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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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IV

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Ms. Jessica Barrow

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V

Appearances / Comparutions

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The Democracy Fund, Citizens for Freedom, JCCF Coalition	Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson
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The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

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Ottawa, Ontario

1
2 --- Upon commencing on Tuesday, November 15, 2022 at 9:30 a.m.

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

6 **COMMISSIONER ROULEAU:** Good morning. Bonjour.

7 Okay, I understand we have a new panel of
8 witnesses for this morning? Okay, and who are
9 Commission Counsel?

10 **MR. GORDON CAMERON:** Good morning, Commissioner.
11 This morning, we have the first of two RCMP panels,
12 Commissioner Lucki and Deputy Commissioner Duheme, and I would
13 ask if they could come to the panel.

14 And while they are getting themselves seated,
15 I'll just make a preliminary comment to the parties that ---

16 **COMMISSIONER ROULEAU:** Could you just identify
17 yourself for the record, please?

18 **MR. GORDON CAMERON:** Thank you. Gordon Cameron,
19 Commission Counsel.

20 Commissioner, yesterday at the close of the
21 proceeding, a matter was raised by Mr. Miller about the state of
22 documents on the party database, and in light of those comments,
23 Commission Counsel investigated the matter last night. And most
24 of the parties will have received and had a chance to review
25 Commission Counsel's email to them explaining what we've been
26 able to learn about that situation, and so I won't elaborate on
27 that, except to say that, two things:

28 We did recognise that there had been a glitch

1 with respect to the uploading of documents, and that was
2 corrected over the weekend. It was unfortunate, but the matter
3 is in hand and the party database is in good form. The other
4 thing we'd like to assure parties, Mr. Commissioner, is that
5 Commission Counsel did have access to all of the documents, and
6 indeed, the parties will notice that the documents, including
7 those that just went up on the party database over the weekend,
8 that some of which are included in our list of documents for the
9 examination of this panel, and so we are prepared to proceed
10 confident that we have had a thorough review of the documents in
11 advance of this panel appearing.

12 **COMMISSIONER ROULEAU:** Okay. Thank you for that
13 update, and it's appreciated. And again, I'd simply reiterate,
14 if there are issues please raise them with Commission Counsel as
15 soon as they're noted so that we can address them and resolve
16 them if there is something to be done.

17 **MR. GORDON CAMERON:** Thank you.

18 **COMMISSIONER ROULEAU:** So with that, we'll ---

19 **MR. GORDON CAMERON:** If I could ask ---

20 **COMMISSIONER ROULEAU:** --- proceed with the
21 panel.

22 **MR. GORDON CAMERON:** --- that the panel be sworn.

23 **THE REGISTRAR:** Deputy Commissioner Duheme, will
24 you swear on a religious document or do you wish to affirm?

25 **D/COMM MICHAEL DUHEME:** I swear -- I can swear on
26 a religious document.

27 **THE REGISTRAR:** We have available the Bible, the
28 Koran or the Torah.

1 **D/COMM MICHAEL DUHEME:** The Bible.

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

4 **D/COMM MICHAEL DUHEME:** Full name is Michael
5 Robert Duheme. Duheme is spelled D-U-H-E-M-E.

6 --- D/COMM MICHAEL DUHEME, Sworn:

7 **THE REGISTRAR:** Commissioner Lucki, will you
8 swear on a religious document or do you wish to affirm?

9 **COMM BRENDA LUCKI:** (Inaudible response)

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

12 **COMM BRENDA LUCKI:** Brenda Marie Lucki,
13 L-U-C-K-I.

14 --- COMM BRENDA LUCKI, Sworn:

15 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:

16 **MR. GORDON CAMERON:** Good morning, Commissioner,
17 Deputy Commissioner.

18 **COMM BRENDA LUCKI:** Good morning.

19 **D/COMM MICHAEL DUHEME:** Good morning.

20 **MR. GORDON CAMERON:** Nice to see you again. And
21 I'll begin by reminding you that you met with Commission Counsel
22 back on September 7th, and with you were a number of your
23 colleagues. And you were interviewed, and a summary of that
24 interview was prepared that has since been put on a party
25 database and been made available to the parties. For the
26 record, it's WTS00000069.

27 And so I'll ask you some questions about the
28 adoption of that summary on the record, with the qualification

1 that four of the people who were in that interview aren't here
2 today, so I'll just ask you to confirm that the interview
3 summary is accurate to the best of your knowledge.

4 So the way I'll put it is this: that you have
5 reviewed -- each of you two have reviewed the summary and
6 confirm that insofar as it contains your information you believe
7 it to be true and accurate to the best of your knowledge and
8 belief, and that insofar as it contains the information of your
9 colleagues, you understand it to have been reviewed by them for
10 accuracy and confirmed as accurate. Is that true?

11 **D/COMM MICHAEL DUHEME:** True.

12 **COMM BRENDA LUCKI:** Yes.

13 **MR. GORDON CAMERON:** Thank you.

14 Now, Deputy Commissioner Duheme, we got another
15 chance to talk to you later on, on October 11th, and there is a
16 separate interview summary of that interview. For the record,
17 that is WTS00000068. And have you reviewed that summary and
18 confirmed that it's accurate?

19 **D/COMM MICHAEL DUHEME:** Yes, I have, and it's
20 accurate.

21 **MR. GORDON CAMERON:** And do you adopt it as part
22 of your evidence?

23 **D/COMM MICHAEL DUHEME:** Yes.

24 **MR. GORDON CAMERON:** Thank you.

25 Now, there is a third summary, and this is the
26 summary of the interview of Ms. Ducharme and Ms. Vinette. And
27 for the record, that is WTS00000067. And since they're in your
28 division, Deputy Commissioner Duheme, I will ask you to confirm

1 that that summary has been reviewed by Ms. Ducharme and
2 Ms. Vinette for accuracy and that it has been filed with the
3 Commission as part of the RCMP's evidence?

4 **D/COMM MICHAEL DUHEME:** My understanding it has
5 been reviewed those two individuals.

6 **MR. GORDON CAMERON:** And it's adopted as part of
7 the RCMP's evidence?

8 **D/COMM MICHAEL DUHEME:** Correct.

9 **MR. GORDON CAMERON:** Thank you.

10 Now, finally, there -- the RCMP filed an
11 institutional report that has been on the party database for
12 sometime as DOJ.IR.00000011. And I'm going to ask you to tell
13 us what you can about a recent clarification to the status of
14 that institutional report so that we can make sure the proper
15 version gets adopted as your evidence. Can you help us with
16 that?

17 **D/COMM MICHAEL DUHEME:** Yeah, I can. I don't
18 have the exact page because I was given the copy this morning
19 from counsel, from DOJ, but it does refer to police agencies and
20 jurisdiction. And the -- my understanding is that counsel --
21 Commission Counsel had requested this information. And we did -
22 - when we went through the validation process is what was
23 written in there is a standard operating procedure that was not
24 in force at that unit at the time. So we just wanted to clarify
25 that.

26 **MR. GORDON CAMERON:** And so the institutional
27 report that is about to be or perhaps already is updated, in any
28 event, will soon be updated to the party database, will have

1 that correction made in it?

2 **D/COMM MICHAEL DUHEME:** I'm assuming so, yeah.

3 **MR. GORDON CAMERON:** Yes. And so if I can put it
4 this way, can you prospectively adopt that corrected
5 institutional report as the evidence of the RCMP?

6 **D/COMM MICHAEL DUHEME:** Based on the copy I was
7 given, yes.

8 **MR. GORDON CAMERON:** Yes, thank you.

9 And, Mr. Commissioner, for the benefit of parties
10 who may be concerned about a last-minute correction, I can
11 confirm and I think, Deputy Commissioner, I'll ask you to
12 confirm. This is a relatively minor correction to the currency
13 of a version of a document cited in the IR that has, in fact,
14 has been updated and the updated version will be reflected in
15 the as filed version; correct?

16 **D/COMM MICHAEL DUHEME:** That's correct.

17 **MR. GORDON CAMERON:** Thank you.

18 With that administrivia out of the way,
19 Commissioner and Deputy Commissioner, I'll ask you some overview
20 questions just to get you to introduce yourselves to the
21 Commissioner and to the parties. And so I'll ask by -- I'll
22 begin by asking you, Commissioner Lucki, to just describe your
23 role within the RCMP. And just so that you don't need to tell
24 us the whole of that, perhaps you could concentrate in
25 particular on your role as it pertained to the convoy and
26 protest events that are the subject to this inquiry.

27 **COMM BRENDA LUCKI:** Thank you. Generally, my
28 role as Commissioner is to oversee the operations and

1 administration of the RCMP. In relation to the convoys,
2 obviously, we had convoys across the country, so I was getting
3 operational updates in our jurisdiction. When it came to the
4 specific convoy in -- or the protests in Ottawa, there was a few
5 roles I had. One was to -- I was liaising with Chief Sloly on a
6 couple of occasions, relaying resource asks that we received.
7 If I was in receipt of those resource asks, I would pass that
8 down through our command structure. It was also one of the
9 major responsibilities was to get the information from across
10 the country and to brief the Deputy Minister community, the
11 Ministers, there was four Ministers that we would -- that I
12 would brief. And then halfway through, the Prime Minister
13 called Incident Response Group where I would brief situational
14 reports from across the country of anything that was happening
15 related to the convoy.

16 And generally speaking, I had to make sure that
17 in our police of jurisdiction that our divisions had the
18 resources, ensuring that they had the resources, the equipment
19 that they needed to deal with those incidents.

20 **MR. GORDON CAMERON:** And with respect to your
21 observation that you were briefing Ministers, would that have
22 included Minister Mendicino and Blair and also presumably the
23 National Security Intelligence Advisor?

24 **COMM BRENDA LUCKI:** Yes, and I believe it also
25 included Minister Alghabra, the Minister of Transport, as well
26 as the Minister of Governmental Affairs, Minister of Law.

27 **MR. GORDON CAMERON:** And you also participated in
28 regular briefings with DCO, PMO and Justice Intergovernmental

1 Affairs briefings where those departments would have been
2 represented?

3 **COMM BRENDA LUCKI:** Mostly at the Deputy Minister
4 level we would have discussions. I am not sure who all was
5 there, but it was mostly at the Deputy Minister level, the
6 representation of the same Ministers, of the DMs of the same
7 Ministers I mentioned before.

8 **MR. GORDON CAMERON:** And in particular, you
9 participated -- to that point, Commissioner Lucki, you
10 participated in the Deputy Minister's Committee on Operational
11 Conditions, the DMOC?

12 **COMM BRENDA LUCKI:** Yes. We normally have those
13 meetings, and we sort of morphed it into convoy briefings as
14 well.

15 **MR. GORDON CAMERON:** And judging from the minutes
16 of the meetings of the SSE and the IRG, you were in attendance
17 at those meetings as well?

18 **COMM BRENDA LUCKI:** Yes, I was.

19 **MR. GORDON CAMERON:** And you mentioned that you
20 liaised with then Chief Sloly and presumably later on with
21 Deputy Chief Bell. Were you also in regular contact with the
22 Commissioner of the OPP, Mr. Carrique?

23 **COMM BRENDA LUCKI:** Yes, I was.

24 **MR. GORDON CAMERON:** Thanks. And, Deputy
25 Commissioner, could you describe your role in the RCMP generally
26 and as it had particular application to the convoy and similar
27 events?

28 **D/COMM MICHAEL DUHEME:** Yeah, I'm responsible for

1 federal policing. Federal policing program within the RCMP has
2 about 5,000 people assigned to the program. Our mandate is to
3 investigate national security, such as foreign actor
4 interference, terrorism, ideologically motivated violent
5 extremists. We also investigate transnational service and
6 organized crime. We are also responsible at the border between
7 the ports of entry, and we also have a protective policing
8 mandate, which ensures protection to certain incoming
9 dignitaries or the Prime Minister, Chief Justice, the Governor
10 General and others that are appointed by the Minister. And they
11 also have our intelligence in international policing that
12 reports into federal policing.

13 So my role on the convoy from the onset really,
14 we were looking at it through a lens of protective policing.
15 That was our -- so that was our core mandate when it all
16 started. As the resources ask started and this -- as this grew,
17 the Commissioner appointed me to be the point person for the
18 organization to coordinate the assistance that were provided to
19 OPS throughout.

20 I was part of the gold command structure when it
21 was formed. My responsibility throughout from the beginning was
22 to ensure that the Commissioner had the right information to
23 brief up at the various briefings at the DM level, at the
24 Ministerial level at the ERC and the coordination of resources
25 from across the country that needed to be brought in, I had a
26 team looking after that. So really, the assistance to the OPS
27 and support of resources, regardless of the skillset was under
28 my responsibility.

1 **MR. GORDON CAMERON:** Thank you. We're going to
2 come back in a few minutes to the federal policing
3 responsibility of the RCMP, but you mentioned an expression in
4 there that might come up later in our discussion. It has been
5 mentioned before in various context, I think you might have
6 called it the gold command structure, but I think the expression
7 is the gold, silver, bronze command structure. Could you just
8 describe how that works for the RCMP and how in some of the
9 contexts it came to bear on the management of the convoy?

10 **D/COMM MICHAEL DUHEME:** Yeah, the gold, silver,
11 bronze structure, and it's well explained in the report, but
12 basically, the gold structure is really providing the strategic
13 direction to manage the operation. The bronze is really the
14 people who would look at planning the event. And then when you
15 get to the silver, it was actually the people who are actioning
16 the plan that's being done.

17 **COMM BRENDA LUCKI:** Reverse.

18 **D/COMM MICHAEL DUHEME:** Pardon me?

19 **COMM BRENDA LUCKI:** Reverse. Gold, silver,
20 bronze.

21 **D/COMM MICHAEL DUHEME:** Gold, silver -- sorry,
22 yeah. Silver are actually preparing the strategies that was
23 dictated by the gold command. And as it trickles down to the
24 bronze, bronze are the feet or the boots on the ground, the SMEs
25 that actually action the plan.

26 **MR. GORDON CAMERON:** Okay. And that command
27 structure, as I understand it, there wasn't just one applicable
28 to all of the RCMP. That might be implemented in particular

1 jurisdictions or indeed to deal with particular situations or
2 instances; am I right there?

3 **D/COMM MICHAEL DUHEME:** That's correct.

4 **MR. GORDON CAMERON:** So you might, for example,
5 for Coutts or for a province have a gold, silver, bronze
6 structure implemented to deal with events in those locations?

7 **D/COMM MICHAEL DUHEME:** Correct. The one in
8 Ottawa was specific to dealing with the one in Ottawa.

9 **MR. GORDON CAMERON:** Thank you. Now coming to
10 the RCMP federal policing mandate, this is the first -- just to
11 help you answer the question in context, the first of a series
12 of questions I have to try to describe what the RCMP does with
13 all of those 5,000 personnel in Ottawa compared to what it does
14 with the personnel it has in the provinces where it is police of
15 jurisdiction under contract to the provincial governments. So
16 with that overall picture in mind, federal policing in Ottawa,
17 you mentioned some of the areas it covers, but with respect to
18 the convoy, your particular concentration was on the RCMP's
19 protective policing mandate; is that correct?

20 **D/COMM MICHAEL DUHEME:** That's correct. And I
21 just want to correct is when I mentioned 5,000 people, it's not
22 5,000 in Ottawa. 5,000 federal police employees across the
23 country and posted internationally as well. They're not just
24 uniquely in Ottawa.

25 **MR. GORDON CAMERON:** I see.

26 I'll come back to a distinction there, but how
27 many are in Ottawa, roughly speaking?

28 **D/COMM. MICHAEL DUHEME:** National Division's

1 composed of about 700 people. And then when you add the
2 component National Headquarters, probably around, I'm just
3 throwing a guess here, 1,200.

4 **MR. GORDON CAMERON:** That'll do for these
5 purposes.

6 Now, could you expand a bit on the RCMP's
7 protective mandate, as it's sometimes called; the Protective
8 Services that the RCMP officer -- offers in the City of Ottawa
9 or the National Capital Region?

10 **D/COMM. MICHAEL DUHEME:** Yeah, the protective
11 mandate for the RCMP derives from the RCMP Regulations. We are
12 mandated to protect, on the threat risk assessment base of the
13 Prime Minister, of the Governor General, the Chief of the
14 Supreme Court, visiting dignitaries, Presidents from other
15 countries, that would fall -- it would fall under our
16 responsibility, or any other appointed official by the Minister
17 of Public Safety.

18 We also have -- within that protective, we also
19 have an intel unit that feeds in to prepare -- to better prepare
20 our posture and respond to any incidents.

21 Here in Ottawa, we are looking at about 400
22 people that are assigned full-time; and when I say 400, it's all
23 categories of employees assigned to protective policing.

24 **MR. GORDON CAMERON:** And if you can describe it,
25 we might come to some particulars as it relates to specific
26 incidents, but generally speaking, what was the impact of the
27 arrival in Ottawa of the convoy; what was the impact of that on
28 the protective mandate of the RCMP?

1 **D/COMM. MICHAEL DUHEME:** Well, one of the things
2 -- and I forgot to mention the people that we protect is also
3 elected officials, that fall under our responsibility.

4 So it was bringing a coordination in ensuring the
5 secure transport of the elected official to Parliament on the
6 Monday, the 31st -- I believe it was 31st -- to it. Coordinating
7 routes to get into the area. There was also concerns with demos
8 that would creep up at Rideau Hall or at the Prime Minister's
9 residence, which required us to mobilize additional resources to
10 make sure that we had the right posture to address any incidents
11 that would occur during the arrival of the convoy, or while they
12 were there.

13 **MR. GORDON CAMERON:** Okay. That's a helpful
14 example. So if you expected to encounter protest activity as
15 part of escorting and ensuring the safety of the Prime Minister,
16 or one of the other people for whom you're responsible, and you
17 encounter this protest activity, so if I can put it this way, in
18 the way of your -- that -- the path that you expected to take,
19 your protective policing mandate, would that include dealing
20 with those protesters on a Public Order management basis, or
21 would it deal with getting the -- your protectees where they
22 need to go safely?

23 **D/COMM. MICHAEL DUHEME:** In this instance, our
24 POUs were not dispatched to clear the roads or to assist in any
25 ways. We work and thought about police service, to ensure what
26 were the egress and ingress with regards to Parliament Hill.
27 Without -- obviously with the dynamic and the fluidity of what
28 was going on downtown, a lot of the routes could not be

1 guaranteed, so that's something that we had to factor in and had
2 to shift our plans as we went forward.

3 **MR. GORDON CAMERON:** Okay. Again, at the risk of
4 belabouring the point, I just want to make sure I understand
5 correctly. The impact on your protective policing mandate
6 wasn't that you had a Public Order mission to clear the routes,
7 it was just that your mandate was more complicated because you
8 had to coordinate with the OPS and make sure your routes were
9 safe?

10 **D/COMM. MICHAEL DUHEME:** Coordinate but also with
11 the elevated -- the intelligence that we had, the increase we
12 sort of set were required to ensure the protection on the
13 different sites that we -- that we are responsible for.

14 **MR. GORDON CAMERON:** Thank you.

15 Now, another part of your police work, I'll put
16 it this way, because I'm not sure how it would fall into these
17 mandates; certainly, your federal mandate was to collect
18 intelligence as the convoy was approaching.

19 Now, we're not going to spend a lot of time on
20 that, and Commissioner, this is the point where I would
21 footnote, so to speak, the witness summary that I referenced at
22 the very beginning because Commission Counsel did do an
23 interview and filed the interview summary of Ms. Ducharme and
24 Ms. Vignette specifically on this point of the RCMP's collection
25 of intelligence in relation to the convoy, so we'll just ask
26 this panel a few questions about this.

27 You did have intelligence, an intelligence team
28 analyzing the information available as the convoy was

1 approaching; correct?

2 **D/COMM. MICHAEL DUHEME:** Yes, we did.

3 **MR. GORDON CAMERON:** Can you just give a quick
4 overview of who those people were?

5 **D/COMM. MICHAEL DUHEME:** Yeah, there's several
6 structures in place when it came to intel within the
7 organization. So we had ideologically motivated criminal
8 intelligence team that were looking at it more from a national
9 scope as to what was going on and providing strategic threat
10 advisory bulletins; I think there's eight in total that went out
11 throughout the legal protests. And we also had our Protective
12 Intelligence Unit that was really gathering intelligence to help
13 us with our protective posture, but it doesn't neglect the fact
14 that the information gathered, and under the PIU Unit would be
15 shared with other agencies.

16 And eventually, early on, I think it was on the
17 28th or the 29th, pardon me, we did create what is known as a
18 Combined Intelligence Group that would bring together people
19 from different law enforcement organizations within the Ottawa
20 area, such as you'd have OPS, OPP, Sureté du Québec, Service de
21 police de la ville de Gatineau, that would be present and that's
22 meant to bring to a hub together so that everybody can share the
23 information that they have. Because it's not just the RCMP
24 working on a block of information; every organization's working
25 on the information and it's coordinated through that Combined
26 Intelligence Group.

27 As this grew and there's more and more increase
28 resources being brought in, we stood up -- at the National

1 Headquarters, we stood up another combined group really to
2 coordinate the intel from a national perspective so that we
3 could prepare the Commissioner with a picture of what's going
4 across the country. I'll factor that in too, you've heard the
5 Hendon report several times, that was a report from the OPP that
6 was also used to help the CIG, the Combined Intelligence Group,
7 in the analysis of all the intel that's coming in. So there's
8 several players involved when you look at a combined
9 intelligence unit or group.

10 **MR. GORDON CAMERON:** And what -- where was the
11 Combined Intelligence Group working?

12 **D/COMM. MICHAEL DUHEME:** I believe it was out of
13 the NCRCC, National Capital Region Command Centre, that was
14 located -- it's located in Orleans -- which is located in
15 Orleans.

16 **MR. GORDON CAMERON:** Thank you.

17 Now, Commissioner Lucki, this is probably
18 something that is best directed to you, because what I'd like to
19 do now is ask you to describe quite a different role that the
20 RCMP performs in the provinces other than Ontario, Quebec, and
21 perhaps Newfoundland, but the role of police of jurisdiction in
22 the provinces and some of the municipalities of those provinces.
23 Can you give us an overview of that?

24 **COMM. BRENDA LUCKIE:** Yeah, this falls under our
25 Contract and Indigenous Policing business line, and it is the
26 policing that we do in all provinces and territories except
27 Ontario and Quebec. It represents about 70 percent of our
28 workforce and they're contracts with provinces, municipalities

1 and some Indigenous communities. The contracts are held by
2 Public Safety Canada, and we provide the policing service under
3 those contracts in those provinces. We don't do policing in the
4 entire province. Why I say that is usually in big
5 municipalities; for example, in Alberta, you have your Calgary
6 Municipal Police, you have your Edmonton Municipal Police, and
7 then generally speaking, the RCMP. There's a few smaller ones
8 like Lethbridge, but generally speaking, we police the rest of
9 the province, except for some of the bigger municipalities who
10 have their own independent police agency.

11 **MR. GORDON CAMERON:** Let me ask, if I can -- if
12 you can draw a comparison, for those of us who are more familiar
13 with the policing situation in Ontario and Quebec, where we have
14 a provincial police force which is sometimes also the municipal
15 police force, but sometimes the cities have their own police
16 forces. Do I understand correctly that in the province's other
17 than Ontario and Quebec, that would be the RCMP, you would be
18 the provincial police force, and in some cases, the police force
19 of the municipalities that don't have their own police force?

20 **COMM BRENDA LUCKI:** Yes, very similar to what the
21 OPP or Sûreté du Québec are.

22 **MR. GORDON CAMERON:** Right. So functionally
23 speaking, again, this sounds Ontario and Quebec centric, but the
24 RCMP is the OPP or the Sûreté du Québec in all of the provinces
25 except Ontario and Quebec?

26 **COMM BRENDA LUCKI:** Yes.

27 **MR. GORDON CAMERON:** And that is arranged by a
28 contract with each of the provinces; correct?

1 **COMM BRENDA LUCKI:** It -- no, not necessarily.
2 We have 194 contracts -- 169 contracts. Some, in the case of
3 B.C. for example, the Province has the contract and they sort of
4 subcontract. But in places like Alberta, they have a provincial
5 contract, and then they have municipal contracts. Any
6 municipality over a certain population will go into a municipal
7 contract, and it changes the funding formula. As well as there
8 are certain Indigenous communities where there's a different
9 funding formula.

10 **MR. GORDON CAMERON:** Now, when you two have left
11 the stand, we're going to have Deputy Commissioner Zablocki here
12 to describe the situation in Alberta in particular, but I just -
13 - but before he gets up to describe that situation, perhaps,
14 Commissioner Lucki, you could describe the way in which the
15 contracts you have with the provinces, either a single contract
16 or multiple, as you just described, allow you to move resources
17 within a province to areas where they are needed or between
18 provinces when there are higher demands in one province than
19 another?

20 **COMM BRENDA LUCKI:** Yeah, this is the beauty of
21 our model, in the sense that under the Provincial Policing
22 Services Agreements that we have, we can move resources. It's
23 called an Article 9. So in the case of Alberta, Commanding
24 Officer Zablocki can move resources from within Alberta as he
25 wishes, just advising the Province of that, if we're doing any
26 big movements of resources.

27 And then again, under a different subsection of
28 Article 9, we can request up to 10 percent of resources in any

1 other province.

2 And so what we do is we normally -- if it's
3 urgent matter, we move the resources and then ask for permission
4 later, because we'll never compromise the safety of Canadians.
5 But generally speaking, when we know big events are coming on,
6 we will prepare those letters in advance. The letters go from
7 myself to the Minister, the Minister to the applicable policing
8 jurisdictions. And it's always based on a cost recovery.

9 **MR. GORDON CAMERON:** Right. Which is to say if
10 one province borrows a bunch of your officers from another,
11 there's a financial arrangement to compensate for that?

12 **COMM BRENDA LUCKI:** Yes. And that's exactly what
13 ended up happening in Alberta during these convoys.

14 We do also have access to federal resources, like
15 Deputy Commissioner Duheme was saying, across the country.
16 Those don't fall under those agreements. They're federal
17 resources.

18 **MR. GORDON CAMERON:** All right. Now let me ask
19 you, are there advantages, from an operational point of view, if
20 you are bringing in officers from, say, British Columbia to
21 Alberta, or from northern Alberta down to southern Alberta, et
22 cetera, in having officers with the same equipment and the same
23 training and the same command structure and what not? Does that
24 offer you an advantage that you might not have been able to
25 achieve, for example, when you were coming in to assist in
26 Ontario?

27 **COMM BRENDA LUCKI:** Absolutely, because we have
28 the same, more or less, training standards and service standards

1 across the RCMP and that flexibility allows for, especially in
2 extended events, where you'll have multiple -- you have to
3 provide relief, and you can't sustain things like the forest
4 fire in Fort McMurray, the man hunt in Manitoba. You can bring
5 those resources in seamlessly because they have the same level
6 of training and the same equipment.

7 **MR. GORDON CAMERON:** Thank you. Now, moving a
8 bit closer to home, at least insofar as it pertains to the
9 events in Ottawa, I would like to ask, and these are probably
10 questions for you, Deputy Commissioner Duheme, but not
11 necessarily. So please feel free, Commissioner Lucki, if you
12 are the better person to answer, to talk about the role of the
13 RCMP in Ottawa.

14 We've heard about their federal policing role and
15 their protective services mandate, but I'd like to take you back
16 a bit in history and ask you if you can -- well let's start way
17 back, so to speak.

18 Has the RCMP, at least in our living memory, ever
19 been a city police? The police of jurisdiction in Ottawa?

20 **D/COMM. MICHAEL DUHEME:** Not as far as I can
21 recall.

22 **MR. GORDON CAMERON:** Okay. But there was a time
23 that you've outlined in your summary, your witness interview
24 summary, when there was a more substantial contingent of what
25 you might call uniformed officers on the ground in Ottawa. Can
26 you explain when that was and what the purpose of those forces
27 were?

28 **D/COMM. MICHAEL DUHEME:** Yeah, and that's

1 correct. The RCMP did have a larger footprint in the Ottawa
2 region in the year 2000s leading up to 2014, after the attacks
3 on Parliament Hill. There was a review that was done. And I
4 should just say that prior to that, the organization, the RCMP
5 was responsible for the security of Parliament Hill, outside
6 component of House of Commons and Senate, not the interior. The
7 interior was managed by -- House of Commons had their own
8 security, Senate had their own, and the RCMP was responsible for
9 the outside grounds.

10 At that time also, we had more resources. When
11 it came to our protective policing mandate, we had more clients
12 to protect at the time, and then over years, there's a different
13 approach on the way we did business that reduced actually our
14 footprint when it came to protective policing, as well as
15 patrols of the embassies.

16 Back to the -- our responsibility on the Hill, we
17 had an excess of 120 people there that were assigned to the Hill
18 on a permanent basis to ensure the security.

19 When the attacks occurred, there was a review
20 done of the entire security posture on the Hill, and that's when
21 a new legislation was created to create the Parliamentary
22 Protective Service, who the RCMP was responsible leading the
23 integration of security of different units that were there.

24 What we saw after a year and a half being there,
25 it was decided to put a plan forward that realizing that the job
26 that's being performed on Parliament Hill was not a policing
27 function, but more security function, there's a transition that
28 was done with PPS with the *accord* of the both speakers to reduce

1 the footprint of the RCMP.

2 Currently, legislatively, the only position that
3 requires an RCMP member is the position of director. So when
4 you talk about shift, and resources, and footprint, there's a
5 significant one that happened recently. Protective Policing,
6 when it came to our clients, happened before that.

7 So if I may, when you look at the dynamics prior
8 to this change, the RCMP, when it was responsible for the Hill,
9 looked after all the planning of the different events that took
10 place on the Hill. This is prior to the creation of PPS.

11 And we would work jointly with Ottawa Police
12 Service, being a demo that's going through the streets of Ottawa
13 and would land on Parliament Hill, then it becomes -- it's
14 shifted over from OPS to us, and we worked jointly on that, in
15 regards with the plans, the preparation, to respond to any demos
16 that are going on Hill.

17 When PPS came in to effect, I was the first
18 director, and what we were looking at is the PPS becomes
19 distinct and basically not separate from the RCMP, because the
20 RCMP still had a role to play, but must be distinct. So the
21 planning was now done from PPS. Since 2015, every event that
22 was done on the Hill was being done from PPS, and not
23 necessarily RCMP. We assisted in the beginning, but now they're
24 completely autonomous when they're planning for events on the
25 Hill.

26 **MR. GORDON CAMERON:** And in your witness summary,
27 some of the questions the Commission Counsel asked had you
28 explaining that this perception that the RCMP and the OPS should

1 be working jointly to manage large events in Ottawa hasn't
2 entirely dissipated from the minds of the people at Ottawa and
3 the OPS. Can you just give us a description of that situation
4 as you see it now?

5 **D/COMM. MICHAEL DUHEME:** So we still work jointly
6 with the OPS. I can give you an example of any event that would
7 occur on Parliament Hill, PPS would have the lead for planning
8 the event on the Hill, but you would also have -- OPS would be
9 responsible for whatever is in the street, and we'd be involved
10 from a protective lens as to what's going on. Will there be any
11 road closures? Will there be -- what's the impact on our
12 mandate? But there'd still be a lead role for OPS, but
13 organisations will come together.

14 **MR. GORDON CAMERON:** And would that also be true
15 for other events perhaps elsewhere in Ottawa where your
16 protective policing mandate would be effective? We talked about
17 how in the convoy you needed to move people around the city,
18 elected officials and whatnot, but would that also be true if
19 there were some other event independent of the convoy today that
20 you would -- that your protective services people would liaise
21 with the Ottawa City Police?

22 **D/COMM MICHAEL DUHEME:** Definitely. Any
23 significant event in Ottawa, I mentioned earlier, the National
24 Capital Region Command Centre, that's that coordination hub
25 where we have various partners at the table to understand the
26 dynamics that are going on on a daily basis, or even hourly.
27 And then sometimes it allows us, it allows emergency personnel,
28 such as fire departments, paramedics, to adjust their response

1 according to the intelligence that comes into this hub.

2 But on a day-to-day basis, yes, there's liaison
3 going on with OPS, with the Ottawa Police Service, but it's more
4 -- there's liaison going on, but less of a reliance to rely on
5 OPS on a daily basis, but it's only when events are in the area
6 that's when we come together, NCRCC, and make sure that
7 everybody is informed so that we can properly plan. Everyone
8 can properly plan.

9 **MR. GORDON CAMERON:** Okay. Now, moving to the
10 period immediately prior to the convoy, what did you expect, and
11 I'm saying "you", Deputy Commissioner Duheme, but perhaps,
12 Commissioner Lucki, you also had a view on this, but what did
13 you expect this event to be?

14 **D/COMM MICHAEL DUHEME:** Well, as I mentioned
15 earlier, I was looking at it purely from the lens of our mandate
16 when it comes to protective policing, how is this going to
17 impact the people that we're mandated to protect, does PPS need
18 any assistance as this moved forward. So it's really through a
19 lens of not a demo but really how is it going to impact us on
20 our service delivery when it comes to protective.

21 Early discussions I had with OPS on the matter,
22 there seems to be no concerns whatsoever, good relationships
23 with the organiser, organisers, and there was no need for us to
24 question the relationship they had with them. And we felt
25 comfortable, well I felt comfortable that the Ottawa Police
26 Service had things well in hand negotiating with the organisers
27 and having a discussion on how this would unfold in Downtown
28 Ottawa.

1 **MR. GORDON CAMERON:** If I just cast back to the
2 point about intelligence that was being collected by your INSET
3 and other people in conjunction with the convoy, your forces in
4 Ottawa, including the Intelligence people, would have been aware
5 of the project Hendon, and similar intelligence that was being
6 shared among Intelligence agencies with respect to the size and
7 scope and possible intentions of this convoy; correct?

8 **D/COMM MICHAEL DUHEME:** Yeah. Yes.

9 **MR. GORDON CAMERON:** And despite your having had
10 access to all that intelligence, you still viewed this as an
11 event that the Ottawa Police appeared to have under control and
12 didn't cause you any particular concern other than the extra
13 attention you would have to pay to your protective mandate?

14 **D/COMM MICHAEL DUHEME:** That's correct, and there
15 was no additional ask for resources as they were planning when
16 the convoy was going to arrive in Ottawa. So we -- I was of the
17 feeling that they had everything under control, and as I said,
18 if there's no request for resources, I know in incidents,
19 situations like this that the organisation on the intel side
20 come together to share that information, but I didn't have any
21 concerns because I was of the opinion that they had everything
22 in hand.

23 **MR. GORDON CAMERON:** Thank you. There is a fair
24 bit of material that's come before the Commission already, and a
25 lot of it is set out in your institutional report and your --
26 the summary of your interviews, so I won't rehash it all. But I
27 do want to spend some time on the question of the requests by
28 the OPS for assistance and resources to be provided by the RCMP.

1 I'll begin by just asking you to describe, this
2 is probably for you, Commissioner Lucki, the logistical
3 challenges and perhaps administrative challenges that the RCMP
4 faces when it, well, I suppose some of these apply even when
5 you're moving within provinces that you have contracts with, but
6 in all events, the logistical challenges that you had when
7 attempting to mobilise resources to assist in Ottawa, or
8 otherwise, in Ontario?

9 **COMM BRENDA LUCKI:** Well, first and foremost in
10 the requests, they weren't requests for plainclothes officers,
11 which is what we primarily do in -- within Quebec and Ontario.
12 We -- obviously they're police officers, so they have uniforms,
13 they don't work in those uniforms each and every day, so when we
14 make requests for the federal resources in a uniformed capacity
15 that's changing their role, their primary role.

16 Within the two provinces, it's a lot easier that
17 outside of the provinces only because we have control of the
18 federal resources, but also because they can drive into Ottawa.
19 But they don't come in a big chunk, so when we need additional
20 resources we fan that out from Deputy Commissioner Duheme to the
21 commanding officer of Ontario and Quebec requesting additional
22 resources, and then they do their -- what they need to do to get
23 those resources, and they will come individually, or you know,
24 driving however they get there.

25 When we're doing the same thing nationally, of
26 course we have to request the -- under the *PPSA*, the Article 9,
27 and then we get into way more logistics in the sense of flying
28 them out, are there going to be vehicles available, what kind of

1 shifting are they going to do, what types of resources do you
2 need. Because in -- especially in the contract policing
3 environment, we have a multitude of different types of resources
4 within the uniform capacity. So it's -- we need to know what
5 kind of resources and how long they'll be gone.

6 Because when we take resources out of the
7 contract side of the house they have to be backfilled somewhere
8 else because policing goes on. So we have to make sure that all
9 of those logistics are done at that level.

10 **D/COMM MICHAEL DUHEME:** Can I add to that? An
11 important factor that we have to remember is that requesting
12 resources, be it from Quebec or Ontario, the RCMP still has a
13 mandate to fulfill in those provinces, and mobilising resources,
14 you have to find the resources. We have ongoing investigations
15 that we cannot stop, so it's finding that right balance of how
16 many resources can we release to make sure keep the lights on to
17 ensure that we are still on mandate of what we're doing in the
18 respective provinces.

19 So it's not just -- it's easy to say we need 50
20 additional people, but then we have to look at who is releasable
21 in the divisions based on the functions of the responsibilities
22 that they're -- that they have right now. So, thanks.

23 **MR. GORDON CAMERON:** There is a lot on the
24 record, and -- about how many resources were available when.
25 Can either of you give us the basic facts of how many RCMP
26 resources were available from the beginning to the end of this
27 and approximately when they were made available? I'm going to
28 leave it to other parties to drill down on that, but just if we

1 can have a big picture of what resources the RCMP committed to
2 the events in Ottawa.

3 **COMM BRENDA LUCKI:** Well ---

4 **D/COMM MICHAEL DUHEME:** So ---

5 **COMM BRENDA LUCKI:** Oh, go ahead.

6 In a general sense, any requests that we got from
7 Ottawa Police Service we had fulfilled, and in the beginning it
8 was between 30 and 50, for example. And when -- that was the
9 first weekend. And as the time went by, the resources started
10 to increase. So we had not only increase of frontline
11 resources, but increasing at the NCRCC when we got into a
12 unified command, there was people behind the scenes, those
13 numbers were increasing. And at one point, I think we got up
14 to...

15 **D/COMM MICHAEL DUHEME:** The total number at the
16 end, and it -- in total numbers we had in excess of 1,100
17 people, 1,100 people, employees dedicated to either the Ottawa
18 Police Service assistance or our protective mandate. And I can
19 break it down even more in the sense that a little over 650
20 police officers to assist the Ottawa Police Service, and close
21 to 210 to assist us in our protective mandate. So that's a
22 significant lift.

23 I know there's been a lot of numbers circling
24 around, from 30, why don't we respond with 50. There's also
25 that 250 that was raised. The 250, I just wanted to clarify
26 that. It was -- it wasn't 250 dedicated to OPS, Ottawa Police
27 Service, it actually was a mix-up. We went -- we tallied up
28 everybody that was sworn in, and some of the people that were

1 sworn in was actually in support of the protective mandate, and
2 not necessarily supporting OPS, but still available if they were
3 required.

4 **COMM BRENDA LUCKI:** And ---

5 **COMMISSIONER ROULEAU:** Deputy, if you could slow
6 down in your testimony ---

7 **D/COMM MICHAEL DUHEME:** Oh.

8 **COMMISSIONER ROULEAU:** --- as much as possible
9 for the translators because you tend to speed up.

10 **COMM BRENDA LUCKI:** Speed up.

11 **COMMISSIONER ROULEAU:** I know you want to get out
12 of here and get back to work, but...

13 (LAUGHTER)

14 **COMM BRENDA LUCKI:** I will add as well there was
15 the whole -- we had also provided resources to Windsor, so we
16 diverted some resources for the Windsor blockade.

17 **MR. GORDON CAMERON:** Thanks.

18 We're going to come back to Windsor, though if I
19 don't offer you the chance to say more about that, please
20 volunteer it at an appropriate point. But with respect to what
21 you said, I sense there's a bit of a glossing over from the
22 initial 50 to the ultimate 650.

23 We all know that there ended up being a very
24 substantial commitment by the RCMP and the OPP towards the very
25 end when enforcement action was imminent, but can you tell me,
26 roughly speaking, what the curve looked like in the first sort
27 of 14 or 15 days before the implementation of the enforcement
28 plan started to become imminent?

1 **COMM BRENDA LUCKI:** I would say generally it
2 started at around 30 and then it continued up in the 200s. It
3 got up to about 200 throughout that timeline. And then, of
4 course, when we were gearing up towards the actual enforcement
5 in that last week, the numbers grew exponentially, and that's
6 when we went outside of the -- up till then, the resources were
7 drawn from Ontario and Quebec primarily, and it was in those
8 last week where we were drawing resources from across Canada.

9 **MR. GORDON CAMERON:** That's exactly the
10 information I was looking for. Thank you.

11 On that point, can you -- there was a fair bit of
12 controversy both between RCMP and the City of Ottawa and the OPS
13 about just how many RCMP officers were available. You've
14 acknowledged some confusion about whether they were available as
15 boots on the ground to be deployed by the OPS versus people you
16 were bringing in to assist in your protective mandate. But can
17 you explain why there was that difficult of communication
18 between the RCMP and Ottawa or the OPS about just what resources
19 you were allocating to deal with the situation in Ottawa?

20 **COMM BRENDA LUCKI:** Well, I'll start and then
21 I'll pass it over to D/Commissioner Duheme.

22 But part of the confusion came out of the fact
23 that we were swearing in a bunch of officers that may, in fact,
24 be used, but weren't being used, so we -- that were in the
25 vicinity, so we made sure, like D/Commissioner Duheme said, we
26 swore in some of the people under protective in case they were
27 brought over to assist in OPS. So their numbers even -- they
28 were swearing in certain numbers. Those numbers might have not

1 all been deployed at that time of the swearing in.

2 Also, the fact that there was requests and some
3 of it was -- there was confusions over is it so many per shift
4 or is it a total number. But from the tactical or from the --
5 you know, the bronze level of our command that we were talking
6 about, we were advised that any of the requests that they had
7 for frontline -- when I talk about frontline resources -- we
8 fulfilled those requests.

9 And I think there was a confusion between what
10 the Mayor may have been reporting and what the Chief may have
11 been reporting, but we were advised at the tactical level that
12 any time they needed resources because that's where they get
13 into what kind of resource, where are they going to be placed,
14 what shift are they going to be working. That was all done at
15 their level. We didn't -- we didn't get the intimate details of
16 that, but we were advised that any of the requests that they
17 were getting through the command centre that they were
18 fulfilling.

19 **D/COMM MICHAEL DUHEME:** No, that's accurate.

20 **MR. GORDON CAMERON:** Mr. Clerk, perhaps I could
21 ask you to pull up on the screen SSM.CAN.00008433. And if I've
22 got the number right, that should be the letter of February 7th
23 from Councillor Deans and Mayor Watson to the Prime Minister and
24 the Minister of Public Safety.

25 And you're familiar with this letter,
26 Commissioner Lucki? Or perhaps not the letter, but the
27 substance of ---

28 **COMM BRENDA LUCKI:** Substance, yes.

1 **MR. GORDON CAMERON:** Okay. And I ask this in
2 particular reference to your comment that all of the requests by
3 the Ottawa City or the OPS had been responded to positively by
4 the RCMP and yet, one might say, we have this letter, I would
5 say, going from about as official as Ottawa can get to about as
6 official -- as official as the City of Ottawa can get to as
7 official as the federal government can get in which there is a
8 very specific request for certain categories of police officers,
9 a total of 1,800.

10 And Mr. Clerk, yes, if you'd just -- that's
11 right.

12 Thank you. Right there.

13 And yet this is February 7th and that's why I
14 asked you the time scale. You acknowledged to me that the
15 substantial 600-odd figure of RCMP boots on the ground, so to
16 speak, did not get to Ottawa until much after this, and yet at
17 this same time you were assuring Parliament that all of the
18 requests by the OPS had been met.

19 And so the question for you is, how do you
20 reconcile your statements with this letter?

21 **COMM BRENDA LUCKI:** What was the date of the
22 letter?

23 **MR. GORDON CAMERON:** The letter's February 7th.

24 **COMM BRENDA LUCKI:** Seventh.

25 **MR. GORDON CAMERON:** Yeah.

26 **COMM BRENDA LUCKI:** At that point when there was
27 a request for 1,800 resources -- and obviously, I was in
28 consultation with the OPP Commissioner. And it tells what kind

1 of officers, but it wasn't is it 1,800 RCMP, is it -- you know,
2 because there was still the OPP who were responsible for
3 securing resources from all the various municipalities.

4 We were under the impression that it was 1,800
5 between all of us, and what did that mean, who was going to
6 provide what resource. And when we get into these high numbers,
7 that's when we have to ask, okay, what is the plan. What --
8 where's your plan, how are you going to rotate these resources,
9 what kind of resources specifically? And it sort of talks about
10 that, but 100 civilian staff, what does that mean?

11 There's all kinds of duties under civilian staff.
12 The Public Order officers, 600. We don't -- you know, to have
13 600 Public Order officers, the OPP was actually responsible for
14 the prioritizing of Public Order officers within the province of
15 Ontario during that time. Did that mean they were going to
16 provide the Public Order, we were going to provide front?

17 So until we saw what the plan was because the
18 minute we draw outside of Ontario and Quebec, we have
19 responsibilities to our contracts. We have to know when we draw
20 them out how long are they going to be gone, when are they going
21 to be replaced, how are they going to get there, what are the
22 logistics. Is there equipment that they can't bring with them
23 that they need when they land like certain vehicles or command
24 centres in the -- in the case of Public Order?

25 If they are going to drive their command post,
26 then they need lead time. So there's lots of things to
27 consider.

28 A general request like this, it sort of, in a

1 way, caught us off guard because we didn't have those
2 discussions with Chief Sloly up to that time. There was talk
3 about increasing the resources for enforcement, but we didn't
4 get into any specifics until this letter came out.

5 **MR. GORDON CAMERON:** Yes. If -- the paragraph
6 that begins, "We ask the Government of Canada and the Province
7 of Ontario to work with us to secure this combined officer
8 surge", is that what you mean when you didn't know which -- of
9 which force were being asked for?

10 **COMM BRENDA LUCKI:** Yes, because it wasn't --
11 even though it was to the federal Minister who was in charge of
12 -- you know, oversees the RCMP as part of his portfolio, we
13 didn't assume that we were being asked for 1,800, so did it mean
14 that three-quarters of those resources would come from Ontario
15 and 300 or 600 would come from RCMP?

16 We needed to see a plan, so this is from, you
17 know, politician to politician, but we needed to translate that
18 into operational plans. So we wanted to see what the plan was
19 and what kind of resources specifically they needed with what
20 skill set and with what equipment.

21 **MR. GORDON CAMERON:** On a related question,
22 during your interview, Commissioner Lucki, you described what
23 you believed to be the appropriate sequence by which the Ottawa
24 Police force -- sorry, Ottawa Police Service should seek
25 assistance when it was beyond its own capacity, and that, in
26 particular, it should go to the Ontario Police -- Provincial
27 Police first, or at least the Ontario government, and ask for
28 assistance, which presumably would be provided by the OPP. And

1 you referenced the provisions of the Ontario *Police Services Act*
2 as indicating the path for this to take place. But was it your
3 impression that that was the -- that that provision of the
4 Ontario *Police Services Act* obliged Ottawa to go to Ontario
5 either first or only to get assistance, policing assistance?

6 **COMM BRENDA LUCKI:** No, I'll be honest. I didn't
7 know the nuances of the Ontario *Police Act* until this convoy
8 because we don't fall under the Ontario *Police Act*. So when it
9 -- but like I said, at the beginning, we just provided resources
10 directly to Ottawa Police Service. They didn't go through the
11 OPP. This was, you know, assistance to a neighbouring police
12 service and we provided that. And even subsequent requests
13 wasn't going through that. But when it got to this number,
14 that's when the OPP Commissioner explained to me the process, of
15 which I wasn't aware of, that such requests should go through
16 the OPP, and then the OPP would exhaust all avenues within the
17 province of Ontario, and if required, would come to outside --
18 you know, they could go to, like, another municipality, like,
19 Edmonton City Police or a different police services, or they can
20 go to the RCMP. And it wasn't until we got that big ask that I
21 was getting more information about the Ontario *Police Act*.

22 **MR. GORDON CAMERON:** And that information came to
23 you from Commissioner Carrique?

24 **COMM BRENDA LUCKI:** Yes.

25 **MR. GORDON CAMERON:** Thank you. I want to talk
26 to you now about the role that the federal government, and I'll
27 put in that category for now, both senior officials and
28 politicians, what role they played in your decisions to allocate

1 resources to Ottawa, or as it might be, Windsor, but locations
2 outside where you are police of jurisdiction, and in particular,
3 if I could ask you to go back to the beginning and remind us for
4 a minute who it is you report to and who it is gives you
5 guidance or input on matters such as the events in Ontario.

6 **COMM BRENDA LUCKI:** Well, first and foremost, any
7 of the deployment of resources is the government -- or the
8 Minister has nothing to do with that. This is operational
9 decisions, and we make those operational decisions based on our
10 availability of resources, our ability to deploy such resources.
11 If in fact, like, obviously, this was -- the last example you
12 gave, this was a letter from the mayor to the Minister. He
13 would pass the letter on to us and say, "Here's a request." And
14 he would never say fulfil this request. He would say, "See what
15 -- you know, here's the request. Deal with it what you can do,"
16 depending on the numbers, because we may not have the numbers
17 available to be able to do that. And that's why we were
18 surprised, because it never usually goes to that level. It
19 usually just goes, you know, from police service to police
20 service. If they require assistance, they would come through
21 our police service. We would fulfil it when we -- as best as we
22 can. Because in this particular convoy, our goal was to assist
23 Ottawa Police Service as much as we can -- we could, so that
24 they could be successful in putting an end to the protest.

25 As far as the -- any of the operational
26 decisions, the government isn't involved with that and it's just
27 more of an information where we provided -- you know, we're
28 providing additional resources to Ottawa Police Service. Those

1 were our situation in -- those were included in situational
2 reports to the Minister and the Prime Minister.

3 **MR. GORDON CAMERON:** So but if you can remind us
4 just for a second, who would you have been interacting with to
5 the extent the federal government was either inquiring about or
6 expressing an interest in the situation in Ottawa?

7 **COMM BRENDA LUCKI:** Well, obviously, the Deputy
8 Minister of Public Safety, Rob Stewart, would have been sort of
9 the interlocutor between the Minister and myself at times, but
10 when we were -- we were doing three briefings a day. One was at
11 the Deputy Minister level, one was at the Minister level and
12 after I think February 10th or so was at the Prime Minister
13 level, so there was lots of briefings on the situation, the
14 movement of resources, if it -- only if it included RCMP because
15 that's the ones that I would report on. But generally speaking,
16 we didn't talk about numbers of resources specifically with the
17 Ministry.

18 **MR. GORDON CAMERON:** Let me ask the clerk to pull
19 up PB.NSC.CAN.00008043. And just so that we can understand the
20 timestamps of these, as I understand it, these are about five
21 hours ahead of time because they're in Greenwich Mean Time, so
22 this conversation which is -- begins the timestamp at 5:59 would
23 have been taking place at about 12:59 or about 1 o'clock that
24 day; is that right?

25 **COMM BRENDA LUCKI:** Yeah.

26 **MR. GORDON CAMERON:** I don't think anything turns
27 on that for this particular discussion, but it might later on in
28 the other Teams' chats that we look at.

1 Mr. Clerk, can you scroll down to page 3? And
2 the line I'm looking for is a statement by Flynn to the effect
3 of when the AG starts talking like this. There we are.

4 Can you first tell us who Mark Flynn is?

5 **COMM BRENDA LUCKI:** Mark Flynn is the -- he's the
6 second in charge of federal policing. I don't know his official
7 title.

8 **D/COMM MICHAEL DUHEME:** Yeah, Mark Flynn's
9 Assistant Commissioner responsible for National Security Program
10 as well as our Protective Policing Program.

11 **MR. GORDON CAMERON:** And can you -- either of you
12 recall what discussion was being -- usually these Teams
13 discussions are discussions among RCMP personnel at the time
14 some other meeting is going on; is that correct?

15 **COMM BRENDA LUCKI:** Yes, because often --
16 normally, we'd be in a room, and they'd be in the room with me.
17 I'd bring people to assist with the information because there is
18 often questions that I wouldn't know the answers, so I'd have my
19 team. But when it was, like, for instance, on the weekends,
20 often people would be at home, so we would just create a Teams
21 meeting.

22 **MR. GORDON CAMERON:** Right. And this February 5th
23 Teams chat is observing a discussion in which we see a reference
24 to the Attorney General talking. So this is an observation
25 about the Cabinet or SSE meeting; is it?

26 **COMM BRENDA LUCKI:** Yeah.

27 **MR. GORDON CAMERON:** Okay. And did you
28 understand what Mark Flynn meant when he said -- I say this

1 because you would have been listening to the conversation that
2 he's listening to when he makes this comment,

3 "When the AG talks like this, we better
4 get our own plan going..."

5 And your response looks like you were trying to
6 thumb out ---

7 **COMM BRENDA LUCKI:** Lametti.

8 **MR. GORDON CAMERON:** --- Lametti.

9 **COMM BRENDA LUCKI:** Well, because I think up top
10 it says who is this speaking, and because I'm a slow typer, I
11 probably ---

12 **MR. GORDON CAMERON:** I see.

13 **COMM BRENDA LUCKI:** And a bad typer obviously.

14 **MR. GORDON CAMERON:** So what did you understand
15 Mark Flynn to be saying when the AG talks like this, we better
16 get our own plan going?

17 **COMM BRENDA LUCKI:** Probably at the time, I would
18 know what he was talking about. Now fast forward, I have -- I
19 can't connect the dots at all. We had -- like I said, there was
20 so many meetings going on, three or four, sometimes five a day
21 during this time. And if you had asked me at the point in time,
22 I could probably give you a lengthy explanation, but I have no
23 idea.

24 **MR. GORDON CAMERON:** Can you join me in the
25 inference that just by what Mark Flynn said that the Attorney
26 General has said something to the effect that the RCMP might
27 have to take some action?

28 **COMM BRENDA LUCKI:** No. When I look at that,

1 there's a lot of things I think that it could be possibilities.
2 It could be the fact they could be talking about our protective
3 mandate and making sure that we -- our plan is going. I
4 honestly, I wish I could help you with this. I have no idea
5 what the reference was to this.

6 **MR. GORDON CAMERON:** Okay. Well, it doesn't look
7 like I can take it further than that. Let me try another one.
8 Mr. Clerk, can you call up OPP00004583? And on page 3 of that,
9 and we're going to have to figure out who's who in this text
10 exchange. But first of all, Commissioner Lucki, can you confirm
11 that this is a text exchange between you and
12 Commissioner Carrique of the OPP?

13 **COMM BRENDA LUCKI:** I believe so, yes.

14 **MR. GORDON CAMERON:** Okay.

15 And I don't know whether to ask you, Clerk, to
16 scroll up or down, but -- there we are.

17 The blue, I believe, is Ms. -- is you, Ms. Lucki,
18 is it ---

19 **COMM BRENDA LUCKI:** Is me.

20 **MR. GORDON CAMERON:** --- that correct?

21 **COMM BRENDA LUCKI:** Yes.

22 **MR. GORDON CAMERON:** Okay. And in the middle
23 there, you say this, "Between you and I only. GoC..." And by
24 that you would have meant the Government of Canada?

25 **COMM BRENDA LUCKI:** Yes.

26 **MR. GORDON CAMERON:** The:

27 "...GoC losing/lost confidence in
28 OPS...we [got to] get to safe

1 action/enforcement."

2 Can you tell me what you meant when you said
3 that?

4 **COMM BRENDA LUCKI:** Well, generally-speaking, and
5 I had mentioned it earlier, is our goal, and especially from my
6 point of view, was how can we help Ottawa Police Service succeed
7 in this occupation of downtown? And so now we're into the
8 second weekend. Of course, there's much we can do during that
9 weekend because the numbers are -- have grown exponentially.

10 So I think, first of all, when they first came on
11 the very first weekend, people assumed that they would -- the
12 convoy would come into town, would -- they had an agenda, they'd
13 follow their agenda and then they would leave. And when that
14 didn't happen and we got into the second weekend, nobody saw --
15 we didn't -- from my point of view, we weren't expecting that,
16 for them to stay that long, and now it's -- they've -- they're
17 creating infrastructure, they're disabling vehicles, so now
18 they're there for -- which appears to be a longer term.

19 So instead of reducing the footprint, which is
20 always our goal in protest, to reduce the footprint so that if
21 you do go into enforcement action you can do it the safest way
22 possible with the least amount of resources, it was increasing
23 exponentially. So of course, people were losing confidence in
24 the OPS's ability to deal with the situation.

25 **MR. GORDON CAMERON:** Now, I'm going to leave to
26 others the more particular comments in your -- the summary of
27 your interview about the leadership of Chief Sloly and the
28 specific Operations of the Ottawa Police Service, but on this

1 point, you talk about the Government of Canada losing confidence
2 in the Ottawa Police Service. What was it in your interactions
3 with the officials and politicians with the Government of Canada
4 that prompted you to have that view?

5 **COMM BRENDA LUCKI:** Well, we always got the same
6 question each and every day, "When is this going to end? How is
7 it going to end?" And we really couldn't answer that. And of
8 course, early on we weren't intimately involved with what was
9 going on, so there obviously could have been negotiations with
10 the protesters, the leaders of the protest groups. But people
11 from the outside looking in weren't seeing any decrease in the
12 activity, they were seeing the opposite, they were seeing
13 increase in activity from the protest groups and more people
14 getting involved, especially on the weekends, so of course,
15 people were wondering if there was ever going to be an end to
16 this because they hadn't seen any outwardly enforcement action.

17 So it was -- in a way it's -- it wasn't a
18 completely, if I could use the word, educated point of view
19 because nobody knew the nuances of what was going on tactically
20 from OPS, it was just a comment from the outside looking in.

21 **MR. GORDON CAMERON:** Okay, I've tried twice to
22 get you to describe what it was that made you believe that the
23 Government of Canada had lost confidence, and I think twice
24 you've told me why one observing the situation ---

25 **COMM BRENDA LUCKI:** Okay.

26 **MR. GORDON CAMERON:** --- might have lost
27 confidence. So if I can bring you back to that ---

28 **COMM BRENDA LUCKI:** Sorry.

1 **MR. GORDON CAMERON:** --- and ask you if you had
2 some inputs that made you believe the Government of Canada had
3 lost confidence in the OPS.

4 **COMM BRENDA LUCKI:** Well, when we had deputy
5 ministers meetings, people were -- nobody said out loud that --
6 I don't recall people saying, "you know what, we're losing
7 confidence", it was my observation by the various comments about
8 "How come this is still going on? When is this going to end?
9 How come it's getting bigger?" So from -- I was inferring from
10 those comments "When is Ottawa Police Service going to do some
11 enforcement? When are they going to deal with this situation?"
12 I could hear the impatience, I could hear the frustration, and
13 from that, I inferred that they were losing confidence in Ottawa
14 Police Service.

15 **MR. GORDON CAMERON:** Thank you for that.

16 **COMM BRENDA LUCKI:** Sorry.

17 **MR. GORDON CAMERON:** Now, if I can take you down,
18 sorry not down, but further on in that text, you say:

19 "...we [got to] get to safe
20 action/enforcement."

21 Can you decrypt that for us?

22 **COMM BRENDA LUCKI:** So that's all about let's
23 help them get a plan together so that we can help them with safe
24 enforcement. So again, on having experience in public order,
25 it's all about minimising the footprints. You won't do that on
26 those weekends, as we all saw the numbers grew exponentially, so
27 obviously any enforcement action should be between, generally-
28 speaking, between the Monday and the Friday where the footprint

1 was minimal, and so helping them get to a place...

2 Because we knew that the numbers were too big
3 even with a minimised footprint for them to handle it
4 themselves. And they've -- they already mentioned that they
5 needed assistance from the various police agencies, so how can
6 we help them do that is that what I ---

7 **MR. GORDON CAMERON:** Thank you.

8 **COMM BRENDA LUCKI:** --- was referring to.

9 **MR. GORDON CAMERON:** And in the last text here,
10 first of all, the reference in there to the *Emergency Measures*
11 *Act*, in retrospect am I correct in guessing you meant the
12 *Emergencies Act*?

13 **COMM BRENDA LUCKI:** Yeah, I would imagine.

14 **MR. GORDON CAMERON:** Right. Okay. So

15 "Cause if they go to the *Emergency*
16 *Measures Act*, you or..."

17 And is it ---

18 **COMM BRENDA LUCKI:** "I".

19 **MR. GORDON CAMERON:** --- "I".

20 **COMM BRENDA LUCKI:** Yeah.

21 **MR. GORDON CAMERON:** Okay. Thumbs are not
22 working ---

23 **COMM BRENDA LUCKI:** No.

24 **MR. GORDON CAMERON:** --- with perfect agility
25 here:

26 "...you or [I] may be brought into
27 lead...not something I want."

28 So a concern you had was that if, and this is

1 February 5th, and you're contemplating the possibility of the
2 invocation of emergency legislation:

3 "...if they go to the *Emergency*
4 *Measures Act*, you or [I] may be brought
5 into lead..."

6 So that was a scenario you thought was a possible
7 outcome of invocation of the *Emergencies Act* was that ---

8 **COMM BRENDA LUCKI:** Yeah, I ---

9 **MR. GORDON CAMERON:** --- either the OPP or the
10 RCMP would be in charge, so to speak, of the Ottawa situation?

