

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

VOLUME 14

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II Appearances / Comparutions

Mr. Roger Burrill	Commission Counsel / Conseiller de la commission
Mr. Jamie VanWart	Commission Counsel / Conseiller de la commission
Mr. Michael Scott	Counsel / Conseiller
Mr. Joshua Bryson	Counsel / Conseiller
Mr. Jeffery Waugh	Counsel / Conseiller
Ms. Nasha Nijhawan	Counsel / Conseillère
Ms. Patricia MacPhee	Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Thursday, April 14th, 2022, at 9:32 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 welcome. Bonjour, et bienvenue. We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. As always, 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.

Yesterday, Commission Counsel presented two more Foundational Documents that included the murder of Gina Goulet at her residence on Highway 224, and the fatal police encounter with the perpetrator at Enfield Big Stop. These two Foundational Documents were the last in a series of twelve that were focussed on the facts of what happened at critical locations involved in the mass casualty.

Yesterday, we also heard from Dr. Matthew Bowes on the cause and manner of the death of the perpetrator. We also heard some submissions from Participants based on Foundational Documents to date, and Dr. Bowes also spoke about his medical examiner's report on the cause and manner of death of Heather O'Brien.

Next week will mark two years since the mass casualty occurred. At the end of today, we invite you to join us in a moment of reflection to honour the memories of all those whose lives were taken so senselessly, and acknowledge all who have been affected. We will also review briefly what has been accomplished to date in the public proceedings and prepare you for what you can expect when we resume on April 25th.

First up this morning, we will hear from Constables Craig Hubley

1 and Ben MacLeod, who are expected to address factual gaps and provide important
2 context surrounding their encounter with the perpetrator at the Enfield Big Stop,
3 including what happened, and observations immediately made prior to and following the
4 engagement with the perpetrator. After that, we will hear more submissions from
5 Participants.

6 I now ask Commission Counsel, Mr. Roger Burrill, to begin today's
7 witness panel. Mr. Burrill?

8 **MR. ROGER BURRILL:** Thank you, Commissioner Fitch. I wish to
9 call Constable Craig Hubley and Constable Ben MacLeod to provide evidence,
10 information testimony as to the Big Stop, Enfield, Foundational Document presented
11 yesterday.

12 We'll request that these two gentlemen be permitted to provide their
13 testimony in a panel format which has been prearranged. I assume that's acceptable to
14 the Commissioners.

15 **COMMISSIONER MacDONALD:** Yes. Thank you, Mr. Burrill.

16 **MR. ROGER BURRILL:** Thank you. I will introduce you, then, to
17 the two gentlemen before the Commissioners now.

18 You are Constable Craig Hubley?

19 **CST. CRAIG HUBLEY:** I am.

20 **MR. ROGER BURRILL:** Hubley is spelled H-U-B-L-E-Y?

21 **CST. CRAIG HUBLEY:** Yes.

22 **MR. ROGER BURRILL:** And you are Constable Ben MacLeod?

23 **CST. BEN MacLEOD:** I am.

24 **MR. ROGER BURRILL:** M-A-C-L-E-O-D?

25 **CST. BEN MacLEOD:** That's correct.

26 **MR. ROGER BURRILL:** Madam Registrar, the witnesses have
27 indicated a preference to be affirmed, and I have asked them to remain standing while
28 you conduct the affirmation process.

1 **CST. CRAIG HUBLEY, Affirmed:**

2 **CST. BEN MacLEOD, Affirmed:**

3 **--- EXAMINATION IN-CHIEF BY MR. ROGER BURRILL:**

4 **MR. ROGER BURRILL:** Welcome, gentlemen. I am going to start
5 our discussions here this morning with some questions of introduction for both of you,
6 and I'm going to isolate first Constable Hubley because he was the first to be sworn.

7 Craig Hubley, you are a regular member of the RCMP and have
8 been so since September of 2001?

9 **CST. CRAIG HUBLEY:** Yes.

10 **MR. ROGER BURRILL:** And I understand that you are a Police
11 Dog Service dog handler, and have been so since August of 2013?

12 **CST. CRAIG HUBLEY:** Yes.

13 **MR. ROGER BURRILL:** I understand as well that are currently
14 assigned with the Police Dog Services in the Halifax District RCMP; is that right?

15 **CST. CRAIG HUBLEY:** Yes.

16 **MR. ROGER BURRILL:** Okay. Perhaps you can for the
17 Commissioners, just give us a general sense of what a Police Dog Service member is
18 and what the Police Dog Service is, please.

19 **CST. CRAIG HUBLEY:** Police Dog Service in the RCMP is a
20 support section. My role as a police service dog handler is to support general duty and
21 other members that conduct investigations for the RCMP. Police service dogs are
22 primarily used as a locating tool, evidence, articles, people, things of that nature.

23 **MR. ROGER BURRILL:** Great. On April 18th-19th, you were
24 engaged as a Police Dog Service handler, were you?

25 **CST. CRAIG HUBLEY:** I was.

26 **MR. ROGER BURRILL:** Thank you. And just before we leave this
27 topic, any specialised or direct training that you would have to be a Police Dog Service
28 handler?

1 **CST. CRAIG HUBLEY:** Yes. The process to become a dog
2 handler in the RCMP can be long. At the end of -- at the end of, I guess, the
3 indentureship, for lack of a better explanation, you go to the Police Dog Service Training
4 Centre in Innisfil, Alberta, for a New Handler course that's anywhere from four to five
5 months -- five months long ,sorry, in the beginning.

6 **MR. ROGER BURRILL:** Okay. And I'm now going to turn to your
7 colleague.

8 You are Constable Ben MacLeod. You are a 13 year service with
9 the RCMP, sir?

10 **CST. BEN MacLEOD:** That's correct.

11 **MR. ROGER BURRILL:** And I understand in 2009, you were
12 assigned to the Cole Harbour detachment of the RCMP?

13 **CST. BEN MacLEOD:** Yes.

14 **MR. ROGER BURRILL:** You were there for five years as general
15 duty officer?

16 **CST. BEN MacLEOD:** Yes.

17 **MR. ROGER BURRILL:** And then in 2014-'15, you were assigned
18 to the Iqaluit detachment as a general duty officer?

19 **CST. BEN MacLEOD:** That's right.

20 **MR. ROGER BURRILL:** And 2015 to 2017, you were still at Iqaluit,
21 but working in the Major Crime Unit at that location or that detachment; is that right?

22 **CST. BEN MacLEOD:** That's right.

23 **MR. ROGER BURRILL:** Okay. Am I right that between 2017 and
24 2019, you were reassigned to Chester detachment, Nova Scotia, to work in Traffic
25 Services in Nova Scotia?

26 **CST. BEN MacLEOD:** Correct.

27 **MR. ROGER BURRILL:** And in December of 2019, you became a
28 full-time member of the Emergency Response Team, otherwise known as ERT; is that

1 right?

2 **CST. BEN MacLEOD:** That's right.

3 **MR. ROGER BURRILL:** Okay. And as I did with
4 Constable Hubley, I'll just ask you a few questions about ERT, please. What is ERT, or
5 the Emergency Response Team?

6 **CST. BEN MacLEOD:** ERT is a -- it's a group of trained individuals
7 within the RCMP. We use specialised weapons, equipment, tactics to resolve high-risk
8 situations, things such as armed and barricaded persons, hostage rescue, and we
9 support PDS in other high-risk events that are more than the general duty officers are
10 trained to do.

11 **MR. ROGER BURRILL:** Great. And as I asked Constable Hubley,
12 any specialised training that is -- comes along with being an ERT member?

13 **CST. BEN MacLEOD:** It's an 8-week course, it's now a 9-week
14 course. I took my basic ERT course in Ottawa in 2016. It's a centralised course where
15 all our members across the country go. There's also ongoing training, monthly training
16 that all individuals have to partake in, as well as some specialised training for different
17 people on the team. So it's a lot of constant training.

18 **MR. ROGER BURRILL:** Right.
19 I failed to ask Constable Hubley. Ongoing training with Police Dog
20 Services?

21 **CST. CRAIG HUBLEY:** Yes.

22 **MR. ROGER BURRILL:** Yeah. And that -- on what kind of basis
23 would that be?

24 **CST. CRAIG HUBLEY:** Daily.

25 **MR. ROGER BURRILL:** All right, very good.
26 ERT training daily?

27 **CST. BEN MacLEOD:** If we're not -- if we're not in an operational
28 call ---

1 **MR. ROGER BURRILL:** Yeah.

2 **CST. BEN MacLEOD:** --- the majority of the time is spent training.

3 **MR. ROGER BURRILL:** Okay. Very good.

4 Tell me, on August 18th-19th [sic], you were an active member of
5 the ERT team?

6 **CST. BEN MacLEOD:** That's right.

7 **MR. ROGER BURRILL:** Yeah. Can you give me some idea of the
8 size of the ERT team; its construct?

9 **CST. BEN MacLEOD:** Yeah. At the time, in 2020, we were what
10 is considered a hybrid team of part-time ERT members who have their substantive
11 duties somewhere else in the province, and my -- at that time, mine was in Chester. We
12 also had six fulltime members. So, sorry, at that time I had gone over as a temporary
13 assignment to that fulltime. So six fulltime members and seven part-time members at
14 the time, so 13 out of, I believe, 18 positions we were allotted for at the time.

15 **MR. ROGER BURRILL:** Okay. And does that remain the situation
16 currently?

17 **CST. BEN MacLEOD:** Yeah. It's still 18 positions total. We've
18 seen increased our fulltime allotment to 12 fulltime positions.

19 **MR. ROGER BURRILL:** Okay. This question for both of you
20 gentlemen. Is there any interaction between the Police Dog Services members and the
21 ERT team or Emergency Response Team members?

22 **CST. BEN MacLEOD:** Yeah. I can tell you we kind of support
23 each other. So I'll let Craig speak in a moment about when they might call us to support
24 them. Certainly, for ERT calls, I'll give you an armed and barricaded person, for
25 instance, where we -- containment set up on the house, they're one of the first people
26 we call to assist us as a support to ERT. So, yes, we work closely with them, train
27 closely with them.

28 **MR. ROGER BURRILL:** Okay.

1 Any comment on that, Cst. Hubley, the interaction between ERT
2 and PDS?

3 **CST. CRAIG HUBLEY:** We train together monthly, constantly. My
4 job as a handler of a police service dog is to interpret the body language of the dog and
5 make decisions based on that. It requires a gross -- a lot of attention, and to have ERT
6 with a handler in a high-risk situation provides a blanket of security for the team, which
7 is the dog and the handler, so that the handler can focus wholeheartedly on their job,
8 which is the dog.

9 **MR. ROGER BURRILL:** Okay. So there is some interactivity
10 between your two structures, then?

11 **CST. CRAIG HUBLEY:** Yes.

12 **MR. ROGER BURRILL:** All right. So with respect to that
13 generally, do you two know each other before April 18th and 19th, 2020?

14 **CST. BEN MacLEOD:** Yes, we did.

15 **CST. CRAIG HUBLEY:** Yes.

16 **MR. ROGER BURRILL:** Yeah. Would you have had an operation
17 -- an opportunity to work operationally together?

18 **CST. BEN MacLEOD:** Yes, we did.

19 **CST. CRAIG HUBLEY:** Yes.

20 **MR. ROGER BURRILL:** And you would have worked in the
21 professional capacity as you described as an ERT member and a PDS member?

22 **CST. BEN MacLEOD:** Yes.

23 **MR. ROGER BURRILL:** Are you able to say how many times? Do
24 you have a sense of that?

25 **CST. BEN MacLEOD:** I'd consider it a handful of times in the two
26 years.

27 **CST. CRAIG HUBLEY:** Yeah.

28 **CST. BEN MacLEOD:** Four -- it would have been three years, I

1 guess, at that point.

2 **CST. CRAIG HUBLEY:** It wouldn't have been very much, just
3 because of the overlap of our service.

4 **MR. ROGER BURRILL:** Okay. And how -- sorry; I didn't mean to
5 interrupt you. How would you describe your working relationship, professionally?

6 **CST. CRAIG HUBLEY:** With ERT?

7 **MR. ROGER BURRILL:** Yeah. No, with MacLeod, Cst. MacLeod.

8 **CST. CRAIG HUBLEY:** Good.

9 **CST. BEN MacLEOD:** It's very good, yeah.

10 **MR. ROGER BURRILL:** You had to say that, didn't you? All right,
11 very good.

12 The inquiry today, gentlemen, is into the events at the Enfield Big
13 Stop, and the Commissioners will no doubt be interested in your information and
14 testimony. And I'm going to ask you about the incident at the Enfield Big Stop at around
15 11:26 a.m. on April 19th, but before I do that, I wanted to just get into the circumstances
16 and contextualize things a little bit. So I'll ask you some preliminary questions, in terms
17 of your initial involvement in the mass casualty.

18 Cst. MacLeod, you were called out approximately what time; are
19 you able to say?

20 **CST. BEN MacLEOD:** Yeah, approximately 10:54 p.m. on the 18th
21 of April.

22 **MR. ROGER BURRILL:** On the 18th of April?

23 **CST. BEN MacLEOD:** That's right.

24 **MR. ROGER BURRILL:** And in what capacity, please?

25 **CST. BEN MacLEOD:** So I was called out by Cpl. Tim Mills, our
26 team leader at the time, and I was called out as an ERT member, kind of a standard
27 call-out procedure for that ---

28 **MR. ROGER BURRILL:** Okay.

1 **CST. BEN MacLEOD:** --- through a cell phone.

2 **MR. ROGER BURRILL:** All right.

3 If I can, Madam Registrar, I'd like to bring up Exhibit P-000379, and
4 I'm going to address Cst. Hubley with respect to a -- what I believe to be his SiRT
5 statement.

6 Can you take it to the top of the document, please?

7 Cst. Hubley, do you recall providing, through your counsel, a
8 statement to the SiRT investigators with respect to this incident on April 19th, 2020?

9 **CST. CRAIG HUBLEY:** I do.

10 **MR. ROGER BURRILL:** Okay. Have you seen the document
11 before you?

12 **CST. CRAIG HUBLEY:** Yes.

13 **MR. ROGER BURRILL:** Yeah. You recall that, do you?

14 **CST. CRAIG HUBLEY:** Yes.

15 **MR. ROGER BURRILL:** Okay. It's accurate, as best as you
16 know?

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. ROGER BURRILL:** Okay, very good.

19 I'm going to go to the bottom of page 1, if I can, Madam Registrar.
20 And I'm going to direct your attention to -- maybe if you come up a
21 paragraph, please, Madam Registrar. Yeah.

22 "I departed my residence." This is your situation, in terms of you
23 leaving your residence in a call-out for the PDS. You indicated that you departed your
24 residence at around 7:30 a.m. You arrived at the command post at 8:17 a.m. Does that
25 sound right to you?

26 **CST. CRAIG HUBLEY:** It does.

27 **MR. ROGER BURRILL:** Okay. Can you tell us how that process
28 would be undertaken?

1 **CST. CRAIG HUBLEY:** Well, on the early morning hours of April
2 19th, I got a text message from Cpl. Jeff Wall, who's the acting sergeant for the Police
3 Dog Service in this province at the time.

4 **MR. ROGER BURRILL:** Yeah.

5 **CST. CRAIG HUBLEY:** He had sent me a text. I don't remember
6 exactly what was in it, but it was to the effect that there was an active shooter in
7 Portapique, and that people had been shot. There were handlers on their way there
8 and he was looking to line up some relief, potentially, for later in the day. I told him I
9 would attend, I would leave my house probably at around 7:00, 7:30 in the morning.

10 **MR. ROGER BURRILL:** Okay. The final paragraph in the
11 statement says -- on that page says:

12 "At 8:27, I went into the Command Post for
13 information on what was happening. There I learned
14 the suspect was Gabriel Wortman, who lived at 200
15 Portapique Beach Road. There were photographs of
16 Wortman on the wall, and I viewed them." (As read)

17 Now, I'm going to ask you, if you would, please, to comment on
18 what I've just read, in terms of this process of you going to the Command Post and
19 observing materials and photographs. Do you recall that?

20 **CST. CRAIG HUBLEY:** I do.

21 **MR. ROGER BURRILL:** Okay.

22 **CST. CRAIG HUBLEY:** When I drove in to the Command Post that
23 morning, I wanted to gather as much information as I could about what was happening,
24 who we were looking for; suspects, other people of interest. And the best place to do
25 that would be at the Command Post.

26 **MR. ROGER BURRILL:** M'hm.

27 **CST. CRAIG HUBLEY:** It was upstairs, and I remember going
28 upstairs and seeing pictures of him on the wall. I was cognizant that they probably

1 weren't going to be what he looked like now. And what I mean, now, I mean at present.
2 The pictures I saw were -- I think one of them he was smiling, he looked happy, and I
3 was pretty sure that wasn't what was happening that day. But I remember trying to burn
4 them into my mind's eye. Yeah, I wanted to know who we were looking for.

5 **MR. ROGER BURRILL:** As a Police Dog Service and a dog
6 handler, this process, was it of any significance to you, in terms of looking at these
7 photographs? And if so, why would it be of significance to you?

8 **CST. CRAIG HUBLEY:** For me, it's important because if the
9 situation -- if I ended up having to track him with my police service dog, I wanted to
10 make sure that if we got close enough to see somebody, that it was the right person.
11 I'm not sure how to explain it other than he was the guy.

12 **MR. ROGER BURRILL:** Would this be part of your responsibilities
13 in the Police Dog Service for ---

14 **CST. CRAIG HUBLEY:** Oh yes.

15 **MR. ROGER BURRILL:** --- in terms of identification and/or things
16 of that nature?

17 **CST. CRAIG HUBLEY:** Oh yes.

18 **MR. ROGER BURRILL:** Okay.

19 Cst. MacLeod, are you able to comment with respect to any
20 exposure to photographs or materials that you would have had of the perpetrator in your
21 involvement?

22 **CST. BEN MacLEOD:** So we arrived on scene in the Portapique
23 area about -- I'd say about an hour and a half, give or take, after that an initial call-out.
24 I'm not sure what time the perpetrator's name was sent to us and given to us, but when
25 it was, in that first few hours when they did have photographs, they were sent out to our
26 cell phones. So two pictures sent.

27 **MR. ROGER BURRILL:** Okay.

28 **CST. BEN MacLEOD:** One of a driver's licence photo, and one

1 looked like it was a Facebook photo. Took a little bit of time at that point to look at it and
2 familiarize myself, but to my knowledge, don't remember for the rest of that morning into
3 the early morning hours, and then further into that day, I don't remember looking at that
4 again.

5 **MR. ROGER BURRILL:** Okay. And did you say for us when it
6 would have been and under what circumstances you looked at those photographs?

7 **CST. BEN MacLEOD:** Just when that was initially sent out. At the
8 time we used WhatsApp messenger for any operational updates that -- things like
9 photographs, maps, anything that would be sent to the entire team.

10 **MR. ROGER BURRILL:** Where would you have been located, and
11 what were you doing when those photographs would have been accessible to you?

12 **CST. BEN MacLEOD:** I believe I was in the Portapique area, and
13 that was -- so I was on-scene from the very early morning hours, tasked out as an ERT
14 member with different things ---

15 **MR. ROGER BURRILL:** Okay.

16 **CST. BEN MacLEOD:** --- and that was at that time.

17 **MR. ROGER BURRILL:** And would those photographs and that
18 information have been of any significance to you in terms of conducting your tasks that
19 day?

20 **CST. BEN MacLEOD:** Absolutely. That was our number one task,
21 and really throughout the day, it was locating him. And the same as what Craig had
22 mentioned there, that our job as police officers when we're looking for a suspect, if
23 we're able to identify them, if we have a means to identify them, is to know what they
24 look like.

25 That being said, many people's driver's license are not a true
26 reflection of what they actually look like. There's many photos on Facebook. We didn't
27 know when that photo had been taken, if it was a dated one. Like you said, smiling is
28 not -- it's not always an accurate reflection. So those are things you keep in mind as a

1 police officer when you're looking at a photo, that they may not be accurate.

2 **MR. ROGER BURRILL:** Thank you. Would either of you had any
3 additional opportunities to view photographs or materials regarding the perpetrator other
4 than what you've described at the command post and you through the WhatsApp app?

5 **CST. BEN MacLEOD:** I was never at the command post, ---

6 **MR. ROGER BURRILL:** Right.

7 **CST. BEN MacLEOD:** --- so I didn't have an opportunity to see
8 that. For me, it was just what was pushed out to the team in our operational chat group.

9 **MR. ROGER BURRILL:** Cst Hubley?

10 **CST. CRAIG HUBLEY:** No, outside of the pictures in the
11 command post, I don't recall getting pictures on my phone.

12 **MR. ROGER BURRILL:** Can you tell me how long you, Cst
13 Hubley, took when you made these observations in the command post of the
14 perpetrator?

15 **CST. CRAIG HUBLEY:** Maybe five minutes. It was more than a
16 glance.

17 **MR. ROGER BURRILL:** Okay. All right. All right. Madam
18 Registrar, I wonder if I might turn to page 3 of the same exhibit, 00379, the SiRT
19 statement of Cst Hubley?

20 I understand, Cst Hubley, that after you were at the command post,
21 you then undertook some operations. What did you do at that point?

22 **CST. CRAIG HUBLEY:** I was tasked by Cpl Wall to move up to the
23 intersection of, I think it was the Beach Road and the highway. He told me that ERT
24 and other PDS members, dog handlers, were in the area attempting to locate a track.
25 And a track -- at track is a mixture of scents that a person drops, scents that a person
26 creates. If you can imagine walking across a grass field, the vegetation that you crush
27 is going to smell a little bit different than the one -- than the vegetation beside it.

28 That, along with each individual person's individual body odours,

1 reinforced orders, create a profile that we refer to as a track, and our dogs are trained to
2 follow the freshest and the first one they follow. That is what the PDS members were
3 doing that morning with ERT as cover, trying to find a track for ---

4 **MR. ROGER BURRILL:** Okay.

5 **CST. CRAIG HUBLEY:** --- the perpetrator.

6 **MR. ROGER BURRILL:** And did you, yourself, engage in that
7 process of trying to find a track when you went to Portapique Beach Road ---

8 **CST. CRAIG HUBLEY:** No.

9 **MR. ROGER BURRILL:** --- and Highway 2?

10 **CST. CRAIG HUBLEY:** I didn't have -- when I moved up, there
11 were other members there. I moved farther down the road. I can't remember the name
12 of the -- what road it was. But it was clear to me that it was -- things were maybe in a
13 lull. And the first thing that I got tasked with when I went to that area was the dog.

14 **MR. ROGER BURRILL:** Okay. Tell us about the dog, please, and
15 whether that had any special impact or any impact on you?

16 **CST. CRAIG HUBLEY:** Yeah. I remember when I was directed to
17 the house and asked to help the dog, ---

18 **MR. ROGER BURRILL:** Do you remember the house that we're
19 talking about here, Cst Hubley?

20 **CST. CRAIG HUBLEY:** Yes, I think it was the -- maybe the Blair
21 residence.

22 **MR. ROGER BURRILL:** M'hm.

23 **CST. CRAIG HUBLEY:** One of the ERT members had let me
24 know that there was a dog there that needed some attention. We have -- as a dog
25 handler, I carry medical kits for -- specifically for my police dog, and we have additional
26 training on canine first aid.

27 **MR. ROGER BURRILL:** M'hm.

28 **CST. CRAIG HUBLEY:** I brought that kit to the house. As I got

1 closer, I could see what I thought was a pile of clothes.

2 **MR. ROGER BURRILL:** M'hm.

3 **CST. CRAIG HUBLEY:** It looked like he had -- someone had shot
4 the dog. It was a gruesome injury.

5 **MR. ROGER BURRILL:** Yeah, it's okay. It's okay. We've got lots
6 of time. I was asking you about the dog and that your action with the dog, and I think
7 that you were actually engaged in terms of, according to the statement, wrapping the
8 dog up and taking it out to ---

9 **CST. CRAIG HUBLEY:** Yeah, I had -- that dog's injuries were
10 beyond my abilities. My concern was to get him to somewhere, some place, that he
11 could get the care, or the dog could get the care that they needed.

12 **MR. ROGER BURRILL:** Yeah.

13 **CST. CRAIG HUBLEY:** What struck me at the time was that he,
14 the perpetrator, had shot the family pet that was 20 pounds, maybe.

15 **MR. ROGER BURRILL:** Yeah.

16 **CST. CRAIG HUBLEY:** The dog was not a threat to anybody.
17 What struck me was just how intent he was on causing harm, I guess. That you would
18 shoot a dog, it meant nothing.

19 **MR. ROGER BURRILL:** And I appreciate this is difficult for you.
20 We'll try to do our best here.

21 Did you have an idea at this stage of the loss of human life at this
22 point?

23 **CST. CRAIG HUBLEY:** Yes. I'd seen -- or I'd observed a few
24 bodies. I remember one in the side of the road. There was another body in front of -- I
25 don't remember the address. It had the pole fence.

26 **MR. ROGER BURRILL:** Yeah.

27 **CST. CRAIG HUBLEY:** And the body was near the fence and it
28 looked to me like that person was either trying to get away from somebody or hide, I

1 guess. And it struck in my mind, it struck me as a chaotic situation that -- I would use
2 the word rampage, indiscriminate killing. I mean, the dog.

3 **MR. ROGER BURRILL:** Had you ever experienced anything like
4 this in your prior investigative and/or police role?

5 **CST. CRAIG HUBLEY:** Not on that level.

6 **MR. ROGER BURRILL:** Okay. All right. Now, I didn't mean to
7 draw any extra pain with respect to the injury to the dog, but I was left with the
8 impression that this may have had some bearing on how you reacted to the situation?

9 **CST. CRAIG HUBLEY:** I don't think it's fair to say that I was more
10 determined to find him, because we were going to find him, I guess. It's just -- that
11 animal, for me, was pointed because I've been to other murder scenes, crimes of
12 passion, but never where someone would vent rage like that.

13 **MR. ROGER BURRILL:** Yeah. Okay. The -- if I could just have
14 you roll up a little bit to the next paragraph, Madam Registrar? I'm looking at the
15 paragraph that says:

16 "At this point I believed that Wortman was responsible for
17 the deaths of at least four people in the area [...] had
18 shot a dog."

19 And as I move down in that paragraph, you indicate that:

20 "I thought that his mindset would have had an air of
21 vindictiveness given that he shot a family pet that could
22 not have been a threat to him given its size."

23 Is that consistent with what you are trying or have articulated for the
24 Commissioners this morning?

25 **CST. CRAIG HUBLEY:** Yes, it wasn't -- it would have been right
26 around the same time that I was able to surmise that he lived in that community, very
27 close to those people. I mean, in this province, nobody has fences in their backyards.
28 Everybody is neighbourly. And I believed that he probably knew those people more

1 than saying, "Hi" on the road or whatnot. And it struck me as he would have been
2 operating with -- he would have been -- he would have had some emotions that day, I
3 think, that I didn't understand.

4 **MR. ROGER BURRILL:** Okay. The last line in that paragraph
5 says that:

6 "I knew that Wortman was an extreme danger to
7 everyone he encountered. He was mobile and his
8 direction of travel was unknown."

9 Is that consistent with your understanding?

10 **CST. CRAIG HUBLEY:** Yes.

11 **MR. ROGER BURRILL:** Did that mean anything to you in terms of
12 how you were reacting to the situation?

13 **CST. CRAIG HUBLEY:** I believed that he was extremely
14 dangerous, ---

15 **MR. ROGER BURRILL:** Yeah. Okay.

16 **CST. CRAIG HUBLEY:** --- that he was ---

17 **MR. ROGER BURRILL:** Was there any delay in you coming to that
18 conclusion, in terms of your involvement in this matter?

19 **CST. CRAIG HUBLEY:** No.

20 **MR. ROGER BURRILL:** Okay. Cst. MacLeod, do you have any
21 comments with respect to your colleagues' remarks with respect to the level of
22 vindictiveness, extreme danger, things to that nature?

23 **CST. BEN MacLEOD:** Yeah, so like I said, I was out from the very
24 early morning hours before Craig was there, but was at the same scenes. I was at the
25 Blair residence early on. When we came across that scene, when the dog was on the
26 step with his, -- with its family. And at this point, believe I was aware of four deceased
27 persons in that area. He described it well. Chaotic. It's -- it was different than any
28 scene I'd ever been to before. I've been to lots of sudden deaths, murder scenes. This

1 didn't compare to anything like I've been to before. And the dog, it hit home with a lot of
2 us that were there, and I think Craig described that well, that vindictiveness is a good
3 word and evil is a good word that somebody -- to do that was just evil.

4 **MR. ROGER BURRILL:** Thank you, gentlemen. I know that's
5 difficult to describe. If we could move to page 4 of the -- of the exhibit, please.
6 Paragraph, the first marker, it says:

7 "Up to this point there had been over all incident
8 command with operational commander's tasking
9 police resources. The situation was...dynamic and I
10 had a feeling of extreme urgency..."

11 This was at the command post, and thereabout, when there was a
12 call that came in with respect to Wentworth. Do you recall that, Constable Hubley?

13 **CST. CRAIG HUBLEY:** I do.

14 **MR. ROGER BURRILL:** Okay. Now, do you recall the call as to
15 the homicide scene in Wentworth in the early morning or around 9:30 on April 19th?

16 **CST. CRAIG HUBLEY:** Yes.

17 **MR. ROGER BURRILL:** Okay. Can you tell us about whether that
18 had any impact upon you and what you did?

19 **CST. CRAIG HUBLEY:** That call came as I had arrived at the
20 intersection of, I think it's Portapique Beach Road and the main highway, or not the
21 main highway, the rural highway. I had just given the dog to Corporal Ivany and
22 Constable Rodney MacDonald, who had lined up veterinarian care for the dog.

23 **MR. ROGER BURRILL:** Right.

24 **CST. CRAIG HUBLEY:** And then that call came in. So with it, a
25 pretty good shot of adrenaline.

26 **MR. ROGER BURRILL:** Yeah.

27 **CST. CRAIG HUBLEY:** I remember thinking that with the amount
28 of people that I believed he had shot in the community, that -- on top of the dog, I think it

1 would be safe to say that we all knew it was him, that this was continuing or in some
2 way was associated to what was happening in Portapique.

3 I left that intersection, drove to the command post. I knew, because
4 I was there earlier in the morning, that there was a lot of members there. I was looking
5 for a member to ride with me to provide cover, as I explained before, and I stopped and
6 I saw Staff Sergeant MacCallum in the parking lot, and I asked him -- I told him I needed
7 a cover member, and he got into the vehicle with me.

8 **MR. ROGER BURRILL:** Yeah. Just explain for us about the cover
9 member bit because I'm not sure it's entirely clear to people the necessity of a cover
10 member for a PDS member.

11 **CST. CRAIG HUBLEY:** When dog handlers in the RCMP engage
12 in the tracking profile or what you -- most people think a police dog does following a bad
13 guy, the handler's attention is 90-percent, 95-percent of it is focussed on the dog. We
14 run into branches and the corners of buildings. When you're looking for somebody that
15 is not -- that is not posing a threat to anybody, somebody that's just lost, it's not as -- it's
16 not as critical, but when you're looking for somebody that is armed or you believe to be
17 armed and have committed murder, there's many people that can help me do my job, is
18 what I was looking for, and Addie MacCallum was the first guy that got in the truck.

