

In the Matter of

**The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty,
established by the federal and provincial Orders-in-Council**

P.C. 2020-822 and 2020-293

(“The Mass Casualty Commission”)

**REPLY WRITTEN SUBMISSIONS
ON BEHALF OF THE ATTORNEY GENERAL OF CANADA**

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Introduction

1. In their final submissions, Participants have advanced a wide array of possible recommendations illustrative of the diverse perspectives on public safety and policing in the province. While there may not be agreement on the proposed recommendations, Canada acknowledges the importance of their perspectives to the Commission's work. These submissions will canvass select issues raised in the Participants' final submissions that were not addressed in Canada's previous submissions.

RCMP Resourcing

2. It has been suggested that the RCMP's role in provincial policing should come to an end, in part due to resourcing issues. In fact, the determining factor in policing levels is more about the ability of the province to fund than the ability of the RCMP to supply members. Provincial policing is paid for according to the terms of the Nova Scotia Provincial Police Service Agreement (PPSA), where the province is responsible to pay for 70% of the cost and staffing is done according to provincial funding models.¹
3. Other participants have suggested that the RCMP is ill-suited to provincial policing because its national nature inhibits its ability to respond to provincial supervision and community needs. However, the PPSA explicitly provides that the provincial Minister has the authority to set the objectives, priorities, and goals of the Provincial Police Service.² With respect to policing standards, the PPSA further provides that the Commissioner of the RCMP agrees to "harmonize those [RCMP] standards or procedures to be substantially similar to or exceed" provincial standards.³
4. The RCMP's role in provincial policing, by its very nature, means that it must be subject to provincial supervision and responsive to community needs. The ability of individual RCMP members to serve a specific community is not diminished by their membership in a national force. Nor is it in any way impacted by virtue of the fact that the RCMP is a

¹ The Structure of Policing in Nova Scotia in 2020, at pp.12-13, [COMM0040450.pdf?t=1666955949](#).

² Article 6 of the PPSA, COMM0043270.

³ Article 6.5 of the PPSA, COMM0043270.

national organization comprised of both federal and provincial policing components. These are distinct roles, and one does not impact the ability to perform the other.

5. There are advantages to maintaining the RCMP in provincial policing. Its size allows for access to a diverse array of specialized services and training as well as a wealth of additional supports and resources when needed, such as greater agility and surge capacity for emergencies and major events.⁴ It provides a level of consistency in police services delivery through its standardized training, equipment and practices and a reduction in costs overall through cross-jurisdictional sharing of resources, infrastructure and information. The RCMP is recognized for its policing program both internationally and within Canada by other police Departments and Government agencies. This is evidenced by the number of requests received for training material, policy, and general assistance.
6. While the Mass Casualty event revealed that improvements and enhancements are necessary, the RCMP is and has been fully committed to examining its practices and policies with an aim to improve public safety and trust in the organization moving forward.
7. To fully engage in a discussion about the RCMP's involvement in provincial policing, there would need to be a more in-depth analysis of how policing is managed in other provinces, for example Quebec and Ontario, which have non-RCMP provincial police services, as compared to Nova Scotia. As part of a planned assessment of the contract policing model, there is a significant openness to exploring jurisdictions' visions for policing, as well as ways to enhance accountability and governance within the model.
8. The focus should be on improving the existing policing model in Nova Scotia. Implementation of provincial policing standards is an important part of increasing the quality of police service delivery. Provincial audits will identify areas that are working well and areas for improvement.

Redefining the Role of Police Agencies

9. There have been many recommendations that advocate for redefining the role of the police by taking away certain tasks and responsibilities and adding others. The diverging recommendations on this front bring into focus the reality of how difficult it is to reach a

⁴ MCC Interview with Deputy Brennan, pp. 58-59, [COMM0063046.pdf?t=1666290634](#).

consensus on what the role of police agencies should be. These are important discussions, but ones that require extensive collaboration with the provincial government with respect to capacity, resourcing, and in some cases, legislated requirements.

