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EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

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Ottawa, Ontario

--- Upon commencing on Thursday, November 10, 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. Just before we start, I just want to give a bit of a message as to the events of yesterday.

As many of you know, we had to interrupt the hearing yesterday because our senior counsel, Gabriel Poliquin, suddenly became indisposed. He was seen by medical professionals and his episode was likely nothing serious. So he's expected to make a quick recovery after a few days of recuperation and will be back with the Commission next week.

He wishes to thank all who have reached out to him with messages of support, and it's very appreciated by him, and, of course, by the Commission.

So with that brief introduction and reassurance, we can go on to the next witness.

MR. JEAN-SIMON SCHOENHOLZ: Good morning, Commissioner. Jean-Simon Schoenholz, Commission Counsel. Our first witness today is Marlin Degrand.

(SHORT PAUSE)

COMMISSIONER ROULEAU: Good morning. Right up here.

ADM MARLIN DEGRAND: Thank you, sir.

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

1 **ADM MARLIN DEGRAND:** My full name is Marlin Arman
2 Degrand. M-a-r-l-i-n; A-r-m-a-n, and the surname is D-e-g-r-a-
3 n-d.

4 --- ADM MARLIN ARMAN DEGRAND, Sworn:

5 **THE REGISTRAR:** Thank you.

6 --- EXAMINATION IN-CHIEF BY MR. JEAN-SIMON SCHEONHOLZ:

7 **MR. JEAN-SIMON SCHOENHOLZ:** Good morning, Mr.
8 Degrand.

9 **ADM MARLIN DEGRAND:** Good morning, sir. How are
10 you?

11 **MR. JEAN-SIMON SCHOENHOLZ:** Good to see you
12 again.

13 So Mr. Degrand, you'll recall that you met with
14 Commission Counsel on August 30th for an interview.

15 **ADM MARLIN DEGRAND:** Yes, I do.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Remember that? And
17 we prepared a summary of the evidence that you provided during
18 that interview; correct?

19 **ADM MARLIN DEGRAND:** Yes.

20 **MR. JEAN-SIMON SCHOENHOLZ:** So I'll just pull up
21 WTS00000007.

22 So this is your witness summary, which will come
23 up on the screen.

24 Do you have any corrections to that witness
25 summary this morning?

26 **ADM MARLIN DEGRAND:** I do not.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Great. And you can
28 confirm this is the witness summary that you've seen; you've

1 reviewed it?

2 **ADM MARLIN DEGRAND:** Yes.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Perfect. So I'll
4 have that entered into evidence.

5 You also will recall that the Province of
6 Alberta, the Government of Alberta has prepared an institutional
7 report?

8 **ADM MARLIN DEGRAND:** Yes.

9 **MR. JEAN-SIMON SCHOENHOLZ:** You've had the chance
10 to review that as well?

11 **ADM MARLIN DEGRAND:** I have.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And I also understand
13 that you've sworn an affidavit attaching and confirming the
14 content of that institutional report?

15 **ADM MARLIN DEGRAND:** I have.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And so just for the
17 record, the institutional report is ALB.IR.00000001, and then
18 the affidavit is AFF.00000015.

19 **ADM MARLIN DEGRAND:** Thank you.

20 **MR. JEAN-SIMON SCHOENHOLZ:** So Mr. Degrand, I
21 understand that you are Assistant Deputy Minister of the Public
22 Security Division, and Director of Law Enforcement for Alberta
23 Justice and Solicitor General; is that correct?

24 **ADM MARLIN DEGRAND:** It's correct at the time
25 that we spoke. We've since had a ministerial change and our
26 department is now sort of split to Justice on one side, and I'm
27 with the newly created Ministry of Public Safety and Emergency
28 Services.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So ---

2 **ADM MARLIN DEGRAND:** The role stays the same.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And you're -- so
4 you're still Assistant Deputy Minister?

5 **ADM MARLIN DEGRAND:** That's correct.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And what was your --
7 can you maybe describe your responsibilities at the time.

8 **ADM MARLIN DEGRAND:** At the time of these events
9 ---

10 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

11 **ADM MARLIN DEGRAND:** --- I was the Assistant
12 Deputy Minister and responsible for the coordination -- I have a
13 number of duties as the Director of Law Enforcement. Primarily,
14 at that time, was the coordination of law enforcement of the
15 province. We also are responsible for oversight, research and
16 statistical analysis, crime prevention and a number of other
17 matters under Section 8 of our *Police Act*.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And who did you
19 report to at the time?

20 **ADM MARLIN DEGRAND:** The Associate Deputy
21 Minister, now Deputy Minister for our department, Dennis Cooley.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Fantastic. And they
23 reported to Minister Savage; is that correct?

24 **ADM MARLIN DEGRAND:** Yes, our Minister at the
25 time was Minister Savage, Interim Minister.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And so my
27 understanding is that you would -- one of your roles was to
28 liaise with law enforcement on behalf of the government and the

1 Solicitor General?

2 **ADM MARLIN DEGRAND:** That's correct. Liaise and
3 coordinate with.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Can you maybe start
5 by providing us with a brief summary of policing services in the
6 province?

7 **ADM MARLIN DEGRAND:** Certainly. And very
8 briefly, you have, of course, multiple levels of policing. The
9 RCMP is the federal policing entity in the province, as it is
10 anywhere in Canada. Within Alberta, we have a *Police Act*, which
11 constitute -- which dictates the levels of responsibility for
12 policing being for communities over the threshold of 5,000,
13 they're required to have their own police force or a municipal
14 service. They also have the option to contract with the RCMP in
15 our province.

16 **COMMISSIONER ROULEAU:** Mr. Degrand, if I could
17 just ask that you slow down a bit because it's all being
18 translated, so your -- especially when you know what -- the area
19 you tend to talk a little fast, I think.

20 **ADM MARLIN DEGRAND:** Yeah, I probably do all the
21 time, so thank you, I will.

22 **COMMISSIONER ROULEAU:** Okay.

23 **ADM MARLIN DEGRAND:** So certainly, there are
24 multiple levels, as I was saying. Municipal policing is
25 responsible in communities of over 5,000. In seven of those
26 instances, we have municipal police services that are
27 independent and self administered. The number of instances, 48,
28 I believe, the communities have chosen to contract the RCMP as

1 their contracted police service. The RCMP is also our
2 contracted police service for the provision of provincial
3 policing in the remainder of the province including First
4 Nations and Métis settlements, with the exception of three
5 communities, which have self-administered First Nations
6 services.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And so my
8 understanding is in communities under 5,000 though, then the
9 policing would be provided by the RCMP?

10 **ADM MARLIN DEGRAND:** That's correct, as the
11 provincial police service.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And so that would
13 include, for example, Coutts?

14 **ADM MARLIN DEGRAND:** Yes.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And that's --
16 I believe that's the K-Division of the RCMP?

17 **ADM MARLIN DEGRAND:** RCMP K-Division, the
18 designation for all operations in Alberta.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Perfect. Thank you.
20 Can you maybe describe as well, I understand the
21 Sheriff Highway Patrol is also under your purview? Can you
22 maybe explain their role?

23 **ADM MARLIN DEGRAND:** Certainly. The Sheriff's
24 Branch is a branch under my division, and it entails a number of
25 discreet units, one of which is the Sheriff's Highway Patrol.
26 The Sheriff's Highway Patrol works closely with the RCMP in the
27 delivery of traffic services and traffic safety across the
28 province. In their -- their role insofar as the border dispute

1 at Coutts was directly in support of the RCMP's operational
2 response, and we provided a number of our officers to the RCMP
3 to assist in any number of areas, including traffic control and
4 checkpoint control, under their direction and within their
5 operations.

6 Ordinarily, the sheriffs work collaboratively and
7 cooperatively with the RCMP, but independently from the RCMP as
8 a peace officer organization. They are not police officers.
9 They have a specific mandate and specific authorities, which are
10 quite broad. But in the case where they were providing
11 operational support at Coutts, they were working under the
12 command structure of the RCMP, as part of that response that was
13 the responsibility of the police force of jurisdiction.

14 **MR. JEAN-SIMON SCHOENHOLZ:** So normally, they
15 would have -- or in all cases, I guess, they would have the
16 authority to enforce -- the *Highway Traffic Act*, for example,
17 would be one of their key pieces ---

18 **ADM MARLIN DEGRAND:** Yeah ---

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- of legislation
20 that they enforce?

21 **ADM MARLIN DEGRAND:** A large -- yes, that
22 certainly is, the *Traffic Safety Act*, and a large number of
23 provincial and other legislation they actually have authorities
24 for under the *Critical Infrastructure Defence Act* and other
25 pieces of legislation.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And so maybe can you
27 just explain a little bit more why in this case they were --
28 they would operate at the direction of the RCMP?

1 **ADM MARLIN DEGRAND:** Certainly. The event at the
2 border specifically was obviously a policing event, and police
3 are charged with the responsibility for administering -- or for
4 overseeing and addressing public order events and cases of, you
5 know, breaches of the law, et cetera. In that particular case,
6 the police force of jurisdiction being the RCMP has overall
7 command and control of the event, and it would be improper and
8 problematic for an independent agency such as the sheriffs to
9 operate in an operational manner in that, or an unfortunate
10 matter in that event, outside of the command and control of the
11 RCMP as you could conceivably come across purposes for some of
12 the strategies that were attempting to be embarked upon, both
13 from a negotiation perspective or an enforcement perspective, et
14 cetera. So you need to be coordinated and there has to be one
15 unifying command and one command and control apparatus for the
16 response.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. You
18 mentioned briefly there the *Critical Infrastructure Defence Act*.
19 Can you maybe explain for us what that is, what does that law
20 do?

21 **ADM MARLIN DEGRAND:** It is a piece of
22 legislation, and I probably am the wrong person to give you a
23 very detailed explanation on it, but it's -- in a sense, it
24 allows for -- to -- allows for police in the province to have
25 another tool in their toolbox when dealing with matters that
26 provide intrusions to or affect the operation of critical
27 infrastructure in the province. It's not akin to, say, the
28 *Emergency Act*, which is why we're here today in the sense that

1 there's no need for invocation. It's much like the *Traffic*
2 *Safety Act*, the *Criminal Code*, or any other statute that's
3 available as a tool to law enforcement every day, an Act that is
4 in place in Alberta.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And is your
6 understanding that highways are a piece of critical
7 infrastructure under that Act?

8 **ADM MARLIN DEGRAND:** That's correct.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.
10 And who's able to enforce that Act? I think you already
11 mentioned the sheriffs, both the sheriffs and the RCMP can
12 enforce?

13 **ADM MARLIN DEGRAND:** Yes, any police service can
14 in their area of jurisdiction.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Municipal. Yes,
16 thank you. And so what kind of function -- you've already
17 mentioned you liaise with police. Do you play some sort of
18 oversight function as well?

19 **ADM MARLIN DEGRAND:** We do have an oversight
20 function. We have policing standards that we developed in a
21 collegial manner within the province with law enforcement and
22 which we're charged with ensuring are met. We have audit
23 programs that we are involved in and, of course, we are involved
24 in policy development and giving advice to the government on
25 legislative changes that may or may not be required.

26 **MR. JEAN-SIMON SCHOENHOLZ:** So I'd like to talk
27 now about Coutts a little bit.

28 **ADM MARLIN DEGRAND:** Sure.

1 **MR. JEAN-SIMON SCHOENHOLZ:** So my understanding
2 is that the province was aware that a slow roll was headed
3 towards Coutts and scheduled to arrive on January 29th?

4 **ADM MARLIN DEGRAND:** Yes, we became aware of that
5 through information that was provided to us through law
6 enforcement and through our Provincial Security Intelligence
7 Office.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Where would you
9 typically get your situational information on an event like
10 this?

11 **ADM MARLIN DEGRAND:** We have a reasonably well
12 developed level of coordination between the law enforcement
13 entities and the province, all police services, as well as our
14 sheriffs, and our Provincial Security and Intelligence Office,
15 which allows for the sharing of information in as near to real
16 time as possible between those entities, so that we can -- and,
17 of course, through the use of the Criminal Intelligence Service
18 of Alberta within our law -- or combined forces law enforcement
19 entity alert. Through those things, we receive information on a
20 regular basis on any evolving situations that have an ability to
21 impact any area of jurisdiction, or in this case, potentially
22 multiple areas of jurisdiction across the province, and we
23 ensure that it's shared not only broadly within the law
24 enforcement community, but also provides insight for myself.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And you would have
26 received all those situational updates?

27 **ADM MARLIN DEGRAND:** I received situational
28 updates from my folks for sure, yes.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And was the province
2 aware of the threats of a blockade prior to the arrival of the
3 convoy at the border or near the border?

4 **ADM MARLIN DEGRAND:** The information we were
5 receiving at the time through the RCMP was based on their
6 conversations with organizers. Nothing that we saw indicated
7 that -- or there's always the potential for a blockade, but
8 nothing we saw indicated that that was the intent of the slow
9 roll convoy. There were a number of events being planned,
10 including events at the Legislature and in Calgary. And those
11 were all being monitored at the same time. The particular
12 convoy that rolled from basically Lethbridge to the Coutts
13 border was initially intended to be, from the information that
14 was provided to us, a bunch of vehicles coming to the area,
15 demonstrating through a slow roll, and leaving the area.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Mayor Willett, I
17 don't know if you heard his testimony ---

18 **ADM MARLIN DEGRAND:** I did not.

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- a few days ago?
20 He testified that he advised the Premier and Minister Savage on
21 September 27th of the risk of a blockade.

22 Maybe we could pull up COU00000183.

23 **ADM MARLIN DEGRAND:** Sorry, September?

24 **MR. JEAN-SIMON SCHOENHOLZ:** Oh, my apologies.
25 Sorry. I wrote up my notes late last night.

26 **ADM MARLIN DEGRAND:** I understand. Thank you.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Sorry. January 27th,
28 of course.

1 So here you see Mayor Willet's email:

2 "I became aware of an organized effort
3 planned to begin Saturday to totally block
4 all north bound and south bound traffic
5 here at the Coutts Border crossing as well
6 as Carway and Del Bonita."

7 Were you ever made aware that this information
8 had been provided to the Alberta Government?

9 **ADM MARLIN DEGRAND:** I can't say that I've seen
10 this. I'm not going to say for sure that it didn't flow through
11 the traffic, but I can't say that I've seen this before.

12 **MR. JEAN-SIMON SCHOENHOLZ:** More generally, were
13 you provided with any intelligence that there was a risk of a
14 blockade?

15 **ADM MARLIN DEGRAND:** Oh, absolutely. There was
16 always -- as I stated earlier, that's certainly a risk, and it
17 was a risk that I'm sure there's chatter around that as well on
18 the social media sites. But the organizers, as I understood
19 them from the conversations that the RCMP were having, and I
20 defer to them to speak in detail around that, were saying that
21 wasn't the intent. That stated, there's always that risk.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Were you advised
23 prior to the arrival that there may be a splinter group,
24 potentially, that had an intention to blockade the border?

25 **ADM MARLIN DEGRAND:** I don't remember anybody
26 mentioning splinter groups within any of the conversations I had
27 at that time.

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

1 **ADM MARLIN DEGRAND:** That became apparent on the
2 day of the event though, ---

3 **MR. JEAN-SIMON SCHOENHOLZ:** All right.

4 **ADM MARLIN DEGRAND:** --- that there was a group
5 that splintered off from the thousand or so vehicles that were
6 initially there. There was about 250 that sort of splintered
7 off and stopped and blocked the road.

8 **MR. JEAN-SIMON SCHOENHOLZ:** So Mayor Willett
9 testified that he received a call the next day from someone he
10 believes to be from Minister Savage's office informing him that,
11 you know, "Thank you for the information. The RCMP are on it."
12 You're not aware of ---

13 **ADM MARLIN DEGRAND:** That phone call?

14 **MR. JEAN-SIMON SCHOENHOLZ:** --- that discussion?

15 **ADM MARLIN DEGRAND:** No. No, I'm not. Sorry.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Were you briefed on
17 the RCMP's plan for that event prior to the arrival on the 29th?

18 **ADM MARLIN DEGRAND:** I was.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know
20 whether there was planning for the possibility of a blockade?

21 **ADM MARLIN DEGRAND:** I want to defer probably to
22 Deputy Zablocki, Deputy Commissioner Zablocki, on that, but the
23 briefings I had were around the fact that there's knowledge of
24 the convoy, the fact -- the approximate size of what they
25 anticipated was going to be coming, their plans to reach out to
26 convoy organizers, distribute information, speak with
27 individuals at checkpoints to make sure they understood the
28 rules around -- sorry, slow down -- not blocking the highway in

1 both areas, giving them, you know, direction on how to lawfully
2 protest within the area.

3 Those were all the plans that were articulated to
4 myself, as well as at a gross level, or a high level, the number
5 of police officers that would be, you know, brought to bear in
6 terms of managing the event as it was unfolding.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And do you recall
8 what that number was for the Coutts region?

9 **ADM MARLIN DEGRAND:** No, I don't. I'm sorry.

10 **MR. JEAN-SIMON SCHOENHOLZ:** You were satisfied,
11 generally, with their plan, I take it?

12 **ADM MARLIN DEGRAND:** I was.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And obviously we will
14 speak to them about that as well, but it's good to get your
15 recollection.

16 Have you formed an opinion since then on why the
17 RCMP was not able to prevent the blockade from setting in on
18 that date?

19 **ADM MARLIN DEGRAND:** I was never on the ground at
20 the site, so I rely heavily on the information from the police
21 and some measure of personal experience, but from the long past.
22 But the reality is that the blockade occurred spontaneously, as
23 I understand it, in the sense that a number of vehicles were
24 circuiting down to border point and back up and across in a bit
25 of a demonstration circle, which was slowing traffic, but not
26 blocking it, and that at some point, a number of vehicles just
27 decided to stop and block the highway, which was, of course,
28 contrary to the assurances of the organizers and contrary to the

1 directions that were given by police.

2 So at that point in time, the police on the
3 ground were faced with a very difficult problem, in the sense
4 that they had 250ish vehicles blocking a highway.

5 **MR. JEAN-SIMON SCHOENHOLZ:** You understood that
6 the blockade blocked traffic to and from the border; correct?

7 **ADM MARLIN DEGRAND:** Correct. On the Canadian
8 side.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. And that it
10 also prevented access by Coutts residents to Milk River and vice
11 versa?

12 **ADM MARLIN DEGRAND:** I believe so. Yeah, there
13 was some early conversations around the challenges that the
14 community of Coutts was facing, and I know one of the things
15 that the RCMP informed me they were working with, and they
16 managed to gain support for, was creating access for the
17 community to roadways out of the area in the first day or two of
18 the event, or couple days of the event.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And you understood --
20 I think what you're telling me is you understood it was a key
21 artery for Coutts to get to essential services and ---

22 **ADM MARLIN DEGRAND:** Certainly. Yes, certainly.
23 Although I'm not as familiar with Coutts to say if it was the
24 only artery. But I believe it was certainly key.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. You spoke just
26 now about the RCMP briefing you about creating an alternate
27 route for residents. Can you maybe just tell me a little bit
28 more what you know about that?

1 **ADM MARLIN DEGRAND:** I really don't know a lot
2 more about that, other than to -- what was relayed to me from
3 the RCMP and the sense that they were looking to create access
4 for the community and that it was resolved.

5 And again I -- from memory, I can't recall which
6 day, but it was resolved early on in those first few days.

7 **MR. JEAN-SIMON SCHOENHOLZ:** In the first few
8 days.

9 **ADM MARLIN DEGRAND:** Yeah.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And that they would
11 have successfully created some alternative route when the
12 highway was fully blockaded for residents to get out?

13 **ADM MARLIN DEGRAND:** That's correct.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And is your
15 understanding that -- were you ever advised that that route was
16 used for commercial vehicles as well?

17 **ADM MARLIN DEGRAND:** To cross the border.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Well not to cross the
19 border, but once -- you know, once they had crossed the border,
20 to kind of get out?

21 **ADM MARLIN DEGRAND:** There was a number -- the
22 RCMP relayed to me that there were a number of vehicles, truck
23 drivers, sort of caught up in the matter that didn't want to be
24 there, ---

25 **MR. JEAN-SIMON SCHOENHOLZ:** M'hm.

26 **ADM MARLIN DEGRAND:** --- but had no way of
27 getting out. And I'm going from memory, and I can't remember
28 which day it was, but again, on those early days, there was some

1 progress made in discussions by the RCMP with the protestors to
2 allow those that did not want to be there to leave. And I
3 believe 25/30 trucks were escorted out of the area. But beyond
4 that, there was no real avenue for truck drivers to go through
5 when all the lanes were blocked.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

7 **ADM MARLIN DEGRAND:** I think it's important to
8 note that throughout the duration of the event, which was a
9 couple weeks, there were, you know, the majority of the time,
10 there actually were one lane of travel open both north and
11 south.

12 **MR. JEAN-SIMON SCHOENHOLZ:** So fair to say, to
13 your knowledge, there was no alternate route available for
14 commercial vehicles? RCMP was relying on, essentially, the good
15 faith of the protestors?

16 **MR. JEAN-SIMON SCHOENHOLZ:** Well, through Coutts-
17 Sweet Grass border crossing, that would be accurate.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

19 **ADM MARLIN DEGRAND:** There are other border
20 crossings that, very early on, efforts were made to ensure that
21 those remained open. While the primary border crossing to the
22 United States from Alberta is, of course, at Coutts at Sweet
23 Grass, the Del Bonita and Carway crossings are also available.
24 They have more restricted hours, and efforts were made by our
25 Transport Canada folks, as well as the RCM -- or, sorry;
26 transportation folks in Alberta, not Transport Canada; my
27 apologies -- Transport Alberta Ministry and the RCMP to work
28 with CBSA and American officials to ensure that we could extend

1 the hours and the services that were available on those border
2 crossings to facilitate travel, to the extent that it could be
3 done, outside of Coutts itself when it was closed.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. I might
5 have some more questions on that later but that's ---

6 **ADM MARLIN DEGRAND:** Sure.

7 **MR. JEAN-SIMON SCHOENHOLZ:** --- that's helpful.
8 Thank you.

9 So my understanding from the institutional report
10 is that on January 31st, the RCMP was prepared to conduct some
11 enforcement action but that some protesters left around that
12 time, and there was attempts to negotiate with the remainder of
13 the protesters, but that that was not ultimately successful. Is
14 that correct?

15 **ADM MARLIN DEGRAND:** That's the information that
16 was relayed to me from the RCMP, absolutely.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And what was your
18 understanding of why those negotiations were unsuccessful at
19 that time?

20 **ADM MARLIN DEGRAND:** I actually couldn't speak to
21 that. I can tell you that with some of the protesters wanting
22 to leave, and others indicating that they were interested in
23 transitioning to a lawful protest, the RCMP made the tactical
24 decision to proceed with negotiations, which seemed reasonable
25 and sound to me. And they did so. Those were not -- those
26 ultimately proved unfruitful at that time. But, again, I wasn't
27 on the ground having those conversations so it would be
28 speculative for me to say why they didn't work out.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Were you advised at
2 this -- around this time, January 31st, that the protest
3 leadership had -- was not quite clear yet?

4 **ADM MARLIN DEGRAND:** No. I can tell you that I
5 was advised as the matter progressed that it was difficult to
6 negotiate because there were multiple areas -- or multiple
7 individuals that would come forward and claim leadership, and in
8 this case there was a group that there was the initial
9 leadership of the convoy, and then there was the splinter group,
10 and then there was a group at this point in time, January 31st,
11 that came forward and identified themselves as leadership and
12 were speaking with the RCMP.

13 I think later on -- and I'm not sure that was the
14 31st; I think it was in the subsequent days to follow, other
15 groups identified them -- or individuals identified themselves
16 as leadership, and not being represented by the folks that had
17 previously been speaking with the RCMP. And one of the
18 difficulties that was expressed to me from the RCMP was that
19 they were getting multiple groups and -- within the -- or
20 factions, if you will, within the global protesters, they are
21 individuals with a mixed group of, sort of, motivations within
22 the protest event itself, and it was making it difficult to
23 negotiate.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And is
25 one of the reasons that enforcement wasn't pursued at this time;
26 again, January 31st, because some more moderate elements started
27 coming forward and expressed an intent to become a more lawful
28 protest? Had you been briefed on that?

1 **ADM MARLIN DEGRAND:** That's what the RCMP
2 actually indicated to me, and of course, their goal is always to
3 resolve peacefully with the minimal use of force, so they took
4 advantage of that.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And what did you
6 understand a more lawful protest to look like?

7 **ADM MARLIN DEGRAND:** The flow of -- the
8 information that the RCMP were stating is their goal was always
9 certainly -- throughout the event but certainly at the start was
10 to re-establish the flow of traffic through the Coutts border
11 crossing.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And did that succeed?

13 **ADM MARLIN DEGRAND:** As I indicated earlier,
14 there were times when it was successful in a limited fashion, in
15 the sense that one lane was left open, and there was varying
16 degrees of flow of traffic, sometimes escorted; sometimes free-
17 flowing at a smaller pace. At some points the border was
18 processing up to 50 percent of its normal kind of volume of
19 traffic through the area. And then it would be shut down for a
20 period of time, reopen, and then shut down again. And then
21 ultimately we shut down until it was resolved for, I think, two
22 or three days at the end.

23 **MR. JEAN-SIMON SCHOENHOLZ:** So around the 10th,
24 11th?

25 **ADM MARLIN DEGRAND:** Tenth (10th), yeah, somewhere
26 in there.

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

28 **ADM MARLIN DEGRAND:** Yeah, it was resolved on the

1 -- I think the 14th.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Yes. And were -- is
3 your understanding that during this time, commercial vehicles
4 were still using the Coutts point of entry, maybe in limited
5 numbers but some -- there was still activity at the Coutts port
6 of entry?

7 **ADM MARLIN DEGRAND:** When the lanes were open,
8 yes. There were -- as I stated, though, there were periods
9 where they would be shut down. There was a period where there
10 was a car accident that necessitated a shutdown. So it wasn't a
11 constant flow, and it was interrupted at times and then
12 reopened, and then interrupted at times and reopened.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And maybe I just want
14 to clarify; my understanding is that the blockade was -- I don't
15 have a sense of the distance but maybe a kilometre away from the
16 actual ---

17 **ADM MARLIN DEGRAND:** Yeah.

18 **MR. JEAN-SIMON SCHOENHOLZ:** --- Customs point of
19 entry, and so that's why I'm kind of making a distinction
20 between the two.

21 **ADM MARLIN DEGRAND:** Yeah. It's a -- yeah,
22 you're probably almost as familiar with the area as I am, having
23 never actually travelled through that border point myself, but
24 my understanding of it is the actual Customs office is just
25 south of where the blockade took place, which is on the two
26 highways that -- two sections of Highway 4 which travel down to
27 it and there's a bit of crossover, and come back up to it, and
28 that's where the blockade itself was, the primary blockade, and

1 there was another one that actually sort of rose up, up the
2 highway closer to the community of Milk River.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Yes, yes. Okay. So
4 you've already spoken about the contingency planning that was
5 made with alternate point of entries. Do you have a sense of
6 what the impact was of having to reroute some of that traffic to
7 those other points of entry; can you speak to that?

8 **ADM MARLIN DEGRAND:** Some of the challenges were,
9 as they were expressed to me -- and, of course, I wasn't in
10 personal conversation on many of these things, were that US
11 officials receive certain type of goods -- types of goods only
12 at certain checkpoints; live animal stock, foodstuffs, heavy
13 transports versus automobile traffic, private vehicle traffic.
14 And there was a lot of challenge in trying to extend not only
15 hours of operation but also accommodate, at alternate points of
16 contact for Customs clearance, the different types of commercial
17 goods that travel through that border point. And I will not
18 profess to be an expert in that area. It's an area that I
19 understood to be a challenge, and one that was worked on
20 throughout the event with our folks from Transportation,
21 Agriculture, as well as their US colleagues, and CBSA.

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

23 If we could pull up ALB00001573?

24 I understand that on February 3rd, Deputy
25 Commissioner Zablocki of the RMCP sent a letter to Minister
26 Savage requesting the deployment of additional officers under
27 the PPSA, right?

28 **ADM MARLIN DEGRAND:** That's correct.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And that's the
2 Provincial Police Service Agreement between the Province and the
3 RCMP; is that correct?

4 **ADM MARLIN DEGRAND:** Well, it's between the
5 Province and Canada.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Right, yeah.

7 **ADM MARLIN DEGRAND:** And the RCMP is the service
8 provider, and that's the article that allows for the RCMP to
9 move policing resources across multiple business lines in order
10 to self-support when their resources require that.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And this is the
12 response from Minister Savage. And if we can just go down a
13 little bit.

14 So there's a response the same day that approves
15 the request; correct?

16 **ADM MARLIN DEGRAND:** That's correct.

17 **MR. JEAN-SIMON SCHOENHOLZ:** And it says, if you
18 go down to the fourth line:

19 "This is in response to a current
20 blockade near the Coutts land border
21 crossing and intelligence suggesting
22 further blockades planned throughout
23 the province. In my opinion, this
24 constitutes an emergency in the
25 Province of Alberta, under the
26 Provincial Police Service Agreement."

27 So why was additional deployment necessary
28 according to the RCMP; what did they tell you about that?

1 **ADM MARLIN DEGRAND:** Yeah. My conversations with
2 D/Comm. Zablocki, in those conversations he indicated that of
3 course the resource draw to maintain order and safety at the
4 blockade -- and, of course, manage other events that were and
5 could be happening across the province -- was significant, and
6 there are specialized resources that are used in those types of
7 events, as well as general duty resources.

8 And his intent, through invoking this article of
9 the Provincial Police Services Agreement, was to reach out to
10 other provinces for extra resources so as to give his team
11 relief, in the sense that he could spell people off for a period
12 of time, get them through a rest period and then put them back
13 into their role.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And he eventually
15 obtained, I think, 40 officers from British Columbia; correct?

16 **ADM MARLIN DEGRAND:** That's correct.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Can you tell us about
18 -- here it mentions, "...intelligence suggesting further
19 blockades planned throughout the province"; what can you tell us
20 about that?

21 **ADM MARLIN DEGRAND:** I might have mentioned it
22 earlier, but during the events at Coutts, we also had events in
23 Calgary; numbers of people protesting and walking, marching
24 through the community. We had events at the Legislature in
25 Edmonton. We had intelligence and actual action of rolling
26 blockades in some parts of the province, I think Fort Macleod,
27 and a few others, so -- I believe Taber police dealt with a
28 minor event as well. And so there were -- they were also

1 tracking on social media, at different times, calls from
2 individuals to protest in other parts of the province and create
3 other traffic snarls, slow downs, that sort of thing. So those
4 would have been the events that, I believe, the Deputy
5 Commissioner would've been referencing; although, of course,
6 he'd be able to speak to that himself.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. So at
8 this time, and this is February 3rd, what was your understanding
9 of why the RCMP had not yet been able to bring the blockade to
10 an end?

11 **ADM MARLIN DEGRAND:** By February 3rd; at that
12 point in time they were still working on negotiations with the
13 protesters. If memory serves, they had a lane open by then, and
14 there was north and south traffic flowing through there. They'd
15 also, by then, encountered difficulties, if I -- if memory
16 serves, with obtaining heavy tow capacity, should they have to
17 move to an enforcement action. I don't believe, at this point
18 in time, they were looking to execute on an enforcement action.
19 They were engaged in constructive dialogue that had been keeping
20 the lanes open, mostly, for north/south traffic to some degree,
21 and were hoping for a peaceful and, you know, a nonenforcement-
22 oriented solution. But they also recognized they had
23 challenges, logistically, should they go there.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And by that time the
25 RCMP had begun to look for towing resources; correct?

26 **ADM MARLIN DEGRAND:** That's correct.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And did they feel
28 obtaining those resources would be necessary to any enforcement

1 action?

2 **ADM MARLIN DEGRAND:** Yes, they did. You can
3 remove the people but we would still have large numbers of large
4 vehicles that were blocking the highway.

5 **MR. JEAN-SIMON SCHOENHOLZ:** I take it you're
6 familiar with Alberta's *Emergency Management Act*?

7 **ADM MARLIN DEGRAND:** I'm familiar with it.

8 **MR. JEAN-SIMON SCHOENHOLZ:** You mentioned it
9 before, this is one that you actually need to invoke; correct?

10 **ADM MARLIN DEGRAND:** That's correct.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so, under
12 that Act, the Government of Alberta can declare a State of
13 Emergency throughout the province?

14 **ADM MARLIN DEGRAND:** That's correct.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And are you aware
16 that the use of that Act would've allowed Alberta to compel the
17 use of towing resources, of operators; and, also, to prohibit
18 access to certain areas?

19 **ADM MARLIN DEGRAND:** I am aware of that
20 provision, the Act, yeah.

21 **MR. JEAN-SIMON SCHOENHOLZ:** In your witness
22 statement you say that Alberta considered invoking this
23 legislation, but that it was determined not to be necessary.
24 Can you explain the basis for that assessment?

25 **ADM MARLIN DEGRAND:** So as a public official, we
26 of course provide advice to elected officials. Within that, we
27 explored the realm of the possible, in the sense that we did
28 identify the *Emergency Act*, its provisions, and the authorities

1 that would come with its invocation. We also identified a
2 number of statutes that provided law enforcement with effective
3 arrests and charging tools, to deal with the actions that were
4 taking place at Coutts.

5 And to be fair, there are a number of authorities
6 that exist sub or below the *Emergency Act* that would allow for
7 police to arrest, detain, and remove people from that area. The
8 determination was made by our government that, given the number
9 of tools that were already available in statute to police, the
10 addition of the *Emergency Act* would've changed nothing in terms
11 of the authorities that the police required.

12 And you mentioned compelling individuals to
13 cooperate, that would certainly be something that could be
14 attempted, but there's also information that many of the
15 individuals within the industry were fairly supportive of the
16 protest or did not wish to be seen to be involved in taking
17 action against the protest, for their own reasons, and I won't
18 speak to those 'cause I don't want to put myself in their head.
19 But the reality is that a compulsion to somebody to provide
20 support could conceivably, and probably, have been met just as
21 easily with a refusal and then you are left with a choice of
22 having to now deal with enforcement in relation to service
23 providers and still not be any further ahead, in terms of where
24 you're trying to go.

25 We ultimately thought there were more appropriate
26 and better avenues to seek that support. One being Canadian
27 Armed Forces' support from CFB Edmonton, and the other is
28 ultimately what we did do, which was resolve it ourselves

1 through the purchase of equipment.

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

3 Did you -- did -- what was the basis, I guess,
4 for the assessment that some people may not comply even if
5 compelled? Did you receive advice on that from RCMP, from
6 intelligence, or was it just ---

7 **ADM MARLIN DEGRAND:** That's -- I should make that
8 clear, that's a very personal assessment on my part. That was
9 not advice that was provided to anybody, and I can't speak to
10 our government officials, our Minister and Premier, and where
11 their head was at on that. So I should be very clear about
12 that.

13 And that basis is just experience, and the
14 reaction -- and this wouldn't have February 3rd; this would've
15 been much closer to 8th or 9th -- that I was getting from my folks
16 that were engaged in conversations with the industry when they
17 were attempting to solicit support from -- for the RCMP to use
18 their equipment. It was categorically dismissed, and the people
19 were either not returning our calls, point blank, or telling us
20 that they just refuse to cooperate.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Did the RCMP ever
22 request that the -- this Act be invoked?

23 **ADM MARLIN DEGRAND:** No, they did not.

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

25 So we can pull up COU00000016.

26 These are text messages between Minister Sawhney,
27 former Minister of Transport and Mayor Willett. And we can go
28 to the second page, if we can go down a little bit? Okay.

1 Here. So you'll see here on the right, Mayor Willett says --
2 he's talking about meeting with the protesters.

3 "They need someone from government [to]
4 get a straight answer from [...] If it
5 comes up, are you still willing to take
6 a trip to Coutts?"

7 And she responds,

8 "Of course! I [need] to get clearance
9 from the Boss and RCMP."

10 Were you consulted on whether the government
11 should send an emissary of sorts to Coutts to meet with
12 protesters?

13 **ADM MARLIN DEGRAND:** To be clear, I'm not seeing
14 this until my preparation for the inquiry and this was provided
15 to me. So I wasn't consulted. I know there were conversations
16 at one point of MLAs independently meeting with protesters and
17 having conversations with them, and that was -- I've not seen
18 anything to substantiate whether that actually occurred or not.
19 My information is that it wasn't something that the government
20 was officially trying to do, but again, I can't speak to whether
21 it happened or not.

22 I do know that during those conversations, we met
23 with our -- we -- not we, myself, but our department spoke with
24 our Minister around that to make sure that we knew what may or
25 may not be taking place and could convey that to the RCMP, of
26 course, who are still charged with managing the event. The
27 information that was conveyed to me was that there were no
28 certainly official meetings taking place down there and that

1 they would be guided by the RCMP, who, of course, had
2 operational command and were engaged in negotiations, so as not
3 to complicate any conversations that they might be involved in.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know what
5 the reason for, because my understanding is that Minister
6 Sawhney did not end up going to Coutts. Do you know what the
7 reason for that decision not to officially engage with the
8 protesters was?

9 **ADM MARLIN DEGRAND:** I don't. I can't put myself
10 in the Minister's mind. I apologise for that. I don't believe
11 we received any request from the RCMP though to engage at that
12 level.

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

14 **ADM MARLIN DEGRAND:** So I suspect that might have
15 been the reason.

16 **MR. JEAN-SIMON SCHOENHOLZ:** In the Institutional
17 Report, it says that the RCMP asked the Sheriff's Highway Patrol
18 not to take enforcement action until February 7th. Do you
19 remember that?

20 **ADM MARLIN DEGRAND:** Yes, I do.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And do you
22 know why that was the case?

23 **ADM MARLIN DEGRAND:** Again, the RCMP, I believe,
24 were asking that we make sure that our officers did not take
25 unilateral enforcement actions outside of their operational
26 plan. I can only surmise, and I will leave it to Deputy
27 Zablocki to confirm, but that would have been to ensure that any
28 actions that we took didn't interfere with any negotiations that

1 might have been ongoing with individuals at the site.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so what
3 changed on the 7th? Because I know after the 7th, there was a
4 number of violations were issued. Do you know what changed?

5 **ADM MARLIN DEGRAND:** That would have been a -- at
6 the time, there was a sort of a very moderate or a small
7 enforcement, I guess you could term it enforcement initiative
8 that the RCMP wanted to engage in, basically, starting with
9 information, if memory serves correctly, moving into I think it
10 was checkpoint 10 near Milk River to have conversations with
11 people, provide them with information, start charging vehicles,
12 etc. So it would have been a coordinated effort based on the
13 RCMP's operational plan and under their direction that our
14 officers would have been involved in.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know if any
16 protesters left because of that limited enforcement action
17 around that time?

18 **ADM MARLIN DEGRAND:** I can't say that. I'm
19 sorry. I'm sure the RCMP could tell you, but I just don't have
20 that off the top of my head.

21 **MR. JEAN-SIMON SCHOENHOLZ:** In the Institutional
22 Report, it states that the province made a alternative protest
23 site available, and we heard this from other witnesses, at Milk
24 River, and that that would have been on February 10th. Can you
25 tell us how that came about?

26 **ADM MARLIN DEGRAND:** Absolutely. The RCMP
27 actually suggested that it would be useful to them in their
28 conversations with protesters if we were to make available a

1 site that they could protest on that would meet their visibility
2 needs but not obstruct traffic. We engaged with Transportation
3 and ourselves, but primarily Transportation, in developing a
4 site near Milk River, which met the needs of the RCMP, on
5 property that we owned already. And Transportation actually put
6 in access in egress areas for protesters and set up I believe
7 even WiFi access for protesters to be able to utilise in order
8 to facilitate those that wanted to protest lawfully at the site.
9 This was a tactic that the RCMP wished to engage in, to, you
10 know, manage the negotiations, to migrate this to a lawful.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And did the RCMP
12 brief you on whether that was done because there was buy-in from
13 protesters on something like that, or done in hopes that once it
14 was set up, they could get by it; do you know?

15 **ADM MARLIN DEGRAND:** You know, they -- I don't
16 recall knowing whether it was one or the other.

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

18 **ADM MARLIN DEGRAND:** It was a request, and, of
19 course, we do what we could to assist, so we did it.

20 **MR. JEAN-SIMON SCHOENHOLZ:** The Institutional
21 Report states that the Sheriffs Highway Patrol maintained
22 certain checkpoints at other points of entry to prevent
23 blockades.

24 **ADM MARLIN DEGRAND:** Near other points of entry,
25 yeah. Yes, that's correct. Del Bonita and Carway were the
26 primary, the -- primarily the land points of entry that we were
27 concerned about. And under the direction of the RCMP, our
28 sheriffs set up checkpoints there to ensure that vehicles

1 travelling down to those points of entry had legitimate business
2 reasons to be doing so.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And are you aware of
4 whether any potential blockades were thwarted by those efforts
5 or not?

6 **ADM MARLIN DEGRAND:** I'm not -- I couldn't speak
7 to what could have been, so, yes. It's possible, but I'm not
8 aware of any -- anybody showing up and being turned away in --
9 en mass ---

10 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

11 **ADM MARLIN DEGRAND:** --- if you will.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah. I understand
13 that on February 9th, I believe, a charge under the *Critical*
14 *Infrastructure Defence Act* was laid against Pastor Artur
15 Pawlowski?

16 **ADM MARLIN DEGRAND:** That's correct.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Is that the only
18 charge that was laid under the -- that Act?

19 **ADM MARLIN DEGRAND:** I don't want to misspeak
20 here. Something tells me it was used twice, but I -- certainly,
21 that's the only one that comes to mind.

22 **MR. JEAN-SIMON SCHOENHOLZ:** So you understood
23 that the Act could apply to the situation?

24 **ADM MARLIN DEGRAND:** Oh, absolutely, yeah, and
25 certainly, Commissioner Zablocki and the RCMP would have a lot
26 more fulsome detail on the charges they laid.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Did the RCMP ever
28 explain to you why it wasn't utilised more?

1 **ADM MARLIN DEGRAND:** Why that particular Act was
2 not utilised more? No. I know that enforcement was a strategy
3 that was being looked at on a case-by-case basis, moment to
4 moment, situation to situation. And they would use it in a
5 manner that worked for them in terms of managing the overall
6 event. But they never provided me with, you know, detailed
7 explanations around why this charge against this person, why not
8 this charge against these people. That's an operational level
9 of detail that's candidly not something I would normally ask
10 about.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And that was within
12 their discretion to decide under what Act to charge an
13 individual?

14 **ADM MARLIN DEGRAND:** A hundred percent.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Did the Alberta
16 Government ever take any steps to kind of attempt to have the
17 Act used more fulsomely during this period or anything like
18 that?

19 **ADM MARLIN DEGRAND:** No, I mean, in the sense
20 that we were very careful throughout the entire event to ensure
21 that we were not directing police in their operational response.
22 We were asking questions of them around planning, what they had
23 done, if -- to the extent that they could share, what they would
24 share in terms of their intentions, and things that we could do
25 to facilitate the resolution of the event, but we were very
26 careful not to direct them.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Your understanding is
28 that law enforcement action in the early morning of February 14th

1 is what led to the end of the blockade?

2 **ADM MARLIN DEGRAND:** Certainly, that was the
3 beginning of events that ultimately led to the event. I would
4 hesitate to say that that was the single event that was causal
5 in that sense. There was a lot of work that was done by the
6 RCMP and others in the days leading up to that to develop
7 relationships, et cetera. So I -- to what extent was this a --
8 that crystallising event the sole reason and how much of that
9 was facilitated by the outreach that was done in the past and
10 the, you know, communications that was done by the government
11 around the impacts of this, I think there are a constellation of
12 factors that could have played a part in those decisions. But
13 certainly, those enforcement actions were a catalysing event,
14 for sure.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Did you ever hear
16 from RCMP that one of those factors may have been the rumours
17 that the *Emergencies Act* would be invoked?

18 **ADM MARLIN DEGRAND:** No.

19 **MR. JEAN-SIMON SCHOENHOLZ:** No. So when did you
20 hear that they would -- sorry, let me back up. The evidence
21 we've heard is that protestors met in the morning of February
22 14th and decided they would be leaving the next morning. Were
23 you advised on the 14th that they had made that decision?

24 **ADM MARLIN DEGRAND:** I was.

25 **MR. JEAN-SIMON SCHOENHOLZ:** And do you recall
26 around what time you were advised?

27 **ADM MARLIN DEGRAND:** It was very early in the
28 morning that I was advised of the enforcement action, 7 -- well,

1 very early for me, sorry, 7, 7:30. Now I'm struggling now to
2 recall if it was at that particular conversation, or one of the
3 conversations I had in the morning that I was advised that it
4 looked like the protestors were now dismantling. And I want to
5 think it was kind of a little bit later on, but that would be
6 speculative on my part. It was all within the morning,
7 certainly, of the 14th.

8 **MR. JEAN-SIMON SCHOENHOLZ:** So within the
9 morning, you understood they were leaving -- would be leaving
10 the next morning?

11 **ADM MARLIN DEGRAND:** Or and beginning preparation
12 that day actually and there was ---

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

14 **ADM MARLIN DEGRAND:** --- already events taking --
15 people taking down tents and structures and leaving on the 14th.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And was it -- I
17 forget his name -- Deputy Commissioner Zablocki ---

18 **ADM MARLIN DEGRAND:** So ---

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- is he the one who
20 would have been briefing you on that?

21 **ADM MARLIN DEGRAND:** That's correct. Deputy
22 Commissioner Curtis Zablocki.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And your
24 understanding is that the next morning they were all gone by
25 early morning?

26 **ADM MARLIN DEGRAND:** For all intents and
27 purposes, operations were resumed on the 15th at the border
28 point. I think there were still -- there may have been

1 individuals still packing up, et cetera, in the area, and I'm
2 not sure if Milk River had fully transitioned to the lawful
3 protest site. It would have been the 15th, 16th, but I believe
4 operations at the border resumed on the 15th.

5 **MR. JEAN-SIMON SCHOENHOLZ:** So your understanding
6 with respect to Milk River is that throughout that day at some
7 point, the protestors at the Milk River checkpoint would have
8 moved to the legal protest site, or at least some of them?

9 **ADM MARLIN DEGRAND:** Yeah, the -- yeah, they
10 moved or left.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

12 **ADM MARLIN DEGRAND:** Yeah. Majority actually
13 left, if my memory serves me, from the conversations I had with
14 the Deputy.

15 **MR. JEAN-SIMON SCHOENHOLZ:** This may be too on
16 the ground from your vantage point, but are you aware of any
17 protestors moving from Coutts to that legal protest site?

18 **ADM MARLIN DEGRAND:** Yeah, I wouldn't have that
19 knowledge, sorry.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And so your
21 understanding is no -- other than the raid early that morning,
22 no enforcement action had to be taken to clear that -- to clear
23 the blockade in Coutts?

24 **ADM MARLIN DEGRAND:** There were a couple of
25 arrests and some vehicle seizures associated to an event prior
26 to the search warrants and the further charges there. So and
27 there were, of course, the earlier charges that ---

28 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

1 **ADM MARLIN DEGRAND:** --- took place later on,
2 but, yeah ---

3 **MR. JEAN-SIMON SCHOENHOLZ:** Oh ---

4 **ADM MARLIN DEGRAND:** --- outside of that ---

5 **MR. JEAN-SIMON SCHOENHOLZ:** --- in the actual
6 clearing of the blockade?

7 **ADM MARLIN DEGRAND:** That's correct.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

9 **ADM MARLIN DEGRAND:** Yeah, there were no further
10 arrests beyond -- I think there were 13 individuals that were
11 arrested in those initial hours.

12 **MR. JEAN-SIMON SCHOENHOLZ:** So your understanding
13 is none of the powers under the *Emergencies Act* were used at
14 that ---

15 **ADM MARLIN DEGRAND:** Oh, yeah, no.

16 **MR. JEAN-SIMON SCHOENHOLZ:** --- to clear the
17 blockade?

18 **ADM MARLIN DEGRAND:** The Federal *Emergencies Act*?
19 No.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

21 **ADM MARLIN DEGRAND:** No.

22 **MR. JEAN-SIMON SCHOENHOLZ:** What about other
23 protests in Alberta at that time, what was their status, if you
24 can recall?

25 **ADM MARLIN DEGRAND:** We continued to have
26 protests in Calgary for quite some time after that, as well as
27 in Edmonton, around the legislature. And both the Edmonton
28 Police, the Calgary Police and the RCMP and our sheriffs were

1 involved in those. We had protests at the Calgary Remand Centre
2 involving individuals supportive of Mr. Paslowski (ph) --
3 Pawlowski. I apologise if I'm saying the name wrong. It's not
4 intentional. Yeah, around that individual. And we had a number
5 of events that recurred for some time.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And in your witness
7 statement, you state that there was always a possibility that
8 protesters would attempt another blockade, but to your
9 knowledge, there was no intelligence suggesting that might
10 occur. So is your evidence then that there was no credible
11 threats of a blockade forming after the 14th?

12 **ADM MARLIN DEGRAND:** My recollection of the
13 intelligence briefings that I was getting was there were
14 individual chatter, like individuals that would chatter about we
15 need to go back, regroup and re-establish, but there was no
16 update being shown on the open source information that we were
17 receiving, and no information that was indicating that this was
18 anything other than aspirational chatter from isolated
19 individuals. And so I think it'd be fair to characterise that
20 there was no intelligence surfaced that would indicate that was
21 a real threat for that to evolve, but that's not to say that the
22 police didn't take serious the possibility. I believe the RCMP
23 remained, you know, present in some numbers in Milk River and in
24 the area for some time afterwards, just to ensure that that
25 didn't take place.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And were you ever
27 briefed on any factors that would have led to there being no
28 uptake of those kind of threats?

1 **ADM MARLIN DEGRAND:** No.

2 **MR. JEAN-SIMON SCHOENHOLZ:** No. Okay. Let's
3 talk a bit more about towing capacity. So I understand that
4 fairly early on, I believe February 1st, the Province began to
5 make requests for towing resources; correct?

6 **ADM MARLIN DEGRAND:** That sounds right, yes.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And those requests
8 were always for both tow trucks and tow operators?

9 **ADM MARLIN DEGRAND:** That's correct.

10 **MR. JEAN-SIMON SCHOENHOLZ:** So when I -- I'll
11 refer to tow resources but ---

12 **ADM MARLIN DEGRAND:** Capacity, yeah.

13 **MR. JEAN-SIMON SCHOENHOLZ:** --- I mean both.

14 **ADM MARLIN DEGRAND:** Yeah.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Was -- and I think
16 you've already told us that those -- that capacity was critical
17 and necessary if any enforcement action was to be taken?

18 **ADM MARLIN DEGRAND:** In the event of mass
19 enforcement action. I guess I should clarify that, if ---

20 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

21 **ADM MARLIN DEGRAND:** --- we were going to go and
22 remove all of the protesters and remove the blockage, if the
23 RCMP were to do that, that would absolutely have to be in place.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Can you tell us a
25 little bit about the challenges the provinces faced in obtaining
26 tow capacity?

27 **ADM MARLIN DEGRAND:** To begin with, the RCMP, as
28 the police force of jurisdiction, made their efforts and they

1 had some limited success very early on, very, very, very early
2 on, first days, that that support dissolved from industry quite
3 quickly. They went afield -- and that was local support. They
4 went afield and garnered some limited support which also quite
5 quickly dissolved. And then they were struggling after that to
6 find any support anywhere, both within the province and
7 commercially outside of the province, B.C., Saskatchewan. I
8 believe they might even have looked to commercial entities in
9 the south, but I'm not a hundred percent certain of that. I'll
10 let them speak to that. They approached us to indicate the
11 challenges they were facing, and they indicated that they were
12 going through their channels to seek support from the Canadian
13 government for the use of heavy lift capacity that exists at the
14 Canadian Forces Base in Edmonton, and were looking for anything
15 that we could do to assist in terms of just generally trying to
16 work through that.

17 We initially, when tasked with trying to support
18 them, supported their call for Canadian Forces logistical
19 support, and we also embarked on a process, sort of an evolving
20 process of attempting to secure that lift capacity for them.
21 The first was through revisiting the commercial entities that
22 they contacted as the government to try and secure support for
23 them. We were unable to gain any support that way. We looked
24 afield to the City of Edmonton, City of Lethbridge, City of
25 Calgary, industry, ATCO, those sorts of things, CNCP, colleagues
26 to the south of the U.S. border, to try and look for any
27 capacity that we could get there. We had some very limited
28 success, in the sense that we had one city that was able to

1 provide us with a heavy tow truck. And that's a minor -- sort
2 of like a loader type, and small crane support from another
3 city. But not the equipment that the RCMP required.

4 So in support of our ask to the Canadian Forces,
5 we had the RMCP actually set out exactly what they needed for
6 equipment, should they have to go to that type of enforcement
7 action. And that was what constituted sort of our list of two
8 trucks and capacity that we sought out for them.

9 Eventually, we determined that there was not
10 going to be a commercial avenue there, and it was becoming
11 apparent that we weren't going to get access to the tow capacity
12 of CFB Edmonton. And we were able to, through a multiple number
13 of sort of, you know, online sites, identify five vendors who
14 had lift capacity, used two trucks, if you will, for sale. The
15 commercial providers of those entities, it was a long waiting
16 list to get anything from the actual manufacturers. We'd
17 explored that already.

18 We did manage to secure a small number on the
19 weekend of I think it would have been the 12th. We had them in
20 place down in Lethbridge and turned over to the RCMP, and by the
21 14th, had identified and were closing the deal on the remainder
22 of the list, save two items, which were all, I believe, in place
23 on the 15th, in the south, for the RCMP at their disposal.

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

25 If we could pull up ALB00000153? So I'll have
26 just a couple more specific questions on this topic, but you've
27 provided great overviews. Thank you for that.

28 So my understanding, and I think you've mentioned

1 it, is that the RCMP had already made a request of Public Safety
2 Canada for assistance from Canadian Armed Forces; correct?

3 **ADM MARLIN DEGRAND:** That's correct.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And that they
5 had declined to become involved? Is that your understanding?

6 **ADM MARLIN DEGRAND:** I can't say that they
7 declined to the RCMP to become involved. I can tell you that
8 the RCMP indicated they weren't seeing the support. Whether
9 they had an answer or not, I really would have to defer to them,
10 because I don't recall them ever telling me whether they'd been
11 formally told no.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And do you
13 know whether any other options were being explored other than
14 the Canadian Armed Forces within the Federal Government for
15 these kinds of resources?

16 **ADM MARLIN DEGRAND:** I can't speak to
17 specifically what options were being explored, whether they were
18 looking at Transport Canada or other entities for their
19 capacity.

20 I did have conversations at various times with
21 the Assistant Deputy Minister of Transport Canada, Kevin
22 Brousseau, around our needs and around efforts that we were
23 making.

24 Along with what I'd described earlier, I'd also
25 reached out to industry contacts within Alberta, as had our
26 Transportation Department, to try and encourage them to help us
27 in finding support.

28 So I did ask Transport Canada's ADM if he could

1 reach into his contacts within industry and see if they could
2 garner any support from us.

3 Whether that materialized into any efforts or
4 not, I would have to defer to Transport Canada on.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.
6 Let's go to ALB0000097. So this is the February 5th letter from
7 Minister McIver to Ministers Mendicino and Blair. Can you
8 explain what the purpose of that letter was while it comes up?

9 **ADM MARLIN DEGRAND:** I'll just have a quick peek.
10 Oh, I believe this was the formal request for -- there had been
11 informal conversations, as I've given to understand, before
12 this. But this was a formal request from our Minister to the
13 Federal Ministers for the deployment of those heavy lift
14 capacity resources that the Canadian Forces possess in Alberta
15 to assist us in removal of any equipment, should the RCMP go to
16 an enforcement action. This was a formal request for that
17 support.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And it says, we can
19 see at the bottom of that first paragraph, at the end of the
20 third to last line:

21 "...the Royal Canadian Mounted Police [...]
22 have exhausted all local and regional
23 options to alleviate the week-long service
24 disruptions at this important
25 international border."

26 So what was meant by that? That the RCMP had
27 exhausted all options?

28 **ADM MARLIN DEGRAND:** As I described earlier,

1 that's their efforts to try and secure commercial or other, you
2 know, industry or City support to provide those kinds of
3 supports that they needed.

4 **MR. JEAN-SIMON SCHOENHOLZ:** So that was only
5 referring to towing capacity ---

6 **ADM MARLIN DEGRAND:** That's correct.

7 **MR. JEAN-SIMON SCHOENHOLZ:** --- is your
8 understanding?

9 **ADM MARLIN DEGRAND:** That's correct. Yeah, this
10 letter was about towing capacity.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And then if we can go
12 to the second last paragraph? So you see there:

13 "To support this approach, I['m]
14 requesting federal assistance that
15 includes the provision of equipment and
16 personnel to move approximately 70 semi-
17 tractor trailers and approximately 75
18 personal and recreational vehicles from
19 the area."

20 So that was the request that was ---

21 **ADM MARLIN DEGRAND:** Yeah, it was structured that
22 way, as opposed to the way that the RCMP structured their
23 request to us in the sense that -- or we have formal military
24 personnel and indicate that you don't actually ask for the
25 equipment, you ask for the capacity and they determine the
26 equipment.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And here it
28 doesn't specifically indicate that this was a request for

1 Canadian Armed Forces resources, but was your understanding was
2 that was what you were looking for?

3 **ADM MARLIN DEGRAND:** Certainly that was what we
4 were looking for, although any capacity that could do that,
5 whether it came from the CAF or some other branch of the
6 Canadian Government would have been welcome.

7 **MR. JEAN-SIMON SCHOENHOLZ:** But you weren't
8 necessarily specifically aware of other sources?

9 **ADM MARLIN DEGRAND:** I could think of no other
10 source.

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

12 **ADM MARLIN DEGRAND:** Certainly in-province.

13 **MR. JEAN-SIMON SCHOENHOLZ:** I understand that
14 there was a conversation between Minister McIver and Minister
15 Blair on February 7th, so two days later, following up on this
16 request. And do you know what the response from Minister Blair
17 was at that time?

18 **ADM MARLIN DEGRAND:** I -- off the top of my head
19 now I can't recall, but I think the response was something to
20 the effect -- it might be in the Institutional ---

21 **MR. JEAN-SIMON SCHOENHOLZ:** I think your
22 Institutional Report indicates ---

23 **ADM MARLIN DEGRAND:** Yeah.

24 **MR. JEAN-SIMON SCHOENHOLZ:** --- that he raised
25 some doubts about the use of ---

26 **ADM MARLIN DEGRAND:** Yeah.

27 **MR. JEAN-SIMON SCHOENHOLZ:** --- the CAF ---

28 **ADM MARLIN DEGRAND:** Yeah. Yeah. That's where I

1 was thinking he was indicating that they were having
2 conversations with the Chief of Defence, but they weren't -- it
3 wasn't positive.

4 **MR. JEAN-SIMON SCHOENHOLZ:** At that time, it
5 wasn't clear ---

6 **ADM MARLIN DEGRAND:** Yeah.

7 **MR. JEAN-SIMON SCHOENHOLZ:** --- either way?

8 **ADM MARLIN DEGRAND:** Yeah, it wasn't looking like
9 -- there was hesitation.

10 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
11 ALB00001868? So these are the text messages between Ministers
12 McIver and Blair.

13 **ADM MARLIN DEGRAND:** M'hm.

14 **MR. JEAN-SIMON SCHOENHOLZ:** If we go to page 2?
15 If we could just go down?

16 So February 8th, Minister Blair says:

17 "Sorry for the delay in getting back to
18 you. I spoke to our Minister of Defence
19 and conveyed the importance and urgency of
20 an answer..."

21 If you could keep going down?

22 "... from CAF. She is speaking to the Chief of Defence Staff this
23 morning and will advise."

24 You were advised that that had taken place; that
25 they were in communications?

26 **ADM MARLIN DEGRAND:** Yeah, I was advised of that.
27 I'd not, of course, seen the texts themselves until my
28 preparation for the Inquiry, but I was advised that those

1 conversations were taking place.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And in parallel to
3 this, as you've already described, the Province was undertaking
4 its own steps to obtain these resources; correct?

5 **ADM MARLIN DEGRAND:** That's correct. To whatever
6 ability we could, we were looking for anything we could find.

7 (SHORT PAUSE)

8 **MR. JEAN-SIMON SCHOENHOLZ:** We'll come back to
9 this, but if we can go to ALB00001328?

10 This is an email chain from February 12th; we can
11 start at the bottom.

12 So who is Rae-Ann Lajeunesse?

13 **ADM MARLIN DEGRAND:** At the time she was the
14 Deputy Minister, if I'm not mistaken, of Transport --
15 Transportation in the Government of Alberta.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And so she writes to
17 you that she's communicating with Transport Canada, and that
18 they've struck a working group, and that it would be a good idea
19 to loop you into that conversation.

20 And if we go up to the second email, you advise,
21 and the federal government, as you see, is copied on this
22 exchange; correct?

23 **ADM MARLIN DEGRAND:** M'hm.

24 **MR. JEAN-SIMON SCHOENHOLZ:** Transport Canada
25 specifically, Mr. Keenan. You say:

26 "[We're] actually posed to make several
27 purchases today as a matter of
28 fact,...[the] number of vehicles

1 identified for followup [sic]."

2 So you were aware that you had communicated with
3 the federal government that that was taking place at the same
4 time?

5 **ADM MARLIN DEGRAND:** That's correct, yeah. And
6 my apologies for the typo in there. It was, I believe, intended
7 to say, "Poised" but it was also Saturday afternoon there.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Sounds good. And you
9 say:

10 "Our biggest challenge appears to be
11 obtaining operators at this time though
12 we might be faster on equipment
13 acquisition[s] if we can combine
14 efforts."

15 And so were you -- were you of the view that you
16 were making progress on the equipment, but the operators were
17 still the largest issue?

18 **ADM MARLIN DEGRAND:** That's correct. We were
19 making progress. By then we'd acquired some of the list and
20 we're working on leads, some of which later fall through but
21 others that ultimately proved fruitful on the 13th.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And that was one of
23 the things you had asked the federal government for.

24 **ADM MARLIN DEGRAND:** That's correct. It was my
25 hope that we were searching out with our team for commercial
26 capacity that we could purchase, and thought that perhaps the
27 federal government could do the same and...

28 **MR. JEAN-SIMON SCHOENHOLZ:** If we could just go

1 up to the top?

2 So again there, third paragraph down, Transport
3 Canada was coordinating a working group to support local police,
4 provincial authorities, in securing truck and tractor removal
5 capacity. So you were -- what was your understanding of those
6 efforts; if you can describe that?

7 **ADM MARLIN DEGRAND:** I don't -- I actually don't
8 have a lot of information around the efforts that were being
9 made at the federal level. We did have a follow-up conversation
10 the next day with ADM Brosseau and EWGSC representative prior to
11 us actually completing the purchase of the last group of
12 equipment, but I'm not sure what efforts they were actually
13 undertaking at the federal level; it was unclear to me.

14 **MR. JEAN-SIMON SCHOENHOLZ:** If you go to
15 ALB00001468?

16 So that same day you had communications with
17 Kevin Brosseau. Who is he?

18 **ADM MARLIN DEGRAND:** He's the Assistant Deputy --
19 at the time, he was Assistant Deputy Minister for Transport
20 Canada.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And if we can go
22 down, what were you providing him with here on February 12th?

23 **ADM MARLIN DEGRAND:** This was on the 12th, so this
24 was the remaining items from the list that the RCMP had provided
25 us, which we had yet to acquire. So, of course, those were the
26 items we were still looking to get, although I -- again, we had
27 a deal pending later that day that ultimately fell through on
28 much of this, and then we ended up acquiring it all on -- save

1 for the top two items, we acquired the rest of those on the 13th.

2 **MR. JEAN-SIMON SCHOENHOLZ:** On the 13th.

3 **ADM MARLIN DEGRAND:** Well, they were in our
4 possession, I think, the 14th, 15th, something like that.

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

6 **ADM MARLIN DEGRAND:** The deal started on the 13th.

7 **MR. JEAN-SIMON SCHOENHOLZ:** If we -- if we can --
8 so you provide him with the list.

