

## Public Hearing

## Audience publique

### Commissioners / Commissaires

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

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

Dr. Kim Stanton

### VOLUME 23

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**II**  
**Appearances / Comparutions**

Mr. Roger Burrill

Commission Counsel /  
Conseiller de la commission

Mr. Robert Pineo

Counsel / Conseiller

Ms. Tara Miller

Counsel / Conseillère

Mr. Joshua Bryson

Counsel / Conseiller

**III**  
**Table of Content / Table des matières**

	<b>PAGE</b>
<b>INTRODUCTION OF FOUNDATIONAL DOCUMENT: RCMP EMERGENCY RESPONSE TEAM (ERT)</b>	5
Presentation by Mr. Roger Burrill	5
<b>CPL. TRENT MILTON, Sworn</b>	13
<b>CPL. TIM MILLS, Affirmed</b>	14
Examination in-Chief by Mr. Roger Burrill	14
Cross-Examination by Mr. Robert Pineo	100
Cross-Examination by Ms. Tara Miller	121
Cross-Examination by Mr. Joshua Bryson	139

**IV**  
**Exhibit List / Liste des pièces**

<b>No</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1370	Foundational Document entitled, "RCMP Emergency Response Team (ERT)"	6

Halifax, Nova Scotia

--- Upon commencing on Monday, May 16, 2022 at 9:32 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'gma'gi, the ancestral and unceded territory of the Mi'kmaq.

We start 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.

Through these proceedings and our ongoing work, we continue to make progress examining both what happened and exploring how and why it happened. So far, the Commission has shared 16 Foundational Documents and over 1,000 supporting source materials with the public, all of which is available on our website and all of which helped to piece together our current understanding of what happened.

Indeed, the first 12 Foundational Documents provide a detailed account of events at all critical scenes involved in the 13 hours of the mass casualty.

Through our investigations so far, we have spoken to over 200 witnesses and we have heard from another 21 witnesses during public proceedings, with more to come this week and in the weeks ahead. As we have said repeatedly, this will include hearing from senior RCMP officers.

At the same time we are looking into what happened, we are also exploring how and why things happened as they did. This means that we need to look at the systems and structures behind the events and actions.

For example, communications with the public, including the

1 appropriate use of alerting uses, are related issues in our mandate. That is why, in  
2 proceedings last week, we focused on how public alerting during emergencies work  
3 here in Nova Scotia, across Canada and beyond, what are the best practices out there  
4 and how it can be done better in the future.

5 In recent weeks, we have also spent time during proceedings  
6 examining issues around access to police paraphernalia and firearms. Again, this is to  
7 help us understand issues that are directly connected to the mass casualty and required  
8 of us by our mandate.

9 In order to deliver strong, implemental recommendations at the end  
10 of our work, both we as Commissioners and you, the public, need to understand how  
11 things work and how they can be improved upon. What we learn during proceedings  
12 will form part of conversations to come about potential recommendations and ultimately  
13 feed into the findings and recommendations we will share in our final report.

14 To fulfil our mandate, it is important that all of us get to hear  
15 information about the mass casualty. This includes hearing from witnesses during our  
16 proceedings.

17 Some witnesses may have concerns. These concerns may pertain  
18 to their wellness, and that could require accommodation so that they can provide  
19 meaningful testimony. For this reason, subpoenaed witnesses may make a request for  
20 special arrangements to facilitate their testimony.

21 Rule 43 of the *Commissions Rules of Practice and Procedure*  
22 govern the process for requesting accommodations. Anyone who is subpoenaed to  
23 appear as a witness, including civilians and including first responders, can apply for  
24 accommodations. Accommodations may include taking breaks during testimony or  
25 asking for a support person to accompany a witness or providing testimony by closed-  
26 circuit TV. Accommodations must not prevent the Commission from gathering  
27 necessary information.

28 We consider these accommodation requests to ensure that we can

1 hear from everyone we need to hear from in a way that is constructive and respectful.

2 Remember that the Commission is not a trial. It is a public inquiry.

3 Therefore, as with all public inquiries, we cannot make findings of civil or criminal liability  
4 or award damages.

5 We are bringing many different perspectives and experiences to the  
6 table and using all of our power and flexibility to learn the lessons we can and to share  
7 them with the public. While we consider requests for accommodations, it is important to  
8 note that they are not automatically approved. We retain ultimate discretion as to  
9 whether, and to what extent, such requests will be accommodated.

10 Witness accommodation requests may involve sensitive personal  
11 health information. While specific individual private information will not be shared with  
12 the public or the media, the content of all witness testimony will be shared.

13 You can find more information about accommodations in Rule 43 of  
14 the *Commission's Rules of Practice and Procedure* and on our FAQ page, both  
15 available on our website.

16 Thank you.

17 Commissioner MacDonald.

18 **COMMISSIONER MacDONALD:** As we continue our work, we will  
19 examine and hear more difficult information. For those of you here in person,  
20 remember we have team members and resources on site to provide support if you need  
21 it as well as additional support services listed on our website available to everyone to  
22 access.

23 We're here to learn. We want to find out what can be done to help  
24 prevent something like the mass casualty from ever happening again.

25 As a public inquiry, we need to do this work together, together with  
26 many people, including the Participants, witnesses, experts, community members and  
27 with you, the public. While we may not always agree with each other on every point, all  
28 of us agree on the value of working together to make our communities safer. It is

1 important that all of us approach our work together in a way that is respectful and  
2 humane.

3 Today, Commission Counsel will present the Foundational  
4 Document about the actions of the RCMP's Emergency Response Team as it operated  
5 during the mass casualty. This is another Foundational Document that brings together  
6 information we have gathered about what happened during the mass casualty.

7 We will then hear later today from retired Corporal Tim Mills and  
8 from Corporal Trent Milton, who will speak as part of a witness panel about their actions  
9 and observations as part of the Emergency Response Team on April 18th and 19th,  
10 2020.

11 As you will have seen in our proceedings to date, Commission  
12 Counsel will begin by asking the witness an initial set of questions. Following that,  
13 Commission Counsel and Participant Counsel meet to determine if there are any  
14 additional questions to be asked, and who will ask them.

15 I will now ask Commission Counsel, Mr. Roger Burrill, Mr. Burrill, to  
16 begin today's presentation.

17 Thank you.

18 **MR. ROGER BURRILL:** Commissioners, Participants, Nova  
19 Scotians, Canadians and all those who have been impacted by the mass casualty of  
20 April 18th-19th, 2020, before I get into the introduction of the Foundational Document  
21 that we're going to speak about today, I have been instructed to attend to some  
22 housekeeping matters.

23 I've been not usually entrusted with such weighty material, but I  
24 have been given a script to provide some clarity for you with respect to some exhibit  
25 issues, so I'm going to read that script to ensure that there's no mess-up. It says as  
26 follows.

27 One piece of housekeeping from last week, Roger. COMM No.  
28 0057352 entitled "Broadcast Immediate Alerting Statistics by Jurisdiction", was marked



1 as Exhibit P-001370. However, that document had been previously marked as Exhibit  
2 P-001346. Therefore, Exhibit No. P-001370 can be used for the next document to be  
3 exhibited in that order.

4 So that matter has now been attended to, the procedural issues,  
5 which often elude me. And now let's get to the substantive issues that we're here about  
6 today.

7 **--- INTRODUCTION OF FOUNDATIONAL DOCUMENT RCMP EMERGENCY**

8 **RESPONSE TEAM (ERT):**

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

10 **MR. ROGER BURRILL:** Today, and fundamentally importantly, we  
11 will be hearing from two witnesses who were involved in the Emergency Response  
12 Team response on April 18<sup>th</sup> and 19<sup>th</sup>, 2020. They will be supplementing the  
13 Foundational Document that has been prepared and will be tendered momentarily into  
14 evidence.

15 Their evidence is involving the ERT team, the document is entitled  
16 the RCMP Emergency Response Team (ERT); I'm going to call it the ERT Foundational  
17 Document from now on.

18 I'll have a few comments, simply by way of introduction, as to the  
19 Foundational Document that will be tendered soon. As discussed in previous  
20 commentaries, the fundamental information of dates, times, locations, will be well  
21 known to you by now through the introduction of other chronological or narrative  
22 Foundational Documents.

23 This document, as some of the other recent documents, organizes  
24 things thematically, contextually, around the ERT's response and their involvement in  
25 the mass casualty.

26 This ERT Foundational Document examines ERT activity and  
27 decision-making up to and including the Plains Road, Debert Foundational Document.  
28 Then the ERT response is so intricately involved with the Shubenacadie Foundational

1 Document and the Big Stop Foundational Document, in Enfield, that it is taken up  
2 therein.

3 Nonetheless, in an effort to contextualize the information in the  
4 Foundational Document, I'm going to refer to some significant points on the timeline in  
5 an effort to refresh your memory, and everyone else's memory, with respect to points of  
6 significance and areas of significance. So you'll get a high-level introduction by me.  
7 The details, of course, are found in the Foundational Document, and the context will be  
8 laid out more thoroughly through the evidence of the two witnesses that you will be  
9 hearing from.

