

Public Hearing

Audience publique

Commissioners / Commissaires

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

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

Dr. Kim Stanton

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Mr. Roger Burrill

Commission Counsel /
Conseiller de la commission

Mr. Jamie VanWart

Commission Counsel /
Conseiller de la commission

Mr. Michael Scott

Counsel / Conseiller

Ms. Patricia McPhee

Counsel / Conseillère

Mr. Robert Pineo

Counsel / Conseiller

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Halifax, Nova Scotia

--- Upon commencing on Thursday, May 5th, 2022, at 9:33 a.m.

REGISTRAR DARLENE SUTHERLAND: Good morning. The proceedings of the Mass Casualty Commission are now in session, with 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. We begin today, as we do every day, 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, we heard from witness, Corps Sergeant Major Alan McCambridge of the RCMP, who spoke about the procurement, lifecycle, and destruction or disposition of uniforms, building on the discussions and presentations we heard in proceedings last week. We also heard submissions from Participants.

As you know, over the last two weeks we've begun to broaden our approach during public proceedings, continuing to investigate what happened, while also exploring how and why it happened through the commissioned reports, roundtables, and in the future, small group discussions. Our ongoing work focussed on what happened includes hearing from more witnesses, which is our focus today.

First, RCMP constables Terry Brown and Dave Melanson are here to provide additional context about the events at the Onslow Fire Brigade Hall on April 19th, 2020. We will also hear later today from RCMP Constable Ian Fahie, who will talk about what happened on Plains Road on April 19th, 2020, as well as his initial observations of the perpetrator's replica RCMP cruiser. We will also hear from Corporal Duane Ivany about attending to Heather O'Brien on Plains Road and his encounter with Lisa Banfield.

I will now ask Senior Commission Counsel, Jamie VanWart, to

1 begin. Mr. VanWart?

2 **MR. JAMIE VanWART:** Thank you, Commissioners, and good
3 morning to Commissioners and those who are participating in the hearing today, as well
4 as those viewing the proceedings today.

5 Today, this morning, we'll be returning to the events of April 19,
6 2020, at the Onslow Belmont Fire Brigade Hall. We will be hearing from two witnesses,
7 Constable Terry Brown and Constable Dave Melanson. They will be sitting together as
8 a witness panel.

9 I remind the Commissioners and advise any of those who are
10 viewing the proceedings today that earlier in the proceedings, on April 11th, 2022, we
11 had a different witness panel with regards to the events at the Onslow Belmont Fire
12 Brigade Hall, including Richard Ellison, Deputy Chief, Darrell Currie, and Chief Greg
13 Muise. My colleague, Roger Burrill, presented a Foundational Document that was
14 entitled, Onslow Belmont Fire Hall that was exhibited before the Commission, as well as
15 all the source material that was relied on in drafting that Foundational Document was
16 exhibited before the Commission. Those materials are accessible to anyone in the
17 public who wishes to access the Mass Casualty Commission website.

18 Included in those materials is an interview that one of our witnesses
19 today gave or had with the Mass Casualty Commission investigative team, and that was
20 on March 10th, 2022, a Terry Brown interview, and that's Exhibit Number 00956.
21 Constable Dave Melanson has also had an interview with the Mass Casualty
22 Commission investigative team, and that was on March 25th, 2022. That interview has
23 not been exhibited, and I would like to enter that as exhibit now before I begin
24 proceeding with the witnesses today. The COMM number for that interview is 0055682.

25 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 2146.

26 **--- EXHIBIT NO. 2146:**

27 March 25, 2022 Interview with Constable Dave Melanson -
28 COMM0055682

1 **MR. JAMIE VanWART:** The other document I would like to exhibit
2 before beginning with the witnesses is a -- is a supplemental report that was prepared
3 by the Mass Casualty Commission investigator, Scott Spicer, and this was with regards
4 to an examination of the Colchester radio transcripts and identifying eight attempted
5 radio transmissions made by Constable Melanson between the hour -- between the time
6 of 10:21:25 and 10:21:38 on April 19, 2020. That report was -- a final version of that
7 report was completed on May 3rd, 2022. I don't believe it has a COMM, so I will ask
8 that it be tendered as an exhibit, and I will be providing Madam Registrar the COMM
9 number when it is available.

10 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 2147.

11 **--- EXHIBIT NO. 2147:**

12 Supplemental report prepared by Scott Spicer regarding the
13 Colchester Radio examination transcript on April 19, 2020

14 **MR. JAMIE VanWART:** Well, thank you for allowing me to have
15 that introduction. At this point, I would like to invite in Constable Terry Brown and
16 Constable Dave Melanson.

17 Good morning, Gentlemen.

18 **CST. TERRY BROWN:** Good morning.

19 **MR. JAMIE VanWART:** Our first order of business, I'll begin with
20 you, Constable Brown, if you could state your full name, spell your last name, and
21 Madam Registrar will administer a -- an affirmation for you to swear to tell the truth
22 today.

23 **CST. TERRY BROWN:** Terrance Michael Brown, B-R-O-W-N.

24 **--- CST. TERRANCE BROWN, Affirmed:**

25 **MR. JAMIE VanWART:** And Constable Melanson, if you could
26 state your name, spell your last name, and listen to Madam Registrar.

27 **CST. DAVE MELANSON:** Constable Dave Melanson,
28 M-E-L-A-N-S-O-N.

1 **--- CST. DAVE MELANSON, Affirmed:**

2 **--- EXAMINATION IN-CHIEF BY MR. JAMIE VanWART:**

3 **MR. JAMIE VanWART:** Well, thank you, gentlemen. My first
4 question I'll direct at Constable Brown. Could you provide us with a, just a brief job
5 description of where you work?

6 **CST. TERRY BROWN:** Sure. I work at the Bible Hill RCMP
7 detachment in the GIS section. It's a plainclothes section responsible for investigating
8 various crimes, I guess, anything from fraud, assault, sex assault.

9 **MR. JAMIE VanWART:** And you -- I understand you've ben a
10 member for approximately 13 years?

11 **CST. TERRY BROWN:** Yes.

12 **MR. JAMIE VanWART:** Okay. And in your 13 years, have you
13 had any specialised training?

14 **CST. TERRY BROWN:** Yeah. I'm a incident commander for
15 Ground Search and Rescue, I'm part of the division interview team, as well just up until
16 recently as part of the H-Division Tactical Group Team.

17 **MR. JAMIE VanWART:** Okay. And I understand you're also
18 carbine trained?

19 **CST. TERRY BROWN:** I am.

20 **MR. JAMIE VanWART:** Okay. And could you just provide a bit of
21 a description of what that entails to be trained to use a carbine?

22 **CST. TERRY BROWN:** So the carbine training itself is a week-
23 long user course, shooting every day, starting from the very basics and working up to
24 being tested every day. And then each year, you would do a recertification on the
25 carbine, so that's done, as I said, yearly, usually in the fall.

26 **MR. JAMIE VanWART:** Okay. And how many years have you
27 been trained?

28 **CST. TERRY BROWN:** I'm going to say five or six years.

1 **MR. JAMIE VanWART:** Okay. And Cst Melanson, ---

2 **CST. DAVE MELANSON:** Yes.

3 **MR. JAMIE VanWART:** I understand you work with Cst Brown?

4 **CST. DAVE MELANSON:** Yes.

5 **MR. JAMIE VanWART:** Okay. And so how long have you been
6 part of the Bible Hill Detachment?

7 **CST. DAVE MELANSON:** I've been part of the Bible Hill
8 Detachmetn as part of GIS, I think it's been five years, but I was also three years with
9 Tatamagouche, which is also associated to the Bible Hill Detachment.

10 **MR. JAMIE VanWART:** Okay. And how many members are there
11 in the GIS? And by GIS, it's General Investigation Services? Is that ---

12 **CST. DAVE MELANSON:** It's General Investigation Section.

13 **MR. JAMIE VanWART:** Section. Thank you. Okay.

14 **CST. DAVE MELANSON:** There's two investigators and one
15 supervisor.

16 **MR. JAMIE VanWART:** Okay. And by the two investigators, it's
17 you ---

18 **CST. DAVE MELANSON:** Myself and Cst Brown.

19 **MR. JAMIE VanWART:** Cst Brown. So do you work -- you must
20 work a lot with Cst Brown then?

21 **CST. DAVE MELANSON:** Yes. Yeah, we share an office and we
22 do work a lot together. Yes.

23 **MR. JAMIE VanWART:** Okay. And Cst Brown mentioned it's a
24 plain -- you wear plain clothes?

25 **CST. DAVE MELANSON:** That's correct.

26 **MR. JAMIE VanWART:** And what type of hours do you keep as
27 GIS members?

28 **CST. DAVE MELANSON:** We normally work day hours, 7:30 to

1 4:30. And we do have, like, a schedule, every other week we get a Friday off. So we
2 work nine-hour shifts, so that gives us a day off.

3 **MR. JAMIE VanWART:** And who do you report to? Who is your --

4 -

5 **CST. DAVE MELANSON:** My direct supervisor is Cpl Jarrett
6 MacDonald.

7 **MR. JAMIE VanWART:** And yourself, are you trained to use a
8 carbine?

9 **CST. DAVE MELANSON:** Yes, I am. Yes.

10 **MR. JAMIE VanWART:** Okay. And can you tell me a bit about
11 your training in that regard?

12 **CST. DAVE MELANSON:** I can't tell you how long it's been, but
13 I've been trained as a carbine early on when it first came out. And since then, I've
14 requalified every year a well. And I've also taken a three-week instructor course, so I've
15 been instructing carbine several years now.

16 **MR. JAMIE VanWART:** And in your interview, you mentioned that
17 you had training in use of force?

18 **CST. DAVE MELANSON:** Yes.

19 **MR. JAMIE VanWART:** Okay. And are you able to articulate what
20 that training is?

21 **CST. DAVE MELANSON:** Use of force. So it's only since
22 September 2018. It's basically you're teaching on what we call block training. You're
23 instructing members ranging from use of baton to use of force scenario-based training.
24 You're basically instructing on those courses.

25 **MR. JAMIE VanWART:** And is the use of force training something
26 you've been engaged with, Cst Brown?

27 **CST. TERRY BROWN:** Yes.

28 **MR. JAMIE VanWART:** Okay. I want to begin by asking you a

1 number of questions now with regards to April 19, 2020.

2 And I just remind you that I know you've both given statements or
3 interviews with the Mass Casualty Commission, there's a Foundational Document that
4 has been prepared. All of that information is before the Commission. And while I
5 appreciate you probably have significant experience testifying in court, it will be a bit
6 different. I'm not asking you to tell your narrative from beginning to end. I'll be focusing
7 you on some specific questions as we go forward about some of the events on April 19,
8 2020.

9 Just before I begin, does that make sense to you, what I've said?

10 **CST. DAVE MELANSON:** Yes.

11 **CST. TERRY BROWN:** Yes.

12 **MR. JAMIE VanWART:** So I do want to start at April 19, 2020,
13 3:00 a.m. I understand you both received a call from S/Sgt Al Carroll asking for your
14 assistance in events that are unfolding in Portapique. And your first action is to go to
15 the detachment in Bible Hill.

16 And I think in your statement, Cst Melanson, you used the
17 expression you "geared up". And I guess my question to both of you is, when you
18 attended at the Bible Hill Detachment, what equipment did you obtain there and why?

19 **CST. DAVE MELANSON:** For myself there, I obtained what we
20 call my duty belt and my pistol and magazines that go with it, and ammunition. Also,
21 that contains OC spray, baton, and handcuffs. In addition to that, I would have had my
22 soft body armour. Knowing that it's a gun call, I also got my hard body armour, which I
23 think has been described in the past, but it's just extra plates to protect the entire calibre
24 of weapons. And I also got a portable radio as well.

25 **MR. JAMIE VanWART:** Okay. And how about yourself, Cst
26 Brown?

27 **CST. TERRY BROWN:** Yeah, very much the same. Duty belt, soft
28 body armour, pistol and magazines, OC spray, baton. I grabbed my hard body armour

1 as well. I didn't take a portable radio. There wasn't a lot of portable radios left. Most
2 members that were working had portables. Knowing that Dave and I worked together
3 and would be together, we used one radio between the two of us.

4 **MR. JAMIE VanWART:** Okay. And I assume, were you in plain
5 clothes?

6 **CST. TERRY BROWN:** Yes. So blue cargo pants. I was wearing
7 our soft body armour, which has "Police" written across the front of it, and I was wearing
8 a winter toque that had "Police" across the front of that as well.

9 **MR. JAMIE VanWART:** Okay. And how about you, Cst
10 Melanson? Were you wearing anything that indicated that you were a member of the
11 RCMP or police?

12 **CST. DAVE MELANSON:** Yes. I was wearing the blue pants,
13 minus -- it did minus the stripe, the same pants. And I was wearing the same soft body
14 armour that has "Police" across the back. And also, when you put your hard body
15 armour on as well, it has "Police" across the back. Front and back.

16 **MR. JAMIE VanWART:** Okay.

17 **CST. DAVE MELANSON:** Large white letters.

18 **MR. JAMIE VanWART:** And we know from your statements and
19 from the Foundational Document that you attended the command post in Great Village
20 at the firehall and you were assigned a number of investigative tasks. And I'm not
21 asking you to go through your -- the tasks that you were assigned, but my question is,
22 who was assigning you tasks and who were you reporting back to when you attended
23 the Great Village command centre?

24 **CST. TERRY BROWN:** So there was a command structure in
25 place. I think we primarily dealt with S/Sgt Al Carroll, who told us what tasks they
26 wanted us to execute, I guess.

27 **MR. JAMIE VanWART:** Okay. And is that consistent with your
28 memory, Cst Melanson?

1 **CST. DAVE MELANSON:** That's consistent as well. It was mostly
2 coming from Staff.

3 **MR. JAMIE VanWART:** I do want to direct your attention to one of
4 the investigative tasks that you were involved in.

5 And Madam Registrar, perhaps you could bring up the
6 Foundational Document "Onslow Belmont Fire Brigade Hall"? The PDF page is 51 in
7 the document. The page is 50. And I'm looking to paragraphs 92 and 93.

8 So one of the tasks, I understand, Cst Brown, that you were asked
9 to do is to interview Lisa Banfield. And I'll just read you how it's been summarized in the
10 Foundational Document:

11 "Csts. Brown and Melanson travelled to the RCMP
12 command post in Great Village. Cst. Brown was tasked
13 with interviewing Lisa Banfield. At 6:58 a.m., he met with
14 her in the back of an ambulance while she was being
15 treated by medical professionals. The interview
16 commenced at approximately 7:17 a.m. At
17 approximately 7:22 a.m., he learned that the perpetrator
18 had a fully marked replica RCMP vehicle that 'looks
19 identical to a police car.' At approximately 7:25 a.m., he
20 learned that the perpetrator had burned all of his vehicles
21 except the marked cruiser."

22 Lisa Banfield also told Cst. Brown about the perpetrator's
23 many guns. She said that he was wearing black jeans
24 and a burnt-orange vest, and that he had a fluorescent
25 jacket that he would put on the front seat of his car to
26 'make it look like he's a cop.'"

27 I guess my question to you first, and I'll direct it at Cst Brown, is
28 there anything that you -- information you obtained from that interview with Lisa Banfield

1 that was important that we didn't summarize in that Foundational Document?

2 **CST. TERRY BROWN:** No, I think that summarized it pretty good.

3 **MR. JAMIE VanWART:** Okay. And Cst Melanson, were you
4 present for that interview?

5 **CST. DAVE MELANSON:** I was only present for partial parts of
6 that interview.

7 **MR. JAMIE VanWART:** Okay. And having heard what I
8 summarized, is any of the information that Cst Brown heard from Ms. Banfield that you
9 weren't aware of? That you didn't -- weren't present?

10 **CST. DAVE MELANSON:** I wasn't present for the fluorescent
11 jacket. I heard the burnt -- I don't recall the fluorescent jacket, but I heard the orange
12 vest and the multiple firearms. At one point I left at that point to pass that on ---

13 **MR. JAMIE VanWART:** Okay.

14 **CST. DAVE MELANSON:** --- to command.

15 **MR. JAMIE VanWART:** And during -- the interview was in the
16 back of an ambulance, Cst Brown?

17 **CST. TERRY BROWN:** It was.

18 **MR. JAMIE VanWART:** Okay. Do you have -- did you make any --
19 or can you recall making any observations with regards to Ms. Banfield about her
20 wellbeing?

21 **CST. TERRY BROWN:** Yes. So she was on a stretcher, in visible
22 pain. I know the interview was quite long, quite a bit longer than what it reflects there. It
23 was something like 45 minutes long. However, the first portion of it was me just three-
24 quarter going letting EHS do -- do their thing and not interfering with them.

25 **MR. JAMIE VanWART:** Okay. I understand from your statement,
26 Constable Brown, that after this interview, Addie, who is -- I believe you're referring to
27 Staff Sergeant Addie MacCallum ---

28 **CST. TERRY BROWN:** Correct.

1 **MR. JAMIE VanWART:** --- showed you a photograph of the
2 perpetrator's replica RCMP cruiser.

3 **CST. TERRY BROWN:** Yes.

4 **MR. JAMIE VanWART:** Okay. And you recall that?

5 **CST. TERRY BROWN:** I do.

6 **MR. JAMIE VanWART:** Okay. Do you recall, what was your
7 reaction to seeing the photograph?

8 **CST. TERRY BROWN:** I was shocked. When -- when people
9 have, in the past, described a vehicle that looks like an RCMP car or a police vehicle,
10 most times you see it's an unmarked white Ford Taurus or Crown Victoria, whatever the
11 case may be. And I -- in this statement, Lisa Banfield had went into detail about the
12 markings on the car and whatnot. And even still, I don't think I fully appreciated that it --
13 it looked identical to a real RCMP police car.

14 **MR. JAMIE VanWART:** Okay. And from a -- like from a public
15 safety perspective, what was going through your mind?

16 **CST. TERRY BROWN:** I remember as soon as I saw that picture
17 thinking, like, that's -- things changed. I really thought things changed at that moment.

18 Thinking earlier this -- you know, perhaps maybe the car that she
19 had been referring to, maybe it was already burnt or whatever the case may be, but
20 then seeing that picture and knowing that it was likely still circulating in the public, I
21 knew it was going to be an issue for police to identify who the perpetrator was or what
22 the perpetrator was driving if it was a real car or not a real car.

23 **MR. JAMIE VanWART:** Okay. And Constable Melanson, were
24 you present when Staff Sergeant MacCallum showed the photo to Constable Brown?

25 **CST. DAVE MELANSON:** I believe I was. I do recall seeing a
26 photo of the police car on someone's cell phone showed to me there. Yes.

27 **MR. JAMIE VanWART:** Okay. And Madam Registrar, this is --
28 well, we've seen versions of this photograph. This version has not been exhibited, but if

1 you could please up COMM No. 0016211.

2 And I would ask that this be marked as the -- as an exhibit.

3 **REGISTRAR DARLENE SUTHERLAND:** Exhibit 2148.

4 **--- EXHIBIT No. 2148:**

5 Photograph - COMM0016211

6 **MR. JAMIE VanWART:** Okay. Constable Brown, Constable
7 Melanson, is this the photo that you saw?

8 **CST. TERRY BROWN:** It is, yes.

9 **MR. JAMIE VanWART:** Okay. And what we're looking at is a
10 version of the photo on a phone. And would this be similar to how it was presented to
11 you?

12 **CST. TERRY BROWN:** That's exactly how it was presented to me,
13 yes.

14 **MR. JAMIE VanWART:** Okay. And when you saw the photo, did
15 you take note of any features of the vehicle?

16 **CST. TERRY BROWN:** The only thing that stood out, really -- I
17 mean, obviously, that it was exactly like a real RCMP police car. Just the -- the vehicle
18 number on it stood out a bit to me because I'm familiar with the call sign on there as
19 being a call sign that would have been from the Cumberland County area from the
20 Oxford detachment, so that's -- that just kind of jumped out a bit.

21 **MR. JAMIE VanWART:** Okay. And how about you, Constable
22 Melanson?

23 **CST. DAVE MELANSON:** Just mainly that it was a fully-marked
24 police car that looked exactly the cars that -- looked brand new and -- yeah.

25 **MR. JAMIE VanWART:** And is -- is this the only photo that you
26 saw of the vehicle ---

27 **CST. TERRY BROWN:** Yes.

28 **MR. JAMIE VanWART:** --- on April 19th?

1 **CST. TERRY BROWN:** Yes.

2 **MR. JAMIE VanWART:** Okay. And -- thank you, Madam
3 Registrar. You can take down the image.

4 The next moment in time I want to move to now is at approximately
5 9:42 there are -- over the radio, over the Colchester radio channel, there's an indication
6 of a shooting on Highway 4 Wentworth, indication that an RCMP cruiser was seen.

7 Do you recall hearing that over the radio?

8 **CST. TERRY BROWN:** I do, yes.

9 **MR. JAMIE VanWART:** And where were you when you heard
10 that?

11 **CST. TERRY BROWN:** So Constable Melanson and I were down
12 in -- it's the kitchen area, I guess, of the fire hall in Great Village, and we were providing
13 an update to the Major Crime members. And it was -- I think there was a couple
14 members of the command team there as well. I don't remember exactly who, but it was
15 primarily we were providing an update to the Major Crime members.

16 And when we were doing that, I remember over the radio hearing
17 "Break, break, break" and the dispatcher announcing, I guess, that there was another
18 shooting and a police car seen fleeing from the scene. And that was out in the
19 Wentworth area.

20 **MR. JAMIE VanWART:** Okay. And what was -- what did you do
21 immediately after?

22 **CST. TERRY BROWN:** So we immediately looked to the
23 command team and said, "Can we go?". And -- and they said yes.

24 So I remember both Dave and I going to our car and putting on our
25 hard body armour, putting on the hard body armour based on the fact that I'd just taken
26 a statement from Lisa Banfield and learned of several high-powered rifles, automatic
27 weapons and handguns. The hard body armour has a little bit more stopping capacity,
28 so taking precautions to -- in case we encountered him.

1 So we -- we left from the fire hall, Constable Melanson was driving,
2 and proceeded to go to the area.

3 **MR. JAMIE VanWART:** Okay. And just so I understand, so did
4 you receive any -- what was your specific direction and from whom with regards to
5 leaving and responding to the call?

6 **CST. TERRY BROWN:** There really wasn't specific direction. It
7 was clear that the event that was unfolding was related to the police car we were
8 looking for and the -- the perpetrator that we were looking for. And it was literally
9 asking, "Can we go?".

10 You know, there was an urgency there. Somebody -- another
11 person had just been murdered and we wanted to go to put an end to that.

12 **MR. JAMIE VanWART:** Okay. And you mentioned your vehicle,
13 and perhaps a good moment just to clarify what vehicle you were driving.

14 Was -- it was not a marked police vehicle?

15 **CST. TERRY BROWN:** No, it's an unmarked Nissan Altima.

16 **MR. JAMIE VanWART:** Okay. And what -- how is that vehicle
17 equipped? Is it -- does it have a radio, for example?

18 **CST. TERRY BROWN:** Yeah. So it has a radio. It has hidden
19 lights, I guess. It's got a visor that flips down with lights on it. It's got flashing lights in
20 the -- in the headlights and taillights. It's not equipped with a computer like the marked
21 vehicles would have a computer in them, so there's no mapping or anything like that in
22 those vehicles and there's no system where the messages can be sent down to it.

23 **MR. JAMIE VanWART:** Okay. I want to take you now just a few
24 minutes -- would be a few minutes later and you're in your vehicle.

25 And if I could have Madam Registrar pull up the Foundational
26 Document of Onslow. The PDF page would be 52, paragraph 95.

27 And if the -- what I've provided to the Registrar is identified as clip
28 1, if that could be readied.

1 I just -- this is set out in the Foundational Document is an exchange
2 over the radio that you participated in or are -- and I just want to have that played to you
3 and I'll have a couple questions.

4 (AUDIO BEING PLAYED)

5 MR. JAMIE VanWART: So first, Constable Brown, you participate
6 in that conversation, that's -- you say, "That's him. That's got to be him and it's 28
7 Bravo 11, not 48".

8 CST. TERRY BROWN: Correct.

9 MR. JAMIE VanWART: Yeah.

10 First question is, in the beginning of that exchange, that's a
11 reflection -- there's a mention of a reflective jacket. Is that new information to you at this
12 time?

13 CST. TERRY BROWN: It is. He says he's wearing a reflective --
14 did he say jacket or, yeah, reflective jacket.

15 CST. DAVE MELANSON: His vest ---

16 CST. TERRY BROWN: Vest.

17 CST. DAVE MELANSON: --- or jacket.

18 CST. TERRY BROWN: So, yeah, that's -- I mean, we'd heard that
19 he had an orange vest earlier from Lisa Banfield and from Cpl. Peterson, heard that he
20 had a reflective vest.

21 MR. JAMIE VanWART: Okay. And did you hear that as well, Cst.
22 Melanson?

23 CST. DAVE MELANSON: So I'm enroute, driving there, and I
24 recall hearing that he had a reflective vest. That's what I remember -- recall hearing.

25 MR. JAMIE VanWART: Okay. The other context that I'd like to
26 ask you about, at the end of that exchange on the radio, Cst. Fahey mentions, "And
27 heads up, he has a front push bar, front push bar." My understanding from your
28 statements, you did not either hear or retain that information?

1 **CST. TERRY BROWN:** I don't remember that. I don't remember
2 him saying that, but ---

3 **MR. JAMIE VanWART:** Okay.

4 **CST. TERRY BROWN:** --- yeah.

5 **CST. DAVE MELANSON:** Neither do I. Kind of the first time the
6 push bar came into my knowledge was doing an interview with a witness afterwards. I
7 didn't realize he had a push bar.

8 **MR. JAMIE VanWART:** And I guess my question then maybe,
9 perhaps you could help us with some context of having been involved in what's going on
10 and responding April 19, 2020. How are you monitoring the radio? How are you
11 engaged with the radio? What are you picking up? What are you -- you know, can you
12 provide us a bit of context in that regard?

13 **CST. DAVE MELANSON:** Well, as we're doing our task and stuff
14 like that, and when going back and forth to updating command and stuff, we're not -- I'm
15 not, I can't speak for Terry, but closely monitoring the radio for everything that's coming
16 across. It's a very busy time. I do recall though wouldn't -- like, when break, break,
17 break came on, it's, like, just that was new to me. We've never -- I've never
18 experienced that even coming across the air like that before, and hearing that, so
19 hearing the shooting, sorry, of the victim on Wentworth Road. So was -- I know I didn't
20 pick up everything that come across that radio. At times, I was driving at high rates of
21 speed, trying to get to where we wanted to go. Sometimes we were discussing what
22 actions or things between us, so I know there's a possibility I did miss the -- why I
23 missed the push bar.

24 **MR. JAMIE VanWART:** Okay. So if I'm understanding you right,
25 so when you hear the words break, break, break, that's sort of a queue for you to stop
26 and listen because something important is coming?

27 **CST. DAVE MELANSON:** Yeah, somebody wants the air,
28 basically.

1 **MR. JAMIE VanWART:** Okay. You leave, you're responding to
2 Wentworth, but you go to Masstown, and why did you go to Masstown?

3 **CST. TERRY BROWN:** So we tried to clarify over the radio where
4 exactly Rodney Peterson had seen him, Cpl. Peterson, because there was some ---

5 **CST. DAVE MELANSON:** He ---

6 **CST. TERRY BROWN:** --- confusion. I believe he ---

7 **CST. DAVE MELANSON:** --- he had mentioned the word
8 Masstown or going towards Masstown on the air. I do recall that.

9 **MR. JAMIE VanWART:** Okay.

10 **CST. TERRY BROWN:** Yeah, so that -- I remember us coming to
11 that intersection to turn left to go to Glenholme Wentworth or go right to Masstown, and
12 not knowing where to go at that point, if we were going towards Masstown. And the
13 word Masstown had been said that that's the direction or the area. So we had went
14 down as far as the Masstown Markets and realized that it wasn't the right area, we had
15 to get back.

16 **MR. JAMIE VanWART:** And, Madam Register, if you could scroll
17 to paragraph 96 and capturing the radio exchange underneath as well? Thank you.

18 So in our Foundational Document, midway through the paragraph
19 96, it's indicated that when you're in Masstown, you hear a radio transmission about the
20 perpetrator being at a house on Highway 4 in the Glenholme area and you respond?

21 **CST. TERRY BROWN:** Yes, correct.

22 **MR. JAMIE VanWART:** Okay. And while in the process of
23 responding to that call, there's a radio exchange with regard -- with -- involving
24 yourselves and Cst. Rodney MacDonald that I've provided to the Register as clip two, if
25 that could be played, but it's the exchange that's set out in the bottom of paragraph 96
26 there.

27 **[AUDIO PLAYBACK]**

28 **MR. JAMIE VanWART:** Okay. Maybe I'll ask you, Cst. Brown,

1 because you're -- you are speaking on the radio. What's going on here?

2 **CST. TERRY BROWN:** So as Cst. Melanson and I are coming up
3 Highway 2 heading towards Glenholme, the area where the 9-1 *[sic]* call came in that
4 said where the perpetrator was, we're coming up, and as you come around the turn,
5 there's a bridge that goes over top of the highway, an overpass. As we come around
6 that turn, there's a marked police car pulled over on the side of the road, and when I
7 saw that, I had said to Cst. Melanson, "That might be him. Let's stop and figure this
8 out." So we stopped, or Dave stopped, and I went over the radio to try to identify who
9 that was.

10 **MR. JAMIE VanWART:** Okay. And it was identified who it was?

11 **CST. TERRY BROWN:** Yes, it was Cst. Rodney MacDonald.

12 **MR. JAMIE VanWART:** During that exchange that we've heard on
13 the radio, and you've had an opportunity to provide some context to, did you ever point
14 your firearm towards ---

15 **CST. TERRY BROWN:** No.

16 **MR. JAMIE VanWART:** --- Cst. MacDonald?

17 **CST. TERRY BROWN:** No, we never got out of the vehicle. We
18 never had our firearms drawn, nothing like that.

19 **MR. JAMIE VanWART:** And you do eventually carry on and assist
20 with the response at Glenholme ---

21 **CST. TERRY BROWN:** Yeah ---

22 **MR. JAMIE VanWART:** --- the residence?

23 **CST. TERRY BROWN:** --- we -- as the members that are identified
24 there, we attended to the area in front of that house. It's quite a long driveway up to the
25 residence. We were stopped out front, taking cover behind our vehicles with carbines
26 drawn and waiting for the Emergency Response Team to roll up in their TAV, which
27 they did just seconds later.

28 **MR. JAMIE VanWART:** Okay. And, Madam Register, if you could

1 scroll to page 54 in the PDF numbering, there's an image with a map above paragraph -
2 - yeah.

3 So I understand when you're at Glenholme, you receive a further
4 notification about more shootings on Plains Road?

5 **CST. TERRY BROWN:** Correct.

6 **MR. JAMIE VanWART:** And you respond by initially going up to
7 the Debert area. You turn around and you travel back down Highway 2 on that -- that's
8 indicating your route?

9 **CST. TERRY BROWN:** Not exactly. We didn't ---

10 **MR. JAMIE VanWART:** Okay.

11 **CST. TERRY BROWN:** --- turn around. We left the Glenholme
12 area. I don't remember the name of the road we took.

13 **CST. DAVE MELANSON:** I thought it was Plains Road.

14 **CST. TERRY BROWN:** Plains Road.

15 **CST. DAVE MELANSON:** We turned onto Plains Road, and we
16 headed towards Debert. And before we go to Debert, there had already been two
17 victims that were ---

18 **CST. TERRY BROWN:** Identified.

19 **CST. DAVE MELANSON:** --- identified and there's people on
20 scene. When we got close to there, I believe that the perpetrator was still in the local
21 area. I knew that area was covered, so we did turn off, I believe, onto the road and it
22 connects to Masstown Road, or it -- yeah.

23 **CST. TERRY BROWN:** It's the road that takes you to the airport
24 under the ---

25 **CST. DAVE MELANSON:** Yeah.

26 **CST. TERRY BROWN:** --- hockey arena.

27 **CST. DAVE MELANSON:** And it runs parallel with the road, so
28 that would put us on to Masstown Road from Plains Road.

1 **MR. JAMIE VanWART:** Okay. And why did you choose that
2 route?

3 **CST. DAVE MELANSON:** As I said, there was some people
4 already on scene with the two victims and the perpetrator had left. I believe that this --
5 that he was shooting at random, looking for people, and the more area that we could
6 cover, the better, and I figured -- I believe that that was covered, that road there, so I
7 tried to -- basically, trying to think of where he would go and start searching, actively
8 searching for him in the area so.

9 **MR. JAMIE VanWART:** Okay. And we're getting to the moment
10 now where you -- just before you approach the Onslow Fire Brigade Hall. But if I could
11 ask just a number of questions in a way, it's almost, like, a snapshot of this moment of --
12 provide some context of what's going through your minds. But at this moment, you
13 know, when you're approaching the Onslow Fire Brigade Hall, what did you know about
14 the perpetrator?

15 **CST. TERRY BROWN:** Well, we knew he was driving a replica
16 police car. We knew he was heavily armed, more so than the police. And we knew that
17 he was actively killing members of the public at will. And we knew that he was -- he had
18 just killed two people very close to the area that we were in, and in a short period of
19 time, we were in that area very quickly after those shootings were reported over the
20 radio.

21 **MR. JAMIE VanWART:** Okay.

22 **CST. DAVE MELANSON:** For myself, very similar to Terry. We
23 knew that -- I knew that this person was very determined, very intelligent, from speaking
24 to his father beforehand. Terry and I had a task there to make contact. I knew that this
25 person had murdered five or upwards to ten people already. My knowledge of what this
26 person was wearing was an orange vest and with -- Rodney had come over the air, a
27 reflective vest, I believed he's wearing an orange reflective vest. I don't know if Terry
28 can recall, but I remember almost saying, "An orange reflective vest", like, like out loud

1 because that's what it -- to me that's what it was. I didn't go on the air because it was --
2 didn't want to tie up things.

3 I knew that he was heavily armed, and I do recall from either
4 speaking to Corporal Ivany, when Lisa Banfield arrived at the -- at the firehall, or from
5 overhearing Terry's statement, that she described him as having a machine gun, a big
6 machine gun, and also, I believe she described pistols with laser sights on that. I knew
7 that this individual had -- was brutally murdering people, shooting people in the face and
8 in the head. I don't know how many times that, but I remember that. And we knew that
9 he had not just killed just two people, to me, that third one on Wentworth wasn't that
10 long ago, three people since he became active. So he was in my -- I believed he was
11 shooting people at random, and that's what -- I knew we had to stop him.

12 **MR. JAMIE VanWART:** That leads to my question, my next
13 question. What was your objective at this moment in time? And -- and I allow either of
14 you to answer and just ---

15 **CST. TERRY BROWN:** Yeah. The objective was to locate him
16 and stop him from killing or injuring anyone else.

17 **CST. DAVE MELANSON:** That was my objective as well that --
18 not -- that he had to be stopped, and it was to locate him. I did feel that we, Terry and I,
19 had even a better chance of maybe getting close to him because we were in an
20 unmarked vehicle. That he would see the -- a marked police car coming from a mile
21 away. So I figured we would have an opportunity make -- to encounter him.

22 **MR. JAMIE VanWART:** Okay. And what was the level of
23 oversight in this moment? What directions were you receiving from the Command
24 Centre or -- about what you should be doing at this time?

25 **CST. DAVE MELANSON:** There was -- through the Command
26 Centre, I recall they were trying to set up different people in different locations trying to
27 cover. I remember them trying to cover the Highway 102. I believe there was a
28 member covering -- coming up on the Highway 2. So they were trying to basically get

1 all ends covered off. I can't tell you all the direction there. And I think everybody's goal
2 that -- at that moment was just to locate him.

3 **MR. JAMIE VanWART:** You've both been members for at least
4 10 years. Did you have any experience or training that you're drawing from at this
5 moment to help you ---

6 **CST. TERRY BROWN:** So I mean ---

7 **MR. JAMIE VanWART:** --- figure out what to do?

8 **CST. TERRY BROWN:** --- at this point, all of your training you're
9 drawing on, but I was also engaged in the Moncton shootings back in 2014, on the
10 ground, actively looking for the shooter in that situation. Been involved in several high
11 risk type situations, and, yeah, you're drawing on all of that.

12 **CST. DAVE MELANSON:** Also, even in our IARD training as well,
13 is your goal is to stop the threat, and that was our goal.

14 **MR. JAMIE VanWART:** And could you provide a bit more context.
15 I know you're -- you -- you've indicated you want to engage with the perpetrator, stop
16 the perpetrator. What are you expecting to happen when you see the perpetrator, if you
17 see him? How do you see that at this moment playing out?

18 **CST. DAVE MELANSON:** I was prepared to expect to be shot at.
19 That's -- that was almost -- I figured it would be a given if we did encounter him.

20 **CST. TERRY BROWN:** I can say that I was confident that he was
21 not going to surrender, so I expected that there was going to be a confrontation of some
22 sort. I guess I didn't know exactly how that would play out, but I was prepared that there
23 was going to be a confrontation.

24 **CST. DAVE MELANSON:** Further too, that as well, I do recall, and
25 that reminded me, that through the statement, I think of Lisa Banfield, that he said he
26 wasn't going to live through this, or something to that effect I recall hearing.

27 **MR. JAMIE VanWART:** Okay. The next event, moment in time, is
28 when you drive to the Onslow Belmont Fire Brigade or Firehall. Do you know at this

1 moment that it was a comfort station?

2 **CST. DAVE MELANSON:** No.

3 **CST. TERRY BROWN:** I did not, no.

4 **MR. JAMIE VanWART:** Okay. And this is where you discharge
5 your firearms. Perhaps I'll begin, and I'll have some specific questions for you, but why
6 don't I begin with an open question. Tell me what happens when you drive up to the --
7 past the firehall, what you see and what you do?

8 **CST. TERRY BROWN:** So as we're approaching the firehall, we're
9 coming down Highway 2, and coming at it from a direction where you could see a police
10 car parked in front, and the side of it that we could see was the full passenger side, it
11 was perpendicular to the road. Immediately what jumped out was there was a guy in an
12 orange reflective vest standing right beside that vehicle. He would have been on the
13 driver's side. And there was no police officer in sight. I couldn't see a police officer, I
14 could only see a person with an orange reflective vest standing next to that vehicle.
15 You could see like the top half of him, I guess, from just above the shoulder or just
16 below the shoulders up.

17 And I remember Dave and I saying, like, "That's him."

18 **CST. DAVE MELANSON:** "That's him."

19 **CST. TERRY BROWN:** Yeah.

20 **MR. JAMIE VanWART:** And what -- and so tell me about how you
21 responded after you identify ---

22 **CST. TERRY BROWN:** So ---

23 **MR. JAMIE VanWART:** --- the person you believed to be the
24 perpetrator?

25 **CST. TERRY BROWN:** So we both bailed out of the car. Dave
26 was driving, I was in the passenger seat. We both bailed out. We had our carbines,
27 they have a sling on them where it goes around your neck. Both had our carbines on us
28 and ready to go in case we did encounter him, knowing that we were in the area where

1 he had just recently murdered two people, and as Dave said, a third person not far from
2 there either.

3 **CST. DAVE MELANSON:** So before we jumped out there, I
4 stopped the car in the middle of the road. I don't know if you said that or not.

5 **CST. TERRY BROWN:** No. No. Go ahead.

6 **CST. DAVE MELANSON:** Sorry, I shouldn't have interrupted. But
7 anyway, just to keep it kind of timeline, I apologise. Yeah, I did stop the car in the
8 middle of the road, and at this time, seeing the subject where he was — and I feel like I
9 just cut off Terry from his -- from his thing, so I apologise — but I made several attempts
10 at that point to get out on the radio, on the car radio to tell -- to let people know what we
11 were seeing, and I couldn't get through. The radio was bombing. And then when I
12 couldn't get through there, I grabbed my carbine, and Terry had gone out the side door,
13 and I went to the back, back of the car. I went to the back of the car, and at that time I
14 was, again, down, trying to get out on the -- on the radio with my portable. And my
15 portable, with getting out, had kind of -- had kind of flung off and was hanging down
16 between my legs there, so I was having to grab it because it had come unattached
17 there, and I was trying to get out on my portable at this time.

18 **MR. JAMIE VanWART:** Okay. And we know that you discharged -
19 - both discharged your firearms, right, your carbines?

20 **CST. TERRY BROWN:** Yes.

21 **MR. JAMIE VanWART:** All right. You're both seasoned police
22 officers, I'm not. Members of the public who are listening to these proceedings are not.
23 In that moment that leads up to you making that decision to discharge your firearm, can
24 you give a sense of -- I know it's not a long period of time, but what are you assessing?
25 Like what are you looking for? What are you doing? Do you have a memory of that?

26 **CST. TERRY BROWN:** So as Dave said, we both went to the back
27 of the car. I was standing up yelling commands to the person who I believed was the
28 perpetrator. Dave was ducked down trying to talk on his radio. And he wasn't getting

1 out, and I remember saying to Dave, "We need to deal with what's in front of us." So he
2 kind of discarded the radio, or just let it hang, and we were trying to make contact with
3 the person.

4 At that point, all I could see was that person in the orange reflective
5 vest standing by the police car. They ducked down. So while I'm yelling commands, he
6 ducks down. And at that point, I don't know if he's coming up again with a gun or what
7 his intentions are. And then he ran from the back of the car towards the building, and
8 that's when we discharged our firearms.

9 **MR. JAMIE VanWART:** How many people did you see ---

10 **CST. TERRY BROWN:** Only saw one person. And when I look
11 back, I know I've seen some photos and maybe we'll see them shortly ---

12 **MR. JAMIE VanWART:** Yes.

13 **CST. TERRY BROWN:** --- of the firehall. I can tell you in that
14 moment, I only saw one vehicle in that yard. I can tell you when I fired my carbine, I
15 didn't hear my carbine go off. Cst. Melanson was standing right beside me, fired his
16 carbine. I never heard his carbine go off. It's something that they kind of talk about at
17 training but you don't fully appreciate is auditory exclusion. You know, I've heard it
18 described, you know, by Dave Westlake that it sounded like a sonic boom, and the fact
19 that we didn't hear it, or I -- I shouldn't say -- I didn't hear it at all, you know, that's where
20 the focus was, was on that person who I perceived to be the threat. Tunnel vision, just
21 only thing I -- as I said, the only thing I could see was that police car and the person in
22 the orange reflective vest. I don't remember anything as far as a push bar or a call sign.
23 My attention was on that person with the reflective vest and that's where my attention
24 was.

25 **MR. JAMIE VanWART:** Are you able to articulate, both of you, the
26 threat that you felt you were in?

27 **CST. DAVE MELANSON:** The threat, sorry.

28 **MR. JAMIE VanWART:** Are you able to -- in that moment, how

1 would you describe the threat that you were under?

2 **CST. DAVE MELANSON:** At that moment, I believed that that was
3 Gabriel Wortman standing there. I believed that he was armed. I knew that from what
4 we had heard before in the statements that he was armed. I believed that he would be
5 firing at us as well.

6 The motions, from my perspective, of when it turned out to be not
7 him but the -- whom -- of the person I believed to be him, appeared to be tactical, kind
8 of ducking behind the car and moving to the back of the car. I believed that we had to --
9 that it was him and that we had to stop him. I never, ever wanted to hurt anybody, but
10 doing this job, I knew that was a duty that might have to -- you might have to do some
11 day, to make that hard decision. It was a fast decision. I believed that I was firing my
12 carbine at the killer.

13 **MR. JAMIE VanWART:** And I do want to show you some
14 photographs, but I have one more question before I move there, but just to be clear,
15 what is your objective when you're discharging your firearms?

16 **CST. DAVE MELANSON:** To stop the threat.

17 **CST. TERRY BROWN:** To stop -- exactly, just to stop the threat.
18 Stop him from ---

19 **CST. DAVE MELANSON:** Killing.

20 **CST. TERRY BROWN:** So I had no idea if there was people in the
21 building, inside the firehall or -- so I didn't know if he was going in there to kill people
22 inside the building, or neighbouring houses close by. So the decision was to stop him
23 from being able to harm anybody else.

24 **MR. JAMIE VanWART:** Madam Registrar, I'd ask if -- with regards
25 to the Onslow Belmont Fire Brigade Hall Foundational Document, the PDF number of
26 the page would be 12, and there is a paragraph 14 with a photo underneath.

27 I'm showing you a photo that was taken by I believe it was Cst.
28 Gagnon. And this is Cst. Gagnon after the events on the 19th taking a photo from what

1 he believed to be would have been your perspective, like, your visual perspective of the
2 hall when you discharge your firearms. Is that an accurate reflection of what you would
3 have been seeing when you discharge your firearm?