19 **MR. ROGER BURRILL:** Okay. And the purpose of you and Staff
20 Sergeant MacCallum at that point was to do what? What were you -- what were you
21 going to do?

22 **CST. CRAIG HUBLEY:** We were going to that scene in Wentworth
23 is where I -- where we were going. While we were there, before I even got out of Great
24 Village, that segues into the Glenholme address, that's where we ended up.

25 **MR. ROGER BURRILL:** Okay. You indicate in the SiRT narrative
26 that the situation became more urgent?

27 **CST. CRAIG HUBLEY:** Yes.

28 **MR. ROGER BURRILL:** Can you comment on that?

1 **CST. CRAIG HUBLEY:** When I was -- when I was in Portapique,
2 before I even had the chance to deploy my dog, it was -- I would describe the situation
3 as -- in as -- not in a lull. We didn't know where he was. We knew that he had firearms
4 and was shooting people, but we didn't know where he was. So it was an uneasy
5 feeling, I would -- is what I felt. But when that call came in about the scene in
6 Wentworth, everything accelerated quickly.

7 **MR. ROGER BURRILL:** Yeah. And I take it you drove to the
8 scene in response to the call, or made efforts to drive to the scene?

9 **CST. CRAIG HUBLEY:** Yes.

10 **MR. ROGER BURRILL:** Yeah. Okay.
11 Constable MacLeod, do you recall that call?

12 **CST. BEN MacLEOD:** I do. At the -- at the time that came in, I
13 was with three other ERT members, and we were still in the Portapique area. We were
14 in the process of going house to house, essentially looking for more victims and/or
15 evacuating people, having them shelter in place. So we had -- we had started that
16 process a little bit before. I believe I describe it as a bit of a lull as well. This was
17 around 8:30, 9 o'clock at that time.

18 As we were looking for people, we had just finished evacuating one
19 gentleman, and we had gone in looking for the next one, and we were actually at a
20 house, locked doors, and kind of searching the outside of the house when that call for
21 Wentworth came in. And -- so we drove as fast as we could out of Portapique back to
22 that main road past the TAV, which members were getting out of the TAV to get into
23 other ERT trucks, our pickup trucks, which can go a lot faster than the TAV can.

24 **MR. ROGER BURRILL:** Right.

25 **CST. BEN MacLEOD:** So I was with three other members. We
26 drove as fast as we could towards Wentworth, but obviously, the Glenholme call came
27 in on the way there.

28 **MR. ROGER BURRILL:** Okay. I'm going to go back to

1 Constable Hubley here in a little bit in terms of the paragraph that I had brought up,
2 page 4 of 10. It said:

3 "Up to this point there had been over all incident
4 command with the operational commander's tasking
5 police resources. The situation was now more
6 dynamic...I had a feeling of extreme urgency..."

7 That you've described:

8 "...to stop Wortman from killing...people."

9 And I want to ask you about the next sentence:

10 "As a dog handler I have autonomy to act on my own
11 when deploying my PSD. In tactical situations I
12 have...independence and freedom of movement to
13 deploy my PSD in the most effective manner. This
14 was the reason I didn't stop and seek direction from
15 the command post."

16 Are you able to comment on what that means, and perhaps expand
17 that to a certain extent, as a dog handler you have some autonomy?

18 **CST. CRAIG HUBLEY:** In Police Dog Service in the RCMP,
19 there's two types of handlers and it's the same job. You're just either in a provincial
20 setting, rural, outside of the city, or urban, inside of the city, and those aren't cast in
21 stone. You can -- I mean, case in point, I work in Halifax and I was deployed for this.

22 Dog handlers are support services, just like Traffic Services or the
23 Emergency Response Team, but we're on our own. We operate essentially by
24 ourselves with a dog, unless it's a high-risk call where we need cover members or more
25 options. Most people don't understand how police dogs are employed effectively. The
26 policy in the RCMP defaults to the handler on the deployment of the dog, and that's
27 essentially what I was meaning. What I meant by that paragraph in my statement was
28 that in situations, tactical situations, not always ERT, the leaders will default to the

1 handler about how best to employ a dog.

2 **MR. ROGER BURRILL:** In terms of this relative autonomy that
3 you're talking about, did that make any difference to the manner in which you responded
4 to the stimulus in this case?

5 **CST. CRAIG HUBLEY:** Yes.

6 **MR. ROGER BURRILL:** Okay. How so?

7 **CST. CRAIG HUBLEY:** It allowed me to respond quicker. If I had
8 to guess, I would say that most police leaders trust their dog handlers and know that
9 they'll be able to complete the task they're given. I took that for granted that day, and
10 that's why I didn't stop; I wanted to get there as fast as I could.

11 **MR. ROGER BURRILL:** Gotcha. Tell me, though, in terms of the
12 autonomy that we have discussed with the PDS, would you still be subject to the Critical
13 Incident Command direction if that came to you in some manner or form?

14 **CST. CRAIG HUBLEY:** Yes.

15 **MR. ROGER BURRILL:** Okay. And at this stage, were you getting
16 any specific Critical Incident Command in terms of your actions or movements as you
17 undertook your responsibilities?

18 **CST. CRAIG HUBLEY:** Me, specifically? No.

19 **MR. ROGER BURRILL:** Yeah. Did that cause a problem for you
20 or a barrier for you as a PDS member?

21 **CST. CRAIG HUBLEY:** No.

22 **MR. ROGER BURRILL:** Great. Okay.

23 All right, how about you, Constable MacLeod, in terms of command
24 issues and instructions, do you have the same degree of autonomy that we've just
25 discussed?

26 **CST. BEN MacLEOD:** Not the same as PDS members have. We
27 certainly fall under the Critical Incident commander while we're deployed.

28 We call it a full deployment with the Critical Incident package, so it's

1 not just ERT. It's support services such as the dogs, crisis negotiators and other
2 personnel. We all fall under that incident commander, but we also fall under our team
3 leader who -- excuse me -- answers to that incident commander, and there's also
4 different levels of supervision within ERT.

5 **MR. ROGER BURRILL:** M'hm.

6 **CST. BEN MacLEOD:** We call them dead leads, or detachment
7 leads, or essentially, they report up to the TL and so forth.

8 **MR. ROGER BURRILL:** Okay. So in terms of your actions, would
9 that have been independently organized or would you have been taking some
10 instruction from a line of command?

11 **CST. BEN MacLEOD:** Throughout the night, we took instruction
12 from our team leader, who made decisions in consultation with that incident
13 commander. At this point, when the Wentworth call came in, there was no -- none of us
14 needed direction. And what I mean by that is, it's -- at that point, like Craig had said, we
15 all knew and believed that this was the perpetrator had gone active again. And what I
16 mean by that is, it was certainly an active shooter event earlier -- sorry, late the night
17 before on the 18th ---

18 **MR. ROGER BURRILL:** Okay.

19 **CST. BEN MacLEOD:** Before ERT or before a police dog ever
20 arrived ---

21 **MR. ROGER BURRILL:** Okay.

22 **CST. BEN MacLEOD:** --- when it was active. It was pretty clear in
23 our mind it had gone active again.

24 **MR. ROGER BURRILL:** Yeah.

25 **CST. BEN MacLEOD:** At that point, all police officers kind of have
26 that autonomy to try to stop that threat.

27 **MR. ROGER BURRILL:** Okay. Your team leader that time was?

28 **CST. BEN MacLEOD:** Was Corporal Tim Mills was in the acting

1 sergeant role at the time.

2 **MR. ROGER BURRILL:** Got you. So we've got to the 9:30 call. I -
3 - and I'm going to ask you, you were involved in the Lisa Banfield extraction?

4 **CST. BEN MacLEOD:** I was.

5 **MR. ROGER BURRILL:** Did that have any impact or bearing in
6 terms of the manner in which you conducted yourself?

7 **CST. BEN MacLEOD:** Certainly. So the -- I'll have to backtrack a
8 little bit. The first few hours we were on scene were chaotic, as we described before.
9 I've described it in my SiRT statement as a war zone.

10 **MR. ROGER BURRILL:** M'hm.

11 **CST. BEN MacLEOD:** Burning houses, those bodies in the street,
12 still hearing explosions, not knowing at the time if they were explosions or gunshots, but
13 believe them to be explosions, so there was a lot going on. A few hours into that, there
14 was a but of that lull, as we're still searching. We were still tasked out with different
15 things, searching different areas, different sightings and flashlights and whatnot that I
16 had described in my statement.

17 **MR. ROGER BURRILL:** Yeah.

18 **CST. BEN MacLEOD:** But at 6:30, when we get the call that Lisa
19 Banfield was at a house, needed to be extracted, and once I made contact with her and
20 how -- saw how distraught she was and scared, like, just scared to be out in the open.
21 She wanted immediately to get into our truck. She thought he was out there searching
22 for her. I've heard people talk about the fact they thought that the perpetrator might
23 have killed himself in the woods. We're police officers. That's -- we base a lot of what
24 we do based on experience and experience tells us that things like that have happened
25 before. So it certainly crossed people's minds. It didn't change the way we went about
26 things, but there was -- that changed when she came out and to see her, to know that --
27 I think at that point, we knew that she'd been with him earlier in the night, and that
28 something had started with her. And to see that she was still so scared that he was

1 searching for her kind of clicked and made us think, made myself think too that he was
2 still out there, ready to finish that.

3 **MR. ROGER BURRILL:** I see. And just to close the loop on this,
4 did you have any contact with Lisa Banfield, Constable Hubley?

5 **CST. CRAIG HUBLEY:** No.

6 **MR. ROGER BURRILL:** Okay. Very good.

7 Anything further on your interaction with Lisa Banfield in terms of
8 how ---

9 **CST. BEN MacLEOD:** No.

10 **MR. ROGER BURRILL:** --- it impacted you?

11 **CST. BEN MacLEOD:** It was very brief, a few minutes, just a quick
12 -- I'm one of the medics on our team, so it was -- part of the reason I did that quick
13 debrief was just to make sure that there were no life-threatening injuries, which I didn't
14 note any. But then as I -- as soon as that was complete, a quick call it a field interview,
15 just the basic questions to try to find out more information about the perpetrator, but it --
16 there was minutes before I handed her off to ---

17 **MR. ROGER BURRILL:** And I understand that you would have
18 interacted with the Joudrey resident and then extracted her too at the head of
19 Portapique Beach Road ---

20 **CST. BEN MacLEOD:** She came out of that residence, that's
21 correct. We took her right up to the road next to our truck, which she was trying to get
22 into to get out of the open, and very quickly brought the armoured vehicle in to extract
23 her.

24 **MR. ROGER BURRILL:** Okay. All right. Let's continue on then.
25 You travelled towards the Wentworth call, and then there was a distraction or a
26 reorientation in terms of your tasking; is that right, gentlemen?

27 **CST. CRAIG HUBLEY:** Yes.

28 **CST. BEN MacLEOD:** Yes.

1 **MR. ROGER BURRILL:** Can you describe Constable Hubley?

2 **CST. CRAIG HUBLEY:** While I was on route to Wentworth, we
3 were notified over the radio that the perpetrator was at a residence in Glenholme.

4 **MR. ROGER BURRILL:** Yeah.

5 **CST. CRAIG HUBLEY:** I was not very familiar with that portion of
6 Colchester. I had to map it on my phone. And -- I think, if I remember correctly, I think
7 Staff Sergeant MacCallum knew better than I did how to get into that area. And so we
8 diverted from Wentworth to Glenholme.

9 **MR. ROGER BURRILL:** And I understand you attended at the
10 Glenholme at the foot of the driveway, or in that area and took up the position of ---

11 **CST. CRAIG HUBLEY:** Yes.

12 **MR. ROGER BURRILL:** And then you were actually engaged in
13 the TAV movement at that address on Highway 4?

14 **CST. CRAIG HUBLEY:** Yes. I arrived at that address,
15 Glenholme. I believed that he was there. I couldn't see the back side of the house. It
16 was -- I remember it was set far off the road, and it was not a good situation tactically.
17 There was lots of open area. There wasn't a lot of cover or concealment.

18 **MR. ROGER BURRILL:** M'hm.

19 **CST. CRAIG HUBLEY:** I remember when I got there, Staff
20 Sergeant MacCallum got out of my truck and took over the role I think of -- as incident
21 command for that area, I guess. I waited for ERT, and the other dog handlers all
22 arrived. Everybody began deploying at the bottom of the driveway. The TAV arrived.
23 The TAV, it -- ERT typically will take a dog team with them -- when I say team, I mean
24 dog and handler -- in case he fled on foot. I got into the TAV, and we drove up the
25 driveway to the house, and I remained in the TAV until the second -- the other calls
26 started coming.

27 **MR. ROGER BURRILL:** All right. And were you in that TAV,
28 Constable MacLeod?

1 **CST. BEN MacLEOD:** I was. That -- the truck I was in with the
2 three other members, we were one of the first trucks on scene at that address, so the
3 same thing. We were notified over the radio that he was at that address on Highway 4
4 and Glenholme. We showed up, and we stopped right at the base of that driveway.
5 That time, I should add though, the occupants in that house were still on the phone with
6 the 9-1-1 operator, and they were giving us constant updates. So we knew that he
7 wasn't in the home. We believed he -- that he was on that property. It's hard to
8 describe without pictures how big the property was. There was excavators, vehicles out
9 in behind, so we did wait for the TAV because we knew we were going to have to
10 search that.

11 **CST. CRAIG HUBLEY:** Sitting in the back of the TAV and looking
12 at the image of that property on my phone on Images or Earth, I was disheartened by
13 the amount of hiding places that were there. And if he would have been hiding there, it
14 would have been very difficult to find him safely. And that's kind of what I was starting
15 to wrap my head around is how we were going to do this.

16 **MR. ROGER BURRILL:** Okay.

17 **CST. CRAIG HUBLEY:** And, yeah, then the calls for Plains Road -
18 --

19 **MR. ROGER BURRILL:** Right.

20 **CST. CRAIG HUBLEY:** --- started coming in.

21 **MR. ROGER BURRILL:** Okay. We'll get into Plains Road in a
22 second, but am I correct to assume that you would have had contact with Constable
23 MacLeod at this time in the back of the TAV?

24 **CST. CRAIG HUBLEY:** Yes.

25 **CST. BEN MacLEOD:** Yes.

26 **MR. ROGER BURRILL:** So that would have been the first time you
27 two would have had contact on April 19th?

28 **CST. CRAIG HUBLEY:** Yes.

1 **CST. BEN MacLEOD:** Yes.

2 **MR. ROGER BURRILL:** Okay. How easy is it to engage in
3 conversation then or discussion in the back of a TAV?

4 **CST. BEN MacLEOD:** Yeah, it's difficult. It's a loud environment.
5 The TAV itself is loud.

6 **MR. ROGER BURRILL:** Yeah.

7 **CST. BEN MacLEOD:** You're boxed in there in the back. We can
8 certainly communicate, but it is hard. Sometimes there's not always good radio
9 communication when you're in the back. The guy in the front has it with the radio, but --
10 and there's also -- I think I had mentioned in my interview that the situational awareness
11 you have in the back of the TAV is -- it's not very good. There are -- there's windows to
12 look out of, but especially a big guy like me to get up and turn around and look out of
13 that, it's hard to do. We had a little bit. We were able to look out and see, but it's -- it
14 makes things difficult.

15 **MR. ROGER BURRILL:** Okay.

16 **CST. CRAIG HUBLEY:** Like, communication is -- I mean, it's all
17 verbal in the back. I ---

18 **MR. ROGER BURRILL:** I'm sorry, it's what?

19 **CST. CRAIG HUBLEY:** It's all verbal in the back. I had -- at the
20 time, my police service dog was brand new. He was in an environment that he'd never
21 seen before, the back of the TAV with all the other ERT members. My concern was
22 keeping him calm.

23 **MR. ROGER BURRILL:** How'd that go?

24 **CST. CRAIG HUBLEY:** Well. Yeah, so they're -- between trying to
25 figure out what they -- when I say "they", ERT, what they were going to ask us, meaning
26 me and my dog, to do, I was trying to get as much information from my phone and keep
27 him under control, and, essentially, plan the next move, I guess, or prepare for what
28 may be the next tasking.

1 **MR. ROGER BURRILL:** Okay. So I understand at that stage the
2 call for Plains Road then came in?

3 **CST. CRAIG HUBLEY:** Yes.

4 **MR. ROGER BURRILL:** And then you two became more, how
5 shall I say, intricately involved in terms of the investigation? Is that right?

6 **CST. CRAIG HUBLEY:** Yes.

7 **MR. ROGER BURRILL:** Okay. Can you describe that for me,
8 either of your gentlemen? What happened?

9 **CST. CRAIG HUBLEY:** The -- the calls for the Plains Road began
10 coming in and it -- it was very quick. From -- I remember thinking from the time that I
11 got to Portapique in that -- no.

12 From the time that I had left Portapique to go to Glenholme
13 knowing what had happened in Portapique and that he was potentially there in
14 Glenholme, the sense of urgency was -- was indescribable.

15 **MR. ROGER BURRILL:** Yeah.

16 **CST. CRAIG HUBLEY:** And then leaving Glenholme to go to the
17 Plains Road, like it was a feeling I can't describe ---

18 **MR. ROGER BURRILL:** I understand.

19 **CST. CRAIG HUBLEY:** --- trying -- trying to get there.

20 **MR. ROGER BURRILL:** In terms of practical, how did you guys
21 get together for the -- the next step in the proceedings? This is some ---

22 **CST. CRAIG HUBLEY:** So we were in the -- in the TAV at the
23 Glenholme address when -- the police radio in the TAV was on, I believe, the county
24 channel.

25 **CST. BEN MacLEOD:** Not sure.

26 **CST. CRAIG HUBLEY:** I heard it over the radio and asked the
27 TAV driver to take me back to my truck. And he -- the TAV left the driveway, went back
28 to the bottom of the driveway where everybody's vehicles were. And as I was leaving

1 the TAV, I asked for a cover member. I knew I was going to need somebody.

2 **MR. ROGER BURRILL:** I'm sorry. You knew what?

3 **CST. CRAIG HUBLEY:** I knew I was going to need some help ---

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

5 **CST. CRAIG HUBLEY:** --- need somebody with me that would be
6 able to provide lethal cover if I needed it.

7 **MR. ROGER BURRILL:** Right. And that's where you came in,
8 Constable MacLeod?

9 **CST. BEN MacLEOD:** Yeah. So when the TAV went back, the
10 same as when we got the call for Wentworth initially when we -- the guys that were in
11 the TAV got into vehicles that were much quicker to move from point A to point B. We
12 did the same thing in Glenholme.

13 So we were exiting the TAV. My intention was to get back in the
14 same truck I was with, but I happened to be next to -- to Craig and I heard him
15 essentially ask for a cover member. I don't know what he said, but I was right next to
16 him and I said that I would go with him.

17 I know he had -- I know now, I guess, that he had Staff Sergeant
18 MacCallum with him, but typically in these situations where ERT and PDS are involved,
19 it will be an ERT member that acts as a cover officer. So this was the first opportunity
20 we had to jump in with him.

21 **MR. ROGER BURRILL:** So making that decision, then, to move
22 from the vehicle that you were in to the vehicle with Constable Hubley, was that
23 anything unusual in terms of operational procedure?

24 **CST. BEN MacLEOD:** No, not unusual at all. Usually on a
25 planned operation, so a high-risk search warrant or even one that's unfolding like an
26 armed and barricaded, that will get tasked out by the team leader to somebody as their
27 role. So this happened differently than that, obviously, that he just asked for somebody,
28 but I was -- I was next to him and I guess I was the first one to say I'm going.

1 **MR. ROGER BURRILL:** Okay. How was the comfort level in
2 Constable Hubley's Suburban?

3 **CST. BEN MacLEOD:** Not great for a -- for a guy my size. The
4 trucks we use are generally F-250s and larger trucks for our team, partly because of all
5 the gear we wear and we have some bigger guys like myself. His Suburban didn't quite
6 have the same space.

7 **MR. ROGER BURRILL:** Did that have any impact on your capacity
8 to operate on April 19th?

9 **CST. BEN MacLEOD:** No. I mean, it's -- it's just comfort level.

10 **MR. ROGER BURRILL:** Okay. All right.

11 All right. So you have described, then, heading off to Plains Road.
12 And I don't want to get into too much detail other than what is significant for you about
13 the Plains Road call.

14 Anything of significance that comes to your mind?

15 **CST. BEN MacLEOD:** I can say what we believed when we first
16 got that Wentworth call that things had gone active again and then the fact he had
17 moved to Glenholme and, of course, we knew of the marked police car at this time. I
18 think at that -- around that time, we knew of a uniform as well, I believe, or started to get
19 that information.

20 It was very clear that this was -- was an active event as when the
21 Debert call.

22 **MR. ROGER BURRILL:** I understand that you attended to the
23 scene involving Ms. Beaton at that location and conducted some investigations and/or
24 observations at that point. Is that right, Constable MacLeod?

25 **CST. BEN MacLEOD:** We did, yes.

26 **MR. ROGER BURRILL:** Yeah, okay.

27 And then your -- can you describe what took place then after that
28 location?

1 **CST. BEN MacLEOD:** Yeah. When we left Ms. Beaton's scene,
2 we didn't have a direction of travel for the perpetrator. We didn't know which way he'd
3 gone. We started -- at that point, we kind of started, say, putting our heads together,
4 just discussing possibilities of where he may have gone. I think it was around that time,
5 too, that we knew that he had a business in the city. We knew that he may be trying to
6 get back there, that that -- in an active event like that with somebody that's motivated to
7 hurt or kill a lot of people, they're looking for an environment with a lot of people in the
8 city, obviously, and Nova Scotia is that -- so we had started thinking about that around
9 that time. But at first, we -- we did search some areas in and around Debert, Debert
10 Hospitality Centre. I remember we pulled in there.

11 And then we also were at the highway, Highway 104, the Debert
12 exit. We were there for a few minutes. I think that was kind of -- yeah, just -- just trying
13 to figure out which way to go. And it's at that point we started heading towards the city.

14 **MR. ROGER BURRILL:** Okay. Constable Hubley, any comment n
15 terms of what Constable MacLeod has said with respect to the city?

16 **CST. CRAIG HUBLEY:** No. I remember feeling a little defeated
17 that he had found two more victims when it seemed like we were seconds behind him.
18 But like Constable MacLeod said, we spent some time in the Debert area searching for
19 him and then realized probably he wasn't there. And I didn't know that for sure. It was
20 just a feeling.

21 And we drove back towards the highway.

22 There seemed to be a congregation of other members there,
23 people that had -- didn't have a tasking on Plains Road, I guess. And it wasn't very long
24 after that that the -- the call from the Sobeys?

25 **CST. BEN MacLEOD:** Oh, it was Brookfield, right.

26 So it's at that time, I believe -- and I don't recall if we started getting
27 on the highway to start going towards Halifax at that point or we got the call that there
28 was a possible sighting in the Brookfield area. They happened around the same time.

1 **MR. ROGER BURRILL:** Okay.

2 **CST. BEN MacLEOD:** I know our speed probably picked up at that
3 time to start heading on the 104 to take the Truro exit on the 102 and head that way.

4 **MR. ROGER BURRILL:** Who was driving?

5 **CST. BEN MacLEOD:** Craig was driving.

6 **MR. ROGER BURRILL:** How quick are you going? How fast are
7 you going, Constable Hubley?

8 **CST. CRAIG HUBLEY:** Fast as that truck would go.

9 **MR. ROGER BURRILL:** Yeah. And any further commentary in
10 terms of how fast that truck goes?

11 **CST. CRAIG HUBLEY:** Hundred and eighty (180).

12 **MR. ROGER BURRILL:** Yeah.

13 **CST. BEN MacLEOD:** We were passing other ERT vehicles. Like
14 our trucks don't go that fast ---

15 **MR. ROGER BURRILL:** Yeah.

16 **CST. BEN MacLEOD:** --- which is a good thing with how much
17 gear and heavy they are. And yeah, we were passing ERT vehicles and anything going
18 slower.

19 **MR. ROGER BURRILL:** Okay. Are you able to describe, either of
20 you gentlemen, what the goal was at that time as you're travelling quickly along the 104
21 and the 102?

22 **CST. CRAIG HUBLEY:** I think it -- obviously, the goal was to find
23 him and stop him, but I would suggest that at that point it was trying to figure out how to
24 get in front of him.

25 **MR. ROGER BURRILL:** Yeah.

26 **CST. CRAIG HUBLEY:** I remember the call about seeing that car
27 in Brookfield and maybe even that they voiced over the details about the push bar and
28 the number, 22 B 11.

1 **CST. BEN MacLEOD:** Twenty-eight (28).

2 **CST. CRAIG HUBLEY:** Bravo 11.

3 **CST. BEN MacLEOD:** We had -- we had received a picture of it,
4 too.

5 **CST. CRAIG HUBLEY:** Right.

6 **CST. BEN MacLEOD:** Yeah.

7 **CST. CRAIG HUBLEY:** And we were -- I think it was at that point
8 we were talking -- we were on the 102 heading towards Halifax after leaving the 104
9 and we were thinking, I believe -- in that timeframe on the highway, for me, was when
10 Chad and Heidi were both shot and we were trying to figure out what would have been
11 the best exit to get off the 102 to get over to the Number 2 and be in front of him, is what
12 I remember the most about that time.

13 **CST. BEN MacLEOD:** Yeah. I think we actually talked about it,
14 too, about which exit to take, so I think Exit 11 is the Stewiacke, 112 is the Brookfield,
15 and then as -- as we're going closer to the city, each exit we kept having a conversation
16 should we take this one.

17 **MR. ROGER BURRILL:** At this stage, were you getting any
18 direction geographically by anybody in a command position?

19 **CST. CRAIG HUBLEY:** Not that I remember.

20 **MR. ROGER BURRILL:** Okay.

21 **CST. BEN MacLEOD:** No, I -- what I do remember is I think there
22 were some decisions made and then -- command-wise about checkpoints for both
23 general duty members and then where ERT members were going, but at this point we
24 were -- we were just trying to get ahead of him.

25 **MR. ROGER BURRILL:** Okay.

26 **CST. CRAIG HUBLEY:** There were -- during that time, like I was
27 driving very fast. I had -- the radio in the truck was on the channel for the county that
28 we were in, which were patched, I think at that point, Colchester and East Hants, but my

1 portable radio and my ear had the ERT channel. In monitoring those, talking to Ben and
2 trying to keep it between the paint, I was ---

3 **MR. ROGER BURRILL:** Yeah. I'm really glad you brought that up
4 because that was something that was next on my list to ask you about, communications
5 at that point.

6 What is it that you're listening to, how is it you're listening to it and
7 what are you -- what are you learning from that information? Because I'm getting the
8 sense there's a lot of sources of information as you're travelling down the 102. Am I
9 right that way?

10 **CST. CRAIG HUBLEY:** Yes.

11 **MR. ROGER BURRILL:** Okay. Can you tell me again what you
12 were listening to and how you were synthesizing it?

13 **CST. CRAIG HUBLEY:** The truck radio was on whatever county
14 we were in, whether that was Colchester, East Hants. And like I believe they were
15 patched at the time, so both of those county talk groups were the same, essentially.

16 **MR. ROGER BURRILL:** Right.

17 **CST. CRAIG HUBLEY:** And that came over a speaker in the
18 footwell, passenger footwell of the truck.

19 My portable radio was on the -- the ERT channel or ERT talk group.
20 The only members that would have been listening on that were other dog handlers, ERT
21 members, and the command personnel. So there's information coming from two
22 different groups of people.

23 **MR. ROGER BURRILL:** So how were you listening to the portable
24 radio?

25 **CST. CRAIG HUBLEY:** I have an earpiece that went into my ear.

26 **MR. ROGER BURRILL:** Okay.

27 **CST. CRAIG HUBLEY:** Yeah. And I believe I logged in to my
28 MDT that day. And I think at some point we were looking at that, too, but...

1 **MR. ROGER BURRILL:** Okay, I'll get back to that in a minute.
2 Cst. MacLeod, what do you say about communications at this
3 point?

4 **CST. BEN MacLEOD:** Yeah. So I'll back it up a little bit just to
5 speak of how that typically happened with an ERT call, when we were deployed, at the
6 time and how it is now.

7 At the time, and what happened that night is, when we deployed,
8 we would switch over to the local county channel we call it, so in this case Colchester.

9 **MR. ROGER BURRILL:** Yeah.

10 **CST. BEN MacLEOD:** We do have a dedicated channel just for
11 ERT that we would -- we'd switch to. But initially, you'd roll out to a scene, whether it be
12 armed and barricaded or Portapique in this instance, we'd be on their channel to get as
13 much updates as we can.

14 So I was on the Colchester channel right from 11:30 the night
15 before, throughout most of the night. Typically when we get to the scene and we take
16 control of that scene is when the decision's made by the Incident Commander that we'll
17 switch over to the ERT channel, once we have control.

18 Because of the circumstances of this -- the scene and the sharing
19 of information, that didn't happen that night, and I can't speak to why not. But what I
20 can say is since then we've changed how we do things. So now we'll stay on our ERT
21 channel on our portable radio; same thing, I have an earpiece that comes through on
22 that. So all ERT members will stay on that. When we roll out to a scene, they patch the
23 channels together right away. So we'll get that information from members that are on
24 scene, and then when it comes time that we need to take control of that scene and
25 general duty members just have the outer containment, they'll break that patch so that
26 we have it.

27 So on this day, because that -- it didn't roll out that way, at some
28 point in there, and it was around this time, I believe, the decision was made that all ERT

1 members would switch over to the ERT channel. That decision was made over the air;
2 we heard that, I believe, on the Colchester County talk group.

3 So I do remember in the truck, Craig and I both making sure we
4 had our portable radios with our earpiece on the ERT channel, and we kept his vehicle
5 on the Colchester, so that we could continue to get any updates immediately, all those
6 updates from the Command Post.

7 So if a member only had the ERT channel on, they would still get
8 those updates through the Command Post, through our OCC operator. We had that
9 extra radio in the truck, we wanted to get those quickly.

10 **MR. ROGER BURRILL:** Yeah. Would you be able to comment on
11 any difficulties processing information, or were you comfortable with the manner in
12 which you would be able to process and discern what was being learned?

13 **CST. BEN MacLEOD:** It's a lot of information coming all at once.
14 For the average person, I think that would be a lot to try to decipher. And certainly it's a
15 lot for anybody, for any -- psychologically, it's probably hard to do that. I do believe with
16 my experience, and I think Craig would say the same thing, is that we are -- we're used
17 to that, to a certain extent, ---

18 **MR. ROGER BURRILL:** Okay.

19 **CST. BEN MacLEOD:** --- of getting information from multiple
20 sources.

21 **MR. ROGER BURRILL:** Okay.

22 Cst. Hubley, any comment in terms of my suggestion about
23 difficulties of processing information in the manner in which you were getting it?