11 **COMM BRENDA LUCKI:** Yes. Very early on, when
12 they talked about *Emergencies Act*, I had no idea what exactly
13 that meant. And there was talk about "Well, what happens if
14 Ottawa Police Service cannot enforce or have the ability to deal
15 with the situation?" And there was talk about, you know, "Do
16 you change leadership? Do you change police?" It was all in
17 general conversation, nothing specific, and really, it was from
18 a place of problem-solving.

19 Everything was put on the table and it was -- so
20 that was one of the things that came up, whether or not that
21 could actually happen. That's when I started learning more
22 about the *Ontario Police Act*, where if they started to go
23 through the process of the *Ontario Police Act*, they would in
24 fact be the OPP that would be next in line to assist.

25 And so it was just -- all it was was sort of
26 let's -- we need to help Ottawa Police Service as best we can so
27 that... Tom Carrique and I had lots of conversations about
28 helping Peter succeed through this unprecedented event, and

1 doing what we can through resourcing, through equipment, through
2 advice any which way we could to help them get through the
3 situation.

4 **MR. GORDON CAMERON:** Thank you.

5 And if I could ask Clerk to bring up
6 PB.NSC.CAN.00008042, and scroll down to page 2. If I've got the
7 right document, there should be a comment by Whelan, "what is
8 his objective." There we go. Thank you.

9 **COMM BRENDA LUCKI:** Yeah.

10 **MR. GORDON CAMERON:** Now, we can see from the
11 extract above, that you were a participant in this Teams chat.
12 Again, can I take it correctly that you are in a Teams chat
13 monitoring I think an SSE meeting?

14 **COMM BRENDA LUCKI:** Yeah.

15 **MR. GORDON CAMERON:** Yes? And do you understand
16 what Alison Whelan meant by:

17 "What is his objective beyond getting
18 us to take over."

19 **COMM BRENDA LUCKI:** Can you scroll up a bit?

20 **MR. GORDON CAMERON:** Mr. Clerk, could you give
21 Commissioner Lucki the context there?

22 **COMM BRENDA LUCKI:** I'm imagining, again I'm
23 speculating because there was a lot going on. I don't know who
24 "he" is in this reference, but obviously it's somebody talking,
25 I'm imagining one of the ministers, or somebody in that meeting,
26 about what are the next steps if in fact OPS needs further
27 assistance? I'm not exactly sure what it means -- what she
28 means by that, but I'm just wondering if there was any -- she's

1 asking is there any other options besides us taking over?

2 **MR. GORDON CAMERON:** Let me ask you more directly
3 then, rather than through what we have to agree our difficult
4 decipherings of long ago, choppy text messages.

5 But were you having discussions with senior
6 officials or your Minister about the possibility of the RCMP
7 actually taking over policing in Ottawa?

8 **COMM BRENDA LUCKI:** Yeah, I think there was a
9 misconception, because people automatically assume the RCMP
10 being the federal police agency, that that's what our
11 responsibility was. So there was a bit of education on that in
12 saying, of course, when people are looking at solutions, one of
13 the solutions was, well why doesn't the RCMP take over? We got
14 asked that quite often. We'd say, "Well, it's not our -- we're
15 not the police of jurisdiction. We don't have jurisdiction in
16 the Province of Ontario. There's a lot of other layers before
17 coming -- you would never come to the RCMP. That's not our
18 role."

19 But I think there was an assumption, because
20 we're the federal policing or national policing agency in
21 Canada, there was an assumption that that's what that meant.
22 And so we were trying to educate Deputy Ministers and Ministers
23 that, you know, our role is not to overtake any police agency.
24 We're here to assist in any way we can.

25 **MR. GORDON CAMERON:** And were you getting input
26 from senior officials or your Minister, or other Ministers for
27 that matter, to the effect of, "What more can you do? Can't you
28 do more? Couldn't you be in there?" Statements like that?

1 **COMM BRENDA LUCKI:** Well there were things like,
2 "What do you need? Do you need anymore resources or any
3 equipment you need? Is there anything we can help you with that
4 would help Ottawa succeed in this event?" Because I was the
5 touch point for all police agencies. So whether it was Windsor,
6 Coutts, the -- you know, the Lower Mainland, it was always --
7 whenever any big event happens, I always get the same questions,
8 "Do you have everything you need? Is there anything you don't
9 have that you need? Please come to us." So I get those same
10 questions.

11 **MR. GORDON CAMERON:** The question to you, "Do you
12 have everything you need," is, I think, substantively different
13 than, "Are you doing everything you can?" or, "Can't you do
14 more?" or, you know, "We've got a terrible problem in Ottawa.
15 Why aren't you in there helping to solve it?" Were you getting
16 input like that?

17 **COMM BRENDA LUCKI:** Well we were, again, when
18 they were talking about us potentially, and it wasn't very
19 lengthy conversations about us potentially taking over, there'd
20 be snippets of that that would come out and we'd have to correct
21 that, saying that wasn't our role. But obviously it was all
22 hands-on-deck on the solution, problem solving. So people were
23 asking, you know, is there anything else that you could do to
24 assist that you're not doing? Is there -- how can we -- again,
25 when is it going to end? How is it going to end? Do you need
26 anything to help make it end? Those were questions that were
27 getting asked quite often.

28 **MR. GORDON CAMERON:** But did you get a sense that

1 the senior officials or the politicians, understandably
2 concerned about the situation in Ottawa, were asking you what
3 you could do? Not what resources you needed, but what you could
4 do to solve the problem in Ottawa?

5 **COMM BRENDA LUCKI:** Not specifically in those
6 terms. We would -- they've asked us, "Are you giving --" you
7 know, "Are you able to give them the resources that they're
8 asking for?" That was one big question, because between the
9 Mayor and the Minister, there was talk about resources. And we
10 were explaining that a lot. As you mentioned earlier, the
11 confusion over the numbers. And we were -- we told them we were
12 giving them everything they needed. And when they're ready to
13 enforce, if they require additional resources over an
14 enforcement plan, we'll be ready to assist. But there was
15 nothing specific like what -- how you mentioned.

16 **MR. GORDON CAMERON:** And I'll ask this question
17 generally. Did you ever get a sense in the input you had either
18 from the senior officials, your Deputy Minister, or others, or
19 the Ministers, your Minister or others, that pressure was being
20 put on you that if I can -- I think you'll understand, if I put
21 it this way, that crossed the line in terms of the propriety of
22 officials and politicians giving you direction about how Ottawa
23 should be policed?

24 **COMM BRENDA LUCKI:** Absolutely not. There was a
25 lot of -- we -- I didn't feel the pressure from our point of
26 view, because we weren't the police of jurisdiction, but I did
27 feel the pressure internally, because we wanted to do everything
28 we could to help Ottawa Police Service.

1 But as far as from the politicians providing
2 direction or pressure, there was, in general, wanting to find an
3 end solution to this, of course. Within our own organization,
4 especially on the gold, silver, bronze, when they all came
5 together, everybody was rolling up their sleeves trying to
6 figure out, "How are we going to end this?" And how are we --
7 you know, "How are going to deal with?" So we were putting a
8 lot of pressure on ourselves, from an organizational point of
9 view.

10 And I would say that the politicians felt the
11 same pressure of wanting this to end. And of course, they're --
12 you know, like you said, they're asking, you know, "Are we doing
13 everything we can to help them?"

14 **MR. GORDON CAMERON:** Right.

15 **COMM BRENDA LUCKI:** And our answer would be the
16 same. "They're leading it." It would be -- and often I'd say
17 it'd be like Chief Sloly going to Edmonton City Police and
18 telling them, you know, what to do. There's jurisdiction, and
19 there's jurisdiction for a reason. And they -- despite -- even
20 at the final days of enforcement, Ottawa Police Service had the
21 lead in that, and that was very, very important, that they --
22 there always has to be somebody who is taking the lead, and it's
23 the police of jurisdiction.

24 **MR. GORDON CAMERON:** Coming back to this point
25 about -- I think it might have been you, but somebody used the
26 expression a line between church and state, which whether that's
27 what you meant in the context, we've all assumed means the line
28 between the political side and the policing side, and all of the

1 both jurisprudence and analysis that's been done on where that
2 line should stand.

3 So my question to you is, where does the RCMP
4 look for guidance on where that line is? And I'm just going to
5 insert, parenthetically, we've had a lot of information about
6 how the Ottawa Police Service has, between it and the City
7 Council, the Ottawa Police Services Board, and the same will be
8 true of other police of jurisdiction of various places. We
9 don't see the same between you, the RCMP, and either the senior
10 officials or the politicians. So where do you -- where does the
11 RCMP look to help find that line between what we're calling
12 church and state?

13 **COMM BRENDA LUCKI:** Well for me, it's pretty
14 clear. Anything operational, we're advising what's happening,
15 but we're not taking direction on how to do things.

16 And we've never been provided direction on how --
17 what we should do. And it was actually interesting, I think, in
18 one of the meetings, because normally when I brief, I brief
19 generally speaking, the Minister of Public Safety, and sometimes
20 now that they've split, the Minister of Emergency Preparedness.
21 In this case, there was additional Ministers.

22 So I think it was maybe the first IRG, or maybe
23 even the First Minister meeting, where I believe it was Minister
24 Mendicino advising these Ministers that, "You are not to provide
25 direction to the Commissioner." They remind themselves.

26 My Ministers don't need to remind themselves,
27 because we deal with them on a daily basis, or regular basis,
28 but with the new Ministers, there was even just a reminder,

1 because sometimes what happens is when you're into problem
2 solving, problem solving can sometimes translate into, you know,
3 "We should do this and we should do that. Could we do this and
4 could we do that?" And sometimes that -- people might feel that
5 that's direction. I don't consider any of that direction.
6 Direction to me is something that you specifically would turn to
7 me and say, "Commissioner, we need you to do this," or, "Don't
8 do this." That's direction. That's interference. We don't get
9 any of that. It's strictly an exchange of information, for the
10 most part.

11 **MR. GORDON CAMERON:** Okay. Thank you for that.
12 Is there some institution or body though ---

13 **COMM BRENDA LUCKI:** No.

14 **MR. GORDON CAMERON:** --- that stands between you
15 and your Minister the way that one might analogize to the Ottawa
16 Police Services Board standing between City Council and the
17 Ottawa Police Service?

18 **COMM BRENDA LUCKI:** No, we don't have a police
19 commission. We've just brought in, in the last couple of years,
20 a Management Advisory Board, ---

21 **MR. GORDON CAMERON:** Sorry, repeat that? I
22 missed that.

23 **COMM BRENDA LUCKI:** In the last couple years,
24 we've just brought in what we call a Management Advisory Board,
25 but they are there to provide advice to the Commissioner. They
26 do not -- they don't -- they're not the filter between us and
27 government.

28 **MR. GORDON CAMERON:** Right. And so if your

1 Minister or a Minister were to cross that line, it's simply a
2 function of you having to say, "You're over the line, Minister",
3 or otherwise, defend your own jurisdiction, so to speak.

4 There's no institution that protects you from that. Everybody
5 is just expected to follow the rules or you call them out.

6 **COMM BRENDA LUCKI:** Yeah, there's no institution
7 in between the two of us, but we definitely have our policies
8 and our procedures and our direction, and under the *RCMP Act*, I
9 am in charge of the operational command of the RCMP. I can get
10 Ministerial directives from the Minister, but it's in regards to
11 administrative matters. But I won't get anything -- for example
12 -- if I was to get a Ministerial directive, and I'm just
13 hypothetically speaking, that I felt crossed over in the
14 operational domain, I would bring it to my legal advisors and
15 say, "Is this crossing over?" You know, so I'm just trying to -
16 - as I'm talking, I'm trying to think of some body that would
17 act as that and the only people I can think of is probably legal
18 advisors that may, in fact, if I felt that happening. But I've
19 never had to -- in meetings, I've never had to really, you know,
20 tell everybody to stop and you're crossing the line because it's
21 -- they're very cognizant of it and they're very protective of
22 it, because we have similar countries in the five eyes that are
23 struggling with this and they actually come to us and ask how we
24 do it. But it's basically from previous testimony at the Mass
25 Casualty Commission, I'm -- because I've been asked this
26 question several times, I think it's time that we put something
27 to writing that outlines the -- what you can and cannot do from
28 both the Commissioner's perspective and the politicians,

1 especially from a rotational point of view. There's a lot of
2 different -- you know, politicians change, so that they are
3 understanding, because we're not the only operational entity in
4 the federal government. There's Corrections, there's Border
5 Services. So I think it's time to clarify because it's been a
6 topic of conversation.

7 **MR. GORDON CAMERON:** I'm glad you went there
8 because that was the next question I had because the provincial
9 and municipal police forces have already run into problems with
10 this -- those problems of generated Commissions of Inquiry that
11 have made recommendations and given some guidance and perhaps
12 this Commission will add to that body of material. But how
13 would you envision this further or better guidance, and you
14 might have noticed that Deputy Minister Stewart made the same
15 observation yesterday, that there was room for development on
16 this point, but how would you envision that? What would it be
17 contained in it, some policy guidance document, and is there
18 work on this now?

19 **COMM BRENDA LUCKI:** Well, actually, I think one
20 of the members of Parliament has put in a private members bill
21 on that very subject and said, "It won't be difficult to do
22 because there's many police agencies who have examples of what
23 needs to be put in text to make this happen because it's already
24 out there." And I'm just -- the name is escaping me, but there
25 is a private member's bill to discuss this very issue.

26 **MR. GORDON CAMERON:** Thank you. And to be clear,
27 you -- I heard you say that this wasn't an issue with respect to
28 the convoy or the blockade, but it is a topic you believe should

1 be addressed; is that fair?

2 **COMM BRENDA LUCKI:** Well, absolutely, because in
3 the last six months I've had to respond to it on several
4 occasions, and so ---

5 **MR. GORDON CAMERON:** Okay.

6 **COMM BRENDA LUCKI:** --- my hope is that my
7 replacement won't have to, so we need to clear this up.

8 **MR. GORDON CAMERON:** Thank you. I want to come
9 back on a particular point of interest that has attracted some
10 attention already before the Commission and that has to do with
11 -- well, perhaps I could ask, Mr. Clerk, for you to call up
12 WTS00000068. And if you can get to page 10 of that? No, you
13 had it there. And I recognize that handwriting.

14 **COMM BRENDA LUCKI:** It's not mine.

15 **MR. GORDON CAMERON:** Deputy Commissioner, this
16 question is for you because am I correct in identifying that as
17 an extract from your notes?

18 **D/COMM MICHAEL DUHEME:** That's correct.

19 **MR. GORDON CAMERON:** And perhaps you could first
20 read, for those of us who haven't learned to decipher your
21 handwriting, read the two asterisked points that are in your
22 notes there?

23 **D/COMM MICHAEL DUHEME:** Yeah, the first one is
24 "Peter", referring to the Chief -- Chief Sloly from Ottawa
25 Police Service -- "...said he's going to ask double of what he
26 needs." And the second asterisk is,

27 "Planners from our shop integrated
28 Planning cell. What [...] resources

1 [are] required?"

2 Because we're talking at point have an integrated
3 planning cell, what type of expertise do we have to bring? And
4 this -- these notes stem from on the page before that, I believe
5 it was Steve Bell that was briefing us, providing an update and
6 that was the comment that was shared by Steve Bell.

7 **MR. GORDON CAMERON:** Okay. I was just going to
8 take you to that. If you look in the typed text below your
9 written note, you describe roughly what you just said, that the
10 note reflects a call with Deputy Chief Steve Bell of the OPS
11 concerning the OPS's request for resources.

12 This is your note of what Chief Bell -- sorry,
13 Deputy Chief Bell told you?

14 **D/COMM MICHAEL DUHEME:** Exactly.

15 **MR. GORDON CAMERON:** And if I ---

16 **D/COMM MICHAEL DUHEME:** If I could have the page
17 before that because I don't have my notes, but I'm quite certain
18 it reflects a call with Chief Steve Bell. It's written down
19 below, yeah.

20 **MR. GORDON CAMERON:** I can pull up your notes if
21 you want, but I ---

22 **D/COMM MICHAEL DUHEME:** No, that's okay. I ---

23 **MR. GORDON CAMERON:** --- can confirm for you that
24 that is what you have indicated earlier.

25 **D/COMM MICHAEL DUHEME:** No, I'm okay with that.

26 **MR. GORDON CAMERON:** Okay.

27 **D/COMM MICHAEL DUHEME:** Yeah.

28 **MR. GORDON CAMERON:** And if you can help us with

1 this, and you're not the first one to speak to this statement or
2 comment, what did you understand Deputy Chief Bell to be meaning
3 when he said -- well, first of all, Peter's Peter Sloly; is that
4 correct?

5 **D/COMM MICHAEL DUHEME:** Correct.

6 **MR. GORDON CAMERON:** "He's going to ask double of
7 what he needs." Can you understand what -- explain at least
8 what you understood Chief -- Deputy Chief Bell to be saying?

9 **D/COMM MICHAEL DUHEME:** So the way I interpret
10 it, the numbers that were provided publicly and through the
11 letter that went to the Minister, the 1800 ask, is that really
12 reflective of the needs. Because, again, I go back to what the
13 Commissioner said earlier, throughout this process, there was no
14 plan to support or to demonstrate to the organization what
15 skillsets and resources are required to support an operational
16 plan and to support Ottawa Police Service. So I took it when
17 this was briefed to me the first time, the 1800 police officer
18 or 1,000 police officers, 600 Public Order Teams, 100 support
19 staff, I took it that is that what they're asking, considering
20 that Deputy Chief Steve Bell says he's asking to double what he
21 needs. So I wasn't sure if that was an ask, and it was starting
22 to sound like a broken record where, without a plan, both us and
23 the OPP were kind of struggling as to what types of resources do
24 you actually need to assist in addressing the issue in Ottawa.

25 **MR. GORDON CAMERON:** And I understand that an
26 integrated planning cell, which we've sometimes heard called the
27 IPC, was established by the RCMP and the OPP on about February
28 8th; is that your recollection?

1 **D/COMM MICHAEL DUHEME:** Around that date where we
2 brought the SMEs, the subject matter experts together to start
3 reviewing what they had and start building a plan.

4 **MR. GORDON CAMERON:** And as I understand it, the
5 purpose of the IPC was, among other things, to review such
6 planning as had been done to date and to further develop the
7 plan to deal with the situation in Ottawa; is that right?

8 **D/COMM MICHAEL DUHEME:** That's correct.

9 **MR. GORDON CAMERON:** Did that effort, that is the
10 establishment of the integrated planning cell, allow you, and
11 presumably the OPP, but allow the participants in the planning
12 cell to put a finer point on the resources that would be
13 required to deal with the situation in Ottawa?

14 **D/COMM MICHAEL DUHEME:** That was one of the
15 objectives is to nail down what was required for Ottawa.

16 **MR. GORDON CAMERON:** Right. I'll ask this
17 question in an open-ended way. Do you feel that the February 8th
18 timeframe by which that integrated planning cell was
19 established, did you feel that the situation in Ottawa could
20 have been handled more effectively if that integrated planning
21 cell was established earlier in the process?

22 **D/COMM MICHAEL DUHEME:** It would merely be
23 speculation on my part how it could have been handled if this
24 was put together sooner. Could it have -- would it have come
25 too an end sooner? Perhaps, but I -- I'm not in a position to
26 say that it would considering everything that was going on.

27 **MR. GORDON CAMERON:** Fair enough.

28 **D/COMM MICHAEL DUHEME:** And the other thing to

1 factor in is it's one thing to look at the plan, but again I go
2 back to what I mentioned earlier, when it comes time to mobilise
3 resources from across the country, it's not only challenging but
4 sometimes resources don't get in the next day, it takes a couple
5 of days before you get there.

6 **COMM BRENDA LUCKI:** If I could also add. Not
7 being intimately familiar with what OPS was doing, they could
8 very well have been in negotiations with protesters. And we
9 always say in Public Order, if you're -- in -- sorry, in
10 protests, if you are in negotiations with the leaders or various
11 people in these protests, while you're still having the
12 conversation is not -- you're not going to go into enforcement.
13 So not knowing that, we could only speculate that they could go
14 into enforcement when they might in fact be in the midst of
15 negotiating a peaceful resolution.

16 **MR. GORDON CAMERON:** So did you view the
17 integrated planning cell as strictly an enforcement -- a
18 mechanism to organise enforcement?

19 **COMM BRENDA LUCKI:** No, because part of that when
20 we're dealing with protests you have taskings going to your
21 Police Liaison Teams who are dealing with the leaders of the
22 protest group. From what I understand it was a little bit more
23 problematic because generally-speaking you have one leader, in
24 this case there was several leaders, so obviously it makes the
25 task a little bit more difficult when you're dealing with quite
26 a few different people. But it's all about having those
27 conversations about how to find a peaceful way to get an illegal
28 blockade back to a peaceful protest.

1 **MR. GORDON CAMERON:** Thank you. And we'll come
2 back to that very point. But just so I understand correctly,
3 what you're saying is you don't mobilise your Public Order Units
4 right away when there's still a viable option of a liaison
5 solution to the situation?

6 **COMM BRENDA LUCKI:** Not necessarily, it depends
7 on the dynamics. Because if you are negotiating and there's
8 problems where people -- where public safety is at risk you may
9 in fact have -- you may be in negotiation and still have your
10 Public Order teams staged at a location, so you still may need
11 them just in case in the event. Every protest is different.

12 **MR. GORDON CAMERON:** I'd like to move on to
13 another topic now.

14 And for that purpose, Mr. Clerk, could you call
15 up OPP00000151.

16 And the topic here is, not everybody monitors
17 these proceedings as closely as some of us do, but what we're
18 calling the "engagement proposal". I think you're familiar with
19 that I think, at least from our interview with you,
20 Commissioner Lucki.

21 **COMM BRENDA LUCKI:** Yes.

22 **MR. GORDON CAMERON:** So I just want to ask you
23 some questions about your involvement in this. And maybe I'll
24 just throw it out to you to describe how you first learned about
25 this possibility, what your involvement was with Deputy
26 Minister Stewart and in connecting him ---

27 **COMM BRENDA LUCKI:** Yeah.

28 **MR. GORDON CAMERON:** --- to Marcel Beaudin, et

1 cetera. So if you could just begin at the beginning and tell us
2 what you can about that.

3 **COMM BRENDA LUCKI:** So there was conversations
4 about the protest groups wanting to talk to a -- an official,
5 like a politician, or an official of some sort, and nobody was
6 sure if it was at the provincial, municipal, or federal level at
7 that point. And so I believe that Deputy Minister Rob Stewart
8 was tasked with looking into the possibility of having a -- an
9 official speak with the protesters. And he wanted to know how
10 that works with the liaison teams and how they -- what they're
11 doing as far as negotiations with the protesters.

12 Because we weren't involved with all of that, I
13 reached out to Tom Carrique, and Tom Carrique advised me that it
14 was in fact the OPP Police Liaison Team that was leading the
15 negotiations with the protesters, and so I asked if I could
16 connect the lead -- who the lead was of that team and if I could
17 connect them with Deputy Minister Rob Stewart so he could get
18 more information. And really, my role as a facilitator, and I
19 introduced the two of them so they could talk.

20 Later on, he was coming up with this protest
21 engagement strategy. I think he asked, you know, what we
22 thought of it. I sent it back to my team who deals with
23 liaising. We have a different structure but the same idea but
24 different structure. I gave it to them to say is there any red
25 flags on these documents or is there any advice we can provide
26 Deputy Minister Stewart. I think we provided him a bit of
27 advice on that.

28 I think as well I included asking

1 Inspector Beaudin what he thought of what I had said, but then I
2 had already realised that he had reviewed the document I think,
3 so it was just a matter of connecting Deputy Minister Stewart
4 with Inspector Beaudin on this protest engagement strategy as
5 one of his tasks.

6 **MR. GORDON CAMERON:** Now, we did hear from Deputy
7 Minister Stewart about the evolution and ultimate demise of this
8 proposal, but in terms of your observation of it from its
9 conception through to the end, did you hear it discussed among
10 either officials or at the IRG? Did you have input on it to the
11 IRG as to whether you thought it was a viable proposal?

12 **COMM BRENDA LUCKI:** Not me, specifically. It was
13 Deputy Minister Stewart who was leading that, and any thoughts I
14 had on it I would have provided to him.

15 **MR. GORDON CAMERON:** I can switch gears here a
16 bit.

17 **COMMISSIONER ROULEAU:** Is this a good time for
18 the break?

19 **MR. GORDON CAMERON:** Actually, Mr. Commissioner,
20 this would be a very good time to break, yes.

21 **COMMISSIONER ROULEAU:** Okay. So we'll take the
22 morning break for 15 minutes.

23 **THE REGISTRAR:** The Commission is in recess for
24 15 minutes. La Commission est levée pour 15 minutes.

25 --- Upon recessing at 11:15 a.m.

26 --- Upon resuming at 11:36 a.m.

27 **THE REGISTRAR:** Order. À l'ordre. The
28 Commission has reconvened. La Commission reprend.

1 --- D/COMM MICHAEL DUHEME, Resumed:

2 --- COMM BRENDA LUCKI, Resumed:

3 COMMISSIONER ROULEAU: Go ahead.

4 MR. GORDON CAMERON: Thank you.

5 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON (Cont'd):

6 MR. GORDON CAMERON: Commissioner, and Deputy
7 Commissioner, we understand from the records, we can call them
8 up if it's helpful to you, but that on or about February 13th,
9 you got a sense that the plan that your Integrated Planning cell
10 and Chief Soly had been working on had come to a state of
11 fruition or maturity. Is that about the right timing,
12 February 13th?

13 COMM BRENDA LUCKI: Yeah, that was when it was
14 completed.

15 MR. GORDON CAMERON: And we've heard some
16 evidence about this from the other police agencies, but just for
17 your perspective on it, this was a team effort, so to speak, by
18 planning experts, subject matter experts from the RCMP, the OPP,
19 and the Ottawa Police Service?

20 COMM BRENDA LUCKI: Yes.

21 MR. GORDON CAMERON: And as I understand it, you
22 in particular, Commissioner Lucki, and perhaps the rest of your
23 team who looked at it, were generally satisfied with the plan as
24 an Operational Plan to deal with the situation in Ottawa?

25 COMM BRENDA LUCKI: Yes, both myself and
26 Commissioner Carrique were briefed on the plan the Friday before
27 that. Like, I think it was around February 11th, we got an
28 actual briefing from the planners on the plan. And yeah, we --

1 yes, we were satisfied with the plan.

2 **MR. GORDON CAMERON:** And would it be correct to
3 say that on your observation of the plan it was developed in
4 reliance exclusively on your existing legislative and common law
5 authorities?

6 **COMM BRENDA LUCKI:** Yes, but they also did take
7 into consideration because around the same time the -- Ontario
8 had put in their *Emergencies Act*, so there was talk about how
9 that would affect the plan or not. And going forward, there was
10 talk of the *Emergencies Act*, which nobody really knew what that
11 meant, and just that, a recognition that if in fact any other
12 legislation or authorities came through, we'd have to adjust the
13 plan. But it wasn't taken into effect in the planning of it.

14 **MR. GORDON CAMERON:** Thank you for drawing --
15 I'll say carving out the Ontario emergency plan. But if I can
16 be more refined than with my question, the plan, as you
17 understand it, and Commissioner Carrique understood it, was
18 drafted without any reliance on any of the powers that might be
19 available to the enforcement forces ---

20 **COMM BRENDA LUCKI:** Yes.

21 **MR. GORDON CAMERON:** --- from federal emergency
22 legislation?

23 **COMM BRENDA LUCKI:** Yes.

24 **MR. GORDON CAMERON:** And did any of your subject
25 matter experts involved in the integrated planning cell, that is
26 the RCMP experts on that team, express any concern to you that
27 the plan was deficient because of gaps in existing authorities?

28 **COMM BRENDA LUCKI:** Not at that time, no.

1 **MR. GORDON CAMERON:** Now, you -- we're now going
2 to move into a time period that ends up being densely packed
3 with meetings and activities and the development by you and your
4 team of key messages and everything. This is the 12th, 13th, and
5 14th, the days leading up to the invocation of the Act. And I
6 understand that on February 13th, you attended, you, Commissioner
7 Lucki, attended -- I'm going to insert parenthetically there,
8 when we say "attended a meeting", sometimes this would be
9 virtual, sometimes it would be physical, or was it always
10 virtual?

11 **COMM BRENDA LUCKI:** Both.

12 **MR. GORDON CAMERON:** Okay.

13 **COMM BRENDA LUCKI:** Depending on -- the Deputy
14 Minister -- the Minister's meetings were generally virtual.
15 Many of the IRGs were in person.

16 **MR. GORDON CAMERON:** Thank you. And on February
17 13th, if I can refresh your memory, there was a DMOCC at around
18 noon and a briefing with Minister Mendicino and Blair at about
19 1:00 p.m., an IRG at about 4:00, and a Cabinet meeting at about
20 8:30? Is that right?

21 **COMM BRENDA LUCKI:** Yes.

22 **MR. GORDON CAMERON:** And the subject matter of
23 all of these meetings was the convoy and blockade situation
24 across the country? Is that right?

25 **COMM BRENDA LUCKI:** Yes.

26 **MR. GORDON CAMERON:** We have a number of your key
27 message documents that you developed for presentation or
28 delivery to these meetings, and I'll just you the sort of big

1 question we're trying to get some elucidation on here, and then
2 we'll break it down in as many parts as you think would be
3 helpful in your remembering what went on in those probably very
4 densely packed days.

5 But the question we're trying to get to is how
6 much of your key messages got delivered to the DMOCC, and the
7 IRG, and Cabinet? Because we've tried to follow the sequence of
8 events, and we do this forensically by watching your Teams chats
9 and trying to figure out, as you folks are watching the meetings
10 going on, whether you ever got a chance to speak at a given
11 meeting or whether your points were ever discussed, et cetera.
12 So rather than me trying to create that whole forensic analysis
13 as to what happened on the 13th, to your efforts to educate the
14 IRG and Cabinet on your views about these events, maybe I could
15 just put it over to you and say if you remember those days, the
16 development of those key messages, and how, if, when you were
17 able to deliver them in those various forums?

18 **COMM BRENDA LUCKI:** Pretty well, I don't want to
19 say 100 percent, but pretty close at the beginning of each of
20 those meetings, after they brought up the agenda, I would be
21 generally the first person they would go to and I'd give that
22 situational overview and literally be reading those key
23 messages. So most all of the information that were in those key
24 messages were delivered. There might have been some exceptions,
25 but very minor in nature.

26 **MR. GORDON CAMERON:** Let's call up the key
27 messages document to see if we can see what it is you were
28 hoping to, and as you just described it, in some cases able to

1 communicate. And this would be SSM.CAN.NSC.00002906.

2 Now, we've seen several, I don't know if they're
3 drafts or variations of this, do you know what different
4 documents were used in different contexts, or if they are just
5 drafts of a single document?

6 **COMM BRENDA LUCKI:** Sometimes what would happen
7 would be a very similar document was delivered at the Minister's
8 briefing, and then there might have been slight amendments,
9 because the situation changed, but that would be the only reason
10 why it would change. But generally speaking, the DMOCC, the
11 Minister's meeting, and the IRGs were very similar messaging.

12 **MR. GORDON CAMERON:** And if we could just scroll
13 down?

14 And as we're looking at this, Commissioner Lucki,
15 is this something that you would read from or jump through? How
16 did your presentation tend to go?

17 **COMM BRENDA LUCKI:** I would read through it. I
18 would read through it.

19 **MR. GORDON CAMERON:** Thank you.

20 **COMM BRENDA LUCKI:** Yes.

21 **MR. GORDON CAMERON:** And you would use -- was
22 there PowerPoint or was this piece of paper distributed among
23 those who were in attendance?

24 **COMM BRENDA LUCKI:** No.

25 **MR. GORDON CAMERON:** So these were just your
26 speaking notes?

27 **COMM BRENDA LUCKI:** My speaking notes. Yes.

28 **MR. GORDON CAMERON:** Thank you. You mentioned

1 that you would be among the first to speak at these meetings.
2 Were you, in affect, Cabinet and the IRG's window into the law
3 enforcement situation for the purposes of those bodies'
4 understandings of the convoy and the blockades?

5 **COMM BRENDA LUCKI:** Yeah, I was representing, for
6 the most part, all law enforcement. So we would gather up the
7 information from the various protests, it didn't matter which
8 police was the jurisdiction. I would report on behalf of
9 police, which is often what happens when there's a national
10 event.

11 **MR. GORDON CAMERON:** Right. So to the extent
12 that the OPS or the OPP have information about the status of the
13 protest or blockades in their various mandates, that came to
14 cabinet, or the IRG, or the DMOCC, through you?

15 **COMM BRENDA LUCKI:** Yes.

16 **MR. GORDON CAMERON:** If you look, we scroll down
17 the page to the heading, "Additional Supports", it's, I think,
18 page 6 of this document.

19 Now, can you explain what this section of your
20 speaking notes is about?

21 **COMM BRENDA LUCKI:** Well it's in reference to
22 discussions on the implications of the *Emergency Act*. And
23 that's where I had mentioned earlier about being consulted as to
24 whether the -- any of the authorities that they may provide us
25 would -- we would be able to enforce, if there was any
26 challenges to that enforcement, and it was doable, so to speak,
27 from a law enforcement perspective.

28 We were also consulted on potential authorities,

1 and so we created a little list of what we thought would be
2 potential authorities early on.

3 And in here, you see there's a few examples of
4 additional tools that would be useful.

5 **MR. GORDON CAMERON:** Now, did you consult other
6 police agencies in the course of compiling this list of possible
7 other authorities for ---

8 **COMM BRENDA LUCKI:** At that point, I don't
9 believe so. I think we did consult internally within the RCMP,
10 where, like, B.C. is -- B.C., Alberta, and Manitoba especially,
11 because that's where some of the protests were in our area.

12 I don't believe we reached out to all of the
13 other agencies. Like, all other police agencies. I wasn't -- I
14 don't think, because of -- possibly we weren't to reach out
15 outside of the RCMP on this because it was part of Cabinet.

16 **MR. GORDON CAMERON:** So there might have
17 obligations of confidence ---

18 **COMM BRENDA LUCKI:** Confidence.

19 **MR. GORDON CAMERON:** --- that prevented you from
20 consulting outside the RCMP?

21 **COMM BRENDA LUCKI:** Yeah, I'm guessing. I don't
22 know specifically, but I don't believe that we reached out to
23 other police agencies, but there could have been talk at the
24 planning level like through the National Capital Region Command
25 Centre or the Integrated Command Centre. They may have spoke
26 about it, but I -- you would have to ask the D/Commissioner Mike
27 Duheme because I wasn't involved in that command structure.

28 **MR. GORDON CAMERON:** Over to you.

1 **D/COMM MICHAEL DUHEME:** To my knowledge, sir,
2 there was no consultation, one, because of the confidence aspect
3 because the drafting -- they're looking at -- they're putting
4 measures into the Act. And the other thing I'd like to
5 highlight is the -- we had a very short turnaround time to get
6 these recommendations or what we thought would be useful for law
7 enforcement, so it was -- it was -- as I recall, it was done
8 strictly internally of the RCMP.

9 **MR. GORDON CAMERON:** And can we scroll down
10 further, Mr. Clerk, in this document?

11 It's the paragraph that begins, "That said", the
12 one that's up there.

13 And I'll read it and you can read it with me, and
14 then I'll ask some questions. These are your notes and
15 presumably what you said to the IRG and Cabinet on the relevant
16 occasions:

17 "That said, I am of the view that we
18 have not exhausted all available tools
19 that are already available through the
20 existing legislation. There are
21 instances where charges could be laid
22 under existing authorities for various
23 *Criminal Code* offences occurring right
24 now in the context of the protest. The
25 *Ontario Provincial Emergencies Act*, just
26 enacted, will also help in providing
27 additional deterrent tools to our
28 existing toolbox."

1 And then the bullet below that:

2 "The existing tools are considered in
3 our existing plans and will be used in
4 due course as necessary."

5 As I say, this set of speaking notes had been in
6 various iterations and also ended up in an email that you sent
7 to Mr. Jones, the Minister's Chief of Staff.

8 Was this point that you mentioned here in your
9 addresses to the IRG and Cabinet -- was that also something you
10 had expressed to, for example, Deputy Minister Stewart or Chief
11 of Staff Jones before these speaking points were distributed or
12 before your email on the topic?

13 **COMM BRENDA LUCKI:** I'm not sure of the timing.
14 I know that there was an email exchange with the Chief of Staff,
15 so I don't know if it was before or after this meeting.

16 **MR. GORDON CAMERON:** If it helps you, it was in
17 between the IRG -- it was -- if you look at the time stamp ---

18 **COMM BRENDA LUCKI:** Yeah.

19 **MR. GORDON CAMERON:** --- it was right in between
20 the IRG and the Cabinet meeting you sent, in effect, these
21 points, including -- sorry, your speaking points, including
22 these two bullets here.

23 Had you had these discussions about your views on
24 existing authorities with any of the officials before the
25 circulation of these notes?

26 **COMM BRENDA LUCKI:** Yeah, I think we would have
27 been exchanging verbally. Like D/Commissioner Duheme said, it
28 happened so fast. There was -- Deputy Minister was working on

1 this. We weren't in the working group. We were just brought in
2 as subject matter experts on various authorities that --
3 potential authorities, but we weren't in the drafting of any of
4 this. That wasn't our role.

5 So this would have been provided probably
6 verbally. We would have spoken about it and then obviously,
7 because I was asked in an email, it was provided in writing.

8 **MR. GORDON CAMERON:** If I can ask the clerk to
9 call up PB.NSC.CAN00008041.

10 This is another one of the Teams chats. And if
11 you look at the time stamp again allowing that these are stamped
12 five hours ahead of the time zone that we would have been here
13 in Ottawa, you'll see the date is February 13th. And if you
14 just look from the first page to the last, you see it covers a
15 period of time up to, looks, like, 6:35 p.m. at the very end.

16 Are you able to -- if I ask the clerk to scroll
17 ahead to the end of the document just so that Commissioner Lucki
18 can see the range of the discussion there.

19 The point I wanted to draw your attention to in
20 this particular Teams chat, Commissioner Lucki, is at page --
21 well, it's page 19 of this document.

22 Mr. Clerk, maybe if you can find that. If you go
23 down to the first -- yeah, there we are.

24 Now, if we look at the time stamp at 10:21 p.m.,
25 this would actually be, if I understand correctly, 5:21 p.m.?
26 Is that right?

27 **COMM BRENDA LUCKI:** Yes.

28 **MR. GORDON CAMERON:** And now you're nodding

1 there, Commissioner Lucki, but ---

2 **COMM BRENDA LUCKI:** Yes.

3 **MR. GORDON CAMERON:** --- the transcriber will
4 want to hear yes or no. Thank you.

5 And again, just so the parties and viewing public
6 can understand what's going on here, this is a discussion that
7 you and your team are having sort of offline. These aren't
8 actual comments in the meeting. You're -- well, were you
9 present at this IRG meeting?

10 I believe this was the IRG meeting of the 13th.

11 **COMM BRENDA LUCKI:** I believe so, yes.

12 **MR. GORDON CAMERON:** So have you got your phone
13 out and you're -- and you've got your team watching at -- on
14 their computers in their offices, perhaps?

15 **COMM BRENDA LUCKI:** I may have been there in
16 person. I'm not sure. I ---

17 **MR. GORDON CAMERON:** You think the team was
18 actually there.

19 **COMM BRENDA LUCKI:** No, the team wouldn't have
20 been there. I might have been there in person or it could have
21 been on video. There was a couple on video, and so I don't know
22 which ones.

23 **MR. GORDON CAMERON:** Well, you might -- you might
24 get some insight as we go through your comments here because
25 you're asking somebody in the first entry here whether you are
26 the next up on the agenda. Someone suggests that ---

27 **COMM BRENDA LUCKI:** Yes.

28 **MR. GORDON CAMERON:** --- you're not. And then

1 someone says, "Situational updates", et cetera. The next is
2 you.

3 **COMM BRENDA LUCKI:** Okay.

4 **MR. GORDON CAMERON:** And so -- and the question
5 we're wondering, it then goes over to -- Mr. Clerk, if you can
6 just scroll down the page to a point where -- there's an entry
7 under "Flynn, Mark" on page 20.

8 That's it.

9 "Situational update". And then it says, under
10 number 2, "Minister Mendicino may turn to Commissioner Brenda
11 Lucki". And I guess since these are from your notes, you may
12 also ask to speak, et cetera.

13 Do you figure that that's where you got asked to
14 give the situational update with respect to Ottawa?

15 **COMM BRENDA LUCKI:** Possibly, yeah. There was
16 always -- usually a spot for a situational update. Sometimes on
17 -- on the IRG there was always -- usually a spot for me to
18 provide a situational update depending as they got closer to the
19 -- there was one that I didn't -- I believe I didn't provide
20 much of an update because there was a discussion mostly on the -
21 - on the *Emergencies Act*, so it wasn't about me providing
22 information. It was just discussing the *Emergencies Act*.

23 **MR. GORDON CAMERON:** Could we have 8041 brought
24 up on the screen? Sorry, PBS.NSC.CAN00008041.

25 **COMMISSIONER ROULEAU:** That's what this is.

26 **MR. GORDON CAMERON:** Oh, I'm sorry.

27 Right. Then it's page 12 of that document I'd
28 like to look at.

1 And there's a section under Mark Flynn.

2 And I'll just read it for you:

3 "OPS just confirmed the plan is finally
4 reviewed and approved. Their planning
5 group will integrate here with our
6 group."

7 And paragraph, sorry, parenthetical comment

8 "(This came from Carson)." And I take it that's Carson Pardy?

9 **COMM BRENDA LUCKI:** Yes.

10 **MR. GORDON CAMERON:** Were you able to update the
11 IRG with that development when it came in on your phone?

12 **COMM BRENDA LUCKI:** I don't believe so.

13 **MR. GORDON CAMERON:** Okay.

14 **COMM BRENDA LUCKI:** I think, though, in that --
15 the IRG from February 13th, I did provide some information on
16 the plan in general, but not with this latest development.

17 **MR. GORDON CAMERON:** Now, if we could turn up
18 OPS00014566.

19 And I don't know if you recognise these,
20 Commissioner Lucki, but if it helps you they're described to us
21 as the notes from Chief Sloly's scribe of a meeting. And we'll
22 get to a point...

23 If you ---

24 **COMM BRENDA LUCKI:** Okay.

25 **MR. GORDON CAMERON:** If you scroll down,
26 Mr. Clerk. There's a point where there's a meeting with
27 Commissioner Lucki, it's about two pages down. There we go.

28 **COMM BRENDA LUCKI:** There.

1 **MR. GORDON CAMERON:** So that's, again, if you
2 understand these to be the notes of then Chief Sloly, this is a
3 meeting between him and you and Commissioner Carrique of the
4 OPP.

5 The point that I'm interested in, in light of the
6 conversation we just had, is the second bullet under the
7 redacted section, where Chief Sloly, and again, this isn't your
8 note, it's his observation of what he understands you to have
9 told him:

10 "...did not get the prime minister
11 briefed on the plan."

12 Can you understand why Chief Sloly would have had
13 that impression?

14 **COMM BRENDA LUCKI:** I'm not sure. Because this
15 was on the 14th?

16 **MR. GORDON CAMERON:** I believe that's right.

17 **COMM BRENDA LUCKI:** Yeah. Because I believe in
18 the IRG notes that I provided I did speak about the plan. So I
19 am not sure if that in fact -- why that was put on there.

20 **MR. TOM CURRY:** Commissioner, may I just ---

21 **MR. GORDON CAMERON:** Yes.

22 **MR. TOM CURRY:** --- if I can be of any assistance
23 to my friend. It may be that the interpretation is the
24 opposite. That these are Commissioner Lucki's statements to the
25 meeting that recorded by that scribe. I'm not certain that
26 those are Chief Sloly's words to her ---

27 **COMM BRENDA LUCKI:** Yeah.

28 **MR. TOM CURRY:** --- or a question to her.

1 **MR. GORDON CAMERON:** Oh, okay. Sorry, that's
2 even more helpful, then.

3 So ---

4 **COMM BRENDA LUCKI:** Yeah, they're not -- like, I
5 don't know -- I've never seen these. Like, these aren't ---

6 **MR. GORDON CAMERON:** Right.

7 **COMM BRENDA LUCKI:** --- my notes or anything.

8 **MR. GORDON CAMERON:** Okay. But the scribe has
9 recorded you as saying that you didn't brief the Prime Minister
10 on the plan. And you're -- you don't have an explanation for
11 why that would be there? Do you think ---

12 **COMM BRENDA LUCKI:** No.

13 **MR. GORDON CAMERON:** --- you said something that
14 would've given the scribe the impression that that was what you
15 were saying?

16 **COMM BRENDA LUCKI:** No idea, because I would
17 assume -- because in the IRG of the 13th I briefed him on the
18 plan. So I don't know why on the 14th it says that.

19 **MR. GORDON CAMERON:** Is it possible that the IRG
20 on the 13th, you didn't reached on the agenda or you didn't get
21 a chance to say what you'd wanted to say about the plan?

22 **COMM BRENDA LUCKI:** Anything's possible, but
23 generally speaking I was always was turned to at the beginning
24 of all those meetings and with the speaking notes. So I'm not
25 sure about the discrepancy.

26 **MR. GORDON CAMERON:** Mr. Commissioner, if I can
27 just have an indulgence here because I would like to see if need
28 to pursue that point any further, just by seeing if I have a

1 different version of the February 13th IRG minutes.

2 No, I will move on.

3 **COMMISSIONER ROULEAU:** I think page 20 of the
4 previous document, 8041, indicated that the Commissioner didn't
5 get reached. So that may be what you're looking for.

6 **MR. GORDON CAMERON:** Thank you.

7 Maybe, Mr. Clerk, if you can put 8041 back up.
8 Thank you.

9 Yes, I see what's happened.

10 **COMMISSIONER ROULEAU:** A little further down.

11 **MR. GORDON CAMERON:** If you go to page 20, down
12 the -- towards the bottom of the page.

13 You make the comment, Commissioner Lucki:

14 "[S]o doesn't look like I will be
15 reporting on anything."

16 And what we were wondering is if that is why you
17 said to Chief Sloly the next day that you didn't report to the
18 Prime Minister on the development of the plan.

19 **COMM BRENDA LUCKI:** Anything's possible. I don't
20 want to refute the notes of the scribe if that's what the scribe
21 wrote. The only thing I would say is I would have to look -- if
22 they had -- if there were any notes on the IRG that were shared,
23 then I would be able to compare that if I did in fact. Because
24 usually when I was briefing in the IRG, that would've been
25 shown.

26 **MR. GORDON CAMERON:** Well ---

27 **COMM BRENDA LUCKI:** So that ---

28 **MR. GORDON CAMERON:** --- again, because I want to

1 be fair to you here just to make sure you have the best
2 recollection you can of this February 13th meeting, because you
3 can see you here saying "doesn't look like they'll be reporting
4 on anything", Andrea Howard observes that they are on the last
5 item, which I'll infer was the last agenda item.

6 And at the top of the next page, Mr. Clerk, if
7 you can scroll a little further, "He may not go to you."

8 **COMM BRENDA LUCKI:** Is this during -- is that the
9 timeframe, just to be sure, this timeframe of 1754 is when the
10 IRG was going on?

11 **MR. GORDON CAMERON:** Well, the timeframe on the
12 timestamp is 10:55, which would be 5:55 ---

13 **COMM BRENDA LUCKI:** Yeah.

14 **MR. GORDON CAMERON:** --- in the afternoon, which
15 would have been when the IRG was sitting. Okay?

16 **COMM BRENDA LUCKI:** Okay.

17 **MR. GORDON CAMERON:** And then I'll just -- I
18 think you inserted a bit of exasperation or humour into this
19 discussion at the -- if you scroll down further, with the ---

20 **COMM BRENDA LUCKI:** Oh.

21 **MR. GORDON CAMERON:** --- hypothesis that you did
22 not get reached. You say:

23 "[P]lease...do not invite me to
24 cabinet."

25 So with that recollection, and I thank the
26 Commissioner for taking me back to that document, does that help
27 you recollect that maybe you didn't get reached at that IRG
28 meeting?

1 **COMM BRENDA LUCKI:** It would indicated in all
2 likelihood I wasn't, but I guess ---

3 **MR. GORDON CAMERON:** Right. Now ---

4 **COMM BRENDA LUCKI:** --- I'm just going by these
5 notes. It appears that that's what it's ---

6 **MR. GORDON CAMERON:** Right.

7 **COMM BRENDA LUCKI:** --- leaning towards, yes.

8 **MR. GORDON CAMERON:** In fairness to your
9 recollection, there was another -- there was a Cabinet meeting
10 the same night. Do you know whether you spoke at that?

11 **COMM BRENDA LUCKI:** I don't think so. I think I
12 was invited to support the minister, but I didn't speak at that.

13 **MR. GORDON CAMERON:** Okay. I'll ask you, then,
14 to go with the hypothesis for now, acknowledging that your
15 memory is just based on these notes, that you prepared the
16 speaking notes in which you made, roughly-speaking, two points.
17 There was a -- we didn't take you through it, but it was a
18 description of the status of the OPS, RCMP, OPP plan that you
19 wanted to -- had intended to present to the IRG, it was your
20 point that you believed that there were enforcement options
21 still to be exhausted, and that the plan had been developed
22 without reliance on any special measures, and you had those two
23 points. You weren't reached on the agenda by hypothesis if
24 these Teams chats are accurate, and that would also explain why
25 you might have said to Chief Sloly the next day, "I didn't brief
26 the Prime Minister on the plan."

27 If I put all of that together to you, does that
28 help you accept the proposition that you didn't present your key

1 messages to the government on the night of the 13th, and that is
2 why you told Chief Sloy the next morning that the plan hadn't
3 been briefed to the Prime Minister?

4 **COMM BRENDA LUCKI:** Yes, and if I was to brief on
5 the plan, it wouldn't have -- I wouldn't have briefed them on
6 the plan. I would have just told them of the existence of a
7 plan to go forward ---

8 **MR. GORDON CAMERON:** Right.

9 **COMM BRENDA LUCKI:** --- but not the nuances. But
10 it would -- from what you're saying, and like I said, there was
11 five or six meetings a day, it sounds like that's how it might
12 have occurred.

13 **MR. GORDON CAMERON:** Okay. But I want you to
14 concentrate on that scenario then. Cabinet is on the verge of
15 invoking the *Emergencies Act*. You are their window on law
16 enforcement, you told us this earlier. Your update to Cabinet,
17 as it is deciding whether to invoke the *Emergencies Act*, is that
18 the police now have a plan. They've pulled it together. And
19 that you, as the Commissioner of the RCMP, consider that plan to
20 be workable without the authorities of the *Emergencies Act*, and
21 that doesn't get delivered, your messages don't get delivered to
22 Cabinet when they then deliberate on the invocation of the Act.
23 You appreciate the significance of that scenario?

24 **COMM BRENDA LUCKI:** Yes and no, because we had
25 spoken about the fact that we had an integrated planning cell,
26 that we were bringing together a plan, an enforcement plan to go
27 forward. So there was talk about a plan and that a plan was in
28 progress. I reported on that, I believe, in my previous IRG.

1 So it wasn't a brand new concept. But, yes, in fact, the fact
2 that we now had a plan, I'm not sure if it was signed off either
3 as of that point because we were having difficulty getting it
4 signed off. We didn't realize it needed to be signed off. But
5 I know that on that same day, like, we -- I think it was the
6 Sunday that would have been, I'm guessing, the -- that was the
7 13th. I'd actually, I think, reached out to Chief Sloly about
8 signing off the plan. I'm not sure the timing on that. But the
9 existence of a plan was known, just the fact that it was
10 official or not official wasn't reported on.

11 **MR. GORDON CAMERON:** Okay. Let me summarize what
12 you're saying and then put a question to you. As I hear what
13 you're saying, though you didn't get a chance to present either
14 the plan or your view that the invocation of the Act would be
15 taking place before law enforcement tools had been exhausted,
16 even though you didn't get a chance to deliver those messages at
17 this meeting, you feel that in general those points had been
18 briefed up to your -- the officials that you reported to; is
19 that what you're saying?

20 **COMM BRENDA LUCKI:** Yeah, because I believe in
21 the second IRG, which was on the 12th, I had spoken about the
22 integrated command, a centre had been stood up, that a plan was
23 -- we brought in planners. They were in the process of doing a
24 plan. I believe I reported on that. I'd have to see the notes
25 though. But I didn't officially, going to your point that, you
26 know, that could have -- that wasn't reported that the plan was
27 now officially signed off or officially in place.

28 **MR. GORDON CAMERON:** Okay. So acknowledging that

1 there might have been some less precise messaging to the
2 officials and to government before the meeting where you didn't
3 get called, nonetheless, you appreciated the significance of
4 those meetings that were taking place on the 13th and you
5 appreciated the significance, I assume, of the fact that you
6 hadn't got a chance to give those key messages that we've looked
7 at before. Did it occur to you that you should make sure that
8 government was aware of your views on these points before it
9 came to land on the invocation of the *Emergencies Act*?

10 **COMM BRENDA LUCKI:** I guess in hindsight, yeah,
11 that might have been something significant. Honestly, there was
12 so much information going back and forth, I'm not sure, you
13 know, where they were at in the invocation as such. I know they
14 were talking about it, but it was very, very fluid. Obviously,
15 I'm not sure if it would have changed anything in the sense that
16 these were -- even, like, now, I'm going to use my hindsight,
17 the plan ended up -- those authorities ended up to be useful
18 with the plan, if I use my hindsight, because it wasn't whether
19 or not we'd have -- we were still -- we would have still been
20 looking at enforcement, but we needed ways to reduce the
21 footprint. So we were using some of the authorities obviously
22 under the Ontario *Emergency Act*. We weren't incorporating
23 anything on the Federal *Emergency Act* because it wasn't in
24 place. But we didn't have when exactly the plan was going to
25 start, or we knew it had to be starting in the weekdays as
26 opposed to the weekends, so now the plan was in place and the
27 implementation would have been the next exact when we were going
28 to implement it.

1 **MR. GORDON CAMERON:** That's fair enough. And I
2 won't ask you to speculate or hypothesize about what might have
3 happened if you had had an opportunity to deliver these two
4 messages, but I think, as I understand what you've said, knowing
5 the gravity of the issues that were facing the IRG and Cabinet
6 on the 13th, you prepared your key messages with those two points
7 that the police services had come together with a viable plan
8 and that you considered that there were still law enforcement
9 tools to exhaust before emergency legislation is necessary;
10 correct?

11 **COMM BRENDA LUCKI:** Yes.

12 **MR. GORDON CAMERON:** Thank you.

13 Now if we move on, there's another constellation
14 of events happening on the 14th, so we're going to go over to the
15 14th. And the -- this involves a series of crisscrossing emails,
16 and I'll ask the clerk to first call up PB.NSC.CAN.00008485.

17 And I'll ask, first of all, because this is a
18 name that's new to the cast of characters so far, a name --
19 we're not going to see it right away, but just so that we can
20 understand when it comes into the picture, who Adriana Poloz is,
21 and I think this is probably a question for you, Deputy
22 Commissioner.

23 **D/COMM MICHAEL DUHEME:** Yeah, Adriana Poloz is
24 responsible for our Intel in International Policing Program. So
25 the INSET I referred to earlier on, ideologically motivated
26 criminal intelligence, it -- that reports into her program.

27 **MR. GORDON CAMERON:** Perfect. Thank you.

28 Now, Clerk, if you could scroll down on this a

1 little bit, there's a series of emails by which -- there, we can
2 stop there. This is sort of -- Deputy Commissioner and
3 Commissioner, I don't expect you to have seen this email other
4 than you might have in the course of preparing for this hearing.
5 That is, I don't expect you to have seen it at the time perhaps,
6 but just to set up what is going to come at you so you can
7 understand the context, this is an email from Jody Thomas, and
8 we all know that she's the National Security Intelligence
9 Advisor to the Prime Minister. And it is February 14th, and I
10 don't know if that's a reliable email timestamp, but if --
11 assuming it's just a normal email timestamp, it's about midday
12 on the 14th. And that's probably going to put us somewhere just
13 after the first Minister's meeting or just before, anyway, right
14 in the context of that event on the 14th. And we have Jody
15 Thomas saying, and I'll just read it out, so that it's on the
16 record. She is writing to Mike MacDonald, and we'll learn later
17 on who he is, but he's another person in the PCO Intelligence
18 apparatus, and he's copied Rob Stewart who we say yesterday as
19 the Deputy Minister of Public Safety. And Ms. Thomas says,

20 "This is about a national threat to
21 national interest and institutions. By
22 people who do not care about or
23 understand democracy.

24 [We are preparing to be violent --
25 sorry,] who are preparing to be
26 violent.

27 Who are motivated by anti government
28 sentiment."

1 And can you scroll down to the -- a little
2 further, Mr. Clerk, on that?

3 And then, again, we're all going to have to be a
4 little bit detectives figuring out what's going on with these
5 emails because this is a sort of orphan email from Jody Thomas,
6 not obviously to anybody, but is attached to the one that we
7 just looked at, where she says, "I need an assessment for
8 Janice..." And I'll just ask you to speculate with me that
9 that's Janice Charette, the clerk for the Privy Council.

10 "...about the threat of these
11 blockades. The characters involved.
12 The weapons. The motivation. Clearly
13 this isn't just COVID and is a threat
14 to democracy and rule of law. Could I
15 get an assessment please. David is
16 this you? It [is] a very short fuse.
17 Please call if you have [any] questions
18 J"

19 Now, again, you're perhaps wondering why I'm
20 reading you emails that aren't to you or from you. But what
21 we'll see, and this will be the next email, is that the request
22 for an assessment gets directed to Adriana Poloz, which was why
23 we talked about her.

24 On that point, could I ask the Clerk to pull up
25 PB.NSC.CAN.00003462?

26 Okay. And just to get the sequence correct,
27 let's go down to the bottom of this, or least to there.

28 If I'm understanding correctly, and maybe, Mr.

1 Duheme, since you ended up getting copied in here, you would be
2 able to help us with this? It looks like the request from Jody
3 Thomas got directed by some means, perhaps, by Mr. MacDonald, or
4 perhaps by you. If you could help us with that? Got somehow
5 directed to Adriana Poloz. Is that how you interpret that?

6 **D/COMM. MICHAEL DUHEME:** Yeah, the request would
7 have gone from -- directly probably from Mike to Adriana on this
8 one.

9 **MR. GORDON CAMERON:** Right. And that's because
10 it's going, roughly speaking, from the National Security
11 Intelligence Advisor and her Directorates down to the RCMP's
12 Intelligence people; right?

13 **D/COMM. MICHAEL DUHEME:** Correct. And they were
14 probably looking for additional information because the
15 Strategic Threat Advisory Reports that were being shared with
16 government were also being shared for PCO. So those eight
17 documents I mentioned earlier. Might have been a follow up on
18 what was in one of those documents.

19 **MR. GORDON CAMERON:** So what you're saying is PCO
20 is used to getting intelligence briefings from Ms. Poloz'
21 department, or at least the department that reported to her?

22 **D/COMM. MICHAEL DUHEME:** The document was shared
23 with them. Yeah.

24 **MR. GORDON CAMERON:** Yeah. And then again, Ms.
25 Poloz writing back to Mr. MacDonald, gives an assessment, and
26 we're not going to read through the whole thing, but Mr. Clerk,
27 maybe you could just scroll slowly down so the audience can get
28 a gist of what's in there, as I say? We don't really have time

1 to read the whole thing. The document is available to parties
2 if they want to look at it in more detail.

3 But it's a description -- we see a reference to
4 Three Percenters, to Diagonon, to Canada First, et cetera, to
5 various movements or individuals that could be implicated in
6 national security matters, and then a reference to IMVE groups,
7 and then finally, in the penultimate paragraph there, reference
8 to blockades at the international borders.

9 So let me ask the sort of chain of command or
10 institutional flow question here to either of you, Commissioner,
11 or Deputy Commissioner.

12 How does it happen that when the NSIA wants a
13 security threat, it doesn't go through one of you, but goes
14 directly to somebody in an intelligence directorate that frankly
15 none of us had seen before we saw this email?

16 **D/COMM. MICHAEL DUHEME:** It happens based on some
17 relationships that are built, that they reach directly into the
18 units. Preferably there should be one stop for all requests
19 that come in so we can have at least an idea of what's going
20 out. But it happens where they reach in directly to the person,
21 ---

22 **MR. GORDON CAMERON:** Right.

23 **D/COMM. MICHAEL DUHEME:** --- and the person will
24 either CC me on a message, or brief me about what the request
25 is.

26 **MR. GORDON CAMERON:** Right. And -- but the point
27 about briefing you is the one that intrigues me. This wasn't
28 just a request for a threat assessment by somebody who happened

1 to know somebody in your department. As I think everybody
2 understood at this stage, the NSIA was giving advice to the
3 government on the invocation of the *Emergency Act* for the first
4 time it had ever been invoked, and that threat assessment goes
5 straight past everybody to Adriana Poloz, and then straight from
6 her back to the NSIA. And is that how you would have expected
7 things to happen if there had been more time or more attention
8 to conventional channels?

9 **D/COMM. MICHAEL DUHEME:** So honestly, I'd have to
10 go through the document in its entirety, because I think -- I'm
11 not quite sure if we're into -- when I'm looking at this,
12 Adriana is explaining some of the signs that we're seeing from
13 IMVE groups from across the country, flags, posters, stickers.
14 But I'd have to go through the entire document. And it's
15 possible that Adriana would have briefed me before sending it
16 out.

