

Public Hearing

Audience publique

Commissioners / Commissaires

The Honourable / L'honorable J. Michael MacDonald,
Chair / Président

Leanne J. Fitch (Ret. Police Chief, M.O.M)

Dr. Kim Stanton

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II Appearances / Comparutions

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Ms. Anna Mancini	Commission Counsel / Conseillère de la commission
Mr. Jamie VanWart	Commission Counsel / Conseiller de la commission
Mr. Robert Pineo	Counsel / Conseiller
Ms. Jane Lenehan	Counsel / Conseillère
Mr. Joshua Bryson	Counsel / Conseiller
Mr. Stephen Topshee	Counsel / Conseiller
Ms. Sandra McCulloch	Counsel / Conseillère
Ms. Tara Miller	Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Wednesday, April 13th, 2022, at 9:31 a.m.

REGISTRAR DARLENE SUTHERLAND: Good morning. The proceedings of the Mass Casualty Commission are now in session, with Chief Commissioner Michael MacDonald, Commissioner Leanne Fitch, and Commissioner Kim Stanton presiding.

COMMISSIONER FITCH: Hello, and bonjour et bienvenue. We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We start by remembering those whose lives were taken or were harmed, their families, and all those affected by the April 2020 mass casualty in Nova Scotia.

On Monday, Commission Counsel presented two more Foundational Documents focussed on the Onslow Belmont Fire Brigade Hall and Shubenacadie. We also heard from a witness panel including Mr. Richard Ellison and Fire Chief Greg Muise and Deputy Fire Chief Darrell Currie about the shootings in Onslow.

Today, Commission Counsel will present two more Foundational Documents focussed on what happened at the home of Gina Goulet at Highway 224, and at the Enfield Big Stop. We will also hear from the medical examiner, Dr. Matt Bowes, in relation to the Enfield Big Stop Foundational Document on the cause and manner of death of the perpetrator.

We will then break before inviting Dr. Bowes back to provide information from the Plains Road Foundational Document presented on March 31st. Specifically, Dr. Bowes will speak to his medical examiner's report about the cause and manner of death of Heather O'Brien. This is something both the O'Brien family and the National Police Federation, representing the RCMP officers who were on scene, agree is important to hear. We will also hear Participant submissions based on Foundational Documents to date.

We have a lot to get through, and all of it contributing to the

1 progress we are making to understand what happened. We can then explore how and
2 why, and build from there to shape findings and recommendations to make our
3 communities safer.

4 I will now Commission Counsel to being today's proceedings with
5 the presentation of the Foundational Documents about Highway 224 and Gina Goulet.
6 Thank you.

7 Mr. Burrill?

8 **--- INTRODUCTION OF FOUNDATIONAL DOCUMENT HIGHWAY 224 AND GINA**
9 **GOULET:**

10 **--- PRESENTATION BY MR. ROGER BURRILL:**

11 **MR. ROGER BURRILL:** Commissioners, Participants, Nova
12 Scotians, Canadians, and those beyond our borders impacted by this mass.

13 My colleague and I will present two more Foundational Documents
14 this morning. I am tasked with presenting the Foundational Document involving the
15 homicide of Gina Goulet in her residence at 198 Highway 224 around 11:00 a.m. on
16 April 19th, 2020.

17 This presentation will also discuss the theft of Ms. Goulet's vehicle
18 from her residence, which led on to, or leads on to materials that will be discussed in the
19 second presentation this morning. There is a discussion of homicides at the
20 Shubenacadie Cloverleaf, there will also be reference to Hunter Road materials and
21 homicides that took place earlier that morning on April 19th.

22 This particular situation, like the homicide of Lillian Campbell in
23 Wentworth, Nova Scotia, earlier on the morning of April 19th, involves a discrete set of
24 facts that took place over a relatively short period of time. Unlike some of the other
25 materials that we have discussed over the past few weeks, some of the unknowns or
26 questions raised in other Foundational Documents may not be as prominent in this
27 introduction of, and indeed, in the materials.

28 So for instance, you will recall some of the questions that were left

1 with respect to the Hunter Road document, and what I had suggested was a bit of
2 frustration with respect to the lack of information; or indeed the Portapique documents
3 with respect to information available that could tie in details with respect to the
4 perpetrator's movements. This is a situation where investigators have been able to
5 piece together a relatively coherent narrative of what occurred around 11:00 a.m. on
6 April 19th, 2020, at the home of Gina Goulet at 198 Highway 224 in Nova Scotia.

7 This introduction reflects the contents of the Foundational
8 Document to be introduced, Highway 224. Please be assured that the shorter length of
9 this presentation does not mean that any less effort was undertaken by the Mass
10 Casualty Commission to review and synthesise and present information available.

11 And of course, a brief comment. Some of the details in this
12 situation and the information that will be heard is disturbing, involving the fatality of a
13 fellow Nova Scotian, Gina Goulet.

14 Madam Registrar, I move to mark and tender the Foundational
15 Document Highway 224 into evidence in these proceedings.

16 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 709.

17 **MR. ROGER BURRILL:** Thank you.

18 **--- EXHIBIT NO. 709**

19 Foundational Document - Highway 224 and Gina Goulet

20 **MR. ROGER BURRILL:** I additionally move to mark and tender all
21 supporting material associated with Exhibit 709, the Foundational Document,
22 Highway 224, into evidence in these proceedings.

23 **REGISTRAR DARLENE SUTHERLAND:** So exhibited.

24 **MR. ROGER BURRILL:** The subject matter of this presentation is
25 a summary of information currently available to the Mass Casualty Commission in
26 relation to the events on April 19th, 2020, on and around Highway 224, Nova Scotia.
27 Commissioners, this is the introduction of that Foundational Document.

28 So we are back to geography. You saw two days ago, the slide

1 presented by my colleague with respect to the Foundational Document in Shubenacadie
2 identifying Colchester County, Hants County, and the divider of the Shubenacadie
3 River.

4 This slide provides an indication of a number of communities along
5 that area, perhaps of the Shubenacadie River, generally, and along the Highway 2 in
6 that area. We have, or will be introducing Elmsdale, Milford, Enfield area to basically
7 proceed along the route of the perpetrator with respect to what took place on the
8 morning of April 19th.

9 My colleague has spoke in detail about what took place at the
10 Shubenacadie Cloverleaf. Milford is about 8 kilometres south therein from there.
11 Elmsdale is about 19 kilometres south thereof. Enfield is about 23 kilometres south
12 thereof.

13 This is a closer view of the area around Shubenacadie. You will
14 see from the top and the middle the silty river of the Shubenacadie River, and I have
15 highlighted the 102. Once again, this is to give you an orientation. Most Nova Scotians,
16 Mainland Nova Scotians will be familiar with the Highway 102.

17 I can confess a little bit that the area around Shubenacadie/Milford
18 area is a -- was originally quite confusing to me in terms of the travel ways. At one
19 point, there are actually, perhaps, three travel ways, routes that travel north to south in
20 that area. I've identified the 102; the Highway 2 is the old highway that we have
21 discussed here that the perpetrator travelled down from Truro towards Shubenacadie,
22 and then there is Highway 224.

23 Now, you've heard about Highway 224 because my friend
24 introduced the incident involving Chad Morrison, Constable Morrison, who took up a
25 position at Gays River Road, just north of the Shubenacadie River. That Gays River
26 Road, I've called the northern portion of 224, actually runs to the south and east and
27 travels off into the Musquodoboit Valley area. The southern portion of the 224, I have
28 identified here, and once again, as indicated earlier, it runs relatively parallel to the 2

1 and to the 102. So we have the 102 to the west, the 2 in the middle, and the 224 from
2 the east running south from the cloverleaf.

3 This slide is intended to draw in a little closer to speak to the
4 Highway 224, the focus of the Foundational Document that we're speaking of this
5 morning.

6 So this section of the road from the cloverleaf, as indicated, runs
7 relatively parallel to Highway 2. It runs through a rural area of Nova Scotia. There are
8 very little residences or businesses or structures compared to the 2, which would
9 appear to be the area where the community of -- the village of Shubenacadie and
10 Milford are centred around, but it runs down and into the Milford area as well.

11 The Shubenacadie River you can see running from the top of the
12 slide, runs to the east of Highway 224, and it traverses through some relatively beautiful
13 farmland in that area. Shubenacadie cloverleaf we have tagged here at the top, the
14 northern portion of the 224. Exit 9, which will take you from the 224 onto the Highway 2,
15 or you can come back around a small cloverleaf there and come onto Highway 2 we've
16 shown as well here.

17 The important purpose -- or sorry, the important location for
18 purposes of this introduction is 198 Highway 4.

19 One nine eight (198) Highway 224 -- I said 4. I'll do that again.
20 Forgive me. Highway 224 was the residence of Gina Goulet. It is approximately 1.8
21 kilometres south of the Shubenacadie cloverleaf.

22 This is an aerial view of the property at 198 Highway 224. It is, as
23 you can see, located on the east side of Highway 224. There is a gravel driveway, and I
24 suppose it was relatively obvious from this photo and may not have needed to be
25 tagged, but the gravel driveway runs up to the residence from a west to east direction
26 off the highway.

27 It is a relatively large residential property. It has lawns. It has a
28 number of outbuildings, as you can see from the aerial view here.

1 This second view is taken from the west and looking up the gravel
2 driveway and over Highway 224. It's similar to what I showed you earlier.

3 A couple of things, perhaps, of importance, that is, at the southern
4 side of the property is the gravel driveway which we will be discussing. At the northern
5 portion in the materials, there's a discussion of a gate that would have permitted access
6 to the lawn area at the northern portion of the property.

7 Information suggests, and this was -- took a little while in terms of
8 analysis and review, probably very little has to do with that northern gate that will be
9 shown here. Most of the focus with respect to the action of the perpetrator is related to
10 going up the gravel driveway and then leaving the gravel driveway.

11 The placement of the residence is about 50 metres from Highway
12 224. It's on a slight upgrade. The space behind the residence will be important to the
13 narrative here.

14 So information available to the Mass Casualty Commission
15 suggests that the perpetrator left the Shubenacadie cloverleaf area at approximately,
16 and I say approximately, 10:55. We relate that to the fact that Gerald Whitman had
17 made the 911 call. You will recall my colleague went over that in some detail here
18 recently.

19 So around 10:55, it would appear that the perpetrator, after
20 committing the atrocities at that location, left the cloverleaf location. He then, would
21 appear, travelled south. You'll recall that there were witnesses that recalled him leaving
22 the cloverleaf, going south on 224 in the Joseph (Joey) Webber silver SUV Ford
23 Escape.

24 At that stage, it was known as a "Chevy Tracker" over the -- over
25 the air and that was consistent with what information had been received by police from
26 witnesses at that location.

27 From information to the Mass Casualty Commission, it would
28 appear that the perpetrator arrived at 198 Highway 224 relatively quickly after he left the

1 cloverleaf. It is likely that he attended there at around 10:58 or shortly thereafter in the
2 morning on April 19th.

3 This slide will give you two views of the vehicle that was
4 photographed by investigators at the location at 198 Highway 224.

5 Information available suggests that the perpetrator went to the back
6 of the building, the residence at Highway 224, and that he broke into the residence with
7 a firearm.

8 Information suggests as well that the location of the vehicle shown
9 in the bottom photograph was perhaps a purposeful attempt at concealment. The
10 position of the vehicle would be obscured by the residence from anybody travelling
11 down or up Highway 224.

12 The photos show the location of the SUV on the east side or the
13 back of the residence. The top photo is looking north or northeast. The bottom photo is
14 looking west from behind the residence directly towards the residence.

15 This is again an aerial view giving you or attempting to give you an
16 attempt -- attempting to give you a sense of where the location of the SUV vehicle was
17 located. It would have been behind the outbuilding shown in the -- in the -- on the
18 screen.

19 This slide is taken from the investigative materials showing the front
20 driveway, the southern driveway that I had described earlier. It depicts what would
21 appear to be a cable or a chain down on the ground. Information available suggests
22 that during the COVID pandemic, the early stages of the pandemic, Gina Goulet had the
23 chain or the cable across the driveway, and it was there relatively routinely.

24 Now, unlike the Shubenacadie atrocity that you heard of two days
25 ago where there were a great deal of witnesses who provided evidence and information,
26 there are absolutely no witnesses to the encounter, obviously, of Gina Goulet and the
27 perpetrator at the time of the -- the direct time of the incident, but there are some
28 witnesses who provide some information that gives us some assistance to develop the

1 timeline with respect to what took place.

2 Faith Corkum is one of those witnesses. She was, at that time, at a
3 residence on the east side of Densmore Road, and I'll show you where Densmore Road
4 is located in a moment.

5 Densmore Road intersects with Highway 224 about 350 metres
6 south of Highway -- sorry, of 198 Highway 224.

7 Now, Ms. Corkum says that she was at the residence that morning
8 and that she observed smoke or plumes of smoke coming from the north of her location.
9 And indeed, the photo that you see here on the slide is the photograph taken by Ms.
10 Corkum from her position on Densmore Road.

11 The photo from her position would be almost due north. You will
12 see where it shows the smoke, it shows what would appear to be the magnitude of a
13 significant fire that was occurring at the cloverleaf at Shubenacadie that my friend
14 described earlier in terms of the perpetrator setting those two vehicles alight.

15 She is at her Densmore Road location about two kilometres south
16 of the Shubenacadie cloverleaf, so you can see the significance of what was taking
17 place to the north of her.

18 Faith Corkum describes being at a residence about 400 metres
19 east on Densmore Road, so you will see where Densmore Road is south of Highway
20 224, civic residence 198.

21 Ms. Densmore -- excuse me, Ms. Corkum reports that she
22 observed not only the fire from the north, but she observed an SUV travelling south on
23 Highway 224. She indicated that she saw a U-turn at the Densmore Road intersection
24 conducted by that SUV.

25 She says that she then saw it travel north; she then lost view of it.
26 She described the SUV as travelling at a "casual pace".

27 She also says that she made note of this because she was
28 surprised to notice that the vehicle would have been there, thinking that the roads would

1 have been barriered off, given the smoke that she was observing from the north.

2 So we have Ms. Corkum making observations about an SUV
3 coming south on 224, turning around, and then going back north. Consistent in terms of
4 timing and activity that we have, in terms of the total picture.

5 Stephen Hunt was travelling north at this time on Highway 224
6 towards Shubenacadie. He was familiar with the Goulet residence. He was unaware of
7 what was happening in Shubenacadie. He reported that he saw what he thought was
8 the north gate that I discussed earlier smashed at that time.

9 It is important to say that this is inconsistent with all other
10 information that we have with respect to whether that gate was down or not.

11 I've moved on to the slide with respect to Amelia and David Butler,
12 but before I do that, I wish to comment about Kendra Tonet. This will be referred to in
13 the Foundational Documents. She was an associate friend, a contact of Gina Goulet.
14 She had been talking with Gina Goulet throughout the morning, until about 9:45, over
15 the telephone.

16 Gina Goulet indicated that she was aware that there was an active
17 shooter in Portapique. Gina Goulet also advised Ms. Tonet that she would have been
18 aware of who that perpetrator was by means of professional connections that she had
19 as a professional dentist in Nova Scotia.

20 Amelia and David Butler. Amelia Butler is the daughter of Gina
21 Goulet. David Butler is the son-in-law of Gina Goulet. They reside north of
22 Shubenacadie.

23 On this morning, April 19th, Amelia and Gina Goulet had texted
24 each other regularly; they had iMessaged each other. They had spoken over the phone
25 throughout the morning. Gina Goulet had discussed the situation that she was aware of
26 with respect to the news about Portapique, and Gina Goulet had also expressed some
27 apprehension about the situation, given her circumstances and given her knowledge of
28 the perpetrator through her professional association.

1 Amelia Butler stayed in close contact with her mother throughout
2 the morning; they continued to communicate regularly.

3 At around 10:58:04 a.m., Gina Goulet called Amelia. Amelia's
4 phone rang twice but then all indications are that the phone cancelled. According to
5 information that has been provided to the Mass Casualty Commission, Amelia Butler
6 was left with the impression that her mother had cancelled the call for some unknown
7 reason at that time.

8 Now, this is significant because it accords with the travel discussion
9 that we've seen, in terms of the physical observations of the witnesses, and it also
10 accords with the timing of leaving the Shubenacadie cloverleaf in the stolen SUV of
11 Joseph "Joey" Webber.

12 It also accords timing-wise with the distance between those two
13 locations. Information suggests that this was possibly the beginning of the encounter
14 that Gina Goulet had with the perpetrator on that morning.

15 Forensic evidence indicates that the perpetrator pulled the vehicle
16 up behind the building; that the perpetrator exited the vehicle; he broke and entered the
17 side entrance of the residence by smashing the glass in the door. Information that we
18 have says that he made his way into the residence, into the living area of the residence;
19 that the perpetrator at that time would have shot one of the two dogs that Gina Goulet
20 had; not fatally but shot the two dogs.

21 He then went from the living room area of that residence into the
22 master bedroom, and then he fatally shot Gina Goulet, who had fled from something
23 into the ensuite bathroom, the farthest corner of the residence.

24 It would appear, then, that the perpetrator left the residence after
25 committing this homicide in the grey Mazda 3 hatchback of Gina Goulet.

26 David and Amelia Butler were understandably concerned by the
27 cancelled call. They got in their vehicle, in an effort to drive to Gina Goulet's residence.

28 Given the roadblocks from the cloverleaf and at the cloverleaf, they

1 had to drive around through Stewiacke, out through Exit 11, down to Exit 9, and up from
2 Milford to the residence at 224.

3 Information available to the Commission through Statutory
4 Declaration indicates that Amelia Butler made 16 efforts to call her mom while she was
5 travelling; unsuccessfully.

6 At 11:55, Amelia and David Butler arrived at 198 Highway 224.
7 The chain cable was on the ground, upon arrival. Amelia reports that the north side
8 gate was intact at that time. They saw, when they arrived, a grey SUV behind the
9 residence, as they drove up in the driveway.

10 Amelia called 9-1-1 immediately. David Butler entered the
11 residence, made very brief observations of shell casings on the floor and the body, and
12 then left.

13 They left together, they headed north towards Shubenacadie. As
14 they headed towards Shubenacadie to get some assistance, they encountered Cst.
15 Austin Comeau. That name will be familiar to you as having responded to
16 Shubenacadie and being in the area at the time of the atrocity at that location.

17 Cst. Comeau was an associate, a friend, a colleague of Cst.
18 Stevenson, and was instructed to leave the area at the end of his shift because of the
19 trauma involved.

20 He then ran into the Butlers at that occasion, and then
21 communicated with the Dispatch of his observations with the Butlers. Immediate
22 medical assistance was summoned to provide care for Amelia Butler, who obviously
23 was understandably distraught. Ms. Butler was eventually transported to the Colchester
24 East Hants Hospital.

25 Subsequent investigations of the scene revealed a certain amount
26 of important information.

27 It would appear that the perpetrator had deposited a grey-coloured
28 shirt with an RCMP insignia, a high-visibility vest, and a dark-coloured vest near the

1 rear, side entrance to the residence, either before or after he exited; it's unclear.

2 The slide before you shows the close look of the RCMP shirt that
3 was seized by investigators near the entrance to the residence. You can see the
4 labelling on the shirt, lending the impression that it was RCMP issued.

5 Also located by forensic investigators at the scene was an
6 abandoned, partially filled plastic gas cannister. It was located, as the markers indicate,
7 beside the clothing.

8 The silver SUV behind the residence was examined. A
9 Correctional Services Canada jacket was located on the passenger seat. You will recall
10 from previous introductions to Foundational Documents referred to specifically at the
11 Hunter Road location that Sean McLeod and Alanna Jenkins were involved and working
12 with Correctional Services. It would be reasonable to conclude that that came from that
13 location.

