



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 9

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IV

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Mr. Tom Curry

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Mr. David Migicovsky

Ms. Jessica Barrow

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Mr. Christopher Diana

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V

Appearances / Comparutions

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Ottawa, Ontario

1
2 --- Upon commencing on Tuesday, October 25, 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. I
7 think we're ready for another witness I take it. Who is leading
8 this witness?

9 **MR. MISHA BOUTILIER:** Good morning, Commissioner.
10 Misha Boutilier, Commission Counsel. And today, we'll be
11 hearing from Inspector Russell Lucas from the Ottawa Police
12 Service.

13 **COMMISSIONER ROULEAU:** Okay.

14 Inspector Lucas. Good morning.

15 **THE REGISTRAR:** Inspector Lucas, will you swear
16 on a religious document or do you wish to affirm?

17 **INSP. RUSSELL LUCAS:** I'll swear, please.

18 **THE REGISTRAR:** We have the Bible, the Torah, the
19 Koran available.

20 **INSP. RUSSELL LUCAS:** The Bible, please.

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

23 **INSP. RUSSELL LUCAS:** Russell Lucas,
24 R-U-S-S-E-L-L, last name is Lucas, L-U-C-A-S.

25 **--- INSP. RUSSELL LUCAS, Sworn:**

26 **--- EXAMINATION IN-CHIEF BY MR. MISHA BOUTILIER:**

27 **MR. MISHA BOUTILIER:** Good morning,
28 Inspector Lucas.

1 **INSP. RUSSELL LUCAS:** Good morning.

2 **MR. MISHA BOUTILIER:** We met in the summer when
3 you were interviewed by Commission Counsel on August 19th, 2022.
4 Do you remember that interview?

5 **INSP. RUSSELL LUCAS:** I do.

6 **MR. MISHA BOUTILIER:** And I'd like to call up
7 WTS00000024.

8 Inspector Lucas, do you recognise this document
9 as a summary of that interview?

10 **INSP. RUSSELL LUCAS:** I do.

11 **MR. MISHA BOUTILIER:** And I understand that
12 you've reviewed and adopted the contents of that summary; is
13 that correct?

14 **INSP. RUSSELL LUCAS:** I have.

15 **MR. MISHA BOUTILIER:** And are there any
16 corrections you'd like to make to that summary?

17 **INSP. RUSSELL LUCAS:** There is only one part that
18 wasn't -- I don't believe it was 100 percent clear, and it was
19 when it refers to my first day as Incident Command was the 21st
20 of January, which is correct, but I first became aware of the
21 planning process on the 18th of January ---

22 **MR. MISHA BOUTILIER:** Okay.

23 **INSP. RUSSELL LUCAS:** --- which I don't think was
24 captured.

25 **MR. MISHA BOUTILIER:** And that's your only
26 correction?

27 **INSP. RUSSELL LUCAS:** That is the only
28 correction.

1 **MR. MISHA BOUTILIER:** Okay. Thank you, Inspector
2 Lucas.

3 So at the time the Freedom Convoy arrived -- or
4 at the time of the Freedom Convoy in January 2022, what was your
5 role within the OPS organizational structure?

6 **INSP. RUSSELL LUCAS:** I recently moved into the
7 Operations Support Inspector role, which oversees the Special
8 Events Section as well as other operations support units such as
9 Tactical, K9, Emergency Services.

10 **MR. MISHA BOUTILIER:** Who headed the Special
11 Events Unit? Who was the Staff Sergeant in charge?

12 **INSP. RUSSELL LUCAS:** That was Staff Sergeant
13 Kevin Kennedy.

14 **MR. MISHA BOUTILIER:** Okay. And who did you
15 report to?

16 **INSP. RUSSELL LUCAS:** My direct supervisor was
17 Superintendent Chris Rheaume.

18 **MR. MISHA BOUTILIER:** And who did Superintendent
19 Rheaume report to?

20 **INSP. RUSSELL LUCAS:** He reported to Deputy Chief
21 Trush Ferguson.

22 **MR. MISHA BOUTILIER:** Okay. And could you give
23 us kind of a 30-second elevator pitch, if you will, of -- about
24 what Special Events' responsibilities are in the context of a
25 major event?

26 **INSP. RUSSELL LUCAS:** They manage the daily
27 operations as the planning and most major events, and they also
28 serve as a filter point for labour disputes, protest

1 demonstrations, fairs, festivals, which all go through their
2 office.

3 **MR. MISHA BOUTILIER:** Okay. And you told us
4 earlier that on January 21st you became Incident Commander.

5 How did you come to serve as Incident Commander?

6 **INSP. RUSSELL LUCAS:** It was within the scope of
7 my roles and responsibilities as the Inspector of the
8 Operational Support Unit.

9 **MR. MISHA BOUTILIER:** So is it fair to say that
10 you assumed this role and were not directed by anyone within OPS
11 to assume the role?

12 **INSP. RUSSELL LUCAS:** That is correct.

13 **MR. MISHA BOUTILIER:** Okay. And what did you
14 understand your role to be as Incident Commander?

15 **INSP. RUSSELL LUCAS:** So part of my role as
16 Incident Commander was worked as an in-between between the
17 strategic and the tactical level where the planning team would
18 be doing a lot of the groundwork, the preparation and the
19 building, and I would be providing some guidance, some
20 oversight, providing feedback. And I would also serve as a
21 conduit to the strategic level.

22 **MR. MISHA BOUTILIER:** Okay. So you mentioned you
23 were supervising the planning process and the development of the
24 operational plan.

25 In addition, once the convoy arrived in Ottawa,
26 would you also be in charge of making operational decisions on
27 how OPS should respond to the convoy?

28 **INSP. RUSSELL LUCAS:** So I was one of the duty

1 inspectors. I worked every day from the time just before they
2 arrived until the day they left, and through the rehabilitation
3 process during the day shift. And we rotated four different
4 Inspectors to cover the night shifts.

5 **MR. MISHA BOUTILIER:** Okay. So is it fair to say
6 that during your shifts, you were the Inspector responsible for
7 making operational decisions?

8 **INSP. RUSSELL LUCAS:** That is correct.

9 **MR. MISHA BOUTILIER:** Okay. And in your summary,
10 you told us that Superintendent Rheaume was the initial Event
11 Commander.

12 What was his role and how did it differ from your
13 role as Incident Commander?

14 **INSP. RUSSELL LUCAS:** So he had two different
15 primary roles. One was to provide strategic direction to the
16 management to the event that was taking place because of the
17 size and scope that it had grown to, and he was to serve as the
18 conduit between the actual operational side and the executive.

19 **MR. MISHA BOUTILIER:** Okay. And you mentioned in
20 your summary as well that Acting Deputy Chief Patricia Ferguson
21 also provided strategic oversight.

22 What was -- what was her role and how did it
23 differ from Superintendent Rheaume's role?

24 **INSP. RUSSELL LUCAS:** So Superintendent Rheaume
25 was more involved in the daily operational oversight, where the
26 Deputy Chief Ferguson would be involved more in the bigger
27 picture strategic, how it interfaces with the public and our
28 roles and responsibilities as one part of the overall operations

1 that were happening across the city because there was still
2 regular operations that were still occurring.

3 **MR. MISHA BOUTILIER:** Okay. So is it fair to say
4 that both Superintendent Rheaume and Acting Deputy Chief
5 Ferguson were at the strategic level of command?

6 **INSP. RUSSELL LUCAS:** Yes.

7 **MR. MISHA BOUTILIER:** Okay. So you mentioned
8 that you learned about the Freedom Convoy for the first time on
9 January 18th and that on January 21st you began to act as the
10 Incident Commander.

11 And I'd like to explore with you what your
12 understanding was of the Freedom Convoy as of January 21st.

13 So my first question is, what did you understand
14 the Freedom Convoy's goal to be as of January 21st?

15 **INSP. RUSSELL LUCAS:** It was basically a protest
16 that was driving across the country to raise awareness and to
17 voice their displeasure with the current government mandates and
18 what they believed was the overreach of the federal government.

19 **MR. MISHA BOUTILIER:** Okay. I would like to pull
20 up OPS00002876.

21 So if you could scroll down to page -- yeah,
22 that's good.

23 So Inspector Lucas, you can see that this is an
24 email that Kevin Kennedy sent you on January 21st. Do you
25 recall receiving this email?

26 **INSP. RUSSELL LUCAS:** I do.

27 **MR. MISHA BOUTILIER:** Okay. And then if you
28 scroll down, you'll see that Staff Sergeant Kennedy -- scroll

1 further down, please -- was forward an email from Sergeant Sean
2 Key.

3 What was Sergeant Key's role in the Freedom
4 Convoy?

5 **INSP. RUSSELL LUCAS:** So he was the one who was
6 actually do the plan work, writing the plan and engaged in the -
7 - basically the meat and potatoes of it. And Kevin Kennedy was
8 providing the oversight and the guidance with his experience.

9 **MR. MISHA BOUTILIER:** Okay. And if you scroll
10 down just a little further. Thank you.

11 So you'll see that Sergeant Key writes, "This
12 convoy is to come from all" -- and this is in the first
13 paragraph, Inspector. Sergeant Key writes:

14 "This convoy is to come from all parts
15 of Canada with the intent of disrupting
16 Ottawa and specifically Parliament Hill
17 in an attempt to force the government to
18 repeal the COVID measures."

19 Does this align with your understanding of what
20 the convoy's goal was at this point in time, Inspector?

21 **INSP. RUSSELL LUCAS:** So there was -- yes. There
22 was talk about disrupting, as a protest would, as you would
23 normally see with the protests that we see every day. But the
24 context at this point is no convoys had departed at this point
25 and we were still gathering information about the size and scope
26 of the event.

27 **MR. MISHA BOUTILIER:** Okay. And you mentioned
28 disruption.

1 Was your understanding that disrupting downtown
2 Ottawa and Parliament Hill was the means by which the convoy
3 hoped to achieve its goal.

4 **INSP. RUSSELL LUCAS:** At this point, I don't
5 believe it was 100 percent clear. There was discussion on
6 protests which, again, most protests that we see on a daily
7 basis have varying degrees of disruption in the city.

8 **MR. MISHA BOUTILIER:** Okay. Would you -- and so
9 if you could -- let me ask a follow-up question.

10 At this time, how long did you expect the Freedom
11 Convoy to stay in Ottawa?

12 **INSP. RUSSELL LUCAS:** So they were still doing
13 the background work and so when I first became aware of it when
14 it came up at a meeting on the -- on the 18th, the initial
15 feedback that was provided to me by the members of the planning
16 team that have already been involved in two prior truck protests
17 in as many years here in Ottawa, which -- with the same mandate,
18 the same intent, but they were local groups, not coming from out
19 west, that were successfully managed and mitigated, included
20 parking trucks downtown.

21 **MR. MISHA BOUTILIER:** Okay. And so if we go to
22 the paragraph starting with "In the fall of 2021", it says:

23 "The vaccine mandate is a clear target
24 of their anger. The goal of the convoy
25 is to remain in Ottawa until the
26 restrictions were repealed."

27 Is -- does this align with what you understood to
28 be the goal of the Freedom Convoy as of January 21st?

1 **INSP. RUSSELL LUCAS:** That was part of their --
2 their messaging that they were sending out, but that is a common
3 theme that we've heard before and, as I said, with the previous
4 truck protests that did occur, that was the same message they
5 had delivered but were gone within -- I believe one was gone
6 only after a day and the other one was an overnight.

7 **MR. MISHA BOUTILIER:** Okay. So is it fair to say
8 that at this time, you did not expect that the convoy's
9 messaging about their intent to stay would align with what would
10 actually materialize when the convoy arrived.

11 **INSP. RUSSELL LUCAS:** Actually, what materialized
12 exceeded all our expectations, the size and scope of it.

13 **MR. MISHA BOUTILIER:** Okay. And if we scroll
14 further down, we see that in speaking with the OPP, they had
15 stood up two analysts who will be dedicated to this event. Do
16 you recall learning around January 21st that OPP was going to be
17 collecting intelligence on the Freedom Convoy?

18 **INSP. RUSSELL LUCAS:** Basically, by what was
19 shared with me on this, I knew that there was work that was
20 being done by OPP analysts.

21 **MR. MISHA BOUTILIER:** Okay. And further down in
22 the paragraph it reads, they, OPP, have declared this a high-
23 risk event as they effect -- expect traffic disruptions and
24 illegal activity. Do you recall being aware as of January 21st
25 that OPP had designated the Freedom Convoy as a high-risk event?

26 **INSP. RUSSELL LUCAS:** I do by this email, but the
27 context of what a high-risk event has not -- was not clearly
28 defined either.

1 **MR. MISHA BOUTILIER:** Okay. So I'd like to pull
2 up OPS00002878. So if you could just scroll down? Keep
3 scrolling. So we see here that -- and just a little more down -
4 - on the 21st, you forwarded this email chain to Acting Deputy
5 Chief Ferguson. Do you recall forwarding the email chain to
6 Acting Deputy Chief Ferguson?

7 **INSP. RUSSELL LUCAS:** I do.

8 **MR. MISHA BOUTILIER:** And why did you forward the
9 email chain to her?

10 **INSP. RUSSELL LUCAS:** I think it's important that
11 there's communication within the organization and sharing of
12 information so that they can make -- be aware and make strategic
13 decisions and be aware of things that are coming.

14 **MR. MISHA BOUTILIER:** So it's fair to say you
15 thought this was a significant enough event that the executive
16 of OPS needed to be appraised [*sic*] at an early stage?

17 **INSP. RUSSELL LUCAS:** Yes.

18 **MR. MISHA BOUTILIER:** Okay. And if you could
19 just scroll up a bit? So we see that Acting Deputy Chief
20 Ferguson shared this email with Chief Sloly and then Deputy
21 Chief Bell. Did you have any kind of direct interactions with
22 either Chief Sloly or Deputy Chief Bell during the Freedom
23 Convoy outside of meetings or team meetings or briefings?

24 **INSP. RUSSELL LUCAS:** No, it was primarily
25 through meetings and interactions through my role as it
26 pertained to this convoy.

27 **MR. MISHA BOUTILIER:** Okay. And you were aware
28 though that Acting Deputy Chief Ferguson, that it was her role

1 to relay information that you were providing to her up to Chief
2 Sloly and to the extent it pertained to Intelligence to Deputy
3 Chief Bell?

4 **INSP. RUSSELL LUCAS:** She would manage -- my
5 assumption, she would be managing the information to determine
6 what he needs to be advised of.

7 **MR. MISHA BOUTILIER:** Okay. You can take that
8 email down now.

9 So I'd like to turn to the role of intelligence
10 in planning. Was it your understanding that planning for the
11 Freedom Convoy should be intelligence led?

12 **INSP. RUSSELL LUCAS:** That was the direction that
13 was -- they've been pivoting to over the last few years, and
14 they were -- the Planning Team was working with members of the
15 Intelligence Directorate.

16 **MR. MISHA BOUTILIER:** Okay. And you mentioned
17 that was the direction we'd been pivoting to. Who gave that
18 direction?

19 **INSP. RUSSELL LUCAS:** I can't say for sure. As I
20 said, I only returned into that role at the beginning of the
21 year. I'd worked in that directorate before in prior years, but
22 three years prior to that, I'd been working on the road.

23 **MR. MISHA BOUTILIER:** Okay. And so we've heard
24 evidence at the Commission during the past week of hearings that
25 intelligence-led planning was something that was important to
26 Chief Sloly. Were you aware that the former Chief wanted
27 planning to be intelligence led?

28 **INSP. RUSSELL LUCAS:** Yes.

1 **MR. MISHA BOUTILIER:** Okay. So how did the
2 Intelligence Directorate share intelligence with you and your
3 special events planners?

4 **INSP. RUSSELL LUCAS:** So the -- it was moreso at
5 the working level. So the Planning Team members would work with
6 the constables and sergeants in the Intelligence Directorate to
7 make sure that they're getting mutually supportive information
8 for their respective roles.

9 **MR. MISHA BOUTILIER:** Okay. Do you recall if the
10 Intelligence Directorate shared documents titled threat
11 assessment with the -- with you and your Planning Team before
12 the Freedom Convoy arrived?

13 **INSP. RUSSELL LUCAS:** Not with me personally, but
14 I know there was discussions. They may not shared the full
15 reports. They may vet them before they share the salient
16 information with the Planning Team.

17 **MR. MISHA BOUTILIER:** Okay. So could we pull up
18 OPS00003085? So if you could just scroll down. So we see this
19 is email from Sergeant K to you on January 26th, and it says,
20 "Attached is the Intelligence report from OPS." And then if we
21 scroll up, we see that you forwarded that report to
22 Superintendent Rheaume and Acting Deputy Chief Ferguson. Do you
23 see the title of that report as "Convoy Jan 22 Threat Assessment
24 V1"?

25 **INSP. RUSSELL LUCAS:** Yes.

26 **MR. MISHA BOUTILIER:** Does seeing this email
27 refresh your memory that the Intelligence Directorate shared
28 threat assessment documents with you before the Freedom Convoy

1 arrived?

2 **INSP. RUSSELL LUCAS:** They did.

3 **MR. MISHA BOUTILIER:** Okay. So I'd now like to
4 pull up OPS3086, which is the threat assessment that you
5 forwarded to Superintendent Rheaume and Acting Deputy Chief
6 Ferguson on the 26th. And we see here that this is dated January
7 25th. To the best of your recollection, did you receive this on
8 the 25th, or did you only receive it when it was sent to you on
9 the 26th?

10 **INSP. RUSSELL LUCAS:** I would have received it on
11 the day it was sent to me.

12 **MR. MISHA BOUTILIER:** Okay. So if you could --
13 and do you recall reviewing or reading this document?

14 **INSP. RUSSELL LUCAS:** I remember reading
15 different versions of this one. I do.

16 **MR. MISHA BOUTILIER:** Okay. So if we could
17 scroll down to the top of page 3? Right there is good. So in
18 the second paragraph, we see,

19 "Therefore, we expect to see a huge
20 volume of vehicles and large transport
21 trucks clogging city roads..."

22 Was it your understanding from this threat
23 assessment that there would be large numbers of vehicles
24 arriving in Ottawa as part of the Freedom Convoy?

25 **INSP. RUSSELL LUCAS:** I did -- so the
26 intelligence was stating that -- I want to provide a little
27 additional context. So we knew the convoy was going to be
28 arriving. At this point, I believe it was only the western

1 convoy that was en route. The other convoys were not yet
2 started. And we were monitoring the actual size and their
3 behaviours and their actions, which was included as part of our
4 building our plan.

5 **MR. MISHA BOUTILIER:** Okay. And in your summary,
6 I think you referenced a previous truck protest in Ottawa with
7 somewhere around the range of 20 to 30 trucks. Do you recall
8 that?

9 **INSP. RUSSELL LUCAS:** I wasn't involved in it,
10 but the information that was relayed to me by the Planning Team
11 was that they had experienced this before, and we had
12 experienced with other similar vehicle protests downtown as
13 well.

14 **MR. MISHA BOUTILIER:** Okay. So when you saw that
15 the Intelligence Directorate was saying we expect to see a huge
16 volume of vehicles and large transport trucks, and keeping in
17 mind that you didn't have an exact number, were you expecting it
18 would be more than the 20 or 30 trucks that you'd seen in the
19 past?

20 **INSP. RUSSELL LUCAS:** Yes, because the core that
21 started out from B.C., I believe, was around 50 with vehicles
22 that would join it and then depart at various parts of the leg.

23 **MR. MISHA BOUTILIER:** Okay. And if we could just
24 scroll down to page 5 of the document, right here, the section
25 what this means for event planners, and I'll just give you a bit
26 of time to review this before I ask some questions.

27 **INSP. RUSSELL LUCAS:** Okay.

28 **MR. MISHA BOUTILIER:** Okay. So from your

1 understanding of this section, what this means for event
2 planners, did you think the Intelligence Directorate understood
3 the Freedom Convoy to be similar to or unlike previous events
4 that Ottawa had experienced?

5 **INSP. RUSSELL LUCAS:** Well, it was going to be
6 larger than what we'd experienced before, but again, the
7 intelligence is only one piece of the puzzle that they're using
8 towards the planning process as well.

9 **MR. MISHA BOUTILIER:** Okay. So specifically
10 here, the first bullet reads:

11 "This event is going to be bigger in
12 crowd size than any demo in recent
13 history, possibly on par with Canada
14 Day events, but more disruptive."

15 So would you have understood from this that the
16 Freedom Convoy was likely to cause more significant disruption
17 than other significant events that Ottawa had experienced
18 before?

19 **INSP. RUSSELL LUCAS:** So on the -- around the
20 25th, 26th, the primary focus, we originally planned this as a -
21 - main portion of our planning was focussed on how do we
22 manage... Because the number of vehicles that were potentially
23 going to arrive you were not going to stop. So it was how do
24 you work with them to mitigate the risks and the impacts to the
25 community? So with this, that statement that a lot of our --
26 the challenges and disruption would be around traffic, but we
27 also had to focus on the -- as well that -- the fact that the
28 convoy organisers were actually cooperative and were not

1 demonstrating disruptive behaviour on their way there, the ones
2 that were already -- the one that was already under route.

3 **MR. MISHA BOUTILIER:** Okay. And you mentioned
4 the number of vehicles was such that you were not going to stop
5 them, and I'm going to circle back to that number later. But
6 before I do, I just wanted to close off this piece.

7 The bullet starting with "In 6 years" reads:

8 "In 6 years of working large
9 demonstration events from the
10 intelligence point of view, the writer
11 has never seen such widespread
12 community action..."

13 Did you understand the Intelligence Directorate
14 to be saying that the level of mobilisation and support for this
15 protest across Canada was unprecedented?

16 **INSP. RUSSELL LUCAS:** So part of the context to
17 this, and knowing the writer and knowing the people involved, is
18 part of the challenge is the topic of mandates, the
19 restrictions, vaccinations is an extremely divisive topic. I've
20 seen it in my own family, and you see that those challenges
21 arise and it becomes a polarising topic of discussion. So yes,
22 it does have the potential to create language and debate amongst
23 people who are normally cooperative.

24 **MR. MISHA BOUTILIER:** Right.

25 And if we could just scroll to page 3, the bottom
26 of page 3. Further down, just slightly.

27 So we read in the last paragraph, the writer
28 says:

1 "These conditions create grounds for
2 passionate emotions."

3 Is that consistent with what you were just
4 describing about the divisive nature of mandates?

5 **INSP. RUSSELL LUCAS:** Yes.

6 **MR. MISHA BOUTILIER:** Okay. So I'd like to
7 circle back now to the topic of numbers, since you mentioned it.
8 As of January 26th, how many convoys did you understand would be
9 travelling to Ottawa?

10 **INSP. RUSSELL LUCAS:** So on the 21st, I was aware
11 of five potential convoys, and by the time we got to the 28th,
12 we were at 13 confirmed convoys.

13 **MR. MISHA BOUTILIER:** Okay. Do you have a
14 specific recollection of how many convoys you were aware of as
15 of January 26th, which is the date you received this threat
16 assessment?

17 **INSP. RUSSELL LUCAS:** No, I don't recall top of
18 my head.

19 **MR. MISHA BOUTILIER:** Okay.
20 Could we pull up OPS14540? Sorry, it should be
21 OPS00014540.

22 So Inspector Lucas, do you recognise this
23 document as your notes?

24 **INSP. RUSSELL LUCAS:** It's my duty book, yes.

25 **MR. MISHA BOUTILIER:** Okay. And if we could go
26 to page 7.

27 So we see these are your notes for January 26th,
28 and scrolling down further down the page, we see there's a

1 statement at 9:30, "Conference call with OPP, RCMP and PPS." Do
2 you recall participating in this call?

3 **INSP. RUSSELL LUCAS:** I do.

4 **MR. MISHA BOUTILIER:** And what was the purpose of
5 this call?

6 **INSP. RUSSELL LUCAS:** To make sure that we were
7 sharing information about the developments of the convoys across
8 the country.

9 **MR. MISHA BOUTILIER:** Okay. And the second
10 bullet reads, "OPP - now 11 convoys". Does this refresh your
11 memory that as of January 26th you knew that 11 convoys would be
12 travelling to Ottawa?

13 **INSP. RUSSELL LUCAS:** So there was 11 convoy
14 groups that we have identified. Not all were enroute, and they
15 were looking at information about where they were coming from
16 and who the leaders were, yes.

17 **MR. MISHA BOUTILIER:** Okay. And what was your
18 understanding of how many vehicles were in the Western convoy at
19 this time?

20 **INSP. RUSSELL LUCAS:** So it constantly changed.
21 So as they were travelling, they had -- the core group that
22 originally left, they would pick up people that would join in
23 with them in support through their areas where they resided or
24 their province, and then they would break off. So the number
25 was inconsistent.

26 **MR. MISHA BOUTILIER:** Okay. And if we scroll
27 down just a little bit further, we see a statement. Actually,
28 could you read the statement that starts with "West Group" to

1 me, the last bullet?

2 **INSP. RUSSELL LUCAS:** Yes. "West Group staying
3 until mandate lifted."

4 **MR. MISHA BOUTILIER:** Okay. And who told you
5 that West group was staying until mandates were lifted?

6 **INSP. RUSSELL LUCAS:** It would have been
7 addressed by somebody else on the conference call that I made a
8 note of.

9 **MR. MISHA BOUTILIER:** Okay. So that was the
10 intelligence you were hearing as of January 26th, that the
11 Western convoy were staying until mandates were lifted?

12 **INSP. RUSSELL LUCAS:** Correct.

13 **MR. MISHA BOUTILIER:** Okay.

14 And could I just pull up OPP3058? Sorry,
15 OPS00003058.

16 So you'll see, this is an email that Peter
17 McKenna forwarded to you, and it's titled ERPLT: Convoy for
18 Freedoms. Do you recall that before the Freedom Convoy arrived
19 you were receiving updates from the Ontario Provincial Police
20 police liaison teams that were monitoring the convoy?

21 **INSP. RUSSELL LUCAS:** Yes.

22 **MR. MISHA BOUTILIER:** Okay.

23 **INSP. RUSSELL LUCAS:** Most of them are getting to
24 me.

25 **MR. MISHA BOUTILIER:** Okay.

26 And if we just scroll down a bit. A little
27 further. Right there.

28 So we see:

1 "Quick update...for West convoy
2 from...officer who counted 480
3 [vehicles]. It spans 50km's..."

4 Does this refresh your memory as to how many
5 vehicles you understood to be on the Western convoy as of the
6 afternoon of January 26th?

7 **INSP. RUSSELL LUCAS:** And I said, there was the
8 core group, and they would have people who would join them for
9 parts of their route, and then would disperse and wouldn't be
10 staying with them for the whole way.

11 **MR. MISHA BOUTILIER:** Okay.

12 **INSP. RUSSELL LUCAS:** So that's where -- that's
13 how many people that were associated to that section of the
14 convoy at that point in time.

15 **MR. MISHA BOUTILIER:** Okay. And did you have a
16 ballpark estimate of how many people might arrive in Ottawa as
17 of January 26th?

18 **INSP. RUSSELL LUCAS:** As of this date?

19 **MR. MISHA BOUTILIER:** Yes.

20 **INSP. RUSSELL LUCAS:** So the original information
21 that came back was saying that we could see upwards of 100
22 vehicle per province. We knew that it would be -- those numbers
23 would average out. It would be based on we may not see as large
24 numbers from some of the smaller provinces but we would see
25 larger ones from West and from Ontario.

26 **MR. MISHA BOUTILIER:** Okay.

27 **INSP. RUSSELL LUCAS:** So that's in trucks.

28 **MR. MISHA BOUTILIER:** Okay.

1 Could you scroll down to page 3, please? A
2 little further down. Just a bit further.

3 All right. So we see there's a bullet in this
4 email saying:

5 "OPS/PPS are expecting 10,000 ppl for the
6 event Sat[urday] 29th at 12pm."

7 Does this refresh your memory as to how many
8 people the Ottawa Police Service was expecting to attend the
9 Freedom Convoy at this point in time?

10 **INSP. RUSSELL LUCAS:** That's how many people that
11 they thought would show up for the events on the Saturday.

12 **MR. MISHA BOUTILIER:** Okay. So fair to say that
13 10,000 people you were expecting would attend on the Saturday,
14 and you weren't sure how many people would stay on the Sunday
15 and going forward?

16 **INSP. RUSSELL LUCAS:** That's correct. But those
17 are also local people as well, and local supporters are coming
18 from the neighbouring area. Like, Canada Day is, you know,
19 100,000 people at any given time. Ten thousand (10,000) people
20 of a group that is demonstrating behaviour as peaceful and
21 cooperative is not a concern at this point.

22 **MR. MISHA BOUTILIER:** Okay. And in your summary,
23 you mention that by January 25th or 26th, your concerns about the
24 Freedom Convoy were becoming heightened. Do you recall that
25 statement?

26 **INSP. RUSSELL LUCAS:** I do. And there was
27 concerns. And the concerned weren't necessarily about the
28 convoy, it's about who is attaching themselves to the convoy and

1 some of the online rhetoric that we were starting to see that
2 was arising.

3 **MR. MISHA BOUTILIER:** Okay. So is it fair to say
4 that your heightened concerns were about the potential for
5 violence or, for instance, for people attempting to storm
6 Parliament Hill?

7 **INSP. RUSSELL LUCAS:** There was a lot of
8 references that were popping up on social media saying this was
9 going to be their January 6th, and this was the -- I believe this
10 was the same day that we started reaching out to have other
11 public order units from other police services to be in town to
12 support us.

13 **MR. MISHA BOUTILIER:** Okay. And as of the 26th,
14 did you also have concerns or heightened concerns that convoy
15 participants would remain in Ottawa beyond the January 29th/30th
16 weekend?

17 **INSP. RUSSELL LUCAS:** I knew that there was a
18 potential for a group of them to remain behind. The size and
19 scope of that, it exceeded what we were anticipating.

20 **MR. MISHA BOUTILIER:** Okay. And so I'd like to
21 just briefly pull up OPS3215. Sorry, four zeros 3215.

22 So we see this is an email sent to you on January
23 26th from an INTERSECT account, and it says it's sent by Kim. Do
24 you recall receiving this email from an INTERSECT officer on the
25 26th?

26 **INSP. RUSSELL LUCAS:** Yes.

27 **MR. MISHA BOUTILIER:** Okay. And so we see that
28 you replied to it.

1 And if you just scroll down a bit? Further down.

2 So do you see the text:

3 "Do we want to commit to dates, it could
4 last much longer"

5 Do you see that that's in a different colour from
6 the other text?

7 **INSP. RUSSELL LUCAS:** Yes.

8 **MR. MISHA BOUTILIER:** Is that because you wrote
9 that text in a different colour as your comments?

10 **INSP. RUSSELL LUCAS:** Yes. And because I'm not
11 sure who is getting those Intersect, there are different levels
12 of Intersect messages that go out. So it depends on, is that a
13 general public one or is that one that's going to policing
14 partners?

15 **INSP. RUSSELL LUCAS:** Okay. And so the bullet
16 you commented on reads:

17 "...this will be a significant and extremely
18 fluid event that could go on for a
19 prolonged period (January 28[th] to
20 30[th])."

21 And you wrote:

22 "Do we want to commit to dates, it could
23 last much longer"

24 How much longer did you think the Freedom Convoy
25 could last, as of the 26th?

26 **INSP. RUSSELL LUCAS:** As of the 26th, I
27 anticipated the vast majority would leave after the first
28 weekend. And as a matter of fact, I would say between 60 and 70

1 percent of them did leave after the first weekend. The
2 unfortunate part was the footprint remained the same. And then
3 we thought maybe a week or so for the remainder.

4 **MR. MISHA BOUTILIER:** Okay. So a week or so.
5 That would be up until February 4th, 5th, 6th? Is that about
6 right?

7 **INSP. RUSSELL LUCAS:** Correct.

8 **MR. MISHA BOUTILIER:** Okay.

9 **INSP. RUSSELL LUCAS:** And to provide clarity to
10 that, again, we weren't expecting the numbers that actually
11 attended.

12 **MR. MISHA BOUTILIER:** Okay. And so I'd like to
13 pull up OPS00003403. And just for the record, this document was
14 not in the list that went out to the parties because it was only
15 posted to the party database this morning. But I understand
16 that my colleague, Mr. Brousseau, has circulated it by email to
17 the parties so that they have notice.

18 So this document is titled: "MEETING NOTES
19 Intelligence Directorate/Intelligence Services Branch January
20 27th, 2022". And do you see your name in the line that starts
21 with "R. Lucas"?

22 **INSP. RUSSELL LUCAS:** Yes.

23 **MR. MISHA BOUTILIER:** So do you recall attending
24 a meeting with the Intelligence Directorate at 12:30 on January
25 27th?

26 **INSP. RUSSELL LUCAS:** I believe so.

27 **MR. MISHA BOUTILIER:** Okay. So scrolling down
28 further down the first page, we see a comment by M. Patterson.

1 Is that Supt. Mark Patterson?

2 **INSP. RUSSELL LUCAS:** Yes.

3 **MR. MISHA BOUTILIER:** And so he says:

4 "Mentioned on INTERSECT call and would be
5 prudent to bring to JIG - peaceful
6 friendly convoy demo has become Project
7 Bear Hug."

8 What did you understand him to mean by that
9 statement?

10 **INSP. RUSSELL LUCAS:** I don't recall.

11 **MR. MISHA BOUTILIER:** Okay. Is it fair to say
12 that around this time, there was concern that the Freedom Convoy
13 was morphing from a peaceful, lawful protest, to an event that
14 could result in an unlawful occupation of Ottawa?

15 **INSP. RUSSELL LUCAS:** Well in hindsight, yes.
16 But at the time of this, I would say no, because, again, we're
17 fully engaging PLT with the various organizers, convoy captains.
18 The demonstrated behaviour of the convoys through their transits
19 has been peaceful, compliant, and working with police, not
20 against.

21 **MR. MISHA BOUTILIER:** Okay. And if we scroll to
22 page 2 in the "TRAFFIC" section? So we the "R. Lucas: 'Higher
23 level'". I think the second paragraph in this section. Do you
24 see that, Insp. Lucas?

25 **INSP. RUSSELL LUCAS:** I do.

26 **MR. MISHA BOUTILIER:** So you say:

27 "Our message to [everyone] is that there
28 will be traffic chaos in the city for

1 Saturday and Sunday for sure. Then it
2 will come down to how many people actually
3 leave or stay."

4 And you write:

5 "I am praying for really, really cold
6 weather."

7 **INSP. RUSSELL LUCAS:** I said that, yeah.

8 **MR. MISHA BOUTILIER:** Okay. So fair to say at
9 this time you weren't sure how many people were going to stay?

10 **INSP. RUSSELL LUCAS:** Correct. We -- to me, at
11 that time, we believed the highest risk would be the core group
12 that was coming from the furthest distance from out west.

13 **MR. MISHA BOUTILIER:** Right. And that was the
14 group that, as of January 26, had 480 vehicles?

15 **INSP. RUSSELL LUCAS:** With a core group of about
16 50 ---

17 **MR. MISHA BOUTILIER:** Okay.

18 **INSP. RUSSELL LUCAS:** --- in the convoy.

19 **MR. MISHA BOUTILIER:** And if we could just scroll
20 down to page 3, the "MISCELLANEOUS" section? And further down.
21 Further down. Yeah, that's good.

22 Could you just take a minute to read that
23 paragraph to familiarize yourself with it?

24 **INSP. RUSSELL LUCAS:** Yes.

25 **MR. MISHA BOUTILIER:** Okay. So you wrote:

26 "The main group may leave, but we will
27 hundreds of trucks if not thousands who
28 will stay here, they don't have jobs to go

1 back to, they have a \$5M kitty to draw
2 from."

3 So Inspector, as of January 27th, you were
4 expecting hundreds of trucks to stay and you thought that
5 thousands of trucks might potentially stay beyond the weekend?

6 **INSP. RUSSELL LUCAS:** What I -- what we worked
7 towards and how -- you also have to be aware of worst-case
8 scenario, and that's what we were discussing, what is the worst-
9 case scenario, what do we do as we go forward. And when we
10 cover the operational plan, I'll cover more of that off.

11 **MR. MISHA BOUTILIER:** Okay. And so by worst-case
12 scenario, do you mean -- do you mean violence or the potential
13 for violence?

14 **INSP. RUSSELL LUCAS:** No. It's about the fact
15 that they may stay.

16 **MR. MISHA BOUTILIER:** Okay. And then if we
17 scroll down to the top of page 4, it says:

18 "...our number 1 priority is public
19 safety. We will not put our members at
20 risk as we have a finite number of
21 resources."

22 What did you mean by this statement?

23 **INSP. RUSSELL LUCAS:** So we were still -- at this
24 point in time, we were still having the initial discussions with
25 the other services about what resources from Public Order Units
26 can be sent, and that's what we're looking at.

27 So until I know what we're going to have for firm
28 resources that are going to be available, we got to make sure

1 that what we do have is sustainable to achieve the public
2 safety, which is our first and foremost goal.

3 **MR. MISHA BOUTILIER:** Okay. And at the of the
4 page, it says, "We will not be arresting people for breaking
5 windows."

6 Is it fair to say that as of the 27th, you did
7 not think that OPS had enough resources to safely conduct
8 enforcement activities once the convoy arrived?

9 **INSP. RUSSELL LUCAS:** So there's two parts to
10 that.

11 The first part with regards to the broken
12 windows, so one of the standard practices that we push out for
13 demonstrations that have the potential for violence, so if
14 somebody is -- if they were having a crowd that is very volatile
15 and somebody breaks a window, we're not going to rush officers
16 in to try and make an arrest that's going to agitate the crowd
17 and escalate the event. We will document, we will investigate
18 and we will lay the charges at a later time. It's about the
19 timeliness and how we're going to maintain public safety.
20 That's what the reference for the broken window is.

21 With respect to our resources, we were already
22 short staffed. We have a hard time meeting our current mandate
23 with the staffing levels we have in this organization and we
24 were already pulling from all different directorates to be able
25 to staff for this event.

26 And as has been previously mentioned by my Deputy
27 Chief and the Chief, it's been a long hard two years for them.

28 **MR. MISHA BOUTILIER:** Okay. So was it -- is it

1 fair to say that as of the 26th and the 27th you were concerned
2 that OPS would be overwhelmed by the Freedom Convoy and that it
3 wouldn't have enough officers to staff the response?

4 **INSP. RUSSELL LUCAS:** At this point in time, it
5 wasn't about being overwhelmed. It was about if we ended up
6 where violence does erupt, are we going to have the resources to
7 quickly regain the safety and bring order back in to the city.

8 **MR. MISHA BOUTILIER:** Okay. If I could just
9 briefly pull up OPS0003088.

10 So this is an email you sent to Acting Deputy
11 Chief Ferguson on the 26th attaching -- or including draft
12 speaking points. And if we just scroll down, we see there's a
13 bullet that states that:

14 "The sheer number of vehicles yet to be
15 identified. May still overwhelm."

16 Inspector Lucas, does this refresh your memory
17 that you were concerned about OPS being overwhelmed as of
18 January 26th?

19 **INSP. RUSSELL LUCAS:** Well, there is -- yes, but
20 again, context.

21 So depending on the convoys if they arrive on
22 their schedules and they remain cooperative, it was not -- and
23 they go to the places where we work locations out for them, then
24 we would not have been overwhelmed. Then we would have been
25 able to manage it with the framework that we have in place. But
26 if they didn't stick to their schedule or they all tried to come
27 at the same time, then there was a potential for our resources
28 to be stretched too thin.

1 **MR. MISHA BOUTILIER:** Okay. So just so I
2 understand, are you saying that if convoy organizers and the
3 convoy participants honoured the agreements they were making
4 with the Police Liaison Team, then OPS could manage, but if
5 those agreements were not honoured, then OPS could be
6 overwhelmed?

7 **INSP. RUSSELL LUCAS:** There was a potential, yes.

8 **MR. MISHA BOUTILIER:** Okay. I think now is a
9 good time to turn to the operational -- January 28th operational
10 plan, which is OPP00004262.

11 And just scrolling down to the first page, the
12 bottom of the first page, it says -- the write's name is Staff
13 Sergeant Key, so he's the -- he's the author of the plan. Is
14 that right?

15 **INSP. RUSSELL LUCAS:** Correct.

16 **MR. MISHA BOUTILIER:** And did you receive this
17 plan on the 27th or the 28th? I see that it's dated the 28th.

18 **INSP. RUSSELL LUCAS:** There was an email
19 attachment on another document where it actually provided
20 feedback and that will tell you the date that I received it.

21 **MR. MISHA BOUTILIER:** Okay. And then if we just
22 scroll down to page 2 of the plan, we see that it lists you as
23 an authorizing authority. So did you approve this plan?

24 **INSP. RUSSELL LUCAS:** With a few minor amendments
25 to it, yes, I did.

26 **MR. MISHA BOUTILIER:** Okay. And in your
27 interview summary, you stated that it was made clear to you that
28 Chief Sloly's approval of this plan was required. Do you recall

1 that statement?

2 **INSP. RUSSELL LUCAS:** Yes.

3 **MR. MISHA BOUTILIER:** How was it made clear to
4 you that Chief Sloly's approval was required?

5 **INSP. RUSSELL LUCAS:** It was told that by the --
6 to me by the planning team, that that had become the standard
7 practice that they would go to the Chief for final approval.

8 **MR. MISHA BOUTILIER:** Okay. And I think you said
9 in your summary you -- that was a new requirement, to your
10 understanding. Is that correct?

11 **INSP. RUSSELL LUCAS:** That's correct.

12 **MR. MISHA BOUTILIER:** Okay. And I'll just put it
13 to you, if you scroll down just a bit, so there's no line for
14 Chief Sloly's signature here, is there?

15 **INSP. RUSSELL LUCAS:** No, there's not.

16 **MR. MISHA BOUTILIER:** Okay. And do you know why,
17 if Chief Sloly needed to approval the plan, there's no line for
18 his signature?

19 **INSP. RUSSELL LUCAS:** No.

20 **MR. MISHA BOUTILIER:** Okay. So I'd like to turn
21 to pages 7 through 8 of the plan. And scroll down to the threat
22 assessment section.

23 So it says OPS SIS. Do you recognize that as the
24 OPS Security Intelligence Section?

25 **INSP. RUSSELL LUCAS:** Yes.

26 **MR. MISHA BOUTILIER:** Okay. And who drafted this
27 threat assessment?

28 So what I'm trying to understand is did the

1 planning team just copy/paste material that they received from
2 the Security Intelligence Section or did they kind of read what
3 they received from that at that section and include the points
4 that they thought were relevant?

5 **INSP. RUSSELL LUCAS:** Usually my understanding is
6 the practice is it is a collaborative effort between the two.

7 **MR. MISHA BOUTILIER:** Okay. And I'd just like to
8 give you an opportunity to briefly read the bullets that appear
9 here.

10 If you could just scroll down so the Inspector
11 can see all the bullets.

12 And just further down onto the next page.

13 And so I think -- sorry, Inspector. I'll just
14 give you a moment to review those bullets.

15 **INSP. RUSSELL LUCAS:** Okay.

16 **MR. MISHA BOUTILIER:** So Inspector, I think you
17 had said earlier that, in your mind, a prolonged occupation by
18 the Freedom Convoy was the worst-case scenario for you. Am I
19 remembering that right?

20 **INSP. RUSSELL LUCAS:** Correct.

21 **MR. MISHA BOUTILIER:** Okay. And does the threat
22 assessment section mention that risk?

23 **INSP. RUSSELL LUCAS:** No, it does not.

24 **MR. MISHA BOUTILIER:** When you received the
25 threat assessment, were you concerned that this risk was not
26 recorded?

27 **INSP. RUSSELL LUCAS:** No, because it was built
28 into the other components of the plan and how they were

1 approaching it.

2 **MR. MISHA BOUTILIER:** Okay. But you would
3 consider the -- let me -- would you consider the worst-case
4 scenario to be a significant case?

5 **INSP. RUSSELL LUCAS:** Yes, because it did happen.

6 **MR. MISHA BOUTILIER:** Okay. And would you
7 normally expect significant risks to be reflected in the threat
8 assessment section of an operational plan?

9 **INSP. RUSSELL LUCAS:** Yes, it should have been
10 there.

11 **MR. MISHA BOUTILIER:** Okay. And so I'd like to
12 ask how many days of operation did the operational plan address?

13 **INSP. RUSSELL LUCAS:** The initial plan, I
14 believe, was three days, and it primarily rotated around the
15 scheduled events that they learned was taking place with the
16 protest organizers.

17 **MR. MISHA BOUTILIER:** Okay. And if we could just
18 turn to page 12 at the top of the page, please?

19 So there's the paragraph that reads:

20 "The event will commence on Friday the
21 28th of January. [And] Current
22 intelligence is not clear on the
23 duration of the event. This plan will
24 address the first two days of operation
25 and is adaptable so that it can
26 continue into additional dates."

27 Is that consistent with what you were just
28 saying; that the plan covers the first three days?

1 **INSP. RUSSELL LUCAS:** So part of the ISC model,
2 when we send it to the Incident Commander, is a planning and
3 stocking contingent. On the Friday the 28th, we stood up our
4 service Command Centre, to start looking at resourcing,
5 planning, and succession planning to go forward for this event
6 as of the Friday.

7 **MR. MISHA BOUTILIER:** Okay. What were OPS's
8 contingency plans if participants in the convoy events remained
9 in Ottawa beyond the January 29th, 30th weekend, and if an
10 occupation materialized?

11 **INSP. RUSSELL LUCAS:** It would depend on the size
12 and scope and the footprint. So as I said -- as I stated, at
13 the end of that first weekend and into that Monday, two-thirds
14 or more of them left and we had an opportunity to shrink that
15 footprint, which didn't take place. And in -- we would have
16 been able to rearrange our traffic plan to mitigate that.
17 Similarly we've seen to other protests that have occupied
18 Wellington Street in the past, if there was no volatility with
19 crowd dynamics, you create a traffic plan and provide a robust
20 police presence to ensure public safety.

21 **MR. MISHA BOUTILIER:** Okay. So you mentioned
22 that it would depend on how many people stayed and how many
23 people left. Was OPS -- sorry. Is it fair to say that OPS was
24 waiting to see how many people would stay or leave, and would
25 then develop a contingency plan on the 31st once it had that
26 information?

27 **INSP. RUSSELL LUCAS:** No. So part of that
28 discussion was already taking place about where would we be

1 diverting traffic if there was an extended presence. It's not
2 included in this plan, no. The plan was -- again, you have to
3 look at the short timeline. This was the 27th, 28th, and the
4 event was arriving the 28th. We can't wait till we have 100
5 percent solution to have a framework up so that we can get
6 troops on the ground to make sure that we're responding to the
7 needs of the public, and that's why the Service Command Centre
8 was stood up to ensure that we were building succession planning
9 to be able to go forward.

10 You have to work off of -- you can look at
11 different speculations on what could or could not happen, and --
12 but at this point you have to take a look at if two-thirds left
13 and we did compress and we were Wellington Street only, it would
14 have been a very -- much more easier to manage with the
15 resources that we had.

16 **MR. MISHA BOUTILIER:** Okay. So ---

17 **INSP. RUSSELL LUCAS:** Or if they stayed where we
18 asked them to park.

19 **MR. MISHA BOUTILIER:** Okay. So I just want to
20 make sure I understand. So is it accurate that the contingency
21 plans were not included in this document but were being
22 developed, primarily by the Service Command Centre?

23 **INSP. RUSSELL LUCAS:** Based on dynamics of what
24 was happening at the time.

25 **MR. MISHA BOUTILIER:** Okay. And so when Acting
26 Deputy Chief Ferguson testified to the Commission last week, she
27 told us that the operational plan did not contain a contingency
28 plan beyond the January -- if the protesters stayed beyond

1 January 31st at noon. Is that consistent with what you were just
2 saying; that those contingency plans are not in this plan?

3 **INSP. RUSSELL LUCAS:** This plan does not have it.

4 **MR. MISHA BOUTILIER:** Okay. And Supt. Bernier,
5 Robert Bernier is going to be testifying later today, he told us
6 in his interview that he was concerned about a disconnect
7 between Intelligence and Planning before the Freedom Convoy. In
8 your view, does the absence of contingency plans in this
9 operational plan reflect such a disconnect?

10 **INSP. RUSSELL LUCAS:** As with any event, there
11 could be improvements. I think there was good communication
12 between the two. Was it robust enough? Obviously we did not
13 have as much as we needed in advance. But I also want to point
14 out that the context of this is a little different as well.
15 This is something that was very fluid, that they were planning
16 in a week. If I were to use my previous planning experience
17 working in the 2016 North American Leaders Summit where I was
18 the lead planner for the Ottawa Police, which was about the same
19 scope, maybe even a little bit smaller for a head of state
20 visit, we had months to plan and prepare. And months to get
21 resources into place. This was less than a week.

22 **MR. MISHA BOUTILIER:** Okay. And Inspector, in
23 your summary you told us that starting on January 29th, so this
24 is when the convoys are starting to arrive, OPS became
25 progressively overwhelmed and that you and the National Capital
26 Region Command Centre were drinking from the firehose as
27 additional Freedom Convoy vehicles arrived in Ottawa. Do you
28 recall that statement?

1 **INSP. RUSSELL LUCAS:** I certainly do.

2 **MR. MISHA BOUTILIER:** Could you unpack that for
3 the Commissioner, just to help us understand?

4 **INSP. RUSSELL LUCAS:** Sure. So on the Friday,
5 for the most part the arrivals were actually very -- for the
6 most part were orderly. People were -- the convoys were going
7 to locations that were predesignated, and areas that we --
8 again, it goes back to we were expecting a few thousand and it
9 still exceeded what we were -- what we actually, truly expected.
10 And my personal opinion is it probably exceeded what the
11 organizers were expecting.

12 But on that Friday, people were going to places
13 we designated, where we were actually -- if you look at those --
14 on the maps, on the Parkways and on Wellington we were doing
15 everything we could to keep them out of the residential areas.