10 So Madam Registrar, I move that the Foundational Document  
11 entitled the "RCMP Emergency Response Team (ERT)" be marked and tendered as an  
12 exhibit into the proceedings.

13 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 1370.

14 **--- EXHIBIT NO. 1370:**

15 Foundational Document entitled, "RCMP Emergency  
16 Response Team (ERT)"

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

18 And, correspondingly, I move that all supporting documentation  
19 associated therewith be marked and tendered into evidence in these proceedings as  
20 well.

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

22 **MR. ROGER BURRILL:** The subject matter in this Foundational  
23 Document is a summary of information currently available to the Mass Casualty  
24 Commission in relation to the movements, actions, observations of the RCMP  
25 Emergency Response Team from Nova Scotia and, to a lesser extent, from New  
26 Brunswick on April 18<sup>th</sup> and 19<sup>th</sup>.

27 This is the introduction, Commissioners, of that Foundational  
28 Document; I promise you it won't be long. The importance, of course, here under these

1 circumstances is the context, to be provided by the witnesses, but I think there will be a  
2 few slides of importance for people to be reminded with respect to definitions. I know  
3 when you hear that word, "Definition" people step back and say, "Oh no." But it is  
4 necessary for us to be familiar with some of the common terms that have been  
5 discussed here.

6                   There is a tendency, certainly as you get deeper into the  
7 information, for those of who have been exposed to it for so long to take terms for  
8 granted and to give them a life of their own. But we need to be reminded, of course,  
9 that there are definitions that are important for the people of Nova Scotia and Canada to  
10 know.

11                   The first definition is the "Critical Incident Package". This is a term  
12 that you will hear repeatedly, and have heard in the past, with respect to the movement  
13 and activation of law enforcement sources and resources. This term is defined as:

14                                   "A complement of specialized support services  
15                                   designed to be implemented in the event of a critical  
16                                   incident."

17                   And it can include many things, depending on the personnel, the  
18 requests, the circumstances, and the needs of the particular critical incident. We know,  
19 from an exposure to the material, that it can include the Emergency Response Team,  
20 the ERT; it can include the Emergency Medical Response Team, the EMERT; it can  
21 include the Crisis Negotiation Team, the CNT; it can include the Critical Incident  
22 Scribes; it may also include Police Dog Services, PDS; it may include the Underwater  
23 Recovery Team, URT. It can also include the Explosive Disposal Unit; it can include Air  
24 Services; it can include Radio workshop technical support; it can include the tactical  
25 armoured vehicle, the TAV.

26                   So there are many various and sundry resources available to law  
27 enforcement to deal with a critical incident through the Critical Incident Package, as it is  
28 constructed to meet the needs of the incident.

1                   The second definition that I wish to review with you, and we'll get  
2 into a little bit further, obviously, with the witnesses, is the Emergency Response Team  
3 H-Division, the ERT, or the E.R.T.; it's referred generally and often in those different  
4 ways. It is a specially trained tactical team. And that's all I wish, really, to say about  
5 that. And I think it's clear from what you've seen in the materials as to what it means.

6                   It was a support system for operations within H-Division, Nova  
7 Scotia, made up of, at the time, 13 members; five fulltime members, eight part-time  
8 members on call, all 13 fulltime -- excuse me; all 13 members attended to the incident at  
9 Portapique.

10                  We will hear -- or, sorry; you will hear the name Cpl. Tim Mills  
11 spoken about. Cpl. Mills is here today, retired Cpl. Mills. He is the team leader that  
12 responded on April 18<sup>th</sup>, 19<sup>th</sup>.

13                  You'll also hear the name Cst. Trent Milton, now Cpl. Trent Milton.  
14 He was second in charge at that time, and they will be providing you information as to  
15 the ERT team.

16                  J-Division Emergency Response Team is the exact same thing,  
17 based out of New Brunswick. They had a role in this matter. Their role was less  
18 significant than, obviously, the H-Division. They became involved at a request of the  
19 Critical Incident Commander, and this was done in consultation with the H-Division  
20 corporal team lead for the ERT.

21                  Next term of familiarity that you'll need, and you already have, is  
22 EMERT. This will be discussed in the testimony. You've already heard from the  
23 Divisional Coordinator, Cpl. Ivany, so I won't need to get into further discussion, but the  
24 EMERT team is RCMP members' emergency medical and tactical skills team,  
25 permitting medical operations in settings not able to be attended to by civilian medical  
26 services.

27                  Two members of the EMERT team, or the EMERT -- and I will do  
28 that repeatedly; it's ridiculous to say the "ERT team" because it's the ERT. You don't

1 want to say, "The Emergency Response Team team."

2 Two members of the EMERT attended the Portapique Beach Road  
3 at Highway at 12:55 a.m.

4 Further definitions: The Police Dog Services; you'll refer to them as  
5 PDS. You heard about them through the testimony of corporal -- excuse me, Cst.  
6 Hubley, so I, again, won't need to go into any detail, other than to say this also is a  
7 specialized support service team. It is an organized group of specialized support  
8 services, RCMP members, dog handlers and dogs. Cpl. Dion Sutton was a member of  
9 that team, and he arrived at the corner of Portapique Beach Road and Highway 2 by  
10 11:39 p.m. on April 18<sup>th</sup>.

11 So you now have a sense of some of the teams, the support  
12 services available. So in an effort to refresh Nova Scotians, Canadians -- refresh your  
13 memory with respect to what took place with the ERT, I'm going to remind you of some  
14 significant times.

15 Ten forty-five (10:45) or 10:48 a.m., Cpl. Mills is contacted by  
16 Critical Incident Commander, S/Sgt. Jeff West. Now, I say 10:45 or 10:48, the three-  
17 minute differential is perhaps not all that important, other than to say that notes of  
18 different members record that call at a different time. The preponderance of information  
19 that we have been able to review is that it's at 10:48, but that's not entirely consistent  
20 with everyone's notes.

21 I will remind you from the Portapique Foundational Documents  
22 originally presented, that we were unable to locate or isolate the exact location of the  
23 perpetrator at all times. The Foundational Documents that were presented then  
24 indicated that it appeared plausible that the perpetrator had left Portapique at or around  
25 10:45 p.m. That is around the time of the ERT callout, the perpetrator would have left or  
26 was leaving the area where all the carnage had been undertaken.

27 At 10:54 to 10:57, Cpl. Mills, the team leader, initiated the callout  
28 sequence with his team. Most members arrived at the Burnside headquarters to gear

1 up, and they departed thereafter, or as soon as practicable within some of the  
2 information to attend to the scene. Most of the team attended after they formed at the  
3 HQ in Burnside. Some attended directly to the scene on their own, depending where  
4 they were responding from.

5                   So the third marker in the presentation is embarrassingly wrong.  
6 Thousands and thousands of data points and information that have to be put together  
7 and amalgamated. The slide says it's 11:34 to 1:15 a.m. It is, of course, 12:34 to 1:15  
8 a.m.

9                   ERT members arrived at Portapique Beach Road and Highway 2.  
10 There was an initial immediate action team that attended containing Cst Milton, and  
11 they arrived at around 12:34 a.m.

12                   Page -- sorry, paragraph 65 of the Foundational Document will tell  
13 you that it's 12:34. Burrill's mistake for 11:34.

14                   Between 1:18 and 1:30 a.m., the ERT was involved in the  
15 investigation of a Bayshore Road complaint. You will be familiar with that. But the ERT  
16 left the area of Portapique Beach Road and Highway 2 and attended over on the Five  
17 Houses side of the river and attended to a Bayshore Road complaint.

18                   As ERT was preparing to enter Portapique area, that complaint  
19 came in, they were directed to attend.

20                   The Bayshore Road address is on the west side of the river. It is  
21 about 2.7 kilometres away from the point in which they had staged or mustered at that  
22 time.

23                   At 2:02 a.m., the investigation at the Bayshore area wrapped up,  
24 the ERT returned to Portapique, and they were instructed/directed to extract Clinton  
25 Ellison and four general duty members who were, at that stage, sheltering in place at  
26 135 Orchard Beach Drive.

27                   This, you will find out, and if you don't already know from the  
28 documents, or the documents that have been prepared, was not the most easy or the

1 easiest operational task conducted by the ERT. You will hear information with respect  
2 to that.

3 At 2:31 to 2:50, Mr. Ellison and the general duty members were  
4 retrieved and transported to the Portapique Beach Road/Highway 2 intersection. Cpl  
5 Jamieson, Darlene Jamieson, who you've heard from earlier -- heard of earlier,  
6 transported Clinton Ellison to the Great Village Fire Hall. The TAV and ERT members  
7 returned to Orchard Beach Drive, where then observations were made and recorded  
8 with respect to the scene.