9 And then if we go up, oh, sorry; go down to the
10 bottom, actually.

11 I understand you guys had a phone call that day.
12 What do you recall being discussed?

13 **ADM MARLIN DEGRAND:** I think that was just a
14 touch base -- and I'm going from vague recollection here so
15 please, you know, know that this might not be 100 percent
16 correct, but from my memory the conversation was fairly generic
17 in the sense that we were touching base, talking about the fact
18 that we needed to combine resources, and talking about what we
19 had acquired, and what we were trying to acquire, and that was
20 the trigger for my following email to him, giving him the list
21 of what was outstanding.

22 And, again, I'm going from memory, so I apologize
23 if that's not 100 percent accurate.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And your
25 understanding at that time was that they were still working on
26 the request?

27 **ADM MARLIN DEGRAND:** They're working on ways to
28 support us, that's correct, yes. And in terms of the Canadian

1 Forces request, yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And did the Alberta
3 government ever received a formal response to the February 5th
4 request?

5 **ADM MARLIN DEGRAND:** Not that I'm aware of.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we could go
7 to PB.CAN.NSC00000690?

8 So my understanding, and we'll see this when the
9 document comes up, is that this is a draft response to that
10 request.

11 If we go down a little bit, you'll see, second
12 paragraph:

13 "Below is [a] current draft of RFA
14 request response..."

15 If we go down -- we'll go down a little bit
16 further. Sorry; down more. Okay. Oh, I'm sorry.

17 Okay, so:

18 "My colleagues and I have given your
19 request serious consideration and we
20 have consulted key partners to assess
21 our ability to assist you. Given the
22 lack of commercial resources, the
23 Canadian Armed Forces...would be the
24 only Federal asset that might
25 potentially meet this request.

26 Unfortunately, discussions have made
27 clear that the CAF [sic] have neither
28 the type of assets required, nor the

1 expertise to do this without
2 significant possible risk."

3 Was that sentiment ever communicated to you
4 verbally, or in writing some other way?

5 **ADM MARLIN DEGRAND:** Not like that, no. No. I
6 know there's -- from personal experience I know there's
7 hesitance on the part of the Canadian Armed Forces to be
8 involved in any police-type actions domestically, and I
9 understand that's an issue of concern to them, and the
10 Government of Canada, of course.

11 I've obviously not received this.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

13 **ADM MARLIN DEGRAND:** It's a draft, so I don't
14 think it was sent. We have former significantly high ranking
15 Canadian Armed Forces officers who are now within the Government
16 of Alberta, including lieutenant-colonels, colonels, brigadier-
17 generals, major-generals, and a lieutenant-general who have
18 experience in command of Canadian Armed Forces based in Alberta.
19 I'm surprised to read that they thought that the assets -- they
20 don't have the assets required to move those vehicles, given
21 that, you know, the Armed Forces based in, from my personal
22 knowledge, in Alberta, has the assets to move tanks, Leopard
23 tanks being very large. So they can recover, lift, load and
24 move tanks. I would have thought they would have capacity for
25 this, but I'm not with the Canadian Armed Forces.

26 In terms of risk, one of the things that we made
27 clear in our conversations internally in the RCMP -- I'll let
28 them speak to it but I'm hoping to make clear as well, is there

1 would be no use of any Canadian Armed Forces personnel in an
2 enforcement capacity. They wouldn't be meeting protesters on
3 the ground. The RCMP would be responsible for clearing and
4 making safe the area, and any heavy equipment movement would
5 take place after that had taken place, and the CAF would have
6 been there dealing with equipment, not people. So I'm not sure
7 where the significant risk part comes from, but again, I can't
8 speak to the CAF's response or the Government of Canada's
9 response, so I'll let them explain their thinking on that.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. I just want to
11 look at this paragraph that starts with further. It says,

12 "...I understand that Alberta has the
13 required legal authorities necessary to
14 enforce compliance, as a highway is
15 considered essential infrastructure,
16 and it is unlawful to wilfully
17 obstruct, interrupt or interfere with
18 the obstruction, maintenance use or
19 operation of any essential
20 infrastructure in a manner that renders
21 the essential infrastructure dangerous,
22 useless, inoperative, or ineffective as
23 per the *Critical Infrastructure Defence*
24 *Act* of Alberta. There are a number of
25 contraventions or other applicable
26 legislation that may also be enforced
27 by Alberta and its police forces. I
28 encourage you to look at the actions

1 taken in Nova Scotia, New Brunswick and
2 Ontario who have used new or existing
3 authorities to safeguard critical
4 infrastructure."

5 Had this type of sentiment been communicated to
6 you in your discussions with Federal Government that Alberta
7 ought to be making better use of the enforcement authority at
8 its disposal?

9 **ADM MARLIN DEGRAND:** It had not been communicated
10 to me, but candidly, it's a little off point to the request in
11 the sense that the request was not for assistance in bringing
12 laws to bear that would enable our officers to conduct
13 enforcement actions. We had, as I indicated earlier, considered
14 all of the legislative authority that was available in the
15 toolbox for law enforcement to deal with this and felt that
16 there was sufficient -- I would agree with the statement that
17 there are sufficient legislative authorities within existence at
18 the time to give the police the authority to act. The challenge
19 was that to support their actions in that manner and to
20 ultimately remove those vehicles, we required a logistical
21 capacity that the police lacked, not a legislative authority,
22 but a logistical capacity, and we were looking to the Government
23 of Canada and the Canadian Armed Forces to help augment that
24 logistical capacity gap. Candidly, the police already knew
25 about these -- this legislation.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And the police didn't
27 request any additional enforcement authorities?

28 **ADM MARLIN DEGRAND:** No.

1 **MR. JEAN-SIMON SCHOENHOLZ:** If we can go to
2 PB.CAN.00001514. So this is a call -- notes or -- yeah, notes
3 from a call on February 13th between Assistant Deputy Minister
4 Dalkalbab and Brousseau. I believe you participated in this
5 call and there was ADMs from Manitoba, Ontario, Alberta. You
6 recall this?

7 **ADM MARLIN DEGRAND:** Yeah, I recall the
8 conversation with Talal and ---

9 **MR. JEAN-SIMON SCHOENHOLZ:** If we can just go
10 down, there's a bullet marked "Alberta" in bold and I'd like to
11 look at the second bullet under that,

12 "[Alberta requests CAF support --]
13 Alberta requests for CAF support have
14 been denied, but they are surprised
15 that their request to access Reservists
16 with operational skills needed to drive
17 towing trucks was not accepted (this
18 part of the request is news to us and
19 we committed to follow up on this
20 specific point)."

21 I should clarify, these are notes taken on the I
22 believe Transport Canada side. Was your understanding from this
23 call that the request for the towing trucks denied?

24 **ADM MARLIN DEGRAND:** That's correct. There was
25 also -- and I think, for clarity around the Reservist piece,
26 there was another proposal that was being communicated and I
27 can't tell you through what channel, but it was to -- for the
28 Canadian Armed Forces and the Government of Canada to consider

1 the use of some of the Reservists that might have operator
2 skills to operate heavy lift equipment, should we acquire it.
3 We had some that were identified, but we could use a few more.
4 And if there were Reservists within the Canadian Armed Forces
5 who by virtue of their experience in their trades might have
6 that skillset, we'd proffered up the idea that perhaps we could
7 use them, either on a -- you know, as a hired capacity to us or
8 through whatever mechanism might make sense to the CAF, on their
9 own time to support us. And the response that I was made aware
10 of was that that would not be considered.

11 **MR. JEAN-SIMON SCHOENHOLZ:** That -- sorry, that
12 the ---

13 **ADM MARLIN DEGRAND:** Use of those Reservists
14 would not be considered.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Would not be
16 considered. And was your understanding from this call that
17 Transport Canada had not considered the part of the request with
18 respect to operators?

19 **ADM MARLIN DEGRAND:** Yeah, that Reservist
20 portion. That was actually ---

21 **MR. JEAN-SIMON SCHOENHOLZ:** Only the Reservist
22 portion.

23 **ADM MARLIN DEGRAND:** --- something that neither
24 Dalal or Transport -- the ADM from Public Safety Canada or his
25 colleague from TC had indicated they were aware of, but they
26 were going to look into that.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can --
28 Mr. Clerk, I don't know if you still have that text message

1 exchange available that I said I would come back to.

2 **THE CLERK:** Were those the texts with -- from
3 Coutts?

4 **MR. JEAN-SIMON SCHOENHOLZ:** No, Minister Blair
5 and Minister McIver.

6 **THE CLERK:** It would take me a moment, but it may
7 be quicker if you can provide the ---

8 **MR. JEAN-SIMON SCHOENHOLZ:** Yes, I'm just ---

9 **THE CLERK:** Yeah. Sorry.

10 **MR. JEAN-SIMON SCHOENHOLZ:** --- looking for it
11 here.

12 **COMMISSIONER ROULEAU:** Maybe it's ALB1868 maybe?

13 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah, sounds like
14 there's a consensus. Thank you, Mr. Commissioner.

15 I know I'm coming up on my time here. I have I'd
16 say maybe five minutes left, if that's okay.

17 **COMMISSIONER ROULEAU:** Okay.

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

19 If we could go to page 3? If we could go down?

20 So there was a follow-up on February 10th and
21 February 21st, and your understanding is there was no answer from
22 the Minister before the invocation of the Act?

23 **ADM MARLIN DEGRAND:** Yeah, based on the text
24 exchange that I see here, yeah.

25 **MR. JEAN-SIMON SCHOENHOLZ:** But you had ---

26 **ADM MARLIN DEGRAND:** Yeah.

27 **MR. JEAN-SIMON SCHOENHOLZ:** --- in the call on
28 the 13th, you were aware through Transport Canada they would not

1 be providing the tow truck resources?

2 **ADM MARLIN DEGRAND:** They had not been able to
3 provide that, and I was aware from other conversations that the
4 CAF were not ---

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

6 **ADM MARLIN DEGRAND:** --- looking to assist.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And so I'll just look
8 at the response here from Minister Blair on February 21st,

9 "You may be aware that we invoked the
10 Emergenc[ies] Act on February 15, which
11 addressed the tow truck issue quite
12 effectively. Happy to answer any
13 questions you may have although..."

14 And we can continue,

15 "...I am sure the RCMP can advise you
16 on how it works.

17 A letter will be forthcoming."

18 You can keep going.

19 "I understand [...] Prime Minister
20 spoke to Premier Kenney about the
21 Emergenc[ies] Act, but I..."

22 You can keep going.

23 "...will ensure correspondence follows
24 to you."

25 And then Minister McIver responds,

26 "We received no help until after Coutts
27 issue was resolved and you know thaat
28 [sic]

1 Disappointed to hear you say
2 otherwise."

3 Keep going to the next page.

4 "As I was disappointed to learn of your
5 reaction to our efforts to respond to
6 the threat to critical infrastructure
7 and the integrity of our International
8 borders posed by these illegal
9 blockades.

10 Fortunately the CACP, the OACP, [and]
11 RCMP and the Ontario Provincial Police
12 have been clear and unequivocal that
13 these measures have been essential to
14 their efforts to [...]solve the
15 criminal blockades and occupations.
16 We are all grateful that the RCMP was
17 able to resolve the very dangerous
18 situation at Coutts safely."

19 Keep going to the next page.

20 "What is true is that Coutts was
21 resolved on the 14th. And we got our
22 own tow trucks after you could no [not]
23 help."

24 I guess. Continue.

25 "Your letter speaks for itself."

26 "As does your lack of response until too
27 late..."

28 Getting to the end.

1 "To be clear. Is your point that we
2 should have invoked the Emergenc[ies] Act
3 earlier?"

4 "No. You were too late and did the wrong
5 thing. My point is saying nothing now
6 would have been better than not telling
7 the truth."

8 I wanted to ask you about this last text from
9 Minister McIver that you were too late and did the wrong thing.
10 What is that in reference to? If you have an understanding ---

11 **ADM MARLIN DEGRAND:** Yeah, it's ---

12 **MR. JEAN-SIMON SCHOENHOLZ:** --- of what that
13 could be in reference to?

14 **ADM MARLIN DEGRAND:** Yeah, it's very difficult
15 for me to put my head directly into the mind of Minister McIver.

16 Candidly, though, my understanding and interest
17 from this, based on our global conversations within the GOA,
18 were that we didn't require a legislative authority of the
19 *Emergency Act* to resolve our issue. We required logistical help
20 that was available in-province. And it was denied to us. So we
21 found a different way to address it. That is, bought the tow
22 trucks ourselves.

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

24 **ADM MARLIN DEGRAND:** That's, again, in the
25 absence of being able to have spoken to him directly on this,
26 that's my sense of it.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Understood. Thank
28 you.

1 Just a last topic here that won't take me very
2 long, my understanding is that a First Minister's meeting was
3 held on February 14th, where the Federal government consulted
4 with the Premiers of the provinces on the potential use of the
5 *Emergencies Act*. You're generally aware of that?

6 **ADM MARLIN DEGRAND:** I'm aware that that took
7 place, yes. That there was a meeting of the First Ministers on
8 the 14th.

9 **MR. JEAN-SIMON SCHOENHOLZ:** And do you have any
10 knowledge of whether Premier Kenney was provided with advanced
11 notice of that First Minister's meeting?

12 **ADM MARLIN DEGRAND:** No, I personally was not
13 involved in the conversations, but I'm aware and have viewed
14 information from our Premier's office and his Chief of Staff
15 that outlines the fact that the Premier was not provided with
16 advanced notice. There's normally a process for engaging in the
17 setting of First Minister's meetings, which will often be a week
18 or more in advance, with agendas and topics. The information
19 provided from our Premier's office is that there was no advance
20 notice and there was no advance notice of topic, there was no
21 time to gather information or brief the Premier on the
22 *Emergencies Act* because it was unclear. We didn't have notice
23 of that being the ---

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

25 **ADM MARLIN DEGRAND:** --- meeting on the 14th.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you very much,
27 Mr. Degrand. Those are all my questions.

28 **ADM MARLIN DEGRAND:** Thank you.

1 **COMMISSIONER ROULEAU:** Okay. Well I think we can
2 take the morning break at this point. So we'll take 15 minutes
3 and come back to proceed with the primary examination and cross-
4 examination. So 15-minute break.

5 **ADM MARLIN DEGRAND:** Thank you so much.

6 **THE REGISTRAR:** The Commission is in recess for
7 15 minutes. La Commission est levée for 15 minutes.

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

9 --- Upon resuming at 11:24 a.m.

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

11 The Commission is reconvened. La Commission
12 reprend.

13 **COMMISSIONER ROULEAU:** You're okay?

14 --- ADM MARLIN DEGRAND, Resumed:

15 **ADM MARLIN DEGRAND:** Yes, sir.

16 **COMMISSIONER ROULEAU:** Okay. First I'd like to
17 call on the Government of Canada, please.

18 --- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:

19 **MR. BRENDAN van NIEJENHUIS:** Thank you, Mr.
20 Commissioner.

21 Mr. Degrand, I'm Mr. Brendan van Niejenhuis. I'm
22 one of the lawyers for the government of Canada in this matter.

23 **ADM MARLIN DEGRAND:** Good morning.

24 **MR. BRENDAN van NIEJENHUIS:** Sir, in response to
25 the series of questions you were just asked about whether
26 Premier Kenney was consulted about the setting of the First
27 Minister's meeting, I believe you said that this was the
28 information available to you from the Premier's office? Is that

1 right?

2 **ADM MARLIN DEGRAND:** That's correct, sir.

3 **MR. BRENDAN van NIEJENHUIS:** And that is not
4 information that we have seen under oath or affirmation? Is
5 that fair?

6 **ADM MARLIN DEGRAND:** I could -- I will assume
7 that's the case. I've not been following all the proceedings.
8 My apologies.

9 **MR. BRENDAN van NIEJENHUIS:** You're not aware of
10 that?

11 **ADM MARLIN DEGRAND:** I'm not aware of that, yeah.

12 **MR. BRENDAN van NIEJENHUIS:** And you, yourself,
13 were not, I take it, present at the First Minister's meeting?

14 **ADM MARLIN DEGRAND:** That's correct.

15 **MR. BRENDAN van NIEJENHUIS:** And likewise, you
16 were not personally present for Premier Kenney's telephone
17 conversations with the Minister of Public Safety, for example?

18 **ADM MARLIN DEGRAND:** That's correct, sir.

19 **MR. BRENDAN van NIEJENHUIS:** Or the Prime
20 Minister; right?

21 **ADM MARLIN DEGRAND:** That's correct.

22 **MR. BRENDAN van NIEJENHUIS:** And there's nothing
23 you're aware of that disables former Premier Kenney from
24 swearing his own affidavit about these matters?

25 **ADM MARLIN DEGRAND:** I'm not familiar enough with
26 the proceeding to even comment on that, but no.

27 **MR. BRENDAN van NIEJENHUIS:** You're not aware of
28 anything that disables him from testifying before this

1 Commission, should he had wished to do so?

2 **MS. STEPHANIE BOWES:** This is Stephanie Bowes.
3 Counsel for Alberta. I think we're getting into asking this
4 witness a legal question about whether or not there's anything
5 that prevents the former Premier from swearing an affidavit.

6 **MR. BRENDAN van NIEJENHUIS:** I'm not sure it's a
7 legal question. I'm wondering if the witness is aware of
8 anything that disables the former Premier from doing so.

9 **ADM MARLIN DEGRAND:** Well and actually, with all
10 due respect, actually I would suggest that I'm not a lawyer and
11 I wouldn't actually probably be qualified for that. I'm not
12 aware of that, but there could very well be things there that
13 I'm not aware of.

14 **MR. BRENDAN van NIEJENHUIS:** Okay. Fair enough.
15 Let's turn to you, sir. You were an Assistant
16 Commissioner of the RCMP until 2018? Is that correct?

17 **ADM MARLIN DEGRAND:** That's correct.

18 **MR. BRENDAN van NIEJENHUIS:** And so you
19 understand while here what Deputy Commissioner Zablocki and the
20 other RCMP officers involved in the Coutts blockade went
21 through; yes?

22 **ADM MARLIN DEGRAND:** I have a sense of it. I was
23 obviously not on the ground, but -- and I was not operational at
24 the time, but I have previous experiences that would certainly
25 inform on that.

26 **MR. BRENDAN van NIEJENHUIS:** And you respect
27 Deputy Commission Zablocki and his service in the discharge of
28 his duties in respect of Coutts?

1 **ADM MARLIN DEGRAND:** Absolutely, yes.

2 **MR. BRENDAN van NIEJENHUIS:** And everywhere K
3 Division of the RCMP policed the Province of Alberta during
4 these events; right?

5 **ADM MARLIN DEGRAND:** Yes, so I have a great deal
6 of respect for Commissioner Zablocki and his command team.

7 **MR. BRENDAN van NIEJENHUIS:** You became an
8 Assistant Deputy Minister with Alberta Justice in 2018, right?

9 **ADM MARLIN DEGRAND:** That's actually not quite
10 correct. I started as an executive -- my apologies; you would
11 have no way of knowing this, sir, so I started as an Executive
12 Director. So as sort of -- I reported to the Assistant Deputy
13 Minister at the time, Bill Sweeney, and I became the ADM in
14 2021. Sorry; I just want to be factually accurate.

15 **MR. BRENDAN van NIEJENHUIS:** No, no, I appreciate
16 that. Just going with ---

17 **ADM MARLIN DEGRAND:** Yeah. No, of course you
18 would have no way to know that, so...

19 **MR. BRENDAN van NIEJENHUIS:** You swore the
20 Province's Institutional report in this proceeding as well,
21 right?

22 **ADM MARLIN DEGRAND:** Yes, I did, sir.

23 **MR. BRENDAN van NIEJENHUIS:** And we'll come back
24 to that.

25 Now, in the Province of Alberta this situation,
26 if I can call it that, began really on January the 29th; is that
27 accurate?

28 **ADM MARLIN DEGRAND:** Yes, from memory, that's ---

1 **MR. BRENDAN van NIEJENHUIS:** In terms of the
2 beginnings of the ---

3 **ADM MARLIN DEGRAND:** Yeah, it was ---

4 **MR. BRENDAN van NIEJENHUIS:** --- blockade.

5 **ADM MARLIN DEGRAND:** --- the slow roll, yeah.

6 **MR. BRENDAN van NIEJENHUIS:** And if we go to
7 ALB00001010, at page 2. Just pull up the initial report about
8 it to you.

9 **ADM MARLIN DEGRAND:** Sure, thank you.

10 **MR. BRENDAN van NIEJENHUIS:** If you go down to
11 page 2, please. You see that -- I take it it's Peter Tewfik, I
12 think, reporting to you about the blockage of the roads north
13 and south to the Coutts border, right?

14 **ADM MARLIN DEGRAND:** Yeah. That would be now--
15 Chief Superintendent -- I'm not sure if he was at the time --
16 Peter Tewfik with the RCMP.

17 **MR. BRENDAN van NIEJENHUIS:** Okay, okay. And it
18 says in the second-last -- subsequent paragraph there:

19 "The organizers...have made calls to
20 [the] participants to move their
21 vehicles but the message has been
22 ignored."

23 Right?

24 **ADM MARLIN DEGRAND:** That's correct.

25 **MR. BRENDAN van NIEJENHUIS:** And strategies are
26 being worked on to get those who are participating in the
27 stoppage to get roadways moving again, right?

28 **ADM MARLIN DEGRAND:** That's correct.

1 **MR. BRENDAN van NIEJENHUIS:** Okay. If we go up
2 to the first page, you see a report; moving just a little
3 further up the page, there's a report on the officers who are
4 deployed.

5 Just to the top, please. There we go.

6 And you see the report from Jason Delaney to Rick
7 Gardner, is that from the Alberta Sheriffs; you've got 12
8 members deployed at Coutts?

9 **ADM MARLIN DEGRAND:** Yeah, that's correct. Yeah,
10 that's on the 29th.

11 **MR. BRENDAN van NIEJENHUIS:** And three of them
12 had been reassigned from Coaldale, two reassigned from Redcliff
13 and two are sent in from Lethbridge on overtime, right?

14 **ADM MARLIN DEGRAND:** Three from Coaldale, two
15 from Coutts on the first day shift, and then the evening, yeah,
16 three from Coutts, two reassigned from Redcliff and two from
17 overtime, yeah, that's correct.

18 **MR. BRENDAN van NIEJENHUIS:** Okay. And the
19 RCMP's supplying 25, CBSA a dozen, and the Canadian Pacific
20 Railway Police and an off -- a single officer.

21 **ADM MARLIN DEGRAND:** Yeah, that's what it says.
22 Yes, correct.

23 **MR. BRENDAN van NIEJENHUIS:** Can we go to
24 ALB00001312, page 2. If we just go to page 2, please.

25 This will be a Tweet from the Premier issued on
26 -- or Tweeted on January the 30th, it says:

27 "The blockade of the Coutts border
28 crossing violates the *Alberta Traffic*

1 *Safety Act.*
2 [It's] causing significant
3 inconvenience for lawful motorists and
4 can dangerously impede movement of
5 emergency service vehicles.
6 This blockade must end."

7 Right?

8 **ADM MARLIN DEGRAND:** That's correct.

9 **MR. BRENDAN van NIEJENHUIS:** And if you'd flip
10 over to page 3, you'll see that he issues a longer statement
11 which is to the -- which is really to the same effect, yes?

12 **ADM MARLIN DEGRAND:** That's correct, yeah.

13 **MR. BRENDAN van NIEJENHUIS:** And this had no
14 effect on the Coutts process -- this had no immediate effect on
15 the Coutts protest, did it?

16 **ADM MARLIN DEGRAND:** I -- it would be difficult
17 for me to say what individualized effect it had, but,
18 ultimately, we still had a blockade.

19 **MR. BRENDAN van NIEJENHUIS:** You still had a
20 blockade. Okay.

21 Can we go to ALB00001257, please?

22 And this is a report which comes to you.

23 If you could just move down the page, please? A
24 bit further down, there we go.

25 And you see it's being reported to you now
26 Tuesday the 1st of February, that you're receiving information
27 about new blockades on the highway by Fort Macleod, on Highway 3
28 by Pincher Creek, and calls to block Highway 43 West of Grand

1 Prairie, right?

2 **ADM MARLIN DEGRAND:** That's correct.

3 **MR. BRENDAN van NIEJENHUIS:** And did you
4 interpret those as being a blockade sympathetic in spirit to the
5 blockades at Coutts?

6 **ADM MARLIN DEGRAND:** If they in fact were
7 accurate, that would've been the assumption that was being made.
8 But we just were making sure that that information was passed on
9 to the RCMP, who were also hearing that. And I believe the --
10 at least two of the three might've had some activity, but it was
11 resolved reasonably quickly.

12 **MR. BRENDAN van NIEJENHUIS:** If we go to
13 ALB1263, please; ALB00001263.

14 This is a February 1st intelligence assessment
15 provided to you, sir.

16 **ADM MARLIN DEGRAND:** Thank you.

17 **MR. BRENDAN van NIEJENHUIS:** And just want to
18 make a few highlights here of what is brought to your attention,
19 as well as that of some of your colleagues, from PSIO; that's
20 the Provincial Security Office?

21 **ADM MARLIN DEGRAND:** Yeah, it's the Provincial
22 Security Intelligence Office.

23 **MR. BRENDAN van NIEJENHUIS:** Thank you.

24 So the first point is that there doesn't appear
25 to be centralized leadership at this blockade, right?

26 **ADM MARLIN DEGRAND:** That's correct.

27 **MR. BRENDAN van NIEJENHUIS:** It emerged from the
28 so-called Freedom Convoy Movement, right?

1 **ADM MARLIN DEGRAND:** Emerged from in the sense
2 that it's inspired by and in support of, that's correct.

3 **MR. BRENDAN van NIEJENHUIS:** And if we go to item
4 b:

5 "There [doesn't] appear to be any overt
6 direction being given between the
7 Coutts blockade and Ottawa 'Freedom
8 Convoy' organizers."

9 Although this is possible, right?

10 **ADM MARLIN DEGRAND:** Anything's possible, but
11 there was no information or intelligence to support that.
12 Although that, of course, was one of the things that our -- the
13 law enforcement agencies was lucky to determine.

14 **MR. BRENDAN van NIEJENHUIS:** Okay. It refers, in
15 the last sentence, under b there to be:

16 "...one of the spin-off support events
17 for the Ottawa convoy that gained its
18 own momentum and now appears to be
19 self-supporting."

20 Right?

21 **ADM MARLIN DEGRAND:** Yeah, that's correct.

22 **MR. BRENDAN van NIEJENHUIS:** Yeah.

23 "Individuals outside of the blockade
24 location appear to be acting as
25 entrepreneurs in organizing support and
26 logistics."

27 Right?

28 **ADM MARLIN DEGRAND:** That's correct.

1 **MR. BRENDAN van NIEJENHUIS:** You were seeing
2 that?

3 **ADM MARLIN DEGRAND:** Yeah, that's what the
4 information intelligence as being reported to me was; of course
5 I relied on that.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. If you go
7 further down the page, you see already that there are:

8 "Individuals on pro-blockade social
9 media groups...organizing phone
10 campaigns to threaten tow companies
11 with financial repercussions, and to
12 set up boycotts of companies they
13 believe have acted in support of [the]
14 police."

15 Right?

16 **ADM MARLIN DEGRAND:** That's correct.

17 **MR. BRENDAN van NIEJENHUIS:** Is that a serious
18 concern to you at that point already?

19 **ADM MARLIN DEGRAND:** It was because it was, of
20 course, one of those factors that was limiting the cooperation
21 that the RCMP were able to gain from that industry.

22 **MR. BRENDAN van NIEJENHUIS:** If we go down the
23 page further then to spin-off actions, there's:

24 "Social media comments [calling on]
25 blockade supporters to block in police
26 to prevent them from removing vehicles
27 from the...site."

28 Correct?

1 **ADM MARLIN DEGRAND:** Yeah, those are individual
2 comments that were out there, that's correct.

3 **MR. BRENDAN van NIEJENHUIS:** Okay. And you're
4 also hearing from your:

5 "Law enforcement partners...that
6 support convoys have bypassed
7 (or...broken through) police blockades
8 to deliver [supplies]."

9 Yeah?

10 **ADM MARLIN DEGRAND:** Yeah, that's correct. There
11 was even reports of vehicles, such as farm implements and
12 tractors, coming across country over -- instead of on road to
13 get to the site. It's a very open area and it's very difficult
14 to contain and secure.

15 **MR. BRENDAN van NIEJENHUIS:** The PSIO was
16 reporting that social media messages are:

17 "...promoting a decentralized blockade
18 of highways throughout Alberta."

19 Yes?

20 **ADM MARLIN DEGRAND:** Yeah, there were individuals
21 out there calling for spontaneous action around the province in
22 support of the blockade. Very little materialized other than
23 the main concerns that emerged in Edmonton and Calgary, although
24 as I indicated earlier, there were some small ones; I think you
25 saw them, at Fort Macleod, in Taber, like I mentioned earlier,
26 and a few others.

27 **MR. BRENDAN van NIEJENHUIS:** Could we go just to
28 the very bottom of the page now and see the last section here.

1 "Intelligence Gaps"; do you see that section?

2 **ADM MARLIN DEGRAND:** I do, sir. Thank you.

3 **MR. BRENDAN van NIEJENHUIS:** And the to -- this
4 refers to areas where there just isn't visibility, from an
5 intelligence perspective, as to the identity of the leaders and
6 their level of influence at the blockade site, right?

7 **ADM MARLIN DEGRAND:** That's correct, yeah. It
8 was very difficult to find true, defined leadership.

9 **MR. BRENDAN van NIEJENHUIS:** And you've got an
10 intelligence gap about how much support is likely to manifest in
11 the real world from the calls for decentralized blockade action.

12 **ADM MARLIN DEGRAND:** Exactly, sir.

13 **MR. BRENDAN van NIEJENHUIS:** Got it.

14 Let's go now, please, to ALB00001620. This is a
15 February 1st report concerning what's referred to as a brawl near
16 the blockade.

17 **ADM MARLIN DEGRAND:** Yeah, okay.

18 **MR. BRENDAN van NIEJENHUIS:** Are you familiar
19 with that ---

20 **ADM MARLIN DEGRAND:** I think know which one
21 you're referencing but I'll...

22 **MR. BRENDAN van NIEJENHUIS:** Did you happen to
23 observe the testimony of Mr. Van Huigenbos?

24 **ADM MARLIN DEGRAND:** No, I did not actually, sir.
25 Sorry.

26 **MR. BRENDAN van NIEJENHUIS:** Okay. If you go
27 down the page, it says that you're reporting here that you
28 assume others are well aware of this, but if you go down the

1 page, we'll just see what's reported out to you.

2 Here we go. And this is a report about how the -
3 - if you look at the third sentence:

4 "The crowd had [became] increasingly
5 hostile at [and] made threats
6 against...members [that is law
7 enforcement members] at the checkpoint,
8 to the point where they surrounded the
9 members."

10 Right?

11 **ADM MARLIN DEGRAND:** That's correct, yeah.

12 **MR. BRENDAN van NIEJENHUIS:** And the protesters
13 pushed through the vehicles with their vehicles and collided
14 with vehicles travelling northbound on Highway 14?

15 **ADM MARLIN DEGRAND:** Yeah, that's -- it is my
16 understanding of it is the officers at this -- at the checkpoint
17 moved their vehicles to avoid any collision and then vehicles
18 from the checkpoint began to traverse southward. At least one
19 was in the northbound lane and collided with another vehicle
20 that was northbound in the northbound lane, and that is when --
21 the reference to the brawl is there was a confrontation that
22 ensued between the participants in the collision, that the RCMP
23 and sheriffs on scene had to break up.

24 **MR. BRENDAN van NIEJENHUIS:** Yes, and I know you
25 didn't have a chance to observe it, but when we were here with
26 Mr. Van Huigenbos, I believe we watched a video of that incident
27 taken by the driver.

28 **ADM MARLIN DEGRAND:** Oh. Oh, okay. Interesting.

1 Yeah, sorry, I haven't seen that.

2 **MR. BRENDAN van NIEJENHUIS:** Well, you can go
3 back and watch ---

4 **ADM MARLIN DEGRAND:** I will. Thank you, sir.

5 **MR. BRENDAN van NIEJENHUIS:** Could we go now
6 please to ALB00001313? This will be a February 2nd report, sir,
7 on the social media intelligence work ---

8 **ADM MARLIN DEGRAND:** Okay.

9 **MR. BRENDAN van NIEJENHUIS:** --- being done by
10 PSIO.

11 **ADM MARLIN DEGRAND:** Okay. Thank you.

12 **MR. BRENDAN van NIEJENHUIS:** In this case, you'll
13 see that you're being informed that from a web and social media
14 perspective, the term bear hug is a rising search query. Do you
15 see that?

16 **ADM MARLIN DEGRAND:** That's correct. I think
17 that was information from other Ministries. Deputy Ministers
18 were receiving intelligence that over various social media
19 platforms, I think Facebook and others, that people were calling
20 for a bear hug, which was a call to sort of obstruct traffic
21 throughout the province.

22 **MR. BRENDAN van NIEJENHUIS:** If we go to
23 ALB00001611, this is still on the 2nd of February and it's
24 reporting on events in Calgary also associated with this phrase
25 bear hug.

26 **ADM MARLIN DEGRAND:** Okay. Thank you.

27 **MR. BRENDAN van NIEJENHUIS:** Just go down the
28 page. There we go. So this is a report coming in about -- with

1 respect to an,

2 ""Operation Bear Hug" calling for
3 truckers to block major highways in
4 Alberta..."

5 And at the top there's an Operation Bear Hug in
6 Calgary intended to support the convoy on the 5th of February,
7 which is the upcoming weekend; right?

8 **ADM MARLIN DEGRAND:** That's correct, yeah. I
9 guess it's important to ensure that it's -- this is
10 characterised as aspirational intelligence. These are people
11 that are trying to develop these things. I don't think we ever
12 developed significant intelligence in this area, but certainly
13 there were some sporadic and small-scale events.

14 **MR. BRENDAN van NIEJENHUIS:** You'll see in that
15 second paragraph that there's a, whatever you want to call it,
16 forward-looking intelligence that there's a plan to gather near
17 the Minister's house?

18 **ADM MARLIN DEGRAND:** Yeah.

19 **MR. BRENDAN van NIEJENHUIS:** Okay.

20 **ADM MARLIN DEGRAND:** That's correct.

21 **MR. BRENDAN van NIEJENHUIS:** And if you go down
22 the page a bit, just to scan through it, you'll see that there's
23 events being reported on -- in the Southern Region, North
24 Central, Fort McMurray Regions and Peace Region; right?

25 **ADM MARLIN DEGRAND:** Yeah, the -- if you're
26 looking at the North Central Region, those are unconfirmed
27 reports, and then Peace Region, again, unconfirmed reports of
28 activity around there, or plans, a planned activity.

1 **MR. BRENDAN van NIEJENHUIS:** Calls to block every
2 road?

3 **ADM MARLIN DEGRAND:** Yeah. Those were calls,
4 yeah. That's correct, sir.

5 **MR. BRENDAN van NIEJENHUIS:** This term "bear
6 hug", are you familiar with that term as having been promoted by
7 an outfit called Canada Unity and a gentleman by the names James
8 Bauder?

9 **ADM MARLIN DEGRAND:** I'm not actually, no, I'm
10 sorry. I'm at a bit of a disadvantage here, sir.

11 **MR. BRENDAN van NIEJENHUIS:** That's fair enough.
12 At any rate, it's clear by February the 2nd when you're receiving
13 these reports that there's the potential for police resources
14 becoming somewhat stretched in the province; is that fair?

15 **ADM MARLIN DEGRAND:** Oh, absolutely, depending on
16 how things manifest themselves and evolve, but that's certainly
17 the point of the intelligence was to make police aware.

18 **MR. BRENDAN van NIEJENHUIS:** And the RCMP is
19 police of jurisdiction under contract with the Province of
20 Alberta are responsible to police the whole of the province and
21 not just Coutts; right?

22 **ADM MARLIN DEGRAND:** That's correct, although
23 there are, as I indicated earlier, municipal forces in Lacombe,
24 for instance, in Lethbridge, Medicine Hat, et cetera.

25 **MR. BRENDAN van NIEJENHUIS:** Absolutely. Fair
26 enough. Aside from the municipal police services.

27 **ADM MARLIN DEGRAND:** Yeah, and the First Nation
28 Services. That's correct.

1 **MR. BRENDAN van NIEJENHUIS:** If we go to ALB --
2 go back to ALB00000543, please? This will be the letter from
3 Deputy Commissioner ---

4 **ADM MARLIN DEGRAND:** Oh, okay. Yeah, the ---

5 **MR. BRENDAN van NIEJENHUIS:** --- Zablocki ---

6 **ADM MARLIN DEGRAND:** --- Article 9, yeah.

7 **MR. BRENDAN van NIEJENHUIS:** The invocation of
8 9.1.

9 **ADM MARLIN DEGRAND:** Okay. Yes.

10 **MR. BRENDAN van NIEJENHUIS:** Okay. So if we just
11 move down the page, and the end of the first paragraph, do you
12 see -- well, you told us that you greatly respect Deputy
13 Commissioner Zablocki's judgment as a police officer; fair?

14 **ADM MARLIN DEGRAND:** That's correct, sir, yeah.

15 **MR. BRENDAN van NIEJENHUIS:** And you see that
16 Deputy Commissioner Zablocki indicates in the last sentence of
17 the first paragraph that,

18 "This situation does, in my opinion,
19 constitute an emergency in the province
20 of Alberta."

21 **ADM MARLIN DEGRAND:** I see that, yes, correct.

22 **MR. BRENDAN van NIEJENHUIS:** And do you consider
23 that a reasonable assessment on his part?

24 **ADM MARLIN DEGRAND:** Insofar as it's pertaining
25 to the Provincial Police Services Agreement, yes. And I guess
26 there's some context there, sir, in the sense that the
27 Provincial Police Services Agreement under Article 9 envisions
28 situations which would require the movement of resources to

1 support major events, emergencies, et cetera, as defined -- as
2 they pertain to that Act -- or that agreement, that contract, if
3 you will. It's a little different than, say, perhaps our
4 provincial *Emergency Act* or perhaps the Federal Act, but I'm ---

5 **MR. BRENDAN van NIEJENHUIS:** Got you.

6 **ADM MARLIN DEGRAND:** --- just not sure.

7 **MR. BRENDAN van NIEJENHUIS:** Got you.

8 **ADM MARLIN DEGRAND:** I just don't want to
9 conflate the two different definitions.

10 **MR. BRENDAN van NIEJENHUIS:** No, that's fair
11 enough. If you look at the second paragraph, he refers to this
12 urgent and critical situation being what warrants him requesting
13 the extraordinary application of the emergency provisions in the
14 agreements; correct?

15 **ADM MARLIN DEGRAND:** That's correct, yeah, you
16 betcha.

17 **MR. BRENDAN van NIEJENHUIS:** And that is going to
18 involve bringing in -- or transferring in more RCMP officers
19 from places other than Alberta; correct?

20 **ADM MARLIN DEGRAND:** Not only that, but also
21 movement of officers within Alberta from different business
22 lines to -- because there are provincial policing business
23 lines. There are also municipal business lines and federal
24 lines. And it would allow him to dip into those resources as
25 well as resources external to the province, to augment his
26 provincial police service and give them the resources they need
27 to manage the event.

28 **MR. BRENDAN van NIEJENHUIS:** Could we go to

1 ALB00001177? And if you bring them in from other provinces
2 particularly though, what it means is you've got less police
3 available in those provinces to police those jurisdictions;
4 fair?

5 **ADM MARLIN DEGRAND:** That's correct. When we
6 receive such requests for our officers as well, one of the first
7 questions we ask is, of course, what is the impact on core
8 policing and it's up to the commanding officer of that division
9 that's sending them to determine whether those can be sent in a
10 manner that's safe.

11 **MR. BRENDAN van NIEJENHUIS:** And here you're
12 reporting about the information you've received from provincial
13 colleague in British Columbia about the planned events there;
14 correct?

15 **ADM MARLIN DEGRAND:** Those were the intelligence
16 pieces that they were hearing, that's correct. And they were
17 hearing aspirational information as well around Saskatchewan and
18 Manitoba, I believe, in that conversation I had with my
19 colleague.

20 **MR. BRENDAN van NIEJENHUIS:** And all three of
21 those are provinces which also rely upon the RCMP as a primary
22 police of jurisdiction outside of those municipalities large
23 enough to have their own service?

24 **ADM MARLIN DEGRAND:** That's correct, sir.

25 **MR. BRENDAN van NIEJENHUIS:** And so those
26 protests could likewise draw exceptionally on local resources in
27 order to maintain order if that had to be done by the RCMP;
28 fair?

1 **ADM MARLIN DEGRAND:** If they materialise to
2 certain levels, I'm sure they could, but I'm not sure whether
3 they did or not.

4 **MR. BRENDAN van NIEJENHUIS:** Could we go to
5 ALB00000528, please?

6 The bottom of the page, please. I might have the
7 wrong reference, so never mind.

8 You became aware that there were protests planned
9 for Edmonton the weekend of February 4th and 5th?

10 **ADM MARLIN DEGRAND:** Yeah, that sounds right,
11 sir. Yeah, it does, yeah.

12 **MR. BRENDAN van NIEJENHUIS:** And a considerable
13 number of vehicles, I think several thousand showed up according
14 to the Institutional Report?

15 **ADM MARLIN DEGRAND:** That's correct, yeah,
16 there's multiple points of origin and they converged in Edmonton
17 there and the Edmonton Police, the sheriffs working with
18 assistance from the RCMP were tasked with managing that event.

19 **MR. BRENDAN van NIEJENHUIS:** February 4th is the
20 Friday heading into this weekend, I think?

21 **ADM MARLIN DEGRAND:** That's -- yeah, from memory,
22 that sounds right.

23 **MR. BRENDAN van NIEJENHUIS:** Okay.

24 **ADM MARLIN DEGRAND:** Thank you.

25 **MR. BRENDAN van NIEJENHUIS:** Now did you have an
26 opportunity to hear Mayor Willett testify yesterday?

27 **ADM MARLIN DEGRAND:** I did not, sir. I've been
28 kind of careful to avoid too much just because I didn't want to

1 colour my own opportunity here and ---

2 **MR. BRENDAN van NIEJENHUIS:** I'm sure you have
3 other things to do as well, so let's go -- we heard from Mayor
4 Willett -- if we could call up COU00000016. We heard Mayor
5 Willett testify yesterday about his perspective on the ground
6 really, from the ground level at Coutts.

7 **ADM MARLIN DEGRAND:** Okay.

8 **MR. BRENDAN van NIEJENHUIS:** Okay.

9 **ADM MARLIN DEGRAND:** Thank you.

10 **MR. BRENDAN van NIEJENHUIS:** And this will be a
11 text exchange with Minister Sawhney that he tendered ---

12 **ADM MARLIN DEGRAND:** Oh.

13 **MR. BRENDAN van NIEJENHUIS:** --- into evidence
14 yesterday ---

15 **ADM MARLIN DEGRAND:** Okay.

16 **MR. BRENDAN van NIEJENHUIS:** --- through
17 Commission Counsel. Could we go to page 7, please?

18 Here we see an indication from him on February 4th
19 that an Artur Pawlowski had showed up and fired everyone up at
20 the Coutts protest site to convince them to stay.

21 **ADM MARLIN DEGRAND:** M'hm.

22 **MR. BRENDAN van NIEJENHUIS:** Are you aware of
23 that?

24 **ADM MARLIN DEGRAND:** Yeah, I actually am aware of
25 that event, yes, from the RCMP's reporting, not from this
26 conversation.

27 **MR. BRENDAN van NIEJENHUIS:** Could we go to
28 PB.CAN.00001835? This is the multimedia file that we had

1 yesterday. And I'm going to ask to play this from ---

2 (VIDEO PLAYBACK)

3 **MR. BRENDAN van NIEJENHUIS:** --- the 2:07 mark
4 until 4:18.

5 (VIDEO PLAYBACK)

6 **MR. BRENDAN van NIEJENHUIS:** Thank you. Have you
7 seen that speech before by Artur Pawlowski?

8 **ADM MARLIN DEGRAND:** No, I haven't actually.

9 **MR. BRENDAN van NIEJENHUIS:** Do you hear that he
10 is singling out Premier Kenney as the source of the problem and
11 I believe he referred to Kenney's mafia?

12 **ADM MARLIN DEGRAND:** Yeah, that's what I heard,
13 yes.

14 **MR. BRENDAN van NIEJENHUIS:** And he said, "This
15 is our Alamo," referring I take it to a -- the standoff at the
16 Alamo in Texas?

17 **ADM MARLIN DEGRAND:** That's what I assume the
18 reference.

19 **MR. BRENDAN van NIEJENHUIS:** And he points to the
20 international attention that has been gathered and says, "That's
21 power"; right?

22 **ADM MARLIN DEGRAND:** That's correct.

23 **MR. BRENDAN van NIEJENHUIS:** Could we go to
24 COU00000016? This similarly we heard from Mayor Willett about,
25 and it is the same series of text exchanges, and I just want to
26 address one other factual issue that was circulating.

27 **ADM MARLIN DEGRAND:** Thank you.

28 **MR. BRENDAN van NIEJENHUIS:** Page 9. Okay. You

1 see he refers here in this instant message, again, with Minister
2 Sawhney, to a gentleman named Paul Brandt; do you see that?

3 **ADM MARLIN DEGRAND:** Yeah, I do, sir, thank you.

4 **MR. BRENDAN van NIEJENHUIS:** And he's referring
5 to a Rebel News story and saying that,

6 "In my opinion Paul Brandt should post
7 a clarification on the Rebel news story
8 that he helicoptered in aid."

9 Familiar with that?

10 **ADM MARLIN DEGRAND:** I'm familiar with the --
11 this story, yeah.

12 **MR. BRENDAN van NIEJENHUIS:** Or the rumour about
13 that, yeah.

14 **ADM MARLIN DEGRAND:** Yeah, you bet.

15 **MR. BRENDAN van NIEJENHUIS:** If we go down the
16 page? And you see that Mayor Willett indicates that that's not
17 in fact true, that this photograph that was circulating of Paul
18 Brandt was five years old; right?

19 **ADM MARLIN DEGRAND:** Correct. That's what it
20 says there.

21 **MR. BRENDAN van NIEJENHUIS:** Paul Brandt is a --
22 just for the benefit of whoever doesn't know, is a well-known
23 internationally successful country musician from Alberta;
24 correct?

25 **ADM MARLIN DEGRAND:** That's correct.

26 **MR. BRENDAN van NIEJENHUIS:** And there was a
27 rumour in fact that he was going to come and perform a concert
28 in support of the Coutts blockaders; right?

1 **ADM MARLIN DEGRAND:** That was one of the two
2 rumours that we heard involving Mr. Brandt.

3 **MR. BRENDAN van NIEJENHUIS:** And if we go to page
4 13, you see Minister Sawhney still on the next day, February the
5 6th, she's asking,

6 "Was food dropped off to the protesters
7 by helicopter?"

8 Right?

9 **ADM MARLIN DEGRAND:** Correct.

10 **MR. BRENDAN van NIEJENHUIS:** Yeah, and that's the
11 character of the rumour that was going on about Paul Brandt,
12 that he had dropped off food by helicopter; right?

13 **ADM MARLIN DEGRAND:** Well, I don't see his name
14 on this text, but certainly that was one of the rumours.
15 Whether there was other rumours that the Minister was hearing
16 about other helicopter drops, there -- and I'm not even sure, I
17 think by this point, the NOTAM or the Notice to Airmen
18 restricting air space might have been in place as well, so that
19 might have been -- I don't want to put myself in the mind of the
20 Minister as to what she was ---

21 **MR. BRENDAN van NIEJENHUIS:** Sure. According to
22 Mayor Willett at least, he says, "Rebel rented a chopper and
23 made a video."

24 **ADM MARLIN DEGRAND:** Yeah.

25 **MR. BRENDAN van NIEJENHUIS:** It's what
26 circulated. Is that accord with your recollection of what
27 happened there?

28 **ADM MARLIN DEGRAND:** See, I'm not familiar with

1 any information around Rebel News renting a chopper, but
2 certainly that's the post from the -- that was from the mayor.

3 **MR. BRENDAN van NIEJENHUIS:** If we can go to
4 ALB00001444? And I just want to suggest at any rate that what -
5 - this notion about Paul Brandt renting a helicopter, coming to
6 drop off food, putting on a concert, that was disinformation;
7 right?

8 **ADM MARLIN DEGRAND:** I believe it was. We
9 actually conveyed that to the RCMP, and they had conversations
10 with Mr. Brandt's personnel, and they claimed they -- they
11 indicated that they have no intention of providing a concert
12 there and did not violate the NOTAM.

13 **MR. BRENDAN van NIEJENHUIS:** Okay. And if you go
14 to the bottom of this page, this is a report to you from your
15 PSIO Director; yes?

16 **ADM MARLIN DEGRAND:** Yeah, that's correct, sir.

17 **MR. BRENDAN van NIEJENHUIS:** On February 6th, and
18 at that point, at 3:27 in the afternoon, he is saying that
19 there's no credible public information confirming this Brandt
20 helicopter story, but it appears plausible based on the aircraft
21 itself. I'm sorry ---

22 **ADM MARLIN DEGRAND:** Yeah, we share the same
23 speed of talking, sir. Sorry. Yes, I do read that. There's --
24 that's based on the photograph that was received. What I was
25 hearing from Mr. McAuley was that there's nothing to state that
26 this actually happened. The helicopter in the picture appears
27 consistent with that used by Mr. Brandt, but there's nothing to
28 indicate, you know, whether he did what was being rumoured to

1 have been done, that is resupply. And even if that was the
2 case, it would appear that it would have taken place prior to
3 any Notice to Airmen restrictions on the airspace being in
4 place.

5 **MR. BRENDAN van NIEJENHUIS:** Yes, okay. And
6 that's the NOTAM that's referred to there, the Notice to Airmen?

7 **ADM MARLIN DEGRAND:** Yes, that's correct, sir.

8 **MR. BRENDAN van NIEJENHUIS:** Could we go to
9 ALB00001626? This is a report to you raised for your attention,
10 I think again on February the 7th now, so the Monday.

11 **ADM MARLIN DEGRAND:** Thank you.

12 **MR. BRENDAN van NIEJENHUIS:** Or the Tuesday.

13 **ADM MARLIN DEGRAND:** February 7th. Thank you.

14 **MR. BRENDAN van NIEJENHUIS:** Monday. Monday it
15 is. If you go down to the bottom indication that's being
16 forwarded up to you,

17 "A regional stakeholder raised the
18 following concern: there is the risk
19 [that] many of the protesters
20 [referring to Coutts] are armed with
21 firearms kept in their tractor trailers
22 and trucks. Violence is possible."

23 Right?

24 **ADM MARLIN DEGRAND:** Yes, that's what came to me
25 from -- ultimately, through the -- through Mr. Buffin.

26 **MR. BRENDAN van NIEJENHUIS:** And that if -- and
27 that proved to be the case, ultimately; did it not?

28 **ADM MARLIN DEGRAND:** I'm not sure where the

1 firearms were found, if there were any found in trucks, in cabs,
2 but certainly, ultimately, firearms were found and seized there.
3 This was early information that I, of course, immediately passed
4 along to the RCMP who were managing the event.

5 **MR. BRENDAN van NIEJENHUIS:** Okay. We'll hear
6 from Deputy Commissioner Zablocki about that when he testifies -
7 --

8 **ADM MARLIN DEGRAND:** Yeah, absolutely.

9 **MR. BRENDAN van NIEJENHUIS:** This in any event,
10 if true, as it proved to be, made it a very dangerous situation
11 and raised serious officer safety and public safety risks?

12 **ADM MARLIN DEGRAND:** Oh, if -- yeah, absolutely.
13 The presence of firearms at any dispute of this nature could
14 potentially be dangerous, and as any event that the police deal
15 with.

16 **MR. BRENDAN van NIEJENHUIS:** On February the 7th,
17 are you aware that Artur Pawlowski was arrested and charged with
18 offences including mischief over \$5,000 and interrupting the
19 operation of critical infrastructure?

20 **ADM MARLIN DEGRAND:** I am aware, yes.

21 **MR. BRENDAN van NIEJENHUIS:** Could we go to
22 ALB00001087? This is February the 9th. It's being reported up
23 to you that sheriffs, Alberta sheriffs sprayed two protesters
24 with, that's pepper spray.

25 **ADM MARLIN DEGRAND:** That's correct.

26 **MR. BRENDAN van NIEJENHUIS:** And that that's
27 because two protesters reportedly moved towards the sheriff's
28 sergeants and refused warnings to stop; correct?

1 **ADM MARLIN DEGRAND:** That's correct. I do have a
2 bit more information that was developed since that initial sort
3 of heads-up, if you will. It did appear that the individuals --
4 I'd better be careful because I don't want to conflate two
5 incidents.

6 **MR. BRENDAN van NIEJENHUIS:** Okay.

7 **ADM MARLIN DEGRAND:** So we'll leave it at that.

8 **MR. BRENDAN van NIEJENHUIS:** Maybe not -- really
9 just the raw fact that this was reported to you, is all I'm
10 asking.

11 **ADM MARLIN DEGRAND:** That's correct, yeah.

12 **MR. BRENDAN van NIEJENHUIS:** In terms of your
13 state of mind at the moment.

14 **ADM MARLIN DEGRAND:** Yeah. I apologize, yeah,
15 that's probably the best. Thank you.

16 **MR. BRENDAN van NIEJENHUIS:** And go to
17 ALB00001307. Can we go to the bottom email, please?

18 This is an email reporting in on protests
19 occurring that Friday night and over the weekend at the Calgary
20 Remand Centre.

21 **ADM MARLIN DEGRAND:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** Sorry; the very
23 bottom, please, page 4.

24 Okay. Scheduled protest at the Calgary Remand
25 Centre; are you aware of those protests in sympathy with Artur
26 Pawlowski?

27 **ADM MARLIN DEGRAND:** Yeah, I was, that it was in
28 relation to Mr. Pawlowski.

1 **MR. BRENDAN van NIEJENHUIS:** And they ended up
2 continuing for seven straight days.

3 **ADM MARLIN DEGRAND:** That sounds right. I don't
4 have that specific number in my memory.

5 **MR. BRENDAN van NIEJENHUIS:** Can we go to the
6 Institutional Report, ALB.IR.00000001? And to page 18, please?

7 Okay. This is indicating -- first of all, go
8 down the page. I think we're looking for the weekend of
9 February 12 and 13. Maybe just keep going, I may have the page
10 wrong. Yeah, please continue. There we go, right between 12
11 and 13.

12 The City of Edmonton obtained an injunction for
13 the weekend of February 12 and 13 as a result of the prior
14 weekend's events; yes?

15 **ADM MARLIN DEGRAND:** I'm not sure what their
16 motivation was, but certainly in anticipation of the events that
17 they were seeing being planned from there, they obtained an
18 injunction for that weekend, that's for sure.

19 **MR. BRENDAN van NIEJENHUIS:** Can you go to
20 paragraph 80 on this page?

21 You'll see there's a report of about 840 vehicles
22 in Edmonton, down from 3,000 the weekend before. But what I'm
23 concerned about here is at the end of the paragraph:

24 "...200 protestors from the 'Liberty'
25 march moved towards the counter-
26 protesters in an apparent attempt to
27 remove them..."

28 Right?

1 **ADM MARLIN DEGRAND:** Yeah, there was a counter-
2 protest that evolved that was going to confront the protesters
3 and stop them from doing -- demonstrating and doing their drive-
4 through. There was going to be a confrontation, and the
5 Edmonton Police Service reports that they intervened and
6 separated the parties and allowed for the protest to carry on.

7 **MR. BRENDAN van NIEJENHUIS:** And the risk of
8 violence dramatically escalates when you're dealing with a
9 counter-protest situation; is that fair?

10 **ADM MARLIN DEGRAND:** If allowed to come to
11 physical contact with each other it's much more difficult to
12 keep it peaceful.

13 **MR. BRENDAN van NIEJENHUIS:** Can we go to
14 COU0000002? This would be one of the last exchanges I want to
15 go to with respect to Mayor Willett, who testified yesterday.

16 **ADM MARLIN DEGRAND:** Sure.

17 **MR. BRENDAN van NIEJENHUIS:** And this is an
18 exchange with Bill Graveland. And it'll be page 3, please.

19 **ADM MARLIN DEGRAND:** Thank you.

20 **MR. BRENDAN van NIEJENHUIS:** And it is dated as
21 of February 12th, so two days before the *Emergencies Act*.

22 And move down the page.

23 All right. You see there, Mayor Willett says:

24 "Good morning, Bill." And he refers to, you know:

25 "...need to find someone in a protected
26 position to call these guys what they
27 are, Domestic Terrorists."

28 Do you see that?

1 **ADM MARLIN DEGRAND:** I do see that, yes.

2 **MR. BRENDAN van NIEJENHUIS:** And Mr. Graveland
3 says:

4 "Honestly, I had a number of run in's
5 several years ago with the Freemen on
6 the land. After an unpleasant exchange
7 with some of them at the saloon, I
8 realized that's likely what they are.
9 Sorry you're going through this."

10 Do you see that?

11 **ADM MARLIN DEGRAND:** I see that. That's correct.

12 **MR. BRENDAN van NIEJENHUIS:** And do you know what
13 "Freemen on the land" refers to?

14 **ADM MARLIN DEGRAND:** Yeah, I'm familiar with the
15 term.

16 **MR. BRENDAN van NIEJENHUIS:** It's been found, and
17 I think by Associate Chief Justice Rooke, and described as an
18 organized method of disrupting court operations and frustrating
19 the legal rights of governments, corporations, and individuals.

20 **ADM MARLIN DEGRAND:** Yeah, the tactic is
21 organized, that's for sure. Yeah, Justice Rooke's deliberation
22 ---

23 **MR. BRENDAN van NIEJENHUIS:** Yeah.

24 **ADM MARLIN DEGRAND:** --- is very accurate.

25 **MR. BRENDAN van NIEJENHUIS:** Yeah, he has a very
26 well-known decision that you may be familiar with from 2012 on
27 that point.

28 **ADM MARLIN DEGRAND:** That's correct.

1 **ADM MARLIN DEGRAND:** Yes, I see that, yes.

2 **MR. BRENDAN van NIEJENHUIS:** Okay. And that's a
3 -- well, I won't ask you to comment on your agreement with the
4 Court.

5 Could we go, now, to February the 14th. You
6 understand that on February 14th, the arrests occurred at Coutts,
7 right?

8 **ADM MARLIN DEGRAND:** That's correct.

9 **MR. BRENDAN van NIEJENHUIS:** Approximately at
10 2:00 p.m. that day, Mountain Time?

11 **ADM MARLIN DEGRAND:** I thought it was 2:00 a.m.,
12 sir.

13 **MR. BRENDAN van NIEJENHUIS:** Okay.

14 **ADM MARLIN DEGRAND:** So, like, into the evening
15 of the 13th and -- sorry.

16 **MR. BRENDAN van NIEJENHUIS:** At approximately
17 7:00 a.m. Mountain Time, Premier Kenney attended the First
18 Ministers meeting, which you referred to earlier.

19 **ADM MARLIN DEGRAND:** Okay.

20 **MR. BRENDAN van NIEJENHUIS:** Can we go to
21 SAS00000120?

22 These are the notes produced by the Government of
23 Saskatchewan with respect to the statements made at that
24 meeting. We've got only what is rehearsed into the
25 Institutional Report from Alberta. So I just want to -- thank
26 you.

27 If we go down to the bottom of this page where
28 there's notes with respect to Premier Kenney's statements, you

1 see the last few lines there, this is Jason Kenney speaking from
2 about ---

3 **ADM MARLIN DEGRAND:** I see his name.

4 **MR. BRENDAN van NIEJENHUIS:** You see that
5 section?

6 **ADM MARLIN DEGRAND:** Yeah.

7 **MR. BRENDAN van NIEJENHUIS:** So just looking at
8 the last comments that are attributed in here:

9 "See it as very serious provocation.
10 Could prove a net negative. PJs can
11 compel...tow drivers. Please stop the
12 trucker vaccine mandate. Language
13 provocation. Don't quibble if
14 necessary."

15 Do you have any awareness of what was -- what ---

16 **ADM MARLIN DEGRAND:** If I could just have one
17 moment?

18 **MR. BRENDAN van NIEJENHUIS:** Yes.

19 **ADM MARLIN DEGRAND:** Can I quickly read through
20 this?

21 (SHORT PAUSE)

22 **ADM MARLIN DEGRAND:** Okay. Go ahead, sir.

23 **MR. BRENDAN van NIEJENHUIS:** And if we can then
24 go to SSM.NSC.CAN00002941? And I'll...

25 Yes, Commissioner, I know I'm right at the edge.
26 I'll probably be about two or three minutes, if that's
27 acceptable?

28 **COMMISSIONER ROULEAU:** Yeah, I don't think you're

1 done.

2 **MR. BRENDAN van NIEJENHUIS:** Oh.

3 **COMMISSIONER ROULEAU:** So -- on my count, but ---

4 **MR. BRENDAN van NIEJENHUIS:** Okay, then I'll keep

5 ---

6 **COMMISSIONER ROULEAU:** But I do appreciate your
7 honesty with this.

8 **MR. BRENDAN van NIEJENHUIS:** I'll keep my mouth
9 shut in the future when I guess wrong.

10 **THE CLERK:** Apologies, counsel; could you please
11 repeat that doc ID?

12 **COMMISSIONER ROULEAU:** I have you having another
13 five minutes.

14 **MR. BRENDAN van NIEJENHUIS:** Okay.

15 **COMMISSIONER ROULEAU:** Just so you know.

16 **MR. BRENDAN van NIEJENHUIS:** All right.

17 And so it's SSM.CAN ---

18 **COMMISSIONER ROULEAU:** Another -- well, let's
19 see. No, another four minutes; sorry.

20 **MR. BRENDAN van NIEJENHUIS:**

21 SSM.NSC.CAN.00002941.

22 And this is another set of notes produced in --
23 from the Mr. Klau (phonetic), ---

24 **ADM MARLIN DEGRAND:** Thank you.

25 **MR. BRENDAN van NIEJENHUIS:** --- who will testify
26 in front of this Commission.

27 (SHORT PAUSE)

28 **ADM MARLIN DEGRAND:** Yeah, thank you.

1 **MR. BRENDAN van NIEJENHUIS:** If we go to page 22,
2 and I'm sorry these are sideways. It's a limitation of the ---

3 **ADM MARLIN DEGRAND:** Okay.

4 **MR. BRENDAN van NIEJENHUIS:** --- product, I
5 think.

6 And can you scroll down the page? There were
7 go.

8 **ADM MARLIN DEGRAND:** Thank you.

9 **MR. BRENDAN van NIEJENHUIS:** Doi you see on the
10 right-hand side of Mr. Klau's (phonetic) notes, with respect to
11 Mr. Kenney's statements during the First Minister's meeting; do
12 you want to just take a look at that for a moment?

13 **ADM MARLIN DEGRAND:** Thank you.

14 **MR. BRENDAN van NIEJENHUIS:** Since I have the
15 luxury of four minutes.

16 **ADM MARLIN DEGRAND:** Yeah. No, I understand,
17 yeah.

18 **MR. BRENDAN van NIEJENHUIS:** Go ahead.

19 (SHORT PAUSE)

20 **ADM MARLIN DEGRAND:** Okay. Thank you.

21 **MR. BRENDAN van NIEJENHUIS:** And so you see that
22 others have it here, again this word "quibble". Mr. Klau has
23 written, attributed to Mr. Kenney, "I don't quibble with the use
24 of the Act, but other ways to reduce tensions."

25 Do you see that?

26 **ADM MARLIN DEGRAND:** I see that, yes.

27 **MR. BRENDAN van NIEJENHUIS:** And in fairness to
28 you, you're not able to speak to whether or not that's an

1 accurate reflection of what Premier Kenney said because you
2 weren't present; fair?

3 **ADM MARLIN DEGRAND:** That's very fair.

4 **MR. BRENDAN van NIEJENHUIS:** And this meeting
5 occurs approximately -- well, some hours after the RCMP arrests
6 are made at Coutts; correct?

7 **ADM MARLIN DEGRAND:** That's correct.

8 **MR. BRENDAN van NIEJENHUIS:** And it occurs in a
9 context where -- and I'll just ask you if you're aware of this -
10 - approximately 2,000 firearms were missing, having been stolen
11 in a trailer in Peterborough, Ontario, which had not been
12 recovered for some days.