16 The analogy I use is I have one load of sandbags
17 and we're building a wall, but you see the waters are rising
18 faster and you know you're going to get overwhelmed with the
19 water that's coming. So you use your sandbags to divert them to
20 minimize and mitigate the damages and the impacts to the area
21 that it going to be the recipient of those floodwaters.

22 And that's what we were trying to do. But what
23 happened was on the Saturday, the Western convoy arrived.
24 Unfortunately, they're the ones that created this event and they
25 didn't get the locations downtown. It was other people that
26 raced downtown to get that. So what had happened was people who
27 were frustrated that were individual operators who wanted to
28 take part weren't complying with the directions and we were

1 redirecting them, trying to keep intersections, emergency roads
2 clear. And -- but they would start to weave through different
3 side streets, so that would -- in those individual vehicles that
4 were going off the planning and the agreements that were in
5 place originally with the various leaders and organizers of the
6 convoys, we're creating one-offs; we're drawing one more
7 resource here, one more resource there. And it got to the point
8 it was, okay, we have to stop responding to those individual,
9 smaller ones on the Saturday and indicate where are we going to
10 get the biggest bang for our buck by deploying officers to go
11 back to what is our key primary goal of public safety.

12 **MR. MISHA BOUTILIER:** Okay.

13 Commissioner, could I just request an additional
14 minute or two to conclude?

15 **COMMISSIONER ROULEAU:** Fair.

16 **MR. MISHA BOUTILIER:** Okay.

17 So Insp. Lucas, I would like to jump ahead by 17
18 days, in the interests of time, to the February 13th, 15th period.

19 Do you recall that on February 13th there was an
20 agreement between City and Freedom Convoy leaders to relocate
21 Freedom Convoy vehicles from side streets to Wellington Street?

22 **INSP. RUSSELL LUCAS:** I knew there was an
23 agreement; I wasn't part of the conversations.

24 **MR. MISHA BOUTILIER:** Okay. Do you recall if OPS
25 assisted in implementing that agreement?

26 **INSP. RUSSELL LUCAS:** I know we -- at that point
27 in time, I was still at the National Capital Region Command
28 Centre. Basically, I was providing command for live operations,

1 and we were doing what we could to facilitate some of those
2 moves through the Police Liaison Teams, but to one point in time
3 it stopped because it was not having the intended affect.

4 **MR. MISHA BOUTILIER:** Okay. And as of February
5 15th, do you recall if there was still space on Wellington Street
6 to relocate convoy vehicles to?

7 **INSP. RUSSELL LUCAS:** There may have been. I
8 don't recall.

9 **MR. MISHA BOUTILIER:** Okay.
10 Could I just pull up OPS00014410?

11 (SHORT PAUSE)

12 **UNIDENTIFIED SPEAKER:** Sorry, counsel;
13 OPP00014410?

14 **MR. MISHA BOUTILIER:** OPS00014410. Or, sorry,
15 11410. I think that was a typo on my part.

16 Yes, that's the document. Could you just go to
17 page 14?

18 Yeah, but then just scroll down a bit on page 14.
19 So do you recognize -- just up a bit, sorry. Do you recognize
20 this as the notes of a meeting of then Event Commander Bernier's
21 Command table on February 15th?

22 **INSP. RUSSELL LUCAS:** Yes.

23 **MR. MISHA BOUTILIER:** Okay.

24 **INSP. RUSSELL LUCAS:** It says me, I was there,
25 but participating on Teams.

26 **MR. MISHA BOUTILIER:** Okay. And if we could just
27 go to the top of page 19? We see there's a comment by Drummond,
28 Superintendent Drummond, "Do we still have room left on

1 Wellington?" And then we see that you say, "I think there is,
2 but we'll check cameras and assess." Do you remember making a
3 statement that you thought there was still room on Wellington
4 Street at this meeting?

5 **INSP. RUSSELL LUCAS:** I remember there was
6 numerous times where we were asked about what the status was,
7 and I would have provided an update of wherever we had all the
8 cameras. So if I said there was -- if there's notes in there
9 that say that there was room, then there was room, but these
10 aren't my notes so.

11 **MR. MISHA BOUTILIER:** Okay. And if we could just
12 scroll down to page 22 to the bottom of the page? So we see
13 this is a statement by you, "gaps on Wellington" and then you
14 list four intersections. Do you recognize this passage as you
15 providing an update that you had checked and there was still
16 space on Wellington to relocate vehicles to?

17 **INSP. RUSSELL LUCAS:** Yes, that would seem
18 logical.

19 **MR. MISHA BOUTILIER:** Okay. Thank you,
20 Commissioner. Thank you, Inspector Lucas. Those are my
21 questions.

22 **INSP. RUSSELL LUCAS:** Thank you.

23 **COMMISSIONER ROULEAU:** Okay. For cross-
24 examination I believe it's first Counsel for former Chief Sloly.

25 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

26 **MS. REBECCA JONES:** Good morning, Inspector
27 Lucas.

28 **INSP. RUSSELL LUCAS:** Good morning.

1 **MS. REBECCA JONES:** My name is Rebecca Jones, and
2 I am Counsel to former Chief Sloly.

3 Inspector Lucas, you are very well trained as an
4 incident commander; right?

5 **INSP. RUSSELL LUCAS:** Yes, I've been an incident
6 commander and then a critical incident commander as well.

7 **MS. REBECCA JONES:** Right. And you have served
8 as an incident commander many times for huge events and
9 protests?

10 **INSP. RUSSELL LUCAS:** I have.

11 **MS. REBECCA JONES:** You were the lead planner for
12 the 2016 North American Leader's Summit?

13 **INSP. RUSSELL LUCAS:** Correct.

14 **MS. REBECCA JONES:** And so the OPS's executive
15 team, including Chief Sloly, would have every reason to have
16 confidence in your leadership of incident command for this
17 event; right?

18 **INSP. RUSSELL LUCAS:** I would hope so.

19 **MS. REBECCA JONES:** And you took the steps that
20 you felt you needed to take as Incident Commander; correct?

21 **INSP. RUSSELL LUCAS:** Most of the time.

22 **MS. REBECCA JONES:** Okay. Well, why don't we
23 focus on planning for the convoy to begin with.

24 **INSP. RUSSELL LUCAS:** Okay.

25 **MS. REBECCA JONES:** You were confident that your
26 team of planners was working with the Intelligence Directorate
27 to get the appropriate information to input into the plan?

28 **INSP. RUSSELL LUCAS:** Correct.

1 **MS. REBECCA JONES:** And this is what your
2 executive team would have expected you to do?

3 **INSP. RUSSELL LUCAS:** I would assume so.

4 **MS. REBECCA JONES:** Okay. And the note, we saw
5 the document -- we don't need to pull it up, but just for the
6 record, OPS3403, which was the meeting of the Intelligence
7 Directorate on January 27th that my friend took you to?

8 **INSP. RUSSELL LUCAS:** Yes.

9 **MS. REBECCA JONES:** Recall that document? That
10 was a meeting with the Intelligence Directorate and Assistant
11 Deputy Chief Ferguson; correct?

12 **INSP. RUSSELL LUCAS:** Is she on that call?

13 **MS. REBECCA JONES:** Yes.

14 **INSP. RUSSELL LUCAS:** Okay. Sorry, I didn't look
15 at the list.

16 **MS. REBECCA JONES:** Okay. And that was -- in
17 this -- in the context of the Incident Command System, it would
18 be on the responsibility of Assistant Deputy Chief Ferguson to
19 pass on any sort of important information to Chief Sloly from
20 that meeting; correct?

21 **INSP. RUSSELL LUCAS:** We all have a role to play,
22 but, yes, it would fall to her.

23 **MS. REBECCA JONES:** Okay. Now still sticking,
24 Inspector Lucas, to the period of time up to January 28th, the
25 strategic oversight for this period of planning was coming from
26 assistant -- or Acting Deputy Chief Ferguson?

27 **INSP. RUSSELL LUCAS:** Yes.

28 **MS. REBECCA JONES:** And she was acting as the

1 Major Incident Commander?

2 **INSP. RUSSELL LUCAS:** Yes, with an event
3 commander between her and I.

4 **MS. REBECCA JONES:** Right. And Superintendent
5 Rheaume was the Event Commander in between?

6 **INSP. RUSSELL LUCAS:** Correct.

7 **MS. REBECCA JONES:** Okay. And it's fair to say
8 that in that period, up until the convoy's arrival, former Chief
9 Sloly did not take steps to assume responsibility for planning
10 from the Incident Command System?

11 **INSP. RUSSELL LUCAS:** Not to my knowledge at that
12 point.

13 **MS. REBECCA JONES:** Okay. And Chief Sloly, not
14 to your knowledge, Chief Sloly, to your knowledge, was not
15 assessing intelligence on his own; correct?

16 **INSP. RUSSELL LUCAS:** Not that I know of.

17 **MS. REBECCA JONES:** Okay. And one could not say,
18 for example, that Chief Sloly failed to take adequate steps with
19 respect to gathering, assessing, or disseminating intelligence
20 in relation to planning for the convoy; right?

21 **INSP. RUSSELL LUCAS:** No, I was focussed on my
22 role. I can't say what his role and his responsibilities were
23 overall.

24 **MS. REBECCA JONES:** Right, but you understand
25 what the ---

26 **INSP. RUSSELL LUCAS:** Yes.

27 **MS. REBECCA JONES:** --- role of a Chief is?

28 **INSP. RUSSELL LUCAS:** He's got his hands in

1 everything.

2 **MS. REBECCA JONES:** But it's not his role to do
3 the intelligence assessment; correct?

4 **INSP. RUSSELL LUCAS:** Correct.

5 **MS. REBECCA JONES:** Okay. And throughout this
6 planning period, I understood from your evidence that you were
7 given the level of autonomy that you felt you should be given?

8 **INSP. RUSSELL LUCAS:** Yes, in the beginning.

9 **MS. REBECCA JONES:** Right. And again, I'm
10 sticking to the period of time up to the arrival of the convoy.

11 **INSP. RUSSELL LUCAS:** Yes.

12 **MS. REBECCA JONES:** Okay. And my friend asked
13 you some questions about approving the plan and it was you who
14 approved the plan; correct?

15 **INSP. RUSSELL LUCAS:** I was one of the approvers,
16 yes.

17 **MS. REBECCA JONES:** Right. And the other
18 approver was Superintendent Rheaume?

19 **INSP. RUSSELL LUCAS:** Correct.

20 **MS. REBECCA JONES:** Okay. And my friend pointed
21 out to you that Chief Sloly didn't have a signature line on the
22 plan; correct?

23 **INSP. RUSSELL LUCAS:** He did not.

24 **MS. REBECCA JONES:** And in terms of your
25 understanding that he needed to approve the plan, you testified
26 that came from the people below you, the planning group.

27 **INSP. RUSSELL LUCAS:** And above.

28 **MS. REBECCA JONES:** And above. Okay. And that

1 came from, I'm going to suggest to you, Superintendent Rheaume?

2 **INSP. RUSSELL LUCAS:** Correct.

3 **MS. REBECCA JONES:** Okay. And you had been
4 working in Incident Command with Chief Sloly since he began --
5 became the Chief; correct?

6 **INSP. RUSSELL LUCAS:** Correct. In different
7 sections but ---

8 **MS. REBECCA JONES:** In different sections ---

9 **INSP. RUSSELL LUCAS:** --- in the role.

10 **MS. REBECCA JONES:** --- but he had, I'm going to
11 suggest to you and to your understanding, a lot of confidence in
12 you as Incident Commander; right?

13 **INSP. RUSSELL LUCAS:** I would hope so.

14 **MS. REBECCA JONES:** Okay. And he had never
15 sought to approve your operational plans before; right?

16 **INSP. RUSSELL LUCAS:** On the road, no. I had
17 only recently started in that section at the beginning of the
18 month, so I'd only been there for three weeks.

19 **MS. REBECCA JONES:** But you had been the Incident
20 Commander before?

21 **INSP. RUSSELL LUCAS:** Yes.

22 **MS. REBECCA JONES:** Okay. And he had never
23 sought to approve your operational plans?

24 **INSP. RUSSELL LUCAS:** So to clarify, the -- my
25 role as the Duty Inspector on the Road are, for the most part,
26 unplanned events that I would respond to that wouldn't
27 necessarily have formal written plans. If I was assigned to
28 come in for a planned event to provide support as an Incident

1 Commander, I would not be involved in that Incident Command
2 planning process. That would be -- I would be just coming in to
3 fill a role. And so there would be, like, planned protests in
4 the past where I would be coming in, and those plans would be
5 written by the events section up through the chain of command,
6 and then I would be available should there be a critical
7 incident during those events.

8 **MS. REBECCA JONES:** Okay. So fair enough. My
9 question's a bit simpler though.

10 **INSP. RUSSELL LUCAS:** Okay.

11 **MS. REBECCA JONES:** Okay. Up until this point of
12 time, you had never been told or expected that Chief Sloly had
13 to approve any of your operational plans?

14 **INSP. RUSSELL LUCAS:** No.

15 **MS. REBECCA JONES:** Okay. And I take it you
16 didn't pick up the phone and ask Chief Sloly, "Do you really
17 need to approve my operational plan?"

18 **INSP. RUSSELL LUCAS:** No.

19 **MS. REBECCA JONES:** Okay. You just took it from
20 what you were hearing that that's what he wanted to do?

21 **INSP. RUSSELL LUCAS:** Correct.

22 **MS. REBECCA JONES:** Okay. And he didn't actually
23 ultimately approve the operational plan; correct?

24 **INSP. RUSSELL LUCAS:** I don't know. By the 28th,
25 it was game time, and my role and my priority was making sure
26 that we had people doing what they needed to do.

27 **MS. REBECCA JONES:** Well, you know because you've
28 looked at the document and you know he never signed off on it;

1 right?

2 **INSP. RUSSELL LUCAS:** On the document there, no,
3 he did not.

4 **MS. REBECCA JONES:** Okay. In terms of the first
5 weekend, and the -- going into the first week, when your team
6 realized -- and the OPS as a whole, not just your team, realized
7 that you were facing what was an occupation, right? People were
8 not leaving; correct?

9 **INSP. RUSSELL LUCAS:** Correct.

10 **MS. REBECCA JONES:** I suggest to you that the
11 atmosphere at the NCRCC was chaotic.

12 **INSP. RUSSELL LUCAS:** Yes.

13 **MS. REBECCA JONES:** Okay. You did not have the
14 resources to deal with the information that was coming in?

15 **INSP. RUSSELL LUCAS:** That's part of the problem.

16 **MS. REBECCA JONES:** Okay. You were understaffed,
17 and you were struggling to maintain sufficient officers just for
18 foot patrol?

19 **INSP. RUSSELL LUCAS:** Correct.

20 **MS. REBECCA JONES:** Okay. And things were tense,
21 right?

22 **INSP. RUSSELL LUCAS:** They were.

23 **MS. REBECCA JONES:** Okay. We heard evidence from
24 Supt. Abrams at the OPP that he was hearing, or heard, that you
25 had been yelling while at the NCRCC.

26 **INSP. RUSSELL LUCAS:** There's a difference
27 between raising your voice to get somebody's attention across
28 the room, and yelling at somebody.

1 **MS. REBECCA JONES:** Okay. And things were tense
2 for everyone at that time, right?

3 **INSP. RUSSELL LUCAS:** They were.

4 **MS. REBECCA JONES:** Okay. And people were
5 perhaps not always at their very best.

6 **INSP. RUSSELL LUCAS:** They were not.

7 **MS. REBECCA JONES:** Okay.

8 Now, I want to talk a little about the PLT. The
9 PLT plays a very important role at -- in major events?

10 **INSP. RUSSELL LUCAS:** Critical.

11 **MS. REBECCA JONES:** Okay. But the PLT may not be
12 perfect for every situation. Is that fair?

13 **INSP. RUSSELL LUCAS:** They are not a silver
14 bullet, they are not.

15 **MS. REBECCA JONES:** Okay. And so, for example,
16 here, the PLT had difficulty negotiating with the participants
17 at Rideau and Sussex?

18 **INSP. RUSSELL LUCAS:** They did. And it varied
19 throughout that. So to provide context -- so part of the
20 negotiations -- and I think it's important to realize, that from
21 the time of the arrival to the time of the departure, the crowd
22 dynamics and the crowd composition evolved. And the longer that
23 they were there, and the number -- and the people who -- that
24 were participating changed, which changed the dynamics for --
25 but negotiations.

26 **MS. REBECCA JONES:** Okay, sure. But just to come
27 back to my question, specifically. You state -- and I can pull
28 it up for you -- in your interview summary, which we had up,

1 that the:

2 "...OPS had problems negotiating with
3 the protester group at the Rideau-
4 Sussex intersection."

5 **INSP. RUSSELL LUCAS:** Correct.

6 **MS. REBECCA JONES:** Okay. And you have given
7 evidence, less today and more in your interview summary, but I'm
8 going to deal with some of it, about your view that the
9 Executive Team was not respecting the role of the PLT to the
10 extent that you thought they should; correct?

11 **INSP. RUSSELL LUCAS:** Correct.

12 **MS. REBECCA JONES:** Okay. And one of the
13 examples we keep hearing about, in terms of the PLT, is the
14 situation at Coventry Road, right?

15 **INSP. RUSSELL LUCAS:** One of them, yes.

16 **MS. REBECCA JONES:** One of them. Okay, so lets
17 just stick with that one for now. And this is the situation
18 where there had been negotiations with protesters to remove
19 their fuel, right?

20 **INSP. RUSSELL LUCAS:** Yes.

21 **MS. REBECCA JONES:** This is around February 6?

22 **INSP. RUSSELL LUCAS:** Yes.

23 **MS. REBECCA JONES:** And the OPS ultimately
24 arrested those, or some protestors when they approached downtown
25 with that fuel?

26 **INSP. RUSSELL LUCAS:** They did.

27 **MS. REBECCA JONES:** Okay. And in your view, that
28 event, in a very real way affected the relationship between the

1 PLT and the process, protestors.

2 **INSP. RUSSELL LUCAS:** It did.

3 **MS. REBECCA JONES:** Okay. And you're aware of
4 the fact that that action was directed by Supt. Patterson;
5 correct?

6 **INSP. RUSSELL LUCAS:** Correct.

7 **MS. REBECCA JONES:** And we heard evidence from
8 current Interim Chief Bell yesterday that he was the one who
9 approved that action.

10 **INSP. RUSSELL LUCAS:** Okay.

11 **MS. REBECCA JONES:** Okay. I take it you didn't
12 know that before?

13 **INSP. RUSSELL LUCAS:** No.

14 **MS. REBECCA JONES:** Okay. And this is not a
15 decision, to your knowledge, that reached Chief Bell's level;
16 correct?

17 **INSP. RUSSELL LUCAS:** The -- to, which decision?

18 **MS. REBECCA JONES:** Chief Sloly, I apologize.

19 **INSP. RUSSELL LUCAS:** Okay.

20 **MS. REBECCA JONES:** Chief Bell.

21 **INSP. RUSSELL LUCAS:** I don't know. I said, my
22 focus was maintaining live operations of what was happening on
23 the ground.

24 **MS. REBECCA JONES:** Okay. So -- and I apologize,
25 I get my names mixed up there. I will repeat the question, just
26 to be clear for the record.

27 This was not an issue that you have any evidence
28 to suggest that former Chief Sloly was involved in?

1 **INSP. RUSSELL LUCAS:** I don't know who made that
2 decision.

3 **MS. REBECCA JONES:** Okay. Thank you. I want to
4 ask you some questions about changes to the incident at Command.
5 You state in your statement that it was your understanding that
6 Chief Sloly:

7 "...that Superintendent Rheaume was
8 removed because Chief Sloly wanted to
9 take a new strategic direction..."

10 **INSP. RUSSELL LUCAS:** That was my understanding.

11 **MS. REBECCA JONES:** Okay. And you did not get
12 that understanding from Chief Sloly?

13 **INSP. RUSSELL LUCAS:** No.

14 **MS. REBECCA JONES:** Okay. And if we put up,
15 please, WTS23, this is the Interview Statement of Acting Deputy
16 Chief Ferguson, and we go to page 11, okay, and we see under,
17 "Switches and Event Commanders"? If you take a moment to look
18 at that.

19 **INSP. RUSSELL LUCAS:** Okay.

20 **MS. REBECCA JONES:** This is, again, the Interview
21 Summary of Acting Deputy Chief Ferguson.

22 **INSP. RUSSELL LUCAS:** Okay.

23 **MS. REBECCA JONES:** Okay. And what Acting Deputy
24 Chief Ferguson's evidence is, is that Supt. Rheaume needed to
25 take some time off, and so it was for that reason that Supt.
26 Dunlop was put into that position.

27 **INSP. RUSSELL LUCAS:** Okay.

28 **MS. REBECCA JONES:** Okay? And you have no reason

1 to disagree with that?

2 **INSP. RUSSELL LUCAS:** No.

3 **MS. REBECCA JONES:** Okay. So your understanding,
4 from whatever source, that it was Chief Sloly who wanted to take
5 a new strategic direction and replaced Supt. Rheaume, that's
6 incorrect?

7 **INSP. RUSSELL LUCAS:** Based on that statement I
8 would say it is.

9 **MS. REBECCA JONES:** Okay. And you have no other
10 basis to suggest that that's the case?

11 **INSP. RUSSELL LUCAS:** No.

12 **MS. REBECCA JONES:** Okay. And in terms of Supt.
13 Dunlop, you're familiar with the events at the Panda Bowl game
14 that had occurred prior to the Freedom Convoy here?

15 **INSP. RUSSELL LUCAS:** Yes.

16 **MS. REBECCA JONES:** And that was a very difficult
17 event?

18 **INSP. RUSSELL LUCAS:** It was.

19 **MS. REBECCA JONES:** Okay. And Supt. Dunlop was
20 involved in the Command for that event?

21 **INSP. RUSSELL LUCAS:** Okay.

22 **MS. REBECCA JONES:** You're not aware of that?

23 **INSP. RUSSELL LUCAS:** No. I was, actually on a
24 day off.

25 **MS. REBECCA JONES:** Okay. So I'm going to
26 suggest to you that Supt. Dunlop was aware -- was involved in
27 that event. And I'm going to ask you to agree with me that
28 there's nothing improper for Chief Sloly to have some concerns

1 about the people who are going to be leading the Event Command
2 for the Freedom Convoy.

3 **INSP. RUSSELL LUCAS:** At the end of the day, the
4 Chief owns the Service and the decisions that come out of it, so
5 ---

6 **MS. REBECCA JONES:** Thank you.

7 **INSP. RUSSELL LUCAS:** --- he needs to do what he
8 needs to do.

9 **MS. REBECCA JONES:** Sorry?

10 **INSP. RUSSELL LUCAS:** He needs to do what he
11 needs to do.

12 **MS. REBECCA JONES:** Thank you.

13 **COMMISSIONER ROULEAU:** We're about out of time,
14 so if we could wrap up, please?

15 **MS. REBECCA JONES:** Those are my questions.
16 Thank you.

17 **INSP. RUSSELL LUCAS:** Thank you.

18 **COMMISSIONER:** Thank you.

19 Next we have the City of Ottawa.

20 **--- CROSS-EXAMINATION BY MS. ANNE TARDIF:**

21 **MS. ANNE TARDIF:** Good morning.

22 **INSP. RUSSELL LUCAS:** Good morning.

23 **MS. ANNE TARDIF:** My name's Anne Tardif; I
24 represent the City of Ottawa.

25 So I'd like to start with pulling up, Mr. Clerk,
26 OPS00002990.

27 And while that's coming up, Inspector, you were
28 asked a series of questions -- I don't intend to go back there

1 -- about the intelligence that you had going into the first
2 weekend of the Convoy, so on and so forth. I take it you're
3 aware that the Mayor and City Officials were briefed by the
4 Service on January 26, before the convoy trucks arrived?

5 **INSP. RUSSELL LUCAS:** Correct.

6 **MS. ANNE TARDIF:** And would you agree with me
7 that the decision was made -- and I don't mean to suggest this
8 is inappropriate, by any stretch, but would you agree that the
9 decision was made to only provide high-level detail to the City
10 about the upcoming convoy?

11 **INSP. RUSSELL LUCAS:** Correct, because at this
12 point the operational planning and what was -- what we were
13 learning and how we were adopting was consistently changing.

14 **MS. ANNE TARDIF:** So thank you Mr. Clerk, I think
15 we can take that down.

16 And so regardless of the information that the
17 Service had and when it had it, leading into the convoy, the
18 details of that were not shared with the City; fair?

19 **INSP. RUSSELL LUCAS:** No. The high-level
20 speaking points were provided and then it was left to the
21 Executive to decide what they would share.

22 **MS. ANNE TARDIF:** Okay. Thank you.

23 Can we turn up your witness summary, please, Mr.
24 Clerk? It's WTS.00000024.

25 I'll ask you to go to the top of page 3, please.
26 Thank you.

27 The last sentence, Inspector, "He", being you:
28 "...stated that if he had known that

1 thousands of vehicles would be arriving
2 in Ottawa he would have requested
3 larger numbers of reinforcements from
4 police services across Canada in
5 advance of the convoy's arrival."

6 Do you see that?

7 **INSP. RUSSELL LUCAS:** Yes.

8 **MS. ANNE TARDIF:** Okay. I thought I heard you
9 say this morning that you did expect thousands. And I just --
10 I'd appreciate some clarity from you on this.

11 **INSP. RUSSELL LUCAS:** So if they go -- if you go
12 back, one of the statements was in intelligence reports that I
13 was provided was assuming on an average of a hundred vehicles
14 per province, so about a thousand vehicles. We ended up with, I
15 would say, close to five thousand vehicles, of which we still
16 diverted on the Saturday thousands out of -- not -- out of the
17 downtown by keeping them on the Quebec side thanks to our great
18 partners, Sûreté du Quebec and Gatineau. The original group,
19 and what it was, it wasn't necessarily the trucks, it was
20 actually all the associated vehicles that joined in that were
21 creating the chaos that all wanted to be downtown.

22 **MS. ANNE TARDIF:** So you expected hundreds or
23 perhaps a thousand, but not thousands; is that fair?

24 **INSP. RUSSELL LUCAS:** Yes.

25 **MS. ANNE TARDIF:** Okay. And the reason I wanted
26 to put that to you is that Superintendent Abrams of the OPP, I
27 take it you know who he is?

28 **INSP. RUSSELL LUCAS:** Yes.

1 **MS. ANNE TARDIF:** He testified on Friday that OPS
2 indicated to him on the 27th that they thought they could handle
3 three thousand vehicles.

4 **INSP. RUSSELL LUCAS:** So the context is we had --
5 if the vehicles went to the locations where we designated spots
6 for them, they actually plotted it out, including maintaining
7 emergency lanes on those roadways, we could host up to 3,000
8 thousand vehicles on those designated spots.

9 **MS. ANNE TARDIF:** Okay. Thank you. I want to
10 switch tracks a bit and talk about the support provided by the
11 City to the OPS response during the convoy.

12 If we could start with OPS00004219, please,
13 Mr. Clerk.

14 Now, I believe there are one set of your scribe
15 notes, Inspector, when they come up, and they should be for
16 January 29th.

17 Perfect.

18 You see that there, Inspector?

19 **INSP. RUSSELL LUCAS:** Yes.

20 **MS. ANNE TARDIF:** And I'm going to ask the clerk
21 to turn to page 4, timestamp 9:26. Can we scroll down a little
22 bit, please? Thank you.

23 And you'll see there, it's a communication from
24 Traffic Hull. I take it's Denis Hull ---

25 **INSP. RUSSELL LUCAS:** Yes.

26 **MS. ANNE TARDIF:** --- at the Service? He's in
27 charge of the traffic planning for the response?

28 **INSP. RUSSELL LUCAS:** Correct.

1 **MS. ANNE TARDIF:** And he's communication to the
2 City, and it says:

3 "Requesting Bylaw maintains static
4 positions...[assists with] parking..."

5 Do you see that?

6 **INSP. RUSSELL LUCAS:** Yes.

7 **MS. ANNE TARDIF:** I think there's a dash "City
8 will advise" if I'm reading that correctly.

9 **INSP. RUSSELL LUCAS:** Okay.

10 **MS. ANNE TARDIF:** So that was the direction or
11 the request I guess I would say from the NRCC [sic] to the City
12 on that date; fair?

13 **INSP. RUSSELL LUCAS:** Fair.

14 **MS. ANNE TARDIF:** Okay.

15 And if I could now go to page 5, timestamp 9:57.
16 Thank you, Mr. Clerk.

17 Again, this is Denis Hull, traffic -- in charge
18 of traffic planning, to IC. That's you, correct, the Incident
19 Commander?

20 **INSP. RUSSELL LUCAS:** Correct. "Intel from SQ".

21 **MS. ANNE TARDIF:** Yeah, that's not what I wanted.
22 Just give me one second. My apologies.

23 Oh, just one up, 9:53. I can't read my own
24 writing. My apologies. "City to Op Sup." Who's Op Sup?

25 **INSP. RUSSELL LUCAS:** That's probably the
26 Operational Support person that was working in there. So there
27 is multiple OPS members that are in there providing different
28 roles.

1 **MS. ANNE TARDIF:** So -- but it's police; fair?

2 **INSP. RUSSELL LUCAS:** It is police.

3 **MS. ANNE TARDIF:** Okay:

4 "Bylaw will tow convoy vehicles without
5 police for safety."

6 Do you see that?

7 **INSP. RUSSELL LUCAS:** Yes.

8 **MS. ANNE TARDIF:** Okay. And then it's -- "for
9 safety reasons", pardon me, and then it's, "Op Sup officer will
10 be there." Correct?

11 **INSP. RUSSELL LUCAS:** Correct.

12 **MS. ANNE TARDIF:** Okay. And that was the
13 communication at that time.

14 And if we could go to page 10 of this document,
15 please, and we're still on January 29th, and if we could go to
16 12:05, and just scroll down a little bit. Perfect.

17 In the interest of time, I'll just jump ahead to
18 12:17. Do you see where it says "City" there at 12:17,
19 Inspector?

20 **INSP. RUSSELL LUCAS:** Yes.

21 **MS. ANNE TARDIF:** So the City reported to NCRCC
22 at 12:17 on January 29th that:

23 "Bylaw officers [were] reporting they
24 are being threatened and feel unsafe."

25 Do you see that? And then it says, "OPS pull
26 them back."

27 **INSP. RUSSELL LUCAS:** What time are you talking?

28 **MS. ANNE TARDIF:** 12:17.

1 **INSP. RUSSELL LUCAS:** Oh, sorry, I was looking at
2 the wrong one.

3 **MS. ANNE TARDIF:** Do you see it there? City:
4 "Bylaw officers reporting they are
5 being threatened and feel unsafe."

6 **INSP. RUSSELL LUCAS:** Correct.

7 **MS. ANNE TARDIF:** Or, sorry, "they are being
8 threatened and feel unsafe." And then I think that's OP Sup
9 Police ---

10 **INSP. RUSSELL LUCAS:** Yeah.

11 **MS. ANNE TARDIF:** --- "pull them back." Is that
12 correct?

13 **INSP. RUSSELL LUCAS:** Yes.

14 **MS. ANNE TARDIF:** So that was the request or the
15 instruction given at that time?

16 **INSP. RUSSELL LUCAS:** It was.

17 **MS. ANNE TARDIF:** Thank you.

18 If I could now ask the clerk to pull up
19 OPS00004879.

20 And it may not be necessary to go through this,
21 through the documents, though I appreciate a lot happened during
22 this time period. I want to talk about burn barrels. Do you
23 recall the issue with burn barrels in the downtown core,
24 Inspector?

25 **INSP. RUSSELL LUCAS:** Yes.

26 **MS. ANNE TARDIF:** And my understanding is that
27 Ottawa Fire was available to assist, but needed approval from
28 the lead agency police in order to actually go and put out burn

1 barrels. Is that accurate?

2 **INSP. RUSSELL LUCAS:** So if they were going into
3 the inner core, right in the middle of the crowds, they would
4 need us to be there ---

5 **MS. ANNE TARDIF:** Okay.

6 **INSP. RUSSELL LUCAS:** --- and then we'd have to
7 assess. So when those actions -- and again, it comes under
8 context. What is the dynamics? I am not going to allow
9 somebody to go in to achieve a minor action and put their safety
10 at risk or risk inflaming the crowds.

11 **MS. ANNE TARDIF:** Okay. Thank you for that,
12 Inspector. I don't think we need to turn up the documents. I
13 appreciate your assistance with that.

14 I'm going to ask you to pull up OPS00008424,
15 please, Mr. Clerk.

16 Now, you said in your witness statement, just
17 while that's coming up, that you spoke with, I think it's
18 Superintendent Brookson, the Acting Director of Parliamentary
19 Protective Service ---

20 **INSP. RUSSELL LUCAS:** Yes.

21 **MS. ANNE TARDIF:** --- before the convoy, and it
22 was their preference that no trucks or vehicles be on Wellington
23 at all. That was your understanding of their preference.

24 **INSP. RUSSELL LUCAS:** Yes.

25 **MS. ANNE TARDIF:** Right. And that's obviously
26 not what the Service did.

27 **INSP. RUSSELL LUCAS:** No. So -- and in all
28 respect to Superintendent Brookson and the PPS, their role is

1 protecting Parliament. My role is to protect the city, and I
2 have to weigh the options and where my risks are, and you have
3 to say is that actually necessary, is it risk effective, and is
4 it acceptable? And I will never get 100 percent solution, I
5 know that, and I will make the best decision I can at that time
6 that's going to ensure public safety and the safety of our
7 members.

8 **MS. ANNE TARDIF:** And you got exactly where I
9 wanted to. You're worried about the residents of the city, your
10 concerns are not limited to the security of Parliament Hill;
11 fair?

12 **INSP. RUSSELL LUCAS:** Correct. And to provide
13 context to that, we do take their concerns -- they weren't
14 completely disregarded because we did maintain access to
15 Parliament and we still were able to get their vehicles into
16 there.

17 **MS. ANNE TARDIF:** Okay, thank you.

18 If this is 8424, and we've got this up now, could
19 we please go to, I think it's page 7, page 6, pardon me, bottom
20 of page 6. Right at the bottom there. If we could just pause
21 there, Mr. Clerk.

22 Do you see the timestamp 11:57?

23 **INSP. RUSSELL LUCAS:** Yes.

24 **MS. ANNE TARDIF:** And these are your scribe notes
25 for February 8th, just so you're aware, Inspector.

26 **INSP. RUSSELL LUCAS:** Yes.

27 **MS. ANNE TARDIF:** And you see, it says:

28 "[D]iscussion [with] PPS in regards to

1 the risk factor of moving
2 Rideau/Sussex."

3 And I want to pause there. My understanding is
4 that PLT was negotiating with the truckers at that intersection
5 to get them to move westward onto Wellington and closer to the
6 Hill.

7 **INSP. RUSSELL LUCAS:** So to provide clarity, the
8 PLT were negotiating since day one.

9 **MS. ANNE TARDIF:** Sorry, yes, but that was what
10 they were trying to achieve?

11 **INSP. RUSSELL LUCAS:** Correct.

12 **MS. ANNE TARDIF:** Okay.

13 Keep going.

14 "They are" -- I'm getting the look. I'm almost
15 done I promise, Commissioner. If I could just have a moment's
16 indulgence:

17 "[T]they are in agreement [with] plan
18 as long as they do not pass 'load
19 safe'..."

20 A few other specificities around tractor trailers
21 staying on the northbound side of the road and westbound lanes
22 lonely -- lanes only, pardon me. So that's correct, the PPS
23 were in agreement with that plan provided those conditions could
24 be met?

25 **INSP. RUSSELL LUCAS:** Correct. So this "load
26 safe", though, is the one lone rogue truck driver that put his
27 vehicle on an angle, and the Load Safe was the name on it. And
28 it was actually closer to the Chateau Laurier, and they were

1 concerned about not only Parliament but access to where -- the
2 centre of the city.

3 **MS. ANNE TARDIF:** Okay. And the only point I
4 want to make is they were agreeable to an increased number of
5 trucks on Wellington West at this time?

6 **INSP. RUSSELL LUCAS:** Begrudgingly.

7 **MS. ANNE TARDIF:** Begrudgingly, fair enough.

8 Do I have time for one more question,
9 Commissioner, or have I exceeded my indulgence? If I have I'll
10 sit down.

11 **COMMISSIONER ROULEAU:** If it's necessary go
12 ahead, but...

13 **MS. ANNE TARDIF:** I can -- I appreciate it. I
14 can put it to Superintendent Drummond tomorrow. Thank you very
15 much, Commissioner.

16 Thank you, Inspector Lucas.

17 **COMMISSIONER ROULEAU:** Thank you.

18 The OPP, please.

19 **UNIDENTIFIED MALE SPEAKER:** No questions. Thank
20 you, Commissioner.

21 **COMMISSIONER ROULEAU:** Oh, well, I could have
22 been more generous.

23 The Ottawa Coalition?

24 **--- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:**

25 **MS. CHRISTINE JOHNSON:** Good morning, Inspector.

26 **INSP. RUSSELL LUCAS:** Good morning.

27 **MS. CHRISTINE JOHNSON:** My name is Christine
28 Johnson. I'm one of the counsel representing the Ottawa

1 Coalition of Businesses and Residents.

2 I have a short time with you today, so just a few
3 questions.

4 So just a couple of questions about the early
5 planning that you told us a little bit about this morning,
6 Inspector.

7 You mentioned that it was your view and your
8 knowledge that the OPS had dealt with two previous trucker
9 protests involving the same sort of mandate or issue. And you
10 mentioned that they were gone fairly quickly. I believe you
11 said that one protest group was gone over night, one was gone
12 the next day. Is that correct?

13 **INSP. RUSSELL LUCAS:** I know there was two. That
14 was my understanding of how they transpired.

15 **MS. CHRISTINE JOHNSON:** Okay. You did
16 acknowledge, however, that these previous protests involved
17 local groups, and I think I heard in your testimony this
18 morning, there was an acknowledgement these weren't groups
19 coming from far away out west; correct?

20 **INSP. RUSSELL LUCAS:** Correct.

21 **MS. CHRISTINE JOHNSON:** So you would agree that
22 this time around, given that you knew the convoys were
23 travelling quite a great distance across the country, it could
24 have been anticipated that they were perhaps planning to stay a
25 while?

26 **INSP. RUSSELL LUCAS:** There was always a risk
27 that some would be staying longer, yes.

28 **MS. CHRISTINE JOHNSON:** I think we heard earlier

1 in this process from a layperson, the Executive Director of the
2 Vanier Business Improvement Area, Nathalie Carrier, that to her,
3 as a layperson, it was quite obvious that these trucks weren't,
4 you know, travelling, packing up their kids, packing up their
5 supplies, driving all the way across the country just for a
6 weekend. Is that fair to say that was the police's
7 understanding as well?

8 **INSP. RUSSELL LUCAS:** No. My understanding was
9 that -- and again, like I stated, the evidence shows that
10 between 60 and 70 percent of them at least left on that Sunday,
11 into the Monday morning. The size and scope of the vehicles
12 that came in exceeded everyone's expectations.

13 **MS. CHRISTINE JOHNSON:** Right. And you said that
14 around January 25th and 26th, you developed heightened concerns
15 about the convoy. And you told us this morning that those
16 heightened concerns were pertaining to the online rhetoric that
17 you were seeing, concerns about who was attaching themselves to
18 the convoy, and concerns that this could lead to a potential for
19 violence. Is that correct?

20 **INSP. RUSSELL LUCAS:** Correct.

21 **MS. CHRISTINE JOHNSON:** So would it be fair to
22 say that, and you noted, that even though the convoy may have
23 demonstrated peaceful behaviour while moving across Canada, OPS
24 was concerned that this might not be the case, this peaceful
25 behaviour might not continue as they reach Ottawa, given the
26 rhetoric that you were seeing online?

27 **INSP. RUSSELL LUCAS:** There were never any
28 guarantees.

1 **COMMISSIONER ROULEAU:** Can I just ask you to slow
2 down a bit in your questions? Because the interpreters, I
3 think, are going to have a lot of trouble.

4 **MS. CHRISTINE JOHNSON:** Absolutely.

5 **COMMISSIONER ROULEAU:** I know there's not much
6 time, but.

7 **MS. CHRISTINE JOHNSON:** Thank you, Commissioner.
8 I will.

9 And sorry, sir, your answer to that question?

10 **INSP. RUSSELL LUCAS:** You'll have to rephrase the
11 question, sorry.

12 **MS. CHRISTINE JOHNSON:** Sure. So you had
13 mentioned that it was your understanding that the convoy, as
14 they made their way across Canada, had been cooperative, had
15 been peaceful, however, in light of these heightened concerns
16 that you had from what you were seeing online, did OPS have a
17 concern that that peaceful behaviour might not continue as they
18 entered Ottawa?

19 **INSP. RUSSELL LUCAS:** And that's why we brought
20 in the public order units from other police services.

21 **MS. CHRISTINE JOHNSON:** Great. And that leads
22 into my next question, Inspector. How does the community impact
23 fit into the planning that you were undertaking in light of
24 these heightened concerns? When you talk about the Public Order
25 Unit, is that where community impact would have been assessed in
26 planning?

27 **INSP. RUSSELL LUCAS:** No, so the community impact
28 was actually -- was part of the consideration right from the

1 beginning. So if you actually were to go to the original plan
2 and take a look at where they were diverting the trucks to, they
3 were away from residential areas. And if you look -- like, put
4 them along the Sir John A. MacDonald Parkway and onto
5 Wellington, we were trying to find places where they were trying
6 to go that we would actually minimize the impact on that. There
7 was no plan to put them down the length of Kent Street to double
8 and triple stack on Kent and block Kent and things like that.
9 that was never part of the original plan. And on the Friday,
10 that's not what took place.

11 And again, like I state, when we look at
12 alternate locations, we can't put them on to people's private
13 property.

14 So the City, being a great partner, provided
15 RCGT, and those trucks that actually arrived on Friday night
16 that went there, they actually carpooled to go downtown to
17 actually minimize the impacts to downtown.

18 So there were a lot of wins, but what happened
19 was the size and scope, and I know I've said this numerous
20 times, and -- but it exceeded everybody's expectations, and I
21 would probably say even that of the organizers weren't expecting
22 the volume that we ended up -- and what happened was, when we
23 got that volume, it just pulled our resources too thin to
24 address those concerns.

25 **MS. CHRISTINE JOHNSON:** Thank you.

26 **INSP. RUSSELL LUCAS:** But even diverting the
27 trucks to an area such as Wellington Street, for instance, was
28 there any consideration of the residential areas that are just

1 south of Wellington, or the businesses in that area? What was
2 that consideration?

3 **INSP. RUSSELL LUCAS:** So the -- when we're doing
4 the planning, it's like I stated, where are you going -- we'll
5 never get to where it's not going to impact anybody. So it's
6 about how do we manage -- they are going to Parliament Hill.
7 That is the focus of their event. So how do we minimize and
8 control, in the planning process, as much as possible to
9 mitigate those impacts on the local community? And, you know,
10 we've learned a lot of good lessons. And again, if we had put
11 barricades up, we would have pushed them further into the
12 communities, which is what we did not want in the planning
13 process.

14 **MS. CHRISTINE JOHNSON:** So it's fair to say even
15 in light of these heightened concerns, the possibility of
16 blocking access to Wellington was not revisited?

17 **INSP. RUSSELL LUCAS:** In the early planning
18 stages?

19 **MS. CHRISTINE JOHNSON:** In light of the
20 heightened concerns that you had January 25th and 26th.

21 **INSP. RUSSELL LUCAS:** No.

22 **MS. CHRISTINE JOHNSON:** Moving on to contingency
23 planning for a moment, you told us this morning that there were
24 contingency plans being developed, although they were not
25 reflected in the pre-arrival operational plan that we looked at.

26 **INSP. RUSSELL LUCAS:** Correct.

27 **MS. CHRISTINE JOHNSON:** And the pre-arrival
28 operational plan, and we don't need to pull it up, but there is

1 a threat assessment section that noted that the convoy trucks
2 could pose safety and logistical hazards because of their size
3 and weight and the convoy could shut down movement if it wanted
4 to.

5 So I'm curious to know, sir, what were the
6 contingency plans for the possibility of the convoy shutting
7 down movement?

8 **INSP. RUSSELL LUCAS:** So our concern was, when we
9 talk about them shutting down movement, is what if they blocked
10 off certain intersections? And if you look at the first
11 weekend, it's about mitigating it, managing it with traffic
12 officers and our Police Liaison Teams.

13 So again, first weekend, I know it doesn't look
14 like a success, and people are -- the end results are going to
15 look at everything that went wrong, but there were a lot of
16 things that went right. The intersections were kept open, the
17 emergency lanes were kept open. We had busses still running on
18 that first weekend. So there were a lot of wins. And I know
19 people don't see that. We -- with the amount of officers and
20 the resources we had, and the amount they were overwhelmed, they
21 did a phenomenal job. And I will always give them the credit
22 for the work that they did to try and mitigate the impacts to
23 the community.

24 **MS. CHRISTINE JOHNSON:** Thank you. Those are all
25 my questions, sir.

26 **COMMISSIONER ROULEAU:** Thank you. Next up is the
27 Government of Canada.

28 **--- CROSS-EXAMINATION BY MR. STEPHEN AYLWARD**

1 **MR. STEPHEN AYLWARD:** Good morning, Insp. Lucas.

2 **INSP. RUSSELL LUCAS:** Good morning.

3 **MR. STEPHEN AYLWARD:** My name is Stephen Aylward.
4 I'm one of the lawyers for the Government of Canada.

5 In your witness statement, you noted that there
6 was an issue with misinformation and disinformation and its
7 impact on the policing of the Freedom Convoy. Could I just ask
8 you to expand on that?

9 **INSP. RUSSELL LUCAS:** Yes. And there's a couple
10 really good examples. So the -- I've learned a lot. and the
11 power of social media has evolved and it continues to evolve.
12 And when we look at -- when somebody sends out, I'll call -- we
13 try to put out information from legitimate sources and you try
14 to make sure that they're verified. So we always refer people
15 back to our website to look for true information.
16 Misinformation comes when people are sending out unintentionally
17 wrong information, and then it gets shared, and then you're
18 trying to put that genie back in the bottle.

19 And then the other issue was the disinformation,
20 where people are knowingly putting out false information, which
21 is drawing on resources or creating a different narrative that
22 you're trying to deal with.

23 So, like, for example, the wooden fence that's
24 protecting the construction site on Parliament Hill was being
25 shared repeatedly, over and over again, saying they're
26 fortifying Parliament Hill in advance of the arrival of convoys.
27 And it was enflaming people. But you're trying to get the
28 information out through your PLTs. It's there. There's

1 construction. There's a big pit on the other side. We don't
2 want people to get hurt. And that was a big challenge to try to
3 stay ahead of.

4 **MR. STEPHEN AYLWARD:** Mr. Clerk, could we please
5 turn up OPS00002961?

6 Insp. Lucas, are you aware of an issue with
7 protest organizers claiming that the police supported or backed
8 the Freedom Convoy?

9 **INSP. RUSSELL LUCAS:** I know that there was
10 messaging going out, and what happens is things start because
11 they get taken out of context.

12 So one of the pillars of policing response to
13 events that have the potential to be volatile, whether they're a
14 regular call for service from 911 or going to a protest, is
15 about de-escalating. You want to -- if people are running at a
16 nine or a 10 emotionally, you need to bring it down a level.

17 So if that means being friendly with them and
18 having a chat with them and taking a picture with them so that
19 people are getting more relaxed and it doesn't turn into a
20 confrontation, that's what, traditionally, we have encouraged
21 our officers to do. Then what happens is, it gets twisted and
22 gets shared as, as I said, disinformation or misinformation.

23 **MR. STEVEN AYLWARD:** And so if we just look at
24 this document, the third email in the chain is an email from
25 you. And under the fourth bullet that begins, "It's difficult
26 for everyone to differentiate fact from fiction"?

27 **INSP. RUSSELL LUCAS:** There's my example, yes.

28 **MR. STEVEN AYLWARD:** Yes.

1 And then at the end of that paragraph, there's a
2 reference to social media posts and receiving some direct
3 messages from protestors -- sorry, from members of the public
4 and it continues there.

5 So is the issue here that there was social media
6 messaging online that the police were not only supporting the
7 right to protest here but were actually backing the protestors?

8 **INSP. RUSSELL LUCAS:** We -- they have a right to
9 protest. We are not supporting any cause. And part of it -- if
10 you go back to our operational plan, it tells them, "you can't
11 wear symbols".

12 We tell them they cannot overly support or not
13 support an event. They're there to be neutral.

14 **MR. STEVEN AYLWARD:** But the issue here that
15 you're identifying is that there's confusion that the police
16 are, in fact, supporting the protestors.

17 **INSP. RUSSELL LUCAS:** Because they were taking --
18 allowing selfies to be taken with protestors, correct.

19 **MR. STEVEN AYLWARD:** So would you characterize
20 that as an instance of misinformation on social media?

21 **INSP. RUSSELL LUCAS:** Correct.

22 **MR. STEVEN AYLWARD:** If we could call up
23 OPS00010498.

24 Inspector Lucas, do you recall there being an
25 issue with protestors drawing up arrest warrants for health care
26 workers?

27 **INSP. RUSSELL LUCAS:** I remember that Tweet being
28 shared, yes.

1 **MR. STEVEN AYLWARD:** And can you tell us a bit
2 more about that?

3 **INSP. RUSSELL LUCAS:** I don't remember the full
4 details. I do remember that there was a concern that these --
5 that some of the participants were drawing up arrest warrants.
6 There was also another one where they were actually swearing
7 themselves in as peace officers.

8 Those -- the one for the warrants was forwarded
9 to our Intelligence to review, to validate, and then assigned to
10 investigators as applicable.

11 **MR. STEVEN AYLWARD:** Thank you.

12 And Mr. Commission, if I may just have one
13 moment's indulgence.

14 **COMMISSIONER ROULEAU:** Okay.

15 **MR. STEVEN AYLWARD:** So in your witness
16 statement, you refer to there being a Farfaada contingent at
17 Rideau and Sussex. Can you just tell us who Farfaada are?