9 At 3:23, the ERT reported no sign of the perpetrator and they  
10 responded to a complaint on the Five Houses side of the river again, conducted a door  
11 knock, dog track casting operation.

12 At 4:11, Team Leader Mills then headed back to the Great Village  
13 Fire Hall command post. The ERT returned to the Portapique area to search by  
14 heading to 200 Portapique Beach Road, also known as the cottage.

15 Five twenty-six (5:26) to 5:42, the TAV and ERT members attended  
16 and cleared the residences at 123 Orchard Beach Drive, 135 Orchard Beach Drive.  
17 The materials that you have already reviewed speak to the horrific discoveries that were  
18 made and recorded by the ERT personnel at that time.

19 Six thirty-three (6:33) to 6:42, dispatch and extraction of Lisa  
20 Banfield from the residence on Portapique Crescent. Those materials are known -- or  
21 that information is known to you as well.

22 From 7:15 to 7:40, with the receipt of information from a number of  
23 sources, including Lisa Banfield and the Banfield family in Halifax, the ERT returned to  
24 200 Portapique Beach Road and 136 Orchard Beach Drive and checked burnt vehicles  
25 there for confirmation of what they believed may or may not have been a replica RCMP  
26 vehicle. They made efforts to check vehicles at 136 and 200 Portapique Beach Road  
27 for firearms, for markings, decaling, light bar, and/or a silent patrolman.

28 At 7:25, ERT members responded to the complaint of a suspicious

1 male on Bayview Court, the southernmost end of Portapique area.

2 At 9:04, the formal -- I say formal, perhaps that's a little bit strong,  
3 but the organized beginning of a coordinated evacuation effort was undertaken in  
4 Portapique. ERT moved from door to door with instructions to attend or have people  
5 attend who were evacuated to the Onslow Belmont Fire Hall.

6 At 9:07, the Blair dog was evacuated by Cst Hubley to Portapique  
7 Beach Road and Number 2. And as we go through the facts, it has become amazing to  
8 me how important that was for everybody involved.

9 At 9:26, Richard Ellison was reached and escorted out of the area.  
10 The evacuation procedure did not reach Cobequid Court, when at 9:42, there was a call  
11 with respect to the incident in Wentworth.

12 Nine twenty-four (9:24), the J Division ERT attended and arrived at  
13 the command post, the first of those members.

14 At 9:42:30, and you may have heard me say this before, a  
15 fundamentally important time, the dispatch to Wentworth, mobilizing the ERT took  
16 place. Resources were then moved from Portapique north towards Wentworth.

17 At 9:50, the Glenholme dispatch takes place. ERT resources were  
18 then diverted to the Glenholme residence.

19 At 10:02, ERT was on the scene at Glenholme at the residence  
20 therein. And you will recall the audio that we would have heard with respect to Cpl Mills  
21 indicating there was "No P.C. No P.C." located there.

22 Ten oh eight (10:08), the Plains Road dispatch and the dispersal of  
23 ERT resources in a pursuit of the perpetrator at that time.

24 Ten fourteen (10:14), ERT members arrived at Plains Road, made  
25 observations, and quickly dispersed in pursuit of the perpetrator.

26 Ten fifty-seven (10:57), I will remind you ERT members arrived at  
27 the Shubenacadie Cloverleaf scene. They attended to Cst Stevenson. They obtained  
28 information very quickly from civilians that led them to head south on Highway 224,



1 once again in pursuit of the perpetrator.

2 At 11:26, it's common knowledge that ERT was involved or  
3 members of the ERT were involved in the shooting of the perpetrator at the Big Stop.

4 At 11:36, members were involved in the extraction of the  
5 perpetrator from the vehicle where observations were made.

6 Now, Commissioners, this is a brief review of the timeline with  
7 respect to the ERT's involvement. And the ERT team members of significance are here  
8 today. And I would propose to call them.

9 I understand that it's going to take a few minutes to shift the scene  
10 a little bit, but if we could, the ERT members are here and available and I would request  
11 that they be called.

12 **COMMISSIONER MacDONALD:** Thank you so much, Mr. Burrill,  
13 and we'll stay right where we are and allow the -- for the change to be made and we'll  
14 hear from you momentarily, Mr. ---

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

16 **COMMISSIONER MacDONALD:** --- Mr. Burrill.

17 (SHORT PAUSE)

18 **COMMISSIONER MacDONALD:** Thank you. Mr. Burrill?

19 **MR. ROGER BURRILL:** Thank you. I would call retired Cpl Tim  
20 Mills and Cpl Trent Milton, please.

21 So you're going to remain standing for me, Cpl Mills. You are Cpl  
22 Tim Mills?

23 **CPL. TIM MILLS:** Yes, I am.

24 **MR. ROGER BURRILL:** And your last name is spelled M-I-L-L-S?

25 **CPL. TIM MILLS:** Yes, it is.

26 **MR. ROGER BURRILL:** Madam Registrar, Corporal Mills has  
27 indicated a desire to be sworn, if you please.

28 **--- CPL. TRENT MILTON, Sworn**

1 **MR. ROGER BURRILL:** And you are Corporal Trent Milton?

2 **CPL. TRENT MILTON:** That's correct.

3 **MR. ROGER BURRILL:** M-I-L-T-O-N?

4 **CPL. TRENT MILTON:** That's right.

5 **MR. ROGER BURRILL:** And you have expressed a desire to be  
6 confirmed -- affirmed, if I'm ---

7 **CPL. TRENT MILTON:** Affirmed, correct.

8 **MR. ROGER BURRILL:** --- correct?

9 **CPL. TRENT MILTON:** Yes.

10 **MR. ROGER BURRILL:** Yeah.

11 **--- CPL. TRENT MILTON, Affirmed:**

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

13 **MR. ROGER BURRILL:** So gentlemen, I am going to ask a series  
14 of questions with respect to your involvement in the ERT incident on April 18th, 19th,  
15 and beyond, and perhaps even before. I would encourage discussion with me amongst  
16 yourself, Commissioners, otherwise, but I would hope that we'll be able to get a number  
17 of details presented for the public of Nova Scotia and for the Participants with respect to  
18 your involvement today. Okay?

19 **CPL. TRENT MILTON:** Okay.

20 **MR. ROGER BURRILL:** All right. First, I'm going to introduce and  
21 speak to Corporal Tim Mills with respect to your CV and your background; all right?  
22 You are retired Corporal Tim Mills; that's correct?

23 **CPL. TIM MILLS:** Correct.

24 **MR. ROGER BURRILL:** And you retired in July of 2021; am I right  
25 there?

26 **CPL. TIM MILLS:** Yes.

27 **MR. ROGER BURRILL:** You had 29 years service with the  
28 RCMP?

1 **CPL. TIM MILLS:** Yes.

2 **MR. ROGER BURRILL:** And you graduated Depo in 1992?

3 **CPL. TIM MILLS:** Yes.

4 **MR. ROGER BURRILL:** 1993 to 1998, you were a general duty  
5 member at the Musquodoboit Harbour detachment in Halifax District RCMP?

6 **CPL. TIM MILLS:** That's correct.

7 **MR. ROGER BURRILL:** 1998 to 2003, you were a general duty  
8 member in the Cole Harbour detachment of Halifax District?

9 **CPL. TIM MILLS:** Yes.

10 **MR. ROGER BURRILL:** And in 2001 to 2003, you spent about two  
11 years in the GIS or General Investigative Section of the RCMP; is that right?

12 **CPL. TIM MILLS:** Yes.

13 **MR. ROGER BURRILL:** In 2000, I understand that you attended  
14 the ERT course in Ottawa, the Emergency Response Team course?

15 **CPL. TIM MILLS:** That's correct.

16 **MR. ROGER BURRILL:** We'll talk a little bit later about what that is  
17 in terms of training, but in 2003, you joined and were involved in the Halifax Integrated  
18 Drug Section?

19 **CPL. TIM MILLS:** Yes.

20 **MR. ROGER BURRILL:** That's an integrated drug section with  
21 HRP and the RCMP in H-Div; is that right?

22 **CPL. TIM MILLS:** Yeah.

23 **MR. ROGER BURRILL:** 2006, involved in the Major Crime Unit of  
24 that integrated section as well?

25 **CPL. TIM MILLS:** Yes.

26 **MR. ROGER BURRILL:** 2007, you received a promotion to  
27 corporal; am I correct?

28 **CPL. TIM MILLS:** Yes.

1                   **MR. ROGER BURRILL:** 2007 to 2012, you were at the Cole  
2 Harbour detachment as a shift supervisor as a corporal; is that right?

3                   **CPL. TIM MILLS:** That's correct.

4                   **MR. ROGER BURRILL:** 2012 to 2017, you were then transferred  
5 to the Enfield detachment and acted as a shift supervisor as well?