4 **CST. TERRY BROWN:** I feel like it would have been a little, like,
5 slightly closer, not a lot closer, and we were in the middle of the right-hand driving lane,
6 not on the shoulder of the road, but other than that, pretty accurate.

7 **CST. DAVE MELANSON:** Yeah. It -- yeah, you'd almost place our
8 car in front of that telephone pole, a little bit further ahead, be -- from what I can recall.
9 It's been a while but ---

10 **MR. JAMIE VanWART:** Okay. If -- what I want to play, there's a --
11 and summarize at paragraph 39 but there's a video that captures the moment in time
12 when your firearms were discharged. If video clip number three could be played?

13 **[VIDEO PLAYBACK]**

14 **MR. JAMIE VanWART:** My first question, you had an opportunity
15 to view that, as far as the perspective, like, the angle and what's captured in the video,
16 how does that relate to the perspective and angle that you would have had at the time
17 you discharge your firearms?

18 **CST. TERRY BROWN:** Well, we're on the road, so this is up
19 against the building, so the angle isn't the same. We'd be looking more from the front
20 part of -- seeing more so the front part of the police car and that whole side, but, yeah,
21 from that -- the distance would be a little bit further and the angle would be from the
22 road.

23 **MR. JAMIE VanWART:** Okay.

24 **CST. DAVE MELANSON:** From our angle, from -- this does not
25 give you -- you don't see him very well. From our angle, I saw him at the driver's side. I
26 was able to see his vest. So we were a much different angle than what's provided
27 there, and you can't really see his movements there as much.

28 **MR. JAMIE VanWART:** And seeing this, which is real time, you

1 have a sense of the parking lot and the pylons, the vehicles, how does that accord with
2 your memory of back when you ---

3 **CST. TERRY BROWN:** I think -- I can tell you that I don't
4 remember there being any other cars in the parking lot. I don't remember being any
5 pylons in the parking lot. The only thing I can remember seeing is that police car and
6 the person in the orange vest.

7 **MR. JAMIE VanWART:** Okay. And what about -- I know, Cst.
8 Brown, when you were giving your answers to my earlier questions you make mention
9 of yelling before discharging your firearm. Do you have any memory of what the
10 conditions were like of wind or anything that would have affected ---

11 **CST. TERRY BROWN:** I think it was a little bit windy. I don't
12 remember exactly, but, I mean, it was sunny out, but I can't recall exactly.

13 **CST. DAVE MELANSON:** I recall the radio several times hearing
14 wind kind of interrupting with trying to hear what people were saying, so it was windy, I
15 believe.

16 **MR. JAMIE VanWART:** I want to play you a radio clip of what was
17 captured during this moment. Madam Registrar, I've extracted, and I've labelled it as
18 "clip four PDF", if you could bring that up? And if clip four could be played?

19 **[AUDIO PLAYBACK]**

20 **MR. JAMIE VanWART:** Do you have any memory of what you
21 heard on the radio in this moment?

22 **CST. TERRY BROWN:** I -- no.

23 **MR. JAMIE VanWART:** Okay.

24 **CST. TERRY BROWN:** Nothing.

25 **CST. DAVE MELANSON:** I kind of -- from when the "Hey" -- I don't
26 know. I believe -- I remember when Gagnon got out of his vehicle, he yelled something.
27 And I thought that might have come across the radio as well. And at that point, that's
28 kind of what I remember there.

1 **MR. JAMIE VanWART:** Okay. And I guess my one specific
2 question would be for you, Cst Melanson. You engaged in the conversation -- if you
3 could scroll down, Madam Registrar? You say, "Stand by."

4 **CST. DAVE MELANSON:** I can't remember that exact moment. I
5 know at that point after Gagnon had identified himself, I was moving across the parking
6 lot towards him and I may have basically went to my radio, like, "Stand by", to figure out
7 what had just happened, because it was kind of -- I was still kind of figuring it out myself.

8 **MR. JAMIE VanWART:** Okay. And is there any meaning to the
9 words "stand by" beyond the common sense meaning?

10 **CST. DAVE MELANSON:** Yeah, no. It's just stand by. And
11 basically I think in my mind was figure out what happened here. Yeah. I don't.

12 **MR. JAMIE VanWART:** The other image I wanted to show you
13 and have you comment on is -- if we go back to the Foundational Document, Madam
14 Registrar, and the PDF number would be 45, page 44 in the document.

15 And at the top of the page, there is a diagram that was prepared
16 during the SiRT investigation. And the yellow square boxes are indications of where
17 rounds were found. And there is a red circle on the side of the road indicating "shooter".
18 You've seen this diagram before?

19 **CST. TERRY BROWN:** I have.

20 **MR. JAMIE VanWART:** Okay. Do you have any comment about
21 the accuracy of identifying the shooting being at that position on the road there?

22 **CST. TERRY BROWN:** Yeah, it references us as maybe being in
23 that ditch. At no point were we ever on that side of the road. So we would have likely
24 been just a little ways ahead of that red dot and more to the middle of the road. When
25 we discharged our firearms, we would have been definitely closer to the middle of the
26 road.

27 The shell casings, they eject from the carbine out the right-hand
28 side and typically go two to three metres away.

1 **MR. JAMIE VanWART:** Okay. Cst Melanson?

2 **CST. DAVE MELANSON:** Yeah. And you had mentioned rounds,
3 but that would have been -- I think you meant casings.

4 **MR. JAMIE VanWART:** Oh, sorry, I did. Thank you.

5 **CST. DAVE MELANSON:** Casings there. But as well, we weren't
6 on that side of the road at all. I was -- when I fired my round, I was at the car. The car
7 was in the middle of the road. To account for the casings being over there, being an
8 instructor as well, the casings fly off your carbine and they sometimes shoot out quite a
9 ways, usually back and to the right of the carbine. So the casings would have flown in
10 that direction for sure.

11 **MR. JAMIE VanWART:** And neither of you moved any of the
12 casings?

13 **CST. DAVE MELANSON:** No.

14 **CST. TERRY BROWN:** No.

15 **MR. JAMIE VanWART:** And I know you've both given detailed
16 descriptions of where you were in your statements, but seeing where the casings were
17 found, does that raise any doubt of your memory of where you were when you
18 discharged?

19 **CST. TERRY BROWN:** No.

20 **CST. DAVE MELANSON:** No.

21 **MR. JAMIE VanWART:** Okay. Thank you, Madam Registrar, you
22 can take down the image.

23 I want to ask you, just with regards to your actions after you
24 discharged your firearms, Cst Melanson, you indicate you circled the hall ---

25 **CST. DAVE MELANSON:** No.

26 **CST. TERRY BROWN:** No.

27 **MR. JAMIE VanWART:** No?

28 **CST. DAVE MELANSON:** No.

1 **CST. TERRY BROWN:** I circled the hall.

2 **MR. JAMIE VanWART:** Oh, okay. Sorry.

3 **CST. TERRY BROWN:** Yeah.

4 **MR. JAMIE VanWART:** Cst Brown, what was your intention
5 immediately after? What were you ---

6 **CST. TERRY BROWN:** So we'd just discharged our firearms. We
7 ended up taking cover in the ditch. There was an interaction with Dave Gagnon yelling
8 across the parking lot back and forth. And at that point, I can speak for myself, we still
9 weren't sure what was happening. Originally when Dave Gagnon got out of the car, we
10 still weren't even sure if he was a police officer or not. So through a conversation, and I
11 don't remember exactly what was said, but we identified him as likely he was a police
12 officer.

13 I started walking around the building. I was still not sure of who the
14 person in the orange vest was. So I didn't know if the person we had shot at was
15 injured or if he was still a threat to somebody. So I was circling around the building to
16 try and locate that person.

17 The angle we were at, you can't see the door that goes into the fire
18 hall. It kind of goes in, it's like a little open area. At least, that's how I remember it. And
19 I remember in my head not knowing if the person went in the building or around the side
20 of the building.

21 So we were -- or I was walking around the building to try to locate a
22 person outside or behind the fire hall to see where they had went.

23 **MR. JAMIE VanWART:** And what were your steps immediately
24 after?

25 **CST. DAVE MELANSON:** After, when Cst Gagnon stood up and
26 was identifying himself, at that point I was kind of taken aback. I thought -- because I
27 didn't know whether Gabriel had other people working with him. You keep everything
28 kind of in mind. And I wondered, "Well who is this guy?" So I -- it took a few, just a few

1 seconds. It was -- and I was like, "No, this is a police officer." I think he shouted to me,
2 "What are you shooting at? Are you shooting at me?" And I said, "No, I'm shooting at
3 him," the perpetrator. And I kind of -- I recall him kind of looking back and saying,
4 "Where is he?" I think he might have thought that -- at that time it was kind of confusing.
5 I think he might have thought that the perpetrator was there.

6 I approached Gagnon and I -- as I was approaching, I'm figuring out
7 what happened and I realize that we engaged the wrong -- mistaken *[sic]* the killer for
8 Dave Westlake.

9 So I went to Gagnon, I said -- I can't remember our conversation,
10 but I do recall, "Is he okay?" Referring to the guy that took off. And I remember, he's
11 like, "I don't know." And at that point, we went into the building and basically went in to
12 see that he was okay.

13 **MR. JAMIE VanWART:** Okay. And so -- and who went into the
14 building, just to clarify?

15 **CST. DAVE MELANSON:** Myself and Cst Gagnon.

16 **MR. JAMIE VanWART:** Okay. And at this point you're satisfied
17 that it's not the perpetrator when you enter the building?

18 **CST. DAVE MELANSON:** Yes.

19 **MR. JAMIE VanWART:** Okay. And who did you understand to be
20 in the fire hall at that moment?

21 **CST. DAVE MELANSON:** I didn't understand anybody to be in the
22 fire hall, other than that person that ran into it, Dave Westlake. That's all I knew who
23 was in the fire hall at that point.

24 **MR. JAMIE VanWART:** Okay. And my next question, so after
25 you've learnt that it's not the perpetrator, what do you do to satisfy yourself that
26 nobody's been hurt or that everyone is safe?

27 **CST. DAVE MELANSON:** So when I entered the building with
28 Dave Gagnon, I'd seen the individual whom I believed I fired at. He was in kind of the

1 back -- he was kind of back and to the right there and he was looking at me. And I
2 asked him, "Is everybody okay? Is everybody --" I can't remember my exact words, but
3 I think "-- accounted for," or something like that. And he said yes.

4 I don't know if Dave and I had any conversation. But at this point, I
5 went out to see, like, where Terry was, and see -- make sure everything -- I went back
6 outside at that point.

7 **CST. TERRY BROWN:** At that point, I was coming around the
8 building and they were coming outside and when I encountered them, it was, again, a
9 very brief conversation along the lines of "Is everybody okay?" Or something of that
10 sort. And they said yes or whatever. There was nobody injured, from what we
11 understood.

12 I had no idea who was in the building other than, as Dave said, the
13 guy with the orange vest I assumed was in there. So -- but that's the only conversation
14 we had about that.

15 **MR. JAMIE VanWART:** Okay. Did you account for how many
16 times you discharge your firearms and investigate where those shots ended up?

17 **CST. TERRY BROWN:** No. I remember after the fact, like, when
18 the day was over, thinking I probably fired about three times. I can tell you that it wasn't
19 until we were driving away a couple of minutes later that I learned that Dave fired his
20 gun, I didn't know he had fired his gun.

21 You got to realise at that time there was no conversation between
22 us. We both came to an independent decision to fire our guns independent of each
23 other. I've never fired my gun on duty before, other than to put down an injured animal.
24 So yeah, that was an extreme situation that I know I've never encountered before as far
25 as firing my firearm while on duty.

26 **MR. JAMIE VanWART:** Okay. And I guess I'll ask you both, are
27 you satisfied that you did enough to ensure that nobody had been injured by the shots
28 that you fired?

1 **CST. DAVE MELANSON:** Yes, for me at that point, but I did come
2 out and did notice, and I don't know if Terry may not have been aware, but I did notice
3 the rounds, which I thought were -- at this point I thought they were our rounds on the
4 side of the building, on the corner of the building, and I didn't see anything kind of
5 spread from that at that point. I assumed that was our rounds. And when I left there, I
6 believed nobody was harmed.

7 **MR. JAMIE VanWART:** You have a conversation with Staff
8 Sergeant Carroll on one of your phones . Is that ---

9 **CST. TERRY BROWN:** Yeah, as -- we -- when we got back in the
10 car, the car is, as you remember, parked in the middle of the road. We walked out, we
11 got in the car, and as soon as we got in the car, I called Staff Sergeant Carroll, and I
12 remember he answered very quickly. We were still in the immediate area of the firehall
13 while I was talking to him on the phone. I described to him what happened, that we
14 were engaged or that we had fired our carbines at an individual at the firehall. I don't -- I
15 don't know all the details of the conversation. I can't remember exactly what was said.
16 But he -- his direction was "Take a breath, compose yourself, and we'll deal with this
17 after we catch this guy."

18 **MR. JAMIE VanWART:** Did you feel comfortable with the -- that
19 decision to take a breath and continue?

20 **CST. TERRY BROWN:** Yes.

21 **MR. JAMIE VanWART:** Okay. Did you feel compromised at all in
22 your ability to fulfill your duties as officers ---

23 **CST. TERRY BROWN:** Not at all.

24 **MR. JAMIE VanWART:** Madam Registrar, if you could pull up
25 what I've identified as Clip Number 5 PDF, and if -- if you could play Clip Number 5?

26 I want to play you an exchange that occurs on the radio at
27 10:34:04.

28 **[VIDEO PLAYBACK]**

1 "Break, break for dispatch, break for dispatch. I have
2 a new shooting, Highway 4, in Lower Onslow near the
3 firehall. It sounded like three gunshots about five
4 minutes ago."

5 "Disregard. Disregard. Three-five-five. Um, that was
6 ours."

7 "It's Tim. We're already in that area. We'll check it
8 out regardless."

9 "Copy that."

10 "So confirm that it was you guys?"

11 "Yeah. They were, ah, police rounds."

12 "10-4."

13 **[END OF VIDEO PLAYBACK]**

14 **MR. JAMIE VanWART:** You remember that exchange?

15 **CST. TERRY BROWN:** I -- yes, yeah.

16 **MR. JAMIE VanWART:** Yes. I guess my point of clarification,
17 because I wasn't sure from reviewing the materials that we have filed, does this
18 exchange on the -- on the radio happen before or after you've had your discussion with
19 Staff Sergeant Carroll?

20 **CST. TERRY BROWN:** Well after.

21 **MR. JAMIE VanWART:** Well after.

22 **CST. TERRY BROWN:** We talked to Staff Carroll immediately
23 upon getting in the car, and that was minutes later, at least, I don't know how many
24 minutes, but it was after.

25 **MR. JAMIE VanWART:** Okay. I want to play you another
26 exchange on the radio.

27 And Madam Registrar, this is from the Enfield Big Stop Foundation
28 Document. It's at paragraph 121, which -- not sure of the PDF page, but in the

1 document it's page 51. And there is a clip of this exchange that once the document is
2 up I'd ask that be played, and it's -- I've marked it as Clip Number 6.

3 **[VIDEO PLAYBACK]**

4 "Members at the roadblock there in Elmsdale, that
5 white truck that's behind you, ah, who's that? Do you
6 guys know?"

7 "Negative. But we're here -- here on pursuit, so we're
8 super exposed in terms of. (Inaudible) and ah, Bravo-
9 10 (inaudible) get the bridge blocked."

10 "You're all wind. That person has a firearm in their
11 hand. We're gonna take him down here."

12 "That person is a HRP officer."

13 **[END OF VIDEO PLAYBACK]**

14 **MR. JAMIE VanWART:** I apologise, gentlemen. Oh, we are
15 bringing -- able to bring it up.

16 So again, Madam Registrar -- is that -- is that the Enfield -- no.

17 **REGISTRAR DARLENE SUTHERLAND:** (Off mic)

18 **MR. JAMIE VanWART:** Oh, paragraph 121. On the document, it's
19 page 51. It might be a different PDF number. And I've given you wrong information. I
20 apologise. If we scroll to the bottom of the FD.

21 I'm sorry, that's my error. What I'll...

22 You can take that down from the screen. Thank you,
23 Madam Registrar.

24 So you recall that exchange.

25 **CST. TERRY BROWN:** I do.

26 **MR. JAMIE VanWART:** That's -- perhaps you could provide some
27 context.

28 **CST. TERRY BROWN:** Sure. So Constable Melanson and I were

1 in the Enfield area. We had been patrolling, knowing that there had just been -- well,
2 Constable ---

3 **CST. DAVE MELANSON:** Heidi.

4 **CST. TERRY BROWN:** --- Heidi Stevenson was shot and killed,
5 and Chad was shot as well in the area, and there was some vehicles on fire. So we
6 were in the area looking for the new vehicle he was driving. So we were patrolling
7 around looking for this vehicle, and we came through a police checkpoint.

8 And just to describe the checkpoint: The police cars had one lane
9 of traffic blocked with a police car. They're standing behind the police car focussed
10 down the highway. And as we're approaching I remember saying to Dave, "Just hit the
11 lights so they know it's us coming." And as we come through, there's probably, I don't
12 know, I'm going to guess seven, eight police officers, something like that, around that
13 area, and as we drive by, just probably, I don't know, maybe 20, 30 metres behind them,
14 maybe it's a little further, I can't remember exactly, there's a white pickup truck also
15 parked kind of half across the road, and no markings or anything on it, and as we went
16 past it, standing behind the engine block area was a guy in full camouflage standing
17 there with a carbine-style rifle in his hand behind this vehicle. As we drove by, it would
18 have been right on the driver's side of our vehicle that you would have saw him. He
19 kind of saw us and kind of waved to us as we went by. It was -- it was kind of odd.

20 And -- so we proceeded past, but we both saw it, and then you
21 heard me go over the radio trying to identify who this person was. As they said
22 originally, they -- the people who answered originally didn't know who it was, and they
23 also had mentioned that they felt super exposed. To me, that means they're in a
24 compromised position where they feel like they could be shot at or they have no cover.

25 At that point, we turned around after learning that it's not -- we
26 didn't believe it was a police officer, unclear who this person was, and you heard me
27 say, "We're going to take him down." So the -- meaning we're going to go and engage
28 this guy and give commands to have him drop his weapon and proceed from there.

1 **MR. JAMIE VanWART:** Okay. And this clip-up plan, I'll just say for
2 the record as I wasn't able to draw it up, it's Exhibit P000054; it's the Colchester radio
3 transmissions.

4 Did you at any time have your -- either of you have a firearm drawn
5 or...?

6 **CST. TERRY BROWN:** No.

7 **CST. DAVE MELANSON:** No.

8 **MR. JAMIE VanWART:** Did you exit your vehicle at any time?

9 **CST. TERRY BROWN:** No.

10 **MR. JAMIE VanWART:** Okay.

11 **CST. DAVE MELANSON:** Can I add some perspective to that
12 there?

13 **MR. JAMIE VanWART:** Sure.

14 **CST. DAVE MELANSON:** And I don't know, but for me when I
15 seen the vehicle, the person that we drove by, I recalled it being a white F-150, and that
16 was one of the vehicles I knew. Because I was kind of involved in trying to find what
17 vehicles he had, Gabriel Wortman had. And one of the vehicles I recall as being an F-
18 150. That added a little bit more context to that. And, yeah, and we were just turning
19 around when everything kind of got cleared up there on the air.

20 **MR. JAMIE VanWART:** I just have a couple more questions for
21 you.

22 One I think I wanted to ask you, Cst. Melanson, I don't think has
23 come out in any of your answers but certainly was something you referred to in your
24 statement a number of times. You were driving an unmarked vehicle and you saw that
25 as being a -- beneficial to being able to apprehend the perpetrator?

26 **CST. DAVE MELANSON:** I did feel that that was advantageous for
27 us. When you're in a fully marked police car you're identifiable from a long ways away.
28 He can see you coming there. I felt that there was a chance that we may end up getting

1 closer to him with him not expecting the police to be in that vehicle. I did feel it was an
2 advantageous -- advantage for us.

3 **MR. JAMIE VanWART:** My question to both of you, either of you,
4 is given your knowledge of this information at situation at Onslow, the information you
5 processed, your training, your experience, would you have done anything different than
6 you did at Onslow on April 19, 2020?

7 **CST. TERRY BROWN:** So just to speak on some training. We
8 have a training centre here in "H" Division where we -- or in Nova Scotia where we do
9 most of our training. And some of that involves IARD training. And I can recall
10 specifically there's a scenario that we do, a lot of them -- a lot of active shooter
11 situations are usually indoors. And, in particular, this one where we're standing in a
12 hallway, we're getting prepped for the scenario. The details are there's a guy in a room
13 down the hall, he's -- in our training scenarios, they wear brown Carhartt work clothes;
14 they're thick because we use Simunition, we use -- Simunition being, like, wax rounds
15 that you can shoot and -- to make it more realistic. So they wear these suits so they're
16 not injured.

17 But in this situation, this scenario in particular, you know, we're told
18 that the person's in this room murdering people and then they yell, "Scenario on" and
19 you need to go deal with that threat.

20 In this situation, you're walking down a hall going to the area where
21 the gunfire's coming from. And the person walks out of the hallway and walks across
22 the hall. And, you know, at that point he's got a gun in his hand and he's walking and,
23 you know, part of that training is to diagnose what to do, and yelling commands, and
24 ultimately having to engage the person with your pistol or carbine, whatever you're
25 carrying. And that's part of the training, is figuring out how to deal with that situation.

26 So to go back to that day, this situation was very similar to that
27 situation. We came across a person who looked identical to the description that we
28 had; a guy in an orange reflective vest, standing next to a police car. There was no

1 police officer in sight that we could see wearing an RCMP uniform. After the fact, we
2 know Dave Gagnon was in that vehicle, but he was sitting inside the car and we couldn't
3 see him. All of my focus was on that person in the orange reflective vest. And as I said,
4 I talked about the auditory exclusion, the tunnel vision that all factors in.

5 So that situation translated to me exactly to the training that I've
6 done at the training centre here in Nova Scotia. And I acted according to the training.
7 And I believe that that person was the threat. I believed that person was going to kill
8 people in the area. I believed that was the person that had just previously killed people
9 in the area, and that's why we took the actions we did.

10 I'm very sorry for the people that were in the building, the firemen
11 that were in there. Had no idea they were in there. But even if I did, knowing that it
12 would have been -- if I would have known it was a comfort station, at the end of the day,
13 it wouldn't have changed my reaction. I believed that person was going inside the
14 building to kill people, and that's why I engaged him the way I did.

15 So if we know everything we knew now, sure I would do things
16 differently. But knowing what I knew at that time, I don't think that I would have done
17 anything differently.

18 **CST. DAVE MELANSON:** Given that day with what I had learned
19 of, basically, it was an active shooter; it was -- he was killing people at random. I
20 learned that he was -- I believed him to be wearing an orange vest, and what hasn't
21 been kind of brought out in context here, the RCMP do not wear -- none of us wear
22 orange vests. We wear yellow vests, reflective vests. That, combined with seeing him
23 at the driver's side of the door, not seeing any other person there, I believed that he was
24 the driver of the vehicle at that time. I believed that he was Gabriel Wortman because
25 there was no reason why we would be wearing that orange vest, a police officer.

26 At that time, I believed that my risk assessment, it's never been that
27 high. Nothing like this has ever happened before. I believe that all those things on that
28 day, the way they happened, I don't think I would have done anything different with what

1 I knew.

2 It's a great benefit to go back and say if you knew this, if you knew
3 that; I didn't have that benefit. I had a fraction of a second. On that day I gave -- I gave
4 my all. And I am -- just a second. I am sorry for what the firemen went through. It was
5 a hard day for many people that day. It affected all of us, and I can't make that better. I
6 don't believe at that point to go -- even if I -- I did not know they were there but if I did
7 know they were there, my training and my goal was to go after the killer, and I think if I
8 would have stayed behind, that would have been a mistake and I'd be regretting it
9 today. I can go home knowing that I continued on from there.

10 And the rest of the story the people don't know but Terry and I were
11 there when he was taken down, within minutes. We pulled into the yard where he was,
12 and the shots were fired. So we were close. And we didn't give up.

13 **MR. JAMIE VanWART:** Don't feel obliged to answer this question,
14 but it is my last question. Is there anything else you wish Nova Scotians to know before
15 -- that I haven't given you an opportunity to say in the questions that I've asked you
16 today?

17 **CST. DAVE MELANSON:** I also -- just because I didn't mention
18 Dave Westlake, and I am -- I'm sorry for what he went through.

19 **CST. TERRY BROWN:** That's it.

20 **MR. JAMIE VanWART:** Well, thank you very much, gentlemen, for
21 being patient and answering my questions. And we will -- well, maybe I'll turn it over to
22 the Commissioners.

23 **COMMISSIONER MacDONALD:** Yes, thank you so much,
24 officers.

25 As you may be aware, the process we're following when witnesses
26 testify is that we will break now; Commission Counsel will meet with Counsel for the
27 Participants to discuss if there are further questions for you, and if so, who would be
28 asking them.

1 So we'd ask you to standby. Thank you for your testimony so far.
2 You're still under oath, of course.

3 And we'll break until 11:20, but of course, if you need more time,
4 just let me know. If counsel need more time to discuss the potential questions, et
5 cetera, then let us know.

6 And thank you, officers. Just please stand by.

7 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
8 proceedings are now on break and will resume at 11:20.

9 --- Upon breaking at 11:02 a.m.

10 --- Upon resuming at 11:39 a.m.

11 **--- CST. TERRY BROWN, Resumed:**

12 **--- CST. DAVE MELANSON, Resumed:**

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

15 **COMMISSIONER MacDONALD:** Yes. Thank you, everyone. I
16 understand from Commission Counsel that there has been an agreement that Mr.
17 Michael Scott will question the two witnesses on behalf of the various Participants,
18 family Participants.

19 And the Commissioners are pleased to have you do that, Mr. Scott.
20 We'll bring the witnesses in.

21 So, officers, as I mentioned just before the break, counsel --
22 Commission Counsel and counsel for the various Participants met and it's agreed that
23 Mr. Michael Scott, he represents -- his law firm, Patterson Law, represents many of the
24 Participant families and he will be asking you follow up questions.

25 Mr. Scott, whenever you're ready.

26 **--- CROSS-EXAMINATION BY MR. MICHAEL SCOTT:**

27 **MR. MICHAEL SCOTT:** Thank you, Commissioner.

28 Good morning, gentleman.

1 **CST. TERRY BROWN:** Good morning.

2 **MR. MICHAEL SCOTT:** I think this morning you had told my
3 friend, Mr. VanWart, that you had heard the call that went out over Colchester Radio
4 regarding Wentworth?

5 **CST. TERRY BROWN:** The shooting in Wentworth?

6 **MR. MICHAEL SCOTT:** Yes.

7 **CST. TERRY BROWN:** Yes.

8 **MR. MICHAEL SCOTT:** Yeah. But you're also quite certain that
9 you never heard any reference to the Onslow Belmont Fire Brigade being used as a
10 comfort station?

11 **CST. TERRY BROWN:** That's correct.

12 **CST. DAVE MELANSON:** Correct.

13 **MR. MICHAEL SCOTT:** Earlier this morning, you had said that
14 your conclusion that the person that you were looking at Onslow was in fact the
15 perpetrator was based on information that you had received from Ms. Banfield from
16 having interviewed her?

17 **CST. TERRY BROWN:** Yes.

18 **MR. MICHAEL SCOTT:** To be clear, Ms. Banfield never told you
19 that the perpetrator was wearing an orange fluorescent vest; did she?

20 **CST. TERRY BROWN:** An orange vest.

21 **MR. MICHAEL SCOTT:** Right. But more specifically, she said a
22 burnt orange vest; did she not?

23 **CST. TERRY BROWN:** An orange vest, yeah.

24 **MR. MICHAEL SCOTT:** And she said that he was wearing a burnt
25 orange vest over a plaid shirt?

26 **CST. TERRY BROWN:** I don't recall exactly what it was. An
27 orange vest is what I remember.

28 **MR. MICHAEL SCOTT:** Okay. Do you remember her telling you

1 that he was also wearing black pants or black jeans?

2 **CST. TERRY BROWN:** I believe so.

3 **MR. MICHAEL SCOTT:** You had also seen a picture of the
4 perpetrator that morning; had you not?

5 **CST. TERRY BROWN:** No.

6 **MR. MICHAEL SCOTT:** You hadn't seen a photograph of the ---

7 **CST. TERRY BROWN:** Of his face, yes.

8 **CST. DAVE MELANSON:** I believe I'd seen a license -- picture on
9 a license ---

10 **MR. MICHAEL SCOTT:** So that you could make ---

11 **CST. DAVE MELANSON:** --- sometime during that day. Yeah,
12 with his face there.

13 **MR. MICHAEL SCOTT:** Okay. And would that have been before
14 the incident at Onslow?

15 **CST. DAVE MELANSON:** Possibly.

16 **MR. MICHAEL SCOTT:** And you would have looked at that so you
17 could recognize this person when you saw him?

18 **CST. DAVE MELANSON:** M'hm.

19 **MR. MICHAEL SCOTT:** Yes?

20 **CST. DAVE MELANSON:** Yes.

21 **MR. MICHAEL SCOTT:** And am I correct that when you were
22 coming to the Onslow Belmont Fire Hall, one of the things that caused you to believe
23 that Mr. Westlake was the perpetrator was not any sort of facial recognition?

24 **CST. DAVE MELANSON:** That's correct.

25 **MR. MICHAEL SCOTT:** Right. You didn't see Mr. Westlake and
26 think, "That looks like that picture that I saw"?

27 **CST. DAVE MELANSON:** No.

28 **CST. TERRY BROWN:** No.

1 **MR. MICHAEL SCOTT:** And Cst Brown, I think that you said you
2 could only really see Mr. Westlake from about the chest or shoulders up?

3 **CST. TERRY BROWN:** Correct.

4 **MR. MICHAEL SCOTT:** And that's because he's on the far side of
5 the car?

6 **CST. TERRY BROWN:** That's right.

7 **MR. MICHAEL SCOTT:** So you would not have been able to see
8 what kind of pants he was wearing?

9 **CST. TERRY BROWN:** No.

10 **MR. MICHAEL SCOTT:** So your determination that this was the
11 perpetrator wasn't based on information you obtained from Ms. Banfield that he was
12 wearing black jeans?

13 **CST. TERRY BROWN:** The black jeans never entered into it, no.

14 **MR. MICHAEL SCOTT:** No. And you certainly had information
15 that the perpetrator was driving what appeared to be a fully marked RCMP cruiser?

16 **CST. TERRY BROWN:** Yes.

17 **CST. DAVE MELANSON:** Yes.

18 **MR. MICHAEL SCOTT:** And you had at least one piece of
19 information that would allow you to distinguish that mock cruiser from an actual police
20 vehicle; correct?

21 **CST. TERRY BROWN:** What are you asking?

22 **MR. MICHAEL SCOTT:** I'm asking if ---

23 **CST. DAVE MELANSON:** What is that piece of thing that you
24 were saying there? Yeah.

25 **MR. MICHAEL SCOTT:** Well you knew what the call sign was ---

26 **CST. DAVE MELANSON:** Okay.

27 **MR. MICHAEL SCOTT:** --- on the mock cruiser; didn't you?

28 **CST. TERRY BROWN:** Yes.

1 **MR. MICHAEL SCOTT:** You knew it was 28 Bravo 11?

2 **CST. TERRY BROWN:** Yes.

3 **MR. MICHAEL SCOTT:** In fact, you're familiar with those call
4 signs?

5 **CST. TERRY BROWN:** That's correct.

6 **MR. MICHAEL SCOTT:** And you know that 28 Bravo 11, if it were
7 a real unit, would suggest it was Cumberland RCMP?

8 **CST. TERRY BROWN:** That's right.

9 **MR. MICHAEL SCOTT:** And you remembered what that call sign
10 was?

11 **CST. TERRY BROWN:** I did.

12 **MR. MICHAEL SCOTT:** And I'm going to suggest to you that you
13 committed it to memory so that if you could -- if you came across an RCMP vehicle, you
14 could distinguish it from the mock cruiser?

15 **CST. TERRY BROWN:** Yes.

16 **MR. MICHAEL SCOTT:** And at the Onslow Belmont Fire Hall,
17 before you fired on Mr. Westlake, you made no note of the call sign on the side?

18 **CST. TERRY BROWN:** As you heard me testify earlier, I spoke
19 about being focused on the person in the orange vest. I didn't even see the other cars
20 in the parking lot or the pylons in the parking lot. My focus was on the person in the
21 orange vest standing behind the police car at the driver's side door.

22 **MR. MICHAEL SCOTT:** Right. Because you sincerely believed
23 that he was the perpetrator?

24 **CST. TERRY BROWN:** Correct.

25 **MR. MICHAEL SCOTT:** And a large factor in your coming to that
26 believe that he was the perpetrator was the fact that he was standing next to a fully
27 marked RCMP cruiser?

28 **CST. TERRY BROWN:** Yes.

1 **MR. MICHAEL SCOTT:** And you came to the conclusion that that
2 was not a real cruiser, it was the mock cruiser?

3 **CST. TERRY BROWN:** I don't know what you're asking.

4 **MR. MICHAEL SCOTT:** You believed that this was not a real
5 police officer? You did not believe that this was Cst Gagnon or one of your colleagues?
6 You thought this was a replica police vehicle?

7 **CST. TERRY BROWN:** I believed the person standing next to that
8 car was Gabriel Wortman wearing the orange reflective vest. I don't know if I could
9 determine the difference between the mock -- the real police car and the mocked-up
10 police car.

11 **MR. MICHAEL SCOTT:** Well, Cst Brown, you could; could you
12 not? Because it would have a call sign on the side.

13 **CST. TERRY BROWN:** Yeah, but as I said, I -- from the distance I
14 was at, there's no way I could read that call sign. And my focus was not on the call
15 sign. It was on the person who I believed had firearms and was going to possibly return
16 fire on us.

17 **MR. MICHAEL SCOTT:** But you believed that that person had a
18 firearm because you believed it was the perpetrator?

19 **CST. TERRY BROWN:** I did believe it was the perpetrator, yes.

20 **MR. MICHAEL SCOTT:** And you believed that that person was
21 going to return fire because you believed the perpetrator had a firearm?

22 **CST. TERRY BROWN:** Correct.

23 **MR. MICHAEL SCOTT:** Right. You didn't see a firearm?

24 **CST. TERRY BROWN:** No.

25 **MR. MICHAEL SCOTT:** Your fear of being fired upon had nothing
26 to do with anything you were seeing in that moment?

27 **CST. TERRY BROWN:** No. Well, yes, it did. It had everything to
28 do with the fact that the person I'd seen was exactly the description of the person that

1 we were looking for, standing next to a police car.

2 **MR. MICHAEL SCOTT:** And the person you were looking for, you
3 assumed had a gun?

4 **CST. TERRY BROWN:** Yes.

5 **MR. MICHAEL SCOTT:** And you had information that he had long
6 guns?

7 **CST. TERRY BROWN:** Yes.

8 **MR. MICHAEL SCOTT:** And to the best of what you could see, the
9 person that you were looking at at the Onslow Belmont Fire Brigade did not have a
10 firearm?

11 **CST. TERRY BROWN:** I couldn't see. As I said, his body was
12 behind the vehicle. I could only see from the shoulders up.

13 **MR. MICHAEL SCOTT:** Right. And are you suggesting that the
14 part of the issue in noting these details is that you're quite far away?

15 **CST. TERRY BROWN:** Far enough away, yeah. I think -- the
16 number I think I saw was 88 metres.

17 **MR. MICHAEL SCOTT:** I saw the same.

18 **CST. TERRY BROWN:** Yeah.

19 **MR. MICHAEL SCOTT:** Does that sound about right to you?

20 **CST. TERRY BROWN:** I guess. I would say it's probably fairly
21 accurate.

22 **MR. MICHAEL SCOTT:** Yeah. Visibility was good that day?

23 **CST. TERRY BROWN:** It was a clear sunny day.

24 **MR. MICHAEL SCOTT:** Right. It was morning in broad daylight?

25 **CST. TERRY BROWN:** Yeah.

26 **MR. MICHAEL SCOTT:** Right. And you see the side of this police
27 cruiser? You were looking at it from the passenger side?

28 **CST. TERRY BROWN:** That's correct.

1 **MR. MICHAEL SCOTT:** But you didn't notice that there was a
2 uniformed RCMP officer sitting in the driver's seat?

3 **CST. TERRY BROWN:** You couldn't see the person inside the
4 vehicle, no.

5 **MR. MICHAEL SCOTT:** Why not?

6 **CST. TERRY BROWN:** Because you couldn't. It's dark inside the
7 vehicle. The interior of the vehicle is a dark colour. I assume -- I can't remember
8 exactly what he was wearing, but his uniform was darker in colour. I couldn't see
9 anybody sitting inside the vehicle.

10 **CST. DAVE MELANSON:** I'd seen the vehicle as well and I could
11 not see anybody in the vehicle.

12 **MR. MICHAEL SCOTT:** Did you look inside the vehicle?

13 **CST. DAVE MELANSON:** We looked at the vehicle from where we
14 were with our perspective.

15 **CST. TERRY BROWN:** And again, the focus was drawn to the
16 person we perceived as the threat. That's where my attention stayed the entire time.

17 **MR. MICHAEL SCOTT:** Right. So your attention is so focused on
18 this person that you're not seeing the pylons, or the cars in the parking lot, or what the
19 call sign is on the side of the car, or the fact that there was a uniformed officer sitting in
20 that car?

21 **CST. TERRY BROWN:** The only thing I saw was the person in the
22 orange vest standing next to the vehicle.

23 **MR. MICHAEL SCOTT:** Madam Registrar, if we could, could we
24 go to Exhibit 496, paragraph 33?

25 Can you see that, Constables?

26 **CST. TERRY BROWN:** Yes.

27 **CST. DAVE MELANSON:** Yeah.

28 **MR. MICHAEL SCOTT:** And that appears to be Mr. Westlake?

1 **CST. TERRY BROWN:** Yes.

2 **MR. MICHAEL SCOTT:** That's how you saw him that day?

3 **CST. TERRY BROWN:** Yes.

4 **MR. MICHAEL SCOTT:** Right.

5 **CST. DAVE MELANSON:** Not so clear like that. We seen the top
6 part of him from behind the vehicle, if that's what you're talking about there.

7 **MR. MICHAEL SCOTT:** Right.

8 **CST. TERRY BROWN:** Yeah.

9 **MR. MICHAEL SCOTT:** And just to be clear, because I think a
10 number of times you reference it as being an orange vest, you'd agree that that's a
11 yellow, that's a fluorescent yellow vest that has some orange stripes on it?

12 **CST. TERRY BROWN:** The orange reflective stripes, yeah.

13 **MR. MICHAEL SCOTT:** Right. Is there anything else unusual to
14 you about that vest, or would that be -- I appreciate that RCMP wear a slightly different
15 safety vest, but you'd agree with me that this is a pretty standard safety vest that you
16 might see at a traffic accident, or on a firefighter, or on a crosswalk guard. There's
17 nothing notable about that safety vest?

18 **CST. TERRY BROWN:** It's a safety vest. That's ---

19 **MR. MICHAEL SCOTT:** Right. Madam Registrar, if we could go --
20 same exhibit, back to paragraph 14?

21 Sorry, that's -- yeah, paragraph 14, if you could.

22 Cst. Melanson, this is the photograph you were looking at earlier
23 this morning. Are you able to estimate, is this the perspective of where your -- I think
24 you said your car was slightly ahead of where this photo was taken?

25 **CST. DAVE MELANSON:** I can't say exactly where it is because --

26 -

27 **MR. MICHAEL SCOTT:** Right.

28 **CST. DAVE MELANSON:** --- like, I can't give you that. My

1 perspective, our car was in the middle of the road, and just kind of trying to remember
2 the angle we had on the vehicle, it -- you would be probably looking at our car, like, just
3 in that picture, like, it would be right there, closest to us.

4 **MR. MICHAEL SCOTT:** Right. So you'd ---

5 **CST. DAVE MELANSON:** But ---

6 **MR. MICHAEL SCOTT:** --- be more in the centre line where this
7 photo -- than where this photograph was taken?

8 **CST. DAVE MELANSON:** Correct, yeah.

9 **MR. MICHAEL SCOTT:** But is the position in terms of east/west, is
10 that about right?

11 **CST. DAVE MELANSON:** Are you saying how -- the distance from
12 the ---

13 **MR. MICHAEL SCOTT:** Yes, from the firehall.

14 **CST. DAVE MELANSON:** I can't say for sure. I don't know how
15 close I was. It's two years ago. I can't remember. But from what I told you before, I
16 think it was a little bit just in front of the picture there, like, because when I went into the
17 ditch, yeah, I -- does that help your question?

18 **MR. MICHAEL SCOTT:** It does, yeah.

19 **CST. DAVE MELANSON:** Okay.

20 **MR. MICHAEL SCOTT:** Would it be fair to say maybe the position
21 of your car was closer to the end of the driveway we see there on the left-hand side of
22 that photo by the pole?

23 **CST. DAVE MELANSON:** I can't tell you for certain.

24 **MR. MICHAEL SCOTT:** Okay. Cst. Brown, are you able to ---

25 **CST. TERRY BROWN:** I believe it was somewhere between the
26 end of the driveway and the telephone pole, but again, I don't -- I couldn't say a hundred
27 percent.

28 **MR. MICHAEL SCOTT:** Okay. So this would be roughly the

1 perspective you would have had as you're getting out of your unmarked vehicle?

2 **CST. DAVE MELANSON:** Correct.

3 **CST. TERRY BROWN:** Yeah.

4 **MR. MICHAEL SCOTT:** Okay. And how, if you're able to estimate,
5 how far before this point is it when you notice the police cruiser in the parking lot?

6 **CST. DAVE MELANSON:** I can't tell you. I don't know.

7 **CST. TERRY BROWN:** It wouldn't have been a lot ---

8 **CST. DAVE MELANSON:** No.

9 **CST. TERRY BROWN:** --- before there. It would have been
10 around that position, but I don't know how far back exactly. The exact moment, I don't
11 know.

12 **MR. MICHAEL SCOTT:** Do you recall how fast you were travelling
13 before you noticed the car in the parking lot?

14 **CST. DAVE MELANSON:** No.

15 **MR. MICHAEL SCOTT:** Okay. Could you estimate roughly?
16 About 80 kilometres an hour? Ninety (90) kilometres an hour?

17 **CST. DAVE MELANSON:** I honestly can't even estimate if I can't
18 remember. I don't remember what speed. But we weren't chasing after anything at that
19 moment so.

20 **MR. MICHAEL SCOTT:** Right. But you were -- you believed that
21 you were following somebody who was ---

22 **CST. DAVE MELANSON:** We were looking ---

23 **MR. MICHAEL SCOTT:** --- discriminately killing people.

24 **CST. DAVE MELANSON:** ---- we were looking for him at this
25 point, yes.

26 **MR. MICHAEL SCOTT:** Yeah.

27 **CST. DAVE MELANSON:** We were trying every angle there. I
28 can't tell you if I was driving fast or slow. I don't remember.

1 **MR. MICHAEL SCOTT:** And in the time you see this vehicle, you
2 obviously would have had to stop.

3 **CST. DAVE MELANSON:** M-hm.

4 **MR. MICHAEL SCOTT:** Right? And would you agree with me that
5 to the left of where this photograph is taken is a house where that driveway is?

6 **CST. DAVE MELANSON:** I would make the same assumption that
7 you're looking at that picture that there would be a house there. I don't recall seeing a
8 house there.

9 **MR. MICHAEL SCOTT:** You don't recall seeing a house there?

10 **CST. DAVE MELANSON:** No.

11 **MR. MICHAEL SCOTT:** No. You do know the area quite well;
12 don't you, Cst. Melanson?

13 **CST. DAVE MELANSON:** Yeah.

14 **MR. MICHAEL SCOTT:** Right. And you knew that that was the
15 Belmont -- the Onslow Belmont Firehall?

16 **CST. DAVE MELANSON:** Yeah.

17 **MR. MICHAEL SCOTT:** You knew what the building was?

18 **CST. DAVE MELANSON:** Yes.

19 **MR. MICHAEL SCOTT:** Have you ever been there before?

20 **CST. DAVE MELANSON:** Prior to that or ---

21 **MR. MICHAEL SCOTT:** Yes.

22 **CST. DAVE MELANSON:** Not that I can recall. I don't -- I can't
23 think of any reason I would have been there unless it was a voting thing there, but I
24 think that was -- in the past, it's been at the other firehall, so I don't even think I was
25 there for that.

26 **MR. MICHAEL SCOTT:** Okay.

27 **CST. DAVE MELANSON:** I've never been in that firehall before
28 then that I can recall.