18 **INSP. RUSSELL LUCAS:** They're -- my understanding
19 for the most part is that they are focused on anti-government,
20 anti-mandate group based out of Quebec.

21 **MR. STEVEN AYLWARD:** Okay. And then if we could
22 turn up OPS00012285.

23 Are you aware of an issue with the convoy
24 organizers offering to compensate truckers who were issued
25 tickets?

26 **INSP. RUSSELL LUCAS:** So the email that you're
27 referring to, I am aware of that email.

28 So what happens -- this is an important part

1 about, again, having our officers that are on the ground being
2 engaged not only with local residents, but with the truckers.
3 And so when they get that information, we provide it and send it
4 forward to Intelligence to validate what -- is it -- is that
5 information valid and is it reliable.

6 So there was rumours, but whether it was
7 validated, I can't confirm.

8 **MR. STEVEN AYLWARD:** But it was sufficient -- it
9 was enough of a concern to include in this email, which is
10 providing instructions to officers who are conducting briefings.

11 **INSP. RUSSELL LUCAS:** It was -- yes, because it
12 was -- they have a \$10 million war chest. Is it plausible?
13 Absolutely. It needs to be further investigated.

14 **MR. STEVEN AYLWARD:** Thank you. No further
15 questions.

16 **COMMISSIONER ROULEAU:** Okay. Next if I could
17 call on the Convoy Organizers.

18 **MS. BATH-SHEBA VAN den BERG:** Good morning, Mr.
19 Commissioner.

20 **--- CROSS-EXAMINATION BY MS. BATH-SHEBA VAN den BERG:**

21 **MS. BATH-SHEBA VAN den BERG:** Good morning,
22 Inspector Lucas.

23 **INSP. RUSSELL LUCAS:** Good morning.

24 **MS. BATH-SHEBA VAN den BERG:** My name is Bath-
25 Sheba Van den Berg, and I am counsel representing Freedom Corp
26 and the protestors.

27 You would agree that there was misinformation on
28 social media being provided by those opposed to the protest;

1 correct?

2 **INSP. RUSSELL LUCAS:** Correct.

3 **MS. BATH-SHEBA VAN den BERG:** You would agree
4 that there were people in the OPS that supported the protest;
5 correct?

6 **INSP. RUSSELL LUCAS:** Personally, but they should
7 not be doing it professionally.

8 **MS. BATH-SHEBA VAN den BERG:** And that there were
9 quite a few OPS officers who participated in the protest. Is
10 that right?

11 **INSP. RUSSELL LUCAS:** I can't say for sure.

12 **MS. BATH-SHEBA VAN den BERG:** You were just asked
13 about your expectations regarding how long the trucks were to
14 stay in Ottawa, in particular, the ones that drove from the west
15 and that would take five days -- that took five days for them to
16 drive from the west to Ottawa. Is that right?

17 **INSP. RUSSELL LUCAS:** Correct.

18 **MS. BATH-SHEBA VAN den BERG:** And you expected
19 them to leave after two days being in Ottawa after the five-day
20 drive from the west.

21 **INSP. RUSSELL LUCAS:** We anticipated the vast
22 majority would leave.

23 **MS. BATH-SHEBA VAN den BERG:** You said in your
24 examination in-chief that you would not be charging people for
25 broken windows. Is that right?

26 **INSP. RUSSELL LUCAS:** And I believe I explained
27 that in my earlier testimony.

28 **MS. BATH-SHEBA VAN den BERG:** Could we explain it

1 for the record here for our audience is that you're not actually
2 talking about broken windows but instead of the broken window
3 theory? Is that right?

4 **INSP. RUSSELL LUCAS:** No. So what I'm referring
5 to is, for example, if we have an emotionally-charged crowd that
6 is marching and protesting and going through the city and
7 somebody breaks a window in that crowd, we are not going to rush
8 in to arrest them right away for that event because it has a
9 high volatility to escalate the crowd to more violence or cause
10 injury to the people that are going to make the arrest.

11 We will document, we will investigate and we will
12 lay charges as applicable for that broken window. It just won't
13 be an immediate action.

14 **MS. BATH-SHEBA VAN den BERG:** Do you mean an
15 actual broken window? Because what you're just defining right
16 there does sound similar to broken window theory where there's -
17 --

18 **INSP. RUSSELL LUCAS:** No, broken window theory
19 says if you continue to ignore the broken windows that nobody
20 will care any more.

21 **MS. BATH-SHEBA VAN den BERG:** So are you talking
22 about an actual broken window?

23 **INSP. RUSSELL LUCAS:** No, you're referring to
24 broken window theory. That's not applicable in this case.

25 Broken window theory's complete -- is not the
26 same theory as this. This is about timing your investigation
27 and your charges of when you actually make an arrest.

28 There is no requirement for us to immediately

1 rush in to arrest somebody who breaks a window or spray paints
2 something. That's something that can be investigated, followed
3 up, and the applicable charges can be laid after the fact.

4 Now, if somebody were to pull a knife, we are
5 going into that crowd and that person will be arrested because
6 we have a responsibility to ensure public safety.

7 **MS. BATH-SHEBA VAN den BERG:** That's right.

8 So just to be clear, you're not talking about
9 actual broken windows.

10 **INSP. RUSSELL LUCAS:** No.

11 **MS. BATH-SHEBA VAN den BERG:** Thank you,
12 Inspector.

13 From February 10th you switched from operation
14 level to tactical level; correct?

15 **INSP. RUSSELL LUCAS:** That was my personal
16 interpretation, yes.

17 **MS. BATH-SHEBA VAN den BERG:** And do you agree
18 that tactical level means managing day-to-day tactical
19 operations?

20 **INSP. RUSSELL LUCAS:** Yes.

21 **MS. BATH-SHEBA VAN den BERG:** Last week, Mayor
22 Watson testified that a senior OPS official was assigned to be
23 on the ground on Wellington to coordinate the implementation of
24 the February 12th deal with the truckers.

25 Do you know who was that OPS officer assigned to
26 coordinate the deal on the ground to go on February 14th?

27 **INSP. RUSSELL LUCAS:** I believe it was
28 Superintendent Drummond was assigned to do the follow-up with

1 respect to the negotiations.

2 **MS. BATH-SHEBA VAN den BERG:** Is it correct that
3 Kelly Cochrane is a coordinator of Emergency Management and
4 Business Continuity for the City of Ottawa?

5 **INSP. RUSSELL LUCAS:** I know she works in that
6 office, yes.

7 **MS. BATH-SHEBA VAN den BERG:** Do you recall
8 communicating with Kelly Cochrane on February 18th, 2022?

9 **INSP. RUSSELL LUCAS:** She was in the NCRCC almost
10 on a daily basis, so.

11 **MS. BATH-SHEBA VAN den BERG:** And do you recall
12 Cochrane referring to the arrested protestors as "detainees"?

13 **INSP. RUSSELL LUCAS:** No.

14 **MS. BATH-SHEBA VAN den BERG:** Do you recall what
15 the weather was like on February 18th, 2022?

16 **INSP. RUSSELL LUCAS:** The first day of the
17 arrests?

18 **MS. BATH-SHEBA VAN den BERG:** That's correct.

19 **INSP. RUSSELL LUCAS:** It was cold.

20 **MS. BATH-SHEBA VAN den BERG:** Would you agree
21 that it was minus 24 with the wind chill or thereabouts?

22 **INSP. RUSSELL LUCAS:** It was cold because I
23 actually remember watching the video of them lining them up and
24 the officers giving up the -- their own personal hand warmers to
25 the people waiting in line to be processed on the bus.

26 **MS. BATH-SHEBA VAN den BERG:** Would you agree
27 that if one was inadequately dressed and didn't have those hand
28 warmers and were exposed to the cold element one would be at

1 risk from getting cold injuries such as hypothermia, frost nip
2 or frostbite?

3 **INSP. RUSSELL LUCAS:** There is a risk.

4 **MS. BATH-SHEBA VAN den BERG:** You're familiar
5 with the POU tactical plan, which is a sub-plan of the February
6 17th plan that was referred to earlier today. Is that correct?

7 **INSP. RUSSELL LUCAS:** I'm aware of the plan. I
8 did not see it.

9 **MS. BATH-SHEBA VAN den BERG:** Did you not see any
10 of the plans, then?

11 **INSP. RUSSELL LUCAS:** So at that point, the
12 Integrated Command and Planning Group were planning and
13 coordinating, and my focus was on getting our officers through
14 the next 3 hours or the 12 hours that they were working under my
15 command. Those actual operations were -- would be planned and
16 coordinated by a separate group.

17 **MS. BATH-SHEBA VAN den BERG:** But those plans
18 would have been shared with you, the mission, the objectives ---

19 **INSP. RUSSELL LUCAS:** The concept of operations -
20 --

21 **MS. BATH-SHEBA VAN den BERG:** --- processes ---

22 **INSP. RUSSELL LUCAS:** --- but not the minutia or
23 the details.

24 **MS. BATH-SHEBA VAN den BERG:** That being said,
25 would you agree that there's nothing that you heard of that was
26 in those operation plans, including the tactical plan, that
27 after police arrested protesters and told them that they were
28 not begin charged that the police were permitted to drive

1 protesters outside of the city core in the dead of winter
2 without access to shelter or transportation or
3 telecommunications?

4 **INSP. RUSSELL LUCAS:** I know nothing of that. I
5 can't speak to it.

6 **MS. BATH-SHEBA VAN den BERG:** On February -- I
7 have one ---

8 **COMMISSIONER ROULEAU:** You're out of time at the
9 moment.

10 **MS. BATH-SHEBA VAN den BERG:** Can I ask one final
11 questions, please?

12 **COMMISSIONER ROULEAU:** Go ahead.

13 **MS. BATH-SHEBA VAN den BERG:** Thank you.

14 On February 18th, do you remember Kelly Cochrane
15 raising the issue to you on how protesters, or as she described
16 detainees, would actually leave after being arrested and
17 transported and you replied, "Well, they will find a way to
18 leave"?

19 **INSP. RUSSELL LUCAS:** Don't recall.

20 **MS. BATH-SHEBA VAN den BERG:** Thank you,
21 Inspector Lucas, and for your service. That's all my questions.
22 And thank you for the additional time, Mr.
23 Commissioner.

24 **COMMISSIONER ROULEAU:** Thank you.

25 Next is the National Police Federation.

26 **--- CROSS-EXAMINATION BY MS. LAUREN PEARCE:**

27 **MS. LAUREN PEARCE:** Good afternoon. My name is
28 Lauren Pearce. I'm attending via Zoom. Can you hear and see

1 me, Inspector Lucas?

2 **INSP. RUSSELL LUCAS:** I can.

3 **MS. LAUREN PEARCE:** Okay. Great. So my name is
4 Lauren Pearce. I'm here for the National Police Federation.
5 I'm just going to ask you a few questions, primarily around the
6 role of the Parliamentary Protective Service or PPS; okay?

7 **INSP. RUSSELL LUCAS:** Okay.

8 **MS. LAUREN PEARCE:** So first of all, my
9 understanding is that they're responsible for the physical
10 security of Parliament Hill and the buildings on Parliament Hill
11 ---

12 **INSP. RUSSELL LUCAS:** Correct.

13 **MS. LAUREN PEARCE:** --- is that right?

14 **INSP. RUSSELL LUCAS:** Yes.

15 **MS. LAUREN PEARCE:** Okay. And my understanding
16 is that that kind of extends to the gates of Parliament and
17 then, thereafter, it's primarily Ottawa's responsibility; is
18 that right?

19 **INSP. RUSSELL LUCAS:** For the security, correct.

20 **MS. LAUREN PEARCE:** Okay. And I also understand
21 that during the convoy protests, I guess Parliament Hill has
22 been undergoing some construction, so there was some
23 construction cladding in that area; is that right?

24 **INSP. RUSSELL LUCAS:** That's -- you're talking
25 about the fencing in front of Centre block, correct.

26 **MS. LAUREN PEARCE:** Okay. And so -- and I also
27 understand that, generally during the convoy protests, PPS
28 officers were primarily located behind that construction

1 cladding; is that right?

2 **INSP. RUSSELL LUCAS:** I couldn't say. They
3 weren't under my command or control, but there was a PPS element
4 that was working with us in the NCRCC ---

5 **MS. LAUREN PEARCE:** Okay. But ---

6 **INSP. RUSSELL LUCAS:** --- which is the Command
7 Centre.

8 **MS. LAUREN PEARCE:** --- to your knowledge, were -
9 - are you aware of PPS officers responding to the convoy
10 protests on Wellington Street?

11 **INSP. RUSSELL LUCAS:** On Wellington? No, I know
12 that they were dealing with the spillover that was coming onto
13 their -- the grounds.

14 **MS. LAUREN PEARCE:** Okay. Okay. Great.

15 And so you were part of the spillover. My
16 understanding that there wasn't a high degree of spillover of
17 protesters onto Parliament Hill, maybe because of that
18 construction cladding or fencing; is that right?

19 **INSP. RUSSELL LUCAS:** No. That's correct. Most
20 of them stayed on Wellington.

21 **MS. LAUREN PEARCE:** Okay. And had there been a
22 significant presence of protesters on Parliament Hill, and that
23 protest activity had been unlawful, there'd been unlawful
24 protest activity on Parliament Hill, do you agree that it's
25 likely that PPS would have required support from the Ottawa
26 Police Service or other police partners?

27 **INSP. RUSSELL LUCAS:** Correct.

28 **MS. LAUREN PEARCE:** Okay. Is it fair to say that

1 it's virtually certain that PPS officers would require that
2 assistance?

3 **INSP. RUSSELL LUCAS:** We would not leave them
4 alone, no.

5 **MS. LAUREN PEARCE:** Okay. And my understanding
6 is that the Ottawa Police Service had to actually plan for the
7 possibility that there would be an unlawful protest activity on
8 Parliament Hill that PPS could not handle on its own. Is that a
9 contingency that Ottawa had to think about?

10 **INSP. RUSSELL LUCAS:** Correct, yes.

11 **MS. LAUREN PEARCE:** Okay. And my understanding
12 is that that plan was that the RCMP had a Public Order Unit that
13 was available to support PPS should a conflict escalate on
14 Parliament Hill?

15 **INSP. RUSSELL LUCAS:** So on the first weekend,
16 the RCMP were allocated to one in reserve, one at Harrington
17 Lake, and one at Rideau Hall. The -- we brought in, I believe,
18 six Public Order Units, which -- and ours, plus ours, and the
19 two from the OPP were reallocated strictly to support PPS
20 operations on that first weekend.

21 **MS. LAUREN PEARCE:** Okay. Okay. So it sounds
22 like RCMP, OPP and then I think also Ottawa Police Service
23 Emergency Services Units were available to PPS?

24 **INSP. RUSSELL LUCAS:** Correct. As well as any of
25 the -- there's the rotating and Public Order Units, so we had
26 support from a lot of services, London, York, Durham, and that,
27 Toronto, and we -- they were rotating, they were available to
28 provide support on Parliament Hill as required, but we were not

1 sending officers up there as a routine basis.

2 **MS. LAUREN PEARCE:** Okay. Okay. Thank you very
3 much. Those are all my questions.

4 **COMMISSIONER ROULEAU:** Thank you.

5 And next I call on Alberta.

6 **MS. STEPHANIE BOWES:** Good morning. Can the
7 Commission hear me right now?

8 **COMMISSIONER ROULEAU:** Yes, maybe speak up a bit
9 more, but ---

10 **MS. STEPHANIE BOWES:** All right.

11 **COMMISSIONER ROULEAU:** --- we can hear you.

12 **MS. STEPHANIE BOWES:** My name is Stephanie Bowes.
13 I'm Counsel for the Province of Alberta. We have no further
14 questions today. Thank you.

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

16 And now for the Ottawa Police Service.

17 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

18 **MS. JESSICA BARROW:** Good morning, Inspector.

19 **INSP. RUSSELL LUCAS:** Good morning.

20 **MS. JESSICA BARROW:** For the record, my name is
21 Jessica Barrow and I'm Counsel for the Ottawa Police Service.

22 I just have a few areas that I want to quickly
23 chat with you about, Inspector. So, first of all, we heard from
24 both you and other witnesses that initially the planning for
25 this event was primarily traffic focussed; is that right?

26 **INSP. RUSSELL LUCAS:** Correct, on the early days.

27 **MS. JESSICA BARROW:** Correct. And in this
28 respect, I want to circle back to something you said earlier in

1 your examination. You said that the reason OPS initially
2 focussed on traffic management was because the number of
3 vehicles that were going to come you were not going to stop
4 them; do I have that right?

5 **INSP. RUSSELL LUCAS:** That's correct.

6 **MS. JESSICA BARROW:** Can you tell us what you
7 meant by that?

8 **INSP. RUSSELL LUCAS:** It's just the sheer number
9 of vehicles that had the potential to arrive, if we set up road
10 blocks, we're going to set up on the basis of the fact that we
11 think they're going to engage in criminal activity. The
12 original arrival was to come to protest. They've been
13 cooperative, demonstrated behaviour, and if -- we want to make
14 sure we're working with them, because as this event grew, it
15 would have been impossible to stop them. So, like, I use the
16 water analogy. It was about how do we divert them to places to
17 minimize the impacts on the community.

18 **MS. JESSICA BARROW:** If you had wanted to try to
19 stop them, and we look at sort of the resources and the
20 logistics that would have been involved in that, what would that
21 have looked like from your perspective?

22 **INSP. RUSSELL LUCAS:** It would have been
23 substantial, because part of the problem is, with the number of
24 vehicles that were coming, where do you stop them and where do
25 you prevent them from going to because they're going to be
26 displaced, and where is that displacement going to be to. Are
27 we going to be pushing them all the way out to Orleans, or into
28 Kanata, and those are things we can't answer. So it's about how

1 do you minimize the risk with the resources you have.

2 **MS. JESSICA BARROW:** What is your perspective on
3 what the impact could have been on other communities had you
4 tried to stop them?

5 **INSP. RUSSELL LUCAS:** I think we would have
6 pushed the -- my personal belief is we would have pushed the
7 trucks further out into the community, and the impact would have
8 been significant for a larger part of the population, and it
9 would have even been more difficult for us to contain and
10 manage.

11 **MS. JESSICA BARROW:** And why would it have been
12 more difficult for you to contain and manage?

13 **INSP. RUSSELL LUCAS:** We were already spread
14 thin. We would have been spread thinner.

15 **MS. JESSICA BARROW:** Great. I want to just get
16 some clarity on two plans. We've seen two plans as it relates
17 to the early period, and I just want to make sure that it's
18 clear what the purpose of those plans were and how they relate
19 to one another. So could we please pull up OPS4221? So this is
20 the plan that's dated January 28th, I believe; right? If we
21 could scroll down? It's difficult to see.

22 **INSP. RUSSELL LUCAS:** It says January 28th.

23 **MS. JESSICA BARROW:** Right. Okay. And so I
24 think you testified that this was the overall plan that you went
25 into the weekend with; right?

26 **INSP. RUSSELL LUCAS:** Correct.

27 **MS. JESSICA BARROW:** Okay.

28 **INSP. RUSSELL LUCAS:** This is the one the Special

1 Events Section under Support Operations wrote.

2 **MS. JESSICA BARROW:** And one element of this plan
3 was traffic?

4 **INSP. RUSSELL LUCAS:** Correct. That was a
5 separate plan that served as a supporting document or an annex
6 to this overarching plan.

7 **MS. JESSICA BARROW:** So just to clarify, there's
8 another plan that speaks to traffic. Is that a completely
9 standalone plan?

10 **INSP. RUSSELL LUCAS:** No, it's a supporting
11 document to the overarching plan. So this overarching plan has
12 three components that I recall the top of my head. One is the
13 Traffic Management Plan, a Tactical Plan, and a Public Order
14 Plan.

15 **MS. JESSICA BARROW:** Okay. To what extent did
16 this January 28th plan evolve in the week leading up to January
17 28th?

18 **INSP. RUSSELL LUCAS:** Daily. As the information
19 and the intelligence changed, we were trying to adapt the plan,
20 and really it came down to is at one point you have a put a plan
21 out so that the people on the ground know what they're doing and
22 what the framework is, and then we adapt.

23 **MS. JESSICA BARROW:** And so we heard quite a bit
24 of evidence, both through you and others, about the intelligence
25 that was available throughout that time period. What other
26 sources of information is your team and the Intelligence Team
27 relying on as we get to this final plan?

28 **INSP. RUSSELL LUCAS:** So a lot of it will be the

1 -- getting a lot of information dialogue with our partners,
2 through our PLT, having a conversation with our police
3 organisations, watching the impact, seeing what their plans and
4 their schedules are. As you said, their schedule of events ran
5 until I think Monday morning, and then there were no other
6 planned events. They would reach out to interactions of what
7 their behaviours were along the way, what's the dialogue
8 happening between the Police Liaison Teams and the convoy
9 organisers. Looking also as well, what's the past history been?
10 What's been our best approaches for managing these types of
11 events?

12 **MS. JESSICA BARROW:** So you would say it's sort
13 of multi-dimensional?

14 **INSP. RUSSELL LUCAS:** Multi-dimensional.

15 **MS. JESSICA BARROW:** Okay. And we heard a
16 suggestion earlier in -- with another witness that essentially
17 OPS dusted off a template plan that it implemented for this
18 event. What would you say to that suggestion?

19 **INSP. RUSSELL LUCAS:** Completely -- that's not
20 correct. So what happens is people look at the cover and they
21 think it's the same plan, it's not. We follow a template, but
22 the data and the information is constantly changed for that
23 specific event. We use a template to ensure we are not missing
24 things, and it helps cover off the planning process. Those with
25 a military background or even at Ad Hoc Incident Command is --
26 we call it SMEAC: Situation, Mission, Execution, Administrative
27 Support, Command and Control. And those are -- that's a
28 planning standard that's been used for 50, 60 years as the natal

1 standard for planning, and the reason is for interoperability to
2 exchange information and the people know where to find that in a
3 plan right away. The template is the same; the data is
4 different.

5 **MS. JESSICA BARROW:** So did you use a SMEAC
6 template for this plan?

7 **INSP. RUSSELL LUCAS:** Correct.

8 **MS. JESSICA BARROW:** Okay. Something you said
9 earlier...

10 We can move away from this document, thank you.
11 Something you mentioned earlier is that, as it
12 relates I believe specifically to the meeting that occurred on
13 the 27th, that your concerns with respect to resources related
14 to making sure OPS had the resources to restore safety if the
15 tides were to turn from a violence perspective. Is that correct
16 what you ---

17 **INSP. RUSSELL LUCAS:** Correct.

18 **MS. JESSICA BARROW:** Okay. And one of the
19 subplans you indicated to this plan was a POU plan; right?

20 **INSP. RUSSELL LUCAS:** That is correct.

21 **MS. JESSICA BARROW:** Okay. What's the purpose of
22 a POU subplan in this context?

23 **INSP. RUSSELL LUCAS:** So the Public Order Team is
24 a trained group of police officers that we would use. The worst
25 case scenario is in their full tactical gear where they're
26 basically what you've heard, of the, you know, the riot control
27 officers in shields and the padded uniforms. We try to -- and
28 then they can go to a lower level of just the uniform presence

1 as well. But they're training cadre dynamics.

2 And after that meeting, the more we started
3 reviewing things, that's where we really started doing the reach
4 out, and that's where I said we brought in, I believe, it was
5 five or six Public Order Units from outside of OPS to supplement
6 us on that first weekend.

7 **MS. JESSICA BARROW:** Well, perhaps we can just
8 get a little clarity on the numbers that would be associated
9 with that.

10 And to that end I'll pull up OPS3324, please. If
11 you could just scroll down to the email -- right there.

12 It looks like to be an email from Chief Sloly to
13 a number of people on the 27th that lists the POU that was
14 obtained in relation to the event. Is that right?

15 **INSP. RUSSELL LUCAS:** That is correct.

16 **MS. JESSICA BARROW:** So we see OPP, YRPS, DRPS,
17 LPS, and then obviously OPS as well. Can you give us a sense of
18 the number of officers that we would be talking about when we
19 combine all of those sections together?

20 **INSP. RUSSELL LUCAS:** So a full Public Order Team
21 would be anywhere between 80 and 100. I am not a Public Order
22 member, so I can't say for certain, but -- so even at the low
23 end we're looking at two from OPP, one from York, one from
24 Durham, the one from London, we had one from Toronto, and we had
25 ours. So we had the seven, so even that we're, you know, close
26 to 500 officers.

27 **MS. JESSICA BARROW:** And did those officers all
28 arrive prior to the commencement of the convoy?

1 **INSP. RUSSELL LUCAS:** They did.

2 **MS. JESSICA BARROW:** And did we use them?

3 **INSP. RUSSELL LUCAS:** We did.

4 **MS. JESSICA BARROW:** Did we use them for the,
5 quote, "worst case scenario" that you were referring to earlier?

6 **INSP. RUSSELL LUCAS:** We mobilised them. So we
7 rotated them to deploy in large groups through the crowds on the
8 -- for the first weekend, knowing that they also have a limited
9 shelf life of how many hours they can work as well, to ensure
10 that we had a -- one on -- at least one or two on standby, and
11 then we would rotate the others through the -- to give the
12 appearance that we had a very robust police presence.

13 **MS. JESSICA BARROW:** But in terms of the violence
14 that you were associating with this worst case scenario, did
15 that ever occur on that first weekend?

16 **INSP. RUSSELL LUCAS:** We did not see any of that
17 come to fruition.

18 **MS. JESSICA BARROW:** Great. So we talked earlier
19 in your earlier testimony in relation to the level of
20 cooperation that you had with protesters as the weekend
21 unfolded; right? And you testified that in the early or early
22 hours, I guess, they were cooperative and then ultimately that
23 shifted; right?

24 **INSP. RUSSELL LUCAS:** That's correct.

25 **MS. JESSICA BARROW:** And why were OPS officers
26 not able to control the behaviours to make them comply with the
27 traffic plan?

28 **INSP. RUSSELL LUCAS:** There was just the volume,

1 and them wanting to get to a specific point. The original
2 people that arrived, and even on the Saturday, there was still a
3 good percentage of them that complied. There was frustration
4 between the two groups, which led to some disputes, which -- and
5 then -- but again, our focus was to keep intersections clear,
6 keep emergency lanes open.

7 **MS. JESSICA BARROW:** I think I'm almost at the
8 end of my time so I'll only ask maybe one more question. You
9 indicated earlier in your testimony in relation to the shift in
10 the level of cooperation and the footprint that that then
11 created as a result, sort of the unintended footprint. You
12 indicated that there was an opportunity afterwards to shrink the
13 footprint but that that did not occur. What did you mean by
14 that?

15 **INSP. RUSSELL LUCAS:** So right after the -- I
16 said that, when the first weekend was wrapping on -- you know,
17 into the Monday, and we're looking at two-thirds that had left,
18 they -- were holding the same footprint with not enough
19 officers, and there was an opportunity to compress as many of
20 those people into a smaller footprint onto Wellington. There
21 was an engagement with PLT working with the organisers. The
22 request went up through the chain of command, and the direction
23 came back is we're not giving them one inch.

24 **MS. JESSICA BARROW:** Who did you understand that
25 direction to have come from?

26 **INSP. RUSSELL LUCAS:** My -- I was told it came
27 from Chief Sloly.

28 **MS. JESSICA BARROW:** Okay, those are my

1 questions. Thank you very much, Inspector.

2 **COMMISSIONER ROULEAU:** Okay, any re-examination?

3 **MR. MISHA BOUTILIER:** Yes, a brief
4 re-examination, Commissioner.

5 **COMMISSIONER ROULEAU:** Okay.

6 **MR. MISHA BOUTILIER:** A brief re-examination,
7 Commissioner.

8 **COMMISSIONER ROULEAU:** And you'll re-identify
9 yourself for the record?

10 **MR. MISHA BOUTILIER:** Yes. I'm Misha Boutilier,
11 Commission Counsel.

12 **--- RE-EXAMINATION BY MR. MISHA BOUTILIER:**

13 **MR. MISHA BOUTILIER:** Inspector Lucas, in the
14 context of pre-arrival planning, counsel for Chief Sloly asked
15 you whether Chief Sloly gave you the autonomy you'd needed as
16 Incident Commander. Do you recall that question?

17 **INSP. RUSSELL LUCAS:** I do.

18 **MR. MISHA BOUTILIER:** And you answered -- well, I
19 think your answer began with "In the beginning". Do you recall
20 giving that answer?

21 **INSP. RUSSELL LUCAS:** I do.

22 **MR. MISHA BOUTILIER:** Why did you say "In the
23 beginning"?

24 **INSP. RUSSELL LUCAS:** Because it started to
25 change after the first weekend. And they were -- we just had
26 the question about shrinking the footprint, was -- I knew there
27 was a strategic and a political impact from that, and that's why
28 -- and it wasn't time sensitive, and that's why that

1 consultation, what I thought was going to be a consultation
2 piece, took place, but it turned out that it -- we -- I didn't
3 have the autonomy to make that decision. And that was the first
4 of a number of incidents where I realised I was more the -- just
5 managing live Operations.

6 **MR. MISHA BOUTILIER:** And what areas of -- what
7 specific areas of Operations did you feel that you lost the
8 autonomy to manage?

9 **INSP. RUSSELL LUCAS:** It was -- there was draw on
10 our resources. There was -- again, and I appreciate the
11 numerous demands on the police service as a whole, but in the
12 Monday, Tuesday, Wednesday time period, when we were trying to
13 build a stability plan, and then what happens is where we think
14 we have the resources to get us through that day and we find out
15 a bunch of the officers are being pulled to do community
16 engagement.

17 So we rebuild -- we have the Planning Team that's
18 sectioned off from our ICS model at our Service Command Centre,
19 so it's rebuilding and redrafting the staffing and planning
20 model for the next operational period, and then we get into the
21 next operational period and then our traffic officers are
22 pulled. Well then, now we have to rebuild and look it up
23 because they want strategic -- or the strategic direction was
24 they needed to do -- go do traffic enforcement.

25 **MR. MISHA BOUTILIER:** And what level of autonomy
26 did you enjoy over the work of the Police Liaison Team during
27 the week of January 31st?

28 **INSP. RUSSELL LUCAS:** I would -- so the Police

1 Liaison Team, to me, and I don't think they get enough credit
2 for the work they do. So they successfully deal and they manage
3 dozens of successful wins every day during the protest that
4 don't make the news. But what happens is when -- they need the
5 flexibility to make concessions, because you can't -- it can't
6 be a one-way conversation, otherwise you're not having those
7 negotiations in good faith. So they need the autonomy -- a bit
8 of autonomy to be able to do stuff that's not going to affect
9 the overall operation to make those -- a certain level of
10 decisions, which they just didn't have. And -- but when they
11 started getting some of it back, for example, at the
12 Confederation Park, they saw phenomenal success. It was slow,
13 but it was great success. And that's really what PLT does.

14 **MR. MISHA BOUTILIER:** Okay. I'd just like to
15 explore one last point with you arising from counsel for the
16 Ottawa Police Service's re-examination.

17 Do you recall stating, in response to a question
18 from counsel for the OPS, that you deployed Public Order Units
19 on the January 29th/30th weekend to project the appearance of a
20 strong police presence or words to that effect?

21 **INSP. RUSSELL LUCAS:** Yes.

22 **MR. MISHA BOUTILIER:** Okay. Could we pull up
23 WTS00000024? And just go to page 8, please. The second
24 paragraph on page 8.

25 And Insp. Lucas, this is your interview summary.
26 I'd like to take you to the statement:

27 "He sent POU officers stationed on
28 Parliament Hill to patrol the protest site

1 in teams to project a strong police
2 presence and attempt to conceal OPS's
3 staffing shortages from protestors."

4 **INSP. RUSSELL LUCAS:** Correct.

5 **MR. MISHA BOUTILIER:** So was that the purpose of
6 sending the POU teams out? To try to hide from protestors that
7 OPS was understaffed?

8 **INSP. RUSSELL LUCAS:** That was one of the
9 benefits, but that wasn't the only role. The role is you need
10 to ensure that the people feel that there is enough of a
11 presence that we are -- that police are out there.

12 The problem is, we're not going to be asking --
13 Toronto Police, or York Police, or any of our partners that are
14 there have the ability to intercede on something, but it's going
15 to -- if they do, the investigation is going to be turned over
16 to the Ottawa Police.

17 So it's about ensuring the presence to mitigate
18 and intervene at the earliest stages to prevent things from
19 getting worse.

20 **MR. MISHA BOUTILIER:** Thank you, Commissioner.
21 Those are my questions.

22 **COMMISSIONER ROULEAU:** Okay. Insp. Lucas, I just
23 -- thank you for your evidence. I'm just trying to understand
24 one piece. And the record may be clear, but I'm not quite
25 clear.

26 As I understand it, the plan, which we saw, did
27 not encompass any plan for the post-weekend stay of truckers.
28 That was something that was discussed and worked on, but there

1 was no document at that time?

2 **INSP. RUSSELL LUCAS:** No, not at that time.

3 **COMMISSIONER ROULEAU:** And I'm just trying to
4 understand. You said there was a plan or discussion of how you
5 would deal with that, but you also said that there was a lost
6 opportunity to reduce the footprint. And I'm just trying to
7 understand the play between those two, and specifically what you
8 meant by what would have been done if you had been left to your
9 own devices?

10 **INSP. RUSSELL LUCAS:** So there's two parts to the
11 that. So the first part is, under the ICS model, there's a
12 planning, logistics, finance, and what happens is we pull them
13 out away from the operations in the incident command and let
14 them work offsite with information we're feeding them of what
15 those operations and preparing our next planning cycle and
16 things like that that's going to exceed. And that's what we'd
17 be looking for, because we're -- at this point, the plan has
18 changed multiple times based on the changing dynamics.

19 And again, once we realized the size and scope of
20 what we had was substantially larger than what we anticipated,
21 then we're adapting and we're trying to flex through that.

22 When we get through the first weekend and we're
23 looking at options -- because one of the -- what we've done
24 before is we have had people stay behind and we go back to, I
25 believe it was the Tamils had their protest. You close -- you
26 compress your footprint.

27 So what happens is I only need to block off two
28 ends of the street, and they're only on that one street, where

1 when we had that opportunity, and even if it was 500 trucks, and
2 say it was the full length of Wellington, three lanes, but we
3 could have blocked it at Wellington, and maybe out to Bay. And
4 we would have been able to get the vast majority of those people
5 in there.

6 And what happens is, instead of having all those
7 vehicles that were pushed further out, Rideau/Sussex, Sir John
8 A. MacDonald, and other places, they would have been where they
9 wanted to be to get their message out and we would have had --
10 instead of spreading our resources so thin to manage all those
11 traffic points, because as soon as Rideau/Sussex closed, your
12 traffic point -- traffic perimeter has to be larger to divert
13 people from getting caught at a road block.

14 So it just was a significant draw on resources,
15 and when we didn't get that opportunity to use PLT to shrink
16 that footprint, we would have reduced it to a smaller size and I
17 wouldn't have needed all those officers all through the ByWard
18 Market and on Rideau Street, and I could have pivoted them into
19 other proactive engagement activities in the downtown.

20 **COMMISSIONER ROULEAU:** So the lost opportunity
21 you say is because you could not use PLT? Because I'm just
22 trying to understand what was the lost opportunity and what
23 caused it?

24 **INSP. RUSSELL LUCAS:** So again, when they had
25 that first -- again, this is the earliest days of the protest,
26 with Rideau/Sussex, if they had the opportunity to bring them
27 out of Rideau/Sussex, it would have freed up that whole side of
28 the canal. And the direction that came down was, "We're not

1 giving them one inch." So that's what we worked with.

2 And then again -- so again, we're spread thing.
3 And now we're -- the next few days, it's just about building a
4 stabilization plan so that we're not burning our members out and
5 getting enough rotation and food and things like that before we
6 can get into the next phase of an operation.

7 **COMMISSIONER ROULEAU:** Thank you. So that
8 terminates your evidence. Completes your evidence. Terminates
9 sounds a little negative. So we'll -- so that completes your
10 evidence. Thank you very much.

11 So we're going to take the morning break. It's a
12 little late, but I think it's still necessary. And when we come
13 back, we'll go on to our next witness. So 15 minutes, please.

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

16 --- Upon recessing at 11:51 a.m.

17 --- Upon resuming at 12:09 p.m.

18 **THE REGISTRAR:** Order. À l'ordre. The
19 Commission is reconvened. La commission reprend.

20 **COMMISSIONER ROULEAU:** Good afternoon. Bon après
21 midi.

22 So we have another witness?

23 **MR. ERIC BROUSSEAU:** We do, Mr. Commissioner.
24 Eric Brousseau, Commission Counsel, and I'd like to call the
25 Commission's next witness, OPP Inspector Marcel Beaudin.

26 **THE REGISTRAR:** Inspector Beaudin, if I can
27 please confirm for the record that you'll be affirming using the
28 Eagle feather?

1 **ACTING SUPT. MARCEL BEAUDIN:** Yes, ma'am.

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

4 **ACTING SUPT. MARCEL BEAUDIN:** Marcel Beaudin, B-
5 E-A-U-D-I-N.

6 --- ACTING SUPT. MARCEL BEAUDIN, Affirmed:

7 **THE REGISTRAR:** Thank you.

8 --- EXAMINATION-IN-CHIEF BY MR. ERIC BROUSSEAU:

9 **MR. ERIC BROUSSEAU:** Good afternoon, Inspector.
10 Just to clarify, you pronounce your last name Bodin (ph) not
11 Beaudin?

12 **ACTING SUPT. MARCEL BEAUDIN:** Bodin (ph).

13 **MR. ERIC BROUSSEAU:** Bodin (ph). Okay. Good to
14 know.

15 Can you tell us your current rank with the OPP?

16 **ACTING SUPT. MARCEL BEAUDIN:** Currently, the
17 Acting Superintendent in the Indigenous Policing Bureau.

18 **MR. ERIC BROUSSEAU:** And was that the same rank
19 that you held in January and February of this year?

20 **ACTING SUPT. MARCEL BEAUDIN:** It was not. I'm
21 doing a temporary assignment right now and will be back to an
22 inspector shortly, I'm sure.

23 **MR. ERIC BROUSSEAU:** Okay. What was your rank in
24 January and February?

25 **ACTING SUPT. MARCEL BEAUDIN:** Inspector.

26 **MR. ERIC BROUSSEAU:** Okay. And I'm showing you -
27 - or I'd like to pull up your witness statement, WTS00000037.
28 And you recall sitting for an interview with myself and my

1 colleagues this summer?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

3 **MR. ERIC BROUSSEAU:** Okay. And you reviewed this
4 interview summary -- a draft of this interview summary when it
5 was prepared?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I did.

7 **MR. ERIC BROUSSEAU:** Okay. And the contents of
8 that summary are accurate?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yes, they are.

10 **MR. ERIC BROUSSEAU:** DO you have any corrections
11 or changes or additions to make to it?

12 **ACTING SUPT. MARCEL BEAUDIN:** No, they're all
13 good. Thank you, sir.

14 **MR. ERIC BROUSSEAU:** Okay. Can you just briefly
15 describe for us your background and your role at the OPP?

16 **ACTING SUPT. MARCEL BEAUDIN:** As far as my role
17 in policing right now, or ---

18 **MR. ERIC BROUSSEAU:** Correct.

19 **ACTING SUPT. MARCEL BEAUDIN:** Okay. So my role
20 in policing right now is the Acting Bureau Commander for the
21 Indigenous Policing Bureau, which oversees four areas. So those
22 areas involve the Murdered and Missing Indigenous Women and
23 Girls Implementation Team, the Ontario First Nations Policing
24 Agreement, which oversees the administration of 18 police
25 services, and the Indigenous Awareness Training Unit, and then
26 also the PLT, which is, I'm sure, what we'll be speaking about
27 today.

28 **MR. ERIC BROUSSEAU:** We will be speaking about

1 PLT. I'd like to show you a document, if we could pull up
2 OPP00004566? This is the OPP's Framework for Police
3 Preparedness for Indigenous Critical Incidents. Can you tell us
4 what this document is?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, this is 1 of
6 19 critical policies for the OPP, and it ultimately works
7 through a conflict cycle when it comes to Indigenous critical
8 incidents or non-Indigenous related conflicts.

9 **MR. ERIC BROUSSEAU:** Okay. And so when and why
10 was this policy created and adopted?

11 **ACTING SUPT. MARCEL BEAUDIN:** So this police was
12 created as a result of Ipperwash. So in 1995, obviously, there
13 was the shooting death of W. George in a provincial park, and,
14 obviously, lessons learned there was communication strategies,
15 the importance of gathering mediators or people that could
16 liaison or people with influence that would have influence on
17 outcomes, as well as correcting misinformation is probably the
18 big takeaways. For us, obviously, it didn't necessarily start
19 the PLT, but it definitely contributed to the part of the
20 average All-Relations Team Program.

21 **MR. ERIC BROUSSEAU:** Okay. And I think you
22 mentioned that this is one of 19 critical policies. Can you
23 tell us, what is a critical policy and why is this 1 of 19 of
24 them?

25 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so it's
26 interesting when you talk about police language, right, because
27 sometimes people will say, "Oh, like, this is critical." And to
28 me that's bad as far as a community member, but when it comes to

1 policing, critical to me means it's of high priority, it's
2 something that we take very serious, and it has tremendous
3 ramifications if it's not followed.

4 **MR. ERIC BROUSSEAU:** Okay. And I think there's
5 19 of them out of how many policies across the OPP roughly?

6 **ACTING SUPT. MARCEL BEAUDIN:** I'm not certain,
7 sir.

8 **MR. ERIC BROUSSEAU:** But is it -- are critical
9 policies a sort of subset of ---

10 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

11 **MR. ERIC BROUSSEAU:** --- sort of important
12 policies? Does that mean that every OPP officer is sort of
13 aware of them, is required to sort of read ---

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

15 **MR. ERIC BROUSSEAU:** --- them and know them?

16 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely. Yes,
17 sir.

18 **MR. ERIC BROUSSEAU:** If we go down to pages 5,
19 starting at page 5, the policy is divided into 3 stages, or it
20 refers to sort of 3 stages: pre-critical incident stage,
21 critical incident, and then post-critical incident. So I'm
22 wondering if you can for a few minutes just explain what each of
23 those stages are?

24 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so when you
25 look at pre-critical, right, so we have an analyst, or I think
26 we've heard from Intelligence talking about, okay, this is a
27 potential conflict that's coming up; right? So the number one
28 predictor of conflict is real or perceived inequality, so that's

1 something that we look for; right? And when you look at the
2 Province of Ontario right now, you have potentially, you know,
3 roughly 50 land claims up for negotiation. And sometimes -- I
4 remember Inspector Morris saying it's interesting that, you
5 know, PLT sits within IPB, but -- or Indigenous Policing Bureau,
6 sorry, but the reality is, it's extremely important for us to
7 have relationships with Indigenous communities as a result of
8 that number one predictor of conflict.

9 And so in that, what our job is and what the PLT
10 member's job is, is to when they -- when we see that there's
11 going to be potential conflict, our job is to reach out, build
12 relationships. And by relationships, you know, sometimes people
13 just say the word relationship and they don't necessarily break
14 that down. But to us, it actually means something. Like, it
15 means something to build a relationship. So in there,
16 obviously, you need trust. So for me, when I talk about trust,
17 I think it's really important to recognize the person knows that
18 I have their best interests in mind, you know, I'm competent,
19 I'm able to -- and then, ultimately, I do what I say I'm going
20 to do; right? And so we build relationships and then we also
21 get into agreements or ideas of what the protest, demonstration,
22 occupation may look like.

23 So we have those not verbal contracts but pretty
24 much; right? Like, okay, so this is the law. This is what you
25 should avoid doing. This is some alternative options to ensure
26 that it's lawful, peaceful, and safe. And then if there's any
27 deviation from that, here's the potential consequences
28 associated to that. And the reason that we have those up-front

1 conversations is because, typically, emotions and intelligence
2 work as a teeter-totter. So if someone's emotional in times of
3 crisis, typically, intelligence gets low. So when there's no
4 emotion involved, ultimately, it's a great opportunity for us to
5 have conversations that are meaningful and to understand what
6 the objective is, what people are trying to achieve, and how we
7 can facilitate that lawfully, peacefully, safely.

8 **MR. ERIC BROUSSEAU:** Okay. And so ---

9 **ACTING SUPT. MARCEL BEAUDIN:** And so that would
10 be pre.

11 **MR. ERIC BROUSSEAU:** Right. I was going ---

12 **ACTING SUPT. MARCEL BEAUDIN:** And then ---

13 **MR. ERIC BROUSSEAU:** --- to say that falls into
14 pre-critical?

15 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, for sure.
16 And then during critical, so, ultimately, when protests are
17 happening, you know, I think during the Freedom Convoy the OPP
18 PLT took part and I believe from January to February 22
19 protests provincially. So when protests are happening, we're
20 trying to ensure that they're lawful, peaceful, safe. And so
21 our job is to make sure that we are having open and transparent
22 lines of communication with people, to ensure that they know
23 that they're -- can be trusted with what we're saying, and they
24 can trust what we're saying to be true, and then, ultimately,
25 working through to ensure if someone's doing something that's
26 not lawful, peaceful or safe, obviously, we would have to have
27 some sort of police intervention and we would try and facilitate
28 one that is lawful, peaceful, safe. So, ultimately, if they're

1 on the roadway, hey, off the roadway; right? This is a better
2 spot for you ultimately.

3 **MR. ERIC BROUSSEAU:** Okay. And so and then the
4 third stage or the post-critical incident stage, what does ---

5 **ACTING SUPT. MARCEL BEAUDIN:** Yeah ---

6 **MR. ERIC BROUSSEAU:** --- that involve?

7 **ACTING SUPT. MARCEL BEAUDIN:** --- it is
8 ultimately what -- I think what we're doing here, right? Like,
9 we're debriefing, we're trying to learn best practices, we're
10 trying to understand what went well, what didn't go well,
11 deconflict areas and perceptions that may be different, and then
12 just discuss it and take lessons learned from those and try and
13 do better next time, and then also, restore, rebuild
14 relationships. And, you know, sometimes, you know, you have
15 people that don't necessarily get along, and it seems
16 interesting that the police would be such a contributing factor
17 of that, but that's what we're called for is for safety. And so
18 in there we would basically, you know, try and mediate a
19 strategy for people to co-exist, right, recognizing the
20 intersections with liberties that are out there.

21 **MR. ERIC BROUSSEAU:** Okay. If I could pull up
22 COMM0000666? What I'm pulling up on screen is the Canadian
23 Associations of Chiefs of Police's National Framework for Police
24 Preparedness for Demonstrations and Assemblies. And so to
25 start, if you could just tell us how this document relates to
26 the OPP's framework that we were just talking about?

27 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. There's a
28 lot of similarities, obviously. So when this was created, there

1 was -- it came from the Policing with Indigenous People's
2 Committee for the CACP. And one of the ideas or areas where the
3 Policing with Indigenous Peoples, so I'll call PWIP, just for
4 the sake of time. So we're concentrating on was for, you know,
5 a consistent measured approach to large-scale demonstrations.
6 We recognized that there was demonstrations that happened in
7 British Columbia that had demonstrators at, that happened in
8 Quebec that had the same demonstrators, that happened in Ontario
9 that had the same demonstrators. And, you know, there's no
10 jurisdiction for protest, demonstrations, occupations, but there
11 certainly is for policing, and a consistent, measured approach
12 is obviously something that was a priority to the Policing with
13 Indigenous People's Committee as well as the CACP.

14 And so I was asked to take part in just kind of
15 being one of the people that kind of put this together in 2018.
16 And then with the Policing with Indigenous People's Committee,
17 went through a variety of different steps. So, ultimately,
18 doing an environmental scan, so document review, issue-based
19 review. There was a questionnaire that went out to
20 stakeholders, whether it be people that had been involved from
21 the community at large with demonstrations, protests, or whether
22 it was police officers, people that had been protesting in the
23 past, and police leadership, just to come up with common tenants
24 *[sic]* or themes that would be a priority to that group,
25 recognizing that we all have to, you know, work together. We
26 live in Canada. We have, you know, *Charter of Rights and*
27 *Freedoms* allow people to peacefully demonstrate, right, and to
28 assemble. And, ultimately, Section 1 has limitations to those,

1 but it's something that the police are continually having to
2 deal with in a regular basis; right?

3 **MR. ERIC BROUSSEAU:** And so can you just clarify
4 for us, is this document intended to apply only to
5 demonstrations and assemblies that touch on Indigenous issues,
6 or is it for any sort of mass demonstration ---

7 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, any sort of
8 mass demonstration; right? Like, I think, you know, we looked
9 at the way things were kind of growing when it came to
10 demonstrations on a global scale internationally, and then, you
11 know, within North America and now in Canada they're happening
12 quite frequently; right? I think you look at the numbers
13 associated to Provincial Liaison Team in 2012 compared to 2022,
14 and they're tremendously higher as far as the OPP's area goes.
15 And I, you know, only imagine that that would be reflective with
16 other police services as well.

17 **MR. ERIC BROUSSEAU:** Okay. And if we could go
18 down to pages 5 to 6, there's -- there are 7 foundational
19 principles here, and I wonder if, again, in sort of 30 seconds
20 per each, you can just walk us through, and particularly,
21 starting with the measured approach. What is that?

22 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, the measured
23 approach is probably the most important piece within here. The
24 most important piece for liaison people is relationship
25 building, I would say, in my professional opinion. But when it
26 comes to the measured approach, we're talking about -- and I'll
27 just read it for everyone just because I think it's pretty
28 important; right? Is an,

1 "...operational philosophy that guides the strategies and
2 tactics of the police in the measures to employ and the
3 prevention of disorder or to achieve timely restoration of
4 order."

5 This policy emphasizes deliberate employment of
6 proactive engagement, communication, mitigation and facilitation
7 measures while preserving the option to employ a variety of
8 tactical responses as necessary and seeking to respect the
9 lawful exercise of personal rights and freedoms.