6                   **CPL. TIM MILLS:** Correct.

7                   **MR. ROGER BURRILL:** 2015, I understand that you became a  
8 part-time member of the Emergency Response Team with H-Div; is that right? 2015?

9                   **CPL. TIM MILLS:** No.

10                  **MR. ROGER BURRILL:** No? Help me out, please.

11                  **CPL. TIM MILLS:** Full-time. You said part-time; I was full-time.

12                  **MR. ROGER BURRILL:** Forgive me, full-time. And that was  
13 2015?

14                  **CPL. TIM MILLS:** Yes, it would have been 2015 ---

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

16                  **CPL. TIM MILLS:** --- I believe.

17                  **MR. ROGER BURRILL:** Am I right? On December of 2017, you  
18 became the ERT team leader?

19                  **CPL. TIM MILLS:** Okay. We got to back up on dates here.

20                  **MR. ROGER BURRILL:** I was under the impression that you were  
21 a part-time member at some time of the ERT team?

22                  **CPL. TIM MILLS:** From 2000.

23                  **MR. ROGER BURRILL:** Okay.

24                  **CPL. TIM MILLS:** When I -- when I come off the course in Ottawa  
25 back in 2000, I was automatically on the team.

26                  **MR. ROGER BURRILL:** Okay. And when did you become a full-  
27 time member?

28                  **CPL. TIM MILLS:** That would have been approximately two years

1 before, so we'll say 2017.

2 **MR. ROGER BURRILL:** Okay. And then you became ERT team  
3 leader in?

4 **CPL. TIM MILLS:** December 2019.

5 **MR. ROGER BURRILL:** Okay. So I misled you. Sorry about that.  
6 We've got that straightened out. You've been the team leader since December of  
7 2019?

8 **CPL. TIM MILLS:** Yes.

9 **MR. ROGER BURRILL:** Okay.

10 And Corporal Trent Milton, at the time you were -- that is in April of  
11 2020, you were Constable Trent Milton; correct?

12 **CPL. TRENT MILTON:** That's correct.

13 **MR. ROGER BURRILL:** I understand you received this promotion  
14 within the past week or so; am I right?

15 **CPL. TRENT MILTON:** No, in November of last year.

16 **MR. ROGER BURRILL:** Okay. I'm having a hard time here.  
17 Thank you very much. You have 19 years service with the RCMP?

18 **CPL. TRENT MILTON:** That's correct.

19 **MR. ROGER BURRILL:** And in 2003, you were assigned to  
20 general duty at the Tantallon detachment?

21 **CPL. TRENT MILTON:** Correct.

22 **MR. ROGER BURRILL:** 2007, you were involved in the Street  
23 Crime Unit in the Halifax District of the RCMP?

24 **CPL. TRENT MILTON:** Yes.

25 **MR. ROGER BURRILL:** 2010, you were assigned to the Criminal  
26 Investigation Division, also Major Crime and GIS, in the Halifax District; is that right?

27 **CPL. TRENT MILTON:** That's right.

28 **MR. ROGER BURRILL:** That's the Integrated Unit that was

1 spoken of earlier by ---

2 **CPL. TRENT MILTON:** Yes.

3 **MR. ROGER BURRILL:** --- Corporal Mills? Yeah. 2005, you  
4 began apprenticing or striking with the ERT ---

5 **CPL. TRENT MILTON:** That's right.

6 **MR. ROGER BURRILL:** --- the response team; is that right?

7 **CPL. TRENT MILTON:** Yes.

8 **MR. ROGER BURRILL:** 2006, you attended this ERT course in  
9 Ottawa that we spoke brief with to Corporal Mills?

10 **CPL. TRENT MILTON:** Correct.

11 **MR. ROGER BURRILL:** And you became a full-time member of  
12 ERT, please, when?

13 **CPL. TRENT MILTON:** In 2015. So I was a part-time member  
14 from 2006 to 2015.

15 **MR. ROGER BURRILL:** Gotcha. Okay. And I understand that  
16 you now take up the position of team leader?

17 **CPL. TRENT MILTON:** I'm one of the team leaders, yes.

18 **MR. ROGER BURRILL:** One of the team leaders. And that was  
19 since November of 2021?

20 **CPL. TRENT MILTON:** Yes, in a full-time capacity. I had been  
21 acting in the role for a year-and-a-half prior to that.

22 **MR. ROGER BURRILL:** Okay, thank you.

23 Gentlemen, have you seen the Foundational Document that has  
24 just been tendered, entitled the Emergency Response Team?

25 **CPL. TRENT MILTON:** Yes.

26 **CPL. TIM MILLS:** Yes.

27 **MR. ROGER BURRILL:** Yes. And is there anything glaring in  
28 terms of information with respect to any difficulties you may have with that document?

1 **CPL. TRENT MILTON:** Nothing that stands out right now, no.

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

3 **CPL. TIM MILLS:** I had pointed out one little thing at the start, but  
4 it was explained further on. So...

5 **MR. ROGER BURRILL:** Okay. Are you comfortable with the  
6 contents of this?

7 **CPL. TIM MILLS:** Yes, I'm comfortable ---

8 **CPL. TRENT MILTON:** Yes.

9 **CPL. TIM MILLS:** --- with the contents.

10 **MR. ROGER BURRILL:** All right. Very good. Then let's start right  
11 at the start, please. I, in my introduction, described ERT as being a specially-trained  
12 tactical team. I'm sure it's much more than that. Can you please provide information for  
13 Nova Scotians about what the ERT is, generally?

14 **CPL. TIM MILLS:** Yeah. In layman's terms, if you watch TV, it's  
15 SWAT. In other -- every organisation would call it a different thing. There's ETF in  
16 Toronto, there is TRU in OPP. So it's basically a SWAT team, they just have different  
17 names depending on the organisation.

18 **MR. ROGER BURRILL:** Okay. And what do they do?

19 **CPL. TIM MILLS:** We attend to armed and barricaded persons,  
20 hostages, high risk search warrants. Anytime there is a elevated threat with a weapon,  
21 that is more out of the hands of general duty members, then we'll call ERT.

22 **MR. ROGER BURRILL:** Okay. Corporal Milton?

23 **CPL. TRENT MILTON:** So yeah, just to add to that. We've got a  
24 very broad profile of duties that we take on. As Tim said, we're a group of highly  
25 trained, specialised in high risk areas. And so like he said, we do armed and barricaded  
26 persons, hostage takings, and what we would term, like tubular assaults, so aircraft,  
27 busses, planes, trains, things of that nature, marine intervention. We also have  
28 specialty profiles within our unit, such as snipers, breachers, repel masters, a very

1 broad area of skills within the team.

2 **MR. ROGER BURRILL:** Okay. So in light of the fact that there are  
3 some specialty skills involved here, are you able to comment, gentlemen, about  
4 specialty or training that you -- specialty training that you would have received in order  
5 to be an ERT member or would generally be received.

6 **CPL. TIM MILLS:** I'll talk to when I went through in 2000. It was a  
7 five week program in Ottawa, Ontario.

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

9 **CPL. TIM MILLS:** It was extensive. A lot of shooting, a lot of bush  
10 tracking, a lot of interior combat or room-clearing tactics. Some VIP, high risk vehicle  
11 takedown, you know, repelling. So it was an introduction to all of these different skills  
12 we learned. I'll let Trent continue on for what goes on nowadays.

13 **CPL. TRENT MILTON:** Sure. So when I went through in 2006,  
14 very similar to Tim, at that point in time, it was a six-week program. Since then it's  
15 evolved. It's an eight, probably going to be moving to a nine to ten-week course. Very  
16 mentally and physically draining course for our candidates. It's broken up into blocks.  
17 So there's a firearms block, where our members are trained specifically on firearms that  
18 we use within the ERT; there's then a rural block, which specifically deals with high risk  
19 bush tracks in a rural surveillance, cohort surveillance, things of that nature; and then  
20 moves into what we would call a CQC, or close quarter combat, so anything to do with  
21 clearing of buildings, residences, things of that nature, and how do to do that safely.

22 **MR. ROGER BURRILL:** Okay. That's what you take originally in  
23 the extended course. What about continuing education and/or ongoing certification for  
24 your membership? Are you able to comment on that?

25 **CPL. TIM MILLS:** Yeah, I'll start up and let Trent continue. So  
26 when I first joined, it was two days a month. You would -- everyone was part-time back  
27 then. You would get two days a month where you would go train, and one day would be  
28 dedicated to firearms, the second day would be dedicated to room clearing or bush



1 tracking. It got extended by a day early on where we went to three days, and then by  
2 the end of it it was five days. So one week a month we would train because there was  
3 more and more proficiencies you had to be good at.

4 As Trent went on with all the skill sets, it was being recognized that  
5 two, three days doesn't cover it, so with the five-day training we add one or two days  
6 with firearms, whether it's pistol or our carbine, our long weapons. Snipers will have a  
7 day.

