could go to ONT00000111?

27 So this is a February 9th -- I think it's an
28 email.

1 If we could go down?

2 Right. So my understanding is in this email
3 chain, there was a question of whether OPP would be collecting
4 CVOR information in Windsor. And MTO was advised that most
5 vehicles in Windsor were not commercial vehicles. Was that your
6 understanding?

7 **ADM IAN FREEMAN:** Yes.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And that was
9 different than in Ottawa, I take it?

10 **ADM IAN FREEMAN:** I actually don't know how many
11 vehicles there were in Ottawa and whether most or -- there were
12 certainly a large number of commercial vehicles in Ottawa. That
13 we know. But in terms of whether it was most, I actually don't
14 know.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know whether
16 MTO received CVOR information on vehicles in Ottawa?

17 **ADM IAN FREEMAN:** We did, but only at the time
18 when we were asked to exercise suspensions as part of the
19 emergency orders.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. At the tail
21 end ---

22 **ADM IAN FREEMAN:** Yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** --- of the protests?
24 And is that something that was done on request of police?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** MTO was provided with
27 that information?

28 **ADM IAN FREEMAN:** Yes.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.
2 If we can go to SSM.CAN.00000374? We'll go to
3 page 3.

4 So these are internal emails at Transport Canada
5 on February 10th. I just want to get your comments on their
6 content.

7 Oh, to where it starts -- sorry, page 3 and the
8 paragraph that starts with "Third". Okay.

9 So it says -- so it appears here that the Federal
10 Government understood that the MTO was suggesting that the
11 Federal Government had authority to manage international
12 crossings.

13 And then it says:

14 "...but this purposefully confuses
15 authorities between governments."

16 Was the MTO of the view that the Federal
17 Government had the authority or that Transport Canada, maybe
18 more specifically, could act on its own to enforce with respect
19 to the Windsor blockade because of authority on international
20 crossings?

21 **ADM IAN FREEMAN:** Not in the discussions that I
22 was part of. That -- there may have been discussions around
23 where the authority lies, specifically of -- with bridges, but
24 you know, at an Operational level we were supporting the Windsor
25 Police and the Ontario Provincial Police. So you know, it
26 wasn't part of the discussions I was having as to who had the
27 authority.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And if we go

1 to this paragraph:

2 "The *Bridges and Tunnels Act* has some
3 authorities but they do not bring any
4 authorities to bear on the blockade..."

5 And then it talks about how the protest here is
6 not on the bridge itself, but is on the road in front of the
7 bridge.

8 Do -- are -- would you agree that as the blockade
9 was not on the bridge itself, the -- Transport Canada did not
10 have enforcement authority?

11 **ADM IAN FREEMAN:** I'm -- so not -- I'm not an
12 expert in that, but that would be my sense, is that -- and that
13 seemed to be the way it was playing out, is that Windsor Police
14 were leading the response to this with the help of the OPP, and
15 perhaps RCMP. I'm not sure whether they were involved or not
16 because we weren't directly involved in the police Operations,
17 but -- I mean, that's consistent with my understanding from a
18 layman's point of view is -- of what seemed to be happening.

19 **MR. JEAN-SIMON SCHOENHOLZ:** So I take it from
20 you're saying, then, that you're not aware of the Provincial
21 Government purposefully confusing authorities between
22 governments?

23 **ADM IAN FREEMAN:** No.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. It
25 continues...

26 If we go down. Paragraph starting -- yeah:
27 "We can further suggest quietly to
28 Ontario truly wants us to invoke

1 federal authority to manage this crisis
2 they need to declare an emergency they
3 cannot manage so we can thereby invoke
4 the federal *Emergencies Act* to manage
5 the blockades. IE turn their request
6 to use federal authority into a poison
7 pill based on the fundamental reality
8 of legal authorities."

9 So it seemed that federal officials are
10 suggesting that Ontario is trying to force the federal
11 government to use its own authorities.

12 Are you aware of any authority other than the
13 *Emergencies Act* that would've been available to Transport Canada
14 to respond to the blockade in Windsor?

15 **ADM IAN FREEMAN:** I'm not, and -- like this type
16 of kind of discussion that was happening I wasn't part of.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. February 11th
18 in the Institutional Report it states that:

19 "The City of Ottawa requested MTO
20 inspectors to perform inspection and
21 enforcement duties in and around Ottawa
22 and that MTO approved that request and
23 provided officers." (As read)

24 I understand from one of the documents that they
25 -- the City was requesting four MTO officers. You recall that?

26 **ADM IAN FREEMAN:** Sorry, is there a document that
27 ---

28 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

1 We can go to ONT00000463, and we'll go to the
2 third page. If we can go down. Oh, sorry, right at the top
3 there, "Ottawa City requesting... ---

4 **ADM IAN FREEMAN:** Oh, yes.

5 **MR. JEAN-SIMON SCHOENHOLZ:** --- ...our 4
6 officers."

7 **ADM IAN FREEMAN:** Yeah. Yeah, I'm aware of this.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Do you recall that
9 request?

10 **ADM IAN FREEMAN:** Yeah.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And it says here:

12 "...they would like visible
13 enforcement...fly the flag and show of
14 force on the roads as their enforcement
15 capacities have been limited and they
16 want to instill public confidence.
17 Essentially a mini-blitz."

18 And so was the request essentially just to be a
19 show of force in the City of Ottawa but not necessarily one that
20 would lead to actual enforcement?

21 **ADM IAN FREEMAN:** So my understanding of this one
22 was it wasn't directly related to the convoy protesters, it was
23 -- we were asked to provide commercial motor vehicle
24 enforcement, a blitz, that was not addressing the people
25 participating in the protest, but rather, focussing on other
26 commercial motor vehicles that were around. Because I think
27 from reading this, it's -- and I don't know the City of Ottawa's
28 motivations specifically, but from reading this was that they

1 were -- wanted to make sure that the public knew we were also
2 doing regular truck inspections as well. And my understanding
3 is they did do some additional truck inspections on that
4 weekend.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. We heard
6 from the City of Ottawa General Manager of Emergency Services,
7 Kim Ayotte, in his witness statement that the City had enquired
8 with MTO about towing capacity and that he understood that MTO
9 was unable to assist. I take it from the evidence you have
10 provided today that ultimately MTO was able to assist but that
11 wasn't provided directly to the City. Is that correct?

12 **ADM IAN FREEMAN:** That's correct. That was
13 provided to the OPP.

14 **MR. JEAN-SIMON SCHOENHOLZ:** The Mayor of Ottawa
15 testified that there were some discussions between the City and
16 MTO regarding the potential of leveraging insurance to end the
17 protests, and that the MTO was reluctant to explore this idea
18 further.

19 Can you maybe explain the specific issue of
20 insurance?

21 **ADM IAN FREEMAN:** I don't have much to offer on
22 that, unfortunately. MTO doesn't regulate insurance. That's --
23 I believe it's the Ministry of Finance that does that. I don't
24 believe we had, to our knowledge or to my knowledge, certainly,
25 that there was any powers that the Ministry of Transportation
26 has or even perhaps the Province to do anything specific with
27 insurance. Certainly not the Ministry and not to my knowledge.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Might penalties and

1 demerit points under the CVR, might those have an impact on
2 insurance?

3 **ADM IAN FREEMAN:** Yes. Yes, so -- yeah, for
4 sure. So if you -- you know, as you collect demerit points on
5 your licence your insurance often goes up, and the same is with
6 the CVOR Program, that, you know, over time as you have a -- if
7 you have a worse safety record you may have insurance impacts
8 from that.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So what you're saying
10 is -- here is that the MTO could not have imposed some kind of
11 suspension on insurance, or something like that, of its own ---

12 **ADM IAN FREEMAN:** Right.

13 **MR. JEAN-SIMON SCHOENHOLZ:** --- enforcement
14 power?

15 **ADM IAN FREEMAN:** Right.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

17 We'll pull COM00000910.

18 This is Ontario's Emergency Regulations that were
19 adopted after the provincial state of emergency was declared, so
20 you can reference it as necessary. But what was your
21 understanding of what additional powers the Emergency
22 Declaration and the Regulations provided to MTO and to the
23 Registrar of Motor Vehicles?

24 **ADM IAN FREEMAN:** So largely -- the first I would
25 say is there was a direct nexus between blocking or impeding
26 critical infrastructure, as identified here, to the ability for
27 the Deputy Registrar or the, sorry, the Registrar to suspend
28 licences, driver's licences, vehicle plates, and CVORs. That

1 was the most substantive change for the Registrar so for MTO to
2 be able to implement, and of course, it also gave police other
3 powers in terms of directing people to leave the area and other
4 penalties.

5 **MR. JEAN-SIMON SCHOENHOLZ:** So is it your
6 understanding, then, that it provided MTO and the Registrar of
7 Motor Vehicles the power to do what was being requested prior
8 but couldn't be done?

9 **ADM IAN FREEMAN:** That's correct.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can go
11 down to section 3?

12 So here it says:

13 "No person shall impede access to or
14 egress from, or the ordinary use of,
15 any highway, walkway or bridge, where
16 such impediment has the effect of,
17 preventing the delivery of essential
18 goods or services;
19 severely disrupting ordinary economic
20 activity; or
21 causing serious interference with the
22 safety, health or well-being of members
23 of the public."

24 Do you know whether MTO or the provincial
25 government had formed an opinion on whether that would apply to
26 the vehicles parked on the streets of Ottawa; whether they would
27 be causing, you know, (a), (b), or (c)?

28 **ADM IAN FREEMAN:** My feeling is that this was

1 intended to capture a situation like Ottawa, and was used by
2 police in Ottawa, so I believe the answer to that would be yes.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

4 And do you know whether either the MTO or the
5 Registrar used any of the powers? And I believe if we go down,
6 it's -- keep going down.

7 So the power at section 5 to order the owner or
8 operator to remove a vehicle. And then I think it's at section
9 6, is to impose penalties. Do you know if those powers were
10 used by MTO or the Registrar?

11 **ADM IAN FREEMAN:** They were. Not 5; I think
12 police used 5. But the Registrar did, through the Deputy
13 Registrar, use the powers of number 6.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you know
15 when those powers were used?

16 **ADM IAN FREEMAN:** It was at the time that the
17 protests were being cleared in Ottawa; I want to say February
18 19th and 20th and maybe 21st.

19 **MR. JEAN-SIMON SCHOENHOLZ:** So at the tail end,
20 ---

21 **ADM IAN FREEMAN:** Yes.

22 **MR. JEAN-SIMON SCHOENHOLZ:** --- during the
23 enforcement action?

24 **ADM IAN FREEMAN:** Yes.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

26 I see a request on -- this is in the
27 institutional report on February 12th, by the OPP to the MTO to
28 supply concrete barriers. Is that a type of assistance that MTO

1 would normally provide to OPP?

2 **ADM IAN FREEMAN:** It could be if there was a need
3 to have some sort of highway barrier for, you know, an extended
4 period of time.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And I take it MTO
6 responded to that request positively?

7 **ADM IAN FREEMAN:** We did.

8 **MR. JEAN-SIMON SCHOENHOLZ:** I saw in an email on
9 this topic, I can pull it up if need be but that there was
10 difficulty in -- with certain contractors in providing those
11 barriers. Are you aware of ---

12 **ADM IAN FREEMAN:** Yeah. It was a similar
13 situation as to what we were having with the tow trucks, that
14 contractors were worried about the implications of provide -- of
15 helping. So it took -- you know, it had to go through several
16 to find one that would -- that would be able to supply.
17 Ministry of Transportation doesn't have our own source of
18 contract barriers, so we had to use -- or sorry; the barriers,
19 the concrete barriers, so we had to use contractors.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

21 If we could pull up ONT00000081? So this, I
22 believe, is a February 15th email with respect to the
23 Federal/Provincial/Territorial Crime Prevention Policing
24 Committee. And it's on this topic of Transport Canada Strategic
25 Enforcement Strategy. We can go down.

26 So I believe this is an email where MTO provided
27 some comments on Transport Canada's draft Strategic Enforcement
28 Strategy. What was your understanding of that strategy?

1 **ADM IAN FREEMAN:** My understanding of the
2 strategy was that Transport Canada wanted to give a playbook for
3 the federal government, the provincial government, and police to
4 be able to use consistent messaging and consistent approaches to
5 how enforcement could be deployed in response to the protests.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand MTO
7 had some revisions, some proposed amendments to this strategy.
8 Do you know what the nature of those amendments were; what were
9 MTO's concerns?

10 **ADM IAN FREEMAN:** So, I mean, this would be
11 pretty normal for -- there's a -- you know, a good cooperation
12 generally between the federal government and the Province, so as
13 they're developing documents, they'll send out drafts and we
14 provide our input.

15 In this case, it was generally to try and make
16 sure that it was -- we tried to make, like, fact-based edits to
17 their document. I don't believe it's in here, but I do know in
18 meetings we suggested that this type of document should go
19 through -- again, through the Ministry of Solicitor General.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you know
21 whether the strategic enforcement strategy was finalized and
22 whether those comments were integrated?

23 **ADM IAN FREEMAN:** I don't remember seeing a final
24 version of this.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know why
26 that is?

27 **ADM IAN FREEMAN:** I don't.

28 **MR. JEAN-SIMON SCHOENHOLZ:** So do you know

1 whether it was ever implemented, then?

2 **ADM IAN FREEMAN:** I don't.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. In the
4 institutional report on February 17th, it states that, at the
5 request the OPP, MTO secured heavy tow trucks to support police
6 efforts in Ottawa; those are the 10 tow trucks we referred to?

7 **ADM IAN FREEMAN:** Yeah.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Did the Provincial
9 Declaration of Emergency assist at all with that?

10 **ADM IAN FREEMAN:** I don't believe so. I don't
11 believe so.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we could
13 pull up ONT975. If we could go down to the second email there?

14 This is a February 17th email:

15 "I wanted to share as FYI a request we
16 received from OPP to confirm access to
17 driver photos in response to the
18 Trucker Protest....As you may know, MTO
19 currently has strict guidelines for the
20 use of MTO photos by officers however
21 police can access under extreme
22 circumstances. Police indicated they
23 will be using these photos to help in
24 criminal investigations regarding
25 identifying offenders."

26 Are you familiar with this request?

27 **ADM IAN FREEMAN:** I am. It's not an area of the
28 Ministry I've ever had any involve -- direct involvement in.