10 And so to me, it means it's almost like the use
11 of force continuum for a major event, right.

12 So we go, we have officer presence, we
13 communicate, communicate, communicate. As things escalate and
14 we're no longer able to communicate, then obviously there's
15 tactical responses as necessary that would come in. And it's
16 kind of on a floating scale, right, like. So it's not like,
17 okay, negotiations are here, they stop and then Public Order is
18 here and there's no communication with them.

19 They actually co-exist and there's pretty quick
20 ability to do both, right.

21 And then -- so when it comes to relationship
22 building, we talk about trust between police and citizens
23 remains essential, ongoing communication, right. And so we look
24 at a few things, so respect, right, rapport, reciprocity, trust.
25 But we spoke just briefly at the beginning about trust.

26 But at the end of the day, it's a matter of
27 ensuring -- so this is the only unit that really is out there
28 making sure that we are open, transparent and we are -- we are

1 trusted with what we are saying to be true, right.

2 And so it's so important for us to ensure that
3 these -- you know, these relationships are made a priority,
4 these relationships continue to happen. Like it's not as if,
5 you know -- so can I fast forward to like something that
6 happened in the Rideau, or no?

7 You just let me know.

8 **MR. ERIC BROUSSEAU:** We'll get into what -- the
9 sort of specific examples.

10 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

11 **MR. ERIC BROUSSEAU:** I just want to finish this
12 sort of separately.

13 **ACTING SUP. MARCEL BEAUDIN:** Sure. And then
14 facilitating lawful, peaceful and safe demonstration, so we
15 recognize that obviously there's limitations to protest, right,
16 demonstrations, occupations.

17 **MR. ERIC BROUSSEAU:** Can I just stop you there
18 just to say, you know, some people might be surprised to learn
19 that the police are involved in actually facilitating protests.

20 Why -- so why is sort of facilitating a protest
21 an important part of this?

22 **ACTING SUPT. MARCEL BEAUDIN:** Well, I think
23 because you're managing it, right.

24 So if you have a protest that's coming to your
25 area or if I'm -- if I know a protest is coming to my street,
26 right, so I would say, okay, what is your intention, what are
27 you trying to do, okay, you can achieve this by doing this, this
28 and this. And if you deviate from that, then obviously there's

1 an issue.

2 So we don't facilitate protests. We don't
3 facilitate any protest. We facilitate lawful, peaceful and safe
4 because it's our responsibility to manage.

5 **MR. ERIC BROUSSEAU:** Okay. And then -- so yeah,
6 the next point, number 4, Impartiality.

7 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. And
8 impartiality is so big, right, because a lot of times, you know,
9 especially in the past, police have been seen to be providing
10 two-tiered policing so the big thing is -- for us, is to say,
11 okay, regardless of what the protest is, it's our job to ensure
12 that we are impartial, that we're treating all people with
13 respect.

14 It doesn't mean neutrality. Neutrality is you
15 don't have any skin in the game. Obviously, police, our
16 profession has tons of skin in the game and our job is to ensure
17 that we are just doing what's beset to ensure that the outcome
18 is lawful, peaceful and safe.

19 **MR. ERIC BROUSSEAU:** Okay. And the stage of
20 conflict, we spoke a little bit about that.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, we did.

22 And then -- so -- and then the next one is
23 interoperability.

24 So interoperability is really what we saw here,
25 right. So we can go and we can -- ultimately, the Ottawa Police
26 Service, RCMP, SQ, OPP, whoever can all work together, know that
27 we're on the same page, increase consistency of response and,
28 ultimately, do it as seamless as possible.

1 **MR. ERIC BROUSSEAU:** Okay. And then the last
2 point, Education Before Enforcement.

3 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So this
4 one's a -- this one was a big one when it came to the return on
5 questionnaires for people that were involved in protests,
6 wanting education, right, because quite often people will come
7 to a protest and say, "Well, I'm here to protest and this seems
8 to be going on good and I didn't realize it was unlawful or
9 unpeaceful or unsafe".

10 And so in the absence of communication, you know,
11 you could have people that are stuck in there recognizing
12 they're -- you know, that they're thinking they're doing
13 something that is okay because it's been going on or whatever.

14 So one, we do issue and incident based, right.
15 And this is for our police education. So we'll make sure that
16 our officers are educated on all of that. And then we do --
17 sorry. Can you scroll it back the other way?

18 And then framework, so just so that everyone
19 knows about the framework itself, and how we work within it and
20 how the measured approach fits, how we try and reduce the
21 footprint, how we -- you know, what we're trying to achieve and
22 the strategies associated to it and then the culture based if it
23 involves indigenous protests or a variety of different other
24 protests that are out there.

25 And then public education, obviously, to educate
26 the public on lawful, peaceful, safe demonstrations and
27 activity, you know, how injunctions basically work in
28 enforcement activities that the police would be responsible for

1 in that, and then messaging the difference and consequences of
2 being arrested versus being charged because some people will
3 say, "Well, if I got -- if I didn't get arrested, I'm off,
4 right. I'm good".

5 But the reality is, is that there might be
6 charges that come as a result of your behaviour even though you
7 -- we may not, as we -- I say we as the police, the police may
8 not be able to deal with that at the time because it's not safe
9 to do so or there's a variety of contributing factors as a
10 result.

11 **MR. ERIC BROUSSEAU:** Right. And I just want to
12 ask you one further question about the measured approach. You
13 sort of described it as being on a continuum.

14 And how quickly or how much time do you need to
15 kind of work your way from one end of the continuum to the other
16 in the context of a protest?

17 **ACTING SUPT. MARCEL BEAUDIN:** So like if I were
18 to say to someone, "Okay" -- because these are questions that
19 typically the team would ask, right.

20 So what are you trying to achieve? What does
21 success look like to you? And what can I say or do to get you
22 to do something that's lawful, peaceful, safe, right, whether
23 it's get off the road, get off the rail line, whatever that
24 looks like?

25 And so if someone says, you know, like this is
26 what I'm really trying to achieve and it's very attainable, then
27 it makes it really easy, right. Like I've seen roadblocks where
28 people say, "I want something" that's very attainable and then

1 it gets done and people leave and everyone's happy. And it was
2 very -- you know, nothing to it.

3 But then I've seen some where people say, "I'm
4 not leaving until something", you know, unrealistic happens,
5 like Marcel Beaudin has to leave the country and never come
6 back.

7 So if that's the case, we have nowhere to go with
8 that, right. So if that's the case, then obviously it's very
9 easy to work through, right. And really, when there's that
10 negotiation piece and there's opportunities, then they should
11 probably be explored.

12 **MR. ERIC BROUSSEAU:** Right. And page 11 has a
13 section on the Role of Liaison Teams. And that's what we're
14 talking about when we're talking about PLT, which is Provincial
15 Liaison Team with the OPP, Public Liaison Team with the OPS, and
16 then the RCMP have their own. DLT for some divisions.

17 But briefly, if you can just describe for us sort
18 of what role liaison teams across police services play in
19 implementing this national framework?

20 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So the -- I
21 think the big thing when it comes to liaison teams is really the
22 socialization of them. And sorry, I'm talking with my hands.

23 But you know, the socialization of them.

24 So there's always been people that try and talk
25 and get things done in a non-structured format, right. Like
26 that's always been the case. Police have always tried to
27 mediate or negotiate successful, safe outcomes, but this is
28 really to structure them so that you have people that are

1 trained, so people that have an idea of interest-based
2 negotiation, mediation techniques, crowd psychology, so you have
3 experts that can say, okay, if we do this, this and this,
4 potentially, you can end up getting to a successful conclusion.

5 And in the overall idea of the framework itself
6 is really these officers are there to ensure that if there's a -
7 - a time where Public Order has to come in, there's the least
8 amount of people there that would potentially cause harm to
9 people, the public, to officers and it becomes as safe as
10 possible, really.

11 So like their job is to -- and you know, if their
12 job is done by saying, "Hey, guys, get off the road" and
13 everyone goes home, that's amazing. That's a 10 out of 10, home
14 run. But for the most part, some people want to stay there,
15 exercise their rights to do different things, and so it may take
16 a little bit of time or some people will say -- some people will
17 just stay longer and some people are willing to leave.

18 So it's important to recognize that, you know, in
19 a -- in a crowd, and I think this is Eli Sopow's work out of the
20 RCMP. He's a doctor. And you know, he said in a basic crowd,
21 he was -- you know, a crowd makes up 80 percent is law-abiding,
22 right, and would probably, you know, listen to the police, be
23 manageable, all that stuff. You have 15 percent that are on the
24 fence, and five percent that potentially are criminal in nature,
25 so -- and would be hard to deal with and dig their heels in.

26 And so when you look at that, PLT's work isn't to
27 make sure that everyone's out of there. Like if that happens,
28 that's great. But our job is to make sure that the 95 percent

1 or those 15 percent don't swing over and turn into 20, right,
2 because those people are on the fence and it makes the Public
3 Order job much more dangerous and harder. And those 15 percent
4 end up recognising that the police were reasonable, these were
5 reasonable asks, and we end up leaving; right? And so that's
6 really the -- the key function of the PLT is to reduce the
7 footprint so when Public Order ends up going in, if they -- if
8 and when they do, it's the least amount of people that are
9 there, and it sets them up for success.

10 The other thing that it does too, is -- so like
11 when we're asking for a small concession and stuff like that,
12 you're also recognising leadership within the group; right? So
13 you're testing resolve, you're testing compliance, you're
14 testing leadership. Because if someone says, "I'm the leader of
15 this group", but they don't have the ability to move anyone,
16 then it certainly -- you can see that right away. You wouldn't
17 want to wait until the last minute to try and get someone to do
18 something, recognising that they don't have any juice in the
19 group to actually move people.

20 **MR. ERIC BROUSSEAU:** One term we've heard in
21 evidence, and I'm hoping you can explain it a little bit, is the
22 concept of PLT logs. What are those, and why are they
23 important?

24 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so PLT logs
25 are created so that that way everyone has a general sentiment of
26 what's going on on the ground, the conversations that are being
27 had between PLT, protesters, protest organisers, the community
28 at large; right? That's a huge component as well; right?

1 So when I talk about the community at large, it's
2 people that aren't directly involved with the protest. So the
3 citizens of Ottawa, businessowners, restaurant owners, people
4 that are around there. And that's such a priority to find out,
5 you know, what's the whole story there, and what are the
6 potential landmines that we'll have to navigate through this?
7 What are potential -- you know, if you concentrate on the
8 community at large and explain things to them and try and work
9 within the community at large as well, then you're less likely
10 to have counterprotests, we'll say, that would potentially, you
11 know, put us back or bring violence to a group, and also put the
12 police in harms way.

13 So anyway, those logs are extremely important
14 just for gathering information and making decisions when it
15 comes to Command decision-making.

16 **MR. ERIC BROUSSEAU:** And so they get shared, not
17 outside of just the PLT group, within the OPP or the OPS?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Yeah, yeah.
19 So we would -- any partner that would be involved in a protest
20 would be getting, you know, our OPP PLT logs so that way we're
21 all kind of working on the same page, everyone kind of knows
22 what's going on with the people that are involved in the
23 protest, and then also, everyone's -- everyone just kind of has
24 an understanding of what's happening.

25 Like, so, in the PLT logs you may see, okay,
26 there's still no exit strategy; right? So if you see that, then
27 you know, okay, there's still no plan to leave; right? So what
28 do we have to work on moving forward so that that way there is a

1 plan; right? And so those are the things that basically would
2 be essential to consider when it comes to interoperability as
3 well as people working together, and when people end up going
4 off, because we need rest as well, then when new people come in
5 it's really easy to see what the sentiment on the ground is.

6 **MR. ERIC BROUSSEAU:** Can you briefly describe for
7 us the relationship between the PLT team and Public Order Units,
8 or POUs? How do PLT work with POU?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So to me,
10 like -- so Public Order obviously has a job to do; right? And
11 so they would be the people that come in, move slowly,
12 methodically, push people back, gain ground, whatever, and our
13 job would be to communicate, you know, I think day of like
14 basically would be "Okay, guys, like obviously Public Order
15 people are here. If you want to egress and leave, go this way,
16 there's a bus waiting for you, it's warm, get on it, please we
17 encourage you to do so. If you want to be arrested peacefully,
18 please walk forward, and you know, if you don't want to do any
19 of those just stay there and we'll get to you at some point."

20 **MR. ERIC BROUSSEAU:** And the last sort of
21 conceptual piece I want to talk about before we get into what
22 happened in Ottawa is the concept, and Inspector Lucas testified
23 a little bit about it this morning, is the concept of PLT
24 autonomy and sort of the role that being able to negotiate and
25 make enforceable kind of agreements with protesters plays in the
26 PLT's work.

27 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So -- yeah,
28 PLT is definitely essential when it comes to negotiating,

1 mediating, all of that stuff. It's a matter of not necessarily
2 autonomy in a sense where, you know, we're working independently
3 and PLT needs to be the people in charge of their own stuff,
4 it's a matter of we need to see it at the decision-making table,
5 and our -- what we're saying should probably be valued at some
6 point. I think that's probably the whole autonomy thing.

7 **MR. ERIC BROUSSEAU:** Right. But -- and so in a
8 typical situation would you sort of have to go up the chain of
9 command to get sign-off on ---

10 **ACTING SUPT. MARCEL BEAUDIN:** Yes. Yeah.

11 **MR. ERIC BROUSSEAU:** --- decisions? Okay.

12 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So you would
13 be like -- so it would be like no other, or every other program
14 in an integrated response; right? So the Incident Commander is
15 in charge; right? So ultimately, PLT would say, "These are
16 seven things that I can do here today." Right? And "This is
17 what I would like to do." "Cool. You can do this, this, and
18 this", right, or whatever it may look like. And ultimately, the
19 autonomy would just basically be, you know, "We are the ones
20 doing the negotiations. I can never explain every single word,
21 look, head nod, whatever to the Incident Commander, but this is
22 a great idea to help reduce the footprint, get us closer to our
23 successful outcome, and carry on with our day."

24 **MR. ERIC BROUSSEAU:** Okay. And so now I want to
25 move into sort of talking about PLT's role in the Freedom Convoy
26 events. And leaving sort of what happened in Ottawa aside, can
27 you describe for us the role that the OPP's PLT teams played as
28 the convoys kind of traversed the Province of Ontario?

1 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So the OPP
2 PLT team was ultimately responsible for gathering numbers,
3 reaching out to contacts. I believe it was United We Roll in
4 2019 that came across with some of the same players; right? So
5 there was already existing relationships from 2019, so it was
6 really easy to just reach out from a PLT perspective or a
7 liaison perspective and ultimately say, "Okay, I understand
8 you're coming. What's the plan of attack? What do you plan on
9 doing?", and then if -- and then looking at numbers as they come
10 across.

11 Because I think, you know, normally you can look
12 at Facebook and see there's some numbers that are happening, but
13 in this case, there was a lot more people that were, you know,
14 jumping onto it than Facebook would normally say. So we just
15 had PLT members, a couple of members, going in checking on
16 hotels and different areas as they came across Northwestern
17 Ontario, and then there was areas coming from the south as well,
18 and just kind of giving an idea of what those numbers were,
19 passing them over to Ottawa Police Service, PLT. I think there
20 was a sheet of numbers that basically said "These are the
21 leaders that we've been working with, talking to. This is what
22 it looks like now." And I think there was -- I shouldn't say
23 this, but I believe that there was a meeting even set up where
24 people ended up going out to Russell parking lot and meeting
25 with some of the leaders of the convoy from OPS as a result of
26 the PLT work.

27 So that was kind of it, like setting up the
28 scene. And then in those -- like, as we were learning stuff in

1 Northwest Region about how the convoy worked, as we were
2 learning stuff from the West Region, we were sharing that with
3 our policing partners as they were coming into their areas, as
4 well as sharing it with OPS. And you know, I think on every one
5 of Diana Hampson's, not every one but most of them of Diana
6 Hampson emails they would say, "No, there's still not an exit
7 strategy"; right

8 **MR. ERIC BROUSSEAU:** You mentioned the OPS PLT.
9 What -- can you tell us about their sort of team as of the end
10 of January 2022?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so I don't
12 really know the OPS PLT team intimately; right? Like I help
13 facilitate a CACP policing with Indigenous peoples course for
14 large scale protests, which is a liaison course; right? And I
15 would say probably there was 20 members on there. I would say
16 that the OPS PLT members were very driven, they had unbelievable
17 characteristics when you look at what we're trying to look for
18 when it comes to a PLT member.

19 So in 2019, I sat as the Acting or Interim
20 Commander for Emergency Response, so I oversaw a true ERT,
21 canine, tactical, paramedics program and explosive disposal, and
22 in there, like there's a lot of men. And I was asked by a
23 doctor to say, "You know, what are some barriers impacting women
24 and policing?" And I didn't make the connection, but they said,
25 "Well, in here there's hardly any women and in PLT there's lots
26 of women." And I said it's really a value system.

27 And when I looked at the OPS members, they were
28 really following the same value system. They were community-

1 focussed, they were compassionate, they were empathetic, they
2 were unbelievable communicators. They were everything that you
3 would want in someone to represent an organisation in a time of
4 crisis. I thought that they were really well-chosen.

5 **MR. ERIC BROUSSEAU:** Okay. Now, I understand you
6 arrived in Ottawa, I think it was February 2nd, so sort of after
7 the first weekend of demonstrations and protests. What was the
8 sort of state of PLT work as of when you first arrived in
9 Ottawa?

10 **ACTING SUPT. MARCEL BEAUDIN:** So I believe I
11 arrived on the 3rd. On the 2nd I was engaged in a conversation
12 with Superintendent Mark Patterson surrounding the PLT logs and
13 their use for evidence for an injunction. And to me, I didn't
14 think that that was a good use of PLT logs, and it would
15 obviously, potentially damage relationships that are out there
16 too, because there's always this thing where people, you know --
17 there's this thing where people think that potentially we're
18 spying on them, and that's not the case. We're there to make
19 things safer, and we have a long road to go. And I definitely
20 didn't want it to look like we were spying on people, right,
21 because that's not our job. And so I just -- I cautioned him as
22 to the use of the PLT logs, and he said that he wouldn't use
23 them. And then as I was talking to him, I recognized that they
24 didn't necessarily have a good understanding of what PLT did.
25 We went through what PLT does, how they do it, what are some
26 strategies, whatever, and he was very thankful for the
27 conversation, and he was an absolute gentleman at that time as
28 well.

1 And so but on that it just showed me that maybe
2 we needed to assist with some leadership there for PLT, and I
3 was also getting grumblings from our membership saying, you
4 know, things just aren't going as well as they probably could.
5 So on the third, I had said to our command, you know, is this
6 something that would be beneficial having someone in leadership
7 over there to help support that, and they agreed to that. The
8 unfortunate part is I -- in my mind I thought just Gisselle
9 Walker was going, who was the PLT Provincial Coordinator, but
10 she had a province to take care of, and so I ended up coming.
11 So inadvertently volunteered myself for that.

12 **MR. ERIC BROUSSEAU:** And I want to ask you about
13 a couple of specific incidents, and so the first one is the
14 PLT's role in clearing the encampment at Confederation Park.

15 **ACTING SUPT. MARCEL BEAUDIN:** Yes, so -- yeah, so
16 when I got to Ottawa, there was a couple key pieces of real
17 estate that had been identified to get back. One of them was
18 Confederation Park. The PLT in Ottawa as well as OPP had great
19 relationships with the Algonquin leadership here as well as the
20 Algonquin leadership in Kitigan Zibi. And, ultimately, they had
21 reached out to try and mediate or negotiate a safe exit of that
22 park. And I believe that was on the 4th of February that the
23 leaders and leadership and elders and community members ended up
24 coming down. And they ended up meeting for a long time.

25 On the 5th of February was an unbelievable day for
26 me. It was a day of great pride and the encampment actually
27 cleared out as a result of those negotiations. It took a little
28 bit of time, some nudging in the afternoon, but ultimately, the

1 camp ended up clearing on the 5th as a result of that.

2 **MR. ERIC BROUSSEAU:** Right. Without the need for
3 any POU enforcement?

4 **ACTING SUPT. MARCEL BEAUDIN:** That's correct.

5 **MR. ERIC BROUSSEAU:** Now we've also heard about
6 the sort of Coventry Road fuel depot.

7 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

8 **MR. ERIC BROUSSEAU:** We've heard a lot of
9 evidence on it, so, you know, we don't need to go through sort
10 of -- through it in detail, but from a PLT perspective, what can
11 you tell us about what transpired and why that might have been
12 an issue?

13 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So
14 ultimately, in the morning, I believe, of the 6th, there was 2
15 priorities, I believe, for Superintendent Patterson who was the
16 new Incident Commander as of the 5th evening, I believe. And so
17 on the 6th, there was 2 priorities. One was Rideau and Sussex,
18 the other one was Coventry Road. And so the idea was to do some
19 sort of public order hit on Rideau and Sussex and then
20 potentially Coventry Road afterwards. And then as the day
21 unfolded, the messaging turned into we weren't doing Rideau and
22 Sussex anymore, and it was a matter of go to Coventry Road, tell
23 them that they have to leave without -- or get out of there,
24 take all the gas with them or they're going to be arrested.

25 And I know there was some concern when it talks
26 to tough messaging. Like, I know my one sergeant reached out
27 and said, "You know, it's going to be tough because we don't
28 really have rapport there." Well, at the end of the day, it

1 doesn't -- like, that doesn't matter if you have rapport for
2 that. This is just messaging to get them out of there, so that
3 that way, we establish the strategy of what's to go on. And
4 then ultimately, if they don't, then they know we've educated
5 them before the enforcement; right?

6 And then so while that was going on, I ended up
7 getting back, and someone had said to me in the Command -- not
8 in the Command Post. It was, like, a tactical planning area for
9 Public Order people. I think it was Mike Stoll, who was a Staff
10 Sergeant at the time. And he had said to me, "You know that
11 there they're going to do a Public Order hit on Rideau and
12 Sussex", which I never did, and I think Diana Hampson called me
13 at the exact same time and told me -- or around that time and
14 said that they were going to do that and that would be
15 problematic.

16 And so, you know, I'd reached out to Mark
17 Patterson and told him the consequences associated to that,
18 because, again, when you look at PLT, there is one unit that's
19 built for open, honest, transparent lines of communication;
20 right? And so we have just told them if you don't leave, you're
21 going to be arrested. And then what ended up happening was
22 going to be they were going to be arrested anyway. And so to
23 me, I thought, one, that would damage PLT in the City of Ottawa;
24 right? Like, you would have -- because here's a place that I
25 believe was supplying gasoline for a bunch of people or diesel
26 for a bunch of people. So you're going to damage PLT or the
27 efficiency of PLT as being trusting. And then also, you're
28 going to damage relationships with all the other trucker convoy

1 leadership, right, because they're probably connected with
2 everyone.

3 And the next time we say you better leave or
4 you're going to get arrested, I would probably imagine there
5 would be some doubt associated to that. So if someone heard PLT
6 in the future say, hey, if you don't leave you're going to be
7 arrested, like, my concern would be, okay, well, I'm staying
8 because I know I'm getting arrested anyway; right? Like, that
9 was my biggest concern there. The relationships were something
10 different, but the big thing was to ensure that we remained with
11 that trust and confidence in what our role was there. And,
12 ultimately, I think he said to me that's not fair. And I
13 thought that that was a really interesting response to something
14 that when we're talking about tactics or strategy or an
15 operation that that's not fair, because that seems to certainly
16 personalize it.

17 But anyway, they ended up doing it, and I had
18 then sent him -- I had called him, said, "You know, I didn't
19 realize that that was such a big thing as far as the gas." And
20 I said, "You know, obviously, this was a miscommunication. My
21 captain is going to come in and replace me," because he was
22 replacing me that afternoon and I was going back home to
23 Orillia. But because of this stuff, I ended up staying around.
24 And ultimately, on my departure -- or in that conversation, I
25 said I would send him an email that would probably help him out
26 just with some structure with five points on it that you should
27 consider and it's probably some pretty sage advice. And then I
28 sent that email and went about my day just trying to clean up

1 the emotion that was attached to it. There was some people that
2 had some pretty hard feelings, they're emotionally invested. I
3 ended up sending basically one person home, talked to another
4 person, nothing was salvageable that night. So I said, "Go
5 home, rest and get ready to work tomorrow morning."

6 **MR. ERIC BROUSSEAU:** And so did you observe or
7 were you told about any negative effects on the PLT's work as a
8 result of that?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like, right
10 away, there was people calling -- or reaching out to Andrew
11 Rozbicky (ph), some of our PLT members from the OPP, and saying,
12 you know, this isn't great. This is you've escalated this.
13 This is horrible and, you know, there's going to be potential
14 consequences as a result ---

15 **MR. ERIC BROUSSEAU:** Okay. Inspector Lucas
16 testified this morning about sort of changing crowd dynamics
17 throughout the sort of three-week period. Did that -- was that
18 something that the PLT Team observed in terms of who was there,
19 how many people, what it was like on the ground, and did that
20 affect the PLT's work at all?

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so the --
22 like, obviously in any crowd, like, on the weekends crowds would
23 become a lot bigger; right? People would come in, they'd have
24 days off, they'd want to support. And then during the weekdays,
25 things were a little bit -- you know, not as many people there
26 as there would be on weekends. But, ultimately, you know, there
27 was ebbs and flows with conversation. There was -- you know,
28 certainly towards the end, there was a lot more, you know, heels

1 digging in and people, you know, in a more defensible position.
2 But leading into it, there was a lot of people that wanted to
3 work with police in how to -- you know, how to -- how could we
4 safely reduce the footprint, easing some tension from the City
5 of Ottawa, while recognizing, you know, that we have to put the
6 Public Order people in a successful position to potentially at
7 some point take down an occupation within Ottawa.

8 **MR. ERIC BROUSSEAU:** You mentioned earlier part
9 of the concept of PLT is you will test leadership and find the
10 leaders and get them to assist you in disseminating messages.

11 One thing we've heard is that there were -- you
12 know, that was maybe a challenge here. There were multiple
13 groups, no clear leaders who had control over the entire
14 protest, obviously.

15 You know, is that something that PLT observed and
16 how did you deal with that?

17 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. And so I --
18 you know, the unfortunate part was, there wasn't a pile of
19 really strong testing of leadership and resolve and compliance.
20 You know, I think you have two relatively large events that end
21 up happening when it comes to Confederation Park, which you
22 tested leadership and resolve there and compliance, to which
23 people -- someone obviously had the leadership and compliance to
24 move a crowd of people out of Confederation Park.

25 You have Coventry Road where some people are
26 leaving. I don't know the exact details of all of the stuff
27 that happened there outside of the emotion.

28 But that day, like that afternoon, I walked into

1 the PLT office to introduce Mike Acton to people because he
2 would be replacing me and have a little meeting there. And you
3 know, in that meeting with those guys, I was -- I walked in and
4 I was shocked because there was all PLT people in there.

5 And to me, PLT people in a time of crisis should
6 never be sitting in a room together, right. Like there's enough
7 people to go and talk to, there's enough opportunities for
8 negotiation, there's enough opportunities and, really, what I
9 saw was a bunch of wasted opportunities in that room.

10 So I said, "Like why are you guys here?". And
11 they said they hadn't had any direction or any permission to go
12 and do anything right outside the Coventry Road.

13 And so I said, "Okay. So if you guys were let
14 loose, like if you guys were unhandcuffed and able to go out and
15 do your work, what could you do?".

16 And you know, I don't know the exact numbers, but
17 the one gentleman who's an OPS member says, "I could probably
18 clear Rideau and Sussex by Monday or Tuesday".

19 And then another guy says, "I can take care of
20 this many people. I could probably get this many people to
21 leave". I could probably open up a roadway, but we'd have to
22 move them to a curbway. I could probably do this.

23 And so that was a common theme around that room,
24 and so I ended up reaching -- and you know, like we're in middle
25 management, right. So there's an Incident Commander.

26 I reached over to John Ferguson and I say to
27 John, "So like you're the Staff Sergeant here". And John's, you
28 know, been put into a really tough spot, right. Like John's not

1 a PLT trained member. He's a crisis negotiator. And he's an
2 absolute gentleman, too.

3 And so I said to John, "Like so you're middle
4 management. You're in charge here. You're hearing all this.
5 What are your thoughts? Do you think that this can be done?",
6 whatever, because really, John's in charge of that team, right.
7 Like I'm there for guidance, advice, suggestions, learned
8 experience over -- you know, since 2016 to current, and then
9 2005 I was dealing with protestor civil unrest, and so I had
10 that to draw on.

11 And so I was trying to get John to give me his
12 opinion on it and he was saying, "Yeah. You know, I think this
13 is really good".

14 So we tried to call Mark Patterson, tried to Mike
15 Stoll because I thought they were together, and there was no
16 answer. And so in the absence of any direction, I said, "How
17 safe do you feel letting these people go?".

18 And he said, "I feel good about it".

19 And then we got into the other room and then he
20 didn't feel good about it.

21 And you know, good on him, right, like, because,
22 really, they needed to have -- ensure that it met with the
23 strategic direction of OPS Command, but there was just so many
24 opportunities that were there that were unexplored.

25 So when you talk about, you know, testing
26 compliance, resolve, whatever, you know, we had very minimal
27 opportunity to do that, I would submit.

28 **MR. ERIC BROUSSEAU:** And can you just clarify,

1 when you're talking about this conversation, were you in the
2 room and a number of OPS -- or sorry, PLT members were telling
3 you what they thought they could get done? Like what day it
4 this?

5 **ACTING SUPT. MARCEL BEAUDIN:** This is the day of
6 Coveny Roady.

7 So we'd just cleared Confederation Park on the
8 5th. This is the 6th. I'm doing a handoff with Mike -- sorry,
9 Mike Acton, and then just brought him down there. And then
10 there's this group of PLT members that are sitting around all
11 together waiting for direction.

12 **MR. ERIC BROUSSEAU:** Thank you.

13 Commissioner, I'm about to move to a new area and
14 I see it's three minutes to 1:00. I wonder if now is an
15 appropriate time for the break.

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

17 We'll take the lunch break till 2 o'clock.

18 **THE REGISTRAR:** The Commission is in recess until
19 2 o'clock. La commission est lever jusqu'a 14h.

20 --- Upon recessing at 12:58 p.m.

21 --- Upon resuming at 2:00 p.m.

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

23 The Commission is reconvened. La commission
24 reprend.

25 **COMMISSIONER ROULEAU:** Are you ready to continue?

26 **MR. ERIC BROUSSEAU:** Whenever you are ready, sir.

27 **COMMISSIONER ROULEAU:** Go ahead.

28 **MR. ERIC BROUSSEAU:** Good afternoon,

1 Commissioner. For the record, Eric Brousseau, Commission
2 counsel.

3 --- ACTING SUPT. MARCEL BEAUDIN, resumed:

4 --- EXAMINATION IN-CHIEF BY MR. ERIC BROUSSEAU (cont'd):

5 **MR. ERIC BROUSSEAU:** So Inspector Beaudin, I'm
6 going to ask you now about your involvement in the Freedom
7 Convoy, and I'm going to take you to some documents. But before
8 I do that, I just want to ask you one quick question.

9 At one point you raised or someone on your team
10 kind of raised a concern about the role that someone named
11 Dr. Peter Collins was playing in Ottawa. Can you just tell us
12 who Peter Collins or Dr. Peter Collins is and what his role was
13 and what the concern was?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, Dr. Peter
15 Collins is a psychologist that works with police forces across
16 the province. He typically deals with crisis negotiation, is my
17 understanding. He's a great guy and a tremendous asset for
18 policing in a crisis negotiation setting.

19 And there was one meeting that I happened to be
20 in where he had said in the presence of Chief Sloly and some
21 other senior level members in the -- for OPS, and I happened to
22 be virtually just in the room, in this planning room, and he had
23 said something about to the effects, and I think it -- you know,
24 we had talked about it afterwards and he said it was a bit of a
25 misunderstanding, but he said, "The PLT had taken it as far as
26 it can go and really moving forward we need a negotiation aspect
27 to this."

28 And this was like February 4th, maybe,

1 February 5th, like around that time; right? And to my
2 understanding at that time, from the members on ground, was PLT
3 hadn't been utilised appropriately to date and there wasn't any,
4 you know, as far as an integrated command structure there was no
5 integration to date.

6 And the other thing that the other thing that was
7 mentioned was PLT would gather intelligence for this negotiation
8 team. And so when PLT isn't gathering intelligence, one, that's
9 fundamentally against the role of PLT is; and two, it provides
10 me a -- you know, an overview of a general lack of understanding
11 of what the role of PLT actually does.

12 And so for me, it wasn't necessarily -- like I
13 liked the idea of having Peter Collins engaged and involved and
14 all that stuff, for me it was a matter of kind of a scope of
15 practice issue as well as a confusion issue when it comes to
16 okay, who's dictating what a negotiation looks like with a
17 crowd, because there's certain fundamental crowd psychology
18 principles that you would typically manage, and I'm not saying
19 that I know more than Peter Collins, but there's some proven
20 methods in policing that work, and I just don't know if, you
21 know, that's the right avenue when you haven't explored options
22 yet.

23 **MR. ERIC BROUSSEAU:** Thank you.

24 If we could pull up OPP00000080, please.

25 I think this is an email that you may have told
26 us about this morning, earlier this afternoon, kind of a hand-
27 off email as you were leaving Ottawa, or the plan is that you
28 would leave Ottawa, and you were handing the reins over to Mike

1 Acton.

2 So if we can go down.

3 I think you've written an email to Superintendent
4 Patterson.

5 If we can just scroll down.

6 And so can you just clarify who Mike Acton is and
7 what his role was with the OPP?

8 **ACTING SUPT. MARCEL BEAUDIN:** Mike Acton is a
9 West Region Police Liaison Team coordinator. So West Region for
10 the OPP is typically, like, west of Toronto; right? And -- so
11 he's the coordinator there. And this was a extremely large
12 complicated event, I think, you know, people have said
13 unprecedented; right? So we just wanted the right structure in
14 place so that we would be able to achieve success from a liaison
15 perspective. So I had asked Mike to come over. I believe in
16 the work that he does and his capabilities.

17 And I'd originally sent it to Mark Patterson on
18 the top of this, and I ended up sending it to Diana Hampson,
19 just because I wanted to assure her that, you know, it's not
20 like I left Ottawa and didn't provide guidance or direction or
21 some sort of support to get things on track for the Liaison Team
22 Program so that that way we didn't lose confidence in OPP
23 management on ground. Right? like I want to be in a position
24 where I can support the people that are doing the work.

25 **MR. ERIC BROUSSEAU:** Right. And so was Mike,
26 then, the most senior OPP PLT person once you left Ottawa, like
27 on the ground in Ottawa?

28 **ACTING SUPT. MARCEL BEAUDIN:** Well, Diana Hampson

1 was there ---

2 **MR. ERIC BROUSSEAU:** Okay.

3 **ACTING SUPT. MARCEL BEAUDIN:** --- and then Mike
4 was there to support because Di had a pile of things going on.
5 Right?

6 **MR. ERIC BROUSSEAU:** Okay.

7 **ACTING SUPT. MARCEL BEAUDIN:** So Mike came in and
8 filled my role in just trying to give sage advice and guidance,
9 direction. With his experience with West Region, there's
10 obviously a lot of larger scale events that happen around
11 Caledonia that he has been involved in.

12 **MR. ERIC BROUSSEAU:** The second paragraph, I just
13 -- this refers again to the PLT logs for evidence. And so I
14 just wanted to clarify that to your knowledge, none of the OPP's
15 PLT logs were used in evidence for any sort of injunction;
16 correct?

17 **ACTING SUPT. MARCEL BEAUDIN:** Yes. That's --
18 yeah.

19 **MR. ERIC BROUSSEAU:** If we go down to the next
20 paragraph, the one that says "As discussed", the last sentence
21 there, it says:

22 "I believe the overall goal at this
23 time is to minimize the current
24 footprint on ground, while building
25 trust and confidence with stakeholders,
26 which the team has displayed they can
27 do many times."

28 And so the date on this email is February 6th.

1 So by this date, which is nine, ten days in, had the PLT
2 succeeded in minimizing the footprint of the protest?

3 **ACTING SUPT. MARCEL BEAUDIN:** So Confederation
4 Park, yes, and then no other otherwise. Coventry Road,
5 obviously, is successful when it comes to looking at, you know,
6 testing compliance, seeing that people are actually listening to
7 police, stuff like that.

8 So yes, they have reduced the footprint a little
9 bit, but not to the extent that, you know, I would've liked to
10 have seen at that time, and probably everyone in this room would
11 have liked to have seen.

12 **MR. ERIC BROUSSEAU:** And then the next paragraph:

13 "A common theme on the wall in the PLT
14 room is that the truckers want to be
15 heard. Any efforts for communication
16 with MP's, DM's or ADM's may allow the
17 group to save face, get a win and go
18 home. Many people are tired and
19 probably looking for an exit strategy.
20 Hopefully you can find some."

21 So again, as of February 6th, what was the status
22 of discussions about bringing in political leaders, MP's, DM's,
23 ADM's, and making them part of a PLT-led conversation?

24 **ACTING SUPT. MARCEL BEAUDIN:** So there has been
25 an increase in interest, in my experience, when it comes to
26 political people, especially at federal level, becoming engaged
27 in protest talks with people that are involved in a protest.
28 And so if you look at the Wet'suwet'en solidarity demonstrations

1 in 2020, we had two federal ministers that became involved.

2 So in -- if you are looking at negotiation
3 mediation techniques, obviously you would want to, you know, get
4 ahead. Instead of ministers inserting themselves within a
5 police setting, you would want to see, "Okay, if you are
6 planning on doing this, please let us know so that way we can
7 maybe leverage this so that that way we can end up having a win
8 of sorts for the protesters, as well as an opportunity for them
9 to be heard, and then hopefully carry on with, you know, their
10 day." Right?

11 And so to me, I just thought if there's an
12 opportunity there where government is willing, wanting to come
13 to the table, then we should probably capitalise on that
14 opportunity.

15 **MR. ERIC BROUSSEAU:** Okay. But as of this point,
16 February 6th, that hadn't happened yet?

17 **ACTING SUPT. MARCEL BEAUDIN:** No, no. No. And
18 so there was conversations I had had in the planning room, but
19 nothing to -- of any concrete that I was aware of.

20 **MR. ERIC BROUSSEAU:** Okay. But you were involved
21 in that -- in a sort of conversation that went down that road,
22 so I want to take you to some of those documents. But I guess
23 before I do, just if you can explain very briefly kind of how
24 you got word that there might be some government interest in
25 participating in that, in a negotiation?

26 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So I don't
27 exactly know what date it was, it might have been the 10th of
28 January, somewhere, or sorry, February, somewhere around there,

1 but I had been called a Deputy Commissioner DiMarco, saying that
2 the Deputy Minister of Public Safety Canada was looking to reach
3 out to me, and then I don't know how that came to be, but
4 ultimately that's how that came through. It's from
5 Deputy DiMarco to myself, a call at night, and just saying
6 "This is going to happen. Is this something that you would be
7 interested in assisting us?"

8 **MR. ERIC BROUSSEAU:** Okay. And if we could pull
9 up OPP00000108, please, and go down to page 2.

10 I think this is an email. I think you were --
11 your witness statement says you received that call from Deputy
12 Chief -- Deputy Commissioner DiMarco on the 9th, and then you
13 got this email the morning of the 10th, which will be up on the
14 screen.

15 If we go down to page 2, the first email.

16 So this is...

17 If we keep scrolling down, I believe there is
18 more.

19 This is an email from Rob Stewart. Who is Rob
20 Stewart?

21 **ACTING SUPT. MARCEL BEAUDIN:** Rob Stewart is the
22 Deputy Minister of Public Safety.

23 **MR. ERIC BROUSSEAU:** Okay. And -- so this is the
24 sort of the reach out that Deputy Commissioner DiMarco had given
25 you the heads up on the day before. And did you meet with or
26 speak with your team after receiving this email?

27 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

28 **MR. ERIC BROUSSEAU:** Okay. And just tell us

1 about that conversation.

2 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I just wanted
3 to make sure that we were in a good area as far as, you know,
4 what are some opportunities for us to achieve success? How can
5 we capitalize on this opportunity if it comes to fruition? And
6 what are some ways where we can have a win for everyone and, you
7 know, basically, denounce criminal activity, and set up a
8 meeting under certain conditions where people go home.

9 **MR. ERIC BROUSSEAU:** Okay. And if we could
10 scroll up to about the middle of page 1, looks like Leslie Jean
11 sent you this list here. Who is Leslie Jean?

12 **ACTING SUPT. MARCEL BEAUDIN:** Leslie Jean was the
13 Program Analyst for PLT for multiple years, and does incredible
14 work on everything she's ever done, and someone that I
15 consistently trust with work -- in this practice or scope.

16 **MR. ERIC BROUSSEAU:** Okay. The last paragraph
17 that's showing on the screen, there's a final bolded sentence,
18 "In Ottawa specifically, police have
19 identified several leaders who are
20 willing to engage with police."

21 Who were those leaders?

22 **ACTING SUPT. MARCEL BEAUDIN:** I'm not exactly
23 sure the names that they had identified, and I think there's an
24 email afterwards that I had asked Giselle Walker, the Provincial
25 Coordinator, to determine what that list would be.

26 **MR. ERIC BROUSSEAU:** Okay. But it was your
27 understanding based on information from your team that there
28 were people who were prepared -- people on the protester side

1 who were prepared to have this type of meeting?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like, I'm
3 assuming, like, Tom Marazzo was one name that came forward,
4 Tamara Lich was one name that came forward, so there was people
5 that had stepped up as being leaders and had people following
6 them.

7 **MR. ERIC BROUSSEAU:** Okay. The next -- the first
8 bulleted point under governmental considerations, that,
9 "Police are unable to solve the
10 underlying issues. There is very
11 limited capacity for police to solve
12 this situation, without some movement
13 by government to allow demonstrators to
14 have a "win" of sorts."

15 Now I expect that former Chief Sloly will say
16 that that's what he meant when he said there may not be a
17 policing solution to this on February 2nd. So, you know, is this
18 sentiment which is being expressed by your team member about
19 eight days later, did you agree with it, and did you sort of
20 agree with Chief Sloly or former Chief Sloly that police --
21 there wasn't a policing solution to some of the grievances?

22 **ACTING SUPT. MARCEL BEAUDIN:** So there's been one
23 time -- excuse me -- there's been one time in my experience with
24 protests where I've said the underlying issues that they are
25 craving are police related and that was during the Defund
26 Police, Police Reform Protest in 2020. And other than that,
27 typically, the protests have grievances to do with government,
28 the grievances have different -- anyway, it's out of the realm

1 of police to solve those issues as to why people are protesting
2 demonstration -- demonstrating and occupying places. So, yes, I
3 agree with that.

4 **MR. ERIC BROUSSEAU:** Okay. But that doesn't mean
5 just -- again, to get back to it, that doesn't mean there's no
6 role for police to play, it's just that the police aren't going
7 to deliver on the protesters' demands.

8 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I can't stop
9 vaccination -- you know, like, all the grievance and supports
10 that were there is beyond my control as far as an inspector in
11 the OPP. Right.

12 **MR. ERIC BROUSSEAU:** Did you speak directly to
13 Commissioner Carrique about this email from Deputy Minister
14 Stewart?

15 **ACTING SUPT. MARCEL BEAUDIN:** No, I didn't speak
16 directly to Commissioner Carrique about this email. I briefed
17 him after our meeting.

18 **MR. ERIC BROUSSEAU:** Okay.

19 **ACTING SUPT. MARCEL BEAUDIN:** And, yeah, a couple
20 times about different considerations around this.

21 **MR. ERIC BROUSSEAU:** Did you understand that the
22 Commissioner was supportive of you meeting with the Deputy
23 Minister?

24 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I believe he
25 was.

26 **MR. ERIC BROUSSEAU:** If we could pull up
27 OPP00000142, please? I think this is an email exchange between
28 you and the Deputy Minister. And at the bottom of page 1, it's

1 clear that you've sent the Deputy Minister an email and you've
2 said, "As promised, from our brief meeting." And so if you
3 could just describe for us what happened at that meeting?

4 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, we just kind
5 of gave a lay of the land of, you know, what potentially could
6 take place, how things work in there as far as negotiations
7 stuff, and some of the considerations that he should be aware of
8 coming into this conversation as a stakeholder.

9 **MR. ERIC BROUSSEAU:** Okay. So who -- was it just
10 you and the Deputy Minister or who else was there?

11 **ACTING SUPT. MARCEL BEAUDIN:** Jeff Hutchinson ---

12 **MR. ERIC BROUSSEAU:** Okay.

13 **ACTING SUPT. MARCEL BEAUDIN:** --- from Privy
14 Council I believe.

15 **MR. ERIC BROUSSEAU:** Okay. And what did you
16 understand his role to be?

17 **ACTING SUPT. MARCEL BEAUDIN:** Honestly, I don't -
18 - I'm not sure what his role is.

19 **MR. ERIC BROUSSEAU:** Okay.

20 **ACTING SUPT. MARCEL BEAUDIN:** I think he was
21 probably there to support Rob Stewart is kind of how I took it.

22 **MR. ERIC BROUSSEAU:** And what was the ask? What
23 did you understand Deputy Minister Stewart was trying to achieve
24 or trying to get from you at that meeting?

25 **ACTING SUPT. MARCEL BEAUDIN:** I think Deputy
26 Minister Stewart -- like, I don't know. I'm not in his head,
27 but I honestly thought that he had great intentions of how he
28 can try and help have some sort of safe resolution to a

1 relatively -- I would say very chaotic event in Ottawa. I think
2 he was there for the right reasons to try and support an exit of
3 the protests to alleviate pressure on the residents of Ottawa.

4 **MR. ERIC BROUSSEAU:** Okay. And did you
5 understand, again, at this meeting, that the government was
6 interested in becoming involved and they were coming to you to
7 find out how to make that happen?

8 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I believe --
9 yeah, a hundred percent.

10 **MR. ERIC BROUSSEAU:** If we could scroll up,
11 there's a response from Deputy Minister Stewart,
12 "As discussed, for your review and
13 comments. Trying to keep it simple!
14 Note that I dropped your last bullet
15 point as I do not think the government
16 would want police to be making public
17 the commitment."

18 What was the commitment and what did you
19 understand the concern about making it public was?

20 **ACTING SUPT. MARCEL BEAUDIN:** I'm not exactly
21 sure, to be -- like, I don't have that great of a memory on
22 every bullet point, but I suggest that, you know, there was
23 something probably in there about us delivering a letter, or
24 saying to the protesters -- at some point we would have to tell
25 people, you know, this is -- this could potentially be coming
26 Is this something of interest to you? How can you see this
27 working as an exit for everyone; right? And so I don't know
28 exactly, but obviously, it was something around that

1 communication piece with protesters, I'm assuming.

2 **MR. ERIC BROUSSEAU:** Okay. And if we could just
3 scroll up to the very first email in this, this is a response
4 from Leslie Jean to you after you forwarded the chain. And so I
5 think she's expressing a concern here at,

6 "This piece "The deal would be: leave
7 the protest and denounce unlawful
8 activity and you will be heard"."

9 She says,

10 "I think the ask should be for the
11 leaders to facilitate having people
12 leave, but I wonder if asking them to
13 leave themselves will be met with
14 resistance."

15 So can you tell us about that concern and how
16 that got worked out?

17 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, and I -- you
18 know, at the end of the day, this didn't get worked out; right?
19 Like there was nothing that came to fruition from it. It was
20 just a matter of trying to find resolutions where there weren't
21 any. And so on this though, you know, like, we're basically
22 trying to find how is the -- what is the best possible outcome
23 and solution for a potential meeting with protesters, leaders,
24 whatever, and how do we get that to go forward, recognizing
25 that, you know, there's going to potentially be some people that
26 stay around, there's going to be potentially, okay, how do we
27 get people out of the city and get people to basically buy into
28 this meeting.

1 **MR. ERIC BROUSSEAU:** Right. Okay. If we could
2 go to OPP0000143? These are another series of emails connected
3 to this. If we go to the middle of page 1 -- there we go. So
4 this is you to, again, to Deputy Minister Stewart, Jeffrey
5 Hutchinson and Deputy Chief Ferguson is copied on this email.

6 "Good afternoon attached is a few
7 considerations for the proposal. It is
8 the opinion of [Deputy] Chief Ferguson
9 that the letter go to her and she will
10 ensure the letter is disseminated to
11 the proper people within her
12 organization..."

13 So what conversations had you had prior to this
14 email with Deputy Chief Ferguson?

15 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I'd reached
16 out to -- like, obviously, this is OPS; right?

17 **MR. ERIC BROUSSEAU:** Right.

18 **ACTING SUPT. MARCEL BEAUDIN:** So I'm there to
19 support my sister, and so I'd reached out to her. We'd had
20 conversations in the past about PLT, how is it basically
21 working, whatever, so I was trying to support her. I understood
22 that she oversaw the portfolio that PLT ran within, and so I had
23 reached out to her to talk to her about this, if she approved
24 it, and if there was -- basically, you know, if there's anything
25 else that I can do to support. And she just told me to run with
26 it kind of. I think it's in an email, but basically, I just
27 continued to go and on the understanding that I was supporting -
28 - sorry, supporting OPS.

1 **MR. ERIC BROUSSEAU:** Okay. In the letter, what
2 was the contemplated sort of scope of the letter or shape of the
3 letter?

4 **ACTING SUPT. MARCEL BEAUDIN:** Like, at this
5 point?

6 **MR. ERIC BROUSSEAU:** Yeah.

7 **ACTING SUPT. MARCEL BEAUDIN:** I'm not exactly
8 sure what it looked like, like, word for word, but it was the
9 general idea would be -- there would be an opportunity for a
10 meeting, if there could be an announcement of illegal activity,
11 an exit from Ottawa and there would be a meeting with Ministers
12 -- or sorry, Deputy Minister or someone of their choosing,
13 ultimately.