8 We'll do one full day of close-quarter battle, room-clearing  
9 techniques. We'll do one day of bush training. We'll get into IARD, Immediate Action  
10 Rapid Deployment, type stuff. We'll get into VIP. We'll get into high-risk vehicle  
11 takedowns. And you touch on as much as you can.

12 You also, with the marine, tubular assaults, so throughout the year  
13 you're trying to schedule in as much as you can.

14 **MR. ROGER BURRILL:** Corporal Miller?

15 **CPL. TRENT MILTON:** Yeah, so we've got a very robust and busy  
16 training schedule, as Tim alluded to.

17 Over the last number of years, we've really worked hard to expand  
18 on the number of training hours that we have. There's certain mandated training hours  
19 that we must fulfil as per national policy and, like Tim said, that's 40 hours per month  
20 that's mandated on just our core training skills, so that's firearms proficiency, CQC, rural  
21 tracking, VIP, things like that that are just our basic core mandated.

22 And then to build on that, we have monthly training skills that are  
23 also mandated for each of our specialty profiles, so our snipers are mandated to train  
24 monthly, our breachers are mandated to train monthly. Our rappel masters are  
25 mandated to train two sessions every six months, so four times annually.

26 We're mandated to train a specific number of hours in what we  
27 would call explosive forced entry, so with our explosive disposal unit. We're mandated  
28 to train annually in tubular assault, so like I had mentioned before, for aircraft

1 intervention, and that's three days annually that we dedicate to that.

2 Marine intervention, same thing. We're mandated annually, and it's  
3 actually ongoing right now that we're doing that training. Three days annually.

4 And these are just our minimum mandated hours. That doesn't  
5 mean that that's all that we're training. As a full-time unit, we're training much more  
6 than that. We're training on a daily basis.

7 **MR. ROGER BURRILL:** So in April of 2020, would there be a  
8 person or a group of persons in charge of training for ERT?

9 **CPL. TIM MILLS:** Yes. At the time right before I became the  
10 Acting Team Leader, I was in charge of training. As soon as I became Team Leader, I  
11 had Ed Clarke -- Constable Ed Clarke, he took over as the Training NCO organizing the  
12 training.

13 But it was always as a team, you would sit down the full-time guys  
14 and discuss with Ed, all right, this is what's coming up this month, this is what we need  
15 to cover and he would task out, "Can you book this venue, can you, you know, order  
16 these two-car wrecks?" if we're going to do -- work on cars that day for extractions.

17 So we each had tasks to do and we would kind -- it would be  
18 collaborative trying to schedule these days.

19 **MR. ROGER BURRILL:** Okay. From your point of view, are you  
20 able to comment on the quality of the training that was engaged at H Div for ERT?

21 **CPL. TIM MILLS:** I know when I first joined 21 years ago, 22 years  
22 ago, the two days a month definitely wasn't enough. By the end of it when we got into  
23 the five days, we were covering quite a bit of our skill sets, but it still wasn't enough  
24 because of the amount we had.

25 It was adequate, but it wasn't enough training time.

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

27 **CPL. TIM MILLS:** Yeah.

28 **MR. ROGER BURRILL:** Corporal Milton?

1                   **CPL. TRENT MILTON:** Part of the issue at that time is we were a  
2 hybrid team of full-time and part-time members, so part-time members, it's just that.  
3 They're a part-time of ERT. They have substantive duties at their home unit, so  
4 whether they're on a detachment somewhere, whether they're in a specialized unit, they  
5 have responsibilities outside of ERT that they also had to fulfil, so to try to maintain the  
6 training standards is very difficult just for operational call-outs and training.

7                   The members were away from their home units 60 to 70 percent of  
8 the time as it was, so to try to increase those training standards was very difficult.

9                   **MR. ROGER BURRILL:** Okay. I'm going to ask you to comment  
10 specifically on active shooter training in April of 2020.

11                  Corporal Mills, do you have anything you can tell us about that?

12                  **CPL. TIM MILLS:** So active shooter training, we first would have  
13 been introduced with IARD on general duty clearing schools, and that would have come  
14 from the Columbine in America. So that trickled up through and then we would have  
15 had that long ago.

16                  And ERT expanded on that. A lot of our close-quarter combat type  
17 clearing is similar, but we -- we would have to adapt a bit, so we would do our own  
18 IARD training. The bush tracking was similar to IARD training outside.

19                  We had never done like urban setting IARD training until probably, I  
20 would say, the last five years we started getting into urban IARD training.

21                  **MR. ROGER BURRILL:** Okay. Corporal Milton, active shooter  
22 training?

23                  **CPL. TRENT MILTON:** Yeah. So like Tim referred to it as IARD,  
24 Immediate Action Rapid Deployment is what the term stands for. And that's if there's an  
25 active threat, we go to the threat. And that's -- that's pushed out to all of our frontline  
26 members, but it's also something that we train highly within ERT. Our tactics are just a  
27 little different than -- than what general duty would be.

28                  **MR. ROGER BURRILL:** Okay. Are you able to make any

1 comment with respect to the fact that you were actively engaged on April 18th and 19th,  
2 2020? Are you able to make any comment with respect to the quality of your training to  
3 respond to that particular factual situation?

4 **CPL. TIM MILLS:** I can comment where everything we -- we have  
5 done, the bush tracking, the interior combat, you know, vehicle extractions, everything  
6 would have come into play that day because it was so broad scoped of a call.

7 I can also comment that you could never write a scenario to match  
8 this call.

9 **MR. ROGER BURRILL:** What do you mean by that, "write a  
10 scenario"?

11 **CPL. TIM MILLS:** You couldn't write a training ---

12 **CPL. TRENT MILTON:** No one would have ever imagined those  
13 events ---

14 **CPL. TIM MILLS:** Yeah.

15 **CPL. TRENT MILTON:** --- to happen.

16 **CPL. TIM MILLS:** You couldn't imagine -- you wouldn't have the  
17 resources or the time to put in to write up a training program or a training skit, we'll say,  
18 so scenario/skit, to match this call, but what I will also say is, it's not a good thing, but  
19 having the advantage of being in Moncton, the both of us and some of our team, and  
20 having to live through that and work through that Moncton call, was a good exposure  
21 and gave us a very good idea, you know, of how to deal with something like that.

22 **CPL. TRENT MILTON:** Part of what we do in our training is  
23 something that I'll refer to as a commission transmission, so when -- when we're faced  
24 with one sets of circumstances, whether it be an active threat or a non-active threat and,  
25 all of a sudden, something changes, we very quickly transition into what we're faced  
26 with. We deal with the intelligence that we have, the priorities that we have, and we --  
27 we deal with that.

28 **MR. ROGER BURRILL:** Okay. I had asked Corporal Mills with

1 respect to whether there was adequate training to meet this particular factual scenario.

2 Do you have any comment on that, Corporal Milton?

3 **CPL. TRENT MILTON:** I think we were trained to deal with active  
4 shooter scenarios. I think we were trained to deal with more of a stationary target, not  
5 necessarily the moving target that we faced on the 19th.

6 **MR. ROGER BURRILL:** Can you tell me ---

7 **CPL TRENT MILLS:** If I could add something here.

8 **MR. ROGER BURRILL:** Oh, absolutely. Yes, please.

9 **CPL TRENT MILLS:** Within a week after Portapique, I had a  
10 phone call from an LAPD sheriff SWAT tactical team leader. And he spoke with me and  
11 he said his -- he's part of the NTOA, National Tactical Officers Association. He gives  
12 several conferences, training throughout the world.

13 He is tasked with flying around the world and meeting with tactical  
14 officers for these what he called one-off calls, and this is definitely a one-off call. This  
15 isn't your run-of-the-mill ERT call, SWAT call or anything. He recognized it as someone  
16 who had 20-some years in LA County SWAT, and he recognized this is a one-off.

17 **MR. ROGER BURRILL:** And did you agree with that?

18 **CPL. TIM MILLS:** Hundred percent, this is a one-off.

19 **MR. ROGER BURRILL:** Can you tell me, please, that since the  
20 Portapique casualties and the casualties of April 18th and 19th, has training adapted or  
21 changed in the ERT setting to deal with these types of issues? Are you able to  
22 comment on that, Corporal Milton?

23 **CPL. TRENT MILTON:** I would say that our training is -- I wouldn't  
24 say more intense, but certainly our training schedule now is -- is filled more as far as the  
25 amount that we're training. We have more bodies in our full-time unit now, so it allows  
26 us to focus more on our training and build more.

27 **MR. ROGER BURRILL:** Okay. That leads me, then, to ask you  
28 questions about April of 2020. There --- I understand there were 13 members at the

1 time?

2 **CPL. TIM MILLS:** Yes.

3 **MR. ROGER BURRILL:** And was it five full-time members?

4 **CPL. TIM MILLS:** Yes.