13 **ADM MARLIN DEGRAND:** I'm not aware of that,
14 actually.

15 **MR. BRENDAN van NIEJENHUIS:** Fair enough.

16 **ADM MARLIN DEGRAND:** Sorry, sir.

17 **MR. BRENDAN van NIEJENHUIS:** Fair enough. We'll
18 deal with it in other evidence.

19 At any rate, the Act is invoked at approximately
20 4:30 p.m. Eastern Standard Time.

21 **ADM MARLIN DEGRAND:** Okay.

22 **MR. BRENDAN van NIEJENHUIS:** Now, just coming
23 back briefly to some of the content of the institutional report,
24 if we could pull that up for just a couple of last questions,
25 ALB.IR.0000001, to page 7. Paragraph 34.

26 I think there's a disjoint in the numbering.

27 You can't speak to and were not present for
28 Premier Kenney's calls with Minister Mendicino; correct?

1 **ADM MARLIN DEGRAND:** That's correct.

2 **MR. BRENDAN van NIEJENHUIS:** And if you look at
3 page 8, paragraph 38, you likewise, I take it, were not present
4 for Minister McIver's call with Minister Blair?

5 **ADM MARLIN DEGRAND:** That's correct. I'm relying
6 on the information that we provided with the Institutional
7 Report on both cases.

8 **MR. BRENDAN van NIEJENHUIS:** Yes. And again,
9 that information is provided -- is not provided under oath other
10 than to the extent that your affidavit says you have heard it.

11 **ADM MARLIN DEGRAND:** That's correct, sir.

12 **MR. BRENDAN van NIEJENHUIS:** And page 9, then,
13 please. Again, it's paragraph 43.

14 And I take it I'll get the same answer, but you
15 were not present for this further call between Premier Kenney
16 and Minister Mendicino?

17 **ADM MARLIN DEGRAND:** That's correct, sir.

18 **MR. BRENDAN van NIEJENHUIS:** And if we go to page
19 3, finally, paragraphs 2 and 3, you see there it is stated or
20 asserted that in the end of paragraph 2 Alberta received
21 "virtually no consultation from Canada in its decision to invoke
22 the *Emergencies Act* as applicable to Alberta and the entirety of
23 the country." Fair?

24 **ADM MARLIN DEGRAND:** That's fair, sir.

25 **MR. BRENDAN van NIEJENHUIS:** And that's really a
26 matter of -- that's characterization.

27 **ADM MARLIN DEGRAND:** I'm sorry?

28 **MR. BRENDAN van NIEJENHUIS:** Is that your

1 characterization or is that the province's position?

2 **ADM MARLIN DEGRAND:** That would be the province's
3 position, and certainly from my personal experience, I received
4 no consultation.

5 **MR. BRENDAN van NIEJENHUIS:** Well, we've heard
6 areas where you were engaged with other colleagues.

7 **ADM MARLIN DEGRAND:** Yeah. Post. That's
8 correct, sir.

9 **MR. BRENDAN van NIEJENHUIS:** Paragraph 3, you say
10 -- at the end of that paragraph:

11 "...Canada failed to provide any
12 assistance upon Alberta's request to
13 simply borrow equipment from them."

14 And is that how you would encapsulate the
15 dialogue that you were engaged in with Transport Canada and
16 others?

17 **ADM MARLIN DEGRAND:** Yes, sir.

18 I'm not sure that it would be fair to say they
19 didn't try. I would suggest, though, that we received no
20 assistance.

21 **MR. BRENDAN van NIEJENHUIS:** Okay. Well, we'll
22 hear from the others about that.

23 Thank you, sir. Those are my questions.

24 **ADM MARLIN DEGRAND:** Thank you very much, sir.

25 **COMMISSIONER ROULEAU:** Thank you.

26 Next I'd like to call on the Convoy Organizers.

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

28 **MR. BRENDAN MILLER:** Good morning, sir.

1 **ADM MARLIN DEGRAND:** Good morning, or good
2 afternoon. How are you?

3 **MR. BRENDAN MILLER:** Oh, good afternoon. Right.

4 **ADM MARLIN DEGRAND:** I had to check. Sorry, sir.

5 **MR. BRENDAN MILLER:** My name's Brendan Miller.
6 I'm counsel for Freedom Corp, which represents the protestors
7 that were in Ottawa only, nobody at Coutts, between January and
8 February ---

9 **ADM MARLIN DEGRAND:** Pleased to meet you.

10 **MR. BRENDAN MILLER:** --- of 2022.

11 So I just want to dive right in.

12 So -- and I don't want to ask for anything
13 subject to *Criminal Code* sealing orders or things and just based
14 on what I know from the public record about this group that
15 ended up being arrested at the border in Coutts area with
16 respect to the conspiracy to commit murder and all of that.

17 It's my understanding that the RCMP undercover
18 agents -- and this is based on the public record -- were
19 involved with those -- that group from a very early point. Is
20 that fair?

21 **ADM MARLIN DEGRAND:** I think that -- I wouldn't
22 have that kind of tactical level of information, so I honestly
23 don't have knowledge of that. You would probably be better ask
24 that of the Deputy Commissioner.

25 And I'm not trying to avoid. I just sincerely
26 was not briefed at that level of detail.

27 **MR. BRENDAN MILLER:** Okay. Was it your
28 understanding that that group, their plot was to have two

1 females smuggle in in a hockey bag a whole bunch of guns into
2 the protest? Is that what your understanding was?

3 **ADM MARLIN DEGRAND:** I have actually no
4 understanding of the undercover operations or the intelligence-
5 gathering operations of the RCMP. The level of detail that I
6 was briefed at was really of the existence of threats within the
7 group that were potentially more violent and that they had
8 intelligence to indicate that they were armed and planning to do
9 violence in relation to the police should any enforcement action
10 take place.

11 **MR. BRENDAN MILLER:** Right. But are you, after
12 the fact, aware that the two females that they were intending to
13 have smuggle in these firearms were actually two undercover RCMP
14 officers?

15 **ADM MARLIN DEGRAND:** I apologize. I just have no
16 detail in terms of the actual criminal file or the investigation
17 itself. Quite carefully avoided that level of interaction with
18 the police and kept it at a higher level.

19 **MR. BRENDAN MILLER:** To your knowledge, before
20 the invocation of the *Emergencies Act*, was this investigation
21 and this operation with respect to these gentlemen who were
22 arrested at Coutts for conspiracy to commit murder -- was it
23 ever relayed to the federal executive political branch, that is,
24 Cabinet? Are you aware if that was, before the invocation?

25 **ADM MARLIN DEGRAND:** Was that information, that
26 this group was there, relayed to the federal executive?

27 **MR. BRENDAN MILLER:** Yeah, the federal executive
28 branch in the sense of the political branch of government with

1 respect to elected Ministers.

2 **ADM MARLIN DEGRAND:** Yeah, I wouldn't have any
3 knowledge of that. That would be a conversation probably at the
4 federal level of the RCMP, and certainly not one I was privy to
5 or was briefed on.

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

7 And it's fair to say that with Coutts, of course,
8 none of the provisions under the *Emergencies Act* that were
9 invoked and the subsequent Orders in Council -- none of them
10 were used in respect to Coutts, were they?

11 **ADM MARLIN DEGRAND:** That's correct.

12 **MR. BRENDAN MILLER:** And to your knowledge, none
13 of the protestors at Coutts had any of their accounts frozen or
14 anything like that under the orders.

15 **ADM MARLIN DEGRAND:** I don't have any knowledge
16 of that. I can't say that it didn't happen. I just don't know.

17 **MR. BRENDAN MILLER:** Right. Now, to your
18 knowledge, were you aware of when the RCMP finally mobilized
19 their national Public Enforcement Units to go to Ottawa? They
20 actually brought in other officers from B.C. and other folks.

21 Were you apprised of when that happened?

22 **ADM MARLIN DEGRAND:** There was a -- similar to
23 the Article 9 provisions that we spoke to earlier, there was
24 another request for support to the national response to the
25 situation in Ottawa. And that came right after the weekend, so
26 I want to say 15th, 16th, somewhere in that range.

27 And I was aware that the RCMP, along with the
28 Calgary Police and the Edmonton Police, were providing officers

1 to support the Ottawa Police Service in their efforts.

2 **MR. BRENDAN MILLER:** Right. And you agree with
3 me that that request, it doesn't require the *Emergencies Act* to
4 be invoked. This is a thing that ---

5 **ADM MARLIN DEGRAND:** No.

6 **MR. BRENDAN MILLER:** --- can be done.

7 And it could have been done at any time between
8 when the protests started in Ottawa to when it was asked; right?

9 **ADM MARLIN DEGRAND:** That's correct, yeah.

10 **MR. BRENDAN MILLER:** And ---

11 **ADM MARLIN DEGRAND:** It's used at any time.

12 **MR. BRENDAN MILLER:** Right. And for whatever
13 reason, the RCMP in Ottawa never asked for all of these units,
14 which could have easily been made available and sent to Ottawa
15 to assist with resources -- they never asked for them before the
16 15th, did they?

17 **ADM MARLIN DEGRAND:** I was not aware of any
18 requests at all before that.

19 **MR. BRENDAN MILLER:** And you've watched some of
20 this hearing. The biggest issue in Ottawa was resources.

21 And it was some of the evidence from poor Chief
22 Sloly, who had this thrown on him, that he was asking the RCMP
23 for resources and Commission Lucki said that, "You've got what
24 you've got".

25 But all times, is it fair that Commissioner Lucki
26 could have asked -- made a request like that was made on the
27 15th and asked for these officers to come to Ottawa to assist.

28 **ADM MARLIN DEGRAND:** The provisions of the Police

1 Services Agreement remain in place to this day and have been
2 since 2012 when we signed the agreement, so they could have been
3 asked for.

4 I won't speculate as to what our response would
5 have been.

6 **MR. BRENDAN MILLER:** Yeah. Thank you.

7 **ADM MARLIN DEGRAND:** Thank you.

8 **COMMISSIONER ROULEAU:** Okay. Next is the JCCF,
9 and yes.

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

11 **MR. ALAN HONNER:** Good morning, sir. My name is
12 Alan Honner. I am a lawyer from the Democracy Fund.

13 **ADM MARLIN DEGRAND:** Good morning. Pleased to
14 meet you.

15 **MR. ALAN HONNER:** And pardon me. It's good
16 afternoon, as ---

17 **ADM MARLIN DEGRAND:** Yes.

18 **MR. ALAN HONNER:** --- just pointed out.
19 Can we please pull up ALB.0000383.0001?

20 Just while we're waiting for that to come up, you
21 were asked about former Premier Jason Kennedy -- or Kenney
22 earlier today. And when the document comes up, I think what
23 it'll show is a letter dated February 15th, 2022 from the prime
24 minister to then Premier Jason Kenney.

25 Have you seen this document before?

26 **ADM MARLIN DEGRAND:** If I could scroll through it
27 a tiny bit more, maybe reduce the ---

28 **MR. ALAN HONNER:** Yes. Please, just direct the

1 Registrar.

2 **ADM MARLIN DEGRAND:** Yeah, sorry. If we could
3 maybe just -- sorry, thank you. Yeah, I believe I've examined
4 this document.

5 **MR. ALAN HONNER:** Thank you. So if we can just
6 look at the ---

7 **ADM MARLIN DEGRAND:** Yes, I have.

8 **MR. ALAN HONNER:** If we can just look at the
9 first paragraph on the second page -- it's before us right now -
10 - we see the prime minister saying that:

11 "We are facing significant economic
12 disruptions with the breakdown of
13 supply chains. This is costing
14 Canadians their jobs and undermining
15 our economic and national security with
16 potential significant impacts on the
17 health and safety of Canadians."

18 Did Premier -- former Premier Jason Kenney or
19 anyone else ever tell you -- anyone else from the government --
20 ever explain to you what the prime minister meant by this
21 reference to potential significant impacts on the health and
22 safety of Canadians?

23 **ADM MARLIN DEGRAND:** I'm not familiar with any
24 explanation of the prime minister's thoughts behind that from
25 anyone.

26 **MR. ALAN HONNER:** Okay, thank you.
27 Can we please pull up ALB00001517.0001?
28 And excuse me for just a moment, please.

1 My sincere apologies. I just had a slight
2 domestic emergency here. There we go.

3 **THE REGISTRAR:** We have the audio now, sir? Go
4 ahead.

5 **MR. ALAN HONNER:** Okay, thank you.

6 So earlier, you told us that Alberta had formally
7 requested assistance from the federal government, but did not
8 receive any formal response, and eventually -- this is in
9 respect to tow trucks -- and eventually, Alberta just obtained
10 its own equipment?

11 **ADM MARLIN DEGRAND:** That's correct, sir.

12 **MR. ALAN HONNER:** We're looking at an email here
13 from Peter Lemieux to you and others about equipment Alberta
14 procured to support the RCMP operation at Coutts?

15 **ADM MARLIN DEGRAND:** Okay.

16 **MR. ALAN HONNER:** And who is Peter Lemieux?

17 **ADM MARLIN DEGRAND:** Peter Lemieux is the Acting
18 Executive Director of the Provincial Security and Intelligence
19 Office. And during this time, he was the individual who I
20 tasked as the lead in the procurement of that equipment.

21 **MR. ALAN HONNER:** Okay. And this equipment was
22 procured on February 13th, 2022?

23 **ADM MARLIN DEGRAND:** It was procured over a
24 couple of days, and I think ultimately, all of it was in place
25 by the 14th or 15th -- I think 14th.

26 **MR. ALAN HONNER:** Well, if you just scroll down a
27 little bit, it says here ---

28 **ADM MARLIN DEGRAND:** Yeah.

1 **MR. ALAN HONNER:** --- "On February 13th, 2022,
2 Government of Alberta procured the following equipment."

3 **ADM MARLIN DEGRAND:** Yeah. I saw that in the
4 note from Peter earlier. I think a better term for "on"
5 February 13th would have been "by" February 13th. We had
6 actually acquired a small amount of that equipment earlier than
7 that, and the last of it was procured, and then it was all in
8 place, I believe, on the 14th, down south. Yeah, it was ready
9 for deployment.

10 **MR. ALAN HONNER:** Is this list of equipment
11 reflective of the equipment that the RCMP needed?

12 **ADM MARLIN DEGRAND:** Save two specialty vehicles,
13 this was the exact equipment that we were told by the RCMP that
14 they required if they were to have to execute an enforcement
15 plan and tow all the vehicles at the border crossing.

16 **MR. ALAN HONNER:** And what were those other two
17 vehicles that are not listed here?

18 **ADM MARLIN DEGRAND:** There are some other
19 documents that speak to them, but one is a tire service truck
20 and a number of tires, and the other is a heavy-duty mechanic's
21 truck with tools.

22 **MR. ALAN HONNER:** Okay, thank you.

23 And if we can just pull up PB.CAN.00001514?

24 We saw this document earlier today. Just while
25 we're waiting for it to be pulled up, it is an email to Rob
26 Stewart.

27 **ADM MARLIN DEGRAND:** Okay, thank you.

28 **MR. ALAN HONNER:** You recall seeing this email,

1 correct? If we can just scroll down a little bit?

2 **ADM MARLIN DEGRAND:** Yeah, I've seen this earlier
3 today. That's correct.

4 **MR. ALAN HONNER:** And if we can just scroll down
5 a little bit more to where it says, "Alberta".

6 So under the heading "Alberta", it says that the
7 biggest operational challenge to date is procuring
8 towing/wrecking equipment and skilled workers to operate the
9 equipment.

10 **ADM MARLIN DEGRAND:** That's correct.

11 **MR. ALAN HONNER:** By this point, you had most of
12 that equipment, at least?

13 **ADM MARLIN DEGRAND:** Could we scroll to the top
14 again so I could confirm the date?

15 **MR. ALAN HONNER:** Yeah, of course.

16 **ADM MARLIN DEGRAND:** If I remember correctly,
17 this is a review of a conversation that we had had earlier on in
18 the day on the 13th, that being a conversation with myself, ADM
19 Dakalbab Talal, and the public works -- government services
20 representative. I can't recall who was there on that call. And
21 at that point in time, we were in the process of procuring the
22 equipment that we ultimately later on, by the 13th, by the end
23 of the day, we had actually procured.

24 So when you see the reference from Peter Lemieux
25 to by the 13th we had it, the information that Talal in this
26 message was referencing came from a point in time prior to us
27 having finalized the purchase of the last of the equipment, so
28 we were still looking for trucks when he and I had a

1 conversation, and his reference to our conversation contained in
2 this email to Rob Stewart is based on that sort of hind-dated
3 information that we were still looking for it.

4 **MR. ALAN HONNER:** Right. So that explains why
5 the information in the document we're looking at isn't
6 completely current?

7 **ADM MARLIN DEGRAND:** Yeah. They're temporal in
8 terms of the course of the day. They're relying on information
9 that was provided at the start of the day, whereas the Peter
10 Lemieux document references what we had by the end.

11 **MR. ALAN HONNER:** And by that point on February
12 13th, you had no idea that the federal government was about to
13 invoke the *Emergencies Act*?

14 **ADM MARLIN DEGRAND:** That's correct, sir.

15 **MR. ALAN HONNER:** Thank you.

16 If we can just pull up Document
17 ALB.00001376.0001?

18 And what we're looking at here is an email from
19 Daniel Laville or Laville, I'm not sure how to pronounce his
20 name. I'm sorry about that. But it's to you and some other
21 people?

22 **ADM MARLIN DEGRAND:** Yes, it is, thank you.

23 **MR. ALAN HONNER:** And I think it's actually --
24 it's being forwarded to you, and it's dated February 15th, 2022?

25 **ADM MARLIN DEGRAND:** That's correct. Dan Laville
26 is -- was the Communications Director for our ministry at the
27 time and was forwarding to me a copy of an Alberta RCMP news
28 release.

1 **MR. ALAN HONNER:** And that RCMP news release said
2 that there are four people charged with conspiracy to commit
3 murder, and they're listed here, right?

4 **ADM MARLIN DEGRAND:** Yeah, that's what it says.

5 **MR. ALAN HONNER:** And I appreciate you have
6 limited information about this, and I appreciate that these are
7 allegations, but can you tell us or do you have any idea who
8 these people were allegedly conspiring to murder?

9 **ADM MARLIN DEGRAND:** I can't speak with
10 certainty, because of course, I wasn't part of the
11 investigation, but it was my understanding it was police. But
12 that is -- that would be third-party or speculative on my part,
13 and I would want that to come out in evidence in court.

14 **MR. ALAN HONNER:** Okay, thank you. Well, I'm not
15 going to ask you to speculate.

16 If we look a little bit -- if we look down this
17 list, we see that there are nine other people. They are charged
18 with mischief and possession of weapons for a dangerous person -
19 - for a dangerous purpose.

20 **ADM MARLIN DEGRAND:** That's correct.

21 **MR. ALAN HONNER:** Okay. So 13 people were charged
22 in total. Can you -- yes, and can we look at ALB.IR.00000001?
23 This is the Alberta Institutional Report.

24 **ADM MARLIN DEGRAND:** Okay, thank you.

25 **MR. ALAN HONNER:** And if we just go to page 8,
26 paragraph 25. Okay, thank you very much. So this paragraph
27 describes how the RCMP executed a warrant on three trailers,
28 leading to the arrest of 13 individuals.

1 **ADM MARLIN DEGRAND:** That's correct.

2 **MR. ALAN HONNER:** And those are clearly the same
3 13 individuals we just discussed?

4 **ADM MARLIN DEGRAND:** Yeah, that's the reference,
5 yes. That's correct, sir.

6 **MR. ALAN HONNER:** And it says here that the
7 warrant was executed before dawn.

8 **ADM MARLIN DEGRAND:** Yes.

9 **MR. ALAN HONNER:** Do you happen to know if it was
10 executed before the first ministers' meeting which took place on
11 February the 14th?

12 **ADM MARLIN DEGRAND:** Now, I have to be careful
13 and caveat my response in the sense that my understanding of the
14 first ministers' meeting is that is was, as articulated by
15 counsel for the Government of Canada, somewhere around 7:00 or
16 7:30 in the morning. I was not party to that event. If the
17 timing was as indicated by counsel, then it would have been
18 before because my conversation with the deputy commissioner
19 indicated it was in early morning hours, 2:30 or so in the
20 morning, that the arrests took place.

21 **MR. ALAN HONNER:** Oh, I see. Okay, thank you.
22 And earlier in you mentioned the hour of 7:30 a.m. That's when
23 you found out about the warrant being executed; right?

24 **ADM MARLIN DEGRAND:** Yeah, as I said, that was me
25 having a conversation with the deputy commissioner.

26 **MR. ALAN HONNER:** Got it. Okay, thank you.

27 **ADM MARLIN DEGRAND:** And then -- and 7:30 is a
28 rough estimate. I probably could go back on my phone and try

1 and find the call but it was before normal business hours.

2 **MR. ALAN HONNER:** It's okay. I just wanted to
3 make sure I understood. If we look down to paragraph 27 of the
4 Institutional Report, it also says that the *Emergencies Act* was
5 announced on the afternoon of February 14th and, based on your
6 evidence and on the report, that was well after the RCMP
7 successfully completed the seizure and arrests of these three --
8 13 people and the offence-related property?

9 **ADM MARLIN DEGRAND:** That's correct, sir.

10 **MR. ALAN HONNER:** Okay. And you didn't have any
11 other information about threats at the time?

12 **ADM MARLIN DEGRAND:** At the time, just the
13 intelligence I was receiving from the deputy commissioner around
14 the fact that there was a volatile presence within the group
15 that they were examining, and that they proved a threat or a
16 risk. It was very generic at that high level, the types of
17 conversations that I had with the deputy commissioner.

18 **MR. ALAN HONNER:** The Deputy Commissioner of the
19 RCMP, of course?

20 **ADM MARLIN DEGRAND:** That's correct.

21 **MR. ALAN HONNER:** Okay.

22 **ADM MARLIN DEGRAND:** Yeah, Deputy Commissioner
23 Zablocki.

24 **MR. ALAN HONNER:** So nothing specific?

25 **COMMISSIONER ROULEAU:** I think you've gone over
26 your time, just -- so if you could wrap up pretty soon, I think
27 you're out of time.

28 **MR. ALAN HONNER:** If I can have 30 more seconds,

1 Commissioner?

2 **COMMISSIONER ROULEAU:** Absolutely

3 **MR. ALAN HONNER:** Thank you. So just one last
4 point. You were shown a video of Arthur Pavlovsky. And am I
5 correct in understanding or can you confirm that he was arrested
6 for giving that speech when he was arrested on February 8th,
7 2022?

8 **ADM MARLIN DEGRAND:** He was arrested by the RCMP,
9 and I know it was tied to his actions down at the blockade. I
10 would probably want to defer to them as to the rationale,
11 specifically around what led -- or what evidence they have that
12 led them to cause them to arrest him and charge him.

13 **MR. ALAN HONNER:** Okay, fair enough. But he was
14 arrested on February the 8th, and he was held for bail, and he
15 was denied for bail. He was denied bail on February 16th, 2022,
16 but a judge from the Provincial Court of Justice; would you
17 agree with that?

18 **ADM MARLIN DEGRAND:** I can't disagree with it.
19 It sounds right. I just don't have the dates in front of me.
20 So yeah, that sounds right.

21 **MR. ALAN HONNER:** Okay, thank you very much.
22 Those are my questions.

23 **COMMISSIONER ROULEAU:** Okay, next, if we could
24 call on the Ottawa Coalition of the Residents and Businesses.

25 **MR. PAUL CHAMP:** No questions, thank you.

26 **COMMISSIONER ROULEAU:** Okay, next on the --
27 Windsor Police Service.

28 **MR. THOMAS McRAE:** So I apologize, no questions

1 for Tom McRae for Windsor Police Service.

2 **COMMISSIONER ROULEAU:** Okay, next is the
3 Government of Saskatchewan.

4 **--- CROSS-EXAMINATION BY MR. MIKE MORRIS:**

5 **MR. MIKE MORRIS:** Good morning, sir. It's Mike
6 Morris, counsel for the Government of Saskatchewan. I'm saying
7 good morning because it's still morning here and I think your
8 internal clock's probably still set to Alberta.

9 **ADM MARLIN DEGRAND:** Yes, good morning. Pleased
10 to meet you.

11 **MR. MIKE MORRIS:** I just have a few questions for
12 you. Sir, I understand that in February of this year, you
13 represented Alberta on the FPT Crime Prevention and Policing
14 Committee; is that correct?

15 **ADM MARLIN DEGRAND:** At the ADM level, that's
16 correct, sir.

17 **MR. MIKE MORRIS:** Okay. And that would be a
18 committee which is composed of officials from the federal,
19 provincial, and territorial government; correct?

20 **ADM MARLIN DEGRAND:** That's correct, sir.

21 **MR. MIKE MORRIS:** And, as such, that committee
22 would include representatives from the Government of
23 Saskatchewan, then; correct?

24 **ADM MARLIN DEGRAND:** That is correct, sir.

25 **MR. MIKE MORRIS:** My understanding is that the
26 committee met several times before the Public Order Emergency
27 was proclaimed on February 14th; is that correct?

28 **ADM MARLIN DEGRAND:** That's correct, sir.

1 **MR. MIKE MORRIS:** And my review of the material
2 indicates that the committee met on February 1st, February 7th,
3 and February 11th; does that accord with your understanding?

4 **ADM MARLIN DEGRAND:** That's sounds very correct,
5 sir, thank you.

6 **MR. MIKE MORRIS:** And did you attend the meetings
7 on the 1st, 7th, and 11th?

8 **ADM MARLIN DEGRAND:** I did, although I believe on
9 the 7th there was deputy minister presence as well, and Associate
10 Deputy Minister Dennis Cooley was there with me.

11 **MR. MIKE MORRIS:** At any of those meetings, did
12 federal officials indicate that the government was considering
13 invoking the *Emergencies Act*?

14 **ADM MARLIN DEGRAND:** No.

15 **MR. MIKE MORRIS:** In your view, would the
16 committee have been an appropriate forum to discuss whether it
17 was advisable for the Federal *Emergencies Act* to be invoked?

18 **ADM MARLIN DEGRAND:** I think it would have been a
19 very good initial forum to have initial conversations.
20 Certainly, consultation, as I understand it to be envisioned,
21 would be required at a much higher but, certainly, that would
22 have been a very good starting point for that.

23 **MR. MIKE MORRIS:** But in the end, you never had
24 the opportunity to have those consultations, then; correct?

25 **ADM MARLIN DEGRAND:** Oh, that's correct, sir.

26 **MR. MIKE MORRIS:** And just a couple more. In
27 your experience with these FPT meetings, can they be convened on
28 very short notice?

1 **ADM MARLIN DEGRAND:** Yes, they can, when
2 required.

3 **MR. MIKE MORRIS:** And would that even include on
4 weekends?

5 **ADM MARLIN DEGRAND:** In point of fact, it did
6 later, but yes.

7 **MR. MIKE MORRIS:** Thank you very much, sir.
8 Those are my questions for you.

9 **ADM MARLIN DEGRAND:** Thank you.

10 **COMMISSIONER ROULEAU:** Thank you. And next, I'll
11 call on the Government of Alberta.

12 --- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:

13 **MS. STEPHANIE BOWES:** Good afternoon, Mr.
14 Degrand. Good afternoon, Commissioner. My friends have covered
15 quite a lot of ground with you. There's just a few areas I want
16 to cover off. And one of those areas deals with the timing of
17 the execution of search warrants and arrests in Coutts, Alberta.
18 I'll ask if the clerk can please turn to ALB00001522.

19 **ADM MARLIN DEGRAND:** Thank you.

20 **MS. STEPHANIE BOWES:** And this is an email dated
21 early in the morning, 6:36 in the morning of February 14th from
22 John Ferguson to Dwayne Lakusta and to you. Do you know who
23 John Ferguson is?

24 **ADM MARLIN DEGRAND:** Yes, John Ferguson and was
25 at that time the Assistant Commissioner in charge of contract
26 operations for the Province of Alberta with the RCMP.

27 **MS. STEPHANIE BOWES:** And as far as you're aware,
28 he was involved in the law enforcement of the protest in Coutts?

1 **ADM MARLIN DEGRAND:** Yeah, very much so, yeah.

2 **MS. STEPHANIE BOWES:** Okay. And if we look at
3 this email, we'll see some events noted:

4 "At approximately 23:50, pursuant to
5 the above activity..."

6 -- which is described in the paragraph above --

7 "...two suspects who are a part of the
8 core protesters group and have been
9 identified as part of the security cell
10 were arrested." (As read)

11 Now, I take this to be on February 13th; do you
12 understand that to be the case as well?

13 **ADM MARLIN DEGRAND:** Yeah, I believe the 23:57
14 would have been on the 13th and then subsequent arrests after
15 that -- after midnight were on the 14th.

16 **MS. STEPHANIE BOWES:** And so then looking at the
17 timing of those arrests, if we go down to the next paragraph:

18 "On Monday, February 14th at
19 approximately 01:00 hours, other key
20 protesters within the security cell
21 were also arrested." (As read).

22 And then:

23 "A search warrant was already executed
24 at the saloon, the main meeting place
25 for the security cell, was negative for
26 weapons." (As read).

27 And then again, a further paragraph down:

28 "At approximately 03:00 hours, search

1 warrants were executed at the residence
2 in Coutts and the associated trailer."
3 (As read).

4 So all of these events involving the arrests and
5 execution of search warrants at Coutts were occurring late on
6 February 13th, very early on the morning of the 14th?

7 **ADM MARLIN DEGRAND:** Yeah.

8 **MS. STEPHANIE BOWES:** is that right?

9 **ADM MARLIN DEGRAND:** Basically right at midnight
10 and the early-morning hours to the 14th.

11 **MS. STEPHANIE BOWES:** Thank you. Now I'd also
12 like to turn back to record ALB -- I believe it's 00001573. And
13 this is the letter from Deputy Commissioner Zablocki on February
14 3rd to Acting Minister Sonya Savage for the -- or, my apologies,
15 it's from Minister Savage to Deputy Commissioner Zablocki.

16 **ADM MARLIN DEGRAND:** That's correct.

17 **MS. STEPHANIE BOWES:** Now the last sentence of
18 that first paragraph reads,

19 "In my opinion, this constitutes an
20 emergency in the Province of Alberta
21 under the Provincial Police Service
22 Agreement."

23 Now the Provincial Police Service Agreement is
24 included as a document referenced in Alberta's Institutional
25 Report before this Commission. I take it you're quite familiar
26 ---

27 **COMMISSIONER ROULEAU:** Could you ---

28 **MS. STEPHANIE BOWES:** --- with that reference?

1 **COMMISSIONER ROULEAU:** --- if you could try and -
2 --

3 **MS. STEPHANIE BOWES:** My apologies.

4 **COMMISSIONER ROULEAU:** --- slow down a bit for
5 the translators, please?

6 **MS. STEPHANIE BOWES:** For sure.

7 I'll take it you're quite familiar with that
8 agreement?

9 **ADM MARLIN DEGRAND:** I am, yeah.

10 **MS. STEPHANIE BOWES:** Is there a definition of
11 the word emergency in that agreement?

12 **ADM MARLIN DEGRAND:** I actually have a copy of it
13 with me, but I don't have it readily available, and I can't
14 recall.

15 **MS. STEPHANIE BOWES:** You can't recall. Okay.

16 **ADM MARLIN DEGRAND:** Yeah. It is in our
17 Institutional Report as well.

18 **MS. STEPHANIE BOWES:** Right. I take it that your
19 understanding is that the definition of the word emergency, as
20 contemplated under the ---

21 **ADM MARLIN DEGRAND:** Yeah.

22 **MS. STEPHANIE BOWES:** --- Provincial Police
23 Service Agreement ---

24 **ADM MARLIN DEGRAND:** Yeah.

25 **MS. STEPHANIE BOWES:** --- is different from the
26 word emergency under either the Federal *Emergencies Act* or
27 Provincial *Emergency Management Act*?

28 **ADM MARLIN DEGRAND:** Yeah, absolutely, and the

1 contemplation under the Provincial Police Services Agreement is
2 around resources and the ability to marshal sufficient resources
3 to manage extraordinary situations, whether they be, in this
4 case, protests, but it could be fires, floods, or major events,
5 such as a G8 or a G20 and the security events that come around
6 that. So it is very different than an emergency as would be
7 entailed under, say, the *Alberta Emergency Act* or the Federal
8 *Emergency Act*.

9 **MS. STEPHANIE BOWES:** And you used that word
10 extraordinary, which is a word that was also used in the letter
11 from Deputy Commissioner Zablocki to Minister Savage asking for
12 the deployment of RCMP officers under Section 9.1. To the best
13 of your knowledge, was this the first time Article 9.1 had been
14 used in Alberta for the deployment of RCMP officers?

15 **ADM MARLIN DEGRAND:** No. No, not at all.

16 **MS. STEPHANIE BOWES:** What other types of
17 circumstances has that occurred before?

18 **ADM MARLIN DEGRAND:** I believe we had that
19 invoked during the fire response in Fort McMurray. We brought
20 in officers from Newfoundland, B.C., Saskatchewan to support the
21 provincial operations. I believe it's been used in the past for
22 jail strikes and other natural disasters as well. It's been
23 used for G8, G20 deployments across the country, Olympics, et
24 cetera.

25 **MS. STEPHANIE BOWES:** Okay. Thank you. And also
26 in Alberta's Institutional Report, there's mention of other
27 protest activity that occurred in other parts of Alberta during
28 January and February 2022. And you've discussed that to some

1 length with my friends already. What was Alberta's role with
2 respect to other protest activity that was happening in the
3 province?

4 **ADM MARLIN DEGRAND:** So with the exception of
5 protests around the legislature itself, operational response is
6 solely with the police services of jurisdiction and we provide
7 support through our sheriff's branch when requested and as
8 needed. Our role is around coordination and intelligence
9 sharing, in monitoring, providing advice to government, and
10 ensuring that, to the best of our ability, every law enforcement
11 agency is connected with each other and with ourselves and not
12 caught at unawares with any intelligence that might exist in any
13 one of the law enforcement entities in the province.

14 **MS. STEPHANIE BOWES:** And you mentioned with
15 exception to protest activity was taking ---

16 **ADM MARLIN DEGRAND:** The legislature.

17 **MS. STEPHANIE BOWES:** --- place around the
18 legislature. Why is that?

19 **ADM MARLIN DEGRAND:** The Sheriff's Branch of my
20 division is a specific task around security on the legislative
21 precinct in the province and work very closely with the Edmonton
22 Police Service on that, but they are charged with sort of the
23 direct security on the leg itself. And so any protests
24 involving activity, whether they be dismantled or foot activity
25 on the legislature and on the roadways within the precinct are
26 primarily managed through the Sheriff's Branch, until such point
27 in time as it becomes clear that the protest is going to be non-
28 peaceful or unlawful, and then the Edmonton Police comes in and

1 assumes responsibility while our officers continue to work with
2 them, but we do have a much more robust participation in manners
3 on the legislative precinct.

4 **MS. STEPHANIE BOWES:** Did you become aware of any
5 incident involving these protests at the legislature grounds in
6 January and February that the Sheriff's Branch was not able to
7 handle?

8 **ADM MARLIN DEGRAND:** Not that the Sheriff's
9 Branch with the assistance of the EPS could not handle. They
10 were all managed quite, I think, appropriately.

11 **MS. STEPHANIE BOWES:** Okay. And one final record
12 to take you to, that's ALB00000 -- or, sorry, 00002402.

13 **THE CLERK:** Is that a multimedia file, Counsel?

14 **MS. STEPHANIE BOWES:** I don't believe so, no.
15 No, it shouldn't be.

16 **THE CLERK:** ALB ends in 2402?

17 **MS. STEPHANIE BOWES:** 2042.

18 **THE CLERK:** Ah, thank you.

19 This is an executive notification. Developing
20 situation. The Alberta Legislature Freedom Convoy February 26th,
21 2022. Now February 26, 2022 was after the Declaration of a
22 Public Order Emergency under the *Emergencies Act* was revoked.
23 Were you aware that, at this time, there were further protests
24 that were occurring in and around Alberta?

25 **ADM MARLIN DEGRAND:** Oh, absolutely. Yeah, there
26 were continued protests in Calgary specifically and Edmonton.

27 **MS. STEPHANIE BOWES:** Did any police agency
28 express to Alberta that they required anything beyond their

1 standard policing powers to deal with any of these protest post
2 *Emergencies Act* revocation?

3 **ADM MARLIN DEGRAND:** No.

4 **MS. STEPHANIE BOWES:** Okay. Thank you, Mr.
5 Degrand. Those are all my questions today.

6 **ADM MARLIN DEGRAND:** Thank you.

7 **COMMISSIONER ROULEAU:** Thank you. Any re-
8 examination?

9 **MR. JEAN-SIMON SCHOENHOLZ:** Two very brief
10 points. Thank you, Mr. Commissioner. Jean-Simon Schoenholz for
11 the Commission.

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

13 **MR. JEAN-SIMON SCHOENHOLZ:** First, I just want to
14 make sure the record is clear on a point raised by my friends
15 for the Convoy Organizers. If we could pull up the
16 Institutional Report ALB.IR.00000001 and go to page 30 at
17 paragraph 138? You'll recall my friend was asking you about the
18 provision of provincial RCMP resources to the response in
19 Ottawa. You remember that?

20 **ADM MARLIN DEGRAND:** I do, sir, thank you.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And I think you
22 mentioned it was on the 16th. You weren't terribly sure about
23 the date. If you -- the first sentence here of ---

24 **ADM MARLIN DEGRAND:** Yeah.

25 **MR. JEAN-SIMON SCHOENHOLZ:** --- paragraph 138
26 says, "On February 18th..."

27 **ADM MARLIN DEGRAND:** 18th.

28 **MR. JEAN-SIMON SCHOENHOLZ:** "...Commissioner

1 Brenda Lucki of the RCMP requested that
2 Alberta provide 42 officers to support
3 efforts in Ottawa."

4 Is that the request you were referring to?

5 **ADM MARLIN DEGRAND:** That's the request. I think
6 I might have even said 15th in my earlier evidence, and I
7 apologise. It's the 18th.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. The only
9 thing I -- other thing I wanted to ask you, my friend I believe
10 for the JCCF was talking to you about that list of resources
11 that you had acquired on February 13th. You remember that?

12 **ADM MARLIN DEGRAND:** Yes, I do, by the end of
13 February 13th.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And the point I
15 wanted to make sure that we understood, I believe you had a
16 meeting with the federal officials on the 13th. Are you aware
17 whether or not the fact that those vehicles had been obtained on
18 the 13th was made known to federal officials?

19 **ADM MARLIN DEGRAND:** So and I was probably clumsy
20 in my earlier explanation, so I'll try to clarify that. At the
21 time of my earlier conversation with the federal officials, ADM
22 Brosseau and others -- Russell and others, we had not yet
23 acquired the bulk of the equipment. We had a small number that
24 we had acquired and already shipped down. We were in midstream
25 of acquiring some and it fell apart the day before, and we were
26 in midstream that day of acquiring some, but we still hadn't
27 secured them yet.

28 So at the time of my conversation with ADM

1 Brosseau, and they -- or ADM Talal Dakalbab. And I apologize,
2 Talal; I know him but hope I'm not wrecking his name. But at
3 the time of that conversation, we hadn't yet acquired them. The
4 reference in Peter Lemieux's document was sometime down the
5 road, stating that by the end -- by the 18th we had acquired --
6 or the 13th we had acquired them, because later on that
7 afternoon, or later on that day, he -- his team was able to
8 secure the purchase of the remainder of the vehicles.

9 So that's why, at the time of our conversation
10 with the federal officials, we hadn't secured them yet, and we
11 were still seeking them. Later that day, we acquired them and
12 post that day, the indication from Mr. Lemieux is by the 13th
13 we'd acquired them, because by the end of that day, we had.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know
15 whether and when the federal officials would have been advised
16 that that list ---

17 **ADM MARLIN DEGRAND:** It's been ---

18 **MR. JEAN-SIMON SCHOENHOLZ:** --- of resources had
19 been acquired?

20 **ADM MARLIN DEGRAND:** Yeah, I don't know. I
21 honestly from memory I don't recall when we had that
22 conversation. I apologize. Should have that off the top of my
23 head, and I don't.

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

25 Those are all my questions.

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

27 Just on that, I have a couple of questions.

28 **ADM MARLIN DEGRAND:** Sure.

1 **COMMISSIONER ROULEAU:** Just on those -- the
2 equipment you acquired, and I may have missed it in my notes.

3 Did you -- had you arranged or secured the
4 operators for all that equipment? I didn't get that note.

5 **ADM MARLIN DEGRAND:** Yeah.

6 **COMMISSIONER ROULEAU:** And I know it was a
7 concern.

8 **ADM MARLIN DEGRAND:** Yeah, we'd actually -- sir,
9 we'd actually acquired a number of operators that could move
10 vehicles around. We'd acquired a number of operators, like, a
11 small number that could actually operate tow trucks and heavy
12 lift equipment. So we had a small component of folks that could
13 do that. We also had made connection with a private sector
14 individual who was going to provide us with not -- with limited
15 operators, but also training for any staff that we might have,
16 to operate those vehicles, the lift part of the vehicles. We
17 had a number of operators that could drive them and work them,
18 but to actually operating the tow capacity itself was something
19 we needed some training on.

20 So we had that started, but we were still looking
21 for more to augment that. To -- that would've facilitated a
22 much better operational response, rather than the limited number
23 that we had at the time.

24 **COMMISSIONER ROULEAU:** So that was a bit still a
25 work in progress ---

26 **ADM MARLIN DEGRAND:** Absolutely.

27 **COMMISSIONER ROULEAU:** --- but you had ---

28 **ADM MARLIN DEGRAND:** Had plans.

1 **COMMISSIONER ROULEAU:** You had started and
2 working it out.

3 **ADM MARLIN DEGRAND:** That's correct, sir.

4 **COMMISSIONER ROULEAU:** Okay. And another
5 question, I'm just going back to the 9.1 request that was made
6 on February 3rd, for -- that's the request to move additional
7 officers to Alberta; and that was granted, and we saw that
8 letter.

9 **ADM MARLIN DEGRAND:** Yes, it was, sir.

10 **COMMISSIONER ROULEAU:** When was that terminated?
11 Or how does it -- when did it end; do you know?

12 **ADM MARLIN DEGRAND:** The officers in question,
13 that came from British Columbia were 40 in number and they, as I
14 recall, returned to British Columbia; at the end of that weekend
15 of the 13th, 14th, they were released back to British Columbia.
16 There would have still been officers within Alberta, primarily
17 from municipal and perhaps federal business lines that would've
18 still been augmenting. And I would actually have to defer to
19 the Deputy Commissioner on when he was able to release them back
20 to their business lines and just rely exclusively on the
21 provincial officers. I just don't know when that was. But
22 there is no formal rescinding of that letter.

23 **COMMISSIONER ROULEAU:** So it was not formally
24 rescinded, but your understanding is they went back about 13th or
25 14th. Would that be after the operation in Coutts; would that
26 make sense to you?

27 **ADM MARLIN DEGRAND:** It would make sense to me,
28 but I would want to defer it to Deputy Zablocki for the

1 specifics around when they were released.

2 **COMMISSIONER ROULEAU:** Okay. And then you were
3 taken to the request by Ottawa, or to move officers to Ottawa.

4 **ADM MARLIN DEGRAND:** Yes.

5 **COMMISSIONER ROULEAU:** Would it be fair to say
6 that when you were requesting officers from British Columbia,
7 you would hesitate to send officers to Ottawa, or is -- those
8 two separate, totally distinct, or would you weigh that?

9 **ADM MARLIN DEGRAND:** Well, at the time of that
10 request, on the 18th we actually did release -- sorry; if that's
11 what you're asking?

12 **COMMISSIONER ROULEAU:** No, I'm asking if before
13 the 14th ---

14 **ADM MARLIN DEGRAND:** Oh. Oh, my apologies.

15 **COMMISSIONER ROULEAU:** --- in other words, you
16 were asked is there any reason you wouldn't have sent officers
17 ---

18 **ADM MARLIN DEGRAND:** Yeah.

19 **COMMISSIONER ROULEAU:** --- earlier and, I'm just
20 asking and it ---

21 **ADM MARLIN DEGRAND:** Yeah.

22 **COMMISSIONER ROULEAU:** --- I may be wrong, but
23 ---

24 **ADM MARLIN DEGRAND:** Yeah.

25 **COMMISSIONER ROULEAU:** --- it seems common sense
26 to me.

27 **ADM MARLIN DEGRAND:** Yeah. No, it's a very much
28 a common-sense question. And what would happen is what did

1 happen on the 18th, it would've happened on the 14th, I would've
2 looked to Deputy Zablocki to ask him, "What is the nature of the
3 request?" In this case it wasn't for just general numbers, it
4 was for speciality officers, what we call a specialist STO
5 officers, Special Tactics Operation officers, certain special
6 units. I would've asked the question, "Could you realistically
7 release those, given what you're dealing with in the province?"
8 And I would be guided by his advice on that. I would've been
9 surprised had he said he could but there are other provinces in
10 the Maritimes, et cetera, that he could've -- they could've
11 pulled from.

12 **COMMISSIONER ROULEAU:** Okay. And then you talked
13 about the *Critical Infrastructure Defence Act*, and I'm trying to
14 understanding a bit. That's a pretty -- gives it a lot of broad
15 power, as I understand it; is that fair?

16 **ADM MARLIN DEGRAND:** Yeah, it's a broad
17 application in the sense that if certain activity takes place on
18 any piece of critical infrastructure, as defined under the Act,
19 it allows for enforcement by police with specific penalties that
20 are quite substantial.

21 **COMMISSIONER ROULEAU:** And it doesn't have to be
22 invoked; it just ---

23 **ADM MARLIN DEGRAND:** No, it's -- yeah, just
24 standing legislation.

25 **COMMISSIONER ROULEAU:** And then -- this may be
26 the last one. I'm just going through my notes, I apologize.

27 **ADM MARLIN DEGRAND:** Oh, that's ---

28 **COMMISSIONER ROULEAU:** That you mentioned

1 something about -- and I think it was maybe February 13th, but
2 I'm not sure, a request for Reservists to be used, I think, to
3 operate equipment. Did you ever get an answer on that?

4 **ADM MARLIN DEGRAND:** Yeah, and the February 13th
5 reference was the conversation I had with Talal Dakalbab, the
6 ADM, and Public Safety Canada and other federal officials, where
7 I raised to them my surprise that we did have an answer back
8 that was indicating that -- and it's an earlier request from
9 earlier in the week, where the Canadian Forces indicated that
10 they would not allow their Reservists to participate in support
11 of our operations in the manner that we'd asked.

12 So we'd already had that answer and I was
13 expressing to the ADMs my surprise that at least that level of
14 support couldn't be approved.

15 **COMMISSIONER ROULEAU:** And maybe I've got it
16 wrong, but I thought in that note there was a suggestion that he
17 would look into it.

18 **ADM MARLIN DEGRAND:** Yeah, so all ---

19 **COMMISSIONER ROULEAU:** That was my question;
20 whether after looking into it, anything further came.

21 **ADM MARLIN DEGRAND:** My apologies. Yeah. He did
22 indicate that he was not aware of the request, he would look in
23 it, and I did not hear back from him.

24 **COMMISSIONER ROULEAU:** Okay.

25 **ADM MARLIN DEGRAND:** It was a busy time for him,
26 though, I understand.

27 **COMMISSIONER ROULEAU:** Okay. Because it was the
28 looking into it that I ---

1 **ADM MARLIN DEGRAND:** Yeah.

2 **COMMISSIONER ROULEAU:** --- didn't know whether

3 ---

4 **ADM MARLIN DEGRAND:** We received no feedback
5 after that, sir.

6 **COMMISSIONER ROULEAU:** Okay.

7 Okay. Well, those are my questions. Thank you
8 very much for attending, and I understand you're going back to
9 the cold.

10 **ADM MARLIN DEGRAND:** Right.

11 **COMMISSIONER ROULEAU:** But not much we can do
12 about that.

13 **ADM MARLIN DEGRAND:** I am indeed. Thank you,
14 sir. It's been a pleasure.

15 **COMMISSIONER ROULEAU:** Thank you. You're free to
16 go.

17 So we will have a long lunch today, an hour and
18 three minutes. So we'll be back at 2 o'clock and continue with
19 yesterday's witness.

20 Thank you.

21 **ADM MARLIN DEGRAND:** Thank you, sir.

22 **THE REGISTRAR:** The Commission is in recess until
23 2 o'clock. La Commission est levée jusqu'à 1400 heures.

24 --- Upon recessing at 12:56 p.m.

25 --- Upon resuming at 2:00 p.m.

26 **THE REGISTRAR:** Order. A l'ordre. The
27 Commission has reconvened. La Commission reprend.

28 **COMMISSIONER ROULEAU:** Thanks.

1 --- DSG MARIO Di TOMMASO, Resumed:

2 **MS. NATALIA RODRIGUEZ:** Good afternoon,
3 Commissioner. Natalia Rodriguez, Senior Commission Counsel.
4 And the Commissioner -- the Commission would like
5 to call again Mr. Di Tommaso.

6 **COMMISSIONER ROULEAU:** Okay.

7 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

8 **MS. NATALIA RODRIGUEZ:** Welcome back, Mr. Di
9 Tommasso.

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

11 **MS. NATALIA RODRIGUEZ:** You've been sworn in, so
12 I don't believe you'll have to do that again. You're under oath
13 as you were yesterday.

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

15 **MS. NATALIA RODRIGUEZ:** And I'm Natalia
16 Rodriguez, as I said. I'm taking over from my colleague, Mr.
17 Poliquin, who was examining you yesterday. And I'm going to
18 continue where he left off.

19 So he took you to your notes, and I will take you
20 to your notes as well. ONT.00005153, and it's at page 2.

21 And you'll recall, these were your notes from a
22 call that you had with Deputy Minister of Public Safety, Rob
23 Stewart on February 3rd. Do you recall that?

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

25 **MS. NATALIA RODRIGUEZ:** And yesterday, my
26 colleague took you to some text messages with Commissioner
27 Carrique in which you kind of agreed that the tenor of those
28 text messages was essentially that things seemed to be under

1 control. Do you recall that?

2 **DSG MARIO Di TOMMASO:** I do.

3 **MS. NATALIA RODRIGUEZ:** Okay. So now, looking at
4 these notes, again, this is a call with Deputy Minister Rob
5 Stewart and these are the notes you took from your discussion.
6 You wrote, "Three hundred (300)--- "

7 **DSG MARIO Di TOMMASO:** Five hundred (500).

8 **MS. NATALIA RODRIGUEZ:** Oh, 500? Okay. Excuse
9 me -- "500 CMV in Ottawa," and that is commercial motor
10 vehicles?

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

12 **MS. NATALIA RODRIGUEZ:** "Three thousand (3,000)
13 people, noise," in all caps there, "verbally assault -- " does
14 that say RCMP or people?

15 **DSG MARIO Di TOMMASO:** People.

16 **MS. NATALIA RODRIGUEZ:** People.

17 "No outbreaks of violence. Political
18 are very exposed, stalemate. Nobody
19 really in charge. Some who claim to
20 be. Far right extremism."

21 And if we go down, "Not going to be able to move
22 once they are there," or "they are here," rather.

23 "How do they leave? Change in policy
24 or de-escalation? Create incentives
25 for them to leave. City has stated to
26 -- has started to enforce bylaws. Get
27 right on it as soon as they get here."

28 Did that accord with the tenor of the types of

1 information and the discussion that you were having with
2 Commissioner Carrique in terms of the public safety issues or
3 what was happening on the ground?

4 **DSG MARIO Di TOMMASO:** It did.

5 **MS. NATALIA RODRIGUEZ:** Okay. And so did you
6 feel that you were getting similar messaging from both
7 Commissioner Carrique and from the deputy minister in this case?

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

9 **MS. NATALIA RODRIGUEZ:** After speaking to Deputy
10 Minister Stewart, did you have any public safety concerns about
11 the situation in Ottawa?

12 **DSG MARIO Di TOMMASO:** Not at that time. I was
13 getting consistent messaging from Commissioner Carrique and from
14 Deputy Minister Stewart that there were not any overriding
15 public safety concerns; in other words, from my perspective,
16 what we did not see is any serious violence taking place at that
17 point in time, so no murders, shootings, robberies, stabbings,
18 aggravated assaults, nothing of that sort. So from my
19 perspective, no overriding public safety concerns at that point
20 in time ---

21 **MS. NATALIA RODRIGUEZ:** Right.

22 **DSG MARIO Di TOMMASO:** --- in terms of physical
23 violence.

24 **MS. NATALIA RODRIGUEZ:** Right. So public safety
25 can mean more than physical violence, you'd agree?

26 **DSG MARIO Di TOMMASO:** Exactly right, yes.

27 **MS. NATALIA RODRIGUEZ:** So were there other
28 public safety concerns aside from, as you say, Criminal Code

1 violations, murders, assaults, that type of thing?

2 **DSG MARIO Di TOMMASO:** Yes, absolutely. This
3 protest was having significant impact on Ottawa residents, and
4 we've heard it described before by various witnesses that it was
5 having a significant impact on the mental health and wellbeing
6 of the community. And I completely accept that.

7 **MS. NATALIA RODRIGUEZ:** Did it rise to the level
8 of a public safety concern?

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

10 **MS. NATALIA RODRIGUEZ:** Okay. And did the tenor
11 of your briefings from Commissioner Carrique change over the
12 course of the protest? Did at some point, did it become
13 different in tone in terms of the public safety risk and the
14 issues that were arising?

15 **DSG MARIO Di TOMMASO:** Not so much in terms of
16 public safety risks, but the longer that this protest went on,
17 the greater the concern was. It needed to be brought to an end,
18 and so everybody certainly recognised the urgency of the
19 situation.

20 **MS. NATALIA RODRIGUEZ:** Right. Now on February
21 2nd, I understand from Chief Sloly's witness summary that you
22 spoke to him, and he then requested to speak to the Solicitor
23 General; do you recall that?

24 **DSG MARIO Di TOMMASO:** I do.

25 **MS. NATALIA RODRIGUEZ:** Okay. And now in his
26 witness statement, he said that you were looking for
27 verification on a report that ambulances were being denied
28 access to Ottawa hospitals; do you recall that?

1 **DSG MARIO Di TOMMASO:** I do. There was a concern
2 with regards to emergency routes that provided access to various
3 hospitals, and that was communicated to me, and I just wanted to
4 confirm with Chief Sloly whether or not that was true, and it if
5 it was, what was being done about it.

6 **MS. NATALIA RODRIGUEZ:** Right. And he told you
7 that that was not the case; right?

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

9 **MS. NATALIA RODRIGUEZ:** And would that have been
10 a public safety concern if in fact ambulances were not able to
11 get to hospitals?

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

13 **MS. NATALIA RODRIGUEZ:** And why were you looking
14 specifically for that information? Why was that important to
15 you?

16 **DSG MARIO Di TOMMASO:** I had had a meeting
17 earlier on in the morning, I believe, with the Secretary of
18 Cabinet and under Deputy Ministers unrelated to this issue and
19 the matter came up from the Deputy Minister of Health. And so I
20 committed to looking into the matter.

21 **MS. NATALIA RODRIGUEZ:** And so independent from
22 that, would that have been a concern for you in terms of your
23 role with respect to public safety in Ontario if that had not
24 been raised to you by the Minister -- or Deputy Minister of
25 Health?

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

27 **MS. NATALIA RODRIGUEZ:** Okay. In his summary,
28 Chief Sloly also said that in that call with you, he asked you

1 if you were aware of the public safety implications that the
2 Freedom Convoy situation in Ottawa posed to the rest of Ontario.
3 Do you recall him saying that?

4 **DSG MARIO Di TOMMASO:** I'd have to check my
5 notes. I'm sorry.

6 **MS. NATALIA RODRIGUEZ:** Okay. Do you recall him
7 telling you that there were some public safety implications to
8 the rest of Ontario with respect to what was happening in
9 Ottawa?

10 **DSG MARIO Di TOMMASO:** Once again, I'd have to
11 check my notes, but I was certainly alive to the issue.

12 **MS. NATALIA RODRIGUEZ:** Okay. And was this the
13 only call you had with former Chief Sloy during these events,
14 like, a one-on-one discussion with him?

15 **DSG MARIO Di TOMMASO:** No, there were other
16 calls.

17 **MS. NATALIA RODRIGUEZ:** Okay. Now it looks like
18 during this call, he indicated that he wanted to speak to the
19 Solicitor General, and it looks like he did manage to speak with
20 her on February 2nd. Were you on that call?

21 **DSG MARIO Di TOMMASO:** I was not, but I arranged
22 that call.

23 **MS. NATALIA RODRIGUEZ:** Okay. And did you
24 prepare the Solicitor General for that call? Did you brief her
25 ahead of time?

26 **DSG MARIO Di TOMMASO:** The only information I
27 provided to Minister Jones was that Chief Sloy was interested
28 in speaking to her with regards to the Freedom Convoy.

1 **MS. NATALIA RODRIGUEZ:** Okay. And are you aware
2 of what was discussed on this call?

3 **DSG MARIO Di TOMMASO:** I was not debriefed, no.

4 **MS. NATALIA RODRIGUEZ:** Okay. Now on February
5 2nd, former Chief Sloly said that there may not be a policing
6 solution to this demonstration. Do you recall hearing that at
7 the time?

8 **DSG MARIO Di TOMMASO:** I do.

9 **MS. NATALIA RODRIGUEZ:** And what was the reaction
10 within the Government of Ontario to this statement, if any? Was
11 there any concerns or questions raised as a result of this
12 statement?

13 **DSG MARIO Di TOMMASO:** I did not have
14 conversations about this issue with any of my superiors, with
15 Minister Jones or the Secretary or the Premier. But I certainly
16 felt that there was, in fact, a policing solution to the
17 problem. It was a policing matter and I thought that the Police
18 Services within this province would be in a position to address
19 the convoy.

20 **MS. NATALIA RODRIGUEZ:** And in your view, did
21 this statement affect the provincial response in any way?

22 **DSG MARIO Di TOMMASO:** No, I was very confident
23 that Commissioner Carrique was providing all resources that were
24 requested by Ottawa on an ongoing basis.

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

26 So I want to take you now to your notes again,
27 ONT00005153. And if you can go to page 5? This is a call you
28 had with Commissioner Carrique on February 3rd, and it's at

1 17:10. Yeah, there it is. So Commissioner Carrique says, "No
2 POU." What did you take that to mean?

3 **DSG MARIO Di TOMMASO:** That there were
4 insufficient POU resources available.

5 **MS. NATALIA RODRIGUEZ:** And then if we look down
6 it says,

7 "Chief very concerned about Sloly as is
8 RCMP.

9 Still haven't pulled together his plan.

10 [Federal government] expressing his
11 concerns about his ability to lead"

12 So you're hearing at this -- in this call that
13 there are some concerns with respect to Chief Sloly's ability to
14 lead, as indicated in these notes; correct?

15 **DSG MARIO Di TOMMASO:** This is what was being
16 communicated to me.

17 **MS. NATALIA RODRIGUEZ:** Yes, and who was -- and
18 Commissioner Carrique was communicating that to you?

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

20 **MS. NATALIA RODRIGUEZ:** And was this the first
21 time you were hearing that there were concerns at the RCMP level
22 and with respect to Commissioner Carrique about Chief Sloly?

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

24 **MS. NATALIA RODRIGUEZ:** Did you relay this
25 discussion to the Solicitor General, let her know that the OPP
26 and the RCMP have concerns?

27 **DSG MARIO Di TOMMASO:** To the best of my
28 knowledge, I did, yes.

1 **MS. NATALIA RODRIGUEZ:** And do you know what her
2 response to that was?

3 **DSG MARIO Di TOMMASO:** I do not.

4 **MS. NATALIA RODRIGUEZ:** Now what is available to
5 you, what can you do if, you know, the two Commissioners of
6 Ontario and the OPP and the RCMP have lost confidence as -- is
7 what it seems like, in one of their -- a local Chief of Police?
8 Is there anything in your toolbox to be able to respond to that?

9 **DSG MARIO Di TOMMASO:** No, not really. And what
10 I mean by that is that the entity that is best placed to deal
11 with the performance of a Chief of Police is the Police Service
12 Board of jurisdiction. That is the best entity. If, for
13 example, there was a concern that a Police Service Board was not
14 providing adequate and effective police services, there is a
15 provision in the Act for the Solicitor General to act and ask
16 OCPC, the Ontario Civilian Police Commission, to start an
17 investigation under Section 25 of the *Police Services Act*.

18 **MS. NATALIA RODRIGUEZ:** And to your knowledge,
19 was that ever considered in this case?

20 **DSG MARIO Di TOMMASO:** It was not a viable
21 option.

22 **MS. NATALIA RODRIGUEZ:** Why?

23 **DSG MARIO Di TOMMASO:** From my experience, the
24 Solicitor General would have to write to OCPC at a point in time
25 where she is satisfied that adequate and effective police
26 services were not being provided by the Board, and then the OCPC
27 would have discretion to either accept or not the request of the
28 Solicitor General. And from my experience, OCPC would take an

1 extraordinarily long period of time to act. And I say that
2 because Minister Jones has written to OCPC in the past on three
3 separate occasions during my tenure to ask OCPC to step in. And
4 in each of those cases, OCPC took a long time, in my view, to
5 act, because of their legislative obligations and duties. And
6 so this was an urgent situation, and from my perspective, the
7 entity that was best placed to deal with the performance of
8 Chief Sloly was the local Police Service Board of jurisdiction.

9 **MS. NATALIA RODRIGUEZ:** And if the local Police
10 Service Board of jurisdiction does not take steps, and it
11 appears that perhaps adequate policing is not being effectively
12 carried out in an area, why wouldn't the Solicitor General then
13 exercise whatever authority he or she can, in this case she, to
14 do something when it looks like other entities are not acting?

15 **DSG MARIO Di TOMMASO:** But something was being
16 done. The Ottawa Police Service was supporting -- was being
17 supported by the very capable leadership of the RCMP and the OPP
18 and the provision of policing resources. I certainly had not
19 lost confidence in the Ottawa Police Service. They were being
20 supported ably and capably by that leadership. They were being
21 given the resources that they requested.

22 **MS. NATALIA RODRIGUEZ:** And so if the
23 Commissioner of the OPP and the Commissioner of the RCMP have
24 lost confidence in the Chief, are they not best positioned to
25 make that determination?

26 **MS. REBECCA JONES:** Commissioner? Rebecca Jones
27 for Chief Sloly. That was not the evidence of the Commissioner.
28 The Commissioner very clearly indicated he had not lost

1 confidence in the Chief of Police, and that is not what the note
2 says as well. So we do object to the line of questioning
3 involving an interpretation of a note which is not consistent
4 with the evidence.

5 **MS. NATALIA RODRIGUEZ:** So to rephrase the
6 question, if it were the case that the OPP and the RCMP had lost
7 confidence in a Chief of Police, would it be appropriate then
8 for the Solicitor General to recommend to the OCPC to step in?

9 **DSG MARIO Di TOMMASO:** The entire issue is the
10 provision of adequate and effective police services, not a loss
11 of confidence. That's the issue. And from my perspective, the
12 entity best placed to deal with that issue is the local police
13 service board of jurisdiction. Within the *Police Services Act*,
14 there are only two entities that are tasked and required to
15 provide adequate and effective police services. The first one
16 is the municipality, with regards to funding. The second entity
17 is the local police service board of jurisdiction.

18 **MS. NATALIA RODRIGUEZ:** So there was no -- so if
19 I understand what you're saying, there's no role here for the
20 Solicitor General if adequate and effective policing is not
21 being carried out?

22 **DSG MARIO Di TOMMASO:** There is a role, but only
23 after it's been proven that adequate and effective police
24 services are not being provided. And from my perspective,
25 Ottawa Police Service, with the support of the RCMP, with the
26 support of the OPP, with the provision of all resources that
27 were being given to it, with all that support, I had confidence
28 in the Ottawa Police Service.

1 **MS. NATALIA RODRIGUEZ:** Okay. And if we go a
2 little bit down in the notes, where the star is, "Windsor in
3 Ambassador Bridge", is this with respect to a possible blockade
4 at the Ambassador Bridge in Windsor?

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

6 **MS. NATALIA RODRIGUEZ:** And was this the first
7 time you were hearing that there was a possible issue at the
8 Ambassador Bridge?