14 **MR. ERIC BROUSSEAU:** Was it ---

15 **ACTING SUPT. MARCEL BEAUDIN:** Like the actual
16 people hadn't been worked out. I just want to clarify that.
17 Sorry for interrupting.

18 **MR. ERIC BROUSSEAU:** No, no. That's exactly what
19 I was going to ask.

20 Was it Deputy Minister Stewart who was going to
21 be meeting, was it -- there were no names being sort of thrown
22 around.

23 **ACTING SUPT. MARCEL BEAUDIN:** No.

24 **MR. ERIC BROUSSEAU:** Okay. If we could pull up
25 OPP00000150.

26 This is an email thread with RCMP Commissioner
27 Brenda Lucki as well as OPP Commissioner Carrique and yourself.

28 And so the RCMP Commissioner has reached out to

1 you, essentially, and said that I've heard from Deputy Minister
2 Stewart. So what can you tell us about your discussions
3 directly with Commissioner Lucki at this point?

4 **ACTING SUPT. MARCEL BEAUDIN:** I just had email
5 conversations with her, right, so I -- so on this, I think she
6 ends up sending me like a piece where it's got red in it and
7 there's some different considerations. But I ultimately look at
8 it, have my own opinions on that and then I ask the Commissioner
9 if I'm good to go to respond back, kind of deal.

10 **MR. ERIC BROUSSEAU:** Okay. And Commissioner
11 Carrique authorized you to sort of deal directly with
12 Commissioner Lucki on this?

13 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I believe so.
14 Yeah.

15 **MR. ERIC BROUSSEAU:** Okay. Now, Commissioner
16 Lucki's email says:

17 "I'm not the SME [subject matter expert]
18 in this area, but my folks are a bit
19 worried on a few items and needed to get
20 your thoughts."

21 What were the issues that the RCMP was concerned
22 about?

23 **ACTING SUPT. MARCEL BEAUDIN:** It's in another
24 email. I actually can't recall what specifically it was, sir.
25 And I'm not trying to be -- like I just can't remember.

26 **MR. ERIC BROUSSEAU:** Well, let's pull up the
27 engagement proposal, and that might help. It's the next one, so
28 it's OPP00000151.

1 Do you recognize this document?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

3 **MR. ERIC BROUSSEAU:** Okay. And is this something
4 that you drafted for discussion with the Deputy Minister Stewart
5 the previous day?

6 **ACTING SUPT. MARCEL BEAUDIN:** I'm not exactly
7 sure, to be honest. I don't know -- like I know this is kind of
8 our discussion. I'm not sure if it came from me and my team or
9 if it came from him based on our discussion, but this is
10 representative of what our -- you know, our spit balling of
11 ideas kind of looked like.

12 **MR. ERIC BROUSSEAU:** Okay. This was the proposal
13 that was ---

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

15 **MR. ERIC BROUSSEAU:** --- going between you, the
16 Deputy Minister and Commissioner Lucki.

17 **ACTING SUPT. MARCEL BEAUDIN:** Yes. Yes.

18 **MR. ERIC BROUSSEAU:** Under the principles, the
19 second point says, "Listen and explain the government's
20 position. No negotiation."

21 Can you unpack that for us? Was that something
22 that -- again, if you can remember, that you had -- you or your
23 team ---

24 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

25 **MR. ERIC BROUSSEAU:** --- had put in there?

26 **ACTING SUPT. MARCEL BEAUDIN:** No. So that was
27 something from government where they said that they would not
28 have the ability to have negotiation authority. So like they

1 can't go there and meet with people and come up with a -- you
2 know, how -- to negotiate an agreement at that meeting, but they
3 would go there, listen, be heard. Whatever the outcomes were,
4 that was all up to them and the group, but ultimately, there was
5 no negotiation authority for them.

6 **MR. ERIC BROUSSEAU:** Right, okay. So the no
7 negotiation was going to apply to PLT's discussions with
8 protestors?

9 **ACTING SUPT. MARCEL BEAUDIN:** It was going to be
10 the government's ---

11 **MR. ERIC BROUSSEAU:** Right.

12 **ACTING SUPT. MARCEL BEAUDIN:** --- my
13 understanding is the government's meeting with protestors, would
14 be that the government would have no negotiation authority,
15 authority within that meeting.

16 **MR. ERIC BROUSSEAU:** Got it. Okay.

17 And that's what -- I wanted to clarify that.

18 What -- you know, what was your view on that --
19 that's a -- the no negotiation aspect in the proposal, was that
20 going to make it difficult to sell to protestors?

21 **ACTING SUPT. MARCEL BEAUDIN:** I don't necessarily
22 think so. I think there was people there that wanted to be
23 heard, wanted an opportunity to have a meeting with people in
24 power and I -- I don't know.

25 Like you would have to ask the protest group if
26 that would have flown with them, but you know, putting ourselves
27 in that position, we were trying to explore opportunities to
28 ensure success, right.

1 **MR. ERIC BROUSSEAU:** Okay. And then just on the
2 issue of timing, the last bullet point, "In Ottawa target
3 Sunday, February 13", which was two days after this draft, "is
4 the expected surge date."

5 Why was that timing chosen?

6 **ACTING SUPT. MARCEL BEAUDIN:** Because during the
7 weekends there would be large influxes of people and people
8 would naturally be leaving the city on the Sundays, Sunday
9 evenings, Monday mornings.

10 **MR. ERIC BROUSSEAU:** Okay. And were you sort of
11 generally supportive of this proposal as something that might
12 work?

13 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

14 **MR. ERIC BROUSSEAU:** Okay. If we could pull up
15 OPP00000171. And if we can go to the bottom of page 4.

16 **ACTING SUPT. MARCEL BEAUDIN:** So I want to just
17 qualify that "yes" for a second ---

18 **MR. ERIC BROUSSEAU:** Sure.

19 **ACTING SUPT. MARCEL BEAUDIN:** --- just because --
20 so when I met with my team -- or not my team. I met with the
21 PLT team and we talked about, you know, what is the potential of
22 this working, whatever. I think someone had said, you know, Tom
23 Marazzo could potentially -- you know, have 60 percent of the
24 people would potentially follow Tom Marazzo, right.

25 And there's -- you know, and this is just people
26 that have been talking to people on the ground. There's no
27 analytical run-through of, okay, these are the numbers here,
28 right. There's no equation to this. This is social science and

1 we're best guessing, right, on this point.

2 And ultimately, you know, Dinah Hampson had said
3 to me that day, "Regardless of how this goes, there's still
4 probably going to be protests that we will have to deal with".
5 Like the police. When I say "we", the police will have to deal
6 with, right.

7 So yes, it would work, I'm assuming, to reduce
8 the footprint, get some people out of the city, which would then
9 leave other people that would still potentially be there.

10 Like I don't think the -- you know, every single
11 person in the city is leaving as a result of that.

12 **MR. ERIC BROUSSEAU:** Right. But it would have
13 reduced the footprint, as you say.

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes, hopefully.

15 **MR. ERIC BROUSSEAU:** Okay. If we can go to the
16 bottom of page 4. This is an email exchange -- so now we're at
17 February 12th, the morning of Saturday, February 12th. And you
18 wrote to Deputy Minister Stewart again, "We should have another
19 quick conversation tomorrow morning."

20 And it says, "I will have additional follow up
21 ... after consulting police partners."

22 Had you -- other than Commissioner Lucki, had you
23 consulted any other police partners?

24 **ACTING SUPT. MARCEL BEAUDIN:** No. Like -- sorry,
25 Deputy Chief Ferguson, obviously, and then John Brewer, who's
26 the Chief Superintendent in British Columbia. Him and I
27 typically talk on a regular basis as a result of just mutual
28 friendship as well as our portfolios. His is similar to mine in

1 B.C. Much bigger, of course, as a Chief Super, and you know, I
2 have the luxury of learning from his experiences in B.C.

3 **MR. ERIC BROUSSEAU:** Okay. And if we could
4 scroll up on page 3. I mean, essentially Deputy Minister
5 Stewart didn't want to wait until the next day because time was
6 sort of of the essence.

7 So you wrote him back later that morning, and
8 you've sort of laid out some of the considerations and concerns
9 that had arisen.

10 And so the first one there, "It may cross the
11 line between church and state", I wonder if you can explain that
12 for us.

13 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. So in the
14 recommendations, one of the big things is political interference
15 or political direction to the police. And so that's always a
16 big issue when we look at protest demonstrations, occupations
17 for obvious reasons and there needs to be a division between
18 incident command and political direction, right.

19 So that's why, you know, for a variety of
20 reasons, but when there's an incident in OPP detachment areas,
21 an Incident Commander or Major Critical Incident Commander will
22 come from another area so that way the Detachment Commander can
23 run his office and work with Police Service Boards and other
24 people that potentially may influence something. So it's just
25 this layer of insulation, right, from political interference.

26 And so that's obviously that we wanted to make
27 sure that that wasn't the case.

28 Rob Stewart never directed me, never gave me --

1 in fact, he went there asking for help. He was by no means in
2 any way politically interfering and he was there to try and see
3 and find ways to support.

4 **MR. ERIC BROUSSEAU:** Okay. The next paragraph,
5 page 1, principles, second bullet, "No Negotiation". I asked
6 you about this before, but just maybe this refreshed your
7 memory.

8 "Negotiation should never be ruled
9 out... From past experiences with you,
10 your team would not have negotiation
11 authority. It should be expanded as
12 'negotiation authority'."

13 And so I take it there was an issue with just
14 putting "no negotiation" in the document. You wanted to see
15 that language softened.

16 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. And that
17 wasn't necessarily me that brought that up and caught that.
18 That was the RCMP's team for catching that, and great job by
19 them.

20 **MR. ERIC BROUSSEAU:** Okay. And then on the last
21 point there:

22 "Second - 'coordinated police messaging
23 and action should occur in a unified
24 manner'. While ideal, this is
25 unrealistic, particularly this
26 weekend."

27 Why did you think that was unrealistic?

28 **ACTING SUPT. MARCEL BEAUDIN:** That was something

1 that was sent from Commissioner Lucki to me.

2 **MR. ERIC BROUSSEAU:** Okay. So you were passing
3 on ---

4 **ACTING SUPT. MARCEL BEAUDIN:** I was just passing
5 -- yeah.

6 **MR. ERIC BROUSSEAU:** --- the RCMP's concerns?

7 **ACTING SUPT. MARCEL BEAUDIN:** Just, "Please
8 remove this portion," is ultimately what I was ---

9 **MR. ERIC BROUSSEAU:** Okay. And if we could to
10 the top of page 3, Deputy Minister Stewart responds to you and
11 raises a number of questions, essentially, in those bullet
12 points at the bottom. And if we could just go through those
13 briefly and if you could tell me whether those were ever sort of
14 addressed in a conversation.

15 "Would the signatory of the letter or
16 the person who goes to the meeting be
17 putting themselves at risk; is that a
18 big concern?"

19 **ACTING SUPT. MARCEL BEAUDIN:** That wasn't a big
20 concern for me.

21 **MR. ERIC BROUSSEAU:** Okay. Why not?

22 **ACTING SUPT. MARCEL BEAUDIN:** So -- well, like,
23 we never -- I think, you know, Insp. Morris -- or Supt. Morris
24 spoke to it as far the violence and stuff in the group and so,
25 to me, there wasn't a pile of risk there. I personally wasn't
26 concerned but I know that there would be, obviously, some sort
27 of assessment from someone before that would happen, right, as
28 far as who's identified from the protest group that would be in

1 there. And I'm sure there's people that the government probably
2 wouldn't want to be with as well, right.

3 **MR. ERIC BROUSSEAU:** Right, which -- that takes
4 us down to the sort of third point about POI sheets, and there
5 was a concern about who was going to be involved in that
6 negotiation. Did it ever get to that point where you shared a
7 list of names with the government and they raised any issue
8 about that?

9 **ACTING SUPT. MARCEL BEAUDIN:** No, because I think
10 the next day, he called me in the morning. Is this Saturday, do
11 you know?

12 **MR. ERIC BROUSSEAU:** The 12th is the Saturday.

13 **ACTING SUPT. MARCEL BEAUDIN:** This is Saturday.
14 Yeah, so he called me in the morning the next morning and said
15 that he was not able to make this happen, ultimately.

16 **MR. ERIC BROUSSEAU:** Okay, and why? Where did
17 the -- because I understand you were on board on behalf of the
18 OPP; the OPS was on board; it seems like the RCMP was kind of
19 provisionally on board; so what was the issue?

20 **ACTING SUPT. MARCEL BEAUDIN:** I definitely was
21 not involved in the conversations that stopped that from
22 happening so I don't know.

23 **MR. ERIC BROUSSEAU:** Okay.

24 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, sorry about
25 that.

26 **MR. ERIC BROUSSEAU:** No, no, so -- but, as far as
27 you know, you got a call from Deputy Minister Stewart ---

28 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

1 **MR. ERIC BROUSSEAU:** --- the next morning?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, and he just
3 said that he was not successful, ultimately, to getting this
4 going forward.

5 **MR. ERIC BROUSSEAU:** Okay. Did you have any
6 further discussions with Commission Carrique or Commissioner
7 Lucki about this negotiation -- this proposal, this strategy
8 after that call from Deputy Minister Stewart?

9 **ACTING SUPT. MARCEL BEAUDIN:** No, I'm sure that
10 there was emails. I know I talked to Patricia -- or Deputy
11 Chief Ferguson and there were some emails. I know, in his
12 response to me, it was a matter of if we still wanted this to go
13 forward, there would have to be a letter from Brenda Lucki to
14 the federal government requesting this, and that was on this
15 day. So I explained that Deputy Chief Ferguson.

16 **MR. ERIC BROUSSEAU:** Okay. And as far as you're
17 aware, that letter wasn't sent?

18 **ACTING SUPT. MARCEL BEAUDIN:** As far as I'm
19 aware, it wasn't sent.

20 **MR. ERIC BROUSSEAU:** Okay. If we could pull up
21 OPP00000164. This is -- we're going sort of back in time by a
22 day or two. This is an email from Deputy Chief Ferguson to
23 yourself on February 11th in the afternoon. If we go to the
24 bottom of page 1, she says:

25 "Good afternoon, Inspector Beaudin. In
26 light of some of the challenges and
27 miscommunications that have occurred
28 thus far, I would like to provide you

1 with the direction I received from
2 Chief Peter Sloly yesterday afternoon
3 as I believe it will assist to reduce
4 such issue moving forward."

5 And then the next two paragraphs talk about
6 integrating the PLT team and sort of more -- I guess to
7 summarize, more effectively using the PLT team. Do you know
8 what prompted this email at this point in time?

9 **ACTING SUPT. MARCEL BEAUDIN:** I think it was just
10 the conversations about Rob Stewart -- or Deputy Minister Rob
11 Stewart and me working on behalf of OPS to come to this
12 resolution.

13 **MR. ERIC BROUSSEAU:** Okay. And then -- so, after
14 this date -- this is the 11th -- did you observe a change in the
15 way that PLT was used in Ottawa?

16 **ACTING SUPT. MARCEL BEAUDIN:** So I wasn't there
17 on the 11th in Ottawa. I'm not exactly sure what that posture
18 looked like, what -- you know, basically, what it was like
19 there.

20 **MR. ERIC BROUSSEAU:** Was it reported to you that
21 they were being used differently?

22 **ACTING SUPT. MARCEL BEAUDIN:** I can't recall.
23 I'm not sure if there was an Integrated Response Team or
24 Commanding -- like, I don't know when Dave Springer kind of
25 hopped in there because then, when Dave Springer hopped in with
26 Rob Bernier -- or Supt. Bernier, there was -- so if you would
27 help me with that day, I could tell you that, at that point,
28 there was a change, when Rob Bernier came in as and incident

1 commander.

2 And ultimately -- you know, from my experience,
3 when I first got there to Ottawa, I started calling people
4 before 7:00. Like our PLT members, I just -- because I just
5 assume the city is in chaos and, as a liaison person, if you're
6 awake, you should be talking to people, right? And so I started
7 calling OPS members, Tyandaga Police Service liaison member, as
8 well as OPP PLT members just to say, "How's it going," whatever,
9 and I was told that, you know, people really didn't start
10 getting assignments until 10 o'clock or after.

11 And so when Bernier and Springer, one of the
12 considerations that I said to them is, "You have the" -- you
13 know, I think I said "the world" but, "You have the Province of
14 Ontario helping you here and we should be working longer hours
15 and with purpose on an every-second basis, right, and so if we
16 can increase those hours." So, at that point, when Dave
17 Springer came in, I know the hours increased in some of the
18 identified issues decreased.

19 **MR. ERIC BROUSSEAU:** Okay. And then, again, I
20 know you weren't necessarily directly involved but what can you
21 tell us about how PLT was used in the sort of enforcement action
22 towards the end when the POU Plan was being put into place?

23 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so I'd been
24 sent back to Ottawa on the 15th of February to assist with that
25 messaging and I know there was conversations about, "Well, is
26 this messaging really too hard?" We're telling people to leave.
27 In my experience, I was, you know, telling members, you know,
28 "We should be saying, 'It's time to leave. The time to leave

1 was yesterday,'" right, because the posture had changed. We had
2 a public order on the way and it was time to identify the people
3 that it -- there's going to be a movement coming; it's coming
4 soon; and we would be highly criticized, I think, if we didn't
5 allow people to get out of the city, right, to get -- to leave,
6 to pick up their stuff and go and really reduce that footprint.

7 So, for me, it was extremely important, as well
8 as Gisele and the rest of the team, to ensure that we were
9 providing the most clear, accurate information as possible to
10 ensure that people were on their way out.

11 **MR. ERIC BROUSSEAU:** Okay. And even in those --
12 that sort of final weekend, did that work? Were people leaving
13 as a result of that PLT messaging?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like, there
15 was some -- definitely some, you know, hostility towards the
16 messaging and stuff like that. I know we had, you know, some
17 people that were -- like some officers that were assigned to our
18 PLT members to ensure that they were safe while delivering the
19 message, right? And so it was extremely important to have those
20 frank and very succinct messages for people to leave,
21 ultimately, right? And if they wanted to stay, then there would
22 be consequences associated to that.

23 **MR. ERIC BROUSSEAU:** Okay. The last document I
24 want to take you to is OPP00000337, and it's an email shortly
25 after the events in Ottawa conclude on February 25th that you
26 sent to Supt. Morris, Alakas, and McDonell. And if we could
27 scroll down, this is -- I guess you set out two ideas and so if
28 you can sort of tell us why you sent this email and just

1 summarize the two thoughts that you included in this email.

2 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, so one was
3 protests for senior command, and ours included. And there's no
4 criticism whatsoever on anyone in this. It was a unbelievable
5 event but I'd found that, you know, there was a lack of
6 understanding where we separated liaison work from public order
7 work. When I was on the Hostage Rescue Team, we had negotiators
8 on the Hostage Rescue Team because it's vitally important to
9 create opportunities where you can resolve stuff with
10 communication. And so in this, it was ultimately an opportunity
11 to say, "Okay, guys, we should probably take a look at
12 streamlining the measured approach, socializing it, and policing
13 as an actual something that we do, so that that way we can get
14 to the bottom of stuff quicker."

15 And like, so you look at some of the stuff that
16 happened on February 6th, right? So there was a PLT request for
17 Rideau and Sussex, right, so we were going to go and -- or we,
18 the police, were going to go with public order unit potentially
19 and go and remove people from Rideau and Sussex.

20 I expedited an email to Mark Patterson to say,
21 "If it was me and this was going to happen, this is how you
22 should use PLT right now," right?

23 So a communication strategy built in to stuff so
24 that people are aware that they can leave and that we're not
25 just running in there putting people in harm's way.

26 And so for this, there's opportunities where we
27 could do a better job as senior management or senior commanders
28 in policing on a national level to better understand the

1 measured approach and how it can impact outcomes for the better.

2 And then the second one was, I look at the CACP
3 policing with Indigenous People's Committee and you know,
4 there's John Brewer, who's the Chief Superintendent that sits on
5 that with tactical background. I'm not sure the tactical
6 background of everyone that's on there.

7 We have an emergency management committee, which
8 Mike Nelson, I think, co-chairs or chairs and sits on.

9 And so you have all these merging CACP commands.
10 And maybe it's time to look at okay, this is a relatively big
11 event. I would say it's a huge event, right? It impacted this
12 -- our Nation's Capital. And protests have just got bigger and
13 bigger and bigger in the last few years, right? Like, I focus
14 on 2012 with Idle No More, right, and some of the stuff there.
15 I think there was, you know, roughly 200 peaceful protests in
16 the Province of Ontario in 2012.

17 And then in 2020 we had, you know, multiple, 200
18 type events in the province, and then we had the largest display
19 of public order in the history of the nation in 2022, and
20 there's no slowing down. So I just thought collectively, as a
21 group, it might be a good idea.

22 **MR. ERIC BROSSEAU:** Thank you, Inspector, and
23 those are my questions.

24 **COMMISSIONER ROULEAU:** Okay. First, I believe
25 it's counsel for former Chief Sloly.

26 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

27 **MR. TOM CURRY:** Thank you, Commissioner,
28 Superintendent.

1 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

2 **MR. TOM CURRY:**

3 **ACTING SUPT. MARCEL BEAUDIN:**

4 **MR. TOM CURRY:** I'm Tom Curry for Chief Sloyly.

5 Could I just pick up something you said to us at
6 the end about the nature of the event that you have been
7 describing in 2022 here in Ottawa? I think you said it was
8 unbelievable, what you experienced ---

9 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

10 **MR. TOM CURRY:** --- what you witnessed.

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

12 **MR. TOM CURRY:** And did you say it was the
13 largest public order operation in our country's history?

14 **ACTING SUPT. MARCEL BEAUDIN:** I believe it was,
15 yes.

16 **MR. TOM CURRY:** And the -- Chief Sloyly has -- and
17 probably others involved in this have described it as a --
18 "representing a paradigm shift in public protest", a significant
19 change in the way that public protests have been expressed up
20 until that time; is that fair?

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Like, I want
22 to agree with you. I want to clarify a couple of things. Like,
23 obviously, there's been movements in the last five years. I
24 think this is probably the most centred in a very publicized
25 area that involves government and all that stuff. But there's
26 been similar movements, but this one was definitely the biggest
27 and had the most impact.

28 **MR. TOM CURRY:** Right. You have been involved,

1 as you've told us, in attempting to resolve public protests in
2 many other circumstances. Can you give the Commissioner a
3 sense, from your experience, of the -- of what made this
4 different? First of all, is it the scale of the protest that
5 you observed?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

7 **MR. TOM CURRY:** And the -- would you say that the
8 scope of it, in terms of its affecting an urban area outside of
9 paralyzing the city in the fashion that it did, would that
10 represent a reason why this was an unprecedented occurrence?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, it was scale
12 and scope, and it was -- you know, it impacted a lot of people,
13 right? And so like, when you look at some of the different
14 things that are happening, I always think, okay, if this is
15 going to impact people negatively, how many people are going to
16 be impacted? And I can tell you, there's some stuff that I'm --
17 that's coming up that I would be concerned about.

18 **MR. TOM CURRY:** Well, then I'd want to come to
19 the -- my friend, Mr. Brosseau, has already taken you to the App
20 for Action memorandum that you sent, I think, February 25th in
21 which you flagged for your command some issues that they should
22 be thinking about -- we should all be thinking about -- as
23 directly relating to this new experience that you had.

24 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

25 **MR. TOM CURRY:** And the -- in addition to that --
26 just go back to the -- to your experience and this protest.
27 Would you say that the demeanour or attitude of the protestors
28 was different than you had experienced, having regard to the

1 scale and the scope?

2 **ACTING SUPT. MARCEL BEAUDIN:** No. Their -- like,
3 their demeanour wasn't really, to be -- so to be fair, like,
4 there's certain things in crowd psychology or dynamics that you
5 can do to prevent certain things, right, like, me looking at --
6 or like, human decision making processes, you look at risk,
7 reward, effort, provocation, excuses. You know, you have the
8 same outcomes when it comes to those five things, it's just a
9 matter of I think, the scale and the scope, but as far as the
10 dynamic and that, I don't think it was too far different than
11 other instances. Is that clear?

12 **MR. TOM CURRY:** Sure. It is, and maybe I can get
13 your help with this. We have learned from other witnesses that
14 this protest featured a lot of people protesting about different
15 things. That's new for you too?

16 **ACTING SUPT. MARCEL BEAUDIN:** Okay. So ---

17 **MR. TOM CURRY:** Is that fair?

18 **ACTING SUPT. MARCEL BEAUDIN:** So there's
19 typically divisions in protest groups. Like, that's something
20 that we actually teach on the course is, it's hard to -- because
21 people in a hijacking protest -- I don't know if that's the
22 right word -- but people will come in and hijack.

23 And sometimes when you ask people, "What are you
24 protesting?" on Day 1, and then on Day 12, you're like, "Okay.
25 What is -- " you know, if you ask, "What are you here for? What
26 does success look like? What can I say or do to get you to
27 leave?" sometimes that ends up morphing, right, because you have
28 these -- you know, you have people that are dealing with each

1 other. You're dealing with a human capacity, right, so things
2 end up changing as a result as things evolve.

3 But there is -- you know, there is division
4 within protest groups on a regular basis. This one was just so
5 -- like, I think the scale and the scope magnified that.

6 **MR. TOM CURRY:** Okay. Got it. So then in your
7 experience, this one featured -- although I take your point or
8 we all take your point about the idea that people might come to
9 a protest with different things in mind as grievances -- this
10 one amplified and magnified that phenomenon?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

12 **MR. TOM CURRY:** Okay. Now, the -- in advance of
13 the protest, the Commissioner has heard that the OPP and other
14 police services were monitoring the convoys as they crossed
15 their various geographic regions, and your PLT team was involved
16 in that in some fashion?

17 **ACTING SUPT. MARCEL BEAUDIN:** Yes, they were.

18 **MR. TOM CURRY:** I think you call it "pre-
19 planning"?

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

21 **MR. TOM CURRY:** And were you personally involved
22 in any of that pre-planning or was it your team?

23 **ACTING SUPT. MARCEL BEAUDIN:** No, it was the
24 team. Like, I would have updates and obviously check in and be
25 as engaged as I need to be, recognizing I have an unbelievable
26 team.

27 **MR. TOM CURRY:** Got it. Is it fair to say that
28 when you were looking at the briefings that you were seeing from

1 the folks out in the field, that you did not anticipate that
2 this would be -- what was coming would be the country's largest
3 public order event in its history?

4 **ACTING SUPT. MARCEL BEAUDIN:** I did not think the
5 largest public order event in the nation's history was happening
6 ---

7 **MR. TOM CURRY:** Right.

8 **ACTING SUPT. MARCEL BEAUDIN:** --- at that time.

9 **MR. TOM CURRY:** And the -- and we've learned from
10 others -- the Commissioner has learned from others that it was
11 fluid, people have used the word "volatile". There are a number
12 of ways to describe it. But it was very hard to get a bead on
13 this event; is that fair?

14 **ACTING SUPT. MARCEL BEAUDIN:** So like, in my
15 experience, any time anyone says, "I don't have an exit
16 strategy," I would be concerned, right? So I would -- I talked
17 about the five decision-making processes, right, so I would
18 increase the effort, I would harden targets, I would do a bunch
19 of stuff.

20 If someone was coming to my house and they said,
21 "I don't know when I'm going to leave," I would buy an
22 uncomfortable bed, right? So -- and I'm just saying that
23 jokingly, but in all honesty, like, I would make sure that I
24 knew when they were leaving and what would happen. And if I
25 didn't know, I would put something in place to harden the target
26 or at least control or manage what was happening.

27 **MR. TOM CURRY:** Right. The uncomfortable bed, in
28 this -- sticking with that metaphor, ---

1 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

2 **MR. TOM CURRY:** --- you would not welcome them to
3 the community; you would try to make certain that they were --
4 well, you used the language of "Hardening the target"?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

6 **MR. TOM CURRY:** You would make it less pleasant,
7 rather than more pleasant; fair?

8 **ACTING SUPT. MARCEL BEAUDIN:** I would probably --
9 you know, if you were looking at it, I would probably find a
10 location where large trucks with beds -- you know, those things
11 that people live in -- are parking somewhere outside the
12 downtown core. I would allow -- you know, like, this is all
13 spit-balling, but I think when you have information or
14 intelligence or whatever -- and everyone's guilty of this,
15 right? You want to trust the best interests of the people that
16 are protesting to do something that's right and not, you know --
17 how do I say that? Not inconvenience a city, and ultimately,
18 you know, there's rights that they have but then, you know, it's
19 balancing, which sometimes turns into a juggling act, as we saw
20 here.

21 **MR. TOM CURRY:** And one of the things that was --
22 getting back to your team, and the best information you had,
23 nobody predicted or could have predicted that the protesters
24 would get that balance so badly out of whack; that fair?

25 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Like, with
26 them just not having an exit strategy I would be a bit
27 concerned, as far as what that looks like. I think that there
28 was conversations with PLT members with some of the protest

1 people around the 21st of January'ish that said, you know, "I'm
2 going to come there and paralyze the city," and that was shared
3 with OPS at that point for them to take into consideration.

4 **MR. TOM CURRY:** Right. Shared by OPP PLT or up
5 through ---

6 **ACTING SUPT. MARCEL BEAUDIN:** OPP PLT to their
7 individual meetings because they have that group within Eastern
8 Region that basically share information with each other.

9 **MR. TOM CURRY:** Right. Got it, okay.

10 Now, when you got to Ottawa, I think you told us
11 it was the 3rd of February.

12 **ACTING SUPT. MARCEL BEAUDIN:** Third night, yes.

13 **MR. TOM CURRY:** And you participated in the
14 events that you've described to us. You had a chance virtually,
15 I think, to meet Chief Sloly and other people in the command?

16 **ACTING SUPT. MARCEL BEAUDIN:** I never met with
17 Chief Sloly, sir.

18 **MR. TOM CURRY:** Were you present at meetings with
19 Chief Sloly?

20 **ACTING SUPT. MARCEL BEAUDIN:** So I was -- I was
21 in this planning room and so I was sitting off to the side and
22 then there was meetings happening and I was off to the side.

23 **MR. TOM CURRY:** I see.

24 **ACTING SUPT. MARCEL BEAUDIN:** So I never once saw
25 him on screen. Like, I'm ---

26 **MR. TOM CURRY:** Got it.

27 **ACTING SUPT. MARCEL BEAUDIN:** --- kind of like
28 this.

1 **MR. TOM CURRY:** Okay. So from your -- from the
2 information that you have directly, your own direct knowledge,
3 you would tell the Commissioner that Chief Sloly didn't
4 interfere with any of the OPP PLT operations; is that fair?

5 **ACTING SUPT. MARCEL BEAUDIN:** Nothing that I saw.

6 **MR. TOM CURRY:** Okay. You wouldn't -- were you
7 told at any time by your team, or I suppose it would be the OPS
8 PLT team, that Chief Sloly had included them in those meetings
9 that you're talking about having attended when you got there,
10 for example, starting February 1?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I was told
12 that Chief Sloly had talked to the OPS PLT sergeant, or
13 sergeants, maybe, before I had arrived.

14 **MR. TOM CURRY:** Okay. And in terms of the --
15 what you learned from Acting Deputy Chief Ferguson -- can I just
16 show you, get your help with one document?

17 And this would be, please, Mr. Registrar, OPP171.
18 So I think that comes to five zeros.

19 Just get your help with one thing. I think you
20 -- you were asked, just while this is coming up, Superintendent,
21 I think you were asked by -- that's the 12th. If we could just
22 stop there for a sec. Just go down a little bit, sorry, please.
23 And one more scroll down, just to set the context.

24 You've reviewed some of this with us earlier --
25 or that the bottom? Then please -- there we go.

26 So there you are, February 12th, you see that
27 11:47 to the Commissioner of the OPP among others, Deputy
28 Commissioner, "...please check the list of leaders."

1 This is the chain, of course, from Minister
2 Stewart that you talked about:

3 "Commissioner, for the sake of time I
4 am going straight to you for the below
5 confirmation that you are approving of
6 the following with [Deputy Minister]
7 Stewart through conversation? I will
8 call...[for] your approval. Note the
9 quick turnaround. Respectfully,..."

10 And now please just go up. That's the 12th in the
11 morning. Commissioner Carrique says:

12 "Thanks...good advice to me. It does
13 not bind the police to anything. Is
14 the [Deputy Minister] aware that it is
15 subject to Ottawa Police supporting the
16 overall strategy."

17 And then please just a little further up, and you
18 write back to him. "Yes he has been told..." -- that would be
19 Mr. Stewart has been told that.

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

21 **MR. TOM CURRY:** And you described you were:

22 "...in continual contact with [Deputy]
23 Chief Ferguson who has sent...an email
24 I will forward to this group for
25 awareness."

26 And then you did that.

27 Please, could I show the witness OPP163, with all
28 of the preceding zeros?

1 I just want to get your confirmation,
2 Superintendent, that what you did was you showed -- you see that
3 in the middle, right -- just there. Thank you.

4 At 12:06, just after that conversation
5 electronically that you had with the Commissioner, you said,
6 "From OPS" and you forwarded Deputy Chief Ferguson's email of
7 February 11th at 2:44. Do you see that?

8 **ACTING SUPT. MARCEL BEAUDIN:** yes.

9 **MR. TOM CURRY:** And that's what you were saying
10 to the Commissioner, "Yes, I've been in touch with OPS"; ---

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

12 **MR. TOM CURRY:** --- "it's covered."

13 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

14 **MR. TOM CURRY:** Scroll down, if you don't mind,
15 please, just to confirm one thing.

16 What you learned from Deputy Chief Ferguson was
17 that to the extent that there had been any doubt about anything
18 as to PLT, Chief Sloly had confirmed that, in the second
19 paragraph, Chief Ferguson writes:

20 "I was directed by the Chief to ensure
21 our PLT team is fully integrated to a
22 level of my satisfaction. In order for
23 that to happen, I needed an
24 understanding, from you - the Subject
25 Matter Expert, on how that could be
26 done."

27 And then -- and you had continuous dialogue with
28 her.

1 So the issues about the federal government's
2 possible negotiation with protesters was run through OPS through
3 Deputy Chief Ferguson; correct?

4 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

5 **MR. TOM CURRY:** And I expect Chief Sloly's going
6 to say he had nothing -- didn't know about it until now, but
7 didn't need to know about it because that authority had been
8 given to Deputy Chief Ferguson.

9 You didn't engage with Chief Sloly?

10 **ACTING SUPT. MARCEL BEAUDIN:** No, I didn't. No,
11 I saw the one briefing, you know, where -- or I cited earlier
12 where he said, "Negotiate, negotiate, negotiate" right? Like,
13 that's -- you know, I was one other call with him. I was on
14 another call, I believe on the 12th of February, or the 13th, so
15 ---

16 **MR. TOM CURRY:** And these events in Ottawa about
17 which you've been speaking, affected other parts of the country,
18 is that true?

19 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

20 **MR. TOM CURRY:** Not only in our province within
21 your authority, of course we had Windsor going on, right?

22 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

23 **MR. TOM CURRY:** You were speaking to your command
24 team or involved, at least, in PLT issues in Windsor at the same
25 time, right?

26 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

27 **MR. TOM CURRY:** Did you get down to Windsor?

28 **ACTING SUPT. MARCEL BEAUDIN:** I did not get down

1 to Windsor.

2 **MR. TOM CURRY:** Did you also get involved in
3 considering how this protest in Ottawa impacted other
4 infrastructure in Ontario?

5 **ACTING SUPT. MARCEL BEAUDIN:** That's always
6 something that I'm concerned about. I'm always concerned about
7 -- like, so when they were doing the Windsor stuff, right? So
8 I'm always concerned of creating a movement out of a movement,
9 right? So, like, you look at certain settings. So say there's
10 a protest in Ottawa and then this protest goes up and they say,
11 "We're in support of Ottawa," and then you get another group
12 that says, "I'm supporting Windsor in support of Ottawa," and
13 then you have all these mini movements.

14 But I'll tell you, I had a conversation with
15 C/Supt. John Brewer, and he was saying, you know, "With some of
16 the restrictions ending in some of the other provinces, and ours
17 aren't ending in British Columbia," he had some serious concerns
18 as a result of protests in relation to this.

19 **MR. TOM CURRY:** I was going to say; we had issues
20 -- the OPP was managing issues outside of Ottawa in Ontario.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

22 **MR. TOM CURRY:** Bridges, highways, other
23 installations; correct?

24 **ACTING SUPT. MARCEL BEAUDIN:** Correct.

25 **MR. TOM CURRY:** Worried for one thing, that
26 perhaps if this convoy were to leave Ottawa, it might just
27 settle into -- in on another bridge, or it might settle on a
28 highway. You've got a thousand trucks, or however many you had

1 to try to manage across the entire geographic area of the
2 province; is that fair?

3 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Yeah, for
4 sure. And I guess that's the importance of making sure that you
5 have had that great relationship with people and outline, you
6 know, this is the expectation and whatever, right?

7 **MR. TOM CURRY:** So that they agree that when they
8 leave they're not going to cause another obstruction.

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. And another
10 really important thing, too, is really that off-gassing, right?
11 So as you have the ability, when people identify that they want
12 to leave, to immediately provide that opportunity for them to
13 leave so they're leaving in groups of eight and not in a
14 thousand.

15 **MR. TOM CURRY:** Were you made aware -- the
16 Commissioner heard evidence from C/Supt. Pardy that there were
17 -- I believe it was C/Supt. Pardy, that there were protesters
18 within the group who wished to leave but could not leave because
19 convoy captains, or however they were organized, were not --
20 were requiring that they hold the line. Did you become aware of
21 that?

22 **ACTING SUPT. MARCEL BEAUDIN:** I was aware of
23 those conversations, yes.

24 **MR. TOM CURRY:** A significant problem.

25 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

26 **MR. TOM CURRY:** And the -- beyond Ontario, you
27 were -- I think you just told the Commissioner you became
28 involved in assisting or at least in discussing with RCMP

1 officials how this Ottawa protest was impacting British Columbia
2 and other areas within our country that are ---

3 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

4 **MR. TOM CURRY:** --- patrolled by RCMP. Is that
5 true?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. And the
7 Ottawa protest wasn't impacting British Columbia, but the
8 general grievances and support would have -- you know, like
9 obviously, when this stuff starts happening, right, then people
10 say, "Man, that's something I can get behind".

11 **MR. TOM CURRY:** Significant drain on resources.

12 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I would say
13 so. Yeah.

14 **MR. TOM CURRY:** And in terms of this -- back to
15 this one, it was obvious to you when you got here into Ottawa
16 that the Ottawa Police Service had no possibility of managing
17 this event with its own resources. Is that fair?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, for sure. I
19 would say, you know, in the absence of the ability to do Public
20 Order, right, so -- you know, there was so many plans to do
21 Public Order intervention, right, and in the absence of doing it
22 -- because we never had the ability to do it up until the 17th
23 or 18th. So in the absence of that, you have to have an
24 unbelievable negotiation and mediation strategy until that
25 happens, right.

26 Until you're able to muster people to do
27 something, I believe everyone has a responsibility to that
28 safety to ensure that that gets completed.

1 **MR. TOM CURRY:** Right. And the -- a couple of
2 things.

3 You told us that you were involved -- you came
4 back up here to -- or across to Ottawa and you were involved in
5 the Public Order operation at the level of the PLT to give
6 protestors the messages that this is coming and you should
7 leave.

8 **ACTING SUPT. MARCEL BEAUDIN:** Yes. I was being -
9 - I was -- I came here to support Giselle Walker, who's the
10 Provincial Coordinator, and was asked to come here to support
11 her.

12 **MR. TOM CURRY:** And part of the messaging that
13 you gave was that the *Emergencies Act* had been declared. Is
14 that true?

15 **ACTING SUPT. MARCEL BEAUDIN:** I'm not sure.

16 **MR. TOM CURRY:** Okay.

17 **ACTING SUPT. MARCEL BEAUDIN:** I'm not -- yeah.
18 Sorry, I'm not -- I don't ---

19 **MR. TOM CURRY:** You didn't take part in the
20 drawing of the -- the drafting of the message that was being
21 handed to protestors or ---

22 **ACTING SUPT. MARCEL BEAUDIN:** Oh, yes, sorry.
23 Yeah, yeah.

24 So on that, that came across to PLT at some point
25 to say, "Does this make sense?" because basically we just wanted
26 consistent messaging to go out, hand it out so people were aware
27 and also go out on social media.

28 **MR. TOM CURRY:** Got it.

1 And one of the consequences that you told the
2 Commissioner, you explained to protestors about the consequences
3 of not leaving would have been all of the consequences that he's
4 learned about concerning the *Emergencies Act*.

5 **ACTING SUPT. MARCEL BEAUDIN:** Sorry. I don't --
6 sorry.

7 **MR. TOM CURRY:** That was a terrible question.
8 You told the protestors -- and the worst part of
9 that is it counts against my time.

10 **ACTING SUPT. MARCEL BEAUDIN:** Oh, no, sorry.

11 **MR. TOM CURRY:** You told the protestors that the
12 consequences of the *Emergencies Act* would be applied to those
13 who did not leave voluntarily.

14 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I believe
15 that's in the messaging.

16 **MR. TOM CURRY:** Okay. Got it.

17 **ACTING SUPT. MARCEL BEAUDIN:** There's a bunch --
18 sorry. Go ahead.

19 **MR. TOM CURRY:** No, no, no. I didn't mean to
20 interrupt you.

21 Last question. Your interview summary refers to
22 OPP Superintendent Dan -- I'm hoping I'm pronouncing it
23 correctly -- Alakas ---

24 **ACTING SUPT. MARCEL BEAUDIN:** Alakas, yes.

25 **MR. TOM CURRY:** --- who advised you on the 8th of
26 February that -- words to the effect, you said, that the OPP
27 would be taking over operations in Ottawa.

28 Do you recall him telling you that?

1 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

2 **MR. TOM CURRY:** And now, you -- did you know
3 anything about how that was meant to happen or anything more
4 about it than that?

5 **ACTING SUPT. MARCEL BEAUDIN:** No. Like
6 reflecting on it, like looking back, maybe it's Carson Pardy's
7 team that came -- went to assist or whatever.

8 **MR. TOM CURRY:** Got it.

9 And you were part of those -- you did appear at
10 some of the Integrated Planning Cell meetings. I think there
11 are minutes that show ---

12 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, yeah, yeah.
13 I went in and I think I spoke at two of them.

14 **MR. TOM CURRY:** Okay. Superintendent, thanks
15 very much.

16 **ACTING SUPT. MARCEL BEAUDIN:** Thank you, sir.

17 **COMMISSIONER ROULEAU:** Thank you.

18 Next, call on the Government of Canada.

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

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

21 **MS. ANDREA GONSALVES:** Good afternoon,
22 Superintendent Beaudin. My name is Andrea Gonsalves. I'm one
23 of the lawyers for the Government of Canada.

24 And I just want to first begin by confirming a
25 few things around the role of liaison teams. This may be a bit
26 of a simplified version from what you've testified to.

27 But the role of PLTs is to work with event
28 organizers to ensure that events are lawful, peaceful and safe;

1 fair?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

3 **MS. ANDREA GONSALVES:** And they may do that
4 through a variety of strategies, including, where appropriate,
5 negotiation, de-escalation, trying to identify win/wins; right?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

7 **MS. ANDREA GONSALVES:** And where demonstrations
8 are not lawful, peaceful or safe, PLTs may have a role to play
9 in trying to steer them back in that direction.

10 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

11 **MS. ANDREA GONSALVES:** PLT strategies can also be
12 helpful in reducing the footprint. We've heard you say that
13 several times; right?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

15 **MS. ANDREA GONSALVES:** And by reducing the
16 footprint -- again, perhaps this is simplified -- but we mean
17 using techniques to encourage as many people as possible to
18 leave the protest zone voluntarily without ---

19 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, or ---

20 **MS. ANDREA GONSALVES:** --- police enforcement.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yes, or -- or --
22 like, to me, put people in a tactically advantageous position so
23 that way if there is a police operation that there would be a
24 better opportunity for success that would be safe for all the
25 people that are there and for the police officers that have the
26 responsibility to go and enforce that.

27 **MS. ANDREA GONSALVES:** Right. And success in
28 that respect meaning defuse it, bring it to an end with no or

1 minimal risk to officer or protestor safety, minimal damage
2 being done, that sort of thing.

3 **ACTING SUPT. MARCEL BEAUDIN:** Yes, ma'am.

4 **MS. ANDREA GONSALVES:** And reducing -- I think
5 we're agreeing here that reducing the footprint is especially
6 important when Public Order units will be engaging in
7 enforcement action to bring a demonstration to an end.

8 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

9 **MS. ANDREA GONSALVES:** And sometimes that may be
10 necessary, for example, when a protest has become illegal and
11 there's a need to restore the rule of law.

12 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

13 **MS. ANDREA GONSALVES:** And so PLT involves an
14 element of negotiation, but also, you spoke about communication
15 and education, ideally education before enforcement; right?

16 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

17 **MS. ANDREA GONSALVES:** PLTs build messaging
18 around the potential consequences if they don't -- if protestors
19 don't leave voluntarily because those consequences can act as an
20 incentive to leave.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, for sure.

22 Like what I was talking about, like obviously the
23 risk, you want to increase risk, right, to remove people from
24 doing so, right.

25 **MS. ANDREA GONSALVES:** Right. The stronger the
26 deterrent, the greater the effect it's likely to have in getting
27 them to go home.

28 **ACTING SUPT. MARCEL BEAUDIN:** Typically.

1 **MS. ANDREA GONSALVES:** And for those who might be
2 thinking of joining an ongoing protest, messaging negative
3 potential consequences can also act as a deterrent to joining;
4 right?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yes, ma'am.

6 **MS. ANDREA GONSALVES:** Now, in questions from my
7 friend, Mr. Curry, you spoke about the scope and scale of these
8 protests being quite unique in our nation's history; right?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

10 **MS. ANDREA GONSALVES:** Others, and I think you,
11 too, have used the word "unprecedented".

12 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, probably.
13 Yeah.

14 **MS. ANDREA GONSALVES:** And there are several
15 features of the Ottawa demonstrations that contributed to the
16 unprecedented nature and presented challenges for the liaison
17 teams. You've spoke about a few of them, but I'll try and
18 summarize them all.

19 It includes the size of the protest zone and the
20 number of protestors.

21 **ACTING SUPT. MARCEL BEAUDIN:** Sorry. Like is
22 that something that would -- what are you saying? Sorry.

23 **MS. ANDREA GONSALVES:** One of the things that
24 created challenges for the PLT teams ---

25 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

26 **MS. ANDREA GONSALVES:** --- in successfully going
27 about their role in getting people to go home, I think there are
28 a number of them that you spoke about. I want to take them one

1 by one.

2 Is it fair to say that the size of the protest
3 zone and the number of protestors contributed challenges for the
4 PLTs?

5 **ACTING SUPT. MARCEL BEAUDIN:** It did and it
6 didn't, and I'll just qualify that for you.

7 So when you look at it, really, you're just --
8 like you have 35 Block Captains, I think, at one point, so you
9 have a certain amount of leadership. You have the ability to
10 manage that in individual pocket size groups, right.

11 And so, you know, if you're able to work through
12 a process with mediation, whatever, and there's a group of
13 people that are willing to work with you, then, really, the size
14 is -- the size is really bad and it looks overwhelming, but the
15 -- you know, the tenets of negotiation, mediation, whatever
16 don't really necessarily change.

17 And the work of PLT, if done appropriately and
18 given the ability to do it properly, can still manage that
19 regardless of the size, but it does add complications as far as
20 you're not -- you know, you're not being aware of what exactly
21 is in that crowd, and potential conflict as a result.

22 **MS. ANDREA GONSALVES:** And when you've got that
23 sort of a scenario, the PLTs may be able to achieve some success
24 in one area, but then the protesters there could move to another
25 site, for instance?

26 **ACTING SUPT. MARCEL BEAUDIN:** If you're doing a
27 hard -- like, so if you're doing hard tactics, right, like so if
28 you're taking over streets, right, taking them -- and then you

1 have to kind of own them a bit; right? And so when you're
2 looking at hard tactics, cool. Yeah, for sure, people would
3 have to potentially come back there, or whatever, but if people
4 voluntarily leave on their own through mediation, negotiation,
5 like, and that's my -- that's our world, right, so if they leave
6 on their own the odds are they're not going to come back to that
7 space.

8 **MS. ANDREA GONSALVES:** In this case, though, we
9 also had more protesters, more trucks coming in every week. It
10 wasn't a static crowd the entire time. And that presented a
11 challenge as well; right?

12 **ACTING SUPT. MARCEL BEAUDIN:** Correct. Yes.

13 **MS. ANDREA GONSALVES:** Described as a volatile,
14 fluid situation. You spoke about the dynamics changing and
15 evolving over time; right?

16 **ACTING SUPT. MARCEL BEAUDIN:** Yes. Yeah, they
17 were fluid, for sure.

18 **MS. ANDREA GONSALVES:** Over time, the protesters
19 become very entrenched; right? This is one of the challenges
20 that were faced by the PLTs.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like at the
22 very end they were entrenched. I think at -- you know,
23 throughout the protests themselves we didn't really actually
24 test compliance or resolve a pile; right?

25 **MS. ANDREA GONSALVES:** You're aware of OPP
26 reporting about one Farfadaa member saying he will leave only
27 once he has regained his freedom or when he is dead?

28 **ACTING SUPT. MARCEL BEAUDIN:** I didn't know that,

1 but there was definitely some very strong ideologies within the
2 group.

3 **MS. ANDREA GONSALVES:** And that certainly
4 suggests ---

5 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

6 **MS. ANDREA GONSALVES:** That kind of messaging
7 suggests entrenchment; right?

8 **ACTING SUPT. MARCEL BEAUDIN:** Yes, for sure.
9 Yeah.

10 **MS. ANDREA GONSALVES:** You spoke about where
11 demands of the protesters, what they're hoping to achieve, where
12 it's unrealistic, that presents a PLT challenge; right?

13 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely.

14 **MS. ANDREA GONSALVES:** And some of the demands
15 here would be unrealistic?