5 **MR. ROGER BURRILL:** Okay. And I think you touched on this  
6 briefly, what was the difference at that time between full-time and part-time?

7 **CPL. TIM MILLS:** Full-time members worked Monday to Friday out  
8 of headquarters, right where our ERT locker and equipment is located, and our job was  
9 to facilitate training, plan training, kit upkeep, maintenance of the vehicles, booking  
10 venues, the admin side of it. At the time, we had a part-time admin assistant, I believe,  
11 so a lot of the admin work that should have been done by the admin assistant, the ERT  
12 guys, you know, had to type up reports, or do budgets, or stuff like that.

13 **MR. ROGER BURRILL:** So if you were a part-time member in  
14 April of 2020, you had general duty responsibilities or other responsibilities beyond the  
15 ERT team as well?

16 **CPL. TIM MILLS:** Yes, so the eight part-time members, they  
17 belong to a detachment. So they would work three weeks a month at their home unit ---

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

19 **CPL. TIM MILLS:** --- unless they were called out for ERT, which  
20 they were a lot. The one day a month that they would come train with us is when they  
21 were with ERT. But for three weeks a month, they would be -- and they were, you  
22 know, situated close to Halifax. We had, I believe, five members belonging to Halifax  
23 District RCMP, one in Bridgewater, one in Windsor, one in Indian Brook.

24 **MR. ROGER BURRILL:** Okay. So I understand that there have  
25 been developments with respect to personnel at the ERT since Portapique; is that right?

26 **CPL. TIM MILLS:** That's right.

27 **MR. ROGER BURRILL:** Cpl Milton, you can speak to that, please?

28 **CPL. TRENT MILTON:** So multiple business cases have been

1 submitted in years past based on previous fatality inquiries, ERT modernization reports  
2 that have been submitted nationally that to truly have an effective ERT, it needs to be a  
3 full-time model. We have policies out now that mandates minimum number of ERT  
4 members to respond to a critical incident, and that number right now for us is 12. So  
5 that's just to respond to the call. So in order to be able to field that team, the  
6 recommendations are that we have a full-time model of 18 members.

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

8 **CPL. TRENT MILTON:** That takes into consideration members on  
9 leave, members away on different training opportunities, members off duty sick, and just  
10 to have an on-call schedule built in to allow members unfettered time off.

11 **MR. ROGER BURRILL:** So as of May 2022, where do we stand  
12 with respect to full-time members currently?

13 **CPL. TRENT MILTON:** So right now, we've got 12 members in the  
14 full-time unit, so 6 of those members are the full-time established positions that were  
15 there previously, and we're in a transition phase now where we have 6 surplus to  
16 establishment position, which are being normalized into full-time positions. Business  
17 cases have been submitted to the Department of Justice, and we have a tentative  
18 approval for 4 full-time positions over each of the next 3 years to make it so an 18-  
19 person full-time model.

20 **MR. ROGER BURRILL:** So the idea is within the next 3 years, you  
21 will transition to 18-member full-time team?

22 **CPL. TRENT MILTON:** That's right.

23 **MR. ROGER BURRILL:** Okay. All right. I think that gives us a  
24 sense of what the ERT situation was in April of 2020 compared to what it is now and  
25 what it may be in the future.

26 Let's talk about April 2020 in terms of on-call, contact, mobilization  
27 and things of that nature. I understand there's such a thing called operational  
28 availability, such a thing called operational readiness. Can you explain the difference

1 for me and how it was impacting things on April of 2020?

2 **CPL. TIM MILLS:** So in April 2020, we were approved to have 8  
3 ERT members on operational availability, so they were compensated 1 hour for every 8  
4 hours on call. That gave a little more freedom to be away from your phone. Your  
5 response time wasn't immediate. The operational readiness is when the phone call  
6 comes in, you have to go at that point.

7 We had submitted business cases outlining why an Emergency  
8 Response Team should be operationally ready.

9 **MR. ROGER BURRILL:** Operational ready means again, Cpl.  
10 Mills?

11 **CPL. TIM MILLS:** The compensation is one for four.

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

13 **CPL. TIM MILLS:** But when you answer your phone, you go, and  
14 that's what we had done anyway, but we were getting compensated for operational  
15 availability.

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

17 **CPL. TIM MILLS:** So they were getting their cake and eat it too,  
18 because we love what we do, and when you -- even though only eight were on-call,  
19 most of the time you were getting more than eight guys. So even the guys that weren't  
20 on-call were answering that call because that's what we love to do.

21 **MR. ROGER BURRILL:** Okay. So speaking as to April 18<sup>th</sup>, when  
22 that call initially came through, can you say how many members of the team  
23 responded?

24 **CPL. TIM MILLS:** Yes, all 13 did.

25 **MR. ROGER BURRILL:** That's the full complement?

26 **CPL. TIM MILLS:** Full complement.

27 **MR. ROGER BURRILL:** That means people on operational  
28 availability and those who weren't on ---



1 **CPL. TIM MILLS:** That's right. That's right.

2 **MR. ROGER BURRILL:** All right. Let's move on then to get a  
3 better sense of what a critical incident is and why and how the ERT would be involved in  
4 something like a critical incident. Are you gentlemen able to speak to that and inform  
5 me of that?

6 **CPL. TIM MILLS:** I'll let Trent answer that one.

7 **CPL. TRENT MILTON:** Sure.

8 **MR. ROGER BURRILL:** Sure.

9 **CPL. TRENT MILTON:** Critical incident probably can be best  
10 described as an event, or in this set of circumstances, series of events that needs a  
11 highly controlled specialized response. So typically, a critical incident is controlled by  
12 Critical Incident Commander and would have specialized units such as ERT, Police Dog  
13 Services, Crisis Negotiators, Explosive Disposals, all of those different units brought in  
14 to take control of the situation.

15 **MR. ROGER BURRILL:** So who has control from your point of  
16 view, Corporal, as to who designates what is a critical incident?

17 **CPL. TRENT MILTON:** It will be the Critical Incident Commander.

18 **MR. ROGER BURRILL:** Okay. Does the ERT have any role in  
19 terms of determining what a critical incident is?

20 **CPL. TRENT MILTON:** We're typically activated once the Critical  
21 Incident Commander's consulted and makes that decision.

22 **MR. ROGER BURRILL:** I'm wondering if there's a consultative role  
23 in advance of activation. Are you able to say, Cpl. Mills?

24 **CPL. TIM MILLS:** Yeah, we've had calls before from the critical  
25 incident and, again, collaborative where he'll tell us what he received from detachment.  
26 We'll explain to him this is what we can offer, and he'll make a decision whether it's a  
27 critical incident or -- and what we start doing in the last few years was what we called  
28 tactical assist as well, when it doesn't quite meet a critical incident, but, you know, they

1 could maybe use four ERT members, just as a IA team in case, you know, things get  
2 out of hand. They have approved for tactical assist just to have, you know, four ERT  
3 members in the area in case it does wind up and become a critical incident.

4 **MR. ROGER BURRILL:** Okay. IA team meaning an immediate  
5 action?

6 **CPL. TIM MILLS:** Immediate Action Team. So basically, you  
7 know, four specialized better armed, better trained, you know, ERT members that have  
8 the tools in the truck, you know, ready in case it does spiral out of control.

9 **MR. ROGER BURRILL:** All right. Before we move to the actual  
10 on-call situation, you discussed what a critical incident is. Are you able to discuss what  
11 a Critical Incident Package is?

12 **CPL. TIM MILLS:** So Critical Incident Package could, you know,  
13 vary at times. When the critical incident commander deems, yeah, an incident is, you  
14 know, kind of too big for a detachment to handle and stands up to critical incident  
15 package, it depends on what is going on on the ground. We can draw in, you know, as  
16 Trent mentioned, dog men and Explosive Disposal, and you can -- EMRT, and  
17 negotiators, and, you know, if need be, you can draw in, you know, STO, which is kind  
18 of, like, tactical -- we used to call them Riot Squad back in the day, they went to Tactical  
19 Troop, now they're called STO, Special Tactical Operations. And they have, you know,  
20 advanced in their training too, so they're not just riot control anymore. They now have  
21 broadened into, you know, massive searches when you need searches, or massive, you  
22 know, whether it's for containment or whether it's for crowd control. So you can draw on  
23 different tools within the RCMP for a critical incident.

24 **MR. ROGER BURRILL:** Corporal?

25 **CPL. TRENT MILTON:** Yeah. Not much to add on that, just the  
26 fact that it's very scalable to what the actual critical incident is that we're responding to.  
27 We've got the benefit of being a national police force, so we can draw from other  
28 provinces, other divisions and pull in those resources as required.

1                   **MR. ROGER BURRILL:** Okay. We'll speak about that in a  
2 moment. But Cpl. Mills, you received the call-out, I'm going to call that; is that correct?

3                   **CPL. TIM MILLS:** Yes.