10. For instance, the Commission heard evidence about the amount of time the RCMP spends on mental health calls, leading to suggested recommendations about shifting the responsibility to mental health professionals. The use of mental health professionals, such as a mobile crisis team, integrated with the police, has been held out as a best practice in many provinces. The mobile crisis team would lead the response with police presence to ensure the safety of all involved.
11. As health care is a provincial responsibility, this type of shift would require a significant influx of sustained funding and reallocation of provincial mental health personnel to establish and maintain capacity for a mobile crisis team to respond to mental health calls around the province. The province would also need to consider legislative amendments so that police can be released from their current obligation to remain at the hospital with an individual awaiting assessment following a mental health call.⁵ This role could be filled by mental health workers so that the police could return to performing other operational policing activities. Accordingly, any recommendations should be focused on directing the province to engage in further consultation and study into the feasibility of such a shift.
12. The suggested approach applies equally to the recommendations made with respect to the role of family liaison officers (FLOs). The Mass Casualty has highlighted the need for greater clarity regarding the role of a FLO and what services are available to support victims of crime and their families. This is an important issue that should be addressed, but further discussion is needed among stakeholders regarding what can be taken on by government agencies. There is also a need to coordinate and consult among agencies and the police to ensure a more seamless and informative process to support victims and their families.
13. Fundamentally, a FLO should act as a conduit between a victim of crime or their family and the police, providing information about corresponding investigations or police action

⁵ *Involuntary Psychiatric Treatment Act*, SNS 2005, c. 42, see s. 16.

related to the event. The FLO should also be able to direct victims and their families to the appropriate agency to receive the additional social supports they require. There is a danger in too broadly defining the role of the FLO and adding responsibilities that fall well outside a police officer's expertise, such as dealing with insurance providers, cleaning crime scenes, and facilitating mental health support and counselling.

14. The RCMP is committed to developing its FLO policy and training and is also open to taking a collaborative approach with other stakeholders to clarify what resources are available to support victims and families and improve access to these services.

RCMP Culture

15. Contrary to some of the Participants' submissions, the RCMP is a dynamic organization that is transparent, open to change, and learning from past events. This is reflected in the transcripts of the many RCMP members who were interviewed by the MCC. They demonstrated a willingness to speak freely about their actions during the Mass Casualty, and their personal sentiments about the organization, aftercare, staffing levels, equipment, and management. Moreover, there was ample evidence from the most senior members of the RCMP who openly discussed areas where change is underway, where change is needed, and the efforts to achieve a more responsive and stronger force.⁶ This RCMP is not a stagnant organization; it is actively working to modernize so that the organization reflects changes in society and the communities it serves.
16. Commissioner Lucki gave evidence with respect to some of the changes that have taken place in recent years and the ongoing efforts to modernize the RCMP. Both she and Deputy Commissioner Brennan spoke openly about this work, which will ensure that the organization is better prepared to respond to critical incidents in the future.⁷

⁶ MCC hearing transcript of Commissioner Lucki, at pp. 72-74, [EN_20220823_PublicHearings_Transcript.pdf](#).
MCC hearing transcript of Deputy Brennan's testimony, at pp. 49-52, [EN_20220909_PublicHearings_Transcript.pdf?t=1666199896](#).

⁷ MCC hearing transcript of Commissioner Lucki, at pp. 72-74, [EN_20220823_PublicHearings_Transcript.pdf](#);
MCC Interview with Commissioner Lucki, at pp. 127-129, [COMM0062475.pdf](#); MCC hearing transcript of Deputy Brennan's testimony, at pp. 49-52, [EN_20220909_PublicHearings_Transcript.pdf?t=1666199896](#).

17. There is no basis to suggest that the organization is unwilling or even resistant to change. Contrary to the assertion in the Commission’s Environmental Scan that most review recommendations directed at the RCMP go unimplemented, this is not the case. For example, as of June 2022, 62 of the 64 recommendations coming out of the MacNeil report have been implemented.⁸
18. The RCMP plan to address the Bastarache report is on their public website.⁹ Some recommendations have been completed, such as the Independent Center for Harassment Resolution.¹⁰ Others have been identified as not implementable for a variety of reasons. For example, the recommendation of increasing education requirements for applicants has not been completed on the basis that it might unduly narrow recruitment efforts.¹¹ Other recommendations are long-term and may never be “completed” such as cultural change, which is a constantly evolving concept.
19. A further example of change within the RCMP is with respect to a cultural shift around mental health. The RCMP’s attitudes regarding mental health have evolved and many witnesses have testified about the tangible changes in the organization in this respect. An example of this evolution is the increasing conversation and openness across ranks about pursuing psychological services.¹²
20. With respect to aftercare for its members, the RCMP responded quickly in an attempt to meet their needs. Efforts to secure mental health support were hampered due to the pandemic and the fact that so many members were impacted by the Mass Casualty.¹³ There was criticism from the Emergency Response Team (ERT) regarding their request that both full-time and part-time members stand down for a two-week period. In fact, their request