16 **ACTING SUPT. MARCEL BEAUDIN:** Yes, very much so.

17 **MS. ANDREA GONSALVES:** Not only outside of the
18 OPP's authority to grant, but in some cases inconsistent with
19 our constitutional structure; right?

20 **ACTING SUPT. MARCEL BEAUDIN:** Oh, absolutely.
21 There's limitations to the Constitution for sure.

22 **MS. ANDREA GONSALVES:** It was a disorganised
23 group with different factions. That was another challenge;
24 correct?

25 **ACTING SUPT. MARCEL BEAUDIN:** Like they were
26 pretty organised in the sense that they got across the country
27 to get to Ottawa. Like it's not like it was an unorganised
28 group. I think there was a lot of different people in groups

1 there; right?

2 **MS. ANDREA GONSALVES:** And we've seen some
3 reporting about the organisation going so far as getting them to
4 Ottawa, but once they got to Ottawa there wasn't that same
5 degree of organisation; you're aware of that?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I guess,
7 yeah.

8 **MS. ANDREA GONSALVES:** Not all members of this
9 crowd had the same objectives or had a common view as to how
10 they would achieve those objectives; right?

11 **ACTING SUPT. MARCEL BEAUDIN:** Sure.

12 **MS. ANDREA GONSALVES:** And I think I saw in the
13 OPP's institutional report that there were 10 PLT members that
14 were contributed by OPP? Does that sound right?

15 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Yeah, I
16 think there was one -- yeah, I saw one day where there was 10
17 for sure, so that's pretty consistent.

18 **MS. ANDREA GONSALVES:** And there were thousands
19 of protesters that needed to be dealt with, and so resources
20 were stretched thin?

21 **ACTING SUPT. MARCEL BEAUDIN:** Yes, and that's the
22 importance of identifying leadership.

23 **MS. ANDREA GONSALVES:** You spoke about the
24 interest that Public Safety Deputy Minister Stewart had in
25 consulting with you about potential federal level engagement
26 with protesters. You recall that evidence?

27 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

28 **MS. ANDREA GONSALVES:** And you understood that he

1 was looking to you for this consultation so he could provide
2 informed advice to ministers; right?

3 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

4 **MS. ANDREA GONSALVES:** It wasn't his decision to
5 make, you understood that?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

7 **MS. ANDREA GONSALVES:** And in fact, no decision
8 was made at the time he approached you about whether there would
9 be this kind of engagement?

10 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely.

11 **MS. ANDREA GONSALVES:** And when you're looking at
12 the idea of engagement or liaising with protesters, you're doing
13 that from a police perspective?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes, ma'am.

15 **MS. ANDREA GONSALVES:** You spoke about the
16 importance of not having government interference in these police
17 operations?

18 **ACTING SUPT. MARCEL BEAUDIN:** That's correct.
19 Yeah, it's happened before in the past, right, where we were
20 surprised by government becoming involved in police operations.
21 So if you can head that off that's probably the best way to do
22 that; right?

23 **MS. ANDREA GONSALVES:** And by the same token,
24 you, as a member of the OPP, would not be trained in or fully
25 understand the perspectives of the governmental decision-makers?

26 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely. Yeah.

27 **MS. ANDREA GONSALVES:** And you're aware, sir,
28 that on February 13th, Mayor Watson of Ottawa had come to an

1 agreement with one of the convoy organisers, Tamara Lich, to
2 move trucks from the residential areas of Ottawa up to
3 Wellington Street?

4 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

5 **MS. ANDREA GONSALVES:** You're -- I take it then
6 you're also aware that that agreement, and if that had been
7 followed through with, then they would have had a meeting;
8 right?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I don't know
10 the intricate details about what the plan was there, but...

11 **MS. ANDREA GONSALVES:** But you're aware that that
12 fell through?

13 **ACTING SUPT. MARCEL BEAUDIN:** The meeting?

14 **MS. ANDREA GONSALVES:** Yes.

15 **ACTING SUPT. MARCEL BEAUDIN:** Or? Okay. I am,
16 yes, now.

17 **MS. ANDREA GONSALVES:** At least in part because
18 some of the protesters who were parked on those streets did not
19 want to comply with the agreement; right? Sorry, I didn't hear
20 your answer. You're aware of that?

21 **ACTING SUPT. MARCEL BEAUDIN:** I'm -- no, I'm --
22 like I'm aware of it now. I just -- yeah.

23 **MS. ANDREA GONSALVES:** And that suggests that
24 there was a problem of the purported leaders of the protest
25 getting that buy-in, getting that compliance from the group;
26 right?

27 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

28 **MS. ANDREA GONSALVES:** By February 15th,

1 according to the OPP's Operational Intelligence report, there
2 was no clear pathway toward reaching a satisfactory resolution
3 that would see the protest group voluntarily end their action
4 and depart the Ottawa area. You're aware of that?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yes. I believe on
6 February 15th, for sure that would be the assessment. I think
7 after February 13th, with the Mayor's stuff, and then it not
8 happening, there would be obvious...

9 You know, like that's the issue with not testing
10 resolve, compliance, whatever at the beginning, right, because
11 if, you know, if you go to a group and you say, "Hey, guys, just
12 for the sake of it can you move to a bus lane?" And then you
13 watch and you see how much juice people have within the group,
14 what this looks like, whatever, you have that ability to
15 actually see if there's leadership there, if they're a unified
16 group. And then you have the ability to tactically deal with
17 the people that are not in compliance, or, you know -- and it
18 just kind of separates people. Right? And so what you're
19 trying to do is have focussed, targeted, strategic enforcement
20 as opposed to a blanket enforcement of everyone that's there.

21 **MS. ANDREA GONSALVES:** And I said the date
22 February 14th, I don't -- we don't have time to pull it up, but
23 I'll just note for the record, OPP00003427 is where that appears
24 in the report.

25 Chief Superintendent Pardy testified to the
26 Commissioner on Friday that by February 13th police had
27 exhausted all negotiation, that negotiation with the protesters
28 had reached the point where it was proving to be futile. And

1 you wouldn't disagree with the Chief Superintendent on that?

2 **ACTING SUPT. MARCEL BEAUDIN:** Well, him and I
3 have different backgrounds when it comes to negotiation,
4 mediation, whatever. Like I would say there was opportunities
5 beforehand. I think those opportunities weren't, you know,
6 captured. But ultimately, yeah, at some point there needed to
7 be some sort of intervention outside of mediation, negotiation.

8 **MS. ANDREA GONSALVES:** And so by the time the
9 federal *Emergency Act* measures come into place, the PLT role
10 shifts from negotiation, et cetera, to communication and
11 education regarding the consequences of the -- of protesters
12 sticking around Ottawa when the enforcement activity begins;
13 right?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes, that's on, I
15 believe, the 15th, 16th, something like that.

16 **MS. ANDREA GONSALVES:** And you've told us you
17 were involved in reviewing the notice to protesters to make sure
18 that it was serving that function of education to get people to
19 go home; right?

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

21 **MS. ANDREA GONSALVES:** And my understanding is
22 that it was important, not only to message the potential
23 criminal offence consequences, but also measures that were
24 specific under the *Emergencies Act*, like the prohibition on
25 bringing children for instance, that was part of the messaging?

26 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I believe it
27 was. I'm sure that it's -- like I don't have it in front of me,
28 but it was -- tried to make it succinct, clear so that people

1 understood it. It wasn't like this gives you this authority,
2 this gives you this authority, it was a very broad I believe
3 document.

4 **MS. ANDREA GONSALVES:** And I see the Commissioner
5 looking at me telling me my time is up. If I may, Commissioner,
6 one last question.

7 Superintendent, you're aware that there was
8 another convoy headed to Ottawa on February the 16th?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I know it was
10 in those dates but yeah, there was another convoy from west
11 region coming to Ottawa.

12 **MS. ANDREA GONSALVES:** And one of the things you
13 wanted to be sure of is that the information was communicated to
14 that convoy about the consequences under the *Federal Emergencies*
15 *Act* if they were to travel to Ottawa at that point?

16 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I wanted to
17 make sure that they weren't coming. There's obviously tactical
18 considerations for members on ground. You know, one of the
19 important ones is 360 defence and I didn't want anyone coming in
20 on the backend.

21 **MS. ANDREA GONSALVES:** Okay, those are my
22 questions. Thank you.

23 **COMMISSIONER ROULEAU:** Okay.

24 Next, I'll call on the convoy organizers.

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

26 **MR. BRENDAN MILLER:** Good afternoon, sir. For
27 the record, my name's Brendan Miller. I'm counsel for Freedom
28 Corp, which is the organization representing the protesters that

1 were in Ottawa on January and February of 2022. I just have a
2 few questions for you. And thank you for your service.

3 So, if I may, I'm just going to refer to the
4 documents that the Commission has already brought up earlier.
5 If I could have brought up OPP00000151. So, sir, just to
6 clarify for everybody here and the folks at home, this is the
7 proposal, engagement proposal that was worked on between
8 yourself, the Deputy Minister of Public Safety, and Commission
9 Brenda Lucki of the RCMP; is that fair?

10 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. Like, there
11 was -- yeah.

12 **MR. BRENDAN MILLER:** Okay. And this engagement
13 proposal was essentially approved by the Deputy Minister of
14 Public Safety but, of course, it wasn't his decision whether it
15 was going to be carried it, but he approved it; is that fair.

16 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I don't think
17 that he approved it. I think he was taking it as, like, for
18 consideration to the Minister. Like, that's how -- like, he was
19 looking for advice to forward.

20 **MR. BRENDAN MILLER:** Okay. But he never
21 indicated to you that it was something that he thought was a bad
22 idea?

23 **ACTING SUPT. MARCEL BEAUDIN:** He never said that
24 it was a bad idea.

25 **MR. BRENDAN MILLER:** And he never indicated to
26 you that anything but taking enforcement action was a bad idea?

27 **ACTING SUPT. MARCEL BEAUDIN:** What's that, sorry?

28 **MR. BRENDAN MILLER:** Anything but taking

1 enforcement action against the protesters in Ottawa was a bad
2 idea; he didn't say to you that you should cease engaging and
3 that you should direct that there be enforcement actions taken?

4 **ACTING SUPT. MARCEL BEAUDIN:** No, he never
5 directed anything. Like, he didn't -- he did not direct
6 anything.

7 **MR. BRENDAN MILLER:** Right. And Commissioner
8 Lucki of the RCMP, she reviewed this proposal as well?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, she had
10 reached out to me.

11 **MR. BRENDAN MILLER:** Right. And she thought it
12 was a good proposal?

13 **ACTING SUPT. MARCEL BEAUDIN:** She had some issues
14 with it.

15 **MR. BRENDAN MILLER:** Right. And those issues,
16 though, weren't with respect to the engagement issue; it had
17 nothing to do with that; is that fair?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, it was some
19 verbiage. I think she talked about some people had some
20 concerns, right.

21 **MR. BRENDAN MILLER:** Right. And so in this
22 proposal, of course, it says that upon an agreement to the
23 proposal, you'd provide a police liaison and writing a
24 commitment to government engagement at a later date, and that
25 could be shared in a meeting with the protest leaders, right?

26 **ACTING SUPT. MARCEL BEAUDIN:** I believe so.

27 **MR. BRENDAN MILLER:** Right. So the plan was, and
28 the recommendation was, is that, essentially, the Government of

1 Canada, the political branch of the Government of Canada, would
2 agree to a meeting with the protesters but there would be
3 certain conditions to that and they would have to denounce
4 anything unlawful and get out of downtown Ottawa; is that fair?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

6 **MR. BRENDAN MILLER:** Okay. And in your
7 interactions with the Deputy Minister and Commissioner Lucki
8 after February 12th, 2022, did they tell you anything about what
9 happened with this proposal?

10 **ACTING SUPT. MARCEL BEAUDIN:** I think the
11 proposal was kind of, like, dead in the water after the 13th when
12 the mayor provided his letter ---

13 **MR. BRENDAN MILLER:** Right.

14 **ACTING SUPT. MARCEL BEAUDIN:** --- and then it
15 allowed the ability to see the outcome of that.

16 **MR. BRENDAN MILLER:** Right. Could we bring up
17 another document that was referred to by the Commission? It's
18 OPP00000172. Now, I understand this is an email from the Deputy
19 Minister of Public Safety, Rob Stewart, to you, right?

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

21 **MR. BRENDAN MILLER:** Okay. And in the third
22 sentence on the top paragraph, it says:

23 "We have a big meeting this afternoon
24 where this will be discussed, so I
25 really need your input." (As read).

26 Right?

27 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

28 **MR. BRENDAN MILLER:** All right. Did you know

1 that that meeting was at 3:30 p.m. and that it was with Cabinet,
2 and it was the Incident Response Group of the Political
3 Executive meeting and that your proposal was provided to them?

4 **ACTING SUPT. MARCEL BEAUDIN:** No.

5 **MR. BRENDAN MILLER:** Okay. It was. I can tell
6 you that. And then they invoked the *Emergencies Act*. Thank
7 you.

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

9 Next, the Ottawa Police Service.

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

11 **MR. DAVID MIGICOVSKY:** Good afternoon,
12 Superintendent. My name is David Migicovsky. I appear for the
13 Ottawa Police Service.

14 Superintendent, I understand from your evidence
15 earlier that the PLTs came about after Ipperwash and an inquiry
16 that was held at that time, as after Ipperwash; is that correct?

17 **ACTING SUPT. MARCEL BEAUDIN:** Yes. I believe
18 that the Aboriginal Relations Team was before the inquiry, like,
19 the inquiry in 2007, but the premise of it came out and the
20 recommendations to support the Aboriginal Relations Team was
21 part of the recommendations.

22 **MR. DAVID MIGICOVSKY:** And so that's 1995; am I
23 correct?

24 **ACTING SUPT. MARCEL BEAUDIN:** That's 1995, yes,
25 sir.

26 **MR. DAVID MIGICOVSKY:** And as a result, the OPP
27 is very experienced in the PLT program and has a very well-
28 developed program?

1 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir. I
2 believe we have 25 full-time members and 100 part-time members.

3 **MR. DAVID MIGICOVSKY:** And it's recognized as one
4 of the leaders in this area, certainly in Canada?

5 **ACTING SUPT. MARCEL BEAUDIN:** I believe so.
6 Yeah, I believe the RCMP has an unbelievable program as well,
7 especially in British Columbia.

8 **MR. DAVID MIGICOVSKY:** And the OPP, as a result
9 of its considerable expertise, provides support to other
10 services, as well as training?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

12 **MR. DAVID MIGICOVSKY:** And is very -- the OPP is
13 very experienced in the use of PLTs?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

15 **MR. DAVID MIGICOVSKY:** And earlier -- we don't
16 need to call up the document but I believe we looked at the OPP's
17 policy, and the policy provides for, after an event, discussing
18 the lessons learned and then working to implement what we
19 learned; is that part of the process?

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

21 **MR. DAVID MIGICOVSKY:** And so the OPP continues
22 to learn after every event; even with its vast experience, it
23 learns more?

24 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, absolutely.
25 Every event is different.

26 **MR. DAVID MIGICOVSKY:** And not all police
27 services, you'll agree with me, obviously, have the same level
28 of training and expertise as does the OPP when it comes to the

1 use of PLTs?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

3 **MR. DAVID MIGICOVSKY:** And you're aware that
4 since this event, the OPS have augmented their commitment to
5 PLTs?

6 **ACTING SUPT. MARCEL BEAUDIN:** Sorry, say that
7 again?

8 **MR. DAVID MIGICOVSKY:** That since the -- this
9 event in Ottawa, that the OPS have augmented their commitment to
10 PLTs.

11 **ACTING SUPT. MARCEL BEAUDIN:** I understand that,
12 yeah. Someone had said that to me.

13 **MR. DAVID MIGICOVSKY:** Right. And they have a
14 lot more of them, more training?

15 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I'm not
16 exactly sure of the intricate details, sir, but I had heard
17 that.

18 **MR. DAVID MIGICOVSKY:** Okay. Superintendent, I
19 noticed when I was reviewing the notes of various OPP officers,
20 there was a S/Sgt. Lisa Nichols. "Nichols", is that the name?
21 You don't know her?

22 **ACTING SUPT. MARCEL BEAUDIN:** I have no idea.

23 **MR. DAVID MIGICOVSKY:** Okay. And so what I
24 noticed in her notes, and I just wonder whether you are aware of
25 it, that she indicates that she reviewed OPS' plans and that she
26 met OPS regularly. Were you aware of that?

27 **ACTING SUPT. MARCEL BEAUDIN:** I don't know who
28 she is, sir.

1 **MR. DAVID MIGICOVSKY:** Okay. And if I could you
2 to turn OPP0556, please. Thank you very much. So if you need
3 to, this is an email from you, Superintendent, to Giselle -- to
4 Gary Maracle and Giselle Walker and various other individuals.
5 And I'll scroll to the bottom so you can get the context.

6 So you'll see at the bottom -- if you could keep
7 scrolling please -- yeah, sorry, if you could just go up to
8 where Chief Sloly -- sorry. Yeah, stop. Sorry, if you could go
9 down?

10 You'll see this is an email from Chief Sloly and
11 he talks about the purpose of the command briefing that morning
12 and what he wants to happen.

13 And then if you scroll up above that email,
14 you'll see Jason Younan sends an email to Superintendent Alakas
15 and Abrams about the plans to address Chief Sloly's message
16 below, and says:

17 "I'm very concerned at the scope and
18 intensity of the chief's messaging and
19 his impact on Ottawa Police members and
20 supporting agencies." (As read)

21 And then if you go above that, you'll see you've
22 indicated some potential concerns about that.

23 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

24 **MR. DAVID MIGICOVSKY:** And so I guess you had
25 some concerns about Chief Sloly's messaging and what he wants to
26 happen at that time; is that correct?

27 **ACTING SUPT. MARCEL BEAUDIN:** Well, I see I will
28 attempt to expedite the PLT package, so ultimately, I was just

1 trying to provide -- I believe it turned out to be an eight-or-
2 nine-page document. So that way, OPS had a better understanding
3 of how to utilize PLT, recognizing that Dr. Collins will be
4 putting together a negotiation plan, right?

5 **MR. DAVID MIGICOVSKY:** Right. And so you
6 indicated that you had some concerns about what was happening,
7 and your concerns, I guess, were with respect to what
8 involvement PLT would have in that process?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, basically how
10 it would roll out for PLT. Yeah.

11 **MR. DAVID MIGICOVSKY:** Thank you very much. I
12 have no further questions.

13 **ACTING SUPT. MARCEL BEAUDIN:** Thanks.

14 **COMMISSIONER ROULEAU:** Thank you. I'll call on
15 the City of Ottawa.

16 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

17 **MS. ALYSSA TOMKINS:** Good afternoon, Acting
18 Superintendent. Alyssa Tomkins for the City of Ottawa.

19 Luckily for everyone, most of the issues I was
20 going to canvass with you have already been covered, so I'm just
21 going to take you to one document, and it's OPP I think five
22 zeroes 529.

23 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

24 **MS. ALYSSA TOMKINS:** So we see at the top that
25 you're sending an email complimenting Diana Hampson, and I'll
26 obviously go down to the email of which you're compliments refer
27 to.

28 But if you could just perhaps explain to the

1 Commissioner who is Diana Hampson?

2 **ACTING SUPT. MARCEL BEAUDIN:** Diana Hampson is a
3 retired PLT member probably watching at home, probably really
4 happy with you right now.

5 And this is from Dave Springer, actually, to
6 myself, Giselle Walker, and I believe -- or Giselle might have
7 forwarded it to me, but just talking about:

8 "The email Diana sent earlier this
9 afternoon serves as an example of her
10 dedication and pride to ensure the
11 right thing is getting done whenever
12 possible. I shared this with our POU
13 leads and Staff Sergeant Gauvin made a
14 point to inform our POU commanding
15 group (Ottawa, Durham -- whatever) of
16 its contents, which proved to be
17 pivotal in our discussions."

18 So I'm just passing this on to Superintendent
19 Maracle, who's our bureau commander ---

20 **MS. ALYSSA TOMKINS:** Yeah.

21 **ACTING SUPT. MARCEL BEAUDIN:** --- making sure
22 he's aware of all the great stuff. And I'm not surprised,
23 because Di's a dedicated officer.

24 **MS. ALYSSA TOMKINS:** Excellent. So I wanted to
25 look at if we scroll down further, we'll see the actual email
26 that -- is it -- I don't want to mess up the rank -- Inspector
27 Hampson or Staff Sergeant?

28 **ACTING SUPT. MARCEL BEAUDIN:** That's Sergeant

1 Hampson.

2 **MS. ALYSSA TOMKINS:** Sorry. I did the best with
3 ranks.

4 **ACTING SUPT. MARCEL BEAUDIN:** It's Diana Hampson.

5 **MS. ALYSSA TOMKINS:** Okay, Diana. So we see here
6 right at the top of the page -- so it's January 31st of this
7 year, and she's sending thoughts, it looks like, to two persons
8 of the Ottawa Police. Is that -- do you see that?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

10 **MS. ALYSSA TOMKINS:** And she provides advice
11 based on experience. And I just wanted to take you through some
12 of them and get you to confirm whether it's consistent with your
13 own experience.

14 **ACTING SUPT. MARCEL BEAUDIN:** Sounds good.

15 **MS. ALYSSA TOMKINS:** So if we can just go down to
16 the second bullet, and it deals with injunctions. And she notes
17 that:

18 "Recent academic literature shows why
19 injunctions are not the best solution
20 in resolving civil unrest, and
21 negotiated solutions provide more
22 sustainable solutions. It puts the
23 court at the centre of political
24 conflict and puts us in a position to
25 implement enforcement clauses which in
26 this case, may not be feasible (towing,
27 numbers arrested). Judicial will
28 impede ability to mediate and negotiate

1 towards resolution."

2 So is this consistent with your own experience?

3 **ACTING SUPT. MARCEL BEAUDIN:** So when it comes to
4 injunctions, sometimes there is issues when it comes to
5 enforcement and all that stuff. I don't know the academic
6 literature and what she's citing.

7 I -- sometimes in more complex situations, I
8 really like the idea of injunctions as it really takes the
9 guesswork out of what's too far and what's not too far,
10 ultimately, and then it allows us to do our job with clear
11 direction.

12 **MS. ALYSSA TOMKINS:** Yeah. And just to go to the
13 fifth bullet:

14 "Our experience in civil injunctions
15 serve to inflame the group. They burn
16 them on delivery, ignore them, and
17 force police to contempt arrest
18 authority where charges are eventually
19 dropped. RCMP in BC at the
20 Wet'suwe'ten event have had some
21 success with conditions imposed. I
22 suggest they can provide suggestions.
23 Kyle Freissen, (now Surrey) legal
24 counsel, has vast recent experience
25 with solidarity demonstrations and
26 injunctions, and I suggest he would be
27 happy to be consulted."

28 So that's something that she suggests to OPS. Is

1 it consistent with your experience as well?

2 **ACTING SUPT. MARCEL BEAUDIN:** Kyle Freissen's a
3 great lawyer, and he's taught on our PLT course, and going to
4 legal for legal advice is never a bad thing.

5 **MS. ALYSSA TOMKINS:** Yeah. So you'll agree
6 though that there's complexities around injunctions that go far
7 beyond the legal issues and they take in a whole socio ---

8 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

9 **MS. ALYSSA TOMKINS:** --- dynamic?

10 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

11 **MS. ALYSSA TOMKINS:** And these were concerns that
12 the OPP was expressing to OPS January 31st?

13 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, that Di was
14 expressing for sure.

15 **MS. ALYSSA TOMKINS:** Diana, yes.

16 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

17 **MS. ALYSSA TOMKINS:** And that you said deserved
18 to throw in her file in a commendment.

19 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, for sure.
20 I'm going to give here one now. Thank you very much.

21 **MS. ALYSSA TOMKINS:** Thank you for your time,
22 Acting Superintendent. Those are my questions.

23 **ACTING SUPT. MARCEL BEAUDIN:** Thank you.

24 **COMMISSIONER ROULEAU:** Thank you. Now for the
25 Ottawa Coalition, please.

26 **--- CROSS-EXAMINATION BY MS. EMELIE TAMAN:**

27 **MS. EMELIE TAMAN:** Merci, Monsieur le
28 Commissaire. Good afternoon.

1 My name is Emilie Taman. I represent the
2 Coalition of Ottawa residents and businesses.

3 I just have two areas I'd like to go over with
4 you this afternoon, if I may, and the first has to do with
5 something we've heard a bit about over the course of this
6 inquiry to date, and that has to do with the -- what occurred at
7 Coventry Road on February the 6th.

8 And you indicated that the PLT had negotiated an
9 agreement with protestors at Coventry Road to remove fuel from
10 that location, right?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes, ma'am.

12 **MS. EMELIE TAMAN:** And that you were frustrated
13 or disappointed that the OPS POU undermined that trust that was
14 being built by arresting protestors who had left Coventry with
15 fuel in accordance with the agreement that had been negotiated?
16 Is that accurate?

17 **ACTING SUPT. MARCEL BEAUDIN:** I thought it was a
18 mistake that could potentially impact down the road, yeah.

19 **MS. EMELIE TAMAN:** So what was your understanding
20 of where the fuel would be going when that agreement was
21 negotiated?

22 **ACTING SUPT. MARCEL BEAUDIN:** I didn't have an
23 understanding of where the fuel was going. The information that
24 was relayed to me was that they needed to remove the fuel from
25 the area or they would be arrested.

26 **MS. EMELIE TAMAN:** But you didn't understand that
27 the convoy participants would be taking that fuel from sort of
28 the periphery of downtown and into the red zone, did you?

1 **ACTING SUPT. MARCEL BEAUDIN:** No.

2 **MS. EMELIE TAMAN:** In your view, would it have
3 been consistent with the agreement to take the fuel from
4 Coventry Road and bring it -- essentially bring, like, literal
5 fuel into a literal fire in the core of downtown Ottawa?

6 **ACTING SUPT. MARCEL BEAUDIN:** Would it be
7 consistent with what I thought the agreement was?

8 **MS. EMELIE TAMAN:** Yeah.

9 **ACTING SUPT. MARCEL BEAUDIN:** So I wasn't there
10 for the agreement. My understanding of what the negotiated
11 agreement was, was that they were going to -- they were asked to
12 get them to remove the fuel, right ---

13 **MS. EMILIE TAMAN:** M'hm.

14 **ACTING SUPT. MARCEL BEAUDIN:** --- or they would
15 be arrested.

16 **MS. EMILIE TAMAN:** Okay. And would it be your
17 view then, and I'm just trying to understand, like, if I can
18 just be direct, kind of ---

19 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

20 **MS. EMILIE TAMAN:** --- where public safety
21 considerations were being factored in to the negotiations that
22 were taking place with the Freedom Convoy participants. And I'm
23 just wondering, in your view, what would have been the preferred
24 way of preventing that fuel from ending up in the core of
25 downtown?

26 **ACTING SUPT. MARCEL BEAUDIN:** So I'm not against
27 preventing the fuel from going downtown. I'm against breaking
28 trust when it comes to a program that's there to build trust and

1 has a very important role in keeping trust for the safety of
2 communities. And so if it was a matter of, hey, guys, just to
3 let you know, people are coming here to take the fuel and they
4 will be charging you as a result of whatever they've decided to
5 charge them with, then that would be a more amicable solution
6 and we could have easily done that. What the issue was, is was
7 a miscommunication of we're not going to arrest you if you leave
8 with fuel, and then we're going to arrest you when you leave
9 with the fuel. That was the concern for me. So if it was a
10 matter of the communication being clear, but, hey, you're not
11 allowed to have this here, it's also impacting positively on the
12 unlawful, unpeaceful protest that's happening in the City of
13 Ottawa, I would have 100 percent said, yeah, let's support that,
14 for sure; right? But the issue was that the communication
15 wasn't clear as to what the objective was and then it damaged
16 potential trust with the group; does that make sense?

17 **MS. EMILIE TAMAN:** Yeah, it makes sense because
18 building trust is key to resolving the matter more globally.
19 It's bigger than any one particular incident.

20 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

21 **MS. EMILIE TAMAN:** Right. But would you agree
22 then that there was maybe a communication failure on a number of
23 different levels, that perhaps the agreement that was negotiated
24 with the convoy protesters itself was deficient in some way, if
25 it actually permitted them to leave Coventry Road with fuel?
26 Because the objective, I imagine, was to get the fuel out of the
27 city. But if the consequence was that with impunity they could
28 take the fuel from there and bring it downtown, that might have

1 been a communication flaw in the negotiations themselves?

2 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I think the
3 flaw is the fact that there was a bunch of stuff happening
4 quickly that day ---

5 **MS. EMILIE TAMAN:** M'hm.

6 **ACTING SUPT. MARCEL BEAUDIN:** --- that a unified
7 command table where people could actually understand the
8 assignment and all the stuff that happened, and in the event
9 that, you know, there's miscommunication, it's because people
10 aren't there for the conversations; right? And so if an
11 Incident Commander who is in charge of it, and he says, "This is
12 what I need you to do," and then you go and do it, and then it
13 impacts a program area, then there's a problem.

14 **MS. EMILIE TAMAN:** Right. Right, and I think
15 it's important for us to understand that, so that we can prevent
16 making these kinds of mistakes in the future.

17 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely.

18 **MS. EMILIE TAMAN:** So I'd like to ask you a
19 couple of questions about the framework that you discussed, the
20 NACP framework, and it has an OPP kind of equivalent, I guess;
21 is that right?

22 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

23 **MS. EMILIE TAMAN:** And you'd agree with me that
24 that framework contemplates taking a flexible approach to
25 demonstrations?

26 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, taking a
27 measured approach, yes.

28 **MS. EMILIE TAMAN:** Okay, a measured approach.

1 And I'd like to ask you some questions about that as well, but
2 would it be fair to say that there's no correct way, you have to
3 adapt your implementation of the framework to the particular
4 circumstances that are before you?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I think I
6 used flexibility and the word nimble very often in my ---

7 **MS. EMILIE TAMAN:** Right.

8 **ACTING SUPT. MARCEL BEAUDIN:** --- conversations.

9 **MS. EMILIE TAMAN:** And so I won't ask the
10 document to come up, but we looked at it earlier and this is the
11 National Framework document. And certainly, if you need to see
12 it, let me know, but I'm just going to quote one part and ask
13 for your comment on it. So it says,

14 "Attention may also be paid to the
15 community at large, who while not
16 directly involved, may be impacted by a
17 demonstration and assembly. The
18 measured approach recognizes the need
19 to balance individual rights and
20 freedoms while also recognizing the
21 rights of the general public, local
22 residents, and businesses to a safe
23 environment. Regular activities of the
24 community at large may be periodically
25 delayed or interrupted." (As read)

26 Sorry.

27 **COMMISSIONER ROULEAU:** This is all being
28 translated and ---

1 **MS. EMILIE TAMAN:** Thank you.

2 **COMMISSIONER ROULEAU:** --- interpreted, so
3 please, slow down.

4 **MS. EMILIE TAMAN:** Got it.

5 "Regular activities of the community at
6 large may be periodically delayed or
7 interrupted and police should work to
8 minimize those impacts when working
9 with demonstrators." (As read)

10 Does that sound accurate to you?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

12 **MS. EMILIE TAMAN:** But you understand that the
13 residents of Ottawa didn't feel their community was peaceful --
14 excuse me -- or safe at pretty much any time during the Freedom
15 Convoy occupation?

16 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

17 **MS. EMILIE TAMAN:** And you may be aware that the
18 former Ottawa Police Interim Chief Steve Bell testified
19 yesterday about how the community was used as leverage, a
20 leverage point with the Freedom Convoy to have their voices
21 heard. Do you agree with that assessment?

22 **ACTING SUPT. MARCEL BEAUDIN:** I don't understand.
23 I didn't hear ---

24 **MS. EMILIE TAMAN:** M'hm.

25 **ACTING SUPT. MARCEL BEAUDIN:** --- Deputy Chief
26 Steve Bell.

27 **MS. EMILIE TAMAN:** So he talked about how, as I
28 understood his evidence, and you can just tell me if you agree

1 with this statement or not ---

2 **ACTING SUPT. MARCEL BEAUDIN:** Okay.

3 **MS. EMILIE TAMAN:** --- that the community was
4 used -- disruptions in the community were used as a leverage
5 point with the government by the convoy to have their voices
6 heard. In the sense that the more the community was
7 inconvenienced or disturbed, the more leverage they felt they
8 had with decision makers. Do you agree with that?

9 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I'm not
10 really too sure. Like, I'm -- I don't have an opinion on that
11 actually.

12 **MS. EMILIE TAMAN:** Okay. So do you have any
13 sense of why, for example, the persistent honking of horns would
14 have been a tactic used by the convoy in the core of downtown?

15 **ACTING SUPT. MARCEL BEAUDIN:** Oh, for sure.
16 Yeah, yeah.

17 **MS. EMILIE TAMAN:** And would you agree that that
18 was likely to disturb people that lived in the vicinity?

19 **ACTING SUPT. MARCEL BEAUDIN:** Is it -- okay, so
20 you're asking me if I think that the citizens of Ottawa would be
21 disturbed by all the stuff that's going on by the protesters?

22 **MS. EMILIE TAMAN:** Yeah ---

23 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, a hundred
24 percent. So the protest was unlawful, unpeaceful, unsafe. I've
25 made that extremely clear.

26 **MS. EMILIE TAMAN:** M'hm.

27 **ACTING SUPT. MARCEL BEAUDIN:** And this and, yeah,
28 a hundred percent it would be horrible to be a citizen during

1 that time.

2 **MS. EMILIE TAMAN:** And in your view, based on the
3 information that you have, do you think that was a side effect
4 of what was happening, or it was a deliberate tactic?

5 **ACTING SUPT. MARCEL BEAUDIN:** I don't know.

6 **MS. EMILIE TAMAN:** You don't know.

7 **ACTING SUPT. MARCEL BEAUDIN:** I don't -- like, I
8 don't -- no, I can't speak on behalf of the protesters.

9 **MS. EMILIE TAMAN:** Sure, okay. So you talked
10 this morning about I think you described it as a continuum
11 analogous to a use of force continuum ---

12 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

13 **MS. EMILIE TAMAN:** --- between negotiation at the
14 one end, and if I understood you, tactical intervention on the
15 other. Is that ---

16 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

17 **MS. EMILIE TAMAN:** --- accurate?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

19 **MS. EMILIE TAMAN:** And you're trained to move
20 more towards the tactical intervention side when the
21 negotiations are no longer bearing fruit?

22 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

23 **MS. EMILIE TAMAN:** So when you're determining
24 whether and how quickly to move closer to that tactical end,
25 would you agree that ongoing harm to the community is a factor
26 that should be given significant weight?

27 **ACTING SUPT. MARCEL BEAUDIN:** Absolutely. I
28 think the issue here, right, so I think a lot of people probably

1 would have been able to move in quicker had they had the means
2 and the opportunity to do so. The issue was, is that in the
3 absence of the ability to have Public Order intervention, we
4 were left with options that would be miniscule in nature,
5 whether it's charging people with jerry can offences ---

6 **MS. EMILIE TAMAN:** M'hm.

7 **ACTING SUPT. MARCEL BEAUDIN:** --- or trying to
8 negotiate blocks of roads, negotiate different areas, so that
9 way there could be a tactical intervention that we had the
10 capacity to do.

11 **MS. EMILIE TAMAN:** Right. And do you think it's
12 fair to characterize fuel canisters downtown, where there are
13 open fires and fireworks being deployed as minor infractions?

14 **ACTING SUPT. MARCEL BEAUDIN:** No, I'm saying in
15 the grand scheme of things, I don't think charging someone with
16 a jerry can offence is going to open roads or get people to
17 leave.

18 **MS. EMILIE TAMAN:** Right. And in this context,
19 essentially, it's your view that, for whatever reason, be it
20 resources or otherwise, it was a bit of an either or ---

21 **ACTING SUPT. MARCEL BEAUDIN:** What's that ---

22 **MS. EMILIE TAMAN:** --- as between enforcement of
23 minor offences, as you said, and putting an end to the
24 occupation?

25 **ACTING SUPT. MARCEL BEAUDIN:** It was and either
26 or? No, no, no.

27 **MS. EMILIE TAMAN:** Let me rephrase my ---

28 **ACTING SUPT. MARCEL BEAUDIN:** Okay. Go ahead,

1 sir [sic].

2 **MS. EMILIE TAMAN:** If you're implementing the
3 national framework or the measured approach in a properly
4 resourced environment where you're able to do everything that
5 you want to do ---

6 **ACTING SUPT. MARCEL BEAUDIN:** M'hm.

7 **MS. EMILIE TAMAN:** --- in dealing with a
8 demonstration or occupation, would it be appropriate to deal
9 with both the minor infractions and bringing an end to the
10 negotiation -- or to the occupation, sorry?

11 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, yeah, for
12 sure. Like, so ideally, obviously, the protest would be lawful,
13 peaceful, safe; right?

14 **MS. EMILIE TAMAN:** Right.

15 **ACTING SUPT. MARCEL BEAUDIN:** If I had a wish
16 list, that would be one of my wishes for this; right? But
17 that's not the case, and so at the end of the day, like, there
18 was certain things that could be done by police, and obviously,
19 there's an Incident Commander that definitely oversees a lot
20 more than just PLT to take into consideration; right?

21 **MS. EMILIE TAMAN:** Okay. Thank you very much.
22 Those are my questions.

23 **ACTING SUPT. MARCEL BEAUDIN:** Okay. Thank you.

24 **COMMISSIONER ROULEAU:** Thank you. I'd like to
25 call on the JCCF and Democracy Fund.

26 **--- CROSS-EXAMINATION BY MR. HATIM KHEIR:**

27 **MR. HATIM KHEIR:** Good afternoon, Acting
28 Superintendent Beaudin. I'm Hatim Kheir. I represent the

1 Justice Centre for Constitutional Freedoms.

2 So am I correct in thinking that negotiation is
3 one of the tools that police have available to them when
4 responding to a demonstration of civil disobedience?

5 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

6 **MR. HATIM KHEIR:** And in fact, it's a tool that
7 police should be using and prioritising?

8 **ACTING SUPT. MARCEL BEAUDIN:** I believe in it,
9 yes.

10 **MR. HATIM KHEIR:** And you talked about a measured
11 approach, we've heard a lot about that today. You know,
12 helping me out from a civilian perspective, is it fair to say
13 that a measured approach is a strategy that leads with
14 negotiation and then escalates to enforcement as necessary?

15 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, hopefully
16 getting that compliance; right? Like obviously people want to
17 be heard, right, I think we've heard that a lot throughout this
18 incident, and ultimately if there is opportunities to have them
19 heard, while ensuring lawful, peaceful, safe protests that's
20 obviously what we're trying to achieve; right?

21 **MR. HATIM KHEIR:** And you agree that had a
22 measured approach been implemented the protest could've been
23 ended much sooner?

24 **ACTING SUPT. MARCEL BEAUDIN:** I do.

25 **MR. HATIM KHEIR:** And so we heard earlier about a
26 proposal where a meeting with federal politicians would be
27 offered, and then in exchange leaders would tell protesters to
28 leave and denounce unlawful behaviour; right?

1 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

2 **MR. HATIM KHEIR:** And this plan, if implemented,
3 do you think it could've reduced the footprint of the protest?

4 **ACTING SUPT. MARCEL BEAUDIN:** I think so, yeah.
5 I think people, like probably would have opt in there. Like I
6 talked to -- like I said before, I talked to Mike Acton, who I
7 believe and trust in his craft, and he had said with Tom
8 Marazzo, he thought 60 percent of people would be following Tom
9 Marazzo.

10 **MR. HATIM KHEIR:** And so placing that within the
11 larger strategic goals, reducing the footprint would then reduce
12 some of the challenges faced by officers undertaking enforcement
13 efforts?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

15 **MR. HATIM KHEIR:** And -- so then, therefore, it
16 would've reduced perhaps the need for the numbers of officers in
17 engaging in enforcement efforts?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

19 **MR. HATIM KHEIR:** And would you also agree that
20 it would've have reduced the need for enforcement itself to the
21 extent that each protester who leaves voluntarily is one less
22 protester who has to be taken away by force?

23 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, the more
24 people that end up leaving an unlawful, unpeaceful, unsafe
25 event, the better off it is for a police intervention.

26 **MR. HATIM KHEIR:** Sure. And you know, looking
27 back at what actually happened, would you agree that negotiation
28 was a tool that was actually underutilised in the response?

1 **ACTING SUPT. MARCEL BEAUDIN:** I thought there was
2 missed opportunities there. When I walked into rooms and there
3 was several PLT people sitting in a room, I felt they should --
4 I think I said this earlier, right, they should probably be out
5 speaking to people and trying to find the sentiment of on ground
6 conversations, what's going on, how do we manage people from
7 moving, getting out of different areas.

8 **MR. HATIM KHEIR:** And to the extent that
9 negotiations did actually take place, would you agree that they
10 were undermined by misguided enforcement efforts, for example,
11 the incident at Coventry Road?

12 **ACTING SUPT. MARCEL BEAUDIN:** Coventry Road we
13 definitely had a miscommunication issue, and in my professional
14 opinion I think, you know, had we have had some sort of
15 structure in place that probably would've been avoided. With
16 that being said, when I -- like so talk about Confederation
17 Park, you know, that was a negotiation that went extremely well
18 and people ended up leaving as a result of their respect for the
19 Algonquin Nation.

20 **MR. HATIM KHEIR:** And within this measured
21 approach strategy, part of the idea is that smaller concessions
22 are then the foundation to build up to larger concessions?

23 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like
24 hopefully; right? Like there's also the ability to ask for
25 large concessions right away; right? Like, "Hey, time to move
26 everyone here", or "time to for this to happen", or whatever.
27 Like there's -- yeah, there's opportunities for wins along the
28 way that are small for everyone, and then obviously it provides

1 you an opportunity to look at the outcome and the leadership and
2 the resolve of the group and who's willing to work and who's to
3 not, right, and who's defiant or whatever.

4 But ultimately, yeah, like the more opportunities
5 for engagement and testing that trust and building it, the
6 better off at the end.

7 **MR. HATIM KHEIR:** And would you agree that the
8 failure to properly engage with protesters, including some of
9 the missed opportunities you talk about, led to an unnecessarily
10 heavy-handed enforcement measures after the federal declaration
11 of emergency?

12 **ACTING SUPT. MARCEL BEAUDIN:** I think the -- like
13 when you look at how professional the officers were that did
14 Public Order, right, like no one was running in, I think that it
15 wasn't heavy-handed in any way. It was an ability to respond to
16 the numbers in front of them that actually were overwhelming,
17 right, as a result of the scope, the scale, size of the protest.
18 And when you look at it I don't think it was heavy-handed, I
19 think it was very professionally done from a policing tactical
20 perspective where you have very clear messaging before, very
21 clear messaging during. And I was a little bit disappointed in
22 a sense that that many people wanted to come out and intervene
23 with police when they're trying to clear streets knowing that
24 that was the outcome.

25 **MR. HATIM KHEIR:** And Commissioner, I see I'm out
26 of time. If I could just ask one more question?

27 **COMMISSIONER ROULEAU:** Yes, go ahead.

28 **MR. HATIM KHEIR:** Thank you.

1 But just in terms of those numbers of people that
2 were still there and willing to then face the police, you'd
3 agree that had negotiations up to that point be handled
4 differently that number could've been smaller and ---

5 **ACTING SUPT. MARCEL BEAUDIN:** It could've been
6 smaller, yes.

7 **MR. HATIM KHEIR:** --- that situation could've
8 been different?

9 **ACTING SUPT. MARCEL BEAUDIN:** It could've been,
10 yes.

11 **MR. HATIM KHEIR:** Okay. Thank you.

12 **COMMISSIONER ROULEAU:** Thank you.

13 I'd like to now call on the CCLA.

14 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

15 **MS. CARA ZWIBEL:** Good afternoon,
16 Superintendent Beaudin. I'm on Zoom. I don't know if you can -
17 - can you see me?

18 **ACTING SUPT. MARCEL BEAUDIN:** Yes, I can.

19 **MS. CARA ZWIBEL:** Okay. I just have a few
20 questions for you, and I only have five minutes to ask them, so
21 I will be brief.

22 Hi my name's -- I'm sorry. My name's Cara
23 Zwibel, I am counsel for the Canadian Civil Liberties
24 Association.

25 You mentioned in -- when you were being
26 questioned by Commission Counsel, you talked about the so-called
27 separation of church and state. So the interference, you know,
28 the concern about political interference. Can you just expand a

1 little bit about sort of the specific concerns that you have
2 around that?

3 **ACTING SUPT. MARCEL BEAUDIN:** So I didn't have
4 specific concerns about church and state. I think in the
5 document itself, Commissioner Lucki had concerns with the
6 appearance of the government directing police; right? And my
7 conversations with Deputy Minister Stewart, he did not direct me
8 in any way, he was not ---

9 **MS. CARA ZWIBEL:** Sorry. I'm sorry. My question
10 wasn't clear. I didn't mean political interference in this
11 instance, I mean generally what is the concern about the --
12 about political level individuals interfering in police
13 operations?

14 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, like,
15 obviously it just shouldn't happen. Like it looks like -- for
16 example, look at Ipperwash, right, and the issues that happened
17 there as a result of comments made by government to that point.

18 **MS. CARA ZWIBEL:** Okay, so there's a concern
19 about the politicisation of something that should be a matter
20 between police and community? Okay.

21 **ACTING SUPT. MARCEL BEAUDIN:** Yeah.

22 **MS. CARA ZWIBEL:** Now, you were asked about the
23 negotiations with the City of Ottawa. Did you have concerns
24 there that there was -- sorry, negotiations that the City of
25 Ottawa was engaged in with protesters, that, you know, there was
26 this potential deal to try and move some cars out of the
27 residential areas. Did you have concerns about political
28 involvement at that level?

1 **ACTING SUPT. MARCEL BEAUDIN:** I think they were
2 asked by OPS PLT I believe.

3 **MS. CARA ZWIBEL:** Okay. So it was in a sense ---

4 **ACTING SUPT. MARCEL BEAUDIN:** I believe. I think
5 it was ---

6 **MS. CARA ZWIBEL:** --- where the police ---

7 **ACTING SUPT. MARCEL BEAUDIN:** Yeah, I think it
8 was like, "Okay, like we aren't -- like we are in stuck position
9 here or a stalemate and how do we get some traction with
10 negotiation"; right?

11 **MS. CARA ZWIBEL:** Okay. And so I know we've
12 covered the correspondence that you had with the Deputy
13 Minister Stewart at the federal level. Did you have any contact
14 with provincial political officials or deputy ministers related
15 to negotiations with protesters or, you know, anything that
16 might be offered by a provincial government that could be seen
17 as a win for protesters?

18 **ACTING SUPT. MARCEL BEAUDIN:** I did not have any
19 conversations with anyone that would be a deputy minister or a
20 minister. I had a conversation at one point, I believe it was a
21 Friday night, around the Windsor Bridge, offering basically a
22 letter. Not exactly sure how that came to me, but I was invited
23 to a meeting. It was someone in the provincial government, and
24 they had ultimately asked for a letter to go out to the
25 protesters. And it was coordinated through Carrie Vanbeek, and
26 so an inspector in the OPP ---

27 **MS. CARA ZWIBEL:** Okay.

28 **ACTING SUPT. MARCEL BEAUDIN:** --- and ultimately

1 what that letter may look like, and then it went to the
2 protesters the day before or the night before the police action
3 or intervention in Windsor.

4 **MS. CARA ZWIBEL:** Okay. So there was some
5 provincial involvement in terms of the Windsor Ambassador Bridge
6 blockade, but nothing that you're aware with respect to the
7 situation in Ottawa?

8 **ACTING SUPT. MARCEL BEAUDIN:** Nothing that I was
9 aware of in the City of Ottawa, no.

10 **MS. CARA ZWIBEL:** Okay. Thank you so much.
11 Those are all my questions.

12 **ACTING SUPT. MARCEL BEAUDIN:** Thank you.

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

14 Next is the OPP.

15 **UNIDENTIFIED MALE SPEAKER:** On behalf of the OPP,
16 I have no questions.

17 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

18 **MR. ERIC BROUSSEAU:** None, Commissioner.

19 **COMMISSIONER ROULEAU:** None.

20 Okay. I just have one question, and you may not
21 be able to answer it, but you were involved in the, if I can
22 call it, the end piece when they ended the protest and police
23 involvement. And you were involved with the PLTs at that time?

24 **ACTING SUPT. MARCEL BEAUDIN:** Yes, sir.

25 **COMMISSIONER ROULEAU:** Was there any option
26 offered at that time for continued, lawful demonstration? In
27 other words, if people, and assuming there were demonstrators
28 who wanted to continue a lawful demonstration because their aims

1 had not been yet achieved, was there an option made available to
2 them somewhere, some way to do that?

3 **ACTING SUPT. MARCEL BEAUDIN:** I think during it,
4 sir, like there was opportunities every day for people to take
5 part in lawful and peaceful, safe demonstrations, and throughout
6 there was not people saying, "Okay, let's go and we're going to
7 go here." And so when people were leaving, right, so not
8 everyone got arrested; right? "Like you can go anywhere, but
9 you just can't be on the street here"; right? "So if you'd,
10 like, walk that way, go over there, whatever."

11 And if someone wanted to set up on a -- you know,
12 wherever, I'm sure there would potentially be an intervention or
13 whatever, or a conversation or whatever. But as long as it was
14 lawful, peaceful, safe, I don't really know if anyone would've
15 done anything about it.

16 But that being said, I understand that it was
17 such a dire need to clear and regain those streets that they
18 needed to return it to a state of normalcy.

19 **COMMISSIONER ROULEAU:** Yeah, I'm just trying to
20 understand, and I appreciate what you say about the ongoing, but
21 I'm -- and you may not know the answer. But as I understand
22 there was a, sort of a exclusion zone created ---

23 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

24 **COMMISSIONER ROULEAU:** --- and people couldn't go
25 in except certain individuals.

26 **ACTING SUPT. MARCEL BEAUDIN:** Yes.