14 Blue trousers with yellow stripes were located in the vehicle; a pair
15 of gloves were located in the vehicle; various ammunition was also located inside the
16 vehicle by forensic examination subsequent to the event.

17 Also, in the back set of the abandoned vehicle of Joseph "Joey"
18 Webber was a butane torch. The butane torch had blood stains on it, identifiable blood
19 stains attributable to the perpetrator through DNA typing analysis.

20 Additionally, blood staining was found after forensic examination of
21 the vehicle on the driver's seat of the Webber vehicle, and also on the rain guard on the
22 passenger side of the Webber vehicle. Those blood stains too were attributable by
23 DNA typing analysis to the perpetrator.

24 There was additional blood stains found on the steering wheel, the
25 steering column, the interior driver's side door trim of that vehicle. It was not typed, but
26 it is consistent, obviously, perhaps from the same source, without being able to
27 conclude that.

28 That being said, the information that can be concluded is that the

1 perpetrator was bleeding at the time in the vehicle. This is consistent with the
2 information that you heard from my colleague with respect to the shootings and the
3 shooting behaviour at the Shubenacadie Cloverleaf. It's consistent with being shot,
4 consistent with subsequent descriptions of the perpetrator by law enforcement
5 personnel that you will hear later this morning.

6 As discussed by my colleague two days ago, the ERT team was at
7 the Cloverleaf within minutes of the perpetrator's departure. We learned that they left
8 heading south in an effort to follow the perpetrator's path.

9 At 10:59:13, there was a broadcast from Team Leader Cpl Mills
10 indicating that he knew or was aware that there was a silver Tracker SUV involved.

11 At 11:00:21, the urgency of the situation is most clear from the
12 broadcast. Cpl Mills broadcasts:

13 "If they see a silver SUV Tracker with a guy with a yellow
14 jacket, you got to – you can't give him a second. You got
15 to have a gun on him. Gun on him."

16 Of course, the perpetrator at this stage is now, or soon to be, not in
17 that silver SUV, but was making the transition or had transitioned to the grey Mazda3
18 Hatchback.

19 It would appear as well that the perpetrator had shed the yellow
20 jacket being referenced by Cpl Mills and the high visibility vest. He was now wearing a
21 white t-shirt and driving a gray Mazda3 Hatchback.

22 At 11:02:31 a.m., Cpl Mills broadcast that he, i.e. the ERT Team,
23 were southbound on the number 2 highway. It's not sure if he means the number 224
24 or indeed, they have made the transition from the 224 to the number 2.

25 They have, at this stage, gone by 198 Highway 224.

26 Gina Goulet was a professional denturist residing in Nova Scotia.
27 She had worked in this profession for 27 years. She was a cancer survivor. She lived
28 and loved rural Nova Scotia. She took COVID precautions seriously due to the health

1 concerns that she had experienced.

2 She became aware of an active shooter information in Portapique
3 that morning. She was aware of that through news broadcasts. She was fatally shot in
4 her own home by the perpetrator.

5 Summary of key elements relevant to the sequence of events in
6 conclusion of this introduction.

7 The perpetrator left the Shubenacadie Cloverleaf at approximately
8 10:55 a.m. ERT arrives at the Shubenacadie Cloverleaf at approximately 10:57 a.m. At
9 10:58:04, there was the ill-fated cancelled call occurring between Gina Goulet and
10 Amelia Butler. ERT departed the Cloverleaf after obtaining information from witnesses
11 at around 10:59 a.m. At 11:55 a.m., Amelia and David Butler made their way to the
12 residence at 198 Highway 224.

13 The perpetrator would continue to carry on south, carry on south to
14 the Elmsdale PetroCan and the Enfield Big Stop. Those locations and what took place
15 therein will be discussed in the next presentation.

16 Commissioner, this concludes my introduction of the Foundational
17 Document, "Highway 224".

18 **COMMISSIONER MacDONALD:** Thank you very much, Mr.
19 Burrill. More very, very difficult facts. We think it's appropriate to take a break, a brief
20 break at this time, and before we start the next presentation. Thank you.

21 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
22 proceedings are now on break and will resume in 15 minutes.

23 --- Upon breaking at 10:06 a.m.

24 --- Upon resuming at 10:22 a.m.

25 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
26 proceedings are again in session.

27 **COMMISSIONER MacDONALD:** Yeah, thank you, everyone.

28 We'd now ask Ms. Mancini to present the "Enfield Big Stop"

1 Foundational Document.

2 **--- INTRODUCTION OF FOUNDATIONAL DOCUMENT – ENFIELD BIG STOP:**

3 **--- PRESENTATION BY MS. ANNA MANCINI:**

4 **MS. ANNA MANCINI:** Good morning. So as Commissioner
5 MacDonald has indicated, my task this morning is to present the final of the, what we've
6 termed the narrative Foundational Documents, this one being "Enfield Big Stop".

7 It essentially covers events from about 11:10 a.m. to approximately
8 11:25 a.m., or shortly thereafter.

9 Despite that, my presentation today, or this presentation, will likely
10 be about an hour in length.

11 And I think at this stage too, I think it's important to offer a reminder,
12 as has been consistent, that the Foundational Document presented today is, of course,
13 not the final word. And I say that particularly with respect to this Foundational
14 Document, given that we will be hearing very shortly testimony from Dr. Bowes, as well
15 as tomorrow from Csts Hubley and Macleod. And of course, their testimony will be very
16 important.

17 So in presenting the Foundational Document, "Enfield Big Stop", I'd
18 ask Madam Registrar to mark and tender the Foundational Document into these
19 proceedings.

20 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 754.

21 **--- EXHIBIT No. 754:**

22 Foundational Document "Enfield Big Stop"

23 **MS. ANNA MANCINI:** Thank you. I'd also move to mark and
24 tender all cited materials in Exhibit 754.

25 **REGISTRAR DARLENE SUTHERLAND:** So exhibited.

26 **MS. ANNA MANCINI:** Thank you.

27 The subject matter, as I indicated, is a summary of information
28 currently available to the Mass Casualty Commission in relation to events on April 19th,

1 2020 in and around the Elmsdale area and Enfield area of Nova Scotia.

2 I'll highlight at the outset that references are made in the course of
3 this presentation to the homicides of Gina Goulet, of Sean McLeod, of Cst Heidi
4 Stevenson, and to Joey Webber.

5 So I won't spend a great deal of time on geography, but of course,
6 the relevant communities and their juxtaposition to one another, Shubenacadie, Milford,
7 Elmsdale, Enfield.

8 Shubenacadie is approximately 25 kilometres or so from the Enfield
9 area. Elmsdale and Enfield, Elmsdale is exit 8 off of Highway 102. It's about eight
10 kilometres from Enfield, which is Exit 7.

11 So we've highlighted the divided highway, Highway 102, that you're
12 of course familiar with.

13 If you were to continue south on the 102, you'd come to Halifax. If
14 you proceed north in the direction of Milford and Shubenacadie, you'd come to Truro.

15 Highway 2 you're of course familiar with as well, running parallel to
16 the 102.

17 And of course, Highway 224, which is where the residence of Gina
18 Goulet was situated.

19 So as has been depicted from the two previous Foundational
20 Document presentations, the first responders, particularly the Halifax Division ERT team
21 had departed the Clover Leaf, and they were aware, or their last known information was
22 that the perpetrator had departed the Shubenacadie Clover Leaf moments before them,
23 that he had departed driving a silver SUV, or a silver Tracker. Emergency Response
24 had information that the perpetrator was wearing a high-visibility yellow vest. And this
25 information coming in results in essentially a concentration of RCMP ERT members on
26 the -- basically, on the map that's in front of you, travelling and circling on Highway 2
27 and the 102. Members were -- had knowledge that they were fairly close on the heels
28 of the perpetrator, and that resulted in sort of a convergence of both ERT members as

1 well as police dog service members in this area searching for the perpetrator.

2 I should note that J Division, which is New Brunswick Division,
3 RCMP ERT members held back in the Truro area in the event that the perpetrator
4 double-backed towards Truro. But, of course, we know that the perpetrator had
5 attended the residence of Ms. Goulet and engaged in horrific events there. We know
6 that he subsequently removed the yellow vest and the RCMP shirt that he was wearing,
7 that he stole Ms. Goulet's vehicle. So he was now operating a Mazda 3 grey hatchback,
8 and he was dressed in a white shirt, and he departed the residence.

9 We know based on subsequent examination of the Mazda 3 that
10 the vehicle had the gas light on and was indicating E for empty or requiring fuel. And
11 this is likely what prompted the perpetrator to travel towards the Petro-Can in Elmsdale,
12 which is, as I indicated, Exit 8 off of Highway 102.

13 And while this is taking place, information comes in to the OCC, or
14 the 9-1-1 centre, indicating that there was a possible siting at the Sobeys in Truro.

15 **[AUDIO PLAYBACK]**

16 **MS. ANNA MANCINI:** So this was, of course, a false or mistaken
17 report that had been called in to the OCC, and ERT members who were concentrated in
18 Elmsdale area felt that, based on the timing, the information that they had last received
19 from witnesses in the area, and the known direction of travel of the perpetrator, they felt
20 that they weren't far behind the perpetrator and that he was likely still in the Elmsdale
21 area. So the J Division ERT team attends the Sobeys in Truro, along with the Truro
22 Police Service. And the ERT H Division, or Halifax Division RCMP ERT members focus
23 their efforts or congregate at the Sobeys in Elmsdale, thinking that perhaps this is a
24 mistake with respect to the location of the Sobeys and this information. So members
25 attend that Sobeys and broadcast that the area is clear.

26 **[AUDIO PLAYBACK]**

27 **MS. ANNA MANCINI:** And I'll note that Constable Milton indicates
28 Sobeys in Enfield. He's referring to Elmsdale Sobeys. They are about eight kilometres

1 apart, not far.

2 So this photograph situates where the Sobeys is in relation to the
3 Elmsdale Petro-Can. They're on opposite sides of Highway 102. Sobeys is on the east
4 side of the highway, and, of course, Petro-Can being on the west. Highway 214
5 connects them by way of an overpass.

6 And so, at this stage, many of the ERT members are recognizing
7 that there's a need to ensure that their vehicles are fueled if they're going to be
8 continuing this pursuit. You'll recall that the majority of the vehicles associated with the
9 ERT team had departed the Halifax area the night before on April 18th. They had
10 attended Portapique. They had since travelled to Glenholme, Debert, through to
11 Shubenacadie and now into the Elmsdale, Enfield area. And, of course, there were
12 concerns that if this was going to be a prolonged pursuit, the vehicles would need to be
13 properly fueled. So this prompts some of the vehicles to attend various gas stations,
14 one of the closest of course being Elmsdale Petro-Can, which as I indicated, is just
15 across the highway. ERT truck D-20, carrying Constables Kelly, Constable Ryan and
16 Constable Barnhill proceeded towards this Petro-Can.

17 And this is a overhead sort of 360 view of the Elmsdale Petro-Can,
18 and the purpose of playing it is really just to situate some surveillance footage that we'll
19 be looking at. One thing just to pay attention to, I suppose, are the three exits and --
20 entrances and exits from that gas station.

21 **[VIDEO PLAYBACK]**

22 **MS. ANNA MANCINI:** So you'll see that there are three entrances,
23 one being at the left-hand side of the screen. It's a narrow sort of 1 way in from
24 Highway 214, and then there are 2 wider entrances. They're separated by some pine
25 trees, and those pine trees will be in the foreground or background of some subsequent
26 surveillance footage.

27 So as we indicated, the perpetrator had proceeded on the 102,
28 proceeded off of the highway towards the Elmsdale Petro-Can.

[VIDEO PLAYBACK]

1
2 **MS. ANNA MANCINI:** So this was a surveillance video captured at
3 11:16 that morning. We'll play it again, but essentially what you see is the perpetrator
4 arrive in the Mazda 3 and parks on the wrong side with the gas tank or gas hatch of the
5 vehicle opposite the pump. You'll observe him reach towards the passenger side of the
6 vehicle; however, it appears when he gets out of the vehicle, he doesn't have anything
7 in his hands. He then proceeds to the farther pump, making essentially a U-turn around
8 to the other pump. Given the stop and start sort of motion that you're seeing in the
9 video, it's difficult to say if this is a second-for-second account of time, but the time that
10 is available in this video suggests that the perpetrator was at this location for
11 approximately 44 seconds.

[VIDEO PLAYBACK]

12
13 **MS. ANNA MANCINI:** The ERT member, who's at the back of
14 vehicle D20, is Constable Kelly, and he's performing in that role, and in this videoclip
15 cover, to Constable Ryan, who is attempting to pump gas at that time. He,
16 Constable Kelly, provided an interview with the Mass Casualty Commission.

17 He indicated in that interview that coming from the Sobeys he did in
18 fact observe the shiny grey hatchback at that location, and he noticed that it had a
19 green tennis ball or a green tennis ball on the antenna. He indicated that he saw a male
20 wearing blue jeans and a white t-shirt, and that this clothing did not match the
21 description of what he was searching for at the time, which was an individual in a yellow
22 vest, possibly a police uniform, and in a silver SUV. He did observe that the individual
23 had a bump over his eye, but indicated that there was nothing in the behaviour of the
24 individual to raise any suspicion or cause any alarm.

25 Constable Kelly advised that Constable Ryan struggled to pump
26 gas, it seemed as though the pumps may have been shut off as a result of the incident
27 in progress, and he further advised that there was a sighting, a false sighting, but a
28 sighting nevertheless that this vehicle, and the members therein departed in order to

1 investigate. And they, of course, subsequently realised it was a false sighting.

2 So after this attendance at the Petro-Can, the perpetrator drives the
3 Mazda 3 onto the onramp, passing the East Hants Aquatic Centre. There is no
4 timestamps on this video. What we've been advised is that, or the report associated
5 with this surveillance is that the video itself began recording at 10:30, or the time period
6 that we have began recording at 10:30, and that 48 minutes into the video a vehicle
7 resembling a small grey hatchback would be passing by on the onramp onto the 102,
8 and this would make this at 11:18.

9 So you'll see a vehicle, a small, grey vehicle travelling left to right
10 across your screen on the onramp onto the highway.

11 **[VIDEO PLAYBACK]**

12 **MS. ANNA MANCINI:** And I'll just play it one more time.

13 **[VIDEO PLAYBACK]**

14 **MS. ANNA MANCINI:** From there, the perpetrator travelled south
15 on Highway 102, and then took Exit 8 into the, pardon me, Exit 7, into the Enfield area,
16 passing the Enfield weigh station. Video surveillance, similarly, captures what appears
17 to be a small grey vehicle proceeding on the onramp, and it would be the first vehicle
18 that passes by in the frame.

19 **[VIDEO PLAYBACK]**

20 **MS. ANNA MANCINI:** So this camera is a motion-sensored
21 camera, such that it is activated or begins recording when movement is detected in its
22 vicinity. So it unfortunately doesn't capture activity that's happening at the overpass.
23 The timestamp associated with the video indicates that it's 10:30, but the video is also
24 52 minutes slow, so the actual time is 11:23 when you compare the timestamp on the
25 video to real time.

26 From there, the perpetrator would have made a left hand turn onto
27 that overpass, it's onto Highway 2, and essentially curled north again towards the
28 Enfield Big Stop.

1 So this photo is an overhead view of the, I guess, relationship
2 between those two locations. The top of your screen you'd have the 102, and then as
3 you move down, you'd be proceeding south, take the exit at the Enfield weigh station,
4 and then proceed across Highway 2 towards the gas station on the opposite side.

5 And this is another photo from a different angle. So this is the
6 Enfield Big Stop in the centre of the screen. One thing I'll point out, although it's not the
7 focus of today's Foundational Document and today's presentation, there will be a
8 subsequent Foundational Document focussing on Halifax Regional Police. However,
9 for purposes of today, I think I should indicate that at the very centre of your screen
10 there, there's a trucking station with 18-wheelers where they can -- where tractor trailers
11 can obtain fuel. There were two Halifax Regional Police Emergency Response Team
12 members at that position, Members Joudrey and Manley [sic]. There was also another
13 Halifax Regional Police ERT team situated on the onramp, just to the left corner of your
14 screen there.

15 The only reason I'm mentioning that today is that you'll
16 subsequently hear some radio transmissions where officers indicate "HRP ERT is here
17 with us", and that provides some context as to the vicinity that HRP members were at
18 the time of engagement with the perpetrator at the Big Stop.

19 So this is just an overhead video of proceeding south on the 102
20 towards the weigh station.

21 **[VIDEO PLAYBACK]**

22 **MS. ANNA MANCINI:** And our next video will just take us across
23 that overpass and over to the Big Stop itself.

24 **[VIDEO PLAYBACK]**

25 **MS. ANNA MANCINI:** So there's a couple of things I'm just going
26 to point out about this particular image. The first thing I'll indicate with respect to both
27 videos that you've just seen is that this is, of course, taken in August of 2021. August in
28 Nova Scotia is prime road trip season. The traffic that you see in the parking lots and

1 on the highway are not reflective of the presence that was around on April 19th, 2020,
2 which was, of course, during a lockdown in a pandemic.

3 The second thing that I'll indicate about the layout of the buildings
4 that you see is, of course, the pumps at the centre of the screen. Those pumps are
5 numbered, with one pump on each side of each pillar, so they're numbered starting from
6 1 all the way through to 12, with 1 being at the right of the screen and 12 down at the
7 left-hand side.

8 So pumps 5 and 6 are located to the left of that white van that you
9 see emerging into the right of the tail end of the red truck that we're able to see, just to
10 give you an approximate sense.

11 The second thing I want to point out just from this vantage point are
12 where the cameras that obtain surveillance footage are located.

13 So there's one camera. It's referred to as camera 3. And that
14 camera is situated on the restaurant of that building sort of to the left centre of the
15 screen. It faces towards the pumps from some distance back, of course.

16 There's another camera that's referred to as camera 5/6, 5/6.
17 That's immediately above pumps 5 and 6, so it's a bird's-eye view looking directly down.

18 There are also two pumps -- or pardon me, two cameras
19 associated with each pump, one being camera 5 that's associated with pump 5 and one
20 being camera 6 that's set over pump 6.

21 So the perpetrator, as we indicated, took a left turn on Highway 2,
22 proceeded to the Big Stop. He entered off of Highway 2 and proceeded towards the
23 pumps.

24 We have one image of the Mazda 3 entering next to pump 7, so it
25 would appear that the perpetrator pulled in next to pump 7 and then conducted a U-turn
26 to pull around to pump 5. You'll see that image as we continue along.

27 So this, as I indicated, is camera 3. It's a video camera set back on
28 the restaurant. For our purposes, it's a fairly frustrating video in the sense that you'll

1 see a time stamp that starts at 11:23:56 and that it jumps or skips to 11:24:44, so two
2 things to note. One, this is, again, a motion sensed camera, so it activates when
3 movement is detected in front of it. Two, the second thing I'll note is that the
4 surveillance time stamps on each of these cameras don't align with one another, so it
5 becomes a bit of a frustrating mathematical game to piece this together.

6 So given the trajectory of how the perpetrator entered, it appears
7 he was not -- or the movement was not picked up by this camera, so when we play the
8 video, you'll essentially see a Mazda 3 sort of appear next to pump 5. The camera
9 seems to be activated or does record the SUV that was driven by Constable Hubley
10 with Constable Ben MacLeod in the passenger seat as it enters the pump area, and
11 that's what we will see in the video.

12 [VIDEO PLAYBACK]

13 **MS. ANNA MANCINI:** So again, because this camera is set this
14 far back, it actually doesn't contribute very much with respect to what we see with
15 relation to the events that took place. However, camera 5/6 directly above the two
16 pumps does provide a little bit more insight into the events.

17 So at 11:24:23, we begin to see the headlights of the Mazda 3
18 entering the frame as it approaches the pump. Again, it continues in at 11:24:24 before
19 coming to a rest or a stop beside pump number 5.