1 But I can do my best to give you some context if...

2 **MR. JEAN-SIMON SCHOENHOLZ:** Well, I guess the
3 question is was -- is this a type of request that -- I
4 understand in extreme circumstances that would be done. In
5 other circumstances, it didn't require any emergency
6 legislation, provincially or federally?

7 **ADM IAN FREEMAN:** No, no. Essentially, my
8 understanding of this is it's to allow police to -- they already
9 have access to driver's licence photos. This allows them to
10 reproduce the photos if they need to. And it's commonly used in
11 -- for investigative purposes, or could even be used for, you
12 know, an Amber Alert, or something like that, where they wanted
13 access to a picture or something like that, so ---

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

15 **ADM IAN FREEMAN:** --- those would be the type of
16 exceptional circumstances.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we go to, I
18 understand an Operations Plan for Ministry officers was adopted
19 to assist with the enforcement action in Ottawa at the tail end
20 of the protest; you're familiar with that?

21 **ADM IAN FREEMAN:** Yes.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Can you just briefly
23 explain the purpose of that plan?

24 **ADM IAN FREEMAN:** So my understanding was this
25 just brought a little bit more specificity to their role to
26 support the clearing of the protests.

27 So they had some additional duties where they
28 were going to be working at the areas where tow trucks might be

1 removing vehicles and where they might be taking them for
2 storage.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So their
4 additional duties would be involved in the removal of vehicles
5 and bringing them to storage.

6 **ADM IAN FREEMAN:** No, sorry. Just to clarify, so
7 they did not actually remove vehicles but just making sure that
8 the mechanical fitness was sound so that they could be towed,
9 and then in the -- wherever the drop-off point was, just to
10 assist police with that, and also if police had any questions on
11 completing any of the forms that they needed to do with --
12 related to the Deputy -- the emergency orders or anything else.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know
14 whether that plan was developed in conjunction with law
15 enforcement?

16 **ADM IAN FREEMAN:** I don't specifically know, but
17 I would imagine it would have been.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

19 And just for the record, that document is
20 ONT00000452. We don't need to pull that up.

21 If we could -- I just want to pull up briefly
22 ONT00000976. This is one of the enforcement letters that was
23 issued.

24 Sorry, one of the warning letters. If we can go
25 down.

26 Sorry. So this is the type of enforcement
27 letter. Were these actually issued?

28 **ADM IAN FREEMAN:** Yes. There was -- I believe

1 the number's around 50, 50 to 60 of these that were issued at
2 the request of police.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And I think there's a
4 reference in document ONT453 -- we don't need to go there -- to
5 this being done at the request of OPP, as you said.

6 Do you know why -- this was in relation to
7 authority under the provincial *Declaration of Emergency*;
8 correct?

9 **ADM IAN FREEMAN:** Correct.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know why -- as
11 I understand, these were issued on the 17th of February. Do you
12 know why there was a -- it took five or six days before these
13 kind of letters were issued?

14 **ADM IAN FREEMAN:** I don't have any insight into
15 the police planning around the -- around that.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Lastly, I'd just like
17 to go to SSM.CAN.00000439.

18 So I understand that there was a -- kind of a
19 post-mortem discussion that was held between Transport Canada
20 and the MTO. Is that right?

21 Or maybe this is just ---

22 **ADM IAN FREEMAN:** I don't specifically recall
23 one.

24 **MR. JEAN-SIMON SCHOENHOLZ:** So it says here at
25 the top, "As mentioned the other day, we reached out to MTO for
26 a post-mortem discussion on the blockades".

27 This is on March 4th. Do you remember that?

28 **ADM IAN FREEMAN:** I don't remember participating

1 in a call. It's possible I did. I don't specifically remember
2 the call, though.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you
4 remember preparation for the call or ---

5 **ADM IAN FREEMAN:** No.

6 **MR. JEAN-SIMON SCHOENHOLZ:** --- hearing about it
7 after the fact?

8 **ADM IAN FREEMAN:** No.

9 **MR. JEAN-SIMON SCHOENHOLZ:** No. Okay.
10 So I'll just get your take on some of these
11 takeaways from the call.

12 It says:

13 "Here are a few key takeaways. They
14 are now [they being MTO, I understand]
15 are now working through regular
16 regulatory processes with respect to
17 the trucks involved in blockades. For
18 example, if there were tickets laid
19 that impact CVOR, they will run the
20 course of conviction and then would be
21 reflected on the record." (As read)

22 Can you explain what that means?

23 **ADM IAN FREEMAN:** Yeah. So that's as I was
24 talking about before. So if there's a conviction that's related
25 to mechanical fitness or driver behaviour, that is related to
26 the commercial vehicle operator registration. Once a conviction
27 happens, it then goes on the CVOR record.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And here it says that

1 they are now working through. Has there been any change since
2 the events in question here in MTO's approach to those types of
3 convictions?

4 **ADM IAN FREEMAN:** No.

5 **MR. JEAN-SIMON SCHOENHOLZ:** No.

6 And then if we just go down a little bit, the
7 third bullet point:

8 "For out-of-province trucks, of which
9 there were many, plates were seized and
10 mailed back to the registrar of the home
11 jurisdiction with an explanation letter.
12 However, there is no mechanism to ensure
13 that there would be an impact on the
14 operator record. MTO is waiting to hear
15 what the response from those provinces
16 and territories will be." (As read)

17 So my understanding is that that's still an
18 issue, the ability to enforce CVOR penalties in other provinces
19 and territories?

20 **ADM IAN FREEMAN:** That's right, yeah. That's as
21 I described earlier.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And then lastly, if
23 we go down in terms of lessons learned to the second bullet
24 under that:

25 "At provincial level, what was lacking
26 for MTO was ability to take immediate
27 action on misconduct aside from
28 temporary powers under the provincial

1 *Emergencies Act.* The system right now
2 only kicks in when there are
3 convictions." (As read)

4 And that's consistent with what you've told me to
5 date; correct?

6 **ADM IAN FREEMAN:** Yes.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Great.

8 Thank you so much, Mr. Freeman. Those are my
9 questions.

10 **COMMISSIONER ROULEAU:** Okay. Well, maybe we'll
11 take the afternoon break now for 15 minutes and come back and
12 continue with the examination of this witness.

13 **THE REGISTRAR:** The Commission is in recess for
14 15 minutes. La commission est lever pour 15 minutes.

15 --- Upon recessing at 4:38 p.m.

16 --- Upon resuming at 4:56 p.m.

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

18 The Commission is reconvened. La commission
19 reprend.

20 **COMMISSIONER ROULEAU:** Okay. I think first up is
21 the Government of Canada.

22 --- ADM IAN FREEMAN, Resumed

23 --- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:

24 **MR. BRENDAN van NIEJENHUIS:** Thank you,
25 Commissioner, and good afternoon, Mr. Freeman.

26 **ADM IAN FREEMAN:** Hi.

27 **MR. BRENDAN van NIEJENHUIS:** My name is Brendan
28 van Niejenhuis. I'm one of the lawyers for the Government of

1 Canada in this matter.

2 Could we go, please, to ONT00000447?

3 I think we saw this before. This was a note from
4 Jessica Barton to all MTO; yes?

5 **ADM IAN FREEMAN:** It's -- no. It's to a
6 particularly -- it's, sorry, to the enforcement branch of MTO.

7 **MR. BRENDAN van NIEJENHUIS:** I see. Okay.

8 Let's look down the page there. Just under "Good
9 afternoon" she refers to a planned convoy called the "Convoy for
10 Freedom," right?

11 **ADM IAN FREEMAN:** Yes.

12 **MR. BRENDAN van NIEJENHUIS:** And if we go a
13 little further down the page, I think, to the fifth or so
14 paragraph. There we go.

15 You see that the paragraph -- the little, short
16 paragraph there with the link highlighted in it, "The schedule
17 of dates and routes are planned"?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** "And can be found at
20 this website"?

21 **ADM IAN FREEMAN:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** And the website
23 there is the website called, "BEARHUG - Canada Unity, BEARHUG
24 2.0," right?

25 **ADM IAN FREEMAN:** Yeah.

26 **MR. BRENDAN van NIEJENHUIS:** You're familiar with
27 that being a website operated by Mr. James Bauder?

28 **ADM IAN FREEMAN:** I'm not.

1 **MR. BRENDAN van NIEJENHUIS:** Okay. You weren't,
2 yourself, paying close attention to the different factions, so
3 to speak, of convoys coming?

4 **ADM IAN FREEMAN:** No.

5 **MR. BRENDAN van NIEJENHUIS:** The distinction
6 between the BEARHUG - Canada Unity group and the King and Lich
7 convoy -- or, sorry; Freedom Convoy?

8 **ADM IAN FREEMAN:** No. At this point I wasn't
9 directly involved in this. I was only following it, what was in
10 the media.

11 **MR. BRENDAN van NIEJENHUIS:** Okay. Can we go,
12 similarly, to ONT00000973?

13 And this, too, is a note from Jessica Barton, and
14 this is to Transport Canada, right?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** And this is sharing
17 information, also on January the 21st, about the upcoming Convoy
18 for Freedom?

19 **ADM IAN FREEMAN:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** Yes?

21 **ADM IAN FREEMAN:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** If you just go
23 slightly down the page to that first entry in the table, you see
24 already she has information with respect to a planned protest
25 regarding border control in both Windsor and Sarnia; yes?

26 **ADM IAN FREEMAN:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** And that plan is
28 what's referred to as a slow roll, based on the description

1 offered there?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And then moving
4 further down the page, so the next table entry you see again
5 reference to the Convoy for Freedom, and the BEARHUG or
6 canadaunity.com website; correct?

7 **ADM IAN FREEMAN:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** And so again, to the
9 beset of your knowledge, there wasn't awareness on the part of
10 MTO at that time of there being other convoy groups, such as the
11 Freedom Convoy group associated to Mr. Barber or Ms. Lich, et
12 cetera?

13 **ADM IAN FREEMAN:** I don't know that -- I don't
14 know that I would take from this email that there was an
15 awareness of other groups. I can't speak to why only this
16 particular website is identified. So I can't say with certainty
17 that the answer to that question.

18 **MR. BRENDAN van NIEJENHUIS:** Fair enough.

19 Can we go to ONT00005150, please?

20 And so do you recognize this series of operations
21 planned for MTO with respect to the Freedom Convoy?

22 **ADM IAN FREEMAN:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And this is a
24 document that went through various iterations; it's sort of a
25 living document as things evolved; fair?

26 **ADM IAN FREEMAN:** Yes. There's multiple versions
27 of this. We went through some of them, I think, in the ---

28 **MR. BRENDAN van NIEJENHUIS:** And this one appears

1 to have been amended up to January the 31st?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** Okay. And if we
4 could go to page of the document, please?

5 If you look at the bottom of this page, you'll
6 see -- if I've got my numbers right, yes, you'll see a list here
7 of truck inspection stations across the province, right?

8 **ADM IAN FREEMAN:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** And this is a list
10 that truck -- tracks -- it's not all of the stations but this
11 tracks the route of the Convoy for Freedom as it was understood
12 by MTO at that time, right?

13 **ADM IAN FREEMAN:** I can't say for sure, but that
14 -- without seeing if the document states that. But just looking
15 at these locations, that would seem to be correct.

16 **MR. BRENDAN van NIEJENHUIS:** Okay. And also just
17 looking at the text above it which said, "This plan has been
18 developed"?

19 **ADM IAN FREEMAN:** Right, right, yeah.

20 **MR. BRENDAN van NIEJENHUIS:** Yeah.

21 **ADM IAN FREEMAN:** Yeah, that's correct. Yeah.

22 **MR. BRENDAN van NIEJENHUIS:** You can continue on
23 to page 5. Okay. And just stopping at the first paragraph.

24 Again, you see this is a group of commercial
25 vehicle drivers planning a truck protest dubbed, "The Convoy for
26 Freedom," right?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** And then in the

1 fourth bullet under, "Background" -- sorry; the third bullet
2 under, "Background" you'll see that, again, this is associated
3 to the canadaunity.com website, as opposed to other groups,
4 right?

5 **ADM IAN FREEMAN:** Right.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. Is it fair to
7 draw the conclusion that the intelligence or the information
8 available and promulgated by MTO was really being drawn from the
9 canadaunity.com website, in terms of intended routes and so
10 forth?

11 **ADM IAN FREEMAN:** It's possible but I wasn't part
12 of the design or the creation of this document or really
13 involved at this time, so I can't verify that for you for sure.
14 But this document, obviously, only refers to that.

15 **MR. BRENDAN van NIEJENHUIS:** If we just look
16 under "Mission Statement" a moment, and then carry over the
17 pages to see if it continues; I can't recall. It does not. So
18 if we go back up to "Mission Statement," these are the key
19 mission items that, I guess, have been compiled by your staff
20 with respect to the Operations Plan, right?

21 **ADM IAN FREEMAN:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** And you see that's
23 what's being considered is whether to close TIS facilities if
24 necessitated by protest activities, right?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:** Were you aware at
27 the time that more trucks and convoys were anticipated to be
28 joining the existing Ottawa scenario at that point? Recalling

1 this is the Monday after the first weekend.

2 **ADM IAN FREEMAN:** I feel like by the Monday we
3 had a good sense that it was getting bigger than we had
4 initially thought.

5 **MR. BRENDAN van NIEJENHUIS:** And, of course, we
6 saw earlier, you already knew that there were affiliated or
7 sympathetic protest activities that were contemplated or planned
8 in the areas of the Ambassador Bridge at Windsor and at Sarnia;
9 correct?

10 **ADM IAN FREEMAN:** Yes.

11 **MR. BRENDAN van NIEJENHUIS:** And was
12 consideration given, so far as you're aware, to whether in fact
13 it might have made sense to activate the TIS stations to require
14 inspection of the trucks that were assembling in these
15 locations?

16 **ADM IAN FREEMAN:** My understanding from talking
17 to the enforcement director is they did have conversations with
18 the OPP, and they were asked not to use the truck inspection
19 facilities for this purpose.

20 **MR. BRENDAN van NIEJENHUIS:** Okay. If we go to
21 page 7, please?

22 In the second bullet point under "Enforcement," I
23 see there it reads in the last sentence:

24 "Officers will not be involved in any
25 commercial vehicle traffic stops of
26 vehicles that are participating in the
27 convoy protest unless directed to do so
28 by the site leads." (As read)

1 Right?

2 **ADM IAN FREEMAN:** Yeah.

3 **MR. BRENDAN van NIEJENHUIS:** And was that
4 similarly at the request of the OPP that your officers from MTO
5 not be involved in such stops?