17 But I think one thing that we have to understand
18 is the NSIA -- the RCMP is only one organization that's
19 providing criminal intelligence to the NSIA. You have the
20 service, ITAC also has a role to play. So the NSIA is getting
21 information before she forms an opinion. I get the brief.
22 Whoever she's getting information from, other departments as
23 well.

24 So we're really -- the RCMP is really in the
25 criminal space when we provide that intel.

26 **MR. GORDON CAMERON:** That's fair enough. And as
27 I think we saw, this was a very time pressured situation. Ms.
28 Poloz was asked to turn it around very, very quickly. Ms.

1 Thomas was interested in a very short order. So it might be
2 understandable that corners were cut or direct contacts were
3 used, as you said. I'm just trying to figure out.

4 You needed up getting copied on this, Deputy
5 Commissioner. Did you appreciate the significance of the fact
6 that people under your command were giving a threat assessment,
7 or at least they'd been asked for a threat assessment, whether
8 that's how you would describe the product they delivered is
9 another question. But were you alert to the fact that this was
10 a threat assessment going from your people to the Privy Council
11 Office in connection with the invocation of the *Emergencies Act*?

12 **D/COMM. MICHAEL DUHEME:** Yeah, like I said, I
13 don't recall if Adriana briefed me beforehand. And when I'm
14 looking at it, they did produce a product with regards to IMVEs,
15 but I see some of the paragraphs are coming from that product.
16 So did she cut and paste the information from product that was
17 already provided? Just a reminder here, the key -- here are the
18 key messages? Or was it a complete different one?

19 But yeah, no, I wouldn't be able to confirm if
20 she'd briefed me, other than just being CC'd on a message.

21 But I'm led to believe that it's a cut and paste
22 from the document that they had produced in the past.

23 **MR. GORDON CAMERON:** Okay. Well I think that's
24 as far as we can take that, unless you have, in retrospect, any
25 -- was there any follow up by you after seeing this? Or any
26 further involvement of Ms. Poloz in this process that we should
27 know about?

28 **D/COMM. MICHAEL DUHEME:** No.

1 **MR. GORDON CAMERON:** No. Okay. Thank you. Now,
2 we'll switch gears just briefly, though quite significantly, to
3 talk about protests outside of Ottawa. And I'll just ask us all
4 to remember, which means you can remind me too, that Deputy
5 Commissioner Zablocki is waiting and we don't want to steal all
6 his thunder talking about work of K Division in Alberta. But I
7 just wanted to talk briefly about the work that the RCMP was
8 involved in with respect to the blockades and protests outside
9 of Ottawa.

10 And the first of these I wanted to ask you about
11 was Windsor. And in the interest of time, we won't go through
12 the whole sequence of events that led up to you getting involved
13 in Windsor, but as I understand it, you received a request for
14 assistance in Windsor. And can you begin by telling me where
15 that came from? That is, from Windsor? Or from OPP? Or from
16 Ontario?

17 **COMM BRENDA LUCKI:** Go ahead, Mike.

18 **D/COMM. MICHAEL DUHEME:** I'll cover that,
19 Commissioner.

20 So one important note, when that request came in,
21 I was sharing an office with Deputy Commissioner Chris Harkins,
22 who is part of the gold command with me. And the request went -
23 - to my knowledge, the request went directly from Windsor Police
24 Service to our folks in Ontario for Public Order Unit or
25 Tactical Support Group, and with everything that comes with it.
26 so the first deployment of members -- and this was to assist
27 with the blockade in Windsor. We sent a total of 64 members
28 initially, and then another 50 members to help contain the

1 grounds once they started moving with the tactical support
2 group.

3 So -- and it was led entirely by, I believe, the
4 OPP? The OPP.

5 **MR. GORDON CAMERON:** Thank you. And can you
6 describe some of the differences between the assistance you were
7 able to provide in Windsor, I'll say at that relatively early
8 date, compared to the ultimate deployment of your Public Order
9 Units in Ottawa a week or so later? Why -- first of all, one
10 obvious thing is you had units, as I understand it, available in
11 Ottawa who could be redirected to Windsor? Is that correct?

12 **COMM BRENDA LUCKI:** Yes.

13 **D/COMM. MICHAEL DUHEME:** Yeah, that's correct.

14 **MR. GORDON CAMERON:** So they didn't have to be
15 brought in from the other side of the country? That was just
16 logistically easier to do; correct?

17 **D/COMM. MICHAEL DUHEME:** It is. And faster
18 because they're already mobilized with all their equipment in
19 one single area.

20 **MR. GORDON CAMERON:** Right. And was there any
21 difference in your expectation of the ability to work with and
22 integrate the Windsor Police -- with the Windsor Police Service
23 and the OPP relative to the situation you were facing in Ottawa
24 that allowed you to immediately deploy this unit to Windsor?

25 **COMM BRENDA LUCKI:** I think what I'll mention,
26 what's important to note is that early on, the OPP Commissioner
27 took control of all the Public Order Teams in the province, and
28 they would decide what priorities, where each Public Order Team

1 would go because there was a lot of things happening in
2 different areas. So he had announced, and I think actually you
3 were -- Mike might have been on a meeting at that time where he
4 talked to all the Chiefs of Police in the -- or the majority of
5 them and said that he will be -- do not deploy your Public Order
6 Teams. We will decide what the priority is and we will deploy
7 as and when necessary. So that request came from OPP. At the
8 time, there was no active enforcement going on in the Ottawa
9 area, so we felt -- because we had a team that was originally
10 from that area, although -- and they might have even been back
11 in their area in Ontario, that we could redeploy them to
12 Windsor.

13 **MR. GORDON CAMERON:** And at the time you made the
14 decision to -- that it was appropriate to deploy these resources
15 to Windsor, did the Windsor Police Service or the OPP have a
16 plan for their deployment or, I mean, of the same type that you
17 were waiting to see in Ottawa?

18 **COMM BRENDA LUCKI:** We didn't get into the -- you
19 know, the specifics of the plan. The fact that the OPP
20 Commissioner was deploying the various Public Order Units and
21 the fact that he was sort of taking the -- not -- he was in
22 charge of the -- what was happening in Windsor, and they had
23 this enforcement plan, we had advised that we could provide that
24 Public Order Team. Is that ---

25 **MR. GORDON CAMERON:** So the absence of a plan
26 before the fact needn't be an obstacle to you deploying, or at
27 least sending resources to be deployed by another police force?

28 **COMM BRENDA LUCKI:** Well, there's always -- like,

1 even in the early days of the Ottawa convoy, we gave, you know,
2 30 to 50 resources with the idea that there was a plan for those
3 resources, but we didn't get into the intimacies of the plan in
4 that instance, nor did we do that with the Windsor. The fact
5 that they were going into enforcement, we knew that. We knew
6 that they had an enforcement plan, that they were going to go
7 what we call kinetic and actually move the protesters. We knew
8 there was a plan. So that's why that's a specific type of
9 resource. It wasn't a frontline group that they were asking
10 for. They were asking for a Public Order Team for enforcement
11 purposes.

12 **MR. GORDON CAMERON:** Thank you. I'll leave it to
13 others to see if that should be pursued further. I'll just ask
14 you, was this a situation in which Windsor was a higher priority
15 than Ottawa?

16 **COMM BRENDA LUCKI:** No.

17 I should add though, like, they were going into
18 enforcement action, and on the ground in Ottawa they were not.
19 So I wouldn't ever say that one was a higher priority than the
20 other. They were just at different stages.

21 **MR. GORDON CAMERON:** Right. I want to talk --
22 move us over the hump and talk about the operations of the RCMP
23 post-invocation. We are going to circle back on some orphan
24 topics later on, but just keeping in chronological order here.
25 If the clerk could call up OPP0000 -- sorry, 00000788?

26 Now this is February 15th, so the *Emergencies Act*
27 has been invoked but enforcement action, at least in Ottawa,
28 hasn't commenced on the level that resulted in the clearing of

1 the protest. But if you can -- do you recognize these notes of
2 -- do you recognize -- do you remember the meeting that these
3 are notes of?

4 **COMM BRENDA LUCKI:** Yeah, vaguely remember the
5 meeting, yes. I don't -- these aren't any notes I've seen
6 before.

7 **MR. GORDON CAMERON:** Sorry?

8 **COMM BRENDA LUCKI:** I vaguely recall the meeting,
9 yes, but I ---

10 **MR. GORDON CAMERON:** Right.

11 **COMM BRENDA LUCKI:** --- don't recall the notes. I
12 ---

13 **MR. GORDON CAMERON:** Okay.

14 **COMM BRENDA LUCKI:** --- I wasn't given these notes.

15 **MR. GORDON CAMERON:** If you look at the first
16 statement there, you are attributed with saying, and I'll just ask
17 you to -- before I ask any questions about it, make sure I ask you
18 if you agree that this is what you said,

19 "..."we all need to succeed -- need to get
20 credibility and maximize the regs. We
21 are here to help in any way we can."

22 First of all, is that -- does that accord with what
23 you -- or at least the message you remember giving at that meeting?

24 **COMM BRENDA LUCKI:** Oh, my goodness. I don't think
25 people appreciate the amount of meetings we had. I could have
26 very well said something to that effect, we were now going into
27 enforcement. That was the beginning of the enforcement stage. So
28 it was, you know what, this is time for us, as police, to get

1 credibility back from not doing anything for many days and we all
2 need to succeed, so let's, you know, use the regs and anything we
3 can do to help. It would have sort of been just a little bit of
4 a pep talk, but you know what? To ask me if I recall if that's
5 exactly what I said, I honestly couldn't tell you.

6 **MR. GORDON CAMERON:** And then acknowledging that
7 you're at the limits of your recollection here, the expression
8 that I wanted to ask you about was "maximize the regs." And can
9 you tell us what you -- if that ---

10 **COMM BRENDA LUCKI:** Well, it's all about, like I
11 said, reducing the footprint, so that when we go into enforcement,
12 there's as few people as possible, so not -- because we have the
13 invocation of the *Emergency Act*, let's not have people come into
14 the protest area. Let's make sure there's no kids there. Let's
15 make sure there's, you know, motivating and incentivizing people
16 to leave, so that we can get down to the minimum amount of people
17 in the footprint, so when we enforce, it'll be much safer for
18 everybody involved.

19 And that was kind of the essence of the plan.

20 **MR. GORDON CAMERON:** So if I can paraphrase, we've
21 been given some new tools, let's use them as fully as we can?

22 **COMM BRENDA LUCKI:** Yeah, if they -- obviously, if
23 they're applicable and there are things that we can use, yes, most
24 definitely.

25 **MR. GORDON CAMERON:** Thanks. And, Mr. Clerk, if
26 you could call up now SSM.NSC.CAN.00000408? These we will see
27 when we come up, IRG minutes. And, Mr. Clerk, if you could scroll
28 to page 7?

1 And if I can go -- draw your attention, Commissioner
2 and Deputy Commissioner, whichever of you might be able to answer
3 this question, the left -- sorry, right-hand column, the first
4 row, so we're at the word "law enforcement in Ottawa." Do you see
5 that?

6 **COMM BRENDA LUCKI:** M'hm.

7 **MR. GORDON CAMERON:** It says,

8 "Law enforcement in Ottawa, have been
9 able to secure perimeter successfully
10 without a need to employ any designations
11 through the EA."

12 Can you explain what that indication there is?

13 **D/COMM MICHAEL DUHEME:** What date is this?

14 **MR. GORDON CAMERON:** This is the February 23rd IRG
15 meeting.

16 **D/COMM MICHAEL DUHEME:** Okay. So that would refer
17 to on February 18th in the early hours of the morning before
18 activating our operational plan, we were able -- we, I say the
19 both silver, bronze, able to set up a control access zone, which
20 is a perimeter. And Ottawa Police Service had the lead on that
21 and used existing authorities when they put it in, so we did not
22 use the Act specifically for the control access zone. They do it
23 during the Canada Day. They do it during other events in Ottawa,
24 so they use existing authorities to put the fence up, to put the
25 perimeter up.

26 **MR. GORDON CAMERON:** Thank you. That's very
27 helpful.

28 You're not going to get off the stand without

1 talking about tow trucks, so if I could just ask you a few questions
2 about that.

3 So if I could just ask you a few questions about
4 that.

5 As I understand it, Commissioner Lucki, you were,
6 under the Regulations passed pursuant to the *Emergencies Act*,
7 empowered to instruct tow truck operators to make their services
8 available, but did you ever, yourself or did the RCMP, ever
9 exercise that power in the province of Ontario?

10 **COMM BRENDA LUCKI:** No, we didn't. I delegated
11 it to Comm. Tom Carrique.

12 **MR. GORDON CAMERON:** Okay. And if you can just
13 help us understand what that means. You have the power, but you
14 are able to, at least as you would've understood it, lawfully
15 hand that power over to Comm. Carrique, is that right?

16 **COMM BRENDA LUCKI:** Yes, I was allowed to
17 delegate it. So in the event, let's say, we didn't use it in
18 RCMP jurisdiction, but if the -- if Commanding Officer Curtis
19 Zablocki needed that authority, I could've delegated it to him
20 -- which I didn't, because things were solved before that
21 happened. But because we were going into enforcement action, I
22 delegated that authority to OPP Commissioner -- to the OPP
23 Commissioner.

24 **MR. GORDON CAMERON:** Were -- other than
25 delegating that authority to the Commissioner of the OPP, were
26 there any other delegations you made of that power?

27 **COMM BRENDA LUCKI:** No.

28 **MR. GORDON CAMERON:** And you didn't exercise it

1 yourself?

2 **COMM BRENDA LUCKI:** No.

3 **MR. GORDON CAMERON:** And so, to the extent that
4 power was used at all, it was used pursuant to the delegation
5 you gave to Comm. Carrique?

6 **COMM BRENDA LUCKI:** Yes, and this was primarily
7 because I have no knowledge of the tow truck situation in
8 Ontario. Each police agency has that -- they know -- they have
9 that knowledge, so for me to use that authority in a place where
10 I have no jurisdiction wouldn't make any sense. So I would've
11 done the same in Quebec if they had needed that, because it's --
12 we're not the police of jurisdiction.

13 **MR. GORDON CAMERON:** That makes sense. The
14 challenge it poses; not for you, for Commission counsel, is that
15 when we try to trace what happened to that power you've handed
16 it down to Comm. Carrique, and so does that mean that you
17 thereafter lose visibility of the use of the power?

18 **COMM BRENDA LUCKI:** I have no idea. It's the
19 first time we've ever had that power, so there wasn't a playbook
20 on what to do with that. You know, I delegated it to him so
21 that he could use that authority. I would assume that they
22 would take, you know, account for that authority, but it wasn't
23 -- we didn't have a conversation. I know there was an actual
24 delegation document I signed. It may have had some instruction
25 there, I can't recall.

26 **MR. GORDON CAMERON:** Right. I'm just wondering;
27 that delegation authority did not, it seems, include some
28 requirement for the OPP Commissioner to report back to you on

1 the extent to which he'd used those powers?

2 **COMM BRENDA LUCKI:** Not to my knowledge, no.

3 **MR. GORDON CAMERON:** Thanks. Well, then, I'll
4 ask you to bear with me on the next question and then see if you
5 can assist with it.

6 Were you aware at the time -- there's been a lot
7 of information since, but I'd like to know if you could try to
8 remember at the time. Were you -- was it your understanding at
9 the time that you delegated the power to Comm. Carrique, that
10 the OPP had already been able to secure the assistance of some
11 tow truck operators without the need for the use of that power?

12 **COMM BRENDA LUCKI:** I wasn't aware of any of the
13 details of the tow trucks.

14 **MR. GORDON CAMERON:** Okay. So you can't assist
15 us with that issue as it relates to your delegated power?

16 **COMM BRENDA LUCKI:** No. It was just if, in fact,
17 they were going to use that authority, I would -- I delegated it
18 to them. It wasn't -- I wasn't sure if it they would even use
19 it or not, but it was delegated. I was assuming that they would
20 need to use it.

21 **MR. GORDON CAMERON:** When you delegated the power
22 -- let me see if I can approach it this way; when you delegated
23 the power, were you aware that one of the things that came along
24 with the exercise of that power was an obligation on the part of
25 the government to compensate tow truck operators for their work,
26 ---

27 **COMM BRENDA LUCKI:** Yes.

28 **MR. GORDON CAMERON:** --- pursuant to orders?

1 **COMM BRENDA LUCKI:** Yes.

2 **MR. GORDON CAMERON:** Okay. And has that come
3 back to you? Has the bill come back, so to speak?

4 **COMM BRENDA LUCKI:** Yes.

5 **MR. GORDON CAMERON:** And can you give us any
6 information about that?

7 **COMM BRENDA LUCKI:** It was a big bill.

8 **MR. GORDON CAMERON:** It was a big bill. In the
9 context of processing that bill, for example, and I'll -- you'll
10 see why I'm trying to tease this out of you, and if you're not
11 the right person to answer it, we'll just have to live with
12 that. But were you self-conscious of the fact that you were
13 giving the Province a way to hand the costs of the towing back
14 to the federal government?

15 **COMM BRENDA LUCKI:** Under the *Emergency Act*, yes.

16 **MR. GORDON CAMERON:** Yes. You realize that that
17 was one of the implications of giving them this power?

18 **COMM BRENDA LUCKI:** Yes.

19 **MR. GORDON CAMERON:** And you probably realized
20 that one of the implications would be that, whether or not the
21 power was needed to compel the use of the tow trucks, it would
22 all be processed that way so that the compensation could come
23 back up to the federal government.

24 **COMM BRENDA LUCKI:** Well, I assumed that if they
25 had to compel tow trucks under the *Emergency Act*, that we would
26 -- in fact, the federal government would pay for that. But if
27 they had the ability to get the tow trucks on their own, then it
28 wouldn't be under the *Emergency Act*, and we wouldn't be paying

1 for it.

2 **MR. GORDON CAMERON:** Okay. And would it surprise
3 you, then, that some of the tow truck operators decided to go
4 the route where they got paid by the feds and Ontario decided to
5 process it that way, even though they'd been secured before the
6 *Emergencies Act* was declared?

7 **COMM BRENDA LUCKI:** I have no idea.

8 **MR. GORDON CAMERON:** Okay.

9 **COMM BRENDA LUCKI:** I guess it's an integrity
10 issue.

11 **MR. GORDON CAMERON:** Thank you.

12 Mr. Commissioner, I do believe I'll finish by
13 lunch. There's one other issue I wanted to pursue. Well,
14 there's a number of issues that are going to have to fall off
15 the agenda, so to speak here, because of the time. But there is
16 one other issue -- one other topic I wanted to explore before we
17 break for lunch, if I may. I realize I'm a bit over my time,
18 but may I take that...?

19 **COMMISSIONER ROULEAU:** Okay. Well, yeah, you're
20 a bit over your time but we'll let you go till lunch.

21 **MR. GORDON CAMERON:** Okay. I think ---

22 **COMMISSIONER ROULEAU:** Can you figure out what's
23 priority in your -- in what's remaining?

24 **MR. GORDON CAMERON:** Okay. I am prioritizing
25 here.

26 (SHORT PAUSE)

27 **MR. BRENDAN MILLER:** Mr. Commissioner?

28 **COMMISSIONER ROULEAU:** Yes.

1 **MR. BRENDAN MILLER:** Is it possible that the
2 Commission's Counsel could be given more time without taking
3 away time from parties? There was other records discovered last
4 night, for example, being 113 pages of the Deputy Commissioner's
5 notes that are extremely important. I don't know if my friend
6 is wanting to deal with those; I'm guessing he probably does.
7 Subject to any of the parties' objections, as long as I didn't
8 lose the 20 minutes we have, I would be happy for my friend to
9 keep going. It's a very important issue and these witnesses are
10 probably two of the most important witnesses this Commission
11 will hear from during this entire proceeding.

12 **COMMISSIONER ROULEAU:** There was never a question
13 of shortening cross-examination time. As anyone goes over, I
14 don't take it from anyone else, unless there's been a -- an
15 agreed-upon trade. If you're willing to give up your time to
16 the Commission, that's -- that would be the only way you would
17 lose it.

18 **MR. BRENDAN MILLER:** What I'm saying is, is I
19 think the Commission Counsel should be given as long as he needs
20 in order to complete what he needs to complete, and not remove
21 things from his agenda.

22 **COMMISSIONER ROULEAU:** Okay.

23 **MR. BRENDAN MILLER:** That's all I'm concerned
24 about.

25 **COMMISSIONER ROULEAU:** Oh.

26 **MR. GORDON CAMERON:** I appreciate Mr. Miller's
27 concern. And, Mr. Commissioner, I'll say to you, and through
28 you to Mr. Miller, we -- though those notes did just go up on

1 that particular database, Commission Counsel did have access of
2 those notes; and, as a matter of fact, I'd recommend the parties
3 that they review the interview of D/Comm. Duheme, the witness
4 summary as it's called, because that summary was specifically
5 for the purpose of pursuing those notes.

6 So with that in mind, Mr. Miller might be able to
7 focus his conversation on the parts of those notes that he
8 considers important to you.

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

10 **MR. GORDON CAMERON:** If we could pull up the
11 team's chat, which is at PB.NSC.CAN00008040.

12 And we're going to have to ask you, Commissioner
13 and Deputy Commissioner, to try and recreate this in your memory
14 again, acknowledging that a lot was happening at this time.
15 It's February 12th, putting the timestamps five hours ahead.
16 It's earlier in the morning at the beginning, but when we go
17 down to page 2 we'll see a timestamp for...

18 Mr. Clerk, can you scroll down to page 2, a
19 timestamp for a heading to suggest that there is going to be a
20 meeting with Mr. Sloly. Can you just scroll through until we
21 find that? Yeah, there we go.

22 So you are advised, Commissioner, in the course
23 of this Teams chat that you are going to have a meeting with
24 Chief Sloly at 2:00 p.m.

25 And if we go down to page 5 of this document at
26 6:37 in the timestamp, so I think 1:37 in real time.

27 Now, we're all going to have contend with this.
28 None of us gets to see what's behind the -- well, you did at the

1 time, but you're not going to tell us now.

2 **COMM BRENDA LUCKI:** I wouldn't remember.

3 **MR. GORDON CAMERON:** But you come in at 6:37 with
4 this statement:

5 "[D]isregard, as OPP Commissioner
6 advises there is a pretty
7 straightforward way in that the
8 Minister goes to the Ontario Police
9 Commission."

10 Can you tell us what you were talking about
11 there?

12 **COMM BRENDA LUCKI:** It would be sheer
13 speculation. I honestly don't -- I would say that it's about
14 talking about if and if they needed to go to the Ontario, I
15 don't even know, Ontario Police Commission.

16 **MR. GORDON CAMERON:** In fairness to you, let me
17 take you to some more of this, and maybe when you see some more
18 context you'll be reminded of what that's statement's about.

19 Mr. Clerk, can we take the -- take us down to
20 page 16 of this chat? And there is the statement "I don't get
21 it."

22 **COMM BRENDA LUCKI:** "I didn't get it."

23 **MR. GORDON CAMERON:** And I'll read that out.
24 This is you, Commissioner Lucki, speaking:

25 "I [don't] get it...are they going to
26 the province or not regarding PS?"

27 Which you'll probably agree with me is a
28 reference to Peter Sloly?

1 **COMM BRENDA LUCKI:** No, it could be -- "I didn't
2 get it." I don't know if they're talking about the mission
3 statement, "I didn't get it." That's how I'm ---

4 **MR. GORDON CAMERON:** Sorry, "I didn't get it."
5 Correct.

6 **COMM BRENDA LUCKI:** Yeah.

7 **MR. GORDON CAMERON:** In other words, you didn't
8 hear what they were talking about or you didn't understand what
9 they were talking about?

10 **COMM BRENDA LUCKI:** Or I didn't -- looking at the
11 modifications -- the ---

12 **MR. GORDON CAMERON:** Okay.

13 **COMM BRENDA LUCKI:** --- mission statement, am I
14 saying I didn't get it, I didn't get the mission statement? I'm
15 not sure. "Are they going to the province or not regarding".

16 **MR. GORDON CAMERON:** I see.

17 **COMM BRENDA LUCKI:** Can you scroll ---

18 **MR. GORDON CAMERON:** Yes.

19 Please, Mr. Clerk, please scroll up to help
20 Commissioner ---

21 **COMM BRENDA LUCKI:** Just to see if I can jog
22 something in my memory.

23 **MR. GORDON CAMERON:** Yes.

24 And ---

25 **COMM BRENDA LUCKI:** Maybe go to the next ---

26 **MR. GORDON CAMERON:** --- scroll along so that she
27 can follow the context of the point that I just put to her. Can
28 you scroll down a little further? No, sorry, down, so she can

1 follow the...

2 **COMM BRENDA LUCKI:** I don't know what he means
3 by:

4 "...the modification is simply at the
5 high political element of the plan."

6 Can you keep going?

7 I have -- honestly, I have no idea what that all
8 -- like I -- I can understand what some of the comments mean,
9 but I don't know the context. Right? I can't seem to put it
10 into context.

11 **MR. GORDON CAMERON:** So you can't recall what the
12 people you're listening to -- again, you're, as I understand it,
13 here listening to the IRG meeting of the 12th, and you are --
14 somebody is talking, and that prompts you to wonder whether they
15 are going to the province or not regarding, if that PS is Peter
16 Sloly, regarding Peter Sloly. That doesn't trigger your memory
17 about what you were hearing that prompted you to say that?

18 **COMM BRENDA LUCKI:** No, not at all.

19 **MR. GORDON CAMERON:** Okay.

20 **COMM BRENDA LUCKI:** I'm trying to put it
21 together.

22 **MR. GORDON CAMERON:** That's fair enough.

23 And if we go down -- scroll a little bit further,
24 we see the words "maybe I tell him".

25 Scroll up, please, Mr. Clerk, so
26 Commissioner Lucki can see the lead into this comment. A little
27 up further so she can see what -- "they need to land".

28 Okay. So again, this is a continuation of the

1 discussion you just saw.

2 **COMM BRENDA LUCKI:** Okay.

3 **MR. GORDON CAMERON:** And then scroll down,
4 please, Clerk.

5 "Something we need to land." Then you say,
6 "maybe I tell him".

7 And scroll down further.

8 **COMM BRENDA LUCKI:** "Yay or nay".

9 **MR. GORDON CAMERON:** And "yay or nay". Perhaps
10 you're asking your team what they think.

11 And then Mark Flynn says:

12 "Maybe a one on one face to face with
13 the [Minister]?"

14 And then Deputy Commissioner, here you come in
15 and say, "agree and the PM."

16 So I'm guessing that this is something pretty
17 important because what is being proposed here is that you,
18 Commissioner Lucki, meet ---

19 **COMM BRENDA LUCKI:** Oh.

20 **MR. GORDON CAMERON:** --- face-to-face with the
21 Minister and perhaps the PM.

22 **COMM BRENDA LUCKI:** I think this is about
23 something completely different.

24 **MR. GORDON CAMERON:** Oh. Well.

25 **COMM BRENDA LUCKI:** No, I think, and I'm not
26 sure, but I think it's about Coutts, actually.

27 **MR. GORDON CAMERON:** It's about Coutts.

28 **COMM BRENDA LUCKI:** Coutts.

1 **MR. GORDON CAMERON:** So that answers that. Thank
2 you for clarifying that.

3 One last topic, then, in the five minutes that
4 I'd have, with the Commissioner's indulgence.

5 Could we go to OPP00004583? This is a long
6 document, and perhaps, Mr. Clerk, if you can find page 52.

7 And these texts have already been canvassed
8 somewhat in the hearing, Commissioner, and Deputy Commissioner,
9 but this might be the first time you have looked at them in
10 recent memory.

11 Can you scroll down to the point where
12 Commissioner Carrique says, "With respect to your comments".
13 There we go.

14 So again, to orient ourselves, as I read this,
15 the green is Commissioner Carrique and the blue is you. And
16 this -- do you recollect this exchange?

17 And I'll ask the clerk to scroll down so that she
18 can read the rest of her input to this.

19 **COMM BRENDA LUCKI:** Yes, I recall.

20 **MR. GORDON CAMERON:** And that's you,
21 Commissioner Lucki, saying if you have some ---

22 **COMM BRENDA LUCKI:** No, that's ---

23 **MR. GORDON CAMERON:** Sorry, I mean that's
24 Commissioner Carrique saying if -- saying to you, "If you",
25 Commissioner Lucki:

26 "...have some influence it would be
27 helpful."

28 And then could you scroll down a little further?

1 And here you are ---

2 **COMM BRENDA LUCKI:** Yeah.

3 **MR. GORDON CAMERON:** --- telling the Commissioner
4 that -- when you say "Had DM Stewart" is that you saying that I,
5 Commissioner Lucki, had Deputy Minister Stewart reach out to, am
6 I reading that correctly?

7 **COMM BRENDA LUCKI:** Yeah, because this is three
8 hours later, or four hours later.

9 **MR. GORDON CAMERON:** Yes. Yes.

10 **COMM BRENDA LUCKI:** Yeah. So that's how I --
11 before I even saw that that's how I figured. Because Deputy
12 Minister Stewart was speaking regularly to the Ottawa City
13 Manager, so yes, that's what it refers to. I asked Deputy
14 Minister Stewart if he could reach into Steve, and I won't try
15 to pronounce his last name, he was the City Manager.

16 **MR. GORDON CAMERON:** Kanellakos?

17 **COMM BRENDA LUCKI:** Yeah, Kanellakos, sorry.

18 **MR. GORDON CAMERON:** Steve K, that's ---

19 **COMM BRENDA LUCKI:** Steve K.

20 **MR. GORDON CAMERON:** Yeah.

21 **COMM BRENDA LUCKI:** Because obviously we didn't
22 want to lose continuity. We are just now ready to put --
23 implement the plan, the Integrated Command Centre was going to
24 take that integrated plan and implement it, so it was important
25 that we didn't -- since Peter -- Chief Sloly wasn't there, and
26 the Deputy Chief Bell had been involved with the plan and ready
27 and knew about the plan to have somebody new come in because
28 there was talk, rumours I guess that they may bring somebody new

1 in, and that would delay us going into enforcement action, so we
2 were hoping that one of the deputies -- well, Steve was the
3 obvious choice because he was taking the lead. It could have
4 been Deputy Trish McPherson, I think it was ---

5 **MR. GORDON CAMERON:** Ferguson.

6 **COMM BRENDA LUCKI:** Ferguson that could also have
7 taken the place, but we knew that it was -- he was going to be
8 the Deputy Chief -- he was the senior Deputy Chief.

9 **MR. GORDON CAMERON:** So the upshot is you and
10 Commissioner Carrique are talking here about your hope that the
11 new Chief of Police will be someone who's already part of the
12 command structure?

13 **COMM BRENDA LUCKI:** No. It wasn't about who
14 would be the new Chief of Police.

15 **MR. GORDON CAMERON:** Sorry. I phrased that
16 wrongly. I didn't mean that.

17 **COMM BRENDA LUCKI:** Yeah.

18 **MR. GORDON CAMERON:** The new person in charge of
19 the ---

20 **COMM BRENDA LUCKI:** Interim -- by interim would
21 be somebody that was already in place by -- *de facto* it was
22 Steve Bell, but it was -- could have been "Joe Schmo". It was
23 whoever was already in place.

24 **MR. GORDON CAMERON:** Understood. You wanted
25 continuity.

26 **COMM BRENDA LUCKI:** Yes.

27 **MR. GORDON CAMERON:** You and Commission Carrique
28 wanted continuity with the work that had been done. I

1 understand that.

2 The question I have, though -- so understanding
3 the sort of logic of the proposition, you mentioned earlier both
4 in the context of these proceedings here and other proceedings
5 you'd been in the division between church and state. Were any
6 red flags going off in your mind when this dialogue took place
7 between you and Commissioner Carrique that you would go to
8 Canada's Deputy Minister of Public Safety, who would go to an
9 official in the City of Ottawa to exercise influence about who
10 would be the next interim Chief?

11 **COMM BRENDA LUCKI:** It wasn't about who was --
12 Deputy Minister Stewart had -- I never talked to Steve at all.
13 He had -- they had had communication -- regular communication.
14 For me, it was about the relationship that they'd already
15 established and that because we were on the verge of enforcement
16 that it was only about can we continue on with the enforcement
17 plan under existing personnel, and that was the goal. That it
18 wasn't about put Deputy Commissioner Steve Bell in that position
19 so he can be the Chief. It wasn't influencing them on who was
20 going to be the Chief. Just the continuity of the plan because
21 that would have set us back if we had to brief somebody new and
22 put somebody new in the position.

23 I didn't -- I didn't look at it in the eyes that
24 you're looking at.

25 **MR. GORDON CAMERON:** Now, acknowledging that in -
26 - for the reasons we discussed before and your structure and
27 relationship to the people you report to, you wouldn't have been
28 familiar, perhaps, with the way that the Ottawa Police Services

1 takes its direction. But did -- it didn't occur to you when you
2 were putting in place this communication from your Deputy
3 Minister to an official -- senior official at the City of Ottawa
4 that an option would have been if such an approach were to be
5 made about the importance of continuity that it would have been
6 better placed to the Police Services Board?

7 **COMM BRENDA LUCKI:** Yeah. Like I said, I didn't
8 know how -- how their structure worked at all. It was just a
9 connection into Ottawa Police or that's the person that was --
10 that they were dealing with. I didn't understand the Board
11 concept.

12 **MR. GORDON CAMERON:** If I can summarize, you had
13 an important message to deliver, which was that continuity in
14 command was important and you used a connection that you knew
15 about to deliver that message.

16 **COMM BRENDA LUCKI:** Yeah, just that it would be
17 preferable.

18 Ultimately, the decision is theirs to do what
19 they wish, but we were on the verge of enforcement and it would
20 be preferable if we had somebody who was already in the chair
21 knowing what the plan was so that we could move forward because
22 it was literally the 16th, which is on the Wednesday. We were
23 full blown going into the plan and to stop that and knowing that
24 the weekend was coming, we had -- that plan was originally
25 supposed to be a four-day engagement plan into enforcement, but
26 because we had a late start on it, we only had two or three days
27 before the weekend was coming, so time was not on our side.

28 **MR. GORDON CAMERON:** Right. So the message makes

1 sense and, as I say, the path you took, you took simply because
2 it was a connection you knew already existed between Stewart and
3 Kanallakos.

4 **COMM BRENDA LUCKI:** Yes, exactly.

5 **MR. GORDON CAMERON:** Okay. Thank you, Mr.
6 Commissioner. Those are my questions for this panel.

7 **COMMISSIONER ROULEAU:** Okay. So thank you.
8 So we'll take the lunch break and come back at 2
9 o'clock.

10 **THE REGISTRAR:** The Commission is in recess until
11 2 o'clock. La commission est lever jusqu'à 14h.

12 --- Upon recessing at 1:04 p.m.

13 --- Upon resuming at 2:02 p.m.

14 **THE REGISTRAR:** The Commission is reconvened. La
15 Commission reprend.

16 **--- COMM BRENDA LUCKI, Resumed:**

17 **--- D/COMM MICHAEL DUHEME, Resumed:**

18 **COMMISSIONER ROULEAU:** Good afternoon. Bonne
19 après-midi.

20 Oh, okay. We're ready to go then. Go ahead.

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

22 **MR. BRENDAN MILLER:** For the record, my name is
23 Brendan Miller. I'm counsel to Freedom Corp, which is the
24 corporation and entity that represents the protestors that were
25 in Ottawa in January and February of 2022.

26 First, both of you, thank you for your service
27 and thank you for testifying here today.

28 So I just want to begin by doing sort of a

1 housekeeping matter from yesterday, but I'm going to use you
2 folks to do that. If I can bring up document
3 SSM.CAN.00000283_Rel.0001?

4 Okay. And you had said in your evidence-in-
5 chief, Commissioner Lucki, that the RCMP in Ottawa also dealt
6 with the safety, security, et cetera, for international
7 diplomats from foreign countries? Is that fair?

8 Okay. So yesterday we heard evidence from the
9 Assistant Deputy Minister Security and Emergency Management at
10 Global Affairs Canada and she testified that they were concerned
11 about the security and safety of foreign diplomats in Ottawa.
12 And this document is a February 4th email -- if we can scroll
13 down, please -- from Bill McCrimmon, Deputy Director of
14 Diplomatic Security and Outreach Programs with GAC, so Global
15 Affairs Canada.

16 Are you familiar with Mr. McCrimmon?

17 **COMM BRENDA LUCKI:** No.

18 **MR. BRENDAN MILLER:** Right. And if you just want
19 to take a moment, I'll read it to you, but in that email, he
20 states, on February 4th:

21 "The Office of Protocol has not been made
22 aware officially of any significant
23 concerns by the diplomatic community in
24 the National Capital Region..."

25 **COMMISSIONER ROULEAU:** Could you just read a
26 little slower, please?

27 **MR. BRENDAN MILLER:** Yeah.

28 "...linked to current ongoing demonstrations

1 in downtown Ottawa. The RCMP Protective
2 Operations Assessment Unit advised that
3 there is no particular concern at this
4 time for the diplomatic community. Some
5 foreign missions have requested that the
6 RCMP conduct security assessments,
7 however, no specific concerns have been
8 identified. Several missions have
9 informally raised issues and
10 inconveniences with the Chief of Protocol
11 that have been affecting their operations
12 related to limited access to buildings,
13 blocked streets, noise impeding their
14 work, and the odor of diesel fumes. The
15 Office of Protocol (Diplomatic Security
16 Liaison Unit) remains in contact with the
17 RCMP and will advise of any significant
18 concerns affecting [the] diplomatic
19 missions."

20 And can you agree that of February 4th, that was
21 the assessment also of your office?

22 **COMM BRENDA LUCKI:** I would have to see our
23 assessment, but if he's saying that the RCMP said that ---

24 **MR. BRENDAN MILLER:** Right. And I take it that
25 though this is February 4th, this situation, as described here,
26 remained the same throughout the whole protest. Did it not?

27 **COMM BRENDA LUCKI:** I can't speak for sure. I
28 don't have any of the documents.

1 **MR. BRENDAN MILLER:** Okay. And yesterday the
2 Assistant Deputy Minister, she couldn't give us any other
3 information other than a blanket statement with no evidence or
4 information. So is it fair to say that if there was actual
5 evidence or information ---

6 **UNIDENTIFIED SPEAKER:** Excuse me, I don't think
7 that that's a fair description of the evidence that was provided
8 by the witness yesterday.

9 **MR. BRENDAN MILLER:** All right. I'll rephrase.
10 So would you say then that you would have no more further
11 information with respect to specifics than the Assistant Deputy
12 Minister did yesterday?

13 **COMM BRENDA LUCKI:** I don't know what the
14 Assistant Deputy Minister said yesterday, but what I can say is
15 I would have to look at the RCMP threat assessment documents or
16 any of the requests to know what the threat environment was
17 throughout the convoy, just to be fair.

18 **MR. BRENDAN MILLER:** Okay. Now, Commissioner
19 Lucki, I'm going to ask some pointed questions on the next
20 following set.

21 Now, Commissioner Lucki, can you agree that under
22 the *RCMP Act*, it doesn't provide sufficient independence from
23 Political Executive and political interference from your office?
24 Is that fair?

25 **COMM BRENDA LUCKI:** Well I assume it does, but
26 others don't.

27 **MR. BRENDAN MILLER:** Right. And you know that
28 from your appointment as Commissioner, under section 5 of the

1 RCMP Act, that appointment is what's referred to "at pleasure"?
2 You understand that?

3 **COMM BRENDA LUCKI:** Yes.

4 **MR. BRENDAN MILLER:** And you understand that that
5 means that the Governor in Council, on a recommendation from the
6 Political Executive, the Prime Minister, Cabinet, can remove you
7 at any time at will ---

8 **COMM BRENDA LUCKI:** Yes.

9 **MR. BRENDAN MILLER:** --- without reason; right?
10 And this is different than what's referred to as an appointment
11 of good behaviour? You understand what that is?

12 **COMM BRENDA LUCKI:** Yes. Not intimately, but.

13 **MR. BRENDAN MILLER:** And an appointment of good
14 behaviour, you at least understand requires actual grounds of
15 misconduct to remove you? Kind of like a judge; right? You get
16 that?

17 **COMM BRENDA LUCKI:** Yes.

18 **MR. BRENDAN MILLER:** Right. And for example, I
19 take it you're aware of the former SNC Lavalin, Jody Wilson-
20 Raybould scandal with respect to the Director of Public
21 Prosecution Services of Canada? They -- that Public Prosecution
22 Service's Director, you're aware that they're appointed at good
23 behaviour? They're not subject to being removed at will?
24 You're aware of that?

25 **COMM BRENDA LUCKI:** No.

26 **MR. BRENDAN MILLER:** Okay. And you understand --
27 I understand you have an understanding of the SNC Lavalin, Jody
28 Wilson-Raybould scandal though, do you not?

1 **COMM BRENDA LUCKI:** Yes.

2 **MR. BRENDAN MILLER:** Right. And the issue with
3 that was is that the Political Executive trying to use Ms.
4 Raybould-Wilson essentially tried to skirt the Act with respect
5 to advising Prosecution Services on how to conduct themselves.
6 Is that fair?

7 **COMM BRENDA LUCKI:** Yes, I guess.

8 **MR. BRENDAN MILLER:** Okay.

9 **COMM BRENDA LUCKI:** I'm not intimately familiar.

10 **MR. BRENDAN MILLER:** Right. And the problem with
11 that was is that Act, you know that any direction from the
12 Political Executive via the Minister of Justice, the Attorney
13 General, that seeks to compel the Director of Public Prosecution
14 Services to do something, it has to be through the legislative
15 process, and then whatever they direct them, has to be published
16 in a gazette within six months. Are you aware of that?

17 **COMM BRENDA LUCKI:** No.

18 **MR. BRENDAN MILLER:** All right. And you agree
19 that your Office of Commissioner has no such safeguards; does
20 it?

21 **COMM BRENDA LUCKI:** No.

22 **MR. BRENDAN MILLER:** And you know that the common
23 law in policing is that you, as Commissioner, and other chiefs
24 of police throughout the country, and the common-law world,
25 really, are to be 100 percent independent from the Political
26 Executive?

27 **COMM BRENDA LUCKI:** Yes.

28 **MR. BRENDAN MILLER:** And do you agree with me

1 that the Political Executive ---

2 **COMM BRENDA LUCKI:** I would say though, we do get
3 direction on the administration side of the policing, but not
4 the operational side.

5 **MR. BRENDAN MILLER:** Right. And you can agree
6 with me that the Political Executive should not be placing undue
7 pressure on you or directing you what to do with respect to
8 policing, other than the administration part that you mentioned?

9 **COMM BRENDA LUCKI:** Yes.

10 **MR. BRENDAN MILLER:** Right. And it's not -- it's
11 true, and I'm not trying to probe, but it's public knowledge
12 that previously, the Political Executive has asked you to do
13 certain things in investigations, such as release information
14 that could undermine an investigation? Do you remember that?

15 **COMM BRENDA LUCKI:** You'll have to be more
16 specific of what you're referring to.

17 **MR. BRENDAN MILLER:** You agree that happened when
18 you were asked by federal Ministers to release the form of
19 firearms the RCMP in Nova Scotia knew were used in the mass
20 shooting while the investigation was ongoing? You remember?

21 **COMM BRENDA LUCKI:** But what are you referring to
22 specifically?

23 **MR. BRENDAN MILLER:** I'm referring to the issue
24 with respect to releasing the forms of firearms for the purpose
25 of furthering the legislation ---

26 **COMM BRENDA LUCKI:** There was no pressure to do
27 that.

28 **MR. BRENDAN MILLER:** Right. And but the Minister

1 asked you to do it?

2 **COMM BRENDA LUCKI:** No. The Minister asked me if
3 in fact the information about the firearms would be part of a
4 media release.

5 **MR. BRENDAN MILLER:** Right. And when ---

6 **COMM BRENDA LUCKI:** He didn't ask me to put that
7 in there.

8 **MR. BRENDAN MILLER:** Right. And when it wasn't,
9 there's the transcript and the recording with respect to that,
10 that you had said to some of your colleagues, "Why couldn't this
11 have been done? The Minister asked for a small ask. Why wasn't
12 it done?"

13 **COMM BRENDA LUCKI:** That's not the context in
14 which that was taken.

15 **MR. BRENDAN MILLER:** Okay. Now I take it that --
16 would you agree that the Executive Branch of the Federal
17 Government, both yourself and you, Deputy Commissioner, they
18 tried to tell you what action to take during the protest; didn't
19 they?

20 **COMM BRENDA LUCKI:** Sorry, they asked us to what?

21 **MR. BRENDAN MILLER:** They tried to tell you what
22 actions to take in policing during the protest ---

23 **COMM BRENDA LUCKI:** Absolutely not.

24 **MR. BRENDAN MILLER:** Did they not ask you -- they
25 wanted you to take it over?

26 **COMM BRENDA LUCKI:** No.

27 **MR. BRENDAN MILLER:** Right. So the Clerk of the
28 Privy council and you, Assistant Commissioner, did not have a

1 phone call on February 3rd, 2022, recorded in your notes, where
2 they said that "We need to take this over"?

3 **D/COMM. MICHAEL DUHEME:** Yeah, but saying it and
4 doing it is two different things.

5 **MR. BRENDAN MILLER:** Right. Can I take you --
6 can we please bring up Document PB.NSC.CAN.00008073_Rel.0001?

7 Okay. Now this is a copy of your notes, sir.
8 There's been a few -- there's two copies of your notes. The one
9 that my friends have been referring to in your summary
10 statement, just so you're aware, that's Document 8073. This is
11 the other set, or it's -- that was document 8074. There's
12 another set and there's some highlighting that you've made in
13 these notes and I'm going to take you to it. Beginning first
14 we'll go right to the February 3rd note, which is on, my
15 apologies, I believe it's 19. If we can go to page 19, please?

16 All right. So begin at the top that says
17 February 3rd. That's the note for the day.

18 **D/COMM MICHAEL DUHEME:** M'hm.

19 **MR. BRENDAN MILLER:** If we can scroll down, just
20 a second here. Just keep going. If I can just have a moment?

21 **COMMISSIONER ROULEAU:** Sure.

22 **MR. BRENDAN MILLER:** And, sir, just for your
23 understanding, this was the record we found that was deposited
24 over the weekend. That's why I'm having a little trouble
25 navigating it.

26 Okay. Great. There's actually a second one.
27 It's on page 19, I believe. That's the Mins call. But we'll
28 start with this one. And this is the Minister's call at -- if

1 you can scroll up? Right, so 12:30. And that's the Minister's
2 call and I take it that the Minister of Public Safety and the
3 Minister of Emergency Preparedness is on that call with you?

4 **D/COMM MICHAEL DUHEME:** I would have to check the
5 minutes, but I just have Minister's call, normally it would be
6 Minister Mendocino. Sometimes I'll -- right, and I see Blair a
7 little further down. That's correct.

8 **MR. BRENDAN MILLER:** Right. So and there it
9 states, "Question, Mendocino's observations." And "non-policing
10 response seeing way more" -- or seeing way -- can you tell me
11 what that says?

12 **D/COMM MICHAEL DUHEME:** Saying that, "way more
13 traffic..." Can't make out the last word. Way more traffic.

14 **MR. BRENDAN MILLER:** And "does not seem to be a
15 plan. Must start with enforcement."

16 **D/COMM MICHAEL DUHEME:** Yeah.

17 **MR. BRENDAN MILLER:** So he tells you that?

18 **D/COMM MICHAEL DUHEME:** Yeah.

19 **MR. BRENDAN MILLER:** Right. And then Bill Blair,
20 of course, that's the Minister of Emergency Preparedness, he's
21 the former Chief of Police of Toronto; is that correct?

22 **D/COMM MICHAEL DUHEME:** I think that's correct.

23 **MR. BRENDAN MILLER:** And he says,

24 "[The] PM is increasingly concerned
25 [about] how the City will deal with
26 this."

27 Is that right?

28 **D/COMM MICHAEL DUHEME:** According to my notes,

1 correct.

2 **MR. BRENDAN MILLER:** Right. And so you agree
3 that, you know, as a police officer, you're trained to take
4 notes; right?

5 **D/COMM MICHAEL DUHEME:** Yeah.

6 **MR. BRENDAN MILLER:** And you take notes of the
7 conversations and investigations contemporaneously during an
8 investigation?

9 **D/COMM MICHAEL DUHEME:** Correct.

10 **MR. BRENDAN MILLER:** And you write down relevant
11 material matters that you want to remember later in time; right?

12 **D/COMM MICHAEL DUHEME:** Key points that I want to
13 remember, brief up.

14 **MR. BRENDAN MILLER:** Right. So it's fair to say
15 that these things that you wrote down, this is what was said to
16 you by those two Ministers; correct?

17 **D/COMM MICHAEL DUHEME:** Yeah.

18 **MR. BRENDAN MILLER:** Okay. And if we can scroll
19 down to the next page, please? And this was already put in the
20 other set of notes, but there I see that Minister Mendocino, he
21 says to you that his colleagues feel unsafe going to the Hill.
22 They feel -- is that harassed, or what ---

23 **D/COMM MICHAEL DUHEME:** Yeah.

24 **MR. BRENDAN MILLER:** --- does that say?

25 **D/COMM MICHAEL DUHEME:** Feel harassed. Yeah.

26 **MR. BRENDAN MILLER:** Yeah.

27 **D/COMM MICHAEL DUHEME:** Short-hand written.

28 **MR. BRENDAN MILLER:** Yeah, and then what is it

1 the second ---

2 **D/COMM MICHAEL DUHEME:** "Concern of Ottawa
3 central citizens essential care..."

4 **MR. BRENDAN MILLER:** "Counter Protest".

5 **D/COMM MICHAEL DUHEME:** "...Counter Protest".

6 **MR. BRENDAN MILLER:** Right. Okay. So if we can
7 keep scrolling down -- actually, I think I understand why I had
8 it wrong the date I had with respect to when you had the meeting
9 with the Clerk of the Privy Council. It's actually the 9th. So
10 I'm going to take you down to February 9th. Let me just find
11 that there.

12 And that's 41, page 41. Yeah, so at the top
13 there you see that's the date, the 9th, and it says, "Call with
14 clerk".

15 **D/COMM MICHAEL DUHEME:** M'hm.

16 **MR. BRENDAN MILLER:** 0800. And that's the clerk
17 of the Privy Council; is that correct?

18 **D/COMM MICHAEL DUHEME:** I would assume so.

19 **MR. BRENDAN MILLER:** Right. And they -- you were
20 there,

21 "Flush[ing] out [...] financial[s]
22 financial compensation, employee's
23 business
24 [and] PS"

25 Are you referring there as Peter Sloly or Public
26 Safety?

27 **D/COMM MICHAEL DUHEME:** Let me just read it here.
28 I'm not quite sure if that was Public Safety or

1 Peter Sloly.

2 **MR. BRENDAN MILLER:** Well, it says ---

3 **D/COMM MICHAEL DUHEME:** I'm guessing if it was
4 the clerk, it's because it's Public Safety.

5 **MR. BRENDAN MILLER:** Right. So "feels
6 organized". What's that word right after the period?

7 **D/COMM MICHAEL DUHEME:** Ambassador Bridge.

8 **MR. BRENDAN MILLER:** "Ambassador Bridge". Want
9 to just read it out for me?

10 **D/COMM MICHAEL DUHEME:** "Feel[...] organized
11 [...] Ambassador Bridge stretched OPP
12 incremental success OPS working at
13 incremental very small things Chief 48
14 [to] 76 hours to gather the troops."

15 **MR. BRENDAN MILLER:** Right. So at the time, at
16 least on February 9th, I take it that you thought the OPS was
17 doing an okay job; is that fair?

18 **D/COMM MICHAEL DUHEME:** Remind me of that date?

19 **MR. BRENDAN MILLER:** That's February 9th.

20 **D/COMM MICHAEL DUHEME:** I'm not necessarily that
21 they were doing a good job.

22 **MR. BRENDAN MILLER:** Right. But they were making
23 incremental ---

24 **D/COMM MICHAEL DUHEME:** Well, that's what we're
25 being shared.

26 **MR. BRENDAN MILLER:** Right.

27 **D/COMM MICHAEL DUHEME:** But still, it was
28 difficult to understand what those incremental gains were, were

1 very small things that were done.

2 **MR. BRENDAN MILLER:** And the clerk responded to
3 you that,

4 "We need to take this over, do they
5 know what this means"

6 **D/COMM MICHAEL DUHEME:** No, and I'm not quite
7 sure. There was probably other people on the line and I just
8 said the clerk said we need to take this over. I'm not
9 necessarily speaking ---

10 **MR. BRENDAN MILLER:** Okay.

11 **D/COMM MICHAEL DUHEME:** Rarely do I brief the
12 clerk alone.

13 "We need to take this over, do they
14 know what this means"

15 And, again, I think there's a lack of
16 understanding of how it works when you look in that jurisdiction
17 when a comment like that is made, just like when ---

18 **MR. BRENDAN MILLER:** Right. Right. But the
19 Clerk of the Privy Council is the highest ranking civil servant
20 in the entire federal apparatus; right? They're ---

21 **D/COMM MICHAEL DUHEME:** Right.

22 **MR. BRENDAN MILLER:** --- the equivalent in
23 provinces as what's called the DM, the Deputy Minister. She
24 answers to the Prime Minister and the Prime Minister alone;
25 right?

26 **D/COMM MICHAEL DUHEME:** My understanding.

27 **MR. BRENDAN MILLER:** And so on February 9, she's
28 telling you that the federal government and yourselves, the

1 RCMP, have to take over.

2 **D/COMM MICHAEL DUHEME:** Correct.

3 **MR. BRENDAN MILLER:** And then we'll scroll back
4 up to the top, if I can. I'm just going to go through this in
5 order. If we could go to page 11? So if you can scroll down
6 there? And this is another briefing to the Ministers; is that
7 right?

8 **D/COMM MICHAEL DUHEME:** I see Minister's brief
9 1300 hours 3 points, yeah.

10 **MR. BRENDAN MILLER:** Is that not what you're
11 informing them, a police operational plan?

12 **D/COMM MICHAEL DUHEME:** I am -- they are being
13 briefed on discussions that we've been having with OPS or that
14 OPS would share with us. So one of the concerns the
15 Commissioner said earlier, how is this going to end? When it's
16 going to end was less frequently. For anything we had on the
17 planning side, we would brief up to the Ministers to inform them
18 that there is something that we don't always have access to, but
19 there's discussions that -- there's plans ongoing.

20 **MR. BRENDAN MILLER:** Right. And is it not fair
21 to say that throughout this protest, that the political
22 executive and the executive branch of the federal government
23 were asking you for operational plans and even asking you to
24 give the operational plans of the OPS to them?

25 **D/COMM MICHAEL DUHEME:** So I will defer to the
26 Commissioner on this one, but my dealings with the Deputy
27 Ministers and the Ministers, never once did they ask for the
28 operational plan.

1 **MR. BRENDAN MILLER:** Okay.

2 **D/COMM MICHAEL DUHEME:** They -- we kept them
3 updated on the work that's being done. Commissioner, I'm not
4 quite sure if you need to add?

5 **COMM BRENDA LUCKI:** We were never asked to give
6 any operational plans. We did brief generally that there was a
7 plan, but we never went into the -- I didn't get briefed on the
8 plan until February 10th I think it was, or February 11th, but
9 we didn't ever give them ---

10 **MR. BRENDAN MILLER:** Okay.

11 **COMM BRENDA LUCKI:** --- they had never asked for
12 the plan.

13 **MR. BRENDAN MILLER:** And can I take you down now
14 to page 25. And if we can just go to the top of page 25, the
15 first thing.

16 What meeting is this, "Pre meet SBE"?

17 **D/COMM MICHAEL DUHEME:** What date is that?

18 **MR. BRENDAN MILLER:** This is from the 5th.

19 **D/COMM MICHAEL DUHEME:** Okay. So it's:

20 "Pre meet SSE. Assistance [with]
21 Alberta."

22 Probably key things that we had looked at for the
23 pre meet with SSE.

24 **MR. BRENDAN MILLER:** Okay.

25 **D/COMM MICHAEL DUHEME:** I'm not sure if it was
26 internally or with the deputy ministers, I'm not sure.

27 **MR. BRENDAN MILLER:** Right.

28 And if we can just scroll down to where it starts

1 with OPP.

2 And it states here:

3 "OPP offered [its] legal expert worked
4 Ipperwash hearing that the OPS is
5 priority for political reasons."

6 So is that the offer from OPP? Did they offer
7 the RCMP legal counsel because of political interference
8 concerns they had?

9 **D/COMM MICHAEL DUHEME:** No, not all. What that
10 as is trying to muster the people together that had the
11 expertise, that had the knowledge, that have worked on several
12 key incidents, and in this case is the result of what came out
13 of the Ipperwash Inquiry to help them.

14 **MR. BRENDAN MILLER:** Right. And that's to help
15 the RCMP?

16 **D/COMM MICHAEL DUHEME:** No, it is to help the
17 OPS, the Ottawa Police Service.

18 **MR. BRENDAN MILLER:** Okay. So ---

19 **D/COMM MICHAEL DUHEME:** We were an assistance to
20 Ottawa Police Service.

21 **MR. BRENDAN MILLER:** Right. And so the OPP had
22 relayed to you that they had concerns with political
23 interference.

24 **D/COMM MICHAEL DUHEME:** Yeah, I'm not quite sure
25 why I put the "pivoting for political reasons", I'm not quite
26 sure why I put it there.

27 **MR. BRENDAN MILLER:** Well, the Ipperwash
28 proceeding was about that partly, and it's like one of the main

1 things, and as I understand it, one of the main reasons that the
2 political executive in Ontario wouldn't get involved in this
3 matter because it was against the principles set down in
4 Ipperwash and police independence.

5 So the OPP is offering legal experts to deal with
6 police independence, and so why would they do that if they
7 didn't have a concern with political interference, sir?

8 **D/COMM MICHAEL DUHEME:** So I'm not aware, fully
9 aware of the Ipperwash. I didn't read the report. And what I
10 can say is that what was offered there from the OPP was just
11 assistance with their person who worked on the Ipperwash Inquiry
12 for lessons learned. That's all I can say. I can't go in for
13 because it was political reasons. All I know is they were
14 offering up resources for -- to assist.

15 **MR. BRENDAN MILLER:** Okay.

16 **COMMISSIONER ROULEAU:** You're over your time
17 already, so ---

18 **MR. BRENDAN MILLER:** Sir, there's -- there is --
19 this is 113 pages of notes. I would like a little bit of extra
20 time. These notes were not dealt with in the statement of the
21 witness because there's a different set than the ones that the
22 Commission had dealt with, which is 8074. These were not
23 uploaded or provided to the parties until Remembrance Day, and
24 we found them last night.

25 **COMMISSIONER ROULEAU:** Well ---

26 **MR. BRENDAN MILLER:** And I understand the
27 Commission wasn't able, in my view, to deal with these issues
28 only because they were using another set of notes. And these

1 notes are a contemporaneous outline and timeline of this
2 witness's evidence of what happened. They are extraordinarily
3 relevant material, and I would ask leave to be able to finish
4 the examination.

5 **COMMISSIONER ROULEAU:** They are the same notes, I
6 believe as the -- every set of notes.

7 **MR. BRENDAN MILLER:** They're not.

8 **COMMISSIONER ROULEAU:** There is just a bit of
9 highlighting, but it's the same text as I understand it.

10 But in any event, there are 16 other people who
11 want to question this panel, and it's a matter of organising
12 your exam. The ---

13 **MR. BRENDAN MILLER:** Sure.

14 **COMMISSIONER ROULEAU:** --- I must say I didn't
15 interpret when you were examining about the proceedings in Nova
16 Scotia, but ---

17 **MR. BRENDAN MILLER:** Right.

18 **COMMISSIONER ROULEAU:** --- that was not exactly
19 relevant for this hearing.

20 **MR. BRENDAN MILLER:** Right. If I could take --
21 then if I could ask this, I'll finish up.

22 If we could go to page 38 of this document.

23 And so this is another meeting.

24 If we can scroll down.

25 And it says "12:35, M3". I take it that's Marco
26 Mendicino, that's the Minister you're calling M3?

27 **D/COMM MICHAEL DUHEME:** Yeah.

28 **MR. BRENDAN MILLER:** Okay. And there, he's

1 discussing about changing the posture when it comes to
2 provincial engagement and what OPP can contribute, and then
3 Blair goes on that it doesn't show how the Chief will --
4 essentially, based on not having a plan, in his opinion the
5 Chief is not going -- the Chief of the OPS is not going to get
6 the resources that he requires from the province. Is that fair?

7 **D/COMM MICHAEL DUHEME:** Can you scroll up before
8 that, before Minister Blair -- Minister Mendicino? Okay. And
9 the question, sorry?

10 **MR. BRENDAN MILLER:** So is he saying there to you
11 that the plan from OPS, it is such that the Chief will not
12 receive the resources he needs from other Ontario Police
13 Services, that's what he tells you?

14 **D/COMM MICHAEL DUHEME:** Correct.

15 **MR. BRENDAN MILLER:** All right.

16 And if we can scroll down to the next page,
17 please?

18 Who is the individual right there with Seamus, it
19 says:

20 "Concentrated effort to make this
21 country look bad. Start to mid-terms."

22 Who is that? Who is Seamus?

23 **D/COMM MICHAEL DUHEME:** That would be
24 Minister O'Regan.

25 **MR. BRENDAN MILLER:** Minister O'Regan, okay. So
26 he tells you that, I take it, that the convoy and the protesters
27 are a concentrated effort to make the country look bad?

28 **D/COMM MICHAEL DUHEME:** That's what I wrote down

1 on the comments that were made, yeah.

2 **MR. BRENDAN MILLER:** Okay. And I'm almost
3 finished, sir.