20 We then see at 11:24:52, about 24 seconds later, see the
21 Suburban come in towards pump 6. So at this stage, the perpetrator has pulled in, has
22 not exited the vehicle. You'll be able to observe, and I'll direct your attention to a
23 sunroof at the top of the vehicle that allows us to see some degree of movement from
24 inside the vehicle at different intervals.

25 So 11:24:53, the SUV has pulled up to the pump. And at 11:24:54,
26 the door of the -- the driver's side door of the SUV has begun to open.

27 At 11:24:56, Constable Hubley has exited his vehicle. And within
28 that same second, 11:24:56, Constable Hubley's right arm appears to reach towards his

1 firearm.

2 At 11:24:57, according to the time stamp on this video, Constable
3 Hubley has drawn his firearm. Within that second, 11:24:57, he has turned or is turning
4 in the direction of the perpetrator with his firearm. You'll note that there's a shadow on
5 the -- the ground between the canopy of the pump and Constable Hubley that
6 resembles the shape of a firearm.

7 Again, 11:25:57 [sic], the perpetrator has remained in the vehicle.
8 Constable Hubley is continuing to turn towards him. And at 11:25, he has turned and is
9 facing the perpetrator.

10 So at 11:25:01, this is what I was indicating about the sunroof. You
11 can see sort of a white shape appear, so if I go to the second before, you'll see that the
12 sunroof is completely black. However, when we go to that next second, there appears
13 to be perhaps an arm or area of -- certainly a white shape in the sunroof consistent with
14 the perpetrator wearing a white shirt.

15 You can also note that Constable Hubley has not yet discharged
16 his firearm, that the windows of the vehicle are still intact.

17 11:25:01, the windows are still intact, as I indicated. However,
18 within that second, the window, the passenger side window, does begin to shatter. This
19 is obviously consistent with Constable Hubley discharging his firearm. And this is
20 approximately eight seconds, according to the time stamps on this video, from the time
21 that Constable Hubley exited the SUV.

22 So camera 5 provides us an angle of the Mazda 3 slightly closer.

23 11:24:09, this is the Mazda pulling in. You'll see the tennis ball
24 referred to by Constable Kelly on the antenna.

25 At 11:24:15, the Mazda has stopped next to the pump.

26 So there's essentially no movement at 11:24:31, so about 15, 16
27 seconds of just sitting, but then at this juncture there appears to be some movement
28 with the perpetrator's right arm in the console -- centre console area.

1 So if you move between, you can see that there's some movement
2 in that area, unclear precisely what's taking place, of course, from this angle.

3 At 11:24:37, so a little over 20 seconds or so after the vehicle has
4 stopped here, you can faintly see the reflection of an SUV, the hood of an SUV,
5 appearing in the passenger window on the rear -- rear side of the passenger window.

6 At 11:24:40, the SUV has stopped and you can see that reflection
7 again in those -- the windows of the Mazda.

8 At 11:24:42, a shadow appears and it appears to be the shape of a
9 firearm, although obviously it's a bit obscure to tell. I suppose that's open to
10 interpretation certainly. But there's a shadow that certainly appears between the Mazda
11 and the pump.

12 So at 11:24:44, this is when we see the beginning of the passenger
13 side window shattering as bullets are making contact with it. So that's about eight
14 seconds after having seen the reflection of the SUV come to a rest beside the Mazda.

15 Two seconds later, or sorry, within the same second, the glass is
16 clearly shattering and starting to break.

17 At 11:24:45, if you look at the windshield, the front windshield, you'll
18 see that bullets or what would appear to be bullets are making contact and that the
19 windshield is breaking.

20 At 11:24:51, if you look next to the passenger side wheel, front
21 wheel of the car, you'll notice that there's a shadow on the ground. That would be
22 consistent with Csts Hubley and McLeod moving towards cover at the front of their
23 Suburban, which of course is to the right of the Mazda.

24 So about six minutes later in time after the arrival of the SUV,
25 backup RCMP ERT members have attended the scene and they're approaching the
26 vehicle in a tactical formation for purposes of conducting an extraction of the perpetrator
27 from the vehicle.

28 At 11:31:04, the door has been opened. ERT members are

1 preparing for performing an extraction.

2 Of note, several of these ERT members observed at this time, and
3 some verbalized at this time that the perpetrator had a firearm in his hand or lap area
4 when they approached the vehicle.

5 At 11:31:26, the extraction has taken place. At 11:31:28, the
6 perpetrator has been placed on the ground, placed in custody, such that his hands are
7 bound behind his back. Vitals were checked and it was determined at that stage that
8 the perpetrator was deceased.

9 So Camera 6, as I mentioned, we have a short image of the Mazda
10 3 entering from Highway 2 direction and passing Pump 7 before curling around to Pump
11 5. And that's at 11:23:59.

12 11:24:35, so approximately 36 six seconds later, we see the SUV
13 pull in and second later come to a stop. One second later, the door has opened, the
14 driver's side door. 11:24:38, Cst Hubley is exiting the vehicle and he is looking in the
15 direction of the perpetrator, who of course is to his left.

16 At 11:24:39, Cst Hubley is fully out of the vehicle. He's making a
17 motion to close his door and he's still observing the direction of the perpetrator.

18 At 11:24:40, Cst Hubley is closing the door, in the act of closing the
19 door, and he's still observing the direction of the perpetrator. And he does appear in
20 that image with his right hand to be making motion towards his firearm.

21 At 11:24:41, Cst Hubley has drawn his firearm in the direction of the
22 perpetrator.

23 You'll also note in the top right of the image, the door on the
24 passenger side has opened and the head barely visible of Cst McLeod is exiting the
25 SUV.

26 At 11:24:42, Cst Hubley of course still has his firearm drawn in the
27 direction of the perpetrator and Cst McLeod is making his way towards the front of the
28 SUV.

1 11:24:42 shows us a similar image.

2 At 11:24:43, you can see that Cst McLeod has made his way to the
3 front of the vehicle and between this -- or within this second, I should say, we can
4 essentially see the beginning of a motion similar to a recoil with a firearm.

5 At 11:24:45, Cst Hubley can still be seen with the firearm extended
6 in front of him.

7 And at 11:24:46, you can see Cst Hubley starting to make his way
8 towards the hood of the vehicle, still with the firearm drawn. And he's essentially
9 moving towards Cst McLeod's position.

10 At 11:24:47, he continues to move towards Cst McLeod's position.

11 11:24:48, you can vaguely see that the pistol doesn't appear to be
12 drawn out in the same fashion that Cst Hubley has essentially stood a little more upright
13 and is moving, again, towards the front of the vehicle.

14 And at 11:24:49, you can just see at the top of the screen that it
15 seems as though the pistol has been lowered to a certain extent.

16 Forensic evidence indicated that Cst McLeod, during this span of
17 time, discharged 11 rounds and that Cst Hubley discharged 12.

18 I won't go into great detail. Cst Hubley and Cst McLeod both
19 provided statements to SiRT and I won't go into great detail, given that those individuals
20 will be providing their own testimony tomorrow. But I will just provide a brief overview,
21 such that Cst Hubley indicated in his SiRT statement that he had pulled into the Enfield
22 Big Stop in order to obtain fuel. He observed that there were orange bags over some of
23 the pumps and he attended the first pump that did not have that orange bag over the
24 handle.

25 When he arrived, he observed a male in a vehicle next to him, in a
26 grey vehicle next to him, who had a wound with blood on his forehead and that Cst
27 Hubley found it strange that the individual had not addressed this wound or taken any
28 steps to address it.

1 Cst Hubley indicated that he had studied photographs of the
2 perpetrator at the command post in Great Village that morning and that upon paying
3 attention to the individual, he recognized the perpetrator and he yelled something to the
4 effect of "Benny", which would be Cst McLeod, "Benny, it's him." At that time, he saw
5 the perpetrator raise a firearm. And it was at that time that Cst Hubley discharged his
6 firearm and ultimately moved to cover.

7 Cst McLeod similarly provided a statement to SiRT. He similarly
8 indicated that they had pulled in, he and Cst Hubley had pulled into the gas station in
9 order to obtain fuel, that as he was exiting the vehicle for purposes of providing cover,
10 he was acting as a cover officer Cst Hubley, and that as he was exiting to do so, he
11 heard Cst Hubley yell something to the effect of "Benny, it's him," or, "It's him."

12 He himself didn't recognize the perpetrator, but he was concerned
13 because he recognized that Cst Hubley was in a position between himself and the
14 perpetrator and that he was not in a position to effectively provide cover from that
15 position.

16 He looked to the vehicle. He still didn't quite recognize the
17 perpetrator; however, he did see the individual raise a firearm, and at that point he
18 discharged his firearm.

19 So I'm going to play a series of broadcasts that were made at the
20 Enfield Big Stop. The first by Cst. MacLeod.

21 **[VIDEO PLAYBACK]**

22 **MS. ANNA MANCINI:** So Cst. MacLeod will be able to speak to
23 the context timing of that broadcast in his testimony.

24 Cst. Hubley also made a broadcast, this one over Colchester radio,
25 so inside the car vehicle.

26 **[VIDEO PLAYBACK]**

27 **MS. ANNA MANCINI:** Again, Cst. Hubley will provide his account
28 of that. I'll point out a couple of technical things. Kilo 5 that Cst. Hubley indicates there

1 is his call sign, so he's identifying himself. "Shots away" is reference to the fact that
2 police have discharged rounds, as opposed to necessarily having rounds come at them.
3 And of course he provides the location. The last voice you hear there, S/Sgt.
4 MacGillivray. S/Sgt. MacGillivray had broadcast moments earlier at 11:21 that he was
5 assuming the role of Incident Commander from S/Sgt. Jeff West, so that's that
6 individual.

7 The next broadcast is over Cst. Hubley's portable radio; his ERT
8 channel is on that portable radio.

9 **[VIDEO PLAYBACK]**

10 **MS. ANNA MANCINI:** So a couple of things occurring over this
11 broadcast. Essentially what's happening is S/Sgt. MacGillivray, as the Incident
12 Commander, is asking the team lead, Cpl. Tim Mills; he's the team lead of the ERT
13 team, and he's asking him for an update.

14 Cpl. Mills has indicated that he too confirms that he heard shots
15 away and indicates that he's in close vicinity. Cst. Hubley, who you hear attempting to
16 broadcast -- there certainly seems to be a lot of wind interference with his
17 transmissions; however, he indicates that HRP ERT are present at the scene. As I had
18 earlier indicated, there were HRP ERT members very nearby.

19 At the very end of the transmission, Cst. Hubley indicates Kilo 5,
20 again his call sign, and Hotel 5, being Cst. MacLeod's call sign, and confirms the
21 suspect is down.

22 So there were various items located in the Mazda 3 that were
23 associated specifically to the perpetrator. Five of those were firearms that were located
24 in the vehicle. Two firearms were found in the driver's seat area of the car, one being a
25 Glock 23 40-calibre semiautomatic handgun; it had a pressure-activated laser pointer
26 on the grip, and that was located in the driver footwell area of the vehicle.

27 Also located in the front of the vehicle was an RCMP-issued Smith
28 & Wesson pistol; that was the pistol belonging to Cst. Stevenson. That was wedged

1 between the driver's seat and the centre console.

2 In the backseat of the vehicle there were two rifles located and a
3 handgun, a Colt Law Enforcement semiautomatic rifle; a Ruger Mini 14 semiautomatic
4 rifle; and a Ruger P89 handgun with a pressure-activated laser pointer on the grip.

5 So you may recall the accounts in Portapique of Andrew
6 MacDonald and Kate MacDonald who had indicated that there was a laser pointer that
7 they had seen just before the perpetrator had discharged rounds at them, and that's, of
8 course, consistent with the laser pointers on these firearms.

9 All five of the firearms that were seized in the Mazda 3 were
10 loaded. There was also a large amount of unused ammunition located in the vehicle.
11 Much of it was in a cardboard box with loose ammunition contained in it, and that was in
12 the passenger seat of the vehicle.

13 There were also two RCMP Smith & Wesson magazines located in
14 the vehicle on the passenger side footwell of the area. One of those RCMP magazines
15 was full with 15 rounds, and the other was empty.

16 Other items that were seized from the Mazda 3, there were various
17 objects associated to the perpetrator, one was the wallet of Sean McLeod, that had
18 been stolen by the perpetrator when he had attended 2328 Hunter Road earlier that
19 morning.

20 There were also numerous car keys located in the Mazda 3. So
21 one was a Honda key fob, and that's actually in the previous photo at the very bottom of
22 the photo there, the black rectangular box, and there's a keychain of a dog with it.

23 There were four key vehicle fobs, three Ford keys and a Jeep key.
24 The Jeep key is the key in the top photo to the left. And three of the Ford fobs had
25 labels on them. They were marked as Ford 1 RCMP, Hot 3, and Ford 2.

26 Further evidence that was located in the Mazda 3 and associated to
27 the perpetrator was a handcuff key and a keychain, and that was located on a black
28 duty belt that also had an extendable baton and a flashlight and empty handcuff pouch.

1 Chief Medical Examiner -- Nova Scotia's Chief Medical Examiner,
2 Dr. Bowes, conducted the *post mortem* of the perpetrator, and indicated in that report
3 that the perpetrator had sustained gunshot wounds to the head, neck, chest, abdomen,
4 and both arms, and that the cause of death was multiple gunshot wounds perforating
5 the perpetrator's internal organs.

6 As I indicated, Cst. MacLeod had discharged 11 rounds and Cst.
7 Hubley had discharged 12. Thirteen 9-millimetre bullets were located at the scene.
8 And this is an important piece of information because both Cst. Hubley's firearm and the
9 Smith & Wesson firearm belonging to Cst. Stevenson that was stolen by the perpetrator,
10 both firearms discharged 9-millimetre rounds. So it would appear that the perpetrator
11 fired one bullet as well, which accounts for the thirteenth 9-millimetre casing that was
12 located at the scene.

13 And that discharge of the firearm appears to have been in relation
14 to a self-inflicted wound. The perpetrator -- or in the *post mortem* examination, Dr.
15 Bowes identified two head wounds associated with the perpetrator. The first head wound
16 had an entrance wound on the right side of the temple area.

17 So if you look to the photo on the left, these are fragments that
18 were collected from both head wound 1 and head wound 2. So head wound 1 entrance
19 wound on the temple area, head wound 2 was referenced on Monday, the atypical
20 wound on the scalp of the perpetrator.

21 There were a total of six fragments taken from the two head
22 wounds and put together in this photo that's before you.

23 So with respect to head wound 1, Dr. Bowes found that there was a
24 projectile that had passed from the right side temple area through to the left side of the
25 brain. And the projectile associated to that wound is the grey fragment that's seen at
26 the left -- top left of the photograph.

27 That is a grey object, obviously, and it was tested, determined to be
28 consistent with bullet core material, or lead.

1 Also related to this wound was stippling present around the
2 entrance wound, suggesting that the firearm that had discharged or inflicted the wound
3 was no farther than two feet away at the time that it was discharged. So it appears that
4 this wound was self-inflicted immediately prior to or during Constable Hubley and
5 MacLeod's discharge of firearms.

6 There -- there, of course, is also circumstantial evidence
7 surrounding this, that being the observations by officers with respect to the possession
8 or holding of a firearm by the perpetrator.

9 So as I mentioned, Constables Hubley and MacLeod had both
10 observed the perpetrator raise a firearm. Constable MacLeod actually was able to
11 discern when he looked that it was, in fact, an RCMP-issued Smith & Wesson. The
12 perpetrator's blood was located on the Smith & Wesson, and ERT members who were
13 conducting the extraction, as I mentioned, had observed the firearm in the perpetrator's
14 hand or lap area during the extraction.

15 So it would also appear that there was one bullet fired from the
16 Smith & Wesson not only because of the 13 9-millimetre casings, but also because of
17 the state of the magazine that was loaded in the Smith & Wesson.

18 So we know that the perpetrator stole Constable Stevenson's
19 firearm and her two additional magazines that were on her duty belt. We know that 14
20 casings from the firearm that was loaded at that time at the cloverleaf were located at
21 the cloverleaf, meaning that 14 rounds from that magazine had been discharged.

22 We know that the perpetrator stole the vehicle of Joey Webber,
23 then proceeded to Gina Goulet's, then stole Gina Goulet's vehicle. The empty
24 magazine is located in the Mazda 3. The RCMP-issued magazine is located in the
25 footwell, so that would be the magazine that had been emptied or nearly emptied at the
26 cloverleaf.

27 The two additional magazines that were taken from the duty belt,
28 one full magazine is located on the passenger floor area of the Mazda 3. It would

1 appear that the other had been loaded into the firearm. So the empty magazine from
2 the cloverleaf had been ejected into the footwell and a full magazine, one of those being
3 from Constable Stevenson's duty belt, had been loaded into the firearm.

4 From that magazine, one bullet had been fired.

5 Head wound 2 is, of course, the second wound that was referenced
6 earlier in proceedings. It was identified by Dr. Bowes to be on the right frontal scalp
7 forehead area of the perpetrator. The wound was two centimetres from the top of the
8 head and two centimetres to the right or midline of the head.

9 There was no soot or stipple present around that wound,
10 suggesting it hadn't been fired from within that two-foot range. The trajectory of that
11 wound was front to back, and Dr. Bowes advised that the wound was not debilitating in
12 nature such that an individual could still function, including operating a motor vehicle,
13 despite receiving this wound.

14 So again, we have this photograph of the fragments. And you'll see
15 that there are copper -- some copper fragments.

16 A firearms and tool mark examiner examined those copper
17 fragments. He wasn't able to test the lead piece, of course, but what he was able to do
18 was take those copper pieces and look for tool mark identification, so rifling patterns, on
19 these copper fragments and located rifling patterns on two of the copper fragments.

20 He compared them to all seven of the firearms that were present at
21 the Enfield Big Stop scene, so that being Constable Hubley's firearm, Constable
22 MacLeod's firearm and the five firearms located in the Mazda 3. And he determined
23 that of all the firearms located at the scene, the only firearm that could have fired those
24 two fragments that have the markings on them was the firearm belonging to Constable
25 Stevenson.

26 This is, of course, in reference to what had transpired at the
27 cloverleaf, and it appears that those fragments were as a result of a discharged firearm
28 by Constable Stevenson at that scene.

1 Commissioners, this concludes the presentation with respect to
2 Enfield Big Stop and, of course, we do have a witness, Dr. Bowes, who will appear -- be
3 appearing virtually. I understand, I think, that the technical -- there's some technical
4 aspects that need to be arranged for that, but it shouldn't take long.

5 **COMMISSIONER MacDONALD:** Yeah, thank you so much, Ms.
6 Mancini.

7 We'll just break for as long as it takes to set up the arrangements
8 for Dr. Bowes. We'll just stand by the side there and whenever Dr. Bowes is ready,
9 we'll resume.

10 Thank you.

11 **REGISTRAR DARLENE SUTHERLAND:** Thank you.

12 The proceedings are now on break.

13 --- Upon breaking at 11:23 a.m.

14 --- Upon resuming at 11:32 a.m.

15 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
16 proceedings are again in session.

17 **COMMISSIONER MacDONALD:** Ms. Mancini.

18 **MS. ANNA MANCINI:** Thank you, Commissioners.

19 My proposal would be to invite Dr. Bowes, who I know is appearing
20 virtually for purposes of testifying with regards to the post-mortem examination of the
21 perpetrator this morning.

22 And Dr. Bowes, you're on the screen. Are you able to hear me
23 okay?

24 **DR. MATTHEW BOWES:** I can hear you just fine, Ms. Mancini?
25 Can you hear me?

26 **MS. ANNA MANCINI:** Yes, thank you very much.

27 And Dr. Bowes, I'm just wondering if you could spell your last name
28 for the record, please.

1 **DR. MATTHEW BOWES:** B-o-w-e-s.