9 **DSG MARIO Di TOMMASO:** I believe so, yes.

10 **MS. NATALIA RODRIGUEZ:** And if we go to page 6,
11 at the bottom of the page -- keep going down. Yeah. Where it
12 says:

13 "CONTAINMENT
14 NEGOTIATION
15 PRESERVE LIFE/PUBLIC SAFETY
16 PROTECT CRITICAL INFRASTRUCTURE"

17 Were these -- now, I'm trying to understand
18 whether this was still within the context of your discussion
19 with Commissioner Carrique and whether these were priorities of
20 the OPP that were communicated to you, or whether this was your
21 notes to yourself indicating what you thought the priorities
22 were?

23 **DSG MARIO Di TOMMASO:** Priorities of the OPP, as
24 communicated to me by Commissioner Carrique.

25 **MS. NATALIA RODRIGUEZ:** Thank you. And then at
26 the bottom, it says "FLASHPOINT". Can you explain that notation
27 there?

28 **DSG MARIO Di TOMMASO:** I can't. I'm sorry. I

1 don't remember what that reference was all about.

2 **MS. NATALIA RODRIGUEZ:** Okay. so I'll take you
3 now to ONT00004063. And I understand on February 3rd, the Ottawa
4 Police Service requested assistance from the Ministry of the
5 Solicitor General regarding the urgent appointment of members of
6 the RCMP as special constables. Were you aware of this at the
7 time?

8 **DSG MARIO Di TOMMASO:** Yes. And under section 53
9 of the *Police Services Act*, the only role that the Solicitor
10 General has is to simply approve the request of a local police
11 service board or the OPP Commissioner, depending on the
12 situation. That authority has been delegated down to the Public
13 Safety Division, and in particular, to the director at the
14 External Relations Branch.

15 I was aware of the request, and I certainly
16 communicated to my people in that section that we would move
17 heaven and earth to make sure that Ottawa got all of the
18 resources they needed with regards to expediting the approval.

19 **MS. NATALIA RODRIGUEZ:** And is this approval kind
20 of administrative done on paper type thing?

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

22 **MS. NATALIA RODRIGUEZ:** Okay. So is it fair to
23 say it's a bit of a formality? You sign a paper and then it's
24 done?

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

26 **MS. NATALIA RODRIGUEZ:** And if I could take you
27 now to ONT00005252? And these are text messages you exchanged
28 with Commissioner Carrique. And this is February 4th, I believe.

1 And it says there -- and I believe Commissioner
2 Carrique is in the white and you're in the green? Is that
3 correct?

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

5 **MS. NATALIA RODRIGUEZ:** Okay. And so in the
6 white there, it says:

7 "I spoke with Commissioner Lucki, Chief
8 Sloly and Chief Ramer last night."

9 And that's the former Chief of the Toronto Police
10 Service? Is that right?

11 **DSG MARIO Di TOMMASO:** He's still the Chief.

12 **MS. NATALIA RODRIGUEZ:** Okay. Oh, I thought
13 somebody else had been appointed. My mistake.

14 Okay. So it says there:

15 "All have access to the necessary OPP
16 resources."

17 So what did you understand to be the status of
18 the provincial resources in Ottawa on February 4th?

19 **DSG MARIO Di TOMMASO:** That all requests for
20 resources were being maintained and addressed by the OPP.

21 **MS. NATALIA RODRIGUEZ:** And so the implication
22 here is that the OPS had all of the OPP officers that it needs,
23 or that it has requested; right?

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

25 **MS. NATALIA RODRIGUEZ:** Thank you. We can take
26 that down.

27 Now, on February 4th, there were also protests in
28 Toronto, specifically around Queen's Park. You were aware of

1 those; correct?

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

3 **MS. NATALIA RODRIGUEZ:** And my understanding is
4 that those protests wrapped up fairly quickly? Is that your
5 understanding as well?

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

7 **MS. NATALIA RODRIGUEZ:** So maybe you can shed
8 some light, at least from your perspective, of what was done --
9 what worked in Toronto, what was done right in Toronto that
10 wasn't done in Ottawa? What was the difference here?

11 **DSG MARIO Di TOMMASO:** So I think Toronto
12 certainly learned some valuable lessons from the experience that
13 the Ottawa Police Service had just gone through the previous
14 weekend. And so what -- from my understanding, what Toronto did
15 was they set up a hard perimeter around the critical
16 infrastructure that the protestors were most interested in.

17 **COMMISSIONER ROULEAU:** Can you try and slow down
18 a bit again? I'm sorry to interrupt, but it's the interpreters.

19 **DSG MARIO Di TOMMASO:** I apologize, sir.

20 So what Toronto did was they set up a hard
21 perimeter around the critical infrastructure that the protestors
22 were most interested in, namely Queen's Park. They requested
23 resources from other police services to help them do that. At
24 the end of the day, they denied access to Queen's Park, Queen's
25 Park Circle, hospital access roads, University Avenue, down to
26 Hospital Row. So all of that was denied to the convoys that
27 were coming to Toronto. So the trucks. Vehicles were not
28 permitted into that area. They certainly facilitated the

1 ability to exercise one's fundamental rights to lawful protest,
2 truckers were available to come to Queen's Park and protest on
3 foot, because as we know, the right to protest belongs to people
4 and not to trucks.

5 **MS. NATALIA RODRIGUEZ:** And so do you know who is
6 -- who would you credit with the appropriate response here in
7 the Toronto protest? Was it the police? Was it the
8 politicians? The Mayor? How did this end up getting wrapped
9 up?

10 **DSG MARIO Di TOMMASO:** I would give credit to the
11 Toronto Police Service being supported by other services that
12 provided those resources. So credit goes to all of the police
13 services that participated in that protest. But I have to say
14 Toronto learned lessons from the Ottawa experience the previous
15 weekend.

16 **MS. NATALIA RODRIGUEZ:** And what was your
17 understanding of the purpose of the protest in Toronto? What
18 were the protestors protesting?

19 **DSG MARIO Di TOMMASO:** So my recollection was
20 that that particular protest was in support of the main protest
21 happening in Ottawa. And my recollection of what was happening
22 in Ottawa was that there was a major element of that protest
23 that was protesting in regards to the January 15th imposition of
24 vaccine mandates on international truckers by the Federal
25 Government.

26 **MS. NATALIA RODRIGUEZ:** And was there an element
27 as well, or at least from the Province's perspective, that this
28 was about provincial measures in addition to federal measures?

1 **DSG MARIO Di TOMMASO:** I don't recall turning my
2 mind to that. My understanding was that this was a protest in
3 regards to the federal mandate to impose vaccination criteria on
4 international truckers.

5 But having said that, I think that there were
6 many other elements that attended both Toronto and Windsor that
7 had other agendas.

8 **MS. NATALIA RODRIGUEZ:** Okay. But in your view,
9 it didn't include protesting provincial mandates?

10 **DSG MARIO Di TOMMASO:** I don't know that.

11 **MS. NATALIA RODRIGUEZ:** Okay. I want to take you
12 to OPP00004580. And this is -- I'll take you to page 56. These
13 are more text messages between you and Commissioner Carrique.

14 And if we go to page 56, this is now February 5th,
15 Saturday. If we go down? Down some more.

16 So there, -- and just maybe you can clarify. The
17 green, I believe, is you, and the blue, I believe, is
18 Commissioner Carrique. Do you know if that's -- are you able to
19 clarify that? If we go down, that might help. Keep going to
20 the next page.

21 **DSG MARIO Di TOMMASO:** Not helpful.

22 **MS. NATALIA RODRIGUEZ:** Well, if we can go up,
23 maybe I'll just ask the question, and it may not make much of a
24 difference. So it says there at 10:11:

25 "Info on OPSB is clear to share."

26 And that would be the Ottawa Police Service
27 Board; is that correct?

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

1 **MS. NATALIA RODRIGUEZ:** And if we go down, there's
2 a link shared, the Ottawa Police Service Board calls a special
3 meeting. And if we go down to page 57:

4 "Live link PSB meeting."

5 So I just wanted to ask -- there seems to be some
6 texts exchanged about the OPSB meeting on February 5th and my
7 question is, were you monitoring what the board was doing or
8 were you -- did you take an interest in the board's meetings?

9 **DSG MARIO Di TOMMASO:** I did take in an interest.
10 To the best of my recollection, there was a both a public board
11 meeting and an in-camera meeting.

12 **MS. NATALIA RODRIGUEZ:** And why were you taking an
13 interest in the board's meetings?

14 **DSG MARIO Di TOMMASO:** Well, because at the end
15 of the day, it's the board that has accountability and oversight
16 over the Ottawa Police Service. And so there was a major issue
17 happening in Ottawa and I was interested in what steps Ottawa
18 Police Service Board would be taking.

19 **MS. NATALIA RODRIGUEZ:** And I understand that the
20 Ministry of the Solicitor General has a representative that goes
21 to the meetings and advises the boards on various issues; is
22 that right?

23 **DSG MARIO Di TOMMASO:** Yes,

24 **MS. NATALIA RODRIGUEZ:** And you may or may not
25 know this but I understand that in Ottawa, it was Lindsey Gray;
26 do you know that?

27 **DSG MARIO Di TOMMASO:** After reviewing some
28 material, yes.

1 **MS. NATALIA RODRIGUEZ:** Okay. And what is that
2 representative's role?

3 **DSG MARIO Di TOMMASO:** So under Section 3 of the
4 *Police Services Act*, the Solicitor General has responsibility to
5 advise police services and boards. And the way in which that
6 duty is discharged of by way of having police service board
7 advisors. And so that advisor is there to provide advice on the
8 *Police Services Act* upon request.

9 **MS. NATALIA RODRIGUEZ:** And does that
10 representative report back the activities of the board to the
11 Solicitor General's office?

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

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

14 **DSG MARIO Di TOMMASO:** There's a report to the
15 Inspector General of Policing.

16 **MS. NATALIA RODRIGUEZ:** Okay. But the Solicitor
17 General's office does not receive any information back from that
18 representative?

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

20 **MS. NATALIA RODRIGUEZ:** Okay. And is there a
21 reason for that?

22 **DSG MARIO Di TOMMASO:** So -- well, it's a
23 reporting tree, if you will, so that information goes to the
24 Assistant Deputy Minister, the Acting Inspector General of
25 Policing. That individual, Ken Weatherhill, reports to me and
26 then it's my job to advise the Solicitor General.

27 **MS. NATALIA RODRIGUEZ:** Okay. And to what extent
28 were you briefed on the ongoings of the board?

1 **DSG MARIO Di TOMMASO:** I wouldn't say that I was
2 briefed in any great detail but I was aware of the general
3 discussions that were happening.

4 **MS. NATALIA RODRIGUEZ:** Okay. And that was
5 through whom, just from watching the board meeting that were
6 public or was there another source of information?

7 **DSG MARIO Di TOMMASO:** A combination of both,
8 watching the public board meeting on TV and the advisor that was
9 present in the in-camera session as well.

10 **MS. NATALIA RODRIGUEZ:** Okay. And this would be
11 Lindsey Gray?

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

13 **MS. NATALIA RODRIGUEZ:** Okay. So you had
14 discussions with her about?

15 **DSG MARIO Di TOMMASO:** I did not have discussions
16 with Lindsey Gray. It was being reported through Ken
17 Weatherhill to me.

18 **MS. NATALIA RODRIGUEZ:** Understood, thank you. I
19 want to take you now to -- we're moving on to February 6th to a
20 summary of a call. It's ONT00000311. And this is a call with
21 the City of Ottawa. There are representatives from the federal
22 government that were there as well. You were present. I
23 believe on behalf of the Ontario Government, it was you and the
24 Deputy Minister of Transportation, Laurie LeBlanc, who were the
25 two attendees for the province; is that correct?

26 **DSG MARIO Di TOMMASO:** I believe that's the case,
27 and there were other deputy ministers from Ontario there as
28 well, if I -- my recollection is correct, including Deputy

1 Minister Kate Manson-Smith from the Ministry of Municipal
2 Affairs and Housing. I believe she was there as well.

3 **MS. NATALIA RODRIGUEZ:** Okay. Do you know who
4 took these notes?

5 **DSG MARIO Di TOMMASO:** I do not.

6 **MS. NATALIA RODRIGUEZ:** Okay. And you -- but
7 you've seen them before?

8 **DSG MARIO Di TOMMASO:** I have.

9 **MS. NATALIA RODRIGUEZ:** And you saw them at the
10 time; they were sent to you?

11 **DSG MARIO Di TOMMASO:** These notes, the first
12 time I saw them, I believe, was some time after the convoy in
13 Ottawa was resolved.

14 **MS. NATALIA RODRIGUEZ:** I see, okay. Thank you.
15 My understanding is that Deputy Minister Rob Stewart convened
16 this meeting; is that right?

17 **DSG MARIO Di TOMMASO:** I would agree.

18 **MS. NATALIA RODRIGUEZ:** And before attending this
19 meeting, did you have any instructions from the Solicitor
20 General or from the Premier on what your role was to be or what
21 you were to contribute to this meeting?

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

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

24 **DSG MARIO Di TOMMASO:** But I certainly prepared
25 for this meeting.

26 **MS. NATALIA RODRIGUEZ:** And how did you prepare
27 for this meeting?

28 **DSG MARIO Di TOMMASO:** Well, one of the things

1 that I did -- and I'd have to check my notes for this date, but
2 one of the things I did was I quickly reviewed the *Emergency*
3 *Management and Civil Protection Act* and its provisions.

4 **MS. NATALIA RODRIGUEZ:** And what was the purpose
5 of doing that?

6 **DSG MARIO Di TOMMASO:** Well, in the event that
7 the discussion turned to the EMCPA, I would be prepared.

8 **MS. NATALIA RODRIGUEZ:** And what did you see as
9 your role in this meeting?

10 **DSG MARIO Di TOMMASO:** My role was to receive a
11 situational update and then discuss what the art of the possible
12 is with regards to resolving the convoy in Ottawa.

13 **MS. NATALIA RODRIGUEZ:** And what did you see as
14 the province's role in trying to bring these protests to a
15 peaceful resolution at this time?

16 **DSG MARIO Di TOMMASO:** So the province's role
17 was, certainly, through the OPP, a division of the Ministry of
18 the Solicitor General, to provide all the resources that were
19 being requested.

20 **MS. NATALIA RODRIGUEZ:** Was there anything else?

21 **DSG MARIO Di TOMMASO:** Certainly trying to come
22 up with strategies to encourage the truckers to leave, coming up
23 with potential negotiation/mediation solutions, exploring
24 various other incentives to compel the truckers to leave.

25 **MS. NATALIA RODRIGUEZ:** And if we go down on this
26 page, the second bullet point:

27 "Steve Kanellakos, City Manager from
28 Ottawa, provided an update from the

1 City's perspective. Steve Kanellakos
2 is concerned about the posture of local
3 councillors who are pointing the finger
4 at the province and federal government
5 to provide assistant to resolve the
6 matter."

7 So were you aware at this point, then, that some
8 leaders within the municipal community were pointing fingers,
9 well, both at Ontario and the federal government?

10 **DSG MARIO Di TOMMASO:** This was the first time I
11 heard that.

12 **MS. NATALIA RODRIGUEZ:** And then it says in bold:
13 "Ottawa Mayor Jim Watson is going to
14 declare a local emergency in the City
15 of Ottawa at 4:30 p.m. The expressed
16 intent of this declaration is to put
17 pressure on the Premier to exercise
18 powers to resolve this."

19 Were you aware that the mayor intended to put
20 pressure on the Ontario government by declaring a municipal
21 state of emergency?

22 **DSG MARIO Di TOMMASO:** This was the first I've
23 heard of it and I thought that that was rather an odd statement
24 as well.

25 **MS. NATALIA RODRIGUEZ:** Okay, and why is that?

26 **DSG MARIO Di TOMMASO:** Because when you look at
27 Section 4 of the EMCPA, the intent to put pressure on the
28 Premier to exercise powers is not one of the authorized reasons

1 for declaring an municipal emergency.

2 **MS. NATALIA RODRIGUEZ:** Right. And so what did
3 you understand the exercise of provincial to resolve this to be
4 in this case? What did you understand the municipality to be
5 looking to the province to do?

6 **DSG MARIO Di TOMMASO:** Additional resources.

7 **MS. NATALIA RODRIGUEZ:** Okay. So you -- you
8 understood this to be additional resources?

9 **DSG MARIO Di TOMMASO:** Yes. And that's
10 articulated in the next bullet point because City of Ottawa will
11 also be looking for what the province and federal governments
12 can do to provide additional assistance.

13 **MS. NATALIA RODRIGUEZ:** Right. Although, it says
14 "will also be looking", so it seems like this is something
15 separate from the bullet point above; you could agree with that
16 interpretation?

17 **DSG MARIO Di TOMMASO:** I would.

18 **MS. NATALIA RODRIGUEZ:** And did you see the
19 Declaration of a State of Emergency at the time that it was
20 declared?

21 **DSG MARIO Di TOMMASO:** No, I've seen it in the
22 disclosure material that I've reviewed.

23 **MS. NATALIA RODRIGUEZ:** Okay. So you were not
24 aware, then, at the time, that the declaration stated that the
25 demonstrations were a threat to the security of the residents?

26 **DSG MARIO Di TOMMASO:** I did not see that
27 declaration, no.

28 **MS. NATALIA RODRIGUEZ:** And that was not reported

1 to you through your chain of reporting?

2 **DSG MARIO Di TOMMASO:** I did not see the
3 declaration.

4 **MS. NATALIA RODRIGUEZ:** Okay. At this point,
5 given the local emergency that's about to be declared and some
6 of the other information that you've received, did you have
7 public safety concerns about the situation in Ottawa by February
8 6th?

9 **DSG MARIO Di TOMMASO:** No. I was still not
10 seeing any significant serious violent crime concerns at all.
11 At no time did Chief Sloly or Commissioner Carrique communicate
12 to me that there were significant public safety concern from a
13 violence perspective. And I knew that the Ottawa Police Service
14 was being well supported by the RCMP and by the OPP as well.

15 **MS. NATALIA RODRIGUEZ:** Right. But I think you
16 can agree that public safety encompasses more than just violent
17 crime, correct?

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

19 **MS. NATALIA RODRIGUEZ:** So were you aware at the
20 time that there were open fires in barrels on the streets and
21 fireworks going off and open fuel that wasn't properly stored
22 and diesel fumes that were entering people's homes? Were you
23 aware of all of those circumstances on the ground?

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

25 **MS. NATALIA RODRIGUEZ:** But in your view, that
26 did not pose a public safety concern?

27 **DSG MARIO Di TOMMASO:** From a violent crime
28 perspective with regards to the Criminal Code, yes.

1 **MS. NATALIA RODRIGUEZ:** Right. But from another
2 perspective, it did, right?

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

4 **MS. NATALIA RODRIGUEZ:** So in your interview
5 summary, you indicated that you were of the view that the
6 protest in Ottawa was a "significant inconvenience" -- and
7 that's a quote -- but that it did not present an overriding
8 public safety risk.

9 Now, Commissioner Carrique was asked about this
10 and in his evidence -- I'm not sure if you watched his evidence
11 -- but he indicated that it wasn't really about one being a
12 safety risk and the other one not being a safety risk, but it
13 was about prioritizing resources, and that the Hendon Reports
14 made clear that there was a security risk in Ottawa.

15 You would agree with me that he was closer to the
16 ground in order to assess the situation in Ottawa than you were,
17 correct?

18 **DSG MARIO Di TOMMASO:** I agree.

19 **MS. NATALIA RODRIGUEZ:** And do you still stand by
20 that statement today, that it was an inconvenience but not a
21 public safety risk?

22 **DSG MARIO Di TOMMASO:** Well, it was much more
23 than an inconvenience, and I accept that. There was a
24 significant impact on the residents of Ottawa. I can't imagine
25 what they were going through. I'm very sympathetic and
26 empathetic to all that they went through and all the suffering
27 that they went through. It was more than an inconvenience, much
28 more.

1 **MS. NATALIA RODRIGUEZ:** Okay. Now, after this
2 meeting, did you brief the solicitor general on the fact that
3 the City was going to declare a municipal emergency and that the
4 stated intent was to put pressure on the province?

5 **DSG MARIO Di TOMMASO:** I don't have any notes
6 that I briefed the solicitor general, but my practice would be
7 something this important, I likely did.

8 **MS. NATALIA RODRIGUEZ:** And do you know if the
9 premier was aware of that stated intent as well?

10 **DSG MARIO Di TOMMASO:** I did not speak to the
11 premier.

12 **MS. NATALIA RODRIGUEZ:** Okay. Did you speak to
13 the premier at all throughout the course of these events?

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

15 **MS. NATALIA RODRIGUEZ:** And did the declaration,
16 in fact, put pressure on the province to act?

17 **DSG MARIO Di TOMMASO:** The province was acting.

18 **MS. NATALIA RODRIGUEZ:** Well, for example, the
19 provincial state of emergency came on the 11th. Was there any
20 pressure from this local state of emergency to do that?

21 **DSG MARIO Di TOMMASO:** I'm not sure that pressure
22 is the right word. I think the province was actively
23 surveilling and looking at the environment in terms of what was
24 going on province wide, and when the concern was such that the
25 protest was spreading to other parts of the province, as we saw
26 in Windsor, in Toronto, in Cornwall, in Sarnia, at the Peace
27 Bridge, that's when the premier decided to act.

28 **MS. NATALIA RODRIGUEZ:** So is it fair to say

1 though that this may have provided a signal to the province that
2 the City of Ottawa was in need of more assistance?

3 **DSG MARIO Di TOMMASO:** I would agree with that,
4 but we were also hearing loud and clear that the City of Ottawa
5 was requesting additional resources.

6 **MS. NATALIA RODRIGUEZ:** And we'll get to that
7 request in a second.

8 So with respect to the stated intent, Mayor
9 Watson, when he testified, stated that the City did not consider
10 that the province was engaged enough at this time, February 6th,
11 in finding a solution to the situation in Ottawa.

12 So I just wanted to give you a chance to respond
13 to that.

14 **DSG MARIO Di TOMMASO:** I'm sorry, where is that
15 in this ---

16 **MS. NATALIA RODRIGUEZ:** That was in his
17 testimony. I can bring up the transcript, but he did say in his
18 evidence when he testified here at the Commission that by
19 February 6th, he did not feel that the province was engaged
20 enough in finding a solution.

21 **DSG MARIO Di TOMMASO:** I don't accept that at
22 all. I think that the province was very engaged in providing
23 support to the City of Ottawa through a variety of means,
24 including support for injunctions, including providing advice to
25 the Police Service Board, including the provision of policing
26 resources, including the provision of MTO resources. So I don't
27 accept that at all.

28 **MS. NATALIA RODRIGUEZ:** Okay. And when you

1 mention the injunction, what was the province's role with
2 respect to the City's injunction?

3 **DSG MARIO Di TOMMASO:** I might be conflating the
4 two injunctions, the one in Windsor and the one in Ottawa, but
5 my understanding is that the attorney general supported one of
6 the two injunctions. I can't recall which one of the two. I'm
7 sorry.

8 **MS. NATALIA RODRIGUEZ:** I believe that was
9 Windsor.

10 So I'll take you to page 2 or the bottom of page
11 1, rather. And you see:

12 "Ottawa City Council is likely going to
13 ask the premier and prime minister to
14 intervene directly. The mayor of
15 Ottawa, Jim Watson, is feeling the
16 pressure and want this issue to be
17 pivoted back to Ontario and Canada."

18 So it's fair to say that in this meeting, it was
19 communicated or it was expressed that Ontario or that Ottawa
20 felt that it needed additional help, both from the province and
21 from the federal government, correct?

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

23 **MS. NATALIA RODRIGUEZ:** And on page 2, if we go
24 to the third bullet point, Mario Di Tommaso -- that's you --
25 Deputy Solicitor General, noted that the province expedited the
26 approval of 249 special constables from the RCMP to assist
27 Ottawa Police Service.

28 So this is what we had looked at earlier where

1 there was an approval of RCMP officers to be sworn in as special
2 constables?

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

4 **MS. NATALIA RODRIGUEZ:** And so at this point,
5 what else had Ontario done at this point, by February 6th, other
6 than what you've indicated there?

7 **DSG MARIO Di TOMMASO:** Provided significant
8 resources to the Ottawa Police Service from the OPP, significant
9 number of resources.

10 **MS. NATALIA RODRIGUEZ:** Okay. So that was -- so
11 the OPP provided resources, and was there anything else?

12 **DSG MARIO Di TOMMASO:** Yes, I believe MTO was
13 involved in providing their resources.

14 **MS. NATALIA RODRIGUEZ:** And if we to page 5 ---

15 **DSG MARIO Di TOMMASO:** And I believe there was
16 continuing advice to the Ottawa Police Service Board from the
17 advisors. And I'd have to check my notes, but the province was
18 heavily engaged at this point in time.

19 **MS. NATALIA RODRIGUEZ:** But you can agree that
20 Ottawa doesn't seem to think so. They're expressing that they
21 don't think there is enough engagement, right, whether or not
22 that's accurate, that's their sense that they're conveying?

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

24 **MS. NATALIA RODRIGUEZ:** And at page 5, if we go
25 the first black bullet at the bottom -- keep going -- yes.

26 Question from Mario Di Tommaso, Deputy Solicitor General:

27 "Has Ottawa Police Service been working
28 with the Ministry of the Attorney

1 General to explore your options and in
2 relation to position of the Crown for
3 summary offences?"

4 What were you suggesting here?

5 **DSG MARIO Di TOMMASO:** So I'm not sure that
6 summary offences is accurate. What I was suggesting was, is
7 there anything else that the Ministry of the Attorney General
8 can do with regards to any offences that are charged. So what I
9 was thinking about was, is there an ability to increase set
10 fines? Is there an opportunity to explore bail provisions for
11 those people that are arrested? Is there anything that the
12 attorney general can do to better support the Ottawa Police
13 Service?

14 **MS. NATALIA RODRIGUEZ:** And if we go to page 9,
15 Jody Thomas, National Security Advisor in the sub-point, the
16 black sub-point:

17 "Would the province be looking to the
18 federal government if this protest was
19 happening outside of the City of Ottawa
20 ([for example] happening in other
21 places like Kingston)?"

22 What did you understand this comment to be in
23 reference to?

24 **DSG MARIO Di TOMMASO:** So this comment was
25 certainly not aligned with the comment that Deputy Minister
26 Stewart made previous, where he was suggesting that the Federal
27 Government did have a role, in particular with regards to
28 finding interlocutors. So from my perspective, this question

1 was all about, from my perception, the Federal Government
2 wanting to wash its hands of this entire thing.

3 I didn't think that was appropriate at all. I
4 thought that the Federal Government did have a role. At the end
5 of the day, these protestors were in Ottawa to protest, mainly,
6 the imposition of a vaccine mandate on January 15 on
7 international truckers. They were on Parliament's doorstep.
8 They were in the National Capital Region. The Federal
9 Government, Public Safety Canada does have a Memorandum of
10 Understanding with Ottawa Police Service with regards to the
11 provision of policing resources in and around Capital Hill. The
12 OPP is not a signatory to that MOU.

13 So from my perspective, the Federal Government
14 did have a role to play, just like Ontario had a role to play in
15 the provision of resources. And so I made that known to Jody
16 Thomas. I felt that some of the options that were available to
17 the Federal Government included a possibility of meeting with
18 and listening to the protestors, the possibility of amending
19 their vaccine mandate, the possibility of providing additional
20 resources to the Ottawa Police Service. So there was a range of
21 options available to the Federal Government. And it was my
22 position that the Federal Government certainly had a role to
23 play in this.

24 **MS. NATALIA RODRIGUEZ:** Okay. And as you said,
25 the Provincial Government did as well. So it was really the
26 responsibility of both levels of government to come together and
27 work together to find a solution?

28 **DSG MARIO Di TOMMASO:** Yes. Yes, that's

1 absolutely correct.

2 But I would also like to add, at the end of the
3 day, this was a policing matter, and my view was that both the
4 Federal Government and the Provincial Government had a role to
5 play in terms of supporting the police response.

6 **MS. NATALIA RODRIGUEZ:** And you mentioned finding
7 an interlocutor. Can you maybe expand on what the idea was
8 there and what steps, if any, were taken?

9 **DSG MARIO Di TOMMASO:** So there were some names
10 that were provided by Chief Sloly at that meeting. I don't
11 remember the -- Murray Sinclair, Bob Rae, and others. And the
12 idea was to get a very high-profile individual to meet with the
13 interested parties to see if there's a resolution that could be
14 had.

15 **MS. NATALIA RODRIGUEZ:** And what steps were taken
16 beyond that -- the discussion of the names? Was anything done?

17 **DSG MARIO Di TOMMASO:** Not with regards to those
18 names that were provided, but at the end of the day, there was a
19 request later on from the Provincial Liaison Team that was
20 communicated to me through Commissioner Carrique with regards to
21 the potential to have Ministers of the Federal Government and
22 Ministers of the Provincial Government to intervene to provide a
23 forum to listen to the protestors to see if those protests could
24 be deescalated. But that happened later on, certainly not at
25 this meeting.

26 **MS. NATALIA RODRIGUEZ:** I see. Okay. And that
27 was through Commissioner Carrique, you said?

28 **DSG MARIO Di TOMMASO:** Right. He made a direct

1 request to me, which I communicated to Minister Jones.

2 **MS. NATALIA RODRIGUEZ:** Okay. And what was
3 Minister's Jones' response to that?

4 **DSG MARIO Di TOMMASO:** Well, at the end of the
5 day, she did write a letter directed to Commissioner Carrique,
6 where she would certainly make herself available to -- and this
7 was in relation to Windsor. To make herself available to meet
8 with the protestors if they left the protest and if they
9 denounced this protest activity. So I'd have to refer to the
10 actual letter.

11 But the intent was to give the protestors an ear
12 of the provincial and federal Ministers so that they could be
13 heard in an attempt to de-escalate.

14 I remember communicating with Deputy Minister
15 Stewart that that was the request of the PLT, and I asked him to
16 see what he could do to make federal Ministers available as
17 well. And through various phone calls and discussions, Deputy
18 Minister Stewart was not able to obtain the services of federal
19 Ministers.

20 I was able to get the Service Minister Jones to
21 do that in Windsor. She was also willing to do that with
22 regards to Ottawa.

23 **MS. NATALIA RODRIGUEZ:** And do you know why that
24 didn't happen with respect to Ottawa if she was willing?

25 **DSG MARIO Di TOMMASO:** She was willing.

26 **MS. NATALIA RODRIGUEZ:** So why didn't it happen,
27 I guess is my question. Why wasn't there a similar letter?

28 **DSG MARIO Di TOMMASO:** Because from my

1 understanding, the letter did not have the desired effect in
2 Ottawa, and from my understanding was that the protestors were
3 interested in listening to or being heard by federal Ministers.
4 So Minister Jones was certainly interested in making herself
5 available to the Ottawa protestors, but the Federal Government
6 needed to be there as well, because that would give the best
7 chance of success.

8 **MS. NATALIA RODRIGUEZ:** And when you say the PLT
9 brought this forward, was that the OPP PLT or the OPS PLT? Do
10 you know?

11 **DSG MARIO Di TOMMASO:** To the best of my
12 recollection, it was the OPP PLT.

13 **MS. NATALIA RODRIGUEZ:** Okay. And that was, from
14 what I understand, with respect to Windsor. Was there ever an
15 approach from OPS in Ottawa or the OPP in Ottawa to say the
16 demonstrators in Ottawa would like to meet or would like to have
17 communication with the Provincial Government?

18 **DSG MARIO Di TOMMASO:** So two things. I
19 continued to urge Rob Stewart to bring federal Ministers to the
20 table, and I did that on my own, knowing that there was a
21 potential resolution that could possibly be achieved, because if
22 there was an interest in Windsor to do that, certainly there
23 would be an interest in Ottawa. So I did that on my own.

24 And the second thing I wanted to raise about that
25 was that Deputy Minister Stewart certainly had direct
26 conversations with Insp. Marcel Beaudin of the OPP PLT to see
27 what the art of the possible was. So that was something that I
28 was continuing to explore with Deputy Minister Stewart.

1 **MS. NATALIA RODRIGUEZ:** Right. And we asked
2 Mayor Watson whether he was aware of any such overtures from the
3 Solicitor General were made to Ottawa, and he said no. And
4 there was a time when the Ottawa protestors approached the City
5 of Ottawa because they wanted to have a meeting with the Mayor.
6 So I'm just wondering why that wouldn't have signaled to the
7 province that if they're willing to meet with the Mayor and
8 they're willing to negotiate something in return, why they
9 wouldn't be willing to do that with the Province?

10 **DSG MARIO Di TOMMASO:** So in my communications
11 were not with the local city or the mayor. My communications
12 were with Deputy Minister Stewart. And we were just trying to
13 find whatever options were available to try to deescalate this
14 thing.

15 **MS. NATALIA RODRIGUEZ:** Okay. And so did you
16 ever specifically indicate that the province would be willing to
17 meet with Ottawa protestors?

18 **DSG MARIO Di TOMMASO:** To Deputy Minister
19 Stewart? Yes.

20 **MS. NATALIA RODRIGUEZ:** Okay. And what was his
21 response to that?

22 **DSG MARIO Di TOMMASO:** That he would endeavour to
23 make that happen, but it did not come to fruition.

24 **MS. NATALIA RODRIGUEZ:** Okay. and you don't know
25 why?

26 **DSG MARIO Di TOMMASO:** I don't. That would be a
27 question for Deputy Minister Stewart.

28 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Now,

1 you mentioned that the Province -- or from your perspective, you
2 thought the Federal Government had a role to play for various
3 reasons, one of them being that the protestors were protesting
4 federal vaccine mandates; correct?

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

6 **MS. NATALIA RODRIGUEZ:** And so I'm just
7 wondering, why does the substance matter of the protest affect
8 who should be the entity that responds to that? Or the level of
9 government that responds to that protest?

10 **DSG MARIO Di TOMMASO:** It shouldn't be. I think
11 both governments had a role to play, and certainly Ontario had a
12 role to play. An I'm certainly aware that the protest was not
13 exclusively about the federal mandate. There were other groups
14 that had other agendas. And I recognize that.

15 **MS. NATALIA RODRIGUEZ:** Okay. And in terms of
16 the Parliamentary Precinct, Wellington Street is a municipal
17 road, it is the jurisdiction of the Ottawa Police Service. So
18 in terms of any kind of federal jurisdiction over that street,
19 you agree there is no federal jurisdiction over Wellington
20 Street in terms of policing Wellington Street?

21 **DSG MARIO Di TOMMASO:** I agree. But there is, to
22 my understanding, an MOU between Public Safety Canada and the
23 Ottawa Police Service with regards to provision of policing
24 resources in and around Parliament Hill, which includes
25 Wellington Street.

26 **MS. NATALIA RODRIGUEZ:** And was it ever
27 communicated to you that the local police service, in this case
28 the Ottawa Police Service, or through the Mayor, because the

1 request did come through the Mayor and the Chair of the Board,
2 that it had to be done through the Province and couldn't go
3 directly to the RCMP in terms of requesting resources? Was that
4 ever something that was communicated to you by anyone in the
5 Federal Government?

6 **DSG MARIO Di TOMMASO:** Are you talking about the
7 concept that all requests need to go to the Province first and
8 then to the Federal Government?

9 **MS. NATALIA RODRIGUEZ:** Yes.

10 **DSG MARIO Di TOMMASO:** Yeah, that's -- from my
11 understanding, that's more of a policy through the Emergency
12 Management process. And I think there's a section in the
13 federal *Emergency Management Act* that speaks to that.

14 Basically, the idea is when there is a declared
15 emergency that the province needs to exhaust its resources first
16 it can go to the federal government for an ask. And likewise,
17 that the municipal authorities need to exhaust their resources
18 first before they can go to the provincial government.

19 **MS. NATALIA RODRIGUEZ:** And so in this case, the
20 letter from the Mayor and the Chair of the Board requesting
21 1,800 officers went to both the Solicitor-General and Premier
22 Ford and also to the Minister of Public Safety and the Prime
23 Minister.

24 And so my question is whether you are aware if
25 the fact that there was a request made to the provincial
26 government directly from the Mayor and the Chair of the Board
27 and not through the province, whether that delayed RCMP
28 resources. Are you aware of that?

1 **DSG MARIO Di TOMMASO:** No, I'm not aware that it
2 delayed RCMP resources. No.

3 **MS. NATALIA RODRIGUEZ:** And are you aware whether
4 it was an issue in terms of the federal government being able to
5 deploy those resources given that it could have been seen as
6 circumventing?

7 **DSG MARIO Di TOMMASO:** So it's not a matter for
8 the provincial government or the federal government to deploy
9 policing resources. That is the exclusive jurisdiction, from my
10 understanding, of both Commissioners. They are the ones that
11 have exclusive jurisdiction in deploying their resources, not
12 the governments.

13 **MS. NATALIA RODRIGUEZ:** So my question is whether
14 anyone within the federal government communicated to you that
15 the request being made directly to the federal government was a
16 problem because it wasn't being made through the province.

17 **DSG MARIO Di TOMMASO:** No, nobody communicated
18 that to me.

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

20 Now, at the end of this call -- this was a
21 lengthy call among various people at different levels. Did you
22 have any concerns at the end of this call? Were you satisfied
23 that OPS and the Chief were taking the right approach? What was
24 -- what were your takeaways from this call?

25 **DSG MARIO Di TOMMASO:** My takeaways were that
26 Ottawa Police Service needed additional resources, and those
27 resources were, in fact, being provided, to my understanding, by
28 Commissioner Carrique and Commissioner Lucki.

1 The main obstacle at this point in time was that
2 there was not a plan by the Ottawa Police Service to dismantle
3 the actual occupation. That was the critical problem.

4 **MS. NATALIA RODRIGUEZ:** And was that something
5 that was discussed in this meeting?

6 **DSG MARIO Di TOMMASO:** I'd have to check the
7 entire note.

8 **MS. NATALIA RODRIGUEZ:** But by this time,
9 February 6, you were aware of that ---

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

11 **MS. NATALIA RODRIGUEZ:** --- that there was a lack
12 of a plan.

13 **DSG MARIO Di TOMMASO:** So I want to be very
14 careful about that because there was a plan with regards to the
15 deployment of officers in Ottawa for maintenance purposes to
16 deal with the influx of officers, to deal with radio calls,
17 public safety issues that may or may not have been occurring.
18 There was a plan to do that.

19 What was not in place was a plan to dismantle the
20 entire occupation. That was the barrier. And that plan, from
21 my perspective, included a plan to deploy Public Order Units, a
22 towing plan, an exit plan, a traffic plan, all of that.

23 So when we say that Ottawa did not have a plan, I
24 am specifically referring to what I was told was a plan to
25 dismantle the entire occupation. That was the issue.

26 **MS. NATALIA RODRIGUEZ:** Right. So there was a
27 plan for maintenance of the status quo, but not to end the
28 situation, essentially.

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

2 **MS. NATALIA RODRIGUEZ:** And you were getting this
3 information from Commissioner Carrique and Commissioner Lucki?

4 **DSG MARIO Di TOMMASO:** I did not speak to
5 Commissioner Lucki.

6 **MS. NATALIA RODRIGUEZ:** Okay. So it was
7 exclusively from Commissioner Carrique in terms of the readiness
8 of this plan that we're speaking about.

9 **DSG MARIO Di TOMMASO:** Right. But I also
10 received information from Chief Framer, I believe, earlier on
11 and his view that Ottawa did not have that plan as well.

12 **MS. NATALIA RODRIGUEZ:** And do you know how he
13 formed that opinion?

14 **DSG MARIO Di TOMMASO:** I do not. That would be a
15 question for him.

16 **MS. NATALIA RODRIGUEZ:** Okay. So I'll take you
17 to ONT00001912.

18 And if we go down to the bottom, five bullets
19 from the bottom, there it is.

20 So the -- this is some public remarks that were
21 made, and I believe this was made by the Solicitor-General:

22 "To be clear, since the beginning of the
23 protest, more than 1,500 Ontario
24 Provincial Police personnel have been
25 deployed to the City of Ottawa,
26 providing a range of support to the
27 Ottawa Police Service."

28 This was a press release, I believe. Are you

1 able to confirm that?

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

3 **MS. NATALIA RODRIGUEZ:** And did you or your
4 office participate in drafting this press release?

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

6 **MS. NATALIA RODRIGUEZ:** And I'll take you now to
7 ONT00005345.

8 So if we go down. Right.

9 It's Fuad Abdi to you, subject line, "OPP
10 deployment number Ottawa".

11 And it looks like he is providing you with some
12 OPP Ottawa deployment numbers. My understanding is that these
13 numbers were requested by the Solicitor-General's office from
14 the OPP. Is that right?

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

16 **MS. NATALIA RODRIGUEZ:** Okay. And why was this
17 request made from the OPP in terms of the number of officers?

18 **DSG MARIO Di TOMMASO:** Well, the OPP has an
19 obligation to keep track of the number of resources deployed to
20 Ottawa in the event that there is a charge back to the
21 municipality, so that's why those numbers were being tracked.

22 **MS. NATALIA RODRIGUEZ:** Okay. And then it says
23 at the end of that paragraph:

24 "I have noted for the OPP we will not --
25 and only bottom line numbers being used
26 to confirm support being provided to
27 Ottawa and having a sense of what the
28 feds need to bring to that table."

1 So a few questions.

2 With respect to that in particular, was this
3 chart being used to confirm the number of OPP officers that have
4 been provided to be able to then say, "Well, now, this is what
5 the federal government needs to contribute"?

6 **DSG MARIO Di TOMMASO:** No, I don't believe the
7 case. I think there was a request from the Minister's office of
8 the OPP wanting to know what resources have been provided to
9 date, and that was provided.

10 **MS. NATALIA RODRIGUEZ:** Okay. So in terms of the
11 comment that having a sense of what the feds need to bring to
12 the table, are you aware of what that's referencing?

13 **DSG MARIO Di TOMMASO:** I'm not.

14 **MS. NATALIA RODRIGUEZ:** Okay. And I understand
15 from Commissioner Carrique's evidence that the 1,500 officers,
16 OPP officers, was an administrative number and that, in fact,
17 referred to shifts and not to actual 1,500 individual OPP
18 officers. Is that your understanding as well?

19 **DSG MARIO Di TOMMASO:** No, that's not my
20 understanding. My understanding is that that 1,500 number
21 referred to a period of time, 10 days, I believe, total officers
22 being provided to the Ottawa Police Service.

23 **MS. NATALIA RODRIGUEZ:** But were these 1,500
24 different individuals, if I can put it that way, or were these,
25 you know, 100 officers on one shift and then potentially similar
26 number of officers on another shift and ---

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

28 **MS. NATALIA RODRIGUEZ:** --- you're reusing some

1 of the same officers at different times; correct?

2 It's not 1,500 officers ---

3 **DSG MARIO Di TOMMASO:** At any one time? No.

4 **MS. NATALIA RODRIGUEZ:** Right. And were you
5 aware that there was confusion at the municipal and the federal
6 level with respect to the number of individual OPP officers
7 deployed?

8 **DSG MARIO Di TOMMASO:** I do understand that there
9 was confusion.

10 **MS. NATALIA RODRIGUEZ:** And was there ever a
11 discussion with Chief Sloly to clarify that?

12 **DSG MARIO Di TOMMASO:** Yes. I received a call
13 from Chief Sloly.

14 **MS. NATALIA RODRIGUEZ:** Okay. And when was that?
15 Do you recall?

16 **DSG MARIO Di TOMMASO:** I believe it was shortly
17 after -- shortly after these numbers were released by the
18 Minister's office.

19 **MS. NATALIA RODRIGUEZ:** And so what was explained
20 to him in that call, then?

21 **DSG MARIO Di TOMMASO:** Chief Sloly was very
22 concerned about the release of these numbers. He asked me to
23 correct the narrative that had gone out to correct the press
24 release. I informed Chief Sloly that these numbers were a
25 compilation of numbers over a 10-day period and that they were
26 cumulative in nature and not intended to represent 1500 officers
27 on any given day.

28 **MS. NATALIA RODRIGUEZ:** And he accepted that?

1 **DSG MARIO Di TOMMASO:** That would be a question
2 for him.

3 **MS. NATALIA RODRIGUEZ:** Did you get the sense
4 that he accepted that?

5 **DSG MARIO Di TOMMASO:** He was not happy.

6 **MS. NATALIA RODRIGUEZ:** Okay. And why wasn't he
7 happy?

8 **DSG MARIO Di TOMMASO:** From -- well, he wasn't
9 happy that these numbers were released.

10 **MS. NATALIA RODRIGUEZ:** And was that because
11 there was an -- there was a sense that giving numbers of
12 officers was an issue in terms of giving away police tactics or
13 it could have some sort of detrimental affect on the police
14 operations, or was it because he felt that the number was not
15 being accurately portrayed?

16 **DSG MARIO Di TOMMASO:** I believe that he was not
17 happy because it put more pressure on him and that these numbers
18 would be misinterpreted.

19 **MS. NATALIA RODRIGUEZ:** I see. So if the public
20 thinks he has 1500 officers to work with, they're saying why
21 isn't he doing anything with them?

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

23 **MS. NATALIA RODRIGUEZ:** And these officers were
24 mainly, as you said, being used for maintenance, to rotate tired
25 police officers out and bring other police officers in?

26 **DSG MARIO Di TOMMASO:** Well, no, not just that.
27 Not just that. There were frontline police officers, there were
28 intelligence officers, PLT officers, dispatchers. There's a

1 whole range of officers that were being provided over that
2 period.

3 **MS. NATALIA RODRIGUEZ:** Right. But what I mean
4 is they were not being used to ---

5 **DSG MARIO Di TOMMASO:** Dismantle?

6 **MS. NATALIA RODRIGUEZ:** --- dismantle the
7 protest.

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

9 **MS. NATALIA RODRIGUEZ:** Correct? Okay.

10 Was there any concern that revealing the number
11 of officers deployed could be harmful to operations?

12 **DSG MARIO Di TOMMASO:** From who?

13 **MS. NATALIA RODRIGUEZ:** From Chief Sloly.

14 **DSG MARIO Di TOMMASO:** I don't remember him
15 talking to me about that.

16 **MS. NATALIA RODRIGUEZ:** Did you have that
17 concern?

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

19 **MS. NATALIA RODRIGUEZ:** If so, why were the
20 numbers made public then in the press release?

21 **DSG MARIO Di TOMMASO:** I did not make those
22 numbers public.

23 **MS. NATALIA RODRIGUEZ:** Okay. So you would have
24 been against doing that; is that what I'm understanding? If you
25 had been asked, you would have said no?

26 **DSG MARIO Di TOMMASO:** I think it's not wise for
27 anyone to make numbers of deployed officers publicly available.

28 **MS. NATALIA RODRIGUEZ:** Okay. So you weren't

1 consulted on it, and so you weren't able to give that advice;
2 right?

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

4 **MS. NATALIA RODRIGUEZ:** If I can turn to
5 ONT00003843? And this is now February 7th. And if we -- there
6 it is. So you have a call. You say, "Briefing this AM" And
7 then it says, "Call with OPC CC."

8 **DSG MARIO Di TOMMASO:** That should be OPP. I'm
9 sorry.

10 **MS. NATALIA RODRIGUEZ:** Okay. So that's OP --
11 okay, so this would be Commissioner Carrique?

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

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

14 "Briefing this AM
15 Would be asking for twice the number of
16 officers he requires."

17 Can you explain this notation?

18 **DSG MARIO Di TOMMASO:** Yes, my understanding was
19 that Commissioner Carrique was communicating to me that at a
20 briefing that had occurred that day, Chief Sloly would be asking
21 for twice the resources that he required.

22 **MS. NATALIA RODRIGUEZ:** Did he give you any more
23 context other than that? Why or what the purpose of that would
24 be, whether he agreed with it, whether he had concerns about
25 that?

26 **DSG MARIO Di TOMMASO:** Whether Commissioner
27 Carrique had concerns?

28 **MS. NATALIA RODRIGUEZ:** Yes.

1 **DSG MARIO Di TOMMASO:** Well, both he and I had
2 concerns. I had concerns about why that would be done, but I
3 was not privy to that briefing or that conversation. But as
4 explained to me by Commissioner Carrique, at the end of the day,
5 that issue was irrelevant, because there would be a planning
6 team that would test whatever numbers were being asked for by
7 the Ottawa Police Service, and that planning team would be
8 staffed with subject matter experts, so they would test whatever
9 plan. So given that Commissioner Carrique had communicated that
10 very fact to me, I had a sense of comfort in knowing that this
11 is just -- looking for the right word -- this is just noise. I
12 was comforted in knowing that whatever the Ottawa Police Service
13 would ask for would be tested by the planning team.

14 **MS. NATALIA RODRIGUEZ:** You put a star there
15 though and underlined it twice.

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

17 **MS. NATALIA RODRIGUEZ:** It seems like perhaps you
18 were expressing in your notes some concern?

19 **DSG MARIO Di TOMMASO:** Yes, I was concerned that,
20 if accurate, that Chief Sloly would take that approach, but I
21 was also comforted by the comments of Commissioner Carrique that
22 whatever numbers were asked for would be validated and tested.

23 **MS. NATALIA RODRIGUEZ:** And at this point, the --
24 Chief Sloly had made known the number of officers he required.
25 Were you made known by this time, February 7th?

26 **DSG MARIO Di TOMMASO:** I believe the request was
27 for 1700 uniform police officers and 100 civilians.

28 **MS. NATALIA RODRIGUEZ:** And if I can take you to

1 17:15, a little bit further down on this same document? And can
2 you just, for the record, indicate who the individuals in this
3 meeting are?

4 **DSG MARIO Di TOMMASO:** So Premier's office,
5 Cabinet office, Sol Gen, Ministry of Transportation, Ministry of
6 Municipal Affairs and Housing, Ministry of Intergovernmental
7 Affairs, and there was a meeting with regards to Ottawa. And
8 this was because Mayor Watson and the Chair of the Board had
9 written that letter formalising the request to the Premier and
10 the Minister. And given the fact that the letter had gone to
11 the Premier, there was a meeting called to discuss, okay, what
12 do we do with it. And my advice was that we give it to the OPP
13 Commissioner, because it's his exclusive jurisdiction, to
14 determine whether or not to deploy resources, for how long, and
15 what numbers. And so the discussion was that we would refer
16 this letter to the OPP Commissioner for his assessment. We were
17 not in a position to direct the Commissioner to say, you know,
18 we better request for 1700 and 100, please supply these
19 resources. We don't have the ability to direct the
20 Commissioner. That's his exclusive jurisdiction. And so we
21 referred it to the OPP Commissioner for assessment only.

22 **MS. NATALIA RODRIGUEZ:** Okay. And if I can take
23 you now to ONT00001141? So these, I believe, are the Solicitor
24 General's notes?

25 **DSG MARIO Di TOMMASO:** I don't know that.

26 **MS. NATALIA RODRIGUEZ:** Okay. So that's fine.
27 We'll go to OTT0000 -- or 000, rather, 29488.

28 **THE CLERK:** Sorry, Counsel, could you repeat that

1 document ID, please?

2 **MS. NATALIA RODRIGUEZ:** OTT00029488.

3 Okay. Is there anything further down? Okay.
4 Okay. If we can keep going down? Yeah, keep going down. I
5 believe it's coming up. Yeah, keep going. Yeah, we'll keep
6 going down. Yeah, keep going down. Okay, yes. So there it is.
7 If we can just go up a little bit more?

8 So it's dated February 10, and if we go down just
9 to the signature line, so this is a letter that was sent by the
10 Solicitor General to the Mayor and to the Chair of the Ottawa
11 Police Services Board. This is a response to the request that
12 was made for those officers. Were you involved in drafting that
13 response?

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

15 **MS. NATALIA RODRIGUEZ:** Okay. And have -- did
16 you read this letter at the time? Were you aware of this
17 response at the time?

18 **DSG MARIO Di TOMMASO:** I'm not entirely sure I
19 was aware of this letter at the time. I knew that the request
20 was -- for additional resources was going to be referred to the
21 OPP Commissioner.

22 **MS. NATALIA RODRIGUEZ:** Okay. And my
23 understanding from the content of this letter is that the
24 Solicitor General is saying that she will forward the request to
25 the OPP Commissioner, as we saw in those notes, in the meeting
26 that was held earlier?

27 **DSG MARIO Di TOMMASO:** Yes, and she's also
28 highlighting that an operational plan proposed by the Ottawa

1 Police Service, so it's both the resources that are being asked
2 and also highlighting that an operational plan would be a good
3 idea.

4 **MS. NATALIA RODRIGUEZ:** Okay. And so is your
5 understanding that the resources were contingent on a plan in
6 some respects?

7 **DSG MARIO Di TOMMASO:** The resources to dismantle
8 ---

9 **MS. NATALIA RODRIGUEZ:** Yes.

10 **DSG MARIO Di TOMMASO:** --- were contingent on a
11 plan, yes.

12 **MS. NATALIA RODRIGUEZ:** Okay. And at this time,
13 there was not one?

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

15 **MS. NATALIA RODRIGUEZ:** Okay. Mayor Watson
16 testified ---

17 **DSG MARIO Di TOMMASO:** And when I say that -- I'm
18 sorry. And once again, the exclusive responsibility to deploy
19 those resources were not of the government, were not of the
20 minister. They rested with the OPP Commissioner.

21 **MS. NATALIA RODRIGUEZ:** Right. But the government
22 can help to bring that request forward and to encourage the OPP
23 Commissioner to deploy those resources?

24 **DSG MARIO Di TOMMASO:** No. The OPP are not to be
25 directed. They are independent. They have discretion. And
26 independence and discretion is not to be trifled with. So the
27 government cannot direct, cannot influence. It is his
28 jurisdiction to see the way in which he deploys his resources.

1 **MS. NATALIA RODRIGUEZ:** So you did not believe you
2 had the ability or the authority to recommend or to talk about
3 the needs in Ottawa and to make any suggestions to the OPP
4 Commissioner?

5 **DSG MARIO Di TOMMASO:** We were not in a position
6 to make any suggestions. I was comforted in knowing that the
7 OPP Commissioner was alive to this request and that he was more
8 than willing to provide the requested resources contingent on
9 the plan for the dismantling and removal of the protest, being -
10 - being there, being validated by the subject-matter experts.
11 That was the impediment.

12 **MS. NATALIA RODRIGUEZ:** Now, on February 9 at
13 3:30, there was a call between Mayor Watson, Premier Ford, and
14 Minister Jones. Were you on that call?

15 **DSG MARIO Di TOMMASO:** I'm sorry?

16 **MS. NATALIA RODRIGUEZ:** There was a call on
17 February 9 with the Mayor of Ottawa, the City Manager, Mr.
18 Kanellakos, and Solicitor General Jones. Were you aware of that
19 call or were you on that call?

20 **DSG MARIO Di TOMMASO:** Not aware and not on it.

21 **MS. NATALIA RODRIGUEZ:** Okay. So in that meeting,
22 Mr. Kanellakos indicated about that meeting when he testified
23 that Minister Jones expressed the view that the request was a
24 law-enforcement issue that needed to be dealt with between the
25 Chief and Commissioner Carrique, and that accords with what you
26 just said right now; right?

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

28 **MS. NATALIA RODRIGUEZ:** Okay. So fair to say that

1 she did not see a role in helping to pass on that request to
2 Commissioner Carrique other than saying, you know, "Here's the
3 request"; right?

4 **DSG MARIO Di TOMMASO:** That would be a question
5 for her, but it's certainly consistent with what happened.
6 There is not an ability to influence the OPP. There's not
7 ability to guide the OPP with regards to the deployment of
8 resources. That is, under the *Police Services Act*, the
9 exclusive jurisdiction of the Commissioner.

10 **MS. NATALIA RODRIGUEZ:** And Mr. Kanellakos
11 testified that on this call, the City asked what other actions
12 the province could take in terms of regulation or legislation to
13 put pressure on the protesters to leave, and he reported that
14 Minister Jones said that this was a law-enforcement issue and so
15 therefore it should be dealt with law enforcement. Do you share
16 that view that there was not a regulatory or legislative action
17 that could have been taken by the province?

18 **DSG MARIO Di TOMMASO:** There was a legislative
19 action that was taken, and that was with regards to the --- the
20 declaration of a provincial emergency and emergency orders were
21 issued as a result of that declaration.

22 **MS. NATALIA RODRIGUEZ:** Right. So aside from the
23 declaration of the emergency, was there anything else that the
24 province could have done at this point?

25 **DSG MARIO Di TOMMASO:** Are you referring to
26 legislation ---

27 **MS. NATALIA RODRIGUEZ:** Yes.

28 **DSG MARIO Di TOMMASO:** --- or resources? So

1 legislation, no, I'm not aware of any other legislation that
2 could have been invoked. I think it's also important to
3 understand that, at this period in time, the existing
4 authorities available to police were perceived to be sufficient
5 by both Chief Sloly, by Commissioner Carrique, and certainly by
6 me.

7 **MS. NATALIA RODRIGUEZ:** And if I can take you to
8 OPP00004580. And these are some text messages with Commissioner
9 Carrique, and I'll take you to page 70, the bottom of page 70.
10 And if we go up a little bit. So it looks like you're in blue
11 because there it says:

12 "Thanks, Deputy, much appreciated."

13 That would be you, right, when -- the green, when
14 -- when the person says, "Thanks, Deputy," they're referring to
15 you; correct?

16 **DSG MARIO Di TOMMASO:** I'm blue, commissioner's
17 green.

18 **MS. NATALIA RODRIGUEZ:** That's right. Okay,
19 perfect, that's what I meant. Okay, so if we go up -- if we can
20 go up a little bit more:

21 "Deputy, on the call OPS and CACP. Any
22 word if the requestion for operational
23 resources to the premier and SolGen
24 will be referred to OPP?"

25 So that would be Commissioner Carrique saying
26 that?

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

28 **MS. NATALIA RODRIGUEZ:** And then if we go down, in

1 response to that question, you say:

2 "Confident it will be referred, not
3 certain."

4 Why would it not be certain that the referral,
5 anyway, would be made?

6 **DSG MARIO Di TOMMASO:** Because the letter was
7 addressed to the Premier and to the Minister and I'm not in a
8 position to speak for them, but we did have a meeting
9 subsequently after that with -- and I've already testified to
10 that -- with the Premier's Officer, Cabinet Office, Secretary of
11 Cabinet, et cetera, and it was determined at that meeting that
12 absolutely it would be referred to the commissioner for
13 assessment.

14 **MS. NATALIA RODRIGUEZ:** Okay. So this was because
15 you hadn't had that discussion yet ---

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

17 **MS. NATALIA RODRIGUEZ:** --- to make the
18 determination.

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

20 **MS. NATALIA RODRIGUEZ:** And would there be a
21 scenario in which that referral wouldn't happen?

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

23 **MS. NATALIA RODRIGUEZ:** Okay. If I can take you
24 to ONT00005154, and we're moving ahead to February 8. When it
25 says, "Call with OPP," is that likely Commissioner Carrique?

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

27 **MS. NATALIA RODRIGUEZ:** Okay. And if we go to

28 page 4 --

1 "Noon, meeting with feds and City of
2 Ottawa."

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

4 **MS. NATALIA RODRIGUEZ:** We down, we see all of the
5 participants at that meeting. If we go down -- and this is a
6 staff-level meeting, is my understanding, with provincial
7 representation, federal representation, and also municipal
8 representation; is that right?

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

10 **MS. NATALIA RODRIGUEZ:** Okay. So if we go to the
11 bottom of the page, so it says:

12 "Blair and Mendicino both want three-
13 way with Mayor and SolGen and this is
14 desire."

15 Can you explain that notation?

16 **DSG MARIO Di TOMMASO:** Yes, it was communicated
17 to me that the federal government, Ministers Blair and Mendicino
18 wanted to meet with the Solicitor General and the Mayor of
19 Windsor.

20 **MS. NATALIA RODRIGUEZ:** And did that meeting take
21 place?

22 **DSG MARIO Di TOMMASO:** I know that their were
23 either two or three meetings that occurred at the minister
24 level.

25 **MS. NATALIA RODRIGUEZ:** Right, so this would be
26 what we've been calling the "tripartite meetings"; are you aware
27 of that terminology that we've been using in the hearings here?

28 **DSG MARIO Di TOMMASO:** Yes, but there were two

1 level of meetings ---

2 **MS. NATALIA RODRIGUEZ:** Yes.

3 **DSG MARIO Di TOMMASO:** --- and I attended either
4 three or four at the officials level. This notation is with
5 respect to the ministerial level, or the political level.

6 **MS. NATALIA RODRIGUEZ:** Okay. And at this time,
7 at this meeting, did you have a sense of whether this was
8 something that was possible and that could happen? Did you give
9 a response to that request?

10 **DSG MARIO Di TOMMASO:** Yes, my response was that
11 I would communicate the request to Minister Jones.

12 **MS. NATALIA RODRIGUEZ:** And you did that?

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

14 **MS. NATALIA RODRIGUEZ:** And did you recommend that
15 she attend, or did you give any recommendation with respect to
16 attendance?

17 **DSG MARIO Di TOMMASO:** I passed on the request to
18 Minister Jones.

19 **MS. NATALIA RODRIGUEZ:** Did you make any
20 recommendation about attendance?

21 **DSG MARIO Di TOMMASO:** I did not.

22 **MS. NATALIA RODRIGUEZ:** Okay. And, ultimately,
23 she did not attend, is my understanding; is that your
24 understanding as well?

25 **DSG MARIO Di TOMMASO:** There were, to the best of
26 my recollection, three meetings. I don't know whether she
27 attended one or not, but certainly two of the three, she did not
28 attend.

1 **MS. NATALIA RODRIGUEZ:** Okay. And my
2 understanding, too, is that they were looking for some
3 provincial representation, if not the Solicitor General, then
4 the Premier, and he also did not attend. Were you aware of
5 that?

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

7 **MS. NATALIA RODRIGUEZ:** Okay. And I'll turn now
8 to Document SSM.NSC.CAN00003019.

9 So if we -- these are some text messages. This
10 is involving Mike Jones, who's the Chief of Staff of Minister
11 Mendicino.

12 And if we go down, we go down a little bit more,
13 okay. And so essentially, if we go up a little bit -- so it
14 looks like Mike Jones is saying:

15 "On Ontario, we haven't had much from
16 Jones, so we've asked the premier's
17 office if there's someone else they'd
18 like us to play with."

19 And then if we go down, "How was that?"

20 "Fine. He didn't say no and promised an answer
21 by end of day."

22 So my understanding is that they were looking for
23 some representation but ultimately, there was no provincial
24 representation. Do you know why that was the case?

25 **DSG MARIO Di TOMMASO:** I do not.

26 **MS. NATALIA RODRIGUEZ:** If we go to
27 SSM.NSC.CAN00002052, and this is a readout from the February 8
28 tripartite. And if we go down to where Minister Blair is

1 speaking, we go down:

2 "Ontario involvement, I know Marco has
3 been having good conversations with
4 Ontario. They are worried about being
5 visible and then being asked about what
6 the province is doing."

7 Do you understand what this is in reference to?

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

9 **MS. NATALIA RODRIGUEZ:** When he says, "They are
10 worried about being visible", do you know who he would be having
11 discussions with at the provincial level to make that
12 assessment?

13 **DSG MARIO Di TOMMASO:** I was not part of this
14 meeting, and perhaps that question can be asked of Minister
15 Mendicino.

16 **MS. NATALIA RODRIGUEZ:** Okay. Is it accurate
17 that the province was concerned about being visible and that was
18 why it was not attending the meetings?

19 **DSG MARIO Di TOMMASO:** I don't understand, the
20 province was concerned about being visible. We were visible.
21 The province was providing all sorts of support and resources to
22 Ottawa, so I don't understand the substance of the question.

23 **MS. NATALIA RODRIGUEZ:** Well, it wasn't visible
24 in those meetings because it wasn't attending, so was that a
25 concern that if it came to the meeting, it would be asked about
26 what it was doing?

27 **DSG MARIO Di TOMMASO:** I don't have any
28 information on that. I'm sorry.

1 **MS. NATALIA RODRIGUEZ:** I'll take you so
2 SSM.CAN.NSC00002837.

3 And this is a readout of a call between Mayor
4 Watson and the prime minister on February 8. And if we go down
5 -- keep going -- keep going -- yeah, keep going down -- all
6 right.