1 **MR. MICHAEL SCOTT:** Cst. Brown said that he didn't recall
2 seeing the pylons or the cars in the parking lot. Did you see those things as you were
3 approaching?

4 **CST. DAVE MELANSON:** No, and even looking at the picture, it's
5 -- they're a distance away. I didn't see the pylons or the vehicles, no.

6 **MR. MICHAEL SCOTT:** Right. And I think from your statement,
7 you both said -- one or the other of you said that's him when you see that car?

8 **CST. DAVE MELANSON:** Yes.

9 **MR. MICHAEL SCOTT:** Right. And do you recall who that was,
10 which one of you that was?

11 **CST. DAVE MELANSON:** It possibly could have been me,
12 because I know I made -- I made that -- when I seen him, that's what I thought, so,
13 yeah.

14 **MR. MICHAEL SCOTT:** Okay. And do I understand that one of
15 you was on the phone at the time?

16 **CST. TERRY BROWN:** Yeah, I had just dialed the phone number
17 for Cst. Melanson's residence.

18 **MR. MICHAEL SCOTT:** Okay. So you see the car. Do you see
19 the man wearing the fluorescent vest?

20 **CST. DAVE MELANSON:** When I seen the car? Yes.

21 **MR. MICHAEL SCOTT:** When you're driving, yes.

22 **CST. DAVE MELANSON:** Yes.

23 **MR. MICHAEL SCOTT:** Right. So by the time you bring the car to
24 a stop, the unmarked cruiser from your end, had you already concluded that this person
25 was the perpetrator?

26 **CST. DAVE MELANSON:** No, never concluded that, but that could
27 have been possibly him, and I don't know when it was that we said that's him. It
28 probably wasn't just when we seen it, kind of as we were noticing it and taking aware of

1 what it was and registering what we were seeing, yeah.

2 **MR. MICHAEL SCOTT:** And what you were seeing was something
3 that looked like an RCMP car?

4 **CST. DAVE MELANSON:** M'hm.

5 **CST. TERRY BROWN:** Yes.

6 **MR. MICHAEL SCOTT:** And a man wearing a fluorescent vest?

7 **CST. TERRY BROWN:** Yes.

8 **CST. DAVE MELANSON:** Yeah.

9 **MR. MICHAEL SCOTT:** Right. And that caused you to suspect
10 that this might be the perpetrator?

11 **CST. DAVE MELANSON:** Yes.

12 **MR. MICHAEL SCOTT:** But you didn't conclude that it was him?

13 **CST. DAVE MELANSON:** Not at that point until some other things,
14 kind of the movements and stuff for me, speaking on my behalf. Seeing how he was -- I
15 seen him in the orange vest, standing by the driver's side door, and kind of, like, he was
16 kind of staring at us, kind of looking weird, like, looking at us in kind of, like, a direct
17 glare. And at that point, I'm -- I can't tell you when I actually concluded that was him,
18 but I did believe it was him.

19 **MR. MICHAEL SCOTT:** But it wasn't at the point where you just
20 saw that it was a police cruiser and a vest. That wasn't enough?

21 **CST. DAVE MELANSON:** I don't know. I don't recall exactly how
22 that went down.

23 **MR. MICHAEL SCOTT:** Okay. But are you suggesting that after
24 seeing the car and the vest, it's then the behaviour of the person ---

25 **CST. DAVE MELANSON:** Contribute to it.

26 **MR. MICHAEL SCOTT:** --- that's contributing to your conclusion ---

27 **CST. DAVE MELANSON:** Yeah.

28 **MR. MICHAEL SCOTT:** --- that this person must be the

1 perpetrator.

2 **CST. DAVE MELANSON:** Yeah.

3 **MR. MICHAEL SCOTT:** Right. And it caused you to become a
4 hundred percent certain that it was the perpetrator?

5 **CST. DAVE MELANSON:** When I fired my rounds, I was a
6 hundred percent certain that was the perpetrator.

7 **MR. MICHAEL SCOTT:** Right. There was no doubt in your mind?

8 **CST. DAVE MELANSON:** No.

9 **MR. MICHAEL SCOTT:** No. Same for you, Cst. Brown?

10 **CST. TERRY BROWN:** Yeah, when we got out of the vehicle, the
11 immediate reaction was to yell commands, to try to get his attention, to get him to show
12 his hands, and he didn't do those things. He ducked, and that further cemented in my
13 mind that that was somebody that was taking action to evade police or hide from the
14 police. So that's -- as these things are happening, and you got to remember, this is
15 literally over a couple seconds that this is all unfolding, that's how it's starting to come
16 into my mind that this is the person.

17 **MR. MICHAEL SCOTT:** Okay. So you, like Cst. Melanson, you
18 hadn't made that decision until you also made further observations about this person's
19 behaviour or their actions and the -- you describe ducking behind the car?

20 **CST. TERRY BROWN:** So as we're stopping, we see this, and
21 obviously, we're concerned it's him. We believe it's him, but we want to further confirm
22 that, and that is as we got out of the vehicle and yelled commands to him, that's when it
23 started to become more clear in my mind that I believed that it was definitely him.

24 **MR. MICHAEL SCOTT:** Sorry, just to be clear, you said that as
25 we're stopping and we're seeing this, when you say ---

26 **CST. TERRY BROWN:** After we get out and I'm yelling
27 commands. So we see him. It leads us to believe that this could be him. We have to
28 treat it like it is him. We can't treat it like it's not, so we did treat it as if we were dealing

1 with that person, the person we were looking for. And then through giving commands,
2 and having him duck and not listen to commands, that's when it became more clear in
3 my mind that this is the person we're looking for.

4 **MR. MICHAEL SCOTT:** Right. So you get out of the vehicle and
5 what you're doing is shouting, you're commanding to this person show your hands?

6 **CST. TERRY BROWN:** Yes.

7 **MR. MICHAEL SCOTT:** And you recall that?

8 **CST. TERRY BROWN:** Yes.

9 **MR. MICHAEL SCOTT:** Right. Because even though I think you
10 said earlier, you didn't really think this person was -- or that the perpetrator was going to
11 surrender. You're still going to make the attempt?

12 **CST. TERRY BROWN:** Absolutely.

13 **MR. MICHAEL SCOTT:** Right. Because your objective is not to
14 shoot this person on sight; correct?

15 **CST. TERRY BROWN:** That's correct.

16 **MR. MICHAEL SCOTT:** Your objective is to stop this person?

17 **CST. TERRY BROWN:** Yes.

18 **MR. MICHAEL SCOTT:** And to fire your carbine would be an
19 option of absolute last resort?

20 **CST. TERRY BROWN:** Like I said, I've never done it in 13 years.

21 **MR. MICHAEL SCOTT:** So you're shouting at this person, "Show
22 your hands", and on your chest you've got a big plate that says, "Police" that's clearly
23 visible?

24 **CST. TERRY BROWN:** Yes.

25 **MR. MICHAEL SCOTT:** And it's marked on your hat as well?

26 **CST. TERRY BROWN:** Yes.

27 **MR. MICHAEL SCOTT:** Yeah. And there's nothing between you
28 and the RCMP vehicle?

1 **CST. TERRY BROWN:** Not that I recall.

2 **MR. MICHAEL SCOTT:** Right. And I think you said that the
3 person was looking at you, or he appeared to be looking at you?

4 **CST. TERRY BROWN:** Yeah, I believed they were, yeah.

5 **MR. MICHAEL SCOTT:** Yeah. And I assume when you're -- when
6 you're issuing your challenge, even though you're quite far away, you're yelling as loud
7 as you can to get this person's attention?

8 **CST. TERRY BROWN:** Yes.

9 **MR. MICHAEL SCOTT:** And make sure that it's absolutely clear
10 that you're a police officer and you're giving a direction?

11 **CST. TERRY BROWN:** Like I said, I yelled out. I don't know the
12 exact volume, but I was definitely yelling commands, and I was yelling them for him to
13 hear them, yes.

14 **MR. MICHAEL SCOTT:** For that purpose?

15 **CST. TERRY BROWN:** Yes.

16 **MR. MICHAEL SCOTT:** To convince him to surrender?

17 **CST. TERRY BROWN:** Yes.

18 **MR. MICHAEL SCOTT:** Yeah. Constable Melanson, you didn't
19 challenge the person you saw by the car, did you?

20 **CST. DAVE MELANSON:** No.

21 **MR. MICHAEL SCOTT:** No. And you didn't, or at least to the best
22 of your recollection, you don't recall hearing Constable Brown issuing a challenge, do
23 you?

24 **CST. DAVE MELANSON:** My focus was on the radio. I was
25 ducked down behind trying to get through on the radio.

26 **MR. MICHAEL SCOTT:** Right.

27 **CST. DAVE MELANSON:** I know Terry was yelling, but I couldn't
28 tell you what was said.

1 **MR. MICHAEL SCOTT:** Right. You don't recall -- you don't recall
2 the things that Constable Brown just described about yelling "Show your hands" to the --
3 -

4 **CST. DAVE MELANSON:** I don't know. My focus was elsewhere.

5 **MR. MICHAEL SCOTT:** Right. You were trying to get on the
6 radio?

7 **CST. DAVE MELANSON:** That's correct.

8 **MR. MICHAEL SCOTT:** And you were at the rear of the car?

9 **CST. DAVE MELANSON:** That's correct.

10 **MR. MICHAEL SCOTT:** And where was Constable Brown?

11 **CST. DAVE MELANSON:** At that point, he was to my left at the
12 rear of the vehicle.

13 **MR. MICHAEL SCOTT:** So you're at the rear of the vehicle, he's at
14 the rear of the vehicle, and I appreciate that you're trying to get on the radio, but you
15 don't recall hearing anybody yelling, "Show your hands, show your hands"?

16 **CST. DAVE MELANSON:** No.

17 **MR. MICHAEL SCOTT:** No. Do you recall a -- at around that
18 moment, as you're pulling up and getting out of the vehicle, do you recall a civilian
19 vehicle coming eastbound?

20 **CST. DAVE MELANSON:** I faintly do recall a vehicle coming or I --
21 from that direction eastbound, yeah.

22 **MR. MICHAEL SCOTT:** Right.

23 **CST. TERRY BROWN:** I remember one because I saw it on the
24 video. I don't know if I remember it because of the video or because I remember it from
25 that time. So -- but I did see it.

26 **MR. MICHAEL SCOTT:** Are you aware that the Commission's
27 been provided with a statement of the driver of that vehicle, a gentleman named Jerome
28 Breau?

1 **CST. TERRY BROWN:** I know they had statements. I don't know
2 who gave them.

3 **MR. MICHAEL SCOTT:** Okay. At what point, to the best of your
4 recollection, at what point is it that you encounter Mr. Breau? Is it as you're getting out
5 of the vehicle or you're already out?

6 **CST. TERRY BROWN:** Well, to my recollection, I remember -- I
7 believe I remember waving somebody through, but I can't say for sure if it was that
8 vehicle or not.

9 **MR. MICHAEL SCOTT:** Okay. And if you're waving somebody
10 through, does that mean that -- can we presume that you were out of the vehicle at that
11 point?

12 **CST. TERRY BROWN:** Yes.

13 **MR. MICHAEL SCOTT:** Right. And were you aware that --
14 Mr. Breau's account is that as he was coming by you, you waved him through or one of
15 you waved him through, and then he heard shooting and did not hear any challenge?

16 **CST. TERRY BROWN:** I can't speak to that. I don't know.

17 **MR. MICHAEL SCOTT:** And Constable Melanson, you said you
18 heard Constable Brown yelling, but you don't remember what he was yelling?

19 **CST. DAVE MELANSON:** No. My focus was on the radio. I was
20 trying to get out and let people know we were here.

21 **MR. MICHAEL SCOTT:** Right. Do you recall what kind of yelling it
22 was?

23 **CST. DAVE MELANSON:** I don't.

24 **MR. MICHAEL SCOTT:** No.

25 **CST. DAVE MELANSON:** I don't. The one thing I recall is, is Terry
26 looking down at me saying, "Get up Dave, we got to deal with this", or something to that
27 effect. And I was, like, I gave up the radio at that point trying to get out.

28 **MR. MICHAEL SCOTT:** Okay. And when you're trying to get on

1 the radio, by the time you're at the back of the car, you're doing it on your -- on your
2 handheld?

3 **CST. DAVE MELANSON:** Yes.

4 **MR. MICHAEL SCOTT:** Right.

5 **CST. DAVE MELANSON:** Yeah, my radio had fell down. I
6 grabbed it up and I was just doing it on my hand.

7 **MR. MICHAEL SCOTT:** And I think you said you got bombed out?

8 **CST. DAVE MELANSON:** Yes.

9 **MR. MICHAEL SCOTT:** Which you understand as being when the
10 tower is tied up, when there is too many people on the system?

11 **CST. DAVE MELANSON:** Yes. Yeah, if there's -- or if there is
12 more than one person trying to get out at the same time, or there is too many people
13 trying to get to it. There is multiple reasons, yeah.

14 **MR. MICHAEL SCOTT:** Right. Your radio has -- your portable
15 radio has another button called a -- an ERTT, doesn't it?

16 **CST. DAVE MELANSON:** Yes.

17 **MR. MICHAEL SCOTT:** And that means it's a -- an emergency
18 request to talk button?

19 **CST. DAVE MELANSON:** Yeah.

20 **MR. MICHAEL SCOTT:** And did you hit that button?

21 **CST. DAVE MELANSON:** No.

22 **MR. MICHAEL SCOTT:** Why not?

23 **CST. DAVE MELANSON:** At the time, I was dealing with I have a
24 carbine in my hand, I'm ducked down dealing with a radio here. I've got this in my hand
25 at the time. The request to talk on my radio would have been somewhere back on my
26 side. I honestly did not register that in my mind to press that. I figured this is in my
27 hand, this is what I'm dealing with. I'll get out eventually. So no, I didn't -- I don't -- and
28 I can't say that it was on my mind to press it because it just wouldn't have been tactically

1 feasible to even to try to make that motion.

2 **MR. MICHAEL SCOTT:** So you said you were -- you were so
3 focussed on getting out on the radio that you couldn't really see what Constable Brown
4 was doing. I assume that's because you recognised how important it was that if you
5 were now at a fire station with somebody who is indiscriminately killing people, you
6 needed to get the message out to your colleagues to converge on this position; correct?

7 **CST. DAVE MELANSON:** Correct.

8 **MR. MICHAEL SCOTT:** Okay. And as far as emergencies go,
9 you'd agree with me that that would be an excellent time to hit that request to talk -- that
10 emergency request to talk button?

11 **CST. DAVE MELANSON:** Yeah, if you're able to, for sure.

12 **MR. MICHAEL SCOTT:** Right. But you're saying that the
13 circumstances were such that you would have but you couldn't, you were unable to?

14 **CST. DAVE MELANSON:** From -- I would say, yeah. No, I was
15 not able to. I would have had to drop that, and I don't know how I would have been able
16 to get to that, and it wasn't on my mind. I had the radio in my hand, so I wasn't
17 focussed on trying to find a -- find a button to press on a -- on my radio, on my belt. I
18 was -- had the radio in my hand. I was trying to get out on that.

19 **MR. MICHAEL SCOTT:** Right.

20 **CST. DAVE MELANSON:** And I didn't -- and maybe if I had more
21 time, eventually maybe that would have been something that would have worked, but
22 the radios weren't that great that day, so I don't know if it -- why -- if that would have
23 made a difference then.

24 **MR. MICHAEL SCOTT:** Well, it may have and it may not have.
25 But are you saying that you didn't think about it or you made a decision that it wasn't
26 tactically sound I think you said?

27 **CST. DAVE MELANSON:** You know, I can't say I made a decision
28 there. I was trying to get out on my radio. I -- my decision was in the matter of that time

1 was getting out on my radio, and I had that in my hand.

2 **MR. MICHAEL SCOTT:** That would have been a way to get out on
3 the radio, wouldn't it, hitting your ERTT? That would have opened a line?

4 **CST. DAVE MELANSON:** Yeah, it's a possibility, yeah.

5 **MR. MICHAEL SCOTT:** Right. And where is the button?

6 **CST. DAVE MELANSON:** It's on my -- on my portable.

7 **MR. MICHAEL SCOTT:** So you could have just reached around
8 and pressed the button?

9 **CST. DAVE MELANSON:** Yeah, with hard body armour on and all
10 that stuff, it would have probably been a challenge. Probably would have took my mind
11 and my attention off of what was important at the time to try to find that, and I don't think
12 it would have been the wise choice to do at that time.

13 **CST. TERRY BROWN:** Not to mention there is multiple buttons on
14 the radio, the EE -- it isn't like you just put your finger down, hit a button, and it all is
15 good. It would have took time to look down and find that button.

16 **MR. MICHAEL SCOTT:** Right. But Constable Melanson, I think
17 you said that your mind was on -- that is -- you said you didn't want to take your mind off
18 the things that you were paying attention to. What your mind was on was getting out on
19 the radio.

20 **CST. DAVE MELANSON:** My ---

21 **MS. PATRICIA McPHEE:** I'm going to object. I think he's asked
22 and answered this question several times.

23 **COMMISSIONER MacDONALD:** Thank you.

24 He said a couple of times, "It wasn't on my mind", Mr. Scott.

25 **MR. MICHAEL SCOTT:** Well, clearly, Commissioner, I -- my
26 understanding, I might have heard him wrong, but I thought he said that his mind was
27 on getting out on the radio.

28 **COMMISSIONER MacDONALD:** He said a couple of times "It

1 wasn't on my mind."

2 **MR. MICHAEL SCOTT:** Is there an ERTT button on the -- on the
3 unit that's inside your vehicle, on the radio inside your vehicle, not your portable?

4 **CST. DAVE MELANSON:** Yes.

5 **MR. MICHAEL SCOTT:** Yeah. Did you turn your mind to trying
6 that when you were -- you tried to use the radio inside your car before you got out?

7 **CST. DAVE MELANSON:** Yeah, I tried.

8 **MR. MICHAEL SCOTT:** And did you get bombed out that time as
9 well?

10 **CST. DAVE MELANSON:** I did.

11 **MR. MICHAEL SCOTT:** And did you try to hit the emergency
12 response ---

13 **CST. DAVE MELANSON:** Certainly not. No, at that time, I felt I
14 was in a compromised position, and I got out of the vehicle and I moved to the back. I
15 tried twice, or three times at that time, and I, yeah, no, I abandoned that, went to the
16 back of the vehicle.

17 **MR. MICHAEL SCOTT:** All right. So you made a conscious
18 decision that this wasn't -- you couldn't ---

19 **CST. DAVE MELANSON:** No, I didn't make a conscious decision
20 to pressing that orange button or not, I made a conscious decision to stop trying to get
21 out on the radio and get out of my vehicle and get to protection. That was my conscious
22 decision.

23 **MR. MICHAEL SCOTT:** And once you give up on the -- on the
24 radios, do I understand you come around the back of the vehicle, the both of you? And
25 sorry, which side of the vehicle are -- one of you is one side and one is on the other;
26 correct?

27 **CST. TERRY BROWN:** Well, when we came out, he came out of
28 the driver's seat, I came out of the passenger's seat, and we kind of crossed over each

1 other. He was down low and I was up top with my carbine directed towards the threat.

2 **MR. MICHAEL SCOTT:** Okay. And at that point, are you any
3 closer than the perspective that we're seeing in this photograph here?

4 **CST. TERRY BROWN:** No.

5 **MR. MICHAEL SCOTT:** No. So this is -- effectively, you're looking
6 down your carbine, this is what you're seeing?

7 **CST. TERRY BROWN:** Like I said, maybe a little bit closer, but --
8 and in the middle of the road. So out -- yeah, it's a little bit different than that.

9 **MR. MICHAEL SCOTT:** Right. And were you able to see the front
10 of the police car that you were looking at?

11 **CST. TERRY BROWN:** I don't recall. I believe I could see the full
12 side of the police car, yes.

13 **MR. MICHAEL SCOTT:** Well I'll have you look at the photo here.
14 I'm going to suggest to you that you could see the whole side and the front of the
15 vehicle?

16 **CST. TERRY BROWN:** That's what I'm saying. I could see the
17 whole side of the vehicle, including the front, yes. Sorry.

18 **MR. MICHAEL SCOTT:** And did you make any note of the fact that
19 that vehicle had no push bar on the front?

20 **CST. TERRY BROWN:** No.

21 **MR. MICHAEL SCOTT:** And did it ever cross your mind that you
22 should perhaps get closer to see if you could identify ---

23 **CST. TERRY BROWN:** No. I'm not going to get closer and come
24 out from behind cover and risk being shot.

25 **MR. MICHAEL SCOTT:** Right. And what finally convinced the two
26 of you that this person was the perpetrator was his behaviour; correct?

27 **CST. TERRY BROWN:** Yeah, not obeying commands and
28 ducking, popping back up, running. Yes.

1 **MR. MICHAEL SCOTT:** So you're shouting commands at this
2 person, you're fully marked police, ---

3 **CST. TERRY BROWN:** Yeah.

4 **MR. MICHAEL SCOTT:** --- you're pointing carbines at this person,
5 and your evidence is that Mr. Westlake ducked and ran away?

6 **CST. TERRY BROWN:** He ducked, he popped back up, I don't
7 know if he ducked again, and then he ran into the building.

8 **MR. MICHAEL SCOTT:** And did it appear from your perspective
9 that he could see you? He didn't have his back to you. He was looking at you?

10 **CST. TERRY BROWN:** Yeah, I believe he was looking at us. Yes.

11 **MR. MICHAEL SCOTT:** All right. And all this was happening
12 before you fired?

13 **CST. TERRY BROWN:** Yes.

14 **MR. MICHAEL SCOTT:** And in fact, that's one of the things that
15 caused you to make the decision to fire on Mr. Westlake, was his ducking behind the
16 car and then running away?

17 **CST. TERRY BROWN:** A lot of factors led to that previous to us
18 arriving at the fire hall and then his actions, yes.

19 **MR. MICHAEL SCOTT:** Right. Because you feared that he might
20 go into the fire hall and kill people, or go to a neighbour's house or something?

21 **CST. TERRY BROWN:** Yes.

22 **MR. MICHAEL SCOTT:** Yeah. So the -- you know now that it
23 wasn't the perpetrator, obviously?

24 **CST. TERRY BROWN:** Yes.

25 **MR. MICHAEL SCOTT:** It must, in retrospect, seem very strange
26 that the EMO official who is standing next to an RCMP officer is ignoring your
27 challenges and instead of putting up his hands, is instead feeling into the building?

28 **CST. TERRY BROWN:** I'm asking you, it must seem -- now that

1 you know that it's not the perpetrator, Mr. Westlake's actions must seem very strange to
2 you?

3 **CST. TERRY BROWN:** I don't know. I mean, I guess he was
4 probably scared.

5 **MR. MICHAEL SCOTT:** Right. Is it possible that you fired at Mr.
6 Westlake and then he ducked and ran away?

7 **CST. TERRY BROWN:** No.

8 **MR. MICHAEL SCOTT:** No?

9 **CST. TERRY BROWN:** No.

10 **MR. MICHAEL SCOTT:** So even though you didn't see the pylons,
11 and you didn't see the front push bar, you didn't see the cars in the parking lot, and you
12 had tunnel vision, you are 100 percent, as certain as you are, 100 percent ---

13 **CST. TERRY BROWN:** I was hyper focused on the person in the
14 orange vest beside the police car. I know what that person did.

15 **MR. MICHAEL SCOTT:** Right. And you're as sure as you are of
16 anything else that you've told us that you -- he ran and then you fired? Not you fired
17 and then he ran away?

18 **CST. TERRY BROWN:** He ducked, then he ran, and as he was
19 running, we fired.

20 **MR. MICHAEL SCOTT:** And that's the same for you as well?

21 **CST. DAVE MELANSON:** Same for me as well.

22 **MR. MICHAEL SCOTT:** Mr. Westlake ran into the building, and
23 then the two of you advanced forward; correct?

24 **CST. TERRY BROWN:** We went to a ditch. We took cover in the
25 ditch.

26 **MR. MICHAEL SCOTT:** Right. And is it at that point that you see
27 somebody coming out of the car?

28 **CST. TERRY BROWN:** Yes.

1 **MR. MICHAEL SCOTT:** Right.

2 **CST. TERRY BROWN:** Cst Gagnon. Yes.

3 **MR. MICHAEL SCOTT:** And Cst Gagnon, he's yelling you; is he
4 not?

5 **CST. TERRY BROWN:** Well, I heard a record played today. I
6 don't recall exactly him yelling. I do recall at some point we did have a conversation
7 from across the parking lot to each other, like yelling back and forth.

8 **MR. MICHAEL SCOTT:** Right. And what he was yelling at you
9 was, "Look at my car"?

10 **CST. TERRY BROWN:** I don't recall.

11 **MR. MICHAEL SCOTT:** You don't recall that?

12 **CST. TERRY BROWN:** I don't recall what exactly he said.

13 **MR. MICHAEL SCOTT:** Cst Melanson?

14 **CST. DAVE MELANSON:** No, I just remember he said, and I said
15 it before, "What are you shooting at? It's Gagnon."

16 **MR. MICHAEL SCOTT:** Sorry, say that again?

17 **CST. DAVE MELANSON:** He said, "Who are you shooting at? It's
18 Gagnon."

19 **MR. MICHAEL SCOTT:** Right. That's the only thing that you
20 remember Cst ---

21 **CST. DAVE MELANSON:** I don't remember him saying, "Look at
22 my car." No.

23 **MR. MICHAEL SCOTT:** Okay. So at what point did you realize
24 that Cst Gagnon was not a threat?

25 **CST. TERRY BROWN:** Through conversation. We started talking
26 and it just became clear that he was a real police officer.

27 **MR. MICHAEL SCOTT:** Okay. And what was he telling you that
28 caused you to believe that?

1 **CST. TERRY BROWN:** I don't recall what the conversation was.

2 **MR. MICHAEL SCOTT:** Do you recall, as after you figured out who
3 Cst Gagnon was, when you approached him, do you recall him telling you, "Go find your
4 rounds?"

5 **CST. TERRY BROWN:** No.

6 **CST. DAVE MELANSON:** No.

7 **MR. MICHAEL SCOTT:** If Cst Gagnon did say that to you, would it
8 have some meaning to you if somebody told you, "Go find your rounds"?

9 **CST. TERRY BROWN:** I wouldn't have been going to find my
10 rounds. No.

11 **MR. MICHAEL SCOTT:** Cst Melanson?

12 **CST. DAVE MELANSON:** I guess I don't know what he would
13 have been -- where the rounds hit. When I came out of the building, it looked like the
14 rounds hit right where we were aiming. So.

15 **MR. MICHAEL SCOTT:** Right.

16 **CST. DAVE MELANSON:** Yeah.

17 **MR. MICHAEL SCOTT:** You saw where it hit the wall and the
18 monument too?

19 **CST. DAVE MELANSON:** I saw the wall. I didn't know it hit the
20 monument. Like, at the wall, I thought those were our shots.

21 **MR. MICHAEL SCOTT:** Right. But you didn't check to see where
22 your other shots had landed?

23 **CST. DAVE MELANSON:** I fired one round.

24 **MR. MICHAEL SCOTT:** Right. But you were with Cst Brown.

25 **CST. DAVE MELANSON:** Yeah, no. It looked to me like there
26 was a grouping of rounds almost in the same spot, but I know afterwards, seeing that, it
27 was actually ricochet, I believe, from a round hitting the monument.

28 **MR. MICHAEL SCOTT:** And at that point, you weren't aware that

1 one of you had put a round through the electronic sign ---

2 **CST. DAVE MELANSON:** No.

3 **MR. MICHAEL SCOTT:** --- at the front of the building? And you
4 weren't aware that one or both of you had put two rounds through the garage door into
5 a fire truck?

6 **CST. DAVE MELANSON:** No.

7 **MR. MICHAEL SCOTT:** No. And did either one of you make a
8 search to see if you had hit something other than what was right at the door?

9 **CST. TERRY BROWN:** The only search was to see if anybody
10 was injured. At that point, we still had an active shooter on the loose. I wasn't
11 concerned with property damage at that point.

12 **MR. MICHAEL SCOTT:** Okay. Cst Melanson, you're a carbine
13 instructor?

14 **CST. DAVE MELANSON:** Yes. Right.

15 **MR. MICHAEL SCOTT:** And you'd agree with me that an
16 important part of handling a weapon like the C8 is understanding over penetration?

17 **CST. DAVE MELANSON:** M'hm.

18 **MR. MICHAEL SCOTT:** Yes?

19 **CST. DAVE MELANSON:** Yes.

20 **MR. MICHAEL SCOTT:** Yeah. You need to be absolutely aware
21 of what's between you and the target and what's beyond the target?

22 **CST. DAVE MELANSON:** Yes.

23 **MR. MICHAEL SCOTT:** Right. Because those 5.56 rounds are
24 high penetrating rounds?

25 **CST. DAVE MELANSON:** Yes.

26 **MR. MICHAEL SCOTT:** Yeah. Would go through a car door?

27 **CST. DAVE MELANSON:** Pardon?

28 **MR. MICHAEL SCOTT:** Will penetrate a car door?

1 **CST. DAVE MELANSON:** Yes.

2 **MR. MICHAEL SCOTT:** Right.

3 **CST. DAVE MELANSON:** Not always, but they have been known
4 to stop in a car door as well. They are designed to shatter on impact. But sometimes
5 they will travel through, yes.

6 **MR. MICHAEL SCOTT:** And before you pull the trigger on
7 something like your carbine, you would say, as an instructor, that it's important that you
8 know where that round is going to land?

9 **CST. DAVE MELANSON:** In this situation -- as an instructor,
10 you're on a range and quite often when you're shooting, you teach people, you make
11 sure of your target, the foreground, and the background. With my angle here, to make
12 that decision that fast, you don't have, ideally, the time to think of everything behind it.

13 So the building is behind kind of where I thought my shots hit, but
14 you're right. Overpenetration can be a factor. Sometimes you just don't -- to be able to
15 register all that stuff at once.

16 Ideally, when you're shooting -- you're shooting a firearm, you
17 teach people to make sure of your target, foreground, and quite often you're in a
18 controlled environment which has got all protection all around. It's a difficult thing when
19 you're out in the open, you have open environments, different things to choose.
20 Sometimes you have to make the decision on what the threat is at the time. And that's
21 what I did.

22 **MR. MICHAEL SCOTT:** Yeah. So in this circumstance, you did
23 factor in that you would be shooting ---

24 **CST. DAVE MELANSON:** Did I ---

25 **MR. MICHAEL SCOTT:** --- into a building?

26 **CST. DAVE MELANSON:** No, I didn't calculate all that. No.

27 **MR. MICHAEL SCOTT:** No.

28 **CST. DAVE MELANSON:** Not in that fraction of a second. I

1 couldn't. I calculated -- what I saw was a threat, I believed the killer, I believed that he
2 needed to be stopped, and I fired a round at the killer. My direction was at the killer.
3 Yeah.

4 **MR. MICHAEL SCOTT:** Okay. When you finally identified Cst
5 Gagnon and the decision was made, I don't know if it was a conscious decision, but you
6 and Cst Gagnon went into the fire hall; correct?

7 **CST. DAVE MELANSON:** Correct.

8 **MR. MICHAEL SCOTT:** And was there any discussion between
9 you and Cst Brown before you went in?

10 **CST. DAVE MELANSON:** Brown had split off and he wasn't with
11 me at that point.

12 **MR. MICHAEL SCOTT:** Cst Brown, what was your purpose in
13 going around the building?

14 **CST. TERRY BROWN:** As I testified earlier, I was going around
15 the building to see if anybody was injured. I didn't know if the person that we were
16 shooting at was -- I still hadn't determined, was that person still a threat? Or if they
17 were injured or if they'd ran somewhere else. I really didn't know who they were or what
18 they were doing, or if they were injured. So I was looking for that person and looking to
19 see if anybody was injured.

20 **MR. MICHAEL SCOTT:** Okay. Do you recall when you came
21 around the building and you got to the east side of the building, there's a service door or
22 a man door on the side into the hall. Do you recall banging on that door?

23 **CST. TERRY BROWN:** I never banged on any doors.

24 **MR. MICHAEL SCOTT:** Okay.

25 **CST. TERRY BROWN:** I walked around.

26 **MR. MICHAEL SCOTT:** Are you certain of that?

27 **CST. TERRY BROWN:** I'm 100 percent certain on that.

28 **MR. MICHAEL SCOTT:** Cst Melanson, do you recall going to the

1 going to the east side of the building and knocking on an exterior door?

2 **CST. DAVE MELANSON:** No, I just went into the front side -- the
3 front of the building. I didn't bang on any doors either.

4 **MR. MICHAEL SCOTT:** Are you aware that we heard evidence
5 from people that were inside the firehall at the time, and they were talking about at one
6 point somebody coming and banging on the side door where they were. You have no
7 idea what that refers to?

8 **CST. TERRY BROWN:** Can't -- no.

9 **MR. MICHAEL SCOTT:** No. Is it possible that one of you banged
10 on the door, you just don't remember it, or are you quite certain?

11 **CST. TERRY BROWN:** I'm a hundred percent certain I walked
12 around the building. I never touched any of the doors.

13 **MR. MICHAEL SCOTT:** Okay. And beyond the two of you and
14 Cst. Gagnon, are there any other police officers on site?

15 **CST. TERRY BROWN:** No.

16 **CST. DAVE MELANSON:** No.

17 **MR. MICHAEL SCOTT:** Cst. Melanson, when you went into the
18 building, what was your intention?

19 **CST. DAVE MELANSON:** I was worried about the person that ran
20 in there, Dave Westlake, just to make sure that he never got hit.

21 **MR. MICHAEL SCOTT:** Right.

22 **CST. DAVE MELANSON:** My intention was to see if he's all right.

23 **MR. MICHAEL SCOTT:** When you went in, you saw this person
24 wearing the reflective vest?

25 **CST. DAVE MELANSON:** I saw this person I believed to be him,
26 yes.

27 **MR. MICHAEL SCOTT:** Right. And by that point, you had decided
28 that this wasn't the perpetrator?

1 **CST. DAVE MELANSON:** That's correct.

2 **MR. MICHAEL SCOTT:** Right. And what changed?

3 **CST. DAVE MELANSON:** Even before I went in, finding out that
4 Dave -- not Dave, Dave Gagnon was a police officer in there, things just didn't make
5 sense why that guy would be standing beside him. At that point, I'm registering that I --
6 possibly misidentified the killer, yeah.

7 **MR. MICHAEL SCOTT:** Okay.

8 **CST. DAVE MELANSON:** Before I went in, I thought, yeah, I
9 misidentified who that person was.

10 **MR. MICHAEL SCOTT:** And you see Mr. Westlake. You don't
11 know who Mr. Westlake is at this point. He's just a guy in a vest?

12 **CST. DAVE MELANSON:** That's all I know, yes, at that point.

13 **MR. MICHAEL SCOTT:** You don't know that he's an EMO for
14 sure?

15 **CST. DAVE MELANSON:** No.

16 **MR. MICHAEL SCOTT:** No. You don't know what his purpose is
17 for being there?

18 **CST. DAVE MELANSON:** No.

19 **MR. MICHAEL SCOTT:** No. And he -- I think you describe in your
20 statement to the Commission, he sort of peeks around a corner. You see his face?

21 **CST. DAVE MELANSON:** I see more than his face. I see his
22 body.

23 **MR. MICHAEL SCOTT:** Yeah. And it wasn't clear to me whether it
24 was you or Cst. Gagnon, said something to him, like, "Is everybody okay?"

25 **CST. DAVE MELANSON:** I believe I said that.

26 **MR. MICHAEL SCOTT:** Okay. And was there any other
27 conversation with Mr. Westlake?

28 **CST. DAVE MELANSON:** I don't recall any other conversation

1 with Mr. Westlake.

2 **MR. MICHAEL SCOTT:** Did you ask him who he was?

3 **CST. DAVE MELANSON:** No.

4 **MR. MICHAEL SCOTT:** No. Did you ask if there were any other
5 people in the building?

6 **CST. DAVE MELANSON:** No.

7 **MR. MICHAEL SCOTT:** Were you aware if there was anyone else
8 in the building?

9 **CST. DAVE MELANSON:** No, I wasn't.

10 **MR. MICHAEL SCOTT:** Did you have any reason to believe there
11 was anyone other than Mr. Westlake in the building?

12 **CST. DAVE MELANSON:** Not at that time, no.

13 **MR. MICHAEL SCOTT:** No. Did you go through the building at
14 all?

15 **CST. DAVE MELANSON:** No.

16 **MR. MICHAEL SCOTT:** Did you think it would be a good idea to
17 perhaps see if anyone was injured and couldn't respond?

18 **CST. DAVE MELANSON:** I didn't think that anybody else was in
19 the building, and when speaking to Westlake, the person that I had shot at, that's who I
20 thought -- if anyone was injured, if there -- I was thinking he'd be the one that's injured.
21 I didn't think there was anybody else in the building at the time.

22 **MR. MICHAEL SCOTT:** Okay. According to the -- the video
23 timestamps have been entered as part of the Foundational Documents suggested that
24 the time between when you entered the building and when you left is about 17 seconds.
25 Does that sound about right to you?

26 **CST. DAVE MELANSON:** I can't give you a sense of time. It was
27 too long ago. I can't remember. I went in, I saw him, seen that he was all right, and
28 there wasn't -- I don't think there's any more conversation when he said he was all right,

1 and came out. If that's in 17 seconds, then that's what it would be.

2 **MR. MICHAEL SCOTT:** Okay.

3 **CST. DAVE MELANSON:** I'm not saying it was any longer or
4 shorter. I don't know.

5 **MR. MICHAEL SCOTT:** Did you think maybe it would have been
6 good to explain to Mr. Westlake what had happened?

7 **CST. DAVE MELANSON:** At this point, I believed that if he wasn't
8 the killer, the killer was still around. I believe the killer was somewhere in that area, and
9 at that point, I knew there'd be time for explanations, but that wasn't the time.

10 **MR. MICHAEL SCOTT:** Right. You didn't think there was time to
11 just tell him, you know, by the way, that, you know, that that was us. You're not in any --
12 -

13 **CST. DAVE MELANSON:** I may have said that. I don't know. But
14 I just remember seeing that he's okay and that was -- that's -- I don't recall if I did say
15 that or not. I can't say I did or didn't, but, no, my biggest relief, honestly, was to see that
16 he was okay. He didn't hit -- like, that was just the biggest relief on my mind, and then I
17 kind of, like, okay, focus, got to get back. If that's not him, that killer is still around. I
18 think -- and I was -- and I believe he was still in the area. He wasn't very far.

19 **MR. MICHAEL SCOTT:** All right. But he wasn't at the Onslow
20 Belmont Firehall. That's not your -- it's not your understanding that he was in that area?

21 **CST. DAVE MELANSON:** No, he was -- I believed he was
22 somewhere in that area, yeah. Yeah. If you're talking in the building, no. No, I don't
23 believe he was there, but I believed he was somewhere -- we had to get and look, and
24 he wasn't in the building. I didn't need to be in the building. I had to move on.

25 **MR. MICHAEL SCOTT:** Okay. And, Cst. Brown, you never went
26 into the ---

27 **CST. TERRY BROWN:** No.

28 **MR. MICHAEL SCOTT:** --- into the firehall. No. And you didn't

1 notice the holes in the bay door?

2 **CST. TERRY BROWN:** No.

3 **MR. MICHAEL SCOTT:** Or the sign -- you didn't see where your
4 rounds had landed?

5 **CST. TERRY BROWN:** No. My concern was everybody was okay,
6 and we were moving on.

7 **MR. MICHAEL SCOTT:** Yeah, how did you know everyone was
8 okay?

9 **CST. TERRY BROWN:** From talking to Dave Gagnon and Cst.
10 Melanson in the parking lot.

11 **MR. MICHAEL SCOTT:** And was it your understanding is that
12 Csts. Gagnon and Melanson had gone in and done the counting to make sure
13 everybody was safe and accounted for?

14 **CST. TERRY BROWN:** I knew they went in the building, and I
15 remember a very brief conversation, something along the lines is, is everybody okay, or
16 is everybody accounted for, or something along those lines, and it was, yes, or -- there
17 was no indication that anybody was injured.

18 **MR. MICHAEL SCOTT:** Right.

19 **CST. TERRY BROWN:** So at that point, the -- as I said earlier,
20 we're not concerned with the property damage. We got to move on and find the threat.

21 **MR. MICHAEL SCOTT:** Right. But property damage aside, do you
22 not have any concern that one of those rounds going through a building may hit a
23 person that you don't know about?

24 **CST. TERRY BROWN:** We just have that conversation in the
25 parking lot, and to my belief, everybody was okay and accounted for.

26 **MR. MICHAEL SCOTT:** So you're relying on the -- what you're
27 being told by Csts. ---

28 **CST. TERRY BROWN:** Yeah, I wasn't in the building. I went

1 around the outside. I didn't find any casualties, and that's the only thing I can add.

2 **MR. MICHAEL SCOTT:** And notwithstanding that you're deferring
3 to the other two constables, you think a question has to be answered as to have we
4 accounted for everyone in there, is everyone safe? You're just relying on them ---

5 **CST. TERRY BROWN:** I asked the question and I believed, yeah,
6 what they said, everybody was -- as I said, I don't remember the exact answer, but
7 everybody was okay, or accounted for, whatever it was.

8 **MR. MICHAEL SCOTT:** Cst. Melanson, I think you told my friend,
9 Mr. VanWart, that you were satisfied that you did everything that you needed to do to
10 make sure that people were okay inside. Aside from saying is everybody okay and Mr.
11 Westlake saying, yeah, we're fine, did you do anything else to make sure that
12 everybody in the building was okay?

13 **COMMISSIONER MacDONALD:** Sorry, Mr. Scott, you can't see
14 behind you, but Ms. McPhee has just stood up. Ms. McPhee?

15 **MS. PATRICIA McPHEE:** I'm just going to object to that. Again,
16 this has been asked and answered.

17 **COMMISSIONER MacDONALD:** Sorry, we'll give you a mic.

18 **MS. PATRICIA McPHEE:** Thank you. Sorry about that. I'm
19 objecting on the basis that the question was asked and answered.

20 **COMMISSIONER MacDONALD:** Thank you. Mr. Scott, in reply?

21 **MR. MICHAEL SCOTT:** Well, I'm trying to confirm what Mr. -- or
22 what Cst. Melanson meant when he told Mr. VanWart that he had done everything he
23 could to make sure that the people inside the building were safe, and he'd already told
24 us, because I asked the question, he said that he called out, or somebody called out to
25 Mr. Westlake. What I'm asking about is if he did anything else.

26 **COMMISSIONER MacDONALD:** All right. You contextualize it
27 vis-à-vis Mr. VanWart's question, so go ahead, Mr. Scott.

28 **MR. MICHAEL SCOTT:** You mean repeat the question or ---

1 **COMMISSIONER MacDONALD:** Yeah.

2 **MR. MICHAEL SCOTT:** Yeah. You told us that you -- either you
3 or Cst. Gagnon called out to Mr. Westlake saying is everybody okay and then got a
4 response. When you told Mr. VanWart this morning that you were satisfied you'd done
5 everything you could to make sure that the people in the firehall were safe, did you do
6 anything other than say to Mr. Westlake is everybody in here okay?

7 **CST. DAVE MELANSON:** No.

8 **MR. MICHAEL SCOTT:** What other steps did you take to make
9 sure everyone in that building was safe?

10 **CST. DAVE MELANSON:** At that point, as I said before, I believed
11 that Westlake was the only person that was in there. There's -- I didn't know there was
12 anyone else to be concerned with at that time. And with what Mr. Westlake had said,
13 he was okay, and I think I did say is everyone accounted for. I don't know if that come
14 out, just says -- or in case there was anybody else in there, is everyone accounted for,
15 and he said yes, so I didn't do anything further than that. I didn't search the building to
16 look for anybody that might have been hiding or anything like that. I moved on to find
17 the threat.

18 **MR. MICHAEL SCOTT:** You both went back to the vehicle, your
19 Nissan that was parked in the middle of the road. What are you -- what are the two of
20 you talking about when you get back in the car?

21 **CST. TERRY BROWN:** I immediately grabbed the radio and -- or
22 the radio, the -- I called my staff sergeant on my cell phone and told him what
23 happened.

24 **MR. MICHAEL SCOTT:** And was there any discussion that one or
25 the both of you might stand down for a while, or were you told to continue on with your
26 duties?

27 **CST. TERRY BROWN:** What do you mean?

28 **MR. MICHAEL SCOTT:** Were you told to continue on with what

1 you were doing, or ---

2 **CST. TERRY BROWN:** Oh, we ---

3 **MR. MICHAEL SCOTT:** --- is there a discussion of whether maybe
4 you guys should ---

5 **CST. TERRY BROWN:** Staff Carroll gave the direction. We told
6 him what happened. He said, "Take a breath. We'll deal with this at the end of the day,
7 after this -- after we stop the person who's killing people."