2 **MS. ANNA MANCINI:** Thank you so much.

3 And I would just ask, I guess, at this stage, Madam Registrar, if you
4 would swear in Dr. Bowes.

5 **DR. MATTHEW BOWES, Affirmed**

6 **--- EXAMINATION IN-CHIEF BY MS. ANNA MANCINI**

7 **MS. ANNA MANCINI:** Thank you very much for joining us, Dr.
8 Bowes.

9 Dr. Bowes and Commissioners, my plan is just to first canvass a
10 few questions related to Exhibit A in Dr. Bowes' affidavit, which Madam Registrar, the
11 COMM number is 0037122, just for purposes of asking that Dr. Bowes ultimately be
12 qualified as an expert in these proceedings.

13 So if we could turn, please, to page 1 at Exhibit A of Dr. Bowes'
14 affidavit.

15 Thank you.

16 And I understand, Dr. Bowes, that you're currently serving as Nova
17 Scotia's Chief Medical Examiner?

18 **DR. MATTHEW BOWES:** Yes, ma'am.

19 **MS. ANNA MANCINI:** Okay. And how long have you been
20 performing that role?

21 **DR. MATTHEW BOWES:** Since January of 2006.

22 **MS. ANNA MANCINI:** Thank you. And would you mind offering a
23 sense of your duties and responsibilities that are associated with that role?

24 **DR. MATTHEW BOWES:** Well, I have two sets of responsibilities,
25 actually. My first set of responsibilities is regarding the overall oversight and
26 administration of the Province's medical-legal death investigation system, but my other
27 set of responsibilities is that I am also a practicing medical examiner. So I do 200ish or
28 more autopsies per year, and I investigate my own set of deaths. So I have, again, two

1 sets of responsibilities.

2 **MS. ANNA MANCINI:** And I take it, Dr. Bowes, with respect to
3 both of those responsibilities, you have experience testifying as an expert witness with
4 respect to cause, manner, and mechanism of death?

5 **DR. MATTHEW BOWES:** Yes, ma'am.

6 **MS. ANNA MANCINI:** And are you qualified to provide expert
7 opinion evidence on the cause, manner, and mechanism of death, and the causes and
8 effects of injuries of the human body?

9 **DR. MATTHEW BOWES:** I believe so, ma'am.

10 **MS. ANNA MANCINI:** Thank you.

11 Commissioners, I understand there have been no objections from
12 Participants with respect to qualifying Dr. Bowes as an expert with that wording. I'd ask
13 that he be so qualified.

14 **COMMISSIONER MacDONALD:** No. Thank you, and thank you
15 to the Participants as well. And thank you, Dr. Bowes, for assisting us with this, and you
16 are so qualified.

17 **MS. ANNA MANCINI:** Thank you very much.

18 So Dr. Bowes, obviously the focus this morning are your findings in
19 the report of the post-mortem examination, Case File 20-ME115045, the post mortem
20 examination of Gabriel Wortman, who will herein be referred to as "the perpetrator".

21 Where I was going to take us initially was essentially to reference
22 paragraph 120, which is at page 62 of the Exhibit 754, the Foundational Document titled
23 Enfield Big Stop. And you've had a chance to review that Foundational Document,
24 Dr. Bowes?

25 **DR. MATTHEW BOWES:** Yes, ma'am.

26 **MS. ANNA MANCINI:** Thank you.

27 I'm sorry, I think it's page 62, paragraph 120. Thank you,
28 Madam Registrar. So paragraph 120.

1 Are you able to see that, Dr. Bowes?

2 **DR. MATTHEW BOWES:** Yes, ma'am.

3 **MS. ANNA MANCINI:** Thank you. I was just wondering if you
4 could speak to us about whether that paragraph accords with your recollections of your
5 findings with respect to the perpetrator's post-mortem examination?

6 **DR. MATTHEW BOWES:** It accords with my memory, ma'am.

7 **MS. ANNA MANCINI:** Well, thank you. And I'm wondering if you
8 are able to relay information regarding that report, in particular, for today's purposes,
9 with respect to the cause and manner of death of the perpetrator, and as well, if you'd
10 be able to illuminate for us information regarding each of the head wounds located on
11 the perpetrator?

12 **DR. MATTHEW BOWES:** Certainly. So I received the
13 perpetrator's body for autopsy, and if you like, ma'am, I can summarise very briefly my
14 findings, and perhaps that might be preferable.

15 Essentially ,what I find at autopsy is really innumerable gunshot
16 wounds of the chest and abdomen, with really profound mechanical damage of just
17 about every organ. The gunshot wounds that I viewed were all of indeterminate range,
18 so all beyond a couple of feet, I'll talk about that a little bit later, but he also has gunshot
19 wounds of his right arm, left arm, and neck and head. And I know that the gunshot
20 wounds of the head are of some interest to the Commission, so I can go ahead and
21 describe those if you like.

22 **MS. ANNA MANCINI:** Yes, please. Thank you.

23 **DR. MATTHEW BOWES:** All right. Well, on the right side of the
24 perpetrator's head, I found a gunshot wound that is surrounded by something called
25 "stipple", and stipple are tiny punctate abrasions, tiny little red dots that surround the
26 gunshot wound. And the significance of that finding is that in order for a gun to create
27 stipple on the skin, it must be really within a couple of feet of the skin when it is
28 discharged. So the gunshot wound on the right side of the head, one of the gunshot

1 wounds on the right side of the head, is compatible or I should say does not exclude the
2 idea that the perpetrator himself created it. I understand there are circumstantial
3 evidence to suggest that the perpetrator may have shot at himself during terminal
4 events, and my findings can be certainly used to support that.

5 The trajectory of that -- of the wound track so created, was really
6 just through the frontal lobes of the brain, and at the end of the wound track I discovered
7 a, well a small, grey metallic object, which was then collected and sent for ballistics
8 analysis. We can talk about that in a second.

9 The other gunshot wound to the head that this -- the perpetrator
10 has, is really a very atypical entrance wound on the right side of his head, and the
11 overall morphology and nature of that wound leaves me to believe that there may have
12 been an intermediate target. In other words, that the -- whatever gun, whatever the
13 projectile -- the projectile may have gone through an intermediate target before striking
14 the perpetrator's head. For example, glass.

15 The significance of that head gunshot wound would really be very
16 little, clinically, since the projectile fragments I discovered within the wound track never
17 entered the head, they were all found within the -- really under the scalp. I think some
18 of them might have made their way into the temporalis muscle. But in any case, that
19 gunshot wound to the head would not have resulted in Mr. -- the perpetrator's disability
20 or death.

21 It is my understanding that -- well, I -- so I collected those
22 fragments of the projectile and sent those for ballistics analysis, and I understand that
23 that analysis has some significance for the Commission.

24 **MS. ANNA MANCINI:** And Dr. Bowes, just while we're on that, you
25 indicated that the -- that second wound in the scalp area would not have been
26 debilitating. Would you be able to speak to what the characteristics of that injury would
27 have entailed, whether there would have been bleeding from that type of injury or what
28 visible signs there would have been?

1 **DR. MATTHEW BOWES:** I am certain it would have bled, and I
2 believe there is some circumstantial evidence that would indicate that he did in fact
3 bleed from that injury. Other witnesses could speak to that, of course, but I would
4 normally expect a scalp wound to bleed fairly profusely, but again, not to the point
5 where it would be debilitating or deadly.

6 **MS. ANNA MANCINI:** Okay, thank you. And I guess I'll shift back
7 to Head Wound 1 with the projectile passing right to left. Can you comment on any
8 bearing that had on your determination with respect to cause of death?

9 **DR. MATTHEW BOWES:** Certainly. So I guess I should go back
10 and explain by way of background, ma'am, that forensic pathologists are often
11 confronted with the problem of a person who comes into the autopsy suite with more
12 than one potential cause of death. And so the forensic pathologist is forced to weigh
13 the significance of the different pathologies. For example, a person who has a very bad
14 heart disease but also a very bad lung disease, but also diverticulitis or something, and
15 we have to weigh these against each other in terms of their immediacy and their
16 severity.

17 In the end, this man has really innumerable gunshot wounds to his
18 chest and abdomen, which I would say would normally kill a person within seconds. He
19 has a single self-inflicted brain injury, which I think may have been deadly in the course
20 of minutes or more.

21 I should tell you that gunshot wounds with a bifrontal trajectory are
22 rarely survivable. So in my thinking, the group of gunshot wounds that were inflicted by
23 police that day are probably of greater importance, both in immediacy and the certainty
24 with which they killed the perpetrator. So although I do acknowledge the idea that the
25 perpetrator had at least -- well, had one self-inflicted injury, I do not think that that injury
26 could be proposed as being of such great severity and immediacy that it would trump
27 the homicidal injuries.

28 **MS. ANNA MANCINI:** Okay. And can you describe the homicidal

1 injuries in general terms so we can understand the impact that those had with respect to
2 cause and manner of death?

3 **DR. MATTHEW BOWES:** Certainly. Well if -- when I think back
4 upon my report and think back upon this man's injuries, it is really profound mechanical
5 disruption of really all of his organs. His heart is perforated a number of times, his
6 aorta, which is the large vessel that comes from the heart that delivers blood to the rest
7 of the body has more than one perforated injury.

8 I describe in my report that the right lung is morcellated. And what I
9 mean by that is that it's so profoundly mechanically destructed, it really unrecognizable
10 as lung anymore.

11 So that, I think, should give you an idea of the profound mechanical
12 damage that all those gunshot wounds did to the perpetrator's body.

13 **MS. ANNA MANCINI:** Dr. Bowes, you also indicated in your
14 report, I guess, superficial wounds or wounds such as the hematoma at the top of the
15 head. I'm wondering if you could describe those and what may have caused them?

16 **DR. MATTHEW BOWES:** Well he's got -- he does have, as you
17 say, a collection of blood under the skin, a hematoma, on his left forehead. And he has
18 a number of abrasions. And I think he has, I describe a periorbital ecchymosis, which is
19 just a black eye, on the left eye.

20 These are blunt injuries. In other words, they weren't created, I
21 don't think, by a gunshot wound. They were probably created by the application of
22 some blunt force to the head.

23 But the overall shape and size and nature of those injuries are
24 really to -- they really weren't specific enough for me to definitively say exactly what
25 caused them. I mean, a number of things are possible, falling against a rough object, a
26 motor vehicle crash is a possible cause of those. Really, it would be speculative of me
27 to assign a specific cause of those.

28 **MS. ANNA MANCINI:** Certainly. But it would be consistent, in

1 your understanding, that that type of injury, as you indicated, could have resulted from a
2 motor vehicle collision or accident?

3 **DR. MATTHEW BOWES:** Oh, certainly.

4 **MS. ANNA MANCINI:** Okay. Thank you. Dr. Bowes, I'm
5 wondering if we can discuss the fragments that were extracted from each of those head
6 wounds. If you would be able to give us a description of those and the implications that
7 those had with respect to your findings?

8 **DR. MATTHEW BOWES:** Well, the metallic fragments that I
9 extracted from the perpetrator's head, really their main significance, I think, is in what
10 the ballistics experts were able to say about them. The ballistics experts, to my
11 understanding, have proposed that the self-inflicted one, well, their findings are
12 compatible with one of them being self-inflicted. My understanding is that the ballistics
13 experts did also propose that the tiny fragments within the scalp of the perpetrator
14 probably originated with Cst Stevenson's gun.

15 They don't change my thinking with respect to cause and manner of
16 the perpetrator's death, but of course they have some significance that you mentioned.

17 **MS. ANNA MANCINI:** And would you be able to offer us a
18 description of what those fragments look like?

19 And in particular, Madam Registrar, I'm wondering if you would be
20 able to pull up the photograph? I have it as page 64 on Exhibit 754, but I'm probably
21 wrong.

22 **DR. MATTHEW BOWES:** So I am shown a photograph here of a
23 group of five or six metallic fragments, I'm sure you're seeing the same one, with an
24 ABFO No. 2 ruler.

25 The large silver coloured fragment that is at the upper left-hand
26 corner of this group that almost touches the "115045", that is the fragment that I
27 recognize as having been collected from inside the perpetrator's brain.

28 This other material originates within the scalp, so the second head

1 wound, I guess, in your -- ordered in your list.

2 **MS. ANNA MANCINI:** So the metallic object at the top left of the
3 photograph, that was at the end of the trajectory that travelled from right to left?

4 **DR. MATTHEW BOWES:** Yes, that was within the brain.

5 **MS. ANNA MANCINI:** Okay. Thank you. Dr. Bowes, I'll turn to
6 you. Do you think there is any other information relevant to the post-mortem report that
7 would share some light or illumination for us at the Commission with respect to your
8 findings?

9 **DR. MATTHEW BOWES:** Well, I don't think so. I mean, there is a
10 tremendous number of injuries. The -- I do want to offer some clarity on one thing I
11 mentioned in my report.

12 I think in the section on the chest and abdomen, I described 25
13 discreet entrance wounds, but I also talked about enumerable small abrasions and
14 coarse stipple and this kind of thing. You may have wondered what that could be due
15 to. And what I would tell you is that is probably due to the fact that the various
16 projectiles that travelled through the vehicle probably, first of all, may have broken apart,
17 but also may have caused glass to strike the surface of the perpetrator's body.

18 So in case you were wondering what those other smaller injuries
19 were, that is their nature.

20 **MS. ANNA MANCINI:** Those projectiles that travelled through the
21 body, do they provide us with any sense of the -- did they follow a certain general
22 direction? And if so, what can that direction tell us about the direction from which those
23 injuries were inflicted?

24 **DR. MATTHEW BOWES:** I think at some point in my report, I
25 described them as being broadly right to left. And let me sort of give you some -- I
26 guess a little bit more explanation of that.

27 With a case like this, there's, well, as I've said, 20 -- at least 25
28 discreet gun shoot wound injuries of the chest and abdomen of the perpetrator. The

1 pathways of the bullets crisscross and become confluent and it becomes really
2 impossible from a practical perspective to separate them out.

3 A really specific statement of the trajectory of those bullets is really
4 impossible. But I think I can tell the Court that broadly speaking again, that the bullets
5 came from the right. And I think that's broadly compatible with the circumstances.

6 Although I would caution you, actually, that in the course of events,
7 obviously the perpetrator's body is free to move in all three planes, so that you could
8 imagine, for example, a person who could twist at the waist and offer, essentially, the
9 left side of their body to a gun.

10 So again, broadly right to left. Would caution you against drawing
11 very specific inferences.

12 **MS. ANNA MANCINI:** Certainly. Dr. Bowes, those are my
13 questions for the moment. What will take place now is we'll canvas with
14 representatives, counsel for the Participants. I'm sure that they will have some
15 questions for you. So I'd ask that you don't go too far.

16 But I would ask, Commissioners, if we could take a brief break or
17 break to allow that process to happen?

18 **COMMISSIONER MacDONALD:** Yes. Thank you again, Dr.
19 Bowes.

20 We will break. Let's say 20 minutes, just to allow counsel for the
21 participants to meet with Commission Counsel to prepare the questions in the most
22 efficient manner possible. And we'll be back to you as soon as possible. We'll call it 20
23 minutes now, but if you need more time, Ms. Mancini, just let us know. Thank you very
24 much.

25 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
26 proceedings are now on break and will resume in 20 minutes.

27 --- Upon breaking at 11:52 a.m.

28 --- Upon resuming at 12:10 a.m.

1 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
2 proceedings are again in session.

3 **COMMISSIONER MacDONALD:** Thank you very much. And I
4 want to thank counsel for the Participants and your collaborative approach with our
5 Commission Counsel.

6 Do we have Dr. Bowes here? Yes.

7 Hello again, Dr. Bowes, it's -- it's -- you can't see us, so it's
8 Commissioner MacDonald speaking. And I'm happy to report that the counsel for the
9 Participants have met and have agreed that one of -- one of the counsel only will be
10 asking you some follow up questions. He is Mr. Rob Pineo from Patterson Law, and his
11 firm represents many of the families of the lives taken, family members. Thank you.

12 Mr. Pineo, whenever you're ready.

13 **MR. ROBERT PINEO:** Thank you, Commissioners.

14 **--- CROSS-EXAMINATION BY MR. ROBERT PINEO:**

15 **MR. ROBERT PINEO:** Dr. Bowes, some of the questions I'm going
16 to ask you are merely to elucidate -- to illicit some further information based on your
17 earlier testimony, and some will cover some areas that you didn't testify to earlier.

18 So I'm going to start with the newer areas. So you provided an
19 affidavit in December of 2021, to this Mass Casualty Commission?

20 **DR. MATTHEW BOWES:** Yes, sir.

21 **MR. ROBERT PINEO:** And that was at the request of Commission
22 Counsel, was it?

23 **DR. MATTHEW BOWES:** Yes, I suppose.

24 **MR. ROBERT PINEO:** Okay. And I take it from your testimony
25 earlier, you stated several times that the Commission had an interest in the head
26 wounds. So I take it that you were instructed to concentrate on the perpetrator's head
27 wounds in your affidavit?

28 **DR. MATTHEW BOWES:** Well, those were the issues that were

1 proposed to me, so that is what I did.

2 **MR. ROBERT PINEO:** Okay, thank you. So -- so you -- you've
3 tagged two separate wounds as Head Wound 1 and Head Wound 2, and so I'll refer to
4 them that way when I ask questions.

5 So Head Wound 1, can you agree with me that that probably
6 happened second, and Head Wound 2 probably happened first? I just want to make
7 sure that we're clear.

8 **DR. MATTHEW BOWES:** Well -- so just -- yeah, for sure. So
9 Head Wound 1 is the one with the stipple, and that is the one that is proposed to have
10 been self-inflicted. The second head wound is the one that is very atypical and resulted
11 in metallic fragments under the scalp.

12 **MR. ROBERT PINEO:** Okay.

13 **DR. MATTHEW BOWES:** And that's your understanding as well?

14 **MR. ROBERT PINEO:** Okay.

15 **DR. MATTHEW BOWES:** But I think that, you know, I would agree
16 with your statement.

17 **MR. ROBERT PINEO:** Okay. So that -- that Head Wound 2
18 probably happened first, and Head Wound 1 probably happened last in sequence?

19 **DR. MATTHEW BOWES:** I think so.

20 **MR. ROBERT PINEO:** Okay, thank you. So Head Wound -- we'll
21 deal with Head Wound 2 first. Head Wound 2, I think you've described, and I'll put it in
22 layman's terms, as probably a ricoshot -- a ricochet type of shot. That is, it -- the bullet
23 deflected off of something else before it hit the perpetrator's skull?

24 **DR. MATTHEW BOWES:** Passed through or ricocheted off, sure.

25 **MR. ROBERT PINEO:** Okay. And it's also your evidence, as you
26 testified earlier, that that Head Wound 2 wouldn't have, in all likelihood, resulted in any
27 dysfunction or disability to the perpetrator?

28 **DR. MATTHEW BOWES:** No, sir, that's correct.

1 **MR. ROBERT PINEO:** Okay. There was a third wound, at least a
2 third wound on the perpetrator's head, which was a bruise or a hematoma, I think you've
3 stated to be in your report; is that correct?

4 **DR. MATTHEW BOWES:** Yes, sir.

5 **MR. ROBERT PINEO:** And based on -- and I'm obviously no
6 doctor, so I'll -- you know, I'll -- I might fumble around a bit with layman's terms, but it's
7 my understanding that a bruise or a hematoma takes some time to form up. That it will
8 look different immediately after, let's say a punch, than it will look hours later, you know,
9 it evolves in form, shape, and appearance. Is that correct?

10 **DR. MATTHEW BOWES:** I think that is fair.

11 **MR. ROBERT PINEO:** Okay. And in terms of the hematoma that
12 you observed on the perpetrator's head, can you say approximately how soon before
13 his death that whatever collision made that hematoma occurred?

14 **DR. MATTHEW BOWES:** No, I can't provide the Commission with
15 a reliable estimate, sir.