7 So we see the prime minister at the bottom says:
8 "I know we are looking very carefully
9 at what we can do more. Brenda Lucki
10 is looking at that. One of the
11 challenges is that it goes in steps.
12 The first step is to go to the OPP,
13 then RCMP. It's difficult for us to
14 say what we need to do directly until
15 we have a better idea of what the
16 province is doing. That's why this
17 table is so important, but we are there
18 to give more support as needed."

19 So were you aware that the purpose of these
20 ministerial meetings was to sort out who's providing what
21 resources and in what order, essentially?

22 **DSG MARIO Di TOMMASO:** That was being done at the
23 officials' level. That was being done between commissioners and
24 chiefs of police as well. I was not aware of this call. I was
25 not aware of the contents of this call.

26 **MS. NATALIA RODRIGUEZ:** Right. But in terms of
27 the notion that having the three levels of government present at
28 a meeting where resources can be discussed, official numbers can

1 be clarified, the prime minister is indicating that that would
2 be helpful, and I'm asking whether you would agree that that
3 would be helpful?

4 **DSG MARIO Di TOMMASO:** No, it would not be
5 helpful because politicians ought not to interfere with the
6 deployment of policing resources.

7 **MS. NATALIA RODRIGUEZ:** So here it looks like the
8 politicians are, in fact, discussing resources, how many have
9 been deployed, how many are required. We saw the mayor of
10 Ottawa send a letter for resources.

11 Is it your position that those actions were
12 improper?

13 **DSG MARIO Di TOMMASO:** It is my position that the
14 only people that are authorized in law to deploy resources are
15 the commissioner of the RCMP and the commissioner of the OPP.
16 They have sole jurisdiction. It's enshrined in the legislation.
17 I don't know what the prime minister was thinking with regards
18 to influencing and having either the RCMP and the OPP provide
19 additional resources. That is not their role.

20 **MS. NATALIA RODRIGUEZ:** So short of deployment, I
21 don't think anybody's arguing that the prime minister should be
22 deploying resources, but in terms of passing along resource
23 requests in terms of sorting out the numbers that have been
24 provided and what's needed and what the order of operation
25 should be, should the province be providing all OPP officers
26 first and then the federal government and then the RCMP? It's
27 unclear, and so my question is whether there is a role, short of
28 deployment, that the politicians can play?

1 **DSG MARIO Di TOMMASO:** The resource requests were
2 made. They were made public, they were made to the OPP
3 commissioner for assessment, they were given to the RCMP
4 commissioner. So those resources were being acted upon.

5 **MS. NATALIA RODRIGUEZ:** So is there a role for
6 politicians in assisting with these -- with the resource
7 matters?

8 **DSG MARIO Di TOMMASO:** How?

9 **MS. NATALIA RODRIGUEZ:** Well, my question is to
10 you, sir.

11 **DSG MARIO Di TOMMASO:** I don't see a role for
12 politicians to be involved with regards to deploying resources.
13 Those resources requests were quite clear, the RCMP and the OPP
14 understood what those resource requests were, and they were best
15 placed in law to provide those resources.

16 **MS. NATALIA RODRIGUEZ:** So that said, you would
17 not have considered it important for a provincial representative
18 to be at these meetings, if I take what you're saying then?

19 **DSG MARIO Di TOMMASO:** I didn't say that. I just
20 said that politicians do not have a role in asking police
21 services to deploy resources. That is not an appropriate role.

22 **MS. NATALIA RODRIGUEZ:** And is there a role in
23 helping to coordinate?

24 **DSG MARIO Di TOMMASO:** The OPP commissioner, the
25 RCMP commissioner, Chief Sloy were, in fact, coordinating. And
26 that's where the coordination belongs. This was a policing
27 matter. It was a police response.

28 **MS. NATALIA RODRIGUEZ:** So then if these meetings

1 are in order to try to coordinate a solution and to come up with
2 solutions, would you agree then, aside from the resource
3 requests -- which I understand your position, I take your
4 position on that -- was there -- there is a role though outside
5 of the resources that the politicians can play, and these
6 meetings could be a helpful venue for all three levels of
7 government to be speaking to each other about those other
8 measures that could be ---

9 **DSG MARIO Di TOMMASO:** About the other measures,
10 the other solutions, what the art of the possible is,
11 absolutely.

12 **MS. NATALIA RODRIGUEZ:** Okay. The mayor
13 testified that had the province participated in the trilateral
14 meetings, there likely would have been less of a delay in
15 receiving resources. Do you agree with that?

16 **DSG MARIO Di TOMMASO:** Completely disagree.

17 **MS. NATALIA RODRIGUEZ:** Okay.

18 If we go to the bottom of page 2,
19 yeah, and the prime minister, in the
20 middle of that paragraph says:
21 "But Doug Ford has been hiding from his
22 responsibility on it for political
23 reasons, as you highlighted, and
24 important that we don't let him get
25 away from that, and we intend to
26 support you on that."

27 What is your response to those comments?

28 **DSG MARIO Di TOMMASO:** I don't have a response.

1 Those are the comments of the prime minister and any questions
2 about those comments ought to be referred to him.

3 **MS. NATALIA RODRIGUEZ:** Are you aware of any
4 political reasons that Premier Ford would have had or the
5 Ontario government would have had for avoiding these meetings?

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

7 **MS. NATALIA RODRIGUEZ:** Now, my understanding is
8 that there was a commitment by the Solicitor General to
9 participate in these tripartite meetings. And, in fact, in a
10 call with Premier Ford and Minister Mendicino, Ford appears to
11 have committed to asking Jones to participate, but then later
12 kind of withdrew that. Do you know what caused this change in
13 posture?

14 **DSG MARIO Di TOMMASO:** I have no knowledge.

15 **MS. NATALIA RODRIGUEZ:** Okay. Now Mayor Watson
16 also testified that when he spoke to Premier Ford about
17 attending these meetings, that Ford was adamant that he did not
18 feel it would be useful to have three levels of politicians
19 sitting around the table. And from the Mayor's view, he thought
20 the Premier felt that it would be a waste of time, and he
21 indicated that it wouldn't accomplish anything. Do you agree
22 that it would have been helpful to have three levels of
23 government at these tripartite meetings?

24 **DSG MARIO Di TOMMASO:** Perhaps. Perhaps it would
25 have been helpful to have discussions to see what the art of the
26 possible is with regards to other solutions.

27 **MS. NATALIA RODRIGUEZ:** And what about to help
28 kind of coordinate the flow of information and align positions,

1 would it help for that as well?

2 **DSG MARIO Di TOMMASO:** Potentially.

3 **MS. NATALIA RODRIGUEZ:** Now the Commission may
4 hear evidence that the perception was that Ontario did not want
5 to participate because they wanted the City of Ottawa to lead
6 the response, and basically that it was a municipal response and
7 that it should be limited to the City, and because Ontario
8 viewed this as a federal problem. Are either of these reasons
9 accurate, to your knowledge? Are you aware of these?

10 **DSG MARIO Di TOMMASO:** There's a lot to unpack
11 there. Ottawa Police Service is the police service of
12 jurisdiction, not the OPP, not the RCMP. And so we did not have
13 the ability to impose the OPP on Ottawa without a direct
14 request, without an invitation. So given the fact that they are
15 the police service of jurisdiction, the OPP was in a position to
16 provide the requested resources to deal with the problem.

17 **MS. NATALIA RODRIGUEZ:** Was there more to unpack
18 there?

19 **DSG MARIO Di TOMMASO:** Yes, could you -- I'm
20 sorry, could you ---

21 **MS. NATALIA RODRIGUEZ:** Well, the question ---

22 **DSG MARIO Di TOMMASO:** --- repeat the question?

23 **MS. NATALIA RODRIGUEZ:** Yes, the question was
24 whether these two reasons, whether to your knowledge, those were
25 reasons for not participating. One, that the City of Ottawa
26 should lead the response to these protests, and two, because
27 this was a federal problem.

28 **DSG MARIO Di TOMMASO:** I'm sorry, I just don't

1 know how to answer that.

2 **MS. NATALIA RODRIGUEZ:** I'll take you to
3 SSM.NSC.CAN.00003104.

4 And, again, my understanding is this is Chief of
5 Staff to Minister Mendocino and somebody from the Prime
6 Minister's office. If we go down, Samantha Khalil, I believe.
7 Keep going. Keep going down. Okay.

8 So,

9 "From [Chief of Staff] mayor about the
10 mayor minister Jones call. It did not
11 go well. She told him she had no
12 interest in being part of a political
13 round table." (As read)

14 Were you aware that that was Minister Jones'
15 position?

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

17 **MS. NATALIA RODRIGUEZ:** Do ---

18 **DSG MARIO Di TOMMASO:** But I have to say,
19 Minister Jones was, in fact, engaging in conversations at the
20 political level with Minister Blair, with Minister Mendocino,
21 with Mayor Watson. Those calls were, in fact, taking place.

22 **MS. NATALIA RODRIGUEZ:** And did you have
23 discussions with her about participating in these calls?

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

25 **MS. NATALIA RODRIGUEZ:** Were you ever present on
26 calls between Minister Mendocino and Minister Jones?

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

28 **MS. NATALIA RODRIGUEZ:** If I can take you to

1 SSM.CAN.00006068? And this is a read out of a call between
2 Premier Ford and the Prime Minister on February 9. And if we go
3 down, keep going, can you keep going. So they exchange some
4 pleasantries there. And then PDF is Premier Doug Ford. And he
5 says,

6 "I understand and we all agree with
7 peaceful protest but I'll start off
8 with Ottawa [versus] Toronto. I'll say
9 that the police chief and Ottawa Mayor
10 totally mismanaged this. The Toronto
11 [Police Department] and Toronto Mayor
12 did a great job. They've entrenched
13 themselves in Ottawa."

14 You had -- you said you did not have discussions
15 with the Premier during this time; is that right?

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

17 **MS. NATALIA RODRIGUEZ:** And that includes phone
18 calls but also correspondence?

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

20 **MS. NATALIA RODRIGUEZ:** And he would be getting
21 his kind of briefing from Solicitor General; correct?

22 **DSG MARIO Di TOMMASO:** I'm assuming.

23 **MS. NATALIA RODRIGUEZ:** Okay. Do you have an
24 understanding for the basis of the Premier's view that the
25 Ottawa Police Chief and the Mayor totally mismanaged it?

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

27 **MS. NATALIA RODRIGUEZ:** Did you share that view?

28 **DSG MARIO Di TOMMASO:** Which view?

1 **MS. NATALIA RODRIGUEZ:** The view that the Ottawa
2 Police Chief and the Mayor totally mismanaged it?

3 **DSG MARIO Di TOMMASO:** I had no conversations
4 with Premier Ford.

5 **MS. NATALIA RODRIGUEZ:** No, I'm asking whether
6 you shared the view, not with him, but in your own mind, whether
7 you had that same view as he is expressing here.

8 **DSG MARIO Di TOMMASO:** No, I did not share that
9 view with anyone at all.

10 **MS. NATALIA RODRIGUEZ:** Oh, sorry, I mean, did
11 you have -- did you hold that view? I should probably use that
12 better. Did you hold the same view?

13 **DSG MARIO Di TOMMASO:** I wouldn't say that Ottawa
14 Police Service mismanaged. I think that this was an
15 unprecedented protest of significant magnitude and scope. And I
16 think that the Ottawa Police Service did its best based on the
17 information that it had. It was incredibly trying
18 circumstances, and I certainly didn't envy the position that the
19 Ottawa Police Service was put in.

20 **MS. NATALIA RODRIGUEZ:** And what about with
21 respect to his comments regarding the Mayor? Did you have any
22 view about the Mayor's actions?

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

24 **MS. NATALIA RODRIGUEZ:** Okay. And then Premier
25 Ford says,

26 "The bigger one for us and the country
27 is the ambassador bridge and the state
28 ground there."

1 Would you agree that the provincial government's
2 priority at this time was the Ambassador Bridge blockade in
3 Windsor?

4 **DSG MARIO Di TOMMASO:** I think that Commissioner
5 Carrique prioritised the deployment of resources to the
6 Ambassador Bridge. He communicated that to me, for a whole host
7 of reasons, with which I agree.

8 **MS. NATALIA RODRIGUEZ:** And are you aware whether
9 politically the Ontario Government also viewed Windsor as a
10 political priority?

11 **DSG MARIO Di TOMMASO:** I'm not aware of that, but
12 I have to say that the issue of the Ambassador Bridge was being
13 well reported by mainstream media. Everybody that had a TV was
14 certainly aware of how important that crossing was to Canada and
15 to the province.

16 **MS. NATALIA RODRIGUEZ:** And if we keep going on
17 his comments, keep going down the next page? So he says, I've
18 asked -- second line,

19 "...I've asked our AG to look at legal
20 ways to give police more tools and
21 exhaust legal remedies because the
22 police are a little shy and I can't
23 direct them. So that's one area we can
24 focus on. We [can] take their polar
25 licenses, we checked that. We can shut
26 down their fuel consumption and cordon
27 off highways. That's where we're at."

28 What was your understanding at this time, and

1 this is February 9, of the tools that the police needed, aside
2 from boots on the ground, as they say, just resources?

3 **DSG MARIO Di TOMMASO:** So I was not made aware by
4 Chief Sloly, by Commissioner Lucki, or the OPP Commissioner of
5 any additional tools at this point in time. And you said this
6 is 9 February?

7 **MS. NATALIA RODRIGUEZ:** That's correct.

8 **DSG MARIO Di TOMMASO:** I was not made aware of
9 any additional tools that law enforcement required to and either
10 the occupation in Windsor, the blockade in Windsor, or the
11 occupation in Ottawa.

12 **MS. NATALIA RODRIGUEZ:** And did you ever have a
13 discussion with the Solicitor General about what tools or legal
14 remedies the Province could provide to the police?

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

16 **MS. NATALIA RODRIGUEZ:** Do you have any sense for
17 what the Premier is suggesting here?

18 **DSG MARIO Di TOMMASO:** Can you refer me to a
19 specific sentence, please?

20 **MS. NATALIA RODRIGUEZ:** Sure. The last two
21 sentences of the first paragraph.

22 **DSG MARIO Di TOMMASO:** With regards to -- I don't
23 know what "polar licenses" are, quite frankly.

24 **MS. NATALIA RODRIGUEZ:** That could be a typo.

25 **DSG MARIO Di TOMMASO:**

26 "We can shut down their fuel consumption
27 and cordon off highways."

28 I don't know what he's referring to when he's

1 talking about fuel consumption. With regards to cordon off
2 highways, that's quite evident. The ability to block and close
3 highways using existing authorities in the *Highway Traffic Act*.

4 **MS. NATALIA RODRIGUEZ:** Thank you. And then on -
5 - we're now on the second page. The Prime Minister says, on the
6 second line:

7 "You shouldn't need more tools - legal
8 tools - they are barricading the OB
9 economy and doing millions of damage a day
10 and harming people's lives."

11 Were you of the view at this time that there were
12 no other legal tools that were required, that the tools required
13 were available to the police at this time? Not resources, but
14 legal tools.

15 **DSG MARIO Di TOMMASO:** I was not in receipt of
16 any request from our policing leaders for any additional
17 resources, whether that was Windsor, Ottawa, Commissioner Lucki,
18 Commissioner Carrique, Chief Ramer. At no time did anyone ask
19 me for any additional legislative authorities.

20 **MS. NATALIA RODRIGUEZ:** Okay. So you felt that
21 the police had the authority that they needed in order to bring
22 these protests to an end?

23 **DSG MARIO Di TOMMASO:** At that point of time,
24 yes.

25 **MS. NATALIA RODRIGUEZ:** Okay. And in that same
26 paragraph, in the middle of the paragraph, the Prime Minister
27 says:

28 "The bridges and tunnels act means the

1 federal government has responsibility over
2 the bridge and border, so there is a role
3 for us to play and we're happy to play it.
4 But nobody can get on the bridge because
5 they're on municipal land being blocked."

6 And then further down, so just stick a pin in
7 that, I'll ask you something about that in a second. Further
8 down, he says:

9 "has Windsor asked [...] anything of the
10 OPP?"

11 I think we'll have to keep going down for that.
12 Okay. There it is.

13 "Has Windsor asked [...] anything of the
14 OPP? Have they made a formal request to
15 make a [...] request to support them"

16 And the Premier says:

17 "they've put that request in through the
18 solicitor general. I spoke to the Mayor
19 and that was the plan. [Solicitor
20 General] was in touch as well and I
21 understand the request is going forward"

22 So at this time, it sounds like the Windsor
23 request has gone through. Had the Ottawa request gone through
24 at this time?

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

26 **MS. NATALIA RODRIGUEZ:** Okay. And on page 3, if
27 we keep going down, yeah. The Prime minister says:

28 "what are the next steps? You said the

1 OPP are going in. are they keeping you
2 apprised and do they understand the
3 urgency? They can't talk this out for 3
4 weeks, they need to act immediately"

5 And then the Premier says:

6 "they'll act, but without directing them,
7 it's hard to describe their game plan.
8 They'll have a plan unlike Ottawa [where
9 they] didn't have a plan. I'll get
10 briefed tomorrow from the solicitor
11 general and we'll keep you updated. This
12 is critical, I hear you. I'll be up their
13 ass with a wire brush."

14 And then the Prime Minister says:

15 "We're there with resources. Bill Blair
16 will coordinate on our side, but you can
17 reach out to Leblanc or me. You and I
18 need to work together on this. People
19 will be reassured by the two of us working
20 together and we need to demonstrate this
21 is not a place of lawlessness"

22 And the Premier says:

23 "agreed. You'll get an update tomorrow"

24 And then the Prime Minister says:

25 "On Ottawa - it'll go through stages of
26 OPP to RCMP and we'll have a plan. City
27 of Ottawa has been struggling but as soon
28 as OPP leans in a bit more, we'll have

1 more clarity on things. The federal
2 government has no jurisdiction over
3 Wellington street so it's an area we need
4 to [go through --] work through together.
5 If the Ottawa residents have to go through
6 another weekend like the past few weeks,
7 it won't go well"

8 So in this discussion, there's been some
9 jurisdictional issues that have been identified. For example,
10 the Federal Government doesn't have jurisdiction over Wellington
11 Street, the RCMP doesn't have jurisdiction over Wellington
12 Street, the Federal Government has some responsibility over
13 bridges and tunnels, but policing is a provincial matter under
14 the *Police Services Act*.

15 So I just wanted to get your views on some of the
16 jurisdictional challenges or issues that have been brought to
17 light as we can see in this discussion, and how you see the
18 different levels of government working together to come to a
19 resolution to specially the events in Ottawa, which brought
20 together many of those jurisdictional issues?

21 **DSG MARIO Di TOMMASO:** So from my perspective,
22 both the municipal road that leads to the Ambassador Bridge,
23 provincial -- I'm sorry, municipal jurisdiction. And so the
24 police service jurisdiction there is the Windsor Police Service.
25 And in Ottawa, on Wellington Street and the surrounding area,
26 obviously Ottawa Police Service is the Police Service of
27 jurisdiction and they are the two entities that are responsible
28 for resolving both those issues.

1 Do they need support? Absolutely. Is there a
2 role for the Federal and the Provincial Government to play with
3 perhaps identifying interlocutors, with providing opportunities
4 for mediation, for sitting down with protestors to negotiate?
5 Absolutely.

6 But it's ultimately a policing matter to resolve,
7 and the police services of jurisdiction have that
8 responsibility.

9 **MS. NATALIA RODRIGUEZ:** And once it becomes
10 beyond the abilities of the local police service, how then do
11 the other two levels of government work together to try to come
12 to a solution, specifically with respect to Ottawa, which has
13 those issues that we've identified?

14 **DSG MARIO Di TOMMASO:** Well those discussions
15 were in fact happening. They were perhaps not happening on a
16 political level at a tripartite table, but they were happening
17 between Minister Jones, the Premier, the Mayors of both Windsor
18 and Ottawa, and certainly Ministers Mendicino and Blair. So
19 those discussions were in fact happening.

20 **MS. NATALIA RODRIGUEZ:** And so do you see the
21 Provincial Government's role in a city like Ottawa to be
22 different than, for example, as somebody raised in one of the
23 meetings, a city like Kingston that is not the National Capital
24 Region and that is not the Capital City?

25 **DSG MARIO Di TOMMASO:** So both Kingston and
26 Ottawa have their own police services. Both police services are
27 the police service of jurisdiction. The Province is there to
28 provide the necessary support upon request.

1 **MS. NATALIA RODRIGUEZ:** Okay. So those would be
2 treated the same from the provincial standpoint?

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

4 **MS. NATALIA RODRIGUEZ:** Okay. Now, when the
5 local police service is -- has gone beyond its capacity, is --
6 do you agree that the Province has primary responsibility to
7 respond to those requests for services through the OPP?

8 **DSG MARIO Di TOMMASO:** Are you talking about
9 generally or specifically with regards to Ottawa?

10 **MS. NATALIA RODRIGUEZ:** I thought you just told
11 me it was -- my understanding from what you said is that it
12 didn't matter whether it was Ottawa or Kingston. So in any city
13 in Ontario.

14 **DSG MARIO Di TOMMASO:** So ---

15 **MS. NATALIA RODRIGUEZ:** Unless there's a
16 distinction.

17 **DSG MARIO Di TOMMASO:** So certainly the Province
18 does have a role to provide additional resources. And that's
19 done through the Commissioner of the OPP.

20 **MS. NATALIA RODRIGUEZ:** And so to the extent that
21 the OPP has exhausted its resources, it would then turn to the
22 RCMP to require additional resources from the RCMP? Is that the
23 kind of logical ---

24 **DSG MARIO Di TOMMASO:** Not necessarily. We still
25 have other municipal police services as well that are able to
26 assist.

27 The policing meters in this province work
28 collaboratively. They are all members of the Ontario

1 Association of Chiefs of Police. Those calls were in fact
2 happening on a regular basis. And so it is not just the OPP
3 going to the RCMP for assistance. The OPP would have the
4 ability to ask for resources from municipal police chiefs. A
5 municipal police chief has the ability to reach out to other
6 police chiefs to ask for resources as well.

7 So certainly the Province has a role to play
8 through the OPP, but so do municipal police chiefs as well.

9

10 **MS. NATALIA RODRIGUEZ:** Right. And in your view,
11 the RCMP has a role to play as well; is that fair?

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

13 **MS. NATALIA RODRIGUEZ:** Okay. So it's really a
14 coordinated response among all three levels of government?

15 **DSG MARIO Di TOMMASO:** Yes, depending on the
16 situation. And we heard that Ottawa was an unprecedented
17 situation requiring all three orders of government to
18 participate.

19 **MS. NATALIA RODRIGUEZ:** Now, at any point, did
20 Commissioner Carrique, who I understand was mainly who was
21 briefing you throughout this process, make any suggestion or ask
22 about a provincial state of emergency?

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

24 **MS. NATALIA RODRIGUEZ:** Did you have any
25 discussions -- did you ask him whether he thought any of the
26 measures under a provincial state of emergency would be helpful
27 for him?

28 **DSG MARIO Di TOMMASO:** I did not, but I was

1 certainly thinking about the EMCPA on or about that point in
2 time. What was saw was an escalation in terms of protests. We
3 saw protests in both Sarnia -- I'm sorry, in Sarnia, Windsor,
4 the Peace Bridge in Toronto, and Cornwall, so I had a growing
5 concern about the escalation of protests specifically designed
6 to thin out police lines to prevent police from responding in
7 Ottawa.

8 **MS. NATALIA RODRIGUEZ:** So did there come a point
9 where you considered that a provincial state of emergency would
10 be helpful as you see these resources being spread out thin?

11 **DSG MARIO Di TOMMASO:** I was certainly thinking
12 about it, yes.

13 **MS. NATALIA RODRIGUEZ:** And in terms of declaring
14 a provincial state of emergency, that's within the purview of
15 the Premier; is that right?

16 **DSG MARIO Di TOMMASO:** Abd Cabinet.

17 **MS. NATALIA RODRIGUEZ:** And Cabinet. And does the
18 Solicitor General have a role in briefing or advising the
19 Premier with respect to that?

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

21 **MS. NATALIA RODRIGUEZ:** And what's that role?

22 **DSG MARIO Di TOMMASO:** The Solicitor General is
23 certainly free to provide that advice.

24 **MS. NATALIA RODRIGUEZ:** Okay. But it's not at the
25 Solicitor General's recommendation that the Premier would do
26 that; is that right?

27 **DSG MARIO Di TOMMASO:** The Solicitor General
28 certainly has the ability to provide a recommendation to the

1 Premier.

2 **MS. NATALIA RODRIGUEZ:** Okay. And are you aware
3 of whether that recommendation was made by the Solicitor
4 General?

5 **DSG MARIO Di TOMMASO:** I'm not aware of any
6 discussions between the Minister and the Premier.

7 **MS. NATALIA RODRIGUEZ:** Okay. And do you have the
8 ability to also make a recommendation to the Solicitor General
9 with respect to declaring a state of emergency?

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

11 **MS. NATALIA RODRIGUEZ:** And did you do that in
12 this case?

13 **DSG MARIO Di TOMMASO:** No. Quite frankly, the
14 Premier beat me to it. He signalled on the 10th of February that
15 it was his intention to declare a provincial emergency. And
16 given that signal, that intent on the 10th, several ministries
17 started working together to permit the declaration to happen.
18 And the essence of emergency declarations are for emergency
19 orders to flow from that, so we were examining what emergency
20 orders were required to support the emergency declaration. And
21 one of the key people that we relied upon was Commissioner
22 Carrique. So communicating to Commissioner Carrique, "There
23 will be a provincial emergency declaration. What tools do you
24 need to more effectively resolve the situation in both Ottawa
25 and at the Ambassador Bridge." And so that communication was
26 ongoing between various legal departments, between my ministry,
27 the Ministry of the Attorney General, Cabinet Office, Premier's
28 Office, and Commissioner Carrique.

1 **MS. NATALIA RODRIGUEZ:** So is it your
2 understanding that the decision to declare a state of emergency
3 was made before the measures were determined, what the measures
4 would be that would fall under that?

5 **DSG MARIO Di TOMMASO:** I know that the signal for
6 an emergency declaration was made and then we started consulting
7 with Commissioner Carrique with regards to what tools he
8 required.

9 **MS. NATALIA RODRIGUEZ:** And do you have any
10 knowledge what was the turning point or the tipping point for
11 declaring an -- for wanting to declare an emergency as of the
12 10th of February?

13 **DSG MARIO Di TOMMASO:** I don't know what the
14 Premier was thinking but I was certainly in a position to have
15 that decision on or around -- or that recommendation on or
16 around the 10th simply because the matter was escalating. The
17 number of protests were escalating. We saw repeated blockades
18 and attempts in Sarnia, the Blue Water Bridge, Highway 402,
19 Nipigon, Cornwall, the Peace Bridge, Windsor, Toronto, so
20 certainly things were escalating, and I was certainly in a
21 position to make that recommendation, and I would have had the
22 Premier not beaten me to the punch.

23 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And I'll
24 you to ONT00005149, and this is the briefing note that the
25 Solicitor General sent to Cabinet regarding the declaration of
26 the emergency of February 12th. Did you advise the Solicitor
27 General on this briefing note?

28 **DSG MARIO Di TOMMASO:** So it's cabinet office

1 that prepares this briefing note.

2 **MS. NATALIA RODRIGUEZ:** Okay.

3 **DSG MARIO Di TOMMASO:** And it's not my ministry.

4 **MS. NATALIA RODRIGUEZ:** Okay. And so you saw it
5 when it came out, essentially; you didn't have any input into
6 it?

7 **DSG MARIO Di TOMMASO:** My ministry certainly had
8 input into developing this note.

9 **MS. NATALIA RODRIGUEZ:** Okay. And are aware of
10 whether the drafting of the emergency measures had started by
11 the time that the declaration was made on the 11th?

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

13 **MS. NATALIA RODRIGUEZ:** Okay. And what was your
14 understanding of the objective of the declaration and the
15 emergency orders that accompanied it?

16 **DSG MARIO Di TOMMASO:** The objective was to --
17 well, there were a number of objectives. The objectives were to
18 provide law enforcement with the tools that they needed to
19 effectively deal with the Ambassador Bridge, Ottawa, and any
20 other protests that could develop in the future. So the
21 emergency orders were designed, in my view, to both deal with
22 the existing occupations and protests, but also to prevent, and
23 reduce, and mitigate the harm in the future. So it was both
24 reactionary and future-looking as well.

25 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And if
26 we can go down on this document. And so I just want to look at
27 a little bit about -- look a little bit at the measures and what
28 it -- what they prohibit. And so the first -- A(i) says:

1 "Preventing someone from travelling to
2 or from critical infrastructure as
3 defined in 2(f)."

4 So if we can go down to 2(f) -- yes, there it is.
5 And so we see there from (i) to (x), or 1 to 10, the different
6 elements under what is defined as "critical infrastructure".
7 It's interesting to note that the Parliamentary Precinct is not
8 included under "critical infrastructure". Do you know why that
9 was excluded from the definition of "critical infrastructure"?

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

11 **MS. NATALIA RODRIGUEZ:** And why was that?

12 **DSG MARIO Di TOMMASO:** The *Emergencies Management*
13 *Civil Protection Act* has a limitation in it, and that limitation
14 is that all emergency orders need to be as minimally intrusive
15 as possible. Given the fact that lawful protest is a Charter
16 right, there was a concern that if we included the Parliamentary
17 Precinct that people that are protesting some other issue would
18 be impacted by that, and so we did not want to be over-broad
19 with regards to including the Parliamentary Precinct.

20 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go
21 back up to the beginning of that -- those measures -- keep going
22 up. So if we go, then, to -- so, as you mentioned, then the
23 Parliamentary Precinct would not be part of the definition of
24 "critical infrastructure", however, if we see in number 5, A(5),
25 that the measures also prevent individuals from:

26 "Preventing someone travelling to or
27 from walkways, bridges, or highways,
28 other than 400-series highways, which

1 are already captured as "critical
2 infrastructure", if doing so would:"

3 And there's three conditions.

4 Can you explain that particular measure and maybe
5 explain what the purpose of that was.

6 **DSG MARIO Di TOMMASO:** So that particular measure
7 was specifically designed to deal with the situation in Ottawa.
8 We see that it refers and references "highways". The definition
9 of "highways" is taken from the *Highway Traffic Act*. And
10 according to that definition, that certainly includes all the
11 residential streets, including Wellington, in Ottawa. So this
12 measure was specifically designed for Ottawa. And when we look
13 at number 3:

14 "If doing so would seriously interfere
15 with the safety, the health, or
16 wellbeing of member of the public."

17 So specifically designed for Ottawa.

18 **MS. NATALIA RODRIGUEZ:** And as you mentioned,
19 highway in this case means essentially any road?

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

21 **MS. NATALIA RODRIGUEZ:** And was there any concern
22 that this might be over broad, if it captures any road anywhere
23 in Ontario?

24 **DSG MARIO Di TOMMASO:** No, because there's a
25 caveat to it that the interference would have to either 1, 2, or
26 3: Seriously interfere with the safety, health, or wellbeing of
27 members of the public, as an example. So this was not over
28 broad.

1 **MS. NATALIA RODRIGUEZ:** And conversely, given
2 that there are three requirements or three possible requirements
3 -- one of the three would have to be triggered -- was there a
4 concern that potentially, it wouldn't be able to apply to
5 Wellington unless one of those three was met?

6 **DSG MARIO Di TOMMASO:** No, there was not that
7 concern.

8 **MS. NATALIA RODRIGUEZ:** Okay. So you were
9 confident that these measures were targeted to the situation in
10 Ottawa, but would not be over broad so as to impede peaceful
11 protests in the Parliamentary precinct; is that a fair
12 assessment?

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

14 **MS. NATALIA RODRIGUEZ:** If I can take you to
15 ONT00005152?

16 **COMMISSIONER ROULEAU:** Can I just interrupt for a
17 moment?

18 **MS. NATALIA RODRIGUEZ:** Yeah.

19 **COMMISSIONER ROULEAU:** I just want to check on
20 the witness. Do you want a break? This is going to be, I'm
21 afraid, long, so the question is, do you want a break? You
22 could have two breaks or we can keep going until you signal.

23 **DSG MARIO Di TOMMASO:** We could keep going,
24 Commissioner.

25 **COMMISSIONER ROULEAU:** Okay. You've got
26 endurance. That's good.

27 **MS. NATALIA RODRIGUEZ:** So it was ONT00005152.
28 And this is now February 14, and these were amendments that were

1 proposed to the Emergency orders. Were you aware of these at
2 the time?

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

4 **MS. NATALIA RODRIGUEZ:** And were you consulted on
5 the amendments?

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

7 **MS. NATALIA RODRIGUEZ:** And did the solicitor
8 general consult with you?

9 **DSG MARIO Di TOMMASO:** Did she consult with me?

10 **MS. NATALIA RODRIGUEZ:** Was the consultation with
11 the solicitor general?

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

13 **MS. NATALIA RODRIGUEZ:** And what can you tell us
14 about the purpose of the additional measures?

15 **DSG MARIO Di TOMMASO:** Can you scroll up for me,
16 please?

17 **MS. NATALIA RODRIGUEZ:** Sure.

18 **DSG MARIO Di TOMMASO:** So it's articulated right
19 here. Confirm that provincial offences officers can, in fact,
20 remove objects, including vehicles themselves, as well as
21 causing others to remove them.

22 In B), give provincial offences officers who
23 remove objects or cause them to be removed, the power to detain
24 and store those objects.

25 **MS. NATALIA RODRIGUEZ:** Sure. Sorry, maybe I'll
26 just clarify.

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

28 **MS. NATALIA RODRIGUEZ:** What was the intended

1 purpose of these amendments?

2 **DSG MARIO Di TOMMASO:** So ---

3 **MS. NATALIA RODRIGUEZ:** What are they targeting?

4 **DSG MARIO Di TOMMASO:** So with regards to the --
5 I'm sorry, we were receiving additional information from
6 Commissioner Carrique with regards to what additional powers he
7 required. So when you look at B, for example, there was a
8 concern that if a vehicle was seized, sent to the pound, a
9 person could certainly pay the fine or the storage fee, get the
10 car back, and then certainly join up again with the protest.

11 So this particular emergency order gave the
12 police the ability to store that vehicle for as long as the
13 emergency order was in effect.

14 Also, there was the issue, as articulated by ADM
15 Freeman yesterday with regards to CVORs and ensuring that the
16 police made reasonable efforts to notify those individuals that
17 had CVORs and where the vehicles were being detained and stored.

18 There was also the requirement to ensure that tow
19 truck operators' storage yards were, effectively, compensated,
20 and so there was a provision here that referenced the *Storage*
21 *Liens Act*, I believe it was, that made it clear that any monies
22 owing could be enforced through that particular Act.

23 **MS. NATALIA RODRIGUEZ:** And if we go to the
24 second page in the first paragraph under "Why does Ontario need
25 these changes?" We'll keep going. Right. Here we are.

26 It says:

27 "Following the declaration of emergency on February 11, 2022,
28 action by police services have addressed the blockade of the

1 Ambassador Bridge in Windsor. However, as the bridge has just
2 begun to reopen to regular traffic, there remains a threat of
3 impeded access to or egress from the use of it and other
4 critical transportation infrastructure, including essential
5 trade corridors."

6 What was your understanding of the continued
7 threat of impeded access to or egress from the Ambassador Bridge
8 at this time? This is February 14.

9 **DSG MARIO Di TOMMASO:** So there was information
10 of various convoys coming to the Ambassador Bridge from --
11 potentially from Ottawa, potentially from other parts of
12 Ontario. I know that the commissioner informed me that there
13 was a call by protestors to come to Ontario to assist. And so
14 that concern was real. And so that's one of the reasons why
15 this emergency order was declared and put into force.

16 There was a concern that there would be continued
17 attempts to block Highway 402, the Blue Water Bridge, the
18 Ambassador Bridge, the Peace Bridge, Toronto, Nipigon, Cornwall,
19 et cetera.

20 **MS. NATALIA RODRIGUEZ:** And was there any
21 coordination with the federal government on the tools that might
22 be needed in the measures, in the provincial measures, to end
23 the situation in Ottawa? Was there ever a discussion with
24 federal counterparts about the measures?

25 **DSG MARIO Di TOMMASO:** Not to my knowledge. I
26 did not discuss this with Deputy Minister Stewart. I don't know
27 whether Commissioner Carrique had that discussion with
28 Commissioner Lucki.

1 **MS. NATALIA RODRIGUEZ:** So to your understanding
2 and to your knowledge, neither did the solicitor general and
3 neither did the premier, correct?

4 **DSG MARIO Di TOMMASO:** I don't know that.

5 **MS. NATALIA RODRIGUEZ:** Right. In your view, was
6 the provincial declaration of emergency helpful in resolving the
7 situation in Ottawa?

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

9 **MS. NATALIA RODRIGUEZ:** And in Windsor?

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

11 **MS. NATALIA RODRIGUEZ:** And how so?

12 **DSG MARIO Di TOMMASO:** Well, it certainly
13 provided the ability to tow vehicles and other objects that were
14 blocking the roadway. And it certainly provided the ability to
15 immediately suspend drivers' licences, permits, and CVOR
16 registrations. It gave the police the ability to remove
17 vehicles themselves and the provincial offences officers
18 themselves if necessary. It certainly gave police the ability
19 to store seized vehicles for a long term so that they could not
20 be reused in a protest. And it certainly imposed significant
21 fines on individuals. As an example, violating one of these
22 emergency orders, to my knowledge, the maximum penalty for an
23 individual was \$100,000; for a director of a corporation,
24 \$500,000; and for a corporation, I believe it was \$10 million.

25 **MS. NATALIA RODRIGUEZ:** So these measures were
26 significant?

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

28 **MS. NATALIA RODRIGUEZ:** And to your knowledge,

1 was any other level of government consulted on this provincial
2 declaration or any of the emergency measures under it?

3 **DSG MARIO Di TOMMASO:** I certainly had
4 discussions with Deputy Minister Stewart after the declaration
5 of the emergency, and we did discuss some of these provisions.
6 Deputy Minister Stewart informed me that at one point in time,
7 after the federal government --I'm sorry -- or while the federal
8 government was discussing the *Emergencies Act*, that the
9 provincial declaration of emergency certainly had more teeth
10 than the provisions in the *Emergencies Act*.

11 **MS. NATALIA RODRIGUEZ:** And you mentioned that
12 you also spoke to Commissioner Carrique about what measures
13 would be helpful?

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

15 **MS. NATALIA RODRIGUEZ:** Did you have any similar
16 discussions with Commissioner Lucki?

17 **DSG MARIO Di TOMMASO:** I did not.

18 **MS. NATALIA RODRIGUEZ:** Was -- did anyone ask the
19 province, anyone meaning within the federal government, the
20 municipal government, OPP, or RCMP, was anybody requesting that
21 the province declare a state of emergency, to your knowledge?

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

23 **MS. NATALIA RODRIGUEZ:** Were the elements there
24 prior to February 10 for declaring a provincial state of
25 emergency? Could it have been declared sooner?

26 **DSG MARIO Di TOMMASO:** There's a two-part test in
27 the EMCPA that has to be met, so I think an analysis would have
28 to be done to see when that two-part test could have been met.

1 **MS. NATALIA RODRIGUEZ:** And were you doing that
2 analysis in your mind as time went on?

3 **DSG MARIO Di TOMMASO:** I was thinking about it,
4 yes.

5 **MS. NATALIA RODRIGUEZ:** And when -- at what point
6 did you conclude that that was -- that that had been met?

7 **DSG MARIO Di TOMMASO:** On or about the 10th when
8 the Premier signalled that he had the intention to declare.

9 **MS. NATALIA RODRIGUEZ:** Okay. So prior to that,
10 it was your assessment that the conditions were not there; is
11 that right?

12 **DSG MARIO Di TOMMASO:** And that was primarily
13 based -- well, I wouldn't say that the conditions were not
14 there. That was primarily based on not receiving any direct
15 request from any of our law enforcement leaders.

16 **MS. NATALIA RODRIGUEZ:** For the declaration?

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

18 **MS. NATALIA RODRIGUEZ:** Okay. So had that
19 request been made, you would have considered it sooner?

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

21 **MS. NATALIA RODRIGUEZ:** Now it's my understanding
22 that the provincial state of emergency closely coincided with
23 Ontario relieving some of those provincial mandates. Is that
24 your understanding as well?

25 **DSG MARIO Di TOMMASO:** I'm not clear on
26 provincial mandates.

27 **MS. NATALIA RODRIGUEZ:** Okay. And, Commissioner,
28 I'm about to move on. This might be an appropriate time for a

1 break. I'm sure my friends would appreciate that as well.

2 **COMMISSIONER ROULEAU:** Okay. Well, certainly the
3 interpreters do. So I will -- we'll take a 15-minute break and
4 then we can come back.

5 **THE REGISTRAR:** The Commission is in recess for
6 15 minutes. La commission est levée pour 15 minutes.

7 --- Upon recessing at 4:17 p.m.

8 --- Upon resuming at 4:34 p.m.

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

12 **MS. NATALIA RODRIGUEZ:** Give the Commissioner a
13 minute.

14 **COMMISSIONER ROULEAU:** Okay. Go ahead.

15 **MS. NATALIA RODRIGUEZ:** Thank you.

16 **--- DSG MARIO Di TOMMASO, Resumed:**

17 **--- EXAMINATION-IN-CHIEF BY MS. NATALIA RODRIGUEZ (Cont'd):**

18 **MS. NATALIA RODRIGUEZ:** Mr. Di Tommaso, I want to
19 take you to ONT00005157. And this is now a call you had with
20 Deputy Minister Stewart on February 13. Do you recall speaking
21 with him about the Federal *Emergencies Act* at that time? If we
22 can go to page 10?

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

24 **MS. NATALIA RODRIGUEZ:** And the third point,
25 "Also Federal Emergencies Act is being
26 discussed s on the table but great
27 reluctance to invoke. Primarily
28 because Provincial penalties under EOs

1 are much greater than what is available
2 under [Federal] Emergencies Act.
3 Advise both [Minister] Jones and SoC of
4 above."

5 So what did you understand Deputy Minister
6 Stewart to be telling you about the relationship between the
7 provincial and the federal measures?

8 **DSG MARIO Di TOMMASO:** Well, we didn't discuss
9 the difference between the two measures in any great detail.
10 The discussion was about the fact that the federal government
11 was considering the invocation of the Federal *Emergencies Act*.

12 **MS. NATALIA RODRIGUEZ:** And was this the first
13 time you were informed of that?

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

15 **MS. NATALIA RODRIGUEZ:** And did you understand
16 him to be saying that the provincial emergency measures were
17 greater than the federal emergency measures, based on those
18 notes that you made there?

19 **DSG MARIO Di TOMMASO:** The penalties, yes.

20 **MS. NATALIA RODRIGUEZ:** The penalties. And did
21 he give you a sense for why it was being considered, if that was
22 the case?

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

24 **MS. NATALIA RODRIGUEZ:** I'll take you to
25 ONT00003847.

26 And these again are your notes. This is now
27 February 14. And this is -- you make some notes in relation
28 with -- to a call with Deputy Minister Stewart. At 8:55,

1 "I inquire as to whether Federal
2 Emergencies Act will be invoked today.
3 Silence!"

4 What was your interest in inquiring about the
5 *Federal Emergencies Act*.

6 **DSG MARIO Di TOMMASO:** Well, he had signalled to
7 me the day before that the Federal Government was considering
8 the invocation of the Act. And in this call here, I wanted to
9 know whether or not that was in fact happening. He did not
10 answer my question.

11 **MS. NATALIA RODRIGUEZ:** Okay. And did you take
12 that to mean that that was the affirmative; in not wanting to
13 answer one way or the other?

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

15 **MS. NATALIA RODRIGUEZ:** Was the Province
16 expecting this to happen, or was this just you asking, or were
17 you asking on behalf of others?

18 **DSG MARIO Di TOMMASO:** This was me asking.

19 **MS. NATALIA RODRIGUEZ:** Okay. Do you know
20 whether the Solicitor General or the Premier were expecting the
21 government to invoke the *Emergencies Act*?

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

23 **MS. NATALIA RODRIGUEZ:** Okay. And when Deputy
24 Minister Stewart indicated that to you, that it was being
25 considered, is that something you passed on to the Solicitor
26 General?

27 **DSG MARIO Di TOMMASO:** I believe so. Yes, I
28 believe so.

1 **MS. NATALIA RODRIGUEZ:** Okay. Now, the *Federal*
2 *Emergency Act* measures were put in place to help solve what
3 you've indicated was a policing matter, so a law enforcement
4 issue. Did you see any concern about using federal measures to
5 deal with what is substantially a provincial matter, which is
6 policing?

7 **DSG MARIO Di TOMMASO:** No, because the
8 *Emergencies Act* invocation from my view was national in scope.
9 And so, not knowing what the Federal Government concerns were
10 Canada-wide, I wasn't really in a position to have those
11 concerns.

12 **MS. NATALIA RODRIGUEZ:** And there was a First
13 Minister's meeting on the morning of February 14; were you aware
14 of it at the time?

15 **DSG MARIO Di TOMMASO:** I found out later.

16 **MS. NATALIA RODRIGUEZ:** Do you know whether
17 Premier Ford was given advance notice of this meeting and what
18 the topic of the meeting was?

19 **DSG MARIO Di TOMMASO:** No idea.

20 **MS. NATALIA RODRIGUEZ:** Are you aware of whether
21 he was briefed on the *Emergencies Act* prior to that meeting?

22 **DSG MARIO Di TOMMASO:** I don't know.

23 **MS. NATALIA RODRIGUEZ:** Did the Solicitor General
24 seek your input or advice on the *Emergencies Act* prior to that
25 meeting?

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

27 **MS. NATALIA RODRIGUEZ:** Was it your view that the
28 *Federal Emergencies Act* could help the police resolve the

1 situation in Ottawa?

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

3 **MS. NATALIA RODRIGUEZ:** And so, if that's the
4 case then, were you of the view that the Ontario measures were
5 not enough to bring those protests to an end?

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

7 **MS. NATALIA RODRIGUEZ:** No, it was not your view?

8 **DSG MARIO Di TOMMASO:** Correct. I thought that
9 the Provincial Emergency Declaration and the Orders that flowed
10 from them were sufficient to assist the police in resolving both
11 Ottawa and Windsor.

12 Having said that, the Emergency Orders that
13 flowed from the Federal Emergency Declaration were certainly
14 helpful and I know that they were used by law enforcement.

15 **MS. NATALIA RODRIGUEZ:** So, if it was your view
16 that the Provincial measures were enough to bring these
17 protests, at least in Ottawa and Windsor to an end, why did the
18 Government support then, the invocation of the *Emergencies Act*
19 by the Federal Government?

20 **DSG MARIO Di TOMMASO:** That would be a question
21 for Premier Ford and Minister Jones.

22 **MS. NATALIA RODRIGUEZ:** And in your view, did you
23 support the use of the *Emergencies Act*?

24 **DSG MARIO Di TOMMASO:** I never turned my mind as
25 to whether I supported the *Act*. I can tell you that the
26 authorities granted by the *Federal Emergencies Act* were helpful
27 and they were used by law enforcement.

28 **MS. NATALIA RODRIGUEZ:** And just to clarify, your

1 views were not canvassed with respect to whether or not the
2 Province should be supportive of the use of the *Emergencies Act*,
3 was it?

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

5 **MS. NATALIA RODRIGUEZ:** Now we've heard testimony
6 earlier this week about the blockade at the Ambassador Bridge,
7 we've spoken a bit about that briefly as well. Is it your
8 understanding that the request for resources that came from
9 Windsor were, in some way prioritized by the OPP?

10 **DSG MARIO Di TOMMASO:** Comm. Carrique informed me
11 that he was prioritizing the resources for deployment to the
12 Windsor Bridge for a number of reasons.

13 **MS. NATALIA RODRIGUEZ:** And do you understand, or
14 do you have any knowledge of whether the Solicitor General
15 directed Comm. Carrique to prioritize Windsor resources?

16 **DSG MARIO Di TOMMASO:** Knowing both the Minister
17 and Comm. Carrique, the Minister would absolutely not direct the
18 Commissioner, nor would the Commissioner receive that direction
19 well. He would refuse it.

20 **MS. NATALIA RODRIGUEZ:** Okay and why would that
21 be?

22 **DSG MARIO Di TOMMASO:** Because there is -- that's
23 an operational matter, and Government, Ministers, myself are
24 simply not permitted to direct the OPP with regards to -- an
25 operational matter and deployment of officers is considered an
26 operational matter.

27 **MS. NATALIA RODRIGUEZ:** Okay. So, the
28 prioritization of resources, you would say, is an operational

1 matter?

2 **DSG MARIO Di TOMMASO:** Provincial Police
3 Resources, yes.

4 **MS. NATALIA RODRIGUEZ:** Okay. And, but you would
5 agree with me that the Solicitor General can issue directions to
6 the OPP Commissioner that are not related to operational
7 matters.

8 **DSG MARIO Di TOMMASO:** With regards to policy
9 matters, yes.

10 **MS. NATALIA RODRIGUEZ:** Okay. And what is your
11 understanding of the scope of that authority; that the Solicitor
12 General has to direct the OPP Commissioner on non-operational
13 matters?

14 **DSG MARIO Di TOMMASO:** Well that authorities
15 continue within the Police Services Act. That the OPP
16 Commissioner is subject to the Solicitor General's direction,
17 but my understanding from Ministry legal and Case law is that
18 direction is only to apply with regards to human resources,
19 budget, policy, and certainly nothing in regards to operations
20 and certainly nothing in regards to any emergency provisions.

21 **MS. NATALIA RODRIGUEZ:** Right, but as you
22 mentioned human resources would fall under that. So,
23 prioritizing human resources in one area over another; would
24 that fall into ---

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

26 **MS. NATALIA RODRIGUEZ:** Okay. And are you aware
27 of whether the Solicitor General did in fact issue any
28 directions to the OPP Commissioner throughout these events?

1 **DSG MARIO Di TOMMASO:** I'm not aware and I
2 believe, had she done that, the Commissioner would have informed
3 me.

4 **MS. NATALIA RODRIGUEZ:** Now we see in the
5 Institutional Report that filed on behalf of the Government of
6 Ontario, that the Business sector became quite activated with
7 respect to the Windsor blockade. And I think you mentioned
8 something along those lines as well, right?

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

10 **MS. NATALIA RODRIGUEZ:** Did that play a role in
11 the decision to prioritize Windsor as an issue that had to be
12 resolved?

13 **DSG MARIO Di TOMMASO:** So, it was Comm. Carrique
14 that prioritized the deployment of resources to the Windsor
15 blockade over Ottawa and, as he communicated to me, one of his
16 considerations for doing so, one of many considerations, was the
17 economic impact.

18 **MS. NATALIA RODRIGUEZ:** Now witnesses have
19 testified before the Commission that the City of Ottawa attended
20 to make a deal or did make a deal with protesters to move trucks
21 out of residential areas; you're aware of that?

22 **DSG MARIO Di TOMMASO:** I was informed by Deputy
23 Minister Stewart at one point in time, on a phone call.

24 **MS. NATALIA RODRIGUEZ:** And did you know that it
25 was Dean French who was the person representing, or negotiating
26 on behalf of the protesters?

27 **DSG MARIO Di TOMMASO:** Deputy Minister Stewart
28 informed me of that.

1 **MS. NATALIA RODRIGUEZ:** Okay.

2 And you didn't -- you weren't aware of that prior
3 to his telling you?

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

5 **MS. NATALIA RODRIGUEZ:** Okay. Do you know how
6 Mr. French got involved and became the representative of some of
7 the organizers in this?

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

9 **MS. NATALIA RODRIGUEZ:** Did you have any contact
10 with Mr. French during any of the time of these protests?

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

12 **MS. NATALIA RODRIGUEZ:** Are you aware of whether
13 Premier Ford or his staff had any contact with Mr. French?

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

15 **MS. NATALIA RODRIGUEZ:** Are you aware of whether
16 Mr. French was acting under the instructions of the Government,
17 the Ontario government, to broker this deal, to find a
18 resolution?

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

20 **MS. NATALIA RODRIGUEZ:** Now we know the Emergency
21 Management Ontario and the Provincial Emergency Operation Centre
22 were both engaged in the Windsor situation. They were not
23 engaged with respect to Ottawa; do you have a sense for why that
24 is?

25 **DSG MARIO Di TOMMASO:** There were engaged in
26 Ottawa. There was a field officer from Emergency Management
27 Ontario that was embedded in the Ottawa Emergency Operations
28 Centre.

1 **MS. NATALIA RODRIGUEZ:** And what about the
2 Provincial Emergency Operation Centre?

3 **DSG MARIO Di TOMMASO:** The Provincial Emergency
4 Operation Centre was in full activation mode on the 11th of
5 February.

6 **MS. NATALIA RODRIGUEZ:** In Ottawa?

7 **DSG MARIO Di TOMMASO:** The Provincial Emergency
8 Operation Centre is located in Toronto.

9 **MS. NATALIA RODRIGUEZ:** Yes, but I mean it was
10 activated with respect to the events in Ottawa on February 11th.
11 Is that what your ---

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

13 **MS. NATALIA RODRIGUEZ:** --- what your evidence
14 is? Okay. But not prior to that?

15 **DSG MARIO Di TOMMASO:** So there are three levels
16 of activation with regards to the Provincial Emergency Operation
17 Centre. There is routine monitoring, there is enhanced
18 monitoring, and then there is full activation. And the PEOC
19 went into full activation on the 11th of February. Before that,
20 it was in enhanced monitoring mode.

21 **MS. NATALIA RODRIGUEZ:** Are you able to tell us
22 when it went into enhanced mode?

23 **DSG MARIO Di TOMMASO:** Eleven (11) -- oh, I'm
24 sorry. I am not.

25 **MS. NATALIA RODRIGUEZ:** Okay. Can I take you to
26 PB.NSC.CAN.00007378? This is a letter from Commissioner
27 Carrique on February 22nd to you. And if we go to the second
28 page, you recall receiving this letter?

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

2 **MS. NATALIA RODRIGUEZ:** If we go to page 2, the
3 last paragraph, Commissioner Carrique says,

4 "While this situation is unprecedented,
5 the OPP worked with Legal and
6 determined that because we are engaging
7 companies under the provisions of the
8 *Emergencies Act*, not as procurement,
9 contract or agreement, that we should
10 work within the reasonable compensation
11 provisions consistent with the terms of
12 the Regulations." (As read)

13 Now my understanding is that the tow truck
14 operators were indemnified under the *Emergencies Act*. Are you
15 aware of that?

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

17 **MS. NATALIA RODRIGUEZ:** And were you involved in
18 discussions around what indemnification could be provided to tow
19 truck operators?

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

21 **MS. NATALIA RODRIGUEZ:** And my understanding is
22 that the OPP was delegated power under the *Emergencies Act* to
23 compel tow truck operators; is that right?

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

25 **MS. NATALIA RODRIGUEZ:** And was that done, were
26 tow truck operators compelled under the *Emergencies Act*?

27 **DSG MARIO Di TOMMASO:** That would be a question
28 for Commissioner Carrique.

1 **MS. NATALIA RODRIGUEZ:** Okay. In the evidence we
2 received from Commissioner Carrique, it seems that the trucks
3 had been lined up and ready to go before the letters were sent
4 out, but that he had concerns about them backing out at the last
5 minute. Do you recall this? Were you aware of this at the
6 time?

7 **DSG MARIO Di TOMMASO:** Yes, Commissioner Carrique
8 did make me aware of that concern.

9 **MS. NATALIA RODRIGUEZ:** Okay. Now just to go
10 back to a point regarding the day-to-day enforcement operations,
11 which as you have testified, the Solicitor General can't direct,
12 in your view, was the OPS providing adequate police services at
13 the time when the convoy became entrenched?

14 **DSG MARIO Di TOMMASO:** I would say, yes, with the
15 support of the OPP, yes.

16 **MS. NATALIA RODRIGUEZ:** And so then you
17 understood that to mean that there was public order in Ottawa?

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

19 **MS. NATALIA RODRIGUEZ:** Now the *Police Services*
20 *Act* provides that if the Ontario Civilian Police Commission
21 finds that a municipal force is not providing adequate and
22 effective police services, it can communicate that finding to
23 the Board of the municipality and direct the Board to take the
24 measures that the Commission considers necessary.

25 Do you have any views on whether the Solicitor
26 General's office should be able to recommend to the Commission
27 to take such a step? I understand that right now that's not
28 contemplated in the Act. I'm asking whether something like that

1 would be helpful.

2 **DSG MARIO Di TOMMASO:** So the Solicitor General
3 does have the ability to write the OCPC to ask it to investigate
4 the provision of adequate and effective police services.

5 **MS. NATALIA RODRIGUEZ:** And -- right. So that's
6 a different provision. It's my understanding that the
7 Commission may, at the request of the Solicitor General,
8 investigate, inquire into and report on the conduct or the
9 performance of duties of a municipal Police Chief. Did the
10 Solicitor General, to your knowledge, consider making such a
11 request from the Commission?

12 **DSG MARIO Di TOMMASO:** I don't know.

13 **MS. NATALIA RODRIGUEZ:** Are there any other
14 mechanisms that can be used for the Solicitor General or the
15 Commission, in this case the Oversight Commission, to remove a
16 Chief of Police or have a Chief of Police step aside if it has
17 concerns about its performance?

18 **DSG MARIO Di TOMMASO:** So the OCPC has the
19 ability to suspend and/or remove a Chief of Police. A Police
20 Service Board of jurisdiction has the ability to suspend a Chief
21 of Police. And in my view, in this particular circumstance, the
22 entity that was best placed to deal with any performance issues
23 that it perceived would be the Police Service Board of
24 jurisdiction.

25 **MS. NATALIA RODRIGUEZ:** So my question is, should
26 there be a mechanism, doesn't exist in the *Police Services Act*,
27 but should there be a mechanism by which the Solicitor General
28 can take steps to ensure adequate and effective police services

1 if it is of the view that there are circumstances that warrant
2 it where perhaps the Board is not able to act, or is not acting,
3 it's receiving inadequate information, where there's a
4 deficiency of some kind, which then does not allow for the
5 Board, who as you say, would be the entity that would normally
6 be the one to do that, would it be helpful to have some -- that
7 kind of a mechanism in place?

8 **DSG MARIO Di TOMMASO:** I think that that is a
9 discussion that needs to take place with Legal Services. We are
10 currently in the process of drafting regulations in regards to
11 the *Community Safety and Policing Act*, which we hope, with
12 Cabinet approval and legislative approval, to be brought into
13 force some time in late 2023 or early 2024. So discussions
14 certainly need to happen. But you're asking me a question about
15 whether it's appropriate for the Solicitor General to have that
16 authority? Perhaps. Perhaps it would be appropriate for the
17 Commissioner of the OPP to have that authority, given the fact
18 that he had responsibilities across the entire province and
19 perhaps that authority would be better suited for the
20 Commissioner to have the ability to step in and take over a
21 particular operation if there was reasonable grounds to believe
22 that adequate and effective services were not being delivered.

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

24 **DSG MARIO Di TOMMASO:** But in this situation,
25 once again, I believe that the Police Services Board was best
26 placed to deal with that issue.

27 **MS. NATALIA RODRIGUEZ:** Okay. And on that point,
28 if I can take you to OPB00001647?

1 So these are the meeting minutes of a meeting of
2 the Ottawa Police Services Board on February 5th, and this is the
3 one I believe you and Commissioner Carrique had been texting
4 about on February 5th about a meeting at the Board. This is the
5 in-camera portion of that meeting. And if I can take you down
6 to I believe it's page 2 or 3, if we can just go to the second
7 page? Okay. If we keep going down. Just scroll down. Okay.

8 So in the middle of that paragraph, it says,
9 "The Chief reassured the Board that there
10 was a comprehensive plan. However, he could
11 not provide all the details of what the
12 Service was doing operationally." (As read)

13 So here's an example where the Board has been
14 told by the Chief that on February 5th there's a comprehensive
15 plan. My understanding from your testimony is that there was
16 not a comprehensive plan to end the demonstration on February
17 5th. Were you aware that the Board was being given then
18 information that there was a comprehensive plan on February 5th?

19 **DSG MARIO Di TOMMASO:** No. And with regards to
20 this particular section here, I think that the Police Service
21 Board is entitled to receive operational information in-camera.
22 The Morden Report states that. Now, the Morden Report does not
23 have the force of law, but one of the recommendations certainly
24 says that a Board is entitled to receive that operational
25 information.

26 Now, had the Board not been satisfied with either
27 the performance of the Chief or the provision of that
28 operational plan, it had options.

1 **MS. NATALIA RODRIGUEZ:** Okay. What were the
2 options?

3 **DSG MARIO Di TOMMASO:** It certainly could have
4 invited the OPP and the RCMP to come in and brief it as to
5 whether or not there was an operational plan to dismantle. It
6 could have informed itself better.

7 The Board had the ability, according to the
8 Morden Report, to make recommendations to the Chief of Police,
9 and the Chief of Police certainly had the ability to either
10 accept those recommendations or not.

11 The Board could not infringe on operations, could
12 not direct the Chief on operations, but it certainly had the
13 ability to make those recommendations.

14 Had the Chief declined to accept those
15 recommendations, that would have informed the Board as to what
16 its next steps ought to have been. And one of the options was
17 for the Board to make a request under section 9 of the PSA to
18 the Commissioner of the OPP to step in and take over that
19 particular operation. That was an option that was available to
20 the Board.

21 **MS. NATALIA RODRIGUEZ:** Okay. So were you aware
22 that the Board was informed on February 5th that there was a
23 comprehensive plan?

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

25 **MS. NATALIA RODRIGUEZ:** If I can take you to OPP
26 -- and I'm almost done, Commissioner. I just need a couple more
27 minutes, if you will.

28 OPP00004580. And if I can take you to -- these

1 are text messages again. If I could take you to page 128?

2 And this is between you and Commissioner
3 Carrique. And at 3:59, if we can find that, so we -- again, we
4 said the blue is you and the green is Commissioner Carrique;
5 correct?

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

7 **MS. NATALIA RODRIGUEZ:** And so you say to
8 Commissioner Carrique:

9 "In a confidential board meeting I'm
10 hearing Sloly tendered his resignation and
11 external chief will be hired. Still
12 confidential as meeting is going on."

13 And he says:

14 "Interesting - this will be very important
15 to confirm."

16 How did you learn about what was happening in the
17 confidential board meeting as it was happening?

18 **DSG MARIO Di TOMMASO:** So there was a Police
19 Service Board Advisor from the Ministry in that confidential
20 meeting.

21 **MS. NATALIA RODRIGUEZ:** Lindsey Gray?

22 **DSG MARIO Di TOMMASO:** I believe so.

23 **MS. NATALIA RODRIGUEZ:** And how were you
24 receiving information about what was happening at the Board
25 meeting?

26 **DSG MARIO Di TOMMASO:** Through Ken Weatherill.

27 **MS. NATALIA RODRIGUEZ:** And was that through text
28 messages?

1 **DSG MARIO Di TOMMASO:** I don't remember. May
2 have been phone calls, text messages. Don't remember.

3 **MS. NATALIA RODRIGUEZ:** And sorry, what was the
4 name of the person you indicated?

5 **DSG MARIO Di TOMMASO:** Ken Weatherill.

6 **MS. NATALIA RODRIGUEZ:** And who is Ken
7 Weatherill?

8 **DSG MARIO Di TOMMASO:** He is the current Acting
9 Assistant deputy Minister in charge of the Inspectorate of
10 Policing Division.

11 **MS. NATALIA RODRIGUEZ:** And how was Ken
12 Weatherill aware of what was happening at the board meeting?
13 Was he in attendance at the board meeting at the time?

14 **DSG MARIO Di TOMMASO:** He was communicating with
15 his Police Service Board Advisor.

16 **MS. NATALIA RODRIGUEZ:** And that would be Lindsey
17 Gray?

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

19 **MS. NATALIA RODRIGUEZ:** Okay. So if I understand
20 it, Lindsey Gray is in the meeting, she's communicating with Ken
21 Weatherill, and he's communicating to you?

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

23 **MS. NATALIA RODRIGUEZ:** Is that normal protocol
24 in a confidential board meeting?

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

26 **MS. NATALIA RODRIGUEZ:** Okay. Now, in his
27 evidence, Commissioner Carrique indicated he was concerned about
28 the hire of an external chief in Ottawa. Were you aware of

1 Commissioner Carrique's concerns?

2 **DSG MARIO Di TOMMASO:** I'd have to check the text
3 messages and my notes. I'm not aware of him communicating his
4 concern with regards to an external chief. I stand to be
5 corrected. I just don't remember.