24 **CST. CRAIG HUBLEY:** I agree with what Ben said.

25 **MR. ROGER BURRILL:** Okay. Good.

26 I'm under the impression that there was actually contact made to a
27 third channel or a third location, Halifax Div or "H" Div. Am I right there, Cst. Hubley?

28 **CST. CRAIG HUBLEY:** Yes.

1 **MR. ROGER BURRILL:** Can you tell us about that, please?

2 **CST. CRAIG HUBLEY:** My -- my normal role as a police service
3 dog handler is within the Halifax Regional Municipality. And I believe that he was
4 probably heading that direction, as Cst. -- or as Ben had spoke about earlier. I believed
5 he was killing innocent people. He wasn't -- he didn't appear to have any inclination to
6 stop, and if he was headed toward the city, I wanted to make sure they had as much
7 warning -- when I say, "They" I mean the police officers that I worked with, Halifax
8 Regional Police and the RCMP, were aware of what was coming.

9 And so I moved the truck radio from the Colchester or East Hants
10 County talk group to the talk group in -- it's Primary West, it's the channel that all police
11 officers in the western part of Halifax operate on, whether it's RCMP or HRP. I knew
12 the call signs of the shift supervisors, which is what I used. I imagine -- I can only
13 imagine how I sounded on the radio, but my intent was to make sure that everybody
14 knew what was coming and were prepared for it.

15 **MR. ROGER BURRILL:** So this is the introduction of a third
16 communication channel in terms of ---

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. ROGER BURRILL:** --- provision of information? Did you
19 receive any information from that channel, or is that more of a delivery of information?

20 **CST. CRAIG HUBLEY:** I don't remember receiving any
21 information.

22 **MR. ROGER BURRILL:** Okay.

23 **CST. CRAIG HUBLEY:** I remember being acknowledged by the
24 RCMP Watch Commander who, I believe, was Bill Casey, ---

25 **MR. ROGER BURRILL:** Right.

26 **CST. CRAIG HUBLEY:** --- S/Sgt. Bill Casey. I don't remember
27 exactly what was said, but I know I was left with the impression that they knew; that they
28 were preparing.

1 **MR. ROGER BURRILL:** Okay. Any comment, then, in terms of
2 generally overall how you were processing comms or communications that day -- that
3 morning? Excuse me.

4 **CST. CRAIG HUBLEY:** Quickly.

5 **MR. ROGER BURRILL:** Okay. All right.

6 So we now have you coming down the 102 at a relatively quick
7 pace.

8 I'm going to move, then, Madam Registrar, to Exhibit P-000465,
9 this is the SiRT investigator statement of Cst. MacLeod.

10 So we've shown in front of you, Cst. MacLeod, the Serious Incident
11 Response Team description of events provided by you in 2020. You recall that?

12 **CST. BEN MacLEOD:** I do.

13 **MR. ROGER BURRILL:** Yeah. You agree with its contents, that it
14 accurately outlines your actions on that day?

15 **CST. BEN MacLEOD:** Yes.

16 **MR. ROGER BURRILL:** Okay, very good.

17 If we could, Madam Registrar, now Exhibit 000467; this is the
18 Interview of Cst. MacLeod with the Mass Casualty Commission on September 10th,
19 2021.

20 This is a transcript of a recorded interview, Cst. MacLeod. You've
21 had an opportunity to read that, have you?

22 **CST. BEN MacLEOD:** I have.

23 **MR. ROGER BURRILL:** Yeah. And you recognize it?

24 **CST. BEN MacLEOD:** Yes.

25 **MR. ROGER BURRILL:** You're comfortable with its contents?

26 **CST. BEN MacLEOD:** Yes, I am.

27 **MR. ROGER BURRILL:** Okay. I think there may be a section that
28 we'll be discussing a little bit later, in terms of this, but we can move on, unless you

1 have any comments in terms of that regard?

2 **CST. BEN MacLEOD:** No, not at this time.

3 **MR. ROGER BURRILL:** Okay.

4 You have described generally your actions and involvement from
5 the Command Post through to Portapique, up through Glenholme, across to Plains
6 Road, and then down the 102. At some point, you will have attended at the Big Stop
7 scene in Enfield; am I correct there?

8 **CST. BEN MacLEOD:** Yes.

9 **MR. ROGER BURRILL:** Okay. What I'd like to do, then, is go
10 through the Foundational Documents, the materials that the Commission has put
11 together for purposes of discussion of what took place in and around the Big Stop at
12 Enfield.

13 That's exhibit, I believe, 754, Madam Registrar.

14 And before we do that, there is a correction, I think, Cst. MacLeod,
15 we should make with respect to page 4, the bottom line on page 4.

16 And this is a housekeeping role here, Commissioners.

17 The very bottom line, the document indicates that Cpl. Calvin Byard
18 is an RCMP Emergency Response Team "H" Division member. I understand a
19 correction is in order for that. Is that right, Cst. MacLeod?

20 **CST. BEN MacLEOD:** Yeah. He's not a member of the team *per*
21 *se*; he's a -- I mentioned earlier about all the support staff we bring with us, and it is
22 quite extensive, but he's what we now call part of our Emergency Support Unit, but
23 essentially their primary role is to operate the armoured vehicle.

24 **MR. ROGER BURRILL:** So he's not an ERT member but he is a
25 member of...?

26 **CST. BEN MacLEOD:** No. At the time he was a General Duty
27 member, but he was a member -- he was a support personnel that operates our TAV,
28 and that's how he was used throughout the night.

1 **MR. ROGER BURRILL:** Great, okay. So we've got that corrected.
2 Then let's move on to page 17, if we can, please, Madam Registrar;
3 in particular, paragraph 26.

4 And this is going to start the narrative, gentlemen, around 11:00 or
5 11:07 with respect to what took place in that area as you left the 102.

6 Paragraph 26 indicates that Cst. Hubley and MacLeod exited
7 Highway 102 at exit 8 and they observed a RCMP checkpoint, and then continued on to
8 the Enfield Detachment.

9 Do either of you, Constables, have a recollection of that?

10 **CST. CRAIG HUBLEY:** Yes.

11 **CST. BEN MacLEOD:** Yeah. We took exit 8, that was ultimately
12 where we decided to get off the highway.

13 **MR. ROGER BURRILL:** Okay. Why is that?

14 **CST. BEN MacLEOD:** Just trying to get ahead of him. We were
15 aware of what had happened in the area of Shubenacadie with Heidi and -- we didn't
16 know all the details, obviously, at that point.

17 **MR. ROGER BURRILL:** Right.

18 **CST. BEN MacLEOD:** We figured the speed at which Craig was
19 driving that we had got far enough ahead that we might be able to get in front of him.
20 We took the exit and drove down to the old highway, Highway number 2. You come to
21 a set of lights there, ---

22 **MR. ROGER BURRILL:** Yeah.

23 **CST. BEN MacLEOD:** --- with that road, Elmsdale Road, I believe
24 it's called. We initially, I believe, maybe even started turning to go left back towards
25 Shubenacadie, but came across a check point there with general duty officers that had
26 the road essentially blocked off. And I do remember at that time having a discussion
27 with them if the perpetrator made it to there, they were going to stop him at that point.
28 We could be of more use if he had have already got by that, either on that highway or

1 the 102, to go to the opposite direction out towards Enfield and just start looking for him
2 out that way.

3 **MR. ROGER BURRILL:** Cst Hubley, any comment in terms of
4 decision-making process at that point?

5 **CST. CRAIG HUBLEY:** No. I remember what Ben spoke about,
6 coming down to the intersection and looking left and seeing a check point past the
7 Legion and the Elmsdale Landscaping Garage ---

8 **MR. ROGER BURRILL:** Yeah.

9 **CST. CRAIG HUBLEY:** --- and having that conversation and
10 making a decision to turn right instead of left.

11 **MR. ROGER BURRILL:** And the document indicates that when
12 you went right, you went down the number 2 to the Enfield Detachment. Do you recall
13 that?

14 **CST. BEN MacLEOD:** I do. We ---

15 **MR. ROGER BURRILL:** Any significance to that?

16 **CST. BEN MacLEOD:** We headed down that way and when we
17 got close to the detachment, we actually pulled into the detachment to look for the
18 perpetrator.

19 **MR. ROGER BURRILL:** Why? Why did you do that?

20 **CST. BEN MacLEOD:** At this point, we were aware that Heidi had
21 been shot. May have even been aware of the other shooting as well. So knowing that
22 he was also targeting police officers at this time, and from my experience, that that was
23 an area where he knew that police officers may be congregating to pick up vehicles and
24 go out. And just with some knowledge -- we both had knowledge of the Enfield
25 Detachment. It's not -- there's no gate around it. It's not protected at all ---

26 **MR. ROGER BURRILL:** M'hm.

27 **CST. BEN MacLEOD:** --- so we drove around to make sure he
28 was not in there.

1 **MR. ROGER BURRILL:** Okay. Sound right, Cst Hubley?

2 **CST. CRAIG HUBLEY:** Yes.

3 **MR. ROGER BURRILL:** Anything to add? No?

4 **CST. CRAIG HUBLEY:** No.

5 **MR. ROGER BURRILL:** Okay. Paragraph 27 of the page 18 says
6 that you then pulled into the Irving Big Stop to refuel and noticed an HRP ERT member
7 and thing of that nature -- sorry, I shouldn't say thing of that nature. There was a team
8 there. Do you recall that?

9 **CST. CRAIG HUBLEY:** I do.

10 **MR. ROGER BURRILL:** Tell me about the refueling situation,
11 please, Cst Hubley?

12 **CST. CRAIG HUBLEY:** When I left my residence that morning, I
13 had a full tank of gas.

14 **MR. ROGER BURRILL:** Yeah.

15 **CST. CRAIG HUBLEY:** It's a big truck. I was driving very fast. I
16 think at that point I had mentioned to Ben a couple of times, starting to think ahead that
17 this is potentially going to be a drawn-out incident. I was thinking about things like food
18 and water, making sure my gas mask and carbine were accessible. But we needed
19 gas. And as we approached Exit 7, I told Ben we need gas and I think it was, "Okay.
20 Well if you think you need some, let's go to get some."

21 **MR. ROGER BURRILL:** Yeah.

22 **CST. CRAIG HUBLEY:** That's -- that was the decision, basically. I
23 was running out of -- or not running out of gas, but I wanted to make sure that I had
24 enough.

25 **CST. BEN MacLEOD:** I believe this is -- we actually pulled into the
26 Big Stop two times, ---

27 **CST. CRAIG HUBLEY:** Yeah.

28 **CST. BEN MacLEOD:** --- which is reflected here.

1 **CST. CRAIG HUBLEY:** Right.

2 **CST. BEN MacLEOD:** That was the second time. The first time
3 was just after -- we were on the number 2, we had just checked the Enfield Detachment,
4 which is in close proximity to the Big Stop.

5 **MR. ROGER BURRILL:** Yeah.

6 **CST. BEN MacLEOD:** So Craig is correct. That's the second time
7 we pulled into the Big Stop. I recall that conversation.

8 The first time, with paragraph 27, which you're referring to, saw the
9 unmarked HRP ERT vehicle, which we're all familiar with, so we pulled up next to them.
10 We pulled up next to the vehicle, had a quick conversation with Csts Manley and
11 Joudrey, who we both know, just to make sure -- similar to how Craig had gone on the
12 radio earlier to make sure that HRP and RCMP knew, we wanted to make sure that they
13 were well aware of all of the facts, ---

14 **MR. ROGER BURRILL:** M'hm.

15 **CST. BEN MacLEOD:** --- which at that point, hasn't been
16 mentioned, but we knew that we were looking for a gray SUV. At the time, a Chevy
17 Tracker. I know now that that's not what it was, but at the time, any vehicle similar to
18 that is what we were looking for with the perpetrator. So we wanted to pass that
19 information along to them.

20 And there was a discussion at that point about refueling initially.
21 And made the decision at that time not to. I think I -- again, Craig's already talked about
22 having a feeling. We're used to that as police officers, using intuition, and call it what
23 you want, but having that discussion that, "We think he's close to us now. Let's stay in
24 this area and stay mobile, trying to find him."

25 **MR. ROGER BURRILL:** Okay. Can you tell me about the level of
26 understanding of the HRP ERT members? Did you have any comment? Did they know
27 what was going on?

28 **CST. BEN MacLEOD:** They were aware. I think they already had

1 that information. So information, even though we're on different channels, was getting
2 filtered out to them.

3 **MR. ROGER BURRILL:** Gotcha.

4 **CST. BEN MacLEOD:** They were in that area as well.

5 **MR. ROGER BURRILL:** Okay. Page 18, paragraphs 28 and 29
6 describe movements of Cst Hubley and MacLeod to the -- in response to a dispatch to
7 Sobeys in Truro and actually attending at Sobeys in Elmsdale. Do either of you
8 gentleman recall that dispatch and what happened thereafter?

9 **CST. BEN MacLEOD:** Yeah, the call coming over the air, not sure
10 which channel it came over on, probably the Colchester one, and just I think we had that
11 discussion that Truro didn't make sense based on the timeline, and especially believing
12 he was heading towards the city, that he would go back that way. But we knew we
13 were close to the Sobeys in Elmsdale, so we proceeded immediately to that location to
14 be of assistance to the people that were checking for him there.

15 **MR. ROGER BURRILL:** Okay. You remember this, Cst Hubley?

16 **CST. CRAIG HUBLEY:** Yes.

17 **MR. ROGER BURRILL:** Yeah. And did you operate the vehicle to
18 go to the Sobeys in Elmsdale?

19 **CST. CRAIG HUBLEY:** Yes.

20 **MR. ROGER BURRILL:** Make any observations at Sobeys in
21 Elmsdale?

22 **CST. CRAIG HUBLEY:** Yes.

23 **MR. ROGER BURRILL:** Anything of significance in terms of what
24 was being undertaken that day?

25 **CST. CRAIG HUBLEY:** No. I think there were members already in
26 the parking lot.

27 **MR. ROGER BURRILL:** Yeah.

28 **CST. CRAIG HUBLEY:** Maybe plain clothes members. I

1 remember carbines and hard body armour.

2 **MR. ROGER BURRILL:** Any conversation with them at all about
3 observations or anything of any sort of situational importance to you?

4 **CST. CRAIG HUBLEY:** No. And the reason I think we didn't stop
5 and communicate with them was we knew that if he was there, they would have voiced
6 it over the radio.

7 **MR. ROGER BURRILL:** Okay.

8 **CST. CRAIG HUBLEY:** There wasn't really anything to talk about
9 with them. We -- our task at that point was to find him.

10 **MR. ROGER BURRILL:** All right. I understand.

11 Cst MacLeod, anything further?

12 **CST. BEN MacLEOD:** Yeah, no, but the time we got there, the
13 members were going in. I think we were starting to get updates that it didn't appear to
14 be a valid complaint, or we call it complaint of dispatch. So we did go around the back
15 of the Sobeys just to make sure that there was no vehicle, silver SUV, parked in around
16 back.

17 **MR. ROGER BURRILL:** Okay. I'll then direct your attention to
18 page 21, paragraph 34, which picks up the narrative:

19 "Csts. Hubley and MacLeod travelled south on Highway
20 102 to the Big Stop in Enfield."

21 Now, there's a decision made to go on the 102, as opposed to the 2
22 that you were on previously. Any insight into that, gentlemen?

23 **CST. CRAIG HUBLEY:** No.

24 **CST. BEN MacLEOD:** No.

25 **MR. ROGER BURRILL:** Okay. And what was your intentions at
26 that point as you were headed south on the 102?

27 **CST. CRAIG HUBLEY:** Probably out of fuel.

28 **MR. ROGER BURRILL:** Yeah.

1 **CST. CRAIG HUBLEY:** Fuel up.

2 **MR. ROGER BURRILL:** Tell us about that then?

3 **CST. CRAIG HUBLEY:** Like I had mentioned earlier, I had left my
4 house that morning with a full tank of gas, ---

5 **MR. ROGER BURRILL:** Yeah.

6 **CST. CRAIG HUBLEY:** --- driving at a high rate of speed. I think
7 at that point, I was below half, which I knew I would have needed more if he would have
8 got past or into the city. And I didn't know that for sure, I'm just suggesting that the
9 planning that was going on in my head was to try to be topped up and ready.

10 **MR. ROGER BURRILL:** Yeah, okay. And tell us then what took
11 place, gentlemen. Where did you go?

12 **CST. CRAIG HUBLEY:** I got off the highway at Exit 7 and turned
13 left. My intention was to fuel at the Big Stop. I was driving fast still, even on the
14 Number 2. I'm familiar with the Big Stop. When I pulled in, I was driving parallel to the
15 bank of pumps. I remember seeing orange bags or orange markings on the pumps and
16 I took that to mean that they weren't operable. And I pulled into the first pump that was
17 available. It just happened to be the right side for my truck. The gas cap on the
18 Suburban is near the back. For whatever reason, I consistently get it wrong and not pull
19 up next to the pump. But on that day, I was, I suggest, pretty wound up. Wound up
20 might be the wrong term. Like, I was very focused on trying to find him. And so I pulled
21 a little farther ahead and a little farther away from the pump that day.

22 I remember seeing the car as we were driving in.

23 **MR. ROGER BURRILL:** I'm going to stop you, Cst Hubley,
24 because we're going to get into some details, and I appreciate that, but I wanted to ask
25 you the direct question. Did you know that the perpetrator was at that location when
26 you pulled up?

27 **CST. CRAIG HUBLEY:** No.

28 **MR. ROGER BURRILL:** Okay. And when you pulled up, what

1 were your observations, specifically, about your environment and what was around
2 you?

3 **CST. CRAIG HUBLEY:** It was very open. There weren't -- there
4 was -- there weren't any other cars or people in the parking lot.

5 **MR. ROGER BURRILL:** M'hm.

6 **CST. CRAIG HUBLEY:** I couldn't see the -- as I was pulling in, I
7 was probably concentrating more on not hitting the pump. I don't remember seeing
8 anybody in the car, but I remember seeing the car, or the outline of it, blocked by the
9 pump.

10 **MR. ROGER BURRILL:** Okay.

11 **CST. CRAIG HUBLEY:** As I pulled up, my intent was to just fuel
12 and go, gas and go. When I got out of the truck, I opened the door, I looked to my left,
13 and at that point because of how far ahead of the pump that I had pulled, I could see
14 that there was somebody in the car.

15 At the same time, as I was getting out of the vehicle, I was reaching
16 for my pistol, not because that I saw that it was him, but because dog handlers and ERT
17 members are afforded more latitude in the deployment of their kit, and by that, I mean
18 we have more decisions and discretion about how we wear certain things. One of that -
19 - one of those being your pistol and your holster. Some police officers prefer to carry
20 their or wear their pistol on their thigh, it was referred to as a "drop holster", or on your
21 hip. The primary advantage to wearing it on your thigh as opposed to your hip is
22 comfort in the vehicle. It's harder to access and it can -- you may reach for it and it's not
23 there.

24 So as I was getting out of the vehicle, having moved my pistol from
25 my hip to my thigh, I was reaching for it to make sure that I knew where it was. I let go
26 of it, I got out of the vehicle, and that's when I started to make observations about the
27 person sitting in the car next to me.

28 **MR. ROGER BURRILL:** Okay.

1 **CST. CRAIG HUBLEY:** You have to remember that this happened
2 within a second. And the only way I can -- the best way I can describe it is for if
3 somebody had a question, the next time you're filling up your car at a gas pump look
4 around the pump at the person on the other side, and that's essentially how quickly it
5 happened for us.

6 I realised that the -- he was wearing a white t-shirt and he looked
7 very sweaty, very rundown. I think I've used the word "animal" to describe him, like he
8 had -- whether he had lost a fight or had just finished a big one is how he looked. He
9 was breathing heavy. He had a bump on his head, there was blood coming from it, and
10 what struck me the most in that quarter of a second was that he had a wound that he
11 wasn't addressing, and just his demeanour sitting there. It was enough of a concern for
12 me that I began to draw my pistol and realised that it was him. I remember yelling
13 something to the effect of "Benny, it's him", and bringing my pistol up into the threat-
14 ready position and then lining up my sights on him.

15 I was aware that Ben had left the truck. I don't remember if I heard
16 the door, but when I yelled out to Ben, he made a jerking motion to the left...

17 **MR. ROGER BURRILL:** When you say "he", you mean the
18 perpetrator?

19 **CST. CRAIG HUBLEY:** Yes. Sorry. When I yelled, "Benny, it's
20 him", he looked at me and I was already 100-percent certain that it was him, but it just
21 confirmed for me that it was. He matched the pictures that I had saw in the command
22 post earlier in that morning. They weren't the exact same, but it was enough for me to
23 make the decision that in my mind I was 100-percent sure it was the perpetrator.

24 While all this is going on, he makes a jerking motion to the left. I
25 had a perpendicular view to him. What I remember seeing is his arm come up.

26 **MR. ROGER BURRILL:** Which arm?

27 **CST. CRAIG HUBLEY:** His right arm. There was a silver pistol in
28 his hand, and it was at that point that I began firing.

1 **MR. ROGER BURRILL:** Any doubt in your mind with respect to
2 who it was you were dealing with in the vehicle?

3 **CST. CRAIG HUBLEY:** No.

4 **MR. ROGER BURRILL:** Okay. And how is it that you can speak to
5 the certainty of that identification from your ---

6 **CST. CRAIG HUBLEY:** I had viewed pictures of him earlier that
7 morning in the command post. I had no reason to believe that the pictures I saw were
8 not the perpetrator. I was pretty close to him.

9 **MR. ROGER BURRILL:** Yeah. In terms of your actions in
10 discharging your weapon, are you able to say what it was that may have instigated or
11 had some role in that? What was it that had that -- the impetus for that, if anything?

12 **CST. CRAIG HUBLEY:** I believed he was going to shoot me.

13 **MR. ROGER BURRILL:** Why did you believe that?

14 **CST. CRAIG HUBLEY:** Because he had shot two other police
15 officers, and at least four people that I knew of, six I think at that point.

16 **MR. ROGER BURRILL:** Anything about his actions that you saw in
17 that regard that would enhance that belief?

18 **CST. CRAIG HUBLEY:** Other than him raising a pistol, and what I
19 believed at the time was his intent to point it at me and shoot.

20 **MR. ROGER BURRILL:** Right. Tell me about the pistol, then.
21 What did you see? What did it look like?

22 **CST. CRAIG HUBLEY:** It was ---

23 **MR. ROGER BURRILL:** Where was it?

24 **CST. CRAIG HUBLEY:** It was silver. I should point out that
25 members of the Police Dog Service and ERT carry different sidearms than general duty
26 members. I use a Sig Sauer 226 and general duty members use a Smith and
27 Wesson 5946.

28 **MR. ROGER BURRILL:** Yeah.

1 **CST. CRAIG HUBLEY:** The primary difference being the Sig pistol
2 has the ability to attach a light to it, is the reason why dog handlers and ERT members
3 have them.

4 **MR. ROGER BURRILL:** And was there any significance to the
5 pistol that you observed?

6 **CST. CRAIG HUBLEY:** I believed it was an RCMP issue Smith
7 and Wesson.

8 **MR. ROGER BURRILL:** And did that have any bearing on your
9 thinking or how you were reacting at that point?

10 **CST. CRAIG HUBLEY:** No.

11 **MR. ROGER BURRILL:** Okay. All right. Did you know at that
12 point when you discharged your firearm where Constable MacLeod was?

13 **CST. CRAIG HUBLEY:** Yes.

14 **MR. ROGER BURRILL:** Can you tell us about that, please?

15 **CST. CRAIG HUBLEY:** When I got out of my truck, and in the
16 space of a second or two, and realising that this is the perpetrator, I was aware -- I had
17 heard the door open and close. I also had shut the door of my truck. Specifically, I
18 didn't want to create an obstacle if I had to -- and again, this wasn't planning, I just -- it
19 was my normal practice to close the door to create less of a barrier if I had to move
20 around the vehicle. But I knew where Ben was. I think I was cognizant of that he had
21 moved out in front of the truck, but I remember the windshield, the bullets impacting the
22 windshield and I knew it was him.

23 **MR. ROGER BURRILL:** Okay. All right. Are you able to recall the
24 amount of rounds that you were able to discharge?

25 **CST. CRAIG HUBLEY:** Yes.

26 **MR. ROGER BURRILL:** Can you tell us about that, please?

27 **CST. CRAIG HUBLEY:** I fired 12 times, and the only reason I
28 know that is because my normal practice is to load my magazines with 15 rounds.

1 **MR. ROGER BURRILL:** Yeah.

2 **CST. CRAIG HUBLEY:** When it was finished, and the other ERT
3 members, RCMP and HRP had arrived, I ejected the magazine in my pistol while it was
4 holstered and saw that there was two rounds in it, and realised that I had shot -- oh,
5 pardon me, three, and I had shot 12 times.

6 **MR. ROGER BURRILL:** Were you conscious of the amount of
7 rounds that you had discharged while you were doing that?

8 **CST. CRAIG HUBLEY:** Oh, yes.

9 **MR. ROGER BURRILL:** Okay. And are you able to comment on
10 the purpose of the 12 rounds from your point of view?

11 **CST. CRAIG HUBLEY:** The reason that I shot so many times is,
12 number one, I shot until I was sure he wasn't in a position to shoot back or shoot me or
13 Ben or anybody else. I'm also aware that 9 millimeter rounds are not effective on their
14 own without volume or shot placement, so I wanted to make sure. Yeah.

15 **MR. ROGER BURRILL:** In terms of any training and/or experience
16 that you would've had with respect to lethal force, can you make any comment about
17 whether your training assisted you in terms of how you reacted or acted that day?

18 **CST. CRAIG HUBLEY:** Yes. The employment of lethal force is
19 something that's spoken about in your basic training at Depot. We recertify in what's
20 called OSNs or Operational Skills Maintenance. We're presented with scenarios where
21 you're expected to know the proper use of force, and in a training environment if you --
22 you learn.

23 I believed that he was trying to use lethal force on me, specifically,
24 in that second, and then everybody else, Ben, the HRP members that we had seen in
25 the parking lot. I'm not sure what else there is to say.

26 **MR. ROGER BURRILL:** Okay. I'm going to turn to
27 Constable MacLeod, then, for his experience, then we'll return perhaps a little bit more
28 in detail with respect to what took place.

1 But do you recall this instance of rolling up to the pump,
2 Constable MacLeod?

3 **CST. BEN MacLEOD:** I do.

4 **MR. ROGER BURRILL:** Are you able to describe that for us in
5 some narrative sense?

6 **CST. BEN MacLEOD:** Craig described that we rolled in very
7 quickly, which we did, and I'd suggest also that I think all of our movements for that
8 approximately an hour or so that, or an hour-and-a-half that Craig and I were together,
9 was quick. He was driving quick from one scene to the other, and that was no different.

10 So what I remember rolling in there very quickly. I remember
11 initially how bare it was in the parking lot. I have seen photos since, I think we'll get to
12 one of them, where there is a motorbike there.

13 I don't remember that at all. I just remember no vehicles in the -- in
14 front of the restaurant, over by the Tim Hortons. I don't recall seeing any, which is very
15 strange for that location. I'm very familiar with it. It's a -- it's often a very, very busy
16 place, especially on a Sunday morning. Like, given the fact COVID was early on at that
17 time probably had something to do with it, and this is later in the day when it -- news of
18 what was going on had -- and it was being learned by people in that area.

19 So I recall nothing there. As we did pull around to that pump, and I
20 didn't notice, I don't remember noticing the -- I don't know why he picked that pump until
21 he's told me after the fact.

22 **MR. ROGER BURRILL:** Yeah.

23 **CST. BEN MacLEOD:** My job at that time is not to determine
24 where he -- which pump he goes to. It's acting as that cover person as we roll up. I do
25 recall that there was a vehicle at the pump adjacent to us as we pulled up, a grey
26 hatchback. And even as we pulled in, I do recall seeing a -- well, I described him in one
27 of my statements as a white male in his 40s or 50s, but it was just a very quick look, and
28 I didn't think anything of it at that point. At that time, even before we pull up, I -- I don't

1 even think there was any discussion about it. I just know my role as a cover officer ---

2 **MR. ROGER BURRILL:** And that's what I want to know.

3 **CST. BEN MacLEOD:** --- yeah ---

4 **MR. ROGER BURRILL:** What is your role?

5 **CST. BEN MacLEOD:** --- is to -- as Craig fills up the gas pump, is
6 to protect his back, protect him from anything. We're dealing with an active threat at
7 that time that we don't know the area where they're at, so it's -- he can focus on his task,
8 and I can provide him with cover to do so. I couldn't do that from within the vehicle, so
9 my intention, as we pulled up, was to jump right out of the vehicle, put myself in the best
10 situation to cover him.

11 **MR. ROGER BURRILL:** Okay. And what took place?

12 **CST. BEN MacLEOD:** So immediately as we pulled up, Craig
13 described it best, that this was seconds, less -- like, approximately a second as we
14 pulled up, I started to get out. And Craig, he said something to the effect of it's him, is
15 what I remember him saying. And he said it in a purpose in which I knew something
16 was -- something had caught his eye. Where I was at that time was in the process of
17 getting out the passenger side, Craig's driver seat's to my left, and Craig was already
18 starting to get out, and the vehicle was to my left. I didn't have a good view. I call it -- in
19 shooting terms, we call it a shooting lane, or a -- I wasn't able to safely shoot past Craig
20 if I needed to at that point, so I needed to move myself to a spot where I could, two
21 things, orient myself to the threat at that point, which Craig's alerted me that there is a
22 threat next to us, so that I can orient myself and then protect Craig, protect myself. So
23 as I'm doing that, I'm moving around the front of the Suburban, and I ended up in a
24 roughly 45-degree angle off of the front of that Mazda hatchback.

25 **MR. ROGER BURRILL:** Okay. And what do you recall occurring
26 next?

27 **CST. BEN MacLEOD:** As I was coming up, my view into that
28 hatchback was through the front windshield, saw a male seated behind the driver's seat.

1 And I didn't immediately recognize him. My training, again, going right back to Depot,
2 basic training, but I -- I'm also a public police safety instructor, so a use of force
3 instructor in the RCMP, so extensive training on delivering those LSMs and block
4 training to members. We call them threat queues, and a big threat is where people's
5 hands are, and I couldn't see his hands.

6 **MR. ROGER BURRILL:** M'hm.

7 **CST. BEN MacLEOD:** So I wasn't necessarily focussing on his
8 face, on anything else other than where his hands were, and they were kind of where
9 my hands are, down, out of my view. I couldn't see them. I do recall I believe Craig
10 was giving commands at that time. I'm not sure what they were, but something to the
11 effect of show your hands, or something, to the perpetrator. And then very, very
12 quickly, perpetrator moved his right hand, and raised his right hand, and in it was a
13 pistol.

14 I'll backtrack a little bit. On the radio, earlier on, we had heard that
15 Constable Stevenson's pistol and magazines were taken from her. So we knew that
16 something bad had happened, either that she was shot and killed or shot and injured
17 badly enough that somebody could take that from her. When he raised the pistol, it was
18 -- I focussed immediately on that. It was, as Craig described it, a silver and black pistol,
19 that right away I knew it was an RCMP-issued pistol. And it's at that time, I believed he
20 was going to try to shoot either myself or Craig, and I made the decision to start
21 shooting him.