16 **MR. ROBERT PINEO:** Okay. Can you say whether it was, you
17 know, one hour as opposed to five or six hours? Are you even able to provide that
18 information?

19 **DR. MATTHEW BOWES:** Oh, no, sir.

20 **MR. ROBERT PINEO:** Okay. In several places in your post-
21 mortem report, you use the term, and I just want to get the exact term "mechanical
22 disruption." Can you ---

23 **DR. MATTHEW BOWES:** Yes, sir.

24 **MR. ROBERT PINEO:** Can you explain that in layman's terms
25 what a, or a layperson's terms what a -- what a mechanical dysfunction is?

26 **DR. MATTHEW BOWES:** A mechanical disruption is the -- is a
27 phrase I use to connote something that's been torn apart to the point where it becomes
28 less recognisable as the structure that it was, if that makes sense.

1 **MR. ROBERT PINEO:** It does. Would that also include the
2 inability of that body part to function ---

3 **DR. MATTHEW BOWES:** Well, it depends upon ---

4 **MR. ROBERT PINEO:** --- as it did before?

5 **DR. MATTHEW BOWES:** Yeah. Well, it depends upon the body
6 part, but by and large that is the consequence of that.

7 **MR. ROBERT PINEO:** Okay. So I'll be more specific. I'm going to
8 focus you now on Head Wound 1. And Head Wound 1 is the shot that I think you've
9 testified it, you know, is it's possible or quite likely that it was self-inflicted by the
10 perpetrator?

11 **DR. MATTHEW BOWES:** Okay.

12 **MR. ROBERT PINEO:** Yeah. And you agree with that, my
13 characterisation of it, do you, that it was -- it was probably self-inflicted?

14 **DR. MATTHEW BOWES:** I think that makes the most sense, sir.

15 **MR. ROBERT PINEO:** Okay, thank you. And just for illustration
16 purposes, and I don't -- I don't want to be too graphic, but the head -- Head Shot
17 Number 1 entered the right temple area of the perpetrator and it travelled to the left side
18 of his skull going slightly towards the rear of the skull. Is that a fair characterisation?

19 **DR. MATTHEW BOWES:** I think that's really good; yes.

20 **MR. ROBERT PINEO:** Okay. And I'm going to focus you, and I
21 won't ask them to bring the picture up unless you need it. But the photograph of the
22 bullet fragments and ballistic fragments, I think you said that the upper left hand corner
23 grey object was the projectile involved in Head Shot Number 1?

24 **DR. MATTHEW BOWES:** I believe so, sir.

25 **MR. ROBERT PINEO:** Okay. And the other five pieces were
26 fragments that you removed from Head Shot Number 2; is that correct?

27 **DR. MATTHEW BOWES:** Yes. And those were the ones under
28 the scalp.

1 **MR. ROBERT PINEO:** Okay. Now, when you conducted your
2 post-mortem examination, and later your report, you were the one that put all six of
3 those pieces into one exhibit?

4 **DR. MATTHEW BOWES:** I believe so, yes.

5 **MR. ROBERT PINEO:** Okay. Did you do that under anybody's
6 instruction, or was that your own decision?

7 **DR. MATTHEW BOWES:** No. I make those decisions in the
8 morgue.

9 **MR. ROBERT PINEO:** Okay. Can you tell me why you put all six
10 of them in one exhibit when they were from two distinct wounds?

11 **DR. MATTHEW BOWES:** Well, you know, the -- I guess the short
12 answer is that, you know, with a fellow like this, who has probably literally hundreds of
13 fragments of metal, I had to make some choices about how, practically-speaking, I can
14 package those. And actually, first of all, which ones I select and how they are
15 packaged, I made the decision to group these together.

16 **MR. ROBERT PINEO:** Okay. And you know that from -- you
17 know from reviewing the ballistics report produced by the RCMP, that all six of those
18 fragments were determined to have not been fired from the two guns used by the
19 RCMP officers at the Big Stop?

20 **DR. MATTHEW BOWES:** That is what I have gathered, yes.

21 **MR. ROBERT PINEO:** Okay. And you've reviewed -- you've
22 reviewed that report; correct?

23 **DR. MATTHEW BOWES:** Yes, I was permitted to do so.

24 **MR. ROBERT PINEO:** Okay. And I don't know if you noticed this
25 or not, but I'll ask you if you did. Did you notice that the only two weapons that were
26 submitted for that ballistics test were the pistol, the Sig Sauer, and the Colt used by the
27 RCMP officers?

28 **DR. MATTHEW BOWES:** I did not notice that detail, no.

1 **MR. ROBERT PINEO:** You didn't. Okay.

2 **DR. MATTHEW BOWES:** No.

3 **MR. ROBERT PINEO:** Are you aware that the pistol that was
4 formerly Heidi Stevenson's was not submitted for testing?

5 Were you aware of that?

6 **DR. MATTHEW BOWES:** No, sir. The decision about how
7 ballistics testing is done and what is selected for that testing is not up to me.

8 **MR. ROBERT PINEO:** Okay. You determined that the cause of
9 death was -- sorry, the cause of the perpetrator's death was homicide by multiple
10 gunshot wounds?

11 **DR. MATTHEW BOWES:** Yes, that's correct.

12 **MR. ROBERT PINEO:** Okay.

13 **DR. MATTHEW BOWES:** Homicide here is the manner.

14 **MR. ROBERT PINEO:** Okay. So you -- your ultimate conclusion
15 then is that the self-inflicted gunshot wound was not the cause of death?

16 **DR. MATTHEW BOWES:** Ultimately, no. I think that in the grand
17 scheme of things, I think that the collection of homicidal gunshot wounds are probably of
18 greater importance both in their immediacy and in their clinical importance.

19 **MR. ROBERT PINEO:** Okay. I'm going to ask you to assume a
20 hypothetical. If you assume that the shots fired into the perpetrator's body by the RCMP
21 members had not occurred, would the perpetrator have died nonetheless due to the
22 self-inflicted wound?

23 **DR. MATTHEW BOWES:** He certainly may have. Perhaps then,
24 Mr. Pineo, it would assist you to -- if I could give you some statistics about this.

25 **MR. ROBERT PINEO:** Sure.

26 **DR. MATTHEW BOWES:** Yeah. So gunshot wounds to the head
27 are always serious, the ones that are -- that actually enter the brain. Just so you know,
28 in preparation for my testimony, I did consult the scientific literature on this. So I'm, you

1 know, giving you figures that I believe are reliable here.

2 **MR. ROBERT PINEO:** Sure.

3 **DR. MATTHEW BOWES:** It's thought that about 70 percent of all
4 victims of gunshot wounds to the head are declared dead at the scene. So this isn't ---

5 **MR. ROBERT PINEO:** Sorry, was that seven percent?

6 **DR. MATTHEW BOWES:** Seventy.

7 **MR. ROBERT PINEO:** Seventy. Okay. Thank you.

8 **DR. MATTHEW BOWES:** Yeah. So this is a highly lethal injury.
9 Most of the rest -- well, many of the rest do not make it to hospital. They're transported,
10 but they're declared dead in route. And then most of the rest of the people who make it
11 to hospital also die, so that the overall mortality of the gunshot wound to the head is
12 something like 95 percent. So a gunshot wound to the head is always a very serious
13 injury. However, the ones that are survivable tend to be the ones that cross only the
14 frontal lobes, or one side of the brain.

15 So the perpetrator here has one of those gunshot wounds to the
16 head that is plausibly survivable, although not at all likely. But if he was going to die of
17 it, it would probably be over the course of minutes rather than the seconds that the
18 homicidal gunshot wounds gave him.

19 **MR. ROBERT PINEO:** Okay. So your evidence is had he -- on
20 this hypothetical, had he been left alone, he most likely would have died within minutes
21 from that ---

22 **DR. MATTHEW BOWES:** Yeah.

23 **MR. ROBERT PINEO:** --- self-inflicted gunshot wound?

24 **DR. MATTHEW BOWES:** That is probable. Again, acknowledging
25 that there is a lot of different variables in that hypothetical scenario. Yeah, did that
26 answer your question?

27 **MR. ROBERT PINEO:** It did, yes. Thank you.

28 **DR. MATTHEW BOWES:** Good. Yeah.

1 **MR. ROBERT PINEO:** Now in terms of -- I think you did describe
2 in your post-mortem report that the self-inflicted or self-inflicted gunshot wound, or head
3 wound one was -- provided a mechanical disruption. And can you tell me what effect
4 that would have had on his motor skills?

5 **DR. MATTHEW BOWES:** Well, again, any penetrating gunshot
6 wound to the brain would most probably result in an immediate unconsciousness. So
7 the motor cortex of the brain is considerably behind where I observe the gunshot
8 wound, but I don't think it would have mattered. I think he would have been immediately
9 unconscious in any case.

10 **MR. ROBERT PINEO:** Okay. And I believe in your written
11 evidence at least, you stated that had the bullet -- if a bullet hits the brain stem, then it's
12 I think game over or lights out. I forget which terminology was attributed to you. Is --
13 does -- is that your evidence?

14 **DR. MATTHEW BOWES:** The brain stem, yes. Gunshot wounds
15 that traverse the brain stem are thought to be instantaneously irrevocably lethal.

16 **MR. ROBERT PINEO:** Okay. And can you, for the purpose of the
17 participants and the public, can you explain exactly where the brain stem is? What it is
18 you're referring to that is lights out?

19 **DR. MATTHEW BOWES:** Well, I guess the most important point to
20 make here is that the wound track that we've been talking about is several centimetres
21 away from the brain stem, so it's really irrelevant. However, for your information, if you
22 followed your spinal chord up your spine and up into your brain, the first thing you would
23 encounter is the brain stem, would be that midbrain pons and medulla oblongata. That
24 is the part of the brain where if a bullet traverses it, then that is it.

25 **MR. ROBERT PINEO:** Okay. Thank you. And that is the
26 information I was looking for.

27 Now in your post-mortem report, you give opinion -- observation
28 and opinion on the perpetrator's right arm. And I think in -- sorry, I have it here. Your

1 first observation is the skin of the lateral aspect of the upper arm has a group of three
2 entrance-type gunshot wounds. So just to illustrate this for the public, we're talking
3 about the portion of his arm from the elbow to the shoulder; is that correct?

4 **DR. MATTHEW BOWES:** That is correct.

5 **MR. ROBERT PINEO:** Okay. And could you be a little more
6 descriptive in what you saw? For example, were the muscles completely obliterated
7 and only bone remaining, or something else?

8 **DR. MATTHEW BOWES:** Well, at the risk of being indelicate,
9 there was really profound disruption involving the muscles of the arm. It was really torn
10 up, really quite badly. I'm sorry if that's too graphic.

11 **MR. ROBERT PINEO:** No, that's fine. And again, in your summary
12 of the wounds inflicted on the upper right arm, you say this group of injuries is also
13 associated with profound mechanical disruption of the muscles of the right arm, and you
14 do go on, but that's the part I would like you to focus on.

15 So are you -- with profound mechanical disruption, are you saying
16 that he would have been unable -- assuming he wasn't unconscious from the self-
17 inflicted gunshot wound, would he have been unable to use his right arm?

18 **DR. MATTHEW BOWES:** I think you're correct. I think that with
19 that level of damage to his arm, it would not have been usable.

20 **MR. ROBERT PINEO:** For example, would he have been able to
21 raise it up, you know, up to the level of his head?

22 **DR. MATTHEW BOWES:** I doubt that.

23 **MR. ROBERT PINEO:** Okay. A follow-up question that one of the
24 other lawyers representing those most affected asked me to ask you a little bit about the
25 nature of the bleeding from the perpetrator's head in relation to head wound one, or
26 head shot ---

27 **DR. MATTHEW BOWES:** M'hm.

28 **MR. ROBERT PINEO:** --- one. And ---

1 **DR. MATTHEW BOWES:** Okay.

2 **MR. ROBERT PINEO:** --- I think in your direct testimony you said
3 that it would have bled profusely.

4 **DR. MATTHEW BOWES:** Yes, sir.

5 **MR. ROBERT PINEO:** And did you notice whether it was -- were
6 you able to tell if it was bleeding at the time that he expired?

7 **DR. MATTHEW BOWES:** Well, that would be very hard because
8 his body -- the surface of his body was so blood stained by the time I got it, I don't think
9 I'd be able to draw any conclusion on that.

10 **MR. ROBERT PINEO:** Do you recall seeing any blood exiting head
11 wound one, head shot one?

12 **DR. MATTHEW BOWES:** Well, the entire right side of the head
13 was bloody surface, so I ---

14 **MR. ROBERT PINEO:** Okay.

15 **DR. MATTHEW BOWES:** --- couldn't tell you, yeah.

16 **MR. ROBERT PINEO:** Okay. As he was -- let's say -- let's back up
17 15 minutes before, and I'm asking you again for a hypothetical here obviously.

18 **DR. MATTHEW BOWES:** M'hm.

19 **MR. ROBERT PINEO:** If you back up 15 minutes before his death,
20 would you have expected him to still be bleeding at that point in time?

21 **DR. MATTHEW BOWES:** I would think so.

22 **MR. ROBERT PINEO:** You would think so? Okay.

23 **DR. MATTHEW BOWES:** I would think so, yes. I mean, assuming
24 he has a normal blood pressure, which I think is a correct assumption, he really should
25 have been still bleeding, I would think, at least a little bit from that wound. I mean,
26 obviously, it depends to some extent on what -- on how fast he -- his body clots blood
27 and how much first aid he applied to himself, but, I mean, that's the kind of injury which I
28 would expect to bleed.

1 **MR. ROBERT PINEO:** Okay. Let's back up even farther, and I'll
2 ask you to assume that he sustained that wound from Heidi Stevenson's gun at
3 Shubenacadie. And to buffer that hypothetical, we do know that a significant amount of
4 his blood was found in the Webber vehicle and then later in the -- in the Goulet vehicle.
5 So the assumption is he was bleeding from somewhere, you know, through that time
6 period.

7 So if we back up to the time that he was -- and assume that he
8 sustained a head injury or that Head Wound Number 1 in Shubenacadie, would you
9 expect him to still have been bleeding from it by the time he got to Enfield?

10 **DR. MATTHEW BOWES:** And how much time do we propose
11 passed through -- passed by there? What is the interval, or do you know?

12 **MR. ROBERT PINEO:** I believe 35 to 40 minutes, but I could be
13 corrected on that.

14 **DR. MATTHEW BOWES:** Well, I think that it's quite possible that
15 he was still bleeding 35 minutes later from that injury, but again, with the caveats that
16 I've already mentioned.

17 **MR. ROBERT PINEO:** Okay.

18 **DR. MATTHEW BOWES:** The body does have a tendency to clot
19 blood and to -- even tended to staunch its own bleeding.

20 **MR. ROBERT PINEO:** Okay. Thank you, those are my questions.

21 **DR. MATTHEW BOWES:** Thank you.

22 **COMMISSIONER MacDONALD:** Thank you, Mr. Pineo, and thank
23 you again, Dr. Bowes. We will be hearing from you again after the lunchbreak. We'll
24 shoot for 1:45, Dr. Bowes, so we'll break then until 1:45. If you could stand by again for
25 us again, we would greatly appreciate it. Thank you.

26 **DR. MATTHEW BOWES:** For sure, Commissioner. Thank you.

27 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
28 proceedings are now on break and will resume at 1:45.

1 --- Upon recessing at 12:35 p.m.

2 --- Upon resuming at 1:47 p.m.

3 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
4 proceedings are again in session.

5 **--- DR. MATTHEW BOWES, Resumed:**

6 **COMMISSIONER MacDONALD:** Thank you.

7 Ms. Mancini?

8 **MS. ANNA MANCINI:** Thank you, Commissioners. The intention
9 is to continue with Dr. Bowes, if he's available.

10 **--- EXAMINATION IN-CHIEF BY MS. ANNA MANCINI (cont'd):**

11 **MS. ANNA MANCINI:** Good afternoon, Dr. Bowes.

12 **DR. MATTHEW BOWES:** Good afternoon.

13 **MS. ANNA MANCINI:** So our focus this afternoon, Dr. Bowes, is
14 information with respect to one of the victims who lost her life on April 19th of 2020, that
15 being Ms. Heather O'Brien. I understand you attended the scene of the homicide of
16 Ms. O'Brien on April 19th; is that correct?

17 **DR. MATTHEW BOWES:** Yes, ma'am.

18 **MS. ANNA MANCINI:** And do you recall roughly or approximately
19 what time of day that was that you attended?

20 **DR. MATTHEW BOWES:** It was in the late afternoon, early
21 evening, I think around five or six that afternoon or evening.

22 **MS. ANNA MANCINI:** Okay, thank you. And you performed the
23 subsequent post-mortem examination; is that correct?

24 **DR. MATTHEW BOWES:** Yes, ma'am.

25 **MS. ANNA MANCINI:** Dr. Bowes, I'm just going to ask you fairly
26 broadly whether you can speak to the cause and manner of death of Ms. O'Brien, and in
27 particular, as well, any comment that you would have with respect to how long life
28 functions would have continued as a result of the injuries that were sustained in that

1 case.

2 **DR. MATTHEW BOWES:** Well, the cause of Ms. O'Brien's death is
3 certainly multiple gunshot wounds, and the manner of her death is certainly homicide.
4 With respect to her post injury survival, a discussion like that would involve giving some
5 detail about the anatomy. If that pleases the Commission, I can broadly give that.

6 **COMMISSIONER MacDONALD:** Yes. The direction we would
7 give you, Doctor, of course, is to recognise the inherent dignity of interests for
8 Ms. O'Brien, that you would only describe what is absolutely necessary to ground your
9 opinion.

10 **DR. MATTHEW BOWES:** I will do my best, Commissioner.

11 Well, the total number of gunshot wounds is four, but only two are
12 really important. And I'll tell you that the first one goes through Ms. O'Brien's brain, and
13 it goes through the very centre of the brain. The other one goes through the chest, and
14 I think most importantly, goes through the aorta. And the aorta is the large elastic artery
15 that goes from the heart and carries all of the blood from the heart, really, to the rest of
16 the body. Those two injuries, either one of which, are rapidly and untreated, certainly
17 lethal, their combination absolutely so.

18 And I know that this is difficult for those in attendance, but I think
19 the most important message I can give you here is that from the moment the gunshot
20 wound to the head occurred, Ms. O'Brien was never going to recover. Her
21 consciousness left her at that moment and it was never going to come back.

22 **MS. ANNA MANCINI:** Dr. Bowes, one of the issues that I wanted
23 to ask you about is with respect to the information that you use when you conduct your
24 analysis and what informs your analysis. I'm wondering about the use of or any use of
25 data from electronic devices, such as Smartwatches, Fitbits, those types of things, in
26 terms of how they inform your findings in a report.

27 **DR. MATTHEW BOWES:** Well, it is occasionally that we rely upon
28 information from an electronic device. The most common scenario for that would be if

1 we were looking for suicidal writings on a cell phone or a computer, this kind of thing.
2 That is really the most common thing. We have certainly looked for information from a
3 pacemaker. We have looked for information from insulin pumps. I can imagine
4 scenarios where we might certainly rely upon other kinds of electronic devices.
5 Obviously, you know, surveillance video is one that sometimes is important to us. I
6 don't think I've ever relied upon Fitbit data in my career so far; however, when I am
7 drawing conclusions from an autopsy and I observe really compelling findings from that
8 autopsy, I don't expect, frankly, any information to come from an electronic device that
9 would refute my main findings.

10 **MS. ANNA MANCINI:** So in this particular case, your findings were
11 based on your examination. And would it be fair to say that the electronic data that
12 might have otherwise been available to you didn't factor into your findings?

13 **DR. MATTHEW BOWES:** Did not, and does not.

14 **MS. ANNA MANCINI:** Okay.