27 **COMMISSIONER ROULEAU:** And what was the final
28 direction to people? Was it "you have to leave the zone"? I'm

1 talking about the final days when ---

2 **ACTING SUPT. MARCEL BEAUDIN:** Yes. So ---

3 **COMMISSIONER ROULEAU:** --- there was action. Was
4 it at that point there would be action, you had to leave the
5 zone, the protest was over, or was there an offer of something?

6 **ACTING SUPT. MARCEL BEAUDIN:** Yeah. It was
7 basically you had to leave the zone. So there were stronghold
8 areas, right, like areas where they were indefensible positions
9 where there was a variety of different trucks, cars, whatever
10 parked; right?

11 So the objective I believe for that day, and the
12 Public Order guys will probably be able to tell you more, was to
13 ensure that that was all cleared and take back that space and
14 return the city to a state of normalcy. There was no -- like I
15 don't know exactly where people were directed to go, but they
16 just couldn't be in those areas that were being cleared; right?

17 And so my concern for that day was minus 22, we
18 we're in a windstorm, and you know, from a humanitarian
19 perspective I was hoping that we had a warm bus for people to go
20 on to so that that way no one's freezing to death if they slip
21 around the corner; right? And so outside of that, I don't
22 exactly know what considerations were put into place other than
23 providing an egress route for people to leave.

24 **COMMISSIONER ROULEAU:** Okay. Thank you, that's
25 very helpful. Thank you for your testimony and for coming to
26 the Commission, and thank you for your work.

27 We're going to take the afternoon break. You're
28 free to go.

1 **ACTING SUPT. MARCEL BEAUDIN:** Thank you.

2 **COMMISSIONER ROULEAU:** And we'll take 15 minutes
3 and come back with I believe it's a new witness. Okay.

4 **THE REGISTRAR:** The Commission is in recess for
5 15 minutes. La Commission est levée pour 15 minutes.

6 --- Upon recessing at 4:05 p.m.

7 --- Upon resuming at 4:19 p.m.

8 **THE REGISTRAR:** The Commission is reconvened. La
9 Commission reprend.

10 **COMMISSIONER ROULEAU:** Okay, good afternoon. I
11 just -- I'm sorry to be coming back always sort of quickly. I
12 know everybody's trying to cooperate but we're -- obviously, we
13 all want to get out early so I'm trying as much as possible to
14 keep the schedule.

15 Okay, so we have a new witness.

16 **MR. FRANK AU:** Good afternoon, Commissioner.
17 It's Frank Au for the Commission. Our next witness is Supt.
18 Bernier from the Ottawa Police Service.

19 **UNIDENTIFIED SPEAKER:** If we could, perhaps, just
20 identify for the record that Supt. Bernier, as you can see, has
21 a few documents in front of him. It's just his scribe notes,
22 the Institution Report, and a clean copy of his witness
23 statement.

24 **THE REGISTRAR:** Supt. Bernier, will you swear on
25 a religious document or do you wish to affirm?

26 **SUPT. BERNIER:** I'll swear on the Bible, please.

27 --- SUPT. ROBERT BERNIER, Sworn:

28 --- EXAMINATION IN-CHIEF BY MR. FRANK AU:

1 **MR. FRANK AU:** Good afternoon, Superintendent
2 Bernier.

3 **SUPT. ROBERT BERNIER:** Good afternoon.

4 **MR. FRANK AU:** We met in August when you attended
5 an interview with the Commission?

6 **SUPT. ROBERT BERNIER:** That is correct.

7 **MR. FRANK AU:** And after the interview, we
8 prepared a summary of your interview, which you reviewed and
9 made some changes?

10 **SUPT. ROBERT BERNIER:** That's correct.

11 **MR. FRANK AU:** I'm showing you a copy of the
12 finalized version, WTS00000030. It'll show up on the screen.

13 So this is the document that you've reviewed and
14 approved. If you like, we can scroll down a little for you to
15 confirm.

16 **SUPT. ROBERT BERNIER:** Could you scroll down a
17 bit, please?

18 **MR. FRANK AU:** Yes.

19 **SUPT. ROBERT BERNIER:** If you can go back up? A
20 little bit more, please?

21 Okay. A little further down, please.

22 Some more down.

23 That's fine.

24 **MR. FRANK AU:** Is this the final version?

25 **SUPT. ROBERT BERNIER:** Yes.

26 **MR. FRANK AU:** And you adopted the contents of
27 this summary?

28 **SUPT. ROBERT BERNIER:** That is correct.

1 **MR. FRANK AU:** All right. Now let's start with
2 your policing background. I understand that you are a trained
3 Incident Commander?

4 **SUPT. ROBERT BERNIER:** That is correct.

5 **MR. FRANK AU:** You've attended training of
6 various levels of the Incident Command System?

7 **SUPT. ROBERT BERNIER:** That is correct.

8 **MR. FRANK AU:** Both in Canada and abroad?

9 **SUPT. ROBERT BERNIER:** Correct.

10 **MR. FRANK AU:** Tell us more about your training.

11 **SUPT. ROBERT BERNIER:** My initial training from a
12 commander standpoint started as a Public Order Commander through
13 the RCMP here in Canada, which further then I progressed into
14 initial incident Critical Incident Response Commander training.
15 That was at the Canadian Police College. I furthered my command
16 experience and training and certification in order management by
17 going to the UK, where I was certified as a bronze and silver
18 Commander. Continuing on, I took the next level of Incident
19 Command training with the OPP as a Critical Incident Commander,
20 and that was a four-week course. And that would be, in a
21 nutshell, the different levels of Command training that I've
22 received.

23 **MR. FRANK AU:** All right. Now you've served for
24 over 28 years with the Ottawa Police?

25 **SUPT. ROBERT BERNIER:** That is correct.

26 **MR. FRANK AU:** And during that time, you have
27 been responsible for many large-scale events. Could you tell us
28 about some of those?

1 **SUPT. ROBERT BERNIER:** I responded to the -- a
2 tragic death and shooting at the Cenotaph and subsequent
3 shooting in the Parliament Hill. I responded as a -- and took
4 over as an ad hoc Commander on the ground during that incident.
5 It was protracted throughout the day and quite complex. I have
6 also been involved with the North American Leadership Summit
7 that took place in the mid-2016 time period, whereas the Public
8 Order Commander and Planner for that event here in Ottawa.

9 I've also -- after being certified as a Critical
10 Incident Commander, I would be in a position of a Duty Inspector
11 in charge of police operations on duty police operations on the
12 road, which would result in me having to go take command of
13 critical incidents, could be armed barricaded person, hostage
14 taking, those type of thing. And I've -- over the period of
15 four years that I was a Duty Inspector responded to
16 approximately 48 critical incidents as a commander.

17 I subsequently as well upkeep my training by
18 attending Public Order training, tactical training, negotiator
19 training, scribe training on a yearly basis to stay current with
20 all the best practices and that interoperability with all the
21 assets that I would be commanding during those various events.

22 **MR. FRANK AU:** Now I understand that your role
23 during the Freedom Convoy event evolved over time in January and
24 February; am I correct?

25 **SUPT. ROBERT BERNIER:** That is correct.

26 **MR. FRANK AU:** So in mid-January, you were the
27 Inspector in charge of the Information Unit at the OPS?

28 **SUPT. ROBERT BERNIER:** At that time period, I was

1 the Inspector of the Communications Branch.

2 **MR. FRANK AU:** Right. Was that part of the
3 Information Directorate?

4 **SUPT. ROBERT BERNIER:** That is correct.

5 **MR. FRANK AU:** And then you became the Commander
6 in the Service Command Centre?

7 **SUPT. ROBERT BERNIER:** Into February I was asked
8 by Superintendent Drummond to go into the Service Command Centre
9 to support Inspector Debbie Palmer, who was overseeing the
10 Service Command Centre, and we jointly took that role of
11 overseeing that centre.

12 **MR. FRANK AU:** Now I'll be taking you through
13 those roles later on, but as an overview, I understand that on
14 the 10th of February, you became the Event Commander with the
15 responsibility and authority to oversee the operations that
16 ended the protest or occupation in Ottawa; am I correct?

17 **SUPT. ROBERT BERNIER:** That's correct.

18 **MR. FRANK AU:** So let's start with what you were
19 doing as the Inspector in charge of the Communications Unit.
20 What were your responsibilities back then?

21 **SUPT. ROBERT BERNIER:** I was responsible for the
22 Communications Centre, 9-1-1 Dispatch, the Police Reporting
23 Unit, as well as the Command Centre.

24 **MR. FRANK AU:** Was it during that time around
25 mid-January that you first came to know about Freedom Convoy?

26 **SUPT. ROBERT BERNIER:** Yes, during the -- on the
27 18th of January.

28 **MR. FRANK AU:** Tell us about the circumstances in

1 which you came to know about the convoy.

2 **SUPT. ROBERT BERNIER:** As the Administrative
3 Inspector overseeing the Command Centre, I periodically would go
4 onto various functions that they would do. And one of those
5 functions is every week, every Tuesday, they run an eight-week
6 demand for service outlook for events, demands for proactive
7 duties that police officers would need to do. There would be
8 internal stakeholders that would attend this meeting, and they
9 would ensure that the different demands are assigned, and
10 appropriate actions are taken for upcoming events.

11 **MR. FRANK AU:** So I want to ask you about this
12 meeting on the 18th of January. Who attended?

13 **SUPT. ROBERT BERNIER:** There were multiple
14 members, either from the Command Centre, from Special Events,
15 and in this particular case, the Duty Inspector, the Platoon
16 Inspector who would normally be responsible for that call was
17 tied up on a critical incident, so they were not present on
18 that.

19 **MR. FRANK AU:** Okay. So if we look at your
20 summary at the bottom of page 1, which is ---

21 **SUPT. ROBERT BERNIER:** Yes.

22 **MR. FRANK AU:** --- shown on the screen, there's
23 some names there that you provided to us during the interview.
24 Does that refresh your memory?

25 **SUPT. ROBERT BERNIER:** Absolutely. Would you
26 like me to read them out?

27 **MR. FRANK AU:** So this morning we heard from
28 Inspector Lucas. So was he there at this meeting?

1 **SUPT. ROBERT BERNIER:** Wouldn't be physically
2 there, but it was a ---

3 **MR. FRANK AU:** Right.

4 **SUPT. ROBERT BERNIER:** --- conference call.

5 **MR. FRANK AU:** He was in attendance ---

6 **SUPT. ROBERT BERNIER:** Yeah.

7 **MR. FRANK AU:** --- remotely. There's also
8 references to Staff Sergeant Kennedy, and we know from examining
9 Deputy Chief Ferguson that he was in her planning team.

10 **SUPT. ROBERT BERNIER:** Correct.

11 **MR. FRANK AU:** And then if we go to the next
12 page? Sean Kay, who was Sean Kay?

13 **SUPT. ROBERT BERNIER:** He would be part of the
14 Special Events Team.

15 **MR. FRANK AU:** Also reporting to Deputy Chief
16 Ferguson?

17 **SUPT. ROBERT BERNIER:** Through ---

18 **MR. FRANK AU:** Through ---

19 **SUPT. ROBERT BERNIER:** --- through multiple
20 ranks, yes.

21 **MR. FRANK AU:** That's right. So was there anyone
22 from the Intelligence Unit who attended that call?

23 **SUPT. ROBERT BERNIER:** There does not appear to
24 be.

25 **MR. FRANK AU:** And do you know why?

26 **SUPT. ROBERT BERNIER:** I do not know.

27 **MR. FRANK AU:** Okay. Now at that meeting, as we
28 know from this summary, at some point, you intervened, but

1 perhaps you can give us more about the context. What was
2 discussed during this meeting?

3 **SUPT. ROBERT BERNIER:** It takes a format where
4 there is a spreadsheet where there the Command Centre Sergeant
5 reads through the various events, ensures someone's assigned or
6 it's just assigned as situational awareness. There was one
7 element that was read off by the command centre sergeant, which
8 indicated trucker convoys were planning to be coming into Ottawa
9 to take over the Capital. And this was for situational
10 awareness.

11 As the command centre sergeant moved on to the
12 next item, I requested that he go back to the previous item and
13 ask a couple of questions.

14 **MR. FRANK AU:** Now, you said that there was
15 information that the truckers were coming to take over the
16 Capital. I want to show you a document OPS00014928. I think
17 we'll see that the title of this document says, "Command Centre
18 Eight-Week DFSS Review."

19 And I'm going to ask you what that means.

20 **SUPT. ROBERT BERNIER:** DFS is the Demand for
21 Service and review of the Demands for Service coming up in the
22 next eight weeks.

23 **MR. FRANK AU:** Oh. Okay. Is there a way for us
24 to rotate it?

25 Okay. So that's what this document is. If we go
26 to page 5, please?

27 So at the top of page 5 -- can we zoom in,
28 please? Do you see the reference "Intel from Alberta Sherriff's

1 Department"?

2 Can we go -- make it bigger, the section under
3 "background", so to the right? Sorry, scroll down. That's
4 right.

5 So intel from Alberta Sherriff's Department.
6 Some truckers planning to slow traffic on Canadian highways."

7 Some of the messaging relates to attending Ottawa
8 by January 31st to shut down the Capital, special events
9 monitoring. Is that what you were referring to?

10 **SUPT. ROBERT BERNIER:** That is correct.

11 **MR. FRANK AU:** So what did you do as a result of
12 listening to this information?

13 **SUPT. ROBERT BERNIER:** Normally, it would be the
14 duty inspector who would be on the call who would be making this
15 call to -- or make an inquiry, but I requested that the command
16 centre ensure that the intelligence unit was aware of this.
17 Special events need to be speaking with the intel unit as things
18 were to evolve. Given this was, perhaps, anywhere from 20 plus
19 days away, it would be prudent to get a line of sight as to
20 start making decisions and perhaps planning, if required, for
21 this event, and that to ensure that all the platoon duty
22 inspectors were aware of this even that was potentially coming.

23 **MR. FRANK AU:** Now, if we go back to the -- your
24 summary, WTS00000030, did you talk to anyone else after this
25 meeting?

26 **SUPT. ROBERT BERNIER:** If I may refer to ---

27 **MR. FRANK AU:** Yes.

28 **SUPT. ROBERT BERNIER:** After that meeting, no.

1 **MR. FRANK AU:** Okay. So let's take a look at the
2 summary. During the meeting, you ---

3 **UNIDENTIFIED SPEAKER:** I'm so sorry, to my
4 friend. Might we just know what the witness is referring to
5 when the witness is referring to something from the stack that
6 he has? If that was the witness statement, that's fine. If it
7 was the scribe notes, could we know that?

8 When the witness just refreshed his recollection,
9 Mr. Commissioner, he looked at something. I just wouldn't mind
10 knowing what that is.

11 **COMMISSIONER ROULEAU:** Yeah.

12 **UNIDENTIFIED SPEAKER:** Thank you.

13 **SUPT. ROBERT BERNIER:** I have an actual hard copy
14 of what's up, and my apologies. I'll try to refer to the screen
15 and ask for the screen version.

16 **COMMISSIONER ROULEAU:** Yeah. You can look at
17 your own based on what are told you have, but just say, "I'm
18 looking at my notes," so that it's clear for the parties, okay?

19 **SUPT. ROBERT BERNIER:** Yes, sir.

20 **MR. FRANK AU:** So if I could take you to this
21 passage here, the second paragraph on page 2:

22 "During the call, the presenter stated
23 that the Freedom Convoy was travelling
24 across Canada."

25 And then if we go to the fourth line:

26 "Bernier intervened and stressed that
27 OPS needed to start preparing for the
28 Freedom Convoy and making decisions

1 now. He asked that the OPS
2 Intelligence Directorate knew about the
3 -- what the OPS Intelligence
4 Directorate knew about the Freedom
5 Convoy, stated that the Intelligence
6 Directorate and a Special Events team
7 needed to become engaged in planning
8 for the Freedom Convoy."

9 Does that refresh your memory?

10 **SUPT. ROBERT BERNIER:** Yes.

11 **MR. FRANK AU:** So now, we looked -- we saw from
12 an earlier document that Sergeant Kennedy was at this meeting.
13 Are you aware of any actions that Kennedy took after this
14 meeting?

15 **SUPT. ROBERT BERNIER:** I would leave it in the
16 hands of the people who were on the call and the command centre
17 to follow up with the direction as well. It would be now in the
18 hands of the people who take care of those duties.

19 **MR. FRANK AU:** Okay. Now, at some point, I
20 understand that you came to learn about what's called "Hendon
21 Reports".

22 **SUPT. ROBERT BERNIER:** Yes, sir.

23 **MR. FRANK AU:** When did you first learn about the
24 Hendon Reports?

25 **SUPT. ROBERT BERNIER:** January 27th.

26 **MR. FRANK AU:** And how did you come to know about
27 them?

28 **SUPT. ROBERT BERNIER:** The first time I attended

1 a Hendon conference call and then further received the Hendon
2 Report.

3 **MR. FRANK AU:** And did you read the report dated
4 January 27th?

5 **SUPT. ROBERT BERNIER:** I did.

6 **MR. FRANK AU:** What was your reaction upon
7 reading that report?

8 **SUPT. ROBERT BERNIER:** It was the first time that
9 I had seen such a report. It's quite comprehensive with input
10 from -- and I'm combining a bit of the two, because I attended
11 the Hendon call first and then had the ability to see the
12 report. There's a lot of people from officer law enforcement
13 agencies from across the country who would be feeding into this
14 report.

15 **MR. FRANK AU:** I want to take you to the Hendon
16 Report now, the 27th, which you said you read, OPP00001331. Is
17 that the report you read?

18 **SUPT. ROBERT BERNIER:** It appears to be, yes.

19 **MR. FRANK AU:** Now, in your summary -- in the
20 interview you attended, you told us that you became concerned
21 after reading this report, that the Freedom Convoy could cause
22 serious disorder in the city. Specifically, you observed that
23 the Hendon Reports indicated that protestors were planning to
24 stay in Ottawa until their demands were met.

25 Was there anything else in this report that
26 caused you concern?

27 **SUPT. ROBERT BERNIER:** It's the totality of the
28 report. There's various elements that it was very -- like I

1 mentioned, this is the first time that I ever saw such a thing
2 as a Hendon Report, and around demonstrations, usually, we would
3 not get such a comprehensive report regarding demonstrations.
4 So the information that was contained in here is -- was
5 something that was relatively new to me, and caused me to be
6 concerned.

7 **MR. FRANK AU:** Okay. If we go back now to the
8 summary, WTS00000030, can we go to page 3, please?

9 If we go down to the paragraph starting with,
10 "Superintendent Bernier was not surprised."

11 Now, you told us that when the convoy ultimately
12 arrived, you were not surprised by the number, and that was not
13 only because of what you read in the Hendon Report, but what you
14 also knew about farmers clearing out massive tracts of parking
15 space.

16 Could you tell us more about that?

17 **SUPT. ROBERT BERNIER:** So obviously, the
18 information that was contained in the Hendon Report, although
19 the numbers were not necessarily fully clear and fully
20 determined, the large number of vehicles that arrived was not a
21 surprise.

22 I had the opportunity to be informed that there
23 were farmer fields that had been cleared out in Vars, in which
24 case I notified at the time -- and this is in the week of the
25 24th at some particular time. I don't have the exact date that
26 large areas, farm fields, were being cleared out.

27 **MR. FRANK AU:** Now, did you talk to Inspector
28 Lucas on the 27th?

1 **SUPT. ROBERT BERNIER:** It would have been in the
2 week of the 24th, so on or about the 27th.

3 **MR. FRANK AU:** So let me show you a document,
4 OPS00003410.

5 So this is a chain of email. If we go to the
6 bottom.

7 Okay. So maybe up a bit to the text.

8 So we start at -- as an email from Michael
9 Cudrasov to Steven Williams. Who is Steven Williams?

10 **SUPT. ROBERT BERNIER:** Steven Williams is an
11 officer that works in the Command Centre.

12 **MR. FRANK AU:** Okay. If we go up.

13 Following a request -- so this is an email now
14 from Steven Williams to Russ Lucas and you as well as replying
15 to Louis Carvelho -- sorry, not replying, but included in the
16 recipients:

17 "Hi. Following a request to confirm
18 that land was being cleared to allow
19 trucks from the Freedom Trucks Convoy to
20 park up near Ottawa, I asked Cst. Alden
21 to check 37 zone for this and he sent
22 the below information and photographs."

23 So when we were -- further down below, we saw
24 some photographs.

25 "I submit this for your information and
26 detention as required."

27 If we go up -- oh, that's the top. Okay.

28 So can you tell us about this?

1 **SUPT. ROBERT BERNIER:** Absolutely.

2 So there were various notifications that were
3 made, and the Command Centre was also to support to be able to
4 coordinate some officers to validate and verify where exactly
5 the farm fields were cleared.

6 **MR. FRANK AU:** And so this was on -- this email's
7 dated January the 27th.

8 Did you speak to anyone else about your concerns
9 after reading the Hendon Report?

10 **SUPT. ROBERT BERNIER:** I did in passing by. And
11 once again, I have to say it's probably in or about -- on or
12 about the 27th where I had, in passing by, a conversation with
13 Inspector Lucas.

14 **MR. FRANK AU:** No. I mean in addition to Lucas.
15 Anyone else?

16 **SUPT. ROBERT BERNIER:** Yes, with Superintendent
17 Drummond.

18 **MR. FRANK AU:** When was that; do you remember?

19 **SUPT. ROBERT BERNIER:** It would have been on the
20 27th.

21 **MR. FRANK AU:** And what his role at that time?

22 **SUPT. ROBERT BERNIER:** He -- I was reporting to
23 Superintendent Drummond as the Superintendent of the Information
24 Directorate.

25 **MR. FRANK AU:** What was the nature of your
26 conversation with him?

27 **SUPT. ROBERT BERNIER:** Obviously, the concern
28 that -- the context of my concern is that -- was for our service

1 for what we might be faced with in the very near future. It
2 would be concerning for our service and that, obviously, of
3 concern for our teams that have to be prepared for that.

4 **MR. FRANK AU:** How did he respond?

5 **SUPT. ROBERT BERNIER:** He seemed to share the
6 concern.

7 **MR. FRANK AU:** Okay. Now, did you eventually
8 receive the plan, any kind of operational plan or traffic plan
9 before the arrival of the convoy?

10 **SUPT. ROBERT BERNIER:** I'm not 100 percent sure
11 whether it was before because I believe they arrived slightly
12 earlier, but it was on the 28th that I did receive one of the
13 first plans that I received on that day on the 28th of January.

14 **MR. FRANK AU:** Okay. Yeah.

15 So you received a plan on the 28th?

16 **SUPT. ROBERT BERNIER:** Correct.

17 **MR. FRANK AU:** Let me show you the document and
18 see if that is the plan you received. OPP00004262.

19 So that's the title page.

20 If we go down, you see that it was prepared by
21 Sergeant Sean Key on the 28th of January. Was that the document
22 you received?

23 **SUPT. ROBERT BERNIER:** I don't believe this is
24 the first document that I received.

25 **MR. FRANK AU:** Okay. Let me show you another
26 one, then.

27 But did you, at some point, receive this?

28 **SUPT. ROBERT BERNIER:** I did.

1 **MR. FRANK AU:** Do you remember when?

2 **SUPT. ROBERT BERNIER:** It would have been into
3 the evening hours of the 28th. I did not see it till I woke up
4 in the morning.

5 As the Inspector for the Communications Branch,
6 when they send me this document I want to make sure that the
7 units that I'm responsible for and may require it for
8 operational reasons receive it, so that's the Comm Centre,
9 Communication Centre, as well as the Command Centre.

10 **MR. FRANK AU:** so let me show you another
11 document and see if that's the first document you received.
12 OPP00004261.

13 **SUPT. ROBERT BERNIER:** From the cover page,
14 without seeing the full content, this appears to be the first
15 plan that I would have received.

16 **MR. FRANK AU:** Okay. So when did you receive
17 this first plan?

18 **SUPT. ROBERT BERNIER:** It would have been later
19 in the day on -- on the 28th.

20 **MR. FRANK AU:** And what was your -- how did you
21 react when you first saw this plan? Did you read it?

22 **SUPT. ROBERT BERNIER:** I reviewed it as -- to see
23 if there was any implications to any of my sections or my cell.
24 And it appeared to be a traffic plan, what I would refer to as a
25 traffic plan.

26 **MR. FRANK AU:** And were you expecting a traffic
27 plan at that time?

28 **SUPT. ROBERT BERNIER:** It is not uncommon that as

1 part of various events that there would be a traffic plan that
2 would be accompanying a more overarching plan.

3 **MR. FRANK AU:** Okay. So that was the first plan
4 you received, and it was a traffic plan.

5 Were you expecting something else?

6 **SUPT. ROBERT BERNIER:** I didn't know at that
7 time. I did make an inquiry with Superintendent Drummond if
8 there was another plan that would be coming. He did not know at
9 that time.

10 **MR. FRANK AU:** Then what happened?

11 **SUPT. ROBERT BERNIER:** I forwarded this plan to
12 the Comm Centre and to the Command Centre so that they have
13 awareness of this plan.

14 **MR. FRANK AU:** And how did you come to receive
15 the earlier document that we showed you?

16 **SUPT. ROBERT BERNIER:** As I mentioned, that came
17 later in the evening, in which case I was asleep when it came
18 in. But as soon as I woke up in the morning, around 6:00 a.m.,
19 I realized that there was now another plan from the Special
20 Events Section that was more of an overarching plan for the
21 event.

22 **MR. FRANK AU:** Okay. So if I could take you to
23 the second document that you received, the one that was dated
24 January the 28th. The document number, again, is OPP00004262.

25 If I could take you to the Threat Assessment
26 section.

27 So when you read the document -- which I believe
28 you said was the next morning after it was sent to you?

1 **SUPT. ROBERT BERNIER:** That's correct.

2 **MR. FRANK AU:** Did you have an opportunity to
3 read this part?

4 **SUPT. ROBERT BERNIER:** Yes.

5 **MR. FRANK AU:** And what was your assessment of
6 this?

7 **SUPT. ROBERT BERNIER:** It is a standard section
8 that you would find in one of our operational plans consistent
9 with what would be there as part of the threat assessment from
10 our Intelligence Unit.

11 **MR. FRANK AU:** And did you have any concern?

12 **SUPT. ROBERT BERNIER:** The concern was that
13 having, a day before, viewed the Hendon Report, which was an
14 information intelligence report containing a lot of detail,
15 there didn't seem to be elements of the Hendon information as
16 part of the threat, or more so, risk assessment.

17 **MR. FRANK AU:** Now, if I could take you back to
18 your interview summary?

19 By now, Mr. Clerk, we know the number well.

20 And I want to take you to page 4 of your summary.

21 So page 4, in the two paragraphs that we see here
22 on the screen, you describe what you just told us about the
23 sequence of events and how you came to receive these two plans;
24 right?

25 **SUPT. ROBERT BERNIER:** Correct.

26 **MR. FRANK AU:** If we scroll back up?

27 And so there's also reference to your
28 conversation with Supt. Drummond on the 27th. I want to ask you

1 something that you told us during the interview. On the 27th,
2 when you spoke to Supt. Drummond, you told him that there seemed
3 to be a bizarre disconnect between the intelligence contained in
4 Project Hendon Reports and the OPS preparations. What did you
5 mean by that? The bizarre disconnect?

6 **SUPT. ROBERT BERNIER:** So on the 27th, I
7 participated in a conference call with the Hendon group, which
8 was something I've done for the first time. That has never been
9 part of my experience in the years of policing. It was quite an
10 interesting experience being -- having the collaboration of
11 intelligence to that magnitude and the sharing of that
12 information.

13 Second of all, having received the Hendon Report,
14 which was a comprehensive intel or information report specific
15 to what we were -- might be facing in Ottawa.

16 And finally, there was a Teams meeting between
17 Intelligence, Special Events, and the Information Directorate,
18 myself, and Supt. Drummond were invited to attend to listen to.
19 So that all took place on the 27th.

20 And there -- when there was -- that's an
21 overwhelming amount of information for myself. There seemed to
22 be a lot more than we often get regarding these events. So
23 that's where that notation of a bizarre disconnect is that there
24 seems to be so much of this intelligence going around. How is
25 it going to tie in to our planning?

26 **MR. FRANK AU:** So if I -- we scroll down the page
27 to the last paragraph on this page, around the middle there, do
28 you see:

1 "Superintendent Bernier was concerned that
2 the plan appeared to be planning for a
3 two-day event because the Project Hendon
4 reports indicated that protestors were
5 indenting to stay until their demands were
6 met."

7 **SUPT. ROBERT BERNIER:** Right.

8 **MR. FRANK AU:** Could you explain your concerns?

9 **SUPT. ROBERT BERNIER:** At the point, and not
10 being privy to all the planning from the planning team, as that
11 is not the section that I'm working in. And perhaps other plans
12 that may exist. That was the sentiment that I had at that time
13 as to the what-if.

14 **MR. FRANK AU:** When you read the plans, both
15 documents that you've received on the 28th and that you read on
16 the 29th, did you see any contingency planning?

17 **SUPT. ROBERT BERNIER:** So I didn't actually see
18 contingency plans, but there was indication that plans existed.

19 **MR. FRANK AU:** What were those indications?

20 **SUPT. ROBERT BERNIER:** Appendix plans that would
21 be attached to the overarching plan.

22 **MR. FRANK AU:** Were they actually attached?

23 **SUPT. ROBERT BERNIER:** I did not see them.

24 **MR. FRANK AU:** So when you said indications, do
25 you mean, like, the index or the table of contents referring to
26 the existence of those plans?

27 **SUPT. ROBERT BERNIER:** Correct.

28 **MR. FRANK AU:** Okay. Let's move on to -- well,

1 so you got these on -- you read them on the 29th. And that would
2 have been a Sunday; right? Sorry, a Saturday?

3 **SUPT. ROBERT BERNIER:** Correct.

4 **MR. FRANK AU:** And you said you were looking at
5 the documents with a view to determining whether there was any
6 references to you or your role?

7 **SUPT. ROBERT BERNIER:** Correct.

8 **MR. FRANK AU:** Why did you do that?

9 **SUPT. ROBERT BERNIER:** It's good practice to do
10 that, to make sure that there wasn't any requirements from
11 either myself or any of our sections.

12 **MR. FRANK AU:** And was there a role for you?

13 **SUPT. ROBERT BERNIER:** No.

14 **MR. FRANK AU:** Then what did you do?

15 **SUPT. ROBERT BERNIER:** I was off for that
16 weekend. I did have plans for the weekend.

17 **MR. FRANK AU:** What were your plans?

18 **SUPT. ROBERT BERNIER:** I was skiing.

19 **MR. FRANK AU:** Okay. Did you go skiing?

20 **SUPT. ROBERT BERNIER:** I did.

21 **MR. FRANK AU:** I wouldn't ask you how the skiing
22 went, but when did you come back?

23 **SUPT. ROBERT BERNIER:** The Monday.

24 **MR. FRANK AU:** And what did you find when you
25 came back on Monday?

26 **SUPT. ROBERT BERNIER:** At this point, the convoys
27 that did arrive in town, although some may have left, there was
28 a large quantity that had remained on the footprint, Wellington

1 and the cross streets.

2 **MR. FRANK AU:** So at this time when you were the
3 inspector, who were you reporting to?

4 **SUPT. ROBERT BERNIER:** Supt. Drummond.

5 **MR. FRANK AU:** What, if anything, did you say to
6 him when you came back on the 31st?

7 **SUPT. ROBERT BERNIER:** I offered if there's
8 anything I can do to help.

9 **MR. FRANK AU:** And?

10 **SUPT. ROBERT BERNIER:** There wasn't a need for me
11 at that time.

12 **MR. FRANK AU:** So now on the 31st, did you ask
13 again?

14 **SUPT. ROBERT BERNIER:** Sorry, all subsequent -- I
15 came back on the 1st, I believe, is the date ---

16 **MR. FRANK AU:** Oh, sorry.

17 **SUPT. ROBERT BERNIER:** --- I came back.

18 **MR. FRANK AU:** So the first would have been --
19 was that a Tuesday?

20 **SUPT. ROBERT BERNIER:** Tuesday. Yes.

21 **MR. FRANK AU:** Okay. So you came back on the 1st
22 and you asked if there was a role for you and he said no?

23 **SUPT. ROBERT BERNIER:** Correct.

24 **MR. FRANK AU:** So you just carried on your
25 regular work?

26 **SUPT. ROBERT BERNIER:** My apologies. I did come
27 back on the Monday. So the 31st there was a conversation, as
28 well as the 1st, which was the Tuesday.

1 **MR. FRANK AU:** Okay. And did he give you the
2 same answer both times?

3 **SUPT. ROBERT BERNIER:** That's correct.

4 **MR. FRANK AU:** So you asked on the 31st and the
5 1st. what about the 2nd?

6 **SUPT. ROBERT BERNIER:** Yes. Same.

7 **MR. FRANK AU:** You asked again?

8 **SUPT. ROBERT BERNIER:** Yeah.

9 **MR. FRANK AU:** And you got ---

10 **SUPT. ROBERT BERNIER:** As I'm reporting for duty,
11 ---

12 **MR. FRANK AU:** Right.

13 **SUPT. ROBERT BERNIER:** --- "Is there anything
14 that you require me to do with the event that's going on?"

15 **MR. FRANK AU:** Were you eventually asked to do
16 something?

17 **SUPT. ROBERT BERNIER:** Yes, I was.

18 **MR. FRANK AU:** When was that?

19 **SUPT. ROBERT BERNIER:** On the 3rd.

20 **MR. FRANK AU:** And what was the ask?

21 **SUPT. ROBERT BERNIER:** The ask was for me to
22 attend the Service Command Centre to support Insp. Debbie
23 Palmer, who was overseeing that Centre.

24 **MR. FRANK AU:** So that's your new role during
25 this convoy period that you told us a little bit about. Let's
26 talk about the Service Command Centre. What is it?

27 **SUPT. ROBERT BERNIER:** The Service Command Centre
28 is more so of a support centre that supports the organization

1 when we're dealing with extraordinary circumstances, such as a
2 big event that has either become protracted, and that we -- it
3 supports the event, but also supports the rest of the business
4 continuity of the organization to ensure that we maintain
5 policing in the rest of Ottawa.

6 **MR. FRANK AU:** So what was your role going to be
7 now that you're assigned to the Service Command Centre?

8 **SUPT. ROBERT BERNIER:** Insp. Palmer had been
9 working very long hours. They had been having to -- they're
10 faced with challenges of staffing the continued event that
11 protracted for days beyond the actual event. And she needed
12 some relief. So at the start, we both worked together so that I
13 would have some time to get familiar with what was happening in
14 there. And my role was to support her at the onset, with the
15 expectation that we would be able to spell off and have a little
16 bit better sustainability and able to get some rest.

17 **MR. FRANK AU:** Right. Now, I understand through
18 the interview we had with you before, that while you were at the
19 Service Command Centre, you took a number of steps to try to
20 improve the organizational response. And we can see those at
21 the next page, but can you tell us what some of those steps
22 were?

23 So we can go back to the top of the page. Yeah.
24 No, sorry, the top of page 6. Yeah.

25 You can also tell us from your memory what you
26 did.

27 **SUPT. ROBERT BERNIER:** Certainly. To put into
28 context, though, the Service Command Centre, the various

1 functions that it takes care of, is it has a team of staffing
2 officers, it will have a team of logistics officers, a team of
3 planners, a finance element, a team of briefers briefing --
4 people who would brief resources going out on deployment.

5 When I arrived, and this is by no fault of
6 anybody. Their main focus was staffing, trying to staff a
7 relatively large-scale event that was continuing on a 24-hour
8 basis. That was their biggest challenge.

9 So I started to implement some -- as a new, fresh
10 person into the -- to that position, adopted some structure into
11 their staffing and started breaking off people to work
12 specifically on logistics, people that specifically are going to
13 be focusing on if there's plans that are going to be required as
14 well as bringing in a finance officer. Due to the magnitude of
15 various expenditures that we were going to be facing, it was
16 time to bring a finance officer in to support and track that
17 element.

18 **MR. FRANK AU:** All right. If we scroll down to
19 the next paragraph, so the -- the end of the first sentence
20 starts:

21 "When he arrived, there were numerous
22 plans in circulation, but many of them
23 were not signed and it was unclear which
24 had been approved. There were also
25 delays in locating plans due to the lack
26 of a filing system. Supt. Bernier
27 observed that the Event Commanders were
28 not aware of what plans the SCC..."

1 Is that Service Command Centre, SCC?

2 **SUPT. ROBERT BERNIER:** Service Command Centre,
3 yes.

4 **MR. FRANK AU:** Some lawyers would know that as
5 the Supreme Court of Canada.

6 "...Bernier was not aware of what plans
7 SCC had prepared. He noted that during
8 Supt. Patterson's service as Event
9 Commander, he was based at..."

10 And then you went on and talked about the
11 different locations.

12 But let me ask you about these plans. When you
13 referred to the numerous plans, what kind of plans were you
14 talking about?

15 **SUPT. ROBERT BERNIER:** There was a request and,
16 in that position, I would report to the Event Commander. And at
17 the time when I first came in, there was Superintendent Rheaume,
18 who was the Event Commander.

19 There was a transition through that period where
20 it went to Superintendent Dunlop and then, finally, the point
21 that I'm talking about with regards to the plans, I was
22 reporting to Superintendent Mark Patterson, who is coming to the
23 Service Command Centre to request what plans exist.

24 So as in my role, I tasked the planning team to
25 find what plans are in existence and that had been approved.
26 Because we have a new Event Commander, it would be prudent to be
27 able to get them all together to present to the Event Commander
28 for review. But I also noticed that there seemed to be a lot of

1 plans. It was time to implement a File Coordinator to be able
2 to manage that -- the intake of the plans, the delivery to the
3 Event Commander and the filing of it so that we'd have a
4 structured filing system.

5 **MR. FRANK AU:** Right. So since we're talking
6 about plans, I want to take you to the next page of the summary,
7 the third paragraph where you said:

8 "Supt. Bernier stated that he was not
9 aware of any overall operational plan
10 with various supporting plans between
11 February 3rd and February 10th."

12 What did you mean by that?

13 First of all, what's the overall plan and what
14 are the various supporting plans that you had in mind?

15 **SUPT. ROBERT BERNIER:** So the initial plans that
16 we received was specific to the event on the weekend. I was not
17 aware of any other plan that was developed that would now take
18 us into the next phase, if I could call that, that now they are
19 remaining and not leaving.

20 There was no overall plan in place on, if I could
21 use the term, end the occupation of that -- of the protestors in
22 that area.

23 **MR. FRANK AU:** Okay. And you spoke earlier about
24 the changing Event Commanders, so I want to take you to another
25 document, OPS00007898.

26 I believe these are scribe notes, your scribe
27 notes, but you can confirm whether that is the case.

28 Are these scribe notes?

1 **SUPT. ROBERT BERNIER:** Yes.

2 **MR. FRANK AU:** What are scribe notes?

3 **SUPT. ROBERT BERNIER:** So generally speaking, it
4 is best practice and I'm going to say actually critical to when
5 you're in a command position that you have a scribe, which is a
6 person who's trained to be a specific scribe, for an Incident
7 Commander, whose responsibility is to keep your notes.

8 The scribe notes, although written by another
9 person, are the Incident Commander's personal notes. It allows
10 the Incident Commander to have decision-making information,
11 whether we have to do an assessment through an NRA process, is
12 it necessary, risk-effective, acceptable, that it could be all
13 captured.

14 Very difficult as an Incident Commander to be
15 doing all of that and being able to write it down. It creates
16 effectiveness and efficiency in being an Incident Commander.

17 **MR. FRANK AU:** So we'll be referring a fair bit
18 to these scribe notes. And just to understand the format, there
19 are two columns reporting names and on the left is the -- is who
20 gave the information; right?

21 **SUPT. ROBERT BERNIER:** Right.

22 **MR. FRANK AU:** If it's a conversation, it's the
23 one speaking, I assume, and then the next column is who is
24 receiving the information.

25 So on this page, we see that the date is February
26 7th. By this time, who was the Event Commander?

27 **SUPT. ROBERT BERNIER:** Mark -- Superintendent
28 Patterson.

1 **MR. FRANK AU:** Okay. So if we go to the next
2 page.

3 Do you see the reference at 10 o'clock, "Creating
4 new command model"?

5 What is that about?

6 **SUPT. ROBERT BERNIER:** So as the Event Commander,
7 at this particular stage in his involvement, he wanted to adopt
8 a new -- a command structure under him.

9 **MR. FRANK AU:** Okay. And then if we go down
10 further, there are references to "Strategic operational
11 technical levels need to be managed".

12 Was there some discussion about the command
13 structure employed previously and what the OPS wanted to move
14 to?

15 **SUPT. ROBERT BERNIER:** You would have to speak to
16 Superintendent Patterson to understand what he was doing at that
17 time.

18 My role at this time was not involving command of
19 the event.

20 **MR. FRANK AU:** I see. Okay. So -- now, we saw
21 earlier your statement that between the period of February 3rd
22 and February 10th, there was no overall operational plan.

23 Were you aware of any attempt to create such a
24 plan during this period between the 3rd and the 10th?

25 **SUPT. ROBERT BERNIER:** At the tail end, I was
26 privy to being -- participate on a Teams meeting with the
27 Executive where there was some direction from the Chief to
28 develop an overarching plan.

1 **MR. FRANK AU:** So do you recall what date that
2 took place?

3 **SUPT. ROBERT BERNIER:** That would have been the
4 9th, I believe.

5 **MR. FRANK AU:** Okay. Let me take you to a
6 document and see if that refreshes your memory. OPS00008420.

7 And I'm going to take you to page 6.

8 So if we go down to 1530, is this -- okay. So do
9 you see the reference:

10 "D/C Ferguson expressed plans to create
11 an 8 point plan and SMEAC based on
12 Chief's comments to media and command
13 and present this SMEAC tonight to
14 outside agencies."

15 So a couple of things.

16 Sorry. Did we look at the date?

17 Maybe we scroll back up a bit to ---

18 **SUPT. ROBERT BERNIER:** The 8th.

19 **MR. FRANK AU:** So now, when you refer to an
20 attempt to create something like an overall plan, was this the
21 date when the meeting took place?

22 **SUPT. ROBERT BERNIER:** I would need to read
23 through, if I could, a little bit ---

24 **MR. FRANK AU:** Of course.

25 **SUPT. ROBERT BERNIER:** --- further.

26 **MR. FRANK AU:** But before we do that ---

27 **SUPT. ROBERT BERNIER:** Yes.

28 **MR. FRANK AU:** --- we a notation that Incident

1 Commander, I/C, stands for Bernier; right?

2 **SUPT. ROBERT BERNIER:** These are standard
3 Incident Command scribe sheets ---

4 **MR. FRANK AU:** Yeah.

5 **SUPT. ROBERT BERNIER:** --- so I was not the
6 Incident Commander for the event.

7 **MR. FRANK AU:** Right. But just so we understand,
8 when we read the notation in these notes, when we read ---

9 **SUPT. ROBERT BERNIER:** Correct.

10 **MR. FRANK AU:** --- "I/C", can we take that as a
11 reference to things that you said?

12 **SUPT. ROBERT BERNIER:** That's correct.

13 **MR. FRANK AU:** Okay. So if we go back down to
14 1530, take a look at the contents.

15 **SUPT. ROBERT BERNIER:** So this was a phone call
16 between myself and Deputy Ferguson.

17 **MR. FRANK AU:** Tell us about that phone call.

18 **SUPT. ROBERT BERNIER:** If I can just review to
19 fresh my -- so, at this particular point, she was calling to
20 look to have a plan made up. And my recommendation to the
21 Deputy -- Deputy Ferguson, who at this point would be the
22 strategic commander, I recommended that she go through Supt.
23 Patterson, who was the event commander, and they should have
24 that discussion, and then the event commander could provide the
25 direction for making up that plan through the service command
26 centre.

27 **MR. FRANK AU:** Right. Just to put this in
28 context, we have heard from Deputy Chief Ferguson that February

1 8th was also the day when the Integrated Planning Group arrived
2 in Ottawa, and they had a meeting that day and the following
3 day. And so here there's a reference to an "eight-point plan",
4 right? Now, there's also the work SMEAC; what does that mean?

5 **SUPT. ROBERT BERNIER:** That is a term that's used
6 in both planning and plan writing. SMEAC stands for Situation,
7 Mission, Execution, Administration, Command and control.

8 **MR. FRANK AU:** So these notes suggest that Deputy
9 Chief Ferguson wanted to create this eight-point plan and it was
10 based on the Chief's comments, right ---

11 **SUPT. ROBERT BERNIER:** Correct.

12 **MR. FRANK AU:** --- with a view to presenting it
13 to the outside agencies. Why did you recommend something else?

14 **SUPT. ROBERT BERNIER:** It was not necessarily
15 recommending something else; it was recommending that this
16 request should be coming from an operational command level, that
17 if that was requested, that conversation should be going to the
18 operational commander who will figure out the "how to do it".

19 **MR. FRANK AU:** So just so we understand, was she
20 asking you to do something at this time?

21 **SUPT. ROBERT BERNIER:** That was the impression
22 from the phone call that she was going directly to me to attempt
23 to get a plan written with her comments that outside agencies
24 that are wanting to come and help us need to see this plan.

25 **MR. FRANK AU:** And you redirected her to the
26 event commander, who was Patterson at the time?

27 **SUPT. ROBERT BERNIER:** Reason being, it's best
28 that the strategic and the operational level are aligned.

1 **MR. FRANK AU:** Why were you so concerned about
2 who should be developing the plan? And I take it it's your view
3 that Patterson was -- the operational commander should be doing
4 that?

5 **SUPT. ROBERT BERNIER:** So the request for the
6 plan should be coming from the event commander.

7 **MR. FRANK AU:** Okay.

8 **SUPT. ROBERT BERNIER:** All I was trying to do is
9 ensure that the proper flow of discussion from the strategic
10 level to the operational level takes place and then, from the
11 event commander at the operational, will come to my support
12 element to deliver what the event commander requires.

13 **MR. FRANK AU:** Was that something you learned
14 from all those incident command training, that this is what was
15 supposed to happen?

16 **SUPT. ROBERT BERNIER:** That is correct.

17 **MR. FRANK AU:** And did they teach you as to why
18 would have been important?

19 **SUPT. ROBERT BERNIER:** It's an understanding of
20 what the difference is between strategic, operational, and
21 tactical. Strategic establishes what needs -- in the simplest
22 terms, what needs to be done. The operational level determines
23 how it's done. And the tactical level does it.

24 **MR. FRANK AU:** Right. Okay. Let's go to the
25 next document. Actually, staying at the same document, let's go
26 down a few pages to page 9. And if we go to the time, 19:03, do
27 you see the notation:

28 "Met with big 12 commanders. They're

1 asking for our plans, asking what the
2 plan is to use these resources in
3 Ottawa."

4 And then we continue to the next page:

5 "OPS Chief went public asking for 1790.
6 Commanders need plan for Phase 3.
7 Commanders asked why 1790. Where will
8 they be deployed? What are they
9 expected to do?"

10 Tell us your understanding, what this was
11 referring to.

12 **SUPT. ROBERT BERNIER:** This is very common,
13 especially when you're dealing with large-scale event, multi-
14 agency response. When the requests are made for services of
15 another agency to come and support, whether it be the Ottawa
16 Police Service, there should be a plan that outlines exactly how
17 many of what type of resources you need to somewhat justify ho
18 is going to go and why they're going to be there.

19 **MR. FRANK AU:** There are many questions here.
20 Were these your questions or questions that others put to you?
21 Like, "Where will they be deployed? What are they expected to
22 do?"; who's asking these questions?

23 **SUPT. ROBERT BERNIER:** This was -- could you
24 scroll back up, please? So this Supt. Patterson that's speaking
25 to me -- or in the group to the group of us with what is -- he's
26 explained what he's learned. So I would imagine that following
27 my conversation with Deputy Ferguson, she has had now a
28 conversation with the event commander, and now the event

1 commander's coming to make the ask.

2 **MR. FRANK AU:** So they're asking for a plan. Was
3 there a plan in existence at that time to show them?

4 **SUPT. ROBERT BERNIER:** If we go back -- this is
5 what date again?

6 **MR. FRANK AU:** This is the eighth.

7 **SUPT. ROBERT BERNIER:** This is the eighth? There
8 would not be one that I would be familiar with except for the
9 original plan for the weekend event.

10 **MR. FRANK AU:** Okay. Now I'm going to take you
11 to another plan, OPP00001889. This is something that -- this is
12 a document that we've shown to other witnesses and we've been
13 calling it "The February 9th Plan." Let's zoom out and take a
14 look at the cover. Sorry. Sorry, go back up to the title. It
15 says, "Version 3.0". Are you familiar with this document?

16 **SUPT. ROBERT BERNIER:** I'm familiar that it
17 exists, yes.

18 **MR. FRANK AU:** So tell us more about it.

19 **SUPT. ROBERT BERNIER:** As I mentioned, there was
20 various direction given that a plan needed to be developed that
21 was an overarching plan that was going to support the numbers
22 that were required from the ask from the Chief, as well that was
23 going to align with what he publicly announced as being his
24 "eight-point plan" to resolve the situation. There were people
25 who were requested to attend our central station at 474 Elgin
26 where they were to work on and develop a plan.

27 **MR. FRANK AU:** Okay. I want to take you to the
28 Mission Statement, which is Section 2.1. I believe it's page 6.

1 Take a look at the mission statement:

2 "To end the unlawful elements of the
3 Ottawa Truck Demonstration and restore
4 safe and open neighbourhoods and
5 businesses."

6 When you eventually became event commander on the
7 10th, I understand that you rewrote the mission statement; am I
8 right?

9 **SUPT. ROBERT BERNIER:** That's correct.

10 **MR. FRANK AU:** So what is your view about the
11 adequacy of this Mission Statement?