8 **MR. MICHAEL SCOTT:** And within an hour of that, you run into
9 this HRP officer near a roadblock; yes?

10 **CST. TERRY BROWN:** Yes.

11 **MR. MICHAEL SCOTT:** And do I recall correctly that at that point,
12 the best information you had was that the perpetrator was travelling in a grey SUV.

13 **CST. TERRY BROWN:** I believe so at that time. I ---

14 **CST. DAVE MELANSON:** He had switched vehicles, yeah.

15 **CST. TERRY BROWN:** I knew he switched vehicles. I don't
16 remember the exact make and model.

17 **MR. MICHAEL SCOTT:** Okay. And was there anything about this
18 person, that turned out to be an HRP officer, that matched the description? Was he
19 wearing clothes that you had been advised to look out for?

20 **CST. DAVE MELANSON:** I didn't think ---

21 **CST. TERRY BROWN:** Just so we're clear, I didn't at any point
22 necessarily think that that was Wortman. It could have been, but there was a man with
23 aa gun a short distance behind a group of police officers, and he had no markings on
24 him, and I called out to the officers if they knew who that was. Could it have been
25 Wortman who changed? Yeah, I thought maybe that could have been a possibility.
26 There was some indication of a white truck earlier; could have matched up.

27 But it didn't matter whether it was him or not; there was a man with
28 a gun standing behind several police officers. And they even said on the radio, as you

1 heard, they felt exposed, so...

2 **MR. MICHAEL SCOTT:** Right. But he's a man carrying what
3 looked to be a carbine.

4 **CST. TERRY BROWN:** A long gun, yeah.

5 **MR. MICHAEL SCOTT:** Yeah, but more specifically it looks very
6 much like the carbine that you were carrying.

7 **CST. TERRY BROWN:** Listen; if I was to describe the gun, I
8 couldn't. All I could tell you is it was a long gun. I don't remember it being a rifle or a
9 shotgun. I remember it looked like an assault rifle-type gun.

10 **MR. MICHAEL SCOTT:** Right. Did it look any different than the
11 gun that you were carrying?

12 **CST. TERRY BROWN:** I don't recall exactly what it looked like.

13 **MR. MICHAEL SCOTT:** Okay. And this person is within, I think
14 you said in your statement around 20 metres from where there are a number of officers
15 involved in a roadblock.

16 **CST. TERRY BROWN:** Yes.

17 **MR. MICHAEL SCOTT:** Okay.

18 **CST. TERRY BROWN:** And the distance, I can't say 100 percent
19 but that's a guess.

20 **CST. DAVE MELANSON:** And I can't recall the distance, but I do
21 know that he was separate from all the marked PCs; he was back alone by himself,
22 away from that.

23 **MR. MICHAEL SCOTT:** Was there anything suspicious about his
24 behaviour?

25 **CST. TERRY BROWN:** The fact that he's standing there with no
26 police markings, not beside a police vehicle, holding a long gun, that was suspicious to
27 me.

28 **MR. MICHAEL SCOTT:** And as you drove by him, he actually

1 waved to you.

2 **CST. TERRY BROWN:** Waved or smiled or whatever, I don't
3 know. It was something like that.

4 **MR. MICHAEL SCOTT:** And Cst. Brown, in your statement to the
5 MCC you said, "You know, we were going to engage him, you know, find out who he
6 was."

7 **CST. TERRY BROWN:** Yeah.

8 **MR. MICHAEL SCOTT:** Right. But we heard the recording this
9 morning. What you actually said was, "That person has a firearm in their hand and we're
10 going to take him down here".

11 **CST. TERRY BROWN:** Yeah.

12 **MR. MICHAEL SCOTT:** Right. And do I understand that your
13 evidence is that when you say you're, "going to take him down here," what you mean is
14 you're going to make inquiries to determine this person's identity?

15 **CST. TERRY BROWN:** Yes. So just for, I guess, context, like, we
16 -- for instance, if we're executing a search warrant on a drug target, we'll say we're
17 going to take down the drug target; "we're going to take him down". It's just a figure of
18 speech, or a way of saying it, I guess.

19 **MR. MICHAEL SCOTT:** Right.

20 **CST. TERRY BROWN:** So we were going to take him down; we're
21 going to engage that person through conversation first, as we did at the Fire Hall, and
22 try to figure out who they were.

23 **MR. MICHAEL SCOTT:** Right, but that person you know -- this
24 person actually is carrying a gun.

25 **CST. TERRY BROWN:** Yes.

26 **MR. MICHAEL SCOTT:** You know that at that point. So when you
27 get out of that car, you're ---

28 **CST. DAVE MELANSON:** We didn't get out of the car.

1 **MR. MICHAEL SCOTT:** I understand that.

2 **CST. DAVE MELANSON:** Oh.

3 **MR. MICHAEL SCOTT:** But if you had gotten out of that car, you
4 would have engaged him with your carbine.

5 **CST. TERRY BROWN:** We would have taken cover. We definitely
6 would have had our carbine out, yes.

7 **MR. MICHAEL SCOTT:** And to be clear; the only reason you didn't
8 get out of your car is because immediately after that transmission, somebody told you
9 ---

10 **CST. TERRY BROWN:** Yes.

11 **MR. MICHAEL SCOTT:** --- "That's an HRP officer".

12 **CST. TERRY BROWN:** Yes.

13 **MR. MICHAEL SCOTT:** Okay. And, similarly, before the incident
14 at Onslow, you thought you may have encountered the perpetrator, but it was, in fact,
15 Cst. MacDonald?

16 **CST. TERRY BROWN:** We encountered a marked police car on
17 the side of the road very close to the address that the 9-1-1 call just came in from, so
18 we treated it as if it would have potentially been that car.

19 **MR. MICHAEL SCOTT:** And your reasoning was that we're
20 looking for something that looks like a marked cruiser; that's a marked cruiser.

21 **CST. TERRY BROWN:** Yeah.

22 **MR. MICHAEL SCOTT:** Was there anything else that was
23 suggestive ---

24 **CST. DAVE MELANSON:** The timing was perfect. Rodney just
25 came through there, Rodney Peterson, also with the timing. And when Terry said, "That
26 could be him," it kind of opened my mind up, like, whoa, yeah, any marked PC could be
27 him. We stopped -- I stopped the vehicle, and then we made communications, which
28 was the right thing to do. Anything different would have been wrong.

1 **MR. MICHAEL SCOTT:** What do you mean?

2 **CST. DAVE MELANSON:** That's what we did. We stopped and
3 we made communications to see who that was.

4 **MR. MICHAEL SCOTT:** Right. You didn't jump to the conclusion
5 that it was the perpetrator?

6 **CST. DAVE MELANSON:** No.

7 **MR. MICHAEL SCOTT:** No.

8 **CST. DAVE MELANSON:** We considered that a possibility.

9 **MR. MICHAEL SCOTT:** Right. Could you see who was in the
10 vehicle?

11 **CST. TERRY BROWN:** No.

12 **CST. DAVE MELANSON:** No.

13 **MR. MICHAEL SCOTT:** So you had no idea what they were
14 wearing?

15 **CST. TERRY BROWN:** No.

16 **CST. DAVE MELANSON:** No.

17 **MR. MICHAEL SCOTT:** And you didn't see what the call sign was
18 on the side of that car?

19 **CST. TERRY BROWN:** No.

20 **CST. DAVE MELANSON:** No.

21 **MR. MICHAEL SCOTT:** After the events of April 2020, I
22 understand there was a Code of Conduct investigation.

23 **CST. TERRY BROWN:** Yes.

24 **MR. MICHAEL SCOTT:** Right. And what is that?

25 **CST. TERRY BROWN:** It's basically an internal investigation of the
26 RCMP.

27 **MR. MICHAEL SCOTT:** Okay. And is that -- does that -- that was
28 happening at the same time ---

1 **COMMISSIONER MacDONALD:** Sorry, Mr. Scott, I hate to
2 interrupt.

3 Ms. MacPhee?

4 **MS. PATRICIA MacPHEE:** I'm going to object on the basis of
5 relevance; and scope, frankly, given their testimony this morning. Their internal RCMP
6 mechanisms aren't relevant to what we're talking about today or what they spoke about
7 this morning.

8 **COMMISSIONER MacDONALD:** Mr. Scott?

9 **MR. MICHAEL SCOTT:** I'm not asking about internal
10 investigations except to the fact of things that were communicated to the constables
11 about whether that investigation would be done -- or how -- whether that investigation
12 would happen and how it would happen.

13 **COMMISSIONER MacDONALD:** You did ask about an internal
14 investigation, I thought. Your initial question.

15 **MR. MICHAEL SCOTT:** Yeah. It's simply the fact of it. I don't
16 need to get into the policies of how they work. I was simply asking if there was one, and
17 I have one or two follow-up questions.

18 **COMMISSIONER MacDONALD:** Ms. MacPhee?

19 **MS. PATRICIA MacPHEE:** I'm going to repeat my comments
20 earlier; that whether there or was not a Code of Conduct isn't relevant to what we're
21 talking about here today. It doesn't fall within the scope of their testimony; it doesn't fall
22 within the scope of the Commission's work.

23 **COMMISSIONER MacDONALD:** We're not going to allow that, Mr.
24 Scott.

25 **MR. MICHAEL SCOTT:** I'm not going to be allowed to ask any
26 questions about the Code of Conduct?

27 **COMMISSIONER MacDONALD:** That's right.

28 **(SHORT PAUSE)**

1 **MR. MICHAEL SCOTT:** Gentlemen, on, I think it was April 11th,
2 2022, the President of the National Police Federation, Brian Sauv , said in an interview:
3 “As far as the actual approach and incident at the Onslow Fire Hall, I couldn’t have seen
4 anything being done better.”

5 Do you share Mr. Sauv ’s opinion, that there’s nothing that could
6 have been done better at the Onslow Fire Hall?

7 **MS. PATRICIA MacPHEE:** I’m going to ---

8 **COMMISSIONER MacDONALD:** Ms. MacPhee:

9 **MS. PATRICIA MacPHEE:** Thank you.

10 I’m going to object to that on the basis of relevance. And, also,
11 they’re just asking an opinion on what someone else said about what happened at that
12 scene.

13 **COMMISSIONER MacDONALD:** Well, I think he contextualized it
14 by quoting the gentleman. It’s not unlike the final question Mr. Van Wart asked, I think.
15 But go ahead, Mr. Scott.

16 **MR. MICHAEL SCOTT:** Thank you.

17 What I’m asking is; do you agree with the proposition that, “As far
18 as the actual approach and incident at the Onslow Fire Hall, I couldn’t have seen
19 anything being done better”? Do you agree that it couldn’t have been done better?

20 **CST. TERRY BROWN:** I don’t know. Like I said earlier when I
21 answered the question, based on what I knew at the time, I would not have changed
22 how I reacted. What I know now, obviously I would, but based on what I faced at that
23 time, no. I reacted the way I was trained.

24 **CST. DAVE MELANSON:** And I would say with what I was
25 presented with as well and what we learned that day, any other -- most any other officer
26 in that same situation would have made the same choice -- decision. It was a tough
27 decision, but I believed at that time with what I was given was the right one.

28 **MR. MICHAEL SCOTT:** Okay. Thank you, gentlemen. Those are

1 my questions.

2 **COMMISSIONER MacDONALD:** Thank you, Mr. Scott.

3 Mr. Van Wart?

4 **MR. JAMIE VanWART:** Thank you, Commissioners.

5 I believe it's Rule 55 that does allow for Counsel for the witnesses
6 to ask any further questions before I -- and I'm seeing that there is an interest to do that.

7 **COMMISSIONER MacDONALD:** All right.

8 Is it Ms. Nijhawan?

9 I presume counsel for the Participant families have no objection to
10 that?

11 **MR. ROBERT PINEO:** We weren't informed. We weren't informed
12 that the Police Federation would be making submissions.

13 **COMMISSIONER MacDONALD:** Oh, sorry. They're not making
14 submissions. I think they had -- sorry.

15 **MR. ROBERT PINEO:** Or would be asking questions.

16 **COMMISSIONER MacDONALD:** Well, there's a request to ask
17 some re-direct questions.

18 **MR. ROBERT PINEO:** That wasn't discussed in our caucus,
19 though. We're not aware of this.

20 **COMMISSIONER MacDONALD:** Okay. Do you need some time?

21 **MS. PATRICIA MacPHEE:** I can -- I'm sorry to interrupt. I can
22 advise that I have questions on only one topic, and it is in the nature of re-direct.

23 **COMMISSIONER MacDONALD:** Fine. Thank you.

24 Go ahead.

25 **--- CROSS-EXAMINATION BY MS. PATRICIA MacPHEE:**

26 **MS. PATRICIA MacPHEE:** Thank you, Officers.

27 Madam Registrar, I would just ask if you can move to paragraph 33
28 of the document that's before us, the Onslow Firehall Foundational Document. There's

1 a photograph there of Mr. Westlake's vest.

2 Constables Melanson and Brown, my friend, Mr. Scott, asked you
3 some questions about this vest and I think we can all agree that we're looking at a vest
4 that's yellow with orange reflective stripes on it.

5 Can you explain what type of reflective vest an RCMP officer is
6 issued and wears and how it compares to the vest that we're looking at?

7 **CST. DAVE MELANSON:** It's reflective. It has "RCMP" on it, and
8 it's completely yellow. There's no -- no orange. It's just -- I say yellow as in being
9 fluorescent yellow. It -- it's nothing at all like that vest there.

10 **MS. PATRICIA MacPHEE:** And what was the significance of that
11 distinction to you when you saw Mr. Westlake behind the car?

12 **CST. DAVE MELANSON:** When I seen Mr. Westlake at the
13 vehicle -- at the driver's side door wearing that vest, there was no reason in my -- like
14 that it would be an RCMP officer standing there because we don't wear those vests.
15 And because of his position at the door, I did believe him to be the driver and I did not
16 see anybody else in the vehicle, and that's why I concluded that.

17 **MS. PATRICIA MacPHEE:** That's my only question. Thank you.

18 **COMMISSIONER MacDONALD:** Thank you very much.

19 Officers, thank you. The Commissioners may have some questions
20 for you as well.

21 Commissioner Fitch?

22 **COMMISSIONER FITCH:** Thank you, gentlemen, for your
23 testimony today.

24 A question that I have for you is rooted some of the training that
25 you talked about. And it's my experience that when officers are travelling to a call that a
26 lot of things are going through your mind, and I know that I'm taking you back in time
27 and it's difficult.

28 When you're travelling solo, a lot of times you start to contemplate

1 different scenarios that you could encounter when you're responding to a call. It's part
2 of our -- part of training that you contemplate the different ways in which a situation may
3 unfold.

4 When you're partnered with somebody, I would ask or suggest that
5 there may be some conversation in thinking about the various scenarios that you may
6 encounter and how you might react to different situations as it unfolds.

7 Did you have conversation in your travels when you had the
8 information about what you may or may not do should you encounter the perpetrator in
9 your travels? Did you discuss any tactical strategies or scenarios in your travels and, if
10 so, if you could share those with us, please?

11 **CST. TERRY BROWN:** I don't recall discussing any tactical
12 decisions. I know there was at one point -- like I remember one point Dave pulled over
13 and I remember thinking in my head, "We got to keep moving" because we felt we were
14 -- not felt, but we were close to him most of the day, right up to the very end.

15 And we pulled over at one point and I remember thinking, "We got
16 to keep moving because we're sitting ducks here".

17 So some of that enters your head. I don't remember a lot more
18 than that.

19 **CST. DAVE MELANSON:** I kind of recall Terry saying -- and
20 maybe myself just saying, "We've -- we've got to stop this guy. We've got to stop this
21 guy".

22 And I don't recall if we had any -- there was no strategic -- I don't
23 recall what exact conversations we had, but I think we just -- we agreed that we had to
24 stop this guy. Like it was -- every time we heard that radio go off and somebody was
25 getting killed, it's like we're falling behind, so it's -- but I kind of recall -- I kind of recall
26 that.

27 **CST. TERRY BROWN:** I know at one point when -- when Chad
28 and Heidi had both been shot, we were on the highway and I believe that happened

1 somewheres between Stewiacke and Shubenacadie. And I remember we made the
2 decision we weren't getting off the highway there. We were going to go as fast as we
3 could to get ahead of him.

4 We were trying to get to the next exit to get ahead of him and we'd
5 have a better opportunity to engage him at that point, so we weren't chasing behind
6 him, we would get ahead of him and be able to cut him off.

7 **COMMISSIONER FITCH:** I have nothing further at this time.

8 Thank you.

9 **COMMISSIONER MacDONALD:** Commissioner Stanton?

10 **COMMISSIONER STANTON:** Thank you.

11 You mentioned earlier that there was no -- I assume you meant no
12 mobile workstation in the car because it's unmarked car and so you didn't have any
13 mapping.

14 Were you using anything for a map at all or you were just relying on
15 your knowledge of events?

16 **CST. TERRY BROWN:** No, I don't recall us using anything for
17 mapping. We -- we knew generally the area we were in, in Colchester County, at least.

18 **CST. DAVE MELANSON:** I was confident when the call came in.
19 It was on Plains Road. I knew to go to Plains Road. I was familiar with that because
20 I've gone through that way. And then getting on the Number 2, there was -- there was --
21 I can't think of any time that we needed a map to tell us where to go.

22 I know there was one time when they said that there's --
23 somebody's shooting in Sobeys, I remember trying to remember if there was -- what --
24 where Sobeys was located there, but I think I guessed and we started going in the right
25 direction anyway.

26 **COMMISSIONER STANTON:** And you mentioned that you called
27 Staff Sergeant Carroll on your cell phone. Was it a work cell phone or a personal cell
28 phone?

1 **CST. TERRY BROWN:** I don't remember which one it was. I
2 would have had both with me.

3 **COMMISSIONER STANTON:** You would have had both?

4 **CST. TERRY BROWN:** I don't remember which one I used.

5 **COMMISSIONER STANTON:** And both the -- the car radio and
6 the portable radio were on the Colchester channel.

7 **CST. TERRY BROWN:** They were.

8 **COMMISSIONER STANTON:** At any point did you switch to
9 another channel?

10 **CST. TERRY BROWN:** I don't believe we switched. I know that
11 while we were travelling up the 102 Highway, I had -- went over the radio and asked for
12 them to merge the two talk groups, and that happened a short time later.

13 **COMMISSIONER STANTON:** And did you think of switching to
14 another channel at any point on one of the radios?

15 **CST. TERRY BROWN:** No, I guess at that point we believed he
16 was in Colchester County the entire time, so there was no -- at least in my mind, I didn't
17 see a need to switch over until things had progressed and -- and that's when I just
18 asked.

19 Like it sounded like there was information coming in through
20 dispatch that maybe things were happening on another talk group, and -- and that's why
21 I made that request if we could have those talk groups merged into one.

22 **COMMISSIONER STANTON:** Because you weren't getting any
23 information into the car because you didn't have a mobile workstation, so the only
24 information you were getting was on the radio.

25 **CST. TERRY BROWN:** Correct.

26 **COMMISSIONER STANTON:** Or if you spoke with someone on a
27 cell phone.

28 **CST. TERRY BROWN:** And we didn't. The only -- the only cell

1 phone call I recall having was with Staff Sergeant Carroll after the fire hall. I don't
2 remember any other ---

3 **CST. DAVE MELANSON:** There was a call made to my wife.

4 **CST. TERRY BROWN:** Yeah. Well, yes. I meant work-related,
5 but yes. That was it.

6 As far as anybody calling with information about where we should
7 be going or -- or how we should be reacting or any information, I don't think there was
8 any phone calls other than the one to Staff Sergeant Carroll.

9 **COMMISSIONER STANTON:** So that was a question I had, is
10 other than the call you made to him immediately after you discharged your weapons,
11 you didn't -- you didn't speak with him other than that?

12 **CST. TERRY BROWN:** Not until we got back to the office, so
13 that's -- that's what I believe, yeah.

14 **COMMISSIONER STANTON:** So not in the earlier occasion where
15 you thought you had identified the perpetrator and hadn't -- or determined it was
16 someone else and not later when you thought you saw someone that wasn't a police
17 officer ---

18 **CST. TERRY BROWN:** No.

19 **COMMISSIONER STANTON:** --- who turned out to be HRP. So
20 you ---

21 **CST. TERRY BROWN:** No.

22 **COMMISSIONER STANTON:** --- didn't call him either of those
23 times.

24 **CST. TERRY BROWN:** No.

25 **COMMISSIONER STANTON:** So when you did speak with him,
26 what would normally occur after the discharge of -- after you've discharged your weapon
27 while on duty?

28 **CST. TERRY BROWN:** That's -- I mean, there's so many different

1 factors, I guess, that could -- like in this situation we still had an active shooter on the
2 run. I don't know if I can answer that of what we would usually do.

3 **CST. DAVE MELANSON:** Well, our -- what we're supposed to do
4 is notify our supervisor, and that's what we did. After that, I'm not sure where the
5 process takes you. It probably depends on the circumstance and what's going on.

6 **COMMISSIONER STANTON:** So your training doesn't tell you that
7 once you've discharged your weapons when you're on duty you would go off duty, or it
8 just says call your supervisor, and then your supervisor tells you what to do after that?

9 **CST. DAVE MELANSON:** That's what we're -- that's what I
10 understand is report it to your supervisor.

11 **CST. TERRY BROWN:** And for to say where that is written or -- I
12 have no idea.

13 **CST. DAVE MELANSON:** Yeah.

14 **CST. TERRY BROWN:** It's just -- that would ---

15 **CST. DAVE MELANSON:** No.

16 **CST. TERRY BROWN:** --- be what -- be -- let your direct
17 supervisor or your supervisor or whoever is on the shift know.

18 **COMMISSIONER STANTON:** So you wouldn't have -- so when
19 you call your supervisor after you've discharged your weapons, you -- it sounded to me
20 as though you had an expectation that you would be taken off shift.

21 **CST. DAVE MELANSON:** No.

22 **CST. TERRY BROWN:** No, not at all.

23 **CST. DAVE MELANSON:** No.

24 **COMMISSIONER STANTON:** Okay.

25 **CST. DAVE MELANSON:** No.

26 **COMMISSIONER STANTON:** So it didn't surprise you that you
27 were directed to continue?

28 **CST. TERRY BROWN:** No. I was -- that's what -- kind of what I

1 have -- speaking for myself, I kind of -- I would have been a little surprised if we were
2 taken off the road due to the fact that this person was still there running the roads and
3 looking to kill people.

4 **COMMISSIONER STANTON:** And you haven't had any training
5 with respect to what happens after you've discharged weapons on duty?

6 **CST. TERRY BROWN:** No.

7 **COMMISSIONER STANTON:** And other than being told to take a
8 breath, did you have any other direction from a supervisor that day with respect to
9 having discharged your weapons?

10 **CST. TERRY BROWN:** No.

11 **CST. DAVE MELANSON:** Throughout the day, no. No. At the
12 end of the day, we -- like we wanted to talk to whoever was in charge, the person in
13 charge, but no, we didn't have any further discussion.

14 **COMMISSIONER STANTON:** So the only thing Staff
15 Sergeant Carroll said was, "Take a breath and get back on the road", essentially?

16 **CST. DAVE MELANSON:** I believe he was on the phone with you,
17 but I don't know ---

18 **CST. TERRY BROWN:** Yeah.

19 **CST. DAVE MELANSON:** --- if I heard that exact phrase.

20 **CST. TERRY BROWN:** Yeah, just "Take a breath and", you know,
21 "basically compose yourself, and we'll deal with this at the end of the day."

22 **COMMISSIONER STANTON:** And did you take a breath? Did you
23 stop?

24 **CST. DAVE MELANSON:** Yeah.

25 **CST. TERRY BROWN:** I ---

26 **COMMISSIONER STANTON:** Or you just ---

27 **CST. DAVE MELANSON:** We did take a breath.

28 **COMMISSIONER STANTON:** --- got back on the road and went?

1 **CST. TERRY BROWN:** No, we were still driving. We were driving
2 while I was on the phone. At that point, I know that we had to stop and get gas. We
3 were running low on gas. We stopped. We -- again, I don't remember any
4 conversations specifically. I'm sure there was some discussion about what just
5 happened, but that was it. We just -- we continued on.

6 **COMMISSIONER STANTON:** And no one else spoke to you about
7 you having discharged your weapons?

8 **CST. TERRY BROWN:** No.

9 **CST. DAVE MELANSON:** No.

10 **COMMISSIONER STANTON:** And at the end of the day -- at what
11 time did you go off shift, then?

12 **CST. TERRY BROWN:** It was evening for me. I think -- I think it
13 was around seven o'clock.

14 **CST. DAVE MELANSON:** I might have went earlier because I
15 think he might have went to a shift -- to brief ---

16 **CST. TERRY BROWN:** Yeah.

17 **CST. DAVE MELANSON:** --- and I went home before the shift or
18 that -- the brief there.

19 **COMMISSIONER STANTON:** And so then it was ---

20 **CST. DAVE MELANSON:** So it probably would have been around
21 six, maybe.

22 **COMMISSIONER STANTON:** And there was no follow up with you
23 with respect to your having discharged your weapons that day?

24 **CST. DAVE MELANSON:** So ---

25 **CST. TERRY BROWN:** So SiRT attended the detachment, if that's
26 what you're talking about. That was -- that was it. The SiRT attended, took our
27 firearms, the carbines that were used, and that was it.

28 **CST. DAVE MELANSON:** At the end of the day, we returned back

1 to the office and we waited to speak to who was in command there. At that time, I
2 thought it was Steve Halliday, and we waited for him to see what was going to happen
3 there. And then at that point, where when he comes out and talks to us, it's -- we're
4 advised to contact, I believe it was union and counsel, or it's geared towards that. So
5 we couldn't talk to him about that. So we couldn't talk to a supervisor at that point. It
6 kind of -- things changed where we're now going through SiRT.

7 **COMMISSIONER STANTON:** At what point was Staff
8 Sergeant Carroll no longer your supervisor that day?

9 **CST. TERRY BROWN:** I don't know if it was ---

10 **CST. DAVE MELANSON:** It was -- you know what, I thought it was
11 like a team. Carroll -- Staff Carroll, Halliday and Addie, to me it was like a team.

12 **COMMISSIONER STANTON:** Addie MacCallum?

13 **CST. DAVE MELANSON:** Yes. Sorry.

14 **COMMISSIONER STANTON:** I see. Okay, thank you.

15 **COMMISSIONER MacDONALD:** Commissioner Fitch?

16 **COMMISSIONER FITCH:** Yes, thank you,
17 Commissioner MacDonald.

18 I do have a couple of follow up questions, gentlemen. I'll start
19 actually with a follow up to Commissioner Stanton's questions around a policy and
20 procedure after discharging a weapon on duty.

21 Fully recognising that April 18th and 19th were extraordinary
22 circumstances, Constable Melanson, if you could refresh my memory. You said that
23 you're a carbine instructor?

24 **CST. DAVE MELANSON:** Yes.

25 **COMMISSIONER FITCH:** And are you also a use of force
26 instructor?

27 **CST. DAVE MELANSON:** I had recently become one just before
28 that.

1 **COMMISSIONER FITCH:** I beg your pardon?

2 **CST. DAVE MELANSON:** Just before that incident, I had just
3 become a -- a use of force instructor, yes.

4 **COMMISSIONER FITCH:** Okay. And is it -- is it fair to say that as
5 a use of force instructor you should be very well versed in a policy on when you use
6 force and requirements thereafter in terms of reporting and reporting processes?

7 **CST. DAVE MELANSON:** Yes.

8 **COMMISSIONER FITCH:** Okay. I just wanted to clarify that for the
9 record, thank you.

10 In terms of my earlier questions regarding scenario-thinking on a
11 way -- on your way to a call and strategizing, did anybody in command or a supervisor
12 give instruction to you or that you were aware on what to do if you were to encounter
13 the perpetrator on the highway or on foot, either mobile or if he had ---

14 **CST. DAVE MELANSON:** There was -- there was a radio
15 transmission, and I can't tell you if it was before or after that, where it was -- there was
16 indication that if you see this person you better be ready. I can't -- I don't want to say
17 what the words were, but it -- from what I understood is, like, if you get sights on this
18 person, you will engage, which means you will -- you'll fire on him. And that was either -
19 - I think that was afterwards. And the -- if that's not true, but the radio transmissions
20 would -- should show if that is what I recall correctly.

21 **COMMISSIONER FITCH:** Okay. The -- and correct me if I'm
22 wrong on the timelines, but Corporal Peterson had already made it known that he had
23 passed the perpetrator on the highway, which is why you were in and around the area.
24 So knowing at that time that the perpetrator was very likely still in the replica police car,
25 did you have any discussion amongst yourself on what type of a take-down you would
26 do if you encountered the perpetrator on the highway? Did you formulate a plan, either
27 in your mind or talking?

28 **CST. TERRY BROWN:** The only -- the only thing I can say is

1 shortly after we came across Rodney MacDonald in his police car pulled over on the
2 bridge, and for me it was that could be him, there was no discussion leading up to that
3 as to how we would engage him or deal with him.

4 **COMMISSIONER FITCH:** Okay. And I don't want to date myself,
5 but you have probably received training or you can -- if you could speak to training on
6 how to conduct a high-risk takedown.

7 **CST. TERRY BROWN:** Yes.

8 **CST. DAVE MELANSON:** Yes.

9 **COMMISSIONER FITCH:** Yeah. Did you have any discussion on
10 if you encountered the perpetrator travelling in his vehicle?

11 **CST. DAVE MELANSON:** To put it in context, I guess, is the -- this
12 -- hearing what's going on on the radio and trying to listen to what's going on the radio,
13 trying your best, I knew roughly the area, I was driving as quick as I could to try to get to
14 these scenes, focussing on that, and there seemed to be scene after scene after -- like
15 it just seemed to be hitting. And after our incident at Onslow, it may have, you know,
16 slowed things down kind of thinking that way, but there -- I don't think there was a time
17 to really sit down and just -- or not sit down, but just to discuss what we're going to do.

18 Because it was like we've trained -- when you see something, we
19 kind of -- we both went to the back of the vehicle, we both work together, and we train --
20 in training you learn what to do, that you really don't have to talk it down. And usually, if
21 you do get a lull in the action, or say you have -- you know where the person is, like
22 quite often when we do high risk takedowns, you know the person's in the car, you know
23 they're armed, you pull up slow, you -- it's a very slow actually process when you do a
24 high-risk takedown, but that's a stationary. We don't do such high risk takedowns that
25 you have to run people -- we don't train to run people off the road, and sort of thing. But
26 that may have been what would have been required in this case. But it didn't play out
27 that way.

28 Does that answer your question?

1 **COMMISSIONER FITCH:** Thank you, yes.

2 One other question. It seems in all three of the circumstances
3 where you made mention that "We have eyes on him, we're going to take him down,"
4 you seemed somewhat certain in all three of those scenarios, first when you
5 encountered Cst. -- Cpl. MacDonald, Cst. MacDonald's vehicle on the side of the road,
6 your radio transmission seemed that it was quite certain.

7 **CST. TERRY BROWN:** I wouldn't agree with that.

8 **COMMISSIONER FITCH:** No?

9 **CST. TERRY BROWN:** I would say, no, that when -- as I said, we
10 had eyes on the car, we have eyes on -- and I don't know what the exact words are, but
11 I know -- I remember saying, "We have eyes"; maybe it was on him or on the car. But at
12 that point, I think any car in that area where we just had a 9-1-1 call, any police car in
13 that area we would have been very suspect that that was him. And I think treating it any
14 other way would have been wrong.

15 So we did treat it as a high risk and a potential threat and dealt with
16 it accordingly. And we dealt with it over the radio in that circumstance. And then to go
17 to Enfield, again, I wouldn't say that I was certain it was the person we were looking for,
18 but it was definitely a threat standing behind a group of policemen with a gun, and that
19 was very concerning, and, again, it was dealt with via the radio.

20 **CST. DAVE MELANSON:** And when he said, like, high risk, on the
21 overpass, what we did is we stopped further back rather than driving by him, and then
22 determined what it was.

23 **COMMISSIONER FITCH:** Great, thank you. I have no further
24 questions at this time.

25 Thank you.

26 **(SHORT PAUSE)**

27 **COMMISSIONER MacDONALD:** Okay. Thank you very much,
28 officers, for your testimony. We're going to ask you just to hang tight again, please.

1 We're going to take a break, just to make sure there aren't any further questions that the
2 Commissioners may have for you, and we won't be very long. Maybe, we will say, 10
3 minutes, and if you could just hang by there, and thank Participants and Counsel.

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

5 The proceedings are on break and will resume in 10 minutes.

6 --- Upon breaking at 1:02 p.m.

7 --- Upon resuming at 1:14 p.m.

8 **REGISTRAR DARLENE SUTHERLAND:** Welcome back.

9 The proceedings are again in session.

10 **COMMISSIONER MacDONALD:** Yes, thank you, Counsel, very
11 much for that. And we simply wanted to confirm that -- the Commissioners wanted just
12 a brief period of time to make sure that we had enough time to consider if there were
13 any further questions we wished to pose of the two witnesses, and there are not. So we
14 will -- you can bring the witnesses in, and we'll officially release them and break for
15 lunch.

16 **CST. TERRY BROWN, Resumed:**

17 **CST. DAVE MELANSON, Resumed:**

18 **COMMISSIONER MacDONALD:** Thank you, officers. Sorry for
19 having you wait, not just once but twice, but we, as Commissioners, wanted just a little
20 bit more time to make sure that we asked all the questions that we felt needed to be
21 asked, and we have no more questions for you.

22 So all that's left is just to thank you for your attendance here today,
23 for assisting us with the challenging task we have. It's greatly appreciated.

24 **CST. DAVE MELANSON:** Thank you.

25 **COMMISSIONER MacDONALD:** And you're free to go.

26 Thank you.

27 **CST. TERRY BROWN:** Thanks.

28 **(WITNESSES WITHDRAW)**

1 **COMMISSIONER MacDONALD:** And we will break until 2:15,
2 which is an hour, if that's hopefully workable for everybody. And when we return, Mr.
3 Burrill, you will have Officer Fahie, I understand, on? Okay, thank you.

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

5 The proceedings are now on break and will resume at 2:15.

6 --- Upon breaking at 1:16 p.m.

7 --- Upon resuming at 2:15 p.m.

8 **REGISTRAR DARLENE SUTHERLAND:** Welcome back.

9 The proceedings are again in session.

10 **COMMISSIONER MacDONALD:** Thank you.

11 Good afternoon, everyone.

12 Mr. Burrill?

13 **MR. ROGER BURRILL:** Thank you, Commissioners. I would
14 request to call Cst. Ian Fahie, who is present and will be able to come forward.

15 Cst. Fahie?

16 I'm going to request that Cst. Fahie remain standing, just for a few
17 preliminaries, if you please, Commissioners.

18 Your name is Ian Fahie?

19 **CST. IAN FAHIE:** That's correct.

20 **MR. ROGER BURRILL:** your last name is spelled F-a-h-i-e?

21 **CST. IAN FAHIE:** That is correct.

22 **MR. ROGER BURRILL:** Commissioners, I understand that the
23 witness wishes to be sworn, and that Madam Registrar is going to attend to that at this
24 stage.

25 **COMMISSIONER MacDONALD:** Thank you.

26 **--- IAN FAHIE, Sworn:**

27 **REGISTRAR DARLENE SUTHERLAND:** Thank you. Be seated,
28 please.

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

2 **MR. ROGER BURRILL:** So Cst. Fahie, you are currently a
3 member of the RCMP; am I correct?

4 **CST. IAN FAHIE:** That is correct.

5 **MR. ROGER BURRILL:** And you are currently assigned to the
6 New Minas Detachment since June of 2021?

7 **CST. IAN FAHIE:** That is correct.

8 **MR. ROGER BURRILL:** A General Duty member; is that correct,
9 Constable?

10 **CST. IAN FAHIE:** Yes.

11 **MR. ROGER BURRILL:** I understand that you started your work in
12 law enforcement way back in 2004, as actually a OCC dispatcher call-taker at the old
13 Oxford Street OCC in Halifax; is that right?

14 **CST. IAN FAHIE:** That's correct, at the old headquarters.

15 **MR. ROGER BURRILL:** Right on. In 2007, you enrolled in the
16 RCMP and graduated Depo?

17 **CST. IAN FAHIE:** Yes.

18 **MR. ROGER BURRILL:** And 2007 to 2012, you were assigned to
19 the Minto, New Brunswick detachment as a general duty member?

20 **CST. IAN FAHIE:** I was.

21 **MR. ROGER BURRILL:** 2012, you were assigned to the General
22 Investigative section at the Oromocto detachment in New Brunswick?

23 **CST. IAN FAHIE:** That's correct.

24 **MR. ROGER BURRILL:** 2014, I understand you transferred to the
25 Nackawic/Keswick detachment in New Brunswick.

26 **CST. IAN FAHIE:** I did, yes.

27 **MR. ROGER BURRILL:** 2014, September, you were assigned to
28 the Traffic Unit in Antigonish, Nova Scotia; is that correct?

1 **CST. IAN FAHIE:** That is correct.

2 **MR. ROGER BURRILL:** August of 2016, you were then assigned
3 general duty obligations at the Antigonish detachment?

4 **CST. IAN FAHIE:** Yes.

5 **MR. ROGER BURRILL:** March 2021, you were seconded to
6 Pictou County/Stellarton detachment?

7 **CST. IAN FAHIE:** Yes.

8 **MR. ROGER BURRILL:** And June 2021, as we have discussed,
9 you were transferred to the New Minas detachment in the Valley; is that right?

10 **CST. IAN FAHIE:** That is all correct.

11 **MR. ROGER BURRILL:** On April 18th-19th, 2020, you were
12 working as a general duty member at the Antigonish detachment in Nova Scotia; is that
13 right?

14 **CST. IAN FAHIE:** I was.

15 **MR. ROGER BURRILL:** All right. Okay, we're going to go directly
16 to April 18th-19th, 2020, if you please ---

17 **CST. IAN FAHIE:** Okay.

18 **MR. ROGER BURRILL:** --- Constable Fahie. I understand that
19 you were working the nightshift in Antigonish that -- April 18th; is that correct?

20 **CST. IAN FAHIE:** Yes. I started -- it was my first nightshift of a
21 four-set block.

22 **MR. ROGER BURRILL:** And I understand that you received at
23 around midnight a request, or something of that nature, with respect to attendance in an
24 adjacent county, Pictou County, to fill in on-call or something of that nature?

25 **CST. IAN FAHIE:** Yes. Our corporal of the watch came to the --
26 into the bullpen of the office where all the general duty constables work and asked for
27 two members to volunteer to go to Pictou to cover off calls, as their members attended
28 to the Portapique area.

1 **MR. ROGER BURRILL:** And I understand that you and your
2 partner, Constable Devonna Coleman, volunteered to undertake that task?

3 **CST. IAN FAHIE:** We did, yes.

4 **MR. ROGER BURRILL:** And you went towards Pictou County, and
5 you were then interrupted again to proceed on to Colchester County; is that right?

6 **CST. IAN FAHIE:** Yes. Yeah, we were just passing -- we were just
7 coming into the Stellarton area on the 104 highway, and Corporal Natasha Farrell of the
8 Pictou detachment, supervisor, asked us to keep on going to cover off calls in
9 Colchester County.

10 **MR. ROGER BURRILL:** And what was -- okay, you just answered
11 it. What does that mean, cover off calls?

12 **CST. IAN FAHIE:** Just to take any calls that come in for Colchester
13 County.

14 **MR. ROGER BURRILL:** Okay. Did you do so?

15 **CST. IAN FAHIE:** Yes.

16 **MR. ROGER BURRILL:** All right. And where did you go?

17 **CST. IAN FAHIE:** So when we arrived in to Colchester County, we
18 had -- I advised OCC that we were now in their area to take calls for Bible Hill
19 detachment. There was a call in Brookfield that we had to attend to, so myself and
20 Constable Coleman, we were in separate vehicles initially, we pulled into the Bible Hill
21 detachment and parked her police vehicle, and she jumped in with me into my police
22 vehicle.

23 **MR. ROGER BURRILL:** Okay.

24 **CST. IAN FAHIE:** We couldn't get into the Bible Hill office, given
25 there was nobody there. We don't have keys or access, so we went off to the call in
26 Brookfield, it was a noise complaint. Once we cleared from there, we attended the
27 Operational Command -- Communication Centre, the OCC, in Truro and we decided
28 that would unofficially be our detachment for the evening. It had bathrooms, it had

1 computers if need be, and we could be live to what was going on in Portapique and can
2 offer any assistance.

3 **MR. ROGER BURRILL:** Okay. So what was your understanding
4 about other members attending to calls in Colchester County at this stage, as you
5 were?

6 **CST. IAN FAHIE:** There was nobody. They were all assigned to
7 the Portapique incident at that time. I'm not sure how many members, but -- so we were
8 the two covering Bible Hill detachment area.

9 **MR. ROGER BURRILL:** All right. And you indicated you attended
10 to a call in Brookfield, and then you attended the OCC.

11 **CST. IAN FAHIE:** That's correct.

12 **MR. ROGER BURRILL:** And I want to get a sense of why it was
13 that you were connecting yourself to the OCC at that point.

14 **CST. IAN FAHIE:** It was the only building that I could get into. It's
15 stationed, you know, there's somebody there 24 hours a day. I used to work at that
16 OCC centre prior to going to depo. So I knew some of the members or some of the
17 dispatchers, and also, because of the active incident, I could -- you know, we could be
18 there and get what was going on and basically being help for the OCC members and
19 whatnot.

20 **MR. ROGER BURRILL:** So who did you know there at the OCC
21 and did you engage with anyone in particular?

22 **CST. IAN FAHIE:** So we went in. The risk manager, Staff
23 Sergeant Brian Rehill, was working that night. He was the sergeant in Antigonish when
24 I was on traffic duties, so I knew Brian quite well. And there was dispatchers working
25 that I knew. I can't recall all their faces or who was working that night, but Jen
26 MacCallum was one that I remember speaking to quite often.

27 **MR. ROGER BURRILL:** Okay. With respect to Staff
28 Sergeant Rehill, would you have had contact with him and/or a conversation with him?

1 **CST. IAN FAHIE:** Yes.

2 **MR. ROGER BURRILL:** Okay. Given his circumstances and
3 responsibilities of the evening, how much time did you spend with him?

4 **CST. IAN FAHIE:** We were there for probably 15, 20 minutes,
5 maybe a little bit longer. We were able to converse with him. His station or his pod was
6 within the dispatching centre, so where we stood we could talk with him, but then if he
7 was busy we would just -- Jen MacCallum was there or we would just kind of stand
8 around and talk. He obviously had a lot on the go, so it wasn't full time talking with him.

9 **MR. ROGER BURRILL:** At any time were you...

10 (TECHNICAL/AUDIO MALFUNCTION)

11 **MR. ROGER BURRILL:** Yeah, okay. Is there a protocol or a
12 methodology for conducting a next of kin notification in this situation?

13 **CST. IAN FAHIE:** Not written policy. You know, it's never
14 recommended to go alone, and I -- you know, it's all about compassion and ensuring
15 that they have enough details that they can function with, they're able to respond to
16 those. There was nothing to really hide that night from him.

17 **MR. ROGER BURRILL:** And was the next of kin procedure
18 conducted appropriately from your point of view?

19 **CST. IAN FAHIE:** It was.

20 **MR. ROGER BURRILL:** All right. After the next of kin procedure
21 was undertaken, what did you do?

22 **CST. IAN FAHIE:** We attended to a few more calls. There was
23 some calls within the Colchester County area. Also, we were doing patrols. We were
24 staying away from the Portapique area, knowing that there was coverage there, and not
25 -- you know, there was nothing -- during the middle of the night, there was no need for
26 us to be stationed anywhere.

27 So we patrolled, took a -- I can't remember how many calls we
28 ended up taking, and then in the early morning, after seven, I remember returning back

1 to the OCC, and I spoke with Sergeant Andy O'Brien on the phone. He was at the
2 Command Post, I believe it was Great Village or Bass River, and we were -- I was just
3 discussing to him about relief for myself and Constable Coleman. We had been on the
4 go since six o'clock that night, and we were just wondering when our relief would be
5 attending, or not to be -- basically not to forget about us with everything else on the go.

6 **MR. ROGER BURRILL:** All right. There was an incident about
7 getting lost in Truro, was there?

8 **CST. IAN FAHIE:** Earlier that night, or -- we're still in the morning,
9 but it was earlier that evening, we had -- I believe we had cleared from the next of kin ---

10 **MR. ROGER BURRILL:** Yes.