15 **DR. MATTHEW BOWES:** These injuries are rapidly and certainly
16 lethal.

17 **MS. ANNA MANCINI:** Okay. Dr. Bowes, you already touched on
18 this broadly, but I'll ask I guess more poignantly, and it'll be my final question, is with
19 respect to intervention, medical intervention with respect to sustaining these injuries and
20 the impact or -- I suppose impact that that could have after someone has sustained
21 these injuries.

22 **DR. MATTHEW BOWES:** In my opinion, there was nothing that
23 could have been done, Ms. Mancini. There is -- the injuries were too severe, and I am
24 sorry to have to put it like that.

25 **MS. ANNA MANCINI:** No, thank you very much, Dr. Bowes. So
26 Dr. Bowes, those are my very brief questions. I know my friends will have to discuss
27 and very likely have questions for you as well. I appreciate your patience as we work
28 through the day.

1 **DR. MATTHEW BOWES:** No problem.

2 **COMMISSIONER MacDONALD:** Yes, thank you, Doctor. I'm -- I
3 presume counsel will want to meet, then, and just organise any further questions,
4 Doctor, as we did this morning. So we'll take a -- we'll take a 20-minute break again
5 and we'll be -- we'll be back, Doctor. Thank you.

6 **MS. ANNA MANCINI:** Thank you.

7 **DR. MATTHEW BOWES:** Okay, thank you.

8 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
9 proceedings are now on break and will resume in 20 minutes.

10 --- Upon recessing at 1:54 p.m.

11 --- Upon resuming at 2:20 p.m.

12 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
13 proceedings are again in session.

14 **COMMISSIONER MacDONALD:** Thank you, and again, thanks to
15 Participant Counsel for their collaboration. I understand that Mr. Pineo, you again will
16 be asking some questions of Dr. Bowes and I assume Dr. Bowes can hear us, or will
17 soon?

18 Yeah, thank you for your patience, Doctor. It's greatly appreciated.
19 So Mr. Pineo again will be the representative counsel to ask some questions.

20 Whenever you're ready, Mr. Pineo.

21 **MR. ROBERT PINEO:** Thank you, Commissioner MacDonald.

22 **--- CROSS-EXAMINATION BY MR. ROBERT PINEO(Cont'd):**

23 **MR. ROBERT PINEO:** Dr. Bowes, I'm looking at your *post-mortem*
24 report for Heather O'Brien, and I notice -- and I just -- I'll speak to it and if you need it
25 turned up, we will. But I noticed that under the heading on page 2 of "Evidence of
26 Medical Intervention," you have "None" written in that paragraph. And I'm just going to
27 ask you; are you aware that a couple of the RCMP members attempted to provide
28 medical intervention to Ms. O'Brien?

1 **DR. MATTHEW BOWES:** Well, I'm glad you asked, Mr. Pineo,
2 because it's a great opportunity for me to clarify. When I say, "Evidence of Medical
3 Intervention," what I mean is what is before me in the morgue. And of course, you're
4 correct; there was indicia at the scene of some effort at lifesaving measures. But what I
5 mean when I put that in my report is, is there something on the body that would cause
6 me to think that.

7 **MR. ROBERT PINEO:** Sorry, just ---

8 **DR. MATTHEW BOWES:** So thank you for that.

9 **MR. ROBERT PINEO:** --- did you say something on her body?

10 **DR. MATTHEW BOWES:** Well, for example, little adhesive leads,
11 defibrillator pads, intravenous catheters, this kind of thing. Broken ribs, actually, would
12 be another example of something that I would note in that part of an autopsy report.

13 But you are quite correct, there were items at the scene that
14 indicate an effort at lifesaving measures, but there just weren't any at autopsy.

15 **MR. ROBERT PINEO:** Okay, I understand. Thank you. So for
16 example, the FastBreathe Thoracic Seal, you understand that one of those was applied
17 to Ms. O'Brien's body?

18 **DR. MATTHEW BOWES:** Oh yes, sir.

19 **MR. ROBERT PINEO:** Okay. Now, I understand on the
20 Registration of Death Certificate that you filled out, you indicated that her survivability
21 from the time of shooting or of the incident to her death would have been seconds. Do
22 you stand by that estimate of seconds?

23 **DR. MATTHEW BOWES:** Well, I think there's a lot of nuance,
24 actually, in there, and I'm glad that you've asked me to provide that. You know, the fact
25 of Ms. O'Brien's death was certain from the point that the injury of her brain was
26 created. I would expect that her death, for all practical purposes, was instant or
27 seconds or something like that. But sometimes, the organs, in spite of that, continue to
28 work for a little while after. So, for example, a heart might beat for a few minutes after

1 death is all but assured.

2 **MR. ROBERT PINEO:** Okay. And I'm not intending to go to your
3 earlier testimony today very often but certainly in this case I think you -- when you talked
4 about the perpetrator, you said that, you know, he could have survived for a certain
5 period of time from gunshot or head wound 2, but, you know, you didn't know how long.
6 Is that the case with Ms. O'Brien as well, that she could have survived for a while but,
7 you know, you can't put an exact time on it?

8 **DR. MATTHEW BOWES:** Well, and again, I'm conscious of how
9 my answer might be uncomfortable but I think it may be necessary to answer your
10 question.

11 Ms. O'Brien's brain injury was very different than the perpetrator's.
12 Ms. O'Brien's brain injury traverses the central part of the brain, and certainly all of my
13 teaching and all of my -- the advice I've ever received and certainly the research and
14 reading I've been able to do really reinforces the idea that that kind of brain injury is
15 rapidly and certainly lethal.

16 **MR. ROBERT PINEO:** Okay. So just to clarify, though, Ms.
17 O'Brien didn't suffer a brainstem injury that would be, you know, as we established
18 earlier today, lights out; it was something in between what the perpetrator suffered and
19 the brainstem injury. Is that correct?

20 **DR. MATTHEW BOWES:** Yes, correct, but far closer to the
21 brainstem-type injury. I mean, this injury is very close to that.

22 **MR. ROBERT PINEO:** Okay. And are you able to put a timeframe,
23 at least a range, that she -- from the time of that shot to when she could have expired?
24 So seconds to 15 minutes; 20 minutes; 5 minutes? Do you have a timeframe?

25 **DR. MATTHEW BOWES:** Well, here again it kind of depends upon
26 our concept of death, Mr. Pineo. I mean, if you proposed to yourself that everything that
27 Ms. O'Brien was, was in her brain, then her death was instant. If you propose that her
28 life ended when her heart stopped beating, that may have been some minutes later.

1 **MR. ROBERT PINEO:** Okay. One of the RCMP members that
2 initially attempted to treat Ms. O'Brien said that he heard sounds coming from her
3 mouth. Would that have -- in the scenario that you're talking about, would she have
4 been able to make sounds with her mouth?

5 **DR. MATTHEW BOWES:** No conscious ones. Now, there is
6 something called "agonal breathing". Sometimes a dying body can exhibit behaviour
7 that looks like breathing, but this is not evidence of life; this is evidence of a dying
8 person. So I wouldn't interpret that to mean that Ms. O'Brien was alive, far from it; I
9 think that's evidence of her impending death.

10 The other thing I would respectfully call your attention to is that it is
11 sometimes when one manipulates a dead body, sometimes that dead body can make a
12 gurgling sound, and that is absolutely not evidence of life.

13 **MR. ROBERT PINEO:** You don't actually know, though, if those
14 were the sounds coming from her mouth; you weren't there to hear it.

15 **DR. MATTHEW BOWES:** That is absolutely correct, Mr. Pineo.

16 **MR. ROBERT PINEO:** Okay. And did you ask the attending
17 members, you know, about the sounds that she was making at the time they were
18 treating her?

19 **DR. MATTHEW BOWES:** No, sir. I view my autopsy findings as
20 really irrefutable.

21 **MR. ROBERT PINEO:** No, my question was, though, did you ask
22 them about that?

23 **DR. MATTHEW BOWES:** No, sir.

24 **MR. ROBERT PINEO:** I have a question that one of the other
25 lawyers discussed with me and I'm going to ask you, and I'm asking for a bit of an
26 indulgence from the Commission. We think that you're probably the person that can
27 answer it, so I will ask it.

28 Can you tell us in Nova Scotia who is legally able to pronounce

1 somebody deceased?

2 **DR. MATTHEW BOWES:** Well, for all practical purposes, if you
3 come across a unresponsive person and you do not institute lifesaving measures, or
4 you abandon those lifesaving measures, you have, for all practical purposes, declared
5 death. I am not aware of a formal mechanism by which death is declared. Some
6 jurisdictions do require that kind of thing.

7 **MR. ROBERT PINEO:** Okay. Thank you. That was just a
8 question that I was asked to pose.

9 **DR. MATTHEW BOWES:** Interesting.

10 **MR. ROBERT PINEO:** Thank you. Those are my questions, Dr.
11 Bowes.

12 **DR. MATTHEW BOWES:** Thank you.

13 **COMMISSIONER MacDONALD:** Thank you, Mr. Pineo.

14 And thank you so much, Dr. Bowes, for making yourself available
15 both this morning and this afternoon. On behalf of the Commission, we greatly
16 appreciate your time and your dedication to this file.

17 **DR. MATTHEW BOWES:** Thank you, Commissioner.

18 **(SHORT PAUSE)**

19 **COMMISSIONER MacDONALD:** We will just take a 10-minute
20 break. We'll wait out back, just to allow counsel to get ready to make submissions to
21 us.

22 Thank you so much.

23 **REGISTRAR DARLENE SUTHERLAND:** The proceedings are on
24 break and will resume in 10 minutes.

25 --- Upon breaking at 2:31 p.m. ...

26 --- Upon resuming at 2:41 p.m.

27 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
28 proceedings are again in session.

1 **COMMISSIONER MacDONALD:** Thank you.

2 Mr. VanWart?

3 **MR. JAMIE VanWART:** Thank you, Commissioners. Good
4 afternoon.

5 The -- for the remainder of the day, we're going to shift to hearing
6 submissions, and these will be submissions from Participant Counsel.

7 Commissioners, this is an opportunity for Participants to draw the
8 Commissioners' attention to any perceived gaps or errors or need for additional context
9 in relation to all the Foundational Documents that have been presented to the
10 Commission thus far. It's also an opportunity for Participants to identify questions that
11 have arisen from the factual record thus far in connection to Phase 2 of the proceedings
12 that still lay ahead.

13 If those from the public aren't aware of what I mean by Phase 2, the
14 phases of the proceedings are described on the website with the Mass -- of the Mass
15 Casualty Commission.

16 I would also advise that Commission -- Participant Counsel have
17 been invited to provide detailed written submissions, so what is going to go forward
18 today are -- is an opportunity for Participant Counsel to supplement their written
19 submissions by providing some oral submissions to highlight some -- certain aspects of
20 their submissions or identify key parts of their submissions.

21 I will introduce the first counsel. We have agreed upon an order
22 and some certain parameters about how long the submissions will be. I expect I will
23 introduce the first counsel and then they will proceed to the podium and introduce
24 themselves.

25 But the first counsel providing submissions will be Ms. Lenehan.

26 **--- SUBMISSIONS BY MS. JANE LENEHAN**

27 **MS. JANE LENEHAN:** Good afternoon. I represent the family of
28 Gina Goulet, and my name is Jane Lenehan.

1 Thank you for giving me the opportunity to make these submissions
2 on the Foundational Documents that have been presented and marked as exhibits so
3 far. I'm not going to speak to gaps or errors in the factual record as set out in the
4 Foundational Documents. For the purposes of the Commission's mandate, my clients
5 are satisfied that enough is known to move forward into figuring out why the tragic
6 events of April 18 and 19 unfolded the way that they did on the understanding, of
7 course, that we'll continue to get to the bottom of relevant facts as we hear from more
8 witnesses and, in particular, those making command decisions.

9 We support the written submissions of other Participants' Counsel
10 to hear from various witnesses, including Corporal Mills and Corporal Peterson.

11 And the other understanding, of course, is that we will continue to
12 get to the bottom of relevant facts as the Participants have the ability to review the
13 existing and ongoing disclosure, which I must say, for the record, is really an impossible
14 task for any one Participant in the framework that the Inquiry has been given.

15 My clients understand that the job of the Commissioners is not to
16 find fault with any of those involved in the response to the perpetrator's actions, but
17 rather, to "make recommendations to avoid such tragic events in the future".

18 From the outset, the comment that I have heard consistently from
19 the Goulet family is, "We hope this never happens to another family". Accordingly, I'd
20 like to focus my submissions on some of the bigger picture themes and questions
21 arising from the facts as we know them so far.

22 So the first is situational awareness. And I would put to the
23 Commissioners, how can it be that a group of high school friends with cell phones can
24 download an app, select "find friends" and "share my location" and, by doing so, have
25 the ability to pinpoint the exact location of each one of their friends at any given moment
26 of the day or night, and yet, Constable Beselt had to shout into the Portapique woods,
27 "Identify yourself right now" in order to make sure there wasn't a blue-on-blue shooting?

28 Only one IARD team went into the Portapique subdivision in that

1 critical initial 30 to 45 minutes, and we're told that that was based on a command
2 decision made in order to avoid the possibility of a blue-on-blue shooting.

3 And then some 12 hours later, when Constable Morrison asked
4 who was coming up on him at that intersection of 224 -- or sorry, Highway 2 and the
5 Gays River Road, Constable Stevenson replied that it was her. It wasn't her. And that
6 gave the perpetrator the opportunity to seriously injure one RCMP member and kill
7 another.

8 These, we submit, are just a few examples of a very big problem
9 that played out repeatedly during the mass casualty, members not knowing where other
10 members were.

11 In terms of next steps, we submit that the Commissioners need to
12 hear from individuals with expertise and experience in information technology such as L
13 Division RCMP OCC Commander Darryl Macdonald. Darryl Macdonald already
14 testified on March 1st as a technical witness, but that was before his interview with MCC
15 investigators was transcribed and disclosed to Participants.

16 The Participants have many questions for Mr. Macdonald. We
17 respectfully submit that Mr. Macdonald needs to be recalled to explore the technological
18 failures and shortcomings that occurred during the mass casualty and to help us find
19 solutions to those failures and shortcomings.

20 We would also invite the National Police Federation and the
21 Federal Department of Justice to offer up other relevant witnesses to explore this very
22 important issue for the safety of RCMP members and the safety of the public.

23 The second big topic is, of course, public alerting. The citizens of
24 Nova Scotia have a right to know if and when they are in danger. We have a right to
25 make our own decisions about our personal safety and the safety of our loved ones.

26 The perpetrator represented a serious threat to the safety of Nova
27 Scotians on April 18 and 19, yet the vast majority of Nova Scotians were oblivious to the
28 seriousness of the threat and to the proximity of the threat. Critical information was

1 withheld. It should not have been.

2 Many, many Nova Scotians would have made different choices
3 about their movements that morning if they knew about the threat the perpetrator posed,
4 and many Nova Scotians could have offered valuable, timely information to assist the
5 police in their manhunt.

6 The next steps we propose are this. It appears that the best public
7 notice option is an intrusive broadcast such as the Alert Ready emergency alert system.
8 We understand that there are downsides to an emergency alert, for example, will the
9 911 system get jammed with calls and hamper the police in trying to do their job. Will
10 the public get annoyed over time and stop taking alerts seriously? Will the alerts go to
11 phones that may not be in the location of the threat given that you could move from one
12 province to another and keep your cell number?

13 We submit that the Commission needs to hear from witnesses to
14 explore all of the downsides of intrusive broadcasts and find solutions. This is too
15 important an issue not to focus on and figure out.

16 And we would invite the provincial Department of Justice to put
17 forward technical witnesses to explain the Alert Ready system, and we would invite the
18 NPF and federal DOJ to put forward witnesses who can explain -- excuse me, pardon
19 me -- the downsides from the RCMP's perspective and find solutions.

20 Air support. It's hard to believe that the air support available to the
21 RCMP when they need air support to do their job and keep Nova Scotian's safe can be
22 off duty sick for planned engine maintenance and there's no backup plan in place. This
23 appears to have been partially a resource issue, there was no second RCMP helicopter
24 ready to assist, and partially a planning and communication issue, both with other
25 agencies in Nova Scotia, who could have offered air support, and with RCMP in
26 neighbouring jurisdictions.

27 We know now that both Ontario and Quebec RCMP quickly granted
28 approval to send air support to Nova Scotia when we finally asked for help. The request

1 was made at 10:49 a.m. on April 19 and approved 46 minutes later at 11:37 a.m. on
2 April 19.

3 We need a backup plan for air support and we look forward to
4 exploring this issue in May when we hear from the witnesses scheduled to testify about
5 the RCMP command post, OCC, and command decisions.

6 Other issues arising from the factual record that are particularly
7 important to the Goulet family, and we ask the Commissioners to look at are the
8 containment efforts in Portapique -- sorry, I'm losing my voice -- the containment efforts
9 in Portapique on the night of April 18, which I anticipate that my colleagues will
10 thoroughly address, the containment efforts on April 19, this will include hearing from
11 Cpl Mills and Cpl Peterson, and examining the RCMP movements on the ground that
12 day as they tried to intercept and stop the perpetrator.

13 Finally, the perpetrator's access to illegal firearms and ammunition
14 is enormously troubling and we wish to explore that more fully in Phase 2.

15 Thank you. Those are my submissions.

16 **COMMISSIONER MacDONALD:** Thank you so much, Ms.
17 Lenehan.

18 **--- SUBMISSIONS BY MR. JOSHUA BRYSON:**

19 **MR. JOSHUA BRYSON:** Good afternoon, Commissioners. Josh
20 Bryson here on behalf of the Bond family. The submissions I'd like to make are in
21 regards to information. That's the main theme that I suggest to the Commission is of
22 the utmost importance and is a theme going forward.

23 There are three different aspects to information. One is the
24 timeliness, and I'll give some examples as I go through this presentation, or lack
25 thereof, the quality of information that's being conveyed, and also how the information is
26 centralized and disseminated to those that require the information.

27 It's my submission that the way information is collected and
28 disseminated has to change in this province, respectfully. The current system is not

1 responsive or effective, especially in a mass casualty scenario. This should be explored
2 further.

3 And just by way of background, in this particular matter, by 10:28
4 p.m., there are five separate 9-1-1 calls about Portapique reporting homicides, fires, and
5 also two attempted homicides. That was the MacDonalds. This appeared to be a mass
6 casualty very early on and it was apparent that the perpetrator was moving very quickly.
7 The Blair call disconnected after a few minutes and after hearing gunfire. The
8 MacDonalds attempt on their life was a very brief encounter with the perpetrator. The
9 perpetrator was mobile and moving very quickly. Therefore, dissemination of
10 information in a very timely manner in a mass casualty like this is of the utmost
11 importance.

12 Look at Portapique for example. There were 13 murders and it's
13 estimated to have occurred over the course of roughly 40 minutes. That's roughly 3
14 minutes per victim.

15 We have evidence of this expeditious nature at other crime scenes
16 as well.

17 The Fisher residence, it's opined that the perpetrator remained
18 there for under three minutes. The Goulet residence was a matter of minutes. If it's
19 taking three, four, five, six minutes to disseminate information to the first line
20 responders, the perpetrator is gone. He's moved on.

21 Police need the information immediately and they need it accurately
22 to be able to deploy resources and take immediate action in a mass casualty such as
23 this.

24 So I'll just highlight a few examples. Some of them I've talked --
25 touched on before. But for example, I've talked about this one before, but the 10:01
26 Blair call, gunshots can be heard and screaming and crying. It's a devastating call. The
27 call ends with the words "Help me." The fact that actual gunshots could be heard and
28 the severity of the trauma experienced by the caller was not broadcast to members.