4                   **MR. ROGER BURRILL:** Would you have had a consultative role in  
5 that turn -- at that time, in terms of resources, or were you responding to a  
6 request/demand for resources?

7                   **CPL. TIM MILLS:** It -- at the start, it was more or less, you know,  
8 get in here.

9                   It's definitely ERT. And then by the time I got to headquarters, it  
10 was like our EDU, like, explosive unit, because of hearing the explosions going on,  
11 which would have been propane tanks or car tires. They were unsure, so we had EDU  
12 attend as well.

13                  **MR. ROGER BURRILL:** Any hesitancy in your mind as to the  
14 appropriateness of ERT being involved?

15                  **CPL. TIM MILLS:** None whatsoever.

16                  **MR. ROGER BURRILL:** Cpl Milton?

17                  **CPL. TRENT MILTON:** No.

18                  **MR. ROGER BURRILL:** Okay. And that's from the early stages of  
19 the call out. All right.

20                  I just want to ask you a few questions before we move on to April  
21 18<sup>th</sup>/19<sup>th</sup> about relationship with EMRT. How do you work with EMRT? That is the  
22 Emergency Medical Response Team.

23                  **CPL. TIM MILLS:** I'll let Trent answer that one.

24                  **MR. ROGER BURRILL:** Sure.

25                  **CPL. TRENT MILTON:** So within the division, we have a separate  
26 EMRT program that these members are specially trained in tactical medicine. It's a  
27 group of six positions that they have. They're not fully staffed right now, but they  
28 support us within the critical incident package. So any critical incident that we respond

1 to, EMRT also attends. But we've also cross-trained ERT members as well within this  
2 profile. So we have members embedded within our package that are also tactical  
3 medics.

4 So when we're moving into a hot zone or we're moving into a  
5 higher risk area, typically EMRT will not come with us, because they don't have the  
6 tactical training that our members do. So we've cross-trained members within our unit  
7 to have that same level of medical response to be able to provide care under fire.

8 **MR. ROGER BURRILL:** Okay. How would you describe your  
9 working relationship, gentlemen, with the EMRT team?

10 **CPL. TRENT MILTON:** I would say we have a pretty good working  
11 relationship. They're responsible for their program and we're responsible for ours.

12 **MR. ROGER BURRILL:** All right. PDS. Police Dog Services. Is  
13 that something that you would be involved with as members of ERT, relatively regularly  
14 with?

15 **CPL. TIM MILLS:** Yeah. Yeah.

16 **CPL. TRENT MILTON:** Absolutely.

17 **CPL. TIM MILLS:** And if I could just comment on the EMRT, we  
18 have brought them out to training with the ERT training, so there has been cross-  
19 training and ---

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

21 **CPL. TIM MILLS:** Yeah.

22 **MR. ROGER BURRILL:** Very good. Didn't mean to cut you off  
23 there.

24 **CPL. TIM MILLS:** No, that's fine.

25 **MR. ROGER BURRILL:** PDS, the Police Dog Services, that's a  
26 similar type of situation? Cross-training and involvement?

27 **CPL. TIM MILLS:** Yes.

28 **CPL. TRENT MILTON:** Yeah, so we're actually fortunate right now

1 in the Division that several of our dog handlers are actually former ERT members. So  
2 they've got a very strong tactical background and know how we operate, and we can  
3 work very closely and strong with them.

4 **MR. ROGER BURRILL:** Okay. I want to ask you about  
5 compatibility of your ERT team, excuse me, I did it again, the ERT team services, and  
6 other ERT teams in Nova Scotia. I understand there are municipal forces that have  
7 ERTs as well?

8 **CPL. TIM MILLS:** Yes, there's two.

9 **MR. ROGER BURRILL:** Okay. And what are those, please, Cpl?

10 **CPL. TIM MILLS:** Halifax Regional Police and Cape Breton  
11 Regional Police.

12 **MR. ROGER BURRILL:** Okay. And can you talk to me about how  
13 you would interact or engage with those ERTs?

14 **CPL. TIM MILLS:** I can say the boots on the ground, the worker  
15 bees, get along great, want to work together. Once you get up a little further, it gets too  
16 political and we haven't been allowed to train with them in the past.

17 **MR. ROGER BURRILL:** Okay. So "we haven't been allowed to  
18 train with them in the past"? How far into the past?

19 **CPL. TIM MILLS:** We've tried to set up training with Halifax  
20 Regional Police just because of logistics, you know, they're right next to us, and we've  
21 tried to do that over quite a few years and it's been shut down.

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

23 **CPL. TRENT MILTON:** I would say our current relationship is  
24 much stronger. We do have a strong working relationship with Halifax Regional Police  
25 ERT now.

26 There's a difference, I would say, being interoperable with the team  
27 and being integrated with the team. We're certainly not at the point where we can be  
28 integrated with any of the municipal agencies. We have different training, we have

1 different language, I'll say, different standards. But we have the ability to work with  
2 those teams and at different levels. Like, they may be tasked with one role on a job, we  
3 may be tasked with another role. But yeah, our current relationship with Halifax Police  
4 is we train together now quite frequently.

5 **MR. ROGER BURRILL:** Okay. in April 2020, training with the  
6 Halifax Regional Police ERT?

7 **CPL. TRENT MILTON:** Not as frequently as we are now. No.

8 **MR. ROGER BURRILL:** Okay. And as we examine the factual  
9 circumstances of April 18<sup>th</sup>/19<sup>th</sup> 2020, it seems clear that the HRP ERT was not involved  
10 in the response at Portapique. Is that -- does that sound right, gentlemen?

11 **CPL. TIM MILLS:** Yeah.

12 **CPL. TRENT MILTON:** Yeah.

13 **MR. ROGER BURRILL:** Are you able to provide any insight as to  
14 why that might have been the case?

15 **CPL. TIM MILLS:** Not knowing their bush tracking capabilities, you  
16 know, it was more of a rural setting, knowing the perpetrator was from metro area, had  
17 he gone back to metro, so fully understanding they would be stood up for Halifax region,  
18 I'm sure there were numerous tasks there for that city.

19 But all in all, not knowing their capabilities, knowing that there are  
20 some tactical differences that we can't, as Trent mentioned, just blend in together and  
21 work together that way. So it would be from the lack of training together, the lack of  
22 knowledge of each other's training at the time, which would be the main reason for that.

23 **MR. ROGER BURRILL:** Would you be able to comment, if you're  
24 comfortable with the -- comparatively, the quality of their training compared to your  
25 training?

26 **CPL. TIM MILLS:** I can't tell you that because I don't know what  
27 their training was at the time, so, ---

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

1 **CPL. TIM MILLS:** --- you know.

2 **MR. ROGER BURRILL:** It is true, however, that J Div ERT, the  
3 New Brunswick ERT, was engaged in this operation to some extent?

4 **CPL. TIM MILLS:** That's right.

5 **MR. ROGER BURRILL:** And it would appear, Cpl Mills, that that  
6 was the go-to companion response team? Is that an accurate assessment on my part?

7 **CPL. TIM MILLS:** Yes, it is. And it's because we train with -- we  
8 can blend in with any ERT team across Canada, RCMP wise.

9 **MR. ROGER BURRILL:** Oh.

10 **CPL. TIM MILLS:** And Trent alluded to tubular assaults. And  
11 every two to three years, we go out and we do aircraft assault training and we can just  
12 blend in because there was one training centre in Canada for RCMP ERT members.  
13 We all have the same tactical training. We all have the same tactical movements. So  
14 we know, whether we have a couple guys from New Brunswick team, Newfoundland  
15 team, Ontario, we can throw them right in to what we call a stack, a formation of ERT  
16 members, and go into a building and he knows what we're doing, we know what he's  
17 doing. That way there's, what we call, no arcs or angles that aren't covered, where with  
18 other Emergency Response Teams, or ETF teams, or TRU teams, SWAT teams, you  
19 don't know their tactics, so you don't know if they blend well together.

20 **MR. ROGER BURRILL:** Okay. Cpl Milton?

21 **CPL. TRENT MILTON:** Yeah, no, just to further that, our tactics,  
22 tools, and training is the same straight across the board, and that's the benefit of being  
23 a national program, ---

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

25 **CPL. TRENT MILTON:** --- that regardless of where an RCMP ERT  
26 member is posted, we're trained identical, we have the same tools, we have the same  
27 training, whereas each municipal agency has their own nuances of training; right?  
28 They're -- the way that they move through the bush, for example, is completely different

1 than how we are. The language that they communicate is different, what we would call  
2 a pro word, the words that they use would be different for those communication pieces.

3 **MR. ROGER BURRILL:** Do you guys see that as a problem in  
4 terms of public safety issues?

5 **CPL. TRENT MILTON:** It's certainly an issue for interoperability,  
6 and that's where we're trying to push with many of the local agencies now.