4 If we could please go down to page 45, please.
5 And scroll down.

6 And there, you highlight that the:

7 "President will be calling the PM.
8 Pressure to seek additional resources."

9 Is that -- who relayed that to you?

10 **D/COMM MICHAEL DUHEME:** That was in a call -- the
11 pressure to release additional resources, that's something that
12 I put down, in a sense that it was in relation to the Windsor
13 bridge where there was concerns with the duration of the
14 blockade, and I just put down "seek additional resources" ready
15 to give the assistance required for it.

16 **MR. BRENDAN MILLER:** Right.

17 And then just to page 49, please. If we can
18 scroll down.

19 So this is the meeting from the 10th of February
20 with the Minister's briefing. Again, that's the Minister of
21 Public Safety and the Minister of Emergency Preparedness. And I
22 take it that the Minister of Public Safety states to you that
23 the intel they're getting is not sufficiently and timely -- is
24 not sufficient or timely, and to stop the protests and setting
25 this up. "View, what is the plan?" And "Different for convoy"
26 -- can you read that last sentence there?

27 **D/COMM MICHAEL DUHEME:**

28 "Different phases coming to the

1 realization that [we're] not responding
2 fast enough."

3 And what Minister Mendicino was alluding to is we
4 had these slow rolls, more specifically in the Province of
5 Ontario, that, without having the right information, they were
6 able to set up before we even knew that they were going to do
7 so.

8 **MR. BRENDAN MILLER:** And then Minister Blair
9 canvasses you:

10 "Question if exercise some
11 jurisdictional change..."

12 Is that speaking to the policing, you're taking
13 on a role; is that fair?

14 **D/COMM MICHAEL DUHEME:** I am not -- it doesn't
15 ring a bell.

16 **MR. BRENDAN MILLER:** Okay. And if we can scroll
17 down, then, just to the next page.

18 And this is the intel overview? Is this your
19 words here or is it somebody else's?

20 **D/COMM MICHAEL DUHEME:** Can you just go up for a
21 sec? That would be from someone else.

22 **MR. BRENDAN MILLER:** Okay. And is it from -- it
23 says OPP on the side. Would that -- would it be fair to say
24 that's Commissioner Morris?

25 **D/COMM MICHAEL DUHEME:** That would've been the
26 meeting, I wrote down OPP and OACP, a meeting that -- I believe
27 it was a meeting with the -- that was chaired by the
28 Commissioner of the OPP with representatives of the Ontario

1 Association Chiefs of Police Association.

2 **MR. BRENDAN MILLER:** All right. And was there
3 anyone from the federal government at that meeting?

4 **D/COMM MICHAEL DUHEME:** Other than the RCMP was
5 present, I'm not aware of anyone else.

6 **MR. BRENDAN MILLER:** Okay. And the intelligence
7 that Commissioner Morris provided you there is similar to what
8 he's testified about before this Commission, was that these were
9 normal people and they were essentially resentment to the
10 Trudeau government for COVID measures and multiple groups, et
11 cetera; right?

12 **D/COMM MICHAEL DUHEME:** Yeah.

13 **MR. BRENDAN MILLER:** Okay.

14 And -- so can I take you down to, this is
15 February 11th.

16 **COMMISSIONER ROULEAU:** Okay, you're going to have
17 to wrap up. I've been ---

18 **MR. BRENDAN MILLER:** So I will go, then, right to
19 -- if we can go to page, the one with the -- I believe it's the
20 13th. You actually had notes of the IRG meetings, 65.

21 If we go to 65, please. Well, 64 first.

22 And there Minister Blair "discusses throwing
23 Ottawa under the bus". That was your note?

24 **D/COMM MICHAEL DUHEME:** That was my note,
25 correct.

26 **MR. BRENDAN MILLER:** All right. And I take it
27 when you're saying Ottawa, he's talking about the Ottawa Police
28 Service; is that fair? It's not the City of Ottawa?

1 D/COMM MICHAEL DUHEME: Correct.

2 MR. BRENDAN MILLER: Right. So his plan on that
3 date is he's intending to throw Ottawa under the bus, being the
4 OPS for any failures that have been dealt with, with respect to
5 policing; is that fair?

6 D/COMM MICHAEL DUHEME: He could have made a
7 comment during the meeting saying that he was not satisfied with
8 the work that's been done by Ottawa Police Service.

9 MR. BRENDAN MILLER: Okay. And then can I just
10 take you to ---

11 D/COMM MICHAEL DUHEME: Most of these notes are
12 not word for word what was said. Sometimes ---

13 MR. BRENDAN MILLER: Right.

14 D/COMM MICHAEL DUHEME: --- just a quick recap of
15 ---

16 MR. BRENDAN MILLER: And if I can take you up to
17 page 62, please? And there you wrote "Comment[...] PM". I take
18 it that that's the Prime Minister? And it says, "Regarding RCMP
19 they haven't done anything."

20 D/COMM MICHAEL DUHEME: Yeah, that was in
21 reference to the overall blockades that were taken across --
22 that was going on across the country. There was some -- they
23 were not displeased, but did not understand the flow -- speed
24 and flow and what it takes when you're dealing with a demo ---

25 MR. BRENDAN MILLER: Okay.

26 D/COMM MICHAEL DUHEME: --- and that came across
27 that they were not happy with how we were handling the different
28 demos.

1 **MR. BRENDAN MILLER:** Right. And this will be the
2 last note. So page 67, please. And this is from the 14th at 9
3 o'clock. This is the National Security Intelligence Advisor
4 that you're meeting with, I take it?

5 **D/COMM MICHAEL DUHEME:** That's correct.

6 **MR. BRENDAN MILLER:** Right. And that's Jody
7 Thomas?

8 **D/COMM MICHAEL DUHEME:** At the time, yes, it was
9 Jody Thomas.

10 **MR. BRENDAN MILLER:** Right. And I take it there
11 that, for whatever reason, you're recording what she's saying.
12 And there on one of the points,

13 "measures put[...] out draconian. They
14 will turn to us. Everyone is using
15 their authority that's been given.
16 RCMP taking advantage of authority."

17 What was that about?

18 **D/COMM MICHAEL DUHEME:** Yeah, I'm not quite sure
19 what I meant by that, to tell you the truth. Measures putting
20 out.

21 **MR. BRENDAN MILLER:** Right. And from the -- and
22 just for you, Commissioner Lucki, in ending this, it is a fact
23 that in the ---

24 **MS. DONNAREE NYGARD:** Excuse me. You're not
25 giving the witness a chance to read the notes. He said he's not
26 sure what it says and he's trying to read it and you're moving
27 onto something else.

28 **MR. BRENDAN MILLER:** Right. So ---

1 MS. DONNAREE NYGARD: If you're going to ask the

2 ---

3 MR. BRENDAN MILLER: I can ---

4 MS. DONNAREE NYGARD: --- witness questions, then
5 let him have a chance to read it ---

6 MR. BRENDAN MILLER: I can wait.

7 MS. DONNAREE NYGARD: --- please.

8 MR. BRENDAN MILLER: I can wait. Go ahead.

9 D/COMM MICHAEL DUHEME: Yeah, no, I don't have
10 any more comments on that. I'm reading it and I ---

11 MR. BRENDAN MILLER: Yeah. Yes.

12 D/COMM MICHAEL DUHEME: --- I'm not quite sure
13 what it was meant.

14 MR. BRENDAN MILLER: That's how I understood the
15 evidence as well.

16 So, Commissioner Lucki, you were present for both
17 the February 13th IRG as well as the February 14th Cabinet
18 meeting?

19 COMM BRENDA LUCKI: Yes, I think there was -- the
20 Cabinet meeting was on the 13th.

21 MR. BRENDAN MILLER: And -- well, yeah, and so
22 the IRG meeting, they -- according to the text messages and the
23 messages that we've reviewed, they never even asked you to
24 speak?

25 COMM BRENDA LUCKI: Not on the -- definitely not
26 at the Cabinet meeting and I don't -- what I did do -- I don't
27 think I spoke at either. I thought I did because I had speaking
28 notes, but I did brief the Minister before that meeting.

1 **MR. BRENDAN MILLER:** Right. And the Minister
2 never asked you what your opinion was with respect to whether or
3 not there was a Section 2 *CSIS Act* security threat; is that
4 correct?

5 **COMM BRENDA LUCKI:** In respect to what?

6 **MR. BRENDAN MILLER:** Whether or not there was a
7 threat under Section 2 as defined in the *CSIS Act*, if there was
8 a threat to the security of Canada?

9 **COMM BRENDA LUCKI:** No, he would have to ask CSIS
10 that.

11 **MR. BRENDAN MILLER:** Right. And CSIS, you're
12 aware, told him that there wasn't?

13 **COMM BRENDA LUCKI:** That's what I've been told.

14 **MR. BRENDAN MILLER:** So if ---

15 **COMMISSIONER ROULEAU:** You're going to have to --
16 -

17 **MR. BRENDAN MILLER:** Thank you. Those are my
18 questions.

19 **COMMISSIONER ROULEAU:** Okay. Thanks.

20 Next is the Ontario Provincial Police.

21 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

22 **MR. CHRISTOPHER DIANA:** Good afternoon,
23 Commissioner and Deputy Commissioner. My name is Chris Diana.
24 I'm Counsel for the OPP.

25 We've heard some evidence from Commissioner
26 Carrique that, Commissioner, he worked very closely with you
27 throughout the convoy time period; is that correct?

28 **COMM BRENDA LUCKI:** Yes.

1 **MR. CHRISTOPHER DIANA:** And we've seen some of
2 the text exchanges between you and him. So is it fair to say
3 that you either spoke with him or texted with him pretty much
4 every day during the course of this event?

5 **COMM BRENDA LUCKI:** Very often, yes.

6 **MR. CHRISTOPHER DIANA:** And it's fair to say that
7 you worked together to help support former Chief Sloly in trying
8 to manage the Ottawa event; correct?

9 **COMM BRENDA LUCKI:** Yes.

10 **MR. CHRISTOPHER DIANA:** And in particular,
11 Commissioner Carrique had probably more kind of one-on-one
12 dealings with Chief Sloly than you did; is that fair?

13 **COMM BRENDA LUCKI:** Yes.

14 **MR. CHRISTOPHER DIANA:** And ultimately, your
15 mutual cooperation with Commissioner Carrique helped lead to the
16 development of the integrated planning team; is that fair?

17 **COMM BRENDA LUCKI:** Yes.

18 **MR. CHRISTOPHER DIANA:** Where both provided
19 subject matter experts to make sure that there was a way to
20 resolve the Ottawa occupation; is that fair?

21 **COMM BRENDA LUCKI:** Yeah, that was our goal.

22 **MR. CHRISTOPHER DIANA:** Now I believe it's in
23 your -- the institutional report that at no point did you ever
24 ask for the invocation of the *Emergencies Act*; correct?

25 **COMM BRENDA LUCKI:** Correct.

26 **MR. CHRISTOPHER DIANA:** But you did -- you were
27 asked though what tools would be useful; correct?

28 **COMM BRENDA LUCKI:** Yes.

1 **MR. CHRISTOPHER DIANA:** So we've already seen
2 that document, but I want to bring it up again. So if we can
3 look at PB.NSC.CAN.00003256, please?

4 All right. Now we've seen this already today.
5 If we can scroll to the bottom and see what the genesis of this
6 was, it's an email from Mike Jones, who I understand is the
7 Chief of Staff for Minister Mendocino; is that correct?

8 **COMM BRENDA LUCKI:** Yes.

9 **MR. CHRISTOPHER DIANA:** And this is sent to you
10 February 13th at 7:25 p.m. And there's a section that's blacked
11 out there. I'm not entirely sure why. The reason for the
12 redaction is not entirely made clear, but my understanding is
13 that you were asked to speak about two things. You were asked
14 to give some information on what tools would be useful and you
15 were also asked questions about critical infrastructure; is that
16 correct?

17 **COMM BRENDA LUCKI:** Yes, I believe so.

18 **MR. CHRISTOPHER DIANA:** And as you can see,
19 obviously, there's a -- timing was important here because as it
20 says, "quick follow ups before Cabinet". Now what was your
21 understanding of when that Cabinet meeting would take place?

22 **COMM BRENDA LUCKI:** Well, 7:25 p.m., I thought --
23 I'm sure -- I think the Cabinet meeting was at night so ---

24 **MR. CHRISTOPHER DIANA:** Sorry, I didn't -- can't
25 hear you.

26 **COMM BRENDA LUCKI:** I think that Cabinet meeting
27 was that night, so I'm not sure, I thought it would have already
28 been in progress or obviously it wasn't. I'm not sure what time

1 the Cabinet meeting was that day.

2 **MR. CHRISTOPHER DIANA:** Yeah, but regardless,
3 your understanding was that this was a very time-sensitive
4 request; is that fair?

5 **COMM BRENDA LUCKI:** Everything was time
6 sensitive, yes.

7 **MR. CHRISTOPHER DIANA:** Sure. So if we can
8 scroll to the top, we'll see that you responded, I guess 12:47
9 a.m., so approximately 5 hours later; is that correct?

10 **COMM BRENDA LUCKI:** Yeah, I have the -- I'm not
11 sure how those ---

12 **MS. DONNAREE NYGARD:** This is ---

13 **COMM BRENDA LUCKI:** --- times work.

14 **MS. DONNAREE NYGARD:** --- this is one of those
15 cases where you need to subtract five.

16 **COMM BRENDA LUCKI:** Subtract five, yeah.

17 **MR. CHRISTOPHER DIANA:** Oh, thank you. So ---

18 **COMM BRENDA LUCKI:** I was just going to say I'm
19 never up past 10 o'clock so ---

20 **MR. CHRISTOPHER DIANA:** I had figured ---

21 **COMM BRENDA LUCKI:** --- surprised I would have
22 responded.

23 **MR. CHRISTOPHER DIANA:** --- I had figured that
24 issue out for the text messages, but, okay, so that applies to
25 this as well then for the -- if we scroll to the bottom? I just
26 want to make sure I'm clear on the time too ---

27 **COMM BRENDA LUCKI:** No.

28 **MR. CHRISTOPHER DIANA:** --- but that says 7:25

1 p.m. Is that actually 7:25 p.m. or is it my time?

2 **COMM BRENDA LUCKI:** Yeah.

3 **MS. DONNAREE NYGARD:** Yes, it's only where it has
4 the plus 0000 that you have to ---

5 **MR. CHRISTOPHER DIANA:** So in the same email
6 exchange, you've got two different ways to figure out ---

7 **MS. DONNAREE NYGARD:** It's usually just the top
8 email you have to do it on.

9 **MR. CHRISTOPHER DIANA:** All right. Okay. Well,
10 thank you. That's very complicated.

11 All right. So then let's go to the top. So the
12 email was sent from Mike Jones 7:25 and your response is at 7:47
13 then. Would that be -- you responded almost right away?

14 **COMM BRENDA LUCKI:** Right away, yeah.

15 **MR. CHRISTOPHER DIANA:** Okay. So I take it that
16 in that time period, you clearly wouldn't have had an
17 opportunity to consult with other law enforcement agencies about
18 what tools might be useful; is that correct?

19 **COMM BRENDA LUCKI:** No, we had already consulted
20 within our organization to the commanding officers. I'm not
21 sure if we were able to consult outside of the RCMP because of
22 Cabinet confidence.

23 **MR. CHRISTOPHER DIANA:** Okay. Well, I'm going to
24 get to that in a moment.

25 **COMM BRENDA LUCKI:** Yeah.

26 **MR. CHRISTOPHER DIANA:** But let's backtrack a
27 little bit because I want to ask about the initial request from
28 Mike Jones. You were being asked for advice on what tools would

1 be useful. Was it your sense when you received that email, and
2 either from that email or from conversations you had around the
3 same time, that they were waiting on your advice on these
4 issues, or was it your sense that they'd already made up their
5 mind that they were going to invoke it?

6 **COMM BRENDA LUCKI:** I'm not sure what they were
7 thinking. But just given the time, it was very quick
8 turnaround. I would not have put that together off the top of
9 my head. I would have got that information, that information
10 was already established. And if you look, it's quite detailed.
11 I wouldn't have just been typing that off the top of my head. I
12 would have got it from somebody. And the fact that it was so
13 quickly afterwards, I think that information was already in the
14 queue somewhere else.

15 **MR. CHRISTOPHER DIANA:** Yeah. I wanted to ask
16 about that because I haven't -- there are a lot of documents,
17 thousands of documents, and maybe I've missed it, but do you
18 recall how that information came to you?

19 **COMM BRENDA LUCKI:** This would've come through my
20 people, probably I would've tasked that through to D/Comm. Mike
21 Duheme. They would've gone to the -- especially the commanding
22 officers in BC, Alberta, and Manitoba, where three of the big
23 protests in our jurisdiction were, because they would have --
24 they were dealing with the protest, and we wanted to know what
25 authorities might be useful if they did invoke the Act.

26 **MR. CHRISTOPHER DIANA:** Right. Now, we've heard
27 from Comm. Carrique, and he was very clear in his evidence, that
28 at no point that anyone from the RCMP reach out to him to ask

1 him for his advice ---

2 **COMM BRENDA LUCKI:** No.

3 **MR. CHRISTOPHER DIANA:** --- on what tools would
4 be useful; and you have no reason to dispute that?

5 **COMM BRENDA LUCKI:** No, I was actually kind of
6 surprised because in my mind I thought that we had, but
7 obviously if he says that, then we probably didn't.

8 **MR. CHRISTOPHER DIANA:** Right. And so -- and he
9 said it very clearly, I can bring up the transcript ---

10 **COMM BRENDA LUCKI:** Yeah.

11 **MR. CHRISTOPHER DIANA:** --- if you wish, but ---

12 **COMM BRENDA LUCKI:** No, no, I'm ---

13 **MR. CHRISTOPHER DIANA:** And certainly, there's no
14 documentary evidence to suggest that you ever consulted with
15 him.

16 You would agree, I take it, that because the OPP
17 was involved kind of as a lead in Windsor, they were very
18 involved in leading the integrated planning team in Ottawa.
19 There were issues all throughout Ontario that the OPP had an
20 important interest in what tools would be made available to it;
21 correct?

22 **COMM BRENDA LUCKI:** Absolutely.

23 **MR. CHRISTOPHER DIANA:** And that in retrospect
24 would you agree that it would have been a good idea to have
25 consulted with Comm. Carrique so he could have given you his
26 opinion on what may have been helpful?

27 **COMM BRENDA LUCKI:** And like I said, I didn't --
28 if I did not, obviously, according to Comm. Carrique, consult

1 with him, but I -- in my mind, I thought there was consultation
2 done with OPP and OPS. Not at my level, because I wasn't doing
3 the consultation in my own organization; some other people were
4 doing that. But I assumed, wrongly, obviously, that when I
5 asked for consultation with the various agencies, that that was
6 -- that they were included in that, unless we weren't allowed to
7 do that.

8 **MR. CHRISTOPHER DIANA:** Yeah. And the reason I
9 find it odd is because, you know, you would communicate with him
10 by text, by phone call; you could've simply just picked up the
11 phone and said, ---

12 **COMM BRENDA LUCKI:** Absolutely.

13 **MR. CHRISTOPHER DIANA:** --- "Oh Tom, I just got
14 this email. You know, keep it on the downlow, but -- because we
15 don't -- because there are confidences involved here, but are
16 there any tools that the OPP would find useful here?"

17 **COMM BRENDA LUCKI:** No, I assumed this list was -
18 - was the consultation of police. That's -- honestly, I thought
19 this list, where it came through my -- obviously my chain of
20 command, but I assumed that that was part and parcel of
21 consultation.

22 **MR. CHRISTOPHER DIANA:** Right. So somewhere
23 there was a breakdown in communication; OPP should have been
24 consulted but they weren't.

25 **COMM BRENDA LUCKI:** Unless there was reasons why
26 they couldn't, I'm not sure.

27 **MR. CHRISTOPHER DIANA:** Okay. And I know that,
28 whether it was you or the Deputy, ---

1 **COMM BRENDA LUCKI:** I think the Deputy.

2 **MR. CHRISTOPHER DIANA:** --- had mentioned there
3 were two possible factors, one was timing. But, of course, that
4 could've been done very quickly with your relationship with the
5 Commissioner; correct?

6 **COMM BRENDA LUCKI:** Yes.

7 **MR. CHRISTOPHER DIANA:** And the other issue was
8 matter of confidence, but we all know when policing that
9 confidential information between police services is shared. And
10 I take it that you would've trusted Comm. Carrique enough to
11 have that conversation with him; correct?

12 **COMM BRENDA LUCKI:** It depends. Like, Cabinet
13 confidence is quite -- like, policing information is one thing,
14 but -- because it's our information, so I can say that I can
15 share that. But when it's not my information, I'm not at
16 liberty to share.

17 **MR. CHRISTOPHER DIANA:** Right. But you could've
18 done it another way. You could've said, "Commissioner there's
19 some consideration about the *Emergencies Act*,..." ---

20 **COMM BRENDA LUCKI:** Yeah, there's probably ---

21 **MR. CHRISTOPHER DIANA:** --- "...and so what are
22 your..." -- and so I don't -- because you had mentioned the
23 *Emergencies Act* several days before. So you could have said
24 that as a hypothetical, "If Cabinet was to invoke the EA, or are
25 there any tools that would be useful?" You could have done
26 that, right?

27 **COMM BRENDA LUCKI:** Yeah, I absolutely could
28 have, except I might be breaching Cabinet confidence so I don't

1 know if I would have.

2 **MR. CHRISTOPHER DIANA:** Okay. But you referenced
3 *Emergencies Act* possibility -- I forget the day, maybe it was
4 February 5th, and that ---

5 **COMM BRENDA LUCKI:** Yeah. And back then I called
6 it the *Emergency Measures Act*. I didn't even know what it was.

7 **MR. CHRISTOPHER DIANA:** Right.

8 Now, I might circle back to this. I want to make
9 sure I don't run out of time, make sure I get a couple of my
10 points in here.

11 I'd like to go to towing, ---

12 **COMM BRENDA LUCKI:** Yes.

13 **MR. CHRISTOPHER DIANA:** --- very briefly. And
14 I've heard your evidence that you weren't directly involved in
15 that aspect. But I think, you know, there's been some back and
16 forth and some question, but there's a document that I think
17 needs to go into the record that I need to put to you, that I
18 think will help clarify the issue.

19 Do you know the name Sgt. Kirk Richardson from
20 the OPP?

21 **COMM BRENDA LUCKI:** No.

22 **MR. CHRISTOPHER DIANA:** All right. He was -- and
23 we've heard from Carson Pardy that he was one of the subject
24 matter experts on the integrated planning team who was
25 responsible for towing.

26 If you can, Clerk -- Mr. Clerk, put up the
27 document PB.NSC.CAN.00005777?

28 All right. So you can see that there's an email

1 exchange here between some folks in the RCMP, Kelly Bradshaw.

2 Deputy Commissioner, do you know who Kelly
3 Bradshaw is?

4 **COMM BRENDA LUCKI:** Yes. Oh.

5 **D/COMM. MICHAEL DUHEME:** Yeah, Kelly Bradshaw was
6 an RCMP member responsible for Financial Crime Unit.

7 **MR. CHRISTOPHER DIANA:** And I believe, there's
8 already been reference to Mark Flynn.

9 If you could scroll down please, so we get the
10 context of this email exchange? Further down. All right. So
11 stop there.

12 You'll see Kelly Bradshaw, and this is to the --
13 an email to Kirk Richardson from the OPP:

14 "Hi Kirk,...I am being asked the
15 following question: Did OPP use
16 [*Emergencies Act*] on tow companies
17 yesterday in Ottawa?"

18 So if you can scroll up, for the response, and
19 this is from the subject matter expert that was dealing with
20 this, and you can see his response on February 20th. He writes:

21 "Hello. The tow contractors used for
22 the operations to clear the protest
23 areas were approached to see if they
24 would provide service. The heavy tow
25 providers (two companies) both are
26 contractors with the...(MTO)....The
27 light duty tows were arranged by Ottawa
28 Police I am not sure what the

1 arrangements were related to costs. I
2 do not believe the EO was used to make
3 them tow but it was referenced in
4 relation to protection and compensation
5 if damage occurred related to the
6 protest."

7 Now, I take it you wouldn't have any information
8 to contradict that from the subject matter expert?

9 **COMM BRENDA LUCKI:** This is the first I've seen
10 this information.

11 **MR. CHRISTOPHER DIANA:** Right. And you have no
12 reason to doubt the accuracy of that?

13 **COMM BRENDA LUCKI:** I can't refute it or accept
14 it; I have no idea. I've never seen this information.

15 **MR. CHRISTOPHER DIANA:** Okay. That's fine. Can
16 we -- I want to take you to your witness summary, please.

17 And the reference for that is -- I have it
18 written somewhere, if we can go to the RCMP witness summary,
19 which is WTS69, and go to page 24.

20 And again, this is just another loose end that I
21 want to tie up because it's important to have all the facts
22 before the Tribunal.

23 You'll note that there's a reference to the theft
24 of about -- approximately 3,400 firearms from Peterborough area;
25 do you remember that incident?

26 **COMM BRENDA LUCKI:** Yes.

27 **MR. CHRISTOPHER DIANA:** Now, your witness summary
28 doesn't make a reference to the fact that those firearms were

1 recovered about two days later. You will recall that; correct?

2 **COMM BRENDA LUCKI:** Yes.

3 **MR. CHRISTOPHER DIANA:** And so I think it's just
4 important for the record that we hear acknowledgment that while
5 that was a significant -- that was a matter of significant
6 concern at the time, it was resolved within two days; correct?

7 **COMM BRENDA LUCKI:** Yes.

8 **MR. CHRISTOPHER DIANA:** And that, in fact, you
9 told the in -- and I'm not going to bring the minutes up, unless
10 you want to see them, but because it was an important issue, you
11 made sure that you told the incident response group the next day
12 that the guns had been recovered; do you remember that?

13 **COMM BRENDA LUCKI:** Yes. I believe so, yes.

14 **MR. CHRISTOPHER DIANA:** Because you did not want
15 to leave the mistaken impression that there were ---

16 **COMM BRENDA LUCKI:** Guns ---

17 **MR. CHRISTOPHER DIANA:** --- 3,000-odd guns out
18 there.

19 **COMM BRENDA LUCKI:** --- out there.

20 **MR. CHRISTOPHER DIANA:** And so that was important
21 to make sure you cleared that up; correct?

22 **COMM BRENDA LUCKI:** Yes.

23 **MR. CHRISTOPHER DIANA:** Right. It wasn't in your
24 witness summary, the conclusion; I wanted to make sure that was
25 on the record.

26 Now, if I can go to -- going back to the
27 consultation piece, if -- I think I may have a few more minutes
28 yet.

1 **COMMISSIONER ROULEAU:** One minute, as the way I
2 have the count, but sorry...

3 **MR. CHRISTOPHER DIANA:** If we can go to page 22,
4 second paragraph. Next paragraph down.

5 Okay. So it says, "Commissioner Lucki sought
6 input...and...other police agencies...."

7 Here you talk about seeking input from different
8 divisions, and you've spoken with that already. And one of the
9 question -- and a question that I really wanted to ask is that
10 when you consider the extraordinary nature of the *Emergencies*
11 *Act*, do you agree that it would be useful to keep a written
12 consultation record so that when we go back and look at how we
13 use the emergency powers, we're able to identify who we spoke
14 to, what -- and what they said about what tools would be useful?
15 Do you agree that should be kind of clearly set out in writing
16 so we can keep a record?

17 **COMM BRENDA LUCKI:** There was a thousand things
18 going on that we could've kept record of, absolutely. You can
19 never -- I guess you can never over record, but it wasn't kept.

20 **MR. CHRISTOPHER DIANA:** No, but I mean I think
21 that it's -- and I ask the question because it's not entirely
22 clear who was consulted, when they were consulted, and what they
23 were said. And again, for future reference, it would be
24 helpful, wouldn't it, to have that? Because we have a
25 consultation report filed by Government of Canada that talks
26 about consultation with the political leaders, but what I'm
27 putting to you is it would also be helpful to have that kind of
28 record on law enforcement consultation?

1 **COMM BRENDA LUCKI:** Yes, I would agree it would
2 be helpful.

3 **MR. CHRISTOPHER DIANA:** All right. Thank you. I
4 appreciate your time.

5 **COMMISSIONER ROULEAU:** Okay. Next I'd like to
6 call on the Ottawa Police Service, please.

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

8 **MR. DAVID MIGICOVSKY:** Good morning, or good
9 afternoon, Commissioner Lucki, and Deputy Commissioner Duheme.
10 My name is David Migicovsky and I'm a lawyer with the Ottawa
11 Police Service.

12 Commissioner, if I can start with you, you were
13 on record as saying that you do not view the invocation of the
14 *Emergencies Act* as a failure of policing. Is that fair?

15 **COMM BRENDA LUCKI:** Say that again?

16 **MR. DAVID MIGICOVSKY:** That you're on record as
17 saying, "I do not view the invocation of the *Emergencies Act* as
18 a failure of policing"?

19 **COMM BRENDA LUCKI:** No. I agree, if I -- yeah.

20 **MR. DAVID MIGICOVSKY:** Yeah. You'll agree with
21 that. And that's because, as I understand it, this was a very
22 unique and fluid situation and what happened in Ottawa was very
23 different from what was seen across the country; correct?

24 **COMM BRENDA LUCKI:** Yeah, it was the first of its
25 kind.

26 **MR. DAVID MIGICOVSKY:** And I also understand,
27 Commissioner, that you are a trained POU commander?

28 **COMM BRENDA LUCKI:** Yeah, dated, but yes.

1 **MR. DAVID MIGICOVSKY:** And although you have a
2 very lengthy history in law enforcement, I think this was the
3 first time you saw a protest such as this one as well?

4 **COMM BRENDA LUCKI:** Yes.

5 **MR. DAVID MIGICOVSKY:** Is that right?

6 **COMM BRENDA LUCKI:** Yes.

7 **MR. DAVID MIGICOVSKY:** In one of your key message
8 updates, and I won't turn it up, but I don't think it's
9 contentious, but it was your February 3rd key message update.
10 You talked about the convoys returning for the weekend, which we
11 know was a phenomena that occurred, and there was a discussion
12 of farm equipment. And you said at the time, "Look, there's no
13 bar on farm equipment from coming into the city," and that there
14 had been convoys in the past with farm equipment downtown in
15 Ottawa in the past; correct?

16 **COMM BRENDA LUCKI:** Yes.

17 **MR. DAVID MIGICOVSKY:** Deputy Duheme, I
18 understand that the NRCC -- or the NCRCC, I apologize, was stood
19 up for this event; correct?

20 **D/COMM. MICHAEL DUHEME:** Yeah, it was stood up
21 around January 28th, I believe.

22 **MR. DAVID MIGICOVSKY:** And the RCMP was part of
23 that NCRCC?

24 **D/COMM. MICHAEL DUHEME:** Correct. The RCMP and
25 many other partners.

26 **MR. DAVID MIGICOVSKY:** And it is used as a hub
27 for intelligence that goes on for the event?

28 **D/COMM. MICHAEL DUHEME:** Not just intelligence.

1 It's a coordination -- it's a command centre that ensures
2 coordination with different partners throughout the table.

3 As I mentioned earlier, you could have Ottawa
4 City Transport that's there, paramedics, fire department,
5 Service de Police de Gatineau, Sûreté du Québec, and other
6 partners that are there so that's a coordinated approach every
7 time there's an action taken on the scene.

8 **MR. DAVID MIGICOVSKY:** But included within that,
9 I believe, was a hub for intelligence?

10 **D/COMM. MICHAEL DUHEME:** Yeah, that's correct.

11 **MR. DAVID MIGICOVSKY:** Okay. Commissioner Lucki,
12 my understanding is that the RCMP followed the convoys across
13 the country and in fact provided on the ground information to
14 the OPP when the convoy crossed from Manitoba into Ontario?

15 **COMM BRENDA LUCKI:** Yes.

16 **MR. DAVID MIGICOVSKY:** And that information then
17 was funneled through a JIG, a Joint Intelligence Group?

18 **COMM BRENDA LUCKI:** Yeah, or CIG. I can't
19 remember which one.

20 **MR. DAVID MIGICOVSKY:** And Deputy Duheme, you
21 indicated, I believe, in your witness statement, that the OPS
22 had the same intelligence as the RCMP; correct?

23 **D/COMM. MICHAEL DUHEME:** Through our Combined
24 Intelligence Group. That's my understanding.

25 **MR. DAVID MIGICOVSKY:** And I believe you also
26 indicated, Deputy, in your witness statement, that when it
27 became clear that the convoy was coming to Ottawa, police
28 agencies began to share intelligence, including that through

1 Project Hendon; correct?

2 **D/COMM. MICHAEL DUHEME:** Yes. And I think the
3 sharing started actually before that, but I believe it started
4 before that.

5 **MR. DAVID MIGICOVSKY:** Commissioner, you were --
6 and both of you, I guess, were part of a panel that was
7 interviewed by the Commission, and I think there were several of
8 your colleagues that joined you, Deputy Commissioner MacDonald,
9 Deputy Commissioner Zablocki, Deputy Commissioner Brennan, and
10 Liam Price, the Director General; correct?

11 **COMM BRENDA LUCKI:** Yes.

12 **MR. DAVID MIGICOVSKY:** And there was a discussion
13 with your colleagues, I see in that summary, about the social
14 media messaging of the convoy and the statement to the effect
15 that there was some social media messaging saying that they
16 wouldn't leave until the mandates were lifted, and Deputy
17 commissioner Brennan stated that the RCMP had concerns about the
18 reliability of that messaging because many protest groups use
19 social media messaging as a diversion. And you didn't disagree
20 with that; correct?

21 **COMM BRENDA LUCKI:** Yeah, his opinion on that, I
22 had no opinion on that.

23 **MR. DAVID MIGICOVSKY:** And you didn't disagree
24 when he said that; did you?

25 **COMM BRENDA LUCKI:** Yeah, I was agnostic.

26 **MR. DAVID MIGICOVSKY:** In fact, you said, in
27 response, that there were different groups here as part of the
28 convoy and they were not all on the same page; ---

1 **COMM BRENDA LUCKI:** Yes.

2 **MR. DAVID MIGICOVSKY:** --- correct?

3 **COMM BRENDA LUCKI:** Yes.

4 **MR. DAVID MIGICOVSKY:** I believe, Commissioner
5 Lucki and Deputy Commissioner Duheme, you both expected, you
6 indicated in the witness summary, that some protestors might
7 stay in Ottawa until the Monday, January 31st, which is when
8 Parliament was returning to session; correct?

9 **COMM BRENDA LUCKI:** Yes.

10 **D/COMM. MICHAEL DUHEME:** Correct.

11 **MR. DAVID MIGICOVSKY:** And initially, and I can
12 take you to the document if it's necessary, but there was a PCO
13 call on January -- actually, it might be helpful if we turn up
14 the document.

15 Mr. Clerk, it is SSM.CAN.NSC.00002591. And if we
16 could please go to the first page?

17 And if you'll see the third bullet under "4 lanes
18 of work", "Peaceful Event". Do you see that?

19 **COMM BRENDA LUCKI:** Yeah.

20 **MR. DAVID MIGICOVSKY:** And if you -- sorry,
21 actually, if you go down to the third large bullet, where it
22 says "Non-threat"? Just underneath that. Yes.

23 "Sgt at Arms, PPS, OPS, RCMP, all seeing
24 peaceful event, no indications otherwise
25 but watching the chatter".

26 Correct? And that reflects what you knew at the
27 time?

28 **COMM BRENDA LUCKI:** I don't know what date this

1 is referring to.

2 **MR. DAVID MIGICOVSKY:** Sure. If we can go up to
3 the top? I believe it was January 27th.

4 **COMM BRENDA LUCKI:** Yeah, the convoy hadn't even
5 arrived yet.

6 **MR. DAVID MIGICOVSKY:** Right.

7 **COMM BRENDA LUCKI:** Yeah. Oh, okay. In our
8 events. Yeah. As it was crossing. Yes.

9 **MR. DAVID SHIROKY:** Apologies. David Shiroky,
10 Government of Canada. Again, it's the minus five hours thing.
11 So I think we're on the 26th in the evening.

12 **MR. DAVID MIGICOVSKY:** Okay. Thank you.

13 Yeah, so it's -- again, if we can just scroll
14 down again? And if we can go to the second page? So this would
15 be the evening of the 26th. So if we can go to page 2? The
16 first bullet you'll see just at the top:

17 "Blocking of intersections - protestors
18 say they're not going to do that, but it's
19 a lot of cars"

20 Which is what you understood at the time as well?
21 They were not planning to block intersections?

22 **COMM BRENDA LUCKI:** Where is this?

23 **MR. DAVID MIGICOVSKY:** I'm sorry?

24 **COMM BRENDA LUCKI:** This is in Ottawa?

25 **MR. DAVID MIGICOVSKY:** Yes.

26 **COMM BRENDA LUCKI:** Because they're not even in
27 Ottawa yet.

28 **MR. DAVID MIGICOVSKY:** I'm sorry?

1 **COMM BRENDA LUCKI:** Like, from what I understand
2 is that January 28th, the convoy ---

3 **MR. DAVID MIGICOVSKY:** That's correct. But based
4 on what you knew on the 26th in the evening, you understood that
5 they were not planning on blocking intersections?

6 **COMM BRENDA LUCKI:** In Ottawa?

7 **MR. DAVID MIGICOVSKY:** Correct.

8 **COMM BRENDA LUCKI:** That I don't know. But if
9 it's ---

10 **D/COMM. MICHAEL DUHEME:** Can I just add something
11 here, sir? This is the first time I've seen the document.

12 **COMM BRENDA LUCKI:** Yeah, I've never seen this
13 document.

14 **D/COMM. MICHAEL DUHEME:** I don't know who
15 participated in the calls. I understand reading through the
16 lines the RCMP -- but this is the very first time I've seen this
17 document.

18 **MR. DAVID MIGICOVSKY:** Okay. Are you disagreeing
19 with it or you simply don't know?

20 **D/COMM. MICHAEL DUHEME:** I wasn't there, and I
21 don't want to question what's in there, but I wasn't there.
22 Some of the things that I see, I can validate it through other
23 intel that I had from other -- but I don't even know who the
24 representatives of the RCMP was on this call.

25 **MR. DAVID MIGICOVSKY:** Okay. You have no
26 information to suggest at that point in time that the protestors
27 were planning to block intersections? Is that fair?

28 **D/COMM. MICHAEL DUHEME:** Not at that time.

1 **MR. DAVID MIGICOVSKY:** Right. Thank you very
2 much. And I believe, again I can turn up the document,
3 Commissioner, but I understand that as of just a couple days
4 before the demonstration, there was some discussion at the RCMP
5 about it was unknown how long they were saying, but there was
6 some social media saying that they might stay until January
7 31st, which would be the Monday when Parliament was supposed to
8 resume session; correct?

9 **COMM BRENDA LUCKI:** Again, I wasn't intimate --
10 like I wasn't into the details of the intelligence and maybe
11 D/Commissioner Duheme would be better suited to answer that.

12 **MR. DAVID MIGICOVSKY:** I can show you the
13 document if you want, Deputy, unless you're ---

14 **D/COMM MICHAEL DUHEME:** No, no. I do recall
15 seeing documents saying that they were planning to stay until
16 the 31st.

17 **MR. DAVID MIGICOVSKY:** Okay.

18 **D/COMM MICHAEL DUHEME:** And there's another
19 document that I'm not quite sure if it's before they arrived or
20 after they arrived that they didn't -- they didn't want to leave
21 unless they met with the Prime Minister, so I'm not quite sure
22 if it was before they arrived or after they arrived.

23 **MR. DAVID MIGICOVSKY:** Okay. So just for the
24 records, it's PB.NSC.CAN00008069, which I believe was the 25th,
25 which is a -- or indicated that some social media were saying
26 that they would stay until January 31st.

27 And if you -- you will see if you go to the
28 bottom of this email -- you'll have to go to the third page and

1 then -- just so you can see what it is.

2 Yeah. So you'll see it's something that was sent
3 to you, "Hi, Brenda. He just shot me these questions."

4 And then if we go above it, you'll see you asked
5 for some bullet points, and you'll see, "Anything you can give
6 me would be great." And then you get some information in
7 response.

8 So this is January 28th.

9 **COMM BRENDA LUCKI:** Okay.

10 **MR. DAVID MIGICOVSKY:** And so you'll see question
11 3(a) at the bottom was "Latest on what if scenarios". "What if
12 truckers leave vehicles parked on Wellington beyond Saturday?"
13 and a series of other questions you're asked about, "What if it
14 turns violent?", et cetera.

15 And so if you go up to the first page, you see
16 the answers to those questions.

17 So you'll see -- sorry. If you could just go to
18 3(a) at the bottom, OPS -- I'm just on the third line:

19 "OPS has reached out to the hotel
20 industry in the NCR who have confirmed
21 that accommodations are fully booked
22 through the weekend but appear back to
23 normal as of 22/01/31."

24 So as of the Monday; correct?

25 **COMM BRENDA LUCKI:** Yeah.

26 **MR. DAVID MIGICOVSKY:** And so OPS, it sounds
27 like, was saying that they checked the hotels. Contrary to some
28 other evidence that we've heard, they're reporting that, in

1 fact, the hotels are back to normal on Monday; correct?

2 **COMM BRENDA LUCKI:** Yeah, that's the information
3 we received.

4 **MR. DAVID MIGICOVSKY:** And then if we look at the
5 (c), if we go to the next page, in the event that the protests
6 turn violent, then there's a POU team available. The OPS has
7 one. OPP has two POU teams. I believe Toronto was there. And
8 some of the other municipal police services were there that
9 weekend as well with the POU team in case; correct?

10 **COMM BRENDA LUCKI:** Yes.

11 **MR. DAVID MIGICOVSKY:** And fortunately, those
12 were not needed.

13 And then if you go down to just below the
14 redaction, we see that OPS and OPP PLT are continuing to work
15 closely with the organizers of the event. And it says,
16 "Collaboration between all security partners in the NCR remains
17 strong."

18 And that would include the RCMP as one of the
19 security partners; correct?

20 **COMM BRENDA LUCKI:** Yes.

21 **MR. DAVID MIGICOVSKY:** Deputy Duheme, I know that
22 on January 30th, if we could please turn to PB.NSC.CAN00000033,
23 you'll see on the January 30th intel update -- this is an RCMP
24 update. "OPP PLT are now reporting -- have reported chatter
25 that the end date of the event could be February 2nd"; correct?

26 So that would be the Wednesday?

27 **D/COMM MICHAEL DUHEME:** That's correct.

28 **MR. DAVID MIGICOVSKY:** You would agree with me

1 there were, obviously, very many trucks on the streets and some
2 of them we know travelled great distances to get to Ottawa;
3 correct?

4 **D/COMM MICHAEL DUHEME:** That's my understanding
5 of the group that were in the downtown core.

6 **MR. DAVID MIGICOVSKY:** And one of the things
7 we've heard from various police witnesses and law enforcement
8 officials in this inquiry is a certain -- a concern about taking
9 actions which can inflame a crowd and cause danger and the need,
10 sometimes, for police to show some restraint at the time. And
11 that, as I understand it, is a standard practice in policing?

12 **D/COMM MICHAEL DUHEME:** I would say yes. Every
13 situation is different, but there comes a point that you have to
14 assess and reassess your positioning and plan, I should say.

15 **MR. DAVID MIGICOVSKY:** Sure. And so if I can ask
16 you -- I just want to get your reaction to this.

17 If we can call up PB.NSC.CAN00001154. And it's
18 page 7.

19 Commissioner, I wonder if I might have an extra
20 five minutes.

21 **COMMISSIONER ROULEAU:** I'll give you a few
22 minutes, but -- go ahead.

23 **MR. DAVID MIGICOVSKY:** Thank you.

24 And so if we can please go to page 7, the second-
25 to-last bullet. I want to get your reaction.

26 Open sources are -- this is -- did not occur, but
27 open source reports are suggesting police are setting up
28 roadblocks outside Ottawa and such reports seem to fuel some

1 truckers' agitation. And so you see that can cause -- you can
2 see how something like that can fuel truckers' aggression if
3 they believe that; correct?

4 **D/COMM MICHAEL DUHEME:** Yeah. Can I know what
5 that document is, the entitlement of the -- the title and the
6 date?

7 **MR. DAVID MIGICOVSKY:** I'm just asking to just
8 get your reaction to the statement.

9 **D/COMM MICHAEL DUHEME:** Yeah, it could. A police
10 action sometimes could generate a reaction.

11 **MR. DAVID MIGICOVSKY:** Sure. And I also saw
12 there was an email, and it's ONT5099, from the provincial
13 security advisor. And one of the things he noted at that time
14 under his assessment, he referred to the possibility of police
15 stopping trucks from entering the city and noted that that could
16 result in increased support or participation for the convoy.

17 Does that make sense to you as well, Deputy?

18 **D/COMM MICHAEL DUHEME:** It could, but it's also
19 speculative.

20 **MR. DAVID MIGICOVSKY:** Okay. You would agree
21 with me that it could be a risk and it could inflame the crowd;
22 correct?

23 **D/COMM MICHAEL DUHEME:** It could like it could
24 not inflame the crowd, so it's one or the other.

25 **MR. DAVID MIGICOVSKY:** The RCMP, you told us, was
26 part of INTERSECT and was also part of the NCRCC and, in that
27 context, would have access to the OPS traffic plan; correct?

28 **D/COMM MICHAEL DUHEME:** Yeah, that's where the

1 coordination takes place.

2 **MR. DAVID MIGICOVSKY:** And you're aware that the
3 plans -- that the traffic plan and the instructions that were
4 sent out to the convoy participants clearly showed that there
5 would be some convoy staging areas on Wellington; correct?

6 **D/COMM MICHAEL DUHEME:** I did not see the plan as
7 it was rolling in.

8 **MR. DAVID MIGICOVSKY:** Okay. You're not
9 disagreeing, though, that that information was available to the
10 RCMP just as it was to the convoy organizers and it showed that
11 there would be some staging of vehicles on Wellington; correct?

12 **D/COMM MICHAEL DUHEME:** What I will say is that
13 when I was initially briefed on the file, I wasn't aware of any
14 stoppage in the downtown core, more of a slow roll. And if
15 that's changed over the course of negotiations with the
16 organizers, I wasn't made aware of it.

17 But I will agree that any intel on the situation
18 downtown would be shared at the -- under the NCRCC and the
19 combined intelligence group.

20 **MR. DAVID MIGICOVSKY:** Okay. If I can just ask
21 you now to go to PB.NSC.CAN.00002476.

22 And just while that's being called up,
23 Deputy Duheme, in your joint witness statement on page 10, the
24 second last paragraph, you talked about a call on January 31st,
25 where OPS stated that it wanted to launch aggressive enforcement
26 between January -- between February 4th and 6th, and you felt
27 that they didn't have the resources or the plans to support
28 that. Do you recall that?

1 **D/COMM MICHAEL DUHEME:** I recall a conversation,
2 and it was reported to me, not that it was -- it was briefed to
3 me by, I forget who, but they were intending on launching an
4 operation on the weekend of the 4th, and the concern that was
5 brought to my attention is that there doesn't seem to be a plan,
6 no one was aware of what's going on, and there's no maintenance
7 after -- there's no maintenance portion after you've cleared the
8 area. That's what was reported to me.

9 **MR. DAVID MIGICOVSKY:** And the concern about
10 enforcement, I'll show you this document, is on February 9th, if
11 we go to the second page, there is the -- there is -- actually,
12 I guess if you start at the first page. So you'll see, just so
13 that you can see where we are...

14 Just if we could go up, please.

15 Yeah. So you'll see under background:

16 "...February 8th, RCMP were advised
17 that the OPP was attending Ottawa to
18 assist..."

19 Then third bullet:

20 "February 9, OPP...and RCMP Supt. Lue
21 attended to OPS...to assist in the
22 development of [a]...plan."

23 And then the -- at one o'clock, at 1300, there
24 was a concept document that was provided.

25 And then if you scroll down, and then go to the
26 following page.

27 You'll see just at the top. And so this is again
28 the concern about taking enforcement action when it may not be

1 appropriate. And it says:

2 "Continuing in the meeting, with less
3 than 24hr notice to partners and
4 against the advice from the RCMP and
5 OPP, the OPS Chief announced that
6 Enforcement action was to take place on
7 Feb 10 beginning at 6:00."

8 And then it set out what it was.

9 And then current situation, you see that it was
10 then delayed, there was no kinetic plan. And so under the
11 analysis, we see RCMP expressing concern about it not being a
12 viable plan. Do you remember that?

13 **D/COMM MICHAEL DUHEME:** I do recall being briefed
14 on that; correct.

15 **MR. DAVID MIGICOVSKY:** And I guess ---

16 **COMMISSIONER ROULEAU:** You're well over time now.

17 **MR. DAVID MIGICOVSKY:** Thank you. I'll just
18 finish off.

19 I guess that concern about the absent -- about
20 taking action before there's enough -- before there's a full
21 plan and the absence of a plan was something that I continued to
22 see, Deputy Duheme and Commissioner Lucki, in both of your notes
23 where you throughout your key message reference there isn't a
24 viable plan here up until the very end when the integrated cell
25 becomes involved. Is that correct?

26 **COMM BRENDA LUCKI:** We were not ever shared a
27 plan, so I couldn't say if there was a plan or not.

28 **MR. DAVID MIGICOVSKY:** Okay. Certainly you

1 reported at your key message meetings, and I don't have time to
2 turn it up, but the documents are in the record, that you
3 reported that there was no plan that you were aware of and it
4 was never shared with you.

5 **COMM BRENDA LUCKI:** Yes.

6 **MR. DAVID MIGICOVSKY:** And you did as well,
7 Deputy?

8 **D/COMM MICHAEL DUHEME:** Yes, correct.

9 **MR. DAVID MIGICOVSKY:** And it's in your notes as
10 well?

11 **D/COMM MICHAEL DUHEME:** It is.

12 **MR. DAVID MIGICOVSKY:** Thank you very much. I do
13 have more questions, but I am out of time. Thank you very much.

14 **COMMISSIONER ROULEAU:** Well over time. I gave
15 you more than five, so you're -- you've done well.

16 Next, we'll -- I'm calling on former
17 Chief Sloly's counsel, who generously gave up part of his time.

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

19 **MR. TOM CURRY:** Yes. That, Commissioner Lucki,
20 Deputy Commissioner, that is this Commissioner's warning that
21 I'm not getting that back. So I'm Tom Curry. Let's see if we
22 can -- what we can do in the 15 minutes that we have together.

23 This was a difficult problem?

24 **COMM BRENDA LUCKI:** Yes.

25 **MR. TOM CURRY:** Yeah?

26 **D/COMM MICHAEL DUHEME:** Yes, I agree.

27 **MR. TOM CURRY:** More difficult problem than
28 either of you have faced in your policing careers, at least of

1 this kind? You agree?

2 D/COMM MICHAEL DUHEME: I agree.

3 COMM BRENDA LUCKI: Yes.

4 MR. TOM CURRY: Commissioner?

5 COMM BRENDA LUCKI: Had a lot of difficult
6 problems, but not this kind.

7 MR. TOM CURRY: Yeah. This one is, well, we --
8 you've touched on it when you speak of the *Emergencies Act* or
9 the -- its predecessor, the first time in your careers either of
10 you where the Government of Canada has had resort to legislation
11 of this kind, right, obviously?

12 COMM BRENDA LUCKI: Yes.

13 MR. TOM CURRY: Now, I want to speak for a moment
14 about the circumstances that faced the City of Ottawa and the
15 Ottawa Police Service because you were both involved in among
16 other jurisdictions in dealing with the problems that were here.

17 The -- you had -- you knew Chief Sloly before
18 this -- before he took this command; is that true?

19 COMM BRENDA LUCKI: Yeah, not very well, but we
20 had occasion to meet, yes.

21 MR. TOM CURRY: And did you know -- Deputy?

22 D/COMM MICHAEL DUHEME: No, I didn't cross paths
23 with ---

24 MR. TOM CURRY: Okay.

25 D/COMM MICHAEL DUHEME: --- Chief Sloly.

26 MR. TOM CURRY: Did you know, either of you, did
27 you know of his work in the City of Toronto in the Toronto
28 Police Service or internationally?

1 **D/COMM MICHAEL DUHEME:** I heard of his work with
2 the Toronto Police Service.

3 **MR. TOM CURRY:** Okay. And like the two of you,
4 he's -- he came to this role with a very long experience in
5 policing. You knew that?

6 **COMM BRENDA LUCKI:** Yes.

7 **MR. TOM CURRY:** And he came also, you knew,
8 presumably, just in watching the police services, he came with a
9 change mandate.

10 **COMM BRENDA LUCKI:** Yeah.

11 **MR. TOM CURRY:** You knew that?

12 **COMM BRENDA LUCKI:** Yes.

13 **D/COMM MICHAEL DUHEME:** I wasn't aware of his
14 mandate when he arrived.

15 **MR. TOM CURRY:** Okay. Commissioner, you knew
16 that; yes?

17 **COMM BRENDA LUCKI:** Yes.

18 **MR. TOM CURRY:** And a change mandate that was
19 fixed at least in part on issues that were challenges for the
20 Ottawa Police Service in terms of racialized communities,
21 community policing, and the kinds of things about which he was
22 very experienced?

23 **COMM BRENDA LUCKI:** Yes. I didn't intimately
24 know, but I knew that it touched on some of that.

25 **MR. TOM CURRY:** And because you've probably had
26 enough of these kinds of challenges in your own command, that
27 makes leading a police service an extra special challenge;
28 correct?

1 **COMM BRENDA LUCKI:** Yes.

2 **MR. TOM CURRY:** And in the circumstances in which
3 Chief Sloly found himself, I think you've both touched on this,
4 there was enormous pressure brought to bear upon him leading
5 this service at the time of the convoy protest; correct? You
6 observed that?

7 **COMM BRENDA LUCKI:** I originally would say I
8 can't imagine the pressure he was under, but I could, and he was
9 under a lot of pressure to succeed.

10 **MR. TOM CURRY:** Yes?

11 And obviously, Deputy ---

12 **D/COMM MICHAEL DUHEME:** I agree.

13 **MR. TOM CURRY:** --- you saw that too?

14 **D/COMM MICHAEL DUHEME:** Yeah, agreed.

15 **MR. TOM CURRY:** Because he had the worst possible
16 position if you think about. Every person in the country had an
17 opinion about what he should be doing, first of all, some of
18 those elected office holders. You reviewed with my friend,
19 Mr. Miller, some of the notes that came to you through the
20 federal cabinet. Cabinet ministers were themselves frustrated
21 about what they thought was inaction by the Ottawa Police
22 Service in the first few days; correct?

23 **COMM BRENDA LUCKI:** Yes.

24 **D/COMM MICHAEL DUHEME:** Correct.

25 **MR. TOM CURRY:** And the provincial government
26 felt similarly to your observation?

27 **COMM BRENDA LUCKI:** Yeah, I think that was the
28 general consensus.

1 **MR. TOM CURRY:** And obviously, here in Ottawa,
2 the elected officials, the Ottawa City Council, the Police
3 Services Board, the residents similarly felt enormous
4 frustration that their city had become the site of this
5 particular protest against the federal government's mandates;
6 right?

7 **COMM BRENDA LUCKI:** Yes.

8 **D/COMM MICHAEL DUHEME:** No doubt.

9 **MR. TOM CURRY:** And it was also obvious, wasn't
10 it, to -- at least to you as experts in policing that there were
11 no solutions that could be had, at least within the resources of
12 the Ottawa Police Service; right? It was overmatched?

13 **D/COMM MICHAEL DUHEME:** Within the existing
14 resources?

15 **MR. TOM CURRY:** Yes.

16 **D/COMM MICHAEL DUHEME:** I would say that's
17 correct.

18 **MR. TOM CURRY:** Commissioner? Obviously?

19 **COMM BRENDA LUCKI:** Yeah, I -- I'm just thinking
20 it through because I'm thinking from the beginning through the
21 end of the convoy, depending on situations, but generally yes.

22 **MR. TOM CURRY:** Yeah. I mean, well they -- you
23 can do the count. It took essentially a doubling of the -- more
24 than doubling of the police -- or the entire police service to
25 make this work, and it would have been obvious if the
26 protesters, particularly because as you've described, it ebbed
27 and flowed, and the protest grew and gathered momentum, the
28 Ottawa Police Service did not -- simply did not have the human

1 power to deal with a Public Order operation to move the
2 protesters. Is that obviously true?

3 **COMM BRENDA LUCKI:** Again, I -- it depends on
4 what part of the protest I look at because early on, depending
5 on if there was a different plan, I don't -- I -- I'm just
6 surmising. I just -- when you're asking me to say that, I don't
7 know the makeup of the Ottawa Police Service.

8 **MR. TOM CURRY:** Okay. That's fine.

9 Deputy, you knew that they didn't have the
10 numbers?

11 **D/COMM MICHAEL DUHEME:** Based on what was there
12 on the weekends, the numbers of people that were there, I think
13 is -- to me it was clear that they needed additional resources -
14 --

15 **MR. TOM CURRY:** Right.

16 **D/COMM MICHAEL DUHEME:** --- based on the numbers
17 we saw on the weekends.

18 **COMM BRENDA LUCKI:** Yes, yeah.

19 **MR. TOM CURRY:** And Chief Sloly identified that
20 issue early on and put up his hand to ask for help; correct?

21 **COMM BRENDA LUCKI:** Yeah, he requested resources.

22 **MR. TOM CURRY:** And he requested them from the
23 province, of course, and he requested them from the federal
24 government through the -- to the RCMP obviously; yes?

25 **COMM BRENDA LUCKI:** Yes.

26 **MR. TOM CURRY:** And there was, you agree, a
27 period of time where the province and the federal government
28 were seemingly at odds about who should be the first port of

1 call for resources; right? You knew that?

2 **COMM BRENDA LUCKI:** I wasn't privy to that. I
3 know at the ---

4 **MR. TOM CURRY:** Yeah.

5 **COMM BRENDA LUCKI:** --- beginning, the requests
6 were coming directly to us, which was no issue, because that's
7 how we operated. So it was no issue for those requests, but we
8 don't have unlimited resources to keep providing resources
9 unlimitedly.

10 **MR. TOM CURRY:** Right. And so they -- the
11 resources that -- am I right though that the view that you had,
12 or maybe it was the Minister had, was that the first port of
13 call for the Ottawa Police Service should be the Ontario
14 Provincial Police?

15 **COMM BRENDA LUCKI:** Yeah, I don't think anybody
16 thought that at the beginning. It wasn't unusual that we gave
17 resources, and it was anything we could do to help. It was a
18 big event coming to the city, so we weren't thinking in terms of
19 that. It wasn't until maybe the second week that we -- that I
20 was even privy to the order of affairs under the Ontario
21 Provincial *Police Act*.

22 **MR. TOM CURRY:** So when the Chief identified and
23 had the support of the community leaders to identify that there
24 were approximately 1800 additional human resources required,
25 then when that request was made, were steps taken immediately by
26 RCMP to coordinate with the Ontario Provincial Police as to how
27 that number of human resources could be mobilized to assist here
28 in Ottawa?

1 **COMM BRENDA LUCKI:** Well, there was definitely
2 discussions and to determine what did that mean. What did 1800
3 mean? I know there was a general overview in the letter, but we
4 didn't know if it meant that, you know, 1200 were coming from
5 Ontario, 600 -- we didn't know what that meant, so we had to get
6 more clarity.

7 **MR. TOM CURRY:** Right. And did you seek that
8 clarity from the OPP?

9 **COMM BRENDA LUCKI:** I'm not sure who we sought
10 the clarity. I know it was -- that's -- for us, to get the
11 clarity was to look at the plan, what the plan showed ---

12 **MR. TOM CURRY:** Right.

13 **COMM BRENDA LUCKI:** --- and what kind of
14 resources they needed.

15 **MR. TOM CURRY:** And I understand it wouldn't have
16 been your job as the Commissioner to look at a plan. You never
17 saw the plans that the OPS had; right? You, yourself?

18 **COMM BRENDA LUCKI:** No, I did get briefed on the
19 final plan ---

20 **MR. TOM CURRY:** Right.

21 **COMM BRENDA LUCKI:** --- only because it was
22 integrated ---

23 **MR. TOM CURRY:** 13th.

24 **COMM BRENDA LUCKI:** --- at that point. Yeah.

25 **MR. TOM CURRY:** And, Deputy, you were also not --
26 it's not your role to paw through plans of the OPS; is that
27 true?

28 **D/COMM MICHAEL DUHEME:** No, I did see the last

1 plan that went forward.

2 MR. TOM CURRY: Okay.

3 D/COMM MICHAEL DUHEME: At the gold command
4 structure within the incident command response, did see the
5 plan.

6 MR. TOM CURRY: Right. So were you aware -- were
7 you made aware by your own people that the Ontario -- that the
8 Ottawa Police Service rather, had plans from the beginning to
9 the end, including plans that Superintendent Lue of the RCMP
10 used as part of the integrated planning process? Did you know
11 that Superintendent Lue had built on the Ottawa Police Service
12 plan or no?

13 D/COMM MICHAEL DUHEME: No, I'm not aware of
14 that.

15 MR. TOM CURRY: Okay. Commissioner, didn't know
16 ---

17 COMM BRENDA LUCKI: No.

18 MR. TOM CURRY: --- that? Okay.

19 So the idea that the OPS had plans, I'm not going
20 to show you them in the time I have, would have been left to
21 others in -- within your command who had that responsibility?