11 **CST. IAN FAHIE:** --- and we got into Truro. I'm driving, and I don't
12 know Truro that well, a lot of one way streets. Ended up getting turned around. I
13 couldn't get from the downtown area. So we ended up finding a Truro Police paddy
14 wagon, pulled up beside, said we were just trying to get back to the OCC Centre on
15 Prince Street, and he led us to Prince Street to the OCC Centre.

16 **MR. ROGER BURRILL:** Was there any exchange of information
17 with respect to what was going on in Portapique with the Truro Police service member
18 that you dealt with?

19 **CST. IAN FAHIE:** Not that I recall.

20 **MR. ROGER BURRILL:** Okay. All right. You got back to the OCC
21 eventually.

22 **CST. IAN FAHIE:** We did, yes.

23 **MR. ROGER BURRILL:** Okay. And I understand that you had
24 some communications with members there as well, as to what was going on in
25 Portapique?

26 **CST. IAN FAHIE:** Yeah. Jen MacCallum, she was the dispatcher,
27 I guess, for the incident that night. So when I walked in, at one point she was on the
28 phone with one of the brothers. There was two brothers that had -- were in the area,

1 and they went -- there was a fire. They got dispatched to a fire or they seen flames.
2 They went to investigate, and one of them was fatally shot. She was on the phone with
3 the other brother, who was hiding in the woods trying to get to safety. So she was on
4 the phone with him, and then the other -- we were listening, and she was on the phone
5 with the two brothers.

6 **MR. ROGER BURRILL:** So you were receiving, at this stage,
7 some degree of information with respect to the ongoings in Portapique?

8 **CST. IAN FAHIE:** Yes.

9 **MR. ROGER BURRILL:** All right. Okay. I'm going to ask Madam
10 Registrar if she would bring up the Exhibit 411, the Mass Casualty Commission
11 interview of Cst. Fahie on October 1st, 2021. And this will be page 4, and I'm going to
12 direct you to a passage that I'm going to ask you to comment on.

13 So you'll see, Cst. Fahie, at 8:21, there's a lengthy paragraph there.
14 In the middle -- right there, Madam Registrar -- there is a statement starting with so, and
15 I'm going to read it into the record and I'm going to ask you to comment on it ---

16 **CST. IAN FAHIE:** Okay.

17 **MR. ROGER BURRILL:** --- please.

18 "So, went back to the OCC. Between, I'm going to
19 say around 8:30; I could be wrong, that's when it was
20 ... Bruce Briers was the Risk Manager at [that] time,
21 and some ... one of the dispatchers showed me a
22 picture of the police car, of buddy's car. Because that
23 night we thought it was a ... [we knew it was a --] we
24 knew it was a police car, but we thought it was just
25 [...] dumbled up ... like an ex-cop car with a couple of
26 reflective [stripes or] strips on it. We didn't think it was
27 actual police car. Once we seen that with the push
28 bar, the decal ... the car number, [the full -- the police

1 --] the full police car, we left..."

2 Do you recall speaking about that with the Mass Casualty
3 interviewer?

4 **CST. IAN FAHIE:** I do.

5 **MR. ROGER BURRILL:** Yeah. And do you have a recollection of
6 what I have just read to you?

7 **CST. IAN FAHIE:** Yeah.

8 **MR. ROGER BURRILL:** Okay. And you saw something with
9 respect to an image about a police car?

10 **CST. IAN FAHIE:** Yeah, so we had returned back to the OC, and
11 that was when I had called Sgt. O'Brien around that -- whatever the time that morning
12 was.

13 **MR. ROGER BURRILL:** Yeah.

14 **CST. IAN FAHIE:** And just then, they had received a picture of
15 what this police car actually looked like. So one of the dispatchers had it up on his
16 screen, and I looked at it, and it was a full image police car, RCMP police vehicle, had
17 our decaling, light bar, and it had a push bar in the front end on the front of the hood.

18 **MR. ROGER BURRILL:** So these were observations that you
19 made of those particular items?

20 **CST. IAN FAHIE:** That's correct.

21 **MR. ROGER BURRILL:** Okay. And where was the image again,
22 please?

23 **CST. IAN FAHIE:** One of the dispatchers had it uploaded -- had it
24 up on his screen. I'm not sure how they received it at that time.

25 **MR. ROGER BURRILL:** Okay. And did that mean anything to you
26 when you made that observation?

27 **CST. IAN FAHIE:** Noting that it was now a fully marked police car -

28 --

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

2 **CST. IAN FAHIE:** --- also, the push bar. Northeast Nova doesn't
3 have -- didn't have, at that time, any of -- or many, if any, police cars with push bars, so
4 it was one thing that stood out to help identify that car with so many police cars in the
5 area that morning.

6 **MR. ROGER BURRILL:** And how would you know details with
7 respect to the availability of push bars in northeast Nova district?

8 **CST. IAN FAHIE:** So I was -- in Antigonish, I was the fleet guy. I
9 was -- looked after our fleet at the detachment. I have a keen interest in police vehicles
10 and the equipment, and I had a conversation with our fleet coordinator some time. He's
11 in Newfoundland, and I had asked about a push bar. And I knew what -- that was the
12 standard one that we were issued -- or that we were putting on police cars, so I knew
13 that it was a no-no. His -- he did not recommend push bars, given that any serious
14 head-on collisions, hitting the push bar can deactivate -- or can not -- sends off the
15 sensors of the airbag and then the people in the -- you know, the driver can meet the
16 steering wheel instead of an air bag.

17 **MR. ROGER BURRILL:** I see. So with that information or that
18 knowledge, did you do anything with it with respect to the push bar at that time and your
19 ---

20 **CST. IAN FAHIE:** At that time?

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

22 **CST. IAN FAHIE:** We had left the OCC, and shortly thereafter ---

23 **MR. ROGER BURRILL:** Okay. We'll get to that in a minute.

24 **CST. IAN FAHIE:** Yeah.

25 **MR. ROGER BURRILL:** But I want to show you a photograph
26 which has been marked now Exhibit 2148. And I think we're going to have to -- that's
27 not it. No. The Registrar is working the angles on this ---

28 **CST. IAN FAHIE:** Ah, yes.

1 **MR. ROGER BURRILL:** --- to get it proper. I'm going to show you
2 Exhibit Number 2148. What's that that you see in front of you, please, Constable?

3 **CST. IAN FAHIE:** That is the police car -- the picture of the police
4 car that I seen that morning.

5 **MR. ROGER BURRILL:** Okay. So I'm going to ask you to point to
6 some of the features on it that you noticed that morning.

7 **CST. IAN FAHIE:** Yeah.

8 **MR. ROGER BURRILL:** You had stated something about a light
9 bar. Do you see a light bar in this ---

10 **CST. IAN FAHIE:** Yeah.

11 **MR. ROGER BURRILL:** --- vehicle?

12 **CST. IAN FAHIE:** Light bar on the roof.

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

14 **CST. IAN FAHIE:** I did not mention it just then, but I did notice the
15 sticker price in the passenger side window.

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

17 **CST. IAN FAHIE:** The call sign, which represents Cumberland
18 County vehicle, and that was some of the discussion we had at the OCC Centre that
19 morning. The decaling is standard general duty police vehicle. And at the very front of
20 the hood, there's a -- just a little bump, a black image, and that's the front of a push bar -
21 - or that's the very top of the push bar that would be attached to the front end of the
22 vehicle.

23 **MR. ROGER BURRILL:** Okay. So I had asked you something a
24 little earlier about your knowledge of push bars. And as I look at that, it might be
25 different what I see from what you saw that night. Why did you come to the conclusion
26 it was a push bar?

27 **CST. IAN FAHIE:** I know it's a push bar. I just knew -- I know my
28 vehicles.

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

2 **CST. IAN FAHIE:** I know my police cars. There is some vehicles -
3 - some vehicles in Halifax District has those, and when I was in New Brunswick, Codiac
4 had some of those with push bars.

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

6 **CST. IAN FAHIE:** So you just get to know what it looks like, and
7 that -- there would be another one on the driver's side, the same concept.

8 **MR. ROGER BURRILL:** Okay. Did you see or can you make note
9 of the one on the driver's side in this picture?

10 **CST. IAN FAHIE:** I can't.

11 **MR. ROGER BURRILL:** All right. Now this is the photograph that
12 you saw, Exhibit 2148. Did you see any other visualizations or images of the replica
13 police car?

14 **CST. IAN FAHIE:** I did not.

15 **MR. ROGER BURRILL:** Okay. Okay. Okay, Madam Registrar,
16 we can take that down.

17 I understand then after you made your observations of the vehicle,
18 you then went about your business that morning?

19 **CST. IAN FAHIE:** Yes, we left the OCC. And again, we were just
20 patrolling -- we were on the 102 Highway, just patrolling, waiting to hear about relief.

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

22 **CST. IAN FAHIE:** There was not much at that time going on call-
23 wise. We were heading -- we were on the 102 southbound between Truro and
24 Millbrook, and that's when we got a call -- that's when the first call came over of the
25 incident. I believe it was somebody came in and somebody was hit by a car up in
26 Wentworth.

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

28 **CST. IAN FAHIE:** So we were a distance away. And I said, well,

1 we -- well -- I figured we'd start heading in that direction to be more central.

2 **MR. ROGER BURRILL:** Were you familiar with where you were
3 going at that time?

4 **CST. IAN FAHIE:** I know my highways ---

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

6 **CST. IAN FAHIE:** --- but I don't know -- you know, I knew where
7 Debert was, I knew Masstown, I knew Wentworth was further up. I just didn't know
8 Highway 4. I knew enough of the area, but not well.

9 **MR. ROGER BURRILL:** Did you or were you using any
10 navigational aids or mapping systems to assist you?

11 **CST. IAN FAHIE:** In our police vehicle, I was using the MWS, the
12 mobile work station.

13 **MR. ROGER BURRILL:** Right.

14 **CST. IAN FAHIE:** It has a mapping system that ---

15 **MR. ROGER BURRILL:** Okay. All right. So at that stage, what did
16 you do when you heard the Wentworth call?

17 **CST. IAN FAHIE:** We turned around and we started to proceed
18 back towards the 104.

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

20 **CST. IAN FAHIE:** So we got onto the 104 Highway. We were
21 proceeding westbound, and we were coming up to the Debert exit when who I believe
22 was -- I thought it was Cst. Rodney MacDonald. It later turned out to be Cpl. Rodney
23 Peterson. He came over the air and said that the suspect vehicle just drove past him,
24 or he believed it did. And at that time, there was a lot of chatter on the radio. So
25 eventually, I was able to break through and get -- and I spoke, and I said something
26 about does it have a push bar. If it has a push bar, that's the vehicle.

27 **MR. ROGER BURRILL:** Okay. I'll ask Madam Registrar to bring
28 up Exhibit 54, the Colchester radio transcript, lines 4563 forward, and also, to

1 correspondingly play the audio clip of communications on Colchester radio between a
2 number of members at that time.

3 **[AUDIO PLAYBACK]**

4 **MR. ROGER BURRILL:** So that transcript and clip there is -- you're
5 describing, "Heads up, he has a front push bar." Front push bar. Is that what you were
6 referring to earlier?

7 **CST. IAN FAHIE:** Yes.

8 **MR. ROGER BURRILL:** Okay. Prior to this communication, CST.
9 Fahie, did you speak to anybody else about your observations with respect to a front
10 push bar on that replica RCMP vehicle?

11 **CST. IAN FAHIE:** Not that I'm -- not that I recall.

12 **MR. ROGER BURRILL:** Okay.

13 **CST. IAN FAHIE:** Not outside the OCC or with CST. Coleman.

14 **MR. ROGER BURRILL:** Right. And are you able to tell me why it
15 is you felt motivated at this stage to indicate that particular piece of information?

16 **CST. IAN FAHIE:** It would have been the easiest identifier. We
17 had a lot of Tauruses out there in operation that morning.

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

19 **CST. IAN FAHIE:** To single it down, that would have narrowed it
20 down to that one vehicle.

21 **MR. ROGER BURRILL:** Okay. And again, that information is
22 coming from what?

23 **CST. IAN FAHIE:** That picture that was seen at the OCC.

24 **MR. ROGER BURRILL:** Okay. Thank you. You continued on; did
25 you?

26 **CST. IAN FAHIE:** Yes, we continued on. So at that stage, I
27 thought he, as in the suspect, was between -- Cpl Peterson and I could have been the
28 closest vehicle to intercept him.

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

2 **CST. IAN FAHIE:** So we had already passed the Debert exit, so
3 we proceeded to the next exit, which is the Glenholme exit. And this is where I -- I can't
4 remember if Glenholme and Masstown are the same exit or not. But we were getting off
5 that exit and we were going to plan to try to get onto the Highway 4 to intercept him.

6 **MR. ROGER BURRILL:** Yes.

7 **CST. IAN FAHIE:** As I'm getting off the exit or nearing the exit,
8 telecoms comes across with another broadcast that the police car, the suspect vehicle,
9 had just pulled into a residence in Glenholme.

10 **MR. ROGER BURRILL:** Okay. And just to be clear, you're driving
11 your vehicle?

12 **CST. IAN FAHIE:** I'm driving.

13 **MR. ROGER BURRILL:** And CST. Coleman is in the passenger
14 seat?

15 **CST. IAN FAHIE:** That's correct.

16 **MR. ROGER BURRILL:** Okay. Can you tell us about your state of
17 readiness with respect to in case you had to engage the perpetrator at this time?

18 **CST. IAN FAHIE:** At that stage, our carbines weren't -- so carbine
19 was in a rack. We did have one in the back trunk as well. We were prepared. We had
20 our HBA on, which is our hard body armour, over our soft body armour. We were
21 prepared to stop the vehicle. At that stage, I didn't have a plan of how.

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

23 **CST. IAN FAHIE:** But I knew we were going to do our -- whatever
24 we had to do to stop it. We just didn't discuss it at that stage. Things were happening
25 very quickly. So train of thought was just getting to that point, ---

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

27 **CST. IAN FAHIE:** --- and then we would kind of make a plan, I
28 think was in my head.

1 **MR. ROGER BURRILL:** M'hm. I understand that you eventually
2 attended at the Glenholme scene; did you?

3 **CST. IAN FAHIE:** Yeah, so as that call had come in, we were
4 getting off the Glenholme exit or at that exit. The call had come in that he had pulled
5 into a residence. And as we -- the call came in, we got off the exit, the house was right
6 there. Not for us to -- we couldn't see in the driveway, but we could see the driveway
7 from that exit.

8 So we got off the exit, we pulled over up to -- not to -- we could face
9 the driveway. We were still some distance away for officer safety, but we knew ERT
10 was seconds away. We knew that they were coming because we could hear them on
11 the radio.

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

13 **CST. IAN FAHIE:** So we pulled over to ensure the driveway was
14 secured. And ERT rolled in, CST. Hubley and S/Sgt MacCallum pulled up in Craig's
15 police dog truck. Cpl Peterson pulled up in a police car. There was a couple other
16 members pulled up.

17 So once ERT arrived, they went into the residence, ---

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

19 **CST. IAN FAHIE:** --- into the driveway, and we -- myself and CST.
20 Coleman, and then a Major Crime vehicle, the pickup truck, CST. McKay, we blocked
21 the -- if that road runs north/south, we were blocking the south end.

22 **MR. ROGER BURRILL:** Okay. Were you privy to radio
23 conversations at that stage?

24 **CST. IAN FAHIE:** We were.

25 **MR. ROGER BURRILL:** Did you have, at that stage, a sense of
26 the seriousness of the engagement at that point?

27 **CST. IAN FAHIE:** I did. During that timeframe, ERT was
28 mobilizing into the residence ---

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

2 **CST. IAN FAHIE:** --- and they were talking to the CIC, their Critical
3 Incident Commander, about using lethal force.

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

5 **CST. IAN FAHIE:** I just heard that part of it. I don't recall the
6 whole conversation.

7 **MR. ROGER BURRILL:** Yeah.

8 **CST. IAN FAHIE:** It seemed like it took five minutes, but it was
9 probably, you know, a 15 second conversation.

10 Approval was granted. I remember that. They went into the
11 residence. We blocked the road. And while they were at the residence, clearing or
12 doing whatever they could do, we couldn't see them, we just knew they were in that
13 driveway, ---

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

15 **CST. IAN FAHIE:** --- a vehicle had approached us south to north.

16 We were on the road. We did have our carbines out at this stage.
17 HBA was still on. And as I say, the Major Crime members were behind us, blocking the
18 road with us.

19 A vehicle pulled up and I can't -- I think they said that they were the
20 family from that residence.

21 We were still walking the road. We -- so we -- I had talked to the
22 driver and I just said, "You need to go to the command post ---

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

24 **CST. IAN FAHIE:** --- in Bass River or Great Village and somebody
25 will speak to you there." We had our job to do.

26 So they cleared. They were visibly upset, but they did clear. And
27 they were visibly upset prior to approaching.

28 While we were there, ERT had made the mention that he wasn't

1 there. The car was gone. There was no sign of him. So we knew the scene was
2 essentially clear.

3 And as that came off, OCC came across with another broadcast
4 that there was a shooting on the Plains Road.

5 **MR. ROGER BURRILL:** All right. Let's get to that then, please.
6 What did you do as a result of the communication?

7 **CST. IAN FAHIE:** So given that call, knowing that we were close,
8 we were one exit over, and we knew ERT was -- we knew that he wasn't in there, we
9 cleared, we jumped in the vehicle, Major Crime jumped in their vehicle, we took off onto
10 the highway eastbound.

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

12 **CST. IAN FAHIE:** I passed the Major Crime truck. We were going
13 lights and sirens. We got off the Debert exit and we passed the Debert Tim Horton's.
14 And I'm flying. I couldn't tell you my speed. But at that stage, I felt I had to slow down.
15 He could be anywhere. We knew the shooting was on the Plains Road, but he could
16 have moved. And it's an industrial area, so we wanted to make sure that if we'd seen a
17 police car, we could at least identify it or what have you.

18 So I slowed down a little bit, still -- and I can't remember if I shut my
19 lights and sirens off, but I was still moving, but I wasn't going top speed that I was.

20 Driving along, CST. Coleman had her carbine on her lap. Mine was
21 in the holder.

22 So we devised a plan that if he was oncoming to us, I would ram
23 the vehicle and she would start shooting through the windshield.

24 **MR. ROGER BURRILL:** And why would you have devised that
25 particular plan at that time with your partner?

26 **CST. IAN FAHIE:** At that stage, there was no doubt that he had to
27 be stopped. And to make it -- I understood that, you know, we could have got injured,
28 but it was better than him getting away. So to demobilize that vehicle was the key.

1 We knew ERT was in the area. We knew our dogs were in the
2 area. We knew if he escaped, he was going to be on foot and we had a better chance,
3 or we could neutralize him there.

4 Given everything that had transpired prior to, all we said is he had
5 to be stopped.

6 **MR. ROGER BURRILL:** Okay. So did you have occasion to
7 intercept or have contact with that replica vehicle?

8 **CST. IAN FAHIE:** No. We proceeded along. We turned on to the
9 Plains Road...

10 (TECHNICAL/AUDIO MALFUNCTION)

11 ...but as we were driving towards it, I was passing a car off the
12 road. It's not so much a ditch, but it's off the road. It's a little bit of a -- a very small
13 embankment into, like, a sandy area. There was a vehicle rested up against a tree. So
14 I had just passed it going towards the CRV when I had seen a police car pull up to that
15 CRV. So I felt that's looked after.

16 So I did a U-turn and I pulled up alongside the car, which ended up
17 being a Volkswagen Jetta. I was still on the pavement. I'm not sure the direction. If it
18 goes east/west -- north/south, I was facing south on ---

19 **MR. ROGER BURRILL:** And which direction was the Jetta?

20 **CST. IAN FAHIE:** It was facing south as well.

21 **MR. ROGER BURRILL:** Okay. Thank you. Sorry.

22 **CST. IAN FAHIE:** So we pull up alongside of it. We weren't too far
23 off the roadway, or the vehicle was not.

24 So we exit the vehicle. I grab my carbine and I exit the vehicle and
25 I go to the passenger side of my police car. CST. Coleman exits and she runs down to
26 the car.

27 **MR. ROGER BURRILL:** Okay. I'm going to stop you and I'm
28 going to bring up the Foundational Document that entitled "Plains Road, Debert", in

1 particular, paragraphs 127 through 129, Madam Registrar.

2 I understand that you've had an opportunity to review the
3 Foundational Document entitled, Plains Road, Debert. Am I right, Constable?

4 **CST. IAN FAHIE:** Yeah.

5 **MR. ROGER BURRILL:** And in particular, you've had a chance to
6 review paragraphs 127 to 129 that we're going to discuss here in a moment; is that
7 right?

8 **CST. IAN FAHIE:** I have.

9 **MR. ROGER BURRILL:** And you are in agreement with the
10 contents therein?

11 **CST. IAN FAHIE:** Yes.

12 **MR. ROGER BURRILL:** Okay. So let's just go piece by piece on
13 this ---

14 **CST. IAN FAHIE:** Okay.

15 **MR. ROGER BURRILL:** --- because it's a significant piece of
16 information. In particular, paragraph 127:

17 "According to Cst. Fahie, he provided lethal
18 overwatch with his carbine readied and scanning
19 while Cst. Coleman assessed Heather O'Brien from
20 the passenger side of the Jetta. Cst. Fahie stated
21 that fire services arrived at this time and he told them
22 to leave immediately as it was an active shooter
23 situation and they were in danger. Cst. Fahie said
24 that at that stage he was approached by a female
25 civilian, Michaella O'Brien, inquiring about the Jetta in
26 the ditch. [And the] civilian indicated that it was her
27 mother's car. Cst. Fahie demanded that she leave
28 the area."

1 Are you able to make comment on those particular remarks that I've
2 just read in paragraph 127?

3 **CST. IAN FAHIE:** Yeah.

4 **MR. ROGER BURRILL:** Okay. Would you do so, please?

5 **CST. IAN FAHIE:** So when we arrived, it was decided that
6 Constable Coleman would go to the vehicle, and I would perform lethal overwatch.

7 **MR. ROGER BURRILL:** Which is?

8 **CST. IAN FAHIE:** Protecting everybody that's around. Given that
9 we did not come across the vehicle, and given that we didn't -- we didn't know where he
10 was, we had no -- we just knew that this -- these shootings had occurred, and we had
11 come in on the Plains Road, we felt we should have intercepted him, but we didn't
12 know, however, the direction of travel, it was not safe for us. We felt that -- we were
13 thinking ambush scenario. The area was treed. He could have been hiding in the
14 bushes. There was -- on the opposite side of the road, there was a road that was for
15 the industrial park. He could have hid in the vehicle there. A lot of unknowns, so safety
16 of every -- of the public and us are at the top.

17 So I was performing lethal overwatch. Constable Coleman ran
18 down to the vehicle.

19 **MR. ROGER BURRILL:** And what did you observe of what
20 Constable Coleman did?

21 **CST. IAN FAHIE:** I wasn't observing what she was doing.

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

23 **CST. IAN FAHIE:** I knew she was going down to check for first aid
24 possibilities.

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

26 **CST. IAN FAHIE:** We weren't yelling because we were close
27 enough to talk, and -- so she went to the vehicle. As that was occurring, and I don't
28 recall who came first, if it was Michaela O'Brien or the fire department.

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

2 **CST. IAN FAHIE:** But they pulled up. The fire department, I'll
3 explain that one first.

4 The fire department pulled up in a -- in a old fire truck, it was a
5 pickup truck. They pulled up travelling south. They pulled up behind my police car,
6 basically. A gentleman exited the driver's seat and I'm yelling, "You have to leave."
7 He's not really listening, so I'm getting louder and a little more verbally -- not -- I don't
8 want to say verbally aggressive, but I was getting more angry. Because of the unknown
9 situation, I don't want someone else in danger. He wasn't -- he wasn't listening. Again,
10 his mindset was, "Well, we have a car crash, that's what we're here for." So I -- I yelled
11 to him to leave. I did ask -- I remember asking, and I don't know if he heard me, but I
12 said out loud "At a car crash, have you ever seen members out with their guns before?"
13 "No." "Get out of here." Eventually, he did leave.

14 **MR. ROGER BURRILL:** How direct were you, Constable Fahie?

15 **CST. IAN FAHIE:** I was very direct.

16 **MR. ROGER BURRILL:** What does very direct mean?

17 **CST. IAN FAHIE:** I know the "F" word came out a few times.

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

19 **CST. IAN FAHIE:** And I was very, like, "This is -- this is not a
20 negotiation. Your safety is in jeopardy." You know, we can -- there's not -- there wasn't
21 a fire at the vehicle. We could get to the person in the vehicle safely ---

22 **MR. ROGER BURRILL:** Yes.

23 **CST. IAN FAHIE:** --- so we didn't need the fire department to put a
24 fire out, and we could potentially do the rest.

25 **MR. ROGER BURRILL:** Eventually, that volunteer fireman/person
26 left the area?

27 **CST. IAN FAHIE:** He got back in his truck and left.

28 **MR. ROGER BURRILL:** Okay. Can you tell us, then, about your

1 interaction with Michaela Scott/Michaela O'Brien?

2 **CST. IAN FAHIE:** So I'm still performing lethal overwatch.

3 Constable Coleman's at the vehicle, and a car pulls up heading northbound, if -- from
4 south. And I remember she stops, and I can't remember everything, but I do recall
5 saying "That -- that's my mother's car" repeatedly, "That's my mother's car." And at that
6 stage, my focus again is safety.

7 **MR. ROGER BURRILL:** Are you able to comment on her
8 emotional state at that time, Constable?

9 **CST. IAN FAHIE:** She was upset. I believe she was crying, but I --
10 I don't totally recall.

11 **MR. ROGER BURRILL:** Okay.

12 **CST. IAN FAHIE:** I just know that it was -- it was -- she wasn't
13 yelling at me, but she was yelling. I -- she kept saying it was her mother's car, and at
14 the same time she was dialling a phone, and the car -- there was a phone ringing in
15 Ms. O'Brien's Jetta that was in off the road. And again, given the unknown, I didn't want
16 to put somebody else in danger, so I was very direct at "You just need to get out of
17 here. Just leave." And she did, she did a U-turn and proceeded southbound away from
18 the scene.

19 **MR. ROGER BURRILL:** Okay. Now, in terms of the manner in
20 which you addressed the volunteer fireperson, how direct were you with the -- Michaela
21 O'Brien?

22 **CST. IAN FAHIE:** I wasn't that direct.

23 **MR. ROGER BURRILL:** Okay.

24 **CST. IAN FAHIE:** I know I was probably -- I don't want to say
25 angry, but I was -- I was amped up yelling, just because, to me, if we're out with our
26 guns out, I understand we know that that means danger.

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

28 **CST. IAN FAHIE:** So why doesn't everybody else understand that?

1 And that's where I was kind of stuck that day.

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

3 **CST. IAN FAHIE:** I get it, emotions override that thought of a
4 threat. So I was direct to the point that "You can't stick around. You just need to go."

5 **MR. ROGER BURRILL:** You mentioned the "F" word before.

6 **CST. IAN FAHIE:** I may have. I more likely did.

7 **MR. ROGER BURRILL:** All right. Thank you, Constable.

8 Ms. O'Brien/Ms. Scott left the area; is that correct?

9 **CST. IAN FAHIE:** She did.

10 **MR. ROGER BURRILL:** All right. Then let's move on to
11 paragraph 128, then, please in the Foundational Document:

12 "Cst. Fahie stated that he and

13 Cst. Coleman...switched positions.

14 And quoting from some of the materials that you provided earlier:

15 "'I went to [J]etta and attempted to put it in park, the
16 female was barely alive, showing very little signs.

17 Weak pulse very slight noises. I was preparing to
18 remove her from the drivers seat and Cpl. [Ivany]
19 (EMERT) arrived...'"

20 I'm going to need you to comment, please, on the remarks, "the
21 female was barely alive, and showing very little signs."

22 **CST. IAN FAHIE:** So I will say it was a poor choice of words in my
23 statement. So Constable Coleman and me switched off. She was trying to feel a pulse,
24 she couldn't; also her fingers were cold. It was a chillier morning. So she came up to
25 me, switched off, she took over lethal overwatch, and I went back to the vehicle.

26 I remember going to the passenger's side, and then I came back
27 around to the driver's side, and I was feeling for a pulse. I thought I felt a pulse, and
28 when I say "noises" it was the air and the gasses leaving, leaving your, your, body. I

1 knew -- I knew that wasn't good, but my goal was to get her out. It's hard to do all these
2 checks from a sitting position in the vehicle.

3 As I'm preparing myself to get -- to attempt to get her out of the
4 vehicle, Corporal Ivany -- I didn't know who it was at the time, I just remember
5 somebody tapping me on the shoulder, and as soon as they said, "I got this", I knew his
6 voice enough to know it was him, I backed away. He and his partner moved in. I went
7 up to the road with Constable Coleman to perform overwatch for them while they
8 performed ---

9 **MR. ROGER BURRILL:** Right.

10 **CST. IAN FAHIE:** --- their paramedicine duties.

11 **MR. ROGER BURRILL:** So as you think back on this and your
12 choice of words, are you able to comment with respect to Ms. O'Brien's state at that
13 point?

14 **CST. IAN FAHIE:** I know -- I know I wanted to feel a pulse, but I --
15 obviously, we wanted people to survive that day. Did I -- I can't say for certain if I did
16 feel a pulse or if it was mine, but there was no signs of life at that time.

17 (OFF MIC AUDIENCE INTERRUPTION)

18 **COMMISSIONER MacDONALD:** Mr. O'Brien, we're going to ask
19 Mr. Burrill to continue with his questions, please.

20 **MR. ROGER BURRILL:** Thank you, Commissioner, I'll continue
21 on.

22 So we had discussed the comments that you -- had been attributed
23 to you in paragraph 128, Constable Fahie. I'm going to move on now to paragraph 129
24 in the document, and that is:

25 "In his interview with the Mass Casualty Commission,
26 Cst. Fahie stated:

27 I'm trying to put the car in park and trying to
28 drag her out, and ERT is rolling in beside us.

1 And then I get a tap on my back and it was
2 Duane Ivany with EMRT and he's like, "I got
3 this." So, we got her out of the car, and I
4 remember him yelling, he's asking for EHS and
5 the LifeFlight. Everything was denied because
6 of the situation. So, he just asked for a blanket.
7 We covered her up and she ... she died."

8 Do you remember that in particular?

9 **CST. IAN FAHIE:** I do, yes.

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

11 Any comment additionally on that?

12 **CST. IAN FAHIE:** No. No.

13 **MR. ROGER BURRILL:** No? Okay. Very good.

14 Madam Registrar, if we could, please, I would ask that we bring up
15 Exhibit 412 again, the MCC -- or sorry, the Mass Casualty Commission interview of
16 Constable Ivany, in particular, commentary at page 18.

17 So this is at page 18, the interview at 48:43 hours -- or sorry, into
18 the interview. In particular, I'm going to read this paragraph to you, Constable Fahie, so
19 that I can elicit your response on it.

20 "EMRT, Emergency Medical Response Team, so
21 they're the guys and girls that go around with our ERT
22 team and our TAC troop because they can get into
23 situations. They're essentially paramedic trained.
24 They get into situations that because paramedics
25 aren't allowed into those high volatile situations and
26 he had requested over the air for Life Flight or he was
27 looking for an ambulance and they're like,
28 'Ambulances aren't coming in'. Then he requested

1 Life Flight and they're like, 'Life Flight's not flying due
2 to this'." (As read)

3 I want to direct your attention to the next sentence, please,
4 Constable. I'm going to ask you for comments:

5 "So we -- I say we had to let her die but, you know,
6 we had to let her just pass on. We knew she -- like to
7 -- I don't think she was going to make it anyways, so
8 we got a blanket, covered her up and then she went
9 to the road and [sorry] -- and we just went to the road
10 and guarded." (As read)

11 Do you recall those comments made to the Mass Casualty
12 Commission interviewer?

13 **CST. IAN FAHIE:** I do.

14 **MR. ROGER BURRILL:** Yes.

15 And are you in a position to make any comment with respect to the
16 choice of words that you said at that time?

17 **CST. IAN FAHIE:** Yes. So when they got her out of the vehicle, I -
18 - I thought there may have been a chance. Knowing their expertise, I mean, by
19 Corporal Ivany and his partner, they're paramedics, they're maybe even more trained in
20 this time to trauma. When they got her out, I was hoping there was a chance.

21 When they called for all the, you know, ambulance, air ambulance,
22 when it was denied, when I say, "We had to let her die", I didn't mean we had to let her
23 die -- like die. I mean, we had to leave her there deceased. We couldn't get her to the
24 hospital.

25 She was deceased. I have -- I have no question in my mind, sadly.
26 But they've done their checks and they were able to confirm this, but we had to leave
27 her there.

28 **MR. ROGER BURRILL:** Okay. Now, as a general duty member,

1 can you give us some insight into your training with respect to medical information,
2 diagnostics and so on?

3 **CST. IAN FAHIE:** So for us, when we normally attend sudden
4 deaths, fatal car crashes, where there's no -- where we bring in -- normally we bring in
5 paramedics unless, you know, we know, you know, the person's been deceased for
6 some time, you know, there's signs of that.

7 Incidents like this, we would have had paramedics roll in to
8 determine that there -- there was no, you know, good chance of saving, no chance of
9 saving or whatnot, if they were deceased.

10 EHS wasn't able to come in, but EMRT is just as qualified, if not
11 more, so when they made that call, I was -- I was satisfied with that answer.

12 **MR. ROGER BURRILL:** Okay. And in your role in general duty,
13 are you in a position to make decisions or observations with respect to a fatality?

14 **CST. IAN FAHIE:** I don't know if we are. I'm not prepared to do
15 that and I never have been, so I always leave it for the medical professionals that are
16 able to -- to -- they know more about signs of life and -- and what's ---

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

18 So forgive me. I don't want to overstate this. But the remark, "We
19 had to let her die", is it your position that there was signs of life at that stage when you
20 made that comment, or otherwise?

21 **CST. IAN FAHIE:** There was not.

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

23 I'm going to go back, if I can, Madam Registrar, to the Foundational
24 Document, in particular paragraph 130.

25 Paragraph 130 cites commentary of Corporal Ivany, who we will
26 hear from later today. In particular, around two-thirds through that paragraph, Corporal
27 Ivany is attributed by -- stated that they did not believe that anyone had checked on Ms.
28 O'Brien yet by the time he got there.

1 Do you have any commentary on that, Constable?

2 **CST. IAN FAHIE:** We did. We were the first ones there.

3 Constable Coleman ran up and then I went -- when she came to me, I went back. And
4 when we -- when I was at the vehicle, the driver's side, Corporal Ivany came up and ---

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

6 **CST. IAN FAHIE:** --- and tapped me on the shoulder.

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

8 All right. With respect to this situation, you returned to lethal
9 overwatch while the EMRT team conducted their obligations?

10 **CST. IAN FAHIE:** That's correct.

11 **MR. ROGER BURRILL:** All right. And lethal overwatch is similar
12 to what you described earlier?

13 **CST. IAN FAHIE:** A hundred percent, yeah. Just constantly
14 scanning.

15 **MR. ROGER BURRILL:** Am I correct to say, then, you had a
16 second interaction with Michaela Scott O'Brien?

17 **CST. IAN FAHIE:** Once -- it was a little while later.

18 **MR. ROGER BURRILL:** Yes.

19 **CST. IAN FAHIE:** So there was another possible sighting or --
20 actually, I believe it was even after he was downed in Enfield, the shooter. It was -- it
21 was later on.

22 We were still guarding the scene now waiting for Major Crime to roll
23 in and -- and our Ident units, so we were sitting there guarding and Ms. Scott pulled up
24 south to north, stopped at -- we had the road blocked, so she stopped. And I -- I got out
25 of my vehicle and I knew who she was from the previous dealing.

26 That's when I walked up and told her that her mother was
27 deceased.

28 **MR. ROGER BURRILL:** Okay. Now, would this be similar to the

1 next-of-kin procedure you had provided in the Blair context?

2 **CST. IAN FAHIE:** Yes. Not in the ideal situation given we couldn't
3 do it at a residence.

4 I can't recall if she was alone or not, but -- and also, she was in
5 eyesight of -- of her mother, which is never ideal.

6 **MR. ROGER BURRILL:** Would this have been a chore that you
7 undertook on direction from your superiors or is this something that you decided to
8 undertake on your own?

9 **CST. IAN FAHIE:** I undertook on my own.

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

11 And are you able to advise the Commissioners whether there's any
12 training that you may have had specifically with respect to how to deal with
13 civilians/family members at the scene of a catastrophe like this?

14 **CST. IAN FAHIE:** So I wouldn't say there's specific training. We
15 do have a little session at Depot, our training academy, but it's -- it comes with
16 experience. And these -- even at -- when we go to a residence for a sudden death, we
17 don't let the family near the deceased until we've determined -- and once we're done
18 our criminal investigation aspect. They may be in the residence with them.

19 Once we've determined, you know, that it's -- that it's not
20 suspicious, then we will allow them to say goodbye.

21 At this situation, the criminal investigation was just beginning, so we
22 couldn't allow anybody outside of our investigators to go near the deceased.

23 So we did the next -- I did the next of kin at the side of the road,
24 explained to her it was time -- you know, she needed to go home and be with family and
25 support and somebody would reach out.

26 I didn't feel it was fair to me to tell her to leave again knowing the
27 information I knew, to -- that unknowingness was not fair to anybody, so I took it upon
28 myself to let her know that her mother was deceased. I did believe I said something to

1 do with it was in regards to a homicide and that somebody would be in touch.

2 I did take her name and number, and that's -- and then she did
3 leave the scene.

4 **MR. ROGER BURRILL:** With respect to your manner or tone on
5 this second occasion, can you compare it to the manner or tone on the first occasion?

6 **CST. IAN FAHIE:** Yeah. Things were calm. We weren't in a
7 heightened sense of awareness or whatnot. I believe I did apologize for my actions
8 prior to, but I, again, her safety was utmost important at the first scene -- sorry, the first
9 incident or time she showed up, much more, me. I was able to explain things. My, you
10 know, compassion. I used as much compassion as I have and I was able to express to
11 her what took place.

12 **MR. ROGER BURRILL:** Okay. Thank you. Now am I correct,
13 Constable, that you remained on that scene, guarding the scene, in terms of the
14 integrity of the scene, until about 2:00 o'clock that afternoon on the 19th?

15 **CST. IAN FAHIE:** Yeah, around 1400 hours we were relieved by
16 two Antigonish members. They came and we cleared, myself and CST. Coleman, and
17 made our way back to Antigonish to end our shift.

18 **MR. ROGER BURRILL:** So how long had you been working?

19 **CST. IAN FAHIE:** Eighteen (18) hours, I believe.

20 **MR. ROGER BURRILL:** Okay. And you would have got off your
21 shift at what time?

22 **CST. IAN FAHIE:** A little after 3:00.

23 **MR. ROGER BURRILL:** Okay. All right. Constable, those are the
24 questions I have with respect to some of the issues before the Commissioners. I have
25 no further questions, Commissioners.

26 **COMMISSIONER MacDONALD:** Thank you, Mr. Burrill. CST.
27 Fahie, the process we follow is that once you have given your testimony proper, the
28 Commission Counsel will meet with counsel for the Participants and decide if there are

1 any further questions for you and who will be asking those questions.

2 So I'd ask you to -- so just to remind you that you're still under oath
3 and that you can leave now, but you have to wait, obviously, until the meeting is over.

4 I'm going to say, Mr. Burrill, 3:30, but as I always say, if more time
5 is needed, then absolutely we will make that available.

6 So if you want to step out now, Mr. ---

7 **CST. IAN FAHIE:** Okay. Thank you.

8 **COMMISSIONER MacDONALD:** --- Officer Fahie, we'll then
9 break.

10 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
11 proceedings are now on break and will resume at 3:30.

12 --- Upon breaking at 3:09 p.m.

13 --- Upon resuming at 3:35 p.m.

14 **CST. IAN FAHIE, Resumed:**

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

17 **COMMISSIONER MacDONALD:** Thank you. I understand, Mr.
18 Pineo, that you will be asking questions. The Commissioners are pleased to have you
19 do that. We'll ask the witness to come in.

20 Have a seat, Mr. -- or CST. Fahie. CST. Fahie, you're still under
21 oath of course. And as I mentioned before the break, the counsel have met and it's
22 been determined that Mr. Robert Pineo, the gentleman in front of you there, will be
23 asking you questions on behalf of the Participants, the family Participants. Mr. Pineo is
24 from Patterson Law and his firm represents many of the families. So he will have some
25 questions for you.

26 **CST. IAN FAHIE:** Okay.

27 **MR. ROBERT PINEO:** Thank you, my -- Commissioner
28 MacDonald. Bad habit. Bad old habits.

1 Our firm is always introduced as being counsel to many of the
2 families. And I think just this once, I would like to take a second and just list off who we
3 represent ---

4 **COMMISSIONER MacDONALD:** Absolutely.

5 **MR. ROBERT PINEO:** --- just to humanize our clients to the panel
6 and to the room.

7 **COMMISSIONER MacDONALD:** Please go ahead.

8 **MR. ROBERT PINEO:** Patterson Law represents the Blair family,
9 the Gulenchyn family, the McCully family, the Ellison family, the Zahl family, the
10 Thibeault family, the Murphy family, the Colpitts family, Leon Joudrey, the Jenkins
11 family, the majority of the McLeod family, the Bagley family, the majority of the Beaton
12 family, the O'Brien family, the Fisher family, Darrell Currie, Greg Muise, and the Webber
13 family.

14 Thank you for the indulgence, panel.

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

16 **MR. ROBERT PINEO:** So, CST. Fahie, I listened very closely to
17 your testimony in direct questions asked to you by Mr. Burrill and I note that when
18 comparing your direct examination evidence with the evidence that you gave to the
19 Mass Casualty Commission in your statement, you've changed your evidence in two, I'll
20 suggest, significant ways.

21 Do you agree with me that you've done that?

22 **CST. IAN FAHIE:** No, I wouldn't say I changed. Different choices
23 of words.

24 **MR. ROBERT PINEO:** Okay. Now you understood when you gave
25 your statement to the Mass Casualty Commission on October 1st, 2021, that the
26 information you were giving was very important information to convey; correct?

27 **CST. IAN FAHIE:** Yes.

28 **MR. ROBERT PINEO:** And I take it, and I don't know if you

1 remember or not, but you weren't put under oath? That is, you didn't swear to tell the
2 truth when you gave that statement; did you?

3 **CST. IAN FAHIE:** I did not. No.

4 **MR. ROBERT PINEO:** But nonetheless, knowing how important
5 this information was to the Commission, and to the families, and to the public, you were
6 quite loose with your words; weren't you? You used a poor choice of words?

7 **CST. IAN FAHIE:** Yes. Yeah.

8 **MR. ROBERT PINEO:** You gave no thought to how that might
9 impact the O'Brien family, for example, when you gave your statement in your loose
10 words regarding her final moments?

11 **CST. IAN FAHIE:** I wasn't thinking to hurt the families, no.

12 **MR. ROBERT PINEO:** No, but you weren't thinking then about
13 how accurate your words were; were you?

14 **CST. IAN FAHIE:** I wouldn't say not accurate. I would just say I
15 didn't use proper choice of words.

16 **MR. ROBERT PINEO:** Okay. Well for example, the impression left
17 from your statement, your initial words was that Ms. O'Brien was still making sounds.
18 And I take it from that, they were sounds from her mouth/oral area; correct?

19 **CST. IAN FAHIE:** In the statement, we did not go into deeper
20 involvement, but sounds were air and gas exiting the body.

21 **MR. ROBERT PINEO:** Yes. But that's not what you said in your
22 statement though; was it?

23 **CST. IAN FAHIE:** No.

24 **MR. ROBERT PINEO:** You said she was making soft noises?

25 **CST. IAN FAHIE:** I did not use -- say words either.

26 **MR. ROBERT PINEO:** You said "making soft noises"; correct?

27 **CST. IAN FAHIE:** That's what my statement says, yes.

28 **MR. ROBERT PINEO:** Yes. Okay. And then you also stated to

1 the Mass Casualty Commission in your statement that initially you thought you felt a
2 pulse; correct?

3 **CST. IAN FAHIE:** Yes.

4 **MR. ROBERT PINEO:** And you didn't correct that in your
5 statement; did you?

6 **CST. IAN FAHIE:** No.

7 **MR. ROBERT PINEO:** No, you didn't. And I take it you read the
8 statement after it was transcribed by the Mass Casualty Commission; didn't you?

9 **CST. IAN FAHIE:** I did.

10 **MR. ROBERT PINEO:** Yeah. And how long after October 1st,
11 2021 did you re-read that statement?

12 **CST. IAN FAHIE:** I received it last week.

13 **MR. ROBERT PINEO:** Okay. And despite that, at no time did you
14 make an effort to contact the Mass Casualty Commission and correct -- to use better
15 words to describe whether or not you heard soft noises; did you?