12 **SUPT. ROBERT BERNIER:** It is a Mission Statement
13 and the purpose of a Mission Statement is to give clear
14 direction to everyone who is going to be engaged on this, and
15 every activity or action that they do need to align with the
16 Mission Statement. It -- there are -- they are -- it is
17 supposed to be short and concise. It is short and concise. It
18 would not be a Mission Statement that I would write.

19 **MR. FRANK AU:** Why not?

20 **SUPT. ROBERT BERNIER:** There would be elements in
21 there that I would want to make sure that are very clear, as you
22 will find in the Mission Statement that I wrote.

23 **MR. FRANK AU:** Okay. What -- apart from the
24 Mission Statement, what else, if anything, in your view, was
25 missing from this plan?

26 **SUPT. ROBERT BERNIER:** Could you please scroll
27 down a bit so I can just kind of review again?

28 **MR. FRANK AU:** Yes.

1 Did you prepare an organizational chart that went
2 into this plan?

3 **SUPT. ROBERT BERNIER:** I did.

4 **MR. FRANK AU:** Okay:

5 "It also included tables listing the
6 numbers required for maintenance
7 staffing, enhanced staffing, and
8 interdiction and enforcement staffing."

9 So are these things that you have provided input
10 into as they were organizing this plan?

11 **SUPT. ROBERT BERNIER:** I did not personally but
12 there were certain staffing elements based on our experience in
13 the Service Command Centre doing the staffing for the various
14 support elements, the maintenance elements, whether it be these
15 static points or Quick Response Team elements, that they were in
16 a good position to provide to the group that was developing this
17 plan, numbers for that.

18 **MR. FRANK AU:** All right. It goes on:

19 "Superintendent Bernier and his SCC team supplied these numbers
20 in response to a request for how many officers OPS required to
21 maintain its response to the Freedom
22 Convoy on a 24-hour basis.

23 Superintendent Bernier [maintained his
24 response -- sorry] indicated that the
25 tables in the February 9 Plan did not
26 include a tactical support element, and
27 that it was unclear to him whether
28 there was a mass arrest and processing

1 plan."

2 What's a "Tactical support element"?

3 **SUPT. ROBERT BERNIER:** They're -- it would be
4 more -- better to say all the specialized elements that you
5 would need. So in a public order operation you need Public
6 Order Units, you need Tactical Team supports, perhaps a CBRNE
7 team, which CBRNE stands for Chemical Biological Radiological
8 Nuclear Explosive Unit, which would make up all the true numbers
9 that you would need for a significant operation of this
10 magnitude.

11 **MR. FRANK AU:** So you told us earlier that
12 between the 3rd and the 10th you were not aware of any overall
13 plan, and since you received this on the 9th, did you consider
14 this to be an adequate overall plan?

15 **SUPT. ROBERT BERNIER:** So this was being
16 developed, and I don't know what time I received it at and at
17 what point it was actually completed. This is, I would say,
18 moving in the direction and an overall plan.

19 I would like to go back to the plan again to,
20 once again, look at what elements were still missing in it,
21 because in the execution piece, that would be telling me whether
22 there was an actual plan on how they were going to carry out the
23 removal of the occupation.

24 **MR. FRANK AU:** Did you not review this plan ---

25 **SUPT. ROBERT BERNIER:** Yes.

26 **MR. FRANK AU:** --- in preparation for this?

27 **SUPT. ROBERT BERNIER:** I would like to, if I
28 could, please review it.

1 **MR. FRANK AU:** Let's do that.

2 Mr. Clerk, do you still have the number? Thank
3 you.

4 (SHORT PAUSE)

5 **SUPT. ROBERT BERNIER:** So if you can scroll down,
6 please? If we can go to the execution?

7 (SHORT PAUSE)

8 **SUPT. ROBERT BERNIER:** Please scroll down.

9 (SHORT PAUSE)

10 **SUPT. ROBERT BERNIER:** Please scroll down, next
11 page. Again to 3.2. Three point three (3.3). The next point,
12 please.

13 A lot of this information in this is really more
14 of a situational element versus how you were going to execute
15 the plan. So if you were to ask me about whether this is an
16 overall plan, there are missing elements. We talked about
17 appendix plans or additional plans to support the overarching
18 plan. At this point there would be requirements for multiple
19 public order plans, arrest, detention, processing plans, what's
20 the PLT plan that's going to be -- when I say PLT, Police
21 Liaison Team plan. There's a lot of elements that would be
22 required to be, say, on the 9th we're ready to go with something.

23 **MR. FRANK AU:** Okay. Let me ask you, then, if we
24 go back to the witness summary, what is the impact on the OPS
25 response to the convoy event, because these elements that you
26 are now telling us were missing from this plan; what's the
27 consequences?

28 If we go to page 7, during the interview you told

1 us -- so, sorry; go up a little bit.

2 So this paragraph that starts:

3 "Superintendent Bernier also observed
4 that, in the absence of an overall
5 plan, OPS prioritized low-level
6 enforcement activities such as
7 ticketing and fuel seizures during this
8 period."

9 First of all, just to be clear, "This period"
10 does it refer to the earlier paragraph as between the 3rd and the
11 10th?

12 **SUPT. ROBERT BERNIER:** That's correct.

13 **MR. FRANK AU:** So here you said the OPS lacked an
14 overall plan and was prioritizing these other things. Was that
15 an accurate description of what happened during this period?

16 **SUPT. ROBERT BERNIER:** That, amongst other
17 smaller operations that were being attempted or tried to be
18 planned for, but the overarching was the ticketing, seizure of
19 gas, and various levels of enforcement.

20 **MR. FRANK AU:** Okay. So let me ask you first
21 about ticketing, because there is at least -- there seems --
22 there is at least a perception that the OPS did not encourage
23 ticketing because of concern about volatility and so on. So how
24 much ticketing was actually going on during this period?

25 **SUPT. ROBERT BERNIER:** In my role at that time,
26 that was not in my purview. That would be within Insp. Russ
27 Lucas, Supt. Patterson to be monitoring and tracking that. But
28 I knew, based on our conference calls in our updates that there

1 was a focus on that. I'm not aware of whether they were having
2 issues at the tactical level of what you just explained.

3 **MR. FRANK AU:** And what other kinds of
4 enforcement activities did you have in mind when you made that
5 comment?

6 **SUPT. ROBERT BERNIER:** Whether it be the bylaw,
7 honking, the open fires, maybe liquor consumption, which is all
8 more so either in the municipal or provincial offences.

9 **MR. FRANK AU:** So if we go down that paragraph:
10 "He characterized OPS's focus on
11 enforcement and messaging about
12 enforcement as an emotional response to
13 public sentiment that OPS was not doing
14 enough to address community concerns.
15 He noted that he felt the enforcement
16 messaging was counter-productive
17 because the public realized that
18 enforcement efforts were not causing
19 the protestors to leave."

20 Can you explain what you meant?

21 **SUPT. ROBERT BERNIER:** Pretty much what I --
22 what's outlined there is that our strict messaging that we were
23 putting out was surrounding how many tickets, what enforcement
24 measures were being done. Unfortunately, from day to day, that
25 was not showing the community that it was resolving the issue.
26 That's somewhat my sentiment on that.

27 And then when was it going to be enough? How
28 many tickets do we have to lay? How much enforcement do we have

1 to do that will actually result in them going out, leaving? And
2 at this point, it seemed very apparent that day after day after
3 day of enforcement, albeit that you're seeing it may be limited,
4 it was not having the desired effect.

5 **MR. FRANK AU:** All right. So if I can move now
6 to a different document, OPS00008850? So can we go down -- I'm
7 not sure if this is the right document. Let me check again.

8 Let me preface this next line of questioning with
9 this. In terms of enforcement efforts, we've heard from other
10 witnesses including Deputy Chief Bell yesterday that some of the
11 things that happened during this period included what was done
12 at Coventry Road. Are you familiar with what happened at
13 Coventry around this time?

14 **SUPT. ROBERT BERNIER:** Generally. In my role at
15 that time, I was not involved in tactical level command, public
16 order command, or event command. My role was still as that
17 support element within the Service Command Centre.

18 **MR. FRANK AU:** So I believe this is your notes or
19 the scribe notes, OPS00007898. I believe the date is February
20 7, at page 1, if we go to line 41. That's right.

21 Do you see information from Bernier to Patterson,
22 information from NCRCC, "POU are planning on attending
23 Coventry."

24 What was that about?

25 **SUPT. ROBERT BERNIER:** So they're at -- as you
26 can see, the scribe was coming in at the -- while I was
27 participating on a conference call, so information must have
28 been received that I received on that conference call that

1 public were -- are planning on reattending Coventry.

2 **MR. FRANK AU:** Let's go down, I guess, to the
3 next page. Can we go further down and see what's there at
4 11:05?

5 Moments.

6 Okay. Let's move to another area. Can we go to
7 your summary at -- sorry? Okay. Let's try again. OPS00008858,
8 okay. Page 2. Now, at 11:05, do you see a reference to
9 "Patterson has decided that --- "

10 Can we enlarge it?

11 "Patterson has decided that Coventry is to be
12 emptied out."

13 And then if we go down to 11:16, "Patterson did
14 not know that info, that OPS directed them to go to Coventry."

15 Do you remember what this was about?

16 **SUPT. ROBERT BERNIER:** Sorry, which line are you
17 referring to?

18 **MR. FRANK AU:** So 11:16.

19 **SUPT. ROBERT BERNIER:** Yes.

20 **MR. FRANK AU:** And then you go down, there was
21 information from Patterson, right, that starts with, "Did not
22 know that info."

23 **SUPT. ROBERT BERNIER:** I'm not quite sure.

24 **MR. FRANK AU:** Okay. Do you know something about
25 the Rideau Sussex operation?

26 **SUPT. ROBERT BERNIER:** Yes, I'm familiar with
27 that as well, of the similar nature, because at the time, my
28 role was not at the tactical or operational level command. I

1 was a support element in the same fashion.

2 **MR. FRANK AU:** Can we go the witness summary at
3 page 10, please?

4 So it says here:

5 "On February the 7th, after 4:00 p.m.,
6 Superintendent Patterson informed
7 Superintendent Bernier that OPS was
8 planning to use POU officers to clear
9 the Rideau Sussex intersection."

10 Do you remember having that conversation?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MR. FRANK AU:** And what was your involvement at
13 that time, if any?

14 **SUPT. ROBERT BERNIER:** The request came from the
15 event commander to me that he was going to require various plans
16 in order to affect this. Although I would not have any
17 involvement with the public order plan, that's taking place
18 elsewhere, there was a request to develop an arrest traffic and
19 towing plans for that specific operation.

20 **MR. FRANK AU:** Were you involved in requesting a
21 traffic plan?

22 **SUPT. ROBERT BERNIER:** Yes.

23 **MR. FRANK AU:** Let's go to OPS00008575. So if we
24 go down -- I believe this is an email you sent to Denis Hull.
25 Who is Denis Hull?

26 **SUPT. ROBERT BERNIER:** Denis Hull worked in the
27 traffic as Staff Sergeant for the traffic enforcement section.

28 **MR. FRANK AU:** So what was your request to Denis?

1 **SUPT. ROBERT BERNIER:**

2 "As per our discussion tonight, I have
3 two requests in relation to potentially
4 planned operations set for later this
5 week. Could you please assign a
6 sergeant to work with Andy Jasiak for a
7 "Removal of Vehicle plan"?

8 That would be similar to like what we would refer
9 to as a tow plan.

10 "This is time sensitive. Your team
11 will need to liaise with Kevin Kennedy
12 who has started something on this but
13 will be the planner[s] for...POU..."

14 So what I'm trying to do is get all the different
15 groups that are trying to make a plan for this operation at
16 least talking to each other.

17 **MR. FRANK AU:** Okay.

18 **SUPT. ROBERT BERNIER:** And then the second
19 request is to develop a traffic plan in order to, whether it be
20 close down streets to support the Public Order plan.

21 **MR. FRANK AU:** What did you think of the
22 Rideau/Sussex operation at the time?

23 **SUPT. ROBERT BERNIER:** At this point, I would not
24 be fully privy to all the discussions from the strategic level
25 and at the Event Commander level. It would be hard for me to
26 make a judgement on that not knowing what their -- what the
27 strategic direction was, and what the -- how they were going to
28 do it and what the intended outcome was going to be.

1 **MR. FRANK AU:** Well, in the witness summary you
2 stated that the contemplated Rideau/Sussex operation was a
3 typical example of the lack of proper structure, command and
4 control that characterised OPS Operations up until February the
5 10th. Do you still -- are you still of that opinion?

6 **SUPT. ROBERT BERNIER:** So when you're asking
7 about at this particular time in the event, that was my answer
8 to the specific event. If you're talking about the various
9 situations that we saw, whether it be the Coventry Road
10 operation, the multiple attempts at Rideau/Sussex, and somewhat,
11 not necessarily a wholesome approach with all key internal
12 stakeholders for all these plans, that's what I was referring to
13 in my statement. It was a totality of the circumstances, not
14 the specific event.

15 **MR. FRANK AU:** Explain the totality to us,
16 please.

17 **SUPT. ROBERT BERNIER:** I believe that's what I
18 was talking about. How I was saying all the different events
19 that were going on, whether it be the -- we have to enforce, we
20 have to ticket on one level, coming, perhaps, from executive
21 level; and then various -- and I cannot speak to where the
22 directions being given, where I would imagine I would -- that
23 from a strategic level that something -- actions needed to be
24 taken either at Coventry or Rideau/Sussex from either the
25 Strategic or the Event commander, where they were not all
26 aligning and it did not appear as if it was going to have a
27 successful overall resolution to having this end.

28 There is risks with implementing various plans

1 without knowing the cause and effect.

2 **MR. FRANK AU:** I'd like to talk to you next about
3 the kind of communication within the OPS at the time, as well as
4 communications between OPS and its external partners. Starting
5 first with internal communications. What do you remember of the
6 kind of communications challenges or successes around this time?

7 **SUPT. ROBERT BERNIER:** So communication happens
8 on multiple levels, and if we're talking about communication at
9 briefings to ensure that everyone is aware of what's going on
10 and what's expected of them, we were working very hard at trying
11 to get that right because there was different groups of officers
12 with getting different information.

13 We have to be realistic in this. This was a
14 unprecedented situation that we were in, and everyone was doing
15 their best to try and do what we needed to do. So it's not
16 laying blame or fault, it's just those were some real challenges
17 that we were experiencing. There were so many things that
18 needed to be thought about and implemented.

19 There was also a communication piece internally
20 to our members in general as to what's happening, and that was
21 something that we heard very loud and clear that there wasn't a
22 lot of internal messaging within the organisation to understand
23 what we were trying to do, what's the objectives, what do we
24 need from our members.

25 **MR. FRANK AU:** Let me take you to your summary
26 and see if that's something that you said at the interview
27 reflects what you just told us.

28 If we go to page 12. The very last sentence:

1 "He stated that they were demoralized
2 because they were not informed..."

3 Can we go -- carry on:

4 "...they were not informed that there
5 was an overall plan and were not
6 provided clear instructions, such as
7 instructions concerning their authority
8 to seize fuel and what to do with
9 seized fuel. He stated that members in
10 the OPS had limited knowledge on what
11 was going on, [and] what was happening
12 next, or who was in charge or who was
13 in charge."

14 Is that accurate?

15 **SUPT. ROBERT BERNIER:** Yes.

16 **MR. FRANK AU:** Does that relate to what you were
17 just telling us?

18 **SUPT. ROBERT BERNIER:** Yes.

19 **MR. FRANK AU:** Now, you went on to say:

20 "He had been informed that Chief Sloly
21 confused members by going down to the
22 OPS parade room and telling members to
23 get out onto the streets to deal with
24 problems. Superintendent Bernier
25 observed that many of OPS officers were
26 attempting to do the right thing and
27 come up with solutions, but that they
28 may not have had the proper background

1 and training to do what was needed."

2 Well first of all, you said you had been
3 informed. Who informed you about what you said about Mr. Sloly?

4 **SUPT. ROBERT BERNIER:** Word does get around in
5 the organisation. So that is something that I had heard that
6 had transpired.

7 **MR. FRANK AU:** You don't remember who was the
8 person -- who was the ---

9 **SUPT. ROBERT BERNIER:** Sorry, I don't.

10 **MR. FRANK AU:** And what was the context, do you
11 remember, in which this -- like what's the parade room?

12 **SUPT. ROBERT BERNIER:** So every division, we have
13 three divisions with the Ottawa Police, every division and
14 station within the division has something called the "parade
15 room" where officers are briefed at the start of every shift and
16 given their instructions for the shift, what they'll be assigned
17 to, and any taskings that they have.

18 **MR. FRANK AU:** What about communications between
19 the OPS and its external partners?

20 **SUPT. ROBERT BERNIER:** I cannot speak to that.
21 I'm not -- I don't know what communication was happening
22 externally. I don't have any particular access to that
23 information.

24 **MR. FRANK AU:** Can we go to page 6 of the
25 interview summary?

26 Do you see the paragraph under OPS Use of RCMP
27 and OPP Officers?

28 "Superintendent Bernier observed that

1 between February 3 and 10, OPS was
2 using RCMP and OPP officers to relieve
3 OPS officers who were exhausted, and
4 not as part of a plan to end the
5 occupation. He stated that he was
6 aware that OPP officers were often not
7 receiving instructions or assignments
8 from OPS during this period."

9 Was that an example of a communication issue?

10 **SUPT. ROBERT BERNIER:** So -- yeah. There was a
11 bit of a breakdown, and that's something that we had to adjust
12 even within my purview. That we -- the Service Command Centre
13 in liaising with whatever agency was coming in, as part of that
14 briefing element, that was something that we had to -- we
15 recognised and had to adjust to ensure...

16 Once again, this is quite extraordinary
17 circumstances where we had officers coming from maybe a handful
18 of officers from various municipal services, we had OPP officers
19 who were going to different locations, we had RCMP officers who
20 were briefing out of another location. So it took us quite a
21 while to get that coordinated piece to ensure that the messaging
22 that they were getting was consistent for all officers that were
23 being deployed. It unfortunately was a reality at the early
24 onset of this, and we made every effort to correct that.

25 **MR. FRANK AU:** Right. So up to now we've been
26 talking about events before you were appointed Event Commander,
27 and that happened on the 10th; am I right?

28 **SUPT. ROBERT BERNIER:** Correct.

1 **MR. FRANK AU:** So ---

2 **SUPT. ROBERT BERNIER:** In the evening.

3 **MR. FRANK AU:** So you told us during the
4 interview that there was a condition to your acceptance of this
5 appointment. Can you tell us about that?

6 **SUPT. ROBERT BERNIER:** Yes. The one condition is
7 that I wanted to have some separation between myself and the
8 Chief and to just be directly liaising with my -- the Strategic
9 Commander.

10 **MR. FRANK AU:** Why did you make that a condition
11 of your acceptance of this appointment?

12 **SUPT. ROBERT BERNIER:** Through observation and
13 experience that I had been seeing throughout, some challenges
14 with both at the tactical level, and the operational, the event-
15 commander level, that the -- albeit intending to try and resolve
16 the situation, it was causing a breakdown of the incident
17 command structure. I wanted to ensure that I was going to go
18 into a model that was going to respect the incident-command
19 model that I've trained under, that I know, that I recognize,
20 and tried, tested, and true.

21 **MR. FRANK AU:** So you referred to "observations
22 and experiences". Tell us more about those observations and
23 experiences that caused you concern.

24 **SUPT. ROBERT BERNIER:** So throughout the period
25 in my involvement in the Service Command Centre, I was able to
26 be privy to various conference calls, different direction being
27 given where there was the involvement of the chief in a very
28 operational level and even to the point of tactical-level

1 directing, which somewhat caused challenges within that
2 incident-command model.

3 **MR. FRANK AU:** Can you give us any examples?

4 **SUPT. ROBERT BERNIER:** Redirecting groups of
5 officers to do particular taskings such as in the community
6 enforcement teams, redirecting traffic officers to do something
7 different. These are -- once I said -- I tried to explain the
8 difference between the strategic, operational, and tactical.
9 The event commander's role is to ensure that the entirety of the
10 plan or the entirety of the operation is somewhat all in
11 cohesion and working in an effective way. If there's different
12 people who are drawing different things or assigning different
13 things, it will cause the rest of the operation to go off the
14 balance. So that's somewhat what I'm referring to.

15 **MR. FRANK AU:** So with whom did you discuss your
16 concerns?

17 **SUPT. ROBERT BERNIER:** Deputy Ferguson.

18 **MR. FRANK AU:** Was she the one who approached you
19 to be the event commander?

20 **SUPT. ROBERT BERNIER:** She did.

21 **MR. FRANK AU:** When did that conversation took
22 place?

23 **SUPT. ROBERT BERNIER:** In the afternoon of
24 February -- I'm trying to think -- February 10th.

25 **MR. FRANK AU:** Okay. So she came to you and
26 asked you to be the event commander, and you said what?

27 **SUPT. ROBERT BERNIER:** I had -- I asked to think
28 about it and I just wanted to ensure that I was going to be in

1 the right mindset and that I'm prepared to do this. I didn't
2 want to hastily jump into something if I was not prepared so I
3 had to quickly do a self-check and ensure that I was ready to do
4 this because I understood the magnitude and the complexity of
5 what I was embarking on, but I advised her that I would do it.

6 **MR. FRANK AU:** So when did you reply to her?

7 **SUPT. ROBERT BERNIER:** Later on in the afternoon.

8 **MR. FRANK AU:** And did you get any assurances
9 from her about your concerns?

10 **SUPT. ROBERT BERNIER:** Yes. And I also made a
11 couple of other requests from her as well.

12 **MR. FRANK AU:** What other request?

13 **SUPT. ROBERT BERNIER:** One of the requests that I
14 wanted to have is that, given the -- as I mentioned, the
15 complexity and magnitude, I wanted to have a deputy event
16 commander working with me given the -- what I knew was going to
17 be needed to get us out the other end. In which case, I
18 requested a specific person.

19 **MR. FRANK AU:** Who was that?

20 **SUPT. ROBERT BERNIER:** Insp. Dave Springer.

21 **MR. FRANK AU:** Why him?

22 **SUPT. ROBERT BERNIER:** He's from the OPP. He is
23 a major critical incident commander that I know, have worked
24 with before. He was actually one of my instructors for the
25 Critical Incident Command course in Orillia, the OPP, and I knew
26 that I would be able to have a valuable support element with
27 Insp. Springer.

28 **MR. FRANK AU:** What did Deputy Chief Ferguson

1 say?

2 **SUPT. ROBERT BERNIER:** She said she would ask to
3 see if that would be possible?

4 **MR. FRANK AU:** Any other request from you?

5 **SUPT. ROBERT BERNIER:** Yes, that I would need to
6 some autonomy with regards to decision-making and implementing
7 plans, and that to trust me that I was going to find the
8 solution and lead us out the other end of this.

9 **MR. FRANK AU:** What did she say?

10 **SUPT. ROBERT BERNIER:** She said she'll do he best
11 to provide with what I needed.

12 **MR. FRANK AU:** So there were quite a few
13 conditions that you made. Any others?

14 **SUPT. ROBERT BERNIER:** They're conditions but I
15 really did want to line this up for success. I did see that
16 we'd gone through multiple event commanders and I just did not
17 want this to be the next one.

18 **MR. FRANK AU:** M'hm. So before you were
19 appointed event commander, I suppose you made these
20 observations, and did you make any attempt to correct anything
21 that you saw problematic during the earlier period?

22 **SUPT. ROBERT BERNIER:** It's somewhat difficult to
23 do that. I would offer any advice or recommendation, no
24 different than as we reviewed in the scribe notes; when the
25 deputy was asking me for something, I tried to realign that to
26 follow the proper channels so that the right people are informed
27 and making the decisions and making those requests. There were
28 odds and ends that I would have provided recommendations but, at

1 the end of the day, to not undermine the autonomy and authority
2 of the various levels of command. We respect that ---

3 **MR. FRANK AU:** M'hm.

4 **SUPT. ROBERT BERNIER:** --- and allow them to do
5 what they feel is what's needed.

6 **MR. FRANK AU:** And did you feel sufficiently
7 assured by Deputy Chief Ferguson to take on the job?

8 **SUPT. ROBERT BERNIER:** Yes.

9 **MR. FRANK AU:** So when did you accept the
10 appointment? Did you accept it on the same day?

11 **SUPT. ROBERT BERNIER:** That's correct, on the 10th
12 in the late afternoon. That was with Deputy Ferguson.

13 **MR. FRANK AU:** And what became your immediate
14 priorities?

15 **SUPT. ROBERT BERNIER:** So what I requested was
16 that I needed to take some time the following day -- I needed to
17 get some rest and then take some time the next day with -- if I
18 was able to get Insp. Springer, I would need some time with him
19 to sit down, evaluate everything that we had and re-establish a
20 Mission Statement, a main action plan, objectives, and a command
21 structure.

22 **MR. FRANK AU:** Okay. So let me take you to the
23 scribe notes again, OPS00010050. So we go first to page 3.
24 Now, you see the part where it says:

25 "Also expressed concern about taking on
26 that role..."

27 And then it goes on and talks about some of the
28 concerns you just told us about, right?

1 If we go further down to page 4, the next page,
2 you advise her that you:

3 "... would consider taking this on but
4 would need to discuss rest period,
5 assign a proper command/control model."

6 So you told us about the command/control model.
7 What about the rest period?

8 **SUPT. ROBERT BERNIER:** I did go home and I did
9 sleep that evening -- that night, and came back in the next
10 morning. So I got some rest that night.

11 **MR. FRANK AU:** All right. And then further down:
12 "...as well as building a proper team."

13 Is that what you talked about?

14 **SUPT. ROBERT BERNIER:** That is correct, so
15 establishing that command and control, I had a vision as to how
16 I would want to set up an Integrated Command Table team and who
17 I would need around it, and I wanted to discuss a little bit
18 more wholesome with Insp. Springer to ensure that I was not
19 missing anything or get his input as well to this as we were
20 going to be a team moving into this.

21 **MR. FRANK AU:** Right.

22 **SUPT. ROBERT BERNIER:** So it may be -- I wonder
23 if it's earlier on the page. You talked to us about wanting
24 some distance between yourself and the former chief, the Former
25 Chief Sloly. How was that concern in particular addressed?

26 **MR. FRANK AU:** I requested -- at this particular
27 time, I requested that Deputy Chief Ferguson be the go-between.

28 **SUPT. ROBERT BERNIER:** Okay.

1 **MR. FRANK AU:** And that would be appropriate. If
2 she's the strategic commander, the Chief would be dealing with
3 the strategic commander for any of his wishes or direction and
4 it's up to the strategic commander then to filter to the event
5 command level, the operational level, as to what is needed to be
6 done.

7 And when I'm saying what, it's a very high level.
8 What are the high-level objectives.

9 **MR. FRANK AU:** And so you started by saying "At
10 this time" that she was the go-between.

11 **SUPT. ROBERT BERNIER:** Correct.

12 **MR. FRANK AU:** Did that change at some point?

13 **SUPT. ROBERT BERNIER:** Yes. As we built out --
14 and once again, I talked to you about that structure, we
15 incorporated an executive liaison person to -- there was a lot
16 of meetings and a lot of requests to attend meetings, which as
17 long as I have the strategic direction, I need a lot of time to
18 get the job done to do the work. And having an executive
19 liaison as a go-between would create that efficiency and
20 effectiveness that the executive would still be informed and
21 have an avenue to be able to be in touch with me.

22 **MR. FRANK AU:** And who was that person?

23 **SUPT. ROBERT BERNIER:** Supt. Drummond.

24 **MR. FRANK AU:** When did that happen?

25 **SUPT. ROBERT BERNIER:** It happened relatively
26 quickly. It would be within probably somewhere between the 11th
27 and the 12th. I would say maybe the 11th or the 12th.

28 **MR. FRANK AU:** Okay. Let's see if this will help

1 refresh your memory.

2 OPS00010371 at page 4. Actually let's stay
3 there. We'll note the date. February 12th. And then we go to
4 page 4.

5 Do you see the first line?

6 **SUPT. ROBERT BERNIER:** Yes.

7 **MR. FRANK AU:**

8 "Drummond to keep the position of
9 executive Liaison"

10 Is that what you told us just now?

11 **SUPT. ROBERT BERNIER:** Correct.

12 **MR. FRANK AU:** And so he would become the new go-
13 between, so to speak?

14 **SUPT. ROBERT BERNIER:** Yes, because I'm wanting
15 to quickly align the people. If Deputy Ferguson was going to be
16 the Strategic Commander, ---

17 **MR. FRANK AU:** M'hm.

18 **SUPT. ROBERT BERNIER:** --- that is her role. So
19 I wanted to ensure that I wasn't having her in a position where
20 it would not allow her to do her function as well.

21 **MR. FRANK AU:** Okay. So you accepted the
22 appointment, you had a good night of sleep, I hope, and then the
23 next day, what happened?

24 **SUPT. ROBERT BERNIER:** I went to my office, which
25 I hadn't been to in quite some time, and arranged to meet with
26 my scribe, and as well as with Insp. Springer. This was around
27 mid-afternoon. I met with my scribe around noon just to set
28 some ground rules, expectations, of what we were going to be

1 embarking on. And I'd lined up a meeting with Insp. Springer
2 for mid-afternoon, which we met in the COMS Centre board room.

3 **MR. FRANK AU:** I want to take you to your notes,
4 where you set out a whole list of priorities. This can be found
5 at OPS00010050.

6 At page 7, please.

7 So we see a list here:

8 "we agreed that Command Post would be set
9 up in The NCRCC objectives of today..."

10 So I'll let you take a look at the list. We can
11 scroll down when you're ready.

12 **SUPT. ROBERT BERNIER:** So would you like me to
13 say what they are?

14 **MR. FRANK AU:** Sorry?

15 **SUPT. ROBERT BERNIER:** I agree that these are the
16 objectives that I ---

17 **MR. FRANK AU:** Yeah. I'd like you to take a look
18 at the whole list, and then explain to us what they are and why
19 they were important to you.

20 Can we scroll down? I think there are six listed
21 there.

22 So there's more than ---

23 **SUPT. ROBERT BERNIER:** There's quite a few there.
24 Yes.

25 **MR. FRANK AU:** So tell us about these objectives.
26 Why -- and did they -- did the number suggest their importance?

27 **SUPT. ROBERT BERNIER:** Level of importance, I'm
28 going to say they were all very important. And this is -- what

1 I was doing was somewhat trying to do a bit of a reset and
2 setting up a solid foundation that we were going to be based on
3 to move forward.

4 **MR. FRANK AU:** M'hm.

5 **SUPT. ROBERT BERNIER:** All these elements are key
6 elements from an Incident Command standpoint that is required
7 that needs to be in place and formalized and adhered to to
8 promote success in your mission.

9 **MR. FRANK AU:** Was this an attempt to course
10 correct when you said reset?

11 **SUPT. ROBERT BERNIER:** Yes.

12 **MR. FRANK AU:** So why did you start with the
13 mission statement, which was number one?

14 **SUPT. ROBERT BERNIER:** For any operation, a
15 mission statement is that foundation piece that everything is
16 built off of. Everything that you do, everything that you --
17 when you're making the decision whether to take action or not
18 action, it needs to align with the mission statement. That's
19 why it's a very important foundational piece.

20 **MR. FRANK AU:** And what about the second one?
21 The new command control structure?

22 **SUPT. ROBERT BERNIER:** Correct.

23 **MR. FRANK AU:** Can we go back up to the number
24 two? Yeah.

25 **SUPT. ROBERT BERNIER:** So ---

26 **MR. FRANK AU:** Tell us about that.

27 **SUPT. ROBERT BERNIER:** In order to have success,
28 it is not one person that is going to be bringing you success.

1 In an incident command model, you do have to surround yourself
2 with some key subject matter experts that are going to be able
3 to properly inform you and to make proper decision making.

4 **MR. FRANK AU:** What was the third point?

5 **SUPT. ROBERT BERNIER:** We ---

6 **MR. FRANK AU:** We can scroll down.

7 **SUPT. ROBERT BERNIER:** We were going to pick who
8 we needed at that table to have success and then pick incident
9 commanders. Because of the protractedness of this, we wanted to
10 make sure that whoever was running the NCRCC from an operational
11 to tactical level, that there's a rotation of people who will be
12 effective in maintaining that level of operation day to day
13 until we come up with our ultimate solution to end this.

14 **MR. FRANK AU:** Okay. So let's talk about some of
15 these priorities. First, with respect to the mission statement,
16 it may be the same document, if we go down to page 11, ---

17 **SUPT. ROBERT BERNIER:** Should be in my notes
18 there.

19 **MR. FRANK AU:** Page 11. Fifteen oh one (1501) I
20 think is the time I'm looking for.

21 So is that what you decided upon as the mission
22 statement?

23 **SUPT. ROBERT BERNIER:** That is correct.

24 **MR. FRANK AU:** Could you read this to us?

25 **SUPT. ROBERT BERNIER:**

26 "Using an integrated response, the Ottawa
27 Police and policing partners will keep the
28 peace, inforce [sic] legislation, maintain

1 pubic [*sic*] safety for the duration of the
2 Ottawa truck demosntrations with the
3 utmost respect to the individuals Charter
4 of Rights, to peacefull [*sic*] assembly,
5 freedom of speech, officer and Community
6 safety and well being."

7 **MR. FRANK AU:** Now, we might have seen the same
8 mission statement before on what we call the February 13th plan.
9 Do you know the one I'm referring to?

10 **SUPT. ROBERT BERNIER:** That's correct.

11 **MR. FRANK AU:** So we may look at that a bit
12 later, but this statement, as currently phrased in your
13 notebook, or your scribe notes, was it the same as what was put
14 into the February 13th one?

15 **SUPT. ROBERT BERNIER:** So it's definitely, I
16 would say, very accurate. If there might be a word here or
17 there, if we want to do a comparison, I'd be happy to do a
18 comparison with the plan as to ensure, if you'd like to.

19 I'm quite satisfied that the gist of everything
20 that I was trying to outline in this is there.

21 **MR. FRANK AU:** Okay. So given the importance you
22 attach to mission statements, let's unpack this a little bit.
23 If we go back up to the beginning of this statement. First you
24 said: "Using an integrated response". Why -- what is an
25 integrated response and why was that important to you?

26 **SUPT. ROBERT BERNIER:** So integrated is meaning
27 that we're going to be depending on various different speciality
28 elements to come to a successful resolution. It's not going to

1 be necessarily one particular section that's going to resolve
2 this. In other words, it's just not public order, it's not just
3 PLT. It's going to be an integration. But it even goes beyond
4 that. It's going to be an integration with many of our policing
5 partners that are going to be part of the solution.

6 **MR. FRANK AU:** And the next element I want to
7 turn your attention to is the utmost respect to the individuals'
8 Charter rights of protest, well, freedom of speech and freedom
9 to assemble, and so on.

10 Why is that important?

11 **SUPT. ROBERT BERNIER:** We can never lose sight as
12 to lawful protests that may be part, or lawful peaceful
13 assemblies, and we have to respect everyone's Charter of Rights
14 with everything that we do in the operation.

15 **MR. FRANK AU:** So and then the third element -- I
16 think if we go -- scroll back up, there's a reference to enforce
17 legislation, right?

18 **SUPT. ROBERT BERNIER:** Yes.

19 **MR. FRANK AU:** But to do so in a way that ensure
20 to keep the peace and safety and so on. Tell us the importance
21 about that.

22 **SUPT. ROBERT BERNIER:** They're all high-level
23 guiding principles, keeping the peace; enforcing legislation,
24 and that comes at legislation at multiple levels, right up to
25 the federal level, provincial, and municipal; maintaining public
26 safety. so everything we should be doing should be moving
27 towards ensuring public safety for the duration of this event
28 that's taking place.

1 **MR. FRANK AU:** Now, we know that you also
2 developed a main action plan, right?

3 **SUPT. ROBERT BERNIER:** Correct.

4 **MR. FRANK AU:** What was that about?

5 **SUPT. ROBERT BERNIER:** So the main action plan is
6 a high-level statement of where do we want to get to?

7 **MR. FRANK AU:** Now, in the interests of time, I
8 won't take you to another document, but it's found in your
9 witness summary and it basically say to de-escalate and
10 negotiate a peaceful resolution and demobilization of the Ottawa
11 truck demonstration. Am I correct?

12 **SUPT. ROBERT BERNIER:** Correct.

13 **MR. FRANK AU:** Can you elaborate on that?

14 **SUPT. ROBERT BERNIER:** Ideally, the best
15 resolution is a peaceful resolution and have everyone leave
16 peacefully. But in the event that that's not going to happen,
17 it is going to be demobilized at the end of the day.

18 **MR. FRANK AU:** Okay. Now, so that was your
19 priority number one, to develop the main -- the mission
20 statement. You also mentioned the importance of verifying
21 command and control structure. So I want to take you to
22 OPP00002162. I believe this is an organizational chart.

23 So if we go further to the right. Now, is this
24 what you developed on the 11th?

25 **SUPT. ROBERT BERNIER:** Yes, I'm seeing parts of
26 it, but the parts that I'm seeing is yes, accurate.

27 **MR. FRANK AU:** So explain this to us. Why did
28 you -- how did you come up with this structure, and why did it

1 make sense to you then?

2 **SUPT. ROBERT BERNIER:** So I don't know if you're
3 able to reduce it so you can see the ---

4 **MR. FRANK AU:** Do you want it bigger?

5 **SUPT. ROBERT BERNIER:** --- bigger picture. So it
6 starts to delineate who's at the strategic level and who the
7 strategic commander is.

8 **MR. FRANK AU:** Can we go to the very top? That's
9 right.

10 So at the top, the OPS command team, who's that?

11 **SUPT. ROBERT BERNIER:** That would be your chief,
12 deputies, CAO.

13 **MR. FRANK AU:** So he would be at the strategic
14 level?

15 **SUPT. ROBERT BERNIER:** He's at the highest
16 strategic level that would be reporting to the -- or who would
17 be responsible for the strategic commander.

18 **MR. FRANK AU:** Between the former chief and the
19 Deputy Chief Ferguson, there are these two boxes, the legal and
20 the communications. What's the significance of putting them
21 there?

22 **SUPT. ROBERT BERNIER:** So that is fed through the
23 strategic command and belongs at the strategic level with
24 regards to legal advice. Not to say that corporate
25 communications doesn't exist down at the operational level, but
26 those are the key support elements that are found up at the
27 executive level.

28 **MR. FRANK AU:** Right. Now, when you were working

1 on this organizational chart on the 11th -- and this chart
2 suggests that it is only the OPS command team at the top --
3 there's no reference to the OPP or the RCMP. So when we read
4 earlier in your notes and your mission that it's supposed to be
5 an integrated approach, did integration, to your mind then,
6 refer to integration with external services such as the OPP or
7 the RCMP?

8 **SUPT. ROBERT BERNIER:** There's a difference
9 between integrated and unified.

10 **MR. FRANK AU:** Explain the difference to us,
11 please.

12 **SUPT. ROBERT BERNIER:** So in this particular
13 case, this a single event commander with an integrated command
14 team, command table that's supporting it.

15 When you're talking about a unified command, is
16 that you're going to have multiple commanders of equal value
17 forming the top event command positions. That's what we did
18 eventually move into with the RCMP and the OPP, but this is the
19 model that was implemented upon me taking command and for the
20 next few days.

21 **MR. FRANK AU:** Right. Now, you told us that
22 based on your observations and experiences in the earlier part
23 of the convoy events, there were issues that you observed, and
24 when you are now the event commander, did you make any attempt
25 to -- like, when you said reset, what was that reset? Like, how
26 were you correcting what you thought was not working before?

27 **SUPT. ROBERT BERNIER:** Once again, as I
28 mentioned, I think there's a lot of people trying to do a lot of

1 good things. So what I'm trying to establish here is getting
2 all those people around the table to work together to come up
3 with the final plan, because it will not be successful without
4 those elements around the table with me. And that's why, as you
5 can see, my command table has key elements to ensure that
6 everyone has the voice and feeds me right information to be able
7 to make informed and proper decisions.

8 **MR. FRANK AU:** So I apologize. I realize I
9 wasn't specific enough.

10 So for example, taking the Coventry or the Rideau
11 Sussex incident, how would this command structure be able to
12 improve on what was problematic, as you've described before?

13 **SUPT. ROBERT BERNIER:** So we're going to be
14 getting feedback from whether it be the police liaison team, it
15 could be the public order commanders, it could be a resourcing
16 piece from the service command centre liaison that we would --
17 everyone would be able to feed into. This is what we were
18 wanting to do. We're trying -- this is how we're going to try
19 and do it, who has what to say about this.

20 And this is where we might find where there's
21 risks or issues that need to be -- well, I'll use the term
22 again, NRA'd. Is it necessary? Is it risk-effective? Is it
23 acceptable, what we're going to do? Have everyone around the
24 table, from the investigations, from the intelligence, feeding
25 us all the proper information we need to make quick and proper
26 decisions.

27 **MR. FRANK AU:** So for example, we see at your
28 command table POU chief, right? Is that Public Order Unit?

1 **SUPT. ROBERT BERNIER:** That's correct.

2 **MR. FRANK AU:** And now, next to the POU, there's
3 a small redaction.

4 **SUPT. ROBERT BERNIER:** Yeah. I'm not quite sure
5 why that's redacted, and it should be PLT chief.

6 **MR. FRANK AU:** Okay. So Wallace?

7 **SUPT. ROBERT BERNIER:** So Wallace was a mistake
8 in spelling.

9 **MR. FRANK AU:** But Wallace was ---

10 **SUPT. ROBERT BERNIER:** It's Walker.

11 **MR. FRANK AU:** Oh, okay. And -- I see.

12 And Walker was part of the OPP ---

13 **SUPT. ROBERT BERNIER:** Correct.

14 **MR. FRANK AU:** --- PLT team?

15 **SUPT. ROBERT BERNIER:** Correct.

16 **MR. FRANK AU:** So -- and then we see further to
17 the left, executive liaison, Acting Superintendent Drummond?

18 **SUPT. ROBERT BERNIER:** Yeah.

19 **MR. FRANK AU:** And that speaks to your concern
20 about keeping some distance with the former ---

21 **SUPT. ROBERT BERNIER:** It's -- there's a
22 combination of things. It's establishing a healthy
23 communication channel, so to ensure that the executive had been
24 properly informed, properly kept up to date, as well as an
25 avenue to be able to feed something to me if I needed to know
26 something from that level.

27 **MR. FRANK AU:** And the intelligence part is also
28 represented at this table by Inspector Bryden.

1 **SUPT. ROBERT BERNIER:** Correct.

2 **MR. FRANK AU:** Now going back to the blue box
3 near the top, how does putting the communication piece there
4 help ensure or improve communications?

5 **SUPT. ROBERT BERNIER:** So communications is --
6 and if you want to scroll down, there's another piece to it
7 that's down at my level, the far right with the media. And
8 media chief was not necessarily a proper term. It's more of a
9 general corporate kind of communications that assisted me with
10 all messaging. All, anything that would go out to the media
11 would be drafted up and sent to me for approval before it was to
12 be sent out, because -- and similarly, messaging internally,
13 messaging to partners would be all -- and messaging with PLT
14 would be worked in unison with that piece.

15 **MR. FRANK AU:** Okay. And then for both you and
16 for your Deputy, there are scribes who record things while you
17 are busy doing things?

18 **SUPT. ROBERT BERNIER:** Correct.

19 **MR. FRANK AU:** All right. Now so this is what
20 you achieved on the 11th of February. We've heard that this
21 Integrated Planning Group has arrived in Ottawa since the 8th.
22 And when did you first have a conversation with anyone in that
23 group about your new plan?

24 **SUPT. ROBERT BERNIER:** I'd have to refer to my
25 notes to know exactly, but it would be either the following day
26 -- either the following day, so this is the 11th, so I'm thinking
27 it's the 12th. Could be the 13th that I actually had a
28 conversation with a member of the Integrated Planning Team.

1 **MR. FRANK AU:** Okay. Perhaps before we talk
2 about your work with that group, let's first talk about what you
3 did with this plan that you started to develop yourself on the
4 11th. What was your next step, once you had this command
5 structure clarified, your mission statement and main action plan
6 at least outlined, what else did you do?

7 **SUPT. ROBERT BERNIER:** There was a check-in that
8 wanted to -- that needed to take place, and it's my
9 understanding that Deputy Ferguson was taking some time off and
10 that Deputy Bell was taking over. So I felt it probably
11 appropriate to brief up to my strategic commander, who Deputy
12 Bell was taking that position while Deputy Ferguson was off, to
13 provide an update as to the work that had been achieved that day
14 in establishing the foundation that we're talking about here.

15 **MR. FRANK AU:** So did you touch base with Deputy
16 Chief Bell on the 11th?

17 **SUPT. ROBERT BERNIER:** That's correct.

18 **MR. FRANK AU:** Do you know what time?

19 **SUPT. ROBERT BERNIER:** I would have to refer to
20 my notes if ---

21 **MR. FRANK AU:** Did you ---

22 **SUPT. ROBERT BERNIER:** It was later in the
23 afternoon. It was ---

24 **MR. FRANK AU:** Right.

25 **SUPT. ROBERT BERNIER:** --- around dinnertime.

26 **MR. FRANK AU:** Did you also meet or talk to the
27 Chief?

28 **SUPT. ROBERT BERNIER:** My recollection says that

1 there was a conversation with the Chief.

2 **MR. FRANK AU:** Okay. Let me take you to your
3 notes. OPS00010050. I'm going to take you to page 17. If we
4 go down to 18, looks like 1820 -- actually, go up a little bit.
5 So 1814 reported information from you to the Chief just to point
6 out -- can you read that to us, please?

7 **SUPT. ROBERT BERNIER:** Yeah, "just to point other
8 services are sending but with strings attached."

9 **MR. FRANK AU:** What did you mean by that?

10 **SUPT. ROBERT BERNIER:** From what we were getting
11 from the Service Command Centre Team is that there were requests
12 for if they were going to come, they would like to have static
13 positions, not necessarily want to get into other quick response
14 teams, and there was sometimes challenges with getting them to
15 do enforcement pieces that would be required if that was the
16 case. That was historically what we were seeing in my previous
17 role.

18 **MR. FRANK AU:** So during this discussion with the
19 Chief, were you talking about this new plan that you're trying
20 to develop?

21 **SUPT. ROBERT BERNIER:** Correct.

22 **MR. FRANK AU:** And you see at -- I'm not sure
23 what time it is after 1814. What's the next entry?

24 **SUPT. ROBERT BERNIER:** 1815.

25 **MR. FRANK AU:** 1815. And there's a notation that
26 the Chief said to you,

27 "I'm okay with everything you
28 said/requested - with your email add

1 org chart and mission."

2 Tell us your best recollection about that
3 conversation.

4 **SUPT. ROBERT BERNIER:** I presented the whole
5 background and reasoning of what I was doing and why I was doing
6 it. This affirmed to me that the Chief was understanding what I
7 was saying and that we were doing that reset, so to speak.

8 **MR. FRANK AU:** Now when you call it a reset, how
9 much of what you were doing was based on or derived from the
10 February 9th plan, the 3.0 plan?

11 **SUPT. ROBERT BERNIER:** I'll have to be honest, I
12 did not necessarily, at this particular point in time, know what
13 portion of it is, what portion I perhaps would use or adopt.
14 This was quite in the infancy where there is going to be a bit
15 of work to be done over the next few days, not discounting any
16 good ideas that may be out there and analyze everything, because
17 at this point, I wasn't aware that there was an Integrated
18 Planning Team. I was preparing myself to have to put together a
19 strong planning team to come up with an eventual final plan to
20 get this done.

21 So at this point, as I mentioned, that was -- I
22 was going to be directing somebody to start based on clear
23 expectations, developing a plan, but perhaps not discounting
24 some good elements that would have been in there.

25 **MR. FRANK AU:** Now let me take you to the next
26 document, OPS00014454. I believe these are notes taken by legal
27 counsel of the OPS, Ms. Huneault. If we can go to page 160,
28 please? Can we go down a bit? So we see a reference to the

1 Chief saying want LS. Is that legal services?

2 **SUPT. ROBERT BERNIER:** I can only assume. You'd
3 have to ask Christianne, but I would say that that would make
4 sense.

5 **MR. FRANK AU:** Do you recall having a discussion
6 with the Chief about this, that the Chief expressed a desire to
7 have legal services to look at the new proposed mission
8 statement and whether we need to change the current one?

9 **SUPT. ROBERT BERNIER:** No.

10 **MR. FRANK AU:** Okay. Can I take you to --
11 moments ---

12 **COMMISSIONER ROULEAU:** Do you know when will be a
13 good time to break? Because as I understand this witness,
14 you're going to be quite a bit longer, so it's going to carry
15 over in any event?

16 **MR. FRANK AU:** That is true. It may make sense
17 to break now and to carry on tomorrow.

18 **COMMISSIONER ROULEAU:** Okay. Is this a
19 convenient time?

20 **MR. FRANK AU:** As good as any.

21 **COMMISSIONER ROULEAU:** Okay. Well, I'd suggest
22 then we break until tomorrow, if that's agreeable with you also.

23 **SUPT. ROBERT BERNIER:** Absolutely.

24 **COMMISSIONER ROULEAU:** I'm sure you're happy to
25 end the day at 6:30. Okay. So, we'll break until tomorrow
26 morning at 9:30, and we will complete the in-Chief and then go
27 to cross-examinations.

28 Okay.

1 **MR. FRANK AU:** Thank you, Your Honour.

2 **COMMISSIONER ROULEAU:** Thank you.

3 **THE REGISTRAR:** The Commission is adjourned. La
4 commission est ajournée.

5 --- Upon adjourning at 6:32 p.m.

6

7

C E R T I F I C A T I O N

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9 I, Wendy Clements, a certified court reporter, hereby certify
10 the foregoing pages to be an accurate transcription of my
11 notes/records to the best of my skill and ability, and I so
12 swear.

13

14 Je, Wendy Clements, une sténographe officielle, certifie que les
15 pages ci-hautes sont une transcription conforme de mes
16 notes/enregistrements au meilleur de mes capacités, et je le
17 jure.

18

19



20

Wendy Clements

21