⁸ RCMP Implementation Chart for the MacNeil Recommendations, [COMM0060162.pdf](#).

⁹ See the link to the RCMP’s website at: <https://www.rcmp-grc.gc.ca/en/rcmp-response-the-report-the-independent-assessors-the-claims-made-the-merlodavidson-settlement>.

¹⁰ MCC Interview with Commissioner Lucki at p. 80, [COMM0062475.pdf](#)

¹¹ MCC Interview with Commissioner Lucki, at pp. 116-117, [COMM0062475.pdf](#). The rationale for the RCMP’s position on educational prerequisites is discussed further below in the Educational Requirements/Training of RCMP members section of the Reply.

¹² See for example the MCC Interview with S/Sgt Bill Casey at pp. 27-30, [COMM0062373.pdf](#); MCC Interview with Commissioner Lucki at pp. 68-69, 129, [COMM0062475.pdf](#).

¹³ MCC Interview with Kelly Sullivan, pp. 42-44, [COMM0057753.pdf](#).

was granted but there was some confusion at the outset regarding the necessary approvals and communication to supervisors about the plan.¹⁴

21. Regarding the suggestion that the RCMP end its practice of moving members from detachments every few years, the RCMP already has flexibility with respect to whether members stay in a region or move to another. In fact, there is evidence that many members decide to stay in a particular region, some for the entirety of their career, while others may move to broaden their experience and pursue career development.¹⁵ This flexibility is an important advantage for members and the communities they serve. It allows for movement and change within any detachment where it might be required and ensures that detachments are staffed with members with a wide range of experiences. To ensure continuity, not all members move at one time. In small rural areas, while there are advantages to having consistency in staff, it is also advantageous to introduce new members with varied experiences and a fresh perspective.
22. The RCMP does acknowledge, however, the value of geographical awareness in the jurisdiction in which members serve. The Mass Casualty illustrated this need and the importance of having an orientation process to allow new members to become familiar with the jurisdiction and the local community that they serve.
23. While some Participants criticize the practice of rotating new members through rural areas too often, others criticize the fact that members might become too personally connected to the people they investigate. More specifically, one of the Participants' counsel questioned the appropriateness of assigning Cst. Greg Wiley to investigate the perpetrator in 2010 and again in 2011. It is difficult to reconcile the concept that the RCMP should move towards maintaining the same members at small rural detachments throughout their careers, while finding fault with members investigating community members whom they know.

Educational Requirements/Training of RCMP Members

24. There are several suggested recommendations regarding further training for RCMP members, or enhanced training arising out of the Mass Casualty event. The suggestions

¹⁴ MCC Interview with Kelly Sullivan, pp. 65-71, [COMM0057753.pdf](#).

¹⁵ MCC Interview with Commissioner Lucki, at pp. 85-86, [COMM0062475.pdf](#).

that the RCMP refine and adapt its training and policies to reflect the lessons learned from the Mass Casualty are reasonably made and align with the RCMP's intent moving forward. There is an openness and willingness to learn and improve from this event from the highest levels of the organization. While some significant changes have already been made from an operational and policy perspective, such as public alerting, there is more to be achieved.