6 **MS. NATALIA RODRIGUEZ:** Did you have any concerns
7 about an external chief being hired?

8 **DSG MARIO Di TOMMASO:** No. What I was most
9 concerned about was that the impending decision for positive
10 action not be interfered with. That was my main concern. We
11 were going into the third weekend. There was a decision for
12 positive action, the resources were in place, and my main
13 concern was that if there was a new chief, that chief would have
14 to be briefed up, would have to review whatever plan there was,
15 and that would slow things down.

16 **MS. NATALIA RODRIGUEZ:** Okay. And if I can take
17 you to my last document, OPP00004583? And I'll take you to page
18 52.

19 Now, these are text messages between Commissioner
20 Carrique and Commissioner Lucki. So you were not on these
21 messages.

22 The second blue bubble on page 52. Let's keep
23 going down. Okay. So sorry, in the green.

24 And I understand that green is Commissioner Lucki
25 and blue is Commissioner Carrique.

26 "With respect to your comments yesterday,
27 I agree, we need to ensure OPS leaves
28 Steve in play until we have done what we

1 need to do. Introducing a new external
2 player in the short term will set us
3 back."

4 And again, this is February 16 at, it looks like,
5 12:36 or so.

6 Were you aware that Commissioner Carrique was
7 passing on the information that you had relayed to him to
8 Commissioner Lucki?

9 **DSG MARIO Di TOMMASO:** I was not aware of these
10 discussions between the two Commissioners.

11 **MS. NATALIA RODRIGUEZ:** Okay. And were you aware
12 that commissioner Lucki asked Deputy Minister Stewart to reach
13 out to Steve Kanellakos about this?

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

15 **MS. NATALIA RODRIGUEZ:** Okay. And if we can go
16 down?

17 So for context, we'll keep reading. So
18 Commissioner Carrique says:

19 "I will see what I can do to get them to
20 delay bringing in an interim Chief, if you
21 think that will help"

22 And Commissioner Lucki says:

23 "If you have some influence, I think it
24 would be helpful. Our Ministry Police
25 Advisor is going to suggest the same."

26 **UNIDENTIFIED SPEAKER:** I'm sorry to interrupt,
27 Commissioner and Commission Counsel. I think it's the inverse.
28 The green is Commissioner Carrique and the blue is Commissioner

1 Lucki.

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

3 **UNIDENTIFIED SPEAKER:** Seems to make sense now
4 that we've read ---

5 **MS. NATALIA RODRIGUEZ:** Yes.

6 **UNIDENTIFIED SPEAKER:** --- further.

7 **MS. NATALIA RODRIGUEZ:** Thank you very much.

8 So then with the new colour coding, Commissioner
9 Lucki says:

10 "I will see what I can do to get them to
11 delay bringing in an interim Chief, if you
12 think that will help"

13 And Commissioner Carrique says:

14 "If you have some influence, I think it
15 would be helpful. Our Ministry Policing
16 Advisor is going to suggest the same."

17 And then if we keep going down?

18 "10-4"

19 And again, this is, Commissioner Lucki said:

20 "Had DM Stewart reach into Steve K (Ottawa
21 City Manager. He assures that they are
22 very sensitive to this, keen for the ICC
23 plan to proceed and don't want Bell to be
24 displaced. Rob got the sense that there's
25 a lot of political infighting going on."

26 To what extent were you aware of these
27 discussions that were being had with respect to the Chief of
28 Police in Ottawa?

1 **DSG MARIO Di TOMMASO:** Not aware at all. And
2 what my position was with regards to the selection of the next
3 chief, that was the exclusive jurisdiction of the Police
4 Services Board and I certainly didn't want my advisor to
5 interfere with that at all.

6 **MS. NATALIA RODRIGUEZ:** Okay. And the
7 discussions that are being had here, would you agree that this
8 is impermissible, kind of political interference in something
9 that is in the exclusive purview of the Board?

10 **DSG MARIO Di TOMMASO:** I don't know whether
11 anyone followed up with these actions at all, but I made it
12 clear to both Ken Weatherill and the Advisor that they were not
13 to interfere with the exclusive jurisdiction of the Board and it
14 was the Board's sole responsibility to select the next chief,
15 full stop.

16 **MS. NATALIA RODRIGUEZ:** So if these actions had
17 been taken, is it your view that this would have been improper?

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

19 **MS. NATALIA RODRIGUEZ:** Are you aware of any
20 communications between the Province and the City with respect to
21 this issue?

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

23 **MS. NATALIA RODRIGUEZ:** Was the response to --
24 the Ontario Government's response to the events in Ottawa and
25 Windsor adequate in your view?

26 **DSG MARIO Di TOMMASO:** I'm sorry, could you
27 repeat that question?

28 **MS. NATALIA RODRIGUEZ:** The Ontario Government's

1 response to the situation in Ottawa and Windsor, is it your view
2 that that was an adequate response?

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

4 **MS. NATALIA RODRIGUEZ:** And was there more the
5 province could have done?

6 **DSG MARIO Di TOMMASO:** I think that the province
7 did all it could have done. I think it did.

8 **MS. NATALIA RODRIGUEZ:** In your view, was the
9 federal response adequate, in this case, to Ottawa and Windsor,
10 from your vantage point, of course?

11 **DSG MARIO Di TOMMASO:** From my vantage point, the
12 emergency orders that flowed from the Federal Emergency
13 Declaration were helpful. As an example, it provided
14 indemnification to tow truck drivers. That is something that
15 the provincial EMCPA does not permit. For example, the Federal
16 Emergency Orders permitted the tow truck drivers, as an example,
17 to be compelled. That is not something that the provincial
18 EMCPA permits. The only thing that the provincial EMCPA permits
19 is protection from liability, whereas the federal orders
20 certainly go further. So they were very helpful in resolving
21 the Ottawa situation.

22 **MS. NATALIA RODRIGUEZ:** And from your vantage
23 point, was there more that the federal government could or
24 should have done, or done earlier?

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

26 **MS. NATALIA RODRIGUEZ:** And same question with
27 respect to the municipal, again from your vantage point.

28 **DSG MARIO Di TOMMASO:** In terms of the Emergency

1 Declaration?

2 **MS. NATALIA RODRIGUEZ:** In terms of what could or
3 should have been done differently in order to respond to the
4 events in Ottawa.

5 **DSG MARIO Di TOMMASO:** From a municipal
6 perspective?

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

8 **DSG MARIO Di TOMMASO:** So, yes, I think one of
9 the things that the Municipal Emergency Declaration -- you know,
10 when you look at Section 4 of the EMCPA, it is exceptionally
11 broad. And so, in addition to declaring the Municipal Emergency
12 Declaration, it was open to the head of council to issue
13 emergency orders, and that did not happen. Options available at
14 the municipal level included increasing maximum fine for bylaw
15 offences. Now, I know that they requested the regional senior
16 judge increase the out-of-court settlements. That was done --
17 great -- but certainly not the maximum offences permitted. They
18 could have done that.

19 They could have permitted -- they could have
20 issued an order preventing all sorts of activities. They could
21 have leveraged Section 444 of the Municipal Act. They could
22 have issued orders to stay out of a certain area. They could
23 have issued an order prohibiting all sorts of activities within
24 a defined area. So there were all sorts of tools that could
25 have been provided by the municipality.

26 Whether or not those additional authorities could
27 have been enforced by the police service of the jurisdiction was
28 up to the discretion of local police. And we've heard Chief

1 Sloly talk about some of the impediments and challenges about
2 enforcement and that they would be swarmed, that there was an
3 aggressiveness to the protesters, but I think that equipping
4 police in the earlier stages additional tools could have
5 potentially been helpful.

6 **MS. NATALIA RODRIGUEZ:** Right, it's just more toll
7 in the toolbox.

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

9 **MS. NATALIA RODRIGUEZ:** And would you agree with
10 me that the situation that went on for 25 days in Ottawa, it was
11 unacceptable that it lasted that long; would you agree with
12 that?

13 **DSG MARIO Di TOMMASO:** Had there been a
14 possibility to resolve that situation earlier, I would
15 completely in favour of that. I have been around through a
16 number of other situations where blockades lasted that long, and
17 I reference the 2020 blockade of the CN rail in Tyendinaga.
18 That took about three weeks to resolve. I reference the
19 Caledonia issue, and that took several weeks to resolve, three
20 to four weeks. And so, from my perspective, the operation in
21 Ottawa to dismantle the blockade from a policing perspective was
22 in fact a success.

23 Let's not forget, there was no loss of life.
24 Nobody got hurt. Tear gas was not used. We did not have those
25 ugly scenes of people with bloodied heads. And so from that
26 perspective, the police operation to dismantle was a success.
27 I'd rather be hear testifying at this Commission before this
28 Commissioner than at several inquests in regards to deaths. I'd

1 much prefer to be here today than at an inquest.

2 So I think the operation to dismantle was a
3 success and full compliments and kudos to the police officers
4 that served so ably, and many compliments to the policing
5 leadership that was present then. It was a difficult task for
6 all concerned, including the residents, but including the police
7 officers that served and the policing leaders as well.

8 **MS. NATALIA RODRIGUEZ:** Thank you, Mr. Di Tommaso.
9 Those are my questions for you. Thank you, Commissioner.

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

11 First, I'd like to call on the Government of
12 Canada, please.

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

14 **MS. ANDREA GONSALVES:** Thank you, Commissioner.
15 Good evening, Mr. Di Tommaso. I'm Andrea Gonsalves, one of the
16 lawyers for the Government of Canada in this inquiry.

17 Now, as I understand your evidence, one of your
18 roles in connection with these events, and more generally, is to
19 brief the Solicitor General, yes?

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

21 **MS. ANDREA GONSALVES:** And in particular, on
22 information received from the OPP Commissioner that is of
23 interest or concern to the political level?

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

25 **MS. ANDREA GONSALVES:** And either directly or
26 through the Solicitor General or the Secretary of Cabinet, you
27 would also be involved in briefing Cabinet itself?

28 **DSG MARIO Di TOMMASO:** I did not brief Cabinet.

1 **MS. ANDREA GONSALVES:** I'm speaking more
2 generally. Outside of these matters, is that something you do
3 from time to time either through the Solicitor General or
4 through the Secretary?

5 **DSG MARIO Di TOMMASO:** If called upon to brief
6 Cabinet, I would be there to brief Cabinet.

7 **MS. ANDREA GONSALVES:** So is it fair to say that
8 your role is as a conduit from the police to the political
9 level?

10 **DSG MARIO Di TOMMASO:** That's one of my roles.

11 **MS. ANDREA GONSALVES:** Okay. And Commissioner
12 Carrique gave you regular updates on the picture across the
13 province throughout these events, yes?

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

15 **MS. ANDREA GONSALVES:** He's a highly experienced
16 and highly respected police commissioner?

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

18 **MS. ANDREA GONSALVES:** He's an advisor to you and
19 the Government of Ontario in respect of these matters?

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

21 **MS. ANDREA GONSALVES:** And you accept his advice
22 and his guidance on matters pertaining to his mandate, his field
23 of responsibility; right?

24 **DSG MARIO Di TOMMASO:** It depends on what that
25 advice is. It depends on what that -- the circumstances are.

26 **MS. ANDREA GONSALVES:** Okay. And in respect of
27 the circumstances that we're talking about here today, these
28 events, you trusted the advice that he was giving to you and the

1 government, yes?

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

3 **MS. ANDREA GONSALVES:** Now, there were a number
4 of protest activities across a vast geographic area in Ontario;
5 correct?

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

7 **MS. ANDREA GONSALVES:** And you've listed a few.
8 It was not only Ottawa, Windsor, but also Sarnia, Toronto, the
9 Cornwall area, Nipigon out in the Niagara Region; correct?

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

11 **MS. ANDREA GONSALVES:** And I gather you shared a
12 concern with Commissioner Carrique about spreading police
13 resources thin across these many areas so vastly spread out,
14 yes?

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

16 **MS. ANDREA GONSALVES:** And was it one of your
17 concerns that there may have been a deliberate plan on the part
18 of protest organizers to stretch police resources beyond their
19 capacity?

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

21 **MS. ANDREA GONSALVES:** It appeared that the
22 protest activities were coordinated?

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

24 **MS. ANDREA GONSALVES:** And I gather you were
25 aware that among the organizers were former military and police
26 officers, yes?

27 **DSG MARIO Di TOMMASO:** I learned that at some
28 point time, not entirely sure when.

1 **MS. ANDREA GONSALVES:** At what stage, okay. And
2 police officer -- former policer officers and perhaps also
3 former military would have a unique understanding of the
4 logistical and resource challenges that police would face,
5 especially the OPP because of the large geographic area it
6 covers, in responding to simultaneous protests and blockades,
7 yes?

8 **DSG MARIO Di TOMMASO:** They would have better
9 understanding than most.

10 **MS. ANDREA GONSALVES:** Right. And I want to --
11 let's go to ONT00005153. This is one of your notes. It's dated
12 February 3rd. And we'll scroll down to below the black, keep
13 going. Okay, if you could just -- sorry, next page, keep going.
14 Okay, stop there. And this is the call with Toronto Police
15 Chief Ramer that you had that day; right?

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

17 **MS. ANDREA GONSALVES:** And down at the bottom of
18 the page there, there's three lines, coordinated, tactically
19 trained, dispersed POU assets.

20 You recall Chief Ramer talking to you about that?

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

22 **MS. ANDREA GONSALVES:** Fair to say that one of
23 his observations as well is that these protests were being
24 influenced or part of the tactical planning were those with
25 training in tactical operations?

26 **DSG MARIO Di TOMMASO:** That was my understanding,
27 yes.

28 **MS. ANDREA GONSALVES:** And there's another note,

1 ONT00005155. We'll start at page 14, please. This is the 10th
2 of February. If we could keep scrolling down -- page number --
3 I can't tell if my writing your handwriting or my page number is
4 wrong.

5 Apologies, it's page 3. Yeah, and just under the
6 line that says "Intel" there, if we keep scrolling.

7 You see the third bullet point speaks of former
8 police officers as well as one intel officer. So at least by
9 February 10th, you had that information?

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

11 **MS. ANDREA GONSALVES:** And with former military
12 and police embedded with this group, you would expect they know
13 that police are not necessarily built for a long-lasting
14 occupation, right?

15 **DSG MARIO Di TOMMASO:** I would agree.

16 **MS. ANDREA GONSALVES:** And I understand, Mr. Di
17 Tommaso, that you were a Toronto Police Service officer for many
18 years?

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

20 **MS. ANDREA GONSALVES:** And so given your own
21 policing background, this would have been front and centre in
22 your mind?

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

24 **MS. ANDREA GONSALVES:** If we go down -- I think
25 it's page 20 -- got my reference right -- I'm not seeing it.
26 I'm going to come back to that.

27 Now, because these protest activities were
28 connected, I take it another concern you had is that activities

1 at one location could have effects in other areas across the
2 province, yes?

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

4 **MS. ANDREA GONSALVES:** And if the police and
5 government authorities didn't get it right in their response at
6 one location, that could have an impact throughout Ontario, yes?

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

8 **MS. ANDREA GONSALVES:** And indeed, in other parts
9 of Canada?

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

11 **MS. ANDREA GONSALVES:** And are you aware, sir,
12 that the OPP had, in fact, identified the potential that there
13 was a deliberate plan to stretch law enforcement among the
14 protest organizers?

15 **DSG MARIO Di TOMMASO:** That was a discussion I
16 had with Commissioner Carrique, and that was a concern of his
17 that he communicated to me, yes.

18 **MS. ANDREA GONSALVES:** Was that information that
19 you passed on to the political level?

20 **DSG MARIO Di TOMMASO:** I don't remember.

21 **MS. ANDREA GONSALVES:** Okay. Now, you've given
22 some evidence of a call that you attended between officials from
23 Ottawa and Canada on February 6. Do you recall that?

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

25 **MS. ANDREA GONSALVES:** And we're going to pull up
26 the notes ONT00000311. And in participating in this call, you
27 understood that both Ottawa and the federal government were
28 eager to have the province come to the table to talk about the

1 protest in Ottawa, right?

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

3 **MS. ANDREA GONSALVES:** You were provided with
4 important updates about the situation in Ottawa on this call?

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

6 **MS. ANDREA GONSALVES:** And you would agree that
7 things were volatile and evolving rather quickly?

8 **DSG MARIO Di TOMMASO:** They were volatile.

9 **MS. ANDREA GONSALVES:** And I take it you briefed
10 -- and I apologize if you said this in response to questions
11 from Commission counsel -- but you briefed Minister Jones on the
12 information that was conveyed to you in this call?

13 **DSG MARIO Di TOMMASO:** I did talk to her about
14 this call. To what extent, I don't remember, and so I wouldn't
15 -- I would not want you to think that I briefed her completely
16 on the contents of this six-page report.

17 **MS. ANDREA GONSALVES:** Okay. But you likely
18 would have passed on to her at least the information that stood
19 out to you as being important for her to know?

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

21 **MS. ANDREA GONSALVES:** And Commission counsel
22 took you to the comments of NSIA Jody Thomas at the end of the
23 document. I'd like to go there as well. It's on the very last
24 page.

25 And again, she had put to you or she asked you
26 would the province be looking to the federal government if this
27 protest was happening outside of the City of Ottawa, for
28 example, in Kingston. You took from this question that

1 certainly, NSIA Thomas thought that the province was looking to
2 the federal government to respond to what was going on in
3 Ottawa.

4 **DSG MARIO Di TOMMASO:** My response was that the
5 federal government had a role to play in this.

6 **MS. ANDREA GONSALVES:** Yeah, sorry, but before we
7 get to your response, I'm asking about what you understood from
8 her question. Did you understand from her question that she
9 thought the province was looking to the federal government to
10 respond?

11 **DSG MARIO Di TOMMASO:** I understood from her
12 question that the federal government was trying to wash its
13 hands of this entire thing. That's what I took from it.

14 **MS. ANDREA GONSALVES:** And yet, you understood
15 that the federal government was trying to get Ontario to a
16 tripartite table with Ottawa as well as itself, the federal
17 government, right?

18 **DSG MARIO Di TOMMASO:** Ontario was at a
19 tripartite table at the officials' level.

20 **MS. ANDREA GONSALVES:** Right. But Canada was
21 trying to get that done at the minister's level. You understood
22 that?

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

24 **MS. ANDREA GONSALVES:** Yes. You've also told us
25 that Canada, in particular, through the RCMP, was providing
26 appropriate support and resources to OPS, right?

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

28 **MS. ANDREA GONSALVES:** And when you testified

1 about this statement in response to questions from Commission
2 counsel, you also -- you said that you felt it was not aligned
3 with Deputy Minister Stewart's comments about the federal
4 government having a role in finding interlocutors. You remember
5 giving that evidence?

6 **DSG MARIO Di TOMMASO:** Yes. Yes. Deputy
7 Minister Stewart certainly acknowledged that the federal
8 government had a role, and that's why I said that the comments
9 of Jody Thomas were not aligned with that. I felt that she was
10 communicating to me that she thought the federal government did
11 not have a role.

12 **MS. ANDREA GONSALVES:** And did I take your
13 evidence correctly that you understood that Deputy Minister
14 Stewart had made that comment in the context of the names that
15 we see higher up on the page there, Murray Sinclair, Bob Rae,
16 Louse Arbour.

17 **DSG MARIO Di TOMMASO:** Well, I know for a fact
18 that it's in this document where he talks about the role of the
19 federal government with regards to mediation and interlocutors.

20 **MS. ANDREA GONSALVES:** Okay. So -- and could we
21 just scroll down a little bit more please? Yeah, just -- and so
22 you're not talking about the comment there that came from Chief
23 Peter Sloly?

24 **DSG MARIO Di TOMMASO:** No. Keep on going. The
25 other way. Right here. Question from Rob Stewart.

26 "Can there be a core group of
27 negotiators from Ontario, Canada, OPS,
28 to support the diffusion of this

1 protest in order to satisfy the
2 political objectives of the federal
3 government?"

4 I took that to mean that he believed that the
5 federal government had a role to play with regards to developing
6 a core group of negotiators. So there's confirmation, from my
7 understanding, there's confirmation by Rob Stewart that the
8 federal government had a role to play.

9 **MS. ANDREA GONSALVES:** And he also lists Ontario
10 there, correct?

11 **DSG MARIO Di TOMMASO:** Yes. Yes, he does.

12 **MS. ANDREA GONSALVES:** And in your response to
13 the NSIA -- if we could go back to the end on page 9, please,
14 your response was to refer to the protest and encampment being a
15 movement against the federal mandate on trucks and that they
16 came to Ottawa from across the country for that purpose. In
17 making that comment, Mr. Di Tommaso, were you speaking on your
18 own behalf, or was that Ontario's position at the time?

19 **DSG MARIO Di TOMMASO:** I was speaking on my own
20 behalf.

21 **MS. ANDREA GONSALVES:** So that was not Ontario's
22 position?

23 **DSG MARIO Di TOMMASO:** I was speaking on my own
24 behalf. I did not consult with the Premier or the Minister.
25 This was a free-flowing open discussion, and so I did not have
26 an opportunity to discuss what Ontario's position was.

27 **MS. ANDREA GONSALVES:** And you referred in both
28 your interview summary and your evidence earlier today to an MOU

1 between the City of Ottawa and the Federal Government with
2 respect to policing the streets adjacent to the Parliamentary
3 Precinct.

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

5 **MS. ANDREA GONSALVES:** I'm somewhat confused as
6 to what that MOU is. You've also testified to your clear
7 understanding that OPS is the police of jurisdiction on
8 Wellington Street and other city streets around the
9 Parliamentary Precinct; right?

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

11 **MS. ANDREA GONSALVES:** Are you by any chance
12 thinking of the Nation's Capital Extraordinary Policing Costs
13 Program?

14 **DSG MARIO Di TOMMASO:** I don't know what it's
15 called. I had been informed that there is an MOU between Public
16 Safety Canada and the Ottawa Police Service with regards to
17 provision of policing resources in and around Parliament Hill.
18 That is the extent of my knowledge. I don't know what the name
19 of the document is, and I don't know what the contents are.

20 **MS. ANDREA GONSALVES:** So if this memorandum is
21 in existence, it's not something you've ever seen before?

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

23 **MS. ANDREA GONSALVES:** Now you also gave a few
24 reasons why -- and this is in your interview summary, but I
25 believe they were echoed in your evidence earlier today, you say
26 that there were -- it was open to the Federal Government to take
27 a number of possible responses to the protest. You recall that?

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

1 **MS. ANDREA GONSALVES:** So one of the possible
2 responses you raised there was meeting with protesters; yes?

3 **DSG MARIO Di TOMMASO:** Yes, yes.

4 **MS. ANDREA GONSALVES:** And you referred to not
5 only Deputy Minister Stewart's interest in that, but also OPP
6 Inspector Marcel Beaudin?

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

8 **MS. ANDREA GONSALVES:** Yeah. Have you seen, have
9 you listened to or read Inspector Beaudin's testimony at this
10 inquiry?

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

12 **MS. ANDREA GONSALVES:** Well, he certainly has
13 given evidence that there were a variety of challenges to PLT
14 engagement in the Ottawa protest, and I take it that wouldn't
15 surprise you given everything you know in your own policing
16 background?

17 **DSG MARIO Di TOMMASO:** It would not surprise me.

18 **MS. ANDREA GONSALVES:** Right. For instance,
19 extremely fractured and disorganized leadership?

20 **DSG MARIO Di TOMMASO:** I accept that.

21 **MS. ANDREA GONSALVES:** Objectives that were
22 unrealistic, undemocratic, unconstitutional; yes?

23 **DSG MARIO Di TOMMASO:** I accept that.

24 **MS. ANDREA GONSALVES:** The crowd was constantly
25 shifting with new convoys coming and going over the course of
26 the weeks?

27 **DSG MARIO Di TOMMASO:** I accept that.

28 **MS. ANDREA GONSALVES:** And you accept those would

1 all be challenges to engaging in a meaningful -- in a way that
2 would meaningfully reduce the size of the protest; right?

3 **DSG MARIO Di TOMMASO:** They would be challenges,
4 yes.

5 **MS. ANDREA GONSALVES:** If we go to your notes at
6 ONT00005155? Page 10, please. Down towards the bottom half of
7 the page. Keep going. Pause there.

8 So the second bullet point, as I read it, "What
9 can Feds do from federal government perspective?" And then
10 below that,

11 "Recommend to identify people to sit
12 down with protesters, six groups. PLT
13 to go to six groups. Condition to
14 leave and..." (As read)

15 What does it say after that?

16 **DSG MARIO Di TOMMASO:** Denounce.

17 **MS. ANDREA GONSALVES:** "...then meeting." So you
18 understood there were at least six distinct groups that would
19 need to be negotiated with in Ottawa; right?

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

21 **MS. ANDREA GONSALVES:** Now we understand from
22 your evidence and others that on February 11th, the Solicitor
23 General provided a letter to Commissioner Carrique that was
24 intended to be distributed to the protesters in Windsor?

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

26 **MS. ANDREA GONSALVES:** And that letter offered a
27 meeting with protest leaders if the protest was dispersed, they
28 went home and denounced the protest; right?

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

2 **MS. ANDREA GONSALVES:** And you understood that
3 that letter was unsuccessful, it had no impact on the protest in
4 Windsor; right?

5 **DSG MARIO Di TOMMASO:** That was my understanding.
6 I did try to get Deputy Minister Stewart to sign onto the very
7 same letter. I thought that having Ministers from the two
8 orders of government could have potentially been more
9 successful. I tried to get Deputy Minister Stewart to provide
10 the services of the federal Ministers. He was unsuccessful.

11 **MS. ANDREA GONSALVES:** You're aware that the
12 protest group in Windsor also had fractured, disorganised
13 leadership?

14 **DSG MARIO Di TOMMASO:** I don't know to what
15 extent.

16 **MS. ANDREA GONSALVES:** Okay. You would defer to
17 the Critical Incident Commander and her evidence on that point?

18 **DSG MARIO Di TOMMASO:** I would.

19 **MS. ANDREA GONSALVES:** Yeah. Aware that they
20 similarly had unrealistic or at times different and confusing
21 demands?

22 **DSG MARIO Di TOMMASO:** I would defer to Inspector
23 Beaudin, a leader of the PLT. I would refer to the Critical
24 Incident Commander. I did not have a direct line of sight on
25 those protesters.

26 **MS. ANDREA GONSALVES:** And certainly, on February
27 11th when the Province's offer was rejected, the Critical
28 Incident Commander in Windsor considered that any further

1 efforts at negotiation were no longer an option?

2 **DSG MARIO Di TOMMASO:** I'm not aware of what her
3 testimony was, and I did not have any direct contact with her.

4 **MS. ANDREA GONSALVES:** Okay. But again, you
5 would certainly defer to her assessment of the situation?

6 **DSG MARIO Di TOMMASO:** If that was her
7 assessment, yes.

8 **MS. ANDREA GONSALVES:** And then there was the
9 February 13th exchange of letters between Mayor Watson and Ms.
10 Tamara Lich, where there was an offer by the Mayor to meet with
11 protesters provided that trucks were moved out of the
12 residential streets in Ottawa to Wellington Street or elsewhere.
13 You're aware of that?

14 **DSG MARIO Di TOMMASO:** I'm generally aware. I'm
15 not aware -- I have not read the letter. I'm not aware of the
16 details, but generally aware.

17 **MS. ANDREA GONSALVES:** And you're aware that that
18 exchange of letters did not bring any sort of an end to the
19 protest in Ottawa?

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

21 **MS. ANDREA GONSALVES:** And are you aware that as
22 of February 14th, the OPP's own assessment was that there was
23 really no longer any path to clearing the protest in Ottawa
24 through negotiation or any way to do it with the protesters
25 leaving voluntarily?

26 **DSG MARIO Di TOMMASO:** If you could show me that
27 assessment, I'd appreciate it.

28 **MS. ANDREA GONSALVES:** Sure. It's OPP00003732.

1 February 14th, Operational Intelligence Report.

2 Have you seen these kinds of reports, Mr. Di Tommaso?

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

4 **MS. ANDREA GONSALVES:** Okay. Go down to page 38,
5 please. Keep scrolling. There's the assessment heading there.
6 And if you start to read, I will start to read from the third
7 line down,

8 "Owing to the scope, nature of the
9 conflict and duration of the Ottawa
10 Freedom Convoy occupation, there is no
11 clear pathway toward reaching a
12 satisfactory resolution that would see
13 the protest group voluntarily end their
14 action and depart the Ottawa area."

15 (As read)

16 You see that?

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

18 **MS. ANDREA GONSALVES:** And you would accept that
19 assessment by the OPP?

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

21 **MS. ANDREA GONSALVES:** So the second reason that
22 you gave, or the second response that you suggested that the
23 federal government could have taken to deal with the protest is
24 to modify the federal vaccine mandates. You remember saying
25 that?

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

27 **MS. ANDREA GONSALVES:** And you also understand
28 that at least some of the protesters were demanding that all

1 vaccine mandates be dropped; right?

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

3 **MS. ANDREA GONSALVES:** And that would include
4 mandates outside the jurisdiction of the federal government,
5 that are in provincial areas of jurisdiction; right?

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

7 **MS. ANDREA GONSALVES:** There was nothing the
8 federal government could do about those?

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

10 **MS. ANDREA GONSALVES:** And the Government of
11 Ontario would not find it acceptable to capitulate and change
12 its policies because a group of protestors chose to occupy a
13 city; right?

14 **DSG MARIO Di TOMMASO:** I did not have that
15 discussion with the Minister or the Premier and I'm not in a
16 position to define what Ontario's position is on that issue.

17 **MS. ANDREA GONSALVES:** I would put to you, sir,
18 that Ontario would find that sort of thing undemocratic and
19 unacceptable?

20 **DSG MARIO Di TOMMASO:** That is the likely
21 position. I can't speak for the Ontario Government on that
22 particular issue.

23 **MS. ANDREA GONSALVES:** And it may well encourage
24 and embolden this kind of behaviour whenever groups disagree
25 with government policy?

26 **DSG MARIO Di TOMMASO:** Likely, yes.

27 **MS. ANDREA GONSALVES:** Right. The third reason
28 you gave is that -- or the third, sorry, proposed response that

1 you suggested the Federal Government could have taken was to
2 provide the necessary resources for a police response; right?

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

4 **MS. ANDREA GONSALVES:** And I think we can agree
5 that based on your earlier testimony, you accept that the RCMP
6 did that? It provided the resources that were requested and
7 required; right?

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

9 **MS. ANDREA GONSALVES:** I understand ---

10 **DSG MARIO Di TOMMASO:** All of those replies were
11 in reference to Jody Thomas, in my interpretation of her
12 comments that the Federal Government did not have a role. And
13 those are the things that were going through my mind in terms of
14 the possible options that the Federal Government could have
15 considered.

16 **MS. ANDREA GONSALVES:** Understood, sir.

17 So I'd like to go, please, to ONT00005152. Okay
18 I've got the wrong notes. Let me try that again. Sorry, it's
19 5154.

20 You attended a meeting at the officials level
21 with the City of Ottawa and the Federal Government on February
22 8th? Remember that?

23 **DSG MARIO Di TOMMASO:** I believe so, yes.

24 **MS. ANDREA GONSALVES:** These are your notes of
25 that meeting.

26 If we scroll down? Starting on page 2. Sorry,
27 keep going. It's page 4.

28 And I take it, sir, you understood from this

1 meeting in particular that Ministers Blair and Mendicino wanted
2 a three-way discussion with Ottawa and the Solicitor General?

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

4 **MS. ANDREA GONSALVES:** Yeah. If we go to the top
5 of the next page, please?

6 You were advised that the Federal Ministers were
7 very focused on three levels of government coming together?

8 **DSG MARIO Di TOMMASO:** Yes. I was also aware
9 that the Federal Ministers were not focused on negotiation, just
10 a show of collaboration.

11 **MS. ANDREA GONSALVES:** That's show or share?

12 **DSG MARIO Di TOMMASO:** Show.

13 **MS. ANDREA GONSALVES:** Show. Okay. Thank you.

14 And if we move down to the next page, please.
15 This is an update being provided to the attendees at the meeting
16 by Peter Sloly.

17 And under the heading "Media in next hour":

18 "Minor children embedded in red zone..." (As
19 read)

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

21 **MS. ANDREA GONSALVES:**

22 "...ability to attack is predicated on
23 safety of women and children." (As read)

24 Right?

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

26 **MS. ANDREA GONSALVES:** And so that would be
27 information that's troubling to you from a public safety
28 perspective?

1 **DSG MARIO Di TOMMASO:** That there were children
2 in ---

3 **MS. ANDREA GONSALVES:** Yes.

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

5 **MS. ANDREA GONSALVES:** The Federal Government did
6 convene tripartite calls among Ottawa, Ontario, and Canada on
7 February 7th, 8th, and 10th, you're aware?

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

9 **MS. ANDREA GONSALVES:** And you've testified that
10 Ontario, and specifically Minister Jones, was invited to attend
11 and didn't do so; right?

12 **DSG MARIO Di TOMMASO:** Minister Jones was
13 invited. She did not intend. But she was having bilateral
14 discussions on a frequent basis with Mayor Watson, Minister
15 Mendicino, Minister Bill Blair.

16 **MS. ANDREA GONSALVES:** If we could pull up
17 SSM.CAN.00000086? Scroll down, please. And the fourth bullet
18 there:

19 "commitment by ON to have Minister Jones
20 participate in the tripartite meetings,
21 starting today..."

22 You're aware that such a commitment was given?

23 **DSG MARIO Di TOMMASO:** No. And from my
24 perspective evidence, we've seen in some of the evidence here,
25 Premier Ford was in contact with the Prime Minister, Minister
26 Jones was in contact with various federal ministers as well.

27 **MS. ANDREA GONSALVES:** Are you aware, sir, that
28 Premier Ford himself told Minister Mendicino on February 9th that

1 he, Premier Ford, would tell Minister Jones to participate in
2 the tripartite table?

3 **DSG MARIO Di TOMMASO:** I had no discussions with
4 Premier Ford.

5 **MS. ANDREA GONSALVES:** Okay. We don't need to
6 pull it up, but my document reference for that is
7 SSM.NSC.CAN00002832.

8 Now, you referred to the discussion between the
9 Prime Minister and Mr. -- sorry, Premier Ford on February 9th.
10 You said you did not participate in that call, you did not
11 listen in?

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

13 **MS. ANDREA GONSALVES:** But you understand that in
14 that call, both leaders agreed to -- that there was a need to
15 work together in resolving these protests; right?

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

17 **MS. ANDREA GONSALVES:** And you testified about
18 the State of Emergency that was declared by Ontario on February
19 11th.

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

21 **MS. ANDREA GONSALVES:** And the Ontario definition
22 -- or the definition of emergency in the *Emergency Management*
23 *and Civil Protection Act* in Ontario, an emergency means a
24 situation or an impending situation that constitutes a danger of
25 major proportions that could result in serious harm to persons
26 or substantial damage to property. And it goes on from there.
27 And it was your assessment that that definition was met by
28 February 10th; right?

1 DSG MARIO Di TOMMASO: Yes.

2 MS. ANDREA GONSALVES: And let's pull up
3 WIN00002249.

4 Are you familiar with this report on Ontario's
5 declared provincial emergency?

6 DSG MARIO Di TOMMASO: Yes.

7 MS. ANDREA GONSALVES: And if we scroll down to
8 the bottom, please? I think it's all the way on page 4. Yeah.

9 There's a section there on why the Emergency
10 Order was necessary and essential. And I take it you agree with
11 and endorse what's written there; right?

12 DSG MARIO Di TOMMASO: May I read it, please?

13 MS. ANDREA GONSALVES: Yes, sure.

14 DSG MARIO Di TOMMASO: Yes, I agree.

15 MS. ANDREA GONSALVES: And Ontario's State of
16 Emergency continued all the way through until February 23rd;
17 right?

18 DSG MARIO Di TOMMASO: Yes.

19 MS. ANDREA GONSALVES: And you ---

20 DSG MARIO Di TOMMASO: But the Emergency Orders
21 continued for some period of time.

22 MS. ANDREA GONSALVES: Some period of time beyond
23 the 23rd?

24 DSG MARIO Di TOMMASO: Yes.

25 MS. ANDREA GONSALVES: Okay. And do I have it
26 right that this -- that the continued operation of the Orders
27 and the continued State of Emergency were because of that
28 continued threat that you testified that blockades would

1 reappear, the bridge would be blocked again, et cetera?

2 **DSG MARIO Di TOMMASO:** So to be clear, the
3 Emergency ended on the 23rd of February in Ontario, the
4 provincial one. The Emergency Orders continued because there
5 was a fear, yes.

6 **MS. ANDREA GONSALVES:** Okay. Let's go to
7 OPP00004580.

8 (SHORT PAUSE)

9 **MS. ANDREA GONSALVES:** These are Comm. Carrique's
10 texts to you. And, again, we've established that Comm. Carrique
11 is on the right and you are on the left; yes?

12 **DSG MARIO Di TOMMASO:** It would appear from this
13 that Comm. Carrique is green.

14 **MS. ANDREA GONSALVES:** Right. He's green because
15 these are his texts. And it was primarily by text that he was
16 providing you with these regular updates on the situation,
17 right?

18 **DSG MARIO Di TOMMASO:** Yeah, with regards to
19 regular updates, situational updates primarily by text, but many
20 frequent phone calls as well.

21 **MS. ANDREA GONSALVES:** Okay. And if we go to
22 page 98, please.

23 **COMMISSIONER ROULEAU:** How are you doing for
24 time?

25 **MS. ANDREA GONSALVES:** How am I doing for time?
26 Another five minutes, if you don't mind, Commissioner.

27 **COMMISSIONER ROULEAU:** Not more.

28 **MS. ANDREA GONSALVES:** Yeah.

1 And this is the end-of-day status report that
2 he's giving to you on February the 12th, right? This is after
3 Ontario declared its State of Emergency?

4 **DSG MARIO Di TOMMASO:** I'm sorry; is it the 12th
5 of February?

6 **MS. ANDREA GONSALVES:** Yeah, let's scroll down,
7 just so we can see the date.

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

9 **MS. ANDREA GONSALVES:** And these time stamps, as
10 have been covered earlier, are five hours ahead of Eastern time
11 because of the UTC; you understand that?

12 **COMMISSIONER ROULEAU:** So it would actually be
13 the 11th.

14 **MS. ANDREA GONSALVES:** Oh, a.m., that's right.
15 Late night on the 11th.

16 **COMMISSIONER ROULEAU:** Late on the 11th.

17 **MS. ANDREA GONSALVES:** Yes, thank you,
18 Commissioner.

19 And so this the day that Ontario declares its
20 State of Emergency, and if we scroll up, there's protest
21 activity in Windsor, Bluewater Bridge on the Highway 402,
22 obviously Ottawa, Toronto, Niagara, there's activity in
23 Northwest Region, if we scroll down, and there's other. And
24 that's among the information that you were considering when you
25 said things are escalating, State of Emergency is appropriate,
26 right?

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

28 **MS. ANDREA GONSALVES:** And then if we go to page

1 121, we have the update. Again, scrolling down, this is 2:39
2 a.m. UTC. So late night on the 13th. And I won't go through it
3 all, but you understood from this very detailed report that
4 there was widespread protest activity, not only in Ontario but
5 also nationally, which we see if we scroll down. Correct?

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

7 **MS. ANDREA GONSALVES:** And Mr. Di Tommaso, you
8 testified that you did not attend the First Ministers meeting
9 that the Prime Minister convened with the provincial and
10 territorial leaders on February 14th, right?

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

12 **MS. ANDREA GONSALVES:** But we have notes
13 indicating that at that meeting, Ford stated that he supported
14 the Prime Minister with respect to invocation of the *Federal*
15 *Emergencies Act* 100 percent, okay?

16 **DSG MARIO Di TOMMASO:** I'm sorry; your question?

17 **MS. ANDREA GONSALVES:** My question is that
18 wouldn't surprise you, that the Premier expressed his full and
19 complete support for the invocation of the *Emergencies Act* on
20 that meeting?

21 **DSG MARIO Di TOMMASO:** It would not.

22 **MS. ANDREA GONSALVES:** Okay. I think I'll step
23 down there.

24 Thank you, Commissioner, for the extra time.

25 Thank you, Mr. Di Tommaso.

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

27 **COMMISSIONER ROULEAU:** Okay. Next is the Ottawa
28 Coalition of Residents.

1 (SHORT PAUSE)

2 --- CROSS-EXAMINATION BY MR. PAUL CHAMP:

3 **MR. PAUL CHAMP:** Good day, Mr. Di Tommaso. My
4 name is Paul Champ; I'm the lawyer for the Ottawa Coalition of
5 Residents and Businesses.

6 **DSG MARIO Di TOMMASO:** Hello.

7 **MR. PAUL CHAMP:** I just want to start by asking
8 some questions about civilian direction of police. Now, I
9 gather it's fair to say that you're very familiar with the
10 *Police Services Act*.

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

12 **MR. PAUL CHAMP:** And getting into -- you've told
13 us a number of times that you thought the entity that was most
14 responsible for managing or dealing with the Chief of Ottawa
15 Police would have been the Police Services Board, is that right?

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

17 **MR. PAUL CHAMP:** And we'd also heard evidence,
18 and I believe you've given us evidence as well, that part of the
19 challenge, or one of the problems in the Ottawa Police Response
20 to the protest was the absence of an operational plan; that that
21 was a barrier to deployment of additional resources, is that
22 right?

23 **DSG MARIO Di TOMMASO:** Well, I just want to
24 clarify that. The operational plan to dismantle the ---

25 **MR. PAUL CHAMP:** Yes.

26 **DSG MARIO Di TOMMASO:** --- entire operation?

27 **MR. PAUL CHAMP:** Right.

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

1 **MR. PAUL CHAMP:** Yes. And Comm. Carrique
2 testified the same thing, that that was -- that they weren't
3 sending all the resources that Chief Sloly was asking for or
4 demanding because they didn't feel that he had a full
5 operational plan to dismantle.

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

7 **MR. PAUL CHAMP:** And so if -- you had that
8 information, and you reported that up to the Solicitor General;
9 correct?

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

11 **MR. PAUL CHAMP:** That there were concerns; there
12 were a number of concerns being raised by other Chiefs of
13 Police, that there wasn't a proper operational plan, and the
14 Chief of Police of Ottawa wasn't doing a great job?

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

16 **MR. PAUL CHAMP:** Now, the Chair of the Ottawa
17 Police Services Board, Ms. Deans, testified that this
18 information, that there was not a proper plan and that this was
19 leading to a delay in the deployment of resources, was never
20 communicated to her or the Board. Would you agree that it would
21 have been important to have that information conveyed to the
22 Police Services Board?

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

24 **MR. PAUL CHAMP:** Who should have communicated
25 that?

26 **DSG MARIO Di TOMMASO:** Chief Sloly.

27 **MR. PAUL CHAMP:** Well, no. But the issue here as
28 I understand it, Mr. Di Tommaso, is that Chief Sloly wasn't

1 doing a good job; that he didn't have a proper operational plan
2 in place. And based on all the evidence we understand he will
3 say or has been -- he did testify he thought they did have a
4 plan, but everyone else thought that he didn't.

5 So if there's a concern about the performance of
6 the Police Chief, he's not going to say that to the Board.
7 Whose responsibility would it be to communicate that to the
8 Police Services Board so they can take the effective action
9 under section 9 of the *Police Services Act*?

10 **DSG MARIO Di TOMMASO:** So with regards to the
11 performance of the Chief?

12 **MR. PAUL CHAMP:** Yes.

13 **DSG MARIO Di TOMMASO:** That is the exclusive
14 jurisdiction of the Police Services Board, and from what I
15 remember of Chair Deans testifying to, was that she was not
16 getting the information that she required from Chief Sloly; it
17 was all high level, and she used other adjectives to describe
18 it. I think that would have been an opportunity for her and the
19 Board to further inform themselves, because she had a concern
20 that she was not getting the information that she required with
21 regards to operations.

22 **MR. PAUL CHAMP:** I'm glad to hear you were
23 following the testimony, sir, because if you were following the
24 testimony what was going on was that the Chair of the Board --
25 and the Board was trying to find out information. The Chair of
26 the Board testified that she even spoke with Deputy Chief Bell
27 to say, "Is there any problems here that I need to know about?
28 Would you be doing anything differently?" And Deputy Chief

1 Bell, you know, perhaps because he's reporting to Chief Sloly,
2 says, "No, I wouldn't have been doing anything differently."

3 That was his testimony.

4 **MR. TOM CURRY:** That was his testimony but that
5 was after Chief Sloly was ---

6 **COMMISSIONER ROULEAU:** Yeah, I think there's a
7 context here. So don't mix the timelines, so...

8 **MR. PAUL CHAMP:** I don't think I am. I'm not
9 sure if I understand the objection.

10 **MR. TOM CURRY:** The objection was, that is not
11 the timeline. That statement was made to Deputy Chief Bell on
12 the eve of Chief Sloly's departure.

13 **MR. PAUL CHAMP:** No, that's contrary to the
14 evidence. The evidence was that it was one week before his
15 resignation.

16 I'd asked for extra time for that, that's
17 inaccurate. Both Ms. Deans and Deputy Chief Bell testified it
18 was one week before the resignation.

19 In any event, sir, we'd also heard evidence from
20 the Mayor of Ottawa that he was hearing this from the Solicitor
21 General Jones. Presumably you briefed the Solicitor General and
22 she was saying this to the Mayor, that there were concerns that
23 the Chief of Ottawa didn't have a good plan. And because of
24 whatever municipal politics, interpersonal conflicts, the Mayor
25 did not communicate that to the Chair of the Police Services
26 Board.

27 So I'd ask you again, sir, is there any other
28 meaningful way to try to get that information to a Police

1 Services Board?

2 **DSG MARIO Di TOMMASO:** I think the Mayor has a
3 duty to provide that information to the Chair, simply because
4 ---

5 **MS. ALYSSA TOMKINS:** Objection.

6 **COMMISSIONER ROULEAU:** Yes.

7 **MS. ALYSSA TOMKINS:** Objection.

8 Chair Deans testified that she (indiscernible).
9 On cross-examination, I put her witness summary to her.

10 Sorry; I put -- Chair Deans initially testified
11 that she was unaware that there was no operational plan. On
12 cross-examination, I put her witness summary to her. She states
13 in the witness summary that -- and it was her that suggested
14 that one of the reasons that the resources weren't coming is
15 because the Chief lacks an operational plan.

16 So I think this whole discussion about municipal
17 politics and the Mayor lacks foundation in the evidence, and I
18 don't want to mislead the witness.

19 **MR. PAUL CHAMP:** I don't have the transcripts in
20 front of me, so I'll move on.

21 You would agree with me the Police Services Board
22 acts independently from the Solicitor General; correct?

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

24 **MR. PAUL CHAMP:** And interference or direction
25 from the Solicitor General to a Police Services Board would
26 generally be inappropriate? The Solicitor General would have to
27 go through the Ontario Civilian Police Commission if they had
28 concerns about the Police Services Board?

1 **DSG MARIO Di TOMMASO:** Yes, but Section 3 also
2 gives the Solicitor General the ability to provide advice to
3 Police Service Boards writ large.

4 **MR. PAUL CHAMP:** From time -- just for time, I'm
5 going to leave that issue.

6 I want to ask you some questions, sir, about what
7 the convoy protesters in Ottawa were protesting about. Now
8 you've testified that you understood that they were testifying
9 [sic] just about the mandates for truckers having vaccinated [sic]
10 across the border. That's what it was all about anyways, to
11 your understanding; is that right?

12 **DSG MARIO Di TOMMASO:** That was one of many
13 issues, yes.

14 **MR. PAUL CHAMP:** Well, it was my understanding
15 from your testimony earlier today that it -- I think you said
16 something, "I didn't know the protests involved provincial
17 mandates."

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

19 **MR. PAUL CHAMP:** Okay.

20 **DSG MARIO Di TOMMASO:** But there were many other
21 issues, as communicated to me by Commissioner Carrique. There
22 were many other groups that had infiltrated the trucker's convoy
23 and there were many other agendas at play.

24 **MR. PAUL CHAMP:** There was many other agendas,
25 but let's stick to the ones that have to do with COVID-19 and
26 public health measures related to COVID-19. Now does the
27 federal government have responsibility over mask mandates in
28 shops and stores and restaurants and cities?

1 **DSG MARIO Di TOMMASO:** No, not in that -- from
2 that perspective, no.

3 **MR. PAUL CHAMP:** That's right. Those are
4 provincial mandates. Our masks ---

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

6 **MR. PAUL CHAMP:** --- the masks in stores, that
7 was the province. Now we've heard from a few convoy organizers
8 who were very upset about mask mandates that they planned and
9 organized protests in Ottawa once they arrived here by sending
10 large numbers of unmasked people into stores. Now that wouldn't
11 have to do with a federal government mandate; would it, sir?

12 **DSG MARIO Di TOMMASO:** No, that would be a
13 provincial mandate.

14 **MR. PAUL CHAMP:** And I presume, are you familiar
15 with the Rideau Centre in Ottawa, sir?

16 **DSG MARIO Di TOMMASO:** Not very well.

17 **MR. PAUL CHAMP:** So it's the largest mall in
18 Ottawa. It has, we've heard evidence, approximately \$3 million
19 a day in sales and revenues. And it was shut down on the first
20 day of the protest because large numbers of the convoy
21 protesters were going in there unmasked, and there was
22 unfortunate interactions with staff and so forth. Were you
23 aware of that?

24 **DSG MARIO Di TOMMASO:** At some point in time, I
25 was.

26 **MR. PAUL CHAMP:** So but is it fair to say that
27 you're hearing a bit more now and you're learning a little bit
28 more now that individuals protesting in Ottawa were protesting

1 about more than just the trucker mandates. They were protesting
2 about provincial government mandates as well; is that fair to
3 say?

4 **DSG MARIO Di TOMMASO:** That's fair to say.

5 **MR. PAUL CHAMP:** And is it also fair to say,
6 however, that during the time of the protest in February, your
7 understanding was a little bit more limited. You thought the
8 protests in Ottawa were all about the federal government
9 mandates.

10 **DSG MARIO Di TOMMASO:** Not just all about. As
11 I've testified to, there were other concerns that the protesters
12 were trying to communicate, so there were other agendas at play.

13 **MR. PAUL CHAMP:** But not provincial government
14 mandates. That wasn't what your understanding was at the time.

15 **DSG MARIO Di TOMMASO:** At the very beginning, no.

16 **MR. PAUL CHAMP:** Very early in the protest, one
17 very well-known Ottawa resident was trying to inform the
18 protesters that they were protesting their own thing that,
19 "these mandates are provincial, not federal. The mandates, if
20 you're mad about wearing a mask or getting a vaccine, go talk to
21 Premier -- go talk to Doug Ford. The Prime Minister has nothing
22 to do with that. Don't you know anything about civics?"

23 Would you agree that if the protesters were angry
24 about mask mandates, they should have been protesting in Queen's
25 Park?

26 **DSG MARIO Di TOMMASO:** The provincial mask
27 mandates were one of the issues that the protesters were angry
28 about, but they were also angry about the federal vaccine

1 mandate imposed on January 15 for international truckers.

2 **MR. PAUL CHAMP:** Now I want to ask you some
3 questions about what you understood about the situation on the
4 ground in Ottawa. You've told us that you understood that the
5 protests in Ottawa were an inconvenience to the people of
6 Ottawa, but it was not a public safety risk; is that right?

7 **DSG MARIO Di TOMMASO:** So I clarified that and I
8 testified that it was much more than an inconvenience. And
9 Chief Sloly concurred with that assessment in his conversations
10 with Mayor Watson and Ministers Blair and Mendocino. There's a
11 document out there that I read, and he concurred with that
12 assessment.

13 **MR. PAUL CHAMP:** That it was just an
14 inconvenience?

15 **DSG MARIO Di TOMMASO:** That it was an eyesore and
16 that there was not any public safety concern.

17 **MR. PAUL CHAMP:** I think you're talking about
18 your meeting with him ---

19 **DSG MARIO Di TOMMASO:** No, not my meeting. He's
20 having a meeting with Minister Blair ---

21 **MR. PAUL CHAMP:** Or a call ---

22 **DSG MARIO Di TOMMASO:** He's having a meeting with
23 Minister Blair, Minister Mendocino and Mayor Watson and that is
24 his assessment.

25 **MR. PAUL CHAMP:** Now, sir, you were aware that
26 Ottawa was having difficulty enforcing bylaws because when bylaw
27 officers went out to try to give tickets, they would be sworn by
28 hundreds of protesters; were you aware of that?

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

2 **MR. PAUL CHAMP:** That's a public safety issues;
3 is it not?

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

5 **MR. PAUL CHAMP:** You were also aware, I gather,
6 sir, that -- Commission Counsel's already asked you a bit about
7 this, about fireworks going off, but did you understand that
8 fireworks were binging off residential buildings downtown?

9 **DSG MARIO Di TOMMASO:** I did not understand that.

10 **MR. PAUL CHAMP:** Yeah, around where we had
11 propane tanks and jerry cans.

12 **DSG MARIO Di TOMMASO:** I accept that. That's not
13 my understanding.

14 **MR. PAUL CHAMP:** That's a serious public safety
15 risk; would you agree?

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

17 **MR. PAUL CHAMP:** Now we've also heard that by the
18 Monday, January 31st, right after the first weekend, the position
19 of the Ottawa Police was that this was an occupation, and they
20 did not have the capacity or resources to bring that protest to
21 an end. Would you understand that, that it was that early that
22 the Ottawa Police felt they didn't have full control of the
23 situation, all they could do was maintain the peace at best?

24 **DSG MARIO Di TOMMASO:** That was their position,
25 yes.

26 **MR. PAUL CHAMP:** Okay. That was their position,
27 but you didn't agree that was the case?

28 **DSG MARIO Di TOMMASO:** So what was needed to end

1 the occupation was a fully developed operational plan to
2 dismantle. That was the obstacle.

3 **MR. PAUL CHAMP:** Right. But they -- I take your
4 point earlier, sir, and I fully agree that we're all very
5 fortunate that there was no serious incidents, no blood shed and
6 the police -- all police who were responding deserve a great
7 deal of credit for that. But you would agree with me that in
8 that first week or two weeks, when the Ottawa Police did not
9 simply have the numbers there, if that situation for some reason
10 had become -- had led to violence or there'd been riots or
11 something like that, the Ottawa Police simply did not have the
12 Public Order Units to control that situation if that had
13 occurred; would you agree with me?

14 **DSG MARIO Di TOMMASO:** Had that occurred, yes,
15 correct, but the Ottawa Police Service was also asking for
16 resources from the OPP and the RCMP, and it is my understanding
17 that the OPP provided each and every -- or provided resources to
18 address each and every ask that Ottawa Police Service made.

19 **MR. PAUL CHAMP:** Okay. Well, let's get into
20 that. Now the Mayor of Ottawa put out a Declaration of State of
21 Emergency on February 6th. You recall that?

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

23 **MR. PAUL CHAMP:** And but you didn't review it at
24 the time. My understanding is you just reviewed it in
25 preparation for this inquiry; is that right?

26 **DSG MARIO Di TOMMASO:** The actual declaration?

27 **MR. PAUL CHAMP:** Yes.

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

1 **MR. PAUL CHAMP:** You didn't -- because you didn't
2 view the situation as that serious at the time; is that fair to
3 say?

4 **DSG MARIO Di TOMMASO:** No, that is not fair to
5 say. It was an exceptionally serious situation. When I talked
6 about public safety risk, as I testified to earlier, I was
7 talking about serious violent crime in accordance with the
8 *Criminal Code*. That's what I was referring to. But it was
9 exceptionally serious.

10 **MR. PAUL CHAMP:** Well, sir, is that perhaps why
11 you didn't review the Declaration of Emergency is at the time
12 you thought Ottawa officials were exaggerating the problem that
13 they had?

14 **DSG MARIO Di TOMMASO:** No, I didn't think that at
15 all.

16 **MR. PAUL CHAMP:** Now we know on February the 6th,
17 the Solicitor General put out a statement about Ottawa saying
18 that we're done everything we can. We've given 1500 OPP
19 officers. You're aware of that; right?

20 **DSG MARIO Di TOMMASO:** Over a period of time,
21 from the beginning, yes.

22 **MR. PAUL CHAMP:** Well, we've seen the chart, and
23 we know how that number was arrived at, but that's not what the
24 Solicitor General put out. On the day, she put out, "We've
25 provided them with 1500 officers." Correct?

26 **DSG MARIO Di TOMMASO:** No, sir. She put out from
27 the very beginning, and I'd like to highlight that phrase, from
28 the very beginning.

1 **MR. PAUL CHAMP:** You did not agree with that
2 number being put out there; is that right?

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

4 **MR. PAUL CHAMP:** Commissioner Carrique also
5 testified he didn't think it was a good idea for that number to
6 be put out there.

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

8 **MR. PAUL CHAMP:** He communicated that to you I
9 gather?

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

11 **MR. PAUL CHAMP:** You and he both thought it was a
12 bad idea for operational members of officers to be communicated
13 publicly?

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

15 **MR. PAUL CHAMP:** Did -- but neither you nor
16 Commissioner Carrique were consulted on that information being
17 made public? Is that right?

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

19 **MR. PAUL CHAMP:** Did you tell that to the
20 Solicitor General afterwards?

21 **DSG MARIO Di TOMMASO:** I don't believe I did.

22 **MR. PAUL CHAMP:** So again ---

23 **DSG MARIO Di TOMMASO:** But ---

24 **MR. PAUL CHAMP:** But?

25 **DSG MARIO Di TOMMASO:** But after Chief Sloly
26 contacted me, I did have a discussion with the Minister's office
27 about clarifying what that 1,500 number was, what it actually
28 meant.

1 **MR. PAUL CHAMP:** Right. Because you're
2 emphasising to us about from the very beginning, but Chief
3 Sloly, and quite frankly the people of Ottawa, were
4 misinterpreting that that it was being suggested there was 1,500
5 officers on the ground?

6 **DSG MARIO Di TOMMASO:** Yes, people were
7 misinterpreting what was said by the Minister.

8 **MR. PAUL CHAMP:** Right. Getting back to my
9 previous question, so have you communicated that -- you never
10 communicated to the Solicitor General that you thought it was a
11 bad idea and perhaps operationally to communicate that kind of
12 information?

13 **DSG MARIO Di TOMMASO:** I did not.

14 **MR. PAUL CHAMP:** I guess she's learning about
15 your views on that issue now from your testimony?

16 **DSG MARIO Di TOMMASO:** I don't know.

17 **MR. PAUL CHAMP:** And if it wasn't for operational
18 reasons that number was made public, is it fair to say that that
19 number was made public by the Solicitor General for political
20 considerations?

21 **DSG MARIO Di TOMMASO:** I don't know.

22 **MR. PAUL CHAMP:** A tit for tat for the Mayor
23 putting out a Declaration of Emergency?

24 **DSG MARIO Di TOMMASO:** I don't know.

25 **MR. PAUL CHAMP:** Let's take a look at those
26 letters. Now, you know about the letter on February 7th of the
27 Mayor and the Chair of the Police Services Board asking the
28 Province for 1,800 OPP officers; correct?

1 **DSG MARIO Di TOMMASO:** Seventeen hundred (1,700),
2 plus 100 civilians, yes.

3 **MR. PAUL CHAMP:** Yes. And incidentally, in that
4 letter, they say that:

5 "The protest is against public health
6 policies that democratically elected
7 governments at the provincial and the
8 federal levels have enacted to protect us
9 from the deadly COVID-19 pandemic." (As
10 read)

11 So the Mayor -- in case some of you in Toronto
12 weren't aware, the Mayor and the Chair were trying to flag to
13 Toronto that these protests were about provincial mandates as
14 well?

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

16 **MR. PAUL CHAMP:** Okay. Did you review that
17 letter when it came in?

18 **DSG MARIO Di TOMMASO:** I don't remember. I was
19 aware that the Chair and the Mayor had made a specific request
20 for 1,700 plus 100. I don't remember if I reviewed that letter
21 or not. But I have reviewed it for testimony today.

22 **MR. PAUL CHAMP:** Right. And in that letter on
23 February the 7th, the Mayor and the Chair were saying that the
24 protest was threatening the safety of the Ottawa community;
25 right?

26 **DSG MARIO Di TOMMASO:** I accept that.

27 **MR. PAUL CHAMP:** And they said:

28 "People are living in fear and are

1 terrified, and they've now been subjected
2 to the non-stop honking of large trucks
3 for nine days, which is tantamount to
4 psychological warfare." (As read)

5 **DSG MARIO Di TOMMASO:** I accept that.

6 **MR. PAUL CHAMP:** Were you aware that that's how
7 serious it was at the time, the honking of the horns?

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

9 **MR. PAUL CHAMP:** And they say:

10 "We need a dramatic and immediate
11 injection of additional officers." (As
12 read)

13 And then they get into:

14 "The following resources are required on
15 an urgent basis." (As read)

16 So that was sent on the 7th. I gather the
17 Solicitor General would have consulted you on that letter?

18 **DSG MARIO Di TOMMASO:** I don't remember
19 consulting with her, or her and I having a discussion about
20 that. Suffice to say that that request went directly to the
21 Commissioner of the OPP to make an assessment on the
22 appropriateness of that number and whether or not to deploy the
23 resources.

24 **MR. PAUL CHAMP:** So I'll get into that issue in a
25 moment, but I'm just wanting to understand first about whether
26 you were consulted by the Solicitor General on that issue in the
27 letter?

28 **DSG MARIO Di TOMMASO:** I was not. My

1 recollection is that her position was that the request for
2 resources were with the Commissioner of the OPP.

3 **MR. PAUL CHAMP:** Right. And she wrote to the
4 Mayor and the Chair about that on February the 10th, three days
5 later. Do you know why there was such a delay?

6 **DSG MARIO Di TOMMASO:** I don't.

7 **MR. PAUL CHAMP:** And there's nothing in the
8 letter about, you know, the honking or the risk to safety of
9 Ottawa residents, just saying:

10 "Please note that I have shared your
11 correspondence with Ontario Provincial
12 Police Commissioner Thomas Carrique.
13 Thank you again for taking the time to
14 write." (As read)

15 Why did it take the Solicitor General three days
16 just to say she's passed on the letter to the Commissioner? Do
17 you know?

18 **DSG MARIO Di TOMMASO:** I don't know, but I also
19 wanted to flag what's in that letter is her focus that the
20 request was passed on to the Commissioner, and she references
21 the operational plan as well.

22 **MR. PAUL CHAMP:** Right. So okay. Let's turn to
23 that then.

24 Now, you've told us that in your view, it's the
25 exclusive jurisdiction of the OPP Commissioner on how to deploy
26 resources? Is that right?

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

28 **COMMISSIONER ROULEAU:** You're going to have to

1 wrap up. Your time is up. So ---

2 **MR. PAUL CHAMP:** With all due respect,
3 Commissioner, I don't think so. I think I have 20 minutes?
4 Unless I'm mistaken?

5 **COMMISSIONER ROULEAU:** You have 20 minutes, yeah,
6 and you started 20 minutes go.

7 **MR. PAUL CHAMP:** May I request five more minutes
8 given that we don't have the Premier or the Solicitor General
9 here to answer questions?

10 **COMMISSIONER ROULEAU:** Well I'm not sure the
11 absence of people, but I will give you a couple of minutes. Go
12 ahead.

13 **MR. PAUL CHAMP:** Commissioner, I just note that
14 was -- anyways.

15 **COMMISSIONER ROULEAU:** Go ahead.

16 **MR. PAUL CHAMP:** I just note that was right on
17 the dot, perhaps, of 20 minutes.

18 **COMMISSIONER ROULEAU:** It was, and I'm giving you
19 a little more time. So go ahead. It's just there are a lot of
20 people, so I'm trying to make it work. I'm sorry, but that's
21 the way it goes.

22 **MR. PAUL CHAMP:** Thank you, Commissioner.
23 Now, sir, you've said it was exclusive
24 jurisdiction. You're familiar with the Morden Report; correct?

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

26 **MR. PAUL CHAMP:** Now, in the Morden Report, it
27 tells us that policing and operational decisions about the what
28 of how they, you know, -- or pardon me, the how they execute an

1 operation is responsibility of the police, but the what of the
2 operation is the responsibility of civilian oversight; correct?