6 **ADM IAN FREEMAN:** I can't say that what went into
7 this was as the result -- request of the OPP, but I would say
8 that, you know, as a general application of these types of, you
9 know, protest-type activities, that MTO would not interfere.

10 **MR. BRENDAN van NIEJENHUIS:** Could we go, please,
11 to ONT.IR.00000001? And I'll ask to go to page 7 when the
12 document's up.

13 This is the Ontario Institutional Report, Mr.
14 Freeman.

15 **ADM IAN FREEMAN:** Okay.

16 **MR. BRENDAN van NIEJENHUIS:** And if we go to page
17 7, and to the entry for February the 4th, and that's the entry
18 for 16 -- sorry; let me actually do the first bullet. A 9:09
19 a.m. entry; do you see that?

20 **ADM IAN FREEMAN:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** It indicates that:

22 "MTO officers began supporting the OPP
23 with issues arising from the planned
24 protest at Queen's Park in Toronto,
25 including blockage of GTA highways."

26 (As read)

27 Right?

28 **ADM IAN FREEMAN:** Yes.

1 **MR. BRENDAN van NIEJENHUIS:** And hat lasted until
2 Monday, February 6th; correct?

3 **ADM IAN FREEMAN:** Yes.

4 **MR. BRENDAN van NIEJENHUIS:** That would be the
5 second weekend of the convoy events?

6 **ADM IAN FREEMAN:** That's correct.

7 **MR. BRENDAN van NIEJENHUIS:** And at that time,
8 similar assistance was not provided by MTO with respect to the
9 scene in Ottawa; correct?

10 **ADM IAN FREEMAN:** Well, my understanding on that
11 weekend is MTO officers were also providing regular patrols in
12 Ottawa as well. I believe MTO was also assisting with closing
13 of highways. I don't know whether it was done through
14 enforcement officers, but I believe that weekend there may have
15 been some highway closures. I may be wrong in my facts, but I
16 know there was definitely times where MTO assisted with closing
17 of highways or exits at the request of the OPP. It's possible
18 it wasn't on that weekend.

19 **MR. BRENDAN van NIEJENHUIS:** Okay. Is it fair to
20 say you don't recall when, but you believe that it occurred at
21 some point?

22 **ADM IAN FREEMAN:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** If I look at the
24 next entry on February 4th at 1645, representatives of MTO
25 attended an urgent meeting convened by Transport Canada;
26 correct?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** And that was:

1 "...to discuss provincial [and]
2 territorial mitigation measures
3 directed at the 'Freedom Convoy'
4 protests."

5 Right?

6 **ADM IAN FREEMAN:** Yeah.

7 **MR. BRENDAN van NIEJENHUIS:** Could we go now,
8 please, to ONT00002759?

9 And just to be clear, you did not attend the
10 February 4th meeting; correct?

11 **ADM IAN FREEMAN:** Correct.

12 **MR. BRENDAN van NIEJENHUIS:** Can we go to the
13 bottom email, which is at the intersection of pages 2 and 3?
14 There we go.

15 You see there's an email here from Aaron at
16 Transport Canada, Aaron McCrorie at Transport Canada, to you and
17 others; right?

18 **ADM IAN FREEMAN:** Yeah.

19 **MR. BRENDAN van NIEJENHUIS:** Your provincial and
20 territorial colleagues?

21 **ADM IAN FREEMAN:** Yeah.

22 **MR. BRENDAN van NIEJENHUIS:** And Transport Canada
23 here is again apologising for the late evening email but hoping
24 to have a follow-up discussion tomorrow, that is to say,
25 Saturday, the 5th, at 11:30 in the morning; right?

26 **ADM IAN FREEMAN:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** And I guess that's
28 central time, so 12:30 here?

1 **ADM IAN FREEMAN:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** And you attended
3 that meeting?

4 **ADM IAN FREEMAN:** I did.

5 **MR. BRENDAN van NIEJENHUIS:** If you go up page 2
6 to see your report onward from the meeting. There we go.

7 If you just go a little further up we can see
8 where it starts.

9 Okay. So let's just see. You're reporting out
10 to your staff, I believe.

11 Could we just go to the email header?

12 Reporting out to your staff; correct?

13 **ADM IAN FREEMAN:** One was my staff, two were
14 Assistant Deputy Minister colleagues.

15 **MR. BRENDAN van NIEJENHUIS:** I see. Okay, to
16 your colleagues and staff?

17 **ADM IAN FREEMAN:** Yeah.

18 **MR. BRENDAN van NIEJENHUIS:** And you're reporting
19 on what happened at the meeting from your perspective?

20 **ADM IAN FREEMAN:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** If we just go a
22 little down a page there.

23 You're reporting on what Transport Canada is
24 looking for with respect to three things, which if I may
25 summarise: the impacts of charges that lead to commercial
26 vehicle operator registry points; right?

27 **ADM IAN FREEMAN:** Yeah.

28 **MR. BRENDAN van NIEJENHUIS:** Legislation that

1 protects critical infrastructure and services from disruption;
2 right?

3 **ADM IAN FREEMAN:** Yeah.

4 **MR. BRENDAN van NIEJENHUIS:** And lastly,
5 incentives that might be offered to tow operators or penalties
6 to compel them to provide services; right?

7 **ADM IAN FREEMAN:** Correct.

8 **MR. BRENDAN van NIEJENHUIS:** And if you go a
9 little further down the page.

10 You say:

11 "[They're] hoping for any [information]
12 we can provide [as soon as possible]."

13 Right?

14 **ADM IAN FREEMAN:** Yes.

15 **MR. BRENDAN van NIEJENHUIS:** And Transport Canada
16 has called this an urgent meeting; right?

17 **ADM IAN FREEMAN:** Yes.

18 **MR. BRENDAN van NIEJENHUIS:** And what you say to
19 your colleagues and staff is:

20 "My suggestion is we pull what we can
21 easily do on Monday and send [end of
22 day].... Best efforts here. If
23 something isn't available I think we
24 can say that."

25 Right?

26 **ADM IAN FREEMAN:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** So you're saying to
28 your colleagues and staff, essentially, don't work too hard on

1 this, don't kill yourself, we'll deal with it on Monday. Fair?

2 **ADM IAN FREEMAN:** No, I don't -- I didn't mean it
3 to say that. I think people -- it's a Saturday, and I -- they
4 would need to engage other people to try and find these things
5 out. So I was suggesting that we would have something to them
6 by end of day Monday.

7 **MR. BRENDAN van NIEJENHUIS:** Can we go to
8 ONT00003842?

9 This is the February 6th meeting, Mr. Freeman,
10 the Sunday meeting to which I believe you didn't go, but you did
11 sent Laurie LeBlanc; right?

12 **ADM IAN FREEMAN:** She's the Deputy Minister, so
13 she -- I don't ---

14 **MR. BRENDAN van NIEJENHUIS:** Okay.

15 **ADM IAN FREEMAN:** --- send her, just to be clear.

16 **MR. BRENDAN van NIEJENHUIS:** Excuse me, I've got
17 the ---

18 **ADM IAN FREEMAN:** Yeah, it's my boss.

19 **MR. BRENDAN van NIEJENHUIS:** --- roles reversed.

20 **ADM IAN FREEMAN:** Yeah.

21 **MR. BRENDAN van NIEJENHUIS:** If we go to page 6,
22 please.

23 If we go under where Mr. Keenan is speaking, he's
24 got three bullet points summarised, and he notes at the last
25 bullet point that the "Wellington encampments", that is to say,
26 the Ottawa occupation:

27 "...is the spiritual source of the
28 protest movement."

1 Right?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And it's inspiring,
4 in short, other protest activities that have begun to be seen in
5 locations as far away as Coutts; right?

6 **ADM IAN FREEMAN:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:**

8 "It creates the spiritual fuel that
9 will sustain the actions of the various
10 encampments."

11 Right?

12 **ADM IAN FREEMAN:** Yeah.

13 **MR. BRENDAN van NIEJENHUIS:** And if I look at
14 Ms. LeBlanc's response, she is reporting in the third bullet
15 that demerit points relative to the CVOR, as I take it, is a
16 long-term strategy that will not help with the situation in the
17 short-term. Is that fair?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** And then also, that
20 the trucks are from outside province and that adds a layer of
21 complexity to enforcing on a licensing basis; right?

22 **ADM IAN FREEMAN:** Yes, that's what it says.

23 **MR. BRENDAN van NIEJENHUIS:** And if I look at the
24 top bullet, she says that, with respect to tow trucks, MTO will
25 just be working with the private sector to see what's out there.
26 Fair?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** Now, the next day,

1 February...

2 Or actually, can we go to the last page of this
3 document?

4 You see there the second last speaker noted is
5 Jody Thomas, the National Security and Intelligence Advisor.
6 Yes?

7 **ADM IAN FREEMAN:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** And she says she
9 regrets ending on this point. Asking:

10 "Would the Province be looking to the
11 Federal Government if this protest was
12 happening outside of the City of Ottawa
13 [for example]...in other places like
14 Kingston?"

15 Right?

16 **ADM IAN FREEMAN:** M'hm.

17 **MR. BRENDAN van NIEJENHUIS:** And perhaps this is
18 question can ask tomorrow, but it appears Deputy Solicitor
19 General Di Tommaso says:

20 "This is a protest and encampment
21 movement against the federal mandate on
22 trucks. They came to Ottawa from
23 across the country for that purpose."

24 Right?

25 **ADM IAN FREEMAN:** That's what it says, yeah.

26 **MR. BRENDAN van NIEJENHUIS:** Does that reflect
27 Ontario's attitude at that point towards the Ottawa protest as a
28 federal responsibility?

1 **ADM IAN FREEMAN:** I don't know if I can speak for
2 all of Ontario. You know, I was just being brought into this
3 from the federal government at this time to look at options. I
4 don't know that we thought this to be purely a federal problem.
5 We did -- I do think we understood the movement was against the
6 federal mandate, but you know, in our minds this was a policing
7 issue, not necessarily a federal versus provincial issue.

8 **MR. BRENDAN van NIEJENHUIS:** Could we go to
9 SSM.CAN.00005289?

10 I'm showing you a text exchange from your
11 Minister -- with Minister Alghabra of the federal -- Federal
12 Minister of Transport; okay? Are you familiar with these
13 exchanges?

14 **ADM IAN FREEMAN:** No.

15 **MR. BRENDAN van NIEJENHUIS:** No. Were you
16 involved in any calls with Minister Mulroney and
17 Minister Alghabra?

18 **ADM IAN FREEMAN:** No.

19 **MR. BRENDAN van NIEJENHUIS:** Okay. We can just
20 take a look at them a second and scroll down the page.

21 It's clear, though, that assuming that's what
22 they are, that this is Minister Alghabra asking for a call;
23 right?

24 **ADM IAN FREEMAN:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** And February 7th,
26 3:50 p.m., Minister Mulroney, fair to say, does not respond in
27 the sense of scheduling a call; right?

28 **ADM IAN FREEMAN:** Yeah, it sounds like she's

1 waiting for an update.

2 **MR. BRENDAN van NIEJENHUIS:** Yeah. Fair enough.
3 And if you go to the bottom of the text exchange, you'll see
4 that Minister Alghabra reports on February 7th at 8:23 p.m. that
5 the Ambassador Bridge is now blocked; right?

6 **ADM IAN FREEMAN:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** If we go now to
8 SSM.CAN.00005290, the exchange continues.

9 Minister Mulroney does not respond for about
10 24 hours, at least if these texts are accurate?

11 **ADM IAN FREEMAN:** Correct.

12 **MR. BRENDAN van NIEJENHUIS:** And she refers to a
13 letter from Laurie LeBlanc, being, what, addresses the ideas
14 that have been suggested; right?

15 **ADM IAN FREEMAN:** That's what she says, yes.

16 **MR. BRENDAN van NIEJENHUIS:** Go further down the
17 page.

18 And Minister Alghabra says he'll look at it, but
19 would be good to speak tomorrow; right?

20 **ADM IAN FREEMAN:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** Go to
22 SSM.CAN.00005291.

23 Mr. Commissioner, I think I've just hit my
24 20 minutes on my clock. May I have another four or five minutes
25 to complete this area?

26 **COMMISSIONER ROULEAU:** Yeah, go ahead.

27 **MR. BRENDAN van NIEJENHUIS:** And at the top of
28 the page, you see Minister Mulroney now sends a letter along,

1 says "happy to speak once you've had a chance to review"; right?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** Continue down the
4 page.

5 And you see the -- by Friday, February 11th,
6 excuse me, Wednesday, February the 9th, Minister Alghabra is
7 again asking "who do you recommend in your office we should
8 reach out to for a call?" Right?

9 **ADM IAN FREEMAN:** Yes.

10 **MR. BRENDAN van NIEJENHUIS:** Okay. And I
11 understand they did speak, and we'll come back to Ms. LeBlanc's
12 letter in a moment.

13 If we could go to -- well, actually, let's go to
14 the letter briefly, ONT00000156.

15 This is the letter of February 8th from Ms.
16 LeBlanc; right?

17 **ADM IAN FREEMAN:** Yes.

18 **MR. BRENDAN van NIEJENHUIS:** And if you go to the
19 third paragraph on the page? Oh, I'm sorry, the fourth
20 paragraph.

21 She, here, is, I think, saying roughly what was
22 said in the meeting; right? Is that -- CVOR sanctions have a
23 complicated administrative process that will require time to be
24 effective; correct?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:** And if you go to
27 page 2 of the document, she says:

28 "I know we all have empathy for the people

1 of Ottawa that are enduring this protest,
2 while also respecting and recognizing the
3 right to peaceful protest, and the MTO
4 will continue to work with SOLGEN." (As
5 read)

6 Right?

7 **ADM IAN FREEMAN:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** Okay. so no
9 additional contribution from MTO from a regulatory perspective,
10 as communicated here?

11 **ADM IAN FREEMAN:** Not here, not, but, you know,
12 we did -- maybe this isn't your question, but just in case this
13 is helpful, we did, you know, immediately move from this to
14 develop options, which ultimately became, later that week, that
15 same week, in the Emergency Order.

16 **MR. BRENDAN van NIEJENHUIS:** Could we go to
17 SSM.CAN.00001001? And we'll go to the very end of the document,
18 please.

19 Just above that, you can see that this is a read
20 out of the February 9th call between Minister Alhabra and
21 Minister Mulroney?