22 **MR. ROGER BURRILL:** Okay. And do you have any recall of how
23 many rounds you would have discharged?

24 **CST. BEN MacLEOD:** I knew it was a lot in a very, very short
25 amount of time. At the time, in one of my statements I believe I estimated between 8
26 and 10. I've since learned through the forensic evidence that it was 11, and also the
27 evidence of what was left in my magazine, which I didn't check that day. It's more
28 difficult. I use my ERT-issued carbine. It's just more difficult to figure out how many

1 rounds, but I've since learned it's 11.

2 **MR. ROGER BURRILL:** And you have recall of actually
3 discharging the rounds?

4 **CST. BEN MacLEOD:** I recall discharging.

5 **MR. ROGER BURRILL:** Yeah.

6 **CST. BEN MacLEOD:** Just not the amount of. I knew it was a
7 large amount. Now I'll speak to that too, it would have been similar to what ---

8 **MR. ROGER BURRILL:** Yeah.

9 **CST. BEN MacLEOD:** --- Craig had said, police officer -- all police
10 officers know, but especially with my experience, my training experience with ERT and
11 with training in the RCMP, one or two rounds will very rarely stop a threat. Craig
12 mentioned it. You have to -- with a 9-millimetre that he carries, or even the larger caliber
13 rifle that I have, it would need to be a very effectively placed one round to immediately
14 stop that threat. And our training is shoot to centre of mass because it's a bigger target,
15 and, again, one round is not going to immediately stop the threat or change their
16 behaviour. You need to continue to fire until their behaviour has changed. So I
17 continued to fire my gun until I could no longer see him with that pistol in his hand, and I
18 did not -- I no longer believed he was a threat to myself, Craig or anybody in that
19 vicinity.

20 **MR. ROGER BURRILL:** Constable Hubley, do you have any
21 comment in terms of what your colleague has said in terms of the amount of rounds he
22 took -- discharged and why it terminated or came to an end, the shooting?

23 **CST. CRAIG HUBLEY:** I remember firing a lot, to the point where I
24 was started to think about needing to reload my pistol. But I'm of the same mind.

25 **MR. ROGER BURRILL:** Okay. And I may have interrupted you,
26 forgive me, but the role of training that you have undertaken, both of you, with respect to
27 lethal force, did that have any impact on your actions that day?

28 **CST. BEN MacLEOD:** Certainly. I mentioned earlier the constant

1 training that we do with ERT, but the additional training I do with -- I'm a firearms
2 instructor within the RCMP and a carbine instructor.

3 **MR. ROGER BURRILL:** Yeah.

4 **CST. BEN MacLEOD:** We do have specific drills even for multiple
5 rounds, to fire multiple rounds in a short amount of time, because history shows with
6 police-involved shootings that sometimes you'll need that to stop that threat. When you
7 have a motivated person on the other side that wants to hurt or kill you, you -- it's not
8 like you have the time to take a couple shots, reassess while they still have a gun in
9 their hand. So we do those drills, to shoot very quickly, as fast as we can, and
10 accurately, which is essentially at that point just reverting to training, is what I did.

11 **MR. ROGER BURRILL:** Okay. All right. I think what I'll do then is
12 move on to paragraph 55 at page 38, Madam Registrar. And this is the portion of the
13 Foundational Documents that does describe, perhaps not as effectively as you just
14 have, the engagement with the perpetrator at the Big Stop, but there are at paragraph
15 55, if you could just run up to the photographs at paragraph 55, the top 4 photographs,
16 so there'll be four there that you'll see on the screen directly in front of you. I'm going to
17 ask you if you can comment, perhaps Constable Hubley, what are we seeing in the top
18 left photograph there?

19 **CST. CRAIG HUBLEY:** You're seeing me pull into the pumps at
20 the Big Stop.

21 **MR. ROGER BURRILL:** So that vehicle is the Suburban that you
22 described earlier?

23 **CST. CRAIG HUBLEY:** Yes.

24 **MR. ROGER BURRILL:** Yeah, okay. And then on the top right
25 photograph?

26 **CST. CRAIG HUBLEY:** Same thing.

27 **MR. ROGER BURRILL:** Okay. Different position. Is this the
28 positions that you were talking about with respect to gas caps earlier?

1 **CST. CRAIG HUBLEY:** Yes.

2 **MR. ROGER BURRILL:** Okay. It looks like the second one on the
3 top right appears to be a little further ahead.

4 **CST. CRAIG HUBLEY:** Yes.

5 **MR. ROGER BURRILL:** Am I right? Okay. Any comment,
6 Constable MacLeod, on what you see on those two photographs in paragraph 55 at the

7 ---

8 **CST. BEN MacLEOD:** No, it's ---

9 **MR. ROGER BURRILL:** --- top?

10 **CST. BEN MacLEOD:** --- based on my recollection, that's where
11 we came to arrest him.

12 **MR. ROGER BURRILL:** Okay. Bottom two photographs in that --
13 that are before you, which are actually the middle 2 photographs at paragraph 55,
14 depict what would appear to be the Suburban on the left in 2 different positions. Is that
15 consistent with what you've described, gentlemen?

16 **CST. BEN MacLEOD:** Yes.

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. ROGER BURRILL:** Okay. Very good. Paragraph 56, at
19 page 39. It starts out with the narrative:

20 "Within seconds, Cst. Hubley quickly exited the
21 Suburban..."

22 And there are, at that stage, six photos displayed in the
23 Foundational Document, and I'm going to ask you to make some comments on them for
24 us, please.

25 The top left photograph, Constable Hubley, are you able to
26 describe what that is for us?

27 **CST. CRAIG HUBLEY:** That's the door, or me opening the driver's
28 door of the Suburban I was driving.

1 **MR. ROGER BURRILL:** Okay. And this is consistent with what
2 you had described earlier, your actions?

3 **CST. CRAIG HUBLEY:** Yes.

4 **MR. ROGER BURRILL:** Thank you. Top right, are you able to
5 comment on what we see in that photograph?

6 **CST. CRAIG HUBLEY:** Yes. Top right is me exiting the driver's
7 side of the Suburban I was driving. This probably would have been around the time
8 when I would have been reaching for my pistol on my thigh. We -- the term we use is
9 "index".

10 **MR. ROGER BURRILL:** Sorry, "index"?

11 **CST. CRAIG HUBLEY:** Index.

12 **MR. ROGER BURRILL:** Yes.

13 **CST. CRAIG HUBLEY:** I would have indexed my pistol, like I
14 spoke about before, having it moved from my hip to my thigh. I would have reached
15 down just to make sure, reinforce the muscle memory for me that it was there, and that
16 if I needed it I wasn't reaching for my hip.

17 **MR. ROGER BURRILL:** Okay. Anything you have to say on that,
18 Constable MacLeod, top right photograph?

19 **CST. BEN MacLEOD:** No.

20 **MR. ROGER BURRILL:** Okay. Middle or bottom left photograph,
21 Constable Hubley, any commentary on what we see there?

22 **CST. CRAIG HUBLEY:** That's just the natural progression of me
23 getting out of the truck. The one on the right is me, I'll suggest, drawing my pistol after
24 having made the observations of the perpetrator in the car parked beside us. The
25 photograph on the bottom right would have been me looking or is me looking to see
26 where Ben is, not because I had any doubts or anything, it -- just trying to be more
27 situationally aware.

28 **MR. ROGER BURRILL:** Okay. Any comment yourself on these

1 two ---

2 **CST. BEN MacLEOD:** Yeah.

3 **MR. ROGER BURRILL:** --- photographs on the bottom,
4 Constable MacLeod?

5 **CST. BEN MacLEOD:** Yeah, so the photo on the bottom left, you
6 can actually see my passenger door beginning to open there if you compare that to the
7 top right. And I would suggest this is even before Craig has alerted me to him. This is
8 just that, like he said, that natural progression that I was getting out anyway.

9 And in the bottom right, with him looking back, I would assume that
10 is when Craig alerted me to the fact and said, "Benny it's him", or "it's him" that I recall,
11 and you can see my door continue to open there.

12 **MR. ROGER BURRILL:** All right.

13 If we could, Madam Registrar, just roll down to the next two
14 photographs at the top of the page. Thank you.

15 We're now looking, Constable Hubley, on the top or the left of this
16 slide. This depicts you doing something. Are you able to make any comment of that?

17 **CST. CRAIG HUBLEY:** The picture on the left is me drawing my
18 pistol.

19 **MR. ROGER BURRILL:** Picture on the right?

20 **CST. CRAIG HUBLEY:** Me pointing my pistol at the perpetrator.

21 **MR. ROGER BURRILL:** Okay. And yourself, Constable MacLeod,
22 anything you have to say about these two photographs?

23 **CST. BEN MacLEOD:** No. You can just see my door is further
24 open at this time for me to exit the vehicle.

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

26 Page 40, Madam Registrar, just rolling down to paragraph 57.

27 These are a series of four photographs with some circles encoded in them or in them for
28 purposes of speaking to Constable MacLeod's experience.

1 So I'll direct my questions to you, Constable MacLeod. The top left
2 photograph shows something in the -- can you comment on that?

3 **CST. BEN MacLEOD:** Yeah, that would be -- I'm wearing a helmet
4 similar to what Constable Hubley has on there. So that's the top of my helmet.

5 **MR. ROGER BURRILL:** Okay. Top right photograph. What do we
6 see in terms of a difference?

7 **CST. BEN MacLEOD:** Just the top of my head and oriented
8 towards the front of the truck as I move in that direction.

9 **MR. ROGER BURRILL:** Okay. Bottom left, there's a circled area
10 there. Are you able to describe what that is?

11 **CST. BEN MacLEOD:** Yeah. There is nobody else around, just
12 Craig and I on that side, so that's me moving across the front of the Suburban.

13 **MR. ROGER BURRILL:** Okay. And the bottom right photograph
14 with the circled area.

15 **CST. BEN MacLEOD:** Yeah.

16 **MR. ROGER BURRILL:** Do you have any insight in that?

17 **CST. BEN MacLEOD:** That's around with my final position where I
18 ended up firing my shots, and that's at that -- almost a 45-degree angle towards the
19 Mazda.

20 **MR. ROGER BURRILL:** Okay.

21 Page 41, Madam Registrar, or paragraph 58. It commences with
22 the narrative -- I'll just get you to come down half-an-inch. Thank you:

23 "In the video, Cst. Hubley's mouth can be seen
24 opening and closing, indicating that he may have
25 been speaking or yelling."

26 Any comment to that, Constable Hubley?

27 **CST. CRAIG HUBLEY:** I don't have any recollection of voicing
28 commands out to him. What I remember is yelling to Constable MacLeod, "Benny, it's

1 him." That's what I believe is ---

2 **MR. ROGER BURRILL:** Okay. So anything you have to say with
3 respect to that series of four photographs under paragraph 58?

4 **CST. CRAIG HUBLEY:** No.

5 **MR. ROGER BURRILL:** Can you roll it up just a little bit,
6 Madam Registrar? Thank you.

7 Okay. I'll direct your attention to the bottom two photographs -- and
8 another just a little scrid, Madam Registrar, thank you very much -- where there's some
9 circled area in those two photographs. Either of you gentlemen have any comment on
10 what that might be depicting from your recollection?

11 **CST. CRAIG HUBLEY:** I believe that's depicting the perpetrator
12 sitting in the driver's seat of the Mazda hatchback.

13 **MR. ROGER BURRILL:** Does that accord with what you saw on
14 that day?

15 **CST. CRAIG HUBLEY:** Yes.

16 **MR. ROGER BURRILL:** Constable MacLeod?

17 **CST. BEN MacLEOD:** The same, and that photo on the bottom
18 right kind of looks like a white -- I do remember a white shirt at the time.

19 **MR. ROGER BURRILL:** Okay. Okay.

20 Paragraph 59, Madam Registrar:

21 "The Mazda3 then made a slight rocking motion. The
22 windows of the vehicle appear to have remained
23 intact during this motion."

24 Any comment on that in the Foundational Document,
25 Constable Hubley? Do you recall anything about a slight rocking motion?

26 **CST. CRAIG HUBLEY:** I do.

27 **MR. ROGER BURRILL:** Can you tell us, please?

28 **CST. CRAIG HUBLEY:** I remember him -- without being

1 100-percent sure, I think he had that pistol under his leg or between the seat and the
2 transmission well. It was a distinct to the left ---

3 **MR. ROGER BURRILL:** Just made a motion, a jerking motion ---

4 **CST. CRAIG HUBLEY:** Yeah.

5 **MR. ROGER BURRILL:** --- to the left?

6 **CST. CRAIG HUBLEY:** And that's when his arm and the pistol
7 came up.

8 **MR. ROGER BURRILL:** Okay. Constable MacLeod, any comment
9 with respect to what has been described in the Foundational Document of a slight
10 rocking motion?

11 **CST. BEN MacLEOD:** Yeah, I've seen the video, and I -- you can -
12 - in the video, you can tell that there is that slight rocking motion. I don't recall the
13 vehicle moving at the time, but I recall the perpetrator moving very quickly and with
14 purpose at that same moment of moving away, and the right arm coming up.

15 **MR. ROGER BURRILL:** Okay. And then the right arm, again, just
16 for -- what was in the right arm?

17 **CST. BEN MacLEOD:** Yeah, the right arm coming up with that
18 pistol.

19 **MR. ROGER BURRILL:** Thank you. Page 42, paragraph 60. The
20 narrative in the Foundational Report -- Documents says:

21 "Csts. Hubley and McLeod then fired multiple rounds
22 into the front windshield..."

23 And that the numbers were 12 and 11 rounds. That sounds correct
24 to you, gentlemen?

25 **CST. BEN MacLEOD:** Yes.

26 **CST. CRAIG HUBLEY:** Yes.

27 **MR. ROGER BURRILL:** Okay. Any comments any further? I
28 know we canvassed that a little earlier, but any comments with respect to the numbers

1 of rounds that you wish to make?

2 **CST. BEN MacLEOD:** No.

3 **MR. ROGER BURRILL:** Consistent or inconsistent with your
4 training?

5 **CST. CRAIG HUBLEY:** Consistent.

6 **CST. BEN MacLEOD:** Consistent.

7 **MR. ROGER BURRILL:** Page 44, paragraph 62. The
8 Foundational Document comments that:

9 "Cst. Hubley then moved towards Cst. MacLeod's
10 position at the front of the Suburban...MacLeod and
11 Hubley backed up and took cover behind the
12 Suburban."

13 Now, we have not discussed that in terms of the process. Could
14 we, perhaps, discuss that taking cover process, and then we'll get to the photographs?
15 Any discussion, Constable Hubley, about that?

16 **CST. CRAIG HUBLEY:** When I had finished firing, I was aware
17 that I had fired a lot to the point where I was starting to try to convince myself to reload
18 my pistol, but I was also dealing with a feeling of "Did that just really happen?" It was --
19 it was such a shock, such a surprise. You have to remember, I was already thinking
20 about fuelling up to get into the city. That's my primary area of responsibility, I knew it
21 well. That's where my thought process was, was preparing for that, and to all of a
22 sudden find myself standing next to him.

23 I remember Ben voicing commands, telling me to move to him. I
24 was in the black for a few seconds.

25 **MR. ROGER BURRILL:** In the black?

26 **CST. CRAIG HUBLEY:** I had auditory and visual exclusion, kind of
27 tunnel vision opening back up again, for lack of a better expression.

28 **MR. ROGER BURRILL:** Yes.

1 **CST. CRAIG HUBLEY:** I remember Ben voicing out to me, and the
2 language he was using was consistent with our training. It kind of brought me back, I
3 guess, and I moved to him, and then we moved around to the passenger side of the
4 Suburban, using the engine block as a barrier between us and him. If he still had the
5 capacity to shoot we wanted to be somewhere where he couldn't shoot us.

6 **MR. ROGER BURRILL:** Are you making any observations at that
7 stage of the perpetrator?

8 **CST. CRAIG HUBLEY:** Sorry?

9 **MR. ROGER BURRILL:** Were you making observations of the
10 perpetrator as you were moving to cover?

11 **CST. CRAIG HUBLEY:** Yes. He was still moving. I was aware
12 that he had some pretty serious injuries. I remember seeing blood and tissue flying off
13 of him.

14 **MR. ROGER BURRILL:** Can you comment about the level of
15 threat from the perpetrator at that stage?

16 **CST. CRAIG HUBLEY:** When we moved to -- when we moved to
17 the passenger side of the Suburban and we took up a position of cover, I remember him
18 sitting in the seat and continuing to move. I couldn't see his hands. I didn't know if he
19 was dead or if he was still capable of using the pistol that was in his hand.

20 His movements were enough that it caused me concern that I was
21 thinking about shooting again.

22 On the side of the truck, I was able to start thinking a bit more
23 quickly and clearly. I was aware that he had masqueraded a police officer for the better
24 part of the morning and previous. Part of police equipment is body armour, soft body
25 armour that is designed to stop bullets. When I saw him moving in the driver's seat of
26 the car, I quickly thought he might have been wearing some sort of armour. And that's
27 what caused me to take up a site picture on another portion of his body.

28 At the same time, I was aware that I was probably fairly low on

1 rounds in my pistol. And all of those things happened at the same time.

2 And very quickly, I found myself sandwiched between two ERT
3 members and I felt pretty safe. And in that short period of time, his movements stopped
4 and I no longer felt the need to shoot again.

5 **MR. ROGER BURRILL:** Cst MacLeod, do you have any
6 commentary with respect to your observations when you moved to cover?

7 **CST. BEN MacLEOD:** With the photo, where I was, I was quite
8 exposed. And our training right from -- every member of the RCMP, we go back to
9 cover and concealment, cover being something that, in this case, can stop the threat,
10 which is a bullet at that point, from his gun.

11 So after we had finished shooting, being that exposed and knowing
12 Craig was exposed where he was too, that if he did become a threat again, I wanted to
13 put something between us and between the perpetrator.

14 I don't recall exactly what I said. I've obviously since seen the
15 transcripts and heard audio that we'll talk about, but I didn't recall what I had said. But I
16 knew that I wanted to move us behind that truck. So I got Craig to come to me and we
17 moved behind there.

18 From there, keeping in mind that we're keeping an eye on the
19 perpetrator as we're doing this, we're moving tactically so that if he does become a
20 threat again, we can deal with that threat even as we're moving.

21 When we got behind the engine block of the truck, which was our
22 most appropriate form of cover at that point, similar to what Craig had said, you could
23 still see the perpetrator moving. I think I noted in my report his right arm was
24 shuddering almost. There was some breathing that I'll describe as agonal breathing, or
25 gasping for air. And I could also see that white t-shirt becoming red with blood.

26 But I know from training that even with the amount of rounds -- and
27 I knew Craig had shot, but I didn't know the placement of his rounds. I knew that he still
28 could be a threat. So we did take up that position where if he became a threat again,

1 we were going to end that threat.

2 **MR. ROGER BURRILL:** Okay.

3 **CST. BEN MacLEOD:** At the time, I didn't speak of this earlier, but
4 I do believe it's important, especially based on yesterday's evidence, when I first shot
5 and that pistol came up and I made the decision to shoot, I began shooting, but I did
6 notice, I saw the pistol come up to the right side of the perpetrator's temple.

7 This isn't the movies. It's not a T.V. That's not cause to stop
8 shooting, to see if he's a threat towards us or him. The training that we use and the
9 words that we use are action versus reaction. If I was to wait for him to turn that pistol
10 on me at that point, before I fired, he would undoubtedly have the drop on us. So we
11 continued to fire, or I continued to fire, even after that pistol had gone to his temple.

12 I wasn't sure, in fact, I didn't believe he had gotten a round off at
13 that point. I didn't learn that information until we met with SiRT investigators eight
14 months later, and obviously since more forensic information has come out about that.

15 So as we took up that position behind the truck, I was not aware of
16 that round as well. It wasn't clearly visible from our vantage point. So we took that
17 position up to deal with the threat if it became one.

18 **MR. ROGER BURRILL:** Okay. Photograph, top left on paragraph
19 62. Comments on that, Cst Hubley? What do we see there?

20 **CST. CRAIG HUBLEY:** You're seeing what I described earlier
21 about me kind of regaining some sensory exclusion and moving to Ben.

22 **MR. ROGER BURRILL:** Okay. Any comment on that, Cst
23 MacLeod? Top left under paragraph 62.

24 **CST. BEN MacLEOD:** Top left. It looks like my feet are planted
25 and he's moving towards me.

26 **MR. ROGER BURRILL:** Okay.

27 **CST. BEN MacLEOD:** And the top right, we're starting to move
28 backwards behind the vehicle.

1 **MR. ROGER BURRILL:** Sound right, Cst Hubley? Top right?

2 **CST. CRAIG HUBLEY:** Yes.

3 **MR. ROGER BURRILL:** Okay. All right. Page 48, Madam
4 Registrar. Paragraph 68.

5 Paragraph 68 of the Foundational Document indicates that at
6 11:25:10 on April 19th, Cst MacLeod radioed “break” over the ERT channel. We’ll play
7 the audio, and I’m going to ask for commentary with respect to how paragraph 68
8 accords with your understanding of what took place.

9 **[AUDIO PLAYBACK]**

10 Now, with respect to the Foundational Document, if you pull the
11 slide up a little bit, at the bottom of the excerpted quotation at 11:25:28, the transcript
12 indicates in brackets “Sound of gunfire” and there seems to be communication by Cst
13 MacLeod at some point.

14 Are you gentlemen able to comment on after hearing this, about
15 what you believe was being undertaken at that time?

16 **CST. BEN MacLEOD:** I don’t believe that was sound of gunfire. I
17 believe there was wind. And I think we’ll get to some audio here after where you can
18 kind of compare that to -- there was a lot of wind that day and one of the issues that all
19 police officers have with the portable radios we have is if it’s windy out, it’s very difficult
20 to hear.

21 That -- I believe now, after talking to Craig, and he can speak to
22 this, but what we’ve already talked about, about me bringing Craig over to me and then
23 moving behind the cover. I believe that’s what I’m speaking of there.

24 **MR. ROGER BURRILL:** Okay.

25 **CST. BEN MacLEOD:** I’ll say, I don’t have any recollection of this.
26 Craig kind of talked about it before with -- they call -- there’s different things that
27 happened, and research shows this through other police involved shootings, and
28 stressful incidents for anybody, but definitely in our line of work, things like auditory

1 exclusion, where you might not hear the sounds of your own gunfire. He talked about
2 tunnel vision or unintentional blindness, where things become very focused on what the
3 threat is that's trying to hurt you, and you might not see things around you.

4 And we have certain things, like taking a breath after just to kind of
5 open that back up to see your surroundings, and I very much remember that. And we're
6 not immune to those things at all.

7 Another one is lapses in memory in a stressful situation. And this is
8 one of my lapses in memory, is I don't remember hitting my 10-33 button.

9 **MR. ROGER BURRILL:** Help us out, what a 10-33 button ---

10 **CST. BEN MacLEOD:** Yeah, so ---

11 **MR. ROGER BURRILL:** --- or an ERTT ---

12 **CST. BEN MacLEOD:** --- you'll see there, it says "Emergency
13 Request to Talk". So an RTT or a Request to Talk is a button. There's two. There's
14 the RTT button and the ERTT. The RTT, we would hit that in a normal day to day, if
15 you pulled a vehicle over and you need to get dispatch's attention, you hit that. They
16 acknowledge it and you speak to them.

17 The Emergency Request to Talk, there's one on my lapel mic, an
18 orange button, as well as on the portable radio, and we have them in our vehicles as
19 well.

20 Once you hit that, that immediately opens up, I believe it's a 20
21 second open mic that I don't need to press the key on my mic to be heard by dispatch.
22 It will open my communications up so they can hear what's going on.

23 This is -- it's often referred to as a "help me quick" button. If you're
24 in trouble, you don't have time to voice what's going on and you hit that, you're going to
25 get a lot of police officers going to your location in a very quick time because dispatch is
26 going to make it a priority, what you're doing.

27 I don't remember hitting that at all.

28 **MR. ROGER BURRILL:** Interesting. Okay.

1 **CST. BEN MacLEOD:** What I do remember is, and I made note of
2 this, I believe, in SiRT statement, that I do remember trying to get on my radio and voice
3 where we were. And I used the terms “bonking out” or “toning out”, which is -- happens
4 often with our radio system, if there’s too many people on the system or somebody else
5 is trying to talk over you, you’ll get a tone in your ear that means you’re not getting out.

6 I do have recollection of trying, I don’t know at which point it was,
7 trying to get on my radio and voice where we were, and I wasn’t able to do so. And
8 that’s when I had -- Craig -- which we’ll get to. But I didn’t have a recollection of doing
9 this.

10 **MR. ROGER BURRILL:** Does that bonging or bonking out occur
11 when you key the ERTT button?

12 **CST. BEN MacLEOD:** I’m not sure.

13 **MR. ROGER BURRILL:** Okay. Very good. Well let me just ask
14 you then, if I can just scroll up to the top of that transcribed portion, Madam Registrar.

15 At 11:25:10 a.m., we hear the word, “Break”; what does that mean?

16 **CST. BEN MacLEOD:** So “Break” means that -- it’s essentially a
17 word to get somebody’s attention quick, especially if we use it in multiple, like, “Break,
18 break”. It means, “Let me have the air, let me have the channel, I need to get some
19 information out.”

20 **MR. ROGER BURRILL:** Yeah.

21 **CST. BEN MacLEOD:** So that would have been a conscious
22 decision, likely me keying up my radio and saying, “Break Enfield Big Stop, Enfield Big
23 Stop”. The information that follows is only -- it was only recorded because I hit my 10-
24 33 button.

25 **MR. ROGER BURRILL:** Okay.

26 **CST. BEN MacLEOD:** I’m not sure if that was a conscious -- a
27 subconscious, or if it was just me hitting it by mistake.

28 **MR. ROGER BURRILL:** But would the transmission of the word,

1 "Break" be done in advance of the discharge of the firearms or post discharge of the
2 firearms?

3 **CST. BEN MacLEOD:** No, that's something that would happen
4 post. When you're faced, especially with how quick this unfolded, ---

5 **MR. ROGER BURRILL:** Yeah.

6 **CST. BEN MacLEOD:** --- the video I believe -- you would know
7 better but eight or nine seconds; it all happened very, very quickly. Communicating is
8 not -- and I say communicating to other police officers and to Dispatch at that time is not
9 the priority. The priority is dealing with the threat.

10 **MR. ROGER BURRILL:** Okay.

11 **CST. BEN MacLEOD:** And so, no, that would not have happened.

12 **MR. ROGER BURRILL:** So when we see at 11:25:10 a.m. the
13 word, "Break" and then at 11:25:11, attributable to Cst. MacLeod, H15:

14 "Enfield Big Stop! Enfield Big Stop! [Come to me, get
15 to me]... your cover. Back up – back up...."

16 Is that pre or post discharge of firearms, from your recollection?

17 **CST. BEN MacLEOD:** What's said there ---

18 **MR. ROGER BURRILL:** Yeah.

19 **CST. BEN MacLEOD:** --- is what happened after. And I do
20 remember asking Craig to come to me. I don't remember the words that I used, ---

21 **MR. ROGER BURRILL:** Yeah.

22 **CST. BEN MacLEOD:** --- but this is obviously it. But that was after
23 when we -- when I'm saying, "back up - back up," Craig had nowhere to back up to from
24 where he was.

25 **MR. ROGER BURRILL:** Yeah.

26 **CST. BEN MacLEOD:** But as soon as he came over to me, we
27 were both able to back up.

28 **MR. ROGER BURRILL:** Cst. Hubley, any comment on what Cst.

1 MacLeod has said?

2 **CST. CRAIG HUBLEY:** No, that's how I remember.

3 **MR. ROGER BURRILL:** Okay.

4 **CST. CRAIG HUBLEY:** I remember finishing shooting and Cst.
5 MacLeod giving those instructions, and moving to him and moving behind the front of
6 the truck.

7 **MR. ROGER BURRILL:** So the implication of what you're saying,
8 gentlemen, then, is that the "(sound of gunfire)" is an inaccurate description?

9 **CST. BEN MacLEOD:** Yes.

10 **CST. CRAIG HUBLEY:** Yeah.

11 **MR. ROGER BURRILL:** And that the communications that we've
12 heard just broadcast, just played, are post discharge of firearm as opposed to pre
13 discharge of firearm?

14 **CST. CRAIG HUBLEY:** Yes.

15 **MR. ROGER BURRILL:** The Foundational Document then would
16 be inaccurate if it described it as pre discharge of firearm; correct?

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. ROGER BURRILL:** Okay, very good.

19 I'm coming to the conclusion of my questions for you. I'm just going
20 to ask a few more, perhaps pointed and direct, questions at this point, and then I'll
21 conclude, which you'll be happy with, no doubt.

22 I wanted to ask you, specifically and pointedly, did either of you
23 recognize the perpetrator before you pulled in to those gas pumps at the Big Stop
24 Enfield?

25 **CST. BEN MacLEOD:** No.

26 **CST. CRAIG HUBLEY:** No.

27 **MR. ROGER BURRILL:** Did either of you know or have any
28 indication that the perpetrator would have been at that location before you pulled in to

1 the gas pumps at Big Stop Enfield?

2 **CST. BEN MacLEOD:** No.

3 **CST. CRAIG HUBLEY:** No.

4 **MR. ROGER BURRILL:** This too is going to be a very direct
5 question. Did either of you get any orders from anybody, or direction from anybody, to
6 execute Gabriel Wortman?

7 **CST. CRAIG HUBLEY:** No.

8 **CST. BEN MacLEOD:** No.

9 **MR. ROGER BURRILL:** Given your knowledge of the situation, the
10 information that you processed, your training and experience, would you have done
11 anything differently than you had done on that morning of April 19th, 2020?

12 **CST. BEN MacLEOD:** No.

13 **MR. ROGER BURRILL:** Cst. Hubley?

14 **CST. CRAIG HUBLEY:** No.

15 **MR. ROGER BURRILL:** It's been a long two years, I'm sure, for
16 you. Anything you wish Nova Scotians to know that they wouldn't have known prior to
17 your testimony here today?

18 **CST. BEN MacLEOD:** Craig and I have -- there's been a lot of
19 attention recently, and even in -- it's been recent in the media but the last two years
20 from within the RCMP and from people we know. Most of that's attention that's -- we
21 struggle with, just based on our personalities.

22 There was a lot of police officers, a lot of first responders that were
23 on the ground for that 13 hours. You heard from three of them two weeks ago, and I'm
24 sure you'll hear from others. They -- yeah, they -- we've all struggled. We saw a lot that
25 night, and every one of us -- every one of us just wanted to find him.

26 There was a lot of support people, a lot of officers on the ground.
27 We were doing everything we could to find him that night, and it's -- the attention that is
28 on us, it's difficult for us. There's a lot of people that need to be thanked for the work

1 they did that night.