16 **CST. IAN FAHIE:** I did not.

17 **MR. ROBERT PINEO:** No. And likewise, with the pulse, you didn't
18 correct your statement prior to us coming here today to say that, "Oh, now I think it was
19 actually my pulse"? You didn't make that correction; did you?

20 **CST. IAN FAHIE:** No.

21 **MR. ROBERT PINEO:** No. Now, I'm going to -- I will refer to parts
22 of your statement, and if you need me to bring the statement up, I will ask Madam
23 Registrar to do that. but I think most of these are pretty basic. And I'll just put them to
24 you and you can agree or disagree and then we can go to the statement.

25 But on page 5, and when you were on your way to the Glenholme
26 scene, you requested shoot on site instructions from your commanders; didn't you?

27 **CST. IAN FAHIE:** I did not.

28 **MR. ROBERT PINEO:** Okay. So if you could bring up Mr. -- sorry,

1 CST. Fahie's statement and turn to page 5? You're correct. ERT was asking for
2 permission ---

3 **CST. IAN FAHIE:** That's correct.

4 **MR. ROBERT PINEO:** --- to shoot on site. Okay. And do you
5 know if ERT ever received those instructions?

6 **CST. IAN FAHIE:** I wouldn't say -- they didn't ask over -- it wasn't
7 laymen's terms, shoot on site, but I believe they did ask if they could use lethal means,
8 and I believe it was granted. But there was so much chatter.

9 **MR. ROBERT PINEO:** Okay. And lethal means means that you --
10 that the responding officers would not have to engage the subject first? That they could
11 just shoot on site?

12 **CST. IAN FAHIE:** Not totally sure what that means, but that's what
13 I guess I took it as.

14 **MR. ROBERT PINEO:** Okay. And you did take it that way, didn't
15 you, because you and CST. Coleman devised a plan that was basically ram the vehicle
16 and shoot on site; correct?

17 **CST. IAN FAHIE:** Yes.

18 **MR. ROBERT PINEO:** Okay.

19 You stated in your direct testimony that you had familiarity with
20 police vehicles, and one of the reasons that push bars were not used generally by the
21 RCMP is that it would disable -- it could disable the airbag and leave the members
22 inside vulnerable.

23 **CST. IAN FAHIE:** That's what was advised to me, yes.

24 **MR. ROBERT PINEO:** Sure.

25 **CST. IAN FAHIE:** I didn't do any research into that, besides being
26 told that.

27 **MR. ROBERT PINEO:** Okay. And isn't it also the case though,
28 that if the airbags deploy that the members could be trapped and not able to use their

1 weapons?

2 **CST. IAN FAHIE:** It's a possibility.

3 **MR. ROBERT PINEO:** Yeah. Well, you know how an airbag
4 works. The balloon -- the bag comes out and it comes up against the passenger's body
5 and doesn't allow them to strike forward; correct?

6 **CST. IAN FAHIE:** It expands and then it immediately -- you can
7 push it back in ---

8 **MR. ROBERT PINEO:** Sure. Sure. And police officers, in fact,
9 have had airbags deployed in their cars in the past and not been able to use their
10 weapons and been killed. You're aware of that?

11 **CST. IAN FAHIE:** I'm not.

12 **MR. ROBERT PINEO:** You're not? Okay.

13 Did you understand ERT's -- the fact that a ERT -- you believed
14 ERT was granted shoot on sight or lethal force instructions, did you take license with
15 that then to device the plan to ram the vehicle and shoot on site?

16 **CST. IAN FAHIE:** No. The plan was, given the actions that had
17 already taken place, I felt that as front-line police officers, we had a job to do, and that
18 was to end him.

19 **MR. ROBERT PINEO:** Okay. Okay. So you were able to make
20 that decision on your own. You didn't have to clear that with command?

21 **CST. IAN FAHIE:** No. I did not clear that with command.

22 **MR. ROBERT PINEO:** You're agreeing with me?

23 **CST. IAN FAHIE:** I did not clear that with command.

24 **MR. ROBERT PINEO:** No, but you didn't have to clear that with
25 command; did you?

26 **CST. IAN FAHIE:** I'm not sure.

27 **MR. ROBERT PINEO:** Okay.

28 **CST. IAN FAHIE:** It was a split-second action or decision.

1 **MR. ROBERT PINEO:** You were at the home in Glenholme?

2 **CST. IAN FAHIE:** I was at -- near the residence, yes.

3 **MR. ROBERT PINEO:** And you were out of your vehicle for a
4 time?

5 **CST. IAN FAHIE:** That's correct, yes.

6 **MR. ROBERT PINEO:** Did you hear a helicopter in the sky when
7 you were there?

8 **CST. IAN FAHIE:** Not that I recall.

9 **MR. ROBERT PINEO:** Okay. I'm going to ask you, getting ready
10 for your testimony here today, did you meet with anybody to prepare your testimony?

11 **CST. IAN FAHIE:** No.

12 **MR. ROBERT PINEO:** Okay. You didn't go over it with ---

13 **CST. IAN FAHIE:** Oh, sorry, yes ---

14 **MR. ROBERT PINEO:** --- with your lawyers?

15 **CST. IAN FAHIE:** --- we went over it.

16 **MR. ROBERT PINEO:** Yeah, with your lawyers?

17 **CST. IAN FAHIE:** Yeah.

18 **MR. ROBERT PINEO:** And with RCMP members?

19 **CST. IAN FAHIE:** No.

20 **MR. ROBERT PINEO:** Nobody in command?

21 **CST. IAN FAHIE:** No.

22 **MR. ROBERT PINEO:** Okay. Just with National Police Federation
23 lawyers?

24 **CST. IAN FAHIE:** I didn't even meet with them.

25 **MR. ROBERT PINEO:** Okay. Which lawyers did you meet with?
26 I'm not asking for the substance of the comments. I'm just asking if it took place.

27 **MS. PATRICIA McPHEE:** I'm going to object to that. What's the
28 relevance of the question ---

1 **MR. ROBERT PINEO:** Well ---

2 **MS. PATRICIA McPHEE:** --- to the testimony he provided this
3 morning?

4 **MR. ROBERT PINEO:** Sure. Well, this -- obviously, this witness's
5 credibility is in question given that there's at least a perception that he's changed his
6 wording from his statement to his testimony today, so I think I'm entitled to explore how
7 he prepared for his direct testimony.

8 **COMMISSIONER MacDONALD:** Yeah, go ahead, Mr. Pineo.

9 **MR. ROBERT PINEO:** Thank you.

10 What lawyers did you meet with?

11 **CST. IAN FAHIE:** My DOJ lawyer.

12 **MR. ROBERT PINEO:** Oh, I see. Okay.

13 After you left Glenholme, you headed straight to Plains Road?

14 **CST. IAN FAHIE:** That's correct.

15 **MR. ROBERT PINEO:** And I'm just going to ask a couple of quick
16 questions, but it was covered in your direct. It was just to set up the context for my later
17 questions. So you stopped when you saw Ms. O'Brien's Jetta?

18 **CST. IAN FAHIE:** No. I seen the vehicle in my peripheral. I was
19 going towards another vehicle.

20 **MR. ROBERT PINEO:** Yes.

21 **CST. IAN FAHIE:** And then I realize a police car had pulled up to
22 that one, so I did a quick U-turn and stopped at that one.

23 **MR. ROBERT PINEO:** Okay. But your first stop was at the Jetta
24 on Plains Road?

25 **CST. IAN FAHIE:** I guess so, yes.

26 **MR. ROBERT PINEO:** Okay. You didn't go to any other scenes ---

27 **CST. IAN FAHIE:** No, I did not.

28 **MR. ROBERT PINEO:** Okay. And you and your partner, Cst.

1 Coleman, got out of the vehicle?

2 **CST. IAN FAHIE:** That's correct.

3 **MR. ROBERT PINEO:** You provided overwatch?

4 **CST. IAN FAHIE:** That's correct.

5 **MR. ROBERT PINEO:** And Cst. Coleman went to the Jetta?

6 **CST. IAN FAHIE:** Yes.

7 **MR. ROBERT PINEO:** And Cst. Coleman attempted to find a pulse
8 on Ms. O'Brien?

9 **CST. IAN FAHIE:** Yeah.

10 **MR. ROBERT PINEO:** Okay. And she reported that she was
11 unable to do that, possibly because her hands were cold, and you and her switched
12 positions?

13 **CST. IAN FAHIE:** That's correct.

14 **MR. ROBERT PINEO:** And she stood up on the road and provided
15 lethal overwatch?

16 **CST. IAN FAHIE:** And then I went back to the vehicle.

17 **MR. ROBERT PINEO:** Yes. And you then provide -- you then
18 attempted to find a pulse?

19 **CST. IAN FAHIE:** Yes.

20 **MR. ROBERT PINEO:** Okay. And you didn't take Ms. O'Brien out
21 of the Jetta; did you?

22 **CST. IAN FAHIE:** I did not, no.

23 **MR. ROBERT PINEO:** Did you try to?

24 **CST. IAN FAHIE:** I was preparing to, but it was -- EMRT got there
25 very quickly after I got to the vehicle.

26 **MR. ROBERT PINEO:** Okay.

27 **CST. IAN FAHIE:** So I never even attempted. It was a prepared
28 to.

1 **MR. ROBERT PINEO:** Okay. And did you open the door to check
2 for her pulse?

3 **CST. IAN FAHIE:** I can't remember how I checked the pulse. I
4 can't recall if the door was open, if I opened the door, the windows, I -- complete blank.

5 **MR. ROBERT PINEO:** Okay. Did you reach Ms. O'Brien by
6 standing outside the driver's door and reaching in?

7 **CST. IAN FAHIE:** Yes.

8 **MR. ROBERT PINEO:** Okay. You didn't go to the passenger side?

9 **CST. IAN FAHIE:** I did initially, but I -- when I checked the pulse, I
10 came round to the driver's side.

11 **MR. ROBERT PINEO:** Okay. And so you don't remember whether
12 or not the door was open?

13 **CST. IAN FAHIE:** I don't recall those -- that detail.

14 **MR. ROBERT PINEO:** Okay. And you were standing in close
15 proximity to the Jetta, and you felt a tap on your shoulder?

16 **CST. IAN FAHIE:** Yes.

17 **MR. ROBERT PINEO:** And that tap came from Duane Ivany?

18 **CST. IAN FAHIE:** Yes.

19 **MR. ROBERT PINEO:** Okay. And at that point, did you assist
20 Ivany in -- I don't mean to be disrespectful using his last name. I didn't recall his rank at
21 that time.

22 **CST. IAN FAHIE:** Corporal.

23 **MR. ROBERT PINEO:** Corporal, yes. Did you assist Cpl. Ivany in
24 removing Ms. O'Brien from the Jetta?

25 **CST. IAN FAHIE:** No, I went up to the roadway to assist Cst.
26 Coleman in lethal overwatch for the two EMRT members.

27 **MR. ROBERT PINEO:** Because in your statement, you say that
28 Duane Ivany with EMRT, and I'm paraphrasing, but tapped you on the shoulder. He

1 said, "I got this." Do you remember that?

2 **CST. IAN FAHIE:** I do, yeah.

3 **MR. ROBERT PINEO:** And then you said, "So we got her out of
4 the car."

5 **CST. IAN FAHIE:** I meant they. Like ---

6 **MR. ROBERT PINEO:** Okay.

7 **CST. IAN FAHIE:** Yeah. No, I did not ---

8 **MR. ROBERT PINEO:** With the EMRT.

9 **CST. IAN FAHIE:** --- assist. Yes.

10 **MR. ROBERT PINEO:** Okay. Very good. So when Cpl. Ivany took
11 over, you then went back up to the Plains Road and stood lethal overwatch along with
12 Cst. Coleman?

13 **CST. IAN FAHIE:** That's correct.

14 **MR. ROBERT PINEO:** Okay. And did you go back to Ms. O'Brien
15 at any time after that?

16 **CST. IAN FAHIE:** I did not.

17 **MR. ROBERT PINEO:** You stood on the road the rest of the time?

18 **CST. IAN FAHIE:** Yes.

19 **MR. ROBERT PINEO:** Okay. You didn't provide -- you didn't
20 perform any first aid on Ms. O'Brien?

21 **CST. IAN FAHIE:** No.

22 **MR. ROBERT PINEO:** Did you provide any first aid to her before
23 Cpl. Ivany arrived?

24 **CST. IAN FAHIE:** No.

25 **MR. ROBERT PINEO:** No bandages, nothing like that?
26 Okay. You heard Cpl. Ivany asking for the life flight?

27 **CST. IAN FAHIE:** Yeah.

28 **MR. ROBERT PINEO:** And you heard the transmission back that

1 life flight wouldn't be flying?

2 **CST. IAN FAHIE:** That's what I recall.

3 **MR. ROBERT PINEO:** Okay. And but you heard that?

4 **CST. IAN FAHIE:** Yeah. Yeah.

5 **MR. ROBERT PINEO:** Okay. That's not something Ivany told
6 you?

7 **CST. IAN FAHIE:** No.

8 **MR. ROBERT PINEO:** No.

9 **CST. IAN FAHIE:** No.

10 **MR. ROBERT PINEO:** Okay.

11 **CST. IAN FAHIE:** No.

12 **MR. ROBERT PINEO:** And I believe you heard dispatch say life
13 flight's not flying due to this. Those were your words?

14 **CST. IAN FAHIE:** Yes.

15 **MR. ROBERT PINEO:** Okay. In hindsight, I think you'll agree with
16 me that you were quite rough on Michaela Scott O'Brien in the first instance?

17 **CST. IAN FAHIE:** Unfortunately, I was, yes.

18 **MR. ROBERT PINEO:** And you're aware you had a carbine in your
19 hand at the time?

20 **CST. IAN FAHIE:** It was in my -- it was at the low ready, yes.

21 **MR. ROBERT PINEO:** And I think you realized that for a civilian,
22 that's not an every-day occurrence to see?

23 **CST. IAN FAHIE:** By no means it would have been.

24 **MR. ROBERT PINEO:** Okay. I noticed at different places in your
25 statement you use "we," and I'm going to ask you if sometimes when you say "we" if
26 you mean the RCMP in general? And I'll be more specific.

27 **CST. IAN FAHIE:** Yes, please.

28 **MR. ROBERT PINEO:** I'm just wondering if that's something that

1 you do.

2 **CST. IAN FAHIE:** At times.

3 **MR. ROBERT PINEO:** Okay.

4 And the operating assumption of the RCMP overnight, April 18, to
5 the morning, April 19, was that, that the perpetrator's ex cop car was a decommissioned
6 cop car, might have had a badge on it or a stripe, you know, maybe some stripes on the
7 -- on the bumper, but you weren't -- the assumption was that it wasn't a fully-marked ---

8 **CST. IAN FAHIE:** That is correct.

9 **MR. ROBERT PINEO:** Yes. And that was the assumption of, you
10 know, of those in the force that you were talking that overnight; correct?

11 **CST. IAN FAHIE:** That's correct.

12 **MR. ROBERT PINEO:** Yeah. And in your statement, and I'm
13 going to ask you to confirm if these are your words as well, you say:

14 "...it looked like an ex-police car. And again, so
15 assuming, and obviously, we assumed very wrong
16 that night, [and] it was ... but we didn't have any other
17 information to go on, we were looking for a car with
18 maybe a back bumper [and a] blue reflective sticker
19 or had some ... you know, [I] didn't think it
20 had...RCMP markings on it, just the reflective strips
21 that people..."

22 **CST. IAN FAHIE:** Yeah.

23 **MR. ROBERT PINEO:** And that is your recollection of that
24 evening, that that assumption was very wrong, wasn't it?

25 **CST. IAN FAHIE:** Was it, sorry, very wrong, you said?

26 **MR. ROBERT PINEO:** Yeah. You said "obviously, we assumed
27 very wrong that night..."

28 **CST. IAN FAHIE:** Yes.

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

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

3 Mr. Burrill?

4 **MR. ROGER BURRILL:** Nothing arising from my point of view.

5 **COMMISSIONER MacDONALD:** Thank you.

6 Commissioner Fitch? Commissioner Stanton?

7 Thank you very much, Officer Fahie. That ends your testimony.

8 We appreciate you being here and to -- and to assist us with our important work. So
9 you are now free to go.

10 **CST. IAN FAHIE:** Thank you.

11 **COMMISSIONER MacDONALD:** Mr. Burrill, I think logistically we
12 will need at least 10 minutes to arrange ---

13 **MR. ROGER BURRILL:** Yes.

14 **COMMISSIONER MacDONALD:** --- for the next witness. So it's
15 3:55. So as close to 4:05 as we can. We'll break for 10 minutes. Thank you.

16 **MR. ROGER BURRILL:** Excellent. Thank you, Commissioner.

17 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
18 proceedings are now on break and will resume at 4:05.

19 --- Upon recessing at 3:55 p.m.

20 --- Upon resuming at 4:05 p.m.

21 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
22 proceedings are again in session.

23 **COMMISSIONER MacDONALD:** Thank you.

24 Mr. Burrill?

25 **MR. ROGER BURRILL:** Thank you, Commissioners. I would -- I
26 would call Corporal Duane Ivany, please.

27 **COMMISSIONER MacDONALD:** Thank you.

28 **MR. ROGER BURRILL:** Just remain standing if you would, please,

1 Witness. You are Corporal Duane Ivany?

2 **CPL. DUANE IVANY:** Yes, sir.

3 **MR. ROGER BURRILL:** Your last name is spelled I-V-A-N-Y?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROGER BURRILL:** I understand, Madam Registrar, that the
6 witness wishes to be sworn on the Bible. The Bible's in front of you, Corporal.

7 **--- CPL. DUANE IVANY, Sworn:**

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

9 **MR. ROGER BURRILL:** Thank you, Corporal. The focus of
10 questioning today will be fundamentally in three areas: your role and involvement in the
11 Emergency Medical Response Team, EMRT; and your observations of Ms. Banfield in
12 the early morning of April 19th; and also, your observations and involvement in the
13 Heather O'Brien fatality. For purposes of that, obviously, there will have to be some
14 information as well to provide some context.

15 But let me just go through your background if you would, please. I
16 understand that you have 22 years completed service with the RCMP?

17 **CPL. DUANE IVANY:** Yes.

18 **MR. ROGER BURRILL:** I understand that you graduated Depo in
19 2000?

20 **CPL. DUANE IVANY:** 2000.

21 **MR. ROGER BURRILL:** And you worked in the Lower Mainland of
22 British Columbia until 2011?

23 **CPL. DUANE IVANY:** Yes.

24 **MR. ROGER BURRILL:** I understand that in 2011, you had
25 transferred to the Windsor detachment in Nova Scotia in general duty?

26 **CPL. DUANE IVANY:** Yes.

27 **MR. ROGER BURRILL:** 2012, you joined the Emergency Medical
28 Response Team in Nova Scotia?

1 **CPL. DUANE IVANY:** Yes.

2 **MR. ROGER BURRILL:** 2014, you were transferred from the
3 Windsor detachment to Halifax District?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROGER BURRILL:** 2016, I understand that you were
6 appointed or became the Divisional Coordinator for the Emergency Medical Response
7 Team, EMRT?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROGER BURRILL:** I understand that you're currently a
10 corporal at the Cole Harbour detachment of the Halifax District RCMP. You are a Road
11 Supervisor on Watch 4; is that correct?

12 **CPL. DUANE IVANY:** Yes.

13 **MR. ROGER BURRILL:** On April 18th-19th, 2020, you were in the
14 same position you occupy right now; is that right?

15 **CPL. DUANE IVANY:** Yes, that is correct.

16 **MR. ROGER BURRILL:** Okay. I'm going to ask you then,
17 generally, Corporal, because of your expertise, to tell us about EMRT, what it is, please,
18 and your role in it?

19 **CPL. DUANE IVANY:** EMRT is the acronym for Emergency
20 Medical Response Team. It is a support group that the RCMP developed not long after
21 the July 1990 protest in Oka, Ontario, the crisis that occurred there. At the time, the
22 RCMP identified that there was a need within the force to have tactically trained officers
23 who can provide an advanced level of care in situations where civilian paramedics are
24 unable to go into.

25 The program developed since that date and is national, with
26 approximately 115 medics across the country. Each of the divisions or the provinces,
27 we refer to them as their own division, each division would have a coordinator in my
28 position which looks after training, scheduling, acquisition of supplies, medications, and

1 interacts with the Critical Incident Program when deploying.

2 The program, all of the members operate under a clinical physician
3 who is our medical director who is under contract by the RCMP. That means that
4 basically any of our medical skills similar to that of a paramedic would be operating
5 under his licence. So basically, he is extending his medical licence to cover the
6 protocols that he sees fits and directs us to do under our duties.

7 **MR. ROGER BURRILL:** Okay. And that's a trained medical
8 practitioner in Toronto, is it?

9 **CPL. DUANE IVANY:** Yes, in Ontario.

10 **MR. ROGER BURRILL:** Okay. And how often would you have
11 contact with that practitioner?

12 **CPL. DUANE IVANY:** All and any medical interventions that we
13 have in any file or a call, we send a report with him for his immediate review for quality
14 assurance and I also meet virtually every month with our coordinator and with the
15 doctor.

16 **MR. ROGER BURRILL:** Okay. So the Divisional Coordinator you
17 started to get into, is that a full-time paid position?

18 **CPL. DUANE IVANY:** No. In Nova Scotia, all six positions that we
19 have are all part-time, and the Coordinator's position is also part-time, which I do off the
20 side of my desk with general duty.

21 **MR. ROGER BURRILL:** I've heard this expression "off the side of
22 my desk". How -- what does that actually mean in terms of practical reality?

23 **CPL. DUANE IVANY:** Well, I guess that means that when I'm not
24 supervising the members that I have in the Cole Harbour/Halifax District, responding to
25 calls, conducting investigations myself, that in between those duties I take the time to
26 also fulfil the duties of acquisition, scheduling, training and that for the EMRT program.

27 **MR. ROGER BURRILL:** Okay. Tell me, how many members did
28 you say there were?

1 **CPL. DUANE IVANY:** We have six positions. However, currently
2 we have three positions in there due to vacancies and the inability to meet training
3 requirements with COVID over the past two years. And on the date of April 18th-19th,
4 2020, we had four positions occupied.

5 **MR. ROGER BURRILL:** Okay. Four positions of six were
6 occupied in April of 2020.

7 **CPL. DUANE IVANY:** Sorry?

8 **MR. ROGER BURRILL:** Four positions of six were occupied in
9 April of 2020?

10 **CPL. DUANE IVANY:** Yes.

11 **MR. ROGER BURRILL:** Okay. Full-time or part-time positions,
12 just for clarity?

13 **CPL. DUANE IVANY:** All part-time positions.

14 **MR. ROGER BURRILL:** All right. Tell me about the requirements,
15 generally, to be an EMRT member.

16 **CPL. DUANE IVANY:** The majority of the members that are -- or
17 the majority of the candidates for the program that are identified, we prefer that they
18 have a pre-medical background. A large number of the people that apply to the
19 program and become successful have a pre-paramedic background prior to doing --
20 having become engaged with the RCMP. Some have nursing backgrounds, health
21 sciences, physio, kinesiology, and also some military medic background.

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

23 **CPL. DUANE IVANY:** There is training available that if you do not
24 have those prerequisites, you can enter a basic level course, which is referred to as the
25 EMR, Emergency Medical Responder.

26 A lot of people are familiar with an MFR course throughout Nova
27 Scotia. Basically, firefighters, ski patrol, search and rescue, other people that do
28 respond outside of paramedics that provide medical care have a Medical First

1 Responder course, which is a 40-plus hour course which covers a lot of medical
2 intervention, CPR, spinal immobilization, oxygen, a lot of things that you can do and
3 provide prior to paramedic arrival.

4 The course that we are required to have as our bare civilian basic,
5 the EMR, is an 80-hour course. So basically, it goes into a lot more in-depth. It is a
6 program that is provided currently in Nova Scotia through the Canadian Red Cross or
7 St. John's Ambulance.

8 This program is all civilian based, and basically, it is a step between
9 the Medical First Responder course that your firefighters and support personnel would
10 have and a paramedic-level training.

11 **MR. ROGER BURRILL:** Okay. Tell me about certification,
12 recertification and continuing education.

13 **CPL. DUANE IVANY:** In order to become an EMRT medic with the
14 RCMP, you have to have those prerequisites, so either a recent civilian paramedic
15 licence, recency with your qualification through the military or through nursing, or an
16 updated EMR course.

17 Once you do that, you go through an initial course which the RCMP
18 refers to as an SRM, which is Symptom Relief Medications. That is a four-day course
19 where, based on the medications that the -- our doctor has identified are suitable for our
20 deployment and operational needs, we will do four days of training on administration of
21 those medicines.

22 It includes which medicines we are authorized to use, the proper
23 time to use them, the dose to use them and the proper person that is -- should be
24 receiving them.

25 We also will go into our intravenous access, so we will establish
26 fluid access. Intravenously is by your typical most common where you're inserting a
27 catheter into a vein. In situations where we cannot establish a vein, and a lot of times in
28 trauma, we will go with intraosseous, which is basically a needle directly into the bone in

1 order to get that fluid into the person for either hydration purposes or for medication.

2 **MR. ROGER BURRILL:** That was a long answer, and I'm going to
3 cut it off.

4 **CPL. DUANE IVANY:** Sorry.

5 **MR. ROGER BURRILL:** Sorry. That's okay.

6 I wanted to know about -- about certification and continuing
7 education requirements, that is, time commitment, perhaps, in order ---

8 **CPL. DUANE IVANY:** Okay.

9 **MR. ROGER BURRILL:** --- to be an EMRT member.

10 **CPL. DUANE IVANY:** Once you've successfully completed the
11 SRM course, you will do a five-day tactical course, which is your combat medicine
12 course ---

13 **MR. ROGER BURRILL:** Yeah.

14 **CPL. DUANE IVANY:** --- which is advanced, but every year all of
15 our members are required within one year to do a recertification two-day course --
16 three-day course, sorry, on the SRM, the drugs, and a two-day tactical course on your
17 tactical medical interventions.

18 **MR. ROGER BURRILL:** Okay. Tell me -- we've heard a lot about
19 the ERT, or the Emergency Response Team. What's the relationship between EMRT
20 and ERT, if any?

21 **CPL. DUANE IVANY:** There is. There's a -- there's a very close
22 relationship.

23 ERT is one of the main -- or Emergency Response Team is one of
24 the main support services of the RCMP providing assistance to our general duty
25 policing across the province and the country. Another one is our tactical group, which
26 are riot control, TAC troop, different acronyms or references to them. Those support
27 operations as deemed fit by the RCMP.

28 The EMRT program is a support service for those service supports.

1 So in situations where ERT is going into a high-risk situation, armed and barricaded,
2 active shooter, it's something where they will bring us in as armed and operational
3 police officers with our specialized equipment and our medical gear to be able to
4 provide immediate, life-saving care prior to being able to access civilian EHS.

5 **MR. ROGER BURRILL:** Okay. So you've told us about medical
6 training.

7 Are you able to comment on tactical training that you would receive
8 as a member of the EMRT team?

9 **CPL. DUANE IVANY:** EMRT under our policy, we do cross-train
10 with the groups that we support, so usually one to two weeks every year we will cross-
11 train with our tactical group in regards to riot control positioning. We will run scenarios.

12 With ERT, depending on the training, we -- we are present and
13 participate in the training for week-long marine operations, usually once or twice a year.

14 We will attend officer down training. We will tactics, CQB, in and
15 out of buildings, mostly developing our communication and being aware of how to inter-
16 operate with them in their environments.

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

18 Sounds like there's a working relationship with ERT.

19 **CPL. DUANE IVANY:** Definitely.

20 **MR. ROGER BURRILL:** Okay. Can you tell me about on call or
21 EMRT availability, please, in Nova Scotia?

22 **CPL. DUANE IVANY:** Currently, the Nova Scotia division has
23 supported two members of our EMRT program to be on call at any given time. We are
24 on an operational availability, which means we have to be able to respond within a four-
25 hour response time.

26 Basically, I think, given the members that are on the team, you will
27 get a much quicker response, within an hour or so.

28 At the time of April 18th-19th, 2020, we were not on an on-call

1 basis, so it was just the availability of our members at the time. However, within our
2 group, we did, amongst ourselves, try and maintain an availability for that.

3 **MR. ROGER BURRILL:** Okay. I think we've explored a great deal
4 of information about the Emergency Medical Response Team, and let's move on now to
5 discussing April 18th and 19th.

6 I understand that two EMRT members responded to the Portapique
7 mass casualty. Am I right there?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROGER BURRILL:** And that was who, please?

10 **CPL. DUANE IVANY:** Myself and Constable Jeff Mahar.

11 **MR. ROGER BURRILL:** Okay. And Constable Jeff Mahar is a
12 member of the RCMP locally as well?

13 **CPL. DUANE IVANY:** Yes. He works out of Lower Sackville.

14 **MR. ROGER BURRILL:** Okay. And tell me, then, please, how
15 does one get notified in order to be mobilized to attend to something like this, and what
16 happened on April 18th?

17 **CPL. DUANE IVANY:** Once it's been determined that there is
18 going to be a deployment of ERT or any specialty resource where they will require
19 ourselves, EMRT, at the time and currently we use different apps through our
20 Smartphones where we receive a notification.

21 So on that night, I received a text notification going out to a group
22 chat from Corporal Tim Mills, who was the acting team leader for our division's ERT.

23 **MR. ROGER BURRILL:** Okay. And are you able to comment on
24 response time to the call?

25 **CPL. DUANE IVANY:** I reside in the metro area, so I notified
26 Constable Mahar, who was -- I knew, based on his schedule, was currently on shift for a
27 night shift. I was able to contact him immediately and have him make preparations in
28 acquiring a vehicle and meet me at a muster point within metro where we store our

1 medical equipment.

2 **MR. ROGER BURRILL:** Sorry. You said you had to make
3 arrangements for him to acquire a vehicle?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROGER BURRILL:** What does that mean?

6 **CPL. DUANE IVANY:** Under policy, EMRT is required to have a
7 dedicated vehicle for use during deployments. Typically, what would happen is we
8 would arrive at a scene, meet up with ERT or whoever we're supporting, and they would
9 identify one of their vehicles to be able to be utilized for an emergency situation for
10 accessing and/or extricating a patient, if required.

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

12 **CPL. DUANE IVANY:** So, basically, with technology and the
13 advancement of ERT and their operations, it's not usually that you're going to be able to
14 have a vehicle that isn't full of shelves with equipment and tech gear, drones, things like
15 that that you can just revamp into an extrication vehicle. So we don't have a dedicated
16 vehicle for our unit at that time, and we basically look for any available police vehicle
17 that was not in use that was suitable for us to go.

18 The only vehicle that was readily available was a unmarked RCMP
19 Jeep Grand Cherokee, which was equipped with grill and headlight lighting, flip down
20 visor rear lighting, siren, and a police radio.

21 **MR. ROGER BURRILL:** Did that vehicle have capacity to be able
22 to transport patients?

23 **CPL. DUANE IVANY:** No.

24 **MR. ROGER BURRILL:** Is that a problem?

25 **CPL. DUANE IVANY:** It would have been if any of the subjects
26 that we dealt with that night had required transport.

27 **MR. ROGER BURRILL:** Okay. Let's move on, then.

28 Tell, me; you made your way to Portapique. Can you describe how

1 you determined where to go, and what occurred?

2 **CPL. DUANE IVANY:** During our text notifications, we were
3 notified of a muster point. We were originally told to go to the Bible Hill Detachment
4 RCMP. Updates would come in over that text group. Once we were able to get our
5 gear ready to depart the location in Metro with our equipment and our gear, I was also
6 able to monitor local radio communications with the general area where the actions
7 were transpiring.

8 From there, we used basically Google Maps on my phone to
9 identify the address that we were to muster at with the others, and we followed that
10 route to -- towards Truro first and then into the Great Village area.

11 **MR. ROGER BURRILL:** All right. A personal phone or a work
12 phone that you used Google Maps on?

13 **CPL. DUANE IVANY:** Personal phone.

14 **MR. ROGER BURRILL:** Okay. Any reason for that?

15 **CPL. DUANE IVANY:** I have an Android phone and a personal
16 phone, and just for mapping features and things like that, I'm able to use the mapping
17 feature more effectively.

18 **MR. ROGER BURRILL:** Okay, all right. So you made your way to
19 where, please?

20 **CPL. DUANE IVANY:** We made our way following the route
21 originally we were -- after we got told to go from Bible hill, they then said go to the Bass
22 River Fire Department for staging there. While following our Google route to the Bass
23 River Fire Station, we came across Great Village Fire Hall. We were able to identify
24 that there was three EHS resources currently on site, and felt it prudent to stop in there
25 and engage our communication with those EHS resources.

26 **MR. ROGER BURRILL:** Okay. Would that be something that you
27 would regularly do, in terms of responding to an incident; that is, communicate with EHS
28 resources?

1 **CPL. DUANE IVANY:** Yes.

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

3 **CPL. DUANE IVANY:** We work very closely with EHS. In planned
4 operations, we consult with their EPSO group, Emergency Prepared Special
5 Operations, which have special training but still cannot go into a high-threat zone.

6 And that night, they had a critical care unit. So, basically, it's the
7 larger kind of truck you may see, looks almost like a big 18-wheeler with a box on the
8 back of it. That basically is staffed with similar crew to what they would have on a
9 LifeFlight helicopter. They're also able to specially equip that vehicle with additional
10 gear, based on their mission.

11 They also had a regular, typical ambulance that you would see,
12 which was actually an advanced-car paramedic onboard versus just the basic care
13 paramedic. They have limitations in what each can do, level of scope of practice.

14 And they also had a supervisor vehicle, which was one of their
15 SUVs, and the duty supervisor or duty manager for the area for that night.

16 **MR. ROGER BURRILL:** What was your feeling with respect to the
17 level and quality of EHS service available when you attended at Great Village Fire Hall?

18 **CPL. DUANE IVANY:** When we got there, having them already
19 there and staged, it was more than we could have asked in preparation for.

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

21 **CPL. DUANE IVANY:** So at that point, we just merely discussed
22 our roles, hand-off, protocols, if we had to bring a patient to them versus bringing them
23 into a hot zone and having to provide escort, armed escort and protection for that.

24 We also discussed accessibility and things for later planning the
25 second operational period.

26 **MR. ROGER BURRILL:** Okay. I understand that you left Great
27 Village Fire Hall and you were on your way to Bass River.

28 **CPL. DUANE IVANY:** Yes. So following our route to Bass River,

1 we came across the intersection of Highway 2 and Portapique Road, where we
2 identified the area being shut down by uniform members. We also identified two of our
3 ERT unmarked police vehicles, and we saw members of our ERT team disembarking
4 those vehicles.

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

6 **CPL. DUANE IVANY:** With them there, we will normally provide --
7 we'll follow their guidance as to how we work with them, based on their operations and
8 their plan. So we stopped at that location and approached one of the ERT members,
9 which was Cst. Trent Milton, to discuss with him whether we should continue to a
10 staging area or if he would rather us do something else.

11 At that time, he recommended that we maintain in the area and
12 stage with them until the full Critical Incident Command package and organized and
13 running.

14 **MR. ROGER BURRILL:** Okay. Are you able to estimate -- and I
15 know, estimate is the question -- what time that was?

16 **CPL. DUANE IVANY:** I would say that was probably just shortly
17 before midnight.

18 **MR. ROGER BURRILL:** All right, fine. How long were you there,
19 then, at that location?

20 **CPL. DUANE IVANY:** We remained at that location throughout the
21 night, with the exception of retuning to the Great Village Fire Hall twice.

22 **MR. ROGER BURRILL:** And the purpose of returning twice to
23 Great Village Fire Hall was what?

24 **CPL. DUANE IVANY:** One was in the early morning or late night,
25 however you want to refer to it. My third EMRT member, Cst. Lee, became available
26 and had made her way up to the Great Village Fire Hall. I had told her to stage there
27 and would await for our return to discuss operations.

28 At the time, there was no immediate activity or threat that would

1 require our immediate disembarking with ERT, so I identified to Cpl. Mills that when he
2 required for briefing with the Critical Incident Commander, that myself and Cst. Mahar
3 would also do so in order to remove some of the extra gear that we had in our vehicle
4 and leave it at the Fire Hall so as to give ourselves a little more room in the vehicle, and
5 it would also afford me the opportunity to speak with Cst. Lee and come up with a plan
6 for her deployment, in consultation with CIC S/Sgt. Jeff West.

7 **MR. ROGER BURRILL:** Okay. Now, did you actually have contact
8 with CIC S/Sgt. Jeff West when you arrived at the Great Village Fire Hall?

9 **CPL. DUANE IVANY:** Yes. I initially briefed Cst. Lee as to what
10 had been going on throughout the night; what we knew, what intelligence was coming
11 in. I then went up and spoke to Staff West, just indicating a plan that we had arranged
12 with EHS for their changeover at morning, as well as my recommendation for Cst. Lee
13 to head home and get rest in preparation for a daytime deployment.

14 **MR. ROGER BURRILL:** How long would your contact have been
15 with S/Sgt. West?

16 **CPL. DUANE IVANY:** Probably five minutes.

17 **MR. ROGER BURRILL:** All right. Did you take any instruction
18 from him at that point?

19 **CPL. DUANE IVANY:** No direction other than to go with the plan
20 we had agreed upon.

21 **MR. ROGER BURRILL:** Okay, very good. Then what happened?

22 **CPL. DUANE IVANY:** At that point, Cst. Lee departed to go back,
23 maintaining all of her equipment and her vehicle so as to be ready if other activity was
24 to start up. We were advised by Staff West that "J" Division, which is our New
25 Brunswick counterparts of the ERT, were planning on coming in for daytime operations,
26 the following operational period, and he confirmed that he did believe that their EMRT,
27 their medic component, was also coming with them.

28 **MR. ROGER BURRILL:** Okay. I understand that you returned

1 back to Portapique Beach Road and Highway 2 intersection?

2 **CPL. DUANE IVANY:** Yes.

3 **MR. ROGER BURRILL:** And you maintained the position you had
4 undertaken before?

5 **CPL. DUANE IVANY:** Yes.

6 **MR. ROGER BURRILL:** And that position was one of readiness,
7 was it, Cpl. Ivany, in case of the necessity of being engaged?

8 **CPL. DUANE IVANY:** Yes. We positioned our vehicle in a manner
9 so that we could exit the area, heading back towards the command post or towards the
10 EHS, but we also maintained our readiness and situational awareness to see what was
11 going on around us.

12 **MR. ROGER BURRILL:** Let me ask you; was there any direction
13 to actually attend down Portapique Beach Road or Orchard Beach Drive at any time?

14 **CPL. DUANE IVANY:** We were not requested to do so.

15 **MR. ROGER BURRILL:** Okay. And did you take it upon yourself
16 to undertake that travelling, or not? Why would you not do that?

17 **CPL. DUANE IVANY:** No.

18 **MR. ROGER BURRILL:** Why is that?

19 **CPL. DUANE IVANY:** That would -- a break in chain of command
20 would break down operations and it'd probably put people at risk.

21 **MR. ROGER BURRILL:** Okay, thank you. All right.

22 You were there for a period of time, Corporal, in your vehicle with
23 Cst. Jeff Mahar in the early morning hours. The weather was what?

24 **CPL. DUANE IVANY:** It had been a nice day. It had cooled down
25 that evening ---

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

27 **CPL. DUANE IVANY:** --- so the warmth from the day was gone.
28 Pretty much within our initial arrival on scene, we ended up having to add on additional

1 layers of insulated clothing, insulated balaclavas under our helmets. And, unfortunately,
2 we could not just sit in a nice, warm car. Because our situational awareness, we had to
3 basically keep our eyes open and our heads on a swivel, ---

4 **MR. ROGER BURRILL:** Right.

5 **CPL. DUANE IVANY:** --- which we couldn't do effectively from
6 inside the vehicle.

7 **MR. ROGER BURRILL:** Understand. Can you tell me about your
8 carbine training; did you have that?

9 **CPL. DUANE IVANY:** Yes. Cst. Mahar and myself are both
10 carbine qualified, yet we could not bring a carbine with us on that deployment as the
11 unmarked Jeep Cherokee was not equipped to properly secure our carbine for
12 transport.

13 **MR. ROGER BURRILL:** So what did you do in terms of your own
14 security at PBR, Portapique Beach Road?

15 **CPL. DUANE IVANY:** We were both armed with our sidearm, our
16 pistol.

17 **MR. ROGER BURRILL:** Yes.

18 **CPL. DUANE IVANY:** There also were two uniform members that
19 were equipped with shotguns that were also maintaining a containment point there.
20 There is a member of our ERT that was in the process of, I guess, a candidacy. He was
21 in the training process, Cst. Aaron Wallace. As he was not fully trained as an ERT, he
22 would not be going with them into critical mission deployments; however, they did
23 assign him as an additional carbine operator and equip member to maintain overwatch
24 of safety for ourselves.

25 **MR. ROGER BURRILL:** Okay. Let's move on then to an area of
26 inquiry with respect to your contact with Lisa Banfield at around 6:30 in the morning;
27 would that be, Corporal?

28 **CPL. DUANE IVANY:** That would be correct.

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

2 **CPL. DUANE IVANY:** We were still staged at that position when
3 our dispatch broadcast over the radio that there was an incoming 9-1-1 call from a
4 resident in the area who had just received Ms. Banfield at his front door. It was relayed
5 over the radio that she was hurt by the suspect but was not shot, and the subject was --
6 the subject caller was requesting that we come to rescue her.

7 At that point, our ERT resources started mustering. There was
8 concern in conversation as to where she was all night. But with the immediate
9 awareness that she was now coming out of the woodwork, more or less to say, our
10 adrenaline began to spike again because now she's coming out. We don't know if he,
11 the suspect, was also now in the immediate area.

12 **MR. ROGER BURRILL:** Any other concerns you had at that point
13 in terms of security?

14 **CPL. DUANE IVANY:** For us, not directly. There was a concern
15 that we didn't know who this person was that was calling to indicate that she had just
16 escaped or made it -- made her way to his house. Having had experience with the
17 recent Moncton shootings, we were always concerned that there could have been an
18 ambush situation, did not know if this person was a friend of the suspect or the accused,
19 or if he was just a bystander.

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

21 **CPL. DUANE IVANY:** So communication amongst the ERT
22 members and ourselves were we're going to go with a high degree of caution, and as
23 part of that deployment, they used the armoured vehicle as that safe means to do so.

24 **MR. ROGER BURRILL:** M'hm. Okay. And you had some contact
25 then with the armoured vehicle Cst. McLeod and Cst. Clarke?

26 **CPL. DUANE IVANY:** Yes. Once Ms. Banfield had been extracted
27 from the residence, they made their way back, and it was identified over the radio by
28 Incident Command that they requested us to receive her from the armoured vehicle and

1 transport her back to the command post ---

2 **MR. ROGER BURRILL:** Yeah.

3 **CPL. DUANE IVANY:** --- where EHS was also waiting. The
4 armoured vehicle pulled up. It was approximately 20 or 30 feet from our vehicle, which
5 was running and ready and warm. She was escorted off of the back of the armoured
6 vehicle by one of the members and introduced to me, indicating that I was a medic and
7 that I was going to take her back to the command post, and to be looked at by
8 paramedics.

9 **MR. ROGER BURRILL:** Okay.

10 **CPL. DUANE IVANY:** I escorted Ms. Banfield over to the Jeep
11 Cherokee. CPL. Mahar assumed the driver's position. We had the heat on, and I had
12 her get into the back seat, behind CPL. Mahar, and I sat in the back seat next to her ---

13 **MR. ROGER BURRILL:** Okay.

14 **CPL. DUANE IVANY:** --- while we made our way back to the Great
15 Village Firehall.

16 **MR. ROGER BURRILL:** And why did you sit in the back seat next
17 to her?

18 **CPL. DUANE IVANY:** I wanted to be able to assess her. I wanted
19 to conduct a primary survey and ensure that there were no unforeseen injuries that she
20 may have had that had not already been detected.

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

22 **CPL. DUANE IVANY:** And I wanted to be able to provide an
23 immediate history, medical history, allergies, conditions, any -- anything in regards to
24 her chief complaint that I can relay to EHS.

25 **MR. ROGER BURRILL:** Okay. Did you undertake that
26 assessment?

27 **CPL. DUANE IVANY:** I did.