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

4 **MR. PAUL CHAMP:** And so would you agree with me -
5 - or wouldn't you agree with me that the decision about whether
6 to deploy resources as a priority to Windsor versus Ottawa,
7 that's a higher-level type of what decision? Would you not
8 agree?

9 **DSG MARIO Di TOMMASO:** No. I believe that the
10 deployment of OPP officers resides exclusively with the
11 Commissioner of the OPP.

12 **MR. PAUL CHAMP:** So, sir, in the Morden Report,
13 one of the examples that they use is that if there's a major
14 event and in the planning for it, the Civilian Police Services
15 Board, which in this case I gather would be the equivalent to
16 the Solicitor General, could direct a police service, for
17 example the Toronto Police Service, to prioritize certain
18 policing and ask for other resources for other issues? So they
19 could direct the police about how they prioritize their
20 resources. Isn't that the same sort of thing? What's the
21 difference between the how versus the what in this context?

22 **DSG MARIO Di TOMMASO:** So first of all, the
23 Morden Report was with regards to large planned events. This
24 was certainly an urgent situation, it was an emergent situation,
25 and the ability for the OPP to prioritize where to deploy his
26 resources resides with him. That is an operational decision.

27 **MR. PAUL CHAMP:** You've told us that Commissioner
28 Carrique communicated his decision to you based on his view of

1 the economic impact. Is that right?

2 **DSG MARIO Di TOMMASO:** One of the many factors
3 was the economic impact.

4 **MR. PAUL CHAMP:** Okay. I didn't hear you say
5 about the other factors. And we'll get -- I'll leave that,
6 because I don't have time. But do you know how the Minister
7 assessed the economic impact?

8 **DSG MARIO Di TOMMASO:** I don't, but it was all
9 over the media at the time. The media was reporting on the
10 significant impact on the economy and the security of both
11 Ontario and Canada. That was all over the news at the time.

12 **MR. PAUL CHAMP:** So you're assuming that the
13 Commissioner would have drawn that from the media?

14 **DSG MARIO Di TOMMASO:** Yes. That would be one of
15 the sources, yes.

16 **MR. PAUL CHAMP:** We've heard evidence in this
17 Commission about the economic impact of Ottawa, that it was
18 approximately \$200 million at least for just the first couple of
19 weeks. Do you have a sense of what the economic impact was of
20 the Ambassador Bridge being closed?

21 **DSG MARIO Di TOMMASO:** I've heard all sorts of
22 numbers. Anywhere between \$350 million a day, up to \$700
23 million a day.

24 But I think the Commissioner also testified that
25 one of the main considerations that he took into account for
26 prioritizing the deployment of his resources to Windsor was the
27 fact that Ottawa was not yet ready for positive action because
28 there was not a fully developed operational plan to dismantle.

1 Windsor was ready. Ottawa was not. That was a key
2 consideration.

3 **MR. PAUL CHAMP:** So I'll just close, sir, with
4 this. You're telling us then that it's solely up to the
5 Commissioner of the Ontario Provincial Police to prioritize the
6 economic impact at the Ambassador Bridge versus the public
7 safety of the residents of downtown Ottawa? Is that what you're
8 telling us?

9 **DSG MARIO Di TOMMASO:** No, sir.

10 **MR. PAUL CHAMP:** Well that's what you just said.

11 **DSG MARIO Di TOMMASO:** What I'm testifying to is
12 that the deployment of OPP officers resides with the OPP
13 Commissioner.

14 **MR. PAUL CHAMP:** Right. So he's the one that
15 makes the decision whether he protects the bridge or protects
16 downtown residents in Ottawa.

17 **COMMISSIONER ROULEAU:** I think that he's answered
18 that, and that's not a fair representation of what he said.

19 So next I'd like to call on counsel for former
20 Chief Sloly.

21 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

22 **MS. REBECCA JONES:** Good evening, Deputy.

23 **DSG MARIO Di TOMMASO:** Good evening.

24 **MS. REBECCA JONES:** You worked with Chief Sloly
25 at the Toronto Police Service for many years; right?

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

27 **MS. REBECCA JONES:** And in fact, you reported to
28 him for a couple years while you were the staff superintendent

1 and he was deputy chief of field command?

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

3 **MS. REBECCA JONES:** And you enjoyed a
4 relationship of trust and confidence with him?

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

6 **MS. REBECCA JONES:** And you knew him to be both a
7 proponent and expert in community policing initiatives and also
8 a national police leader?

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

10 **MS. REBECCA JONES:** And when he became chief in
11 Ottawa, you celebrated him assuming this role, saying you were
12 glad to see his return to policing; right?

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

14 **MS. REBECCA JONES:** Okay. And you've also
15 testified that you were satisfied that the OPS was under able
16 leadership?

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

18 **MS. REBECCA JONES:** Okay. And I think you've
19 testified that you watched Commissioner Carrique's evidence
20 before this Inquiry?

21 **DSG MARIO Di TOMMASO:** Some of it.

22 **MS. REBECCA JONES:** Some of it. Okay. And I
23 just want to confirm your agreement with Commissioner Carrique
24 on a couple of things. The Commissioner testified that the OPS
25 did not have the resources they needed to end the events in
26 their city on their own; right?

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

28 **MS. REBECCA JONES:** And he also testified that

1 ultimately they needed over 2,000 officers to successfully
2 dismantle the occupation; right?

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

4 **MS. REBECCA JONES:** And you're aware that the OPS
5 didn't get those resources at that level until February 17th?

6 **DSG MARIO Di TOMMASO:** On or about. I knew that
7 there was a significant build up of resources into Ottawa Police
8 Service right about the Ambassador Bridge issue was resolved.
9 And so those -- I can't say whether it was the 17th of February
10 or not, but there was a significant increase leading up to the
11 positive action on February the 18th.

12 **MS. REBECCA JONES:** And I agree with you on that.
13 After the Ambassador Bridge was cleared, resources were diverted
14 back over to Ottawa; correct?

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

16 **MS. REBECCA JONES:** Okay. And over the next few
17 days, the resources accumulated in Ottawa?

18 **DSG MARIO Di TOMMASO:** Yes. The positive action
19 actually started on the 18th. Yes.

20 **MS. REBECCA JONES:** That's right. Okay. Now,
21 you've testified that Commissioner Carrique was your main source
22 of information about the convoys.

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

24 **MS. REBECCA JONES:** And just one thing. You
25 testified that your understanding from him was that the OPS'
26 plan going into the first weekend involved keeping the trucks
27 out of the city?

28 **DSG MARIO Di TOMMASO:** That's what Commissioner

1 Carrique told me, yes.

2 **MS. REBECCA JONES:** Okay. And were you aware of
3 the evidence that's now been before the Inquiry that Supt.

4 Abrams of the OPP knew as of, at the very latest, January 27th,
5 that the plan was going to be to stage trucks within the city?

6 **DSG MARIO Di TOMMASO:** I'm not entirely aware of
7 Supt. Abrams' testimony.

8 **MS. REBECCA JONES:** Okay. Fair enough. And you
9 were relying though on the evidence -- or not the evidence, but
10 the information of Commissioner Carrique?

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

12 **MS. REBECCA JONES:** Okay. And I take it you
13 can't assist with any broken telephone that took place between
14 members of the OPP in that regard?

15 **DSG MARIO Di TOMMASO:** I cannot.

16 **MS. REBECCA JONES:** And I think it's also fair to
17 say that regardless, you would not have gotten involved in the
18 operational plan for that first weekend going into Ottawa, based
19 on ---

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

21 **MS. REBECCA JONES:** Okay. If we could pull up
22 OPP4580, page 29, please?

23 This is a text between you and Commissioner
24 Carrique on January 29th, as of 3:00 p.m. So just to orient you,
25 this is the Saturday of the first weekend.

26 If we scroll down?

27 **THE CLERK:** Sorry, counsel, what was the page
28 number?

1 **MS. REBECCA JONES:** Twenty-nine (29). Thank you.
2 And if we look at the green update from
3 Commissioner Carrique, he's referring to the fact that there's
4 some:

5 "...aggressive and threatening behaviour [...]
6 No incidents of violence..."

7 And you'll see the second from the bottom:

8 "Indications are that a number of
9 demonstrators are planning to remain until
10 [January 31st]."

11 And that would have been the Monday; right?

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

13 **MS. REBECCA JONES:** And so your understanding
14 from Commissioner Carrique at this point would have been that
15 there could be some people staying until Monday?

16 **DSG MARIO Di TOMMASO:** Right. But this was not
17 the first time that I heard of that possibility.

18 **MS. REBECCA JONES:** Right. Okay. But you
19 weren't getting information at this point that this was going to
20 be a long-term occupation?

21 **DSG MARIO Di TOMMASO:** I had some of that
22 information earlier.

23 **MS. REBECCA JONES:** Earlier?

24 **DSG MARIO Di TOMMASO:** Yes. That there was a
25 concern through intelligence sources that some elements of the
26 trucker convoy were intending on staying much longer than the
27 weekend.

28 I actually saw a Tweet myself to that effect,

1 monitoring social media, that the intention of some of these
2 truckers, don't know how many, were to stay the course.

3 **MS. REBECCA JONES:** Yes. And that is absolutely
4 correct. There were indications in the intelligence reports.
5 There were indications in social media. But of course, what an
6 intelligence group has to do is take all of the information and
7 come up with an overall assessment; right?

8 **DSG MARIO Di TOMMASO:** I agree with that.

9 **MS. REBECCA JONES:** Okay. Now, you have also
10 given evidence that after the first weekend, you recognized that
11 what the City of Ottawa was now facing had turned into an
12 occupation; right?

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

14 **MS. REBECCA JONES:** And you spoke to Chief Sloly
15 and Solicitor General Jones spoke to Chief Sloly on February 2nd?

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

17 **MS. REBECCA JONES:** And these weren't detailed
18 conversations about the merits of operational plans or anything
19 like that?

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

21 **MS. REBECCA JONES:** Okay. But by the following
22 day, February 3rd, you started hearing from Commissioner Carrique
23 that there were people expressing some concerns about Chief
24 Sloly; right?

25 **DSG MARIO Di TOMMASO:** Right. And I have to say
26 that all of the concerns that Commissioner Carrique was
27 expressing to me about Chief Sloly, there was also the
28 mitigation as well, that he was taking action to either confirm

1 the reports or to talk to Chief Sloly. So I was getting a sense
2 of comfort that there was significant dialogue going on between
3 two exceptional leaders.

4 **MS. REBECCA JONES:** Okay. I got it. And one of
5 these concerns that there started to be grumbling about around
6 February 3rd was this perception of a lack of a plan?

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

8 **MS. REBECCA JONES:** And you've given very careful
9 evidence about what the Commissioner should understand about
10 this issue, that this is not an issue of a lack of a plan, there
11 was always an operational plan. This is an issue about whether
12 the dismantling of the occupation plan was ready to go; right?

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

14 **MS. REBECCA JONES:** And that is a very different
15 plan; right?

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

17 **MS. REBECCA JONES:** Okay. So when people didn't
18 leave on the 31st, when you and police leaders and everyone
19 realized that this was an occupation, the OPS had to pivot;
20 right?

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

22 **MS. REBECCA JONES:** And they now were facing an
23 occupation involving a large number of people?

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

25 **MS. REBECCA JONES:** In an urban environment?

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

27 **MS. REBECCA JONES:** Hundreds of heavy vehicles?

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

1 **MS. REBECCA JONES:** Many of which housed
2 children?

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

4 **MS. REBECCA JONES:** This -- dismantling an
5 occupation of this nature would be incredibly complicated?

6 **DSG MARIO Di TOMMASO:** I agree.

7 **MS. REBECCA JONES:** And you mentioned it involves
8 multiple subplans, POU, traffic, towing, et cetera; right?

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

10 **MS. REBECCA JONES:** And it's not only
11 complicated, dismantling an occupation of this nature is high
12 stakes and high risk?

13 **DSG MARIO Di TOMMASO:** I agree.

14 **MS. REBECCA JONES:** And you don't want an
15 operational plan like that to be rushed?

16 **DSG MARIO Di TOMMASO:** I agree.

17 **MS. REBECCA JONES:** And it is a huge job to
18 figure out how to dismantle an occupation of that nature?

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

20 **MS. REBECCA JONES:** So you as a senior police
21 officer and a senior police leader yourself, would have
22 understood what is involved in pivoting an operational plan like
23 that; right?

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

25 **MS. REBECCA JONES:** But many members of the
26 public and politicians would have no idea? Is that fair?

27 **DSG MARIO Di TOMMASO:** I would agree.

28 **MS. REBECCA JONES:** And they would look out their

1 windows and see bouncy castles, and fires, and say to the
2 police, "Why aren't you doing anything?"

3 **DSG MARIO Di TOMMASO:** I agree.

4 **MS. REBECCA JONES:** And that becomes a very
5 significant confidence issue for the police and for the Police
6 Chief?

7 **DSG MARIO Di TOMMASO:** Yes, if that perception is
8 out there. I agree, yes.

9 **MS. REBECCA JONES:** Yeah. And that perception
10 was out there; right?

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

12 **MS. REBECCA JONES:** The pressures on Chief Sloly
13 and the Ottawa Police Service at this time were immense; right?

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

15 **MS. REBECCA JONES:** And the time pressure was
16 immense as well; right?

17 **DSG MARIO Di TOMMASO:** I agree.

18 **MS. REBECCA JONES:** And if we compare this, I
19 don't know if you had any involvement in G20 in Toronto, that
20 may have been after your time there, but if we compare -- you
21 did have involvement? Okay.

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

23 **MS. REBECCA JONES:** So one of the things we
24 learned after G20 was that the four-and-a-half months that the
25 Police Service in Toronto had to prepare was not enough; right?

26 **DSG MARIO Di TOMMASO:** That's one thing we
27 learned, yes.

28 **MS. REBECCA JONES:** Okay.

1 **DSG MARIO Di TOMMASO:** For a planned event, yes.

2 **MS. REBECCA JONES:** And what we're seeing in
3 terms of rumblings here is three days after the Police Service
4 had to pivot their operational plan to deal with an occupation;
5 right?

6 **DSG MARIO Di TOMMASO:** I'm not sure about your
7 reference to three days.

8 **MS. REBECCA JONES:** So if we look at January 31st
9 ---

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

11 **MS. REBECCA JONES:** --- and we say, okay, at this
12 point, what was expected, you know, some people might remain
13 until Monday, and then we realize on the 31st, no, they're
14 sticking around longer; right?

15 **DSG MARIO Di TOMMASO:** Right.

16 **MS. REBECCA JONES:** And so at this point, you've
17 agreed with me, the Police Service has to pivot.

18 **DSG MARIO Di TOMMASO:** Right. And in fairness, I
19 think that the OPP was providing incredible number of resources,
20 subject matter experts as well, to assist the Ottawa Police
21 Service, including the Integrated Planning Team, so that if the
22 planning for such a major event was outside of the capacity and
23 capability of the Ottawa Police Service, subject matter experts
24 were in fact being provided to Ottawa Police Service to help
25 them out.

26 **MS. REBECCA JONES:** Absolutely. And the
27 Integrated Planning Team arrived February 8th, for example;
28 right?

1 **DSG MARIO Di TOMMASO:** I don't recall. I will
2 accept your word.

3 **MS. REBECCA JONES:** Okay. So I just want to go
4 back to where we are in time here. We're pivoting as of January
5 31st, and by February 3rd, there's grumbling about the lack of an
6 operational plan to dismantle the entire occupation; right?

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

8 **MS. REBECCA JONES:** And you as a senior police
9 leader know that that's not fair; right?

10 **DSG MARIO Di TOMMASO:** No, I think developing an
11 operational plan to dismantle, one of that magnitude, is
12 incredibly difficult and complex, and one requires time, and one
13 requires subject matter expertise.

14 **MS. REBECCA JONES:** Thank you. Now over the next
15 few days, the Commissioner Carrique was updating you on what he
16 was hearing on the ground, and he passed along other complaints
17 or concerns that were being expressed about Chief Sloly; right?

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

19 **MS. REBECCA JONES:** And things like there's too
20 many changes in the incident command?

21 **DSG MARIO Di TOMMASO:** Yes, my understanding that
22 was -- that there were changes to four incident commanders, so
23 certainly that was a concern. I did not have the level of
24 detail as to why that was happening.

25 **MS. REBECCA JONES:** Right.

26 **DSG MARIO Di TOMMASO:** So without that detail,
27 did I have a concern about that? I did, but I didn't have the
28 level of understanding to know why that was occurring either.

1 **MS. REBECCA JONES:** Exactly, or to understand if
2 that was a Chief Sloly issue.

3 **DSG MARIO Di TOMMASO:** At the end of the day, the
4 Chief is ultimately responsible for the Police Service, so I
5 think the buck stops with him with regards to that.

6 **MS. REBECCA JONES:** Absolutely. But for example,
7 you wouldn't have known that one of the changes, for example,
8 that was made to incident command was because of a very
9 difficult interaction between the deputy -- one of the Deputy
10 Chiefs and the Incident Commander and that she asked that that
11 be done.

12 **DSG MARIO Di TOMMASO:** I didn't have that
13 information.

14 **MS. REBECCA JONES:** Okay. And when these
15 complaints were passed along to you, you understood that they
16 were third or fourth hand; right? Commissioner Carrique wasn't
17 there in the room?

18 **DSG MARIO Di TOMMASO:** I understood that
19 Commissioner Carrique was getting his information from senior
20 OPP officers and other very reliable sources. I don't believe
21 Commissioner Carrique was in the room and I certainly recognize
22 that, you know, that was hearsay, the information that was
23 coming to me.

24 **MS. REBECCA JONES:** Right. Okay. And but you
25 were -- in fulfilling your responsibilities, you were briefing
26 Solicitor General Jones?

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

28 **MS. REBECCA JONES:** And in fulfilling her

1 responsibilities, she was briefing the Premier?

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

3 **MS. REBECCA JONES:** And we also know that the
4 Premier was expressing his views all the way up to the Prime
5 Minister; right? We saw that in the read out.

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

7 **MS. REBECCA JONES:** Okay. And I don't want to go
8 in any detail. You've given a lot of evidence about the 1500
9 and the statement about the 1500. That, just to be very clear,
10 it was the statement -- I've looked at it again and you're
11 absolutely right, it says "from the beginning." But those still
12 aren't 1500 independent officers; right? So if I am the officer
13 and I work for 10 days, I count as 10. Did you understand that?

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

15 **MS. REBECCA JONES:** Okay. And so -- and you've
16 given evidence that you appreciate why that created pressure on
17 Chief Sloly?

18 **DSG MARIO Di TOMMASO:** I do.

19 **MS. REBECCA JONES:** When he was already under
20 incredible pressure; right?

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

22 **MS. REBECCA JONES:** And because of that, you went
23 to the Solicitor General and asked about making a correction.

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

25 **MS. REBECCA JONES:** And can you tell us why a
26 correction wasn't made?

27 **DSG MARIO Di TOMMASO:** It was made. So the
28 correction was that the Communications officer and the

1 Minister's office clarified in much greater detail the following
2 day in response to media questions that that number was
3 cumulative. So there was an attempt to dispel the
4 misinterpretation by having the Communications officers tell the
5 media and anybody that was asking, that that was a cumulative
6 number and not an indication of 1500 officers in the OPS on any
7 given day.

8 **MS. REBECCA JONES:** But just to be fair, the OPS
9 first corrected it; correct? And then the government got
10 questions about the correction and then they provided the
11 further clarification; is that fair?

12 **DSG MARIO Di TOMMASO:** I don't know what the
13 order was about OPS ---

14 **MS. REBECCA JONES:** Okay.

15 **DSG MARIO Di TOMMASO:** --- correcting it. I'm
16 sorry.

17 **MS. REBECCA JONES:** Okay. Now there's also the
18 issue of the doubling of resources, and you've given some
19 evidence about that. You didn't speak to Chief Sloly about this
20 suggestion that he made a comment about doubling resources;
21 right?

22 **DSG MARIO Di TOMMASO:** I did not, and quite
23 frankly, I was not overly concerned about that issue simply
24 because I knew that the plan to dismantle, that would be tested
25 and validated by the Planning Team.

26 **MS. REBECCA JONES:** Right. Okay. But it did get
27 passed on to the Solicitor General; right?

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

1 **MS. REBECCA JONES:** Okay. And you said -- in
2 your evidence you said if that was accurate, and then you said
3 it made no difference to the province; right?

4 **DSG MARIO Di TOMMASO:** Correct. It wouldn't --
5 the province would continue to support the Ottawa Police
6 Service.

7 **MS. REBECCA JONES:** Right. And when you say if
8 that is accurate, it's a recognition of the fact that you're
9 hearing it through multiple layers; right?

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

11 **MS. REBECCA JONES:** And, you know, we've heard
12 evidence, for example, that other members, Deputy Chief Bell who
13 was on the call doesn't recall it, no contemporaneous notes of
14 that. That -- were you aware of that?

15 **DSG MARIO Di TOMMASO:** I was not aware of Chief
16 Bell's testimony.

17 **MS. REBECCA JONES:** Okay. But is it fair to say
18 it became part of the picture that people had about Chief
19 Sloly's leadership?

20 **DSG MARIO Di TOMMASO:** I can't say that.

21 **MS. REBECCA JONES:** Okay. Okay. Now
22 Commissioner Carrique has testified that any suggestion or
23 concern at the time that this was a random doubling of needed
24 resources was completely incorrect; right?

25 **DSG MARIO Di TOMMASO:** I don't know what
26 Commissioner Carrique testified to on that issue. I'm sorry.

27 **MS. REBECCA JONES:** Well, okay. That's fair
28 enough. But you also accept that we needed -- the City of

1 Ottawa needed 2,000 officers, so any suggestion that 1800 was
2 some sort of random doubling would not be fair; right?

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

4 **MS. REBECCA JONES:** Okay. You talked about the
5 impact of the fact that the operational plan to dismantle the
6 occupation wasn't ready yet, and that that had an impact on the
7 passing along of resources to Ottawa; right?

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

9 **MS. REBECCA JONES:** And but you've also testified
10 that it made good sense from your perspective that this is the
11 kind of plan that would take time to do properly; right?

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

13 **MS. REBECCA JONES:** And I suggest that the bigger
14 impact in terms of the availability of resources to Ottawa was
15 the fact that those resources were needed at the Ambassador
16 Bridge?

17 **DSG MARIO Di TOMMASO:** I'm not entirely sure of
18 that. From my perspective, two things. If there was a fully
19 developed operational plan to dismantle and had all of those
20 other demonstrations and occupations not happened elsewhere in
21 the province, I think that Ottawa could have been ready for
22 positive action much sooner.

23 **MS. REBECCA JONES:** If the other protests weren't
24 happening.

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

26 **MS. REBECCA JONES:** Okay. But given that we know
27 that the other protests were happening, the resources -- and
28 regardless of whose priority it was, whether it was the

1 government's priority or the OPP's priority, the priority was
2 Windsor; right?

3 **DSG MARIO Di TOMMASO:** With regards to the
4 deployment of OPP officers and Public Order Unit to the
5 Ambassador Bridge, yes.

6 **MS. REBECCA JONES:** Right. And you've stated in
7 your interview summary that the police could not clear
8 Ambassador Bridge and clear the occupation in Ottawa at the same
9 time; right?

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

11 **MS. REBECCA JONES:** And were you -- did you watch
12 any of Supt. Earley from the Windsor Police's evidence?

13 **DSG MARIO Di TOMMASO:** I did not.

14 **MS. REBECCA JONES:** Okay. Because what Supt.
15 Earley testified was that the resources were dispatched to
16 Windsor even before she had a formal operational plan to
17 dismantle that blockade. Were you aware of that?

18 **DSG MARIO Di TOMMASO:** I knew that there were OPP
19 resources being provided to Windsor. For what purpose, I'm not
20 aware. Likely, it was for maintenance purposes to make sure
21 that public safety was maintained. I don't know when the Public
22 Order Units were provided to Windsor with regards to dismantling
23 the entire blockade.

24 **MS. REBECCA JONES:** Okay. But if I suggest to
25 you that the Public Order Units were provided for dismantling
26 the blockade even before a plan was finalized, that would be
27 inconsistent with the position that you need that plan finalized
28 before the Public Order Units are dispatched, right?

1 **DSG MARIO Di TOMMASO:** No. I don't think so,
2 because the footprint in Windsor was much smaller. The number
3 of protesters was much smaller, so an operational plan could
4 have been developed to dismantle the blockade in Windsor in a
5 much more timely fashion because it was not as complicated as it
6 was in Ottawa, so the provision of POU officers in Windsor
7 before a fully-developed plan to dismantle Windsor was
8 completely appropriate.

9 **MS. REBECCA JONES:** Okay. And I'm out of time,
10 so I'll just -- I'll end it with this. It took -- from the time
11 that Chief Sloly asked on February 6th for the 1,800 officers to
12 sufficient officers being available in the City of Ottawa to
13 dismantle the operation took from February 6 to February 17,
14 okay?

15 **DSG MARIO Di TOMMASO:** Okay.

16 **MS. REBECCA JONES:** That's fair?

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

18 **MS. REBECCA JONES:** And is it fair that one of
19 the things that the Commissioner can consider in doing his work
20 is how resources might be deployed more quickly -- and
21 understanding that there were a lot of competing interests here
22 -- more quickly while the very complicated planning exercise is
23 taking place?

24 **DSG MARIO Di TOMMASO:** That would be one of the
25 considerations that the OPP commissioner could think about, yes.

26 **MS. REBECCA JONES:** Okay. Thank you very much.

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

28 **COMMISSIONER ROULEAU:** Thank you. Next, the

1 Convoy Organizers.

2 --- CROSS-EXAMINATION BY MR. BRENDAN MILLER:

3 **MR. BRENDAN MILLER:** Good evening, Deputy
4 Minister.

5 **DSG MARIO Di TOMMASO:** Good evening.

6 **MR. BRENDAN MILLER:** My name's Brendan Miller and
7 I am counsel for Freedom Corp. and I'm part of the -- that which
8 is a entity that represents the protesters that were in Ottawa
9 in January and February of 2022.

10 Sir, I want to start off with something you had
11 mentioned in your chief with respect to Mayor Watson stating
12 that he invoked the state of emergency to put pressure on the
13 province. And you said that that seemed to be political.

14 Can -- you didn't get much of a chance to
15 elaborate on that, and I just wanted to give you an opportunity.

16 **DSG MARIO Di TOMMASO:** I didn't say it was
17 political. What I said was that section 4 of the EMCPA does not
18 allow for a municipal declaration of emergency for the purpose
19 of putting pressure on another order of government.

20 **MR. BRENDAN MILLER:** Okay. And so that purpose,
21 in your view then, if it was the true purpose, based on the call
22 transcript with respect to Mayor Watson, that was not a proper
23 purpose to declare that?

24 **DSG MARIO Di TOMMASO:** If that was the exclusive
25 reason for declaring a municipal emergency, it would not have
26 been proper.

27 **MR. BRENDAN MILLER:** Okay. Now, I understand in
28 just dealing with this, the background, you're familiar with

1 Mayor Watson's background; is that fair?

2 **DSG MARIO Di TOMMASO:** What do you mean?

3 **MR. BRENDAN MILLER:** His history and work in
4 provincial politics and in the municipal politics. Are you
5 familiar?

6 **DSG MARIO Di TOMMASO:** I've never met Mayor
7 Watson. The only thing that I've learned about Mayor Watson was
8 that he was at one point in time, a provincial minister. I
9 don't know what portfolio he held.

10 **MR. BRENDAN MILLER:** But you're familiar, of
11 course, with Minister Blair? You used to work with him when he
12 was at the Toronto Police Service, I take it?

13 **DSG MARIO Di TOMMASO:** Yes, sir.

14 **MR. BRENDAN MILLER:** And that was -- you were a
15 superintendent there at the time he was chief?

16 **DSG MARIO Di TOMMASO:** Yes, sir.

17 **MR. BRENDAN MILLER:** Right. And is it fair to
18 say -- and there's a history between Minister Blair and Premier
19 Ford? They have a very, very not good relationship; let's say
20 that?

21 **DSG MARIO Di TOMMASO:** I can't speak to that,
22 sir.

23 **MR. BRENDAN MILLER:** When you were at the Toronto
24 Police Service, were you aware of the conflict that both
25 Minister Blair and Premier Ford had with one another?

26 **MR. DARRELL KLOEZE:** Commissioner, Darrell Kloeze
27 for the Province of Ontario. I'm not sure of the relevance of
28 this line of questioning.

1 **MR. BRENDAN MILLER:** Based on the records that
2 aren't yet in evidence that I've reviewed over the last few days
3 of this.

4 **COMMISSIONER ROULEAU:** I'm not sure what the
5 relevance is as between the -- whether they're -- he got along
6 or didn't get along. I'm not ---

7 **MR. BRENDAN MILLER:** Well, it appears from the
8 records, sir, that part of it was that the minister was trying
9 to, at times in text messages, sir -- I don't want to get into
10 it just too far yet -- but the relationship between himself and
11 Mr. Ford is referenced in various text messages not yet in
12 evidence from Minister Blair, sir. I want to establish what
13 that relationship was like.

14 If you'd like me to deal with it directly with
15 Minister Blair, I can hold off.

16 **COMMISSIONER ROULEAU:** I think that's probably
17 where it's appropriate, given this witness is not familiar with
18 the ---

19 **MR. BRENDAN MILLER:** It was simply he was the
20 superintendent during the conflict that arose, and it was during
21 the time that now Minister Blair was the chief of the Toronto
22 Police Service when he had a conflict with then Chief Blair when
23 he was a councillor under the tutelage of his brother who was
24 the mayor at the time.

25 But I can move on, sir, if you -- I just thought
26 this witness, of course, having been a superintendent at the
27 time, would have that information. I can move on from it.

28 **COMMISSIONER ROULEAU:** Well, if -- you can ask

1 him the question whether he knows what either of them were
2 thinking. I'll let that, but go ahead.

3 **MR. BRENDAN MILLER:** Yes. So sir, you're aware
4 that going back to their days as Minister Blair when he was the
5 chief and Doug Ford when he was City Councillor, both Minister
6 Blair and Doug Ford had a conflict with one another at that
7 time, and you were aware of that?

8 **DSG MARIO Di TOMMASO:** I can't speak to that.

9 **MR. BRENDAN MILLER:** Okay, thank you.

10 So with respect to -- you discussed mediation and
11 the use of politicians in that regard with respect to a protest
12 and respect to a blockade, and said that that's how sometimes
13 politicians can be used.

14 Do you want to give some examples of when that
15 has happened that you've seen in your experience as both a
16 police officer as well as in your current position?

17 **DSG MARIO Di TOMMASO:** So two examples come to
18 mind. Minister Jones made herself available to the protesters
19 in Windsor. Another example was when Federal Minister Marc
20 Miller made himself available to the blockade, the CN Rail
21 blockade in January of 2020 in an attempt to mediate and
22 negotiate.

23 **MR. BRENDAN MILLER:** Right. And I take it that a
24 lot of that happens in coordination with the relevant police
25 service of the jurisdiction. They actually make a request that
26 some of the political executive branch come and attend and help
27 assist them quell the issue; is that fair?

28 **DSG MARIO Di TOMMASO:** That's the way it ought to

1 happen. It did not happen that way in January of 2020.

2 **MR. BRENDAN MILLER:** What, in January of 2020 or
3 2022?

4 **DSG MARIO Di TOMMASO:** In January of 2020 when
5 Minister ---

6 **MR. BRENDAN MILLER:** Right.

7 **DSG MARIO Di TOMMASO:** --- Marc Miller made
8 himself available to negotiate the CN blockade.

9 **MR. BRENDAN MILLER:** Okay. And so that was
10 outside of -- he did that outside of police advice; is that what
11 you're saying?

12 **DSG MARIO Di TOMMASO:** I'm saying that he did
13 that without consulting the OPP.

14 **MR. BRENDAN MILLER:** Oh, okay. So in this case,
15 I take it, now, we've heard in evidence that OPP Inspector
16 Beaudin, who is essentially doing all the PLT work, he was
17 putting forth a plan of PLT that would involve either someone
18 from the federal government, provincial government. I don't
19 think he really cared who it was as long as it was effective.

20 If the inspector had asked your government for
21 assistance based on your knowledge, would one of the executive
22 branch, the political executive branch and its elected members,
23 being ministers, would they have participated in that?

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

25 **MR. BRENDAN MILLER:** And from your understanding,
26 despite Inspector Beaudin's request of the federal elected
27 executive, do you have any knowledge of the political branch of
28 the federal executive, despite -- or upon his request from

1 Inspector Beaudin agreeing to do the same?

2 **DSG MARIO Di TOMMASO:** No. I had discussions
3 with Deputy Minister Stewart about getting federal ministers to
4 the table, and Minister -- I'm sorry, Deputy Minister Stewart
5 was not successful.

6 **MR. BRENDAN MILLER:** Okay. But your government
7 was willing and able to do that if it was asked?

8 **DSG MARIO Di TOMMASO:** I know for a fact that
9 Minister Jones was, yes.

10 **MR. BRENDAN MILLER:** Right. And I just want to
11 deal with a little -- spend my last point in time and to clarify
12 both for the public. And I know that you've, I think, been the
13 first witness here to make this very clear, and I think it's
14 worth emphasizing.

15 When it comes to policing in this entire country,
16 police are supposed to be 100 percent independent of the
17 political branch? Is that fair?

18 **DSG MARIO Di TOMMASO:** When it comes to
19 investigations, deployment, operations, yes.

20 **MR. BRENDAN MILLER:** Right. And so just because
21 a mayor, just because a prime minister, just because the
22 Minister of Emergency Preparedness, or a premier wants them to
23 do something, that's not supposed to have an effect on their
24 decisions? They have to assess them themselves, and they don't
25 follow, essentially, directions from elected government? They
26 are independent?

27 **DSG MARIO Di TOMMASO:** Correct, with regards to
28 operations, and deployment, and investigations, yes.

1 **MR. BRENDAN MILLER:** And one of the reasons
2 that's the case is that you don't want police, who have probably
3 the most power out of any officials in the country domestically,
4 you don't want them to do things for political reasons; right?
5 reasons; right?

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

7 **MR. BRENDAN MILLER:** Right. In your opinion, in
8 looking at the facts as you know it as a Deputy Minister, as a
9 former police officer, in your view, was this situation
10 politicalized?

11 **DSG MARIO Di TOMMASO:** I know that there were
12 many politicians that were involved in discussions, that it was
13 an urgent situation. And so many politicians expressed their
14 views publicly.

15 **MR. BRENDAN MILLER:** And did that undermine
16 police enforcement, and police tactic, and police decisions?

17 **DSG MARIO Di TOMMASO:** No, I don't think so. I
18 think the Commissioner and I, certainly the Commissioner, were
19 focused on providing the resources that Ottawa needed to
20 dismantle the entire occupation.

21 So from my perspective, all of that was noise.
22 The Commissioner was focused on providing those resources,
23 subject to a fully developed operational plan to dismantle the
24 entire occupation.

25 **MR. BRENDAN MILLER:** Did any of the conduct of
26 the federal political branch, that is the elected ministers and
27 Prime Minister, did any of their statements in the media and to
28 the public at large create any issues for the police dealing

1 with the situation?

2 **DSG MARIO Di TOMMASO:** That would be a question
3 for the police that were dealing with the issue. I'm sorry.

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

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

6 **COMMISSIONER ROULEAU:** Okay. Next, if I could
7 call on the CCLA?

8 **--- CROSS-EXAMINATION BY EWA KRAJEWSKA:**

9 **MS. EWA KRAJEWSKA:** Good evening, Mr. Di Tommaso.
10 My name is Ewa Krajewska. I'm counsel for the Canadian Civil
11 Liberties Association.

12 **DSG MARIO Di TOMMASO:** Hello.

13 **MS. EWA KRAJEWSKA:** Let me pick up from a point
14 that my friend was just speaking to you about. Civilian
15 oversight of the police.

16 I understand from your testimony, Mr. Di Tommaso,
17 that you're familiar of the Morden Report arising after the G20?

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

19 **MS. EWA KRAJEWSKA:** And that's built upon the
20 Ipperwash Inquiry and previously from the McDonald Commission?

21 **DSG MARIO Di TOMMASO:** I wasn't aware that it was
22 built upon Ipperwash.

23 **MS. EWA KRAJEWSKA:** Sorry, two other reports that
24 are relevant to the issue of civilian oversight are the report
25 after the Ipperwash Inquiry and the McDonald Commission?

26 **DSG MARIO Di TOMMASO:** Okay.

27 **MS. EWA KRAJEWSKA:** I'll stick to the Morden
28 Report then.

1 And, sir, as my friend told you, the independence
2 of the police is quintessential with respect to criminal
3 investigation; correct?

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

5 **MS. EWA KRAJEWSKA:** Because we do not want -- it
6 would be an infringement of the rule of law to have politicians
7 direct criminal investigation?

8 **DSG MARIO Di TOMMASO:** I agree.

9 **MS. EWA KRAJEWSKA:** But with respect to
10 operational decisions, I'd suggest to you that civilian
11 oversight is a little bit more nuanced from the Morden Report?
12 And on the first point, that there is a role for civilian
13 oversight with respect to the receipt of information with
14 respect to operational decisions?

15 **DSG MARIO Di TOMMASO:** I agree.

16 **MS. EWA KRAJEWSKA:** And Commissioner Carrique was
17 discharging that duty by supplying you with information with
18 respect to his operational decisions?

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

20 **MS. EWA KRAJEWSKA:** And similarly, it is possible
21 and it is possible for civilian oversight to provide opinions
22 and make suggestions with respect to operational decisions?

23 **DSG MARIO Di TOMMASO:** That is a specific
24 recommendation in the Morden Report, yes.

25 **MS. EWA KRAJEWSKA:** And that is the Morden
26 Report's qualification to section 31(4) of the *Police Act*;
27 correct? That's its interpretation of that section?

28 **DSG MARIO Di TOMMASO:** I won't fight you on that.

1 **MS. EWA KRAJEWSKA:** Okay.

2 **DSG MARIO Di TOMMASO:** I accept that.

3 **MS. EWA KRAJEWSKA:** All right. And that it's
4 especially important to provide those suggestions or opinions on
5 operational plans to ensure that they're consistent with legal
6 requirements and community norms and values?

7 **DSG MARIO Di TOMMASO:** And board policies, and
8 board objectives, yes.

9 **MS. EWA KRAJEWSKA:** Thank you, sir. Now, sir,
10 we've reviewed a number of your handwritten notes that arise out
11 of the facts that we're reviewing with this Commission, and I
12 just want to get a sense of your note taking practice. Do you
13 essentially take notes of all of your telephone calls and
14 meetings?

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

16 **MS. EWA KRAJEWSKA:** Okay. So this is a selection
17 of notes that you had arising from these events?

18 **DSG MARIO Di TOMMASO:** Right. This was a major
19 event and I reverted to my past practice as a police officer in
20 taking as many notes contemporaneously as I possibly could.
21 There are -- certainly there are gaps. I did not record each
22 and every discussion that I had. I simply didn't have that
23 capacity.

24 **MS. EWA KRAJEWSKA:** Okay. Thank you. And so if
25 you had been providing reports to the Solicitor General, there
26 may not be notes of those reports, even if you -- there may not
27 be notes of those, even though you provided those reports?

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

1 **MS. EWA KRAJEWSKA:** And was -- what was your
2 practice with reporting to the Solicitor General with respect to
3 these events? Would you have been -- at the beginning of these
4 events, would you have -- was she asking you to report to her
5 daily on the events?

6 **DSG MARIO Di TOMMASO:** So the practice was with
7 regards to the daily situational reports that were coming in to
8 me from Commissioner Carrique, I would do a copy and paste, and
9 send the same text message to the Minister.

10 **MS. EWA KRAJEWSKA:** By text message?

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

12 **MS. EWA KRAJEWSKA:** And would she schedule calls
13 with you if she had follows up or questions with Commissioner
14 Carrique's reports?

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

16 **MS. EWA KRAJEWSKA:** And you would also have
17 meetings with her in person and I assume by telephone?

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

19 **MS. EWA KRAJEWSKA:** But you would not necessarily
20 take notes of those discussions?

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

22 **MS. EWA KRAJEWSKA:** And if I understand your
23 evidence, at the beginning of these events, your view -- your
24 characterization of them was that this was a police issue that
25 required the correct deployment of police resources?

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

27 **MS. EWA KRAJEWSKA:** And you did not see this as
28 necessarily a political issue?

1 **DSG MARIO Di TOMMASO:** That would be fair.
2 However, there was a role for Ministers and politicians to play
3 with regards to exploring possible solutions.

4 **MS. EWA KRAJEWSKA:** The art of the possible, as
5 you ---

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

7 **MS. EWA KRAJEWSKA:** As you stated. Okay. And
8 would it be fair -- now, you had a number of discussions with
9 Deputy Minister Stewart at the federal level; correct?

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

11 **MS. EWA KRAJEWSKA:** And those were kind of at the
12 bureaucracy level of discussions?

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

14 **MS. EWA KRAJEWSKA:** And is it fair to say that
15 you got the sense from him that the federal political level was
16 frustrated that there was not more engagement from the Ontario
17 Provincial level?

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

19 **MS. EWA KRAJEWSKA:** And in my review of the
20 documents, it appears that the political engagement from Ontario
21 appeared to shift around February 9th? Would that be fair?

22 **DSG MARIO Di TOMMASO:** No. I know that Minister
23 Jones and the Premier were certainly engaged in many bilateral
24 conversations throughout this entire period.

25 **MS. EWA KRAJEWSKA:** So when do you feel like the
26 Provincial Government became more involved at a political level?
27 At what point in time?

28 **DSG MARIO Di TOMMASO:** I can't determine that,

1 because I was not privy to those conversations. I knew that
2 both Premier Ford and Minister Jones were having many bilateral
3 conversations with a whole host of people.

4 **MS. EWA KRAJEWSKA:** Okay. Would you -- you may
5 not be aware, but would you be aware that, for example, Minister
6 Alghabra on Transportation was not able to book telephone calls
7 with Minister Mulroney?

8 **DSG MARIO Di TOMMASO:** I was not aware of that.

9 **MS. EWA KRAJEWSKA:** And the reason that I suggest
10 that February 9th may be a pivot point is that that is when
11 Premier Ford has a telephone call with Minister Mendicino, where
12 Premier Ford suggests that he may -- he's spoken to the Chief
13 Medical Officer of Health and he may take down vaccine
14 passports. Were you aware of that?

15 **DSG MARIO Di TOMMASO:** I was not.

16 **MS. EWA KRAJEWSKA:** Okay. And you'd agree with
17 me that at least by February 10th, the Solicitor General had
18 informed you that there was consideration of invoking the
19 Ontario *Emergencies Act*, the *EMPCA*.

20 **DSG MARIO Di TOMMASO:** Premier Ford signaled his
21 intention to declare a provincial emergency on or about the 10th.

22 **MS. EWA KRAJEWSKA:** And would it be fair to say
23 that the political level in Ontario became more engaged when the
24 Windsor bridge, the Ambassador Bridge was blocked, and it was
25 causing significant economic repercussions with respect to
26 manufacturing and trade?

27 **DSG MARIO Di TOMMASO:** That would not be fair,
28 no.

1 **MS. EWA KRAJEWSKA:** And so with respect to the
2 emergencies orders, if I can ask the Registrar to please pull up
3 doc ID ONT00005155? So that's the last page of this document.

4 So these are your notes from February 10th, 2022.
5 And on the last page of these, which is page -- sorry, page 19,
6 not 20, sorry, there's a star and,

7 "Solicitor General is lead department
8 on this issue. Emergency at our
9 borders. Line waiting for direction.
10 Thinking about EO. List of seven. Not
11 doing anything until more direction."

12 (As read)

13 What does list of seven -- is that list of seven
14 or am I misreading that?

15 **DSG MARIO Di TOMMASO:** I don't know what that
16 reference is. I'm sorry.

17 **MS. EWA KRAJEWSKA:** Okay. But would it be fair
18 that as at February 10th, your Ministry was being tasked with
19 considering what potential orders you think should be made under
20 the *EMPCA*?

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

22 **MS. EWA KRAJEWSKA:** Okay. And so you're familiar
23 with the legal requirements to invoke the *EMPCA*?

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

25 **MS. EWA KRAJEWSKA:** And you'd agree that any
26 orders that are made under the *EMPCA* must be necessary and
27 essential in the circumstances?

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

1 **MS. EWA KRAJEWSKA:** And they have to be tailored
2 to be *Charter* compliant as well?

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

4 **MS. EWA KRAJEWSKA:** And so they have to be the
5 least restrictive possible in terms of the -- in terms of their
6 impact on *Charter* rights of Ontarians?

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

8 **MS. EWA KRAJEWSKA:** And that was something that
9 you considered, and your Ministry considered in drafting the
10 EMPCA orders that were enacted?

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

12 **MS. EWA KRAJEWSKA:** And, sir, just going back, in
13 January of 2022, if we go back, there were significant
14 provincial mandates under the *Reopening Ontario Act* that were in
15 place in January 2022 as a result of the Omicron wave. You
16 remember that?

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

18 **MS. EWA KRAJEWSKA:** And Ontario had been placed
19 back into kind of stage two of the *Reopening Act* at that time?

20 **DSG MARIO Di TOMMASO:** I'm sorry, I'm not
21 prepared to speak on that. I have not reviewed any notes or any
22 material, so I'm not prepared to speak on that. I'm sorry.

23 **MS. EWA KRAJEWSKA:** Okay. Let me make it simple,
24 under the *Reopening Act*, there were three stages of opening that
25 were available for the Cabinet to place the various health units
26 in, depending on the severity of the pandemic in that health
27 unit.

28 **DSG MARIO Di TOMMASO:** I can't help you there.

1 I'm sorry, I'm not prepared.

2 **MS. EWA KRAJEWSKA:** Okay. If I can just ask you,
3 under the *Reopening Ontario Act*, some of the measures that were
4 put in place included vaccine passports?

5 **DSG MARIO Di TOMMASO:** I believe so.

6 **MS. EWA KRAJEWSKA:** Mask mandates?

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

8 **MS. EWA KRAJEWSKA:** Capacity limits?

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

10 **MS. EWA KRAJEWSKA:** School closures?

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

12 **MS. EWA KRAJEWSKA:** And you -- I understand from
13 your evidence that despite what the note says from February 6th
14 in response to Ms. Jody Thomas and the -- at the NSIA, that you
15 understood that some of the protests that were happening in both
16 Ottawa and Windsor related not just to the federal vaccine
17 mandate but to public health measures much more generally?

18 **DSG MARIO Di TOMMASO:** That was my evidence, yes.

19 **MS. EWA KRAJEWSKA:** Thank you, sir. Those are
20 all my questions.

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

22 **COMMISSIONER ROULEAU:** Next if I could call on
23 the CCF, please?

24 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

25 **MR. SUJIT CHOUDHRY:** Good evening, Mr. Di
26 Tommaso. My name is Sujit Choudhry. I am counsel for the
27 Canadian Constitution Foundation.

28 I'd like to pick up on a line of questions that

1 my friend, Ms. Rodriguez led, regarding intergovernmental
2 processes for coordinating federal, provincial and municipal
3 responses to the convoy. And I want to put it to you that the
4 reason why she spent so much time on that theme and why I'd like
5 to go back to that theme is that that issue goes to the very
6 heart of this Commission's mandate. And so, sir, do you know
7 that the *Emergencies Act* is a last resort?

8 **DSG MARIO Di TOMMASO:** That's my general
9 understanding, yes.

10 **MR. SUJIT CHOUDHRY:** And that the last resort
11 requirement is actually a legal condition for the Federal
12 Cabinet to declare a Public Order Emergency?

13 **DSG MARIO Di TOMMASO:** So I'm not an expert on
14 the *Emergency Act*, but that's my general understanding.

15 **MR. SUJIT CHOUDHRY:** And so -- and isn't it true
16 then if the Act is meant to be a last resort, municipal,
17 provincial and federal legal tools have to somehow fall short?

18 **DSG MARIO Di TOMMASO:** So that's a legal
19 question. I'm not prepared to answer that. I'm sorry.

20 **MR. SUJIT CHOUDHRY:** But are you prepared to
21 answer this question, that sometimes for tools in the hands of
22 one government to be effective, those governments must cooperate
23 to use their tools together?

24 **DSG MARIO Di TOMMASO:** I'm not sure how to answer
25 that, sir.

26 **MR. SUJIT CHOUDHRY:** Well, let's talk about this
27 convoy. And so what we're trying to understand here in this
28 Commission is whether these intergovernmental processes to get

1 governments to work together, to use the different tools they
2 have worked or didn't work, and that's why we want to learn
3 about these meetings and these conversations that you had. So
4 it's true that you had many conversations with representatives
5 of different levels of government; isn't it?

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

7 **MR. SUJIT CHOUDHRY:** And it's true that you
8 participated in a February 6th meeting?

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

10 **MR. SUJIT CHOUDHRY:** And other meetings?

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

12 **MR. SUJIT CHOUDHRY:** And so and is it true that
13 your role in these meetings, and I'm quoting them here, was to
14 receive information ---

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

16 **MR. SUJIT CHOUDHRY:** --- and to put forward
17 possible solutions to the blockade in Windsor and the occupation
18 in Ottawa that could be achieved or facilitated by Ontario?

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

20 **MR. SUJIT CHOUDHRY:** So you were on those calls
21 and at those meetings to see how Ontario could help?

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

23 **MR. SUJIT CHOUDHRY:** And so -- and would you also
24 agree that one of the fundamental purposes of those calls and
25 those meetings was that every level of government had different
26 information, and the purpose of conversation and communication
27 was that no one government had the complete picture, but only by
28 discussing with each other and exchanging information could the

1 complete picture come into focus.

2 **DSG MARIO Di TOMMASO:** I would agree with that.

3 **MR. SUJIT CHOUDHRY:** And so -- and then with the
4 complete picture in hand, governments could connect the dots
5 between problems and issues on the one hand and solutions on the
6 other.

7 **DSG MARIO Di TOMMASO:** I agree with that.

8 **MR. SUJIT CHOUDHRY:** Including solutions that
9 could be achieved or facilitated by the province of Ontario.

10 **DSG MARIO Di TOMMASO:** Right, but those
11 discussions were in fact happening. They may not have been at
12 the formal tripartite tables at the federal level with
13 politicians, but they were happening bilaterally, so there was
14 an exchange of information going on.

15 **MR. SUJIT CHOUDHRY:** Well, let's talk about the
16 tripartite meetings because that's where I'm going to. So we've
17 -- there've been a number of questions put to you about the
18 tripartite meetings at the most senior political levels,
19 although there were deputy level civil servants there ---

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

21 **MR. SUJIT CHOUDHRY:** --- that took place on
22 February 7th, 8th, and 10th. And I'd like to call up, if Mr.
23 Registrar, if you would SSM.NSC.CAN.00002052_REL.001, or that --
24 those are the -- that's the read out from the February 8th
25 tripartite call.

26 So, sir, so you've been asked questions about
27 these notes before. I'd like to take you to two parts of the
28 notes for this call, the read out. So Chief Sloly participated

1 in this call.

2 And so if we could go, please, Mr. Registrar, to
3 the bottom of page 2? Stop there.

4 And so, sir, do you see there a question posed by
5 MM, that's Minister Mendicino, saying:

6 "Do you see wellington redzone being
7 tackled within 2-3 days?"

8 And then Chief Slowly responds. And so there's a
9 reference there to a Wellington red zone. So I'd put it to you
10 that that is a no-go zone on Wellington Street that Chief Sloly
11 was proposing?

12 **DSG MARIO Di TOMMASO:** A no-go zone? I don't
13 know what Chief Sloly was proposing.

14 **MR. SUJIT CHOUDHRY:** Okay. But what do you think
15 the term red zone means on Wellington in the context of the
16 protests that were taking place in Ottawa?

17 **DSG MARIO Di TOMMASO:** I don't know what Chief
18 Sloly ---

19 **MR. SUJIT CHOUDHRY:** Okay.

20 **DSG MARIO Di TOMMASO:** --- means by red zone,
21 sir.

22 **MR. SUJIT CHOUDHRY:** Sure. But if you had been
23 at the meeting, you might have known to ask; correct?

24 **DSG MARIO Di TOMMASO:** I was not invited to the
25 meeting.

26 **MR. SUJIT CHOUDHRY:** But Minister Jones ---

27 **DSG MARIO Di TOMMASO:** And I cannot ---

28 **MR. SUJIT CHOUDHRY:** --- was invited to the

1 meeting. If she had been at the meeting, she would have known
2 to ask; correct?

3 **DSG MARIO Di TOMMASO:** I was not invited to the
4 meeting, and so I did not attend.

5 **MR. SUJIT CHOUDHRY:** Let's go down to the next
6 page. So three quarters of the way down, if you could go down a
7 little bit more, there's in bold there, under the long paragraph
8 from Chief Sloly, a reference to an impound zone.

9 Now, sir, what do you think an impound zone
10 refers to?

11 **DSG MARIO Di TOMMASO:** It appears that Chief
12 Sloly is talking about a zone where vehicles can be impounded
13 and towed from.

14 **MR. SUJIT CHOUDHRY:** Good. So now in your -- you
15 said that prior to the February 6th call, you familiarized
16 yourself with the *Emergency Management and Civil Protection Act*;
17 correct?

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

19 **MR. SUJIT CHOUDHRY:** And so you said in your
20 interview summary that the City of Ottawa did not make a formal
21 request for Premier Ford to declare a Provincial State of
22 Emergency? Is that right?

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

24 **MR. SUJIT CHOUDHRY:** But isn't it true that no
25 such request by a mayor is required, as a matter of law, under
26 the EMCPA for the Premier to declare a State of Emergency in any
27 city in this province?

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

1 **MR. SUJIT CHOUDHRY:** So are you aware that under
2 the EMCPA, the Provincial Cabinet, once a State of Emergency has
3 been declared, can regulate or prohibit travel or movement to,
4 from or within, any specified area?

5 **DSG MARIO Di TOMMASO:** And that's what they did.

6 **MR. SUJIT CHOUDHRY:** And are you aware they --
7 the Provincial Cabinet can evacuate individuals and remove
8 personal property from any specified area?

9 **DSG MARIO Di TOMMASO:** Right, but that was not an
10 applicable section for this particular emergency.

11 **MR. SUJIT CHOUDHRY:** And why is that?

12 **DSG MARIO Di TOMMASO:** Can you put up the EMCP
13 Act for me, please?

14 **MR. SUJIT CHOUDHRY:** Sure. So it's -- so, Mr.
15 Registrar, it's CCF00000038. And it's page 7.

16 Mr. Di Tommaso, I believe you're referring to
17 point three at the top of the page there?

18 **DSG MARIO Di TOMMASO:** Yes, I am.

19 **MR. SUJIT CHOUDHRY:** And could you please
20 elaborate on your answer?

21 **DSG MARIO Di TOMMASO:** Sure. So with regards to
22 evacuating individuals and animals and removing personal
23 property, from any specified area, evacuating individuals, from
24 my understanding, pertains to invoking that authority when there
25 is a large natural disaster impacting the health and safety of
26 people. And so taking and making arrangements for the adequate
27 care and protection of individuals and property, that does not
28 apply to the current situation ---

1 **MR. SUJIT CHOUDHRY:** Interesting.

2 **DSG MARIO Di TOMMASO:** --- in Ottawa.

3 **MR. SUJIT CHOUDHRY:** So you don't think it would
4 extend to removing individuals and their personal effects of an
5 area?

6 **DSG MARIO Di TOMMASO:** Well evacuating, in my
7 view, has a very specific meaning. I don't think it is
8 applicable at all.

9 **MR. SUJIT CHOUDHRY:** Well ---

10 **DSG MARIO Di TOMMASO:** And I can tell you, sir
11 that in drafting these emergency orders, legal departments from
12 the Ministry of the Attorney General, SOLGEN, Cabinet Office,
13 Premier's office, the Ministry of Transportation, were all
14 engaged, and had that been a section that could have been
15 leveraged, it would have been. The opinion of the legal
16 department from all of those ministries was that that particular
17 section was not applicable to this situation.

18 **MR. SUJIT CHOUDHRY:** Mr. Di Tommaso, would you
19 agree that when the Provincial Cabinet exercises its powers
20 under this provision of the EMCPA, it's not trenching on the
21 authority of the OPP or the OPS over policing?

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

23 **MR. SUJIT CHOUDHRY:** And would you agree that the
24 Provincial Cabinet could have used these powers to create a red
25 zone on Wellington?

26 **DSG MARIO Di TOMMASO:** What do you mean by a red
27 zone?

28 **MR. SUJIT CHOUDHRY:** A zone in which there could

1 be no vehicles illegally parked and which all vehicles would be
2 cleared, and where no persons could go?

3 **DSG MARIO Di TOMMASO:** Well that in fact was done
4 by the Emergency Order, sir.

5 **MR. SUJIT CHOUDHRY:** But what -- do you agree
6 that it could have been done by the Provincial Cabinet?

7 **DSG MARIO Di TOMMASO:** It was done by the
8 Provincial Cabinet, sir.

9 **MR. SUJIT CHOUDHRY:** The red zone, sir, was
10 created by the Emergency Measures Regulation under the
11 *Emergencies Act*.

12 **DSG MARIO Di TOMMASO:** No, sir. The prohibition
13 to block any roadway or walkway and the ingress and egress was
14 something that was specifically done in the Provincial Emergency
15 Order. So blocking, impeding egress and ingress into any
16 highway and walkway was something that was done by the Emergency
17 Order in the Province of Ontario.

18 **MR. SUJIT CHOUDHRY:** Well let's -- we'll return
19 to that. Would you agree that the Provincial Cabinet could have
20 used these powers to create an impound zone?

21 **DSG MARIO Di TOMMASO:** So I think that point
22 would have been moot. And I say that because the problem was
23 already there. It was already defined. The problem was these
24 large heavy trucks in a defined area. And what the Provincial
25 Cabinet did was give substantial authority to remove those
26 trucks, to impound, and seize those trucks, and hold them until
27 the Emergency Orders were no longer in place.

28 **MR. SUJIT CHOUDHRY:** So Mr. Di Tommaso, Minister

1 Jones was not on the call on February 8th when the Wellington red
2 zone and the impound zone were presented for discussion at this
3 intergovernmental table; was she?

4 **DSG MARIO Di TOMMASO:** She was not.

5 **MR. SUJIT CHOUDHRY:** And had she been on that
6 call on February 8th, isn't it reasonable to conclude that she
7 would have connected the dots between the red zone and the
8 impound zone and the powers that the Provincial Cabinet would
9 have if it had declared a State of Emergency under provincial
10 law?

11 **DSG MARIO Di TOMMASO:** The Province did declare a
12 State of Emergency under provincial law.

13 **MR. SUJIT CHOUDHRY:** That wasn't my question.
14 Had she been on that call on February 8th, would she have
15 connected the dots between the problem that was at hand and the
16 tools in the -- within the jurisdiction of the Province?

17 **DSG MARIO Di TOMMASO:** I think Minister Jones was
18 well aware of what the problem was without attending that call.
19 She was well aware of what the problem was.

20 **MR. SUJIT CHOUDHRY:** And Mr. Di Tommaso, there
21 were deputies on that call.

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

23 **MR. SUJIT CHOUDHRY:** If you had been asked to
24 attend that call and you had been there to receive Chief Sloly's
25 ideas, and would you have connected the dots between what he was
26 proposing in terms of a red zone and an impound zone, and the
27 potential to use the Province's emergency powers to implement
28 those proposals?

1 **DSG MARIO Di TOMMASO:** The Provincial Emergency
2 Orders dealt with the red zone and the impound zone. They did -
3 - they provided prohibitions against ingress and egress and
4 blocking highways and walkways, and they provided police with
5 the ability to seize vehicles within that zone there.

6 So in effect, it did create both.

7 **MR. SUJIT CHOUDHRY:** I was asking about you, sir.
8 Did you ever make that recommendation to Minister Jones to
9 create those zones yourself? Yes or no?

10 **DSG MARIO Di TOMMASO:** They were created.

11 **MR. SUJIT CHOUDHRY:** But did you ---

12 **DSG MARIO Di TOMMASO:** The issue ---

13 **MR. SUJIT CHOUDHRY:** --- recommend ---

14 **DSG MARIO Di TOMMASO:** The issue, sir, the issue,
15 sir, was addressed in the Emergency Orders. The issue was
16 addressed.

17 **MR. SUJIT CHOUDHRY:** Mr. Commissioner, I think
18 we're done here.

19 **COMMISSIONER ROULEAU:** Okay.

20 **MR. SUJIT CHOUDHRY:** Thank you.

21 **COMMISSIONER ROULEAU:** Thank you.

22 Next is the Ottawa Police Service.

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

24 **MR. DAVID MIGICOVSKY:** Good evening, Mr. Di
25 Tommaso.

26 **DSG MARIO Di TOMMASO:** Good evening.

27 **MR. DAVID MIGICOVSKY:** My name is David
28 Migicovsky. I'm the lawyer for the Ottawa Police Service.

1 I understand that you have some oversight of the
2 OPP that falls within your sphere of responsibility?

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

4 **MR. DAVID MIGICOVSKY:** And in that regard, you
5 received regular reports from Commissioner Carrique?

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

7 **MR. DAVID MIGICOVSKY:** And another person who
8 reported to you was Chris Letang, the provincial security
9 advisor ---

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

11 **MR. DAVID MIGICOVSKY:** --- with the Ministry of
12 the Solicitor General?

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

14 **MR. DAVID MIGICOVSKY:** And I assume he has -- in
15 that position, he obviously has access to intelligence
16 information from the OPP and others?

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

18 **MR. DAVID MIGICOVSKY:** And it's important that he
19 get you reliable information and timely information?

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

21 **MR. DAVID MIGICOVSKY:** And in fact, he did
22 satisfy you in that regard in terms of the information he
23 provided to you?

24 **DSG MARIO Di TOMMASO:** He was providing me with
25 the information that he was in receipt of.

26 **MR. DAVID MIGICOVSKY:** Right. And you were
27 satisfied with the quality of the information he was providing?

28 **DSG MARIO Di TOMMASO:** Generally speaking, yes.

1 **MR. DAVID MIGICOVSKY:** And so if we could please
2 call up OPP00005099?

3 **THE REGISTRAR:** Could you confirm that document
4 ID, please?

5 **MR. DAVID MIGICOVSKY:** OPP00005099.

6 **THE REGISTRAR:** I'm having difficulty locating
7 that one. Could you tell me what sort of document that is?

8 **MR. DAVID MIGICOVSKY:** It is a report from Chris
9 Letang, the provincial security advisor of January 21st or 22nd,
10 I believe.

11 **THE REGISTRAR:** Would it be possible to spell his
12 last name?

13 **MR. DAVID MIGICOVSKY:** L-e-t-a-n-g.

14 I'll move on, and in the meantime, if I could ask
15 you instead to call up ONT00005126?

16 **THE REGISTRAR:** Thank you very much.

17 **MR. DAVID MIGICOVSKY:** That's a -- one of the
18 reports that Mr. Letang was providing to you, and those were
19 being provided on a regular basis?

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

21 **MR. DAVID MIGICOVSKY:** And so if we could just
22 scroll down to the bottom of page 1, please? You'll see that
23 the report is -- the assessment is currently, "there is no
24 specific identified threat and monitoring remains attuned."

25 And then just below that, you'll see, "Freedom
26 Convoy". If you could just turn to next page, please?

27 And so you'll see that there is reference in
28 those paragraphs to the protest disrupting the movement of

1 vehicular traffic, correct?

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

3 **MR. DAVID MIGICOVSKY:** And the disruption of
4 vehicular traffic is not, in itself, a basis to stop a protest,
5 is it?

6 **DSG MARIO Di TOMMASO:** I agree.

7 **MR. DAVID MIGICOVSKY:** And some vehicular
8 disruption is obviously going to be expected and tolerated,
9 correct?

10 **DSG MARIO Di TOMMASO:** I agree.

11 **MR. DAVID MIGICOVSKY:** And if we could look at
12 the third page, please? Page 3, please. Thank you.

13 The second paragraph, at this point, the -- and
14 this is January 25th, just so you're aware -- the second
15 paragraph says that the convoy organizers have repeatedly stated
16 the intention to conduct a lawful protest, and there's a Code of
17 Conduct. Do you see that?