2 I'd also say that there's a lot of us - and I say us as police officers,
3 and I can speak for myself, obviously, because I'm here, it's been two years of grieving
4 with Nova Scotians, with the families that are here, families of victims, and we lost one
5 of our own too with Heidi. Life will never be the same for us either but...

6 **MR. ROGER BURRILL:** Cst. Hubley, you need not answer the
7 question if you don't want to, but I think it's fair to ask you at this stage.

8 **CST. CRAIG HUBLEY:** Yeah. I don't think I have anything to
9 share in a public setting.

10 **MR. ROGER BURRILL:** Fine.

11 Commissioners, those are my questions for these witnesses.

12 Thank you, gentlemen.

13 **COMMISSIONER MacDONALD:** Well, thank you.

14 And thank you very much, officers.

15 The process we follow here is that we will break now, and
16 Commission Counsel will meet with counsel for the Participants over lunch, and so we
17 would ask you to stay because the purpose of that meeting will be to canvass what Mr.
18 Burrill has asked you and determine if there's going to be any more questions for you,
19 and if so, who would be asking them.

20 So that's the process going forward. So I thank you so much for
21 your testimony so far but would ask you to stay with us over the lunch hour and we'll
22 determine what, if any, further questions there may be for you at that time.

23 So thank you, and we'll break then. It's 11 -- we'll break until 1
24 o'clock.

25 Mr. Burrill, please, of course, let Participant Counsel know if they
26 need more time to discuss the process going forward, then ---

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

28 **COMMISSIONER MacDONALD:** --- just let us know.

1 Thank you.

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

3 The proceedings are now on break and will resume at 1 o'clock.

4 **COMMISSIONER MacDONALD:** Yeah, the witnesses, you can
5 leave now. Thank you.

6 --- Upon breaking at 11:39 a.m.

7 --- Upon resuming at 1:06 p.m.

8 **REGISTRAR DARLENE SUTHERLAND:** Welcome back.

9 The proceedings are again in session.

10 **COMMISSIONER MacDONALD:** Well, thank you, everyone, and
11 especially counsel, Commission Counsel and counsel for the Participants, for meeting
12 and collaborating and proposing, which we are pleased to accept the process for some
13 further questions for the officers. If you would like to make sure they are here?

14 Thank you. Please be seated, officers. You're still under your
15 affirmation, of course.

16 **CST. BEN MacLEOD, Resumed:**

17 **CST. CRAIG HUBLEY, Resumed:**

18 **COMMISSIONER MacDONALD:** Thank you for waiting. I can
19 explain to you that with our appreciation, counsel for the Commission and counsel for
20 the Participants have met over lunch and have proposed, which we accept, a process
21 whereby two counsel, each representing family members, will be asking you some
22 follow-up questions.

23 And I think it's Michael Scott -- are you going first, Mr. Scott, and
24 then Mr. -- so Mr. Michael Scott will go first and then Mr. Josh Bryson.

25 So thank you.

26 (SHORT PAUSE)

27 **--- CROSS-EXAMINATION BY MR. MICHAEL SCOTT:**

28 **MR. MICHAEL SCOTT:** Afternoon.

1 **CST. BEN MacLEOD:** Good afternoon.

2 **MR. MICHAEL SCOTT:** Constable MacLeod, this morning you
3 were talking about when you were in Portapique, in, I guess, the early morning hours of
4 April 19th, 2020. And did I understand correctly that you had been called out to the
5 residence of a person named Leon Joudrey?

6 **CST. BEN MacLEOD:** Yes, I was.

7 **MR. MICHAEL SCOTT:** And was it your understanding that the
8 perpetrator's common-law spouse had emerged and was at Mr. Joudrey's house?

9 **CST. BEN MacLEOD:** That's correct; yes.

10 **MR. MICHAEL SCOTT:** Okay. And it was a -- do I understand
11 correctly, it was a team of you and three or four other ERT members?

12 **CST. BEN MacLEOD:** I would say at least that many if not a
13 couple more, yeah.

14 **MR. MICHAEL SCOTT:** Okay. And you travelled in the, not in the
15 TAV, but in one of the ERT trucks?

16 **CST. BEN MacLEOD:** I believe there was more than one truck,
17 yes. I was in a truck with other ERT members.

18 **MR. MICHAEL SCOTT:** All right. And did I understand correctly
19 that one of the reasons that you were there was because you also have specialised
20 medical training?

21 **CST. BEN MacLEOD:** Yeah, I do now. I was in the process of
22 getting that training at the time. I had completed two of the three courses.

23 **MR. MICHAEL SCOTT:** Okay. And can you describe for us at that
24 point in time what your medical training was?

25 **CST. BEN MacLEOD:** Sure. So I was in the process of
26 completing the, we call it the Emergency Medical Response Team, EMRT, as you have
27 seen in some of the documents, which we have support EMRT positions that are not
28 ERT members, but they just -- they have that training. We were in the process of

1 myself and Constable Ed Clarke, an ERT member, to receive that training. At that time,
2 in January of 2020, received a two-week emergency medical responder, an EMR
3 course, here locally, in Halifax. It's a Red Cross level course that gives you a base
4 knowledge of advanced medical -- more than a First Aid course, I guess. So that was a
5 two-week course I had completed, and that's one of the first prerequisites of that EMRT
6 designation.

7 The second course is called a Symptom Relief Management, that
8 was completed in February of 2020. That was put on by the Ottawa Paramedic Service
9 in Ottawa that myself and Constable Clarke attended. It's a three-day course that's in
10 line with the medical directives of the RCMP and of the EMRT program, where they --
11 some more advanced things surrounding delivery of medicine -- of drugs and that type
12 of thing.

13 The last course is one I completed last fall, and that's the -- it's
14 similar to a T triple C course, it's a military term, Trauma Combat Casualty Care. Again,
15 that's an RCMP-sanctioned course put on by a third-party contractor. So I had not
16 received that one, I just received the first two.

17 **MR. MICHAEL SCOTT:** Okay. So when you attended to
18 Mr. Joudrey's house, Ms. Banfield was obviously there?

19 **CST. BEN MacLEOD:** Yes, she was.

20 **MR. MICHAEL SCOTT:** And you would have been one of the first
21 responding members to see her firsthand?

22 **CST. BEN MacLEOD:** That's right.

23 **MR. MICHAEL SCOTT:** And I think you had said later in one of
24 your reports that she was extremely upset?

25 **CST. BEN MacLEOD:** Yes, she was.

26 **MR. MICHAEL SCOTT:** All right. She was able to communicate
27 with you, though?

28 **CST. BEN MacLEOD:** Yes, she was.

1 **MR. MICHAEL SCOTT:** All right. And you noted that she looked
2 dishevelled?

3 **CST. BEN MacLEOD:** I noted dishevelled, distraught, more so
4 than almost anybody I've seen in my, at that point, 11 year career. I'd -- even in the
5 report, there was only other time where I've seen a victim or somebody involved in a call
6 for service that I go to that has been that distraught, yes.

7 **MR. MICHAEL SCOTT:** Okay. But as distinct from her emotional
8 state, what was she wearing?

9 **CST. BEN MacLEOD:** I don't recall.

10 **MR. MICHAEL SCOTT:** Okay. Do you recall if -- when you say
11 "dishevelled" are you referring specifically to her demeanour or to her appearance?

12 **CST. BEN MacLEOD:** No, that would be in appearance as far as
13 clothing and whatnot, but I don't recall what prompted me to use that word other than
14 that's how. So I...

15 **MR. MICHAEL SCOTT:** And do you recall if her -- the clothes she
16 was wearing were appreciably soiled or wet or dirty, anything that struck you as
17 notable?

18 **CST. BEN MacLEOD:** I don't recall. If I -- if I made note of that in
19 my statement or my notes at the time, that would have been my best memory of it, and I
20 don't recall at this point.

21 **MR. MICHAEL SCOTT:** Okay. But as you sit here today, you don't
22 recall anything appreciably notable about her appearance?

23 **CST. BEN MacLEOD:** No.

24 **MR. MICHAEL SCOTT:** Okay. And you did note in your notes that
25 it did not appear to you that she was seriously injured at the time?

26 **CST. BEN MacLEOD:** There was no injury, like I mentioned earlier
27 this morning, no life-threatening injuries that I could see, and nothing that I needed to
28 address at that point, no.

1 **MR. MICHAEL SCOTT:** You noted that she wasn't bleeding.

2 **CST. BEN MacLEOD:** No, not to my recollection she wasn't.

3 **MR. MICHAEL SCOTT:** She did communicate to you that her back
4 hurt.

5 **CST. BEN MacLEOD:** That's correct.

6 **MR. MICHAEL SCOTT:** And it was your understanding from her
7 that the perpetrator had assaulted her some time before?

8 **CST. BEN MacLEOD:** that's what she had told me, yes.

9 **MR. MICHAEL SCOTT:** And there was another injury that she
10 communicated to you as well?

11 **CST. BEN MacLEOD:** I don't recall that at this time, no.

12 **MR. MICHAEL SCOTT:** Okay. She was able to walk under her
13 own power?

14 **CST. BEN MacLEOD:** Yes, she was.

15 **MR. MICHAEL SCOTT:** And she was able to communicate with
16 you clearly?

17 **CST. BEN MacLEOD:** Yes, she was.

18 **MR. MICHAEL SCOTT:** All right. And your understanding is that
19 Ms. Banfield had been out in the woods for at least a number of hours?

20 **CST. BEN MacLEOD:** Yes, this was around 6:30 in the morning,
21 so I assumed for several hours.

22 **MR. MICHAEL SCOTT:** And do you recall roughly what the air
23 temperature was outside?

24 **CST. BEN MacLEOD:** My recollection is it was a day, a little bit
25 sunnier than today, but similar as far as a cool morning. At that time, it's still -- it's fairly
26 cool.

27 **MR. MICHAEL SCOTT:** Okay. Do you recall at the time making
28 any observations, even if just to making sort of a cursory assessment, whether

1 Ms. Banfield was demonstrating the symptoms of hypothermia?

2 **CST. BEN MacLEOD:** She didn't appear to be at that time.

3 **MR. MICHAEL SCOTT:** No. And if you were -- if you were looking
4 for symptoms of hypothermia, what would you be looking for?

5 **CST. BEN MacLEOD:** Shivering. It depends on which stage of
6 hypothermia as well. At later stages, you can -- like bluish lips and the shivering
7 actually stops. But no, I don't recall seeing anything, yeah.

8 **MR. MICHAEL SCOTT:** Would you consider things like slurred
9 speech and drowsiness to be symptoms of extreme hypothermia?

10 **CST. BEN MacLEOD:** Yeah, later -- in later stages, most
11 definitely.

12 **MR. MICHAEL SCOTT:** And presumably, if you had noted
13 anything that stuck out at you as being a possible symptom of hypothermia you would
14 have noted it?

15 **CST. BEN MacLEOD:** That's right, yeah.

16 **MR. MICHAEL SCOTT:** Okay.

17 **CST. BEN MacLEOD:** I will say that, and I mentioned earlier, my --
18 it was a very brief conversation, and medically speaking, the extent of my assessment
19 of her was to make sure there was no life-threatening, immediate life-threatening
20 injuries. As soon as there wasn't, I kind of transitioned to that field interview to try to get
21 some information.

22 **MR. MICHAEL SCOTT:** Before handing her over, I expect, to
23 EMTs?

24 **CST. BEN MacLEOD:** Yeah, I handed her over to
25 Constable Mahar and Corporal Ivany are the emergency support personnel.

26 **MR. MICHAEL SCOTT:** Okay. And in terms of transitioning into
27 that debrief role, Ms. Banfield confirmed for you the identity of the perpetrator?

28 **CST. BEN MacLEOD:** She did.

1 **MR. MICHAEL SCOTT:** And did she tell you that she had been
2 handcuffed the night before?

3 **CST. BEN MacLEOD:** She did.

4 **MR. MICHAEL SCOTT:** And at the time that you saw her, did you
5 make note of any injuries to her wrists that would be consistent with somebody that had
6 handcuffs on?

7 **CST. BEN MacLEOD:** I didn't. I didn't really have a close look,
8 though, either.

9 **MR. MICHAEL SCOTT:** Okay. And did she communicate to you
10 that the perpetrator the last time she saw him was wearing civilian clothing?

11 **CST. BEN MacLEOD:** I don't recall exactly what she said. I --
12 from looking through my reports and notes, she didn't mention that -- she did not
13 mention that he was wearing a police uniform at that time.

14 **MR. MICHAEL SCOTT:** Yeah. You would have -- you would have
15 noted if she had told you that?

16 **CST. BEN MacLEOD:** Yes. That's what I would have assumed.
17 With her not telling me that, I assumed he was wearing civilian clothing.

18 **MR. MICHAEL SCOTT:** Did she make any reference to you of him
19 having or wearing a fluorescent safety vest?

20 **CST. BEN MacLEOD:** Not that I recall.

21 **MR. MICHAEL SCOTT:** Okay. You did receive that information
22 later?

23 **CST. BEN MacLEOD:** I did, yes.

24 **MR. MICHAEL SCOTT:** Yeah. From the statement you gave to
25 SiRT, I understand that at one point you received information, and this is earlier in the
26 evening before you met Ms. Banfield, that what had precipitated the perpetrator's
27 actions was some sort of domestic assault. Do you recall that?

28 **CST. BEN MacLEOD:** I remember -- I've read that in my report,

1 and I remember that we had received that information. I can't speak to how I received
2 that or where that came from.

3 **MR. MICHAEL SCOTT:** Okay. So you have no recollection of who
4 gave you that information or what the source ---

5 **CST. BEN MacLEOD:** No.

6 **MR. MICHAEL SCOTT:** --- of it was?

7 **CST. BEN MacLEOD:** No, I don't.

8 **MR. MICHAEL SCOTT:** But at some point, before being called out
9 to Mr. Joudrey's house, it was communicated to you that this may be domestic related?

10 **CST. BEN MacLEOD:** I believe so, yes.

11 **MR. MICHAEL SCOTT:** Okay. Again, going back into the early
12 hours of your response in Portapique, do I understand that at one point you were tasked
13 out to the Five Houses area that's sort of down the road from Portapique?

14 **CST. BEN MacLEOD:** That's correct.

15 **MR. MICHAEL SCOTT:** And is it your understanding that the Five
16 Houses in Portapique are separated by, well, the Portapique River?

17 **CST. BEN MacLEOD:** I knew that at the time. I was not familiar
18 with that area beforehand.

19 **MR. MICHAEL SCOTT:** Yeah. And what was your understanding
20 of why you were being sent? It was you and several members in a TAV, was it not?

21 **CST. BEN MacLEOD:** In the TAV. I believe it was the full
22 complement. At least the first time we went it was every ERT member that was on
23 scene was sent to there, yes.

24 **MR. MICHAEL SCOTT:** And do you recall why you were -- you
25 were sent over there?

26 **CST. BEN MacLEOD:** We -- based on intel that we were receiving
27 from general duty members on the ground, they believed that there was a possible
28 suspect sighting there, and our number one task at that time was to find the suspect

1 and end any threat.

2 **MR. MICHAEL SCOTT:** Had you been into Portapique at that point
3 before you were sent out to Five Houses?

4 **CST. BEN MacLEOD:** I had been -- in one of my reports I refer to
5 the spot near the mailboxes right off the main road. It's kind of the inner perimeter, not
6 a command post, but a spot that we would congregate if we needed to get in or out of
7 the TAV or do anything like that. So I'd been to that location. I don't believe I'd been
8 further into Portapique before we were diverted over there.

9 So as soon as the TAV showed up, I believe that was our first
10 tasking. It was going to be the extraction of the children, but as soon as they had a
11 possible sighting that they believed -- we were just going based off their intel -- that
12 became our number one task.

13 **MR. MICHAEL SCOTT:** So to be clear, when you're arriving, I
14 think what you're talking about is that area at the corner of the Portapique Road and
15 Highway No. 2 ---

16 **CST. BEN MacLEOD:** That's right.

17 **MR. MICHAEL SCOTT:** --- where there was a number of officers
18 there.

19 **CST. BEN MacLEOD:** Yeah.

20 **MR. MICHAEL SCOTT:** So that's where you initially responded to.

21 **CST. BEN MacLEOD:** That's right.

22 **MR. MICHAEL SCOTT:** Right. And your understanding at the time
23 was that you and the members and the TAV were going to be deployed in to retrieve
24 those children.

25 **CST. BEN MacLEOD:** That was -- we were waiting for the TAV to
26 go there. That's correct.

27 **MR. MICHAEL SCOTT:** And then you were diverted from that task
28 to go to Five Houses.

1 **CST. BEN MacLEOD:** Yes.

2 **MR. MICHAEL SCOTT:** And that, obviously, wasn't your decision.
3 You were tasked with that.

4 **CST. BEN MacLEOD:** That's right. I was operating under the --
5 under Corporal Mills' direction, who was operating in conjunction with the CIC.

6 **MR. MICHAEL SCOTT:** And was it your understanding that the --
7 that the information leading someone to direct resources to Five Houses was that
8 somebody had seen a light or an open garage or ---

9 **CST. BEN MacLEOD:** My understanding was somebody had seen
10 a light that they couldn't explain and the light was turning off and on. They believed it
11 was a light in the woods.

12 **MR. MICHAEL SCOTT:** Okay. And at the same time, I think you
13 had described the events of what were happening in Portapique as like a war zone.
14 Yes?

15 **CST. BEN MacLEOD:** Yes. Yeah.

16 **MR. MICHAEL SCOTT:** Yeah. That there was still buildings on
17 fire, smoke from -- from those fires. You're aware at that point that there's -- there's
18 been bodies found throughout the ---

19 **CST. BEN MacLEOD:** That's correct. On the -- on the way from
20 Halifax or from Dartmouth to Portapique, we were aware of, I believe, four bodies at that
21 point that the members on the ground knew of, so ---

22 **MR. MICHAEL SCOTT:** Okay.

23 **CST. BEN MacLEOD:** --- that was being communicated to us.

24 **MR. MICHAEL SCOTT:** And were you aware of any other
25 information -- and perhaps the answer's no. Any other information that was the basis
26 upon which it was decided that you and your team were better served following up on
27 this complaint in Five Houses?

28 **CST. BEN MacLEOD:** It kind of goes back to what Mr. Burrill

1 asked about this morning about the nature of my duties. We do have more specialized
2 equipment, specialized weapons and training, things like night vision, flare devices,
3 things that if somebody was waiting -- and the concern was that -- that he may have
4 been waiting for an ambush for either us to go in or for general duty to go in or
5 extracting the children or in Five Houses if he had made it there. So some of that
6 specialized equipment that we have provided us more safety to go in and locate him if
7 that was, indeed, the threat.

8 **MR. MICHAEL SCOTT:** Right. But it wasn't your understanding
9 that anybody had sighted him in Five Houses.

10 **CST. BEN MacLEOD:** No, no. And that was never -- that was
11 never communicated to us. It was -- it was general duty members in the containment
12 position near the Highway 2 and Five Houses that could see this light turning off and on
13 and they -- they believed that it was a person with a flashlight in the woods.

14 **MR. MICHAEL SCOTT:** Right. But your team with your special
15 equipment and your special training would have been directly useful in going in to
16 extract those children, would it not?

17 **CST. BEN MacLEOD:** Yeah, we -- for the same reason. We
18 would have been -- and that was part of the reason waiting for the TAV. They -- at that
19 point when we got there, there was police officers with them, so they were -- although
20 they were not -- they -- they were not safe at that point, they were in a -- it was safer for
21 them to stay and wait for the TAV at that point before we got there.

22 Obviously, that changed with -- with new information and a possible
23 threat. If you believe you know where the threat is in an active threat environment, that
24 is -- becomes the number one task.

25 **MR. MICHAEL SCOTT:** Constable Hubley, do I understand
26 correctly that at approximately 8:30 you -- you went to the command post to get
27 information?

28 **CST. CRAIG HUBLEY:** Yes.

1 **MR. MICHAEL SCOTT:** And it was at that point that you learned
2 what the perpetrator's name was?

3 **CST. CRAIG HUBLEY:** Yes.

4 **MR. MICHAEL SCOTT:** And you also saw some photos of the
5 perpetrator?

6 **CST. CRAIG HUBLEY:** Yes.

7 **MR. MICHAEL SCOTT:** And you also learned that he was
8 travelling in what appeared to be a fully-marked police cruiser.

9 **CST. CRAIG HUBLEY:** Yes.

10 **MR. MICHAEL SCOTT:** And you also noted that -- that you
11 received information that the call sign on that particular vehicle was 28B11?

12 **CST. CRAIG HUBLEY:** Yeah. I believe there was a picture of it in
13 the command post, and distinctively, I remember 28B11 as a -- it's a unique identifier
14 that each police vehicle would have. The first numbers usually denote the area where it
15 is. The letter is either town or county, and then 11 would have been the vehicle
16 number.

17 I knew that 28 was a Cumberland County vehicle. Yeah.

18 So long with his face, I had that number from that car in my -- in my
19 mind's eye.

20 **MR. MICHAEL SCOTT:** I'm going to suggest to you that you made
21 special note of what that call sign was because that's a way that you could distinguish
22 that vehicle from anybody else's -- from an actual RCMP vehicle.

23 **CST. CRAIG HUBLEY:** I would have been able to distinguish that
24 vehicle from other marked police vehicles except perhaps the true 28B11.

25 **MR. MICHAEL SCOTT:** If there was one.

26 **CST. CRAIG HUBLEY:** Yeah.

27 **MR. MICHAEL SCOTT:** There was another distinctive feature on
28 the -- on the mock cruiser that you noted as well.

1 **CST. CRAIG HUBLEY:** Yes. There was a black push bumper on
2 the front of the car. I think in my statement to SIRT I made mention of the fact that in
3 my capacity as a dog handler, I had regularly travelled the entire province answering
4 calls for service. I see a lot of police cars, RCMP and municipal police services, and
5 what struck me about that picture was in this province, I couldn't -- that would have
6 been the first time I saw a bumper on the front of the car like that. It's not something
7 that you see a lot of in this part of the country.

8 **MR. MICHAEL SCOTT:** So again, between the -- the call sign
9 that's on the rear pillar of the car and this sort of unusual black push bar, am I correct
10 that you were making mental note of these things so as to be able to distinguish
11 between one of your colleagues and the perpetrator?

12 **CST. CRAIG HUBLEY:** Yes.

13 **MR. MICHAEL SCOTT:** Right. You're not going to assume that
14 just because you see a PC cruiser that that's the perpetrator.

15 **CST. CRAIG HUBLEY:** Sorry. Can you ask that again?

16 **MR. MICHAEL SCOTT:** There would be -- obviously, if you are to
17 drive and -- down the highway and find a fully-marked police cruiser, the concern here is
18 that it may be one of two things. It may be the perpetrator, but it also may be one of
19 your colleagues and you're trying to find a way to distinguish between the two.

20 **CST. CRAIG HUBLEY:** Yes.

21 **MR. MICHAEL SCOTT:** Right. The vehicle that the two of you
22 were in when you arrived at Enfield was an unmarked 2015 Chevrolet Suburban. Is that
23 correct?

24 **CST. CRAIG HUBLEY:** Correct.

25 **MR. MICHAEL SCOTT:** And Constable Hubley, that vehicle
26 specifically configured to carry you and your PSD [sic] gear.

27 **CST. CRAIG HUBLEY:** Yes. Police Dog Service handlers
28 typically either drive Suburbans or Tahoes, depending. And that really just dictates how

1 much cargo area you need.

2 The Suburbans in this province are typically configured the same
3 way. There's no back seat. It's a kennel insert for the police dog. And then behind that
4 in the cargo area is where -- I mean, Constable MacLeod talked about specialized
5 equipment. I carry a lot of that as well, and you need room.

6 **MR. MICHAEL SCOTT:** And in the Suburban, you were carrying a
7 standard C8 patrol carbine.

8 **CST. CRAIG HUBLEY:** Yes.

9 **MR. MICHAEL SCOTT:** And that would have been locked up in
10 the back of your truck.

11 **CST. CRAIG HUBLEY:** In that particular vehicle, the rack that
12 holds the patrol carbine is in the back on the passenger side, about as far away from
13 me as I could get.

14 **MR. MICHAEL SCOTT:** And that carbine would not have been
15 accessible to you while you were in the driver's seat.

16 **CST. CRAIG HUBLEY:** No.

17 **MR. MICHAEL SCOTT:** No.

18 And when you checked that -- I assume you checked that rifle out
19 that morning.

20 **CST. CRAIG HUBLEY:** I'm sorry?

21 **MR. MICHAEL SCOTT:** You checked that rifle out that morning?

22 **CST. CRAIG HUBLEY:** No. I carry that typically at the start of a
23 block of shifts. My normal schedule in the city is four on for two day shifts, two night
24 shifts, followed by four regular days off. I typically check that carbine out at the
25 beginning and keep it for that block of shifts.

26 **MR. MICHAEL SCOTT:** Okay. And that -- that patrol carbine is
27 chambered in 5.56 NATO.

28 **CST. CRAIG HUBLEY:** Correct.

1 **MR. MICHAEL SCOTT:** Right. And how many rounds do you load
2 in your magazine?

3 **CST. CRAIG HUBLEY:** Twenty-eight (28) in three magazines.

4 **MR. MICHAEL SCOTT:** Right. And it's a 30-round magazine, but
5 RCMP policy is to load 28.

6 **CST. CRAIG HUBLEY:** Correct.

7 **MR. MICHAEL SCOTT:** And that's to cut down on the chances of
8 binding the magazine.

9 **CST. CRAIG HUBLEY:** Yes.

10 **MR. MICHAEL SCOTT:** Constable MacLeod, the rifle that you
11 were carrying that day is not a C8, is it?

12 **CST. BEN MacLEOD:** It's not. It looks similar, but it's not.

13 **MR. MICHAEL SCOTT:** And I think in the -- in documents, and
14 correct me if I'm wrong, it's got referenced as an M16A2, but it's not, is it?

15 **CST. BEN MacLEOD:** It's not. The lower receiver of that, I believe
16 it is still stamped with either C8 or M16A2, so the lower receiver is the same as an
17 M16A2.

18 **MR. MICHAEL SCOTT:** But effectively, it's a Colt M4 chambered
19 for 300 Blackout.

20 **CST. BEN MacLEOD:** M4, I believe, is an American term, so no,
21 that's not a term that we would use.

22 **MR. MICHAEL SCOTT:** All right.

23 **CST. BEN MacLEOD:** But it is -- it is chambered in 300 Blackout.
24 That's correct.

25 **MR. MICHAEL SCOTT:** And you were running a suppressor on
26 that particular rifle.

27 **CST. BEN MacLEOD:** I was, yes.

28 **MR. MICHAEL SCOTT:** Yeah.

1 And just for context, the 300 Blackout would be a -- it's a subsonic
2 round that works with your ---

3 **CST. BEN MacLEOD:** No, it's not. We have access to subsonic
4 rounds. The operational duty round that we have is not a subsonic round.

5 **MR. MICHAEL SCOTT:** Okay. Then what's the function of running
6 the 300 Blackouts over, say, something like the 5.56 that would be in the patrol car?

7 **CST. BEN MacLEOD:** Well, for me, that's what's issued to me, so
8 I don't really -- I don't have a choice in that.

9 That would be a question for the armourer and the RCMP and
10 people above my level.

11 **MR. MICHAEL SCOTT:** And when you -- do you have that rifle
12 with your normally or do you check it out when you start ---

13 **CST. BEN MacLEOD:** No, that's a rifle that's issued to me. Each
14 ERT member has their own issued rifles that we keep in our possession at
15 headquarters.

16 **MR. MICHAEL SCOTT:** And you load the magazine, I presume?

17 **CST. BEN MacLEOD:** Yes, I do.

18 **MR. MICHAEL SCOTT:** And how many rounds do you load in your
19 magazine?

20 **CST. BEN MacLEOD:** We load 30.

21 **MR. MICHAEL SCOTT:** Okay. So as opposed to something like
22 the CA, you would load the full 30 into that magazine?

23 **CST. BEN MacLEOD:** Yeah. And again, that's a question for an
24 armour, but again, in my training, it goes back to the tolerances and the issues that you
25 would have if you loaded 30 with a 5.56, they discovered that that is not an issue with
26 the ---

27 **MR. MICHAEL SCOTT:** With the .300?

28 **CST. BEN MacLEOD:** That's correct, yeah.

1 **MR. MICHAEL SCOTT:** So you are, as you sit here today, quite
2 certain that you loaded 30 rounds in that magazine, ---

3 **CST. BEN MacLEOD:** Yeah.

4 **MR. MICHAEL SCOTT:** --- as would be your normal practice?

5 **CST. BEN MacLEOD:** That's my normal practice, yes.

6 **MR. MICHAEL SCOTT:** And I think it was -- you had mentioned to
7 my friend Mr. Burrill that to your understanding, that at the end of the incident at the Big
8 Stop, that you had fired 11 rounds?

9 **CST. BEN MacLEOD:** I learned that information later on. At the
10 time, I believed it was somewhere between eight and 10 rounds.

11 **MR. MICHAEL SCOTT:** And your understanding is that 11 is
12 predicated on the idea that you loaded 30 rounds in the magazine and there was
13 apparently 19 rounds left in the magazine?

14 **CST. BEN MacLEOD:** That's correct.

15 **MR. MICHAEL SCOTT:** Okay. Are you aware that it's been
16 suggested there was 14 bullet holes in that windshield?

17 **CST. BEN MacLEOD:** Sorry, can you repeat the question?

18 **MR. MICHAEL SCOTT:** I said were you aware that there was --
19 appears to have been found by forensic identification services that there was 14 holes
20 in that windshield?

21 **CST. BEN MacLEOD:** I saw that on a report, yes.

22 **MR. MICHAEL SCOTT:** Okay. Do you have anything that you can
23 add to account for that?

24 **CST. BEN MacLEOD:** No.

25 **MR. MICHAEL SCOTT:** And at the time that you were -- you
26 describe your position as being about 45-degree angle from the front of the car?

27 **CST. BEN MacLEOD:** Yes.

28 **MR. MICHAEL SCOTT:** Yeah. And you were firing directly into the

1 same centre mass as ---

2 **CST. BEN MacLEOD:** That's correct.

3 **MR. MICHAEL SCOTT:** --- the target? And the entire time that
4 you are firing, Cst Hubley is obliquely at a 90-degree angle?

5 **CST. BEN MacLEOD:** Yeah, roughly the same distance that you
6 and I are away.

7 **MR. MICHAEL SCOTT:** Cst Hubley, Cst MacLeod described you
8 pulling into the Big Stop as -- that you pulled in quite quickly. Is that your recollection as
9 well?

10 **CST. CRAIG HUBLEY:** Yes.

11 **MR. MICHAEL SCOTT:** And what was the plan for where the two
12 of you were going to go after you got gas?

13 **CST. CRAIG HUBLEY:** I don't know that we had one, other than
14 continue to do what we had been doing, looking in the places we felt -- hiding spots that
15 would be readily accessible to him. Yeah, there were a lot of people looking for him. I
16 don't remember having a plan specifically, but if we didn't -- if we had not had found him
17 at the Big Stop, we would have continued doing what we were doing in the area that we
18 were in.