28 **MR. ROGER BURRILL:** All right. Are you able to inform the

1 Commissioners of your observations, please?

2 **CPL. DUANE IVANY:** Yes, in observing her physically, I could see
3 that her skin was fairly pale, her lips were blue. She was shivering. Her teeth were
4 chattering when she tried to speak. I could see that she had been wearing, like, tights,
5 like, a Lululemon Under Armour type tights and pants, fairly thin. She had on a long-
6 sleeved shirt, but it was very thin as well, and loose around the body and a little bit
7 tighter on the arms. Having seen that and having known how cold I had been
8 throughout the night, I assumed that, depending on her level of exposure prior to getting
9 into the 9-1-1 caller's home, that she would be cold. So my initial concern was I asked
10 her where did she hurt. She indicated she had pain on her lower right side, pointing to
11 that location. I asked ---

12 **MR. ROGER BURRILL:** You're pointing to your back ---

13 **CPL. DUANE IVANY:** Pointing to her back onto her side.

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

15 **CPL. DUANE IVANY:** And I said, "What happened?" So she
16 indicated that, "He kicked me. He kicked me when I was down, then he handcuffed me,
17 threw me into the police car. I couldn't get out. The doors wouldn't open. When he
18 went back in to get more guns, I climbed through the window to the front, and I was able
19 to get out the front." When I asked her -- while I'm asking her now about the information
20 that she's providing me, I'm also trying to assess the injury that she described. So I
21 asked her, you know, where did her -- in this situation, there was no benefit in me
22 physically going to skin for observing skin colour and removing her shirt in that context.
23 I thought that would be more appropriate in the back of an ambulance. I did palpate her
24 side, which she indicated was tender and sore. My concern then was, having been
25 injured on the side, that there may have been secondary injury, which would be more
26 critical if it did affect her vertebrae or her spine, so I conducted a head to spine
27 palpation indicating if she felt any pain or if I detected any deformity. There was no
28 concern or pain indicated, which ruled out my C spine concern in that situation.

1 While I'm doing all that, I'm also asking, "Do you have any medical
2 conditions? Do you have any allergies?" She's indicating no to any of those. Once we
3 got to the point that it was a pretty back and forth but rambling conversation as to what
4 happened, but once she indicated she got out of the car, and I was suffice with my
5 physical checks and observations that she wasn't in any immediate jeopardy, then I
6 asked her, "Okay, so what kind of car was it?" I said, "Was it an old police car?" And
7 she said, "No, no, it's just like yours."

8 **MR. ROGER BURRILL:** Now that's an interesting question. Why
9 would you raise the old police car?

10 **CPL. DUANE IVANY:** Well, a lot of our cars, once they mileage
11 out, they go into Crown assets for sale and they can be purchased at a relatively low
12 price. During my time in British Columbia, I would say probably 40 to 50 percent of the
13 taxi drivers in the area drove retired police cars. When you would see the police car, it
14 was merely a white, Ford Taurus. Any of the RCMP specific emblems and decals were
15 removed. Obviously, any of the emergency equipment would have been removed. But
16 sometimes you will see a reflective silver striping outlining the frame of the vehicle or
17 sometimes inside of the doors. That was the initial assumption throughout the night that
18 we believed the reports of a person in a police car was using an old police car, not one
19 that was fully decaled, with a light bar, and looked just like ours as described by Ms.
20 Banfield.

21 **MR. ROGER BURRILL:** Would you have had any communication
22 with any of your colleagues or superiors with respect to this assumption about the use
23 of the old police car?

24 **CPL. DUANE IVANY:** Yes, not directly with any of my superiors,
25 but it was less than a seven-minute drive from point A to point B to get to the Command
26 Centre where EHS was staging. So immediately upon arriving at the Great Village
27 Firehall, we pulled up to within about 10 feet of the ambulance.

28 **MR. ROGER BURRILL:** Okay. I'm going to stop you because I got

1 ahead of myself, or you got ---

2 **CPL. DUANE IVANY:** Okay.

3 **MR. ROGER BURRILL:** --- ahead of me. My question was with
4 respect to the old police car and your assumption that it was an old police car, when you
5 put it to Ms. Banfield, did you communicate previous to having contact with Ms. Banfield
6 with any other RCMP member, either in a line of command or otherwise, about that
7 assumption, or was that something you took on yourself?

8 **CPL. DUANE IVANY:** That was something that I had heard just
9 through radio communications.

10 **MR. ROGER BURRILL:** Okay. All right. Very good. Let's
11 continue on then with respect to your observations. I wanted to say can you comment
12 about Ms. Banfield's mobility? Was there any impairment on her mobility?

13 **CPL. DUANE IVANY:** The observation of her mobility that I could
14 see in regards to the walking was fairly limited because it was only about ---

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

16 **CPL. DUANE IVANY:** --- 15, 20 feet.

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

18 **CPL. DUANE IVANY:** However, we were helping her in that ability,
19 just escorting her to make sure she doesn't fall, whether due to injury or weakness. The
20 fact that she still had blueish-tinged lips, was chattering and shivering -- excuse me --
21 after having been in the armoured vehicle for a period of time and previous to that
22 having been in a house for some time awaiting our arrival, suggested to me that
23 although I believe she was hypothermic, she was likely on the recovering side of the
24 hypothermia.

25 **MR. ROGER BURRILL:** You have familiarity with hypothermia?

26 **CPL. DUANE IVANY:** Yes.

27 **MR. ROGER BURRILL:** Have you treated and/or diagnosed
28 and/or dealt with that condition before?

1 **CPL. DUANE IVANY:** Yes, prior to my engagement with the
2 RCMP, I was also a member of the Canadian Ski Patrol as an instructor and examiner,
3 and that was for about seven years.

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

5 **CPL. DUANE IVANY:** And very frequent to see people in
6 hypothermia while dealing with other injuries.

7 **MR. ROGER BURRILL:** So what can you say about hypothermia
8 with respect to Lisa Banfield?

9 **CPL. DUANE IVANY:** The fact that she was shivering was a good
10 sign. That's an indicative that the body itself is trying to use its own energy to warm
11 itself.

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

13 **CPL. DUANE IVANY:** It's when the shivering stops that you
14 become concerned, because now your systems are beginning to fail. With her level of
15 hypothermia that she was displaying in regards to her chattering teeth when trying to
16 talk, although I was able to make sense of the communication, it was very jumpy and
17 chattery.

18 **MR. ROGER BURRILL:** Her ability to communicate, were you able
19 to communicate comfortably with her?

20 **CPL. DUANE IVANY:** Yes.

21 **MR. ROGER BURRILL:** All right. Any impairment or concern in
22 that regard?

23 **CPL. DUANE IVANY:** Not that I believed.

24 **MR. ROGER BURRILL:** Okay. I had interrupted you when you
25 were talking about the old police cars and your conversation with Ms. Banfield. Will you
26 continue on, please, with that?

27 **CPL. DUANE IVANY:** Yes. So originally I was inquiring as to the
28 state, whether it was an old police car that he had purchased, or it was just a Ford

1 Taurus. And that's when she corrected me and she said, "No. No, it's just like yours."
2 And she goes, "It has a light bar. It has decals. It looks just like yours." And at that
3 point, it was the eyes awake moment that throughout the night, we were not looking for
4 a fully marked car, and at that point, the suspect may have driven right by me at any
5 given time in a fully marked police car and I would not have been aware of it.

6 **MR. ROGER BURRILL:** All right. You indicated that it was a
7 seven-minute drive?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROGER BURRILL:** Okay. And during that time, you
10 continued to do your medical operations?

11 **CPL. DUANE IVANY:** Yes. Basically everything that I've already
12 described basically took up those seven minutes.

13 **MR. ROGER BURRILL:** Okay. And when you arrived at the Great
14 Village Fire Hall, what took place then?

15 **CPL. DUANE IVANY:** We updated over the radio of our arrival. At
16 that point, the paramedics were already standing outside of the ambulance with the side
17 ambulance door open and awaiting. We pulled up within 10 feet of that and I assisted
18 Ms. Banfield out of the vehicle, out of the jeep, and I was walking her towards the
19 ambulance. I could also see that there was a plains clothes investigator that was
20 attending to our location. And we had been told that one would be meeting us.

21 So as I was providing -- escorting her to the paramedics, I briefly
22 told the paramedics that she had no medical conditions, no allergies, complained of an
23 initial complaint of being kicked while down on to her side, and that I had ruled out C-
24 spine concerns, ---

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

26 **CPL. DUANE IVANY:** --- but that she is believed to have been in
27 the woods throughout the night and was hypothermic.

28 **MR. ROGER BURRILL:** Okay. And you had conversations with

1 the investigator?

2 **CPL. DUANE IVANY:** Yes. As I handed her off to the paramedics
3 who were bringing her into the heated ambulance, I immediately told him, I said, "She
4 needs to be checked very quickly. You can go in with them while they do that," I said,
5 "But you have to let CIC know that she disclosed to us that the suspect is in a fully
6 marked police car with our decals and our light bar."

7 **MR. ROGER BURRILL:** Do you have any recollection of who that
8 investigator was, Corporal?

9 **CPL. DUANE IVANY:** I do not recall, no.

10 **MR. ROGER BURRILL:** Okay. And do you have any idea or
11 information about what was done with that information you gave him?

12 **CPL. DUANE IVANY:** He indicated that he would relay it ---

13 **MR. ROGER BURRILL:** Okay.

14 **CPL. DUANE IVANY:** --- to the managers and the Critical Incident
15 ---

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

17 **CPL. DUANE IVANY:** --- Commander, Jeff West.

18 **MR. ROGER BURRILL:** Okay. And that was the completion of
19 your involvement with Ms. Banfield?

20 **CPL. DUANE IVANY:** Yes.

21 **MR. ROGER BURRILL:** All right. Am I correct to understand that
22 you then liaised for a bit and then returned back to Portapique Beach Road and
23 Highway 2?

24 **CPL. DUANE IVANY:** Yeah, we were probably there only for the
25 five minutes of our hand off in the quick brief with the investigator.

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

27 **CPL. DUANE IVANY:** And because of the new information
28 learned, the belief that the subject may still be out there was now escalated and we felt

1 it prudent to get back to that staging point in the event that our ERT members engaged
2 that subject and required our assistance.

3 **MR. ROGER BURRILL:** Okay. So that means you went back?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROGER BURRILL:** And I understand there was some
6 engagement, and I don't want to get into details of the circumstances, but you provided
7 some medical assistance to some ERT members with respect to the treatment of a dog,
8 the Blair family dog? Is that right?

9 **CPL. DUANE IVANY:** Yes. That dog was brought back to us and
10 we just provided some care.

11 **MR. ROGER BURRILL:** Okay. And then I understand that you
12 were there when a Wentworth call emerged?

13 **CPL. DUANE IVANY:** Yes.

14 **MR. ROGER BURRILL:** Okay.

15 **CPL. DUANE IVANY:** We were still staged at that positioning and
16 daylight was breaking, at which point we were now becoming more aware of our
17 situation physically, in that we could now see buildings and structures, homes, through
18 the woods, where we did not know they were present before.

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

20 **CPL. DUANE IVANY:** And it was at that point where we received
21 broadcasts from our dispatch that a 9-1-1 call had been received and that the caller was
22 reporting that a female and her dog were either run over or shot and that there was a
23 police car at the scene.

24 **MR. ROGER BURRILL:** Okay. So what did you and your partner,
25 Cst Mahar do?

26 **CPL. DUANE IVANY:** Basically we continued for seconds just to
27 listen to the updated communications, which indicated that our ERT resources were
28 being deployed to that site ---

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

2 **CPL. DUANE IVANY:** --- under suspicion that that police car was
3 not one of ours and was indeed the suspect.

4 Because of our concern that the suspect was in that area, we were
5 aware that civilian EHS would not be sent to that location immediately until we knew
6 that the suspect was no longer there.

7 Cst Mahar and myself discussed that it would be prudent for us to
8 attend to the scene, ---

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

10 **CPL. DUANE IVANY:** --- given what was going on, as well as the
11 fact that our ERT members were going there.

12 **MR. ROGER BURRILL:** M'hm. And would you have to get
13 direction or instruction from anybody in order to go to that scene?

14 **CPL. DUANE IVANY:** It was smart to do so, because what I
15 wanted to do was I messaged Jeff West confirming his authorization for us to attend in
16 that capacity.

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

18 **CPL. DUANE IVANY:** And he did support us to actually deploy to
19 the scene there.

20 **MR. ROGER BURRILL:** Okay. Tell us about that. you're on your
21 way to Wentworth and then something else happens?

22 **CPL. DUANE IVANY:** Yes. So once again, most of the members,
23 as myself, weren't familiar with the area. We were requesting dispatch to update over
24 the air the address again, something that we could enter into our phones to be able to
25 map to the location. We entered that into our phone and we began exiting the area of
26 Portapique Beach and Highway 2, following other police vehicles that were responding,
27 lights and sirens, to that area, and while we were entering an address into the phone to
28 follow the map route.

1 Prior to getting far though, we were then updated with another
2 dispatch that there was a 9-1-1 call received in the Glenholme area, where the suspect
3 was now reported to be at the complainant's front door and had a fully marked police
4 car and they were going to barricade and protect themselves in one of the rooms of the
5 home.

6 **MR. ROGER BURRILL:** And what impact did that have on your
7 actions?

8 **CPL. DUANE IVANY:** Well for one, that indicated to me that the
9 suspect was no longer at the Wentworth location. Therefore, it would be safe for EHS
10 to continue in that location.

11 But the fact that we had people barricading themselves in their
12 home with an armed subject outside, we rerouted immediately with our ERT response
13 so as to provide any level of care for our members, as well as anybody at that home.

14 **MR. ROGER BURRILL:** So I understood you attended at the
15 Glenholme scene where the ERT arrived and the TAV went to the residence? You
16 were there at that time?

17 **CPL. DUANE IVANY:** Yes.

18 **MR. ROGER BURRILL:** You were -- what role did you undertake
19 at that point, Corporal?

20 **CPL. DUANE IVANY:** We maintained approximately a 700-metre
21 distance from the initial scene. We did shut down the road initially on that part of the
22 highway. We were in front of a little dirt road.

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

24 **CPL. DUANE IVANY:** We were within visual of the operations that
25 were going on at the address. However, we were not directly in the line of fire.

26 **MR. ROGER BURRILL:** Okay. And then I understand there was a
27 further development. Am I right?

28 **CPL. DUANE IVANY:** Yes.

1 **MR. ROGER BURRILL:** Tell us about that.

2 **CPL. DUANE IVANY:** While we were at that point and they were
3 conducting searches of the property at Glenholme for the suspect and/or the vehicle,
4 there was a broadcast by dispatch, "Break. Break. Break. We're receiving 9-1-1 calls
5 of a vehicle off the road. Possibly a person slumped over their wheel and may be shot."

6 **MR. ROGER BURRILL:** M'hm. And where was that? Do you
7 recall?

8 **CPL. DUANE IVANY:** That was in the Debert area.

9 **MR. ROGER BURRILL:** Okay. And what did you do?

10 **CPL. DUANE IVANY:** Once again, we requested the address
11 again from dispatch so we could enter it into our phones. We right away began
12 following that route to that scene and we arrived at one of those scenes.

13 **MR. ROGER BURRILL:** Okay. All right. The Foundational
14 Document, Madam Registrar, at paragraph 130 outlines some of your involvement from
15 130 through to 134. It's being brought up on the screen by Madam Registrar. And I
16 understand that you've had an opportunity to review the Foundational Document, have
17 you, CPL. Ivany?

18 **CPL. DUANE IVANY:** Yes.

19 **MR. ROGER BURRILL:** And you agree with the contents of the
20 document as its associated with you from 130 to 134?

21 **CPL. DUANE IVANY:** Yes.

22 **MR. ROGER BURRILL:** Okay. In particular, paragraph 130 talks
23 about:

24 "According to Cpl. Ivany, he and fellow EMRT member
25 Cst. Jeff Mahar arrived at Heather O'Brien's Jetta and
26 took control of the scene..."

27 If you go a little further down in the paragraph, it says:

28 "Cpl. Ivany stated that they did not believe that anyone

1 had checked on her yet.”

2 I'm going to ask you questions about that and the terms of why you
3 had come to that conclusion, please.

4 So when you attended at the Jetta scene, what did you see and
5 what happened?

6 **CPL. DUANE IVANY:** As we approached, we were approaching
7 from the direction of the, I believe the Debert Hospitality Centre from the highway. And
8 the Jetta was the first vehicle of the two that we approached. We could see that there
9 was a marked vehicle pulled over to the same side of the road as the Jetta. I believe it
10 was an SUV, but I can't recall specifically.

11 There were two uniform members standing with their hard body
12 armour on and carbines drawn, and they were positioned behind their car using it as
13 cover.

14 We could see that there was a Jetta that was approximately 20 to
15 25 meters off of the side of the road and making direct contact with the bush line with
16 some trees. The trees were small, and it appeared that it likely rolled in there, not at a
17 high speed because the trees were sufficient in stopping the vehicle, but were not
18 knocked over or damaged. We could not see inside the vehicle from that distance, but
19 we pulled up, we had our emergency equipment on making sure that as soon as we
20 exited that the general duty members that were there also identified us as police right
21 away.

22 We indicated that we were police and that we were EMRT, we're
23 medics, and I believe myself or Jeff both indicated to them to keep an eye on the
24 treeline and watch while we went down to the vehicle.

25 **MR. ROGER BURRILL:** Okay. And just for clarification, where
26 were those two general duty members located?

27 **CPL. DUANE IVANY:** At that time, I observed them next to their
28 police vehicle.

1 **MR. ROGER BURRILL:** Okay. And was there anybody attending
2 to the Jetta vehicle at that point when you arrived?

3 **CPL. DUANE IVANY:** No, there was nobody at the vehicle at that
4 time.

5 **MR. ROGER BURRILL:** Okay. And you, yourself, attended at the
6 Jetta?

7 **CPL. DUANE IVANY:** Yes. Constable Mahar was ahead of me.
8 He had pulled up so he was facing the flow of traffic. His driver's side was the quickest
9 access towards the Jetta to come around the vehicle.

10 As we approached, I could see he was going to the driver's side of
11 the door. As I was coming to the rear of the vehicle on approach with him, I could see
12 that he was not able to get the driver's side door open. I then rerouted from the rear of
13 the vehicle to the passenger's side to see if the passenger's side could be opened in
14 order to unlock the vehicle and access the person inside. Once I rounded to the
15 passenger's side, I tried the door handle. It was jammed, I couldn't open it. The
16 window was up.

17 I had observed that the window on the driver's side had two or three
18 bullet holes in it, yet the window was still intact. I drew my baton, getting ready to try
19 and smash the passenger's side window, when I heard the window smash on the
20 driver's side and I could see looking over the vehicle that Constable Mahar had actually
21 smashed the window and was now able to open the door. I then rounded the rear of the
22 police vehicle and approached to the driver's side where Constable Mahar had begun to
23 extricate the female driver at the time.

24 **MR. ROGER BURRILL:** Okay. And I understand that you took
25 some medical intervention or attempted to do so?

26 **CPL. DUANE IVANY:** Initially, she was removed from the vehicle,
27 placed on the ground so that we could access her. I was at the head position looking
28 from behind towards from the head to body to feet, with the feet being the furthest away

1 from me at the time. I was able to observe some wounds that she had sustained to her
2 upper torso area, and from my position I reached over initially to check for a pulse.

3 **MR. ROGER BURRILL:** And I understand from looking at
4 paragraph 132 in the Foundational Document that Corporal Ivany told Constable Mahar
5 or Marr (ph), that he thought he felt a pulse?

6 **CPL. DUANE IVANY:** Yes.

7 **MR. ROGER BURRILL:** Can you comment on that, please,
8 Corporal?

9 **CPL. DUANE IVANY:** Initially when I reached over, and anytime
10 that you take a first aid or I teach a first aid course, one of the rules is to always use
11 your fingers and not your thumb. The vasculature in your thumb is big enough that in a
12 heightened adrenaline situation I could put enough force on this table to feel my pulse
13 on the table, so we always indicate use your fingers which don't have that same sensory
14 ability.

15 When I initially reached, I used both my hands reaching from
16 behind the head, using both my thumbs on the carotid position where you're going to
17 have that artery. I couldn't feel anything initially, and it was once I pushed down further
18 against pressure of the soft tissue that I could actually -- I believed I felt a pulse. At that
19 point, I radioed that I think I have a pulse and that I needed additional emergency
20 services.

21 **MR. ROGER BURRILL:** Okay. And procedurally, do you have any
22 comment on your action?

23 **CPL. DUANE IVANY:** Procedurally, it was -- it was an adrenaline
24 problem because I was preparing to get an airway out in order to establish a mechanical
25 airway to help while we assessed for other injuries, and it was then that
26 Constable Mahar said, "Whoa, whoa. Take a look. Rethink." I don't know if he saw the
27 way that I had assessed the pulse or if he had just conducted an observation of the
28 injuries at that time, and was questioning whether I felt a pulse.

1 It was at that time that I was able to look down, and I had already
2 seen the gunshot wounds to the upper torso, but it was at that point that I was able to
3 observe that she had also received a gunshot wound through her left eye.

4 **MR. ROGER BURRILL:** Okay. Without getting into the details of
5 that, I understand that you conducted some further diagnostics with Constable Mahar; is
6 that right?

7 **CPL. DUANE IVANY:** Yes.

8 **MR. ROGER BURRILL:** Okay. And that would involve additional
9 checking of pulses at different locations in the body?

10 **CPL. DUANE IVANY:** Yes. Just to make sure, I asked for Jeff or
11 Constable Mahar to conduct the bilateral checks of different pulse sites with me. So we
12 started on either side of our patient and did a carotid check on left and right side for
13 about 15 seconds. We then moved down to brachial, which is under your bicep. You
14 get a stronger pulse there than radial if you were to try. We again assessed there on
15 both sides for about 15 seconds. And then we went further down to check for femoral
16 pulse, which is in your inner thigh and is a fairly large artery that you would hope to find
17 a pulse, and after checking there, we also determined that there was no pulse at all.

18 **MR. ROGER BURRILL:** Yeah. I understand you then made a
19 check with respect to pupil responsiveness?

20 **CPL. DUANE IVANY:** Yes. I then wanted to check the other pupil
21 to see if there was any responsiveness, which if there was either a responsiveness to
22 light it would be indicative an active brain. But in this case, when I checked the intact
23 pupil, there was no reaction, which was indicative that there was...

24 **MR. ROGER BURRILL:** So you made a conclusion of some sorts
25 at that time, Corporal Ivany?

26 **CPL. DUANE IVANY:** Yes. Based on the wounds that we had
27 observed, particularly the wound to the head and an exit wound that I was able to
28 palpate on the back of her head, I determined that with a lack of breathing, with a lack of

1 pulse, with no pupil reaction, and the belief that one of the rounds caused substantive
2 damage to affect the brain neurologically and that there was no ability to do any kind of
3 resuscitation efforts.

4 **MR. ROGER BURRILL:** Right. Now, in your training as a -- an
5 EMRT member, are you in a position or able to make determinations with respect to
6 finality of life or life functions?

7 **CPL. DUANE IVANY:** Yes, we are, under our medical directions,
8 but also most members, regular members, are able to make that decision based on
9 parameters of observation.

10 **MR. ROGER BURRILL:** Okay. And you made that decision in this
11 case?

12 **CPL. DUANE IVANY:** Yes.

13 **MR. ROGER BURRILL:** All right. With respect to auto launch and
14 the Critical Care Unit dispatch, can you comment on that with -- you know, you had
15 made some comments earlier, but what took place then thereafter you made your
16 conclusions.

17 **CPL. DUANE IVANY:** As part of our plan throughout the night
18 when we had come back at the wee hours to discuss with CIC, we had discussed with
19 the paramedics and their Critical Care Unit, the mobile one, was planned to move out at
20 6:00 a.m. and was going to be replaced with the LifeFlight helicopter crew. They
21 indicated that the weather forecast was indicative that the helicopter will be able to fly
22 and that the flight crew would be available for air response.

23 As we approached the scene, right away I asked for an auto
24 launch. Auto launch with the EHS LifeFlight does not request the helicopter to take off.
25 It is a term used within EHS to indicate that they want the helicopter to start beginning
26 getting ready. That indicates that the pilots are to start preparing their checklists, start
27 making sure the helicopter is ready, and it also -- it readies the crew to prep the
28 helicopter for whatever type of deployment they're going to.

1 **MR. ROGER BURRILL:** And you have the authority to start that
2 process?

3 **CPL. DUANE IVANY:** It depends on who you're talking to. It's a
4 recommendation, and if you're using the terminology that EHS understands, then a lot
5 of time they'll know that it's coming from somebody who knows what they're talking
6 about.

7 **MR. ROGER BURRILL:** Are you able to comment with respect to
8 termination or ending of those services that you had initiated?

9 **CPL. DUANE IVANY:** Yes. At that point, there was questions on
10 the air, and we radioed after we had made that final assessment that the person at our
11 scene was confirmed 10-7. Ten-seven (10-7) is a police code which refers to out of
12 service. Basically, it became practice to use that in indicating if somebody was
13 deceased because it meant that they were permanently out of service, but it was
14 adapted due to the fact that prior to us having radio encryption you wanted to be careful
15 what you said in plain language over the radios where people who had scanners or
16 would be close to an officer who might have had a radio turned on to that channel.

17 **MR. ROGER BURRILL:** Okay. Is there a radio or a protocol for
18 reporting the status of a deceased person?

19 **CPL. DUANE IVANY:** From us to ---?

20 **MR. ROGER BURRILL:** Yes.

21 **CPL. DUANE IVANY:** We just indicated that the subject was
22 confirmed 10-7.

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

24 **CPL. DUANE IVANY:** That was all.

25 **MR. ROGER BURRILL:** All right. Anything more that you could
26 have done in your position as a medic for Ms. O'Brien at that scene?

27 **CPL. DUANE IVANY:** No.

28 **MR. ROGER BURRILL:** Anything more that civilian EHS Medical

1 Services may have been able to do for Ms. O'Brien at that scene?

2 **CPL. DUANE IVANY:** No, nor a surgeon.

3 **MR. ROGER BURRILL:** Okay. Would Life Flight have made any
4 difference under those circumstances?

5 **CPL. DUANE IVANY:** No.

6 **MR. ROGER BURRILL:** Would you have had any contact with
7 firefighters at the scene?

8 **CPL. DUANE IVANY:** As part of the protocol for having observed
9 or a 9-1-1 caller indicating that there was a vehicle off the road, fire would usually be
10 requested to assist in extrication. So while we were at the scene of Ms. O'Brien's
11 Volkswagen, there was a firetruck further down the road. It was monitored over the
12 radio that police were particularly -- I think ERT was indicating that fire has to clear the
13 scene because the suspect could still be in the immediate area. So we did observe a
14 firetruck beginning to roll away, to leave the scene. I flagged down the firetruck and I
15 asked them if they could provide us with a blanket.

16 **MR. ROGER BURRILL:** And the purpose of that was for?

17 **CPL. DUANE IVANY:** Purpose was to cover Ms. O'Brien at the
18 scene.

19 **MR. ROGER BURRILL:** Thank you. All right. So I understand
20 then that you left the O'Brien scene and then made an effort to go north on Plains Road
21 to engage in the Beaton scene for a short time; is that right?

22 **CPL. DUANE IVANY:** Yes. Originally, once we determined that
23 there was nothing that we could do at the first scene, we radioed over the air to ask if
24 anybody had provided any intervention or attended the second ---

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

26 **CPL. DUANE IVANY:** --- scene. With the amount of radio chatter,
27 we didn't get a reply back, but due to the fact that we were in -- within visual distance,
28 we decided that we would just drive down and make the assessment ourselves. Cst.

1 Mahar was driving, and we drove down to that direction, but as we got closer to that
2 vehicle, we could see that there were four or five officers already at the scene with
3 multiple police vehicles. And as we approached, we indicated to the officers that we
4 were EMRT police medics, and they said that ERT had already been here, and that
5 there was nothing that we could do. That this person was deceased as well.

6 **MR. ROGER BURRILL:** So did that make any difference in terms
7 of you engaging at the Honda scene, that information that you had from them?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROGER BURRILL:** Okay. And why didn't you get involved at
10 the Honda scene?

11 **CPL. DUANE IVANY:** The reason we didn't was in certain -- in a
12 lot of circumstances, our members can make the decision ---

13 **MR. ROGER BURRILL:** Right.

14 **CPL. DUANE IVANY:** --- based on their observations, when a
15 person is deceased or not, or when it's beyond intervention. Every out of hospital death
16 that occurs within the province, the police have to attend. As a supervisor, I attend
17 every one that one of my members attends. And depending on what you find at a
18 scene, those members can make the determination whether it is something that is
19 determinable or not. If at any point there's any question, then police will request EHS,
20 or in a case of where it's a tactical operation, the police will request ourselves as EMRT
21 to go and make that decision.

22 **MR. ROGER BURRILL:** So were you satisfied then with the
23 information you'd received from those members at the Beaton scene?

24 **CPL. DUANE IVANY:** Yes.

25 **MR. ROGER BURRILL:** Okay. Thank you. You then moved on to
26 Exit 13; am I correct, over the 104?

27 **CPL. DUANE IVANY:** Yes. As we were monitoring radio
28 communications, we knew that they were beginning to set up a lot of road shutdowns.

1 We determined that we would make our way to Exit 13 and Highway 104, just so that
2 we would be quickly deployable onto the highway, depending on where it was
3 determined that we might be needed. When we approached the over ramp of Exit 13,
4 we could see that the armoured vehicle was already staged there, as well as a number
5 of plain clothes and uniform members, and I could also see that there was an
6 ambulance staging there as well.

7 **MR. ROGER BURRILL:** So did you have contact with the EHS
8 personnel at that location?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROGER BURRILL:** Yeah. And I understand there was some
11 exchange of information with EHS personnel?

12 **CPL. DUANE IVANY:** Yes, just due to a concern of a delay in
13 communication from us to the RCMP dispatch, from RCMP dispatch to EHS, and then
14 from EHS down. I approached the paramedics who were in the truck, and I asked them
15 if you were advised that both scenes, both individuals were confirmed deceased, if they
16 were already made aware of that.

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

18 **CPL. DUANE IVANY:** The paramedic indicated no, he was not
19 aware.

20 **MR. ROGER BURRILL:** Did that surprise you?

21 **CPL. DUANE IVANY:** A little bit, but with the amount of radio
22 communications and the chaos that was going on, I wasn't overly surprised that the
23 amount of time it took me to drive from the scene to the overpass that it had not been
24 relayed.

25 **MR. ROGER BURRILL:** Okay. Any other information absences
26 that you noticed at that stage?

27 **CPL. DUANE IVANY:** Well, the fact that they weren't aware of the
28 two scenes, I wanted to make sure that they had been made aware of our suspect

1 information. So I asked the paramedics, I said, "Have you guys been advised that our
2 suspect may be in a fully marked RCMP car and may be in a partial uniform?" And they
3 indicated, "No, we were not aware of that."

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

5 **CPL. DUANE IVANY:** At that point, I asked those paramedics to
6 make sure that their dispatch broadcast that information to all paramedics, advising
7 them not to be flagged down by any single RCMP officer in a police car unless
8 confirmed by dispatch or with multiple officers present.

9 **MR. ROGER BURRILL:** I see. So I understand, Cpl. Ivany, that
10 you then eventually left the exit scene and made you way south on the Highway 102
11 towards Halifax in response to some action that was being undertaken at that time over
12 the radio; is that right?

13 **CPL. DUANE IVANY:** Yes, I believe there were some sightings
14 indicating that the suspect may have been making their way towards Metro past the
15 104/102 interchange.

16 **MR. ROGER BURRILL:** Okay. Am I correct to understand that
17 you actually attended at the Shubenacadie cloverleaf scene and attended to Cst.
18 Stevenson?

19 **CPL. DUANE IVANY:** Yes, we did.

20 **MR. ROGER BURRILL:** And you made some determinations with
21 respect to the life functions of Cst. Stevenson as well that day; did you?

22 **CPL. DUANE IVANY:** Yes.

23 **MR. ROGER BURRILL:** Yes, and you determined that she was
24 deceased as a result of gunshot wounds; is that right?

25 **CPL. DUANE IVANY:** Yes, we did.

26 **MR. ROGER BURRILL:** You and Cst. Mahar?

27 **CPL. DUANE IVANY:** Yes.

28 **MR. ROGER BURRILL:** And you communicated that over the

1 radio as well?

2 **CPL. DUANE IVANY:** Yes, we did.

3 **MR. ROGER BURRILL:** I understand as well, Corporal, that you
4 then attended to the Big Stop in Enfield; is that right?

5 **CPL. DUANE IVANY:** Yes.

6 **MR. ROGER BURRILL:** And that you also were required to use
7 your EMRT expertise in making determinations of life functioning of the perpetrator at
8 that location; is that right?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROGER BURRILL:** And you made determinations that his life
11 functions were non-existent as well; is that right?

12 **CPL. DUANE IVANY:** They were absent.

13 **MR. ROGER BURRILL:** They were absent. Thank you. Okay.

14 You had a long day, long shift, Corporal. Those are my questions.
15 Thank you, Commissioners.

16 **COMMISSIONER MacDONALD:** Thank you, Corporal. The
17 process we follow is that when you are finished your testimony, proper -- Commission
18 Counsel will meet with Participant Counsel to discuss if there are any further questions
19 for you. So we're going to break now until 5:30. Counsel, if you need more time, simply
20 let us know. So you're still under oath, Corporal, and we'll ask you to stay close by and
21 return at approximately 5:30.

22 **CPL. DUANE IVANY:** Thank you.

23 **COMMISSIONER MacDONALD:** Thank you.

24 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
25 proceedings are now on break and will resume at 5:30.

26 --- Upon breaking at 5:07 p.m.

27 --- Upon resuming at 5:30 p.m.

28 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The

1 proceedings are again in session.

2 **COMMISSIONER MacDONALD:** Thank you, everyone. Thank
3 you, Counsel. I understand as a result of your meeting that it's been agreed Mr. Pineo,
4 you will be asking the questions on behalf of the family participants and we're happy to
5 have you do that. And we'll call the witness back.

6 **CPL. DUANE IVANY, Resumed:**

7 **COMMISSIONER MacDONALD:** So, Corporal, I mentioned to you
8 just before the break that the Commission -- or Commission Counsel would meet with
9 Council for the various Participants and to determine if there are further questions for
10 you and there are, and it's been established that Mr. Robert Pineo, he's with Patterson
11 Law, and Patterson Law represents many of the families involved in the mass casualty.

12 So, Mr. Pineo, whenever you're ready.

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

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

15 **MR. ROBERT PINEO:** Cpl Ivany, in your experience, when you
16 hear the term "old police car", you assume it means a former police car that went for
17 tender and has had its outside insignia stripped?

18 **CPL. DUANE IVANY:** Yes.

19 **MR. ROBERT PINEO:** And overnight on April 18th and 19th, 2020,
20 that was the general understanding of the members that you were working with, wasn't
21 it?

22 **CPL. DUANE IVANY:** Yes.

23 **MR. ROBERT PINEO:** Also that night, you assumed, that is you
24 yourself, assumed that the perpetrator had committed suicide?

25 **CPL. DUANE IVANY:** It was one of the options for his lack of
26 being located.

27 **MR. ROBERT PINEO:** Sure. But that was an assumption that you
28 made; wasn't it?

1 **CPL. DUANE IVANY:** I -- it would be -- I wouldn't say it was an
2 assumption. It was an analysis of the facts at hand with options.

3 **MR. ROBERT PINEO:** Okay. And that was one of the, I'll put to
4 you, one of the main options that the RCMP members that night were operating under;
5 wasn't it?

6 **CPL. DUANE IVANY:** I can't speak to how they were operating
7 under, but myself, I believed that he was either still available or may have committed
8 suicide.

9 **MR. ROBERT PINEO:** Okay. Did you have conversations with
10 other RCMP officers that evening?

11 **CPL. DUANE IVANY:** Yes.

12 **MR. ROBERT PINEO:** And was his -- the Perpetrator's possible
13 suicide one of the options discussed amongst you?

14 **CPL. DUANE IVANY:** Yes.

15 **MR. ROBERT PINEO:** Now you gave your statement to the Mass
16 Casualty Commission on January 14th of this year, 2022?

17 **CPL. DUANE IVANY:** I believe so.

18 **MR. ROBERT PINEO:** And that statement was not given under
19 oath? That is, you didn't swear on the Bible like you did here today when you gave your
20 statement?

21 **CPL. DUANE IVANY:** No.

22 **MR. ROBERT PINEO:** And you weren't interviewed internally
23 regarding the mass casualty event; were you?

24 **CPL. DUANE IVANY:** Internally by who, sorry?

25 **MR. ROBERT PINEO:** By the RCMP?

26 **CPL. DUANE IVANY:** No.

27 **MR. ROBERT PINEO:** Is that unusual?

28 **CPL. DUANE IVANY:** No.

1 **MR. ROBERT PINEO:** Okay. Do you -- did you go through a
2 debriefing session as a result of -- following the mass casualty?

3 **CPL. DUANE IVANY:** Yes. There was a psychological debriefing -
4 --

5 **MR. ROBERT PINEO:** Okay.

6 **CPL. DUANE IVANY:** --- and there was an operational debriefing.

7 **MR. ROBERT PINEO:** Okay. And the operational debriefing, was
8 a report generated from that?

9 **CPL. DUANE IVANY:** No. I don't believe so.

10 **MR. ROBERT PINEO:** Okay. Did somebody take notes during
11 that operational debriefing?

12 **CPL. DUANE IVANY:** No.

13 **MR. ROBERT PINEO:** Was it recorded?

14 **CPL. DUANE IVANY:** No.

15 **MR. ROBERT PINEO:** Okay. Who was present?

16 **CPL. DUANE IVANY:** It would have been myself, Cst Mahar, the
17 other medics, and then any of the ERT operators.

18 **MR. ROBERT PINEO:** So just confined to EMRT and ERT?

19 **CPL. DUANE IVANY:** Yes.

20 **MR. ROBERT PINEO:** Okay. And any officers there?

21 **CPL. DUANE IVANY:** I don't recall.

22 **MR. ROBERT PINEO:** Okay. What was the purpose of the
23 debrief?

24 **CPL. DUANE IVANY:** Just to find out what went well and what we
25 can improve on.

26 **MR. ROBERT PINEO:** Okay. Now you did tender an After Action
27 Report in July in 2020. Was that after the operational debrief?

28 **CPL. DUANE IVANY:** I don't recall.

1 **MR. ROBERT PINEO:** Okay. Was the After Action Report based
2 on the operational debrief?

3 **CPL. DUANE IVANY:** No.

4 **MR. ROBERT PINEO:** Okay. How did the After Action Report
5 come about?

6 **CPL. DUANE IVANY:** That was an accumulation of what myself
7 and Cst Mahar experienced during the course of the night, what challenges we
8 encountered, and I articulated that in reflection of normal operations and current policy.

9 **MR. ROBERT PINEO:** Okay. And what did you do with the After
10 Action Report after you published it?

11 **CPL. DUANE IVANY:** A copy of that was sent to our National
12 EMRT Coordinator in Ottawa. A copy of it was also sent to our Support Services Officer
13 in H Division, RCMP.

14 **MR. ROBERT PINEO:** Okay. And obviously you kept a copy?

15 **CPL. DUANE IVANY:** Yes.

16 **MR. ROBERT PINEO:** Okay. So the after action report, I think it's
17 specifically dated July 4, 2020. And that was approximately 11 weeks after the mass
18 casualty event?

19 **CPL. DUANE IVANY:** Yes.

20 **MR. ROBERT PINEO:** Okay. And the statement that you gave in
21 February of this -- sorry, January of this year would have been some 85 weeks after the
22 mass casualty event; correct?

23 **CPL. DUANE IVANY:** I believe so.

24 **MR. ROBERT PINEO:** Now, when you arrived at Portapique late in
25 the evening of April 18th, you and your partner set up, I believe, at the intersection of
26 Portapique Beach Road and Highway 2?

27 **CPL. DUANE IVANY:** Yes.

28 **MR. ROBERT PINEO:** And that was your staging place?

1 **CPL. DUANE IVANY:** Yes.

2 **MR. ROBERT PINEO:** Now, I think you testified in your direct, and
3 in any event, it's in your statement, that you got out of your vehicle -- and that vehicle
4 was a Jeep Cherokee? Am I correct?

5 **CPL. DUANE IVANY:** Yes.

6 **MR. ROBERT PINEO:** Yes. And you got out of your Jeep
7 Cherokee to stand watch?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROBERT PINEO:** And I understand that you didn't have --
10 you and your partner didn't have carbines with you?

11 **CPL. DUANE IVANY:** No.

12 **MR. ROBERT PINEO:** And that was because your Jeep just didn't
13 allow for the extra space?

14 **CPL. DUANE IVANY:** It's not the extra space. It's to properly
15 transport them under the law. I can't have a carbine laying loose in the back of a
16 vehicle.

17 **MR. ROBERT PINEO:** I see. Okay. And I keep saying your
18 partner. Your partner was Cst Jeffrey Mahar?

19 **CPL. DUANE IVANY:** Yes.

20 **MR. ROBERT PINEO:** And that's M-A-H-A-R?

21 **CPL. DUANE IVANY:** Yes.

22 **MR. ROBERT PINEO:** And you testified to this in your direct, but I
23 just wanted to clarify a couple of points. EMRT operates under the license of a medical
24 doctor?

25 **CPL. DUANE IVANY:** Yes.

26 **MR. ROBERT PINEO:** And is that doctor Dr. Wasser or Wasser?

27 **CPL. DUANE IVANY:** Dr. Ed Wasser.

28 **MR. ROBERT PINEO:** Wasser. Okay. And I take it that -- or

1 could you tell us what it means to operate under his license?

2 **CPL. DUANE IVANY:** Basically, any pre-hospital medical care is
3 operated under a medical control physician. So basically, a physician who is contracted
4 by the agency, in this case it's the RCMP, for Nova Scotia, there is a medical control
5 physician who all of the paramedics in Nova Scotia operate under his license. So
6 basically ---

7 **MR. ROBERT PINEO:** Sorry, if I could interrupt you, ---

8 **CPL. DUANE IVANY:** Sure.

9 **MR. ROBERT PINEO:** --- and I'll let you continue, but you said all
10 of the paramedics. Do you mean the RCMP paramedics? Or even civilian
11 paramedics?

12 **CPL. DUANE IVANY:** Even civilian.

13 **MR. ROBERT PINEO:** Okay. Thank you. You can carry on with
14 your answer.

15 **CPL. DUANE IVANY:** So in parallel to that, we operate under our
16 doctor's orders. So he sets the standards to which we are allowed to treat. He sets the
17 protocols, whether we use one drug versus another, whether we use one procedure or
18 another. Based on his comfort with the delivery of our training program and his
19 confidence in our maintenance of our skills and our abilities, which are assessed
20 regularly, he extends his license as contracted through the RCMP for us to practice
21 under his standards.

22 **MR. ROBERT PINEO:** Okay. You're not suggesting that you
23 check with him before you administer one drug versus another or administer one
24 procedure versus another?

25 **CPL. DUANE IVANY:** No.

26 **MR. ROBERT PINEO:** Okay. So on the morning of the 19th, you
27 weren't in contact with him to ask him, you know, should I do this or should I do that?

28 **CPL. DUANE IVANY:** No. I'm not required to, unless there's a

1 protocol that's outside of my scope of practice.

2 **MR. ROBERT PINEO:** Okay. Thank you. So on the morning of
3 April 19th, you attended the Plains Road area?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROBERT PINEO:** And you attended to Heather O'Brien's
6 scene?

7 **CPL. DUANE IVANY:** Yes.

8 **MR. ROBERT PINEO:** And she was in a Volkswagen Jetta?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROBERT PINEO:** And it's your evidence that when she --
11 when you got there, her passenger and driver's window were intact?

12 **CPL. DUANE IVANY:** Yes.

13 **MR. ROBERT PINEO:** There were bullet holes in the driver's side
14 window, but it was otherwise intact?

15 **CPL. DUANE IVANY:** Yes.

16 **MR. ROBERT PINEO:** And when you saw the holes, was it -- were
17 they clean punched holes or was there spiderwebbing of the glass?

18 **CPL. DUANE IVANY:** I was viewing it from a distance, from the
19 rear of the vehicle. I could see that there were, I believe three holes clustered together.
20 There wasn't spiderwebbing, as you may -- as you're depicting. There may have been
21 discoloration or fracturation [*sic*] in the glass surrounding the holes, ---

22 **MR. ROBERT PINEO:** M'hm.

23 **CPL. DUANE IVANY:** --- but it was intact with the holes.

24 **MR. ROBERT PINEO:** Okay. And when you and Cst Mahar
25 approached the Jetta, you said the windows were tight, they were -- you know, they
26 were rolled up; yes?

27 **CPL. DUANE IVANY:** Yes.

28 **MR. ROBERT PINEO:** And the doors were closed?

1 **CPL. DUANE IVANY:** Yes.

2 **MR. ROBERT PINEO:** And you couldn't get the doors opened by
3 using the door handles?

4 **CPL. DUANE IVANY:** No.