22 **ADM IAN FREEMAN:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And the indication
24 here is that:

25 "Mulroney's message to us is that they see
26 these as federal trade corridors. They
27 want us take the lead. Minister Alhabra
28 pushed on this and said that that would

1 need to be a formal ask. They have said
2 they don't have the ability to do more
3 from MTO. They agreed to work with our
4 department to see if there's anything else
5 that can be done. Overall, I would say
6 the tone was difficult and they were
7 trying to put this on us." (As read)

8 Were you present at that call?

9 **ADM IAN FREEMAN:** No.

10 **MR. BRENDAN van NIEJENHUIS:** So this is Minister
11 Alhabra's recollection of the call. I suppose you wouldn't be
12 able to contest that?

13 **ADM IAN FREEMAN:** I -- no, I don't know his
14 recollection.

15 **MR. BRENDAN van NIEJENHUIS:** Now, sir, you know
16 Huron Church Road in Windsor that leads to the Ambassador
17 Bridge?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** You're aware that's
20 a municipal road where the Windsor Police Service, or
21 alternatively, the Ontario Provincial Police are police of
22 jurisdiction?

23 **ADM IAN FREEMAN:** Yes.

24 **MR. BRENDAN van NIEJENHUIS:** And that connects
25 Highway 401 to the port of entry, and the 401 is OPP and MTO
26 jurisdiction; right?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** And similarly, just

1 while we're at this, Wellington Street and the streets of
2 downtown Ottawa under occupation by the Freedom Convoy,
3 likewise, were under the jurisdiction of the Ottawa Police
4 Service, or alternatively, the Ontario Provincial Police and
5 within the authority of MTO from a transport regulation
6 perspective; fair?

7 **ADM IAN FREEMAN:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** Now, on February
9 11th, Premier Ford declared a State of Emergency and invoked the
10 *Ontario Emergency Management and Civil Protection Act*?

11 **ADM IAN FREEMAN:** Yes.

12 **MR. BRENDAN van NIEJENHUIS:** And that was
13 followed by regulations that actually implemented the measures,
14 which did not happen until the 12th; correct?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** And that was the
17 Saturday of the third weekend of the convoy events?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** You'll agree with me
20 that critical infrastructure defined in those regulations
21 included 400 series highways?

22 **ADM IAN FREEMAN:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** It did not include
24 municipal roads; right?

25 **ADM IAN FREEMAN:** Well it did -- it did, in that
26 -- and we went through this. We'd have to bring it up so I
27 could describe, but it does include municipal roads. And those
28 powers were deployed in the City of Ottawa, if that's where

1 you're going.

2 **MR. BRENDAN van NIEJENHUIS:** Okay. Yeah. In
3 terms of the power to order to leave or order to depart; right?

4 **ADM IAN FREEMAN:** All provisions, including CVOR
5 powers that were talked about previously.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. You're aware
7 that on February the 14th, at approximately 4:30 p.m., the Prime
8 Minister announced the invocation of the *Emergencies Act*; right?

9 **ADM IAN FREEMAN:** Yes.

10 **MR. BRENDAN van NIEJENHUIS:** And you're aware
11 that the Premier of Ontario, that morning, had expressed his
12 support for the *Emergencies Act* being invoked during the First
13 Minister's meeting; yes?

14 **ADM IAN FREEMAN:** I don't recall that
15 specifically, but.

16 **MR. BRENDAN van NIEJENHUIS:** Are you aware that
17 the Premier of Ontario has recently reaffirmed his support,
18 saying that he stood shoulder to shoulder with the Prime
19 Minister in making that decision?

20 **ADM IAN FREEMAN:** I did see that in the media.

21 **MR. BRENDAN van NIEJENHUIS:** Okay. And if we
22 could just go back very briefly to ONT.IR.0000001? Actually,
23 I'm sorry, we can just skip that. Can we go back to
24 ONT00000179?

25 And this is my last point, Mr. Commissioner. I
26 apologize.

27 If we could just go to page 2, please? The top
28 of the page?

1 And if you want to look at the header, this is an
2 email which refers to the 10 tow trucks you indicated were
3 sourced for Ottawa when you corrected your witness statement at
4 the beginning of your examination today; correct?

5 **ADM IAN FREEMAN:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** And you'll see, if
7 you go down to page 3 in the bullet points, which is an email
8 from earlier on the same day, February 16, there's a third
9 bullet point there that says:

10 "Important: All three towing companies
11 have requested [a] letter that the
12 province [...] will cover costs [...]
13 indemnity from [other] damage [and] claims
14 [for] vehicles that are towed..."

15 And so forth; right?

16 **ADM IAN FREEMAN:** Yes.

17 **MR. BRENDAN van NIEJENHUIS:** And it says that's
18 because:

19 "...their insurance companies [...] specifically told them that they will not
20 cover [those] risks."

21 Right?

22 **ADM IAN FREEMAN:** And if we go then, finally,
23 back to the top of page 2, this is the evening of February the
24 16th. It indicates that one of the three towing companies has in
25 fact dropped out, which is what gets you to the number 10,
26 instead of 13 that you thought you had earlier that day; right?

27 **ADM IAN FREEMAN:** Yes.

1 **MR. BRENDAN van NIEJENHUIS:** And then, by now you
2 know about the EA. The first bullet says:

3 "Need [a] letter from the OPP requesting
4 these two companies to provides services
5 and stating that the Federal Act [that's
6 the *Emergencies Act*] will cover any damage
7 [...] and [indemnity]..."

8 Correct?

9 **ADM IAN FREEMAN:** Yeah.

10 **MR. BRENDAN van NIEJENHUIS:** And if we go to the
11 very, very top, you'll see that Jasan Boparai's reporting that
12 he's told them, being the towing operators, that:

13 "...[this] letter will come tomorrow. [And
14 that] [t]hey [are] moving tonight based
15 upon [him] and Steve's commitment [and]
16 credibility."

17 In the absence of that letter; correct?

18 **ADM IAN FREEMAN:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** And we've been
20 through that letter with Commissioner Carrique. Thank you, sir.
21 Those are my questions.

22 Thank you for your indulgence, Mr. Commissioner.

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

24 Next is the City of Windsor.

25 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

26 **MS. JENNIFER KING:** Good evening, Mr. Freeman.
27 My name is Jennifer King. I'm legal counsel to the City of
28 Windsor.

1 **ADM IAN FREEMAN:** Hi.

2 **MS. JENNIFER KING:** In your witness summary, and
3 you've mentioned in your testimony, you state that you're aware
4 that MTO assisted the OPP in identifying contractor to place
5 concrete barriers in Windsor?

6 **ADM IAN FREEMAN:** Yes.

7 **MS. JENNIFER KING:** And this was at the direction
8 of the OPP?

9 **ADM IAN FREEMAN:** Yes.

10 **MS. JENNIFER KING:** I take it that you understand
11 that this was to better manage future risk of vehicles being
12 used for blockades and disruption of cross border movement of
13 people and goods?

14 **ADM IAN FREEMAN:** Yes.

15 **MS. JENNIFER KING:** Are you aware that there was
16 confusion at MTO at the time as to who would pay for these
17 barriers?

18 **ADM IAN FREEMAN:** I've subsequently read in the
19 documents that there was questions as to how it would be funded.

20 **MS. JENNIFER KING:** Okay. So I'll show you some
21 documents.

22 If you could please pull up, Mr. Clerk,
23 ONT00000182?

24 While this is coming up, Mr. Freeman, this is an
25 email dated February 15th between Jasan Boparai of MTO and Supt.
26 Dana Earley of the OPP. And Commissioners heard this week that
27 Supt. Earley shared joint command of the police response to the
28 blockade with Supt. Crowley of the Windsor Police.

1 And you'll see, if you could scroll down just a
2 little bit, the first bullet, you'll see that it says:

3 "Upon request by the OPP, MTO has supplied
4 Temporary Concrete Barriers [...] through [a
5 contractor]."

6 And if you go to the sub-bullets, and you can see
7 here, part way down:

8 "Since these TCBs are being installed
9 along a municipal roadway, MTO has
10 requested the OPP to advise how
11 compensation to the contractor can be
12 arranged."

13 Next bullet states:

14 "Preliminary thought from the OPP is that
15 compensation would be through federal
16 funds available to support the emergency
17 response to re-open the Windsor-Detroit
18 crossing."

19 Do you see that?

20 **ADM IAN FREEMAN:** Yes.

21 **MS. JENNIFER KING:** Were you aware of that at the
22 time?

23 **ADM IAN FREEMAN:** No, I didn't have any
24 involvement in this at the time.

25 **MS. JENNIFER KING:** Okay. And if you could just
26 scroll up a bit? You'll see that the estimate for the work is
27 \$1.3 million?

28 **ADM IAN FREEMAN:** Yes.

1 **MS. JENNIFER KING:** Okay. If you could please
2 turn up ONT00000438?

3 This is an internal email exchange at MTO dated
4 February 16th, Mr. Freeman. And it's involving Doug Jones. And
5 by February 16th, he is Deputy Minister?

6 **ADM IAN FREEMAN:** Yes. Likely his first week on
7 the job.

8 **MS. JENNIFER KING:** Okay. If we could scroll to
9 page 3, please.

10 Further down a bit, please. There you go. Thank
11 you.

12 So on February 16th, Doug Jones is writing to
13 Stefano Oliviero. Who is that?

14 **ADM IAN FREEMAN:** That would be an advisor in his
15 office.

16 **MS. JENNIFER KING:** Okay. And you'll see that
17 Doug Jones is talking about a conversation that he has with the
18 CAO of Windsor. That's Jason Raynar.

19 And he talks about, again, this issue of costs of
20 the concrete jersey barriers and a concern that has been raised
21 by Jason Raynar about how much the city would be responsible to
22 cover. And it's not clear to me based on the -- because this is
23 black and white -- who made the statement, but someone at MTO
24 was under the impression that the total cost for the
25 installation, removal and rental of the jersey barriers would be
26 covered 100 percent by MTO. Do you see that?

27 **ADM IAN FREEMAN:** Yeah. I read this as him
28 asking that question.

1 **MS. JENNIFER KING:** Okay. And so I'll take you
2 to one more document here, WIN00002143.

3 So this an email exchange between CAO Raynar to
4 individuals, so you wouldn't have seen it at the time.

5 Thank you.

6 And if you could scroll all the way to the
7 bottom, Mr. Clerk. Okay.

8 And you'll see here that he's reporting to
9 individuals at Windsor on February the 17th:

10 "Just a quick update that I had a good
11 call with DM Doug Jones, MTO, who is
12 helping to coordinate a planning table
13 with MTO, Sol-Gen, OPP, WPS and Windsor
14 to discuss the long-term needs to
15 protect our international crossings.
16 I'll let you know once I hear more."

17 And he continues:

18 "The Deputy also indicated that he
19 understood but was confirming that costs
20 like the jersey barriers that were
21 authorized by MTO staff at OPP's request
22 would be paid for by the Province."

23 Do you see that?

24 So if you can scroll up, Mr. Clerk.

25 And you'll see an email from Mr. Raynar to the
26 same group the next day, and it states:

27 "It would appear that the new Deputy
28 Minister MTO is finding out just how the

1 Province works. He stepped back from
2 both items today that we discussed
3 earlier in the week. MTO will not be
4 covering the costs of the barriers,
5 although he said he would not be
6 surprised to see an application for the
7 Province to assist with those costs and
8 others(?) at some point. No commitment
9 to pay, though, at this time. The
10 argument is that we are the road
11 authority and we approved the deployment
12 of the barriers, so therefore,
13 responsible for the costs."

14 Do you see that?

15 **ADM IAN FREEMAN:** Yes.

16 **MS. JENNIFER KING:** The Commission heard from the
17 Mayor of Windsor that Windsor has requested the Province
18 reimburse their costs, including the costs of these barriers,
19 but has not received a response. Do you have any information as
20 to whether or not the Province will be reimbursing Windsor's
21 costs?

22 **ADM IAN FREEMAN:** I haven't seen the request and
23 I don't have any information. I'm sorry.

24 **MS. JENNIFER KING:** Okay. And if -- further
25 down, in the next paragraph, Mr. Raynar writes:

26 "In terms of the intergovernmental
27 planning table proposal, there's no
28 interest at this time, given the ongoing

1 situation in Ottawa.”

2 I won't take it to you, but the Commissioner
3 heard on Monday from Mayor Dilkens, who testified that he sent a
4 letter in March requesting that all levels of government sit
5 down to discuss working together to protect important
6 international border crossings.

7 It's my understanding that there's been no
8 response from the Province to this request. Are you aware of
9 any response to Windsor's request?

10 **ADM IAN FREEMAN:** I'm not. I haven't seen the
11 request, either, nor would I in my current position.

12 **MS. JENNIFER KING:** Okay. Do you know if the
13 Ministry of Transportation is planning to meet with appropriate
14 agencies at all levels of government to discuss protecting
15 critical border crossings in Ontario such as the Ambassador
16 Bridge?

17 **ADM IAN FREEMAN:** I'm not aware of what the
18 Ministry intends in this regard. Again, in my current position
19 as in corporate services, it's not something that I would be
20 aware of.

21 I do know that the Province ultimately did pass
22 further legislation and I can't speak to who was consulted on
23 that.

24 **MS. JENNIFER KING:** Okay. So you don't know if
25 the Municipality of Windsor was consulted on that legislation?

26 **ADM IAN FREEMAN:** I wasn't involved in it, so I
27 can't say.

28 **MS. JENNIFER KING:** Okay. I only have a few

1 questions left for you.

2 Do you know if the Ministry has an emergency plan
3 pursuant to the *Ontario Emergency Management and Civil*
4 *Protection Act*?

5 **ADM IAN FREEMAN:** Yes, we do have a plan.

6 **MS. JENNIFER KING:** Which Assistant Deputy
7 Minister at the Ministry of Transportation is responsible for
8 that emergency plan?

9 **ADM IAN FREEMAN:** I expect it would be Eric
10 Deutsch.

11 **MS. JENNIFER KING:** Okay. And what's his title?

12 **ADM IAN FREEMAN:** He's the Assistant Deputy
13 Minister of our operations division.

14 **MS. JENNIFER KING:** Okay. Do you know if the
15 Ministry's emergency plan addresses threats to critical
16 transportation infrastructure like the Ambassador Bridge?

17 **ADM IAN FREEMAN:** I don't know the full scope of
18 the plan, so I can't answer whether it does or not.

19 **MS. JENNIFER KING:** Okay. Thank you very much.
20 Those are my questions.

21 **COMMISSIONER ROULEAU:** Thank you.