19 **MR. MICHAEL SCOTT:** We ended up at the Big Stop because you
20 were hoping to get out ahead of him?

21 **CST. CRAIG HUBLEY:** No, we ended up at the Big Stop because
22 I needed gas.

23 **MR. MICHAEL SCOTT:** All right. But you end up going in that
24 area, towards HRM, because my understanding was that you were hoping to get out
25 ahead of where the perpetrator was, if he was indeed proceeding somewhere towards
26 HRM?

27 **CST. CRAIG HUBLEY:** Yes, you're speaking about what I
28 remember to be the space on the highway that we drove from the 104 up to Exit 8 when

1 the -- the first time that we got off the highway, we were trying to get in front of him.
2 Specifically speaking about when I drove into the Big Stop, I'd suggest that we were
3 probably trying to regroup a little bit. And in that period, to me it seemed the best --
4 pardon, the best time to fuel up.

5 **MR. MICHAEL SCOTT:** Fuel up and then figure out where you're
6 going to go from there?

7 **CST. CRAIG HUBLEY:** Correct.

8 **MR. MICHAEL SCOTT:** Okay. But you didn't have any specific
9 instructions to go to a specific place?

10 **CST. CRAIG HUBLEY:** No.

11 **MR. MICHAEL SCOTT:** And I think you said when you pulled up to
12 the gas pump, you didn't pull up far enough. When you got out you realized that the
13 gas cap was pretty far away from where the pump was?

14 **CST. CRAIG HUBLEY:** Yes.

15 **MR. MICHAEL SCOTT:** Okay. And am I correct that that was
16 unintentional?

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. MICHAEL SCOTT:** All right. There was no other reason why
19 you pulled into that position? Your intention was to put gas in that truck?

20 **CST. CRAIG HUBLEY:** My intention was to put gas in my truck
21 and stop with the cap door as close to the pump as I could. I've been driving quite fast
22 all morning. I spoke about the sense of urgency of finding him. Yeah, I just pulled into
23 the pump super fast.

24 **MR. MICHAEL SCOTT:** When you pull into the pump at the Big
25 Stop, what you're seeing is a gray car out of your peripheral vision?

26 **CST. CRAIG HUBLEY:** Yes. I saw it as I pulled into the -- like, as
27 I was driving down the bank of pumps, I wasn't focusing on the car. I was looking for a
28 gas pump. And when the first one that was available -- or pardon me, when I saw the

1 first one available, I pulled in next to that. And I'll suggest that when I was pulling in
2 next to that was when I started to notice the car.

3 **MR. MICHAEL SCOTT:** Right. And you noticed the car, you didn't
4 notice anyone in the car?

5 **CST. CRAIG HUBLEY:** No.

6 **MR. MICHAEL SCOTT:** You didn't notice anybody in the car until
7 you got out of your truck?

8 **CST. CRAIG HUBLEY:** As I was getting out.

9 **MR. MICHAEL SCOTT:** Okay. And as you get out of your truck, I
10 think you said, "I looked around the pump at the car and saw a man sitting in the driver's
11 seat"?

12 **CST. CRAIG HUBLEY:** Yes.

13 **MR. MICHAEL SCOTT:** And the man is sitting in what you know
14 now is in a grey Mazda3, which was not the vehicle you were looking for?

15 **CST. CRAIG HUBLEY:** No.

16 **MR. MICHAEL SCOTT:** And it's a man wearing a white t-shirt,
17 which is not what you're looking for?

18 **CST. CRAIG HUBLEY:** No.

19 **MR. MICHAEL SCOTT:** And nothing about this is matching the
20 description of the information that you have about the perpetrator at that point?

21 **CST. CRAIG HUBLEY:** Can you ask that again?

22 **MR. MICHAEL SCOTT:** Nothing about what you're seeing of this
23 person sitting in the grey car, this is not lining up with the information you have about ---

24 **CST. CRAIG HUBLEY:** I knew ---

25 **MR. MICHAEL SCOTT:** --- a vehicle that the perpetrator should be
26 in or the clothes he should be wearing?

27 **CST. CRAIG HUBLEY:** I knew what he looked like.

28 **MR. MICHAEL SCOTT:** Aside from his facial features. I mean his

1 clothes and the vehicle.

2 **CST. CRAIG HUBLEY:** No. He was wearing clothes that weren't
3 described to me and he was in a vehicle that hadn't been voiced out over the air.

4 **MR. MICHAEL SCOTT:** The best information you had was that he
5 was in a silver Tracker?

6 **CST. CRAIG HUBLEY:** Yes.

7 **MR. MICHAEL SCOTT:** And nobody communicated to you that he
8 might be wearing a white t-shirt?

9 **CST. CRAIG HUBLEY:** No.

10 **MR. MICHAEL SCOTT:** Okay. And you said when you got out
11 and you saw the man in the car, he's looking straight ahead. So you're seeing him in
12 profile?

13 **CST. CRAIG HUBLEY:** Yes.

14 **MR. MICHAEL SCOTT:** And you said he had a large hematoma or
15 bruise on his head?

16 **CST. CRAIG HUBLEY:** He had a bump on his head.

17 **MR. MICHAEL SCOTT:** Where was it on his head?

18 **CST. CRAIG HUBLEY:** It was on his forehead.

19 **MR. MICHAEL SCOTT:** In the center or on the left side or the right
20 side?

21 **CST. CRAIG HUBLEY:** I remember it as the right side. The side
22 of his head that was closest to me.

23 **MR. MICHAEL SCOTT:** Okay. And you said you saw a small
24 trickle of blood running down his forehead?

25 **CST. CRAIG HUBLEY:** Yes.

26 **MR. MICHAEL SCOTT:** In the central part of his forehead or off to
27 one side?

28 **CST. CRAIG HUBLEY:** The side.

1 **MR. MICHAEL SCOTT:** Okay.

2 **CST. CRAIG HUBLEY:** It was coming from the bump.

3 **MR. MICHAEL SCOTT:** From the bump?

4 **CST. CRAIG HUBLEY:** Or on the bump.

5 **MR. MICHAEL SCOTT:** You said you saw that his mouth was
6 open?

7 **CST. CRAIG HUBLEY:** Yes.

8 **MR. MICHAEL SCOTT:** And he appeared to be breathing heavily?

9 **CST. CRAIG HUBLEY:** Yes.

10 **MR. MICHAEL SCOTT:** And I think you described him as being
11 worked up?

12 **CST. CRAIG HUBLEY:** Yeah, I've tried to come up with the best
13 description and I'm not sure that there is one. He was not calm. He was -- he was
14 sweaty. He was breathing hard and he had his mouth open. He looked like a prize
15 fighter sitting down between rounds. Like, that kind of exhaustion. Not trying to suggest
16 anything advantageous for him, I guess. But yeah.

17 **MR. MICHAEL SCOTT:** And you're seeing this sort of once you're
18 out of the car or as you're getting out of the car? Or can you say?

19 **CST. CRAIG HUBLEY:** You're asking me to split seconds.

20 **MR. MICHAEL SCOTT:** Yeah.

21 **CST. CRAIG HUBLEY:** I would -- my answer is at the same time.

22 **MR. MICHAEL SCOTT:** Okay.

23 **CST. CRAIG HUBLEY:** I mean, the pictures show clearly me
24 getting out and looking in that direction. I'm doing three and four things all at the same
25 time. But yes, as I'm leaving my vehicle, I'm looking across. Not because I knew it was
26 him, but because I wanted to know who was in that car, if anybody, given what we were
27 dealing with that day.

28 **MR. MICHAEL SCOTT:** Would it be fair to say that his demeanour

1 and his appearance caused you to pay attention? That's not what identified him as the
2 perpetrator to you, but it's what caused you to look very carefully?

3 **CST. CRAIG HUBLEY:** Yes.

4 **MR. MICHAEL SCOTT:** And then you recognized him?

5 **CST. CRAIG HUBLEY:** Yes.

6 **MR. MICHAEL SCOTT:** And you recognized him from the pictures
7 that you had seen previously?

8 **CST. CRAIG HUBLEY:** Yes.

9 **MR. MICHAEL SCOTT:** All right. And how certain were you at that
10 point that you had identified him as the perpetrator?

11 **CST. CRAIG HUBLEY:** Fairly certain. I suppose there's no
12 absolutes, but I was certain enough to voice out to Cst MacLeod.

13 **MR. MICHAEL SCOTT:** And to draw your sidearm?

14 **CST. CRAIG HUBLEY:** Correct.

15 **MR. MICHAEL SCOTT:** And to be clear, you spoke this morning
16 about having your sidearm in a drop leg holster.

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. MICHAEL SCOTT:** Is that your normal ---

19 **CST. CRAIG HUBLEY:** No. I moved it a couple of times back and
20 forth over the years since I've been in the Police Dog Service.

21 My personal preference is to wear it on my hip. While you give up
22 some comfort, you -- you know where it is all the time. If you're running, if you're getting
23 up or down, climbing, it's in the same spot all the time. It just get a little much
24 sometimes sitting in the vehicle.

25 **MR. MICHAEL SCOTT:** The drop leg holster that you were
26 wearing that particular day, does it have a retention device on it?

27 **CST. CRAIG HUBLEY:** Yes. The holster is the same holster that
28 we use and are issued. It's just a different mounting system on the duty belt.

1 **MR. MICHAEL SCOTT:** All right. So it's still -- it's still retained by
2 a clip that keeps it from falling out.

3 **CST. CRAIG HUBLEY:** Three.

4 **MR. MICHAEL SCOTT:** Three retaining clips that keep it from
5 falling out.

6 **CST. CRAIG HUBLEY:** Three safety features that keep the pistol
7 in the holster.

8 **MR. MICHAEL SCOTT:** The same ones that you would wear if
9 you were mounting it on your duty belt.

10 **CST. CRAIG HUBLEY:** Correct.

11 **MR. MICHAEL SCOTT:** Okay. So it's no more likely of coming
12 out of your drop leg holster than it would be out of your duty belt.

13 **CST. CRAIG HUBLEY:** I'm sorry?

14 **MR. MICHAEL SCOTT:** There's no more chance that that pistol's
15 going to come out of your holster whether you're wearing it on your belt or in a drop leg
16 holster.

17 **CST. CRAIG HUBLEY:** No.

18 **MR. MICHAEL SCOTT:** Okay. So why was it, exactly, that you
19 were -- you were indexing that pistol as you're getting out of the truck?

20 **CST. CRAIG HUBLEY:** I was looking for somebody that I knew
21 had shot at least six people and two police officers. I indexed my pistol because I
22 wanted to make sure it was there probably for a bit of confidence in that if I needed it, I
23 knew where it was.

24 Again, we're talking about pieces of seconds. Reaching for it in the
25 wrong spot could mean that instead of this, it was that, so. And I didn't know that that
26 was what was going to happen, but I think it's fair to say that when members change
27 positions on their equipment or change positions of their equipment, there's a constant
28 touching, where is it, do I still have it.

1 **MR. MICHAEL SCOTT:** And your usual practice is to wear your
2 pistol on your duty belt.

3 **CST. CRAIG HUBLEY:** Correct.

4 **MR. MICHAEL SCOTT:** Right. So just to be absolutely certain,
5 when we see the photographs or the video of you getting out of that Suburban and it
6 appears that you're -- it certainly appears, and I'm asking you to correct me if I'm wrong,
7 that you're drawing your sidearm as you're getting out of that truck.

8 **CST. CRAIG HUBLEY:** No. Or sorry, I'm not drawing my sidearm
9 as I get out of the truck. The pictures you're seeing are -- you think about the side of
10 your thigh and when you open the driver's door of the vehicle and you push it away as
11 you're moving out with that momentum, it was just a natural instinctual movement, I
12 guess, to make sure it was there as I stepped out because, as I said earlier, it's
13 normally on my hip and I wanted that I knew where it was because, again, I was
14 changing position. If it was on my hip, it would have been in the same spot, but it was
15 on my leg. And my leg is moving as I get out of the vehicle.

16 **MR. MICHAEL SCOTT:** Okay. And after you identified the
17 perpetrator who was in the -- in the stall next to you, we see you turn back towards the
18 inside of the vehicle. Is that you calling to Constable MacLeod?

19 **CST. CRAIG HUBLEY:** I don't remember with certainty.

20 **MR. MICHAEL SCOTT:** You don't recall.

21 **CST. CRAIG HUBLEY:** But I can tell you that my practice would
22 have been to see where -- I had -- I knew that Ben would have got out of the truck to
23 take up a position of cover. Instinctually, I would have looked to see where he was.

24 **MR. MICHAEL SCOTT:** Right. And you wouldn't have been
25 surprised that, regardless of whether you called him, he's probably going to get out to
26 provide security anyway.

27 **CST. CRAIG HUBLEY:** Yes.

28 **MR. MICHAEL SCOTT:** Yeah. All right.

1 When you -- when you do pull your sidearm out, I know you said
2 that you don't recall challenging the perpetrator. Would it surprise you if -- if you were
3 challenging and just don't remember?

4 Would it be unusual for you to challenge somebody like the
5 perpetrator in those circumstances?

6 **CST. CRAIG HUBLEY:** Would it be unusual for me to challenge
7 him?

8 **MR. MICHAEL SCOTT:** Yes.

9 **CST. CRAIG HUBLEY:** No.

10 **MR. MICHAEL SCOTT:** No. It would be entirely in accordance
11 with your practice and training, would it not?

12 **CST. CRAIG HUBLEY:** Not entirely.

13 **MR. MICHAEL SCOTT:** Okay. Your objective in that moment as
14 you pull that sidearm out is not to kill the perpetrator, is it?

15 **CST. CRAIG HUBLEY:** My objective when I drew my sidearm was
16 to survive.

17 **MR. MICHAEL SCOTT:** And to stop the perpetrator.

18 **CST. CRAIG HUBLEY:** Yes.

19 **MR. MICHAEL SCOTT:** And if the perpetrator wanted to
20 surrender, that would be fine from your perspective, I assume.

21 **CST. CRAIG HUBLEY:** I'm sorry. If he wanted to surrender?

22 **MR. MICHAEL SCOTT:** Right. If you had -- if you had
23 challenged him to put up his hands and he did, that would be acceptable.

24 **CST. CRAIG HUBLEY:** Yes.

25 **MR. MICHAEL SCOTT:** Right. You were cognizant at that point
26 that this person had been on a 13-hour killing spree and was probably very unlikely to
27 give up, were you not?

28 **CST. CRAIG HUBLEY:** I don't know if I would have thought it

1 would have been unlikely that he would have given up or not. His actions would have
2 dictated my response. If he would have put his hands up and not brought a pistol up,
3 he probably would be in custody.

4 **MR. MICHAEL SCOTT:** Right. Because notwithstanding
5 everything that you knew about what the perpetrator had done in the preceding hours,
6 your response, your decision to use deadly force was predicated entirely on his
7 presenting a firearm.

8 **CST. CRAIG HUBLEY:** Not entirely.

9 **MR. MICHAEL SCOTT:** What other factors were involved?

10 **CST. CRAIG HUBLEY:** The fact that he had -- that he had
11 murdered at least eight people -- or pardon me, four and then shot two police officers,
12 the family dog, he had burnt buildings. This -- in my mind's eye or -- pardon me, in my
13 mind, this was not somebody that was jealous or angry. This was something more.
14 Certainly I would have -- I did take that into account.

15 This person was clearly showing no regard for life or property, but
16 moreover, for people that he -- that I thought at the time were people he knew intimately
17 as friends and people that he didn't, I -- I'm thinking -- all of this is hindsight now.

18 I think that at the time I would have believed that he was capable of
19 shooting people that he didn't know, police officers certainly weighed on me. It doesn't
20 mean that I would have -- I know there's a lot of people that are going to ask or want to
21 know why we didn't give him the opportunity. And it wasn't so much that we didn't give
22 him the opportunity. There was none. Again, we're splitting seconds.

23 I think I forget your question.

24 **MR. MICHAEL SCOTT:** That's all right.

25 Well, let me put it to you this way. I guess what I'm suggesting to
26 you is that what precipitates you using deadly force is not specifically what the
27 perpetrator did in the hours before, but rather, that all those factors and he's now
28 presenting a handgun. That's the final thing that happens before you open fire.

1 **CST. CRAIG HUBLEY:** Correct.

2 **MR. MICHAEL SCOTT:** Right. Because at that point, you have
3 absolutely no doubt that this person is probably willing to kill you.

4 **CST. CRAIG HUBLEY:** Correct.

5 **MR. MICHAEL SCOTT:** Right. And you're aware at that point
6 that he'd already fired on police officers.

7 **CST. CRAIG HUBLEY:** Yes.

8 **MR. MICHAEL SCOTT:** And that if he wanted to surrender to
9 police officers, he probably would have.

10 **CST. CRAIG HUBLEY:** Yes.

11 **MR. MICHAEL SCOTT:** Right. But you're still waiting for the
12 opportunity that -- I guess the opportunity. You're still waiting for the point at which
13 you're required to use that force, and that moment is when you see him with a firearm.

14 You see him with a -- with a silver pistol in his hand.

15 **CST. CRAIG HUBLEY:** Yes.

16 **MR. MICHAEL SCOTT:** And at that point, you're not willing to
17 figure out what he's going to do with that firearm, are you?

18 **CST. CRAIG HUBLEY:** I wasn't trying to figure out what he was
19 going to do. I was sure that he was going to shoot me or Constable MacLeod.

20 **MR. MICHAEL SCOTT:** The fact that it's in his hand is a threat, a
21 direct threat to you and Constable MacLeod.

22 **CST. CRAIG HUBLEY:** Correct.

23 **MR. MICHAEL SCOTT:** Right. Whether he was going to shoot
24 himself in the head or point it at you or whatever, the threat is -- is exigent enough in
25 that moment that you take action.

26 **CST. CRAIG HUBLEY:** Yes.

27 **MR. MICHAEL SCOTT:** Right. If he didn't have that firearm in his
28 hand, you wouldn't have pulled the trigger in that moment, would you?

1 **CST. CRAIG HUBLEY:** No. If I -- when I called out to Constable
2 MacLeod, if he would have put both of his hands up and complied with whatever
3 commands Constable MacLeod and I gave him, there wouldn't have been any reason to
4 use lethal force.

5 **MR. MICHAEL SCOTT:** Constable MacLeod -- you said you
6 rotated around to 45 degrees because you didn't have a lane with Constable Hubley
7 being there.

8 **CST. BEN MacLEOD:** That's right.

9 **MR. MICHAEL SCOTT:** And you have a clear view when you get
10 to the front of the car of the perpetrator sitting in the driver's seat?

11 **CST. BEN MacLEOD:** That's right.

12 **MR. MICHAEL SCOTT:** And he's looking directly at you?

13 **CST. BEN MacLEOD:** He did at one point, yes.

14 **MR. MICHAEL SCOTT:** And you -- you don't know who this
15 person is. You don't recognize this person.

16 **CST. BEN MacLEOD:** Unlike Constable Hubley, I did not
17 immediately recognize him, no. But because of the manner in which Craig had -- had
18 gotten my attention made me -- made me realize that this person was most likely him.
19 But no, I didn't recognize him.

20 **MR. MICHAEL SCOTT:** It alerted you to the fact that -- that
21 Constable Hubley believes that this is ---

22 **CST. BEN MacLEOD:** Yeah, that's right.

23 **MR. MICHAEL SCOTT:** --- the perpetrator.

24 **CST. BEN MacLEOD:** And a lot of times in policing, you need to
25 trust the people you're with that if they see a threat, there's a threat there and you deal
26 with it until you can ascertain otherwise.

27 **MR. MICHAEL SCOTT:** Right. And that's when you -- you bring
28 your rifle up on the driver of that car.

1 **CST. BEN MacLEOD:** That's right.

2 **MR. MICHAEL SCOTT:** And if the perpetrator had turned that car
3 on and tried to drive away, you would have fired on him, wouldn't you?

4 **CST. BEN MacLEOD:** Based on Constable Hubley's risk
5 assessment, most likely, yes.

6 **MR. MICHAEL SCOTT:** Right.

7 **CST. BEN MacLEOD:** But it's -- we're playing the what-if game
8 now too of -- which is not what happened.

9 **MR. MICHAEL SCOTT:** Okay. Well what did happen was that you
10 saw the person in the car present a pistol?

11 **CST. BEN MacLEOD:** That's right.

12 **MR. MICHAEL SCOTT:** Right. And at that point, that's when you
13 made the decision to fire?

14 **CST. BEN MacLEOD:** That's right.

15 **MR. MICHAEL SCOTT:** And that is the factor that caused you to
16 fire, was seeing that pistol?

17 **CST. BEN MacLEOD:** Absolutely.

18 **MR. MICHAEL SCOTT:** You knew exactly what it was?

19 **CST. BEN MacLEOD:** Yes.

20 **MR. MICHAEL SCOTT:** You didn't know exactly what he was
21 going to do with it?

22 **CST. BEN MacLEOD:** No, but I -- similar to what Craig just said,
23 as soon as a pistol is coming up, that's -- I felt that my life, Craig's life, and anybody
24 that's in that vicinity, their lives were in danger.

25 **MR. MICHAEL SCOTT:** And at that point, your primary objective is
26 to stop that person from doing what they're doing right now?

27 **CST. BEN MacLEOD:** Yes.

28 **MR. MICHAEL SCOTT:** Right. Your specific objective is not to kill

1 that person?

2 **CST. BEN MacLEOD:** That's correct.

3 **MR. MICHAEL SCOTT:** You just need them to stop what they're
4 doing?

5 **CST. BEN MacLEOD:** Change his behaviour.

6 **MR. MICHAEL SCOTT:** And firing through the windshield
7 repeatedly was intended to stop him from having that pistol in his hand?

8 **CST. BEN MacLEOD:** That's correct.

9 **MR. MICHAEL SCOTT:** All right. And you don't measure these
10 things to a standard nicety, do you? As in, should it be two rounds, or three rounds?
11 You keep firing until you're ---

12 **CST. BEN MacLEOD:** Absolutely not.

13 **MR. MICHAEL SCOTT:** --- comfortable?

14 **CST. BEN MacLEOD:** No, that's correct. That's in line with my
15 training.

16 **MR. MICHAEL SCOTT:** And you're firing specifically to center
17 mass?

18 **CST. BEN MacLEOD:** Yes. That's the biggest target. That's the
19 easiest to hit with the most amount of change of stopping that threat quickly.

20 **MR. MICHAEL SCOTT:** And you're not sure whether the --
21 regardless of anything you've seen after, from what you saw, do you have any sense of
22 whether the perpetrator was able to get that shot off?

23 **CST. BEN MacLEOD:** No. So like I mentioned this morning, I did
24 see, as I started to shoot, simultaneously, the perpetrator brought that pistol up to the
25 right side of his temple. I was not aware of if he had fired a threat -- had fired a round.

26 In fact, it's a question I asked to somebody right away after. I was
27 not part of the team that went in to take him into custody and I asked that question and
28 they couldn't provide an answer, so I did not know that until later on.

1 **MR. MICHAEL SCOTT:** Okay. Cst MacLeod, you made specific
2 reference in one of your statements to the fact that as you're firing, you're aware that
3 you're what, 6'6"?

4 **CST. BEN MacLEOD:** Yes.

5 **MR. MICHAEL SCOTT:** And that you're firing on a downward
6 angle?

7 **CST. BEN MacLEOD:** Yes.

8 **MR. MICHAEL SCOTT:** And why did you make reference to that in
9 your report?

10 **CST. BEN MacLEOD:** Especially with a rifle, referred to often in
11 the media as a high-powered rifle, and any rifle -- any pistol or rifle is high powered. But
12 certainly with the type of ammunition we use, there is the concern of overpenetration,
13 that it will go through what you're intending to shoot. And one of the firearms rules that
14 we call it when we're doing training is being aware of what's in front of you, between you
15 and the target, and what's beyond you. And certainly even though there was not a lot of
16 cars there that day, there's a restaurant, a convenience store, trucks in behind. So I
17 need to be aware of that as I shoot. But I was close enough to the vehicle in that
18 downward angle that I was comfortable taking those shots and the risk of
19 overpenetration into something I don't want to shoot was minimal.

20 **MR. MICHAEL SCOTT:** And when you say being aware of what's
21 in front of you, you don't mean in front of you specifically, you mean in front of the
22 target?

23 **CST. BEN MacLEOD:** Between myself and the target, that there's
24 nothing I don't want to shoot, other civilians or anything like that, and beyond the target
25 as well.

26 **MR. MICHAEL SCOTT:** Beyond the target.

27 **CST. BEN MacLEOD:** Both, yes.

28 **MR. MICHAEL SCOTT:** Right, because the concern is that that

1 round will penetrate through whatever you're shooting at and may go across the street
2 and hit a building ---

3 **CST. BEN MacLEOD:** Yes.

4 **MR. MICHAEL SCOTT:** --- or a car ---

5 **CST. BEN MacLEOD:** Yes.

6 **MR. MICHAEL SCOTT:** --- or something like that?

7 **CST. BEN MacLEOD:** Yes, yes.

8 **MR. MICHAEL SCOTT:** So you're factoring that in when you're
9 making your decision to fire, is where are my rounds going to end up?

10 **CST. BEN MacLEOD:** It's a factor that we're aware of all the time.
11 In the split-second decisions when your life is on the line, I'd say it's kind of reverting to
12 your training and putting yourself in the best situation almost subconsciously. So me
13 finding that, I referring to it as a shooting lane or a spot where I can shoot effectively
14 and not have Craig between me and the subject and not -- that's all -- that was all being
15 done in a matter of seconds not consciously. But it's something we train all the time.

16 **MR. MICHAEL SCOTT:** And it's an important part of your training?

17 **CST. BEN MacLEOD:** Absolutely.

18 **MR. MICHAEL SCOTT:** Because notwithstanding best intentions,
19 if there's a soft target behind what you're shooting at, ---

20 **CST. BEN MacLEOD:** That's right.

21 **MR. MICHAEL SCOTT:** --- it could be a very serious incident?

22 **CST. BEN MacLEOD:** Yes.

23 **MR. MICHAEL SCOTT:** So it is something that you're cognizant
24 of?

25 **CST. BEN MacLEOD:** Absolutely.

26 **MR. MICHAEL SCOTT:** My friend Mr. Burrill raised with the two of
27 you this morning the transcription we have of your communications that day at the Big
28 Stop. And if I heard correctly, the suggestion was what appears to be gunfire is not

1 gunfire? That's wind noise?

2 **CST. BEN MacLEOD:** That's my understanding of it. And if you
3 listen to further broadcasts that were shortly after, you can hear more noise that is the
4 wind.

5 **MR. MICHAEL SCOTT:** What I wanted to ask you, but I think it's
6 you, Cst Hubley, is there's reference right before the description of gunfire -- sorry, no,
7 it's Cst MacLeod. And you're saying:

8 "Use your coms -- [use] your coms."

9 And then it's followed by:

10 "Oh shit! Oh shit!"

11 Do you recall what's happening in that moment?

12 **CST. BEN MacLEOD:** I don't. I've actually listened to it. I don't --
13 that's -- what you're reading is somebody's transcribed that. So that's based on what
14 they hear and what they understand. That's not something I write. When I listened to
15 that, I actually believe it's "show me your hands" is what I'm saying. I don't believe I'm
16 saying:

17 "Oh shit! Oh shit!"

18 Absolutely that's open -- because I don't actually remember that,
19 and I've spoken to that already and my lack of memory of it, that's just open to
20 interpretation. But that's what I hear when I hear that.

21 **MR. MICHAEL SCOTT:** Okay.

22 **CST. BEN MacLEOD:** And I'll speak a little further to that part of
23 the reason that I believe that I've listened to that -- I hear that. We've already spoken to
24 the fact that as we've -- as we're moving around behind that cover, and believing that he
25 still may be a threat, even though we've just gone through the shooting, he was moving
26 his arm a little bit and almost -- whether he was trying to move or it was just not
27 purposeful movements in the last moments, he was moving. So that is in line with
28 training to give commands still, even though you believe -- even though they're not an

1 active threat at that time, still give commands and hope that they listen to you.

2 **MR. MICHAEL SCOTT:** Because in that moment, you don't
3 actually know -- if he's moving, you don't know whether those are conscious
4 movements or unconscious, yeah.

5 **CST. BEN MacLEOD:** That is correct. Yes.

6 **MR. MICHAEL SCOTT:** Just one final question I have, well, I
7 guess they're two questions. You made reference to pressing your ERTT button, your
8 Emergency Request to Talk button, or that it was depressed.

9 **CST. BEN MacLEOD:** It was depressed. I don't remember doing
10 it.

11 **MR. MICHAEL SCOTT:** Okay. What are the circumstances under
12 which you would intentionally press that button?

13 **CST. BEN MacLEOD:** Intentionally, I spoke to it a little bit this
14 morning when I said it's kind of a "help me quick" button. So especially in -- if you're
15 working alone on a traffic stop and you needed backup right away and there wasn't time
16 to communicate it, so whether that be somebody -- the flight is one with somebody or
17 something that you don't have time, quick press to that button will, like I mentioned
18 before, that will open up the lines of communication, but dispatch will immediately start
19 sending other members to that location. So that's one that right from our basic training
20 at Depot is kind of engrained into you.

21 Not very often is it used. It's hit advertently a lot. Working in the
22 sitting, and Craig can attest to this too, I'm sure, it gets hit a lot, just inadvertently.
23 Getting in and out of a vehicle. Guys like me with a big hand trying to hit something and
24 I hit that, and it's nothing. But it's -- it still will get every other member on that radio's
25 attention that they may be in trouble.

26 **MR. MICHAEL SCOTT:** And suffice to say, in a situation where
27 you've identified that the perpetrator and our, you know, bringing weapons to bear on
28 him, that, in your mind, would be an entirely appropriate time to ---

1 **CST. BEN MacLEOD:** Yeah.

2 **MR. MICHAEL SCOTT:** --- press that button?

3 **CST. BEN MacLEOD:** It would. And I should clarify that, that it
4 may have been a conscious decision at the time to do that. If it was, I just don't have a
5 memory of that at this point.

6 **MR. MICHAEL SCOTT:** Also, just to -- you'd made reference
7 earlier to using WhatsApp as a -- to get operational updates. How common is that with
8 the ERT team in using ---

9 **CST. BEN MacLEOD:** At the time ---

10 **MR. MICHAEL SCOTT:** --- your personal devices?

11 **CST. BEN MacLEOD:** Yeah. Oh, it's not our personal device. It's
12 a work issued device, an android device. At the time, we were using that platform as a
13 messaging app. Just a little bit of a background, if we were to be called out by the team
14 leader, it was a text message, followed by any updates within that group. And what I
15 mean by updates is things -- who is going to the call, any taskings on an in-progress call
16 like that, or like an armed and barricaded, our actual operational plan with what your
17 task is and what the mission is would be sent out on that. We've since switched to a
18 different platform, but it's much the same now.

19 **MR. MICHAEL SCOTT:** But that's going to your work phone? It's
20 not a personal phone?

21 **CST. BEN MacLEOD:** That's a work phone. That's right.