22 COMM BRENDA LUCKI: Yeah.

23 MR. TOM CURRY: Fair?

24 D/COMM MICHAEL DUHEME: Fair.

25 MR. TOM CURRY: Okay. Now the -- of course,
26 others have heard -- the Commissioner has heard evidence about
27 what happened in Windsor, and obviously, the Windsor Ambassador
28 Bridge blockade was a significant national security threat. Do

1 you agree?

2 **D/COMM MICHAEL DUHEME:** I wouldn't define it as a
3 national ---

4 **MR. TOM CURRY:** Okay.

5 **D/COMM MICHAEL DUHEME:** --- security threat.

6 **MR. TOM CURRY:** Okay. National security event?

7 **COMM BRENDA LUCKI:** Yes.

8 **MR. TOM CURRY:** Okay. And when that occurred, am
9 I right that both the province and the federal government joined
10 hands and mobilized resources immediately to Windsor to help
11 relieve the Windsor Police Service problem. You knew that?

12 **COMM BRENDA LUCKI:** Sorry, say that again?

13 **MR. TOM CURRY:** Yes, the federal government and
14 the province agreed to mobilize resources to Windsor immediately
15 to relieve that blockade?

16 **COMM BRENDA LUCKI:** Well, it wasn't really the
17 federal government. It was the RCMP.

18 **MR. TOM CURRY:** Okay. Can I just show you --
19 I'll just show you one thing, if I could, Mr. Registrar.
20 SSM.CAN.6068, and then the suffix is REL_0001 and it should be
21 page 2, just for your benefit, panel ---

22 **COMM BRENDA LUCKI:** And earlier you asked me if
23 it was a national security event. It was an event. It wasn't
24 an event of national security.

25 **MR. TOM CURRY:** Okay. Others have had their
26 opinions about that.

27 **COMM BRENDA LUCKI:** Yeah.

28 **MR. TOM CURRY:** I just wondered where you were --

1 that's fine.

2 So page 2, and just to orient you, this is a
3 summary, a transcript of the -- of a call between the Prime
4 Minister and the Premier concerning resources. And the Prime
5 Minister makes a comment about the -- just scroll down. Maybe -
6 - hold on just one second there, please.

7 **THE CLERK:** It's further down.

8 **MR. TOM CURRY:** Thank you. Yeah, there it is.
9 Here it is. RCMP. Do you see it, second last paragraph, "RCMP
10 told me..."

11 **COMM BRENDA LUCKI:** I don't.

12 **MR. TOM CURRY:** "...they don't have jurisdiction
13 and said they need to get asked and
14 they need [something] in there."

15 **COMM BRENDA LUCKI:** Yeah.

16 **MR. TOM CURRY:** "I told them to be prepared to
17 respond to ask and if they need more
18 resources we need to be there at
19 whatever cost."

20 Premier says,

21 "I agree. I'll check with the
22 solicitor general, [...] I understand
23 they passed a regulation to have the
24 RCMP act as local police. They did it
25 for Ottawa, [...] I'll check to see if
26 it applies to the whole province."

27 I'm not sure what that last part is, but did you
28 understand from the Prime Minister, or indirectly from the

1 Government of Canada that the RCMP should do whatever is
2 required to respond to the blockade in Windsor?

3 **COMM BRENDA LUCKI:** No, they never came out and
4 said that to us.

5 **MR. TOM CURRY:** And yet, the -- those resources
6 were mobilized by -- RCMP resources were mobilized even though
7 no plan had been developed by the Windsor Police Service or the
8 OPP at the time you were asked and ---

9 **D/COMM MICHAEL DUHEME:** So ---

10 **COMM BRENDA LUCKI:** No, we were told there was an
11 enforcement plan by the OPP.

12 **MR. TOM CURRY:** All right.

13 **D/COMM MICHAEL DUHEME:** Two things, sir. This
14 here is -- we're not -- I'm not aware of any political
15 discussion at that level. When we got the request to have
16 RCMP's tactical support group to head down to Windsor, we were
17 told that there was plan and they were going to initiate the
18 plan the following day, I believe, or the two days, so we -- the
19 request actually went directly into our folks who are in
20 Toronto, and we mobilized a troop that was up here in Ottawa to
21 get them down there to assist.

22 **MR. TOM CURRY:** Right. But that's the point.
23 You were told they were working on a plan. Nobody at the RCMP
24 saw a plan. But you mobilized. And the suggestion is, surely
25 you could have done so in Ottawa.

26 **COMM BRENDA LUCKI:** No, it's a completely
27 different situation. This was 50 resources that we had within
28 the province under the federal mandate. When we go outside the

1 province and gather up 10 percent from each province, there's a
2 lot of work that is done with that. There's a lot of requests
3 that go with that. So when we're asked for -- when the number
4 1800 came up, that was when we said what kind of resources, how
5 long do they need to be here. With the Windsor plan, OPP was in
6 charge of all Public Order Teams, and they asked Windsor is a
7 priority, can you move a Public Order Team from the RCMP there.
8 So that was a -- it was a different dynamic.

9 **MR. TOM CURRY:** Understood. And I'm sure we all
10 understand, I'm sure Canadians will understand why it takes more
11 time to get resources from one coast to the other into Ottawa,
12 but don't we also understand that they were needed here?

13 **COMM BRENDA LUCKI:** Yeah, it wasn't a question of
14 what -- how much time it took. It's just a question of what day
15 do they need to arrive? How long do they need to be here?
16 Because we have to backfill those positions where they are. We
17 have agreements under a contract with the provincial entity, so
18 we have to make sure we respect those agreements. We can only
19 take, like I said, 10 percent, so what kind of resources, how
20 long are they going to be gone, when is the plan going to start,
21 when is the suspected end date, because we have to account for
22 rotation of resources. And rotation, when you're dealing with
23 planes and trains, or -- however, it's a lot of logistics. So
24 it's not as easy as us taking one of our Public Order teams
25 that's based out of Toronto, that was temporarily deployed to
26 Ottawa, to go to Windsor. It's two different scenarios.

27 **MR. TOM CURRY:** Understood. Very quickly, can I
28 just go to the issue of Chief Sloly and the plan that was the

1 integrated plan. There has been a suggestion in this hearing
2 from time to time that he delayed somehow the approval of the
3 plan. Am I right that you understood that he had approved --
4 first things first. He didn't have to approve it, but suffice
5 it to say that there was no question but that the plan had all
6 the approvals that were required by the 12th of February in the
7 afternoon?

8 **COMM BRENDA LUCKI:** No. I was given information
9 from Ottawa Police, the deputies, not -- I didn't create this
10 information. When we got briefed on the plan on the Friday
11 night, about February 11th, we were -- I believe Deputy
12 Commissioner Bell [sic] was there, and he said, "We need to
13 brief the Chief on this plan, and he needs to approve it." I
14 said, "Great." Off they went.

15 The next day, somebody followed up with them and
16 said, "Okay, is the plan approved?" "No, we haven't." I don't
17 think they briefed him. They might have briefed him later on on
18 the 12th. When we asked about it, I was told on the 13th that,
19 we were asking why aren't we starting the plan, and he said,
20 "Because the Chief has not signed off on the plan." And I said,
21 "Well, when is that going to happen?" I actually reached into
22 Chief Sloly and said, "Are you going to sign off on the plan?",
23 and he told me, "I don't need to sign off on the plan."

24 **MR. TOM CURRY:** Yes.

25 **COMM BRENDA LUCKI:** So I was given erroneous
26 information, obviously.

27 **MR. TOM CURRY:** Got it. That's what I was just
28 going to clarify. So whatever -- who told you that, by the time

1 you reached the Chief directly, there was no issue about that.
2 Is that fair?

3 **COMM BRENDA LUCKI:** Yeah, and that information
4 was from members of the Ottawa Police Service, not somebody from
5 the RCMP.

6 **MR. TOM CURRY:** Understood. Can I just show you
7 PB -- one of the things that my friend showed you from
8 Commission Counsel, PB.NSC.CAN.8040, and it should be page 15.
9 This was a document that you saw earlier. I just want to
10 clarify because I think at that time you had confirmed you had
11 the approval.

12 Just scroll down I think. Just stop there.
13 Yeah, perfect.

14 So do you see at -- and I don't know if whether
15 this is the actual time, I think it's minus five hours:

16 "Integrated Planning Cell met with
17 Chief Sloly and some of his team for a
18 briefing on the Plan. He approved the
19 plan however they are still working on
20 blending their new Mission Statement
21 and other aspects of the Ops Plan with
22 a goal of [setting] it back..."

23 Just scroll down, please.

24 The modification, do you see Mark Flynn:

25 "[T]he modification is simply at the
26 high political element of the plan.
27 Mission Statement."

28 Other witnesses have told the Commissioner that

1 was not -- that had nothing whatever to do with ---

2 **COMM BRENDA LUCKI:** I don't even know what that
3 sentence means.

4 **MR. TOM CURRY:** --- Chief Sloly.

5 And then, Commissioner, I just have one last
6 question.

7 **COMMISSIONER ROULEAU:** You're now three minutes
8 over your time.

9 **MR. TOM CURRY:** I will be finished, then. Thank
10 you.

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

12 **MR. TOM CURRY:** Thank you.

13 **COMM BRENDA LUCKI:** Thank you.

14 **COMMISSIONER ROULEAU:** CCLA, please?

15 **--- CROSS-EXAMINATION BY MS. EWA KRAJEWSKA:**

16 **MS. EWA KRAJEWSKA:** Yes. Good afternoon,
17 Commissioner Lucki, and Deputy Commissioner Duheme. My name is
18 Ewa Krajewska, and I am counsel for the Canadian Civil Liberties
19 Association.

20 I'd like to start off first with respect to the
21 consultation that the Chief of Staff of the Public Safety
22 Minister, Mendicino, did with you, Commissioner, with respect to
23 your requests for -- under the *Emergencies Act*.

24 And this is document PB.NSC.CAN.00003256.

25 It was up earlier where he emailed you and asked
26 you what the RCMP may request, and you provided a list. And I
27 just -- the document is up for your reference, but I just want
28 to confirm that many of the requests that you made were

1 restrictions on the right to public assembly; correct? That was
2 kind of the -- those were the main suggestions that you were
3 asking for Cabinet to consider?

4 **COMM BRENDA LUCKI:** I think some of it also had
5 to do with tow trucks and making sure that there were no
6 children in the area, and...

7 **MS. EWA KRAJEWSKA:** That's correct, you're right.
8 You also asked for tow trucks, and you also asked for cell phone
9 disruption. And my understanding is that other than the cell
10 phone disruption question all the others were put into place
11 under the emergencies orders. Would that be fair?

12 **COMM BRENDA LUCKI:** I think so. Not maybe in the
13 exact way we said it, but yes.

14 **MS. EWA KRAJEWSKA:** And you understood that when
15 you were making these suggestions or providing this advice that
16 the declaration of a state of emergency does not suspend the
17 operation of the *Charter*; correct?

18 **COMM BRENDA LUCKI:** Yes, correct.

19 **MS. EWA KRAJEWSKA:** And you understood that to
20 the extent that any of these suggestions would limit any *Charter*
21 rights, those limits had to be carefully tailored and not
22 disproportionate to the objective of the measures?

23 **COMM BRENDA LUCKI:** I would say yes. Those are
24 complicated.

25 **MS. EWA KRAJEWSKA:** And Commissioner Lucki, you
26 did not provide or the RCMP did not provide any suggestions with
27 respect to the economic measures that were enacted?

28 **COMM BRENDA LUCKI:** No. We may have been

1 consulted, our financial people may have been consulted on
2 process-wise, but not -- I refer to Deputy Commissioner Duheme.

3 **D/COMM MICHAEL DUHEME:** Yeah, I think we might
4 have been part of the consultation process. I'm not 100 percent
5 certain.

6 **MS. EWA KRAJEWSKA:** So you may have been also
7 consulted with respect to the economic measures that were
8 enacted as well?

9 **D/COMM MICHAEL DUHEME:** I believe we were ---

10 **MS. EWA KRAJEWSKA:** Okay.

11 **D/COMM MICHAEL DUHEME:** --- but I'm not
12 100 percent sure.

13 **MS. EWA KRAJEWSKA:** And if I take you to the
14 economic measures that were enacted and their implementation, I
15 understand that Mr. Denis Beaudoin was kind of the person at the
16 RCMP that took the lead on that issue?

17 **D/COMM MICHAEL DUHEME:** That's correct.

18 **MS. EWA KRAJEWSKA:** And we have his notes at
19 PB.NSC.CAN.00008065.

20 Mr. Registrar, I'm sorry, if I could ask you to
21 put that up on the screen, and I can repeat it if necessary.

22 His notes -- and I'm going to just go a little
23 bit back in time and go to a note on page 3 of this document.
24 This is Mr. Beaudoin's notes. And this is notes from a call on
25 page 3. This is before the declaration of the emergency,
26 February 9th, 2022, "Call with finance". First bullet:

27 "They want to enact law to be able
28 seize money from protesters. Looking

1 at privacy law."

2 Second bullet:

3 "We explained that right now monitoring
4 FAI; NS, MC, POS is looking at specific
5 on the ground offences.

6 They ask if law was made to be able to
7 share info of the banks. I explained
8 that FI need an order to execute
9 seizing assets.

10 Told me RCMP should not be the only law
11 enforcement body with new legislative
12 power."

13 Are you familiar with Mr. Beaudoin's
14 consultations with the Ministry of Finance?

15 **D/COMM MICHAEL DUHEME:** Not exactly all the
16 intricacies of his meetings. As I said earlier, I believe
17 they're involved in the consultation process early on, this
18 demonstrates that they are, but I'm not aware of all the
19 meetings they had.

20 **MS. EWA KRAJEWSKA:** Right. And ---

21 **D/COMM MICHAEL DUHEME:** I would have been briefed
22 every second day of some of the progress that's going on.

23 **MS. EWA KRAJEWSKA:** And -- but you agree with
24 Mr. Beaudoin's to Finance at the time that the types of powers
25 that Finance was requesting required court orders or court
26 orders for them to exercise those types of powers, as at
27 February 9th, 2022?

28 **D/COMM MICHAEL DUHEME:** The way I'm reading it is

1 currently we need to execute judicial orders to seize any
2 fundings, currently, the way it stands, before the invocation of
3 the Act.

4 **MS. EWA KRAJEWSKA:** Correct.

5 **COMM BRENDA LUCKI:** But the Act wasn't seizing;
6 right?

7 **D/COMM MICHAEL DUHEME:** No.

8 **COMM BRENDA LUCKI:** The Act was freezing.

9 **MS. EWA KRAJEWSKA:** Right.

10 **COMM BRENDA LUCKI:** I don't know if that changes
11 anything.

12 **MS. EWA KRAJEWSKA:** Well, I think that's a legal
13 question, but ---

14 **COMM BRENDA LUCKI:** Yeah, I'm not sure.

15 **MS. EWA KRAJEWSKA:** --- at this time, to seize or
16 -- I think even if -- I would suggest even to freeze assets,
17 even to freeze assets the RCMP or the bank would need a court
18 order to do that.

19 **COMM BRENDA LUCKI:** I don't know. I know for
20 sure seizing, but I'm not sure about freezing.

21 **MS. EWA KRAJEWSKA:** Okay. And once the economic
22 measures were implemented after the declaration of the emergency
23 you'd agree that the RCMP became the central focal point for
24 financial institutions and for -- as a conduit of information to
25 financial institutions with respect to information about
26 designated persons?

27 **D/COMM MICHAEL DUHEME:** Correct. We were the
28 conduit of information from the OPS and OPP to the financial

1 services.

2 **MS. EWA KRAJEWSKA:** And it was Mr. Denis Beaudoin
3 and Kelly Hughes at the RCMP who were the primary contact
4 persons with financial institutions to provide them with
5 information?

6 **COMM BRENDA LUCKI:** I think it was Kelly
7 Bradshaw.

8 **D/COMM MICHAEL DUHEME:** Correct. Denis Beaudoin
9 was the primary. I'm not aware who Kelly Hughes is, but I'll
10 take your word for it.

11 **MS. EWA KRAJEWSKA:** Okay. And the RCMP, as you
12 said, Deputy Commissioner, the RCMP would collect information,
13 including names, license plate numbers, and other information
14 from both OPS and OPP and provide that information to financial
15 institutions?

16 **D/COMM. MICHAEL DUHEME:** Correct. There's two
17 processes here. The RMCP would obtain information from OPS and
18 OPP on relevant criminal investigation that they have and would
19 submit those names to the financial services, and the other one
20 is that the OPS and OPP provided some license plate numbers,
21 some names of company that our team had to validate, and
22 validation process was no different than investigation, go
23 through data banks so we can ascertain that that vehicle that
24 belongs to whoever is still there, and the person is still
25 there, and then the information would be sent to the financial
26 services.

27 Another step to confirm the identity of the
28 individual is -- when we were able to call the individuals to

1 let them know that we do have a license plate, we know they're
2 here, and that the information is going to be passed on to
3 financial services. We did that when we could.

4 Some people responded that they didn't want to
5 leave. Their names went forward. Some people responded that
6 they couldn't leave, in which their names did not go forward to
7 the financial services.

8 **MS. EWA KRAJEWSKA:** And have you reviewed the
9 Canadian Banking Association's witness statement ahead of this
10 hearing?

11 **D/COMM. MICHAEL DUHEME:** No, I haven't.

12 **MS. EWA KRAJEWSKA:** Okay. The Canadian Banking
13 witness statement provides that it was the RCMP who clarified
14 that the entities contained on the lists were designated persons
15 under the Emergency Measures order. Are you -- do you have any
16 reason to disagree with that?

17 **D/COMM. MICHAEL DUHEME:** We have the
18 responsibility to identify the individuals and transfer the
19 information to the financial services. Financial services, it
20 was up to them to decide if they would freeze any assets in
21 their holdings.

22 **MS. EWA KRAJEWSKA:** And the financial
23 institutions also had an obligation to report back to the RCMP
24 what financial instruments they froze; correct?

25 **D/COMM. MICHAEL DUHEME:** I'm not quite -- they
26 did, but I'm not quite sure if it's written in the orders.

27 **MS. EWA KRAJEWSKA:** Okay. Well you can take it
28 from me. It's written in the order that they either had to

1 report to the RCMP or CSIS, but it ended up being that they
2 reported to the RCMP.

3 **D/COMM. MICHAEL DUHEME:** Sorry, I just want to
4 clarify. You are right in the sense that anything they had in
5 their holdings, they were to inform the Commissioner of the
6 RCMP. That's in the Act.

7 **MS. EWA KRAJEWSKA:** And if I -- I'll take you to
8 an example of a reporting letter from the Toronto Dominion Bank.
9 This is PB.NSC.CAN.00008748. And this reporting letter is to
10 CPL, I guess is that corporal or captain Hughes? Dated February
11 18th, 2022. Sorry, we're just waiting for it to come up on the
12 screen.

13 Mr. Registrar, do you need me to -- oh, no, we've
14 got it.

15 **D/COMM. MICHAEL DUHEME:** That would be corporal.

16 **MS. EWA KRAJEWSKA:** Corporal. Thank you very
17 much.

18 And if we scroll down, they're reporting pursuant
19 to the order and they list by name and the type of accounts they
20 froze.

21 And if we go to the -- if you just look at the
22 types of accounts, they would freeze both chequing accounts,
23 savings accounts, if you go to the second page, joint accounts,
24 business accounts, RSP accounts, and key lock accounts of any
25 person who was found to be a designated person.

26 And so I just -- I want to ask you, are you aware
27 that financial institutions asked the RCMP whether they could --
28 sorry, financial institutions expressed concern to the RCMP

1 about the breadth of the orders? Were you aware of that?

2 **D/COMM. MICHAEL DUHEME:** No, I'm not aware of it.
3 And we did not write the order. And the responsibility of
4 freezing any assets is the responsibility of the bank. We don't
5 tell them what to freeze or how to go about it.

6 **MS. EWA KRAJEWSKA:** And -- okay. Well you
7 understood that Mr. Beaudin and Ms. Hughes held multiple calls
8 with representatives from financial institutions to explain to
9 them how the orders would operate and to answer any questions
10 they may have?

11 **D/COMM. MICHAEL DUHEME:** Yes, because the order -
12 - when the order came into effect, there's no procedure, or
13 policy, or ways of doing things. So it was left up to the RCMP
14 working with the financial services to try and figure out, and
15 that's why with the documents that were disclosed, there is an
16 annex there as to the form that we would use to submit to the
17 banks.

18 **MS. EWA KRAJEWSKA:** Right. And the -- based on
19 the calls, and the notes of those calls have been produced in
20 these proceedings, the financial institutions questioned whether
21 the freezing should apply to joint accounts. They asked whether
22 there should be a threshold to act, i.e., whether, you know, if
23 someone had a de minimis amount in their account. They asked
24 whether this applied to donations. And I think, were you aware
25 that they asked about the question of whether it applied to
26 donations and the RCMP said that they should not be pursuing
27 donations?

28 **D/COMM. MICHAEL DUHEME:** Not aware of the

1 conversation or the exchanges, but I would imagine that the
2 financial services would reach out to their legal team to
3 determine what's in scope, what's not in scope, just as we would
4 do if we're not certain with a certain element of the order. We
5 would be reaching out to our legal team to seek clarification.

6 **MS. EWA KRAJEWSKA:** And you're aware that the
7 order arguably also applied to credit unions and insurance
8 companies?

9 **D/COMM. MICHAEL DUHEME:** It did so. And
10 insurance companies as well. Correct.

11 **MS. EWA KRAJEWSKA:** And that the RCMP exercised
12 its discretion not to provide information to insurance
13 companies?

14 **D/COMM. MICHAEL DUHEME:** It did. And we have to
15 be mindful that our folks, the team had less than 24 hours to
16 put everything together, and when you look at the timeline for
17 the convoy, the very first packages that were provided to
18 financial services was, I think, on the 17th, and on the 21st, we
19 had informed the financial services that there was nobody left.
20 So it was only stretched out on four days. Very little time to
21 get organized and to get a proper process in place. So both
22 financial institutions and the RCMP did the best they can, came
23 up with something that was suitable for both.

24 **MS. EWA KRAJEWSKA:** Okay. And the primary
25 purpose of these financial measures was used to disrupt and --
26 as a method to disrupt and persuade people to leave Ottawa? Is
27 that how the RCMP used this -- these measures?

28 **D/COMM. MICHAEL DUHEME:** That's correct. To

1 disrupt and what not. During -- it was such a short time frame.
2 It was primarily used to deter the people and disrupt.

3 **MS. EWA KRAJEWSKA:** Okay. And pivoting now,
4 Deputy Commissioner Duheme, if I can take you back to the notes,
5 your personal notes from the Freedom Convoy? This is
6 PB.NSC.CAN.00008073.

7 If we can go to page 58 of this document?

8 This is a note from February 12th, so this is
9 before the invocation of the *Emergencies Act*.

10 If you scroll down, there's a note at 10:19 a.m.
11 There's a note -- Deputy Commissioner, sorry, if you could just
12 read it out so that I don't mistake your handwriting?

13 **D/COMM. MICHAEL DUHEME:** "There's enormous
14 frustration..." And I might mistake my own handwriting. But:
15 "There's enormous frustration with [law
16 enforcement].

17 "Whatever promises were not fulfilled"
18 And then I'm not quite sure. "... move around."
19 "Protest moves around." I'm not quite sure what I meant by
20 that.

21 **MS. EWA KRAJEWSKA:** All right. And then sorry,
22 the next bullet? Separate?

23 **D/COMM. MICHAEL DUHEME:**
24 "...State and Police although the lines were
25 crossed several times"

26 **MS. EWA KRAJEWSKA:** Can you -- are you able to
27 provide any context with respect to this note? Who was ---

28 **D/COMM. MICHAEL DUHEME:** Yeah.

1 **MS. EWA KRAJEWSKA:** --- communicating to you?
2 Who -- first, let's start with who was communicating to you that
3 there was enormous frustration with law enforcement? Or is this
4 your own observation?

5 **D/COMM. MICHAEL DUHEME:** No, this was -- these
6 were notes taken from a meeting. And when I said "separate
7 State and Police although the lines were crossed several times",
8 what I meant by that was not by elected official, but more
9 having representatives from Public Safety portfolio, not at the
10 elected level, people from PCO reached in directly to the Chief
11 of Police saying what we could do. And I just didn't think that
12 -- I think it was a law enforcement matter and anything to do
13 with briefing Public Safety or the PCO would be up to the
14 Commissioner and keep the departments out of it.

15 **MS. EWA KRAJEWSKA:** And so, sorry, you said PCO.
16 You mean the Privy Council Office reached out to Commissioner
17 Lucki or to Chief Sloly?

18 **D/COMM. MICHAEL DUHEME:** It was one meeting that
19 they reached out. We -- I attended, the Commissioner attended,
20 and it was with Mr. Sloly, as well as other people on the phone.
21 I just thought it blurred the communication lines and what you'd
22 see is you saw the mayor gave them the letter directly from
23 Minister Mendicino, and the question of resources or assistance
24 should have been dealt with at the policing level and then we
25 bring it up to our respective governments if needed.

26 **MS. EWA KRAJEWSKA:** So you were expressing -- you
27 were noting concern in your notes that certain members of the
28 federal public service may have been crossing the line between

1 church and state -- or well, sorry -- state and police with
2 respect to these issues?

3 **D/COMM. MICHAEL DUHEME:** I don't say -- I use
4 that term, but it would be more relevant if it was an elected
5 official, which wasn't the case. I just thought that not to
6 blur the lines of communication, it would have been best if the
7 Commissioner -- and this is my opinion -- that the Commissioner
8 was the point of contact for any government, federal government
9 department, to brief.

10 **MS. EWA KRAJEWSKA:** Okay. Thank you.

11 And my last question is to Commissioner Lucki.
12 Commissioner, you mentioned in your examination in-chief by
13 Commission counsel, you were taken to the February 13th IRG
14 meeting. And I understand from the minutes of that meeting that
15 you attended the February 13th IRG meeting, correct?

16 **COMM BRENDA LUCKI:** Yes.

17 **MS. EWA KRAJEWSKA:** And you had speaking notes
18 for that meeting that included a statement that in your view or
19 the RCMP's view, all available tools and legislation had not
20 been exhausted, including charges that could have been laid
21 under the Criminal Code, correct?

22 **COMM BRENDA LUCKI:** Yes.

23 **MS. EWA KRAJEWSKA:** And the IRG Group is a group
24 of select ministers brought together by the prime minister to
25 help with the coordination of an incident that is occurring,
26 whatever it may be, correct?

27 **COMM BRENDA LUCKI:** Yes, the ministers that are
28 relative to the incident, I would say.

1 **MS. EWA KRAJEWSKA:** Relevant with relative
2 expertise to the issue, correct?

3 And Commissioner, would you -- like, the IRG has
4 met for other incidents prior to these events, correct?

5 **COMM BRENDA LUCKI:** Yes.

6 **MS. EWA KRAJEWSKA:** And would you have felt free
7 to speak up at that -- do you feel like you would be able to
8 raise issues at those types of meetings or is it the type of
9 meeting where you feel you could only be called upon to speak?

10 **COMM BRENDA LUCKI:** No. If I needed to speak, I
11 could raise my hand or I could just simply walk over and talk to
12 -- usually I was sitting next to the minister, so I could raise
13 it through the minister.

14 **MS. EWA KRAJEWSKA:** And that's the Minister of
15 Public Safety, Minister Mendicino?

16 **COMM BRENDA LUCKI:** Yes.

17 **MS. EWA KRAJEWSKA:** And so do you feel like it
18 was important at that meeting on February 13th to inform those
19 ministers of the fact that in your view, existing legislation
20 had not been exhausted?

21 **COMM BRENDA LUCKI:** It was already brought
22 through to Minister Mendicino through his chief of staff, and it
23 was in my speaking notes, obviously, which I don't believe now
24 that I was able to speak to. But it was already brought
25 forward, so ---

26 **MS. EWA KRAJEWSKA:** But do you feel like it would
27 have carried weight ---

28 **COMMISSIONER ROULEAU:** You're well -- you're well

1 over time, so you're going to have to wrap up.

2 **MS. EWA KRAJEWSKA:** Commissioner, I really
3 appreciate the indulgence you provided with me, and this is my
4 last question.

5 Commissioner Lucki, do you not feel like it would
6 have carried weight for the ministers who were considering that
7 was their response, including potentially considering invoking
8 the *Emergencies Act* to hear it directly from you?

9 **COMM BRENDA LUCKI:** It may have, but it was only
10 -- even when I gave it to the chief of staff, it was only one
11 portion of information amongst many information that they were
12 dealing with in the invocation of the *Emergency Act*. And when I
13 brought it forward the first time, it was mostly for them to
14 have all of the information when they made their decision. And
15 having already given it through -- given it to the minister, I
16 felt that even though I didn't get the opportunity at that
17 meeting, it was already passed on.

18 **MS. EWA KRAJEWSKA:** Okay. Thank you very much,
19 Commissioner Lucki and Deputy Commissioner Duheme, and thank
20 you, Commissioner Rouleau, for the indulgence.

21 **COMMISSIONER ROULEAU:** Okay. Next is the City of
22 Ottawa.

23 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

24 **MS. ANNE TARDIF:** Good afternoon. My name's Anne
25 Tardif. I'm one of the lawyers representing the City of Ottawa.

26 Mr. Clerk, can I ask first to pull up
27 OPP00000601?

28 Commissioner Lucki, this is an email exchange

1 that you had with an officer out of BC. And if we could scroll
2 to the bottom of that first page to start off with? So a little
3 bit lower. Yeah, there we go.

4 This is an email from John Brewer with the RCMP,
5 who I take it's out of BC to you dated February 2nd. Do you see
6 that there?

7 **COMM BRENDA LUCKI:** Yes.

8 **MS. ANNE TARDIF:** And if we could scroll now to
9 page 2, and it's the last -- second-to-last large paragraph in
10 that email. There we go, right there in the middle of the page.

11 Thank you, Mr. Clerk.

12 Do you see there? And Mr. Brewer's explaining to
13 you that these types of protests leave very limited capacity for
14 police to solve this situation without some movement by
15 government to allow protestors to have a "win" of sorts.

16 And he goes on to explain what he means by that.
17 In the interests of time, I won't read it all into the record.

18 Do you see that?

19 **COMM BRENDA LUCKI:** Yes.

20 **MS. ANNE TARDIF:** And if we can scroll up to the
21 first page -- keep going -- right there, thank you -- you
22 respond, again on the 2nd, and you say:

23 "Thanks for the great response. I
24 already used a few of the items when I
25 was briefing some of the ministers
26 today. Thanks a ton."

27 Did you brief the ministers? I'm assuming these
28 are the ministers, at least of Public Safety and Emergency

1 Preparedness; is that fair?

2 **COMM BRENDA LUCKI:** And sometimes the Minister of
3 Transport and the Minister of Intergovernmental also.

4 **MS. ANNE TARDIF:** Did you brief them with respect
5 to that concept, the concept of the fact that the solution might
6 require a potential outreach by government to create a win of
7 sort for protesters?

8 **COMM BRENDA LUCKI:** I don't know. I'd have to
9 read the whole email to see. It might have been other things
10 that I briefed them on. It might have not been that.

11 **MS. ANNE TARDIF:** Okay.

12 **COMM BRENDA LUCKI:** This is quite a lengthy ---

13 **MS. ANNE TARDIF:** It is, and I'm afraid I just
14 don't have the time to take you ---

15 **COMM BRENDA LUCKI:** I can't pinpoint ---

16 **MS. ANNE TARDIF:** --- through it.

17 **COMM BRENDA LUCKI:** --- if it was just that,
18 sorry.

19 **MS. ANNE TARDIF:** Is it a reasonable proposition?
20 Can I put that to you?

21 **COMM BRENDA LUCKI:** No, because there's a ton of
22 information in there and when I -- I've already used a few of
23 the items, it could have been any of the many items in there.
24 So I'm -- I'd have to refresh my memory.

25 **MS. ANNE TARDIF:** I appreciate that. I'm no
26 longer asking that. I'm saying is the proposition that I read
27 out -- not did you brief it ---

28 **COMM BRENDA LUCKI:** Oh, okay. Sorry.

1 **MS. ANNE TARDIF:** --- is the proposition that I
2 read out, is it a reasonable proposition?

3 **COMM BRENDA LUCKI:** It depends on the
4 circumstances in the protest, but yes, it is.

5 **MS. ANNE TARDIF:** Yes, it is, depending on the
6 circumstances?

7 **COMM BRENDA LUCKI:** Yes.

8 **MS. ANNE TARDIF:** Okay, thank you.

9 Sorry, I don't have the best hearing, so ---

10 **COMM BRENDA LUCKI:** No, that's okay.

11 **MS. ANNE TARDIF:** --- if I -- that's why.

12 You explained -- you both explained, but I think
13 primarily you explained, Commissioner Lucki, that in Ottawa, the
14 RCMP went from about 30 to then 50 officers per day, correct,
15 initially?

16 **COMM BRENDA LUCKI:** Yes.

17 **MS. ANNE TARDIF:** And that obviously is over a
18 period of shifts, so if it's a two shift, you might have 25
19 officers in the day shift, 25 in the night shift, correct?

20 **COMM BRENDA LUCKI:** I don't know how they were
21 deployed.

22 **MS. ANNE TARDIF:** Perhaps Deputy Commissioner
23 Duheme can assist?

24 **D/COMM. MICHAEL DUHEME:** It varied. It varied
25 from shift to shift.

26 **MS. ANNE TARDIF:** Okay.

27 **COMM BRENDA LUCKI:** Some of them might have been
28 all days and then in the initial instance, we didn't get into

1 that.

2 **MS. ANNE TARDIF:** Okay. Let me put it this way.
3 I -- the Ottawa Police Service has prepared -- and we've seen in
4 evidence -- a chart of deployment numbers that has a total of
5 RCMP forces per day hovering around 50 to 60 per day and not
6 getting anywhere close to -- not hitting that 200 number that
7 you were talking about into your evidence -- until after
8 February 12th. Does that sound reasonable?

9 **COMM BRENDA LUCKI:** Yes.

10 **D/COMM. MICHAEL DUHEME:** Yeah, okay.

11 **MS. ANNE TARDIF:** Thank you. And I won't bring
12 it up, in the interests of time.

13 Now, you explained earlier -- again, this was
14 Commissioner Lucki -- that you did not need or that the RCMP did
15 not need to see an operational plan before sending Public Order
16 Units or POU units to Windsor to assist with the OPP-led
17 operation there. You recall that?

18 **COMM BRENDA LUCKI:** No, only because it was a
19 specific ask and it was explained to us what they were going to
20 be doing and what type of resource they needed.

21 And a Public Order team is unique because it's
22 the size of the Public Order team, so it's not -- we need ---

23 **MS. ANNE TARDIF:** Yeah, I understand that. I'm
24 just asking if you recall. You recall that evidence, right?

25 **COMM BRENDA LUCKI:** Yes.

26 **MS. ANNE TARDIF:** And did you listen to Deputy
27 Minister Stewart's evidence yesterday, by any chance?

28 **COMM BRENDA LUCKI:** No.

1 **MS. ANNE TARDIF:** Well, one of the things he told
2 us, and one of the things he reported to the SSE Committee of
3 Cabinet was that the OPS plan was subject to review and
4 verification by the OPP and others. And that was the case,
5 right?

6 **COMM BRENDA LUCKI:** When we became integrated
7 with the Integrated Planning Cell, so yes, it was integrated, so
8 all of them participated.

9 **MS. ANNE TARDIF:** And that was really from -- so
10 the Integrated Planning Cell, that was really from February 8th
11 on. That's the evidence we've heard of when they arrived in
12 Ottawa, so from that point on, yes, subject to verification by
13 OPP and others, fair?

14 **COMM BRENDA LUCKI:** Yeah. Well, it wasn't
15 verification. We had a briefing. I wouldn't call it
16 verification from my point of view. Maybe others like Deputy
17 Commissioner Duheme, but for me, I was just briefed on the plan.

18 **D/COMM. MICHAEL DUHEME:** So if I may add
19 something, the question of getting the right people together to
20 review what's been done stems from an ask that came out for
21 1,800 people. And that's when their SMEs came together, say,
22 "Okay, let's get together, let's have a look at the plan,
23 exactly what we need, how many people we need, what skillsets we
24 need," and that's when -- that's when -- and then the ICC
25 morphed in. But one of the reasons was exactly as to what
26 resources they need based on the plan they have.

27 **MS. ANNE TARDIF:** So the February 7th request for
28 approximately 1,800 officers resulted in what you've just

1 described, Deputy Commissioner; a process where we got SMEs
2 together from the OPP and the RCMP, and of course the OPS, to
3 see what was really needed, verify the requirements, and that
4 resulted, ultimately, in setting up the Integrated Command
5 Centre on February 12th; correct?

6 **D/COMM: MICHAEL DUHEME:** Yes. And I'll go to
7 what was said previously, is that there was a number that was
8 thrown out, 1,800; no-one knew where this number came from and
9 no-one knew what skillsets were required, what type of
10 individuals we're looking for, and they had 1,000 police
11 officers, some POU units, but what type of police officers do
12 you need. That's what prompted a review of that ask in the plan
13 itself.

14 **MS. ANNE TARDIF:** Fair enough, and I think you've
15 explained that several times. I guess what I'm asking is; the
16 RCMP wasn't going to fulfil that request until it had the
17 information that you've just outlined; fair?

18 **D/COMM: MICHAEL DUHEME:** We were already
19 mobilizing some of our folks because we know this was going to
20 be big, but we wanted to wait till what the ask is from that
21 plan.

22 **MS. ANNE TARDIF:** From the plan?

23 **D/COMM: MICHAEL DUHEME:** From the review team.

24 **MS. ANNE TARDIF:** And from a verified plan,
25 verified by yours and the OPP's subject matter expert.

26 **D/COMM: MICHAEL DUHEME:** It was a collective
27 effort based on these subject matter experts.

28 **COMM BRENDA LUCKI:** And I don't think it was we

1 wouldn't; we couldn't. We didn't know what resources to call
2 up.

3 **MS. ANNE TARDIF:** Okay. Can we -- let's see how
4 much time I have.

5 Okay, Comm. Lucki, you described earlier today
6 that the Ministers -- the federal Ministers were checking in to
7 see what other resources were required, and were generally
8 offering to provide whatever assistance was needed to bring the
9 occupation in Ottawa to a resolution, right?

10 **COMM BRENDA LUCKI:** Yes.

11 **MS. ANNE TARDIF:** And during the convoy you
12 provided regular briefings to Ministers, Deputy Ministers, and
13 to Cabinet; correct?

14 **COMM BRENDA LUCKI:** Yes.

15 **MS. ANNE TARDIF:** And your role was to provide
16 accurate briefings, right?

17 **COMM BRENDA LUCKI:** Yes.

18 **MS. ANNE TARDIF:** And you couldn't provide them
19 with all the information, for a whole host of reasons, but you
20 wanted to make sure they had the key facts, right?

21 **COMM BRENDA LUCKI:** Yes.

22 **MS. ANNE TARDIF:** And Commission Counsel put to
23 you that you reported, on a number of occasions, that the RCMP
24 was fulfilling all POS asks. You recall that?

25 **COMM BRENDA LUCKI:** Yes.

26 **MS. ANNE TARDIF:** And then he also took you to
27 the February 7th request for 1,800 officers, right?

28 **COMM BRENDA LUCKI:** Yes.

1 **MS. ANNE TARDIF:** And you've already explained at
2 some length -- and I won't take you through it because I
3 definitely do not have time -- the process involved before you
4 could send additional resources for enforcement purposes in
5 support of the integrated operation. So you've explained that.
6 But I think we can agree that the RCMP did not fulfil that
7 February 7th ask or request until the enforcement plan was
8 approved and almost ready to go; is that fair?

9 **COMM BRENDA LUCKI:** We did start increasing the
10 resources because we knew it was coming.

11 **MS. ANNE TARDIF:** Okay.

12 **COMM BRENDA LUCKI:** D/Comm. Duheme referred to we
13 started bringing people in, but we didn't get to that big number
14 until we knew which day the -- we had to know which day the
15 enforcement was going to start, because if you recall, on
16 February 7th, I think it was, -- did you say February 7th was the
17 request?

18 **MS. ANNE TARDIF:** Yes.

19 **COMM BRENDA LUCKI:** There was not even a start
20 date in that plan, so we didn't -- maybe the start date was
21 February 13th, so maybe we did fulfil that request. Because I'm
22 not even sure what the start date was ---

23 **MS. ANNE TARDIF:** Okay.

24 **COMM BRENDA LUCKI:** --- on the ask of -- if
25 you're asking for 1,800 resources on February 7th, my first
26 question is, "When do you need them?" And if they said, "Right
27 away," well, I need to know what shifts, like I said.

28 **MS. ANNE TARDIF:** Right. And I think you both

1 have explained that ---

2 **COMM BRENDA LUCKI:** Yeah.

3 **MS. ANNE TARDIF:** --- several times. My question
4 is a bit of a different one. You told Cabinet and the Ministers
5 that the RCMP had fulfilled all OPS asks. And what I'm asking
6 you is whether it perhaps would have been more accurate to say
7 that you had fulfilled all asks for frontline officers and were
8 assessing the latest OPS requests for resources?

9 **COMM BRENDA LUCKI:** Yeah, that probably would
10 have been more accurate.

11 **MS. ANNE TARDIF:** Right. I think I have one more
12 minute, and with that, I'm just going to conclude on -- do I
13 have one more minute?

14 **COMMISSIONER ROULEAU:** I'll give you one minute.

15 **MS. ANNE TARDIF:** Oh, I was out? Okay.

16 You were -- and I won't, obviously, take them up
17 but you were taken to your team's chat, Comm. Lucki, Deputy
18 Commissioner, you were taken to your notes, several references
19 to, in your case, Comm. Lucki whether they were going to the --
20 whether there was a decision to go to the Province with respect
21 to Peter Sloly; in your case, Deputy Commissioner, a comment by
22 Minister Blair querying jurisdictional change. And that didn't
23 trigger any recollection; you couldn't recall, neither one of
24 you, the context for that.

25 Commissioner Lucki, on February 15th, you had a
26 meeting with OPP representatives in which you said that you had
27 lost confidence in Chief Sloly. And you indicated that you
28 didn't want -- you know, it might be time to look at a command

1 change at that point. You didn't want this, and you didn't
2 think he wanted this; is that fair?

3 **COMM BRENDA LUCKI:** Well, we were at the point -
4 - it wasn't specific to Chief Sloly. It was specific to we have
5 this plan; we're coming up to the weekend, we need to work on
6 this plan. I was told that it wasn't signed off. If we don't
7 get this -- we haven't got the plan signed off. It's time to
8 move; it's time to enforce.

9 I can't keep -- I can't keep bringing resources
10 in. I can't keep going across the country to get resources. We
11 need to move. And, literally, as I was speaking about that to
12 OPP Comm. Tom Carrique, in another meeting Chief Sloly had
13 resigned.

14 **MS. ANNE TARDIF:** Right. And I take it that it's
15 both your evidence that none of the federal Ministers ever
16 discussed -- none of the federal Ministers, nor Comm. Carrique
17 prior to that, ever discussed a transfer in command of the
18 operation for Ottawa?

19 **COMM BRENDA LUCKI:** No. They -- when they were
20 first discussing the *Emergency Act* -- Emergency -- at that time
21 I was calling it the *Emergency Measures Act*, ---

22 **MS. ANNE TARDIF:** Sure.

23 **COMM BRENDA LUCKI:** --- people were saying, "If
24 they can't do this enforcement, can it go to the RCMP?"
25 Because, again, there was this misconception that, the RCMP
26 being federal and national, that the next -- if they couldn't do
27 -- if they didn't have the capacity to do it, would they bring
28 somebody else in, and that's when we were explaining to him

1 that's not how it works. We're not here to -- we had no
2 interest in taking it over. It wasn't in our jurisdiction. The
3 whole province, we have no jurisdiction. It's not our job to do
4 that. We will assist in any way we can to ensure that Chief
5 Sloly and his crew succeed. And that was my main priority.

6 **MS. ANNE TARDIF:** Thank you very much.

7 And thank you, Commissioner, for the indulgence.

8 **COMM BRENDA LUCKI:** Thank you.

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

10 Next is the Province of Saskatchewan.

11 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

12 **MR. MICHAEL MORRIS:** Good afternoon, Commissioner
13 and Deputy Commissioner. My name is Mike Morris, and I'm
14 counsel for the Government of Saskatchewan.

15 Commissioner, I think we've established that you
16 did not speak at the February 13th IRG meeting, or at the Cabinet
17 meeting on February 13th; is that correct?

18 **COMM BRENDA LUCKI:** It appears so.

19 **MR. MICHAEL MORRIS:** And I'd like to show you an
20 email that indicates that someone else was substituted in for
21 you at Cabinet.

22 Registrar, can we pull up PBNSCCAN00003216?

23 This should be an email at 7:51 p.m. with the
24 subject line -- there it is:

25 "Minor changes to reflect another is
26 presenting on behalf of you/RCMP RE:
27 TPs [talking points] for NSIA or
28 Minister."

1 And it's from Alison Whelan.

2 I understand this is somebody that works with
3 you, Commissioner?

4 **COMM BRENDA LUCKI:** Yes.

5 **MR. MICHAEL MORRIS:** Okay. So this email, then,
6 contemplated Jody Thomas from Minister Mendicino delivering
7 remarks instead of you, then; is that correct?

8 **COMM BRENDA LUCKI:** Sorry; Jody Thomas
9 representing ---

10 **MR. MICHAEL MORRIS:** Sorry; as the NSIA.

11 **COMM BRENDA LUCKI:** Yes. Well, you're saying
12 that she was asked to -- sorry; just if you can repeat the
13 question?

14 **MR. MICHAEL MORRIS:** Well, I'm just asking if
15 there was a decision that either the NSIA or Minister Mendicino
16 would be delivering remarks that you would have given on behalf
17 of the RCMP at the Cabinet meeting?

18 **COMM BRENDA LUCKI:** Yes.

19 **MR. MICHAEL MORRIS:** Okay. And I'd just like us
20 to scroll down a little bit, right above the word, "Windsor" on
21 this first page. Keep scrolling, and it's the bullet right
22 above "Windsor". It says:

23 "All the information I'm sharing below
24 is current as of 5pm this afternoon."

25 So that would mean 5:00 p.m. on February 13th;
26 correct?

27 **COMM BRENDA LUCKI:** Yes.

28 **MR. MICHAEL MORRIS:** And I'd like us to go to the

1 third page, then, and then just scroll about halfway down. And
2 there's a bullet in the middle of the page that says:

3 "RCMP and OPP assembled the foremost
4 experts to develop a strategic
5 plan,..."

6 Do you see that?

7 **COMM BRENDA LUCKI:** Yes.

8 **MR. MICHAEL MORRIS:** So this is information that
9 was provided, presumably, to the NSIA and then Minister
10 Mendicino, then; is that correct?

11 **COMM BRENDA LUCKI:** Yeah, these were my original
12 speaking points that I would have passed on to Ms. Thomas.

13 **MR. MICHAEL MORRIS:** I guess my point is these
14 speaking points reference the operational plan, the February 13th
15 operational plan for either the NSIA or the Minister?

16 **COMM BRENDA LUCKI:** Yes.

17 **MR. MICHAEL MORRIS:** But I take it that plan
18 wasn't discussed at Cabinet; was it?

19 **COMM BRENDA LUCKI:** In -- like in detail the
20 plan? No. What you see is what ---

21 **MS. DONNAREE NYGARD:** Excuse me. Donnaree Nygard
22 for the Government. If you're asking what the Ministers were
23 discussing at Cabinet, that's obviously covered by Cabinet
24 confidence and the witness couldn't speak to that.

25 **MR. MICHAEL MORRIS:** Okay. So she's unable to
26 say whether the plan was mentioned by anyone at Cabinet, not
27 deliberations regarding it, but just rather whether it was a
28 subject of discussion? Is that the Government's position?

1 **MS. DONNAREE NYGARD:** The discussions as between
2 the Ministers are covered by Cabinet confidence.

3 **MR. MICHAEL MORRIS:** Okay.

4 **COMMISSIONER ROULEAU:** The agreement is that
5 discussion is not, but inputs, i.e., material that was put to
6 the Cabinet is disclosable.

7 **MR. MICHAEL MORRIS:** And does that include an
8 oral input then, Commissioner?

9 **COMMISSIONER ROULEAU:** I can look to the
10 Government, but I believe so. It's just the deliberations that
11 are not, so just to guide the witness and you in your
12 questioning.

13 **MR. MICHAEL MORRIS:** I don't want to know about
14 deliberations. I just want to know if there was any mention
15 that the RCMP, the OPS and the OPP had a plan in place that was
16 approved at the February 13th Cabinet meeting. That's all I want
17 to know.

18 **COMM BRENDA LUCKI:** Yes.

19 **MR. MICHAEL MORRIS:** Okay. Thank you.

20 Commissioner, you've been referred several times
21 to an email you had with Mike Jones, Minister Mendocino's Chief
22 of Staff that was shortly before the Cabinet meeting on February
23 13th. Do you recall that?

24 **COMM BRENDA LUCKI:** Which email? Is it the one
25 regarding the exhausting the ---

26 **MR. MICHAEL MORRIS:** Right, right. Well, that
27 you haven't exhausted all existing legal authorities.

28 **COMM BRENDA LUCKI:** Yes.

1 **MR. MICHAEL MORRIS:** Okay. And then that's the
2 next question I want to ask you. Did anybody say at the Cabinet
3 meeting that the RCMP and other police had not exhausted all
4 existing legal authorities? Can you answer that for me?

5 **COMM BRENDA LUCKI:** I'm not ---

6 **MS. DONNAREE NYGARD:** What -- sorry, once again,
7 just the wording of the question is problematic, because you're
8 asking if anyone at the Cabinet meeting said something. And if
9 it was said in a discussion between Ministers, that would be
10 covered by the Cabinet confidence. If it was said by someone
11 providing inputs to Cabinet, then it's not.

12 **MR. MICHAEL MORRIS:** Was it said by somebody
13 providing inputs to Cabinet? That's what I want to know.

14 **COMM BRENDA LUCKI:** I can't say for sure.
15 Obviously, I wasn't speaking at that meeting. I would have to
16 look at maybe inside these notes that you have up on the screen.
17 If it's inside there, it may have been provided because these
18 were given to the NSIA, but I can't -- I'd be trying to ---

19 **MR. MICHAEL MORRIS:** Okay. I understand.

20 I'm going to move on, and I want to pull up
21 another document. It's PB.NSC.CAN.00008074. And just these are
22 Deputy Commissioner's notes, just for reference. And I'd like
23 to go to page 104, please, of the PDF.

24 Deputy Commissioner, these are your notes,
25 correct, from February 14th, 2022?

26 **D/COMM MICHAEL DUHEME** That's correct.

27 **MR. MICHAEL MORRIS:** They reference a meeting
28 with the NSIA at nine a.m.; is that correct?

1 **D/COMM MICHAEL DUHEME** That's correct.

2 **MR. MICHAEL MORRIS:** Okay. Who called that
3 meeting?

4 **D/COMM MICHAEL DUHEME** I would say that it was
5 probably called by PCO. Rarely do I engage the NSIA unless
6 there's an ongoing matter that has to be briefed up.

7 **MR. MICHAEL MORRIS:** Okay.

8 **D/COMM MICHAEL DUHEME** But it would -- it was
9 probably called by PCO.

10 **MR. MICHAEL MORRIS:** Can you explain the words
11 inevitable outcome at the first arrow and what that's in
12 reference to?

13 **D/COMM MICHAEL DUHEME** I'm trying to remember
14 what I meant by that. This is going back quite some time ago,
15 but I'm just wondering if it's not with regards to the use of
16 force that would be needed ---

17 **MR. MICHAEL MORRIS:** Okay.

18 **D/COMM MICHAEL DUHEME** --- to bring this to an
19 end, and I'm just -- like, I think it might be that, but I'm not
20 a hundred percent sure.

21 **MR. MICHAEL MORRIS:** From your recollection, did
22 the NSIA know about the operational plan which had been
23 developed as of nine a.m.?

24 **D/COMM MICHAEL DUHEME** I don't recall ever
25 briefing her on the plan with regards to the intervention plan,
26 because even on the 14th -- were briefed on the 13th. It was
27 still not officially signed off until we had the final plan as
28 we were moving closer to the weekend of the 18th. So I did not

1 brief the NSIA with regards to operational plan.

2 **COMM BRENDA LUCKI:** I can add that there was
3 nobody -- there was the briefing that -- of the existence of a
4 plan, but nobody was briefed on the details of the plan.

5 **MR. MICHAEL MORRIS:** Okay. I want to pull up
6 another document. It's OPS00014566. These should be notes of
7 Chief Sloly's scribe. And I understand that, Commissioner, you
8 had a meeting, I don't know if it was virtual or in person, with
9 Chief Sloly at 10 a.m. on February 14th. So if you can just
10 scroll down a little bit, please?

11 Okay. There we are. 10 a.m. meeting with
12 Commissioners Carrique and Lucki. And where I need us to go,
13 just a little bit further down, just scroll a tiny bit further.
14 Okay. Please just stop. Now we have a bullet which says,
15 "Lucki did not get Prime Minister
16 briefed up on the plan. Prime Minister
17 will be enacting the *Emergency Measures*
18 Act. Advise for legal to review what
19 the measures are, what's the process."

20 Now, Commissioner, my question simply for you is,
21 it's a fairly straightforward one, did you tell former Chief
22 Sloly at this 10 a.m. meeting that the *Emergency Act* was going
23 to be invoked?

24 **COMM BRENDA LUCKI:** You know what? I do not have
25 a recollection of that. I think I may have because it was
26 inevitable on that I think I was briefed that it was in fact
27 going to be invoked. And so I probably would have mentioned
28 that, but I can't say for sure. I'm going back to my memory.

1 **MR. MICHAEL MORRIS:** But you have no reason to
2 dispute what's noted here then. That's what you're telling me;
3 is that fair?

4 **COMM BRENDA LUCKI:** No, what time was that
5 meeting at?

6 **MR. MICHAEL MORRIS:** 10 a.m.

7 **COMM BRENDA LUCKI:** 10 a.m. Yeah. It's very
8 likely because I was meeting with both Carrique and --
9 Commissioner Carrique and Chief Sloly. It could in fact be
10 true. Like, I can't refute it.

11 **MR. MICHAEL MORRIS:** Okay. I'm not sure how much
12 time I've got left. I've got two areas and if I can only cover
13 one, maybe I'll start with that. I just want to touch briefly
14 on the freezing of bank accounts. My understanding is that the
15 RCMP provided a list of names to financial institutions but that
16 it was up to those financial institutions to do with that list;
17 is that fair?

18 **D/COMM MICHAEL DUHEME** Correct. We were the
19 conduit of information for Ottawa Police Service and the OPP,
20 and it was a financial services responsibility to decide if they
21 were going to freeze or not based on what we gave them.

22 **MR. MICHAEL MORRIS:** Okay. But would you agree
23 with me that if they had a list for a designated person, you
24 know, not freezing a bank account or credit card on that list
25 could constitute an offence?

26 **D/COMM MICHAEL DUHEME** I would -- I'd have to go
27 through the *Measures Act*, but I think face value like that, it
28 is, but, again, it's at their discretion as to how to proceed.

1 If they're not comfortable with the information that we provide,
2 and here's an example, we could provide information that we
3 believe that the person's there, but if this person has a visa
4 card and is somewhere in Canada, all of a sudden, we have to go
5 back and double check and validate what we have. So the
6 responsibility rests with the financial services to decide if
7 they freeze or not.

8 **MR. MICHAEL MORRIS:** Right. It's an offence to
9 make funds available to somebody participating in a
10 demonstration covered by the *Emergencies Act*; fair enough?

11 **D/COMM MICHAEL DUHEME** Fair.

12 **MR. MICHAEL MORRIS:** Okay. And then that's a
13 little bit of a heavy onus then on these financial institutions
14 because they're facing potential charge if they don't freeze
15 accounts; fair?

16 **D/COMM MICHAEL DUHEME** I didn't write the
17 legislation or the orders. We just applied them.

18 **MR. MICHAEL MORRIS:** Okay.

19 **COMMISSIONER ROULEAU:** You're well out of time.
20 You've well exceeded your time, so you're going to have to wrap
21 up.

22 **MR. MICHAEL MORRIS:** I have one last area then.
23 Can I have two minutes, Commissioner, or not? If not, I
24 understand. I don't want to take up all the time.

25 **COMMISSIONER ROULEAU:** No, you're over. I'll --
26 we'll go on to the next.

27 **MR. MICHAEL MORRIS:** Thank you, sir. Thank you
28 for answering my questions. Much appreciated.

1 D/COMM MICHAEL DUHEME Thank you.

2 COMMISSIONER ROULEAU: Next is the National
3 Police Federation.

4 --- CROSS-EXAMINATION BY MS. NINI JONES:

5 MS. NINI JONES: Good afternoon. My name's Nini
6 Jones and I act for the Police -- the National Police
7 Federation.

8 Sorry, I've just had my iPad closed up, of
9 course. I'm going to ask you a couple of quick questions just
10 to start off about the swearing in of RCMP officers under the
11 Ontario *Police Services Act*, so very quickly because we have
12 heard a lot of evidence about that over the last numbers, you're
13 both aware, I'm sure, that in order to permit RCMP officers to
14 enforce provincial laws and municipal by-laws they need to be
15 sworn in as special constables under the *Police Services Act*?

16 COMM BRENDA LUCKI: Yes.

17 D/COMM MICHAEL DUHEME: That's correct.

18 MS. NINI JONES: And you're aware there's an
19 equivalent sort of provision in Quebec as well?

20 D/COMM MICHAEL DUHEME: There -- I believe there
21 is one, yeah.

22 MS. NINI JONES: I'm not an expert on that, so
23 I'm not going to try and wade into the specifics, but are you
24 aware that in Ontario, prior to the convoy, our members were
25 required to take a short course and write a test before being
26 sworn in?

27 Commissioner, I see that you are not aware of
28 that.

1 D/COMM MICHAEL DUHEME: No, same here.

2 MS. NINI JONES: Deputy Commissioner?

3 D/COMM MICHAEL DUHEME: I'm not aware of the full
4 process other than they had to be sworn in.

5 MS. NINI JONES: Okay. Were you aware -- so
6 anything about a course or a test is -- is ---

7 D/COMM MICHAEL DUHEME: I'm not aware.

8 MS. NINI JONES: --- not familiar? Okay.

9 So I know that both of you in your witness
10 statements said that the swearing in because it was essentially
11 a paperwork exercise was not a significant deterrence or hurdle.
12 Is that right?

13 D/COMM MICHAEL DUHEME: I -- there's nothing that
14 was brought to my attention that it was stalling the process, if
15 you wish. My understanding is that things were going smoothly
16 when it came to the swearing-in process.

17 MS. NINI JONES: And are you aware that there
18 were still some challenges, for example, in Windsor where our
19 members had to use the buddy system?

20 D/COMM MICHAEL DUHEME: No, I'm not aware of
21 that.

22 MS. NINI JONES: Being deployed with either an
23 OPP officer or a Windsor officer along with the RCMP officers?

24 D/COMM MICHAEL DUHEME: No, I'm not aware of
25 that.

26 MS. NINI JONES: Okay. Would you agree, broadly
27 speaking, with me that looking at this issue might be something
28 that this Commission could do or make a recommendation in

1 respect of?

2 **COMM BRENDA LUCKI:** Absolutely. We were talking
3 about it in respect, especially, in the two provinces where we
4 have no jurisdiction if there'd be a more streamlined process
5 that would allow maybe all regular members to have that in
6 advance if, in fact, they needed it or some form or process that
7 would satisfy both the *Police Act* and ourselves.

8 **MS. NINI JONES:** Thank you, Commissioner.

9 At the end of your witness statement, you were
10 both asked about recommendations or thoughts you had emerging
11 from this and you talked about -- Commissioner, you particularly
12 talked about protests like the Freedom Convoy not going away.
13 And I think we've heard some evidence over the last few days
14 about this being a paradigm shift, a new model of protest.

15 Is that something you both agree with?

16 **COMM BRENDA LUCKI:** Yes.

17 **D/COMM MICHAEL DUHEME:** Yeah, I see -- I see the
18 landscape shifting. Correct.

19 **MS. NINI JONES:** Okay. Deputy Commissioner, I
20 want to pick up on some evidence that you gave earlier about --
21 not really that long ago when the RCMP had a bigger footprint
22 here in Ottawa.

23 **D/COMM MICHAEL DUHEME:** Correct.

24 **MS. NINI JONES:** And you talked specifically
25 about, I think, when the RCMP were the police of jurisdiction in
26 respect of Parliamentary precinct and how planning worked for
27 big events.

28 **D/COMM MICHAEL DUHEME:** Yeah.

1 MS. NINI JONES: You recall that evidence?

2 D/COMM MICHAEL DUHEME: Yeah.

3 MS. NINI JONES: Specifically, you said that
4 there'd be joint planning. The RCMP and the OPS would plan
5 together.

6 D/COMM MICHAEL DUHEME: Correct.

7 MS. NINI JONES: And so I'm sure you're familiar
8 with the witness statement of Dennis Miller and Steve Madden.

9 D/COMM MICHAEL DUHEME: I haven't read it.

10 MS. NINI JONES: Neither of you have had an
11 opportunity to review it?

12 Mr. Miller, who I think you may know ---

13 D/COMM MICHAEL DUHEME: I know Dennis very well.

14 MS. NINI JONES: Thank you. Talks about how he
15 policed three previous G20 summits and that the RCMP directed
16 protestors to park at a distance from the summit location.

17 D/COMM MICHAEL DUHEME: Yes. They -- usually
18 when there's a summit, you have to identify a location where
19 people can demonstrate and be heard.