25. There are a few areas that require comment. One is the suggested recommendation that the RCMP change its recruiting standards to require a university education. Commissioner Lucki explained that requiring a university education would limit their ability to recruit new candidates coming from a wider range of cultural and socio-economic backgrounds. As she explained, part of the RCMP's vision moving forward is to attract and retain members from more diverse backgrounds to better reflect the communities they serve. A university education is not equally accessible to all and as such, the requirement would conflict with the goal of modernizing the force by being more representative of the Canadian population.¹⁶
26. Retaining a minimum educational requirement of grade 12 with the ability to screen for applicants with additional education strikes a more appropriate balance of recognizing the advantages that higher education provides, while remaining flexible to consider the importance that diverse life experiences bring to the table.
27. It has also been suggested that the RCMP overhaul its approach to training new members, with some participants advocating for a three-year training academy based on the Finnish model discussed during public hearings. However, there is no evidence that the RCMP's training model is deficient or that the Finnish model is better. The existing RCMP program includes a six-month program held at the RCMP Academy, Depot Division (Depot), followed by six months of field training and continuous mandatory training, and a multitude of other training opportunities throughout one's career.¹⁷ This provides a solid and comprehensive foundation for new members joining the force, with ample opportunity for additional growth and learning.

¹⁶ MCC Interview with Commissioner Lucki, at pp. 116-117, [COMM0062475.pdf](#).

¹⁷ *Ibid*, at pp. 71-78, [COMM0062475.pdf](#). See also MCC Interview with Chief Learning Officer O'Reilly, at pp. 9-14, [COMM0063215.pdf?t=1666956322](#); and the Cadet Training Program Outline, COMM0056706.

28. While there were general discussions about the RCMP's training model throughout the proceedings, there was no comparative analysis done regarding the training provided by other provincial police services in this country, such as the Ontario Provincial Police or the Sûreté du Québec. There was also no analysis regarding the training of the other municipal forces in Nova Scotia. These are important considerations in any discussion about recommendations for large-scale change to training approaches.
29. Finally, for uniformity for all Nova Scotians, recommendations with respect to education and training should be equally applicable to all municipal police services in Nova Scotia.

Sale of Decommissioned Cars

30. The goal of this Commission is to make recommendations that will improve public safety and to prevent a future Mass Casualty event. Banning the resale of decommissioned RCMP vehicles would not achieve that end.¹⁸ The perpetrator was not able to build a replica car because decommissioned RCMP vehicles were being resold. Rather, he was able to acquire replicas of the decals used on actual RCMP vehicles along with the other equipment, such as the light bar and the silent patrolman. This is where the danger lies, not in the resale of the vehicle itself. In fact, at the time of the Mass Casualty event, the perpetrator could have acquired essentially the same vehicle, in the same color, from a dealership or a private sale, and transformed it into a replica car with equal success.
31. To address this problem and the risk it poses, Nova Scotia has targeted the resale of police decals and exterior police equipment through new legislation. The *Police Identity Management Act* makes it an offence to sell or possess police decals or equipment such as the blue light bars. This new law also makes it an offence to have a decommissioned police vehicle with any police vehicle markings on it.¹⁹
32. There is evidence before the Mass Casualty Commission on the work of GC Surplus in the decommissioning of RCMP vehicles.²⁰ It is their responsibility and practice to ensure that all decals and police equipment are removed from vehicles before they are sold. With the

¹⁸ See the final submissions on behalf of the family of Gina Goulet, at p. 15.

¹⁹ *Police Identity Management Act*, S.N.S. 2021, c. 8 at ss. 7-10.

²⁰ See for example the MCC interview of Nicholas Trudel, at pp. 16-17, [COMM0040549.pdf](#).

coming into force of the *Police Identity Management Act*, the removal of these decals is required by law in Nova Scotia.

33. One Participant suggests that the particular modifications unique to police vehicles present some additional risk that needs to be addressed,²¹ but this is unsupported in the evidence. These modifications are mainly “under the hood” and do not make them readily distinguishable from any other car of the same make, model, and color.
34. A ban on the resale of decommissioned RCMP vehicles would also be environmentally unsound and a waste of public funds. The resale of these vehicles provides an important source of revenue for the RCMP, which is reinvested into policing services.²² Participant’s counsel suggests that these practical concerns can be neutralized by a recommendation that the vehicles not be destroyed, but broken down and sold for parts.²³ However, it would be a significant operational expense to facilitate such a practice. It would require personnel with particular training in mechanics to undertake the work of breaking down the vehicles and special equipment and would likely require a bigger or different storage facility. It would also entail significant additional administrative work to document the retention, storage, and sale of these parts.