22 **MR. MICHAEL SCOTT:** Okay. And that would have been on -- in
23 April 2020, that would have been how you received things like photos of the
24 perpetrator? Or if I wanted to send you a photo, that's how we would do it?

25 **CST. BEN MacLEOD:** That's right.

26 **MR. MICHAEL SCOTT:** Okay. Cst Hubley, similar question, were
27 you using your personal phone that day or a work phone?

28 **CST. CRAIG HUBLEY:** A work phone.

1 **MR. MICHAEL SCOTT:** Okay. And did you receive any sort of
2 meaningful updates or communication with other officers using that device, or was most
3 of your communication done using the radio?

4 **CST. CRAIG HUBLEY:** The radio.

5 **MR. MICHAEL SCOTT:** Okay. Those are my questions. I
6 appreciate your time.

7 **COMMISSIONER MacDONALD:** Thank you, Mr. Scott.
8 Mr. Bryson?

9 **COMMISSIONER FITCH:** Mr. Bryson, and witnesses, if you could
10 just speak clearly and speak up a little bit. It's -- I know it's getting long in the day, and
11 people are getting tired, but I'd appreciate your attention to the volume. Thank you.

12 **MR. JOSHUA BRYSON:** Sure, no problem. Can you hear me?
13 How's that? A little louder?

14 **COMMISSIONER MacDONALD:** That's good, thank you.

15 **MR. JOSHUA BRYSON:** Okay, thank you. Oh, I'm sorry, it was
16 coming from the Commissioners. Sorry, I thought it was the booth here asking me to
17 speak up, that's why I was looking over there. Thank you.

18 **COMMISSIONER MacDONALD:** No, it was Commissioner Fitch.

19 **MR. JOSHUA BRYSON:** Thank you. Yeah.

20 **--- CROSS-EXAMINATION BY MR. JOSHUA BRYSON:**

21 **MR. JOSHUA BRYSON:** Good afternoon, Officers, I'm Josh
22 Bryson. I represent the family of Peter and Joy Bond, who resided in Cobequid Court
23 there in Portapique. And first, on behalf of the Bond family, I do want to thank you for
24 your service and I do want to say that we thank you and we appreciate the necessary
25 action that you had to take on April 19th, and your actions, from our perspective, saved
26 lives. So I do want to say that to you.

27 I have about 10 minutes of questions to address with both of you.

28 Are you fine to continue or do you need a break?

1 **MR. MICHAEL SCOTT:** Good.

2 **MR. JOSHUA BRYSON:** You're fine to continue?

3 **CST. CRAIG HUBLEY:** Yes.

4 **MR. JOSHUA BRYSON:** Okay. So the first area I want to touch
5 on is just you had mentioned in your direct exam with Mr. Burrill about evacuation
6 efforts and within Portapique, and perhaps that just applies to Constable MacLeod.
7 Constable Hubley, you were not involved in any evacuation efforts or canvassing within
8 Portapique, were you?

9 **CST. CRAIG HUBLEY:** I was not.

10 **MR. JOSHUA BRYSON:** Okay. So Constable MacLeod, you
11 arrived in Portapique sometime after midnight? Is that ---

12 **CST. BEN MacLEOD:** That's correct, yes.

13 **MR. JOSHUA BRYSON:** Yeah. Okay. So what portion of your
14 time in Portapique until you depart for Wentworth is spent either canvassing residences
15 or evacuating residences within Portapique?

16 **CST. BEN MacLEOD:** It was actually a fairly small amount of time.
17 It was later on in the day. The first few hours that we've spoken about already, other
18 tasking, such as the light in the woods, over in Five Houses, the -- checking on victims
19 to -- just to ensure that they were in fact deceased. Because the only people that had
20 seen them at that point were the first members on scene that the Commission has
21 heard from already, and obviously there was a lot going on then, so we wanted to go
22 and just make sure there was nothing we could do. So those were a few of the tasks.
23 We -- getting Mr. Ellison out of the woods was another one that was done fairly soon.
24 So there was a number of tasks that I speak to in my reports that were undertaken over
25 those first few hours.

26 I do know that as far as evacuations go we did -- we did come
27 across some people throughout the night, I can't tell you what time, I don't remember,
28 but when we did come across anybody, we -- they were told that they needed to

1 evacuate out of the area, and I can recall at least one time where that happened.

2 The decision not to do that immediately, obviously I'm not the right
3 one to speak to about that, but what I do know about it is that they -- because we did
4 believe the perpetrator, that there was a very good possibility he was waiting to ambush
5 us somewhere in the woods, we were operating under that assumption for the majority
6 of the night, if not the whole night. They wanted to wait for air services to get in there to
7 provide more situational awareness for us to safely evacuate people out. Again, I'm not
8 the best one to speak about that decision, but that was my understanding of why they
9 had waited until later on.

10 **MR. JOSHUA BRYSON:** Okay. So just in terms of your efforts,
11 just involved, and understood it was a minor part of your role throughout the night, you
12 had many other duties that superseded that particular duty. But just in terms of your
13 personal efforts, do you recall if you were working from any sort of centralised map of
14 Portapique, or how did you decide what homes to evacuate within Portapique; do you
15 recall?

16 **CST. BEN MacLEOD:** I -- we obviously have Google mapping on
17 our -- on our android device that was being used throughout the night to provide that
18 situational awareness. From my recollection, when the decision was made to start
19 evacuating, I call it evacuating houses, it was kind of a two-fold task, to go search and
20 clear houses, and potentially to look for more victims, or if there was people in the
21 houses, to evacuate them to a -- to a safer location. How that was done systematically,
22 I don't recall. I do recall that as we would go to a house and clear it, we would
23 communicate that over the air of which one it was and what we found.

24 **MR. JOSHUA BRYSON:** So do you know, for example, just going
25 back to that morning, if, for example, what homes Beselt, Merchant and Patton had
26 actually canvassed for their duration within Portapique?

27 **CST. BEN MacLEOD:** I don't believe I had that information, no.

28 **MR. JOSHUA BRYSON:** Okay. Were you aware of any database

1 or any centralised area that had that information?

2 **CST. BEN MacLEOD:** I would have assumed that the command
3 post would have had that. It's typically where that information is... And there's lots of
4 people, like Craig had mentioned, there's lots going on there, and usually they're
5 gathering that information.

6 **MR. JOSHUA BRYSON:** Okay. But as you're evacuating and
7 canvassing, you don't have a recollection of knowing specifically, "Okay, I don't have to
8 do this house because Merchant or Patton or...?"

9 **CST. BEN MacLEOD:** I don't -- yeah. I think to say I don't have a
10 recollection is probably the... What I'll say, because I -- it may have happened and I
11 don't remember. That being said, with what had happened and the amount of time that
12 it would happen, that would have no bearing. We would still be searching those houses
13 at least to... And I say "search". We weren't, at this point, I'm sure we would have got
14 to there, we weren't breaking doors in or doing anything. If the house was secure and it
15 looked like there was no issues, we would knock, announce. If nobody came, we were
16 moving on to the next.

17 **MR. JOSHUA BRYSON:** Right. And what was your familiarity with
18 the geography of Portapique?

19 **CST. BEN MacLEOD:** I wasn't familiar. I don't believe I've been
20 ever been there for operation service or for personal before.

21 **MR. JOSHUA BRYSON:** Okay. And you were using, I think you
22 said, your personal phone, was it?

23 **CST. BEN MacLEOD:** It was my work-issued phone; however, it is
24 an android phone with Google maps on it.

25 **MR. JOSHUA BRYSON:** Google maps.

26 **CST. BEN MacLEOD:** Yeah.

27 **MR. JOSHUA BRYSON:** Okay. And do you know, other members
28 I guess could -- you don't know what other members were using to inform themselves of

1 the geography?

2 **CST. BEN MacLEOD:** No, I can speak -- I can only speak for the
3 people on my team, that we all have a work-issued phone that the majority would have
4 been using that.

5 **MR. JOSHUA BRYSON:** Okay. But there's nothing centralised
6 that you can make sure that you're all looking at the same app or the same map system
7 for ---

8 **CST. BEN MacLEOD:** No. No.

9 **MR. JOSHUA BRYSON:** --- Portapique?

10 **CST. BEN MacLEOD:** So before -- and this is -- I know it's been
11 spoken to in other documents. There was a -- I'll call it an off-the-shelf system, not one
12 that was used or that ERT was using, it was one that you could download on any
13 android device. We had been using that. It's -- we call it a Blue Force tracking, Blue
14 Force being police, and then you can track where other police officers are if they're
15 logged into that. That system had stopped functioning, not on our end, but as the
16 central server had stopped functioning a time before this, so we were no longer using
17 that. And there was another system that was in the works at the time, it had been
18 piloted for the same thing, that was more of a national pilot. Again, I'm not the best one
19 to speak to about that, but I knew that that was in the works at the time. We had
20 actually piloted it, but it -- on that night, it was not working. Since then, we do have that
21 system.

22 **MR. JOSHUA BRYSON:** Yeah, okay. And understood. You're
23 speaking to your own personal experience and the fact that you're not aware of any
24 active centralised mapping system at that time that was in place that informed all
25 members on the ground in Portapique?

26 **CST. BEN MacLEOD:** I'm sure our command post in conjunction
27 with our Operational Communications Centre, they use PROS and the mapping system
28 that the vehicles use, they can use that to see where vehicles are logged in, if they're

1 logged in. That does not apply, at the time anyway, it did not apply to us. We don't
2 show up on that system of where we're at.

3 **MR. JOSHUA BRYSON:** Okay. And were you aware of any
4 efforts to make sure that all areas of Portapique were canvassed?

5 **CST. BEN MacLEOD:** I believe -- no. I believe that was being
6 looked after at the command level with the Critical Incident Commander and the people
7 they were working with. I wasn't privy to that information.

8 **MR. JOSHUA BRYSON:** Okay. So like for example, when I look
9 at the Colchester logs and I search for Cobequid Court, and I go through the 6,000 lines
10 of transmission, I don't see any references to Cobequid Court from 10:01 p.m. on the
11 18th to roughly 11:00 a.m. the next day. Is there any information ---

12 **CST. BEN MacLEOD:** So based on my knowledge now of the
13 geography, I can tell you that -- I mean, this might answer the question you had earlier,
14 and I apologise. The way in which we went about starting to search and clear and
15 evacuate those homes was from that area that I've called the inner command post, or
16 that -- where the mailboxes are near Highway 2. We started from there and started
17 working in, and I know Cobequid Court is -- I believe it's the last street if you -- if you
18 look in, the last ---

19 **MR. JOSHUA BRYSON:** Close to.

20 **CST. BEN MacLEOD:** Close to; right? So we were working in that
21 direction. We were in the midst of that task when the Wentworth call came in and we
22 abandoned that task and went in search of the perpetrator.

23 **MR. JOSHUA BRYSON:** Yeah. And to your knowledge, by the
24 time you departed for Wentworth, and again, just to your knowledge, there were no
25 other members that had searched Cobequid Court?

26 **CST. BEN MacLEOD:** I don't recall.

27 **MR. JOSHUA BRYSON:** Okay. Do you have any specific
28 knowledge that you can state of members referencing searching ---

1 **CST. BEN MacLEOD:** No.

2 **MR. JOSHUA BRYSON:** --- Cobequid Court prior to your
3 departure?

4 **CST. BEN MacLEOD:** No.

5 **MR. JOSHUA BRYSON:** Was there any one person tasked with
6 overseeing that aspect of this mission, I'll call it, objective the canvassing of
7 neighbourhoods?

8 **CST. BEN MacLEOD:** With an ERT deployment everything falls
9 underneath the Critical Incident Commander, as I've spoken before. Again, we take --
10 often we'll take our tasks from the -- either the team leader on the ground, we refer to as
11 the Ground Team Leader, or their second in command. I'm not sure where that
12 direction came from. Sometimes we'll receive direction directly from the Incident
13 Commander over the radio, but often that will get tasked out to us by our team leader.

14 **MR. JOSHUA BRYSON:** Yeah. So just in terms of the information
15 that you're receiving, I just want to make sure I understand the means of which you
16 acquire information, besides word of mouth.

17 So I can look at the Colchester call logs; I can look at the ERT
18 transmissions; you made reference to WhatsApp, some discussion on WhatsApp
19 between ---

20 **CST. BEN MacLEOD:** Yeah.

21 **MR. JOSHUA BRYSON:** --- team members.

22 **CST. BEN MacLEOD:** Yeah, there was very little in this. It was
23 more on the initial call-out happened with text message. The WhatsApp would have
24 been where the photos -- photographs of the perpetrator, and later of his vehicle, were
25 sent. There was very -- I don't believe there was much else on that chat group because
26 of -- especially later on, how active it went. It was all coming, like Craig had said,
27 through the radio; there was a lot of information coming that way.

28 **MR. JOSHUA BRYSON:** Are you aware of any -- we talked about

1 this in regards to the evacuation, but are you aware of any centralized database that
2 existed at the time where a member coming on shift at midnight or a member coming on
3 shift at 8:00 could look and see all of the information gleaned so far in this homicide
4 investigation?

5 **CST. BEN MacLEOD:** I'm not aware, no.

6 **MR. JOSHUA BRYSON:** Okay. Does that exist now, to your
7 knowledge?

8 **CST. BEN MacLEOD:** Not to my knowledge.

9 Actually, I'll speak a little bit -- there is -- there's information that's
10 accessible. And, again, I'm not the person to speak to about this. I'm thinking back to a
11 General Duty member that's logging on. When they get attached to a call, there's
12 certain information that they can glean from that. I'm not the person to speak to about
13 that, that's not my role.

14 **MR. JOSHUA BRYSON:** Right, yeah.

15 And the reason why I asked that is -- and perhaps you can just tell
16 me your experience, you know, depending on which member's notes I look at or which
17 report I look at, I'll suggest that members had different degrees of awareness of
18 information, in terms of what was known at that time. So that's why I asked the
19 question about was there a place that any particular member coming on shift at 8
20 o'clock could look and could obtain, for example, everything that was known about the
21 mock cruiser at that point, the description of the perpetrator and so on.

22 **CST. BEN MacLEOD:** Yeah, not to my knowledge.

23 **MR. JOSHUA BRYSON:** Not to your knowledge. Okay.

24 The second -- that's the first series of questions I have. The
25 second was -- it's just to follow up on a comment that you had made. And I didn't
26 actually catch all of it, but it revolved around, you had indicated that the sharing of
27 information didn't happen, and I missed the context of it. But then you said things
28 changed because of it or are differently now.

1 Can you just expand on what you meant by that?

2 **CST. BEN MacLEOD:** It's been a long day; you're going to have to
3 refresh my memory a little more than that.

4 **MR. JOSHUA BRYSON:** Yeah. "We do things differently now
5 because of this," and it -- you had said that -- it was in the context of sharing of
6 information, and you said that we do things differently now because of it.

7 **COMMISSIONER STANTON:** Was it to do with the radio patching,
8 or ---

9 **MR. JOSHUA BRYSON:** Oh, yes. Thank you very much.

10 **COMMISSIONER STANTON:** --- the radio communications, the
11 radio channels?

12 **CST. BEN MacLEOD:** The radio channels, yeah, I can speak to
13 that.

14 **MR. JOSHUA BRYSON:** Yeah.

15 **CST. BEN MacLEOD:** My apologies.

16 So at this time, at least in my experience here in Nova Scotia, so
17 I've been back here with -- at first as a part-time member with ERT, and then later on as
18 a fulltime member, my experience was that -- and I'll use an armed and barricaded
19 because that's something that we go to quite often, where General Duty has control of
20 the scene, containment, maybe negotiating already, but we've been called out to take
21 over that scene because of our specialized equipment and tactics.

22 My experience at the time was from the moment we get to
23 headquarters and then move on to the scene, we would be on their operational chat
24 group. So if it's Colchester, we would switch our radios to Colchester, and that's so we
25 can get as much information as we can from the people on the ground.

26 At the time when we've taken over that scene completely, and what
27 I mean by that is moving all those General Duty members out to outer containment
28 scenes, and we've taken over negotiations and our teams are in place to control that

1 scene, we'll switch our radios back over to the ERT channel. And that's just so when
2 we communicate to each other as a team, and the Command Post and all our support
3 personnel, it's very clear and there's not unneeded information being put out there.

4 Because you'll understand too with some of these incidents there's
5 still other things going on in the county. Oftentimes they'll separate the talk group as
6 well and they put a different channel for other calls for service, but there's still some
7 unneeded information that we don't need. So oftentimes that changeover may take
8 anywhere from minutes to hours, sometimes. And in the case of April 18th and 19th that
9 didn't happen initially because there was so much valuable information that we were still
10 getting on that Colchester channel from General Duty that we're still fairly close to that
11 scene, I believe. That wasn't my decision to make.

12 What's changed since then, that they started doing, I believe fairly
13 soon after April 19th, when we go to a scene now -- I'll use an armed and barricaded
14 again, we roll to that. Right away, we keep our portable radios and our work -- our truck
15 radios on our H-ERT it's called, our ERT channel, but the OCC will patch that together
16 with Colchester channel, or whatever it is.

17 So while that is patched, it's as if they're one channel. All
18 information that I push out or that the General Duty, it's all anybody can hear. So this is
19 important so that we can still gather that intel as we're going to the scene, as we're
20 taking over the scene. Once we have control of that scene, OCC will break that patch
21 so that our channel is the only one on there.

22 **MR. JOSHUA BRYSON:** Okay. And that's an encrypted channel?

23 **CST. BEN MacLEOD:** Yes, they are.

24 **MR. JOSHUA BRYSON:** Okay. So OCC can initiate the patch for
25 the channels to come together?

26 **CST. BEN MacLEOD:** Yes. And typically we -- now we ask them
27 to do that right away, and actually even without us asking, there's certain people within
28 OCC that know that we'll need that right away.

1 **MR. JOSHUA BRYSON:** And do all the areas have the ability to
2 do that? Like, Hants East, or ---

3 **CST. BEN MacLEOD:** Yes.

4 **MR. JOSHUA BRYSON:** --- Valley Communication? So they can
5 all be patched with the ERT channel?

6 **CST. BEN MacLEOD:** All the provincial channels, and by
7 provincial, I mean, everywhere but Halifax, I believe, can. And I'm not sure about
8 Halifax; it's not something I can answer.

9 **MR. JOSHUA BRYSON:** Okay. And what about the other
10 municipal police forces; do you know if they can be patched as well?

11 **CST. BEN MacLEOD:** I don't know.

12 **MR. JOSHUA BRYSON:** Okay, yeah.

13 And, actually, just -- we were talking about -- I just do have one
14 question for you, Cst. Hubley. We were talking about Wentworth there, and you went to
15 Wentworth with your dog. Just the decision for you and the dog to go to Wentworth,
16 what was -- was that just a matter of needing resources there as well, or why ---

17 **CST. CRAIG HUBLEY:** Yes.

18 **MR. JOSHUA BRYSON:** --- what led to that decision?

19 **CST. CRAIG HUBLEY:** That's where I felt I would be most
20 effective. I didn't actually get to Wentworth, though.

21 **MR. JOSHUA BRYSON:** Yeah. Okay, that's fine.

22 Thank you, that's all my questions. Thank you.

23 **COMMISSIONER MacDONALD:** Thank you, Mr. ---

24 **MR. JOSHUA BRYSON:** Oh, sorry, I actually -- I missed it. I did --
25 sorry, Commissioners; I did have an exhibit to bring up, and it's just one question ---

26 **COMMISSIONER MacDONALD:** Sure.

27 **MR. JOSHUA BRYSON:** --- to deal with ---

28 **COMMISSIONER MacDONALD:** Yeah.

1 **MR. JOSHUA BRYSON:** --- evacuation. It's Exhibit 456 -- 465.
2 Officers, I'll just -- it's -- Cst. MacLeod, it's your affidavit, and it's
3 paragraph 13. Once we have it up there, you can take -- you can have a moment to
4 read it.

5 It references a particular address that you had checked on within
6 Portapique where the TVs were on. Do you recall that location?

7 **CST. BEN MacLEOD:** I recall that very well. I don't recall what the
8 address was.

9 **MR. JOSHUA BRYSON:** Okay. Do you recall if it was on
10 Portapique or Orchard Beach Drive?

11 **CST. BEN MacLEOD:** I apologize; I don't recall that either.

12 **MR. JOSHUA BRYSON:** Is there any chance it was on Cobequid
13 Court?

14 **CST. BEN MacLEOD:** I -- yes, there is a chance, but I don't recall
15 at all.

16 **MR. JOSHUA BRYSON:** Okay. Is there anything later on that you
17 could look at to refresh your memory or help try to figure that out?

18 **CST. BEN MacLEOD:** As I mentioned before, the addresses
19 where we were checking we would say over the radio what the civic address was of
20 where we were checking. So there would be -- there should be a log of that in -- most
21 likely in the Colchester radio log but I haven't reviewed those.

22 **MR. JOSHUA BRYSON:** Okay. I did see a record of homes
23 canvassed on Orchard Beach Drive, Portapique Beach Drive, and there was one home
24 on Bayview. Is that the record that you ---

25 **CST. BEN MacLEOD:** Yeah, that -- those sound familiar, as to the
26 addresses where we were before we were otherwise tasked.

27 **MR. JOSHUA BRYSON:** Okay. So it's likely that you conveyed --
28 so whatever address this is referring to, you conveyed that address over the radio is

1 what ---

2 **CST. BEN MacLEOD:** Yes, yes.

3 **MR. JOSHUA BRYSON:** Okay.

4 **CST. BEN MacLEOD:** Yeah.

5 **MR. JOSHUA BRYSON:** Okay, great.

6 Thank you. That's all my questions.

7 **COMMISSIONER MacDONALD:** Thank you, Mr. Bryson.

8 **(SHORT PAUSE)**

9 **COMMISSIONER MacDONALD:** Officer Hubley and Officer
10 MacLeod, thanks for being here with us today and helping us with your evidence. It's
11 not an easy day for you. It's unfortunate that you have to revisit those difficult
12 memories, but we very much appreciate your assistance. It's very helpful for us, and on
13 behalf of the Commission, we appreciate your attendance and for being here and
14 answering those questions. Thank you.

15 **CST. BEN MacLEOD:** Thank you.

16 **COMMISSIONER MacDONALD:** And you're free to go.

17 Thank you. Next on our agenda for the day is -- will be
18 submissions. Mr. VanWart, you want to summarize the process for us?

19 **MR. JAMIE VanWART:** Thank you, Commissioners. This is a
20 process we began yesterday, and we'll continue for the duration of the afternoon. I
21 don't know if Commissioners needed to have a short break ---

22 **COMMISSIONER MacDONALD:** Sure.

23 **MR. JAMIE VanWART:** --- before we continue?

24 **COMMISSIONER MacDONALD:** Yeah, we'll take a break. I'm sorry,
25 Mr. VanWart. We'll take a break now and ---

26 **MR. JAMIE VanWART:** Thank you.

27 **COMMISSIONER MacDONALD:** --- you can summarize the
28 process. Thank you.

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

3 --- Upon breaking at 2:19 p.m.

4 --- Upon resuming at 2:45 p.m.

5 **COMMISSIONER MacDONALD:** Mr. VanWart?

6 **MR. JAMIE VanWART:** Thank you, Commissioners.

7 For the remainder of the afternoon, we will continue hearing from
8 submissions from Participant Counsel, a process that was started yesterday. Just to
9 reiterate briefly my comments from yesterday, this is an opportunity for Participants to
10 draw the Commissioner's attention to any perceived gaps or errors, a need for
11 additional context in relation to the Foundational Documents that have been presented
12 today, and it's also an opportunity for Participant Counsel to identify why questions that
13 arise from the factual record in context with the Phase 2 proceedings that lay ahead.

14 And today we have three more Participant Counsel that will speak.
15 It is not generally the role of Commission Counsel to provide submissions. I do want to
16 take a brief opportunity at this moment I have the podium. There was -- just to clarify
17 the record from yesterday with regards to Ms. McCulloch's submission, a fact that she
18 would not have known, but Ms. McCulloch made reference to a Darren *[sic]* Thurier not
19 being interviewed with regards to these matters related to the mass casualty. Mr.
20 Thurier has been recently interviewed by the mass -- by the Commission. And the
21 contents of that interview is being disclosed to Participant Counsel today. So at the
22 time Ms. McCulloch made her submissions, she would not have known that, but just
23 thought it'd be important to clarify that for the record.

24 **COMMISSIONER MacDONALD:** Thank you.

25 **MR. JAMIE VanWART:** Continuing today we will be hearing from
26 three more Participant Counsel, beginning with Nova Scotia, followed by the National
27 Police Federation, and then finally Canada. I believe it's Mr. Waugh from Nova Scotia
28 that will be beginning with submissions. Thank you.

1 **COMMISSIONER MacDONALD:** Thank you, Mr. Van Wart.
2 Mr. Waugh?

3 **--- SUBMISSIONS BY MR. WAUGH:**

4 **MR. JEFFERY WAUGH:** Good afternoon, Commissioners and
5 thank you. My name is Jeffery Waugh, and I represent the Attorney General of Nova
6 Scotia in these proceedings along with my colleagues, Samantha Parris and Ed Gores.

7 The Attorney General takes this opportunity to provide brief
8 submissions which may be useful in light of some of the comments from Participant's
9 Counsel yesterday on the areas for further exploration in the next phase of the
10 Commission's work; that is, when we turn to exploring why and how the mass casualty
11 occurred. Two of the areas noted for focus by the Commission going forward during
12 yesterday's submissions were radio communications and public alerting, both which are
13 matters under provincial jurisdiction and, of course, are squarely within the
14 Commission's mandate.

15 The province expects and has always encouraged a fulsome
16 investigation by the Commission on those issues. And indeed, we can advise that the
17 province has been fully engaged with the Commission staff in producing documents and
18 obtaining witness evidence with respect to both radio communications and public
19 alerting.

20 So first with respect to radio communications, the Commission has
21 engaged in several interviews with individuals in the Public Safety and Field
22 Communications office of the Department of Service Nova Scotia and Internal Services.
23 That office administers the contracting and use of the radio system in Nova System,
24 which we have heard is known as the TMR2 system or trunk mobile radio. And that
25 system is in turn used by first responders in an emergency. This radio system is highly
26 technical, and it takes a certain level of technical expertise in order to truly understand
27 and appreciate its capabilities.

28 To that end, Commission Counsel have interviewed members of

1 Public Safety and Field Communications office at length to obtain this technical
2 information. And the topics explored in those interviews were radio communications
3 infrastructure, the system capacity, mobile radio equipment, management of the
4 system, as well as training of its users. These interviews also included a live
5 demonstration of the hand-held radio technology and the software that tracks and logs
6 their use.

7 The province fully endorses a detailed and thorough assessment of
8 radio communications in Nova Scotia and based on the extensive work in that area to
9 date, we believe the Commission will deliver on that front. And we anticipate that this
10 information will be made available to the public and to the Participants in an upcoming
11 Phase 1 topic-based Foundational Document titled "Radio Communication Systems in
12 Nova Scotia." And given that we aren't quite there yet, the Attorney General reserves
13 any further submissions on radio communications until the Foundational Document has
14 been released.

15 Having said that, the Attorney General does support the request
16 made by some Participants to recall Darryl MacDonald, the Commander of the RCMP
17 Operational Communication Centre in Prince Edward Island as a technical witness to
18 speak to the GPS tracking capability of the handheld radios used by RCMP members,
19 as well as the efforts made to date to make operational use of that GPS tracking
20 capability, as well as the challenges that come along with that.

21 In addition to recalling Darryl MacDonald, the Attorney General has
22 also put forward the names of provincial witnesses who can speak to the radio
23 communications system. And we would submit that these witnesses would add value to
24 the public understanding of the radio network and its use.

25 Turning secondly to the issue of public alerting, public alerting is an
26 area of intense public interest, and we are all aware that this is a focus of the
27 Commission's work. One of the large lingering questions, why wasn't an emergency
28 alert issued to warn the public of a rampage must be answered by the Commission, and

1 there is no doubt in our minds that it will, as planned, be addressed in the next stages of
2 this proceeding.

3 Similar to the radio communications issue, the Attorney General
4 has been engaged with Commission Counsel in providing extensive documentary and
5 witness evidence regarding the administration and use of the public alerting system in
6 Nova Scotia generally and with respect to what happened with the potential use of the
7 public alerting system in connection with the tragic events of April 2020.

8 It is important to note though that the province only holds one piece
9 of the public alerting puzzle. The RCMP will be providing the other puzzle piece
10 because the actual transmission of an emergency alert in these circumstances was their
11 decision to make and their decision alone.

12 It is anticipated that the pressing questions on public alerting will be
13 addressed in the upcoming Phase 1 topic-based Foundational Document titled "RCMP
14 Public Communications." And the Attorney General, of course, will have further
15 submissions on public alerting when those issues have been fully explored and entered
16 into evidence before the Commission.

17 So to conclude these brief submissions, in light of the work done to
18 date to explore the radio communications and public alerting issues, the Attorney
19 General submits that the Commission is well equipped with information to address
20 these important areas as we move into the next stages of this public proceeding. And,
21 certainly, if there are any additional questions the Commission has beyond the
22 extensive information we have provided to date, we would be pleased to work with
23 Commission Counsel to find answers.

24 And that concludes the Attorney General's submissions, subject to
25 any questions.

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

27 **MS. NASHA NIJHAWAN:** Good afternoon, Commissioners.

28 **COMMISSIONER MacDONALD:** Good afternoon.

29

1 **--- SUBMISSIONS BY MS. NASHA NIJHAWAN:**

2 **MS. NASHA NIJHAWAN:** My name is Nasha Nijhawan. Thank
3 you for the opportunity to provide submissions on behalf of the National Federal Police
4 Association.

5 Over the past several weeks, Nova Scotians have heard a
6 presentation of facts that span the first 9-1-1 call received by the RCMP after the first
7 murder on the night of April 18th, 2020 to after the killer was stopped by our members at
8 the Enfield Big Stop the next morning.

9 The NPF was pleased that in these presentations, the public had
10 the chance to hear about the dedication and professionalism by our members in the
11 face of adversity.

12 Adversity is a euphemism. We use a lot of euphemisms in this
13 room. This was the worst mass murder in Canadian history, at the hands of a skilled,
14 motivated, relentless murderer in a remote location in two separate killing sprees over
15 the course of 13 hours. It was an occurrence that no one in our small, quiet province
16 expected or had ever experienced before.

17 The NPF is confident that the record shows that all of our members
18 called for service in response to the murders acted to the best of their abilities, in
19 accordance with their training and their oath to serve and protect the public without once
20 hesitating in the face of grave personal danger. That includes the IARD team, general
21 duty officers doing containment, and responding to new scenes, the risk managers and
22 commanders, supervisors, police dog handlers, ERT members, and others who
23 participated in efforts to locate and stop the killer, including those who got out of their
24 beds and drove to Colchester County from all corners of our province to lend a hand.

25 And we must not forget the ultimate sacrifice of Cst Heidi
26 Stevenson and the bravery that she showed in her final moments engaging alone with
27 the killer.