5 **MR. ROBERT PINEO:** Okay. And you went to the driver's side --
6 or sorry, you went to the passenger's side and Cst Mahar went to the driver's side?

7 **CPL. DUANE IVANY:** Yes.

8 **MR. ROBERT PINEO:** And you were getting ready to break the
9 passenger side window with your baton when you heard a smash and -- and Constable
10 Mahar had already broken or was in the process of breaking the driver's side window.

11 **CPL. DUANE IVANY:** Yes.

12 **MR. ROBERT PINEO:** Okay. Did you speak with Constables
13 Fahie or Coleman about what they did or did not do prior to you arriving?

14 **CPL. DUANE IVANY:** No.

15 **MR. ROBERT PINEO:** Okay. It was evident, from your
16 perspective, though, that they had not opened the Jetta and performed any first aid on
17 Ms. O'Brien.

18 **CPL. DUANE IVANY:** I made that belief due to the fact that we
19 could not gain entry. However, I cannot say whether those doors were open or
20 unlocked prior to our arrival.

21 **MR. ROBERT PINEO:** Was there any apparent first aid rendered
22 to her?

23 **CPL. DUANE IVANY:** Not that I could observe at that time.

24 **MR. ROBERT PINEO:** No bandages.

25 **CPL. DUANE IVANY:** No.

26 **MR. ROBERT PINEO:** No intravenous.

27 **CPL. DUANE IVANY:** No.

28 **MR. ROBERT PINEO:** When you arrived at the O'Brien scene,

1 Constables Coleman and Fahie were standing on the shoulder of Plains Road near their
2 vehicle?

3 **CPL. DUANE IVANY:** Yes.

4 **MR. ROBERT PINEO:** Was that a fully-marked vehicle?

5 **CPL. DUANE IVANY:** Yes, I believe so.

6 **MR. ROBERT PINEO:** Okay. And they provided over -- oversight
7 for you?

8 **CPL. DUANE IVANY:** Yes, over-watch.

9 **MR. ROBERT PINEO:** Over-watch for you. Okay.

10 And did either of them go down to the car with you and Constable
11 Mahar?

12 **CPL. DUANE IVANY:** Not that I recall.

13 **MR. ROBERT PINEO:** Okay. And by the time you left the O'Brien
14 scene, had you covered Ms. O'Brien's body with a blanket?

15 **CPL. DUANE IVANY:** Yes.

16 **MR. ROBERT PINEO:** Okay. It was you that put the blanket on.

17 **CPL. DUANE IVANY:** I believe so, and I may have had
18 assistance. I don't recall.

19 **MR. ROBERT PINEO:** Okay. And that assistance would have --
20 would have come from your partner?

21 **CPL. DUANE IVANY:** Yes.

22 **MR. ROBERT PINEO:** Okay. And during your entire time that you
23 were assessing Ms. O'Brien, Constables Fahie and Coleman didn't -- did not assist you,
24 did they?

25 **CPL. DUANE IVANY:** No.

26 **MR. ROBERT PINEO:** Okay. And you testified that you initially
27 called for Life Flight, that is, to put them on alert that you might need them.

28 **CPL. DUANE IVANY:** Yes.

1 **MR. ROBERT PINEO:** And you know that subsequent to that, Life
2 Flight said that it wouldn't be -- it wouldn't be attending the scene.

3 **CPL. DUANE IVANY:** I was not aware of that, no.

4 **MR. ROBERT PINEO:** Okay. You were not told that?

5 **CPL. DUANE IVANY:** No.

6 **MR. ROBERT PINEO:** You didn't receive that in a communication?

7 **CPL. DUANE IVANY:** No.

8 **MR. ROBERT PINEO:** Okay. Now, initially you felt or you thought
9 that you felt a pulse, as you testified in your direct examination.

10 **CPL. DUANE IVANY:** Yes.

11 **MR. ROBERT PINEO:** And initially, you planned to render airway
12 assistance to Ms. O'Brien.

13 **CPL. DUANE IVANY:** Yes.

14 **MR. ROBERT PINEO:** Can you explain what the -- I have the
15 device's name here that's in your statement. I think it's an i-med Airway?

16 **CPL. DUANE IVANY:** i-gel.

17 **MR. ROBERT PINEO:** i-gel Airway.

18 Could you explain what that device is?

19 **CPL. DUANE IVANY:** That is a supraglottic airway. It's a
20 mechanical device which establishes an airway. It does not fully go into the bronchial
21 tubes. It goes to the point where an unconscious person who cannot maintain a
22 position of their tongue to keep it out of the way, that this mechanically keeps their
23 tongue out of the way.

24 What that does is it allows you to establish that airway. It does not
25 breathe for them. It merely maintains an open airway without you physically having to
26 keep their head tilted and in a position to do so. It allows you to know that there is an
27 open airway while you assess other treatments.

28 **MR. ROBERT PINEO:** Okay. And if you determined that -- that

1 the patient -- patient had no pulse, then you would not administer this airway device?

2 **CPL. DUANE IVANY:** No, if there was no breathing and no pulse,
3 you would not apply the device.

4 **MR. ROBERT PINEO:** In fact, you had the device out and you
5 were starting to administer it, weren't you?

6 **CPL. DUANE IVANY:** I was preparing to under the assumption
7 that there was a pulse.

8 **MR. ROBERT PINEO:** Sure.

9 Well, you had -- you had the device and you were getting ready to
10 administer it when Constable Mahar told you that you should -- the two of you should do
11 another pulse check; correct?

12 **CPL. DUANE IVANY:** He did not suggest we both do a pulse
13 check. He -- he identified that I should reassess my pulse check.

14 **MR. ROBERT PINEO:** Okay. So in your statement, this is the
15 MCC statement at page 33, you say:

16 "So now I'm starting to go into my airway and I'm
17 thinking, okay, I've got to make sure she has a good
18 airway and she might have had it impeded while she
19 was slumped over in the vehicle. So then I start to
20 get ready. I get my i-gel Airway kit out and start to put
21 an i-gel into her and then I noticed she's got a bullet
22 hole..."

23 And then there's some redactions, and she's -- sorry, "And as I'm
24 moving her head", and then more redactions, and then you go on to say:

25 "And I'm checking pulse and I'm like 'Holy shit'. I'm
26 like, 'Jeff, I think I got a pulse'."

27 And so that's where I'll leave that, although I can go on if -- if you
28 like.

1 Well, actually, I will, and I'll paraphrase.

2 But after that ---

3 **COMMISSIONER MacDONALD:** I hate to interrupt, Mr. Pineo, but
4 it's a little too long of a quote for me to follow, so ---

5 **MR. ROBERT PINEO:** Okay, sure.

6 **COMMISSIONER MacDONALD:** --- let's put it up.

7 **MR. ROBERT PINEO:** Okay. Thank you, My -- Commissioner
8 MacDonald.

9 Page 33. And I'm starting at the end of the second set of
10 redactions. It starts with a capital A, "And".

11 So would you like me to read that, Commissioner MacDonald,
12 or...?

13 **COMMISSIONER MacDONALD:** Yes, please.

14 **MR. ROBERT PINEO:** Thank you.

15 So Corporal Ivany, this is your statement. You say:

16 "And I'm checking the pulse and I'm like 'Holy shit'.
17 I'm like 'Jeff, I think I got a pulse'. And here -- and
18 here it's -- I think it's my own heart rate because Jeff
19 goes, 'No, she can't. She...' (As read)

20 My apologies. I started -- I started too late, Commissioners, so I'll
21 start again. I'm starting after the first redaction, the word "So".

22 "So I'm starting to go into my airway and I'm thinking,
23 okay, I've got to make sure she's got a good airway
24 and she might have had that impeded while she's
25 slumped over in the vehicle. So then I start to get
26 ready, I get my i-gel Airway kit out to start to put an i-
27 gel into her, and then I noticed that she's got a bullet
28 hole. [There's a redaction] And as I'm moving her

1 head [then a longer redaction] And I'm checking
2 pulse and I'm like 'Holy shit'. I'm like 'Jeff, I think I got
3 a pulse'. And here it's -- I think it's my own heart rate
4 because Jeff goes, 'No, she can't'. And he -- he says,
5 'Just calm down. Don't worry about the airway. I
6 don't think she's got a pulse. I think it's with you'.
7 [sorry] I think it's you'." (As read)

8 So I'll leave that at that point, but -- so coming from that statement
9 that you gave before today, you were starting to use the i-gel Airway on Ms. O'Brien,
10 weren't you?

11 **CPL. DUANE IVANY:** I was not physically inserting the airway. I
12 was prepping it, as it has to -- it requires lubrication, so I had extracted it from its case
13 and I was applying the lubricant to the head of the i-gel in preparation for it.

14 **MR. ROBERT PINEO:** Okay. And then you and -- you and
15 Constable Mahar have a conversation about whether or not there's a pulse, whether or
16 not it's -- it's your pulse.

17 And then if you -- if you go further down in the statement, it goes on
18 to -- you agree to do the proper bilateral pulse check; correct?

19 **CPL. DUANE IVANY:** Correct.

20 **MR. ROBERT PINEO:** Yeah. And you described that for the
21 Commission in your direct testimony, and I won't take you back through that.

22 Then a little further down in your statement, and it's -- it's after the -
23 - after the redaction where it says, "Okay, we've got no pulse", and then there's a
24 redaction. And this is your statement. You say:

25 "I said protocol is if she doesn't need CPR, she
26 doesn't need anything else. She needs a surgeon,
27 and she needed a surgeon long before we got to her."
28 (As read)

1 So that was your opinion at that time, that if anything, a surgeon
2 would be the only thing she would need.

3 **CPL. DUANE IVANY:** If anyone could have done anything ---

4 **MR. ROBERT PINEO:** Okay.

5 **CPL. DUANE IVANY:** --- but that was in the context of description
6 to ability to provide any level of care outside of a hospital.

7 **MR. ROBERT PINEO:** Sure. Which you'll agree with me, she
8 might have received had Life Flight been able to get her to the hospital.

9 **CPL. DUANE IVANY:** No.

10 **MR. ROBERT PINEO:** It's a possibility?

11 **CPL. DUANE IVANY:** No.

12 **MR. ROBERT PINEO:** It's not a possibility that she would have
13 seen a surgeon if she ---

14 **CPL. DUANE IVANY:** If this had occurred ---

15 **MR. ROBERT PINEO:** --- if Life Flight had taken her in?

16 **CPL. DUANE IVANY:** --- if this had occurred in an operating room,
17 I do not believe they could have stopped or saved her.

18 **MR. ROBERT PINEO:** You're not a surgeon though; are you?

19 **CPL. DUANE IVANY:** No.

20 **MR. ROBERT PINEO:** No. So that was just pure speculation?

21 **CPL. DUANE IVANY:** Yes.

22 **MR. ROBERT PINEO:** After the bilateral pulse check, you did a
23 pupil check. That is, you put a light in her eye to see if there was a pupil response?

24 **CPL. DUANE IVANY:** Yes.

25 **MR. ROBERT PINEO:** Okay. Now, either you or Cst. Mahar
26 administered a thoracic seal to Heather O'Brien.

27 **CPL. DUANE IVANY:** I do not recall, but I am aware that one was
28 placed on her, and it may have either been myself or Cst. Mahar.

1 **MR. ROBERT PINEO:** Okay. But you don't recall whether you did
2 or not?

3 **CPL. DUANE IVANY:** No.

4 **MR. ROBERT PINEO:** Okay. Do you recall seeing one on her?

5 **CPL. DUANE IVANY:** No.

6 **MR. ROBERT PINEO:** You'll agree with me that a thoracic seal is
7 used in situations where somebody is bleeding and it's to prolong their life, so that they
8 can be attended to?

9 **CPL. DUANE IVANY:** No.

10 **MR. ROBERT PINEO:** What's a thoracic seal?

11 **CPL. DUANE IVANY:** It has nothing to do with bleeding.

12 **MR. ROBERT PINEO:** Okay. What's a thoracic seal for then?

13 **CPL. DUANE IVANY:** A thoracic seal is a occlusive dressing,
14 which means air will not pass through it. It has a rigid vent on it, which only allows the
15 air to pass one way. So any excessive air that builds up in someone's lung is expelled
16 through that. What it does is if someone who is breathing, if any of those injuries, either
17 through bullet, knife, any type of penetration, actually has air drawing in through those
18 holes from an outside environment into the lungs, that creates a situation where you get
19 the lung being compressed and will not expand. What the vented seal does is it
20 prevents a situation from getting worse in regards to their breathing, not their bleeding.

21 **MR. ROBERT PINEO:** Okay. So in any event, a thoracic seal is
22 used to preserve somebody, so that they can get further treatment?

23 **CPL. DUANE IVANY:** It is to prevent a tension pneumothorax in
24 order that you can provide interventions to assist in that remedy.

25 **MR. ROBERT PINEO:** And if that is not administered and that
26 happens, then somebody could die; couldn't they? It's put on there to prevent
27 somebody from getting worse?

28 **CPL. DUANE IVANY:** Yes.

1 **MR. ROBERT PINEO:** And that is to prolong their life, so that they
2 can receive treatment.

3 **CPL. DUANE IVANY:** Yes.

4 **MR. ROBERT PINEO:** Okay. You wouldn't put a thoracic seal on
5 somebody that you know is deceased; would you?

6 **CPL. DUANE IVANY:** I'm not saying I wouldn't. And I may put it
7 on prior to making that assessment.

8 **MR. ROBERT PINEO:** Okay.

9 **CPL. DUANE IVANY:** The only time I would not was if I was in an
10 active gunfire, and I wanted to save that piece of equipment for somebody else.

11 **MR. ROBERT PINEO:** Okay. So just to flip my question around
12 though, you're saying if you knew somebody was deceased, you might still put it on
13 them?

14 **CPL. DUANE IVANY:** If I knew -- until I had ruled out any
15 resuscitation efforts that would have addressed that, then I may.

16 **MR. ROBERT PINEO:** My question though is far more specific
17 than that. I asked you, if you knew they were deceased, you knew the person -- the
18 patient was deceased, you wouldn't put the thoracic seal on them; would you?

19 **CPL. DUANE IVANY:** If I knew that they were beyond
20 resuscitation and were deceased, without any interventions going to proceed after that
21 point, then, no, I would not.

22 **MR. ROBERT PINEO:** Thank you.

23 Are you aware of any other -- have you subsequently become
24 aware of any other treatments that you or Cst. Mahar might have administered that you
25 don't -- didn't recall back at the time?

26 **CPL. DUANE IVANY:** No, I did not.

27 **MR. ROBERT PINEO:** Okay. And you'll agree with me that you
28 didn't mention a thoracic seal in your statement to the MCC?

1 **CPL. DUANE IVANY:** No.

2 **MR. ROBERT PINEO:** And you didn't mention it in your After
3 Action Report?

4 **CPL. DUANE IVANY:** No.

5 **MR. ROBERT PINEO:** Have you had an opportunity to read Cst.
6 Fahie's statement to the Mass Casualty Commission?

7 **CPL. DUANE IVANY:** No.

8 **MR. ROBERT PINEO:** Okay. Are you aware that Cst. Fahie has
9 testified and has stated in his statement that when you arrived, he was at the Jetta
10 attending to Ms. O'Brien, and you tapped him on the shoulder and told him, "I've got
11 this"?

12 **CPL. DUANE IVANY:** I'm aware of that through the Foundational
13 Document, not through his statement.

14 **MR. ROBERT PINEO:** Okay. So you're aware that Cst. Fahie has
15 made that statement?

16 **CPL. DUANE IVANY:** Yes.

17 **MR. ROBERT PINEO:** Okay. And you disagree with it?

18 **CPL. DUANE IVANY:** I do not recall tapping him on the shoulder,
19 and I do not recall him being at the vehicle at any time.

20 **MR. ROBERT PINEO:** Okay. So if he was there, then you can't
21 say for sure that -- sorry, you can't say for sure that he wasn't there; can you?

22 **CPL. DUANE IVANY:** I can say that he was not there while I was,
23 but I don't know if he was there prior to our arrival.

24 **MR. ROBERT PINEO:** Yes. But my question was, when you
25 arrived, he was at the Jetta attending to Ms. O'Brien, and you tapped him on the
26 shoulder and told him that -- you told him, "I've got this."

27 **CPL. DUANE IVANY:** No, that did not happen.

28 **MR. ROBERT PINEO:** And in both of their statement -- or, sorry, in

1 Cst. Fahie's statement, he says that he accessed and attended to Heather O'Brien in --
2 like, while she was still in the Jetta. You're aware of that?

3 **CPL. DUANE IVANY:** I am aware of that.

4 **MR. ROBERT PINEO:** Okay. So in order for the windows to be
5 rolled up and the doors barred when you got there, that had to have happened after Cst.
6 Fahie completed his treatment of Ms. O'Brien?

7 **CPL. DUANE IVANY:** I'm confused about the question and your
8 timeline, sorry.

9 **MR. ROBERT PINEO:** Sure. So Cst. Fahie testified that he
10 provided treatment to -- well, both him and Cst. Coleman checked for a pulse of Heather
11 O'Brien prior to you getting there. Are you aware of that?

12 **CPL. DUANE IVANY:** I'm aware of that, yes.

13 **MR. ROBERT PINEO:** Yes. And in order for that to have
14 happened, they had to have had access to the Jetta.

15 **CPL. DUANE IVANY:** Yes.

16 **MR. ROBERT PINEO:** Yes. But by the time you got there, the
17 windows were up -- rolled up, I think you said, and the doors were closed, and you
18 couldn't open them?

19 **CPL. DUANE IVANY:** Yes, that is correct.

20 **MR. ROBERT PINEO:** Isn't it true, Cpl. Ivany, that when you
21 arrived at the scene, you felt a pulse from Heather O'Brien?

22 **CPL. DUANE IVANY:** No.

23 **MR. ROBERT PINEO:** Isn't it true that you removed her from the
24 Jetta and placed a thoracic seal on her?

25 **CPL. DUANE IVANY:** No, I don't recall removing her from the
26 vehicle, and I do not recall placing the thoracic seal.

27 **MR. ROBERT PINEO:** Isn't it true that you thought she was still
28 viable and that's why you attempted to -- or got ready to use the i-gel airway?

1 **CPL. DUANE IVANY:** Yes.

2 **MR. ROBERT PINEO:** Isn't it true that after it became known that
3 Life Flight would not get there, you gave up?

4 **CPL. DUANE IVANY:** No.

5 **MR. ROBERT PINEO:** And you covered her with a blanket?

6 **CPL. DUANE IVANY:** I did cover her with a blanket.

7 **MR. ROBERT PINEO:** And you left?

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROBERT PINEO:** And in Cst. Ivany's words ---

10 **CPL. DUANE IVANY:** I am Cpl. Ivany.

11 **MR. ROBERT PINEO:** Sorry, Fahie, Cst. Fahie, in his words, they
12 covered her up and they let her die.

13 **CPL. DUANE IVANY:** No, she was deceased when she was
14 covered up.

15 **MR. ROBERT PINEO:** Okay. So in your After Action Report, and I
16 will bring that up, could I have the After Action Report, please? That's COMM-0054284.

17 **REGISTRAR DARLENE SUTHERLAND:** That's not yet marked
18 an exhibit.

19 **MR. ROBERT PINEO:** Okay. Could I have it marked an exhibit,
20 please?

21 **COMMISSIONER MacDONALD:** Yes.

22 **MR. ROBERT PINEO:** Thank you.

23 **REGISTRAR DARLENE SUTHERLAND:** Exhibit 2149.

24 **--- EXHIBIT No. 2149:**

25 After Action Report - COMM-0054284

26 **MR. ROBERT PINEO:** Thank you. And I'm looking at page 9.

27 **REGISTRAR DARLENE SUTHERLAND:** I don't have the
28 document to bring up on the screen because it's not an exhibit or it hasn't been in

1 advance.

2 **MR. ROBERT PINEO:** Oh, I see. Okay.

3 **REGISTRAR DARLENE SUTHERLAND:** It's just in relativity I can
4 see it.

5 **MR. ROBERT PINEO:** Okay. I intended to read some of -- some
6 of Corporal Ivany's words to him, so if I -- if I could do that and ---

7 **COMMISSIONER MacDONALD:** Well, if you do it slowly, and ---

8 **MR. ROBERT PINEO:** Sure.

9 **COMMISSIONER MacDONALD:** --- obviously ---

10 **MR. ROBERT PINEO:** Okay.

11 **COMMISSIONER MacDONALD:** --- understanding that ---

12 **MR. ROBERT PINEO:** And the -- and the difficulty here,
13 Commissioner MacDonald, is that there is two redactions in it, so of course that ---

14 **COMMISSIONER MacDONALD:** All right.

15 **MR. ROBERT PINEO:** --- that cuts into the ---

16 **COMMISSIONER MacDONALD:** Well, in the interests of time ---

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

18 So partway through Number 4 of your -- under your heading,
19 Debriefing: What Went Well and What Could Have Been Done Better, you make the
20 following statement:

21 "EMRT members were conflicted as to whether they
22 were making a decision not to initiate resuscitation
23 efforts based on clinical considerations for traumatic
24 cardiac arrest and that the fatal gunshots..." (As read)

25 And then there's a redaction:

26 "...or we're triaging victims as 'black cards'..." (As
27 read)

28 And that's in quotations:

1 "...based on their lack of vital signs and were tactically
2 required to move on to the next victim or victims
3 and/or support ERT members as they continued on
4 their mission to hunt for the suspect - mobile active
5 shooter scenario." (As read)

6 So I'll ask some -- I'll ask a few questions to see if I can clarify what
7 was being said there. So Corporal Ivany, in that statement, and you can correct me if
8 I'm wrong, but what I take from this is that that ER -- EMRT members were conflicted as
9 to whether or not they were to be rendering assistance or rendering resuscitation or
10 triaging victims as deceased so that they could move on to the next scene.

11 **CPL. DUANE IVANY:** No.

12 **MR. ROBERT PINEO:** That's not what you meant by those words?

13 **CPL. DUANE IVANY:** No.

14 **MR. ROBERT PINEO:** Okay. What did you mean?

15 **CPL. DUANE IVANY:** It is -- the end result is the same with two
16 varying labels based on protocols. In a triage situation, you may assess somebody
17 where you would categorise them as a black card. There is a number of different
18 protocols used around the world referencing a black card. It would be green, meaning
19 walking wounded, they can walk and go get a Band-Aid, meaning, yellow, they may
20 have some injury that may require medical treatment in the near future, but not urgently;
21 a red card, indicating that without immediate aid they will die; and a black card,
22 indicating that any intervention involved on that person will prevent you from providing
23 anybody else any intervention.

24 So basically, in a mass casualty situation or in combat, it would be
25 an indication that I'm going to start CPR on somebody who is not breathing because
26 once I render that CPR you're not going to be able to go help anybody else. So my
27 reference in that context was in reference to making a clinical decision as to whether
28 someone is deceased versus labelling them as a black card was a reference to future

1 training.

2 In this context, what I'm indicating is that in a normal procedure
3 where I've identified a patient as been deceased, I would then go into a documentation
4 phase. I would make record, I would draw pictures, I would do a graph of where the
5 injuries were sustained on the person, and I would note times, and I would submit that.
6 That would be part of my clinical submission.

7 In this case, because we had an active shooter still in an unknown
8 area, another potential victim within visual sight of our position, my concern was what
9 do I call this. Do I call it triaging and going to the next possible person I can help, or do I
10 call it a declaration of death? And my recommendation in that report, was merely that
11 it's something that would be described in future training in the event that anything like
12 this happens again.

13 **MR. ROBERT PINEO:** Okay. So -- but what you said was that
14 EMRT members were conflicted. So what was the conflict, then?

15 **CPL. DUANE IVANY:** The conflict is what I call it. Do I call it a
16 four-door car or do I call it a four-door sedan? Do I call it she was triaged as deceased
17 or do I call it that she was clinically determined as deceased? The end result was that
18 this person was deceased. And in our training, in our medical directives, I am merely
19 referencing a context of termination terminology that we use, and which terminology we
20 should have used in that context.

21 **MR. ROBERT PINEO:** Okay. So when you say that you were
22 conflicted, sorry, they were conflicted whether -- as to whether making a decision to
23 initiate resuscitation, or black carding somebody, can you explain what the conflict
24 between those two things are?

25 **CPL. DUANE IVANY:** There was no conflict, there was no actions
26 that could have been taken. It was merely my terminology in that report.

27 **MR. ROBERT PINEO:** Okay. Thank you for clearing that --
28 clearing that up.

1 So on Plains Road, after you left the O'Brien scene, you headed
2 over to the Beaton scene.

3 **CPL. DUANE IVANY:** Yes.

4 **MR. ROBERT PINEO:** And you did not triage Kristen Beaton.

5 **CPL. DUANE IVANY:** No.

6 **MR. ROBERT PINEO:** You took the word of the other members
7 who had seen her that she was deceased.

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROBERT PINEO:** Okay. And before leaving the Debert area,
10 you had a conversation with the civilian paramedics; yes?

11 **CPL. DUANE IVANY:** Yes.

12 **MR. ROBERT PINEO:** Yeah. And you told them that the
13 perpetrator was driving a fully-marked police vehicle?

14 **CPL. DUANE IVANY:** Suspected to be, yes.

15 **MR. ROBERT PINEO:** Okay. And you cautioned them not to
16 approach a single RCMP vehicle.

17 **CPL. DUANE IVANY:** If they were flagged down, yes.

18 **MR. ROBERT PINEO:** Okay. And do you know if the lack of
19 notice to other professional groups that day went beyond the EHS paramedics?

20 **CPL. DUANE IVANY:** I have no knowledge whatsoever of the
21 communication that was ongoing that I was not part of.

22 **MR. ROBERT PINEO:** Okay. So you just know about the EHS?

23 **CPL. DUANE IVANY:** Yes, as I spoke to them, and they confirmed
24 they had not been relayed.

25 **MR. ROBERT PINEO:** And that was after 10:00 a.m. on the 19th
26 when you spoke to the EHS members.

27 **CPL. DUANE IVANY:** I believe so.

28 **MR. ROBERT PINEO:** So earlier, that is, earlier on the 19th, you

1 and Mahar transported Lisa Banfield from Portapique to Great Village?

2 **CPL. DUANE IVANY:** Yes.

3 **MR. ROBERT PINEO:** Okay. And that was approximately, or it
4 was less than a seven-minute drive?

5 **CPL. DUANE IVANY:** Yes.

6 **MR. ROBERT PINEO:** And the TAV members brought Lisa
7 Banfield from the house that she was at to you.

8 **CPL. DUANE IVANY:** Yes.

9 **MR. ROBERT PINEO:** And she was in the back of the TAV
10 vehicle?

11 **CPL. DUANE IVANY:** Yes.

12 **MR. ROBERT PINEO:** And that TAV vehicle stopped
13 approximately 30-feet from your vehicle?

14 **CPL. DUANE IVANY:** Yes.

15 **MR. ROBERT PINEO:** And Lisa Banfield was able to walk on her
16 own volition from the TAV vehicle to your vehicle.

17 **CPL. DUANE IVANY:** Yes.

18 **MR. ROBERT PINEO:** Okay. And the TAV members told you,
19 "She's walking, she's talking, she's breathing, and no signs of bleeding."

20 **CPL. DUANE IVANY:** No.

21 **MR. ROBERT PINEO:** That's not what they told you?

22 **CPL. DUANE IVANY:** No. I believe you're referring to my

23 reference in a quote that because she was walking to the TAV to myself, my
24 assessment of her was that she's walking, she's talking, she's breathing, which means
25 that she has blood circulating, she has an open airway, and she's breathing.

26 **MR. ROBERT PINEO:** Okay. So that was your assessment of her,
27 then?

28 **CPL. DUANE IVANY:** Yes.

1 **MR. ROBERT PINEO:** Okay. And you had an opportunity to
2 assess her?

3 **CPL. DUANE IVANY:** Briefly, yes.

4 **MR. ROBERT PINEO:** And you did that brief assessment in the
5 back of the Jeep Cherokee?

6 **CPL. DUANE IVANY:** Yes.

7 **MR. ROBERT PINEO:** And you did that while Mahar was driving to
8 Great Village?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROBERT PINEO:** Okay. Did you have the light on in the back
11 when you were assessing her?

12 **CPL. DUANE IVANY:** I don't recall.

13 **MR. ROBERT PINEO:** Okay. You also stated that:

14 "She has no obvious injuries - pain from being
15 kicked...hypothermic/shivering."

16 And that was in your handwritten notes?

17 **CPL. DUANE IVANY:** Yes.

18 **MR. ROBERT PINEO:** Lisa Banfield told you she was handcuffed
19 by the perpetrator?

20 **CPL. DUANE IVANY:** Yes.

21 **MR. ROBERT PINEO:** She told you she got out of those
22 handcuffs.

23 **CPL. DUANE IVANY:** Yes.

24 **MR. ROBERT PINEO:** Did you assess her wrists to see if there
25 were any cuts or bruises as a result of the handcuffs?

26 **CPL. DUANE IVANY:** No.

27 **MR. ROBERT PINEO:** Did you ask her how she got out of the
28 handcuffs?

1 **CPL. DUANE IVANY:** No.

2 **MR. ROBERT PINEO:** Did you look at her hands at all?

3 **CPL. DUANE IVANY:** No.

4 **MR. ROBERT PINEO:** Okay. And you stated in your direct
5 testimony that you didn't -- you didn't remove her clothing ---

6 **CPL. DUANE IVANY:** No.

7 **MR. ROBERT PINEO:** --- for the assessment? Didn't remove her -
8 - well, she was wearing a top?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROBERT PINEO:** A long-sleeve light t-shirt or long ---

11 **CPL. DUANE IVANY:** Long-sleeve shirt.

12 **MR. ROBERT PINEO:** Yes. She was wearing Yoga pants?

13 **CPL. DUANE IVANY:** Yes.

14 **MR. ROBERT PINEO:** She was not wearing shoes?

15 **CPL. DUANE IVANY:** Not that I recall.

16 **MR. ROBERT PINEO:** Okay. You've subsequently learned that
17 she wasn't wearing shoes.

18 **CPL. DUANE IVANY:** Yes.

19 **MR. ROBERT PINEO:** Did you look at her feet to see if there were
20 any injuries on her feet?

21 **CPL. DUANE IVANY:** No.

22 **MR. ROBERT PINEO:** You understood that she had spent a
23 portion of the night in the woods?

24 **CPL. DUANE IVANY:** Yes.

25 **MR. ROBERT PINEO:** But you didn't know how long she was in
26 the woods?

27 **CPL. DUANE IVANY:** No idea whatsoever.

28 **MR. ROBERT PINEO:** Okay. You formed an opinion that Ms.

1 Banfield was suffering from moderate hypothermia?

2 **CPL. DUANE IVANY:** May have been moderate and was
3 displaying now signs more typical of milder hypothermia, but I believed she was.

4 **MR. ROBERT PINEO:** Okay. No where in your statement to the
5 MCC did you say that her teeth were chattering and you had difficulty understanding her
6 communications?

7 **CPL. DUANE IVANY:** I don't recall whether I said they were
8 chattering or not, but I indicated she was shivering, and part of shivering is chattering
9 teeth.

10 **MR. ROBERT PINEO:** Yes. But you didn't say that though, in your
11 statement, did you?

12 **CPL. DUANE IVANY:** I don't know. I know my statement was 99
13 pages and I can't recall everything I said in those.

14 **MR. ROBERT PINEO:** Okay. And in your After Action Report
15 some 11 weeks after the incident, you didn't mention that she was chattering to the
16 point where she couldn't communicate -- you know, you had difficulty understanding her
17 communications?

18 **CPL. DUANE IVANY:** No. And the After Action Report is not
19 written in a context to be that specific as whether her teeth were chattering or not. And
20 an After Action Report will not affect or assess policy direction or an overall assessment
21 of what transpired over those hours.

22 **MR. ROBERT PINEO:** Sure. But my point is, you didn't say it 89
23 months later and you didn't say it 11 months later? You just -- you didn't talk about the
24 communication difficulty?

25 **CPL. DUANE IVANY:** No.

26 **MR. ROBERT PINEO:** And likewise, in your After Action Report,
27 you didn't talk about blueness in her lips; did you?

28 **CPL. DUANE IVANY:** I don't recall.

1 **MR. ROBERT PINEO:** Okay. You didn't take Ms. Banfield's
2 temperature?

3 **CPL. DUANE IVANY:** No.

4 **MR. ROBERT PINEO:** You didn't report that her movements were
5 slow and laboured?

6 **CPL. DUANE IVANY:** No.

7 **MR. ROBERT PINEO:** You didn't report that she was confused in
8 her thoughts?

9 **CPL. DUANE IVANY:** I don't recall in any of my documents
10 indicating that.

11 **MR. ROBERT PINEO:** Okay. And she wasn't confused in her
12 thoughts, was she?

13 **CPL. DUANE IVANY:** I don't believe she was confused. I believe
14 her conversation was erratic with me.

15 **MR. ROBERT PINEO:** Okay. And you made, in your report, or
16 sorry, in your statement and in your report, you didn't talk about her ears, fingers, or
17 toes being blue?

18 **CPL. DUANE IVANY:** No.

19 **MR. ROBERT PINEO:** Are you aware that the Government of
20 Canada has a bulletin called Extreme Cold Canada where it talks about the three levels
21 of hypothermia?

22 **CPL. DUANE IVANY:** No, I'm not aware of that.

23 **MR. ROBERT PINEO:** Okay. Stage 2, which is the moderate
24 stage, says that:

25 "[The] body temperature has dropped [...] 2 - 4°C..."

26 Is that your understanding of moderate hypothermia?

27 **CPL. DUANE IVANY:** Yes.

28 **MR. ROBERT PINEO:** Okay.

1 "Muscles are uncoordinated and movements are slow
2 and laboured."

3 Is that your understanding of moderate hypothermia?

4 **CPL. DUANE IVANY:** Yes.

5 **MR. ROBERT PINEO:**

6 "...mild confusion, [the patient can] become pale, [...] lips, ears, fingers, and toes may turn blue."

8 Do you understand those are symptoms of moderate hypothermia?

9 **CPL. DUANE IVANY:** Yes.

10 **MR. ROBERT PINEO:** And on the website, it gives a very simple
11 test that the public can follow to see if you have moderate hypothermia, and that is
12 simply if you can close your hands and touch your finger to -- your thumb to your pinky
13 finger. Did you assess whether or not she could do that?

14 **CPL. DUANE IVANY:** No.

15 **MR. ROBERT PINEO:** Okay. Did you have an opportunity to
16 subsequently review the ambulance report, that is the ambulance that took her from
17 Great Village to the Colchester Hospital?

18 **CPL. DUANE IVANY:** No.

19 **MR. ROBERT PINEO:** Okay. When you handed Ms. Banfield off
20 to the paramedics, you asked them -- you told -- you asked them to check on her and
21 you told them that she had been kicked and that she was suffering hypothermia? Do
22 you recall that?

23 **CPL. DUANE IVANY:** Yes.

24 **MR. ROBERT PINEO:** Okay. And are you aware -- well, I guess
25 you're not because you didn't read it, but did anybody subsequently make you aware
26 that the ambulance report does not mention hypothermia?

27 **CPL. DUANE IVANY:** No.

28 **MR. ROBERT PINEO:** Okay. Do you know who the ambulance

1 drivers were?

2 **CPL. DUANE IVANY:** No.

3 **MR. ROBERT PINEO:** One of them was a person with the last
4 name Ernst. Had you ever worked with an Ernst before in your ---

5 **CPL. DUANE IVANY:** I don't recall.

6 **MR. ROBERT PINEO:** Wood?

7 **CPL. DUANE IVANY:** Don't recall.

8 **MR. ROBERT PINEO:** Pineo? Like my last name?

9 **CPL. DUANE IVANY:** Don't recall.

10 **MR. ROBERT PINEO:** Okay. You learned from Lisa Banfield
11 during her transport that the perp had a fully marked police cruiser?

12 **CPL. DUANE IVANY:** Yes.

13 **MR. ROBERT PINEO:** And that was the first that you -- the first
14 time you heard that the perpetrator had a fully marked police cruiser?

15 **CPL. DUANE IVANY:** Yes.

16 **MR. ROBERT PINEO:** And do you recall musing at the time that
17 the perpetrator could have driven right by you at the end of Portapique Beach Road that
18 night and you wouldn't have known it because you wouldn't have known that it wasn't
19 an RCMP officer?

20 **CPL. DUANE IVANY:** Yes.

21 **MR. ROBERT PINEO:** And that's because you weren't looking for
22 -- you were looking for one of those decommissioned RCMP cars that you spoke of
23 earlier in your cross-examination?

24 **CPL. DUANE IVANY:** Yes.

25 **MR. ROBERT PINEO:** Thank you. Those are my questions.

26 **COMMISSIONER MacDONALD:** Thank you.

27 Mr. Burrill?

28 **MR. ROGER BURRILL:** Thank you. Thank you, Commissioner.

1 On behalf of the Commission, I have no questions in redirect.
2 But I do understand that one of my colleagues may have a question
3 in redirect that they wish to pose to this witness.

4 **COMMISSIONER MacDONALD:** Okay.

5 **--- CROSS-EXAMINATION BY MS. PATRICIA MacPHEE:**

6 **MS. PATRICIA MacPHEE:** Hi, Cpl Ivany. I just have one question
7 for you.

8 My friend, Mr. Pineo, asked you a number of questions about a
9 document called an After Action Report. Could you explain, for the benefit of everyone
10 who has heard about that report, what the purpose of that report is and what the typical
11 contents of that report would be?

12 **CPL. DUANE IVANY:** The After Action Report is an internal report
13 basically giving a summary of an event that occurred over a period of time. You
14 address what went well, what may not -- what didn't go well. And then after you give a
15 summary of what occurred, you will make -- you'll indicate areas within that operation
16 that you identified either lacks, or shortcomings. And then you indicate whether it is
17 something that was merely observed at the time, or you indicate whether it's something
18 that should be looked at further down the road in making remedy to that in a manner.

19 I then offer any remedies that I can regarding that, as to what the
20 remedy could be, and I forward those recommendations to our management to view
21 and consider.

22 **MS. PATRICIA MacPHEE:** Thank you. That's my only question.

23 **COMMISSIONER MacDONALD:** Thank you.

24 Commissioner Fitch?

25 **COMMISSIONER FITCH:** Thank you, Commissioner MacDonald.

26 Cpl Ivany, I only have a couple of brief questions. I know it's
27 getting long in the day.

28 When you arrived, I understand that you went around to check the

1 car doors. In your recollection, were they jammed shut or were they locked?

2 **CPL. DUANE IVANY:** My recollection was that they were closed
3 and the door handles did not work. My reference to "jammed" indicated that the doors
4 would not open, either due to the fact that they were locked manually or mechanically,
5 or possibly due to the impact. Any kind of variation or impact or force on a vehicle
6 where it misaligns the body of the vehicle can sometimes cause enough friction for the
7 door not to open, even though it may be unlocked. So without having done a
8 mechanical observation of the vehicle afterwards, I can only say that it was jammed,
9 either due to the mechanical function of the locks or due to impact of the vehicle with
10 the tree line.

11 **COMMISSIONER FITCH:** So suffice to say you just -- you couldn't
12 get in through the doors ---

13 **CPL. DUANE IVANY:** No ---

14 **COMMISSIONER FITCH:** --- and the windows ---

15 **CPL. DUANE IVANY:** --- they wouldn't open.

16 **COMMISSIONER FITCH:** Okay. You may or may not be aware of
17 the comments made by Cst. Fahie, who said that he heard soft noises, and that he
18 attributed that to gases or air. Did you hear any such noise from Ms. O'Brien?

19 **CPL. DUANE IVANY:** No.

20 **COMMISSIONER FITCH:** No noise at all?

21 **CPL. DUANE IVANY:** I do not recall hearing anything.

22 **COMMISSIONER FITCH:** And if you could, just in terms of for
23 those of us that don't have medical training to the degree that you do, just in common
24 first-aid terms, the use of the thoracic seal, would it be used for a sucking chest wound?

25 **CPL. DUANE IVANY:** Yes.

26 **COMMISSIONER FITCH:** That's what you would ---

27 **CPL. DUANE IVANY:** Yes.

28 **COMMISSIONER FITCH:** Yeah. And from your experience, would

1 a sucking chest wound make soft noises of air escaping from the lungs.

2 **CPL. DUANE IVANY:** It could. There could be a build up of air
3 that is escaping through those holes. A lot of times what occurs is, depending on the
4 initial positioning on the person's body when the bullet rounds impact them, those layers
5 of tissue don't stay in that alignment, they shift. So if I'm running and I get hit, when I go
6 back, those layers have not lined up. So a lot of times, what can occur is that air can
7 escape from the lung in between those layers, and, basically, you may hear air
8 escaping from those layers. It is possibly that it could come from those wounds outside
9 of the seal.

10 **COMMISSIONER FITCH:** And just to clarify, you have no
11 recollection of applying the thoracic seal, nor do you recall one being applied by your
12 partner, Cst. Mahar?

13 **CPL. DUANE IVANY:** I don't specifically recall. In conversation
14 with him after learning that one was identified, we do believe that it could have been one
15 of us, if not, Cst. Mahar. It is a automatic response. It's one of the first items that as
16 soon as you open your kit you have immediately access. And by applying that sooner
17 than later, you are preventing problems that you have to deal with later. So prior to
18 assessing whether the person requires any other inventions, applying that seal prevents
19 you from having to keep a gloved hand over that hole the entire time. So basically,
20 putting it on earlier than later gives you a third set of hands.

21 **COMMISSIONER FITCH:** Thank you very much. I have no further
22 questions.

23 **COMMISSIONER MacDONALD:** Thank you very much, Cpl.
24 Ivany, for appearing today, and for assisting us with our work.

25 **CPL. DUANE IVANY:** Thank you.

26 **COMMISSIONER MacDONALD:** Thank you. And you are -- no
27 need for you to stay, Corporal, you're free to go.

28 **CPL. DUANE IVANY:** Thank you.

1 **COMMISSIONER STANTON:** Thanks to all the witnesses we
2 heard from today, Csts. Brown, Melanson, and Fahie, and Cpl. Ivany, who've all helped
3 us build our understanding of what happened. And thanks to Participants, and
4 Participant Counsel, and Commission Counsel, for helping us hear from these
5 witnesses. It's certainly been difficult subject matter today and we do acknowledge that.

6 This concludes public proceedings for this week. Next week during
7 proceedings, we anticipate sharing more Foundational Documents, hearing from some
8 additional witnesses and another round table, with a focus on issues related to public
9 alerting. Together, we continue to address the issues that are in the Commission's
10 mandate. This week, the Commission did share another Foundational Document and
11 related source materials, continuing to build our understanding of what happened.
12 There are now 15 Foundational Documents and over 1,000 source materials available
13 for you to read and review and more to come. We've heard from many witnesses and
14 with more to come in the weeks ahead, including senior RCMP officers. We've shared
15 an initial eight commissioned reports, which have been prepared by independent writers
16 and researchers to analyze issues relevant to our mandate, looking at laws, policies,
17 academic research and lessons learned from other mass casualties. We've also heard
18 the first of what will be a number of round tables and small group sessions, allowing
19 people with relevant or related experience and perspectives the time and space to talk
20 about key issues in a non-adversarial setting.

21 A reminder that you can read more about the steps to come in the
22 Commission's Interim Report, which is available on our website. Given our work is
23 ongoing, the interim report does not include findings and recommendations. You can
24 read the Foundational Documents, source materials, commissioned reports, interim
25 report and access the proceedings webcast archive on the website.

26 As we continue to investigate what happened and explore how and
27 why it happened, we want to make sure we've gathered input from all possible sources,
28 including members of the public who have experience on the related issues on which

1 we're focussing. This week on our website, we've published information about our
2 public submissions process, which is an invitation for you to share perspectives and
3 help inform the recommendations that we will make in our final report. The Commission
4 looks forward to reading your written submissions and any additional information you'd
5 like to include, such as supporting research articles. Public submissions will be
6 accepted through the summer. As you think about your submissions, we encourage
7 you to review the Commission's mandate, the list of commissioned reports, and
8 continue to engage in public proceedings to inform your submissions.

9 A reminder there is more to come, including hearing from more
10 witnesses, more Foundational Documents, learning from commissioned reports, round
11 tables and small group sessions.

12 Thank you, everyone, and we'll see you again when public resume
13 -- public proceedings resume next Tuesday. Thank you.

14 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
15 proceedings are adjourned until May the 10th, 2022, at 9:30 a.m.

16 --- Upon adjourning at 6:28 p.m.

17 **C E R T I F I C A T I O N**

18
19 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
20 pages to be an accurate transcription of my notes/records to the best of my skill and
21 ability, and I so swear.

22

23 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes
24 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
25 capacités, et je le jure.

26

27



28 Sandrine Marineau-Lupien