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

19 **MR. DAVID MIGICOVSKY:** And then we see in the
20 next paragraph that the number -- and it's bolded -- that the
21 number of participants and supporters who may participate is
22 unknown at this point?

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

24 **MR. DAVID MIGICOVSKY:** And there's no indication
25 in this report that overall, the convoy will engage in
26 assaultive behaviour or widespread anti-social behaviour or
27 bylaw offences, nothing like that, correct?

28 **DSG MARIO Di TOMMASO:** I haven't read this entire

1 report, but I accept your word.

2 **MR. DAVID MIGICOVSKY:** Okay. And similarly, I
3 didn't see any indication that the protesters would become a
4 long-term occupation.

5 If we could please go to the next one, which is
6 OPP00005127?

7 **COMMISSIONER ROULEAU:** My guess is it must be
8 ONT5127.

9 **MR. DAVID MIGICOVSKY:** I'm sorry. Did I not say
10 that?

11 **THE REGISTRAR:** Is it a strategic update?

12 **MR. DAVID MIGICOVSKY:** Yes. I apologize for
13 that. Thank you for catching that.

14 And so that's another report on January 26, and
15 you'll see on page 1, if we just scroll down, the first
16 paragraph. Again, there's no specific identified threat,
17 correct?

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

19 **MR. DAVID MIGICOVSKY:** And if you look at the
20 first bullet under "National Convoy" ---

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

22 **MR. DAVID MIGICOVSKY:** --- you'll see that an
23 accurate estimate was complicated by the number of non-convoy
24 vehicles in the area, correct?

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

26 **MR. DAVID MIGICOVSKY:** And if you go to page 2
27 and you go to the first bullet on page 2, you'll see the last
28 sentence, "The organizers have repeatedly continued to urge for

1 a peaceful demonstration"?

2 **DSG MARIO Di TOMMASO:** I'm sorry, where is that,
3 sir?

4 **MR. DAVID MIGICOVSKY:** The last sentence in the
5 first bullet.

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

7 **MR. DAVID MIGICOVSKY:** And if we go to page 3
8 under the assessment, if you could just scroll up, please? Oh,
9 sorry, assessment starts on page 2 and then if you go to page 3,
10 the third paragraph, again, no identified threat with regard to
11 the Freedom Convoy protest, and there's no reference at this
12 point to the convoy staying long term and becoming an
13 occupation, is it?

14 **DSG MARIO Di TOMMASO:** No, I'm -- no, you're
15 correct. I believe the first indication in these reports that
16 there would be a longer-term stay was on the 27th.

17 **MR. DAVID MIGICOVSKY:** Right. And so the 27th
18 is, in fact, the day before they arrived, correct? That's on
19 the Thursday ---

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

21 **MR. DAVID MIGICOVSKY:** --- and the convoy is
22 arriving on the Friday, correct?

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

24 **THE REGISTRAR:** Counsel, sorry to interrupt. I
25 have your first document that I couldn't find.

26 **MR. DAVID MIGICOVSKY:** That's okay. I'll move
27 on.

28 And you're aware that many of the convoy were

1 travelling on 400 series highways policed by the OPP?

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

3 **MR. DAVID MIGICOVSKY:** And there was, you're
4 aware, no direction given or any discussion with the OPP about
5 whether to divert them or stop them from coming into Ottawa,
6 based on the information that was available at the time,
7 correct?

8 **DSG MARIO Di TOMMASO:** There were no grounds to
9 stop or divert, no.

10 **MR. DAVID MIGICOVSKY:** And if we go to
11 ONT00005126, which is Mr. Letang's report that we previously
12 looked at of January 25th, on page 2, third bullet, you'll see
13 that reports from RCMP in Manitoba indicate the convoy
14 participants were upset as a result of having been directed to
15 weigh scales and having been issued HTA infractions, and some
16 online messaging suggested those were an intentional tactic by
17 police to disrupt the protest. And so OPP information is that
18 the weigh scales in Ontario will be closed, correct?

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

20 **MR. DAVID MIGICOVSKY:** And so Ontario wasn't
21 trying to disrupt the convoy's arrival, and in fact, the OPP
22 actually ushered them into Ottawa, did they not?

23 **DSG MARIO Di TOMMASO:** I wouldn't say the word
24 "ushered". They certainly facilitated the right to peaceful
25 protest, and my understanding was that the OPP did not have any
26 grounds to stop or divert, generally speaking. There may have
27 been reason to do that on an individual basis, but generally
28 speaking, there was not a right to do that.

1 **MR. DAVID MIGICOVSKY:** And if we could please go
2 to ONT00005303? That is a series of text messages from
3 Commissioner Carrique to you. And I'm just giving you that page
4 to see that it's January 29th, so that would be on the Saturday?

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

6 **MR. DAVID MIGICOVSKY:** And then if you scroll
7 down to the bottom of that page and then go up to the -- you'll
8 see the -- then go to the next one, which is ONT5304. I simply
9 gave you that so you would see the date. So please go to
10 ONT00005304. And if you go to the fifth bullet?

11 And so this is the report you're getting on the
12 29th from Commissioner Carrique, and he's now telling you that a
13 number of demonstrators are planning to remain until the 31st of
14 January, so that's the Monday, correct?

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

16 **MR. DAVID MIGICOVSKY:** And so you agree with me
17 that the information you're getting from the provincial security
18 advisor does not forecast what turned out to become an
19 occupation for three weeks in Ottawa with the kind of behaviour
20 that we ultimately saw, correct?

21 **DSG MARIO Di TOMMASO:** I would not say that. I
22 know that there was a report from the provincial security
23 advisor on the 27th that indicated that some elements of the
24 convoy were going to be staying longer than the weekend. There
25 was information on the 27th from the provincial security advisor
26 that one of the reasons why the truckers were there was to get
27 rid of the federal trucking -- I'm sorry, federal vaccine
28 mandate on truckers, and that they would not be leaving until

1 that demand was met.

2 **MR. DAVID MIGICOVSKY:** Well, let's go and look at
3 that assessment on the 27th, please. It's ONT00005128. And if
4 you go to the assessment section on page 3? So what we see is -
5 - and this is, bear in mind the 27th, so it's the Thursday -- so
6 what we see is, the second sentence:

7 "Once in Ottawa, some convoy organizers
8 have stated an intent to remain at
9 Parliament Hill until the federal
10 government concedes to repeal all COVID
11 health restrictions and mandates."

12 Correct?

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

14 **MR. DAVID MIGICOVSKY:** So we don't see any
15 indication of the number, how many, correct?

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

17 **MR. DAVID MIGICOVSKY:** And we also don't see any
18 indication that they're going to engage in the kind of behaviour
19 that they ultimately did engage in, correct?

20 **DSG MARIO Di TOMMASO:** Can you give me a second
21 to read this, please?

22 So there's talk about disruptions that may
23 gridlock areas around Parliament Buildings and other parts of
24 Ottawa, so that part of it is in there in the assessment.

25 **MR. DAVID MIGICOVSKY:** Okay.

26 **DSG MARIO Di TOMMASO:** There is no expressed
27 departure date for participants or a clear timing of when
28 actions may end, and that's in there.

1 **MR. DAVID MIGICOVSKY:** Of an unknown number of
2 people, correct?

3 **DSG MARIO Di TOMMASO:** Correct, but there's also
4 information here that some supporters may attempt to disrupt
5 businesses of government by holding events at or near City
6 Hall's provincial government facilities, et cetera. So that
7 did, in fact, happen.

8 **MR. DAVID MIGICOVSKY:** Well, you're aware, sir,
9 that Parliament continued to sit. The municipal government
10 continued to operate throughout that period, correct?

11 **DSG MARIO Di TOMMASO:** And there was significant
12 disruption to business. Yes, I'm aware of that.

13 **MR. DAVID MIGICOVSKY:** Another office in the
14 provincial government that monitored both Ottawa, Toronto,
15 Windsor, was the Emergency Management Office?

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

17 **MR. DAVID MIGICOVSKY:** And I understand from
18 January 28th to February 21st, they produced multiple briefing
19 notes every day and sometimes multiple times a day?

20 **DSG MARIO Di TOMMASO:** Right. And the flow, the
21 information that the provincial -- I'm sure the Emergency
22 Management Office had was primarily from municipal sources.

23 **COMMISSIONER ROULEAU:** I think you're out of your
24 time, so you can wrap up.

25 **MR. DAVID MIGICOVSKY:** I think I've got two more
26 minutes.

27 **COMMISSIONER ROULEAU:** Thank you.

28 **MR. DAVID MIGICOVSKY:** You would agree with me, I

1 take it, Mr. Di Tommaso, that if trucks -- if the convoy was
2 coming in or if there we're trucks on the 400 series of highways
3 in which there was information that the OPP had that there were
4 bombs and that those bombs were going to be detonated in Ottawa,
5 you would expect that the OPP would do something to stop those
6 convoys from coming into the city, correct?

7 **DSG MARIO Di TOMMASO:** I'm not aware of any
8 information indicating that there were bombs on these trucks.

9 **MR. DAVID MIGICOVSKY:** I appreciate that. I'm
10 giving you a hypothetical. If you had such information,
11 presumably, as the person who has oversight, who has some
12 oversight, you'd be concerned if the OPP allowed those vehicles
13 to come into the city?

14 **DSG MARIO Di TOMMASO:** Certainly, there would be
15 a concern if the OPP knew a particular truck had a bomb and
16 permitted it into the city, yes, that would be a concern.

17 **MR. DAVID MIGICOVSKY:** And similarly, you would
18 expect that if the OPP had knowledge that the convoy was going
19 to engage in the kind of disruptive and anti-social behaviour
20 they did engage in, you would have expected that they would not
21 have allowed in, to come into Ottawa, fair?

22 **DSG MARIO Di TOMMASO:** I think the OPP was also
23 duty bound to respect the Charter of Rights and Freedom, which
24 gives protesters the right to protest and assemble.

25 **MR. DAVID MIGICOVSKY:** And so you would not have
26 expected that they would stop the convoy?

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

28 **MR. DAVID MIGICOVSKY:** Thank you very much. I

1 have no additional questions.

2 **COMMISSIONER ROULEAU:** Okay. Next, the Ontario
3 Provincial Police.

4 **MS. JINAN KUBURSI:** It's Jinan Kubursi for the
5 OPP. No questions, Commissioner, thank you.

6 **COMMISSIONER ROULEAU:** The Windsor Police
7 Service?

8 **MR. THOMAS McRAE:** I'm here, Commissioner. I'm
9 just having trouble starting my video. Thank you.

10 **--- CROSS-EXAMINATION BY MR. THOMAS McRAE:**

11 **MR. THOMAS McRAE:** Good evening, Mr. Di Tommaso.
12 Could I please -- my name is Tom McRae and I am acting for the
13 Windsor Police Service.

14 Could I please ask, Mr. Clerk, that you go to Mr.
15 Di Tommaso's witness statement which is 00000041? If you could
16 go to page 7 please, I'd be grateful.

17 As I -- and I'm starting right here after
18 "Request for Assistance and Policing Jurisdiction".

19 **DSG MARIO Di TOMMASO:** I'm sorry, where are you
20 at? Where are you at?

21 **MR. THOMAS McRAE:** I'm sorry. There's a heading
22 on -- oh, please scroll down, Mr. Clerk. We can't see it.
23 There it is, there it is. Sorry. "Request for Assistance and
24 Policing Jurisdiction."

25 "Mr. Di Tommaso explained that the
26 *Police Services Act* sets out how
27 municipal police services are to make
28 requests for assistance pursuant to

1 section 9 --- "

2 **COMMISSIONER ROULEAU:** Can you slow down a bit
3 for the interpreters, please?

4 **MR. THOMAS McRAE:** Pardonnez-moi.

5 "--- which applies when the chief of police is of the opinion
6 that an emergency exists in the municipality."

7 Mr. Clerk, could you please go now to Commission
8 Document 00000819? This should be, if I got my number right,
9 the *Police Services Act*.

10 If you could scroll down to section 9, which is,
11 I think, about seven pages in?

12 Okay. Sorry, I'm wrong. Down some more, please.
13 A little more. Okay. We're getting there. Yes.

14 Could you go down to -- go down, scroll down a
15 little more, please? If I can draw your attention, Mr. Di
16 Tommaso, to subparagraph 6 of that Section 9 of the *Police*
17 *Services Act*, is that the subsection of Section 9 that you were
18 referring to in the first sentence of the paragraph in your
19 witness we just went to?

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

21 **MR. THOMAS McRAE:** Is it correct that there is no
22 requirement in the *Police Services Act* that this request must be
23 given in writing?

24 **DSG MARIO Di TOMMASO:** I agree.

25 **MR. THOMAS McRAE:** And if I can take your
26 attention to the next subsection, it says,

27 "A chief of police who makes a request
28 under subsection (6) shall advise the

1 chair of the board of the fact as soon
2 as possible."

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

4 **MR. THOMAS McRAE:** Is it, sir, that this
5 subsection contemplates an emergency which is so vital that the
6 Chief of Police would speak to the Commissioner before he speaks
7 to the Chair of the Board?

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

9 **MR. THOMAS McRAE:** And, in fact, in those
10 circumstances, it would be unreasonable or unnecessary for the
11 initial request to be put into writing?

12 **DSG MARIO Di TOMMASO:** I agree.

13 **MR. THOMAS McRAE:** Thank you. We've heard
14 evidence within this Commission hearing about requests that had
15 been made to the OPP just by speaking with them on the phone,
16 and the OPP has responded with PLT service or other frontline
17 officers. Is that the ordinary course of conduct for the OPP?

18 **DSG MARIO Di TOMMASO:** Well, I can't speak for
19 the OPP in terms of the way in which they receive requests, but
20 I would generally agree with you.

21 **MR. THOMAS McRAE:** Okay. Thank you. Those are
22 my questions.

23 **COMMISSIONER ROULEAU:** Thank you. Next I'd like
24 to call on the City of Windsor.

25 Still okay?

26 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

27 **MS. JENNIFER KING:** Good evening, Mr. Di Tommaso.

28 **DSG MARIO Di TOMMASO:** Good evening.

1 **MS. JENNIFER KING:** My name is Jennifer King. I
2 am Counsel to the City of Windsor.

3 **DSG MARIO Di TOMMASO:** Hello.

4 **MS. JENNIFER KING:** Hello. Mayor Dilkens of the
5 City of Windsor testified on Monday that he had at least one
6 conversation with the Solicitor General during the blockade of
7 the Ambassador Bridge. Were you present during these calls?

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

9 **MS. JENNIFER KING:** Were you aware of these
10 calls?

11 **DSG MARIO Di TOMMASO:** Generally speaking.

12 **MS. JENNIFER KING:** Okay. What did the Solicitor
13 General or her office do in response to her call or calls with
14 Mayor Dilkens?

15 **DSG MARIO Di TOMMASO:** You'd have to tell me what
16 the nature of the conversation was before I can respond.

17 **MS. JENNIFER KING:** Well, were you aware of the
18 nature of the conversation?

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

20 **MS. JENNIFER KING:** Okay. I'll just move on.
21 You testified that you consulted with Commissioner Carrique on
22 the Emergency Declaration and measures; correct?

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

24 **MS. JENNIFER KING:** Did you consult with Windsor
25 or the Windsor Police Service to determine what tools they may
26 need to more effectively resolve issues in Windsor?

27 **DSG MARIO Di TOMMASO:** Not to my knowledge.

28 **MS. JENNIFER KING:** Okay. You agree that the

1 blockade of the bridge, the Ambassador Bridge, impacted people's
2 livelihoods not only in Windsor-Essex Region but also throughout
3 the province of Ontario?

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

5 **MS. JENNIFER KING:** You acknowledge in your
6 testimony today that the impact of the Ambassador Bridge
7 blockade on the economy of Canada and Ontario was apparent;
8 right?

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

10 **COMMISSIONER ROULEAU:** Could you go a little
11 slower again, please?

12 **MS. JENNIFER KING:** Yes. And it was apparent how
13 important the crossing is to Canada and Ontario?

14 **DSG MARIO Di TOMMASO:** It was all over mainstream
15 media, yes.

16 **MS. JENNIFER KING:** So you would agree with me
17 then that the provincial, federal, and of course, Windsor's
18 efforts and resources expended to clear the blockade and protect
19 the bridge from the return of a blockade benefitted the entire
20 province?

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

22 **MS. JENNIFER KING:** Earlier this evening you
23 talked about the importance of a coordinated response at all
24 levels of government; right?

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

26 **MS. JENNIFER KING:** I'm not going to bring up the
27 letter in the interest of time and the time of day, but there is
28 a letter from Mayor Dilkens of Windsor to the Solicitor General,

1 Minister Mendocino and Minister Blair. Are you aware of that
2 letter from March?

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

4 **MS. JENNIFER KING:** Well, then I will ask the
5 Clerk to bring it up. It's WIN00002240. So as I said, this is
6 a letter in March that is to the Solicitor General and others,
7 and I take it you were not aware of the letter?

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

9 **MS. JENNIFER KING:** It was not raised to your
10 attention?

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

12 **MS. JENNIFER KING:** Okay. And if you could just
13 go to the second page, please? You'll see here, the second full
14 paragraph, last sentence, Mayor Dilken writes that it is
15 apparent for,

16 "..."the need for broader collaboration
17 and support from Provincial and Federal
18 governments to bolster the safety and
19 security of our borders appears
20 obvious."

21 Would you agree with Mayor Dilkens?

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

23 **MS. JENNIFER KING:** Mayor Dilkens goes on to
24 request a meeting to debrief emergency regulatory obligations
25 regarding the Ambassador Bridge. Did you discuss the Mayor's
26 request for a meeting at the time with the Solicitor General?

27 **DSG MARIO Di TOMMASO:** I was not aware of this
28 letter.

1 **MS. JENNIFER KING:** Okay. The Mayor has
2 testified that he did not receive a response to this letter.
3 Can you tell me now, is the Minister of the Solicitor General
4 willing to meet with Windsor, other Ministries at the provincial
5 level and federal representatives to discuss long-term needs and
6 planning to protect Windsor's international crossings?

7 **DSG MARIO Di TOMMASO:** I have not spoken to the
8 current Minister about this issue.

9 **MS. JENNIFER KING:** Okay. As of February 2022,
10 emergency management was your responsibility as part of the
11 Public Safety Division of Community Safety ---

12 **DSG MARIO Di TOMMASO:** Sorry, as of what date?

13 **MS. JENNIFER KING:** February of this year.

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

15 **MS. JENNIFER KING:** And you were the Commissioner
16 of Emergency Management?

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

18 **MS. JENNIFER KING:** And you'll agree that
19 Ontario, like all jurisdictions in Canada, uses a bottom-up
20 approach to emergency management; correct?

21 **DSG MARIO Di TOMMASO:** Used a what approach?

22 **MS. JENNIFER KING:** Bottom-up approach.

23 **DSG MARIO Di TOMMASO:** I don't know what that
24 means.

25 **MS. JENNIFER KING:** Okay. This means that
26 municipalities are generally responsible for managing most
27 emergencies; correct?

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

1 **MS. JENNIFER KING:** Local authorities are the
2 front lines of emergency response?

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

4 **MS. JENNIFER KING:** The *EMCPA* requires that each
5 municipality prepare and adopt its own emergency response plan;
6 correct?

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

8 **MS. JENNIFER KING:** And in your experience, I
9 take it, the province does not typically critique or override
10 these plans?

11 **DSG MARIO Di TOMMASO:** The Emergency Management
12 of Ontario is in receipt of these emergency plans from every
13 municipality. They are reviewed. So I don't know to what
14 extent any advice or critique is presented back to the
15 municipality.

16 **MS. JENNIFER KING:** But it is the municipality
17 that adopts those plans; correct?

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

19 **MS. JENNIFER KING:** And by Order in Council,
20 you're aware that Ontario has assigned a number of Ministries
21 and their Minister's responsibility for preparing emergency
22 management plans and programs for specific types of emergencies?

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

24 **MS. JENNIFER KING:** Are you aware, is there an
25 emergency plan or program at the provincial level targeted at
26 the prevention, mitigation, preparedness, response and recovery
27 of emergencies related to critical infrastructure like the
28 Ambassador Bridge?

1 **DSG MARIO Di TOMMASO:** I know that every Ministry
2 is required by the *EMCA* to have an emergency management plan.

3 **MS. JENNIFER KING:** Are you aware if any of those
4 plans address threats to critical infrastructure like at the
5 Ambassador Bridge?

6 **DSG MARIO Di TOMMASO:** I am aware that there is
7 current legislation on the books, *Keeping Ontario Open for*
8 *Business Act*, that does just that.

9 **MS. JENNIFER KING:** Okay. Which Ministry would
10 be responsible for such a plan?

11 **DSG MARIO Di TOMMASO:** The Minister, to my
12 understanding, that is responsible currently for the *Keeping*
13 *Ontario Open for Business Act*, which addresses critical
14 infrastructure, is Treasury Board.

15 **MS. JENNIFER KING:** Okay. And the Minister of
16 the Solicitor General is responsible to coordinate the overall
17 provincial emergency response?

18 **DSG MARIO Di TOMMASO:** Not currently.

19 **MS. JENNIFER KING:** That's been transferred to
20 the Treasury Board as well?

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

22 **MS. JENNIFER KING:** As of February 2022, it was
23 your Ministry's responsibility?

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

25 **MS. JENNIFER KING:** Are you aware, has the Order
26 in Council assigning responsibility been updated?

27 **DSG MARIO Di TOMMASO:** I am not aware.

28 **MS. JENNIFER KING:** So turning briefly back to

1 municipal emergencies, will you agree with me that the PEOC does
2 not send someone to manage municipal emergencies alongside the
3 municipality?

4 **DSG MARIO Di TOMMASO:** Are you talking about
5 PEOC?

6 **MS. JENNIFER KING:** Yes.

7 **DSG MARIO Di TOMMASO:** They do send field
8 advisors to provide support and I know that that was done with
9 regards to Windsor.

10 **MS. JENNIFER KING:** So this is a field officer
11 who liaises with the community; correct?

12 **DSG MARIO Di TOMMASO:** With the Community
13 Emergency Management Coordinator, yes.

14 **MS. JENNIFER KING:** Correct. And but the
15 management of the emergency is left to the emergency management
16 experts and trained emergency responders in the municipality?

17 **DSG MARIO Di TOMMASO:** Correct, and there is
18 support and advice provided by the field officer from EMO.

19 **MS. JENNIFER KING:** And it's your understanding
20 that advice was provided by the field officer of EMO to Windsor?

21 **DSG MARIO Di TOMMASO:** Those are the duties of
22 the field officer that was deployed.

23 **MS. JENNIFER KING:** It is my understanding that
24 the Chief Laforet, the CEMC for the Municipality of Windsor,
25 provided information to the field officers throughout this
26 protest?

27 **DSG MARIO Di TOMMASO:** I accept that.

28 **MS. JENNIFER KING:** Okay. All right. So we've

1 heard about the -- at the municipal level, the roles of
2 municipal emergency management in these protests earlier in the
3 hearing. At the provincial level, you'll agree with me that the
4 Solicitor General was the lead Ministry for Ontario's response?

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

6 **MS. JENNIFER KING:** And will you agree with me
7 that the Solicitor General's office did not communicate to
8 municipalities that the Solicitor General was the lead Ministry?

9 **DSG MARIO Di TOMMASO:** I don't know that.

10 **MS. JENNIFER KING:** Okay. We've heard that other
11 Ministries had a role in the emergency response, including MTO?

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

13 **MS. JENNIFER KING:** And MMAH?

14 **DSG MARIO Di TOMMASO:** To what extent MMAH had a
15 role I'm not entirely sure. I know that they managed two
16 disaster recovery funds with regards to people, individuals and
17 businesses.

18 **MS. JENNIFER KING:** Well, it was the Solicitor
19 General's office's role to coordinate the Ministry's response?

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

21 **MS. JENNIFER KING:** Okay. Did your Ministry
22 circulate to municipalities through EMO or PEOC or otherwise,
23 the roles and responsibilities of the different Ministries
24 engaged in the emergency response?

25 **DSG MARIO Di TOMMASO:** I don't know the answer to
26 that.

27 **MS. JENNIFER KING:** Other than collecting and
28 sharing these daily consolidated situation reports that we've

1 been referring to, did Emergency Management Ontario or PEOC have
2 any other role during the protest in February?

3 **DSG MARIO Di TOMMASO:** Right. So they played an
4 advisory role should municipalities have any need for advice
5 from the provincial experts that were made available to them.

6 **MS. JENNIFER KING:** Are you aware that any
7 municipalities asked for advice from these provincial experts?

8 **DSG MARIO Di TOMMASO:** I'm not sure that there
9 would be a requirement to ask first. The duties of field
10 officers are to be present and to provide that advice upon
11 request, and if they see that something is not going according
12 to plan, they are certainly free to provide that advice.

13 **MS. JENNIFER KING:** Okay. Did you have any
14 conversations with the field officers yourself who were assigned
15 to Windsor?

16 **DSG MARIO Di TOMMASO:** I did not.

17 **MS. JENNIFER KING:** Okay. Thank you. You had
18 told the Commissioner that as of February 11th, the PEOC was put
19 in full activation mode; correct?

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

21 **MS. JENNIFER KING:** Is it possible that prior to
22 February 11th, the PEOC was in enhanced monitoring mode but for
23 COVID-19 and not the protests?

24 **DSG MARIO Di TOMMASO:** No, I wouldn't say that.
25 They were in enhanced monitoring mode for both.

26 **MS. JENNIFER KING:** Okay. And are you aware that
27 there have been amendments to the *Emergency Management and Civil*
28 *Protection Act*?

1 DSG MARIO Di TOMMASO: Yes.

2 MS. JENNIFER KING: And they received royal
3 assent in April this year?

4 DSG MARIO Di TOMMASO: I'm not sure of the date.
5 I'll accept your word.

6 MS. JENNIFER KING: Were you consulted on these
7 amendments?

8 DSG MARIO Di TOMMASO: Yes.

9 MS. JENNIFER KING: And are you aware, was there
10 any consultation with municipalities in preparing the amendments
11 to the *EMCPA*?

12 DSG MARIO Di TOMMASO: I don't know the answer to
13 that.

14 MS. JENNIFER KING: Okay. There's a number of
15 new sections to the Act?

16 DSG MARIO Di TOMMASO: Yes.

17 MS. JENNIFER KING: Yes, and one of them requires
18 the Solicitor General to develop a written framework for
19 accountability and governance during emergencies?

20 DSG MARIO Di TOMMASO: Yes.

21 MS. JENNIFER KING: And that written framework
22 has to be made available to the public?

23 DSG MARIO Di TOMMASO: Yes.

24 MS. JENNIFER KING: No such framework was
25 prepared or publicised prior to the protests earlier this year?

26 DSG MARIO Di TOMMASO: There was not a
27 requirement to publish a framework prior to April of this year.

28 MS. JENNIFER KING: Understood, but there wasn't

1 a framework that was available publicly?

2 **DSG MARIO Di TOMMASO:** There was a provincial
3 emergency management plan that was available online.

4 **MS. JENNIFER KING:** Okay. I am aware of that
5 document. Thank you very much. Those are my questions.

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

7 **COMMISSIONER ROULEAU:** Thank you. Next I'd like
8 to call on the City of Ottawa.

9 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

10 **MS. ALYSSA TOMKINS:** Good evening, Mr. Di
11 Tommaso. My name is Alyssa Tomkins. I am one of the lawyers
12 representing the City of Ottawa.

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

14 **MS. ALYSSA TOMKINS:** Now you testified earlier
15 that the Police Board of jurisdiction is in the best position to
16 determine whether adequate and effective police services are
17 being provided; correct?

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

19 **MS. ALYSSA TOMKINS:** You also testified that the
20 Board has the exclusive responsibility for the oversight of the
21 Chief and ensuring adequate and effective police services are
22 being provided in the municipality; do I have that right?

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

24 **MS. ALYSSA TOMKINS:** And what I want to follow up
25 on initially is how this relates to Section 3(2) of the *Police*
26 *Services Act*, and I think you addressed it with one of my
27 friends, but that section, of course, provides that,

28 "The Solicitor General shall,

1 [...] monitor police forces to ensure
2 that adequate and effective police
3 services are provided at the municipal
4 and provincial levels."

5 Correct?

6 **DSG MARIO Di TOMMASO:** May I ask that you put
7 that section up, please?

8 **MS. ALYSSA TOMKINS:** Sure. So the *Police*
9 *Services Act* is at document COM00000, I think that's 5 0s 819.

10 And page 7, Mr. Clerk. So if we just scroll
11 down, right there. So 3(2), right under duties and powers of
12 Solicitor General. We start right away with,

13 "The Solicitor General shall,
14 [...] monitor police forces to ensure
15 that adequate and effective police
16 services are provided at the municipal
17 and provincial levels."

18 **DSG MARIO Di TOMMASO:** Yes, that's one of her --
19 one of the duties, yes.

20 **MS. ALYSSA TOMKINS:** And I put to you that the
21 Supreme Court of Canada has said that the Solicitor General has
22 a duty to ensure that the Board provides adequate and effective
23 services in a municipality.

24 **DSG MARIO Di TOMMASO:** So I'm not aware of that
25 Supreme Court case but I will take your word for it.

26 **MS. ALYSSA TOMKINS:** Yeah, we'll deal with that
27 in submission. Okay. But you don't have any reason to
28 contradict that understanding?

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

2 **MS. ALYSSA TOMKINS:** Okay. Now one of the ways
3 that the Solicitor General fulfills this duty, as I understand
4 your evidence, is through a Police Services Advisor; correct?

5 **DSG MARIO Di TOMMASO:** That's one of the ways.
6 The other way she fulfills this duty is by speaking to Chiefs of
7 Police and receiving public complaints with regards to adequate
8 and effective police services. So if the Solicitor General is
9 aware of public complaints that the Service is not delivering
10 adequate and effective police services, Solicitor General can
11 take action.

12 **MS. ALYSSA TOMKINS:** Right. And we'll come to
13 that, of course. But I want to focus right now on the Police
14 Services Advisor. So we looked earlier at the February 5th
15 meeting of the Ottawa Police Services Board, and it was the one
16 you were texting with Commissioner Carrique about. So if we
17 could bring up the document ONT, and I think it's 00001115.

18 If you can just scroll down, I'm going to focus
19 on the first four bullets -- oh, if we can actually go to the
20 top first. So this is -- we've discussed earlier, you
21 discussed, I should say, that Lindsay Gray was the solicitor,
22 and we see that this is a Board meeting summary note for the
23 Inspector General of Policing and that was the gentleman that
24 you said reported to you?

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

26 **MS. ALYSSA TOMKINS:** Okay. Now if we -- so this
27 is her report. So if we can scroll down, the first -- the four
28 bullets. So we have,

1 "Chair Deans commented that the city is
2 under siege and this is a threat to
3 democracy, a nation-wide insurrection;
4 the current situation is "madness" and
5 stated that there needs to be a
6 concrete plan to end this now

7 And this gets important here.

8 "Chair Deans stated that the meeting
9 was called to ask the chief one
10 question - in accordance with the
11 mandate for the delivery of adequate
12 and effective policing, she asked the
13 chief if he [still] believes he is
14 [...] able to provide, given the fluid
15 nature of the occupation, adequate and
16 effective policing to the city of
17 Ottawa.

18 If not, the Chair asked what legal
19 authorities, what resources from the
20 board or what assistance the board can
21 provide at this time."

22 And the Chief starts answering, and he says,

23 "The Chief committed to lay out where
24 the service is at and what their plan
25 is. He did comment that there is
26 nothing in the definition of adequate
27 and effective policing that could
28 resolve a city under siege, a

1 threatened democracy, a nation-wide
2 insurrection. He further commented
3 that a police service is not
4 created/contemplated to deal with a
5 city under siege and as such, there is
6 not necessarily a concrete plan for
7 such a scenario as described."

8 Now I don't think we have time to read the whole
9 document, but you'll agree the Chief does not say yes. He does
10 not say, "I'm able to provide adequate and effective police
11 services."

12 **DSG MARIO Di TOMMASO:** So I wasn't there at that
13 meeting and I've only read this particular report in preparation
14 for this testimony.

15 **MS. ALYSSA TOMKINS:** Yeah, so what I want to
16 understand though is that this report was provided to your
17 subordinate. And I'm wondering, did alarm bells not start
18 ringing at the Ministry?

19 **DSG MARIO Di TOMMASO:** So I was relying on the
20 information provided to me by Ken Weatherill.

21 **MS. ALYSSA TOMKINS:** Okay. And at the same time,
22 by this point, you were aware that by February 2nd, former Chief
23 Sloly has stated that he doesn't believe there's a policing
24 solution.

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

26 **MS. ALYSSA TOMKINS:** So your department is
27 getting this report at the same time he's saying that. And I
28 ask again, are alarm bells not ringing?

1 **DSG MARIO Di TOMMASO:** No, because Ottawa Police
2 Service was getting sufficient and significant support and
3 resources from the OPP.

4 **MS. ALYSSA TOMKINS:** Sir, you testified that the
5 Police Service Board is in the best place to assess whether
6 there's adequate or effective police services being provided.

7 **DSG MARIO Di TOMMASO:** Right. And those services
8 were being provided by Ottawa Police Service and the OPP.

9 **MS. ALYSSA TOMKINS:** We see here that the Chief
10 was asked on point if he could, and he didn't answer yes.

11 And we can go to an internal OPB document. Let's
12 bring that up. Chair Deans' speaking notes from this meeting.
13 OPB0000655.

14 **THE CLERK:** Sorry, is that OPB or OP ---

15 **MS. ALYSSA TOMKINS:** Yeah, OPB, as in bravo,
16 00000655. And these are Chair Deans' speaking notes from that.
17 And if we scroll down, ---

18 **DSG MARIO Di TOMMASO:** I'm sorry, whose speaking
19 notes are these?

20 **MS. ALYSSA TOMKINS:** Chair Diane Deans.

21 **DSG MARIO Di TOMMASO:** I've never seen this
22 before.

23 **MS. ALYSSA TOMKINS:** Okay. But these are from
24 the minutes. So I'm just going to scroll down further.

25 And the Chair says:

26 "I called the meeting to ask the Chief if
27 he was still able to provide adequate and
28 effective policing to residents of this

1 city.
2 The Chief confirmed that he could not.
3 Which was very troubling to hear. The
4 Board requested what additional resources
5 he needed to restore calm and protest
6 residents."

7 So that was what was stated by her, and what your
8 staff member reported. And she didn't say no, but she did not
9 say yes. You'll agree?

10 **DSG MARIO Di TOMMASO:** So that information was
11 not communicated to me. Any concerns about the provision of
12 adequate and effective police services were mitigated by the
13 fact that the OPP was providing significant resources to assist
14 the Ottawa Police Service.

15 **MS. ALYSSA TOMKINS:** Sir, you testified earlier
16 that those resources were contingent on the existence of an
17 operational plan.

18 **DSG MARIO Di TOMMASO:** That's not what I
19 testified to. The resources for the provision of Public Order
20 Units to dismantle the occupation were contingent on a fully
21 developed plan to dismantle the occupation. The OPP was
22 providing significant and sufficient resources to address any of
23 those concerns.

24 **MS. ALYSSA TOMKINS:** Sir, I put to you that what
25 the Chief described was that with the state of the occupation,
26 he called it a near siege, a threat to democracy, that with the
27 occupation in place, that he was unable to provide adequate and
28 effective policing. And that's noted in the report that went to

1 your subordinate.

2 **DSG MARIO Di TOMMASO:** Right. And any risks, as
3 I've -- I'm sorry, any concerns were mitigated by the fact that
4 the Commissioner of the OPP was working hand in hand with Chief
5 Sloly and providing significant resources to address those
6 concerns.

7 **MS. ALYSSA TOMKINS:** They were contingent on the
8 provision of a plan though?

9 **DSG MARIO Di TOMMASO:** No. No. Please do not
10 put words in my mouth. The resources to dismantle the
11 occupation were contingent on the operational plan that dealt
12 with that issue. The OPP was providing resources with regards
13 to maintenance and public safety without that plan.

14 **MS. ALYSSA TOMKINS:** And we looked at text
15 messages earlier that by February 6th, you acknowledged -- or it
16 was in the text to you, that there was a lack of a plan to
17 dismantle the operation by Chief Sloly; correct?

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

19 **MS. ALYSSA TOMKINS:** Okay. Now one thing I want
20 to look at, because I'm running out of time, is questions,
21 because we see the Board is floundering. The Board is asking we
22 need -- "We don't know what authorities we have in the event
23 there's not adequate and effective policing." So ---

24 **DSG MARIO Di TOMMASO:** There is a Morden Report
25 that speaks to that.

26 **MS. ALYSSA TOMKINS:** And what I'm going to put to
27 you though is that there's a provision of the Act, and it's
28 section 9, and I'm going to suggest to you that that section is

1 what deals with a situation where a Police Board or a Chief
2 determines that he's unable to provide adequate and effective
3 policing. You'll agree?

4 **DSG MARIO Di TOMMASO:** Yes, section 9 deals with
5 that issue.

6 **MS. ALYSSA TOMKINS:** Okay. Now what I want to
7 understand, so the Board was asking lots of questions of your
8 subordinates.

9 And if we go first to ONT00001111. And if we
10 scroll down a bit?

11 I just wanted to draw this to your attention,
12 that it goes to Kenneth Weatherill. And if I'm not mistaken,
13 that's the gentleman that's the Inspector General ---

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

15 **MS. ALYSSA TOMKINS:** --- of Policing? And I just
16 wanted to show you that he notes that these are very good
17 questions. And if we scroll down, we see that they're from the
18 Ottawa Police Services Board looking for guidance from the
19 Solicitor General.

20 **DSG MARIO Di TOMMASO:** Right. And that guidance
21 was provided, because it clearly states in that email that the
22 Morden Report was referenced. Chair Deans had the knowledge, as
23 you indicated just now, that the Ottawa Police Service,
24 according to Chief Sloly, was not providing those services. So
25 then section 9 would apply.

26 Under that situation, my testimony is that the
27 Chair, upon a resolution of the entire Board, had the ability to
28 ask the OPP Commissioner to come in and give assistance.

1 **MS. ALYSSA TOMKINS:** I agree with you, but let's
2 go to the answer to these questions.

3 So if we can go to the response ---

4 **COMMISSIONER ROULEAU:** You're going to have to
5 make it quick, because ---

6 **MS. ALYSSA TOMKINS:** I will. I'm ---

7 **COMMISSIONER ROULEAU:** --- you're out of time.

8 **MS. ALYSSA TOMKINS:** If I could just have a bit
9 more time? I think this is an important point.

10 **COMMISSIONER ROULEAU:** Yes, but -- sure. Make it
11 ---

12 **MS. ALYSSA TOMKINS:** Okay.

13 **COMMISSIONER ROULEAU:** --- to the point.

14 **MS. ALYSSA TOMKINS:** ONT00001118. And this is
15 the response that was provided. And I'm going to put to you
16 that nowhere in this document is section 9 mentioned.

17 **DSG MARIO Di TOMMASO:** I don't know what this
18 document is. I'm sorry.

19 **MS. ALYSSA TOMKINS:** This is the response, if you
20 look at the top, and you are going to have to take my word, but
21 it says "Q&A to support Ottawa PSB meeting re: board rules and
22 responsibilities". And if we look at the list of questions that
23 Mr. Weatherill said were good questions, these are the
24 questions, and these appear to be the responses. They're
25 produced from your department.

26 So if we scroll through, and I am short on time,
27 I'm cognizant, but what we see is that section 9 is never
28 suggested. And I want to understand, why was that never

1 suggested?

2 **DSG MARIO Di TOMMASO:** So that would be a
3 question for the Police Service Board Advisor.

4 Having said that, it is my expectation that
5 Police Service Board Chairs and all members be intimately
6 familiar with their duties and responsibilities in the *Police*
7 *Services Act*. They have access to independent legal counsel,
8 they have access to Executive Directors as well. The Advisor
9 cannot be the only source of information that they rely upon.

10 **MS. ALYSSA TOMKINS:** We started this examination
11 by talking about the duty on the Solicitor General to ensure
12 that the Board is providing adequate and effective policing. It
13 was very clear from these questions that the Board was having
14 trouble understanding what to do in what we've all described as
15 an unprecedented situation.

16 Why was section 9 not suggested to the Board as
17 an option in light of the fact that the Chief could not confirm
18 -- as Lindsey Gray stated in her note, the Chief did not confirm
19 that he was able to provide adequate and effective services?

20 **DSG MARIO Di TOMMASO:** So that's a question for
21 Lindsey Gray.

22 **MS. ALYSSA TOMKINS:** So I put to you that it was
23 never mentioned because Ontario didn't want it to happen?

24 **DSG MARIO Di TOMMASO:** I reject that assertion
25 completely.

26 **MS. ALYSSA TOMKINS:** And I put to you that
27 Ontario didn't want the Province to publicly take responsibility
28 for the situation in Ottawa?

1 **DSG MARIO Di TOMMASO:** I reject that assertion
2 completely.

3 **MS. ALYSSA TOMKINS:** Those are my questions.
4 Thank you.

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

6 **COMMISSIONER ROULEAU:** Okay. Thank you. Next is
7 the Government of Saskatchewan.

8 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

9 **MR. MICHAEL MORRIS:** Good evening, sir. My name
10 is Mike Morris. I'm counsel for the Government of Saskatchewan.

11 I only want to talk about one phone call with you
12 tonight. So it should hopefully be pretty straightforward.

13 It's a phone call you had with Deputy Minister Stewart of Public
14 Safety Canada at about 8:55 a.m. on February 14th.

15 And like any good police officer, I think you
16 made good contemporaneous notes, so that's going to help us out
17 quite a bit.

18 I just ask that the following be pulled up by the
19 Registrar. ONT00003847.

20 Do you recognize your notes, sir?

21 **DSG MARIO Di TOMMASO:** I do.

22 **MR. MICHAEL MORRIS:** Dated February 14th, 2022.
23 Time recorded as 8:55. I take it that's a.m.; correct?

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

25 **MR. MICHAEL MORRIS:** This is a call with Deputy
26 Minister Stewart. Did you initiate that call or did he? Do you
27 recall?

28 **DSG MARIO Di TOMMASO:** I don't recall.

1 **MR. MICHAEL MORRIS:** Okay. Your notes state:
2 "I inquire as to whether Federal
3 emergencies Act will be invoked today."

4 And the next note is "Silence" with an
5 exclamation point; correct?

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

7 **MR. MICHAEL MORRIS:** So you asked the question.
8 You were met with silence then?

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

10 **MR. MICHAEL MORRIS:** Can we go to the next page
11 of the PDF? I think this is a continuation of your notes from
12 that same call. I'm just going to ask you to confirm that for
13 me though.

14 **DSG MARIO Di TOMMASO:** I believe so.

15 **MR. MICHAEL MORRIS:** So if I read this correctly,
16 you then have written down:

17 "I am informed PM made a decision that FM
18 meeting called, followed by press
19 conference. Cabinet meeting held last
20 night."

21 Did I read that correctly?

22 **DSG MARIO Di TOMMASO:** You did.

23 **MR. MICHAEL MORRIS:** PM would mean Prime
24 Minister?

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

26 **MR. MICHAEL MORRIS:** FM meeting would be First
27 Ministers meeting then?

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

1 **MR. MICHAEL MORRIS:** So was this Deputy Minister
2 Stewart advising you then that a Cabinet meeting had occurred
3 last night, that the Prime Minister had made a decision, and
4 that a First Ministers meeting was to occur and to be followed
5 by a press conference that day? Is that fair?

6 **DSG MARIO Di TOMMASO:** That would be fair.

7 **MR. MICHAEL MORRIS:** And then your next note is:

8 "I advise from my perspective that sounds
9 like federal [government] invoking
10 *Emergencies Act.*"

11 Correct?

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

13 **MR. MICHAEL MORRIS:** And your final note of this
14 phone call, if I understand it correctly, is:

15 "Silence from Rob Stewart."

16 Is that correct?

17 **DSG MARIO Di TOMMASO:** Yes. I think some context
18 is important as well. The reason why I'm having this discussion
19 and asking these questions is because Deputy Minister Stewart
20 referenced the previous day, I believe, on the 13th, that the
21 Federal Government was considering an emergency declaration, but
22 they were exceptionally reluctant to do so because the
23 provincial emergencies regulations had more teeth in terms of
24 financial penalties. So that's why this discussion was
25 happening.

26 **MR. MICHAEL MORRIS:** And this was a very
27 important discussion from your perspective, I take it?

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

1 **MR. MICHAEL MORRIS:** And did you report this
2 information after you received it to anyone?

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

4 **MR. MICHAEL MORRIS:** Who did you report it to,
5 sir?

6 **DSG MARIO Di TOMMASO:** Minister Jones.

7 **MR. MICHAEL MORRIS:** And was it your
8 understanding then that the First Ministers meeting was going to
9 occur after this phone call that you'd had with Deputy Minister
10 Stewart?

11 **DSG MARIO Di TOMMASO:** I'm not entirely sure on
12 the timing.

13 **MR. MICHAEL MORRIS:** Okay. We can clarify the
14 timing with a different witness, likely from the Federal
15 Government.

16 Thank you, sir. Those are my questions for you.

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

18 **COMMISSIONER ROULEAU:** Thank you. Next I'd like
19 to call on the Government of Alberta.

20 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

21 **MS. STEPHANIE BOWES:** Good evening. My name is
22 Stephanie Bowes. I'm here as counsel for the Province of
23 Alberta.

24 Just one area to ask you a couple of questions
25 on.

26 Was it your understanding regarding tow trucks
27 and Ottawa that there were providers that were hesitant to
28 provide towing services because they were concerned about being

1 provided with an indemnity?

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

3 **MS. STEPHANIE BOWES:** And was it your
4 understanding that the *Emergency Management and Civil Protection*
5 *Act* does not grant the power to compel tow truck operators to
6 provide towing services?

7 **DSG MARIO Di TOMMASO:** That's exactly right.

8 **MS. STEPHANIE BOWES:** But is it also your
9 understanding that pursuant to that same Act, an order could be
10 made in respect of procuring necessary goods, services, and
11 resources?

12 **DSG MARIO Di TOMMASO:** Permitting the
13 procurement, yes.

14 **MS. STEPHANIE BOWES:** And that could include
15 towing services?

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

17 **MS. STEPHANIE BOWES:** And also under that Act, an
18 order could be made authorizing but not requiring any person to
19 render services of a type that person is reasonably qualified to
20 provide?

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

22 **MS. STEPHANIE BOWES:** And again ---

23 **DSG MARIO Di TOMMASO:** The Act does not provide
24 the ability to compel.

25 **MS. STEPHANIE BOWES:** Correct. And that again
26 could be towing services?

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

28 **MS. STEPHANIE BOWES:** Do you also understand that

1 the Act makes it an offence to interfere with or obstruct any
2 person in the exercise of a power or performance of a duty
3 conferred by an order under that Act?

4 **DSG MARIO Di TOMMASO:** You'd have to put that
5 section up. I'm sorry.

6 **MS. STEPHANIE BOWES:** Okay. Well we can do that
7 very quickly.

8 It's document CCF00000038. And, Mr. Clerk, if
9 you could please go to page 10. And scroll.

10 There we see the "offences" section, 7.0.11.

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

12 **MS. STEPHANIE BOWES:** And you'll see there that
13 it does make it an offence to interfere or obstruct a person
14 exercising a power under that -- under an order?

15 **DSG MARIO Di TOMMASO:** I agree.

16 **MS. STEPHANIE BOWES:** And then scrolling down
17 again to page 13, we'll look at section 11(1).

18 And this section protects anyone acting under an
19 order made under the earlier section that deals with an order
20 authorizing services to be provided, protects them from
21 liability, as long as they're acting in good faith pursuant to
22 that order. You see that there?

23 **DSG MARIO Di TOMMASO:** I agree.

24 **MS. STEPHANIE BOWES:** And then down to page 14,
25 section 13.1. And subsection 3 there is compensation for loss
26 of property. There's a mechanism within this Act for someone to
27 be compensated for any loss of personal property the person
28 suffered as a result of an order made under the Act? Do you see

1 that?

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

3 **MS. STEPHANIE BOWES:** So do you agree that
4 certainly there are ways under this Act, although not to compel
5 tow truck drivers to act, but to at least ameliorate some of
6 their concerns with respect to financial liability for providing
7 towing services with respect to the protest in Ottawa?

8 **DSG MARIO Di TOMMASO:** To some extent. One thing
9 that 13.1(3) does not do is provide for compensation for any
10 loss to property from a future perspective. So if the tow truck
11 companies were concerned about being reimbursed for an arson,
12 for example, at their warehouse, that would not be provided for,
13 in my view, in regards to this particular section.

14 **MS. STEPHANIE BOWES:** And just to be clear,
15 you're talking about the theoretical possibility of the tow
16 truck operator towing that vehicle to their own warehouse, as
17 opposed to a government lot?

18 **DSG MARIO Di TOMMASO:** No, not necessarily. Even
19 participating in the program and having their building burnt
20 down at some point in time in the future.

21 **MS. STEPHANIE BOWES:** I'm sorry, I missed that
22 answer.

23 **DSG MARIO Di TOMMASO:** So I'm talking about the
24 theoretical possibility of a tow truck company having their
25 building burnt down for participating in the removal of tow
26 trucks.

27 **MS. STEPHANIE BOWES:** So you're talking about an
28 act of arson?

1 DSG MARIO Di TOMMASO: Yes.

2 MS. STEPHANIE BOWES: Okay. Thank you. Those
3 are my only questions today.

4 DSG MARIO Di TOMMASO: Thank you.

5 COMMISSIONER ROULEAU: Thank you.

6 Next, the Democracy Fund.

7 MR. ALAN HONNER: Good evening, Commissioner.

8 Alan Honner for the Democracy Fund. We do not have any
9 questions for this witness.

10 COMMISSIONER ROULEAU: Next, the CLA/CCDL.

11 MS. COLLEEN McKEOWN: Good evening. It's Colleen
12 McKeown. Our questions have been asked. Thank you very much.

13 COMMISSIONER ROULEAU: The National Police
14 Federation?

15 MS. JEN DEL RICCIO: Thank you, Mr. Commissioner.
16 This is Jen Del Riccio for the NPF. Our questions for this
17 witness have been asked and answered. We have nothing further.
18 Thank you.

19 COMMISSIONER ROULEAU: The Ontario
20 representative?

21 --- CROSS-EXAMINATION BY MR. DARRELL KLOEZE:

22 MR. DARRELL KLOEZE: Thank you, Commissioner.

23 My name is Darrell Kloeze. I'm counsel for the
24 Province of Ontario.

25 Good evening, Mr. Di Tommaso.

26 I only have a few questions for you, and honestly
27 these are just for purpose of clarifying the record, given that
28 we're not a party to this proceeding and we will not be

1 attending at the evidence of the Federal Representatives.

2 The one point I wanted to raise, Mr. Di Tommaso,
3 you were asked questions, both by Commission Counsel and by
4 counsel for Canada, about the tripartite meetings taken at the
5 Ministers level. So these were the meetings that the Solicitor
6 General was invited to. And I think Commission Counsel did put
7 it to you that, at some point, there were calls between Federal
8 Minister Mendocino and the Premier, and the Premier had
9 expressed that he would send the Solicitor General to these
10 meetings, but then later said that he would not send the
11 Solicitor General. Do you remember those questions from the
12 Commission Counsel?

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

14 **MR. DARRELL KLOEZE:** Counsel for Canada put a
15 reference to you, a document reference, and I believe it was
16 SSM.CAN.NSC.00002832, and that's the document reference where
17 the -- I think it was the Chief of Staff of the Minister
18 Mendocino confirmed that the Premier said he would have Minister
19 Jones attend. We don't need to bring it up, but I just want to
20 put on the record the second document reference that wasn't put
21 to you by Counsel for Canada, and if we can put that up,
22 SSM.NSC.CAN.00001148. And obviously, Deputy, you weren't at any
23 of these meetings -- you weren't on any of these calls, so you
24 won't have any knowledge about them. I just wanted to put that
25 document up so we can see.

26 And if we can just scroll down a bit, Mike Jones,
27 I understand, is the Chief of Staff for Minister Mendocino. On
28 Wednesday, February 9th in the afternoon, the first paragraph,

1 "My boss spoke with Premier Ford just
2 before today's avail."

3 I understand that to mean press availability.

4 "My boss said [he] needed the province
5 at the table on policing efforts and
6 that the current blockades are harming
7 the economy and costing jobs. Ford
8 responded that he understood."

9 And if we go down to the second paragraph,
10 "Immediately following the media avail,
11 Ford called my boss again to say that
12 he wouldn't be sending Minister Jones
13 to the tripartite conversations..."

14 Again, I understand you weren't part of this --
15 these calls, but that seems to confirm to me that the Premier is
16 not going to send the Minister.

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

18 **MR. DARRELL KLOEZE:** And did you have any
19 discussions with the Minister about either of these
20 conversations?

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

22 **MR. DARRELL KLOEZE:** The second point -- actually
23 the second point I think has been covered in other questions.
24 One final point actually I do want to raise with you, and this
25 came up at the very beginning of your evidence today, Commission
26 Counsel asked you about whether the province participated IN
27 injunctions -- injunction hearings. And I think it was agreed
28 that the province did intervene at the request for an injunction

1 in Windsor?

2 **DSG MARIO Di TOMMASO:** Yes, and the province also
3 had an application to freeze the assets with regards to the
4 GoFundMe as well.

5 **MR. DARRELL KLOEZE:** And that was on or around
6 the same time as the injunction in Windsor, on or around
7 February 11th?

8 **DSG MARIO Di TOMMASO:** I believe so.

9 **MR. DARRELL KLOEZE:** And that injunction -- or
10 that freezing order was made by the Court?

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

12 **MR. DARRELL KLOEZE:** There was a question as to
13 whether the province intervened in the injunction brought in
14 Ottawa. I understand there were two injunctions in Ottawa, one
15 by a private citizen, but there was a second injunction, are you
16 aware, by the City of Ottawa?

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

18 **MR. DARRELL KLOEZE:** To -- in respect of bylaw
19 enforcement?

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

21 **MR. DARRELL KLOEZE:** And are you aware that the
22 province actually did intervene in that injunction as well?

23 **DSG MARIO Di TOMMASO:** I am aware.

24 **MR. DARRELL KLOEZE:** And one final matter, you've
25 mentioned a number of times in your evidence, and I just want to
26 make this legislative reference if I can, you've mentioned that
27 under the Federal Emergency Declaration, tow truck drivers were
28 compelled under that order to provide services if requested by

1 police?

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

3 **MR. DARRELL KLOEZE:** Under the Provincial Act,
4 the *EMCPA*, you've said it does not give the province that
5 authority to compel that type of service?

6 **DSG MARIO Di TOMMASO:** Right. It authorises but
7 does not require.

8 **MR. DARRELL KLOEZE:** Okay. And if we can just
9 turn up the Act, so we can see what it says on that? And we've
10 had the reference before a number of times. I believe it's
11 CCF00000038. Thank you, Mr. Registrar. And if you could turn
12 to page 7? And just turn to the top of the previous -- or the
13 bottom of the previous page. So emergency orders; you see that,
14 sir?

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

16 **MR. DARRELL KLOEZE:** "In accordance with
17 subsection (2) [...], the Lieutenant
18 Governor in Council may make orders in
19 respect of the following:"

20 And so these are the types of orders that can be
21 made if an Emergency Declaration is made by the -- either the
22 Premier or the Cabinet?

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

24 **MR. DARRELL KLOEZE:** And if you turn to paragraph
25 12 of that, just down, and is that what you're referring to when
26 you say that there is no ability of the province to compel a
27 service?

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

1 **MR. DARRELL KLOEZE:** And it reads,
2 "Authorizing, but not requiring, any
3 person, or [...] class of persons, to
4 render services of a type that that
5 person [...] is reasonably qualified to
6 provide."

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

8 **MR. DARRELL KLOEZE:** Thank you, sir. Those are
9 my questions.

10 Thank you, Commissioner.

11 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

12 **MS. NATALIA RODRIGUEZ:** No, no re-examination
13 from the Commission.

14 I just wonder if one of the parties may have been
15 skipped, the National Police Federation? No? They had no
16 questions?

17 **COMMISSIONER ROULEAU:** No, I believe I asked ---

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

19 **COMMISSIONER ROULEAU:** --- the National Police
20 Federation ---

21 **MS. NATALIA RODRIGUEZ:** Okay. Perfect. Well,
22 that ---

23 **COMMISSIONER ROULEAU:** Unless I fell asleep on
24 that one.

25 **MS. NATALIA RODRIGUEZ:** Yes, it's been a ---

26 **COMMISSIONER ROULEAU:** Wouldn't be the first
27 time. I've missed people before, but usually they speak up so.

28 **MS. NATALIA RODRIGUEZ:** I think it was me who was

1 sleeping this time. It's been a long day. Thank you,
2 Commissioner.

3 **COMMISSIONER ROULEAU:** Okay. If you have the
4 strength, there's just a couple of questions I'd like to ask
5 you.

6 As you know, I'm -- this Commission is concerned
7 with the Declaration of the Emergency and but also can make
8 recommendations on the *Emergency Act* and presumably dealing with
9 public order emergencies. And I guess I'm interested in views
10 you may have as to knowing as you do what happened in Ottawa,
11 what happened in Windsor, whether you might have some comments
12 or suggestions, and in particular, on how or whether there
13 should be more coordination on -- in areas where there is clear
14 overlap, such as border crossings, where the impact, if you
15 like, is much broader than Ontario, it's a federal, or Ottawa
16 where, as we know, the impact certainly was greater on the
17 federal government than the Parliamentary Precinct. And leaving
18 aside whether it was properly declared an emergency, which is
19 something I have to deal with, are there things in -- do you
20 view aspects of coordination in particular or other aspects of
21 the Act that might be reviewed?

22 **DSG MARIO Di TOMMASO:** Certainly. I think there
23 is an opportunity for greater coordination amongst governments
24 and police services and intelligence agencies. I think Chief
25 Sloly referred to that very thing, especially in regards to
26 intelligence sharing. And I would certainly endorse that
27 suggestion, recommendation by Chief Sloly. I've also had the
28 opportunity to briefly review the recommendations made by

1 Commissioner Carrique, and I certainly support and endorse those
2 recommendations that he's made.

3 Over and above that, I would also suggest, this
4 is my own personal opinion, that a task force of some type be
5 put together to study the issue of the right to protest. And
6 it's enshrined in the Constitution, but what are the limits,
7 because my understanding is that people have an understanding
8 that protests can occur at any time, in any location, for any
9 length of time. So are there reasonable limits that ought to be
10 imposed? I don't know what the answer to that is. That's
11 something that this Commission could certainly suggest that that
12 matter be studied in regards to lawful protest. There are
13 limits that can be prescribed. I'm not in a position to
14 determine what those limits ought to be. But certainly, I think
15 that the public needs to be reminded that when you exercise your
16 rights under the *Canadian Charter of Rights and Freedoms*, that
17 you also have responsibility to your fellow citizens as well,
18 and that those rights are certainly not absolute. Those are my
19 comments, Commissioner.

20 **COMMISSIONER ROULEAU:** Okay. If I could push you
21 a little bit on the -- an aspect that I'm interested in, which
22 is the coordination, and we've heard about the coordination in
23 Windsor that was very effective, police, and messaging from the
24 City, from all of the parties. And that messaging -- or the
25 coordination in Ottawa does not seem to have been as fluid at
26 the police level. I think we've heard evidence about that, nor
27 at the political level. And I think we've heard about that.

28 Is there something -- should there be a process

1 or a protocol for such events that involve the different orders
2 of government in such events? A protocol, or a best practices,
3 or something?

4 **DSG MARIO Di TOMMASO:** That's certainly something
5 that this Commission could make recommendations on. I think
6 there is opportunity, there are opportunities for greater
7 collaboration.

8 I think one of the key differences between the
9 police operations in Windsor in comparison to Ottawa was that
10 the OPP provided key leadership in terms of command and control.
11 They made it clear to the Ottawa -- I'm sorry, to the Windsor
12 Police Service, that they were in charge. There was a very
13 rapidly developed, unified command. Very rapidly. And the
14 scope and scale of the Windsor blockade was certainly much
15 smaller, but it was that coordination where Windsor Police
16 Service accepted unified command and the lead by the OPP very
17 quickly. I think that was a critical point for Windsor to have
18 done that resulted in the dismantling of the blockade that much
19 more quickly.

20 **COMMISSIONER ROULEAU:** And do you have views on
21 whether any recommendations regarding unified command and, if
22 you like, drawing on expertise, which I think is what was
23 described in Windsor, should be made by this Commission?

24 **DSG MARIO Di TOMMASO:** I do. I do. I think that
25 in those rare occasions when police services do not have the
26 capacity and the capability to deal with urgent events,
27 prolonged events of the size, and scale, and scope that we saw
28 in Ottawa, that there be some way to compel the police service

1 to accept the services, the leadership, the subject matter
2 expertise, of those police services that do have that capacity.

3 **COMMISSIONER ROULEAU:** And just pursuing that a
4 bit, with the Police Services Board, I seem to recall from your
5 testimony, there's something being looked at in terms of the
6 *Police Services Act* or a committee. And I'm just wondering,
7 given the cross-examination you had, but also the evidence here
8 of, let's just say the issues with respect to the information
9 the Police Services Board had, is there -- do you think there's
10 room for reform on that or in that area?

11 **DSG MARIO Di TOMMASO:** I do. And I can assure
12 you, Commissioner, that this province right now is in the
13 process of implementing the brand new *Community Safety and*
14 *Policing Act*. And we are in the process of consulting with many
15 stakeholders with regards to the regulations to support that
16 Act. And I can I assure you, Commissioner, that we are
17 listening with ears wide open with regards to what is happening
18 here in this Commission and the evidence that has been
19 presented.

20 I cannot speak to what regulations can be
21 implemented, but this is certainly a concern that I will be
22 taking back and sharing with the Minister.

23 **COMMISSIONER ROULEAU:** That was going to be my
24 next question. Are there findings from this Commission in
25 respect to what happened? Because obviously there's dispute at
26 this point, which is going to have to be sorted out. That is
27 something that can be -- could be useful to the work the
28 Ministry is doing?

1 **DSG MARIO Di TOMMASO:** Absolutely. I believe
2 that the recommendations made by this Commission with regards to
3 policing will certainly inform decisions made by the Minister
4 and by Cabinet.

5 **COMMISSIONER ROULEAU:** Okay. And one last
6 question, and that deals with the Emergency Acts as such. Is
7 there room for, or should there be room for coordination between
8 Emergency Acts, because we hear about what Ontario's *Emergency*
9 *Act* can do, what the federal could do, what triggers one, what
10 doesn't trigger the other, and obviously in this case, the
11 *Emergency Act of Canada*, I guess, is 40 years old, or 30 some
12 years old. So is there room for coordination or is that
13 something that you don't think should be pursued or looked into?

14 **DSG MARIO Di TOMMASO:** So in practical terms,
15 Commissioner, the Provincial *Emergency Management Civil*
16 *Protection Act* in the last four years has been -- Emergency
17 Declarations have been made four times.

18 With regards to the *Federal Emergencies Act*, as
19 you've indicated, once in 40 years.

20 So I'm not sure that the reality is such that
21 both Acts ought to be coordinated. I think the Provincial Act
22 is certainly invoked more often to deal with all sorts of
23 emergencies and the Federal Act, obviously, less frequently.

24 **COMMISSIONER ROULEAU:** Okay. Well thank you very
25 much. And thank you for your patience, your staying late, and
26 for coming back after yesterday's failure to complete your
27 examination.

28 So you're free to go. We're now not early, but

1 we're finished for the day, and we'll adjourn until Monday
2 morning at 9:30.

3 And I expect next week will be longer days.
4 Again, the same sort of days we're having this week. So prepare
5 yourselves accordingly.

6 **THE REGISTRAR:** The Commission is adjourned. La
7 Commission est ajournée.

8 --- Upon adjourning at 8:34 p.m.

9

10 **C E R T I F I C A T I O N**

11

12 I, Wendy Clements, a certified court reporter, hereby certify
13 the foregoing pages to be an accurate transcription of my
14 notes/records to the best of my skill and ability, and I so
15 swear.

16

17 Je, Wendy Clements, une sténographe officielle, certifie que les
18 pages ci-hautes sont une transcription conforme de mes
19 notes/enregistrements au meilleur de mes capacités, et je le
20 jure.

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Wendy Clements

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