1 At 10:16, we have another call to 9-1-1 by the young child saying
2 her parents were shot and the house was lit on fire. And the IARD members that had
3 testified, and that's found at page 106, actually indicated they were surprised that there
4 were four children when they went to the residence. They didn't know that information
5 that the call taker had received. And if you look at the dispatch logs, what's noted on
6 the dispatch log, the Colchester dispatch logs, simply that it was a female calling. Not
7 even reflective of the fact that it was a young child. This is a problem with the quality of
8 information.

9 At 10:22, police are still -- so based on the information they have,
10 they're -- at 10:22, based on the call logs, they're still speculating that this is a nuisance
11 call and no one is jumping in to disabuse them of this notion.

12 Now, the response by police may be, "It wouldn't have mattered.
13 We responded as fast as we could in any event." Well, we look at the Colchester call
14 logs, we know at 10:24, Millbrook is offering to help:

15 "Do you want us to start heading that way? We can look
16 for the vehicle and help you guys out there." (As read)

17 Beselt responds:

18 "Just stand by. We're going to approach here in a
19 second and we'll go from there." (As read)

20 That decision could have possibly been better informed had all the
21 information from the calls been presented.

22 The responding investigators should have the ability to hear the
23 actual 9-1-1 calls through their mobile workstations.

24 Another example of timeliness is in regards to Mr. Ellison's 9-1-1
25 call at 10:59. I mentioned before that that call unfortunately was coded as a priority 3,
26 the least serious priority. A file was not created for that call until roughly 11:14 p.m.

27 But what is concerning as well is the fact that it was only broadcast
28 on the Colchester call logs at 11:09 p.m. This is a father saying that, "My son called

1 me. He's reporting that my other son has been shot on Orchard Beach Drive." Or he's
2 referencing the fact that the geography is Orchard Beach Drive, the same proximity.
3 "My other son is unaccounted for." This is a call that came in at 10:59. We know that
4 from the 9-1-1 call logs, and it's not broadcast for 10 whole minutes. That's a lifetime,
5 many lifetimes unfortunately, in a mass casualty event.

6 How information is centralized. I'll jump to that for just a brief
7 moment. We've heard various references to individuals accessing their own personal
8 devices from maps. Why wasn't a map updated -- uploaded to a centralized database
9 that all members can access? When I go through the Colchester call logs, there's
10 roughly 6,000 lines of text. And I search for Cobequid Court, where the Bond family
11 resided, there are zero references to Cobequid Court in 6,000 lines of text. No one at
12 any point turned their mind to Cobequid Court between the hours of 10:01 p.m. to 11:00
13 a.m. the next day. This is a location that's roughly 700 metres away from the initial Blair
14 call. It's not a far distance. We're talking of a community of only several dozen homes.

15 Timeliness. Another example, if we look at the Wentworth
16 Foundational Document, there are reports of shots fired starting at roughly 9:32 that
17 come in to 9-1-1. At 9:35, a caller advises that they came across Ms. Campbell
18 deceased on the side of the road. This was not dispatched until 9:42. That's seven
19 whole minutes. The call was still ongoing at 9:42, but with -- I'm suggesting that within a
20 few seconds, the call taker knew what the observations were enough to then inform
21 members that this perpetrator who was known to be mobile, potentially the perpetrator,
22 at that point they didn't know, but that there's another homicide at this location at this
23 time, but it took seven whole minutes before that was actually broadcast to members.
24 Very important in a mass casualty event, when clearly the perpetrator is trying to inflict
25 the maximum death toll, to be responsive and timely with the flow of information. These
26 delays are simply unacceptable.

27 Information does not appear to be centralised and disseminated to
28 all involved. For example, when I go through the Colchester call logs, at 9:00 a.m. in

1 Portapique -- in Portapique, there's still several members not aware of the various exits
2 to Portapique, including team lead, as of 9:00 a.m. There is discussions about "Is there
3 another way out of here?" One member notes, "I didn't think there was another way out
4 of here." This is the person that's on Orchard Beach Drive that's trying to get a -- that's
5 trying to find another exit, as they -- as they don't want to drive by the deceased with
6 someone else in their vehicle, so they're looking for another exit. And they're
7 speculating that -- one is saying "there is no other way", and another member says,
8 "Well, you can go by the water", which is -- it's not clear to me which way that member
9 is even suggesting, but it's clearly not the blueberry field road or the brown loop.

10 We also saw the effect communication had on members coming on
11 shift on the morning of April 19th. We heard Constable Stevenson at 8:19 calling to
12 obtain more details regarding the mock police vehicle driven by the perpetrator in
13 response to the BOLO that was released. The tactical troops don't have a full
14 description of what was known about the replica cruiser as it became available. Why
15 isn't this -- why isn't all of this information uploaded to a centralised database so that all
16 members on shift...?

17 Corporal Peterson experienced problems. Now, that may be
18 because he wasn't logged into his mobile workstation, but he is also seeking additional
19 information when he's in Glenholme and he's actually encountering the perpetrator
20 asking for a further description.

21 Brown and Melanson don't know that the Onslow Fire Hall is a
22 comfort station.

23 There's a hundred examples of this information flow that appears to
24 be disjointed, and depending on which members' notes you read, they have varying
25 levels of understanding of the totality of the incident, which is simply unacceptable for
26 what is very apparent early on to be a mass casualty.

27 This theme will be expanded upon when we get into other
28 Foundational Documents, such as command decisions, the replica police cruiser

1 Foundational Documents, and I'm just skimming the surface here. There are certainly
2 many gaps to explore, but I think it's appropriate to say that when we get to those
3 documents I'll have further comments on the gaps.

4 And just two other comments that were very important to my family,
5 Commissioners, is, firstly, with respect to the Foundational Documents. The -- certainly,
6 the Bond family respects the fact that Foundational Documents have value and it's a
7 good way to summarise some of the information known to date. However, respectfully,
8 they cannot replace witness testimony, which is invaluable.

9 As we saw yesterday, there is no amount of written material that
10 could have replaced what we saw with the witness panel yesterday. That was very
11 heartwarming, very informative about their personal experiences, that I didn't -- I
12 certainly didn't glean from any of the 50,000 -- 50,000 documents online until I actually
13 heard their firsthand account. That was very moving and very informative. I encourage
14 the Commissioners to continue to allow to -- for witnesses to be present and to testify.

15 And the final point I'll make, which is very important to the Bond
16 family as well, is that they do have concerns that it's a balance act with the -- with the
17 trauma-informed approach, that the trauma-informed approach not be used as a means
18 to blunt the truth-seeking process. There is a great concern by my clients that the
19 trauma-informed approach will continue to be attempted to be used, respectfully, but as
20 a measure to curtail witness testimony and curtail the Commission's mandate to make
21 findings about what happened so that recommendations to prevent similar tragedies in
22 the future can be -- can be made.

23 Thank you very much for listening. That's all my submissions.

24 **COMMISSIONER MacDONALD:** Thank you very much,

25 Mr. Bryson.

26 **--- SUBMISSIONS BY MR. STEPHEN TOPSHEE:**

27 **MR. STEPHEN TOPSHEE:** Good afternoon, Commissioners. I'm
28 Steve Topshee. Linda Hupman and myself and James Russell, we represent the

1 Tuck/Oliver families and the Lillian Campbell families.

2 What I'm going to touch on today is basically themes emerging from
3 the factual record, and in order to do that, what I'm going to direct you to a document
4 that's already an exhibit on file on the record, and that's Exhibit 287, at Call
5 Number 53531, and that is the transcript of Darryl McDonald's statement taken by the
6 Commission. It's a 61-page statement. And it's -- I think it's very informative, and it
7 should -- it -- it's -- it can bear some fruit. And I heard Ms. Lenehan speak to it, and she
8 indicated that perhaps he should be called again, and I echo that because I think that
9 he's a very knowledgeable person.

10 And just for the record and for reminding everyone, Darryl
11 McDonald is the Operational Command Centre, the OCC commander for L-Division in
12 PEI. He's been there, I believe, according to his notes, his transcript, since around
13 2015. Prior to that, he was in Truro for over 20 years at the OCC. He started off as a --
14 as the call-taker, then he went to dispatcher, I believe supervisor, and then training
15 coordinator. So he's quite well established in both his experience and knowledge and in
16 the radio systems and that sort of thing, and it's well worth the reading. It's going, I
17 think, as I said, bear some fruit for the Commission in terms of recommendations into
18 Phase 2 and Phase 3.

19 I'm going to focus on a couple of points that he makes within his
20 statement, and sort of maybe expand upon them in order to enunciate, I guess, some of
21 the trends that I see and our team sees evolving here.

22 So he speaks for -- he speaks of the radio system that was in use
23 in Portapique that the, I believe, as far as I'm aware, the duty members had, and it's
24 some type of a radio system called a TRM2. And that system had GPS capabilities,
25 that is, global positioning capabilities for both the vehicle that the person was in and for
26 the person once that person leaves the vehicle. A very useful tool if it's -- if it's enabled
27 and working. And he speaks to that. I think that's something that I'm going to get into a
28 little bit here briefly.

1 He also speaks of something called the CAD system, C-A-D, and
2 that is the computer-aided dispatch system. And I'm no expert in it, but it also has
3 mapping capabilities that you can see where people are, and it's -- at the -- I would
4 suggest at the OCC they could see where people were and where vehicles were if this -
5 - if this radio system was enacted to its true capabilities.

6 So those are things that he speaks of, and I think they're well worth
7 looking at.

8 He also speaks briefly about the helicopter issue. Ms. Lenehan
9 spoke to that. I'm not going to get into that in any detail, but he does speak to the
10 helicopter that was eventually in the air April 19th, and the communication problems that
11 it encountered when they were having trouble communicating with the helicopter
12 because, for one thing, it wasn't the helicopter that -- the RCMP helicopter or a
13 helicopter that had capabilities of the, as I understand, the Moncton RCMP helicopter
14 had. So he speaks to that, and I think that's worth -- that's an emerging issue for sure.

15 He also speaks of the encryption mistake, that is, where radio
16 communications were broadcast over unencrypted stations or channels, as I'll call them,
17 for multiple hours during the early hours of 2019 [sic] on a open system, which was
18 clearly a -- an error and clearly had to be fixed, and cause for concern I would say, of
19 course.

20 He makes a comment that I think encapsulates both the CAD
21 system and the radio system, and he says this: He says, if I can see it:

22 "There needs to be a full integration within Nova
23 Scotia -- within Nova Scotia police communications --
24 within police communities or..." (As read)

25 **MR. STEPHEN TOPSHEE:** Excuse me. Let me get it right:

26 "There needs to be full integration within Nova Scotia
27 of police communications, both mobile, CAD and
28 radio." (As read)

1 Well, that makes a lot of sense, and it appears to me that he is one
2 person that may be able to do that because I believe, if memory serves me, he is -- the
3 CAD system, he's implemented that in various places, I believe, on a national basis.

4 Anyways, that's worth exploration, I'm sure.

5 He then -- he also touches on the turf wars with -- that various
6 police forces within Nova Scotia seem to be having. I'm not going to get into that in any
7 great detail because that'll come in the next phase, I'm sure, or the next Foundational
8 Document, but -- but you have to look at that and -- and it's an emerging trend that has
9 to be dealt with. There's no need for any more. We're well past that stage in this
10 province.

11 We're a small province. We have to use all the resources we have,
12 and by all the resources, I mean all the -- all the public resources that we have and that
13 are held, I'll say, by the RCMP or by the municipal police or by the First Nations or, I
14 would even -- or by the military. They -- we have to integrate.

15 We have to integrate. There has to be cross-training. There has to
16 be new initiatives taken in order to -- to deal with things like this in the future that may
17 occur.

18 We have no choice. There's a limited -- we don't have finite [sic]
19 resources. We're a small province. We're limited in terms of the money that we can put
20 -- that we will get, for one thing, from the federal government and from the provincial
21 government in order to funnel it into police services and safety of the public. And we --
22 as I'm sure the Commission is well aware, we owe it to the public to do that.

23 It's not going to be an easy fix. That's for darn sure. But it's -- but
24 it's something that has to be done if the recommendations and if -- if anything in the
25 future and anything good is going to become of this, that is one thing we would suggest
26 that has to be done in -- it has to be done, hands down.

27 I'll go back a little bit to the radio system, and I just point this out.
28 He makes a comment which I thought was -- which was very telling. He says, "There's

1 no excuse for not having the ability to use -- use the radio system when they dismount
2 from the vehicles, especially after Moncton”.

3 And he says, “If you quote me on anything, quote me on this”.

4 I think that’s -- that’s -- the man says it correctly, I would say.

5 He says, “Since the TMR-2 was implemented, the RCMP has not
6 used it -- has not implemented it and used it for various reasons”. He mentions that.

7 He then speaks to training -- to training -- radio training of the duty
8 members. He says that -- that -- well, I should go back.

9 He reviewed all of the GPS system -- all of the Portapique incident,
10 as far as I can tell. He looked at -- looked at all of the CAD system information. He
11 looked at all the GPS situation and all the -- all the documents there, and -- and so he’s
12 very knowledgeable. And I think -- I’ve said that a number of times, but that’s the way it
13 is.

14 Okay. Next.

15 So he speaks to training. He says that -- and of course, the
16 members using these radios have to be trained. He said, “Some of the members
17 weren’t able to switch channels” and there was, I would suggest, dropped calls because
18 of that or missing information because they just -- they were unfamiliar or unable to -- to
19 change channels and switch channels and they were going to different zones, I guess,
20 also, was part of what he’s talking about, because, you know, we went through different
21 counties, the Colchester radio, the East Hants radio and central dispatch, sort of thing.

22 He also says this. He also says that “Radios -- they use the radios
23 more than they use their guns, so you have to train them”. And that, obviously, makes
24 sense.

25 Here’s one. He also says his recommendation is that members
26 need to learn how to use the systems that are in their hands, and he says, “I’ve been
27 working for this to happen -- to get done for six years”.

28 I’d suggest that’s quite telling, too, because it is a recommendation

1 and I'd suggest it -- and it may come out of the Moncton inquiry and the
2 recommendations coming out of there. So there has to be some more teeth to the
3 recommendations or the -- that come out of this Commission, we suggest, in order to
4 make things -- make things happen. And I think that it -- you have the capability of
5 doing that given that it is a federal-provincial type of Commission. I think people may
6 stand up and listen, we may actually get some recommendations that are carried
7 through and not put on the shelf.

8 That's the hope, of course. They have to be pragmatic and they
9 have to be implementable. I understand that part.

10 So the last thing that I would say is that -- is that the -- what's
11 emerging is that there has to be mandatory legislative recommendations in order to get
12 anything done here. Because of, perhaps, turf wars or whatever, whatever reason, we
13 can't afford for things not to -- to use all of the resources in Nova Scotia and we can't
14 leave it to recommend this, recommend that or, you know, voluntary participation in this.
15 We think that when the safety of people and Nova Scotians is at the forefront, you
16 know, the -- it has to be legislated in some manner.

17 So thank you very much. That's all I have.

18 **COMMISSIONER MacDONALD:** Thank you, Mr. Topshee.

19 **MR. STEPHEN TOPSHEE:** Thank you.

20 **--- SUBMISSIONS BY MS. SANDRA McCULLOCH**

21 **MS. SANDRA McCULLOCH:** Good afternoon, Commissioners.
22 You'll recall I'm Sandra McCulloch. I'm one of the legal team of Patterson Law that
23 represents the majority of the families and individuals named as persons most affected
24 participating in this Commission.

25 I want to thank you for the opportunity to speak before you today
26 and I want to acknowledge that I appreciate and support the comments of my friends in
27 relation to the overarching themes or topics that need to form part of our discussion at
28 Phase 2.

1 Our comments here today, Commissioners, really focus more so on
2 Phase 1. We -- of course, again, to reiterate the -- the nature of our clients, they're
3 deeply invested in the "What Happened?" phase of this proceeding just as much as
4 what there is to come. There still is a great deal of work to be done before we can
5 meaningfully dig into Phase 2, and so in my comments here today I want to focus on the
6 work that we're doing in this room right now in preparation for Phase 2.

7 My comments are with a view to supporting the integrity of the
8 evidentiary record that the Commission is building as we move into Phase 2 or the why
9 or how portion, and ultimately recommendations, and also ensuring that the
10 Participants, and ultimately the public at large, have what they need to fully engage in
11 the Commission's work and ultimately its recommendations going forward.

12 I want to start by expressing a comment that is consistent amongst
13 our clients to varying degrees, but across the board, in that they have concerns about
14 the cursory overview that the Foundational Documents had been receiving in the public
15 proceedings to date.

16 We've -- you've already heard from us, Commissioners, and I won't
17 speak again about our concern about the overuse of the Foundational Documents in
18 place of live witnesses in testing evidence, but the concern that I want to put emphasis
19 on today is the brevity with which the material in those documents are being presented
20 in these public proceedings. And I specifically or particularly speak in relation to the
21 Hunter Road document and the presentation as well as Highway 4 Wentworth,
22 Glenholm and Plains Road.

23 Of course, we and our clients appreciate that there is a significant
24 volume of material and appreciate that there is a great need for sensitivity in presenting
25 that delicate subject matter, but we do submit on behalf of our clients that there is a
26 disservice being done to them and to the public by failing to highlight all of the relevant
27 subject matter in any of these Foundational Documents.

28 To highlight a few examples, of course, we've -- it's widely known

1 that there's concerns in relation to the failure to highlight the fact that there are
2 conflicting accounts in relation to Heather O'Brien's final moments. That wasn't touched
3 upon at all in the presentation and public proceedings.

4 To speak to another example, a witness, Reginald Jay, who is
5 highlighted in the Wentworth Highway 4 Foundational Document, has a peculiar sighting
6 of a cruiser with a push-bar at a time and place which doesn't fit with the narrative that
7 has been canvassed -- or has been presented, and that wasn't mentioned in public
8 proceedings.

9 As another example, there was surveillance footage missing from
10 Hunter Road, which has only come to light a few moments ago. That wasn't mentioned,
11 that that material was out there. In Monday's presentation, there wasn't any meaningful
12 mention of the fact that there are lay-witnesses to what happened outside the Onslow-
13 Belmont Fire Brigade, save for Deputy Chief Currie bringing that to the forefront in his
14 presentation. And we would submit that there has really been very little mention of the
15 conflicting evidence about the information provided about the silver SUV that the
16 perpetrator escaped the Shubenacadie cloverleaf from. And we know that we have at
17 least one evidence who approached ERT and spoke, and this is in his statement,
18 Gerald Whitman's statement that is COMM number 3089, where he explains that he
19 identified it was a Ford Escape.

20 So these are just details that haven't been brought out in the public
21 proceedings, and we would respectfully submit that if it is important enough to put them
22 in the Foundational Documents, it's important enough to bring those pieces to these
23 public proceedings, at least at a high level, so that the public and Participants can know
24 that the Commissions has their finger on the pulse of these factual discrepancies, these
25 areas of further investigation, and give that assurance to Participants, particularly those
26 that are most aggrieved by that subject matter, that the Commission is -- continues to
27 have attention on those details.

28 And I say this as well, Commissioners, because it's -- I think it's

1 important to draw attention to the fact that not everyone in the general public is going to
2 be able to read the source materials. Not everyone is even going to be able to read the
3 Foundational Documents or even access them. We can't presume that everybody has
4 equality of access to that information. And a lot of people will be relying upon us and
5 the work that we're doing in this room right now to understand what happened during
6 this most tragic event, probably that most of us will ever live through. And so we -- it's
7 our submission on behalf of our clients that we do better in presenting that information
8 in this public forum for the sake of everyone concerned.

9 I want to move on to flag and elaborate on a concern that I had
10 raised when I spoke to you before, Commissioners, and that relates to this -- the
11 concern that we had of the delay between the presentation of information and our
12 opportunity to speak to you about concerns we have about that information. You know,
13 here we are today, in some instances more than two weeks after information has been
14 presented in a public forum, and only now having an opportunity to speak to gaps and
15 errors and so on in this public forum, and to speak to you about those things that are
16 important to our clients. Our clients wonder why there are windows of time in these
17 public proceedings that aren't being utilized for those purposes, and instead we're being
18 pushed off to some time down the road. And this is a theme I want to move on to in
19 relation to witnesses.