20 MS. NINI JONES: And that they would then arrange
21 buses to transport them to those ---

22 D/COMM MICHAEL DUHEME: In some of the major
23 events they would, yeah. It's different from one major event to
24 another.

25 MS. NINI JONES: And Commissioner, I see you
26 nodding. That's a practice that the RCMP has used frequently in
27 respect of large events?

28 COMM BRENDA LUCKI: Yeah, G20s, G7s. Yes.

1 **MS. NINI JONES:** And in fact, the RCMP has
2 significant experience with large events; right?

3 **COMM BRENDA LUCKI:** Yes.

4 **MS. NINI JONES:** And so in circumstances like
5 this one, would you agree with me that it would have been a
6 benefit to revert to those -- I want to say old ways of doing
7 it, although it's really quite recent, where the RCMP was an
8 active participant in planning around Parliament Hill.

9 **D/COMM MICHAEL DUHEME:** I would say that since
10 the creation of the Parliamentary Protective Service, who has a
11 mandate of Parliament Hill and the 34 precinct buildings,
12 they've been working hand in hand with Ottawa Police Service
13 since the withdrawal of the RCMP on the Hill. And it's been
14 going fine.

15 And Ottawa Police Service has managed several
16 large-scale events throughout the years where you'd have 100,000
17 people in the streets on Canada Day. You look at the work
18 they'd done with -- they did with Rolling Thunder when it came
19 in afterwards. They did an excellent job there.

20 So I don't necessarily agree it's an
21 organizational issue. Law enforcement is law enforcement. I
22 think it's been shown throughout the last couple years that it's
23 been working. It's been working. And I'm not convinced that if
24 we were there things would have been different.

25 We -- and I wish to remind you that our initial
26 participation when this all started, we were really -- we were
27 involved in the planning process, but looking at it from our
28 protective lens and not necessarily the demo lens.

1 **MS. NINI JONES:** Right. So sort of that federal
2 policing lens was the lens you brought to bear ---

3 **D/COMM MICHAEL DUHEME:** Yeah.

4 **MS. NINI JONES:** --- not that frontline or
5 community-based policing; right?

6 **D/COMM MICHAEL DUHEME:** Not my mandate.

7 **MS. NINI JONES:** Okay. But you talked earlier
8 about, in this prior period, when there were 120 RCMP officers
9 available in the Parliamentary precinct; right?

10 **D/COMM MICHAEL DUHEME:** Yeah.

11 **MS. NINI JONES:** And everybody here already knows
12 that I'm always asking questions about the Parliamentary
13 precinct. I know that you were the first Director. But you --
14 so in fact, you know probably better than anyone that the PPS
15 security officers are not -- it's not a law enforcement agency;
16 right?

17 **D/COMM MICHAEL DUHEME:** Correct.

18 **MS. NINI JONES:** And that they are not -- they
19 can't exercise police powers?

20 **D/COMM MICHAEL DUHEME:** They do have powers to
21 arrest, but not the same as a police officer.

22 **MS. NINI JONES:** Right. And in fact, if they do
23 arrest, they have to call the Ottawa Police ---

24 **D/COMM MICHAEL DUHEME:** They do.

25 **MS. NINI JONES:** --- or the RCMP.

26 **D/COMM MICHAEL DUHEME:** Most of the times it's
27 the police of jurisdiction because Ottawa is the police of
28 jurisdiction for any criminal matters in Ottawa.

1 **MS. NINI JONES:** But for example, if it was a
2 terrorist matter, they would ---

3 **D/COMM MICHAEL DUHEME:** It would be different.
4 That falls under our mandate.

5 **MS. NINI JONES:** Right. And in fact, the police
6 of jurisdiction, whether that's the OPS or the RCMP under their
7 mandate, have to ask permission to be invited into the buildings
8 for policing purposes; right?

9 **D/COMM MICHAEL DUHEME:** Inside the buildings?

10 **MS. NINI JONES:** Yes.

11 **D/COMM MICHAEL DUHEME:** Yes. Even -- I would say
12 even they would need permission from the Speaker of the House if
13 they have to enter any part of the buildings, I believe. I
14 believe.

15 **MS. NINI JONES:** And so the full wind-down of the
16 RCMP out of the Parliamentary precinct really just concluded in
17 about 2018; right?

18 **D/COMM MICHAEL DUHEME:** The wind-down of the
19 organization ---

20 **MS. NINI JONES:** Decommissioning, I think, is the
21 language you used in your ---

22 **D/COMM MICHAEL DUHEME:** I'm not quite sure if
23 decommissioning, but to your point is -- and you've said that.
24 Because it's not a law enforcement role, that's why I initiated
25 the review in 2016 and started looking at, okay, I think it's
26 time to reduce our footprint because it's not a law enforcement
27 responsibility. It's a security responsibility that PPS is
28 doing very well at. And that's what prompted us to reduce.

1 And as I mentioned earlier in your statement,
2 under the legislation the Director's position is an RCMP member,
3 but other than that, it's -- we have no one else.

4 **MS. NINI JONES:** They report up to the Speakers.

5 **D/COMM MICHAEL DUHEME:** They report up to the
6 Speakers.

7 Initially when it was created, because we had a
8 crew of people there, the MOU that I believe is still in effect
9 had a role the RCMP would overlook at the integration portion of
10 the securities -- of the different security units that are
11 there. But I'd say the integration is fully done. It's been
12 seven years now, so everything is reporting to the Speakers
13 right now.

14 **MS. NINI JONES:** So just to be clear, during the
15 convoy, this group of a few hundred, maybe a bit more, security
16 officers at -- you probably have a better sense of the numbers
17 than I do.

18 **D/COMM MICHAEL DUHEME:** I don't know what they
19 had footprint-wise when this was going on. I'm not aware of the
20 exact number.

21 **MS. NINI JONES:** So they have a -- sorry, an
22 institutional report. It's PPS.IR., a number of zeroes, and
23 then 1. And they say that they played no active role in -- let
24 me just make sure I got it.

25 They were not an active participant nor a
26 contributor to any tactical policing planning in -- during the
27 convoy. And that's at page 8 in the document, but we can pull
28 it up if you need to see it.

1 But does that make sense to you?

2 **D/COMM MICHAEL DUHEME:** Yeah. You know, I know
3 they were in the NCRCC during the entire event. That was,
4 again, to coordinate anything that needed to be coordinated on
5 the Hill. But I'm not quite sure of their involvement with
6 regards to the planning process.

7 I'm hinting more towards no than anything else.

8 **MS. NINI JONES:** Yeah. OC Transpo was in that
9 centre as well; right?

10 **D/COMM MICHAEL DUHEME:** There's a lot of partners
11 that were in there.

12 **MS. NINI JONES:** Yeah. Lots of people were in
13 that who don't play a policing role.

14 **D/COMM MICHAEL DUHEME:** Not necessarily.

15 **MS. NINI JONES:** Okay. So in terms of these few
16 hundred security officers or security guards, we know that they
17 put in an RFA, Request for Federal Assistance, seeking rations.
18 Were you aware of that?

19 **D/COMM MICHAEL DUHEME:** Not aware of rations.
20 And that's something of the information that doesn't always make
21 its way up to me.

22 **MS. NINI JONES:** Yeah. Just in case, I think
23 they wanted to make sure they were supplied.

24 And they also stood up their own crisis
25 management centre ---

26 **D/COMM MICHAEL DUHEME:** Yes, they did.

27 **MS. NINI JONES:** --- inside, but actually, the
28 RCMP and the OPP had to deploy Public Order Units to those

1 buildings; right?

2 **D/COMM MICHAEL DUHEME:** They do not have -- they
3 do not have any, I would say tactical teams like we have, and we
4 did provide a Public Order Unit to assist.

5 **MS. NINI JONES:** And are you aware the OPP did
6 also?

7 **D/COMM MICHAEL DUHEME:** I think we -- yeah, I
8 think -- there was two Public Order teams involved, and I'm not
9 quite sure if it's the OPP. The RCMP had one of them, and I
10 think it's OPP or York, but I'm not sure.

11 **MS. NINI JONES:** So the OPP and the RCMP were
12 responsible for providing that security during the convoy to
13 these physical buildings?

14 **D/COMM MICHAEL DUHEME:** My understanding is that
15 the RCMP and the OPP had Public Order Units on standby ready to
16 deploy if required.

17 **MS. NINI JONES:** Inside Parliament Hill though.

18 **D/COMM MICHAEL DUHEME:** Inside -- on the grounds
19 or inside.

20 **MS. NINI JONES:** Okay. And you'll agree ---

21 **COMMISSIONER ROULEAU:** You're just about of time,
22 so you're going to have to wrap up.

23 **MS. NINI JONES:** I'm absolutely about to wrap up.
24 Thank you.

25 You'll agree with me that Parliament Hill is a
26 frequent target for protests?

27 **D/COMM MICHAEL DUHEME:** It is.

28 **MS. NINI JONES:** You'll agree with me that

1 Parliament Hill is a frequent target of threats, including of
2 violent threats?

3 **D/COMM MICHAEL DUHEME:** The Hill itself? I'm not
4 quite -- I wouldn't ---

5 **MS. NINI JONES:** And/or the people in it.

6 **D/COMM MICHAEL DUHEME:** I'd say the people in it,
7 the people that work there more than the Hill.

8 **MS. NINI JONES:** And would you agree with me that
9 having a distinct organisation, and I understand as someone who
10 helped build this organisation this may be a bit of a difficult
11 question for you, but that having a distinct organisation with
12 its own Command Centre, its own communication processes, and its
13 own people can stifle that flow of information that's so crucial
14 in events like the convoy?

15 **D/COMM MICHAEL DUHEME:** Can, yes, but that's the
16 reason why you have an NCRCC or an Integrated Command Centre
17 where people from the different organisations come together and
18 the flow of information is shared there and then bounced back to
19 the respective organisation.

20 **MS. NINI JONES:** Okay. And then may I ask one
21 last question?

22 **COMMISSIONER ROULEAU:** No -- one last question.

23 **MS. NINI JONES:** I apologise. Thank you.

24 Commissioner Lucki, we've had a lot of questions
25 about the availability of bodies and boots on the ground in
26 responding to the convoy in the early days, but frankly all the
27 way through it. Would you agree that 120 additional RCMP
28 officers at the Parliamentary Precinct would have been useful in

1 responding to this event?

2 **D/COMM MICHAEL DUHEME:** I -- is that directed to
3 me?

4 **MS. NINI JONES:** It's to Commissioner Lucki, but
5 I would certainly ---

6 **D/COMM MICHAEL DUHEME:** So I'll lead off. You've
7 got to be mindful that even if you have 120 resources we do have
8 a Parliamentary mandate with regards to protective policing and
9 the Hill. So it doesn't mean that you would have 120 resources
10 at your availability to deploy elsewhere, you still have to
11 maintain that mandate ---

12 **MS. NINI JONES:** Of course.

13 **D/COMM MICHAEL DUHEME:** --- and if takes 75 --
14 maybe you can 10 or 15 people away from that, they're on their
15 days off, but that exact number I'd have to dig deep -- a little
16 deeper on that one.

17 **COMM BRENDA LUCKI:** Ditto.

18 **MS. NINI JONES:** Okay. You'd agree 10 to 15
19 would come in handy, though; right?

20 **COMM BRENDA LUCKI:** It would.

21 **D/COMM MICHAEL DUHEME:** Any additional resources
22 always comes in handy.

23 **COMMISSIONER ROULEAU:** Okay, I think it's been
24 pretty long so far. It's a little unusual, but I think we can
25 take a break for 15 minutes because we're unfortunately not
26 through the list. And so I'll take the afternoon break now,
27 15 minutes, and then we can come back.

28 **THE REGISTRAR:** The Commission is in recess for

1 15 minutes. La Commission est levée pour 15 minutes.

2 --- Upon recessing at 4:35 p.m.

3 --- Upon resuming at 4:55 p.m.

4 **THE REGISTRAR:** Order. À l'ordre. The
5 Commission has reconvened. La Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay. Ready to go?

7 **D/COMM MICHAEL DUHEME:** At your disposal,
8 Commissioner.

9 **COMMISSIONER ROULEAU:** Okay.

10 Next is the Democracy Fund, JCCF.

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

12 **MR. ALAN HONNER:** Good afternoon, Commissioner,
13 Deputy Commissioner.

14 **COMM BRENDA LUCKI:** Good afternoon.

15 **MR. ALAN HONNER:** My name's Alan Honner. I'm a
16 lawyer at the Democracy Fund. We share standing with the JCCF
17 and Citizens for Freedom, although we are separate
18 organisations.

19 Can we just call up PB.NSC.CAN.00005820.

20 So Commissioner, this is a question for you.

21 If we can just scroll down to the top of page 2.

22 What we see here is that there's an email here
23 from Jody Thomas. You'll have to look down to where it says
24 original message. And this is dated February 1st, 2022. And
25 Jody Thomas, the National Security Intelligence Advisor says,
26 "Good morning, Jeff has put pen to paper and" ---

27 **COMM BRENDA LUCKI:** I don't see that.

28 **MR. ALAN HONNER:** Do you see that?

1 D/COMM MICHAEL DUHEME: No.

2 MR. ALAN HONNER: Okay. So ---

3 Sorry, scroll down just a little bit more. My
4 apologies. A little bit more. Top of page 2. Scroll down
5 more.

6 COMM BRENDA LUCKI: Page 3.

7 MR. ALAN HONNER: Okay, I'm sorry, scroll up. A
8 little bit more.

9 COMM BRENDA LUCKI: Maybe at the top of page 3.

10 MR. ALAN HONNER: Let me just -- I'll just check
11 to make sure I have the right here. Maybe it's a version of it.

12 Okay. Well, let's stay with this document here.
13 Commissioner, do you recognise this document?

14 COMM BRENDA LUCKI: No.

15 MR. ALAN HONNER: Do you know if there was -- if
16 there would be any reason why Jody Thomas would be asking you
17 and other people for reasons to -- for comments on criteria for
18 revoking the *Emergencies Act*?

19 COMM BRENDA LUCKI: Oh, is that what it is?
20 Okay. So ---

21 MR. ALAN HONNER: Do you recall being asked about
22 that?

23 COMM BRENDA LUCKI: I know that there was talk
24 about as soon as the -- the second the *Emergency Act* was invoked
25 the next question was when we -- when they undo that. And so
26 they would have no idea, obviously it would be probably on a law
27 enforcement lead to say that okay, we've -- we don't need it
28 anymore in cooperation with the people who put the Act in in the

1 first place.

2 **MR. ALAN HONNER:** Okay. But why would they be
3 consulting you about that?

4 **COMM BRENDA LUCKI:** Because I was the contact for
5 law enforcement, and so I'm imagining they're looking at is --
6 what date is this? The 21st? So the 21st would have been right
7 around the time that that was when police operations were just
8 finishing up and they were wondering if we needed any of the
9 authorities to continue. So that's probably why they were
10 asking.

11 **MR. ALAN HONNER:** Okay.

12 So can we look at the top of the page, please.

13 **THE CLERK:** Counsel, if it's any help, are you
14 looking -- still looking for that "Jeff has pen on paper"
15 reference?

16 **MR. ALAN HONNER:** Sorry, can you just scroll up?

17 **THE CLERK:** On page 4 there is that reference I
18 think you were looking for.

19 **MR. ALAN HONNER:** Oh, no, no, that's okay. Just
20 scroll up, please.

21 **THE CLERK:** Okay.

22 **MR. ALAN HONNER:** Okay, so there's an email here
23 from Brian Brennan, and he's one of the deputy commissioners at
24 the RCMP?

25 **COMM BRENDA LUCKI:** Yes, of Contract and
26 Indigenous Policing.

27 **MR. ALAN HONNER:** And he makes a comment here
28 about Rob Stewart, and he says:

1 "Rob Stewart talks about 'assessing the
2 threat in terms of...violence' vs
3 'truckers hanging around'not sure
4 this is the best point of view given
5 [that] there was no serious violence in
6 Ottawa (the main reason for the
7 [*Emergencies Act*]) but there was such a
8 threat in Coutts but was handled with
9 already existing authorities even
10 though we could have used the *EA* in
11 Coutts to support the operation. Plus
12 'truckers hanging around' is how
13 bridges and points of entry become
14 blockades."

15 Do you agree with the remarks of your deputy
16 commissioner here?

17 **COMM BRENDA LUCKI:** Not in the way that he's put
18 it, no. There is a lot to unpack there, so I can't say I agree
19 with everything that's being said.

20 **MR. ALAN HONNER:** So let me ask you about
21 something else, then. We heard earlier today that the
22 Integrated Planning Team presented you and OPP
23 Commissioner Carrique with a plan on February the 13th, and you
24 told us that you found that plan to be satisfactory.

25 **COMM BRENDA LUCKI:** Yes, we were briefed on that
26 plan on the 11th.

27 **MR. ALAN HONNER:** In your witness statement, I
28 put it to you, that you describe that plan differently. You

1 said that it was an amazing plan and you wanted to see it
2 actioned promptly.

3 **COMM BRENDA LUCKI:** Yes.

4 **MR. ALAN HONNER:** Okay. And your evidence today
5 was that you were the window to law enforcement for Cabinet.

6 **COMM BRENDA LUCKI:** Well, I was the primary
7 contact for the federal government.

8 **MR. ALAN HONNER:** Right. And so I'm confused
9 about whether you actually attended the IRB meeting or the
10 Cabinet meeting of February the 13th. I thought you said in
11 your evidence that you weren't sure if you attended those
12 meetings.

13 **COMM BRENDA LUCKI:** Well, no, the question was
14 whether I was -- I spoke at those meetings. I know I attended.

15 **MR. ALAN HONNER:** Okay. So you attended, but
16 you're not sure if you spoke. And my friend from the government
17 of Saskatchewan brought this to you, but if we could -- brought
18 this up with you, but if we could pull up the Cabinet meeting.

19 That's SSM.NSC.CAN.00000216.

20 Okay. So if we go to page 8, you are not giving
21 the Situational Report here, but Advisor -- NSIA Advisor Jody
22 Thomas is giving that Situational Report. Why is that? Because
23 I thought you usually gave those Situational Reports?

24 **COMM BRENDA LUCKI:** Yes, I usually did. And for
25 -- I think because she would give an overview on those meetings
26 and I would give an overview, and I think they just wanted to
27 condense it, so they asked her to do it. And so she has -- she
28 had normally given a bit of an overview, so I gave her my notes

1 if she wanted to incorporate anything in that.

2 **MR. ALAN HONNER:** Okay. And let's go to the
3 Cabinet meeting. Sorry, this is the Cabinet meeting.

4 **COMM BRENDA LUCKI:** That's the IRG, I think.

5 **MR. ALAN HONNER:** This is 216. So let's go
6 SSM.CAN.0000095. Maybe six zeros.

7 And what we're looking at here is, I believe it's
8 the Incident Response Group meeting from February 13th.

9 And if we could scroll down to page 5, please?

10 Here we see the Minister of Public Safety is
11 outlining the great progress that has been made on clearing the
12 Ambassador Bridge. He talks about enforcement actions that are
13 occurring at Coutts and Emerson. He talks about the
14 establishment of the Integrated Command Centre in Ottawa. He
15 describes that a significant concrete action. But what he's
16 giving here, it seems to me, is an update on law enforcement.
17 Do you agree about that?

18 **COMM BRENDA LUCKI:** Is not what?

19 **MR. ALAN HONNER:** Isn't this an update about law
20 enforcement?

21 **COMM BRENDA LUCKI:** It's an update of the
22 situation on the ground that is by law enforcement, yes.

23 **MR. ALAN HONNER:** And that's something that you
24 would usually give, but you didn't give it that day?

25 **COMM BRENDA LUCKI:** No.

26 **MR. ALAN HONNER:** And both of these documents
27 that we just looked at, they're heavily redacted, but I don't
28 see you speaking ---

1 **COMM BRENDA LUCKI:** No.

2 **MR. ALAN HONNER:** --- on either of those days,
3 although the documents confirm that you were in attendance.

4 **COMM BRENDA LUCKI:** Yeah. As per previous
5 documents revealed, I think it was in an email, it shows that I
6 wasn't going to be speaking and that the NSIA was going to.

7 **MR. ALAN HONNER:** Right. No, I saw that. And do
8 you think that you were not invited to speak because you had
9 reservations about invoking the *Emergencies Act*?

10 **COMM BRENDA LUCKI:** No, not at all, because the
11 primary purpose of that day was all about the *Emergencies Act*,
12 and I think that the fact that they had -- because normally I'm
13 just giving a situational report on what's happening from coast
14 to coast. I'm not -- I wasn't going to be talking about the
15 *Emergencies Act* anyways. What I normally give is a SITREP. So
16 maybe they were just in the economy of time.

17 **MR. ALAN HONNER:** My friend from Commission
18 Counsel earlier today brought you to a request for a security
19 assessment, which was directed to Adriana Poloz and not to the
20 RCMP. And was that perhaps because you had reservations about
21 the implication of the *Emergencies Act*?

22 Commissioner, I know I'm just about out of time.

23 **COMM BRENDA LUCKI:** I wasn't aware of that
24 request for a threat assessment, so it wouldn't have been
25 attached to an *Emergency Act* specifically.

26 **MR. ALAN HONNER:** And it's not ---

27 **MS. DONNAREE NYGARD:** Excuse me, but in addition,
28 I think you've mischaracterized the evidence. She -- Ms.

1 Polanzo (Phonetic) is with the RCMP.

2 MR. ALAN HONNER: Right. Okay.

3 MS. DONNAREE NYGARD: Poloz.

4 MR. ALAN HONNER: So she was asked, but you were
5 not asked?

6 COMM BRENDA LUCKI: I don't do threat
7 assessments.

8 MR. ALAN HONNER: Okay.

9 COMM BRENDA LUCKI: So she would have been asked.

10 MR. ALAN HONNER: But you were not even notified
11 about it?

12 COMM BRENDA LUCKI: No. And nor would I be, at
13 my level.

14 MR. ALAN HONNER: You learned about that today?

15 COMM BRENDA LUCKI: Yes.

16 MR. ALAN HONNER: Okay. And I just want to show
17 you, very quickly, the email of February the 14th. This is
18 SSM.NSC.CAN00000216. And it's this email in which you express
19 your reservations to Minister Mendicino about invoking the
20 *Emergencies Act* because there are other existing tools at law
21 that haven't been exhausted.

22 I just want to show you the time of that email.
23 I believe it's sent just after midnight. But if we're doing
24 Greenwich Meridian time, that would be five hours back.

25 COMM BRENDA LUCKI: Yes.

26 MR. ALAN HONNER: So I think between 7:00 and
27 8:00 o'clock.

28 THE CLERK: Counsel, I think, was that the

1 SSM.216 that you just mentioned?

2 **MR. ALAN HONNER:** Yes.

3 **THE CLERK:** SSM.NSC.CAN216 goes back to Cabinet
4 minutes.

5 **MR. ALAN HONNER:** Okay. That's fine. Do you
6 recall the email was showed to you earlier today and it was
7 dated -- sorry, it was timestamped just after midnight?

8 **COMM BRENDA LUCKI:** I can't recall the time
9 stamp.

10 **MR. ALAN HONNER:** Okay. Well would you take it
11 from me that it was time stamped just after midnight? Or should
12 I pull it up?

13 **COMM BRENDA LUCKI:** Okay. Sure.

14 **MR. ALAN HONNER:** Okay.

15 **COMM BRENDA LUCKI:** You know what? I have no
16 idea. So I'm ---

17 **MR. ALAN HONNER:** Okay. And if we deduct five
18 hours, that brings us between 7:00 and 8:00 o'clock Eastern
19 Standard Time. And you would agree with me that's shortly
20 before the Cabinet meeting happened on February the 13th?

21 **COMM BRENDA LUCKI:** You sound like you've done
22 your research, so I'll your word for it.

23 **MR. ALAN HONNER:** And so before that Cabinet
24 meeting was held, Minister Mendicino and others knew about your
25 position on the *Emergencies Act*?

26 **COMM BRENDA LUCKI:** Yes. In fact, if it was
27 before the Cabinet meeting.

28 **MR. ALAN HONNER:** Yes. Thank you very much.

1 **COMM BRENDA LUCKI:** Thank you.

2 **COMMISSIONER ROULEAU:** Okay. Next is the CCF.

3 **--- CROSS-EXAMINATION BY MS. JANANI SHANMUGANATHAN:**

4 **MS. JANANI SHANMUGANATHAN:** Yeah. Thank you. So
5 my name is Janani Shanmuganathan. I'm counsel for the Canadian
6 Constitution Foundation and my questions are for Commissioner
7 Lucki.

8 So earlier today, when Commission Counsel was
9 asking you questions, he brought up discussions with Federal
10 Ministers about RCMP taking over the Ottawa Police Service, and
11 you responded and said, you know, that was an issue that you
12 were asked about often, and that you had to explain that the
13 RCMP was not the police of jurisdiction in Ottawa. You recall
14 that?

15 **COMM BRENDA LUCKI:** Yes, but I think I'd have to
16 correct myself. It wasn't often. It was brought up a couple of
17 times.

18 **MS. JANANI SHANMUGANATHAN:** Sure. And your --
19 the response was, you know, the RCMP is not the police of
20 jurisdiction in Ottawa?

21 **COMM BRENDA LUCKI:** And nor do we have any
22 jurisdiction in Ontario for that type of policing.

23 **MS. JANANI SHANMUGANATHAN:** Okay. So I want to
24 just talk a little bit about this notion of jurisdiction; okay?
25 So I want to take you to the *RCMP Act*.

26 And Mr. Registrar, that's CCF00000029. And if I
27 can take -- if I can ask to be taken to page 20, please? If you
28 could just scroll down? And just stop there. Great.

1 So section 18 of the *RCMP Act*, 18(a)
2 specifically, sets out the duties of peace officers, the duties
3 of police -- of RCMP officers. And what 18(a) says is, you
4 know:

5 "It is the duty of members who are peace
6 officers, subject to the orders of the
7 Commissioner,
8 (a) To perform all duties that are
9 assigned to peace officers in
10 relation to the preservation of the
11 peace, the prevention of crime and of
12 offences against the laws of Canada..."

13 And it goes on to say:

14 "... and the laws in force in any province
15 in which they may be employed, and the
16 apprehension of criminals and offenders
17 and others who may be lawfully taken into
18 custody"

19 So you'll agree that this is the provision that
20 sets out sort of the powers of RCMP officers; yes?

21 **COMM BRENDA LUCKI:** Yes.

22 **MS. JANANI SHANMUGANATHAN:** And you know, where
23 it says:

24 "...the prevention of crime and of offences
25 against the laws of Canada..."

26 That's part of the federal policing mandate of
27 enforcing federal statutes; you'll agree?

28 **COMM BRENDA LUCKI:** Not necessarily, because

1 anybody can enforce federal statutes. It's not just a federal
2 law enforcement. Provincial and municipal police services can
3 also enforce federal statutes, like the CDSA, the *Drugs and*
4 *Substances Act*, for example.

5 **MS. JANANI SHANMUGANATHAN:** Okay. So you'll
6 agree though that RCMP officers have the power to enforce the
7 *Criminal Code*, for instance?

8 **COMM BRENDA LUCKI:** Yes.

9 **MS. JANANI SHANMUGANATHAN:** Right. And they
10 always have the power to enforce the *Criminal Code*? It's just
11 part of what they're allowed to do?

12 **COMM BRENDA LUCKI:** Yes.

13 **MS. JANANI SHANMUGANATHAN:** Right. They don't
14 need to be sort of the local police in a jurisdiction. This is
15 a power that they always have?

16 **COMM BRENDA LUCKI:** Yes.

17 **MS. JANANI SHANMUGANATHAN:** Right. And there's
18 nothing in the *Criminal Code*, for example, that says an RCMP
19 can't enforce the *Criminal Code* in one particular place? They
20 can enforce it anywhere in Canada?

21 **COMM BRENDA LUCKI:** I'm not sure where you're
22 going with this, but I think, in fact -- like for instance,
23 anybody can enforce if you find somebody committing under the
24 *Criminal Code*, so it doesn't -- you don't even have to be a
25 police officer. But there is a jurisdiction where obviously, if
26 they're -- police and public safety is involved and you are
27 standing there, you need to -- you have to act on that. Any
28 police officer has to act on that, but ---

1 **MS. JANANI SHANMUGANATHAN:** Including RCMP
2 officers?

3 **COMM BRENDA LUCKI:** Yes, including RCMP officers.

4 **MS. JANANI SHANMUGANATHAN:** Okay. So just to use
5 sort of a bit of a silly example, if we have an RCMP officer
6 that's standing on Wellington Street in Ottawa, and they see
7 somebody committing an offence under the Criminal Code, they
8 don't need to call up Ottawa Police Service to arrest the
9 person, they could go and arrest the person themselves?

10 **COMM BRENDA LUCKI:** Yes.

11 **MS. JANANI SHANMUGANATHAN:** Right. Okay. And
12 now, we've heard a lot about, you know, the appointment of
13 special constables under section 53 of the *Police Services Act*,
14 right?

15 And what that does, it -- you know, it gives an
16 RCMP officer who's appointed a special constable the powers to
17 enforce provincial and municipal authorities, that, you know,
18 Ottawa Police Service would be allowed to do?

19 **COMM BRENDA LUCKI:** Yes.

20 **MS. JANANI SHANMUGANATHAN:** And this would be in
21 addition to the power to enforce the Criminal Code, which they
22 always have?

23 **COMM BRENDA LUCKI:** Yes.

24 **MS. JANANI SHANMUGANATHAN:** All right. And now,
25 you know, it's fair to say that, you know, during these
26 protests, Criminal Code offences were being violated. You'll
27 agree with that?

28 **COMM BRENDA LUCKI:** There were some, yes.

1 **MS. JANANI SHANMUGANATHAN:** Some. And I'm not
2 sure if you're aware of this, but there was an injunction that
3 was granted in Ottawa in relation to several City of Ottawa
4 bylaws, which include open air bylaws, fireworks bylaws, noise
5 bylaws. Are you aware of that?

6 **COMM BRENDA LUCKI:** Yes.

7 **MS. JANANI SHANMUGANATHAN:** All right. And
8 you'll agree, of course, that an injunction is a court order?

9 **COMM BRENDA LUCKI:** Yes.

10 **MS. JANANI SHANMUGANATHAN:** And section 127 of
11 the Criminal Code makes it a criminal offence to breach a court
12 order, you'll agree?

13 **COMM BRENDA LUCKI:** Well, with injunctions
14 though, usually there has to be an enforcement order attached to
15 the injunction that we would allow police to enforce the
16 injunction.

17 **MS. JANANI SHANMUGANATHAN:** Okay. So if there's
18 ---

19 **COMM BRENDA LUCKI:** So I don't know if there was
20 any enforcement order attached to that.

21 **MS. JANANI SHANMUGANATHAN:** So if I was to say to
22 you, hypothetically, if there was an enforcement order that's
23 attached, a police officer could arrest somebody for breaching a
24 court order, in this case, an injunction?

25 **COMM BRENDA LUCKI:** I'm not sure. I'm really --
26 I'm not a lawyer.

27 **MS. JANANI SHANMUGANATHAN:** All right.

28 **COMM BRENDA LUCKI:** I honestly don't know the

1 answer to that question.

2 **MS. JANANI SHANMUGANATHAN:** So you don't you
3 whether a police officer is allowed to, under section 127, to
4 arrest someone if they're violating a court order?

5 **COMM BRENDA LUCKI:** No, you weren't asking that.
6 You were asking the RCMP in Ottawa, and it's not our
7 jurisdiction, so I would have to refer to my legal people to ask
8 that question, and we do that all the time when it comes to
9 enforcement.

10 **MS. JANANI SHANMUGANATHAN:** So if it fell within
11 the ambit of section 127, which speaks to breaching a court
12 order, an RCMP officer could arrest a person for that, right?

13 **COMM BRENDA LUCKI:** But I'm not sure how the
14 injunction was obtained, if it falls under the Criminal Code and
15 if it's an actual court order that's breachable. I'd have to do
16 a little bit more research, so yeah.

17 **MS. JANANI SHANMUGANATHAN:** Sure. Okay. So
18 leaving aside the research you say you need to do, if I was to
19 put to you -- and I can bring up section 127 if that would
20 assist -- Mr. Registrar, that is CCF00000028, and it's page 230.

21 So we see over there 127 says:

22 "Everyone who, without lawful excuse,
23 disobeys a lawful order made by a court
24 of justice or by a person or body of
25 persons authorized by any Act, make or
26 give the order other than the order for
27 the payment of money, is, unless ---"

28 And it talks about the punishment.

1 So you'd agree though that an RCMP officer who
2 has the ability to enforce the Criminal Code and always has this
3 ability could arrest somebody under section 127 for violating
4 127?

5 **COMM BRENDA LUCKI:** But you are referring to the
6 injunction and I don't know if an injunction falls under the
7 disobeying or an order of the court.

8 **MS. JANANI SHANMUGANATHAN:** That's fine. But my
9 question now is whether or not the serving RCMP officer could
10 arrest someone for contravening section 127 of the Code?

11 **COMM BRENDA LUCKI:** In all likelihood, yes.

12 **MS. JANANI SHANMUGANATHAN:** All right. So my
13 question to you, or I put to you that, you know, there's nothing
14 that legally prevented you from deploying RCMP officers to
15 enforce the Criminal Code in Ottawa?

16 **COMM BRENDA LUCKI:** But we aren't the police of
17 jurisdiction in Ottawa, and so it is -- I don't know if it's a
18 common law or what authority it is. It would be like bringing
19 Ottawa Police Service and then putting them in downtown Toronto
20 and saying, "We're just going to start policing."

21 Everybody -- there's a jurisdiction and there's a
22 police of jurisdiction for a reason. And so if I find somebody
23 committing a Criminal Code offence and I see them committing,
24 and it's under the powers of arrest that I can, in fact, arrest,
25 I can arrest.

26 But for this -- for the purpose of this exercise,
27 we would not simply walk in and decide that we were the police
28 of jurisdiction.

1 **MS. JANANI SHANMUGANATHAN:** So I just ---

2 **COMM BRENDA LUCKI:** Just, can you imagine the
3 mayhem that that would lead to if every police just arrived and
4 said, "We're going to be the police of jurisdiction today."

5 **MS. JANANI SHANMUGANATHAN:** So I just want to
6 sort of clarify now. There may be a difference between say,
7 tradition and respecting the authority of local police and not
8 intruding on them or entrenching on them.

9 But you'll agree that there is nothing that
10 legally prevented you from sending RCMP officers to enforce the
11 things that they're always allowed to do, which is the Criminal
12 Code?

13 **COMM BRENDA LUCKI:** Yes, and we weren't objecting
14 to assisting in that regard, so I'm not -- that's why I'm not
15 understanding your questions.

16 **MS. JANANI SHANMUGANATHAN:** All right. Those are
17 all my questions. Thank you.

18 **COMM BRENDA LUCKI:** Thank you.

19 **COMMISSIONER ROULEAU:** Okay. Next is the Union
20 of British Columbia Indian Chiefs.

21 **--- CROSS-EXAMINATION BY MS. CHEYENNE ARNOLD-CUNNINGHAM:**

22 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Good afternoon.
23 My name is Cheyenne Arnold-Cunningham. I'm counsel for the
24 Union of BC Indian Chiefs, and I will be directing all of our
25 questions today to Commissioner Lucki.

26 Commissioner Lucki, did the RCMP consult with
27 First Nations governments or Indigenous groups or
28 representatives during the convoy situation?

1 **COMM BRENDA LUCKI:** I'm not sure. Definitely not
2 in the Ottawa area, as we weren't the police of jurisdiction.
3 They may have done that in BC, Alberta, and Saskatchewan. I'm
4 not sure, and generally speaking, if there was, in fact,
5 Indigenous involvement or if it was on Indigenous land, they
6 would have, in fact. We have special liaison teams for that.

7 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
8 Actually, would you mind mentioning what the names of those
9 teams or groups maybe who take on the lead of consultation and
10 cooperation with local First Nations and Indigenous groups?

11 **COMM BRENDA LUCKI:** Each division has a different
12 name, but they are divisional liaison teams or in BC, I think
13 they're called the CCIG community, Consultative Indigenous
14 Groups or something. CCIG, sorry, I ---

15 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** No, that's ---

16 **COMM BRENDA LUCKI:** --- think it was actually in
17 John Brewer's email. It's in there. Sorry.

18 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Thank you so
19 much. That's helpful.

20 Are you familiar with Bill C-15 which received
21 Royal assent and came into force as federal legislation on June
22 21st, 2021, to adopt and implement the United Nations
23 Declaration of the Rights of Indigenous Peoples, also known as
24 UNDRIP?

25 **COMM BRENDA LUCKI:** Yes. Not completely
26 intimately, but yes, I'm familiar with it.

27 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** I take it that
28 you're familiar with section 5 which mandates the Government of

1 Canada to take all measures necessary to align the laws of
2 Canada with UNDRIP?

3 **COMM BRENDA LUCKI:** Yes.

4 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Would you ---

5 **COMM BRENDA LUCKI:** I'm -- go ahead.

6 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Would you agree
7 that UNDRIP plays a significant role in policing and police
8 policy in Public Order Emergency events?

9 **COMM BRENDA LUCKI:** If I --and my understanding
10 might not be correct -- but if it involves -- if it's Indigenous
11 protests, I believe that's where it connects itself, so it might
12 not be all protests, but I could be mistaken. I haven't
13 intimately translated it into what it actually meant.

14 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.

15 Your recent May 22, 2022 mandate letter mandates
16 the acceleration of RCMP reform over the next two years. The
17 Union of BC Indian Chiefs is wondering if you could explain what
18 the RCMP is doing to ensure implementation of UNDRIP in the
19 context of assembling demonstrations and public order emergency
20 events?

21 **COMM BRENDA LUCKI:** That's a good question. I
22 know that there's been a lot of work developing liaison teams.
23 When -- for example, in some of the Indigenous protests that we
24 have gone to, we have included cultural awareness and specific
25 cultural training to the area in which we're policing so that we
26 have a better understanding of the impacts of our actions. We
27 have increased, obviously, our training in general in that
28 regard. The -- our liaison teams are specific to protests on

1 Indigenous lands, which can be different than non-Indigenous
2 lands, for example, having a better understanding of the history
3 and the culture.

4 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
5 You mentioned, actually, earlier, of the Management Advisory
6 Board as a recently established body within the RCMP.

7 **COMM BRENDA LUCKI:** Yes.

8 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Is there any
9 mandated First Nations' civilian representation on this board?

10 **COMM BRENDA LUCKI:** There was. We had John Domm
11 ---

12 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay.

13 **COMM BRENDA LUCKI:** --- who was representing us.
14 And we actually had Wally Oppal at the beginning but he got put
15 on a different mandate. And we've had some vacancies and so
16 we're filling those vacancies. We don't -- I'm not responsible.
17 It's Public Safety who's responsible for filling those
18 vacancies, but part of that is the diversity and including
19 Indigenous representation.

20 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Thank you. And
21 can confirm whether or not you're aware of the RCMP updating its
22 strategic plans, and policies, and protocols to ensure alignment
23 with UNDRIP, or is that kind of work ongoing?

24 **COMM BRENDA LUCKI:** It's ongoing in our
25 initiatives. We have an -- our contract in Indigenous policing.
26 We have many projects on the go, many of which are geared
27 towards reconciliation, but there is also making sure our
28 policies and procedures align properly with UNDRIP and other

1 recommendations that have come out of other reports.

2 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
3 Is policing response in public order emergency event different
4 depending on who is involved in that assembly or event?

5 **COMM BRENDA LUCKI:** No, it's not -- it's not
6 necessarily who. It's how. I would say more how. Like,
7 depending on -- I think you have to have an understanding of the
8 issues, and that's what we spend a lot of time on, understanding
9 why the protests occurred in the first place, trying to connect
10 with the organizers, trying -- it's all about -- you know, we're
11 all about peaceful protests, which we definitely promote, and we
12 do everything we can through our liaison teams to promote that
13 peaceful protest. It's only when it becomes an illegal blockade
14 -- we can't -- unfortunately, we -- you know, when injunctions
15 are brought to court, we're law enforcement; we can't decide
16 when we're -- or what we're going to enforce. We don't have
17 that discretion, but we do have the discretion on how and when
18 we enforce. But there's still the duty to enforce if there's an
19 injunction in court. But ---

20 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
21 If I could ask the clerk to please bring up OPP00000601, and
22 I'll just stay on page one of that document. Commissioner
23 Lucki, we've looked, actually, at this email exchange today
24 already, but on February 2nd, 2022, there was an email exchange
25 between yourself, Commissioner Lucki, and your subordinate,
26 Supt. Brewer of "E" Division.

27 **COMM BRENDA LUCKI:** Yes.

28 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** In the email

1 exchange, Brewer notes at the bottom of page 1:

2 "I/we do not presume to have all the
3 answers. However, we have been heavily
4 engaged with these sort of
5 ideologically-driven protests for a
6 while now. Through hard earned
7 experience, we have managed to pick up
8 a few strategies that may help."

9 He then refers to old-growth logging, Coastal
10 GasLink, and other "ideologically-driven" protests.

11 You replied to his advice to say thank you for
12 the "great response" and you reference that you had used these
13 points in your briefings of superiors like ministers.

14 The Union of BC Indian Chiefs would like to know
15 if Indigenous peoples advancing their rights through public
16 assembly and awareness strategies would be considered
17 "ideologically-driven" protests in the same way or the same
18 manner as the Freedom Convoy was considered.

19 **COMM BRENDA LUCKI:** I'm not sure I have an
20 opinion on that in the sense that I think if somebody has an
21 opinion or they are wanting to hear their voice in a certain
22 ideologically way -- it doesn't mean that it's a negative thing
23 when we say "ideologically motivated towards something". Like I
24 said, it's about -- it doesn't matter what the cause is, it's
25 just making sure it's peaceful and making sure it's following
26 the rules that are set out in law.

27 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
28 Just to ask one last follow-up question on that, considering

1 Indigenous peoples have unique and distinct set of legal rights
2 -- and we see that in UNDRIP and, for reference, I can cite to
3 you Articles 26 and 28 -- but oftentimes Indigenous people do
4 not have redress to properly address their rights and oftentimes
5 they have to assemble in a public forum to seek recognition and
6 implementation of their rights in different contexts, do you
7 think that there should be a different response by government in
8 consideration of kind of this uniqueness of Indigenous assembly?

9 **COMM BRENDA LUCKI:** I think it would be up to the
10 lawmakers to decide that. I think peaceful protest is
11 absolutely necessary in a democratic society and I think people
12 should have the right to have their voices heard. And, of
13 course, because I'm in law enforcement, I'm probably a little
14 bit bias in the sense that peaceful protest, we promote, but if
15 it's not in line with the rule of the law, then we are asked to
16 intervene.

17 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
18 And I'm going to wrap up with just a few quick questions.
19 Before I began asking you our questions today, the deputy
20 commissioner today mentioned that he had not read the Ipperwash
21 Inquiry Report. Commissioner Lucki, have you reviewed this
22 report?

23 **COMM BRENDA LUCKI:** I've read bits and pieces but
24 not cover to cover.

25 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
26 And are you aware of dynamics of systemic racism and,
27 specifically, anti-Indigenous discrimination in policing and
28 responding to public order or emergency events?

1 **COMM BRENDA LUCKI:** As a result of the Ipperwash
2 -- in regards to the Ipperwash Report?

3 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** No, just broadly
4 within the RCMP, are you aware of dynamics of systemic racism
5 and policing of Indigenous peoples?

6 **COMM BRENDA LUCKI:** We are doing a lot of
7 initiatives within the RCMP in regards to systemic racism.
8 We've introduced some new courses that we've actually made
9 available to all police agencies, Uniting Against Racism,
10 Cultural Awareness and Humility courses, providing -- we're
11 updating our curriculums at our training academy.

12 We also have the blanket exercise that is at our
13 training academy, and that is available for all employees of the
14 RCMP, and it's all about -- and we've reviewed our whole
15 recruiting process to make sure there's no systemic barriers to
16 prevent Indigenous people, but also the BIPOC community, into
17 entering into the RCMP. In our recruiting, we're trying to be
18 more progressive in our proactive recruiters so that we would be
19 able to have more Indigenous people in the RCMP because it's
20 more representative of the communities we serve and I think it
21 would make our -- it would strengthen our organization to have
22 more Indigenous people as police officers in the RCMP so we can
23 connect with those communities.

24 We do try to have people that -- of -- that are
25 Indigenous to go to Indigenous communities that can assist us,
26 but also, you know, we do have a higher-than-average percentage
27 in the government for Indigenous employees but it's not
28 something -- it's not very high in general. It's at about seven

1 percent. And I think we need to have -- I think if we had a
2 greater diversity within our organization, it would bode well
3 for working in Indigenous communities, working with Indigenous
4 people on protecting their, you know, rights, and allowing them
5 peaceful protest.

6 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay.

7 **COMMISSIONER ROULEAU:** You're now out of time, so
8 if you could wrap up, please.

9 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.
10 May I ask one last question, Commissioner?

11 **COMMISSIONER ROULEAU:** Yes, go ahead.

12 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** In the past,
13 Indigenous peoples defending their rights and speaking up for
14 their distinct legal rights have been profiled as causing public
15 order emergency events or disturbing the peace. We are now in a
16 new era of recognition and affirmation of Indigenous rights,
17 especially since the passing of Bill C-15; would you agree with
18 that?

19 **COMM BRENDA LUCKI:** I think we always have to
20 progress as a police organisation and ensure that we are meeting
21 the needs of the various people that we protect and serve.

22 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** And would you
23 agree that it's important for Indigenous peoples to be able ---

24 **COMMISSIONER ROULEAU:** You're now -- that's not
25 one question. You're now into more than one.

26 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, my
27 apologies.

28 Thank you so much for your time today, and thank

1 you, Commissioner, for the opportunity to ask our questions
2 today.

3 **COMMISSIONER ROULEAU:** Thank you.

4 **COMM BRENDA LUCKI:** Thank you.

5 **COMMISSIONER ROULEAU:** Okay. Next, is the Ottawa
6 Coalition?

7 **MS. EMILY TAMAN:** Good evening, Commissioner.
8 Emily Taman for the Ottawa Coalition, and we don't have any
9 questions. Thank you.

10 **COMMISSIONER ROULEAU:** Thank you.
11 Government of Alberta.

12 **MS. STEPHANIE BOWES:** Good afternoon. For the
13 record, my name is Stephanie Bowes for the Province of Alberta.
14 All of our questions have been asked and answered. Thank you.

15 **COMMISSIONER ROULEAU:** Okay. Next, is the
16 Windsor Police Service.

17 **MR. TOM McRAE:** Good evening, all. This is Tom
18 McRae for the Windsor Police Service. We have no questions, but
19 would like to give our time to Canada, please.

20 **COMMISSIONER ROULEAU:** Okay. Next is the City of
21 Windsor.

22 **--- CROSS-EXAMINATION BY MR. GRAHAM REEDER:**

23 **MR. GRAHAM REEDER:** Good evening. My name is
24 Graham Reeder, and I am counsel for the City of Windsor. I'll
25 be directing my questions today to Commissioner Lucki, but I
26 welcome any input from Deputy Commissioner Duheme if my question
27 touches on his knowledge instead.

28 **COMMISSIONER ROULEAU:** Okay, you're camera

1 doesn't seem to be on. If -- I don't know if that's your
2 intention. I don't have an objection if the witnesses don't.
3 Oh, okay.

4 **MR. GRAHAM REEDER:** Not at all. My apologies,
5 Commissioner Rouleau.

6 So I'll get started. How many RCMP officers --
7 you -- Commissioner Lucki, you talked about the "O" Division
8 detachment in Windsor earlier this afternoon or this morning,
9 rather. How many -- approximately how many RCMP officers are in
10 that detachment?

11 **COMM BRENDA LUCKI:** At Windsor?

12 **MR. GRAHAM REEDER:** Yes.

13 **COMM BRENDA LUCKI:** I have no idea.

14 **D/COMM MICHAEL DUHEME:** No, I'd be guessing. I
15 would be guessing. I have no idea.

16 **COMM BRENDA LUCKI:** No.

17 **MR. GRAHAM REEDER:** Okay. Do you know if there's
18 a tactical support group in -- stationed in Windsor?

19 **COMM BRENDA LUCKI:** No, there isn't. It would be
20 posted either in London or Toronto and out from the major
21 centre.

22 **MR. GRAHAM REEDER:** Okay. Can a municipal police
23 force ask for tactical support group assistance directly to the
24 RCMP?

25 **COMM BRENDA LUCKI:** Well, as we've learned,
26 obviously Ottawa City Police did that and we provided resources.
27 Generally speaking, it's -- from police to police there's often
28 requests, and where we are the police of jurisdiction. In

1 Ontario, we're not -- we don't have that normal jurisdiction, so
2 it's through the *Ontario Police Act*. But often in places like
3 Alberta or Saskatchewan if there's something going on in a major
4 city, like Regina, they may reach out to the RCMP to assist in a
5 tactical response.

6 **MR. GRAHAM REEDER:** Okay. And what does that
7 process look like when you are not the police of jurisdiction?
8 Can you just describe it?

9 **COMM BRENDA LUCKI:** Well, I -- like I said, I've
10 been told that normally it goes through the Ontario Provincial
11 Police in Ontario where any municipality within Ontario, if they
12 need additional resources, they go to the OPP. And they may not
13 need to ask the RCMP because the OPP may find resources at a
14 neighbouring detachment or municipal police agency within
15 Ontario.

16 **MR. GRAHAM REEDER:** Understood. So as I
17 understood, police of jurisdiction and municipal police force
18 would not go directly to the RCMP, they would go through the
19 OPP?

20 **COMM BRENDA LUCKI:** Yeah, that's what the normal
21 course of event is.

22 **MR. GRAHAM REEDER:** Okay, thank you. Would you
23 agree with me that when the RCMP is not the police of
24 jurisdiction during a disruption, particularly at a port of
25 entry, as in Windsor at the bridge, that the RCMP's role is to
26 support the police of jurisdiction in protecting the port of
27 entry?

28 **COMM BRENDA LUCKI:** Not when we're not the police

1 of jurisdiction. But we can assist any police with the right
2 process. But in -- for example, in Ontario and Quebec, if in
3 fact Windsor, which is right on the border, if they needed
4 assistance it wouldn't automatically default to the RCMP. We're
5 not policing in that capacity in Ontario or Quebec.

6 **MR. GRAHAM REEDER:** Okay, understood. Has the
7 role of the RCMP changed at all in Windsor with respect to the
8 protection of the bridge since the convoy protests?

9 **D/COMM MICHAEL DUHEME:** Not at all. No, not at
10 all. We're -- in Windsor, our folks are still focussed on the
11 federal mandate.

12 **MR. GRAHAM REEDER:** Okay. And to your knowledge,
13 has the RCMP ever been the police of jurisdiction to respond to
14 events at the Ambassador Bridge?

15 **D/COMM MICHAEL DUHEME:** Not to my knowledge.

16 **COMM BRENDA LUCKI:** I don't believe so.

17 **MR. GRAHAM REEDER:** Thank you, those are all my
18 questions.

19 **D/COMM MICHAEL DUHEME:** It's not -- because if
20 it's a federal location it doesn't necessarily mean that it's a
21 federal concern or issue or policing matter. We've heard that a
22 couple of times here with the NCC grounds it should be RCMP, but
23 again, here in Ottawa, the police of jurisdiction for criminal
24 matters in the City of Ottawa is Ottawa Police Service.

25 **MR. GRAHAM REEDER:** Thank you, those are all my
26 questions.

27 **COMM BRENDA LUCKI:** Thank you.

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

1 Next, is the Government of Canada.

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

3 **MS. DONNAREE NYGARD:** Good evening. For the
4 record, I'm Donnaree Nygard. I'm one of the counsel for Canada.

5 There's been a bunch of discussion today about
6 the various meetings that occurred on the 13th, but I just want
7 to take you back one day.

8 And if we could have SSM.NSC.CAN.00000214.

9 And just to situate you, Commissioner, this will
10 be for you, this -- these are the IRG minutes ---

11 Oh -- no, that's not it.

12 These are the IRG minutes, or they should be, for
13 the day before on February 12th. Do you see that?

14 **COMM BRENDA LUCKI:** Yes.

15 **MS. DONNAREE NYGARD:** And this was a virtual
16 meeting of the Incident Response Group on that day, and you
17 attended that virtual meeting?

18 **COMM BRENDA LUCKI:** Yes.

19 **MS. DONNAREE NYGARD:** So if we can go to page 6,
20 please, of the minutes. And if we can scroll down, just to
21 where it says, "The Commissioner of the RCMP".

22 And Commissioner, there's quite a long excerpt,
23 and I'll let you have a quick read over it. It starts here and
24 it goes down onto the next page. And I'm going to highlight
25 just a few things, but I want to just let you situate yourself
26 first. You can ask the clerk when you want to scroll down.

27 **COMM BRENDA LUCKI:** Okay, you can scroll. Okay.

28 Okay.

1 **MS. DONNAREE NYGARD:** And I think that's the end
2 of the minutes that refer to your update.

3 And -- so this was quite an extensive update of
4 what was happening across the country, and you have -- I just
5 want to draw your attention to a few things.

6 If we can go back up to the beginning of where
7 the Commissioner comments are started. Yeah, right there.

8 So you started by talking about things that were
9 happening at Thunder Bay and the GTA?

10 **COMM BRENDA LUCKI:** Yeah. Yes.

11 **MS. DONNAREE NYGARD:** And then you went on to
12 discuss the situation in Windsor; correct?

13 **COMM BRENDA LUCKI:** Yes.

14 **MS. DONNAREE NYGARD:** And you mentioned the
15 negotiations that were occurring in Windsor and the delivery of
16 the letter from the Ontario Government that occurred there, but
17 that the protesters did not accept that letter; correct?

18 **COMM BRENDA LUCKI:** Yes.

19 **MS. DONNAREE NYGARD:** And then you also describe
20 the situation in Cornwall at the bridge there?

21 **COMM BRENDA LUCKI:** Yes.

22 **MS. DONNAREE NYGARD:** And then you go on to
23 describe the situation in Ottawa, including halfway down that
24 paragraph that there were a number of additional convoys that
25 were reportedly still travelling towards Ottawa on February 12th?

26 **COMM BRENDA LUCKI:** Yes.

27 **MS. DONNAREE NYGARD:** And then you go on to
28 describe the situation in Coutts on the next page?

1 **COMM BRENDA LUCKI:** Yes.

2 **MS. DONNAREE NYGARD:** And you indicate there that
3 the situation in Coutts is unique and there's a heightened risk
4 to safety of persons including police, including indications of
5 weapons on site. I just wanted to pause there for a minute.
6 The arrests were made in Coutts the following day; is that
7 correct?

8 **COMM BRENDA LUCKI:** Yes, I believe so.

9 **MS. DONNAREE NYGARD:** On February 14th. And so
10 that was the information that you were giving to this committee
11 as a whole at that point in time about what was going on in
12 Coutts?

13 **COMM BRENDA LUCKI:** Yes.

14 **MS. DONNAREE NYGARD:** Okay. And then finally,
15 you talked about the situation in Emerson.

16 **COMM BRENDA LUCKI:** Yes.

17 **MS. DONNAREE NYGARD:** So would this kind of sort
18 of cross country update on February 12th, is this what you were
19 referring to in your speaking notes that you didn't actually get
20 a chance to give on February 13th when you said there are some --
21 there's a number of ongoing incidents which we're all well aware
22 of?

23 **COMM BRENDA LUCKI:** Yes, this is the normal type
24 of situational report I would give.

25 **MS. DONNAREE NYGARD:** And I think this is
26 probably being cleared up by my friends, but just to make sure,
27 you didn't -- you did appear in the -- at the IRG and at the
28 Cabinet meeting on February 13th, but you did not speak at either

1 of those meetings; correct?

2 **COMM BRENDA LUCKI:** Yes.

3 **MS. DONNAREE NYGARD:** But the notes that you had
4 prepared for those meetings, you did in fact pass along to
5 various people; correct?

6 **COMM BRENDA LUCKI:** Yes.

7 **MS. DONNAREE NYGARD:** So and if we can pull up
8 PB.NSC.CAN.00003256? And this is a -- you've seen this already
9 but just -- this is the email that you sent to Mr. Jones. And
10 can you tell us who Mike Jones is?

11 **COMM BRENDA LUCKI:** He's the Chief of Staff to
12 the Minister Mendocino.

13 **MS. DONNAREE NYGARD:** So he's in Minister
14 Mendocino's office?

15 **COMM BRENDA LUCKI:** Yes.

16 **MS. DONNAREE NYGARD:** Is that correct? And you
17 would expect him to pass this information on to Minister
18 Mendocino?

19 **COMM BRENDA LUCKI:** Absolutely.

20 **MS. DONNAREE NYGARD:** And so in what you set out
21 in that email to Mr. Jones, that was -- other than the
22 situational report, but as far as your discussion of the
23 *Emergency Measures Act*, that was included in that email;
24 correct?

25 **COMM BRENDA LUCKI:** Yes.

26 **MS. DONNAREE NYGARD:** And then if we can pull up
27 PB.NSC.CAN.00003245? And that was at -- sorry, that previous
28 email was at 7:47. Oh, this is -- it's still up there. It's

1 12:47, which means it was 7:47. So that was prior to the
2 Cabinet meeting; correct?

3 **COMM BRENDA LUCKI:** Yes.

4 **MS. DONNAREE NYGARD:** And then you also forwarded
5 it on directly to Minister Mendocino and also to Jody Thomas,
6 and can -- just for those who don't know, who is Jody Thomas?

7 **COMM BRENDA LUCKI:** National Security Advisor.

8 **MS. DONNAREE NYGARD:** And she's the National
9 Security Advisor to the ---

10 **COMM BRENDA LUCKI:** To the Prime Minister.

11 **MS. DONNAREE NYGARD:** --- Prime Minister;
12 correct?

13 **COMM BRENDA LUCKI:** Yes.

14 **MS. DONNAREE NYGARD:** And this particular email
15 includes the majority of the speaking points that you had
16 earlier prepared to speak at the meeting ---

17 **COMM BRENDA LUCKI:** Yes.

18 **MS. DONNAREE NYGARD:** --- correct? So that
19 information was passed onto both of those individuals at 8:03 by
20 the looks of it from the ---

21 **COMM BRENDA LUCKI:** Yes.

22 **MS. DONNAREE NYGARD:** --- from the timestamp on
23 there; is that correct?

24 **COMM BRENDA LUCKI:** Yes.

25 **MS. DONNAREE NYGARD:** Thank you. And part of
26 that briefing, one of my friends took you to this, had to do
27 with the guns that had been stolen in Peterborough; correct? Or
28 part of your talking points had been to alert to people to that;

1 do you recall that?

2 **COMM BRENDA LUCKI:** Yeah, I'm not sure if it was
3 this -- it was another meeting, I think, or it might have been
4 this one. I'm not sure which one.

5 **MS. DONNAREE NYGARD:** I think if we scroll down
6 in here, we will -- and I didn't make a note of the page.

7 **COMM BRENDA LUCKI:** All right.

8 **MS. DONNAREE NYGARD:** There it is.

9 **COMM BRENDA LUCKI:** All right. Yes.

10 **MS. DONNAREE NYGARD:** Very good.

11 **COMM BRENDA LUCKI:** Okay. You're right. It was
12 this meeting.

13 **MS. DONNAREE NYGARD:** So that was information
14 that you had had passed on, on February 13th; correct?

15 **COMM BRENDA LUCKI:** Yes.

16 **MS. DONNAREE NYGARD:** And my friend indicated
17 that those -- and at this point in time, you say that it's still
18 being looked into. There's an ongoing investigation. You don't
19 know if it's related to the current protest at that point in
20 time; correct?

21 **COMM BRENDA LUCKI:** Yes.

22 **MS. DONNAREE NYGARD:** And my friend rightly
23 pointed out that it was sorted out rather quickly and the guns
24 were thankfully retrieved a couple of days later, but that
25 wasn't -- that was on February 16th, as I recall, after the
26 *Emergencies Act* was invoked; is that right?

27 **COMM BRENDA LUCKI:** Yes.

28 **MS. DONNAREE NYGARD:** And if we go to the

1 February 16th IRG minutes, which is SSM.NSC.CAN.00000401? And if
2 we go just onto the third -- it's page 5 at the top of the page.
3 Yes, if we scroll down a little. Right there. To the National
4 Security Advisor providing her update. And you'll see there it
5 says about halfway down, "While some trucks..." Oh, no sorry.

6 **COMM BRENDA LUCKI:** No.

7 **MS. DONNAREE NYGARD:** That's the wrong place.

8 **COMM BRENDA LUCKI:** No, it says, "Notably, the
9 weapons that had been stolen in Peterborough have been
10 recovered."

11 Is that what you're ---

12 **MS. DONNAREE NYGARD:** Yes, yes, exactly. So she
13 was providing that information, but I assume she got that
14 information from you; correct?

15 **COMM BRENDA LUCKI:** Yes.

16 **MS. DONNAREE NYGARD:** And so everyone was
17 informed that that was no longer a worry as of February 16th, but
18 that was the first -- that was when the weapons were actually
19 received, that's when people ---

20 **COMM BRENDA LUCKI:** I'm assuming.

21 **MS. DONNAREE NYGARD:** And my friends also
22 discussed with you the delegation of the provisions -- the
23 authorities that were provided to you under the *Emergencies Act*
24 in regard to tow trucks. And I just want to take you to the
25 February 17th IRG minutes the next day, which is
26 SSM.NSC.CAN.00000402. And page 5 again. And about halfway down
27 the page, just after the redactions, if I can have you read
28 that?