22 Next is the City of Ottawa.

23 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

24 **MS. ANNE TARDIF:** Good evening. My name is Anne
25 Tardif. I'm one of the lawyers representing the City of Ottawa.

26 **ADM IAN FREEMAN:** Hello.

27 **MS. ANNE TARDIF:** So we've explained that the
28 CVOR is the Commercial Vehicle Operators Registration; right?

1 **ADM IAN FREEMAN:** Yes.

2 **MS. ANNE TARDIF:** And you need one to operate a
3 commercial vehicle in Ontario.

4 **MS. ANNE TARDIF:** Correct.

5 **MS. ANNE TARDIF:** And the CVOR program monitors
6 and evaluates the operators' safety records.

7 **ADM IAN FREEMAN:** Yes.

8 **MS. ANNE TARDIF:** And the CVOR operator, the
9 person who holds the registration, can be either a person or a
10 corporation responsible for the operation of the vehicle.

11 **ADM IAN FREEMAN:** Yes.

12 **MS. ANNE TARDIF:** Right. And I take it it only
13 applies to certain categories of vehicles.

14 **ADM IAN FREEMAN:** Yes, over a certain weight, I
15 believe.

16 **MS. ANNE TARDIF:** I have a note here that it's
17 4,500 kilograms gross weight. Does that make sense?

18 **ADM IAN FREEMAN:** That sounds right, yeah.

19 **MS. ANNE TARDIF:** Perfect.

20 And we -- certainly we've seen in the documents
21 and in your witness summary reference to sort of a demerit point
22 system; right?

23 **ADM IAN FREEMAN:** Yes.

24 **MS. ANNE TARDIF:** And I take it that CVOR tracks
25 the operators' collisions; right?

26 **ADM IAN FREEMAN:** Yes.

27 **MS. ANNE TARDIF:** Infractions.

28 **ADM IAN FREEMAN:** Yes, convictions. Yeah.

1 MS. ANNE TARDIF: Convictions.

2 ADM IAN FREEMAN: Yeah.

3 MS. ANNE TARDIF: And any findings on safety
4 inspections.

5 ADM IAN FREEMAN: That's right.

6 MS. ANNE TARDIF: And over time, they rack up
7 points until you get to a state where they have so many points
8 that the Ministry may issue notice of the intent to either
9 suspend or revoke the CVOR.

10 ADM IAN FREEMAN: Correct. The only thing --
11 maybe the only thing I would just add to that is that's --
12 there's other interventions before it gets to that point.

13 MS. ANNE TARDIF: That's the end of the process.

14 ADM IAN FREEMAN: Yes.

15 MS. ANNE TARDIF: Right. And you've talked about
16 the notice requirements, the due process and the appeal rights
17 that are embedded within the suspension.

18 ADM IAN FREEMAN: Yes.

19 MS. ANNE TARDIF: Right. And I take it we can
20 agree that certainly some of the large trucks that participated
21 in the convoy in Ottawa had CVORs. They were of that size.

22 ADM IAN FREEMAN: Yes.

23 MS. ANNE TARDIF: And that at least some of them
24 were involved or were committing or had committed as part of
25 their convoy activities potentially offences under the *Highway*
26 *Traffic Act* and possibly other statutes and by-laws; right?

27 ADM IAN FREEMAN: I would expect so.

28 MS. ANNE TARDIF: Right. And if convicted, some

1 of those offences would end up on their carrier record; right?

2 **ADM IAN FREEMAN:** Yes.

3 **MS. ANNE TARDIF:** And contribute to that
4 escalation of points that we've talked about.

5 **ADM IAN FREEMAN:** Yes.

6 **MS. ANNE TARDIF:** And I heard you explain that
7 that process takes time, and that's why the Ministry thought
8 it's not really a short-term solution; right?

9 **ADM IAN FREEMAN:** That's part of it. It's not
10 only that it takes time. It also allows for appeals, hearings,
11 which -- so I guess that's part of taking time. But it doesn't
12 -- it doesn't allow us to take direct, immediate action.

13 **MS. ANNE TARDIF:** Right. You could issue notice
14 of an infraction, for example, under the *Highway Traffic Act*
15 today, but it would take perhaps several months, if not longer,
16 to get a conviction for that to be reflected on the carrier
17 record and you'd need several convictions before you got to the
18 point in time where notice of the suspension would issue.

19 **ADM IAN FREEMAN:** Likely, yeah.

20 **MS. ANNE TARDIF:** Right. Now, I understand that,
21 but you also mentioned, and it was in one of the documents we
22 saw -- I can turn it up if I need to -- that there was
23 significant considerations with the use of the CVOR for non-
24 roadside enforcement purposes.

25 And in fairness to you, I wrote down that you
26 said earlier today that you didn't want to use that process, the
27 CVOR process, to dry and do something else and that there was
28 concern about affecting the legitimacy of the process.

1 Do you remember saying something to that effect?

2 **ADM IAN FREEMAN:** Yeah, something to that effect.

3 Yeah.

4 **MS. ANNE TARDIF:** Can you help me understand or
5 help us understand what you mean by that?

6 I understand the timing concern, but the other
7 concern, this notion that you shouldn't be using the CVOR
8 process, the normal process, for what you perhaps viewed as an
9 illegitimate or end to which is not suited.

10 **ADM IAN FREEMAN:** I think it was just as you've
11 -- just what you've just said there, is the -- the legal
12 analysis and the Deputy Registrar view, the experts in the
13 Ministry was that if we start to use this for something that it
14 wasn't intended for or we have no process for which, it
15 questions the Ministry's thinking that maybe -- and maybe that
16 applies to other actions that we take in the future. So, you
17 know, the next time there's a conviction -- or, sorry, there's
18 an action taken by the Ministry, have we shown history of
19 constantly using our processes and legislation consistently and,
20 you know, as they were intended for. I think there was a worry
21 of that as well.

22 **MS. ANNE TARDIF:** Was the concern -- just so I
23 understand, was the concern that if there was a conviction for
24 an offence; for example, under the *Highway Traffic Act*, that
25 occurred during the convoy and that ended up on a carrier's
26 record, and at some point in the future form part of notice of
27 suspension or grounds for a suspension of their CVOR, was that a
28 concern to the ---

1 **ADM IAN FREEMAN:** No.

2 **MS. ANNE TARDIF:** --- the Ministry?

3 **ADM IAN FREEMAN:** No.

4 **MS. ANNE TARDIF:** Okay. So it was just a
5 bypassing your normal process that was a concern to the
6 Ministry.

7 **ADM IAN FREEMAN:** Yes, bypassing the normal
8 process and using it for something that, you know, was never --
9 has never been used in the past, or intended to be.

10 **MS. ANNE TARDIF:** What is that something?
11 That's, I think, what I'm struggling to understand.

12 **ADM IAN FREEMAN:** To try and address a protest or
13 a civil unrest situation, not to address specifically a case
14 where we have a well-documented safety record and, you know,
15 police records to us requesting certain activities.

16 **MS. ANNE TARDIF:** Understood, thank you.

17 Could we pull up ONT00000111? And could we
18 scroll to the bottom? Or sorry; yeah, just to the top of that
19 email. Perfect.

20 You were taken to this email, Mr. Freeman, but
21 not to this part of the chain. This is an email from Mr. -- I'm
22 going to pronounce it Boparai -- I apologize if I'm butchering
23 that. And if we scroll down we can see in his signature block
24 -- a little bit further down, Mr. Clerk, thank you.

25 He's with the MTO; correct?

26 **ADM IAN FREEMAN:** Yes.

27 **MS. ANNE TARDIF:** With the Highway Operations
28 Management?

1 **ADM IAN FREEMAN:** Yes.

2 **MS. ANNE TARDIF:** So scroll up a little bit. He
3 says, "Good evening Chief Supt. Carson Pardy:"

4 So Chief Superintendent Pardy is with the OPP; we
5 heard from him earlier in this inquiry. And he says:

6 "My apologies for the cold-call. I've
7 been working with Chief Supt. Thompson
8 and Supt. Eaton on some other files and
9 have recently been asked to
10 lead/coordinate MTO's overall response
11 at the provincial level related to
12 various..."

13 And I'll slow down here:

14 "...blockades in the province. I am
15 reaching out to you regarding the
16 ongoing blockade at the Windsor-Detroit
17 Bridge."

18 And I'll pause here because C/Supt. Pardy was
19 actually in charge in Ottawa, not in Windsor. Mr. Boparai was
20 confused and that get clears up -- that gets cleared up, pardon
21 me, up the chain.

22 He says:

23 "We are wondering whether the OPP has
24 been collecting CVOR information of
25 trucks blocking the bridge crossing and
26 if available, can this information can
27 [sic] be shared with MTO. This will
28 allow us to review and be better

1 prepared to support the OPP as this
2 situation continues to evolve. Would
3 be great if we can discuss this further
4 or if you can connect us with the
5 appropriate OPP contact. Thanks,"

6 And if we scroll up, just so you can get the
7 context, Mr. Freeman, that's C/Supt. Pardy's response advising
8 that he's in Ottawa leading the support plan for the OPS, and
9 advising him who's in charge in Windsor and giving some
10 additional information.

11 The reason I bring this to your attention is I
12 had understood that in fact the position of the MTO was not to
13 reach out and offer to assist with CVOR but only to act in
14 response to specific police requests for assistance. And can
15 you help me reconcile that with this email?

16 **ADM IAN FREEMAN:** I think we were trying to get a
17 handle as to -- there was a couple of things. The first I
18 recall there was antedotal [sic] communication we had heard that
19 actually at the bridge it was mostly non-commercial vehicles,
20 and I think we wanted to know if that was actually the case. We
21 just wanted to understand more. And there was even -- you know,
22 we were having all sorts of discussions as to how we could help.

23 I think it's important to know, we were certainly
24 there to support the OPP but at this time, we had been having
25 discussions with the federal government and others about what
26 else can the Province do. At this time, we were looking at what
27 sort of -- because we believed the CVOR did not work, what could
28 we do? And that's how the Emergency Order came about. Or I

1 demonstrations to create or inhibit traffic -- inhibit traffic?

2 **ADM IAN FREEMAN:** They can, certainly. And the
3 Ministry's role would be the same as I've described; to assist
4 police as requested.

5 **MS. EWA KRAJEWSKA:** Right. And would it also be
6 fair to say that you would also create signage and divert
7 traffic as necessary in order to facilitate the demonstration?

8 **ADM IAN FREEMAN:** Yes, as requested by police.

9 **MS. EWA KRAJEWSKA:** So you would be guided by the
10 OPP or the police of the jurisdiction to provide that
11 assistance.

12 **ADM IAN FREEMAN:** Yes.

13 **MS. EWA KRAJEWSKA:** To facilitate the protest?

14 **ADM IAN FREEMAN:** Yes.

15 **MS. EWA KRAJEWSKA:** And as -- would it then be
16 also consistent -- we looked at the MTO's plan with respect to
17 the Freedom Convoy. My friend for the Government of Canada took
18 you to the fact that the MTO suspended the inspections of trucks
19 through the convoy. Was that also kind of part of facilitating
20 the protest at the time?

21 **ADM IAN FREEMAN:** I don't know if it was intended
22 to facilitate a protest. I think it was based on the direction
23 from the OPP to not engage in that way. Like, I just don't know
24 if the intent was as you've described, to facilitate a protest,
25 or not.

26 **MS. EWA KRAJEWSKA:** Okay. But other than with
27 respect to direction from the OPP or police forces, the MTO
28 would not take enforcement measures against a demonstration.

1 **ADM IAN FREEMAN:** Correct.

2 **MS. EWA KRAJEWSKA:** And I know we've -- many of
3 us have covered the CVOR issue, and if I could just go back to
4 that again, the letter from -- the letter to Michael Keenan that
5 you were taken to earlier, it's clear that the enforcement under
6 CVOR, the purpose is public safety; correct?

7 **ADM IAN FREEMAN:** No. The purpose is highway and
8 -- highway and safety of travelling public.

9 **MS. EWA KRAJEWSKA:** Right. And to sanction non-
10 compliant safety behaviour.

11 **ADM IAN FREEMAN:** Yes.

12 **MS. EWA KRAJEWSKA:** And as you told my friend,
13 Ms. Tardif, your concern or the MTO's concern about using the
14 CVOR was that you did not want it to be used to -- in relation
15 to civil disobedience.

16 **ADM IAN FREEMAN:** It wasn't so much that we
17 didn't want to, it was that it wasn't intended or ever used in
18 that way, nor do the procedures or the policies; that it's the
19 practical application of it was ever intended for it to be used
20 that way. The *Highway Traffic Act*, as legislation, is about
21 safety for travelling public and, you know, motor vehicles, not
22 about public order or protests. It was never -- that's not its
23 purpose.

24 **MS. EWA KRAJEWSKA:** And was there also a concern
25 of setting a precedent to use the CVOR as a method of
26 enforcement against civil disobedience?

27 **ADM IAN FREEMAN:** I don't know that it was so
28 much a precedent, worry of a precedent. It was worry that it

1 didn't actually do what people were asking it to do.

2 **MS. EWA KRAJEWSKA:** And was there also concern
3 that you would delegitimize the process that exists with respect
4 to the CVOR and how it's understood by both the government and
5 industry participants?

6 **ADM IAN FREEMAN:** Yeah, that was a concern.

7 **MS. EWA KRAJEWSKA:** I'm just going through my
8 notes because a lot of -- some of these issues have already been
9 covered.

10 And my friend for the Government of Canada took
11 you to the fact that the Ontario Declaration of Emergency was
12 declared on February 11th, 2022, but the letters with respect to
13 the, I'll call it the CVOR enforcement under the EMPCA, were not
14 issued until February 17th. And you've stated that that was an
15 OPP decision as to when to issue those letters, when to issue
16 those warnings?

17 **ADM IAN FREEMAN:** I don't know if it was OPP, but
18 it was a policing decision.

19 **MS. EWA KRAJEWSKA:** It was not an MTO decision?

20 **ADM IAN FREEMAN:** Correct.

21 **MS. EWA KRAJEWSKA:** And Mr. Freeman, did you have
22 input to Minister Mulroney into what the MTO would be requesting
23 under the EMPCA? Did you provide input as to what Cabinet
24 should consider before the EMPCA was relied upon?

25 **ADM IAN FREEMAN:** We provided -- yes. So after
26 we determined that the CVOR was not the appropriate mechanism,
27 we began to develop options that could phonetically be used. We
28 did brief the Minister on that.