28 As the Commission reflects on our members' actions, we hope that

1 it will remember that they did not have the benefit of hindsight, of the fruits of the
2 investigation. They heard the radio transmissions in real time while talking, driving,
3 running, keeping watch, conducting interviews. Their attention was often divided,
4 helping a civilian, monitoring for a threat, responding to new information, while they had
5 to synthesize, analyze, and improvise.

6 They couldn't see a bird's eye view on a map, or a slow drone
7 pass, and had to deal with a dark, loud, chaotic, unbelievable set of conditions from the
8 ground in real time.

9 Split second decisions, as we saw, meant life or death.

10 Let's not forget the danger to the public was created by the killer. It
11 was stopped by our members.

12 This is the first time the public has had the chance to hear a factual
13 account of the police response over those 13 hours, based on meticulous research by
14 the Commission, the review of thousands of subpoenaed documents, dozens of
15 interviews of RCMP members and civilians, and the iterative input of Participants.

16 Thank you for taking the time to ensure that the information was
17 presented in a thorough and accurate manner. The NPF looks forward to continuing to
18 assist the Commission in the completion of the remaining Foundational Documents and
19 to continuing to support our members' contribution to that work.

20 And make no mistake, our members have, without hesitation, and
21 without exception, supported and contributed to this work. That includes the members
22 that the public has heard from, like Cst MacLeod and Cst Hubley today, and the dozens
23 of others who have provided detailed, comprehensive interviews to inform the
24 Foundational Documents.

25 While it has been the NPF's job to try and ensure that our
26 members' participation in this process did not come at further or unnecessary personal
27 cost, it would be unfair to suggest that our members have been anything but
28 forthcoming and cooperative.

1 Some have suggested that the NPF's efforts to hold the
2 Commission to its promise of a trauma informed approach for all persons directly
3 affected by the killer's actions might curtail the truth-seeking function of this body.
4 Nothing could be further from the truth.

5 The NPF is committed to ensuring that the Commission obtains the
6 best evidence available from each of our involved members.

7 The Commission has told the story of the first responding officers
8 on April 18th to 19th, but the Commission's ability to tell that story to the public has also
9 been aided by our members' excellent investigative work in the months that followed the
10 murders. Their work, collecting video surveillance, taking pictures, physically searching
11 for, collecting, and processing evidence, conducting forensic analysis, obtaining
12 warrants, identifying and interviewing suspects -- sorry, witnesses, and meticulously
13 assembling information into a narrative so that even though the killer would never stand
14 trial, one day Canadians could understand what happened and learn from it.

15 I know that our members are pleased that all of this work has been
16 shared by the Commission so that the truth of the killer's actions can be known.

17 The NPF wishes to acknowledge the contribution of our
18 investigative members to this part of the Commission's work.

19 Of course, we Participants have had months or years to consider
20 and digest the information that the public has only had weeks to hear about, mostly
21 through the filter of media reports, and sometimes through media reports in 280-
22 character increments.

23 Perhaps the level of care and detail of the Commission's fact-
24 finding process is difficult to see with that lens and without the benefit of time and
25 attention.

26 To say that this is a lot for anyone to take on board for the first time
27 would be an understatement.

28 The NPF recognizes the submission made yesterday by Ms.

1 McCulloch with respect to the importance of ensuring that the Commission's work is
2 accessible to everyone who needs answers.

3 We agree that not everyone who needs to know is capable of
4 reading and digesting the dense carefully compiled summaries or the voluminous
5 source documents that the Commission has exhibited. It is important in the service of
6 one of the objectives of the Commission not just to discover what happened, but to
7 effectively communicate that information to the public, to ensure that there is faith in the
8 diligence and care in which -- with which that work has been completed. Justice is only
9 as good as access to justice.

10 We support the proposal for more comprehensive and detailed oral
11 presentations of the Foundational Document information by the Commission for the
12 benefit of the public.

13 We also agree with the submission of Ms. Lenehan that the
14 process for fact finding and the product of that process that the Commission has
15 engaged to date is more than sufficient to lay a foundation for the crucial work that lies
16 ahead. The Foundational Documents and hundreds of source documents tell us what
17 we need to know. The NPF looks forward to providing more detailed submissions about
18 those documents in writing. But we believe that any outstanding issues can be resolved
19 on the basis of the evidence already available to the Commission.

20 In saying that, we submit that the Commission, Participants, and
21 the public must accept that some inconsistencies, gaps, or apparent errors will never be
22 resolved. This is especially true when the body of available evidence includes hundreds
23 of eye-witness perspectives based on memory created in traumatic circumstances and
24 recalled months or years after events.

25 It is not the Commission's mandate to answer every question. The
26 NPF urges the Commission to remain focused on the questions that need to be
27 answered so that it can do its work in Phases 2 and 3. This is particularly important as
28 it considers fresh requests from more witnesses that may retread ground already

1 covered in Foundational Documents and source documents.

2 The NPF agrees that member communications, staffing,
3 equipment, technology, training, are all questions of critical importance for this
4 Commission to consider. We would welcome recommendations that make our
5 members safer and make them more able to fulfill their role of protecting the public,
6 even in the face of extreme violence and other serious criminal behaviour.

7 The NPF is open to constructive discussions about how the RCMP
8 can do better and how our members can do better.

9 But we remind the Commission and the public, in order for them to
10 do better, they need support, funding, resources. Our members can't do more with less.
11 We are prepared to contribute meaningfully to those discussions, including on all topics
12 thoughtfully articulated by other Participants yesterday, including GPS location, air
13 support, radio communications, in order to advance public safety.

14 To that list, we would like to add the following. The Commission is
15 here to ensure that this never happens again. Another euphemism. Let's not forget
16 what the "this" is. The actions that caused the losses felt so deeply and widely in our
17 interconnected province were the actions of a killer. Our members can only respond to
18 the evils our society creates, fosters, conceals.

19 How did a man with a busy professional and social life, with friends,
20 neighbours, colleagues, family, come to grow into such an uncontrollable threat? How
21 did he access firearms? How did he build and display a police cruiser? How did he
22 harbour murderous plans in plain sight of his community and out of sight of the police?
23 The NPF is interested in these questions too.

24 It is easy to blame police for not preventing harm or not stopping it
25 fast enough. These are important questions to consider and to learn from.

26 But let's not forget who caused the harm, who committed the
27 murders, in our rush to hold someone, anyone, accountable for the losses.

28 Though we do not name him, let's not let our minds lose focus on

1 the fact that we are here because of what he did. It is important to make sure that the
2 next time a mass murderer targets our community, the police are more prepared, more
3 equipped, better resourced. It is even more important to ensure that a mass murderer
4 never again targets our community.

5 Those are our submissions. Thank you very much.

6 **COMMISSIONER MacDONALD:** Thank you.

7 **MS. PATRICIA MacPHEE:** Good afternoon.

8 **COMMISSIONER MacDONALD:** Good afternoon.

9 **--- SUBMISSIONS BY MS. PATRICIA MacPHEE:**

10 **MS. PATRICIA MacPHEE:** And thanks for the opportunity to make
11 submissions today. It's Patricia MacPhee again. One of the counsel representing
12 Canada.

13 And some of my submissions will be repetitive of those of my
14 friends from the NPF and from some of the Participants who spoke yesterday. That's
15 what happens when you're at the end of the line.

16 But we do want to start our submissions by remembering the
17 context in which we're doing our work.

18 The mass casualty event, as my friend from the NPF has pointed
19 out, was unprecedented. Thirteen (13) hours, 16 crime scenes, a mobile perpetrator
20 who covered hundreds of kilometres in a large rural area driving a replica police car.
21 And incident that involved upwards of 400 witnesses.

22 Most mass casualty events, as I'm sure we'll talk about further in
23 these proceedings, are confined to a specific geographical area, are confined to a
24 specific geographical location, a building, a campus, a school. This is -- this event was
25 unparalleled. There's no other point of comparison to be found in North America.

26 We want to echo the comments of our friends from the NPF. When
27 we look at this situation, we think the record reveals a dedicated, a highly competent, a
28 highly trained, and an admirable response from the RCMP members.

1 That's not to say that there aren't lessons to be learned, not just for
2 the RCMP, for all policing agencies, for all first responders, and that's the important
3 work that you have to do.

4 We think you've been given a tall order, the task of taking all this
5 information that are relevant to these events, including physical evidence, documents,
6 policies, training materials, witness interviews, and transforming it in a way that forms a
7 digestible, factual narrative within which the bigger questions can be considered, and
8 that's what the Foundational Documents and the reference source material thus far
9 have offered.

10 We recognize that this is not a conventional approach, but submit
11 to breaking -- but submit that breaking down the what, how, and why associated to an
12 event of this magnitude in this timeframe that we've been allotted in an effective,
13 trauma-informed way really necessitates a non-traditional approach.

14 And again, I echo the comments from my friend from the NPF. We
15 do understand and acknowledge that not every single question has been answered, and
16 not every question can be answered. But nor is every -- but nor is an answer to every
17 question necessary for the Commission to carry out its work.

18 It's important to remember that our work is far from done. There
19 are many more Foundational Documents that have yet to be introduced in the record.
20 There are many more facets of these events that we have yet to address. There are
21 many more people that will be interviewed. There is much more evidence to come.
22 And hopefully, and we expect that that will answer some of the remaining questions, to
23 the extent they are answerable and material to the Commission's ability to carry out its
24 mandate.

25 Yesterday we heard submissions from Participants' counsel about
26 the further witnesses they're asking to be called here to round out Phase 1 of these
27 proceedings. And I'm not going to get into specifics, or a specific response with respect
28 to those requests here. We'll save that for our written submissions. But I will offer a few

1 general comments.

2 In order to get to the important issues that lie ahead regarding the
3 whys and how to prevent, we can't get bogged down calling witnesses to repeat
4 evidence that's already on the record and is undisputed or immaterial. If this entire
5 process is to move forward in a trauma-informed way, there has to be a principle basis
6 for calling witnesses to testify. Is there a gap? Is there an omission? Is there a need to
7 clarify something? Is context required? But repeating evidence that's uncontroversial
8 doesn't further the process.

9 The reality is that we're working on a tight timeframe. There's a lot
10 to do. We have to remain focused on what is really relevant to understanding what
11 happened. We can't be calling witnesses to address any inconsistency without an
12 analysis of the materiality of that inconsistency and the reliability of the inconsistent
13 evidence. We'd simply run out of time and be no further ahead.

14 And this speaks -- and it brings me to a point that was raised by
15 one of our friends yesterday and addressed by our friends from the NPF today. And
16 that's one of the submissions advanced yesterday regarding the presentation of the
17 Foundational Documents to date and the criticisms that those presentations didn't
18 spend enough time highlighting the discrepancies in the evidence on particular issues.
19 For example, certain eye-witness testimony that doesn't line up with what the
20 preponderance of evidence tells us happened.

21 For what it's worth, we think the presentations provided a
22 comprehensive overview of the best evidence of what happened. To get mired in the
23 details of conflicting evidence would have made it difficult for those outside this room,
24 outside of this process, the public, to know the most accurate version of what
25 happened.

26 And for those who really want to know what those presentations are
27 based upon or test those presentations, the material is available to them on the website.
28 They can read those Foundational Documents. They can review the source materials

1 upon which they're based and come to their own conclusions.

2 We agree at this point that we know what the facts were. We know
3 the what happened. It's time to move on to the bigger questions that still have to be
4 addressed, the why certain decisions were made, why actions were taken or not taken.

5 And we agree with the submissions made by our friends yesterday
6 about some of the emerging themes to date.

7 For example, our friends have spoken about situation awareness.
8 Clearly we acknowledge that that's an issue. We've talked about GPS tracking; we've
9 talked about various methods or technologies for situational awareness such as ATAK.
10 We've talked about night vision goggles. We agree these are all important issues.

11 But what's also important as we move into the second phase, and
12 which we hope to bring to light, is that the RCMP has already started implementing
13 changes to respond to these events, including on the issue of situational awareness and
14 GPS tracking, and ATAK. And we will be offering evidence on those developments and
15 others at the appropriate time as we move into the second phase.

16 As we know, there are several senior members of the RCMP who
17 are scheduled to testify as these proceedings move forward. And we anticipate and
18 expect that they'll be able to answer many of the Commission's questions about what
19 the RCMP has done since these events.

20 Public alerting. Our friends have noted this and we're all in
21 agreement on this point. Clearly it's an important issue and a significant amount of
22 information has already been provided in the form of documents before the
23 Commission. Not only that, many witness interviews have touched on the issue of
24 public alerting and what was known.

25 And I think it's important to point out that at the time of this mass
26 casualty, there was no policy in place for the use of public alerting in policing situations.
27 The RCMP at the time of these events did not have direct access to the public alerting
28 system. At the time of these events, public alerting was only used for natural disasters

1 and Amber Alerts. In fact, public alerting had not been used in Canada for policing
2 situations.

3 We agree it's important to focus on this. We also think it's
4 important to look at some of the changes that have been instituted since these events.

5 The RCMP now has direct access to the public alerting system.

6 Further, each division has implemented public alerting policy in
7 December of 2020 and national policy and public initiated -- sorry, police initiated public
8 alerting was released in March of 2022.

9 The RCMP has also engaged an outside party to complete a public
10 alerting risk analysis. Their work is ongoing. And when that work is completed, it will be
11 shared with this Commission.

12 Some of the other emerging themes that have been highlighted by
13 our friends deal with air support. We know that this is a matter that will be addressed as
14 we move into Phase 2. There is a Foundational Document that will deal with this.
15 There's also witness testimony that has been provided to the Mass Casualty
16 Commission on this issue, and there clearly will be further discussion on the issue of air
17 support. We agree that it's significant.

18 Communications. There's been a lot of criticism about the
19 communications during these events from the OCC to the members, between members,
20 and between members and those in command.

21 Is it fair? Are these criticisms reasonable given what these people
22 were dealing with at the time? Is this with the benefit of hindsight that we can make
23 these criticisms? Are there things to be learned? Importantly, yes. We agree it's an
24 important issue. And we know and expect it will be addressed as we move forward.
25 And look forward to helping the Commission address and consider some of those
26 issues by advancing further evidence.

27 And again, I'm going to highlight that since these events, the RCMP
28 has started to make changes. They're already learning from these events. As we

1 know, the OCC has since moved to a new facility in Halifax, a state-of-the-art facility.
2 So changes are already being made. No one is waiting for the outcome of the Inquiry to
3 try and improve the situation.

4 Communications technology. We've talked a lot about radios.
5 We've talked a lot about the ability for our members to communicate with each other
6 between districts, between organizations. We've had some evidence on this matter
7 already and we can expect more. We know that Darryl MacDonald will be returning to
8 speak to this issue further, so there will be an opportunity to further address this issue.

9 We have heard from our friends at the Province that they are also --
10 have advanced the names of witnesses to speak to this matter. So we know it's an
11 issue that we're going to get the opportunity to dig a little deeper, to learn more about,
12 and to see if there is room for improvement and to see if recommendations might be
13 helpful.

14 Again, the RCMP has already been working on this issue. They've
15 implemented changes, including more training for members with the use of the radio
16 system.

17 There have also been changes made to address the risk of
18 communications between members becoming unencrypted when channels are patched
19 together. There are now improved marking for encrypted versus non-encrypted
20 channels to reduce the potential for selection error.

21 So changes are afoot and we look forward to providing further
22 evidence on this to help you in the next phase of your work.

23 Interoperability. Again, we agree this is an important theme to be
24 discussed in the next phase, but we're going to have to talk about what this issue is,
25 how it impacted these events. We're going to have to define it in the context of our work
26 here.

27 We do have the report that's already been entered into evidence on
28 the Structure of Policing in Nova Scotia and there's going to be much more said on this

1 issue. And it's important to hear that.

2 I've mentioned it before, but we know that there's going to be
3 several senior RCMP members yet to be interviewed, but yet who are scheduled to
4 appear in this proceeding as they move into the summer months. They're going to
5 share some important light, and perspective, and context on this issue. And they're also
6 going to give you some additional information on how the parties, these stakeholders,
7 are already working on this issue.

8 The RCMP has already been working with its partners on
9 interoperability, its partners including the Province and the creation of new policing
10 standards. And that will be, no doubt, a topic that you'll want to hear more from and that
11 we'll want to get into much more detail.

12 Our friends have mentioned this resourcing. Clearly important.
13 Again, we're prepared to address this and to offer evidence on this as needed as we
14 move forward. It's always a dialogue, and you'll learn that as we move forward when
15 the senior members take the stage and provide their evidence. But there's always a
16 dialogue between the RCMP and the Province on the issue of resourcing. It's a live
17 issue. It's something that I would submit that people are struggling with, certainly, and
18 making efforts to improve and address the needs.

19 Finally, I'm going to suggest that from our perspective, before we
20 really get into the work of the whys and looking at possible recommendations, we
21 suggest you hear from a witness from the RCMP to speak to the foundation of some of
22 the training that we've been talking about over these last many weeks.

23 We've talked about IARD training. We've talked about the ERT
24 team. We've talked about EMRT and their actions. There is lots of material before you
25 on these particular techniques or methods, but it really needs to be teased out. People
26 really need to understand the foundation for what these members were doing and how
27 they responded in order to fully understand and then make meaningful
28 recommendations where and if needed.

1 But we really need to understand the basis of that training, what is
2 the IARD response, what are its goals, what does -- what are the principles. Similarly,
3 what are the training for the ERT members? What are their principles? How do they
4 respond to a critical incident?

5 The same with the ERMT. What is their training? What is their skill
6 set?

7 Again, all significant issues, and that has to be a foundation for the
8 types of recommendations that may go forward with respect to training and response to
9 this type of incident.

10 So with that, we look forward to the next phase of this proceeding.
11 We believe, as in agreement with our friends from the NPF and Ms. Lenehan from
12 yesterday, that we know we've completed the first task. We know what happened.
13 We're ready to move to the next.

14 We need the time to fully canvass these issues and, in so doing, it
15 will shed further light in context for the what happened phase.

16 We look forward to assisting the Commission. We look forward to
17 advancing evidence, and we look forward to answering any questions that arise on
18 these emerging themes.

19 So thank you, subject to any questions.

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

21 **MS. PATRICIA MacPHEE:** Thank you.

22 **COMMISSIONER MacDONALD:** Participants and counsel, the
23 Commissioners will be offering some closing remarks today, particularly in light of the
24 pending anniversary, so in order to prepare for that, we'll take a brief break.

25 Thank you.

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

27 The proceedings are on break and will resume in 15 minutes.

28 --- Upon breaking at 3:26 p.m.

1 --- Upon resuming at 3:39 p.m.

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

4 **COMMISSIONER MacDONALD:** Well, thank you again, everyone.
5 And again, with the pending two-year commemoration and the material we've been
6 through in the past several weeks, we thought it would be a good opportunity, as
7 Commissioners, to address the Participants, their counsel and the public at this stage in
8 our process.

9 So I want to begin by thanking again the Participants and their
10 counsel for their submissions yesterday and today on identifying gaps, material
11 differences and theories and suggestions for Phases 2 and 3.

12 Thank you again, for the record, to Constable Hubley and MacLeod
13 today for their being here to help us understand the context of their involvement during
14 the -- particularly during the morning of April 19th, 2020.

15 So as we conclude the proceedings this week, it's a good
16 opportunity to reflect on where we are and what we've covered so far.

17 This week, Counsel for the Commission has shared four more
18 Foundational Documents, continuing to carefully and methodically build our
19 understandings of what happened. In fact, yesterday the Commission -- our
20 Commission Counsel presented the final Foundational Document focused on a specific
21 time and location involved in the roughly 13-hour time period of the mass casualty.

22 As you can see on the screen, we have now shared the
23 Commission's current understanding of what happened at critical locations during the
24 mass casualty, starting with what happened in Portapique and continuing right through
25 to Enfield Big Stop.

26 As a Nova Scotian, this is a particularly important milestone for me.
27 From day one, we recognized that the public wanted and deserved to understand what
28 happened during those 13 hours. We instructed our staff from the outset to carefully

1 and methodically piece together this complex and complicated factual foundation. We
2 then have now had the opportunity to share it with you, the public, at the earliest
3 opportunity as opposed to waiting until we file our final report.

4 But of course, our work is not finished. Far from it. There are many
5 more Foundational Documents to come and many more people to hear from.

6 It is also important to remember that the Foundational Documents
7 are not intended to be the final word on what happened. We continue to advance our
8 independent investigation and to invite Participants to identify any meaningful gaps or
9 errors, along with any further information they feel would be required to address them.

10 We have heard from a number of witnesses individually and in
11 panels and gained insights, insights from the questions asked of them by Commission
12 Counsel and by Participant Counsel. And it's an opportunity to remind everyone that
13 there will be more witnesses to come.

14 We greatly appreciate the engagement and contribution of
15 Participants, of Participants Counsel, of the witnesses, of the media and the members
16 of the public. We have heard from many about the sheer volume of information. That's
17 why we felt it important to produce the Foundational Documents and why our team has
18 worked diligently to distill the information, but we also found it important to share the
19 source materials.

20 We have heard lots of feedback, comment and input on the
21 Foundational Documents, and we appreciate all of it. This is exactly what those
22 documents are for, to help us efficiently organize and distill everything the Commission
23 has gathered during our investigation so far in order that the public can get answers to
24 questions about what happened, to get answers efficiently and humanely.

25 This is also why the Commission, through its counsel, has been
26 delivering presentations on the Foundational Documents, to help the public get answers
27 as efficiently as we can and as quickly as we could provide them to them. The
28 presentations do not and were never intended to cover every detail, but rather, they

1 were intended to assist the public in navigating the immense amount of material, and
2 navigating it in an accessible way.

3 Sorting through this information and organizing it in a way that is
4 easy to understand and can help answer the questions about what happened, why and
5 how has been a challenge. And we thought it an appropriate opportunity to
6 acknowledge the dedication of our Commission team, team members who have worked
7 tirelessly over many months to gather and organize the information and source
8 materials, sifting through what has often been very challenging and difficult information
9 to serve the public interest.

10 We are grateful for the Participants and their counsel, who continue
11 to provide input on the Foundational Documents and source materials, helping us
12 prepare them to share with the public and identify remaining gaps and material issues.
13 Again, the Participants and their Counsel have also needed to deal with volumous *[sic]*
14 information that has often been difficult to read and difficult to hear. We acknowledge
15 that.

16 We thank the partners and teams working to ensure the delivery of
17 the information is accessible in person and virtually, and all the staff here and -- who will
18 continue to be with us to make sure that that happens. We appreciate that you have
19 taken great care with the information and the people you encounter.

20 And, of course, we are grateful to you, members of the public,
21 members of the media, for your continued attention, interest and engagement in our
22 work.

23 We acknowledge this process and the sheer scale of the effort may
24 at times be frustrating. Sometimes it might see like there's too much information and
25 not enough time to review it all, while other times, it might seem like the process is not
26 providing answers quickly enough or in a way that may have been expected.

27 As we said in our opening remarks in February, a reminder that our
28 mandate is broader than that of a trial. Our mandate requires that we determine

1 responsibility for public safety going forward. We are precluded from finding individual
2 criminal or civil liability. That means our focus on the facts is different. We need to
3 have a broader lens in order to serve the public interest. Getting to the facts of how and
4 why this happened will ensure meaningful recommendations. We're doing our very best
5 to keep making progress and fulfill our mandate as efficiently and effectively as
6 possible.

7 And another reminder to members of the public that you can
8 continue to choose how much of the information you would like to read and take in and
9 at what time, and we explain this in our opening remarks, by using the Commission's
10 website. It's designed in a way so that you can, again, at your own time and your own
11 pace, and it's indexed accordingly, you can look at the various Foundational Documents
12 and source materials that we have filed.

13 Subject to very rare exceptions where we must redact some limited
14 information to provide individual -- to protect individual's privacy and dignity, all the
15 source materials shared so far are available or will soon be available there, along with
16 recordings of these proceedings and the Foundational Documents. They are all there to
17 guide you. In those rare instances where we have had no choice but to redact, we have
18 provided summaries, so that the public may be aware of everything. As well, accredited
19 media have been provided the opportunity to view the unredacted content to assist
20 them in their reporting.

21 So once again, thank you all for your continuing patience, thank
22 you all for your continuing engagement, and thank you for our shared commitment in
23 helping us do our very important work on behalf of the people of Nova Scotia, the
24 people of Canada, and beyond. Thank you, and I would like to now ask Commissioner
25 Stanton to speak to what is coming up next in our public proceedings.

26 Commissioner Stanton?

27 **COMMISSIONER STANTON:** Thank you, Commissioner
28 MacDonald, and good afternoon, everyone. We're here to address important questions

1 about what happened, why and how it happened, and what findings and
2 recommendations can help to make our community safer.

3 Up until this point, our proceedings have mostly focussed on the
4 first of those questions, sharing what we've come to understand about what happened,
5 through the presentations of the Foundational Documents, based on months of
6 independent investigation and review of the available materials, and hearing from
7 witnesses who've assisted us in closing gaps and providing important context for the
8 factual foundation. When proceedings resume after next week, we'll continue to explore
9 what happened, sharing more Foundational Documents and hearing from more
10 witnesses, including senior RCMP officers. At the same time, we'll also begin to
11 broaden our focus, to look more at why and how the mass casualty happened,
12 considering the causes, context and circumstances that may have contributed. There
13 will be clear links between what we've learned about what happened and the questions
14 we are asked to consider about how and why. In other words, we'll build upon the
15 factual foundation we've been piecing together in our first phase and begin to address
16 some of the issues outlined in the Commission's mandate.

17 After hearing or reviewing the Foundational Documents and source
18 materials presented so far, you'll have a sense of some of these issues and we intend to
19 focus more deeply on them. For example, the accounts we've heard of the perpetrator's
20 decommissioned replica RCMP cruiser will be further examined when we resume on
21 April 25th, in proceedings that will focus on police paraphernalia and how it is managed.
22 Similarly, some of the information shared to date includes descriptions of the firearms
23 involved in the mass casualty, and we expect to focus on that aspect of the mandate
24 during the week of May 2nd. The week of May 9th, we'll focus on public alerting and
25 public communications and how they're managed. As you can see, there are
26 Foundational Documents coming up that deal with these and many other topics.

27 Our proceedings will begin to shift toward exploring why and how
28 things happened, so there will be a broader approach than proceedings to date. The

1 hearings will continue, and we'll hear from more witnesses, and continue to invite
2 Participant input. You'll also notice that the proceedings will begin to engage with some
3 of the other Participants who have an interest in and knowledge to share with the
4 Commission and the public about some of the issues set out in the mandate.

5 In the coming weeks, we'll also begin to share commissioned
6 reports prepared by independent researchers and report writers. These reports will be
7 useful resources to help us gain a broader understanding of the wide range of issues
8 included in our mandate.

9 So, in summary, when we reconvene in a little over a week's time,
10 you can expect the proceedings to be more diverse. We'll continue to hear about
11 Foundational Documents focussed on what happened, but these presentations will tend
12 to be briefer than those you've heard so far. We'll continue to hear witnesses being
13 questioned by Commission and Participant Counsel in public proceedings, helping to
14 address gaps or material issues arising from the Foundational Documents, and we'll
15 start to hear and talk more about why and how things happened. We'll begin to share
16 the commissioned reports and to hear from a wider range of the Participants as we
17 begin to explore some of the policy issues in the mandate. We'll do our best to share
18 what to expect as we go and how each aspect of our work and the public proceedings
19 are feeding into the big picture and helping to fulfil our mandate.

20 Thank you for being part of the work with us and I'll just ask
21 Commissioner Fitch to come up now. Thank you.

22 **COMMISSIONER FITCH:** Thank you, Commissioner Stanton, and
23 hello, everyone.

24 Commissioners MacDonald and Stanton have just shared some
25 updates on where we are at and where we are headed. We'd now like to close the
26 proceedings today by reflecting on why we are here and what we need to remember
27 every day of this public inquiry.

28 Next Monday and Tuesday will mark 2 years since what happened

1 on April 18th and 19th, 2020, that took the lives of many people, caused serious physical
2 and emotional injuries for others, and left people in Canada and beyond feeling fear,
3 anger and grief.

4 Public proceedings will be paused next week during what will be a
5 time of commemoration for many. We hope this means that you'll be able to come
6 together to remember, to mourn, to support each other, and share in the ongoing work
7 of healing and rebuilding.

8 I will now read the names of those whose lives were taken, and
9 following that, I ask you join us in a moment of silent reflection for them, their loved
10 ones, and all those affected.

11 We remember Tom Bagley, Kristen Beaton, who was expecting a
12 child at the time; Greg and Jamie Blair; Joy and Peter Bond; Lillian Campbell; Corrie
13 Ellison; Gina Goulet; Dawn and Frank Gulenchyn; Alanna Jenkins and Sean McLeod;
14 Lisa McCully; Heather O'Brien; Jolene Oliver; Aaron Tuck and Emily Tuck; Cst. Heidi
15 Stevenson; Joanne Thomas and John Zahl; and Joey Webber.

16 **(MINUTE OF SILENCE)**

17 **COMMISSIONER FITCH:** To the families of those whose lives
18 were taken, once again we offer our deepest and heartfelt condolence and sympathies
19 as you remember your loved ones, all they stood for and all they shared with you and
20 with others.

21 And to everyone affected by the mass casualty, including all the
22 witnesses who were there, saw what was happening, and were in harm's way; the first
23 responders and service people, including police, emergency health service
24 professionals, firefighters, and others providing frontline services; to all the people living
25 in the affected communities who have lost their friends and neighbours, and whose
26 sense of community safety has been severely affected; and to the wider public in Nova
27 Scotia, across Canada, and beyond, please know that the Commission and all of our
28 team in the Commission is here working for all of you.

1 We are here to help answer the questions about what happened; to
2 explore why and how it happened; and to develop findings and recommendations that
3 can be taken up by policy makers, governments, institutions, community organizations,
4 and the public at large, all working together to help make our community safer.

5 We at the Commission believe the best tribute we can make is to
6 continue doing our work to the utmost of our ability; this is our unwavering resolve and
7 commitment to you. We could not do our work without the commitment and
8 contributions of all of you. Participants and their counsel, the witnesses, and others
9 who take part in the proceedings, including community members and organizations and
10 the media, we are so grateful to all who have helped to deliver on these proceedings.
11 To all of our Commission team members, to all of you, our deepest appreciation and
12 gratitude.

13 Please remember if you or someone you know needs support
14 today, tomorrow, next week, or any time, there are resources available across the
15 country, many listed on our website, and for those directly involved in our work, there
16 are dedicated team members who can help you in person here in Nova Scotia.

17 Proceedings will resume at 9:30 a.m. on April 25th, and please note
18 that we'll be at the Prince George Hotel here in Halifax during that week and that we will
19 continue to provide our webcast.

20 Again, thank you everyone, and take care.

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

22 The proceedings are adjourned until April 25th, 2022 at 9:30 a.m.

23 --- Upon adjourning at 4:01 p.m.

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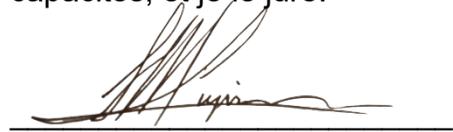
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sandrine Marineau-Lupien