1 **COMM BRENDA LUCKI:** Which one?

2 **MS. DONNAREE NYGARD:** Just after the second set
3 of redactions there.

4 **COMM BRENDA LUCKI:** Second set? "She also
5 confirmed..."

6 **MS. DONNAREE NYGARD:** Yes.

7 **COMM BRENDA LUCKI:** "...that she has
8 delegated some powers to other RCMP and
9 OPP officers to be able to compel or
10 commandeer equipment such as tow
11 trucks, confirming that [the] RCMP will
12 cover costs associated with this. RCMP
13 will cash manage these pressures in the
14 short term."

15 **MS. DONNAREE NYGARD:** So my question to you was I
16 think you said earlier that you had only delegated those powers
17 to Commissioner Carrique. This indicates that you'd delegated
18 them to other RCMP members as well. So did you delegate those
19 powers internally to the commanding officers in the other
20 divisions?

21 **COMM BRENDA LUCKI:** I don't think so, but I may -
22 - if I had, it would have been to the commanding officer of E
23 Division, sorry, B.C., Alberta and Manitoba, but I don't think I
24 -- I think there was plans to, but they never got -- they never
25 needed them. So that might have been not exactly accurate.
26 Yeah.

27 **MS. DONNAREE NYGARD:** And then on -- still
28 staying on the tow truck theme, can we have PB.CAN.00001628?

1 And maybe we can just scroll through so the Commissioner can see
2 the entire document.

3 Do you recognize this?

4 **COMM BRENDA LUCKI:** Yes.

5 **MS. DONNAREE NYGARD:** Can you tell us what it is?

6 **COMM BRENDA LUCKI:** This is the receipt for the
7 various tow trucks that were used during the protest that --
8 after the -- as part of the authority under the *Emergency Act*.

9 **MS. DONNAREE NYGARD:** So it's an invoice from --
10 if we can scroll back up a little bit? It's to the Royal
11 Canadian Mounted Police. And if we scroll down further ---

12 **COMM BRENDA LUCKI:** It's from the Province of
13 Ontario.

14 **MS. DONNAREE NYGARD:** --- it's coming from
15 Ontario. So do -- so your evidence is that this is the receipt
16 that was sent to you from Ontario for the tow trucks that were
17 compelled under the *Emergencies Act*?

18 **COMM BRENDA LUCKI:** Yes.

19 **MS. DONNAREE NYGARD:** Okay. Because I think you
20 had said earlier it was a big bill, but you hadn't ---

21 **COMM BRENDA LUCKI:** I think we're still cash
22 managing. No, I'm just kidding.

23 **MS. DONNAREE NYGARD:** And is it your
24 understanding -- what -- well, what is your understanding of
25 your -- the RCMP's authority to pay this bill?

26 **COMM BRENDA LUCKI:** Well, it's -- the federal
27 government will cover the costs. They've asked us to pay for it
28 and then cash manage it and if we need the money back, we'll get

1 the money back.

2 **MS. DONNAREE NYGARD:** But pay for what? What are
3 you given authority to pay for?

4 **COMM BRENDA LUCKI:** Pay for the use of tow trucks
5 in the protests, the commandeering of tow trucks and the use of
6 those tow trucks to remove vehicles.

7 **MS. DONNAREE NYGARD:** Thank you.

8 And Deputy Duheme, I want to turn to you for a
9 moment with some of the other powers that were granted under the
10 *Emergencies Act*.

11 One of my friends from the CCLA spoke to you
12 about, in particular, the economic provisions of the powers that
13 were granted under the *Emergencies Act*. And you mentioned that
14 the RCMP did not take any action in relation to insurance
15 contracts. Did I hear that correctly?

16 **D/COMM. MICHAEL DUHEME:** That's correct.

17 **MS. DONNAREE NYGARD:** And why is that?

18 **D/COMM. MICHAEL DUHEME:** We focused on the
19 freezing of -- well, providing the right information to the
20 banks, to the financial services, to freeze the accounts.

21 The insurance, yes, that was a possibility. One
22 of the concerns we had is that if you freeze the insurance,
23 where does the truck go if someone is ready to leave? Puts us
24 in a position. So we didn't really look at that. Really
25 focused on identifying the people, validating who was there, and
26 getting the information to the financial services.

27 **MS. DONNAREE NYGARD:** And that sort of exercise
28 of discretion in how and which particular aspects of the law to

1 enforce at any given time, is that something that the police
2 normally do or is that unusual?

3 **D/COMM. MICHAEL DUHEME:** The discretion is
4 something. And you have to remember, as I said earlier, that we
5 had 24 hours to figure this out, as well as the financial
6 services. So we went with the one that we figured would have
7 the greatest impact.

8 **MS. DONNAREE NYGARD:** Commissioner, I want to
9 take you back to some more of the IRG minutes that -- from the
10 meetings that took place while the *Emergencies Act* was in place.

11 And I'd like to go to the February 18th minutes,
12 which are SSM.NSC.CAN.00000403. And when we get there, to page
13 5, please?

14 Your updates always seem to be page 5.

15 **COMM BRENDA LUCKI:** I was going to say, page 5 is
16 pretty popular.

17 **MS. DONNAREE NYGARD:** So if we can scroll down to
18 the second last paragraph on the page? So that paragraph that
19 starts:

20 "As it relates to additional activity over
21 the weekend, there are reports of
22 additional convoys en-route to join the
23 Ottawa protest including the Alberta
24 Freedom Convoy, 3 chartered buses from
25 Toronto and two from St Jerome and
26 Gatineau. Police are ready to intercept
27 and divert these convoys where possible."

28 Those -- that ability to divert convoys is --

1 what is that based on?

2 **COMM BRENDA LUCKI:** That's based on one of the
3 authorities in the *Emergency Act*.

4 **MS. DONNAREE NYGARD:** And if we can also --
5 sorry, I'm afraid I didn't take very good notes here. We'll go
6 to the next day's IRG at SSM.NSC.CAN.00000 -- oh, no sorry, it's
7 not the next day, 406. This is a couple of days later, a few
8 days later, on February 21st. And it's page 5 again. And if we
9 can scroll down to the second last paragraph again?

10 And you'll see there, in the middle -- the
11 beginning of the paragraph, it talks about a:

12 "...convoy travelling from Fort McMurray to
13 Ottawa [...] was indeed intercepted by the
14 Ontario Provincial Police [...] who advised
15 participants not to go to Ottawa but did
16 not prevent them from continuing their
17 trip."

18 And is it your understanding that that advice --
19 what is your understanding of the advice that was given by the
20 OPP at that point, if you have an understanding?

21 **COMM BRENDA LUCKI:** Well just with the *Emergency*
22 *Act*, the authorities were not to go into a protest area. So
23 they were advised not -- that they wouldn't be allowed to go
24 into Ottawa. So some of them went to Arnprior. There was a
25 secondary, not a protest site, but a secondary site where trucks
26 were getting together at another site. But that wasn't -- there
27 was no protest at that area.

28 **MS. DONNAREE NYGARD:** Okay. And if we can just

1 go back a couple of days, the Commissioner has asked questions a
2 couple of times about the ability for people to lawfully protest
3 while this enforcement action was being taken.

4 So I wanted to take you to the IRG minutes of
5 February 20th, which is SSM.NSC.CAN.00000405. Page 5. And if we
6 can go just -- just scrolling down. Just before the redaction.
7 A little ways up from the redaction there. You'll see:

8 "[Police] order units continue to wear
9 tactical gear..."

10 Or sorry, no, the next one:

11 "Police are also monitoring a gathering
12 that has formed at the War Museum of
13 approximately 100 people and a smaller
14 gathering of 30-50 individuals at
15 Confederation Park."

16 So can you tell me what you know about those
17 gatherings and ---

18 **COMM BRENDA LUCKI:** Of course there's always
19 potential for lawful protest in and around Ottawa. That's two
20 examples. These people were lawfully protesting. They weren't
21 impeding the flow of traffic or the flow of pedestrian traffic.
22 And so I believe that they were allowed to continue with their
23 protests, and we monitor those protests.

24 But it's not just safety of people not in the
25 protest, it's also safety of the protestors. When they're
26 lawfully protesting, we want to make sure that they are safe
27 when they're doing that.

28 **MS. DONNAREE NYGARD:** But they were permitted to

1 ---

2 **COMM BRENDA LUCKI:** Yes.

3 **MS. DONNAREE NYGARD:** --- remain there and
4 protest? Thank you. You, in answering some questions for
5 counsel for former Chief Sloy, you indicated that the protest
6 in Ottawa wasn't a national security event, it was just an
7 event, I think you said?

8 **COMM BRENDA LUCKI:** Yes.

9 **MS. DONNAREE NYGARD:** And you were specifically
10 talking about the Ottawa situation?

11 **COMM BRENDA LUCKI:** Yes. I say it was part of a
12 national event. It wasn't a national security threat.

13 **MS. DONNAREE NYGARD:** But when you say that
14 you're not assessing whether or not either the Ottawa protest or
15 the situation in the country as a whole was a threat to the
16 security of Canada; correct?

17 **COMM BRENDA LUCKI:** No. We had -- like I said, I
18 think I mentioned earlier, there was indication -- there was
19 some snippets of information on open source that came through
20 intelligence, things that were similar to the storming of the
21 Parliament, but none of it manifested itself. So it wasn't a
22 national security threat. It was a national event.

23 **MS. DONNAREE NYGARD:** But in answer to one of my
24 other friends' questions about the definition in the *CSIS Act*,
25 that's not something that you were turning your mind to or that
26 you were assessing?

27 **COMM BRENDA LUCKI:** No. And it definitely
28 wouldn't be me doing any of the assessments. I'm just the

1 messenger. There'd be people a lot smarter than myself doing
2 that.

3 **MS. DONNAREE NYGARD:** And Deputy Duheme, I wanted
4 to turn to you for a moment to discuss the plan that was put in
5 place and developed by the Integrated Planning Unit in Ottawa.
6 And you, as the gold commander.

7 What was your view of how that plan was
8 eventually executed?

9 **D/COMM. MICHAEL DUHEME:** The final plan? I mean,
10 I think the result speaks for itself. Minimal force used in the
11 execution and over a couple of days, two days and a half, we
12 were able to successfully clear the sites.

13 I should mention that there's approximately seven
14 or eight sites where the trucks were parked in the downtown
15 area, and by the time we got to the first one would be Waller
16 and Nicholas. By the time we were done that, we took care of
17 Sussex and Welling -- Sussex and Rideau? Sussex and Rideau.
18 And then the third site was in front of Parliament Hill. And by
19 the time we were done with Parliament Hill, all the other sites
20 had -- the people had left.

21 So I think the result speak for itself. There's
22 no injuries, very little use of force, and it was done in a
23 coordinated fashion and very professionally.

24 **MS. DONNAREE NYGARD:** Thank you. And in that
25 plan, when it was developed, what was the role of tow trucks?

26 **D/COMM. MICHAEL DUHEME:** It was -- I should say
27 it was a phased in approach, in a sense. And you heard the
28 Commissioner mention about the role of the PLTs.

1 On that Thursday night, February 17th -- February
2 17th was -- there was an increased presence in the control access
3 zone, or what became the control access zone. There's increased
4 communication with the people who are there informing them what
5 the Act is, giving them an opportunity to leave.

6 And it's only Friday morning with a light snow on
7 the ground that we started operationalizing. So what would
8 happen is we go to one site, and this is typical procedures
9 where tell the people to leave, they don't leave, then use the
10 right amount of force necessary. But then once if we have to
11 arrest -- people leave, if people left, it was good. If we had
12 to arrest people and remove them, tow trucks would come in, tow
13 the vehicles and impound them.

14 **MS. DONNAREE NYGARD:** Okay. And that was an
15 integral part of the overall plan to clear out Ottawa?

16 **D/COMM MICHAEL DUHEME:** It was for the first
17 three sites for sure.

18 **MS. DONNAREE NYGARD:** And you wouldn't have been
19 able to accomplish that without those heavy tow trucks?

20 **D/COMM MICHAEL DUHEME:** We would have had to
21 explore other options.

22 **MS. DONNAREE NYGARD:** Yeah, but ---

23 **D/COMM MICHAEL DUHEME:** There weren't many
24 options.

25 **MS. DONNAREE NYGARD:** For big rigs, what are your
26 other options. I take it you can't articulate any other options
27 at this point?

28 **D/COMM MICHAEL DUHEME:** No.

1 **MS. DONNAREE NYGARD:** And you've both spoken
2 about the need to shrink the footprint when dealing with
3 protests in general, and this protest in particular. Can you,
4 either of you or both of you, explain to us why that's
5 important?

6 **COMM BRENDA LUCKI:** Well, it's all about public
7 safety and officer safety. So when you have thousands of
8 people, that is not the time to do enforcement because the risk
9 to public and police safety is at a much higher level. So even
10 sometimes if there's a *Criminal Code* offence, sometimes you will
11 deal with it after the fact because if you go inside that crowd
12 to deal with it, you might inflare [*sic*] that crowd. And just
13 police presence can be enough to inflare [*sic*] a crowd on the
14 right time at the, you know, being at the -- being there at the
15 wrong time.

16 So what -- our tactics are usually to reduce a
17 footprint through incentivising or motivating people to leave.
18 Obviously, sometimes it's as simple as you will be arrested, but
19 there's always going to be groups of protesters who will stay
20 and will wish to be arrested. But so you can't -- you still
21 have to get rid of that footprint, so obviously, in the Ottawa
22 scenario, on the weekends, it was far too big. And so trickling
23 off Monday and, you know, looking at past -- we looked at past
24 weeks and our numbers were the lowest on I think it was Tuesday,
25 Wednesday, Thursday, so that was the time to start doing the
26 enforcement. Unfortunately, we lost some time in our plan, so
27 we did a very, you know, quick engagement of two days with the
28 crowds to say, "Now the *Emergency Act* is here. This is what

1 will happen. If you don't leave, these are some of the
2 consequences."

3 There was many people who actually wanted to
4 leave, but their trucks were kind of stuck in amongst trucks.
5 And those people we tried to make arrangements when the time
6 came to move those trucks, to get them off the site. And once
7 the footprint was down to a -- the minimum numbers we felt we
8 could get them down to, that's when we started our enforcement
9 action. And that makes it a safer environment for everybody.

10 **D/COMM MICHAEL DUHEME:** If I may add, and it's --
11 I believe it was Chief Sloly who shared this at either briefing
12 or Steve Bell, when you're referring to a lot of people, they
13 were in a situation that in some instances they couldn't perform
14 an arrest on an individual because the OPS would be swarmed by
15 people around the police car, and the only tactical option would
16 be just to release the individual and get out of there. So the
17 control access zone that was in place on Friday morning, that
18 was a benefit to our operations in the sense that Friday
19 morning, there's no one that was entering that -- kind of the
20 control access zone other than the people that were already
21 there, if they're not allowed to leave, not allowed to come
22 back, so that limited. And the fact that the work that was
23 being done with regards to informing the people what the EA is,
24 I seriously think that deterred people for coming to see what
25 was going on, on the Fridays and Saturdays.

26 **MS. DONNAREE NYGARD:** So that prevented the
27 footprint from growing as it ---

28 **D/COMM MICHAEL DUHEME:** Keep it from growing.

1 **MS. DONNAREE NYGARD:** --- normally would. What
2 was done to shrink the footprint that was already there before
3 the enforcement action was taken?

4 **COMM BRENDA LUCKI:** Allowing people the
5 opportunity to leave and telling them the consequences of --
6 some of the consequences that would happen and some of the new
7 authorities that we have under the *Emergency Act*. So, for
8 instance, the financial authorities were one incentive. We had
9 some of our police officers reporting that people were leaving
10 because their spouse had called and said, "You need to get home,
11 so we can get the account unfrozen." And so what motivated.

12 **MS. DONNAREE NYGARD:** And you've also spoken -- I
13 have two more questions.

14 **COMMISSIONER ROULEAU:** Okay.

15 **MS. DONNAREE NYGARD:** You've also spoken about
16 children, to some extent. Can you tell me why -- what the risks
17 are, or the concerns are in relation to having children in the
18 vicinity when you're taking enforcement action?

19 **COMM BRENDA LUCKI:** Well, because we can't
20 predict how that enforcement action is going to go. We want to
21 do it with the minimal amount of force. But if all of a sudden
22 that turns and we would have to use more force or get into maybe
23 using some kind of irritant, we don't want children there. We
24 don't want anybody to get harmed. And children can't really
25 defend themselves as adults can run and know a direction to go
26 because we always provide an egress, but children aren't, you
27 know, able to do that in all cases.

28 **MS. DONNAREE NYGARD:** And so based on all of the

1 things that you've just said, would it be fair to say that the
2 enforcement action in this case couldn't have happened in the
3 way that it did without the *Emergencies Act*?

4 **COMM BRENDA LUCKI:** I would say the *Emergency Act*
5 allowed us to have the safest type of enforcement. It allows us
6 to reduce that footprint because there was large amounts of
7 people there. And it not only allowed us to reduce the
8 footprint, it allowed us to stop people from coming in. And we
9 saw how every weekend those numbers grew tenfold. And it
10 avoided people coming into the area, we obviously blocked off
11 the areas as well. And it allowed for a much safer result. And
12 I think Mike -- Deputy Commissioner Duheme said it himself the
13 results speak for themselves.

14 **MS. DONNAREE NYGARD:** Thank you. Those are all
15 my questions.

16 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

17 **--- RE-EXAMINATION BY MR. GORDON CAMERON:**

18 **MR. GORDON CAMERON:** Thank you, Commissioner. I
19 have just two areas that I'll re-examine on, if you'll
20 accommodate that. I realize we're running late in the day, so
21 I'll be as quick as we can.

22 **COMMISSIONER ROULEAU:** Go ahead.

23 **MR. GORDON CAMERON:** The first of them -- I think
24 they're both for you, Deputy Commissioner. The first one has to
25 do with some answers you gave to questions about meetings you
26 were at with senior government officials where you were -- I'll
27 just use the word uncomfortable. I don't think you voiced a
28 strong principal objection, but you were uncomfortable that

1 perhaps that line between government and police might, if not be
2 crossed, I think you used the word it was getting blurred by the
3 presence of those senior officials at the meetings. Do you
4 recall that evidence?

5 **D/COMM MICHAEL DUHEME:** Yeah, and the way I wrote
6 it and what was going through my mind was two different things,
7 but I found that having them, and this is my opinion, it's
8 having them to reach directly in kind of blurred the
9 communication, because I've always said -- I haven't seen -- if
10 you look at the *Police Act*, the Minister of Public Safety,
11 Solicitor General, the Commissioner of OPP all have a role to
12 play when something's unfolding in Ontario. And I just think
13 that having federal representative reaching in just blurred the
14 lines as to exactly requests -- how the requests should be
15 funneling in. I viewed it as the Commissioner's ultimately
16 responsible for the RCMP, and any briefing of government
17 departments should be done, but this is my own opinion, should
18 be done to ensure that we keep each other in the right lanes and
19 whatnot.

20 **MR. GORDON CAMERON:** Thank you. And do you
21 remember which meeting it was that brought that to your ---

22 **D/COMM MICHAEL DUHEME:** No ---

23 **MR. GORDON CAMERON:** --- that focussed your
24 attention on that point?

25 **D/COMM MICHAEL DUHEME:** I don't remember exactly
26 what meeting. I'd have to go through my notes, but it was one
27 where we're with Chief Sloly and other people around the table,
28 because, obviously, Public Safety and PCO wanted to talk to Mr.

1 Sloly. But I don't recall everybody who was on that call.

2 **MR. GORDON CAMERON:** Do you recall whether there
3 was more than one meeting where you had this same discomfort?

4 **D/COMM MICHAEL DUHEME:** I think that was the only
5 one because as of around the 12th of February, I broke off and
6 was assigned fulltime to the -- for the RCMP side of the convoy.
7 So I think that was the only meeting.

8 **MR. GORDON CAMERON:** Okay. Thank you. The
9 second line of questions has to do with your answers to
10 questions about freezing bank accounts or giving banks
11 information that they would use, as you put it, to exercise
12 their discretion to freeze accounts. And I'm not going to --
13 well, let me begin by reminding you of the two caveats you made,
14 and, and just so you know that these questions are asked with
15 those two caveats in mind. The first one I remember was you
16 saying, "We didn't write this law." And the other one was, "We
17 had maybe 24 hours to implement it, so we had to move very
18 quickly so."

19 **D/COMM MICHAEL DUHEME:** Not only just -- not only
20 law enforcement, but financial services as well had to figure
21 out how we're going to process with all this.

22 **MR. GORDON CAMERON:** Well put.

23 So both you had to initiate action and then the
24 financial services industry had to react to that all within a
25 very short period of time. So we accept those caveats but I
26 want to ask you about your -- the way you phrased it, which is
27 that the notices you gave to the financial institutions didn't
28 require the financial institution to freeze the account, it gave

1 them the discretion to form their own view about whether the
2 account should be frozen.

3 Now, what I've got in front of me is the Act --
4 or, sorry, the regulation and the actual notice that the RCMP
5 served on financial institutions but let me see if I can do it
6 without taking you to those documents. Would you agree with me
7 that, in effect -- you strike me as a practical man, Deputy
8 Commissioner. In effect, once the financial institution got one
9 of those notices that, absent, for example, that you gave some
10 exceptional information that the bank had that the information
11 they'd been given by the RCMP was just wrong -- absent that
12 information, they were effectively bound by the regulations to
13 take measures to stop dealing with that customer?

14 **D/COMM. MICHAEL DUHEME:** Yeah, and I said
15 "discretion" because I'm not familiar with the exact language
16 that's in the order -- or the regs. If they had to, I'm not
17 quite sure. Our responsibility was to provide that information
18 to the financial services and then they -- they had -- I'm not
19 going to say "an obligation", but they were the ones responsible
20 for deciding if they're going to freeze it or not based on the
21 information that they might have in their holdings and the
22 information that we had.

23 **MR. GORDON CAMERON:** And would it be fair to say
24 that you fully expected the financial institutions to stop
25 dealing with these customers as soon as you gave them the name
26 and they confirmed that they held accounts in that name?

27 **D/COMM. MICHAEL DUHEME:** To a certain degree,
28 yes, but I don't know what the bank had in their holdings with

1 regards to these individuals once we identified them.

2 **MR. GORDON CAMERON:** Okay, thank you. That will
3 serve for my purposes. And so, Mr. Commissioner, those are my
4 questions in re-examination.

5 **COMMISSIONER ROULEAU:** Okay, thank you. I know
6 you all want to get out of here but if -- and I know we have a
7 witness waiting who is probably is even eager -- more eager than
8 you to get out of here, but if I could just ask a couple of very
9 -- just a few questions. Firstly, you spoke about the Hendon
10 Report. And I think this if for you, Deputy Commissioner, but
11 it seems to me odd that the Hendon Report, if you've looked at
12 it, is really national in scope, and I don't really understand
13 why that function is being carried out by the OPP rather than
14 the RCMP. And I realize it's shared and OPP has -- the RCMP has
15 input in it, but it would -- it would have been sort of my sense
16 that that should be a national initiative. Do you have a
17 comment on that?

18 **D/COMM. MICHAEL DUHEME:** So, I ---

19 **COMMISSIONER ROULEAU:** And you, Commissioner,
20 also, if you'd like.

21 **D/COMM. MICHAEL DUHEME:** So I'll lead it off,
22 Commissioner. I'm not a -- I didn't see the Hendon Report. My
23 understanding is there's -- there's national -- there's national
24 information coming in from different provinces but the Hendon
25 Report -- my understanding of the Hendon Report was really a
26 view of what was going on in the province in Ontario but being
27 fed in from different organizations. That was my understanding
28 of the Project Hendon, so that the OPP was in a position to have

1 a view -- a good understanding of what was going on in the
2 province of Ontario, which they facilitated a lot of the work
3 for the commissioner when she's briefing downtown because we
4 relied on our partners to provide that situational report when
5 it comes to what was going on in Ontario. So my understanding
6 is it's really focused on the province but there's national
7 intelligence that was fed in from events going on across the
8 country.

9 **COMM BRENDA LUCKI:** And I would add, I don't --
10 it's not unusual for something to originate from outside the
11 RCMP. And I would think that eventually, if this was something
12 that was ongoing, there would be a point where we would probably
13 pass it off. We would take it if it became national in scope.
14 But I think it was because of the fact that things were going to
15 converge on -- in Ontario, and they were dealing with various
16 aspects of that. It originated, as Deputy Commissioner Duheme -
17 - and I'm not intimately familiar with the report myself but ---

18 **COMMISSIONER ROULEAU:** Yeah, I think it
19 originated from an Ontario need but developed into something ---

20 **COMM BRENDA LUCKI:** Bigger.

21 **COMMISSIONER ROULEAU:** --- bigger. And I guess
22 the follow-up question is, is there something that the RCMP
23 produces that equivalent to the Hendon Report that updates
24 nationally?

25 **D/COMM. MICHAEL DUHEME:** So we -- sorry, go
26 ahead, Commissioner.

27 **COMM BRENDA LUCKI:** No, but we do have -- like,
28 each province has a Criminal Intelligence Service that is

1 integrated with all police agencies. So there's CIS BC, CIS
2 Alberta, and each one of those are integrated and they -- we
3 have a centralized bureau, so all of it can go in that way. I
4 think it was more sort of a -- like, almost like a taskforce of
5 intelligence taken out to examine something specific because we
6 have all kinds of mechanisms to feed that information and
7 produce those types of reports nationally.

8 **D/COMM. MICHAEL DUHEME:** We do have a team that
9 looks at it from a -- on a monthly basis of different events
10 that are taking place across Canada, and we'll prepare a
11 document with that. Obviously, when it gets -- when it gets
12 bigger and starts moving, you'd have to look at probably
13 increasing but, on a monthly basis, we do provide a report. Our
14 intel folks do provide a report of what's going on across the
15 country. And throughout this -- throughout this -- even before
16 they arrived in Ottawa, our ideological-motivated criminal
17 intelligence team did produce some strategic threat advisory
18 just informing people, the community, both law enforcement and
19 the government, as to key things that are going on and some of
20 the things that we're seeing. And that was fed into a lot of
21 the combined-intelligence group as well.

22 **COMMISSIONER ROULEAU:** Don't get me wrong, I'm
23 not seeking to criticize. I'm just -- I have a recommendation
24 mandate and I'm trying to understand what ---

25 **COMM BRENDA LUCKI:** Yes.

26 **COMMISSIONER ROULEAU:** --- is good, what can
27 happen, whether some changes -- so ---

28 **COMM BRENDA LUCKI:** Well, and there's another --

1 there's another avenue for that because, under those criminal
2 intelligence bureaus, there's what we call a "National Executive
3 Committee" that has representatives from each province. They
4 meet once a year. They mandate the Criminal Intelligence
5 Service Canada of what -- what they want to dig deeper into.
6 They could actually be tasked with doing a whole report on
7 protests, or doing, you know, the opioid crisis. They do
8 various different reports on specific elements as per the
9 recommendations of the National Executive Committee, which are
10 all police officers from across the country.

11 **COMMISSIONER ROULEAU:** Okay, turning to another
12 subject, where did the officers come from that participated in
13 the enforcement action in Ottawa? Do you have any idea where,
14 factually, they did come from?

15 **D/COMM. MICHAEL DUHEME:** So, if my memory serves
16 me right, I think there's 14 different public order units that
17 were deployed to Ottawa -- 16. Okay, there goes my memory. And
18 I think there's a -- somewhere around 25 or 26 different law
19 enforcement agencies or departments that participated in what
20 took place here. And I do have a list of the different
21 organizations that participated but I don't have them with me.

22 **COMM BRENDA LUCKI:** So RCMP from different
23 provinces, they all participated, for the most part, and then
24 there was Saskatoon City Police, Calgary City Police. All the
25 major municipalities provided resources as well. But we do have
26 an actual list if you ---

27 **COMMISSIONER ROULEAU:** Okay, and which leads me
28 to the next question. In the period leading -- immediately

1 leading up to and at the time that the emergency was declared,
2 and the actions and the -- the actions in Ottawa, what was the
3 status of police resources available if there had been another
4 crisis somewhere? I'm just trying to get a sense of what was
5 the status of the police resources for regular policing, as is
6 necessary, and to cover for some emergency, any kind, whether
7 it's a ---

8 **COMM BRENDA LUCKI:** I can't speak to outside of
9 the RCMP, but that's exactly why we only draw 10 percent at any
10 given time out of a province. Plus, to that 10 percent, we also
11 have federal resources that are -- like Deputy Duheme explained,
12 we have 5,000 across the country. We can draw on those
13 resources. They aren't first responders. They are on important
14 tier 1 investigations, for example, but they're not responders.
15 And that's why on the provincial side, under our Provincial and
16 Municipal Services Agreement, we only can draw up to 10 percent,
17 for that very reason, so that we're not leaving some area
18 vulnerable by taking too many from one area.

19 **D/COMM. MICHAEL DUHEME:** The initial concern,
20 Commissioner, is we were seeing some popping up here and there
21 and that's why we decided to go within the organization. The
22 first step was to use federal policing members across the
23 country so it has no impact, as the commissioner said, on the
24 frontline policing in those provinces. And again, as the
25 commissioner said, I'm not able to speak on behalf of other law
26 enforcement as to what was that threshold for them where they
27 felt comfortable in releasing a number of their members, so.

28 **COMM BRENDA LUCKI:** And another example is I

1 don't believe we took any resources from B.C. because you'll
2 hear from Deputy Commissioner Zablocki he had invoked an
3 Article 9 to take resources from B.C. for his situation in
4 Coutts.

5 **COMMISSIONER ROULEAU:** Okay. And would there be
6 many POU units available for redeployment that weren't already
7 deployed to Ottawa and to B.C. or rather to Alberta at the time?
8 Or I just -- I don't know how many there are available.

9 **D/COMM MICHAEL DUHEME:** I don't either.

10 **COMM BRENDA LUCKI:** Yeah. But most big
11 municipalities have their own Public Order Units, so -- and some
12 of our bigger divisions have two or one of our divisions has
13 two, we don't have anything in certain divisions. But I would
14 say that the number of Public Order Units, I'm not sure how many
15 they have in Ontario, but there was a big majority of the Public
16 Order Units were here in Ottawa.

17 **D/COMM MICHAEL DUHEME:** So from an RCMP
18 perspective, we do have a Public Order Unit in the Province of
19 Quebec and we have two units here in Ontario, one in Toronto and
20 one here in National Capital Region. And mindful that this is
21 not a full-time job. These are people that are -- they're on
22 regular duties and then they volunteer to do this type of work.
23 And in the larger divisions there might be one or two Public
24 Order Units. I know that Sûreté du Québec have two or three
25 public units, there is one here to assist us, but it varies, as
26 the Commissioner said, from one agency to another.

27 **COMMISSIONER ROULEAU:** But there's no sort of
28 central number available that you can tell me about?

1 **COMM BRENDA LUCKI:** Well, we do have all the
2 numbers that -- of the resources in here, but to say whether
3 they've surpassed that threshold... And it's important to note
4 that like -- so these people are not full-time, so we're
5 actually taking from the frontline policing when we take some of
6 the more federal resources, some of them, but for the most part
7 they're uniformed police officers that are doing that as an
8 additional duty.

9 **COMMISSIONER ROULEAU:** Okay. And then you spoke
10 about or you were taken to your memo or speaking notes for the
11 IRG, and about the fact that the Criminal Code had not been
12 fully sort of utilised and you remember those notes. I guess my
13 question is did you make any recommendation to IRG or to Cabinet
14 on the invocation of the *Emergencies Act*?

15 **COMM BRENDA LUCKI:** No, we stayed away from that.
16 That was for them to decide if it was necessary, if they had the
17 -- had met the threshold. That was for -- it's no different
18 than any of the other legislations that we are providing input
19 on. We provide, you know, the input on -- in regards to
20 questions, same as cannabis legislation, the gun legislation, we
21 provide the subject matter experts in that field, but we don't
22 say whether it's absolutely needed or not. That's for the
23 parliamentarians.

24 **COMMISSIONER ROULEAU:** Did you have a view?

25 **COMM BRENDA LUCKI:** I think -- now, obviously I
26 have a view now. I think -- and we've talked about it, and I
27 have a Chiefs of Police roundtable, and we've talked about
28 should we be looking at some of these authorities and looking at

1 if there is some regulations that could be put into place add to
2 these -- to give us additional authorities. And like I said,
3 it's not for the people who are illegally protesting, it's for
4 the ones that refuse to leave and blocking roads and downtowns
5 and disabling vehicles and not wanting to leave. That's what
6 the legislation or regulations, however you put it, would be
7 helpful.

8 Because the only motivation we have for people to
9 leave the area is to arrest, which means -- then -- often that
10 means we have to resort to some level of enforcement which could
11 lead to an intervention, which again, now we're using some level
12 of force for arrest, which is not where we want to go when
13 people are refusing to leave. Because a lot of these people are
14 very true to their cause and it -- we don't want to have to be
15 forced to use that type of intervention. So if there is things
16 that may motivate people to leave that do not involve the police
17 that's something that, you know, should be considered.

18 **COMMISSIONER ROULEAU:** Which gets me to my final
19 question. Do you have any recommendations, any suggestions as
20 to what I should be recommending, either with respect to the
21 relationship of the RCMP with the government, with respect to
22 the *Emergencies Act*, or protests of this type?

23 **COMM BRENDA LUCKI:** I think one of the ones that
24 was mentioned is the facilitating and ease of, you know, of
25 swearing in of members for many who are in Canada, you know,
26 providing some type of recommendation that would ease that. I
27 don't know why that would be something that we need to do as in
28 providing an impediment. It's not like somebody's going to come

1 into a province and start enforcing laws. It's when we have
2 additional requests for assistance.

3 There is one -- looking at the authorities that
4 were in the *Emergencies Act*, and nobody is -- you know, nobody
5 wants to infringe of anybody's *Charter of Rights*, but when
6 people aren't following the laws this is where, like I said, we
7 don't want to be having to use force to deal with that. We
8 don't pick and choose what we enforce, we just -- that's the
9 unfortunate position that we're in.

10 And I think more and more people are going to
11 want to let their voices be heard, and I wouldn't want this to
12 be, you know, increasing exponentially so that the police are
13 dealing with this. And you know, that 24 days that that lasted
14 that was a huge drain on all resources in policing, and also it
15 undermines policing who are trying to, you know, keep things as
16 peaceful as possible.

17 But you know, we talk about it. If we went in
18 too early what would be the circumstance? What would people --
19 what would be the commentary if we came in too early and did
20 quick enforcement? We'd probably be criticized for that,
21 criticized for late enforcement. So how do we deal with this
22 and not letting it last for 24 days because I don't think it's
23 acceptable in anybody's books that that went on for as long as
24 it did. But it was a difficult situation, and I have said this
25 before I can't imagine the pressure that Chief Sloly was under
26 during those days, and it's not an easy thing to reconcile.

27 **COMMISSIONER ROULEAU:** Okay. And Deputy ---

28 **D/COMM MICHAEL DUHEME:** I would add,

1 Commissioner, that I think the whole definition that we find
2 under the *Parliament Act* with regards to Parliament Hill and the
3 precinct should be revisited, and set those boundaries where
4 there's limited traffic in certain areas of the downtown core of
5 Ottawa. That's something. Other than that, I think the
6 Commissioner covered it. Again, it would be nice if -- I was
7 told that the swearing in process, although I thought it was
8 smooth, I was told that there were some hiccups or bumps on the
9 road, so if there's any way we could do it from a national
10 perspective that would be great too.

11 **COMMISSIONER ROULEAU:** Okay. Well, thank you
12 both very much for your testimony and your perseverance in all
13 these questions. And I understand you're not -- you're feeling
14 a little under the weather, Commissioner, so that's appreciated
15 that you came nonetheless.

16 **COMM BRENDA LUCKI:** Thank you.

17 **D/COMM MICHAEL DUHEME:** Thank you, sir.

18 **COMMISSIONER ROULEAU:** I think we're going to go
19 on to our next witness, finally. I don't know if we need a
20 couple of minutes to change the setup. Yes, we need maybe five
21 minutes. So we'll just take a few minutes to get the witness up
22 and organised

23 **THE REGISTRAR:** The Commission is in recess for
24 5 minutes. La commission lever pour 5 minutes.

25 --- Upon recessing at 6:30 p.m.

26 --- Upon resuming at 6:37 p.m.

27 **COMMISSIONER ROULEAU:** Okay, so we have our final
28 witness for the day. Can we have the witness sworn please?

1 **THE REGISTRAR:** Will you swear on a religious
2 document or do you wish to affirm?

3 **D/COMM CURTIS ZABLOCKI:** The Holy Bible, please.

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

6 **D/COMM CURTIS ZABLOCKI:** My name is Curtis
7 Michael Zablocki. Zablocki is spelled Z-A-B-L-O-C-K-I.

8 --- D/COMM CURTIS ZABLOCKI, Sworn:

9 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:

10 **MR. GORDON CAMERON:** Good evening, Deputy
11 Commissioner Zablocki. My name's Gordon Cameron. You might
12 remember we met out in Saskatoon for the interview of you and
13 your colleagues.

14 And -- now the summary of that interview that you
15 will have looked at to confirm its accuracy has already been
16 adopted by those who preceded before you, but while I've got you
17 on the stand, what I'm going to do is just ask you to confirm
18 that you did review that summary of your interview and to your
19 knowledge and belief it's accurate. Is that correct?

20 **D/COMM CURTIS ZABLOCKI:** Thank you for that,
21 Mr. Cameron. On page 18, there's amendment or a correction that
22 I would like to make in the context of that summary.

23 **MR. GORDON CAMERON:** Please go ahead, then,
24 thanks.

25 **D/COMM CURTIS ZABLOCKI:** Yeah, I believe it's the
26 first paragraph on page 18 about halfway through there's a
27 sentence that refers to -- well, it uses the words "lip service"
28 in the context of the towing association that we were working

1 with within the Province of Alberta. And it infers that we
2 weren't getting straight information or clear information from
3 that towing service. And I believe that's inaccurate. Quite to
4 the contrary, they were working and doing their best to be
5 helpful.

6 **MR. GORDON CAMERON:** Okay. Well, thank you for
7 that clarification and correction. And with that correction,
8 you can confirm that the summary of your interview is otherwise
9 accurate?

10 **D/COMM CURTIS ZABLOCKI:** I will do that, yes.
11 Thanks.

12 **MR. GORDON CAMERON:** Thank you very much.
13 I'd like to begin by asking you to describe some
14 of this -- well, let me ask you, you were in the audience when
15 the Commissioner and the Deputy Commissioner were testifying
16 earlier today?

17 **D/COMM CURTIS ZABLOCKI:** Off and on through the
18 day.

19 **MR. GORDON CAMERON:** Okay. Yeah, sorry.
20 Some of this will repeat that, but just so that
21 you can put your evidence in context, can you describe what
22 division of the RCMP is under your command and how that fits in
23 with the national -- the way that the RCMP is organized
24 nationally?

25 **D/COMM CURTIS ZABLOCKI:** Yes, certainly.
26 So I'm the Commanding Officer for what we call
27 "K" Division, which is the Province of Alberta. And the
28 Commissioner -- so myself as a Deputy Commissioner, I'm a direct

1 report to the Commissioner, to Commissioner Lucki.

2 **MR. GORDON CAMERON:** And we've heard that the
3 country is divided up into divisions and we're going to hear a
4 little bit about the interaction between your division, "K"
5 Division, which is geographically Alberta -- and if I've got it
6 correctly, "E" Division, which is geographically the Province of
7 British Columbia; is that correct?

8 **D/COMM CURTIS ZABLOCKI:** That's correct.

9 **MR. GORDON CAMERON:** And did you also interact
10 with the prairie provinces or any of the other divisions than
11 "E" Division?

12 **D/COMM CURTIS ZABLOCKI:** Not in the context of
13 the Coutts protest, no.

14 **MR. GORDON CAMERON:** Thank you.

15 Can you describe what role the RCMP plays as the
16 police in the Province of Alberta?

17 **D/COMM CURTIS ZABLOCKI:** Certainly. So the RCMP
18 is the contracted Provincial Police Service for the Province of
19 Alberta. So there is a contract between Public Safety Canada
20 and the Province of Alberta with the RCMP as the Provincial
21 Police Service or the police service provider within the
22 province.

23 So in essence, the Provincial Police Service has
24 responsibility for policing communities with populations of less
25 than 5,000 persons.

26 In addition, we police communities with
27 populations above 5,000 that have a desire to contract with the
28 RCMP to provide that policing services, and those are primarily

1 in the context of municipalities. So we have 48 municipal
2 policing contracts in addition to our broader provincial
3 policing contract within Alberta.

4 And of course, within those responsibilities, we
5 also police a number of Indigenous communities and Métis
6 settlements as well.

7 **MR. GORDON CAMERON:** Thank you. That's a very
8 complete description.

9 Now, just because I want to get past the
10 conception a lot of us have that the RCMP is only a national or
11 is Canada's national police force, when you are the police of
12 jurisdiction, when you are, in effect, the provincial police for
13 the Province of Alberta, you're wearing RCMP uniforms, correct?

14 **D/COMM CURTIS ZABLOCKI:** Very true, yes.

15 **MR. GORDON CAMERON:** Okay. But you are, in
16 effect, the same type of police force as the OPP is in Ontario
17 or the Sûreté du Québec is in Quebec; is that correct?

18 **D/COMM CURTIS ZABLOCKI:** That's correct. They
19 are provincial police services in those two locations you've
20 mentioned there, as we are within the Province of Alberta.

21 **MR. GORDON CAMERON:** And the same is true of "E"
22 Division in British Columbia? They are the provincial police of
23 British Columbia?

24 **D/COMM CURTIS ZABLOCKI:** That's true, yes.

25 **MR. GORDON CAMERON:** Thank you. And you
26 described the way that your policing can flow down to
27 municipalities, and with respect to Coutts in particular, which
28 we're going to obviously focus on today, was there any other

1 police force with jurisdiction in Coutts or the vicinity
2 relevant to the blockade at Coutts, other than the RCMP?

3 **D/COMM CURTIS ZABLOCKI:** No. The jurisdiction
4 for policing in Coutts, the Community of Coutts and the area was
5 the jurisdiction of the Provincial Police Service, or the RCMP.

6 **MR. GORDON CAMERON:** Thank you. And just -- I'll
7 just see if I can refine that a little bit. That was all the
8 RCMP "K" Division as provincial police, not any of the
9 municipal, not where you were providing municipal police forces?

10 **D/COMM CURTIS ZABLOCKI:** Correct.

11 **MR. GORDON CAMERON:** Thank you. Can you help us
12 with -- I'll give the acronym and the name -- the Community
13 Conflict Mediation Group, the CCMG, and where that fits in your
14 organization for "K" Group? Doubtless, it's the same for the
15 other divisions, but if you can describe it for "K" Group -- "K"
16 Division for us?

17 **D/COMM CURTIS ZABLOCKI:** Certainly. So that is a
18 group of trained individuals that we use, I'll say to intervene
19 or engage in protest situations like we had at Coutts. These
20 are individuals that are trained in mediation, negotiation.
21 They're trained to engage, communicate, open the channels of
22 communication. They're trained to de-escalate as well, so it
23 would be similar to the PLTs, I think, maybe have been described
24 previously during the Commission here and such.

25 So we often utilize these teams to engage with
26 the organizers of protests in advance of protests if we have
27 alerts and information to suggest there's going to be blockades
28 or issues or challenges around protests.

1 **MR. GORDON CAMERON:** And are some or all of the
2 members of the CCMG full time and dedicated to that role, or are
3 all of them, perhaps, some part time? How does that get
4 structured in "K" Division?

5 **D/COMM CURTIS ZABLOCKI:** Right. So these are
6 police officers that have substantive work outside of their CCMG
7 roles.

8 **MR. GORDON CAMERON:** But if an event arose where
9 some interaction with a Public Order incident is required, you
10 would call on those people, perhaps take them out of whatever
11 other station they're in, and bring them to the location where
12 they're required?

13 **D/COMM CURTIS ZABLOCKI:** Correct. Yes, correct.

14 **MR. GORDON CAMERON:** And is it fair to say that
15 in "K" Division and in the Province of Alberta, those officers
16 would get some reasonable level of experience at that work,
17 given both the environmental and perhaps Indigenous issues that
18 are encountered in the Province of Alberta?

19 **D/COMM CURTIS ZABLOCKI:** Yeah, that's a very
20 accurate statement. Our folks have been engaged in a number of
21 protest situations, giving them that experience.

22 **MR. GORDON CAMERON:** Thank you. Now, coming to
23 the events in question at Coutts, can you describe first, just
24 to begin the story, where you first -- where and when -- where
25 you saw the protests forming up, when you first became aware of
26 it? How did this first come to your attention, or perhaps
27 people who report to you, when it first came to their attention?

28 **D/COMM CURTIS ZABLOCKI:** Yeah, I think it first

1 came to our attention in -- well, I'll say on January 19th, we
2 received some open source information suggesting that there was
3 going to be a protest or a blockade at Coutts the very next day
4 on the 20th of January. Again, on the 19th, there was a
5 separate source of information received. I believe it was open
6 source information that suggested there was going to be a
7 blockade on the 29th of January at Coutts.

8 So the 20th came and went without any protest,
9 without any activity at the Coutts port of entry.

10 On January 26th, we received some further open
11 source information about a potential blockade, a convoy to
12 Coutts and a potential blockade at Coutts as well.

13 So we started to -- of course, started some of
14 the planning around that. We engaged with our CCMG staff,
15 identified the organizers of the convoy, and engaged in open
16 communications with them.

17 Over the course of the days leading up to the
18 29th, we had several meetings engaging partner agencies,
19 including the Alberta sheriffs, Canada Border Services, also our
20 U.S. partners in the U.S., CBP, some border patrol entities
21 there as well.

22 Some of the information indicated that there was
23 going to be a number of trucks, up to a thousand trucks on the
24 United States, on the USA side coming to the port of entry, so
25 we had -- like I mentioned, we had engaged our U.S. partners
26 there as well.

27 We prepared to deploy some resources to Coutts
28 for the 29th as well, but we had activated our Gold-Silver

1 command structure as well. We had activated our division
2 emergency operations centre because there were other planned
3 protests or convoys in the Province of Alberta scheduled for
4 January 29th as well.

5 We consulted with legal counsel around our
6 authorities, our authorities to stop vehicles just to confirm
7 that as well too.

8 So we took a number of steps in preparation for
9 the possibility of a blockade.

10 Now, I'll go back to our engagement with the
11 protest organizers. And the last information, the best
12 information that we had leading up to the 29th -- and it was
13 from the protest organizers -- was that they were no longer
14 going to blockade at Coutts, but they were simply -- well, not
15 simply -- but they were going to conduct slow rolls through to
16 Coutts with the convoy. And we were advised that it was their
17 intention to do three slow rolls to Coutts, back to Milk River,
18 the Canadian Milk River, which is also on Highway 4 north of
19 Coutts, and that they would conduct three slow rolls through
20 this area, ensuring that they had maintained at least one lane
21 open at all times while they were conducting these slow rolls.

22 **MR. GORDON CAMERON:** At the time that you were
23 performing all of these preparatory measures and analyzing the
24 intelligence, did you or the people who were doing the
25 intelligence analysis for you form a view about whether the
26 people who were planning the slow rolls, as it was initially
27 envisaged, whether they were associated with or aligned with the
28 other convoy events that were emerging and coming all the way

1 from Vancouver towards Ottawa and from other locations ended up
2 being various other ports of entry and ultimately Ottawa?

3 **D/COMM CURTIS ZABLOCKI:** I think it was
4 reasonable to conclude that this slow roll was associated to,
5 perhaps, the larger convoy that was travelling west/east across,
6 you know, across the prairie provinces and into Ontario.

7 **MR. GORDON CAMERON:** Okay. I'm going to try to
8 do this without a map, but you mentioned Highway 4. And would
9 it be fair to say that the Coutts Border Crossing is a
10 particular place on the Canada/U.S. border that one can drive up
11 to and there's a CBSA border point there, but that the slow
12 rolls wouldn't just be at the border point? I mean, I think was
13 one of the things you've described in other parts of your
14 evidence, ---

15 **D/COMM CURTIS ZABLOCKI:** M'hm.

16 **MR. GORDON CAMERON:** --- that the whole highway
17 was vulnerable to whatever -- the whole highway down to the
18 border point was vulnerable to whatever activity that the slow
19 rolls would engage in? Maybe you can just describe the
20 geography for us on what a challenge that presented to you from
21 a policing point of view?

22 **D/COMM CURTIS ZABLOCKI:** Sure. You know, as
23 you've alluded to, the slow rolls wouldn't go right to the point
24 of entry, and it would be, if they were going north to south,
25 they would come to the U.S. port of entry as they travelled
26 southbound, but there was a turn around in advance of that and
27 that convoy would utilize that turnaround between the -- it
28 would be between the two southbound and the two northbound

1 lanes, and then be able to do loops back to Milk River, if they
2 so desired.

3 The general geography there, it's very flat and
4 open. And I'll say, you know, through the ditches and fields,
5 they're very accessible if one was -- had a desire to move off
6 the roadway and to travel through the ditches or into medians or
7 into the adjacent fields as well.

8 **MR. GORDON CAMERON:** Okay. While you're on that
9 point, I'll mention it because it becomes relevant to the
10 developments later on, but what I was describing was that you
11 didn't just have a particular border point to be considered
12 about that anywhere along the road accessing that border point
13 could effectively block the border point.

14 But another point you just mentioned is that in
15 terms of controlling that roadway, there were certainly some
16 vehicles, such as farm vehicles, which could go around any
17 policing effort you might undertake on the highway. Did I get
18 that right?

19 **D/COMM CURTIS ZABLOCKI:** Yeah, that's correct.
20 And, you know, I might -- you know, I allude to, you know, the
21 situation where this convoy could stop anywhere on the road and
22 effectively block the highway at any point, whether it was ---

23 **MR. GORDON CAMERON:** Right.

24 **D/COMM CURTIS ZABLOCKI:** --- you know, just south
25 of Lethbridge, the City of Lethbridge, or if it was, you know,
26 closer to the Port of Entry. It would be very challenging at
27 that point to deal with that situation.

28 **MR. GORDON CAMERON:** Right. Now maybe you can

1 take us to the day that the blockade actually materialized and
2 how the K Division forces dealt with that, how the blockade
3 materialized, and how the police reacted to that?

4 **D/COMM CURTIS ZABLOCKI:** Yeah, so the convoy was
5 in the process of doing their slow rolls when, I'll say
6 suddenly, one of the semi-trailer tractor units jackknifed
7 itself on the roadway, effectively blocking travel in both
8 directions and bringing the convoy to a halt at that point. So
9 effectively, you know, I would say at that point, creating an
10 offence, in the context of provincial or *Criminal Code* statutes.

11 **MR. GORDON CAMERON:** Did you, Deputy
12 Commissioner, or the people working in K Division on this, on
13 the reaction to this slow roll, which ended up becoming a
14 blockade, did you form a view about whether that particular
15 truck that jackknifed itself and blocked the road, or others who
16 followed the same pattern, was that, as you and your forces
17 perceived it, the intention of everybody on the slow roll or was
18 that the actions of some smaller part of the slow rolling
19 trucks?

20 **D/COMM CURTIS ZABLOCKI:** I believe it was the
21 actions of a certain segment or portion of a group. As I
22 mentioned earlier, the organizers, that wasn't their intention,
23 to blockade. And we later, you know, learned that they had lost
24 that control. And as we saw over the course of the next few
25 days, a splinter group, splinter leadership group developed from
26 the larger protest group.

27 And we know as well that there were a number of
28 individuals that were caught up in that blockade that did not

1 have the desire to be part of that blockade.

2 **MR. GORDON CAMERON:** Did you mean they got
3 trapped in it?

4 **D/COMM CURTIS ZABLOCKI:** Exactly right. You
5 know, it was in the next couple days following that -- well,
6 specifically, on January 30th, we were able to assist a group of
7 about 30 or so semi-trailer units. They had cleared Canada
8 customs coming north into Canada. They were on the Canadian
9 side of the border by that point, but had been blocked by the
10 convoy and had nowhere to go. So we worked with them with
11 Canada -- with CBSA and U.S. CBP to allow them to turn around,
12 move back through the U.S., and come back into Canada at another
13 location. So they had no desire to be part of that blockade at
14 all.

15 And then the following day, the 31st, there was
16 another group of individuals -- of folks that were, I'll say,
17 caught up in that blockade that were released and were able to
18 move on from the blockade.

19 **MR. GORDON CAMERON:** Now, you described fairly
20 extensive planning and preparation and anticipation, that is
21 advance knowledge and consequent planning and preparation and
22 anticipation of the slow roll. And yet we've heard that -- it's
23 in the evidence of the Mayor of Coutts, that he thought that the
24 RCMP were caught off guard by the blockade.

25 Were you caught off guard by the protest and the
26 slow roll, or by it having turned into a blockade by this
27 jackknife that you described?

28 **D/COMM CURTIS ZABLOCKI:** So we knew there was, at

1 the very least, going to be a slow roll through Coutts.
2 However, we were also planning for, you know, potentially a
3 blockade as well. We had -- as I mentioned earlier, we had
4 deployed resources to that immediate area.

5 We didn't deploy resources in a quantity that
6 would allow us to, you know, take any necessary enforcement
7 action in the context of arrests and such at that particular
8 time, so we needed the 30th and the 31st of January to deploy
9 further resources into the area to bring up our resource numbers
10 to ensure that if, in fact -- you know, if in fact it was
11 necessary to take enforcement action, that, you know, we'd have
12 sufficient resources to, you know, do our best to ensure public
13 and police officer safety at that particular time.

14 You know, I think one can say that in a situation
15 like this where you have the number of participants that were
16 present and the number of vehicles that were present, the best
17 way to resolve that type of a situation is trying to gain
18 voluntary compliance to move people along; right? Those were
19 difficult situations to manage in that context.

20 **MR. GORDON CAMERON:** And during those first few
21 days that you described, the 28th, 29th, 30th, while you were
22 trying to marshal your forces in case enforcement action was
23 necessary, was your CCNG group in trying to deal with the
24 protestors?

25 **D/COMM CURTIS ZABLOCKI:** They were. Right. They
26 were. And they were challenged though in the first couple of
27 days, attempting to identify a leadership group within the
28 larger protest group and it seemed like no one wanted to step

1 forward to identify themselves as leaders or such. So it was --
2 I would say it was quite quiet, is the way it was described to
3 me, as far any interaction or even the potential to find
4 individuals to interact with us that might me part of a
5 leadership -- or playing the leadership role in the protest.

6

7 **MR. GORDON CAMERON:** Now, taking us onto the 28th,
8 29th, 30th, and do I understand correctly that part of the forces
9 you marshalled in anticipation of potential enforcement action
10 was to get some heavy-lift towing capacity arranged in case it
11 was needed?

12 **D/COMM CURTIS ZABLOCKI:** Right, that was part of
13 our objective and part of our operational plan. When we weren't
14 getting a response in the context of engagement with our RCCMG,
15 we recognized the potential that we might have to take
16 enforcement action in that situation so we did arrange for
17 towing capacity and, of course, this is heavy-duty towing
18 capacity to move these large tractor trailer units from the
19 roadway that were blocking the roadway. And we got cooperation
20 to do that. In fact, we were able to marshal some tow trucks --
21 I believe it was on the 31st -- and have them in place.

22 As it turned, on the 31st, later in the day, we
23 got the engagement from individuals within the protest group and
24 started some communication, and actually some negotiation at
25 that particular point, so we held off on any enforcement action
26 at that particular time and held off until later in the day.
27 Unfortunately, later in the day, those negotiations -- I'll say
28 "negotiations" -- fell off and, given that time of the day, we

1 weren't able to initiate any action with the tow trucks at that
2 particular time.

3 Our communication with the tow-truck operators
4 and the companies was such that they indicated they would be
5 back the next morning and, as such, it was the next morning that
6 we planned to deploy resources into the protest group and, of
7 course, first seek compliance for the operators of the vehicles
8 to move along. And, of course, if they did not volunteer or
9 comply with that, we were preparing to make arrests and, with
10 the arrests, you know, ensuring that we had the towing capacity
11 to necessarily remove the trucks from the roadway.

12 **MR. GORDON CAMERON:** And do you know why the
13 towing capacity wasn't there after your -- by the end of the day
14 of the 31st?

15 **D/COMM CURTIS ZABLOCKI:** We understood that tow
16 companies, tow operators were receiving phone calls. There was
17 a barrage of online negative commentary to towing companies and
18 operators as well around their potential participation and
19 assistance of the police in this situation. So there was a lot
20 of that surfacing. And, of course, you know, that was a
21 significant factor in towing companies and operators deciding
22 not to assist the police the following morning.

23 **MR. GORDON CAMERON:** And throughout the remainder
24 of the event at Coutts, did you ever manage to regain commercial
25 towing contracts or commitments from either those companies or
26 others at Coutts?

27 **D/COMM CURTIS ZABLOCKI:** No, we did not, no.
28 That never came to be. And I would say our folks made

1 significant efforts to obtain that requisite towing capacity.
2 We canvassed towing companies across Alberta, Saskatchewan, and
3 British Columbia. We even reached into the United States into
4 Montana and canvassed towing companies there for their interest
5 in assisting us at Coutts. And I would say, for various
6 reasons, we were turned down and found no cooperation in that
7 context.

8 **MR. GORDON CAMERON:** I'm just going to take a
9 slight digression, Deputy Commissioner, and talk about a topic
10 that I saw pass by as you were describing the geography and the
11 scenario, and I'm going to begin -- I'm going to talk about the
12 efforts that "K" Division to see if you could get the protesters
13 to relocate or otherwise carry on their protest in a way that
14 wouldn't, well, block traffic or, put another way, be illegal.
15 And I'm going to begin that with a quotation you might
16 recognize. This is Chief Supt. Daroux who is the -- you'll know
17 as the Officer in Command of the Southern Alberta District. And
18 this is the quotation from him that I'll put to you and then ask
19 you to comment on:

20 "Our first, and typically most
21 effective, approach in moving a protest
22 into a lawful state is communication.
23 At Coutts, we engaged our Community
24 Conflict Management Group to move the
25 protest back to a lawful state." (As
26 read).

27 And that's the end of the quotation.

28 **D/COMM CURTIS ZABLOCKI:** Right.

1 **MR. GORDON CAMERON:** And I just want to ask you
2 about that concept ---

3 **D/COMM CURTIS ZABLOCKI:** M'hm.

4 **MR. GORDON CAMERON:** --- of the -- that the --
5 that is, as Chief Supt. Daroux put it, the step number one when
6 confronting a protest that has become unlawful is to see if you
7 can find a way to make it lawful again. Have I caught his
8 thought correctly?

9 **D/COMM CURTIS ZABLOCKI:** Yeah, I believe -- I
10 believe you have, yes.

11 **MR. GORDON CAMERON:** And what types of steps were
12 you hoping to take, or the people working in "K' Division, to
13 see if that could be done with respect to the protest at Coutts?

14 **D/COMM CURTIS ZABLOCKI:** Yeah, well, one of the
15 primary things that we attempted to do was create a lawful
16 protest site. So, again, we wanted to move the unlawful protest
17 from the port-of-entry area further up the highway. When I say
18 "up the highway", north towards Milk River or, quite frankly,
19 away from the immediate port area. And so we did a number of
20 things to try and accomplish that.

21 We created what we call the "Community
22 Stakeholder Engagement Team", so we assigned two senior police
23 officers to engage with the community leaders in the area, so
24 the community leaders from Coutts, and Milk River, and the
25 municipalities, to work with them to help us find -- potentially
26 find an area that would be suitable to create as a lawful
27 protest area. We were cognizant that, you know, the protesters,
28 to get them to move to such an area that, you know, this would

1 have to be an area of visibility, so somewhere along the
2 highway, potentially, was one of the requirements that we
3 certainly had in mind as our folks undertook this work. And we
4 needed to have an area that was convenient, that was accessible,
5 and, as I mentioned, visible. So we commenced that work. It
6 would have been during the second week of the protest situation
7 there. And then ---

8 **MR. GORDON CAMERON:** I want you to -- I'm just
9 going to interrupt you there but please ---

10 **D/COMM CURTIS ZABLOCKI:** Sure.

11 **MR. GORDON CAMERON:** --- hold that sequence
12 because -- because I do want you to continue on with how you
13 attempted to find that. But just if I can ---

14 **D/COMM CURTIS ZABLOCKI:** Sure.

15 **MR. GORDON CAMERON:** --- explore that thought and
16 that you were describing before about trying to balance the
17 interests of the protesters and the interests of the law
18 enforcement that's present ---

19 **D/COMM CURTIS ZABLOCKI:** M'hm.

20 **MR. GORDON CAMERON:** --- the -- I think you're
21 describing a tension where the protesters want visibility, and
22 perhaps they even want to be a nuisance or cause people to pay
23 attention to them, do something to attract attention, and yet
24 you want to make sure they -- you want them to be able to do
25 that much; correct?

26 **D/COMM CURTIS ZABLOCKI:** Right. We want them --
27 we want them to still be able to protest but in a lawful manner
28 ---

1 **MR. GORDON CAMERON:** Right.

2 **D/COMM CURTIS ZABLOCKI:** --- right? And, of
3 course, that would include, you know, them leaving the border
4 area ---

5 **MR. GORDON CAMERON:** Right.

6 **D/COMM CURTIS ZABLOCKI:** --- and moving
7 elsewhere.

8 **MR. GORDON CAMERON:** And so there's this tension
9 between you wanting to make sure things are legal and not be
10 disruptive and the protesters wanting to be somewhat disruptive
11 so that they're getting attention, and so one thing you
12 described is moving them to an area where they're not
13 obstructing as much traffic and yet still have the visibility
14 they're looking for so they can make their point.