20 So we do remain concerned, Commissioners, about when we are
21 going to have an opportunity to hear from some witnesses, including some of those that
22 form part of the decision that was issued on March 9th, including a significant number of
23 first responders. There is a concern that we have, and I think that probably is shared to
24 varying degrees amongst other participants that their different -- the same -- different
25 accounts of the same stories are being told outside of proximity to one another.
26 Perhaps one of the best examples we'll have of that is the events at Onslow-Belmont
27 Fire Brigade. We've heard the accounts -- we've heard the presentation of the
28 Foundational Document. We've heard the evidence of Chief Muise, Deputy Chief Currie

1 and Richard Ellison, but we don't know when we're going to get to hear the rest of the
2 pieces of that story, and we are deeply concerned about this example, but also other
3 instances of us not being able to hear from witnesses contemporaneous to the
4 presentation of that subject matter. And I'm going to move on from that point. I did
5 have more to say on that, but I'm going to move on from that point and just stress that
6 we are hopeful that the Commission can afford our clients a basis for good faith in the
7 representation that witnesses are going to be called by seeing a commitment to them
8 being included on a schedule and remaining on the schedule going forward.

9 In terms of witnesses, Commissioners, our clients, and on behalf of
10 our clients, we are resolute in our submission that we must hear from witnesses in --
11 and every reasonable instances directly and allow for them to be questioned in a
12 contextual way, for their evidence to be reasonably tested. We can't overstate the need
13 to question witnesses during the public inquiry, not necessarily just to fill a gap or to
14 address an error, but where appropriate, to test that evidence upon which we are to
15 rely, that you are to rely going forward to ensure its reliability and integrity. We want to
16 stress the importance of this factual foundation we are building. To sort of go back to
17 where I started, sometimes the questions need to be asked in different ways, by
18 different examiners, from different perspectives in order to create a complete and
19 trustworthy factual narrative. It's important that we do the best job that we can with
20 building that evidentiary record because we -- if we do it wrong, we run the risk of re-
21 victimizing those who have already paid so dearly in this tragic event.

22 And I thank Mr. Bryson for highlighting, and I would repeat what he
23 had said, that I trust that we all can agree it has been highly valuable to hear from those
24 witnesses that we have heard from so far, including Constables Beselt, Patton and
25 Merchant, and, of course, Chief Muise, Deputy Chief Currie, and Mr. Ellison. The
26 confidence that these exercises instil in the Commission's work, we feel, cannot be
27 overstated.

28 We -- I do want to take a moment, Commissioners, to speak to the

1 witnesses that we have highlighted in our written submissions. Of course,
2 Commissioners, you will have the benefit of those, so I won't spend any undue time on
3 them, but we, you know, for the sake of our clients, want to take the opportunity to
4 highlight those that we feel are particularly important. Constables Brown and Melanson,
5 we -- they have been present on the schedule before. We're not entirely clear on what
6 is intended with respect to them coming forward to give evidence before the
7 Commission. And it is our submission that it is critically important to hear from them,
8 not simply in relation to the Onslow-Belmont Fire Brigade, but also in relation to multiple
9 scenes such as the events at Glenholme -- in and around Glenholme, I would say.

10 In relation to Hunter Road, Commissioners, we've highlighted the
11 fact that we believe the Commissioner -- Commission needs to hear from Darren *[sic]*
12 Thurier. Darren *[sic]* Thurier was the individual who was first upon the Hunter Road
13 scene to discover the atrocities that happened there, yet he's never been interviewed by
14 anyone, not by the RCMP, not by the Commission. Speaking back to Mr. Burrill's
15 comments about the lack of information that is available about what happened at Hunter
16 Road, to the extent that Mr. Thurier can add anything to that lack of knowledge, we
17 would submit it's necessary for the Commission to consider.

18 Also, in relation to Hunter Road, we have made submissions of the
19 need to hear some information from Constables Bray and Harvey, who were the first
20 RCMP members to respond at Hunter Road at approximately 11:17 in the morning on
21 April 19th. We believe there are queries in relation to when they responded to Hunter
22 Road and upon what instructions and delays associated with their actions. And in
23 particular, an irregularity in the record which has been highlighted by our clients of a
24 request that was made to Constable Bray of a -- whether or not there were 10-7s at
25 Hunter Road and he requested a private call to respond to that question. And so we
26 would submit that there is more information that's needed from these individuals, in
27 addition to, as we put in our submissions, questions that bear relevance on further
28 Foundational Documents such as the next of kin and death notification.

1 I've already spoken a moment ago about Reginald Jay, who we
2 have added him to our list of witnesses we believe the Commission needs to hear from
3 in relation to his sighting of a police cruiser with a push-bar. He cites observing that at
4 9:05 in the morning at the juncture of Highway 4 and Highway 227, which simply doesn't
5 fit with the narrative otherwise that we have -- that has been presented in public
6 proceedings.

7 Corporal Peterson, we have submitted the Commission needs to
8 bring Corporal Peterson forward to better understand the -- those details in his
9 statement, which we do have at COMM -- excuse me, interview. Not statement, but his
10 interview with the Mass Casualty Commission. That's COMM Number 18365. We
11 submit there's lacking specific details about his decision making upon encountering the
12 perpetrator in and around Glenholme, also lacking in detail in relation to his training and
13 experience relevant to the situation that he was placed in, and we submit that those --
14 given the critical importance of this piece of the story, that that is something that needs
15 to be heard.

16 We understand that the Commission intends to hear from a Cpl.
17 Ivany, Csts. Coleman and Fahie in relation to the O'Brien crime scene. But we further
18 submit that there are other individuals who can shed light on what did or didn't happen
19 at that scene, including Cst. Mahar. And, additionally, there were member of the Debert
20 Fire Brigade who responded at that scene and had interactions with these members,
21 and we would submit that they should be called in relation to what additional light they
22 can shed on the information.

23 In addition, too, a couple of other names which I don't feel the need
24 to highlight here right now. I do want to submit, Commissioners, that we think it's a
25 worthy consideration of the Commission to call a technical witness who can speak to
26 surveillance footage.

27 There's many questions that our clients have in relation to the
28 surveillance footage we have seen, and also that is in public discourse, I would suggest,

1 many discrepancies about timestamps, both the lack thereof and discrepancies that
2 can't be reconciled, such as the movie -- the footage from the Community Metals
3 location in Debert; the manner in which the surveillance footage is captured, in some
4 instances it appears to be a video of a video, which is difficult for the general public to
5 understand. There are image irregularities, such as in the case of the footage from
6 Glenholme, where we see ghost images in that footage. Why we may or may not have
7 complete surveillance footage. This is, I would say, directly relevant to the Hunter Road
8 footage that I referenced a moment ago from -- that's lately disclosed from Lisa Owen;
9 that's Comm number 54273. We have the perpetrator entering upon Hunter Road but
10 not exiting.

11 We submit that this is a worthy consideration, Commissioners. So
12 much of the narrative relies upon surveillance footage to help give us concrete details
13 about what happened over April 18th and 19th, yet the frailties that we observe in these
14 pieces of surveillance footage, they're not without concern for our clients and for the
15 general public, and we would submit that a technical witness who can provide some
16 assurances to the reliability of these different pieces of surveillance footage and the
17 integrity would greatly assist the Commission.

18 That speaks to, Commissioners, the written submissions that we
19 had made in relation to witnesses to be called from Foundational Documents presented
20 prior to this week. We intend to, when the opportunity is given, to make further
21 submissions in relation to documents that we've seen this week. To highlight a few that
22 you will hear from us on, of course I would repeat the names of Csts. Brown and
23 Melanson in relation to the Onslow-Belmont Fire Brigade Foundational Document.
24 Additionally, Cst. Gagnon, who was the officer situated outside the Onslow-Belmont Fire
25 Brigade. And of course, David Westlake, the EMO officer who was there as well. And
26 we would submit that it may well be that you hear from us in relation to lay witnesses
27 who were -- who have observations of that scene, including Jerome Breau and Sharon
28 McLellan, who can speak to their own observations, and in a more fulsome way inform

1 what event -- or excuse me, what happened at the Fire Hall that day.

2 We expect you'll hear from us in relation to Cst. Kelly. His name
3 was mentioned earlier today as being the officer -- an officer at the Petro-Can in
4 Elmsdale, who was in the vicinity of the perpetrator before he left that location. And as I
5 understand it, Cst. Kelly was also one of the officers that came to the Enfield Big Stop
6 shortly after the perpetrator was taken down, and it will be -- I anticipate it will be our
7 submission that it's necessary to hear what further information Cst. Kelly can provide in
8 relation to those details.

9 And as a bit of a footnote, I will stress our appreciation for the
10 opportunity to hear from Csts. MacLeod and Hubley tomorrow, and we are eager, on
11 behalf of our clients, to question them tomorrow.

12 A final comment about witnesses, Commissioners, which will be my
13 concluding remark to you; and I thank you for your patience. I know I have been
14 speaking longer than most.

15 I want to reiterate our appreciation for the Commissioners' decision
16 on March 9th of 2022 in relation to witnesses we had previously made submission on.

17 **C5 – Graphic Images or Potentially Harmful Information**

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11 Commissioners, subject to any questions I can reply to, those are
12 my submissions.

13 **COMMISSIONER MacDONALD:** Thank you so much.

14 **MS. SANDRA McCULLOCH:** Thank you.

15 **(SHORT PAUSE)**

16 **--- SUBMISSIONS BY MS. TARA MILLER:**

17 **MS. TARA MILLER:** Good afternoon, Commissioners.

18 My name is Tara Miller, as you know, and with my colleague, Alix
19 Digout, we represent a family member of Kristen Beaton.

20 We want to thank you for the invitation to speak this afternoon, as
21 we all continue to work together on the important work of the Commission together.

22 You've asked us to comment on two items, themes we see
23 emerging from the factual records that the Commission should consider exploring as we
24 move forward, and also additional perceived gaps or errors in the Foundational
25 Documents.

26 I'm going to start with the perceived gaps and errors.

27 As we know, of course, the what happened phase of the public
28 hearing started eight weeks ago on February 22nd and we will be moving into the why

1 phase very shortly.

2 Over the last eight weeks, we've had the introduction of a number
3 of Foundational Documents of course, which have had a lot of value. I will say from our
4 client's perspective, the bulk of this written information, of course, was available to
5 family Participants well through the fall as we all worked together to refine those
6 documents.

7 But what our client, and I believe other family members, and
8 certainly the public was really expecting and looking forward to when the public hearing
9 started on February 22nd was to hear oral evidence with witnesses to be publicly called
10 and for a public inquiry with questions asked and answered given.

11 Over the last five weeks, we've heard from a total of eight
12 witnesses with less than four days of evidence.

13 Family counsel's arguments for further witnesses to be called
14 resulted, of course, in the Commissioner's March 9th decision. My friend Ms. McCulloch
15 just talked about Cst Colford. She was to be called as a witness and her evidence may
16 not be introduced by way of affidavit.

17 Family Participants, of course, have had an opportunity to make
18 submissions on the use of Rule 43 and we learned today at noon that a decision on that
19 will be expected on April the 20th. So we thank you for that.

20 Many of the requested witnesses outside of first responders
21 identified in the Commission's March 9th decision were to be further interviewed, or
22 further information collected from. These individuals included Bjorn Merzback, Peter
23 Griffin, Cst Grund, Donnalee Williston, Sean Conlogue, Angel Patterson, and of course,
24 Lisa Banfield. We do not yet have any of this information.

25 At the request of family Participants, we also understand that
26 technical witnesses will be called to address the video surveillance and forensic
27 evidence issues. We have not yet heard when this will happen.

28 On March the 28th, on behalf of our client, we asked that a

1 cellphone expert be asked -- sorry, rather, be called to specifically address issues with
2 cellphone records generally, but with some specific reference to Ms. Banfield's
3 cellphone records and some confusion and clarification arising from those records with
4 incoming and outgoing calls between 10:46:43 on April 18th and 6:24:53 on April 19th.

5 We've not had a -- sorry, we've not yet had a response to this
6 request.

7 And the relevance of this, Commissioners, is that the absence of all
8 of these relevant pieces of information is a gap that continues to exist and flow through
9 the Foundational Documents that we've heard from to date.

10 The Commissioners Interim Report is due on May the 1st. It's not
11 clear to us and to our client in terms of the scope of what this report will cover, but what
12 we believe it cannot cover is any factual findings of what has happened over the April
13 18th and 19th time period as this information is still not complete.

14 I do want to be clear that we understand the presentation of the
15 Foundational Documents has been very helpful and certainly has a place in the work
16 that the Commission is doing, but they cannot and they should not stand alone without
17 significant and substantive oral evidence.

18 Mr. Bryson has spoken to that, Ms. McCulloch has spoken to this,
19 and I will add my voice on behalf of our client to this as well.

20 The absence of oral evidence creates a fundamental issue for the
21 Commission because it leaves the inference, rightly or wrongly, that there is an
22 avoidance to call witness orally to speak to outstanding issues, that necessary
23 questions are not being asked, and that information is not being disclosed and difficult
24 truths may not be uncovered. And certainly the value of hearing from witnesses first
25 hand, as my friends have stated, cannot be overstated. The information we've gleaned
26 from those witnesses who have come forward and shared their experiences with us
27 over the last couple of weeks has been invaluable.

28 The other concern is that we are running out of time. There's a

1 perception that we're running out of time to hear from these witnesses. The schedule
2 through the spring leaves very little time for witness evidence, and that, of course, is
3 again unsettling for our client and further assists in the erosion of confidence in the
4 process.

5 Commissioners, we appreciate that there are many ways to
6 introduce evidence, but moving forward, we respectfully urge the Commission to
7 reconsider how oral evidence is currently being used. Public inquiries are about
8 answering questions and finding difficult truths, and let's not relegate that important
9 purpose largely to paper fact finding.

10 As we break over the next week to honour the lives of the 23
11 individuals lost, I submit that it would be very helpful to be able to return to the
12 Commission the following week with clarity on when the witnesses will be called and
13 who they will be in terms of the witnesses that have been identified today.

14 I'll move now, Commissioners, subject to any questions with
15 respect to that component, but I'll move now to themes emerging from the factual
16 records that we've heard already.

17 I've had the benefit, of course, of listening to my colleagues speak,
18 and certainly there will be some -- the theme will be that there will be some overlap in
19 the themes. But from our perspective, there's a heavy theme emerging that deals with
20 a bucket category of resources. Significant issues with resources for ground members
21 and how that impacted their ability to respond in an optimal way on April the 18th and
22 19th.

23 In some instances, there were not enough resources. We heard
24 that Colchester County is the second busiest county outside of the HRM and has a
25 significant geographic expanse. There were only four duties, or sorry, four officers on
26 duty that evening, and at most, it would have been six.

27 That's an issue for the Commission to address moving forward in
28 terms of the sufficiency of those human resources.

1 There were also resources which just simply did not exist. We
2 heard night vision goggles would have been very valuable for a number of reasons in
3 Portapique on the night of April 18th. And while the Bible Hill Detachment now has one
4 pair of night vision goggles, those goggles remain at the station and would not be ready
5 and available for members who have been deployed across the wide geographical
6 expanse.

7 Other resources which did not exist were the ability to GPS track
8 members and also for GPS mapping.

9 GPS tracking of members would have allowed for additional
10 members to perform IARD tactics and to assist with the evacuation of civilians in
11 Portapique, along with doing door to door searches in the community that night,
12 including Cobequid Court.

13 GPS tracking of members would have allowed Cst Morrison to
14 accurately ascertain Cst Stevenson's position as he was looking to a vehicle coming
15 from the right but she was coming from the left.

16 GPS mapping would have allowed ERT team members to
17 accurately figure out where they were supposed to be going without having to
18 communicate back to OCC for directions.

19 On the point of detailed accurate maps, there was an absence, as
20 we've heard, of that, both of the public and private roads in Portapique, with members
21 using their personal cellphones on the ground.

22 Ms. Lenehan referred to something very similar to this, but you can
23 go on Snapchat and accurately find the public and the private roads on Portapique and
24 it's greatly disturbing that that was not -- that could be available in that manner, but
25 that's not available to the members that are charged with public safety.

26 There were also problems accessing existing resources and/or
27 resources that just weren't working. Of course, these included logging into a mobile
28 workstation as experienced by Cpl Peterson, the unavailability of the RCMP helicopter,

1 and radio systems that did not work.

2 And lastly, with respect to resources generally, be
3 unknowledgeable about what resources were actually available. We've heard evidence
4 that some members were not aware that an alert system was available to even be used,
5 and then other members who believed that there wasn't the ability to do 9-1-1 call
6 mapping.

7 All of these resource issues leave us with a question of how does
8 an entity charged with public safety have such a mountain of resource issues? And
9 those are the types of things we will continue to work through and grapple with, and
10 certainly form recommendations as we move forward.

11 Rectifying some of these resourcing issues will, of course, only take
12 funding. Pure and simple. You cannot set people up for success on the ground without
13 providing them with the right tools. Rectifying some of those resourcing issues will also
14 take training. How those things are optimally done in an efficient way again will form the
15 basis of the work we look at over the next two phases.

16 Also referred to earlier, and I'll add my voice to this, there's also a
17 heavy theme of systems and people not communicating. Why was that the case and
18 what can be done to ensure systems are talking and people are sharing information to
19 ensure that large volumes of information are passed on accurately down the line for all
20 who need that critical information to be fully informed. That is something to be explored
21 further, and I think Darryl McDonald, we've heard several folks speak of him, can help
22 us with that.

23 And lastly, there seems to be the theme of the need for autonomy
24 for decision-making, and also, the ability to make decisions rapidly. The process to get
25 information to the public was painfully slow, and ultimately, unworkable. We need to be
26 able to trust that trained professionals will make the right decision and have the
27 autonomy to do so.

28 We fully expect there will be broader command issues when we get

1 there moving through the next series of Foundational Documents, Commissioners, but
2 those are our submissions on the themes emerging from the evidence to date. Again,
3 subject to any questions that you may have, I thank you for the opportunity.

4 **COMMISSIONER STANTON:** Great. Thank you very much.

5 I think that was everyone for today. We wanted to thank all of you
6 so far for your submissions. We know there will be a few more tomorrow, and we'll
7 always, as we do, consider them with care and appreciate hearing them.

8 Just want to thank Dr. Bowes for coming and assisting us today, for
9 the expertise and information that he shared and for his dedication. Thanks to
10 Commission Counsel and to everyone for taking part today.

11 I did want to acknowledge the members of the Goulet family, who
12 were -- some of whom were here with us today, they -- and they have been throughout
13 the process. And they always come with a beautiful photo of Ms. Goulet that they have
14 on the table with them. And we know it would have been a difficult day, and we want to
15 offer our deep condolences to them.

16 Tomorrow, we'll hear from another witness panel. It's
17 Constables Craig Hubley and Ben MacLeod, who will be joining us to provide important
18 context surrounding their encounter with the perpetrator at the Enfield Big Stop,
19 including events and observations immediately prior to and following the engagement
20 with the perpetrator.

21 So thank you again, everyone, and we'll resume tomorrow at 9:30
22 in the morning.

23 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
24 proceedings are adjourned until April the 14th, 2022, at 9:30 a.m.

25 --- Upon adjourning at 3:53 p.m.

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CERTIFICATION

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3 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
4 pages to be an accurate transcription of my notes/records to the best of my skill and
5 ability, and I so swear.

6

7 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts
8 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
9 capacités, et je le jure.

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A handwritten signature in black ink, appearing to read 'Sandrine Marineau-Lupien', is written over a horizontal line.

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Sandrine Marineau-Lupien

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