1 Ultimately, we provided input into what the
2 Ministry of the Solicitor General was developing, for which they
3 used.

4 **MS. EWA KRAJEWSKA:** And can you provide just kind
5 of an outline of the options that you provided to your Minister
6 and to the Solicitor General?

7 **ADM IAN FREEMAN:** Well we provided options
8 looking at, you know, increased changes to, for example, new
9 legislation or changes to the HTA penalties that could exist.
10 Those types of things.

11 **MS. EWA KRAJEWSKA:** So amendments to the --
12 amendments that could be done to the HTA to increase fines or
13 increase ---

14 **ADM IAN FREEMAN:** Yes.

15 **MS. EWA KRAJEWSKA:** --- enforcement?

16 **ADM IAN FREEMAN:** Yeah.

17 **MS. EWA KRAJEWSKA:** Okay.

18 **ADM IAN FREEMAN:** Yeah.

19 **MS. EWA KRAJEWSKA:** Thank you, Commissioner,
20 those are all my questions.

21 **COMMISSIONER ROULEAU:** Thank you.

22 Next, the CCF.

23 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

24 **MR. SUJIT CHOUDHRY:** Mr. Freeman, good afternoon.
25 My name is Sujit Choudhry. I'm with the CCF. I have some
26 questions for you about tow trucks ---

27 **ADM IAN FREEMAN:** Okay.

28 **MR. SUJIT CHOUDHRY:** --- and the legal tools to

1 compel the provision of tow truck services.

2 So I'd first ask the Registrar to put up the
3 Emergency Measures Regulations under the *Emergencies Act*. And I
4 have a document code for that, although I imagine it would be on
5 speed dial here. But it's SSM.CAN.00001911_REL.0001.

6 So while we're waiting for it to come up, I take
7 it you're familiar with the Emergency Measures Regulations?

8 **ADM IAN FREEMAN:** I'm familiar, but by no means
9 an expert.

10 **MR. SUJIT CHOUDHRY:** You referred to them in an
11 answer to a question posed by my friend from the Commission
12 though?

13 **ADM IAN FREEMAN:** Yeah.

14 **MR. SUJIT CHOUDHRY:** So can we go to page 8,
15 please? So if we could just scroll down, please, Registrar --
16 Mr. Registrar, to 7(1)? That's good.

17 So would you agree -- if you could have a look at
18 section 7(1)? Have you seen that section before?

19 **ADM IAN FREEMAN:** Yes.

20 **MR. SUJIT CHOUDHRY:** Okay. So we're going to
21 read that section 7(1) and in substance says that a person must
22 make available and provide tow truck services if requested by
23 the Minister of Public Safety and Emergency Preparedness, or the
24 RCMP Commissioner, or a designate; correct?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. SUJIT CHOUDHRY:** Good. Okay.

27 So can we go down then to the next page, please?
28 To 10(2).

1 And so could you just have a look at that,
2 please? Have you seen this provision before?

3 **ADM IAN FREEMAN:** Yes.

4 **MR. SUJIT CHOUDHRY:** So would you agree that in
5 substance, section 10(2) provides that it creates a criminal
6 offence for failure to comply with the Emergency Measures
7 Regulations, including the provision we just looked at together,
8 section 7(1) in relation to tow trucks?

9 **ADM IAN FREEMAN:** That's what it appears to do,
10 yeah.

11 **MR. SUJIT CHOUDHRY:** Good. And there's sanctions
12 involving both fines and imprisonment under both summary and
13 indictment?

14 **ADM IAN FREEMAN:** Yes.

15 **MR. SUJIT CHOUDHRY:** Good. All right. Now, I'd
16 like to take you to the HTA, if I could.

17 And so this document, Mr. Registrar, is CCF00000,
18 I believe, yes, wait, 00000010.

19 And while we're waiting for it to come up, Mr.
20 Freeman, you stated in your evidence this morning, or earlier
21 today, I should say, that the HTA is a key Act, is that right,
22 for the MTO?

23 **ADM IAN FREEMAN:** Yeah.

24 **MR. SUJIT CHOUDHRY:** And so you're familiar with
25 it?

26 **ADM IAN FREEMAN:** Not all parts, but I'm familiar
27 with it.

28 **MR. SUJIT CHOUDHRY:** Well we're going to take you

1 to section 171.

2 So this is on page 361, please. If we could
3 scroll down just a bit? Okay. So if we could stop there?

4 So this section is entitled "Tow truck services".
5 Are you familiar with this section?

6 **ADM IAN FREEMAN:** Not in great detail, but I can
7 understand it.

8 **MR. SUJIT CHOUDHRY:** Okay. So I'd like to ask
9 you a question that's about section (3.1), which is on the next
10 page. Let's stop there.

11 So this says -- so the title for this subsection
12 is "Other prohibited activities". And it says:

13 "No driver of a tow truck, or other person
14 who is in charge of a tow truck, shall
15 engage in an activity prohibited by
16 regulation..."

17 Is that right?

18 **ADM IAN FREEMAN:** That's what it says, yes.

19 **MR. SUJIT CHOUDHRY:** Good. Okay. Now let's go
20 down a bit further to (6). Stop there, please.

21 And so (6) says that the Lieutenant Governor in
22 Council, or the Provincial Cabinet, has the power, under (b) to
23 prescribe prohibited activities for the purposes of (3.1). Is
24 that right?

25 **ADM IAN FREEMAN:** Yes.

26 **MR. SUJIT CHOUDHRY:** And that seems to be quite a
27 broad grant of authority to the Provincial Cabinet; correct?

28 **ADM IAN FREEMAN:** You're getting a little out of

1 my depth in terms of legal interpretation here. Whether it's
2 broad or not.

3 **MR. SUJIT CHOUDHRY:** But it says -- it doesn't
4 say what's sort of activities can be prescribed? It just says
5 "prescribed activities".

6 **ADM IAN FREEMAN:** "Prescribing prohibited
7 activities", yes.

8 **MR. SUJIT CHOUDHRY:** Correct. Correct.

9 **ADM IAN FREEMAN:** Yeah.

10 **MR. SUJIT CHOUDHRY:** Okay. So ---

11 **ADM IAN FREEMAN:** For the purposes of what's
12 above. But, you know, I just want to refrain from trying to
13 interpret this too much here. It's beyond my expertise.

14 **MR. SUJIT CHOUDHRY:** Okay. And then let's go up
15 a little.

16 I promise you this is the last subsection we'll
17 look at together.

18 So if you could scroll up, please, Mr. Registrar,
19 to (4)?

20 This provision is entitled "offence". It creates
21 a provincial offence for breaching any provision in this
22 section, which would include, of course, any regulation enacted
23 pursuant to subsection (3.1); correct?

24 **ADM IAN FREEMAN:** Yes.

25 **MR. SUJIT CHOUDHRY:** So, Mr. Freeman, I'd like to
26 ask you this. Would you agree that under section 171, at any
27 time the Ontario Cabinet could have made it a regulation that a
28 tow truck driver cannot deny a tow truck services if requested

1 by a suitable public official? So a municipal chief of police,
2 the OPP Commissioner, or the head of the RCMP?

3 **ADM IAN FREEMAN:** I don't -- I don't know the
4 answer to that. It's -- you're -- there's -- there could be
5 other provisions here that suggest otherwise. I don't know this
6 well enough.

7 **MR. SUJIT CHOUDHRY:** So Mr. Freeman, I'm going to
8 press you on this a bit. I put it to you that this is the only
9 section in the HTA governing tow trucks and that the -- that
10 under this section, the provincial Cabinet can prescribe conduct
11 by tow truck drivers, and that it's an offense if a tow truck
12 driver breaches that requirement.

13 **ADM IAN FREEMAN:** I'm just -- I'm not a lawyer,
14 and any time we would say what we can or can't do we would --
15 it's something we would engage our counsel on. So I don't want
16 to tie myself to an answer that I am -- could be wrong, for the
17 Commissioner.

18 **MR. SUJIT CHOUDHRY:** So Mr. Freeman, I'll
19 conclude on this note, then: If in fact the provincial Cabinet
20 could have passed a regulation requiring that a tow truck driver
21 provide a service, and making it an offence to not do so, would
22 that not, in substance, had been the same as the corresponding
23 provision in the Emergency Measures Regulation?

24 **ADM IAN FREEMAN:** I think based on what you said,
25 possibly, yes.

26 **MR. SUJIT CHOUDHRY:** Good, thank you.

27 **COMMISSIONER ROULEAU:** Okay. Next, the Convoy
28 Organizers.

1 --- CROSS-EXAMINATION BY MR. BRENDAN MILLER:

2 **MR. BRENDAN MILLER:** Good evening. My name is
3 Brendan Miller, and I'm counsel for Freedom Corp., which is the
4 represent -- or the organization that represents the protesters
5 that were in Ottawa in February and January of 2022.

6 I just have a couple of questions for you, sir.

7 Are you familiar -- and I'm assuming you're
8 familiar with most transportation law. I know my friend has put
9 some things to you, and that you talk to lawyers, but are you
10 familiar with the *International Bridges and Tunnels Act*?

11 **ADM IAN FREEMAN:** Not in any sort of depth.

12 **MR. BRENDAN MILLER:** Okay. But you're familiar
13 of its existence?

14 **ADM IAN FREEMAN:** Yes.

15 **MR. BRENDAN MILLER:** And that's a federal law?

16 **ADM IAN FREEMAN:** That's my understanding.

17 **MR. BRENDAN MILLER:** Right. And I understand it
18 that that law is governed by the Federal Minister of
19 Transportation; is that correct?

20 **ADM IAN FREEMAN:** That I don't know.

21 **MR. BRENDAN MILLER:** Okay. Are you aware that
22 under that Act, that at any time, for the purpose of safety and
23 security, that the Federal Minister of Transport [sic]:

24 "If the Minister is of the opinion that
25 there is an immediate threat to the
26 security or safety...any international
27 bridge or tunnel, the Minister may make
28 directions - including directions

1 respecting the evacuation of [a] bridge
2 or tunnel and the diversion of traffic
3 or persons - requiring any person to
4 do, or refrain from doing, anything
5 that in the opinion of the Minister is
6 appropriate to do [and] refrain from
7 doing in order to respond to that
8 threat."

9 So he's permitted to just pass an order to vacate
10 the bridge, vacate the area. Would that have been helpful?

11 **ADM IAN FREEMAN:** Well, I'm -- so two things:
12 Without the Act in front of me, I can't say that that's part of
13 it or not. I'm ---

14 **MR. BRENDAN MILLER:** Yeah.

15 **ADM IAN FREEMAN:** You know, I don't work for the
16 federal government. And, again, police were leading the
17 response, so you'd have to ask police whether or not that
18 would've been helpful.

19 **MR. BRENDAN MILLER:** And this protest, it started
20 on the 7th?

21 **ADM IAN FREEMAN:** No, it started ---

22 **MR. BRENDAN MILLER:** The 7th of February?

23 **ADM IAN FREEMAN:** --- started -- oh, oh sorry,
24 you're talking about the -- in Windsor.

25 **MR. BRENDAN MILLER:** In Windsor.

26 **ADM IAN FREEMAN:** I believe that's the date.

27 **MR. BRENDAN MILLER:** Right. And they cleared it
28 on the 12th.

1 **ADM IAN FREEMAN:** Twelfth (12th) and 13th, I
2 believe, yes.

3 **MR. BRENDAN MILLER:** Before the *Emergencies Act*.

4 **ADM IAN FREEMAN:** Yes.

5 **MR. BRENDAN MILLER:** And at no time did the
6 Minister pass a regulation in order the vacate that bridge?

7 **ADM IAN FREEMAN:** The federal Minister?

8 **MR. BRENDAN MILLER:** Yeah.

9 **ADM IAN FREEMAN:** Not to my knowledge.

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

11 **COMMISSIONER ROULEAU:** Okay.

12 Next the Ottawa Residents Coalition.

13 **MS. EMILIE TAMAN:** Good evening, Commissioner.

14 Emilie Taman for the Ottawa Coalition of
15 Residents and Businesses. We don't have any questions.

16 Thank you.

17 **COMMISSIONER ROULEAU:** Okay.

18 The Windsor Police Service.

19 **MR. THOMAS McRAE:** Good evening, Mr.

20 Commissioner. Tom McRae for the Windsor Police Service.

21 We have no questions.

22 **COMMISSIONER ROULEAU:** Okay.

23 The Ottawa Police Service.

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

25 **MR. DAVID MIGICOVSKY:** Good evening, Mr. Freeman.

26 My name is David Migicovsky; I'm a lawyer for the Ottawa Police
27 Service.

28 **ADM IAN FREEMAN:** Hello.

1 **MR. DAVID MIGICOVSKY:** You were asked some
2 questions by one of my colleagues earlier about MTO enforcement
3 officers in Ottawa, and I believe you weren't certain if they
4 were used in Ottawa on the first weekend, so I'm going to see if
5 I can help you.

6 If we could call up, Mr. Clerk, ONT00000272,
7 please? Page 1; at the bottom of page 1.

8 These are situational reports that the MTO puts
9 out. And you'll see at the bottom of page 1, so this is January
10 28. This would be the Friday, and we see:

11 "Convoy arrived in Ottawa starting at
12 approximately 1:00...."

13 And it says:

14 "MTO Officers will assist as usual
15 practice if requested by OPP. No
16 current request for assistance."

17 And so I'll take you to, then, the one for the
18 following day, which would be the Saturday.

19 **ADM IAN FREEMAN:** Yeah.

20 **MR. DAVID MIGICOVSKY:** And if we go to
21 ONT00000273, please, on page 2. And if you scroll up a little
22 bit, please? No, the other way, I'm sorry; scroll down. Thank
23 you.

24 So you'll see on January 29th, so that's the
25 Saturday?

26 "Convoys to arrive...at Parliament
27 Hill....MTO Officers will assist as
28 usual practice if requested by OPP. No

1 current request for assistance."

2 Do you see that?

3 **ADM IAN FREEMAN:** Yes.

4 **MR. DAVID MIGICOVSKY:** And so, as I understand
5 it, and so I believe MTO did have enforcement officers there for
6 the subsequent weekends, if I'm not mistaken.

7 **ADM IAN FREEMAN:** I believe they were as well.

8 **MR. DAVID MIGICOVSKY:** Right. In Toronto we
9 know, however, that MTO was asked, in advance of the February 1st
10 convoy arrival to be on the GTA highways, by the OPP, partly as
11 a deterrent and to provide support to the OPP; correct?

12 **ADM IAN FREEMAN:** Yes.

13 **MR. DAVID MIGICOVSKY:** And so that was in
14 advance; it was the day before, I believe; is that correct?