Air Support

35. To clarify a factual assertion made in Participant submissions, the Canadian Armed Forces (CAF) did not suggest “that it would have been more appropriate for a request for ALEA [Assistance to Law Enforcement Agencies] to be sent directly to the CAF”.²⁴ In his interview with the Commission, Col. Holmes detailed the process and chain of approval for ALEA requests which go up through the provincial Solicitor General or equivalent office, to the federal Minister of Public Safety and then on to CAF.²⁵ CAF members do not have the authority to allocate resources to law enforcement activity without the approval of the Minister of National Defence, as per s. 273.6(2) of the *National Defence Act*, and

²¹ See the final submissions on behalf of the family of Gina Goulet, at pp. 17-18.

²² See the MCC interview of Nicholas Trudel at p. 15 where he discusses the fact that the sale of decommissioned cars generates revenue of the RCMP in the range of 8 million dollars annually, [COMM0040549.pdf](#).

²³ See the final submissions on behalf of the family of Gina Goulet, at p. 15.

²⁴ NPF final submissions at para. 104.

²⁵ MCC Interview of Col. Holmes at pp. 7-8, [COMM0059685.pdf](#).

subsequent direction by the Chief of the Defence Staff.²⁶ CAF trains its members, and is resourced for defending Canada and North America, and to support our allies around the world.²⁷ This is distinct from training for and resourcing of domestic police operations.²⁸

36. With respect to the proposed recommendation that the RCMP and CAF implement standing agreements for the use of their aircraft to move the ERT around the province, there are already such agreements in place between the RCMP and other entities. As noted in Canada's final written submissions, Transport Canada provides the RCMP with transportation services in support of national policing and emergency deployment of ERT along with hangar and maintenance services in Moncton, New Brunswick. A recommendation for CAF to fulfill a similar role is both outside its mandate and duplicative of what is already in place.

Implementation of Recommendations

37. The Commissioners have fittingly observed that recommendations must be feasible and implementable. Some of the recommendations proposed are challenging without core government funding in place for certain programs. Others are not feasible or sustainable for practical reasons.²⁹ In addition, some submissions include a six-month time frame to implement certain recommendations, which may not be achievable.³⁰
38. Several RCMP witnesses were asked how recommendations can be crafted such that they can be implemented. For example, Deputy Commissioner Brennan gave evidence with respect to a previous recommendation to have a Threat Assessment Coordinator in all detachments. This type of recommendation requires funding if dedicated resources are required, otherwise this becomes an additional role for someone within the detachment and has an impact on availability of personnel for operational policing duties. The substance of the recommendation was fulfilled in other ways, by having designated units in bigger

²⁶ MCC Interview of Col. Holmes at p. 6, [COMM0059685.pdf](#).

²⁷ MCC Interview of Col. Holmes at pp. 31, 33, [COMM0059685.pdf](#).

²⁸ MCC Interview of Col. Holmes at p. 8, [COMM0059685.pdf](#).

²⁹ MCC Interview with Commissioner Lucki, at pp. 120-125, [COMM0062475.pdf](#).

³⁰ For example, the Mayerthorpe Report included recommendations related to carbines and hard body armour. Work was required to source the appropriate items, procure, establish training, consult with provinces/territories on funding etc.

divisions and a Behavioral Science Threat Assessment Unit in Headquarters. The members working within those units can then offer advice and assistance as needed across the Country.³¹

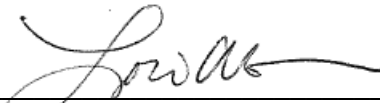
39. A further example is the suggestion that each division have a Mass Casualty Management Unit. Given the limited frequency of mass casualty events in Canada, it may be better to have a national unit, likely in Contract & Indigenous Policing or perhaps even in Public Safety and Emergency Preparedness that would deploy as a center of excellence to any mass casualty in Canada.

Conclusion

40. It is hoped that this additional information will be of assistance to the Commission in formulating recommendations that are responsive, targeted, and feasible in order to address some of the areas identified for improvement in a meaningful way.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of Halifax, in the Province of Nova Scotia, this 28th day of October, 2022.



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³¹ See MCC Interview with Deputy Brennan, at p. 121, [COMM0063046.pdf?t=1666290634](#).