15 **D/COMM CURTIS ZABLOCKI:** Right.

16 **MR. GORDON CAMERON:** And is that also the
17 thinking behind approaches such as opening one lane or letting
18 so many cars through an hour, in other words, so that they're
19 having some disruptive affect but not to the point where you
20 would call it an illegal disruption?

21 **D/COMM CURTIS ZABLOCKI:** Well, you know, opening
22 one lane, I would suggest, would still be an illegal disruption
23 at the port of entry. But I suppose that it's a bit of a
24 consolation, but our objective was to open the entirety of the -
25 --

26 **MR. GORDON CAMERON:** Right.

27 **D/COMM CURTIS ZABLOCKI:** --- access through the
28 highways; right?

1 **MR. GORDON CAMERON:** Right. And part of your
2 CCMG group would be having these discussions with the protesters
3 to come up with some give or concession that allows them to have
4 a highly visible and -- highly visible protest appropriate to
5 their objective and yet ideally not be illegal and to be as --
6 to not -- to be as -- to allow things to go ahead without as
7 much disruption as possible. Is that fair?

8 **D/COMM CURTIS ZABLOCKI:** That's fair.

9 **MR. GORDON CAMERON:** Now -- so now, there -- I
10 interrupted you on that point of the objective, and you were
11 about to describe how your folks attempted to accomplish that by
12 relocating the protest at Coutts.

13 **D/COMM CURTIS ZABLOCKI:** Right. We engaged, I'll
14 say, the protest leadership, early in that week, and again, this
15 is the second week of the blockade, and initially there seemed
16 to be some interest from the protest leaders in that. So we
17 continued our work with identifying a proper location, and we
18 were able to work with -- the Government of Alberta actually had
19 a small parcel of land adjacent to Milk River. It was alongside
20 Highway 4, so that visibility component would have been met
21 there as well, too. So the municipal affairs branch within --
22 Alberta Transportation branch within the Alberta Government
23 worked with us and created a site there for a lawful protest.

24 **MR. GORDON CAMERON:** Okay. And how did that --
25 did that succeed in solving the problem at Coutts?

26 **D/COMM CURTIS ZABLOCKI:** In the end it did not.
27 The interest definitely waned, and the feedback we received
28 later that week from the protest leadership indicated that they

1 were no longer interested in moving to that lawful protest site.

2 **MR. GORDON CAMERON:** Did they say why?

3 **D/COMM CURTIS ZABLOCKI:** I don't believe they
4 did.

5 **MR. GORDON CAMERON:** Did you form a view?
6 Talking again about our balance, did they not consider that that
7 lawful protest site would give them the visibility and the
8 disruption they wanted to make their point?

9 **D/COMM CURTIS ZABLOCKI:** You know, that was -- I
10 suppose that was a potential. I don't know that we had enough
11 information to really form a view other than that they didn't want to
12 -- they didn't perhaps see value in moving and they thought
13 their position might be stronger at the port of entry.

14 **MR. GORDON CAMERON:** And at some point I
15 understand, well for some period, for the first week or so, I
16 understand that you were attempting to minimise enforcement in
17 the terms of traffic tickets or other *Highway Traffic Act*
18 offences. Is that correct?

19 **D/COMM CURTIS ZABLOCKI:** Right. So the first
20 week, yeah, we weren't -- we didn't move out strong or heavy on
21 traffic enforcement. We wanted to ensure that, you know --
22 well, quite frankly, it wasn't until Checkpoint 10 was created
23 that we started to have concerns around traffic, not traffic
24 flow, but just, you know, the haphazard parking of vehicles.

25 And I'll describe Checkpoint 10. It's a
26 location, again on Highway 4. It's between the port of entry
27 and Milk River, and it's at the intersection of Highway 501.
28 And it was a location that earlier on in the blockade we created

1 a checkpoint there to try and regulate the flow of traffic down
2 to the port of entry, and of course we wanted to allow community
3 residents and the legitimate traffic to Coutts to travel through
4 there, but we also wanted to negate the flow of protesters to
5 the protest site as well, too, via vehicle. So we created this
6 checkpoint.

7 And over time, this checkpoint, you know, it
8 almost turned into another blockade location for the protesters
9 as they gathered there, as they formed there. In fact, they
10 eventually brought farm equipment and from time to time would
11 put it across the roadway effectively blocking access through
12 Checkpoint 10. And -- so it was as a result of some of the
13 safety concerns around Checkpoint 10 that we started to become a
14 little stronger on our traffic enforcement under the *Traffic*
15 *Safety Act*.

16 **MR. GORDON CAMERON:** And did you perceive any
17 beneficial impact of that enforcement from your point of view?
18 Did it have the effect you were hoping it would have?

19 **D/COMM CURTIS ZABLOCKI:** Well, it didn't help
20 resolve the blockades, which of course, you know, was the
21 primary, you know, one of the primary objectives. I'm not sure
22 what that traffic enforcement, you know, exactly what that
23 effect had. I don't think it was significant.

24 **MR. GORDON CAMERON:** Right. Now, as this -- as
25 these events are unfolding, as you've described, the attempt to
26 set up lawful protests on the attempt to establish Checkpoint 10
27 and its evolution, have you yet started to bring in resources
28 from either within the Province of Alberta down towards Coutts

1 or from "E" Division in British Columbia over to Coutts?

2 **D/COMM CURTIS ZABLOCKI:** We brought resources
3 down to Coutts. Well, initially in preparing for the slow rolls
4 and the potential of a blockade we brought some resources at
5 that point. And further to that, that same weekend we brought
6 additional RCMP resources across the province to Coutts.

7 And then later in the week, I believe it was the
8 3rd of February, we made a request to activate or initiate
9 Article 9 under the Provincial Police Service Agreement to bring
10 in resources from British Columbia. So our folks had been on
11 the ground for almost a week solid, their dayshifts and
12 nightshifts, and such there too, so we were looking to provide
13 some relief for our folks that were working on the protest.

14 **MR. GORDON CAMERON:** And can you describe, do you
15 need to engage any of the provisions of the agreements you have
16 with municipalities in Alberta or other segments of Alberta to
17 move those resources down to Coutts, or as long as it's within
18 Alberta do you have the unilateral ability to move around?

19 **D/COMM CURTIS ZABLOCKI:** Right. There is no
20 direct mechanism within the contracts with the municipalities
21 for that. The provincial contract is overarching and allows us
22 to do that and to do that with the municipalities.

23 **MR. GORDON CAMERON:** And can you tell me how they
24 contract -- I'm not going to ask you to be a contracts lawyer,
25 but just as from an operational point of view how it works
26 between when you seek resources from another province?

27 **D/COMM CURTIS ZABLOCKI:** So when -- and we're
28 able to do that under the Provincial Police Service Agreement,

1 and in Alberta quite frankly we've done it a number of times,
2 you know, obviously in Coutts with obtaining resources from
3 British Columbia. We did it this past summer as well for the
4 Papal visit, which was a significant lift for policing services
5 within Alberta as well, and we've also done it for natural
6 disasters where we needed additional resources to support our
7 policing efforts as well, too.

8 So that request goes out through -- the
9 Commissioner will send a letter to ministers and advising that,
10 yeah, in our case, Alberta would be seeking additional resources
11 under Article 9 of the Provincial Police Services Agreements.

12 **MR. GORDON CAMERON:** And when the Commissioner
13 sends out that letter, is she, and we'll use "K" Division and
14 "E" Division here, and the Commissioner wants resources to go
15 from "E" Division to "K" Division, and she writes to the
16 ministers of the respective provinces telling ---

17 **D/COMM CURTIS ZABLOCKI:** Right.

18 **MR. GORDON CAMERON:** --- them of her intention,
19 is she asking permission to do this or is she invoking a right
20 that the RCMP has under those agreements with the provinces?

21 **D/COMM CURTIS ZABLOCKI:** It's more the latter.

22 **MR. GORDON CAMERON:** Yeah.

23 **D/COMM CURTIS ZABLOCKI:** Right? And the
24 Commissioner has the authority to draw up to 10 percent of
25 resources from a province to assist in other RCMP jurisdictions
26 for under the contract deemed emergency or extraordinary
27 circumstances or events.

28 **MR. GORDON CAMERON:** And have there been

1 occasions when the Commissioner has asked that resources go from
2 "K" Division over to "E" Division?

3 **D/COMM CURTIS ZABLOCKI:** Specifically to "E"
4 Division, I believe so. I believe we may have accomplished that
5 with some of the protests recently in British Columbia if I
6 recall. I know we sent resources. I don't know if we sent
7 resources in a significant quantity ---

8 **MR. GORDON CAMERON:** Right.

9 **D/COMM CURTIS ZABLOCKI:** --- to trigger Article 9
10 in the contracts, but I know we assisted with the resources in
11 British Columbia.

12 **MR. GORDON CAMERON:** Right. And when you get
13 resources from "E" Division to come and work with you in "K"
14 Division they are basically the same. They are RCMP officers
15 wearing RCMP uniforms who've been trained with the same
16 equipment and went to the same college, etc. Is that right?

17 **D/COMM CURTIS ZABLOCKI:** That's correct. And
18 that's -- I'll say, there's significant value in that if you
19 have to bring resources from out of province who have the same
20 training and use the same type of equipment, and you can
21 seamlessly insert them into your operations.

22 **MR. GORDON CAMERON:** Right. Now, on February 3rd
23 -- you might recollect this. We can call it up if it's
24 necessary -- but you might remember writing to Minister Savage
25 in Alberta, and in that letter, you made this statement, that:

26 "The situation at Coutts does, in my
27 opinion, constitute an emergency in the
28 Province of Alberta."

1 Do you remember saying that?

2 **D/COMM CURTIS ZABLOCKI:** I do.

3 **MR. GORDON CAMERON:** And when you said that --
4 well, obviously, you viewed the situation as an emergency --
5 were you making reference to Alberta's emergency legislation or
6 anything else in particular that prompted you to use that
7 expression, or was that just a characterization of what you were
8 facing?

9 **D/COMM CURTIS ZABLOCKI:** The reference I was
10 making using the word "emergency" was to the provincial policing
11 contract. So emergency is defined within the Provincial Police
12 Services Agreement, and it's defined as emergency in the context
13 of a policing situation where additional resources are needed to
14 deal with an event or a developing or a present situation.

15 **MR. GORDON CAMERON:** Right. So this is different
16 than the Commissioner giving notice to British Columbia that
17 you're going to borrow some of their resources. Here, you're
18 giving notice?

19 **D/COMM CURTIS ZABLOCKI:** I would say your
20 emergency would have the same meaning in that context.

21 **MR. GORDON CAMERON:** In both ---

22 **D/COMM CURTIS ZABLOCKI:** Yes, it would

23 **MR. GORDON CAMERON:** Fair enough. Thank you.

24 Can you tell me about your efforts to obtain
25 towing assistance from the Canadian Armed Forces?

26 **D/COMM CURTIS ZABLOCKI:** Certainly. So it was
27 February 4th when I signed a request for assistance, which is a
28 form that we have to complete when we're desirous of support or

1 assistance from the Canadian Armed Forces. So that request was
2 forwarded through to our national headquarters. And I didn't
3 hear immediately the results of that request. It was a number
4 of days later when I learned that the request -- that there had
5 been inquiries made with the Canadian Armed Forces at our
6 national headquarters level and that the Canadian Armed Forces
7 did not have the equipment that would be suitable or of
8 assistance to our situation at Coutts.

9 **MR. GORDON CAMERON:** And was your effort to
10 obtain towing assistance with Canadian Armed Forces equipment
11 wholly independent from the request by the Province of Alberta
12 to Ottawa to obtain assistance from the Canadian Armed Forces?

13 **D/COMM CURTIS ZABLOCKI:** So I was aware that the
14 Government of Alberta were also making a request through to the
15 Canadian Armed Forces for similar assistance. In fact, I had a
16 conversation with government officials where, you know, I think
17 it was myself that had suggested we both should be putting the
18 request forward.

19 **MR. GORDON CAMERON:** I see. So you each knew
20 that the other was making the request and it was basically for
21 the same end result, which was that the Armed Forces' towing
22 equipment be able to help out at Coutts?

23 **D/COMM CURTIS ZABLOCKI:** That's correct.

24 **MR. GORDON CAMERON:** And you both got roughly the
25 same answer?

26 **D/COMM CURTIS ZABLOCKI:** I'm aware of the answer
27 that we, as the RCMP, received, and right, I'm not real firm on
28 the answer that the province received.

1 **MR. GORDON CAMERON:** Right. Now, are you aware
2 that -- our reference for this is what Alberta has said in its
3 institutional report -- but you might be aware of it as well,
4 and I think you've spoken about it in your interview summary,
5 that eventually, Alberta acquired, bought some -- the Province
6 of Alberta bought some heavy lift towing capacity. Are you --
7 can you tell us about that?

8 **D/COMM CURTIS ZABLOCKI:** Yeah, certainly I can.
9 So of course, as I mentioned earlier, we had made
10 a number of efforts to locate towing capacity. We were
11 unsuccessful. We also looked to see what was available for used
12 or new towing equipment. And it was in those same early days
13 that -- this was from the Government of Alberta made similar
14 efforts, again, contacting towing companies to see if they were
15 available, and then, quite frankly, received the same response
16 as the RCMP received.

17 And however, they also set out to see what might
18 be available on the market for towing equipment, and eventually
19 did purchase used towing equipment, heavy-duty towing equipment
20 to potentially assist at Coutts.

21 **MR. GORDON CAMERON:** And was it ever -- was that
22 equipment ever put into service for the purpose of clearing
23 Coutts?

24 **D/COMM CURTIS ZABLOCKI:** It was. As I mentioned,
25 it was acquired, it was moved to southern Alberta and staged,
26 and it was on the 15th of February where the equipment was -- or
27 at least, some of the equipment was moved down to the immediate
28 port of entry, the immediate Coutts area.

1 **MR. GORDON CAMERON:** But was it used to move
2 protester vehicles?

3 **D/COMM CURTIS ZABLOCKI:** It was eventually used
4 to move protester vehicles, not in the context of disassembling
5 the blockade, which happened, essentially, on the 14th and the
6 morning of the 15th of February. It was used subsequent to
7 that, I believe later on the 15th or the 16th to remove two or
8 three vehicles that had been involved in an incident the evening
9 of the 13th where a police vehicle at a checkpoint was nearly
10 struck and was forced to take evasive action as a -- one of
11 these vehicles that was seized came at it in a reckless fashion.

12 **MR. GORDON CAMERON:** Was the heavy lift towing
13 equipment used to lift heavy vehicles?

14 **D/COMM CURTIS ZABLOCKI:** It was, in the context
15 of those two or three vehicles that I've just described.

16 **MR. GORDON CAMERON:** Involved in that incident?

17 **D/COMM CURTIS ZABLOCKI:** Involved in the
18 incident, but again, after the protest had disassembled.

19 **MR. GORDON CAMERON:** Understood. Thank you.

20 I want to talk to you about the incidents or
21 incidences or the continuum of your concern about firearms among
22 the blockade participants at Coutts.

23 And if I can begin by putting it this generally.
24 It's our understanding that you had -- the RCMP had concerns
25 about firearms at Coutts as early as the early days of the
26 protest, that is, around February 1st. Can you explain how that
27 happened?

28 **D/COMM CURTIS ZABLOCKI:** Right. So it came to

1 our attention that an individual within the protest group may
2 have had a firearm with him and had displayed it within the
3 protest group.

4 Now, we weren't successful in following up to
5 obtain any further information around that, so we weren't able
6 to validate, I'll say, the report that we received.

7 **MR. GORDON CAMERON:** That is, no one was willing
8 to point a finger when you went and asked about it; is that what
9 you're saying?

10 **D/COMM CURTIS ZABLOCKI:** Yes, in essence.

11 **MR. GORDON CAMERON:** And then around February
12 9th, there was new information about another issue with
13 firearms, and you're going to want to be cautious, and you've
14 probably thought about this a lot as you prepared this
15 testimony, so we're not going to -- we're going to try not to
16 ask any questions that elicit answers that you're reluctant to
17 give, but can you tell us what you can about how that, what
18 we'll call more serious incident involving firearms at Coutts
19 first came to your attention, and how it evolved?

20 **D/COMM CURTIS ZABLOCKI:** So it was on the 9th, as
21 you alluded to where we -- when we received some information
22 about a potential cache of firearms at the port of entry, within
23 the protest group. That information came to us through out CCMG
24 folks, and as a result, we undertook some covert investigational
25 methods to further investigate that information, which of
26 course, was very concerning to us and required a very focussed
27 effort and investigation going forward.

28 **MR. GORDON CAMERON:** And I understand you were

1 prepared to take further investigative steps but that the events
2 were precipitated by an incident at the protest site. Can you
3 take us through that?

4 **D/COMM CURTIS ZABLOCKI:** I'm not sure.

5 **MR. GORDON CAMERON:** Okay.

6 **D/COMM CURTIS ZABLOCKI:** Could you rephrase that
7 again, please, Counsel?

8 **MR. GORDON CAMERON:** Yes, I understand that you
9 were prompted -- your forces were prompted to act on its
10 concerns and move in and make arrests and conduct searches, and
11 that that was prompted by an incident involving a vehicle that -
12 - well, it's probably the incident you were describing earlier -
13 --

14 **D/COMM CURTIS ZABLOCKI:** It ---

15 **MR. GORDON CAMERON:** --- the collision ---

16 **D/COMM CURTIS ZABLOCKI:** Right.

17 **MR. GORDON CAMERON:** --- between one of the
18 trucks and one of your officer's vehicles.

19 **D/COMM CURTIS ZABLOCKI:** Right, of the near
20 collision. And ---

21 **MR. GORDON CAMERON:** Yes.

22 **D/COMM CURTIS ZABLOCKI:** --- you're correct. We
23 had planned to execute an operational plan the morning of the
24 14th of February, in the early morning hours of the 14th we were
25 planning to execute an operational plan in the context of the
26 execution of search warrants and potentially arrests as a result
27 of our investigation around the information that pertained to
28 firearms within the protest group. We were -- we did execute

1 that plan earlier than we initially anticipated, given the near
2 collision, I'll say, with our police vehicle. We came upon --
3 as a result of that incident, we came upon some of the subjects
4 that we were intending to arrest later that morning. And so for
5 that reason, we made those arrests at that particular time and
6 initiated the enforcement action.

7 **MR. GORDON CAMERON:** And if you can just describe
8 it in numbers of arrests and charges and firearms seized, can
9 you give us a description of how the operation proceeded?

10 **D/COMM CURTIS ZABLOCKI:** So that morning, we
11 executed search warrants at Smuggler's Inn, which was the
12 headquarters for the protest group, or certainly the leadership
13 within the protest group. We executed search warrants at a
14 mobile home and two travel or holiday trailers that were
15 adjacent to that particular residence, and we -- from the mobile
16 home and the travel trailers, we seized a number of firearms.
17 We seized I believe it was 13 long guns, 2 handguns, 2 sets of
18 body armour, a machete, a significant quantity of ammunition as
19 well.

20 We arrested 12 individuals during the course of
21 the execution of that, of those search warrants. And later that
22 same day, on the 14th, we arrested an additional individual who
23 we allege was part of the -- I'll say the cell or the group of
24 four who are today charged with conspiracy to commit murder on
25 police officers, also charged with mischief and charged with
26 possession of weapons dangerous and public peace. So that 13th
27 individual was arrested away from the site. As they travelled
28 to the site, they were arrested between the City of Calgary and

1 the community of Coutts. And it's alleged when they were
2 arrested, that they were -- this individual was in possession of
3 two firearms at that time and heading to the Coutts site.

4 **MR. GORDON CAMERON:** And the -- there's probably
5 a long list of charges associated with that, but can you give us
6 a general description of what criminal charges came out of this
7 operation?

8 **D/COMM CURTIS ZABLOCKI:** Certainly. So four
9 individuals were charged with conspiracy to commit murder. They
10 were also charged with mischief, and they were charged with
11 possession of weapon dangerous. There were additional, I
12 believe, six individuals that were charged with mischief, as
13 well as possession of weapon dangerous. That's 10. I'm
14 obviously missing a little bit here. Yeah, I'd have to refresh
15 my memory on the others there.

16 **MR. GORDON CAMERON:** Okay. I want to just ask a
17 bit about the relationship between the people who were involved
18 in this -- in the firearms offences and the rest of the
19 protesters, and I'm going to -- my starting off point for that,
20 Deputy Commissioner, is to ask it this way. There's some
21 information in the public domain about how you learned about
22 these individuals and the firearms cache, but I'll let you use
23 your words to make sure you're comfortable with how you describe
24 it. But the way you told us earlier was that it was your
25 liaison group that first learned or started the investigative
26 steps with respect to this firearms cache and arrest; is that
27 right?

28 **D/COMM CURTIS ZABLOCKI:** I believe I may have

1 said that, right.

2 **MR. GORDON CAMERON:** Yeah.

3 **D/COMM CURTIS ZABLOCKI:** So and as I think about
4 that, I think it was another source of information that did come
5 to us, and that was a result of a covert investigational
6 technique that we had deployed.

7 **MR. GORDON CAMERON:** What I'm trying to find out
8 is did you -- if you're allowed to tell us, did you learn about
9 the individuals who were involved in these firearms from your
10 interaction with the other protesters on the site?

11 **D/COMM CURTIS ZABLOCKI:** No, we did not.

12 **MR. GORDON CAMERON:** Okay. So it was an
13 investigative effort through which you, in effect, penetrated
14 enough to get the intelligence that allowed you to make these
15 arrests and these seizures; is that right?

16 **D/COMM CURTIS ZABLOCKI:** Correct, that's right.

17 **MR. GORDON CAMERON:** Now with that said, can you
18 tell us what impact, at least as you saw it, this incident of
19 the arrests of the individuals and the seizure of the firearms,
20 what impact that had on the other protesters, the ones who
21 weren't involved in the arrests and who weren't charged or
22 otherwise connected in any way with the investigation that
23 resulted in the arrest?

24 **D/COMM CURTIS ZABLOCKI:** Yeah, it certainly
25 seemed to have an impact, and quite frankly, I think it
26 obviously contributed to decisions that the protesters made to
27 distance themselves from that group of individuals that had been
28 arrested and charged, and ultimately, dismantle the blockade and

1 move in a different direction.

2 **MR. GORDON CAMERON:** I'll try to get you to
3 expand on that and so I'm just going to lead you even more than
4 I have so far. You sense that the rest of the protesters -- I'm
5 going to use the word were embarrassed by or ashamed by but
6 wanted to distance themselves from the people who had the
7 firearms and were arrested. Is that the sense you got?

8 **D/COMM CURTIS ZABLOCKI:** Yeah, that was my sense,
9 yes.

10 **MR. GORDON CAMERON:** Okay. Thank you.

11 And do you have anything else you would like to
12 tell us about how the matter wrapped up? I mean, it came to a
13 pretty prompt conclusion, if you put it in a summary way of
14 after the arrests, basically, the protesters, they wanted to
15 clean up the site, but they did that and then left; correct?

16 **D/COMM CURTIS ZABLOCKI:** Yeah. I think it's
17 important to say as well that the protest group, or at least the
18 protest leaders, wanted to negotiate their disbursal from the
19 blockade and initially proposed and looked to, you know,
20 potentially address their legal positions or standing as far as
21 any potential charges that they might be facing into the future.
22 So that was put on the table by the protest group; however, it
23 was not accepted in consultation with legal counsel and our
24 policing services.

25 **MR. GORDON CAMERON:** But it was agreed that they
26 could stay in the location for a few more hours to clean it up
27 before they left?

28 **D/COMM CURTIS ZABLOCKI:** So the agreement was

1 such so that if these negotiations, I'll say, happened in the
2 afternoon of February 14th. Ultimately, it was agreed that the
3 protesters would remove, and at that time it was a lot of farm
4 equipment and tractors that were across and blocking the
5 highways, but that they would remove their equipment and their
6 tractors from the roadways. They would park them alongside in
7 the adjacent lot or field, and they would the keys over to the
8 RCMP. They indicated that they had an interest to remain
9 overnight for one more evening, that they wanted to clean up the
10 site, including cleaning up the site the following morning. So
11 that was the arrangement and the agreement, again through
12 negotiation, that was arrived on late afternoon of February 14th.

13 **MR. GORDON CAMERON:** Thank you very much, Mr.
14 Commissioner. Those are my questions of Deputy Commissioner
15 Zablocki, and I will hand it over to the next parties.

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

17 First, the convoy organizers.

18 Counsel stepped out. Maybe we should jump to the
19 Government of Alberta instead.

20 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

21 **MS. STEPHANIE BOWES:** Good evening, Deputy
22 Commissioner Zablocki. My name is Stephanie Bowes. I am
23 counsel for the Province of Alberta.

24 Much of the questions I had prepared for you have
25 actually already been covered, but I just have a few areas that
26 I'd like to ask some questions about.

27 So I understand that in responding to these
28 protests, the RCMP had various tools at their disposal, the

1 *Criminal Code, the Traffic Safety Act, and the Critical*
2 *Infrastructure Defence Act. Is that correct?*

3 **D/COMM CURTIS ZABLOCKI:** That's correct, yes.

4 **MS. STEPHANIE BOWES:** And I think you talked
5 about this a little bit in your testimony, but when you're
6 dealing with large protests like this, you can't just go in
7 right off the bat and start laying a bunch of charges. Would
8 you agree with that?

9 **D/COMM CURTIS ZABLOCKI:** I would agree.

10 **MS. STEPHANIE BOWES:** The first step is to try to
11 negotiate some of the various aspects of the protest?

12 **D/COMM CURTIS ZABLOCKI:** That's correct.

13 **MS. STEPHANIE BOWES:** And there was some success
14 at various points in time with negotiating with the group of
15 protestors? Is that correct?

16 **D/COMM CURTIS ZABLOCKI:** Yes, that's correct.

17 **MS. STEPHANIE BOWES:** There were times when the
18 RCMP could negotiate the departure of some of the trucks that
19 were there?

20 **D/COMM CURTIS ZABLOCKI:** Right.

21 **MS. STEPHANIE BOWES:** Times when the RCMP could
22 negotiate the opening of various lanes to and from Coutts Port
23 of Entry?

24 **D/COMM CURTIS ZABLOCKI:** Yeah, I think that's
25 true. I'm not sure how much influence we had in negotiating the
26 lanes to be open, but we certainly put an effort forward. Yes,
27 that's correct.

28 **MS. STEPHANIE BOWES:** And there were times when

1 the RCMP were able to escort vehicles that were there for the
2 purpose of actually accessing the Coutts Port of Entry? Is that
3 correct?

4 **D/COMM CURTIS ZABLOCKI:** That's correct.

5 **MS. STEPHANIE BOWES:** And I also understand there
6 was difficulty, though, at other times, in negotiating with the
7 group of protestors?

8 **D/COMM CURTIS ZABLOCKI:** Yes, that's correct.

9 **MS. STEPHANIE BOWES:** And is that because there
10 wasn't always clear leadership with the group of protestors?

11 **D/COMM CURTIS ZABLOCKI:** That was certainly the
12 case in the early days, certainly from, you know, the 29th, 30th,
13 31st, into that week. There was really an absence of who the
14 leadership was at that particular time. So again, we didn't
15 make a lot of progress, negotiations, obviously, in that --
16 those early days.

17 **MS. STEPHANIE BOWES:** Did you feel that at some
18 time the leadership eventually stabilized and there was an
19 identifiable group that you could negotiate with?

20 **D/COMM CURTIS ZABLOCKI:** It seemed to. There was
21 certainly individuals that came forward to speak with us. There
22 were individuals that came forward and were speaking to media as
23 well and conveying their messages. And we had a lot of
24 communication with those individuals. Yes.

25 **MS. STEPHANIE BOWES:** Okay. And very soon into
26 the protest, the RCMP set up various checkpoints. The most
27 significant one being checkpoint 10 near Milk River. Is that
28 right?

1 **D/COMM CURTIS ZABLOCKI:** I would say that was the
2 most significant checkpoint, yes.

3 **MS. STEPHANIE BOWES:** And the purpose of the
4 checkpoint was to prevent further vehicles from joining the
5 blockade closer to the Coutts Port of Entry?

6 **D/COMM CURTIS ZABLOCKI:** Correct.

7 **MS. STEPHANIE BOWES:** And you felt at that time,
8 or the Incident Commander felt at that time that the RCMP had
9 sufficient authorities to set up those checkpoints to limit
10 travel to the port of entries to only those that were there for
11 a legitimate purpose. Is that fair to say?

12 **D/COMM CURTIS ZABLOCKI:** That's very fair to say.
13 Yes.

14 **MS. STEPHANIE BOWES:** And eventually this changed
15 from policing a public order event to a criminal investigation;
16 correct?

17 **D/COMM CURTIS ZABLOCKI:** That's correct.

18 **MS. STEPHANIE BOWES:** And that changes the
19 approach to policing the protest?

20 **D/COMM CURTIS ZABLOCKI:** It does, but, you know,
21 I would say, you know, potentially even from day one, this could
22 have been deemed a criminal event as well. Right? The
23 offensive mischief, blocking/interfering with critical
24 infrastructure, highway, you know, that was very significant.

25 And of course, I think you're referring to,
26 however, the criminal investigation in relation to the firearms.

27 **MS. STEPHANIE BOWES:** Right. So you had to
28 conduct a criminal investigation alongside of policing the

1 public order event?

2 **D/COMM CURTIS ZABLOCKI:** Correct.

3 **MS. STEPHANIE BOWES:** And your testimony today
4 was that you were prepared to execute search warrants and make
5 arrests related to the criminal investigation in the early
6 morning hours of February 14th, but that those actions actually
7 ended up occurring earlier because of the circumstances?

8 **D/COMM CURTIS ZABLOCKI:** That's correct. We
9 initiated those actions before midnight on Sunday the 13th.

10 **MS. STEPHANIE BOWES:** So at that point in time,
11 were the police confident that they had all the tools they
12 needed to execute those search warrants, make those arrests, and
13 deal with enforcement related to the blockade?

14 **D/COMM CURTIS ZABLOCKI:** Yes. We were confident
15 we had the needed authorities.

16 **MS. STEPHANIE BOWES:** So the authorities related
17 to laying charges under the *Criminal Code* or the *Critical*
18 *Infrastructure Defence Act*, the *Traffic Safety Act*, but also the
19 tools you needed with respect to heavy towing capacity?

20 **D/COMM CURTIS ZABLOCKI:** So -- and the towing
21 capacity came in right at the end of the blockade situation. Of
22 course, I think I mentioned the towing capability, the heavy-
23 duty towing capability was available on the 14th/the 15th of
24 February.

25 **MS. STEPHANIE BOWES:** And even if equipment
26 wasn't quite there yet, you knew it was on the way and it had
27 been secured for the RCMP's use?

28 **D/COMM CURTIS ZABLOCKI:** Right. We -- it was

1 brought to Coutts on the 15th, the morning of the 15th.

2 **MS. STEPHANIE BOWES:** Do you know when the
3 protestors first indicated a desire to leave the protest site?

4 **D/COMM CURTIS ZABLOCKI:** Can you be more specific
5 in context?

6 **MS. STEPHANIE BOWES:** So we -- our understanding
7 from the testimony of Marco Van Huigenbos is that the protestors
8 didn't want the Coutts protest to be associated with the
9 criminal element uncovered by the search warrants and laying of
10 criminal charges. And you indicated that the protestors had
11 attempted to negotiate their departure, and in relation to any
12 potential criminal charges they could be facing.

13 I'm asking the question of what -- at what point
14 in time did the protestors first indicate to the RCMP their
15 desire to start to leave the protest site?

16 **D/COMM CURTIS ZABLOCKI:** Yeah, that time was
17 approximately mid-afternoon, mid to late afternoon on February
18 14th. So as you're aware, we had made the arrests early in the
19 morning hours of the 13th and 14th, and it was later on the 14th
20 that they first indicated. And they -- I think they went back
21 and forth a bit amongst their group to make their final
22 decision, as I understand it.

23 **MS. STEPHANIE BOWES:** And did they give you any
24 indication of what their reasons were for wanting to leave at
25 that time? Was it simply because of the criminal investigation
26 that had been undertaken?

27 **D/COMM CURTIS ZABLOCKI:** That was -- again, they
28 wanted to distance themselves from that criminal aspect, that

1 criminal investigation.

2 **MS. STEPHANIE BOWES:** Okay. Now, all of this
3 happened without the powers of the -- the powers granted under
4 the *Emergencies Act*. Is that correct?

5 **D/COMM CURTIS ZABLOCKI:** That's correct.

6 **MS. STEPHANIE BOWES:** And I understand that at
7 that time, some of the protestors did transition over to the
8 legal protest site? Is that your understanding as well?

9 **D/COMM CURTIS ZABLOCKI:** Yeah. And that occurred
10 after the blockade dissolved, I'll say. Some of the protestors
11 moved to the lawful protest site. Primarily protestors from
12 checkpoint 10, as I understand it, not from the main protest
13 site near the border.

14 **MS. STEPHANIE BOWES:** Okay. Do you know how long
15 protestors stayed at the legal protest site?

16 **D/COMM CURTIS ZABLOCKI:** I believe some stayed
17 for quite a period of time, a number of weeks, and perhaps
18 beyond as well. Maybe a couple of months in duration. Some.
19 There were never a large number at that particular location, but
20 there were some that certainly seemed, I'll say, somewhat
21 comfortable or steadfast in their desire to stay.

22 **MS. STEPHANIE BOWES:** And they were there even
23 after the Public Order Emergency Declaration was revoked;
24 correct?

25 **D/COMM CURTIS ZABLOCKI:** That's correct.

26 **MS. STEPHANIE BOWES:** And after that time, with
27 no extra powers under the *Emergencies Act*, there were no further
28 blockades at any of the port of entries in Alberta? Is that

1 correct?

2 **D/COMM CURTIS ZABLOCKI:** There were no further
3 blockades at the port. That's correct.

4 **MS. STEPHANIE BOWES:** All right. Thank you,
5 Deputy Commissioner. Those are my only questions today.

6 **D/COMM CURTIS ZABLOCKI:** Thank you.

7 **COMMISSIONER ROULEAU:** Thank you. Convoy
8 organizers, please.

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

10 **MR. BRENDAN MILLER:** Good evening. My name's
11 Brendan Miller and I am legal counsel for Freedom Corp. which
12 represents the protesters that were just in Ottawa in January
13 and February. I don't represent anyone who was at Coutts.

14 **D/COMM CURTIS ZABLOCKI:** Okay.

15 **MR. BRENDAN MILLER:** But I have a few questions
16 for you.

17 **D/COMM CURTIS ZABLOCKI:** Sure.

18 **MR. BRENDAN MILLER:** If we could please first
19 bring up -- and I know my friend was trying to avoid
20 investigative privilege and I have something that may assist and
21 deal with that.

22 Could we please bring up POE.HRF00000008.

23 So sir, what this is is it's a news article by a
24 CBC journalist, Megan Grant and Rachel Ward and I understand in
25 September of this year they brought an application and got
26 access to some of the ITOs in the matter. And what this is is a
27 summary of what's in those ITOs. And for the folks at home,
28 what that means is an Information To Obtain. It's an affidavit,

1 an application from a police officer to obtain a search warrant.

2 So I'm wondering if we can just scroll through
3 this and if you can tell me -- I'm not going to have to read it
4 to you. Just if the facts in here are accurate. Because these
5 are public facts and we don't need to worry about any form of
6 issue with privilege.

7 **D/COMM CURTIS ZABLOCKI:** So what I can tell you
8 is that I -- you know, obviously, I think you probably assumed
9 that I haven't read the ITOs and I'm not familiar with the facts
10 in the ITOs. So I'm not sure how much I can assist with regard
11 to your question.

12 **MR. BRENDAN MILLER:** Okay. Well, maybe if I can,
13 I guess, I was going to try just to avoid having to go through
14 it. And I'll see if this information I put to you, you can
15 agree with.

16 So I understand that for that operation that the
17 undercover operation, there was a wire tap as well as a search
18 warrant for the raids; is that about -- do you remember that, or
19 you're aware of that?

20 **D/COMM CURTIS ZABLOCKI:** Yes.

21 **MR. BRENDAN MILLER:** Right. And there was two
22 undercover officers from the RCMP embedded with these
23 individuals who were eventually arrested; is that fair?

24 **D/COMM CURTIS ZABLOCKI:** Again, I'm going to
25 refrain from getting into any of the details of that particular
26 investigation as those charges are before the courts.

27 **MR. BRENDAN MILLER:** Right. And I understand
28 that. And this is all from this article. I'm not taking it

1 from anywhere else.

2 **D/COMM CURTIS ZABLOCKI:** And I can appreciate
3 that. It is a news article, right? It's not from a court
4 document itself. So hence my hesitancy.

5 **MR. BRENDAN MILLER:** Right. Understood.

6 But it's fair to say that the entire time with
7 these individuals, almost from the get-go the RCMP knew about
8 them and they were on it. Is that fair?

9 **D/COMM CURTIS ZABLOCKI:** I don't believe it's
10 fair. That's not my understanding.

11 **MR. BRENDAN MILLER:** Okay. But from early
12 February is it fair prior to their arrest, around February 5th,
13 they were aware of these individuals. And the first one was
14 arrested on the 13th, Mr. Lysak. And the remainder were arrested
15 on the 14th.

16 **D/COMM CURTIS ZABLOCKI:** No, we weren't aware of
17 them on February 5th.

18 **MR. BRENDAN MILLER:** Okay. And can you give a
19 date of when you did become aware of these individuals?

20 **D/COMM CURTIS ZABLOCKI:** As I mentioned earlier,
21 we became aware of potentially a cache of weapons on the 9th of
22 February.

23 **MR. BRENDAN MILLER:** The 9th of February, all
24 right.

25 And according to this article, the two undercover
26 officers essentially interacted with these gentlemen in a bar
27 and were able to gather intel and that led to the arrest and the
28 raid on the house. Is that fair?

1 **D/COMM CURTIS ZABLOCKI:** Again, I'm very hesitant
2 to comment.

3 **MR. BRENDAN MILLER:** Right.

4 **D/COMM CURTIS ZABLOCKI:** Thank you.

5 **MR. BRENDAN MILLER:** Okay. Well, that's the --
6 this article just outlines that and I understand the ITOs are
7 actually publicly available so I'll try to get those for the
8 Commission so they just have a better understanding. I can
9 probably get them from Alberta some time next week.

10 If we can bring up PB.NSC.CAN.00003039_REL.0001.
11 Okay. have you seen this document before?

12 **D/COMM CURTIS ZABLOCKI:** I saw this document just
13 very briefly before I took the stand here this evening.

14 **MR. BRENDAN MILLER:** Oh, okay. So you're
15 familiar then with respect to this document being a memorandum,
16 I believe, from your legal department in March of 2020 with
17 respect to the *Emergencies Act* but it's not speaking about a
18 public order emergency. It's speaking about a public welfare
19 emergency regarding COVID. Is that fair?

20 **D/COMM CURTIS ZABLOCKI:** Again, I'm not -- I
21 wouldn't say I'm familiar with the document, sir. I just had it
22 put in front of me a short time ago.

23 **MR. BRENDAN MILLER:** Okay. Could we please
24 scroll down though? And to the second page, please. And the
25 third page, and I apologize.

26 All right. And I just want to take you to the
27 role of the RCMP. And my colleague with the CCF touched on this
28 a bit with the Commissioner. This summarizes it nicely and

1 given us an internal document. There at the second point it
2 states that under section 18(a) of the RCMP Act and section
3 14(1) (a) of the RCMP Regulations, RCMP members serving as peace
4 officers have a duty to enforce the law. And it's speaking to
5 orders invoked under the *Emergencies Act*.

6 So is it fair to say that -- and I know you
7 haven't been overly familiar with this document.

8 **D/COMM CURTIS ZABLOCKI:** M'hm.

9 **MR. BRENDAN MILLER:** But when there was the
10 invocation of the *Emergencies Act*, was it your understanding
11 that the RCMP, due to the operation of section 18 of the Act,
12 and then -- of the *RCMP Act*, and 14 of the RCMP Regulation, was
13 compelled as a matter of duty and law to carry out enforcing the
14 orders that were passed under the *Emergencies Act*?

15 **D/COMM CURTIS ZABLOCKI:** I'm not sure that I
16 understand your question.

17 **MR. BRENDAN MILLER:** So the purpose that's in
18 there is that it's explaining that section 18(a) of the *RCMP Act*
19 and section 14 (1) (a) of the RCMP Regulations collectively
20 require the duty to enforce the law. And when the order that is
21 passed under the invocation is passed, that it's at least
22 implicitly that those two sections of the *RCMP Act* and the
23 section of the *RCMP Act* and the Regulation compel the RCMP to
24 carry out whatever is in those orders. Is that fair?

25 **D/COMM CURTIS ZABLOCKI:** It seems to suggest
26 that, yes.

27 **MR. BRENDAN MILLER:** Right. And with ---

28 **MR. DAVID SHIROKY:** David Shiroky for the

1 Government of Canada. Just a brief objection of that last
2 question. And I understand that a response has been given.

3 The witness has testified that he's not
4 inherently familiar with the document and the question that was
5 just asked is to provide his opinion as to the purpose of
6 certain sections of the document within a legal opinion. And
7 given the testimony we've had, I'm not sure that's ---

8 **MR. BRENDAN MILLER:** Right. I understand.

9 **MR. DAVID SHIROKY:** --- an entirely proper
10 question to be asking this witness.

11 **MR. BRENDAN MILLER:** I'm going to move on. He's
12 answered the question.

13 So you've been an RCMP officer pretty much your
14 whole entire career, I take it. You didn't have a second career
15 before what you're doing.

16 **D/COMM CURTIS ZABLOCKI:** That's correct.

17 **MR. BRENDAN MILLER:** Right. And you've worked in
18 -- you're essentially in the highest ranks of what you can do
19 within the RCMP subject to becoming a full-time Commissioner
20 like Ms. Lucki; is that fair?

21 **D/COMM CURTIS ZABLOCKI:** Correct.

22 **MR. BRENDAN MILLER:** All right. Could you opine
23 at all or give us evidence that when a regulation or an order is
24 passed by an executive branch of government, that requires
25 certain things and certain conditions or puts restrictions on
26 any area or individual, that due to the operation of section
27 18(a) of the *RCMP Act* and section 14(1)(a) of the *RCMP*
28 Regulation that essentially the passer of that regulation or the

1 passer of that order is able to direct what the police are to
2 do.

3 **MS. DONNAREE NYGARD:** Sorry, I'm just going to
4 object again.

5 These are legal interpretation questions that are
6 being asked of the witness and that's inappropriate.

7 **MR. BRENDAN MILLER:** I'll rephrase.

8 Have you had situations arise where there is
9 orders in council or regulations that dictate whether
10 specifically or whether implicitly that the RCMP has to do
11 something with regards to carrying out that regulation or with
12 regards to carrying out the order in council?

13 **D/COMM CURTIS ZABLOCKI:** Nothing comes to mind at
14 this particular moment.

15 **MR. BRENDAN MILLER:** Right. So it's a very -- if
16 there is an order or a regulation that would compel the RCMP to
17 do something, that would be a very exceptional thing to
18 interfere in the direction of policing. Is that fair?

19 **D/COMM CURTIS ZABLOCKI:** You're asking a very
20 hypothetical question. I don't know that I can comment.

21 **MR. BRENDAN MILLER:** That's okay. Thank you very
22 much.

23 **D/COMM CURTIS ZABLOCKI:** Thank you.

24 **COMMISSIONER ROULEAU:** Okay. Next, the Democracy
25 Fund, JCCF.

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

27 **MR. ALAN HONNER:** Good evening, Alan Honner for
28 the Democracy Fund. I have a very short questions for you. I

1 should be out of here in two minutes.

2 We've heard evidence ---

3 **COMMISSIONER ROULEAU:** Is that a promise?

4 **MR. ALAN HONNER:** Well, it's an aspiration.

5 **COMMISSIONER ROULEAU:** Oh, that's what I thought.

6 **MR. ALAN HONNER:** So we've heard evidence about
7 how the Province of Alberta secured its own equipment after
8 having trouble securing tow trucks. But before doing that, I
9 understand that the RCMP contacted tow truck companies from the
10 western and northwestern United States, but they all refused to
11 help. Is that right?

12 **D/COMM CURTIS ZABLOCKI:** Correct. They refused
13 or some were unable to. There were I'll say various reasons why
14 they were not able to assist.

15 **MR. ALAN HONNER:** And one of the reasons was some
16 of those tow operators were unable to assist was because they
17 were unvaccinated.

18 **D/COMM CURTIS ZABLOCKI:** I'm sorry, is that a
19 question?

20 **MR. ALAN HONNER:** Yes.

21 **D/COMM CURTIS ZABLOCKI:** And your question is?

22 **MR. ALAN HONNER:** Is that correct?

23 **D/COMM CURTIS ZABLOCKI:** Yes, in regard to the
24 operators in the United States that was some of the feedback we
25 received when we made some of that contact.

26 **MR. ALAN HONNER:** They were prevented from coming
27 into Canada because there was an Order in Council in place which
28 prevented unvaccinated people from coming into the country

1 unless they were part of an exempted class. Does that sound
2 right to you?

3 **D/COMM CURTIS ZABLOCKI:** It could be.

4 **MR. ALAN HONNER:** Tow truck drivers were not part
5 of that exempted class as far as you know?

6 **D/COMM CURTIS ZABLOCKI:** I'm not certain.

7 **MR. ALAN HONNER:** Okay. And this border mandate,
8 sorry, this border mandate that we're talking about, the vaccine
9 mandate, was in fact one of the animated -- animating factors
10 behind the Coutts protests and other protests across Canada.

11 **D/COMM CURTIS ZABLOCKI:** It seemed that when that
12 was put in place on January 15th that the activity in relation
13 to convoys and protests increased.

14 **MR. ALAN HONNER:** Okay, thank you. Those are my
15 questions.

16 **D/COMM CURTIS ZABLOCKI:** Okay.

17 **COMMISSIONER ROULEAU:** Two minutes, dead on.
18 Okay, the Windsor Police Service please.

19 **MS. HEATHER PATTERSON:** Good evening. Heather
20 Patterson for the Windsor Police Service. I don't think my
21 camera is working, unfortunately, but we have no questions for
22 this witness, so you don't need to see me.

23 **COMMISSIONER ROULEAU:** Okay. Well, that's --
24 thank you.

25 **MS. HEATHER PATTERSON:** Thank you.

26 **COMMISSIONER ROULEAU:** The City of Windsor.

27 **MR. GRAHAM REEDER:** Good evening. Graham Reeder
28 for the City of Windsor. We have no further questions, and we

1 yield the remainder of our time to the Government of Canada.

2 Thank you.

3 **COMMISSIONER ROULEAU:** Okay. Next, is National
4 Police Federation.

5 **MS. NINI JONES:** And our questions were asked by
6 Commission Counsel and answered, so thank you very much.

7 **COMMISSIONER ROULEAU:** Government of Canada.

8 **--- CROSS-EXAMINATION BY DONNAREE NYGARD:**

9 **MS. DONNAREE NYGARD:** Good evening, Deputy
10 Commissioner. Donnaree Nygard for -- one of the counsel for the
11 Government of Canada.

12 You spoke to Commission Counsel about some of the
13 reasons that the tow truck companies were not willing to
14 cooperate after the first time that they showed up and then they
15 didn't the second time.

16 **D/COMM CURTIS ZABLOCKI:** Right.

17 **MS. DONNAREE NYGARD:** And I -- I'm not sure if I
18 caught all of the reasons that you indicated, but -- so perhaps
19 I could just get you to repeat those again.

20 **D/COMM CURTIS ZABLOCKI:** Sure. Certainly. So
21 when we sought that assistance after it had fallen through, we
22 learned that some of the companies were subjected to online
23 harassment, negative comments, they -- some were subject to
24 harassing phone calls to their place of work. We also heard
25 that, in particular, one company had been offered a donation, a
26 financial donation in return for withdrawing their assistance or
27 not assisting the police with that situation. So there were a
28 variety of reasons. We -- other responses were, "no, we're

1 busy, we have other work we're doing" and so and so forth. So
2 some seemed connected to Coutts and others perhaps weren't.

3 **MS. DONNAREE NYGARD:** And do to your
4 understanding what was the complaint of -- what was the group
5 protesting about?

6 **D/COMM CURTIS ZABLOCKI:** So I think it started as
7 a protest around the public health measures that had been put in
8 place, both provincially and federally. And as I mentioned
9 earlier, the convoy aspect of protests seemed to initiate or
10 perhaps increase after the January 15th announcement around
11 international travel restrictions.

12 **MS. DONNAREE NYGARD:** And did you have any
13 understanding of what they were trying to accomplish with their
14 protest?

15 **D/COMM CURTIS ZABLOCKI:** I think they wanted to
16 be heard. I think they wanted the health measures to be revoked
17 or removed or stood down. It seemed that that was the gist or
18 the thrust of their concern.

19 **MS. DONNAREE NYGARD:** And during the protests in
20 Coutts on February 8th, the Alberta Government made an
21 announcement rolling back of the mandates; correct?

22 **D/COMM CURTIS ZABLOCKI:** They made that
23 announcement on February 8th, that's correct.

24 **MS. DONNAREE NYGARD:** And did that have an impact
25 on the protest?

26 **D/COMM CURTIS ZABLOCKI:** Well, unfortunately it
27 did in the context of prior to the 8th there was one lane of
28 traffic in each direction open through the port. It was shortly

1 after the announcement on February 8th that the protesters
2 blocked that free lane of travel and communicated to us that
3 they weren't happy with the announcement.

4 **MS. DONNAREE NYGARD:** And just to back up for a
5 moment. There was obviously a number of border blockades across
6 the country. The Coutts one was the first; correct?

7 **D/COMM CURTIS ZABLOCKI:** Correct.

8 **MS. DONNAREE NYGARD:** And it developed around the
9 same time that the convoys arrived in Ottawa?

10 **D/COMM CURTIS ZABLOCKI:** That's my understanding,
11 yes.

12 **MS. DONNAREE NYGARD:** And prior to the arrests
13 that occurred on the 14th and the incident on the 13th that
14 you've described, what, if any, level of violence or that kind
15 of behaviour was there at the protest?

16 **D/COMM CURTIS ZABLOCKI:** Well, there were about
17 six incidents, you know, not unlike I described earlier, where
18 we had to take -- well, let me be more clear. There were
19 approximately six incidents where large equipment, tractors,
20 trucks went through barricades, around barricades, in essence,
21 you know, breaking the perimeter that we had set up. And I
22 would call it a perimeter, but it was a very loose perimeter
23 given the geography of the area, and as I mentioned earlier, the
24 ability to travel through medians and ditches and across fields.
25 So -- but nonetheless, there were about six incidents that
26 really concerned us and the safety of our police officers at
27 that site.

28 **MS. DONNAREE NYGARD:** And my friend asked you

1 about the charges that were laid, and I'm going to call up a
2 document.

3 It's PB.NSC.CAN.00008371.

4 And this appears to be a briefing note that was
5 provided for you. Is that what this is?

6 **D/COMM CURTIS ZABLOCKI:** Yes, it appears to be.

7 **MS. DONNAREE NYGARD:** And if we scroll down,
8 there's an update on the arrests that are there. And is that a
9 list at least for the first 11 people that were arrested of the
10 charges that were laid?

11 **D/COMM CURTIS ZABLOCKI:** Yes, it is.

12 **MS. DONNAREE NYGARD:** And you said that there
13 were additional -- I believe you said there was 13 people in
14 addition. Can you tell us what the other two were or does that
15 list help distinguish that?

16 **D/COMM CURTIS ZABLOCKI:** So there was another
17 individual that was charged under the *Critical Infrastructure*
18 *Defence Act* as well, but not charged in relation to the criminal
19 investigation within the protest group. And I believe one of
20 the individuals that fled -- went through a barricade, and
21 again, the incident where our police officer had to take evasive
22 action, I believe that individual was charged as well.

23 **MS. DONNAREE NYGARD:** I'm sorry, I was unclear in
24 my question. I thought, and maybe I'm mistaken, I thought I had
25 heard you say earlier that there were 13 individuals charged in
26 relation in relation to the investigation, but that some were
27 charged, not on that day, later, but perhaps I heard you wrong.

28 **D/COMM CURTIS ZABLOCKI:** No, that's what I said.

1 There were -- my understanding is there were 12 in relation to
2 the investigation and then the 13th was later that day. Wasn't
3 arrested on site.

4 **MS. DONNAREE NYGARD:** Okay. So we've got 11
5 listed here. So we've got a few missing; is that right?

6 **D/COMM CURTIS ZABLOCKI:** Appears to be.

7 **MS. DONNAREE NYGARD:** Okay. It's just what I was
8 trying to clarify.

9 **D/COMM CURTIS ZABLOCKI:** Okay. Thank you.

10 **MS. DONNAREE NYGARD:** After the blockade was
11 resolved after these arrests and the protesters entered into the
12 negotiations and agreed to hand over their keys and then clean
13 up and leave the next day, did you receive any information in
14 the following days about the possibility of additional blockades
15 arising?

16 **D/COMM CURTIS ZABLOCKI:** About the possibility of
17 additional blockades?

18 **MS. DONNAREE NYGARD:** Threats, or not actual
19 blockades arising, but were you receiving any -- and perhaps
20 it's easier if I take you to a document. If we can call up
21 PB.NSC.CAN.00004268?

22 And first, can you tell us do you recognize what
23 this document is?

24 **D/COMM CURTIS ZABLOCKI:** Doesn't look familiar to
25 me, but I'm sure I can interpret it.

26 **MS. DONNAREE NYGARD:** Okay. If we can scroll
27 down towards -- oh, there. Up a little bit. The last bullet
28 point there under "Superintendent Daroux". Was that information

1 that was provided to you as well?

2 **D/COMM CURTIS ZABLOCKI:** So this is subsequent to
3 the dismantling of the blockade?

4 **MS. DONNAREE NYGARD:** Oh, yes, we can go up to
5 the top and see the date. The 17th.

6 **D/COMM CURTIS ZABLOCKI:** On the 17th at 0900.
7 Okay.

8 No, I don't know that I was privy to that
9 information.

10 **MS. DONNAREE NYGARD:** Okay. And were you --
11 we'll pull up another document. PB.NSC.CAN.00008362.

12 Have you seen this document before?

13 **D/COMM CURTIS ZABLOCKI:** I believe I have. If
14 you could scroll to the bottom, that may be helpful.

15 Yes, I have seen this document.

16 **MS. DONNAREE NYGARD:** And if we can scroll back
17 up to the top? Right up to the top.

18 So it talks about in order to keep protests
19 legal. So is -- and then if we could go down? A little bit
20 further. And then it quotes from the *Emergency Act* and the
21 provisions that have to be complied with and the consequences
22 that maybe occur if they aren't complied with. Do you know what
23 this document was used for?

24 **D/COMM CURTIS ZABLOCKI:** My understanding it was
25 used on February 18th as we had, I'll say, stragglers at
26 checkpoint 10 that were still occupying -- not blocking the
27 roadway, but occupying aspects of the roadway in the immediate
28 areas, median, so on and so forth. And they remained at

1 checkpoint 10 even after the dismantling of the main site or the
2 main blockade at the port of entry. And as I understand it, our
3 staff, our police officers presented or handed out this
4 document, this pamphlet to those individuals, encouraging them
5 to disperse or move to a lawful protest site.

6 **MS. DONNAREE NYGARD:** And do you know if they
7 did?

8 **D/COMM CURTIS ZABLOCKI:** I believe they did. I
9 believe they eventually did, yes.

10 **MS. DONNAREE NYGARD:** And then if we can pull up
11 one last document, PB.NSC.CAN.00005444.

12 Now as the Commission indicated earlier, when you
13 were interviewed, a number of your colleagues were also there
14 including the Deputy Commissioner from B.C. We don't have him
15 appearing before us here, so I'm going to ask you a question
16 about B.C. This is an email that appears to be from an RCMP
17 officer, or this one is to the RCMP officer, but if we scroll
18 down, you can see at the beginning it appears to be from her.
19 And then if we can go back up to the response she receives.

20 And perhaps I should ask, have you seen this
21 email before?

22 **D/COMM CURTIS ZABLOCKI:** No, I'm not familiar
23 with it at all.

24 **MS. DONNAREE NYGARD:** So could I have you read
25 the response that starts, "Hi, Debra", just so you can
26 familiarize yourself ---

27 **D/COMM CURTIS ZABLOCKI:** Okay.

28 **MS. DONNAREE NYGARD:** --- with what it says?

1 D/COMM CURTIS ZABLOCKI: Okay.

2 MS. DONNAREE NYGARD: And it seems to indicate
3 that this individual was providing tow truck services as a
4 result of being directed to by the Surrey RCMP under the
5 *Emergencies Act*. What is your understanding of the delegation
6 of the Commissioner's power to compel tow trucks within the
7 RCMP? Was there -- was that power delegated to you, for
8 example, or to your colleague in B.C. as far as you're aware?

9 D/COMM CURTIS ZABLOCKI: For certain I can tell
10 you that I received that delegation from the Commissioner, and I
11 subsequently made delegations to, I believe, four of my senior
12 officers as well in Alberta. I would assume it was also made in
13 the context of the commanding officer of British Columbia to
14 give him that ability to ---

15 MS. DONNAREE NYGARD: And are the ---

16 D/COMM CURTIS ZABLOCKI: --- do the same.

17 MS. DONNAREE NYGARD: --- are the concerns
18 expressed by this tow truck operator, who's saying that she's --
19 or they're going to comply but is expressing some concerns, are
20 those similar to the concerns that you were hearing when you
21 were attempting to get tow trucks?

22 D/COMM CURTIS ZABLOCKI: No, they are. As I read
23 here, you know, this individual is indicating his office staff
24 experienced abusive behaviour and threats and so on. It also
25 appears that they have a towing contract with the RCMP, or for
26 the RCMP at Surrey, but because of that, they were reluctant or
27 unable to fulfil that.

28 MS. DONNAREE NYGARD: Thank you. Those are all

1 my questions.

2 **COMMISSIONER ROULEAU:** Thank you.

3 Any re-examination?

4 **MR. GORDON CAMERON:** You're not going to want to
5 hear this, Mr. Commissioner, but I have one question in re-
6 examination.

7 **COMMISSIONER ROULEAU:** Go ahead.

8 **--- RE-EXAMINATION BY MR. GORDON CAMERON:**

9 **MR. GORDON CAMERON:** Mr. Clerk, could you please
10 call up PB.NSC.CAN.00008508?

11 And, Deputy Commissioner, I'm just going to ask a
12 few questions because I might be able to show you a document
13 that you're more willing to talk about than the newspaper
14 article you were willing to talk about with my friend Mr.
15 Miller.

16 **COMMISSIONER ROULEAU:** Have you got the right
17 document there?

18 **MR. GORDON CAMERON:** It should be an RCMP K-
19 Division criminal law -- there we go. Thank you.

20 **D/COMM CURTIS ZABLOCKI:** Yeah.

21 **MR. GORDON CAMERON:** You recognize this document,
22 Deputy Commissioner?

23 **D/COMM CURTIS ZABLOCKI:** I believe I do, but I
24 wouldn't mind if we were able to scroll down through it ---

25 **MR. GORDON CAMERON:** Okay. Thank you.

26 **D/COMM CURTIS ZABLOCKI:** --- just quickly.

27 Yes, I do recognize it.

28 **MR. GORDON CAMERON:** Thank you. And I just --

1 the only questions I have about this is to ask you if, first of
2 all, does this document accord with your understanding of the --
3 at least the publicly available information about the
4 investigation?

5 **D/COMM CURTIS ZABLOCKI:** Yes.

6 **MR. GORDON CAMERON:** And the point that I'd like
7 to draw to your attention is the section under assessment, which
8 reads,

9 "To date, there has been no information
10 uncovered to suggest that there is an
11 organized effort between individuals
12 charged in Alberta and individuals
13 involved in the Ottawa protest."

14 Do you see that there?

15 **D/COMM CURTIS ZABLOCKI:** I do.

16 **MR. GORDON CAMERON:** And that's your
17 understanding of the assessment of the criminal investigation to
18 date?

19 **D/COMM CURTIS ZABLOCKI:** That is, yes.

20 **MR. GORDON CAMERON:** Thank you. I have no other
21 questions.

22 Thank you, Commissioner.

23 **COMMISSIONER ROULEAU:** Okay. Well, thank you
24 very much for your testimony, and for coming, and for being
25 resilient, although it may be still Alberta time for you, which
26 is not for us, or for most of us.

27 So with that, you're free to go, and with our
28 thanks.

1 **D/COMM CURTIS ZABLOCKI:** Thank you.

2 **COMMISSIONER ROULEAU:** So we'll adjourn until
3 tomorrow morning at 9:30, and we again should anticipate long
4 days. I hope not as long as today, but -- and I'll try and be
5 more regimental with the time allocations, but I can't guarantee
6 it.

7 Okay, thank you very much.

8 **THE REGISTRAR:** The Commission is adjourned. La
9 Commission est ajournée.

10 --- Upon adjourning at 8:19 p.m.

11

12 **C E R T I F I C A T I O N**

13

14 I, Mitchell Kersys, a certified court reporter, hereby certify
15 the foregoing pages to be an accurate transcription of my
16 notes/records to the best of my skill and ability, and I so
17 swear.

18

19 Je, Mitchell Kersys, un sténographe officiel, certifie que les
20 pages ci-hautes sont une transcription conforme de mes
21 notes/enregistrements au meilleur de mes capacités, et je le
22 jure.

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