15 **ADM IAN FREEMAN:** I don't remember the exact
16 time, but it was in advance of the expected weekend protest.

17 **MR. DAVID MIGICOVSKY:** And the focus was on the
18 routes going into downtown and the 400-series highways.

19 **ADM IAN FREEMAN:** Yes.

20 **MR. DAVID MIGICOVSKY:** And that's because you had
21 the Ottawa experience, so Toronto was treated a bit differently.

22 **ADM IAN FREEMAN:** I -- again, we weren't making
23 decisions. It was the police who asked for the help, so I --
24 one could imagine that might have been why they wanted to do
25 that.

26 **MR. DAVID MIGICOVSKY:** And it was the OPP who
27 specifically asked ---

28 **ADM IAN FREEMAN:** Yes.

1 **MR. DAVID MIGICOVSKY:** --- for MTO to be
2 involved. And Ottawa was always expected to be a peaceful
3 event, I believe. That was in the original Operational Plan of
4 the MTO, and the original announcement on January 21st that we
5 saw; correct?

6 **ADM IAN FREEMAN:** That was MTO's understanding,
7 yes.

8 **MR. DAVID MIGICOVSKY:** MTO, we saw -- I took you
9 to, when I started, the situation reports. And I understand
10 those situation reports came out virtually every day and
11 sometimes a couple of times a day during the convoy?

12 **ADM IAN FREEMAN:** Yes.

13 **MR. DAVID MIGICOVSKY:** And so you would agree
14 with me -- I've looked at the situational reports for January 23
15 up to January 28th, there's no reference in them to the convoy
16 causing major problems or to how long they're going to be in
17 Ottawa; does that record with your recollection?

18 **ADM IAN FREEMAN:** I don't recall them speaking to
19 the timelines or level of disruption.

20 **MR. DAVID MIGICOVSKY:** Right. And I won't call
21 up the documents, but just for the record it is ONT00000260 to
22 0272. And it is only on January 29th, which is ONT00000273...

23 Mr. Clerk, if we could please turn that up, on
24 page 1? And if we could just scroll down, please? Yeah, sorry;
25 if you can just stop there. Thanks very much.

26 "Information received..." -- so this is January
27 29th:

28 "Information received that the

1 convoy/protestors may stay in Ottawa
2 for up to a month or longer if their
3 demands are not met.”

4 So that’s on Saturday when the convoy is already
5 there.

6 And so up until then, I did not see it
7 referenced. So I take it it only became relevant on the
8 Saturday when they were already there? Is that right?

9 **ADM IAN FREEMAN:** Well that, I don’t know about
10 relevant, but that’s maybe when whatever intelligence the
11 enforcement community at MTO had become apparent.

12 **MR. DAVID MIGICOVSKY:** And if I look at all of
13 the operational updates prior to January 29th, all of them refer
14 to eh convoy, but don’t note any particular concerns? There’s
15 a heading on those documents called “Operational Updates and
16 Impacts”, and there’s nothing of particular concern raised in
17 any of them? Is that fair?

18 **ADM IAN FREEMAN:** I would have to look at them,
19 but I don’t recall that being the case.

20 And probably consistent with MTO’s role for, you
21 know, protests, is we don’t get the same level of intelligence
22 that police do. So that might have been the understanding of
23 those who were involved at the time.

24 **MR. DAVID MIGICOVSKY:** Sure. I believe I’ve used
25 my time, Mr. Commissioner. If I might have another just a
26 couple of minutes?

27 **COMMISSIONER ROULEAU:** Sure.

28 **MR. DAVID MIGICOVSKY:** Thank you very much.

1 And I know on January 26th, and I can call it up
2 if you need it, but on the January 26th Operational Update, I saw
3 on page 1, and it was ONT00000267, there's mention that one of
4 the convoys there is about 135 kilometres length, but there
5 doesn't seem to be any particular concern noted. Do you recall
6 reading it -- that? It's actually in the ---

7 **ADM IAN FREEMAN:** Right.

8 **MR. DAVID MIGICOVSKY:** --- fourth -- third
9 paragraph, I'm sorry. And there doesn't seem to be any concern
10 noted? MTO wasn't trying to stop it on the highway or slow it
11 down or divert it?

12 **ADM IAN FREEMAN:** Well MTO wouldn't have that
13 role. Again, in a protest situation, police would be the lead,
14 and we would be there to assist.

15 I don't know, in any of these, that the level of
16 concern is ever indicated and I didn't -- I was not involved in
17 these early reports. So I'm seeing them, you know, for the
18 first time when we've pulled them up.

19 **MR. DAVID MIGICOVSKY:** Sure. In fact, the
20 operational plan of the MTO says officers will not be involved
21 in the commercial vehicle traffic stops of people in the convoy;
22 correct? That was the direction you had from the OPP?

23 **ADM IAN FREEMAN:** Yes.

24 **MR. DAVID MIGICOVSKY:** And MTO, I believe, says
25 in their plans that they recognize the right to peaceful
26 protest, which is what this was supposed to be; correct?

27 **ADM IAN FREEMAN:** That's what we understood it to
28 be.

1 **MR. DAVID MIGICOVSKY:** I won't call it up, but
2 there's reference to, and I don't believe you were at the
3 meeting, but there was a tripartite meeting, and it's SSM-
4 CAN.NSC.00002676.

5 On page 2 of four, one of the issues raised, and
6 I believe it was raised by Mayor Watson, was a request that the
7 MTO, at that point, it was February 10th, get more involved, and
8 noted that the MTO always sets up blitzes on 400 highways, but
9 haven't done so in this case. Is that correct?

10 **ADM IAN FREEMAN:** I would have to see the
11 document, but are you -- sorry, are you asking is his statement
12 correct or ---

13 **MR. DAVID MIGICOVSKY:** No, I'm asking -- yeah, is
14 that statement correct, that the MTO does do blitzes on Highway
15 400 -- 400 series highways, but did not do so in this case?

16 **ADM IAN FREEMAN:** MTO does do enforcement
17 blitzes, not directly on the highways, but, you know, near
18 highways. In this case, we were asked not to do that type of
19 work by police, by the OPP.

20 **MR. DAVID MIGICOVSKY:** And sorry, just to finish
21 up, I want to ask you a question regarding weigh scales. And
22 one of the things considered by the MTO was to look at what
23 Quebec did, because they had a convoy as well. And I understand
24 they set up truck inspection stations, but Ontario chose not to
25 do that. is that correct?

26 **ADM IAN FREEMAN:** That's my understanding.

27 **MR. DAVID MIGICOVSKY:** And the question was
28 raised, and it is ONT00000092, the question was raised about

1 whether weigh scales could be used to slow down the convoy, as
2 was done in Quebec, but a decision was made not to do that in
3 Ontario; correct?

4 **ADM IAN FREEMAN:** Yes, that's my understanding.

5 **MR. DAVID MIGICOVSKY:** And it's on page 2,
6 actually. Yeah.

7 And I understand that under the *Highway Traffic*
8 *Act*, MTO officers may stop vehicles and direct them to weigh
9 stations; correct? You have that authority?

10 **ADM IAN FREEMAN:** Yes.

11 **MR. DAVID MIGICOVSKY:** And if weigh stations are
12 open, trucks have to stop and be subject to inspection, check
13 for weight, height, length, axles, proper class of license, et
14 cetera?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. DAVID MIGICOVSKY:** Okay. Thanks very much.
17 Those are my questions.

18 **COMMISSIONER ROULEAU:** Okay. Next is the Ontario
19 Provincial Police.

20 **MS. JINAN KUBURSI:** Thank you, Mr. Commissioner.
21 It's Jinan Kubursi, and I have no questions.

22 **COMMISSIONER ROULEAU:** Thank you. Counsel for
23 former Chief Sloly?

24 **MR. TOM CURRY:** Thank you, Commissioner. Tom
25 Curry for former Chief Sloly, and we also have no questions.

26 **COMMISSIONER ROULEAU:** Government of
27 Saskatchewan?

28 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

1 **MR. MICHAEL MORRIS:** Good evening, Mr. Freeman.

2 Can you hear me?

3 **ADM IAN FREEMAN:** Yes.

4 **MR. MICHAEL MORRIS:** Thank you. My name is Mike
5 Morris and I'm counsel for the Government of Saskatchewan. I
6 just have a few questions for you.

7 **ADM IAN FREEMAN:** Sure.

8 **MR. MICHAEL MORRIS:** Mr. Freeman, I expect you're
9 familiar with the Council of Ministers Responsible for
10 Transportation and Highway Safety?

11 **ADM IAN FREEMAN:** Yes.

12 **MR. MICHAEL MORRIS:** And I understand that that
13 council involves federal, provincial, and territorial ministers
14 and officials? Is that correct?

15 **ADM IAN FREEMAN:** Yes.

16 **MR. MICHAEL MORRIS:** And there is an ADM level
17 table for that council; correct?

18 **ADM IAN FREEMAN:** Yes. Yeah.

19 **MR. MICHAEL MORRIS:** And do you sit on that ADM
20 level table?

21 **ADM IAN FREEMAN:** I don't in my current role, but
22 I did in the role that I was in during the time of the protests.

23 **MR. MICHAEL MORRIS:** And I'm interested in
24 February of 2022, during the protests. So you did participate
25 in that table at that time; correct?

26 **ADM IAN FREEMAN:** Yes.

27 **MR. MICHAEL MORRIS:** And am I correct that
28 officials from the Government of Saskatchewan also participated

1 in that table at that time?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. MICHAEL MORRIS:** And this has been referenced
4 already in your evidence, but I understand that there were
5 meetings of the ADM level table on February 4th and 8th. Does
6 that accord with your recollection?

7 **ADM IAN FREEMAN:** Yes. And maybe just to clarify
8 too, it wasn't a formal committee meeting, but members of the
9 committee were meeting informally at the request of Transport
10 Canada.

11 **MR. MICHAEL MORRIS:** Yes, my understanding is
12 that the meetings were organized by Transport Canada and they
13 were specifically because Transport Canada wanted to develop a
14 common strategy to deal with demonstrations on roadways. Is
15 that fair?

16 **ADM IAN FREEMAN:** Yes. It was -- that was part
17 of the purpose. Absolutely.

18 **MR. MICHAEL MORRIS:** And these were effectively
19 ad hoc meetings then? Is that what you're indicating?

20 **ADM IAN FREEMAN:** Yes.

21 **MR. MICHAEL MORRIS:** And they were organized then
22 on relatively short notice?

23 **ADM IAN FREEMAN:** Yes.

24 **MR. MICHAEL MORRIS:** And then in your experience,
25 such FPT meetings can be set up on very short notice? Is that
26 fair?

27 **ADM IAN FREEMAN:** Yes.

28 **MR. MICHAEL MORRIS:** And can they even be set up

1 on weekends if needed?

2 **ADM IAN FREEMAN:** They -- certainly people can
3 ask to meet on the weekend.

4 Again, I don't know that formal committee
5 meetings would ever occur, but informal meetings, I could
6 imagine could be called at any time.

7 **MR. MICHAEL MORRIS:** And during those meetings on
8 February 4th and February 8th that were set up on short notice and
9 which were ad hoc meetings, you had good participation from the
10 FPT representatives; did you not?

11 **ADM IAN FREEMAN:** That's my recollection, yes.

12 **MR. MICHAEL MORRIS:** I also understand that there
13 was discussion at those meetings about, of course, this common
14 strategy to deal with demonstrations on roadways, but that
15 discussion was really about what might be accomplished with
16 existing provincial and federal law? Is that fair to say?

17 **ADM IAN FREEMAN:** Yes, that would be part of the
18 conversation as well.

19 **MR. MICHAEL MORRIS:** You'll correct me if I'm
20 wrong, but my understanding is that there was no discussion of
21 the Federal Government potentially invoking the *Emergencies Act*
22 on those meetings on February 4th or 8th; was there?

23 **ADM IAN FREEMAN:** I don't recall it or see it in
24 any meetings summaries, no.

25 **MR. MICHAEL MORRIS:** That would have been a big
26 deal, if there was discussion of that nature, wouldn't it?

27 **ADM IAN FREEMAN:** Maybe to clarify, this is
28 Ministries of Transportation, typically. So something like that

1 might not be raised at that meeting, because it's not
2 necessarily a transportation tool. But yes, I would think it
3 would be something we would remember and would report back on.

4 **MR. MICHAEL MORRIS:** And in your view, would
5 those meetings have been an appropriate forum for the potential
6 invocation of the *Federal Emergencies Act* to be discussed? And
7 I'm thinking particularly because you have MTO officers that may
8 need to exercise certain responsibilities if the federal law was
9 used and new responsibilities were placed on them.

10 **ADM IAN FREEMAN:** I don't know -- I don't know if
11 I can answer whether it was fair or not. Certainly having time
12 and awareness would be -- but I also know it's -- you know, it a
13 very big instrument for the government to -- the Federal
14 Government to use, and I don't know that they would start with a
15 -- that group to speak to first.

16 **MR. MICHAEL MORRIS:** If that information were
17 made available to you, for example, on February 8th, it would
18 have been valuable and you would have been pleased to receive
19 it; correct?

20 **ADM IAN FREEMAN:** I mean, it's -- the more
21 information is always better. But I just -- I don't know if I
22 would agree that we would expect to hear about the Federal
23 Government choosing to invoke such a, you know, legislation or a
24 tool at that type of meeting. That would be my sense. I don't
25 know. I wouldn't necessarily -- I wouldn't expect to hear
26 something like that in that committee.

27 **MR. MICHAEL MORRIS:** It might be above your pay
28 grade? Is that what you're indicating?

1 **ADM IAN FREEMAN:** Yes.

2 **MR. MICHAEL MORRIS:** Okay. Thank you, sir.

3 Those are my questions.

4 **COMMISSIONER ROULEAU:** Okay. Next, the
5 Government of Alberta, please.

6 **MS. HANA LAURA YANAMOTO:** Good evening. Hana
7 Laura Yanamoto for the Government of Alberta, and we have no
8 questions.

9 **COMMISSIONER ROULEAU:** Thank you. The Democracy
10 Fund, please.

11 --- CROSS-EXAMINATION BY MR. ALAN HONNER:

12 **MR. ALAN HONNER:** Good evening. It's Alan Honner
13 for the Democracy Fund. Can you hear me?

14 **ADM IAN FREEMAN:** Yes.

15 **MR. ALAN HONNER:** Thank you. I'd just like to
16 ask you a few questions about tow trucks. Can we pull up
17 ONT.00003842? This is a document that my friend from the
18 Government of Canada showed you earlier today.

19 **ADM IAN FREEMAN:** Okay.

20 **MR. ALAN HONNER:** Pardon me, I'm sorry, I think
21 that's not the right document.

22 **THE CLERK:** Four zeros 3842?

23 **MR. ALAN HONNER:** I'm sorry, just bear with me
24 for a moment, please. Sorry, that was 3842? Four zeros 3842?

25 **THE CLERK:** Yes, that's correct.

26 **MR. ALAN HONNER:** Sorry, can we try ONT00000179?
27 I'm looking for an email here from Jason Boparai. That's it.
28 Thank you very much.

1 Okay. So as I was saying, this is a document
2 that my friend from the Government of Canada showed you earlier
3 today.

4 If we look at the top of the second page, so if
5 we can just scroll down there, what we see here -- and actually,
6 if you could just scroll up a little bit?

7 Okay. So you see just up at the top, this is an
8 email from Jasan Boparai and later in the text of the email, he
9 says that the third towing company has dropped out and that
10 you're now down to 10 tow trucks. Do you see that?

11 **ADM IAN FREEMAN:** Yes.

12 **MR. ALAN HONNER:** Okay. And if you just scroll
13 down to page 3. A little bit lower. That's good.

14 In the first point in this email, which is dated
15 February 16th, we see that the 13 trucks are heavy tow trucks.
16 Do you see that?

17 **ADM IAN FREEMAN:** Yes.

18 **MR. ALAN HONNER:** So what you're down to now is
19 10 heavy tow trucks, as opposed to 13 heavy tow trucks?

20 **ADM IAN FREEMAN:** Yes.

21 **MR. ALAN HONNER:** Okay. And would you agree with
22 me that the -- if the companies were being compelled to provide
23 tow truck services under the *Emergencies Act* or the measures
24 available to them, they would not be able to drop out?

25 **ADM IAN FREEMAN:** That's my understanding of the
26 federal legislation, yes.

27 **MR. ALAN HONNER:** Right. And so this email
28 suggests, when we read that somebody dropped out, that the three

1 towing companies were providing their services willingly?

2 **ADM IAN FREEMAN:** Yes.

3 **MR. ALAN HONNER:** Okay. Thank you very much.

4 Those are my questions.

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

6 The CLA/CCDL?

7 **--- CROSS-EXAMINATION BY MS. COLLEEN McKEOWN:**

8 **MS. COLLEEN McKEOWN:** Good evening. Mr. Freeman,
9 can you hear me all right?

10 **ADM IAN FREEMAN:** I can.

11 **MS. COLLEEN McKEOWN:** My name is Colleen McKeown
12 and I'm counsel to the Criminal Lawyer's Association and the
13 Canadian Counsel of Criminal Defence Lawyers, two organizations
14 with joint standing.

15 I know I'm standing between everyone and dinner,
16 so I'd like to ask you just a few questions about the role and
17 limitations of the *Highway Traffic Act* and the CVOR system.

18 I know my friends from the City of Ottawa and the
19 CCLA have already asked you some related questions, so I'm going
20 to try to be brief.

21 **ADM IAN FREEMAN:** Sure.

22 **MS. COLLEEN McKEOWN:** You said in your witness
23 statement and repeated here that addressing protests is not the
24 purpose of the *Highway Traffic Act* or its associated licensing
25 tools. Do I have that right?

26 **ADM IAN FREEMAN:** Yes.

27 **MS. COLLEEN McKEOWN:** Instead, the purpose of the
28 HTA is to keep traffic flowing and keep the roads safe. Is that

1 fair?

2 **ADM IAN FREEMAN:** It's primarily a safety
3 legislation, yes.

4 **MS. COLLEEN McKEOWN:** Okay. And you identified
5 in your witness statement some of the provisions in the *Highway*
6 *Traffic Act* that would make it an offence for individuals to
7 block a highway. And in the interest of time, I'm not going to
8 pull up your witness statement, but you identified a few
9 provisions. Is that right?

10 **ADM IAN FREEMAN:** Yes.

11 **MS. COLLEEN McKEOWN:** There's section 170(12),
12 which prohibits parking or standing a vehicle in a way that
13 interferes with traffic? Is that one of the sections?

14 **ADM IAN FREEMAN:** Yeah. Yes.

15 **MS. COLLEEN McKEOWN:** And then section 132, which
16 prohibits unnecessarily slow driving that impedes or blocks
17 traffic? Is that one?

18 **ADM IAN FREEMAN:** That sounds right. Yeah.

19 **MS. COLLEEN McKEOWN:** And then section 134.1,
20 which authorizes police to direct the removal and storage of
21 vehicles or debris blocking traffic?

22 **ADM IAN FREEMAN:** Yes.

23 **MS. COLLEEN McKEOWN:** Is that right?

24 **ADM IAN FREEMAN:** Yes.

25 **MS. COLLEEN McKEOWN:** And of course, you knew at
26 the time that parking vehicles in the roadway was something that
27 protestors did both in Ottawa and in Windsor? Is that right?

28 **ADM IAN FREEMAN:** Yes.

1 **MS. COLLEEN McKEOWN:** And that's why you pointed
2 to these particular provisions in your witness statement?

3 **ADM IAN FREEMAN:** Yes, I think I might have -- I
4 maybe was asked for relevant provisions. But yes, that's why.

5 **MS. COLLEEN McKEOWN:** These are the ones that are
6 responsive to that concern?

7 **ADM IAN FREEMAN:** Yeah. Yes.

8 **MS. COLLEEN McKEOWN:** Okay. And you'd agree with
9 me that blocking a road can interfere with keeping traffic
10 flowing and keeping roads safe?

11 **ADM IAN FREEMAN:** Yes.

12 **MS. COLLEEN McKEOWN:** Okay. And you told us a
13 little bit today about some of the ways the HTA and associated
14 licensing tools can't be sort of used properly. And for
15 example, you explained that the MTO was concerned about the
16 delegitimizing the CVOR certificate system by misusing it in the
17 context of civil disobedience. Do I have that right?

18 **ADM IAN FREEMAN:** That was part of the concern,
19 yes.

20 **MS. COLLEEN McKEOWN:** And the MTO took the
21 position that the scheme couldn't be used to just cancel a CVOR
22 certificate outright? At least not until the Emergency Order
23 was in place?

24 **ADM IAN FREEMAN:** That's right. Not without the
25 due process and the collecting of evidence and following the
26 steps.

27 **MS. COLLEEN McKEOWN:** Right. That's the lengthy
28 process that you sort of -- several counsel took you through and

1 sort of shortcutting that, that's the kind of action that would
2 be a misuse of the CVOR scheme?

3 **ADM IAN FREEMAN:** Yes.

4 **MS. COLLEEN McKEOWN:** Or misuse of the demerit
5 point scheme for outside the commercial trucking context.

6 **ADM IAN FREEMAN:** Right.

7 **MS. COLLEN McKEOWN:** But I take it that it's not
8 the MTO's position that the police should refrain from laying
9 charges under the *Highway Traffic Act* where appropriate simply
10 because this was a protest.

11 **ADM IAN FREEMAN:** Well, I wouldn't -- I don't
12 believe we have an opinion on what police do or don't do.
13 That's up to police in the context of the situation that they're
14 dealing with.

15 **MS. COLLEN McKEOWN:** Right, because that's a
16 policing decision, whether or not to lay charges, whether it's
17 an appropriate situation, whether there are other concerns.
18 That's a policing decision, not a decision that comes from the
19 MTO.

20 **ADM IAN FREEMAN:** That's right.

21 **MS. COLLEN McKEOWN:** Okay. So police deciding to
22 lay charges under the *HTA*, that's not something that would be
23 the kind of misuse that the MTO was concerned about.

24 **ADM IAN FREEMAN:** Correct.

25 **MS. COLLEN McKEOWN:** And so should the Commission
26 understand your comments about the role of the *HTA* as being
27 related specifically to the suggestion that perhaps the MTO
28 could get involved and cancel licences or cancel CVOR schemes --

1 so I guess my question is, is your comment about the limited use
2 of the HTA specifically responsive to that sort of suggestion
3 that was being made perhaps by Transport Canada as they tried to
4 understand the scheme, perhaps by commentators in the media?

5 So should we understand your comment in light of
6 those suggestions?

7 **ADM IAN FREEMAN:** Yes, it was more specific to
8 what MTO should do, not an opinion on what police should or
9 shouldn't do.

10 **MS. COLLEN McKEOWN:** Okay. Thank you very much.
11 Those are my questions.

12 **COMMISSIONER ROULEAU:** Thank you.

13 Any re-examination?

14 Okay. Well, I just have a couple of quick
15 questions.

16 **COMMISSIONER ROULEAU:** Just in terms of the
17 demerit system, you talked about the problem that the regulation
18 of the trucks and the -- their CVOR is provincial.

19 **ADM IAN FREEMAN:** Yes.

20 **COMMISSIONER ROULEAU:** Is there no mechanism for
21 transferring demerit points from one province to another if a
22 vehicle from another province, a truck, incurs offences of some
23 sort?

24 **ADM IAN FREEMAN:** No, there is. So my
25 understanding is convictions that would happen in one
26 jurisdiction are shared with the home jurisdiction and would go
27 on their record there. What doesn't happen is the points that
28 are accumulated on our -- in Ontario there's no -- sorry. I'm

1 not doing a very good job explaining this.

2 To maybe to really quickly answer -- to better
3 answer the question, if there's a conviction that happens in
4 Ontario, another jurisdiction would report that on their
5 carrier's record.

6 **COMMISSIONER ROULEAU:** So I'm trying to
7 understand what the problem was because of trucks from outside
8 of Ontario. You'd mentioned that was a problem, and I'm not
9 understanding it.

10 **ADM IAN FREEMAN:** Well, so if we took action
11 specifically, we can only take action from a -- a sanctioning
12 action on Ontario carriers, meaning we can only suspend Ontario
13 carriers' CVOR. We don't have the ability to remove or suspend
14 the licensing of an out-of-province carrier.

15 We can -- if police lay charges and there's
16 convictions in Ontario, that would go on their home record, but
17 what that province does and how that impacts their licence in
18 that jurisdiction, Ontario has no control over.

19 Does that help clarify?

20 **COMMISSIONER ROULEAU:** It does and it doesn't.

21 I would expect the consequences are probably fair
22 similar from one province to another if there are an
23 accumulation of offences?

24 **ADM IAN FREEMAN:** Absolutely. I would think that
25 they would be somewhat similar from province to province,
26 although I can't speak to what other provinces have.

27 The suggestion was more in response to, at the
28 time, there was a suggestion, well, why don't we just cancel

1 their -- or suspend their CVORs or equivalent in other
2 provinces. And the point that was being made is Ontario doesn't
3 have the power to suspend or cancel other provinces' abilities
4 to operate.

5 **COMMISSIONER ROULEAU:** I understand that, but I
6 think I also understood you to say Ontario didn't have that
7 power, either, without going through charges and et cetera, so.

8 **ADM IAN FREEMAN:** Yeah. Yeah.

9 This is true. I don't know that we were trying
10 to say anything other than that it's -- you know, we have
11 control over the Ontario population of carriers. We do not have
12 oversight of out-of-province carriers.

13 **COMMISSIONER ROULEAU:** I guess that's -- I might
14 not agree in the sense that you have the same oversight. You're
15 supposed to supervise and charge them and make sure that they're
16 behaving in the same way an Ontario carrier would.

17 **ADM IAN FREEMAN:** Well, police would lay charges
18 or our enforcement officers for specific infractions, but the
19 role of the registrar or the deputy registrar in sanctioning
20 them only applies to Ontario carriers. Maybe that's a better
21 way to describe it.

22 **COMMISSIONER ROULEAU:** Okay. I understand that.

23 Now, one of the things I wanted to also
24 understand is the emergency regulation in Ontario.

25 It was -- it provided powers with respect to the
26 licences, the CVOR. Isn't that correct?

27 **ADM IAN FREEMAN:** Yes.

28 **COMMISSIONER ROULEAU:** Now, is the -- what's the

1 process there? Is there -- is it a charge to which they will
2 then have to go to Court and they have a right to appeal and ---

3 **ADM IAN FREEMAN:** Specifically with the emergency
4 order, there was no rights to appeal. It was a direct sanction
5 that the registrar could apply.

6 **COMMISSIONER ROULEAU:** So it's suspension
7 immediate, which is the difference with the process of ---

8 **ADM IAN FREEMAN:** That's right.

9 **COMMISSIONER ROULEAU:** And the emergency order,
10 you said at one point that there was no provision with respect
11 to tow trucks in Ontario's order.

12 **ADM IAN FREEMAN:** Related, I think, specifically
13 -- I think I was referring to direct that tow trucks must comply
14 or any sort of indemnification.

15 **COMMISSIONER ROULEAU:** Yeah. So there was
16 nothing in that in the emergency order in Ontario?

17 **ADM IAN FREEMAN:** Correct.

18 **COMMISSIONER ROULEAU:** And do you know if that
19 had -- if your Ministry had requested that that be included?

20 **ADM IAN FREEMAN:** I don't recall that -- a
21 request on that.

22 **COMMISSIONER ROULEAU:** Do you know if anyone else
23 requested, any other Ministry or police requested?

24 **ADM IAN FREEMAN:** I don't know.

25 **COMMISSIONER ROULEAU:** Okay. Those are my
26 questions.

27 Thanks very much for your testimony, and thank
28 you for accommodating the Commission by switching. That's much

1 appreciated.

2 **ADM IAN FREEMAN:** Thank you.

3 **COMMISSIONER ROULEAU:** Thank you.

4 So we are complete for today and we will come
5 back tomorrow morning at 9:30, and we hope to -- well, it'll be
6 a fairly long day tomorrow again, but nothing new there.

7 Adjourned till tomorrow morning at 9:30.

8 **THE REGISTRAR:** The Commission is adjourned. La
9 commission est ajournée.

10 --- Upon adjourning at 6:35

11

12 **C E R T I F I C A T I O N**

13

14 I, Maxime Roussy, a certified court reporter, hereby certify the
15 foregoing pages to be an accurate transcription of my
16 notes/records to the best of my skill and ability, and I so
17 swear.

18

19 Je, Maxime Roussy, un sténographe officiel, certifie que les
20 pages ci-hautes sont une transcription conforme de mes
21 notes/enregistrements au meilleur de mes capacités, et je le
22 jure.

23

24

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Maxime Roussy

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