7 The issue is, as a national police force, we can't change the way  
8 we operate, because we have to be able to operate with teams in New Brunswick,  
9 teams in Ontario, teams in British Columbia, versus many of the municipal agencies are  
10 just dealing with within their own municipality.

11 **MR. ROGER BURRILL:** Before I move off this topic, Cpl Mills,  
12 have you ever, in your experience on ERT, engaged and worked cooperatively in an  
13 operation with HRP ERT?

14 **CPL. TIM MILLS:** Yes. Going back 15 longer years, the standoff,  
15 the Shirley Street standoff with last name [C1 - Personal Information] or whatever, where he was inside with  
16 his mother or mother-in-law. Anyway, we were spelling each other off, it wasn't blended  
17 in, and that was the reason why, you know, they just used us to spell off because it  
18 dragged on for a few days.

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

20 **CPL. TIM MILLS:** And they would bring us in for when they got  
21 rest time. So.

22 **MR. ROGER BURRILL:** Since that [C1 - Personal Information] incident,  
23 any interoperability continuation?

24 **CPL. TIM MILLS:** There was only kind of, like, when there was a  
25 summit or something, a conference in Halifax, and it was more you had your own area,  
26 you know, of taskings. You weren't blended in together. We've used them on, like, a  
27 separate search warrant on operations, but we wouldn't have them on our search  
28 warrant. You know, but we would always rely on them in the city, you know, or they



1 would rely on us in the city if it was too big a scope.

2 And as I alluded to earlier, the worker bees, we would always talk  
3 about, "We've got to get training more together. We've got to get this done together."

4 And it always got roadblocked, so.

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

6 **CPL. TRENT MILTON:** So over the last two years though, we've  
7 progressed significantly on that relationship.

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

9 **CPL. TRENT MILTON:** And we do -- I won't say interoperate on  
10 operations now, but for example, this weekend, they called us to assist with high-risk  
11 apprehension of subjects. We weren't in the stack together, but we were able to  
12 coordinate that response effectively with their team. And there's been multiple  
13 occasions over the last several years where we've been able to effectively do that.

14 **CPL. TIM MILLS:** Yeah, and I can confirm that because right when  
15 I was leaving we had new management that had come in and was -- they were very  
16 favourable to this. And -- so right -- I think right before Portapique, no, right after  
17 Portapique, we used them on a -- on a search warrant. There's a sniper package and a  
18 cut-off team, which we'll get into later. So I could see that relationship building just as I  
19 was leaving.

20 **MR. ROGER BURRILL:** Okay. And just to wrap this up, on  
21 April 18th, 19th, as you're reacting to the call, any thought of involving HRP in your call  
22 at that point?

23 **CPL. TIM MILLS:** Not at that point, no.

24 **MR. ROGER BURRILL:** And during the day, when you were  
25 responding the next day, on April 19th, any thought of involving HRP/ERT at that time?

26 **CPL. TIM MILLS:** I knew they were involved down their area.

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

28 **CPL. TIM MILLS:** So I knew they were stood up. I knew they

1 were, basically, you know, trying to shut their city or -- I knew they were involved down  
2 there.

3 **MR. ROGER BURRILL:** Okay. What about CBRM's ERT, any  
4 thought to involving them?

5 **CPL. TIM MILLS:** There was no thought.

6 **MR. ROGER BURRILL:** Okay. All right. Let's move along, then,  
7 to the actual call out involving you. I understand you get the call, Team Leader Mills,  
8 and then you call out members. Members then muster at HQ and/or make  
9 arrangements to attend to Portapique?

10 **CPL. TIM MILLS:** Yeah.

11 **MR. ROGER BURRILL:** Right? Where are you getting your  
12 information in terms of what it is you're responding to?

13 **CPL. TIM MILLS:** When I got called out, I got it from the Critical  
14 Incident Commander or Staff Sergeant Jeff West.

15 **MR. ROGER BURRILL:** Okay. Is he a person that's familiar to  
16 you?

17 **CPL. TIM MILLS:** Yes, he is.

18 **MR. ROGER BURRILL:** You had a working relationship with Staff  
19 Sergeant Jeff West?

20 **CPL. TIM MILLS:** A very good working ---

21 **MR. ROGER BURRILL:** Any other sources of information for you -  
22 --

23 **CPL. TIM MILLS:** Right after he hung up the phone, because at  
24 the time we had a call a couple of years earlier that kind of sounded like this, it turned  
25 out to be a hoax, so at the time, you're like, "Yeah, okay, I'll stand him up", but in the  
26 back of your mind, you're just, like, "This is too wild of an imagination to be real."

27 **MR. ROGER BURRILL:** Yeah, what do you mean by that, too  
28 much of an ---

1                   **CPL. TIM MILLS:** Well, it was just, you know -- like, you're getting  
2 a call of numerous people dead, explosions, and cars on fire, and then just -- you know,  
3 it's a scene out of a movie is what you're hearing, or... So it's just like, you've -- you  
4 know, you've never, you know, heard of that from down here. You know it's possible,  
5 but is it really going on? Because just two years earlier, we had a call up in River  
6 Hebert or Nappan, and it was almost identical, you know, cars were supposed to be on  
7 fire, people dead, all this, and within 20 minutes they had realised, no, it was some, you  
8 know, drug addict hallucinating and basically made the story up and called it in. So...

9                   **MR. ROGER BURRILL:** So I get a sense some degree of  
10 skepticism on your part of being sure ---

11                   **CPL. TIM MILLS:** Yes, at the time, some degree of skepticism,  
12 and hoping it wasn't true as well, you know, but prepared to fully stand up the team and  
13 -- you know, in case it is. But within minutes, you know, getting a call from our TAV  
14 operator, who worked Enfield detachment, and was working that evening,  
15 Corporal Calvin Byard, and he basically reiterated everything Jeff West said. And at  
16 that time, I was convinced that, "All right. Someone who has boots on the ground is  
17 relaying this information."

18                   **MR. ROGER BURRILL:** Okay. So I understand that an Immediate  
19 Action Team was sent out first from headquarters; is that right?

20                   **CPL. TIM MILLS:** Well, in a roundabout way. Like, I stood up the  
21 whole team, not just ---

22                   **MR. ROGER BURRILL:** Yes.

23                   **CPL. TIM MILLS:** --- an Immediate Action Team.

24                   **MR. ROGER BURRILL:** No, I understand.

25                   **CPL. TIM MILLS:** So I basically sent out the text message to, you  
26 know, everyone in EMRT and us, and like, "This is what we have", you know. And so  
27 as that went out, we're all jumping in our personal vehicles heading in to headquarters.  
28 And our standard operating procedures anyway would be the first four guys to

1 headquarters, doesn't matter who they are, it's normally your city guys, they would gear  
2 up and they would jump into our what we call IA truck, or Immediate Action Truck, that  
3 is fully geared up with everything we can think of for immediate action, and they -- it's  
4 parked inside so you never have to worry about it in the wintertime or anything like that,  
5 and that would start heading to the scene first to have four extra ERT bodies there.

6 **MR. ROGER BURRILL:** Okay. Thank you. And I understand,  
7 Corporal Milton, you were actually a member of that Immediate Action Response group;  
8 am I right?

9 **CPL. TRENT MILTON:** Yes, I was. Yeah.

10 **MR. ROGER BURRILL:** Can you tell me how it is you're getting  
11 information, you're filtering information, and you're distributing information as you're  
12 responding in the Immediate Action Vehicle?

13 **CPL. TRENT MILTON:** So like Tim had mentioned, the initial call  
14 came to our team by way of text message. So the initial information that we had was  
15 that there was members potentially shot at and that there was chaos on the ground. So  
16 right away that's a trigger for us that things are active at that point in time, and we  
17 respond very, very quickly. By the time we got to headquarters, we were starting to get  
18 a little bit of information, but it was -- it was kind of all over the place, we didn't have  
19 anything firm. So enroute to the call, we've got our radio channel on the talk group for  
20 the detachment members on the ground there, and we're listening to and monitoring  
21 their communications.

22 **MR. ROGER BURRILL:** Okay. And I understand that you would  
23 have been the first to arrive, or your IA team, at Portapique Beach Road Number 2?

24 **CPL. TRENT MILTON:** The first ERT members to arrive ,yes.

25 **MR. ROGER BURRILL:** Yeah. Tell me, how is it you knew to go  
26 to that location?

27 **CPL. TRENT MILTON:** So while enroute, I checked with the risk  
28 manager ---

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

2                   **CPL. TRENT MILTON:** --- to try to determine who the on scene  
3 commander was to try to gain more awareness of what we actually had on the ground  
4 and where they required us. Initially, we were told by the risk manager to report to the  
5 firehall, but I said that we were going straight to the scene to respond to the -- whatever  
6 threat was there and try to get more information from the scene.

7                   **MR. ROGER BURRILL:** Okay. And I understand that you  
8 attended at that location for a period of time, had communications with Command, and  
9 then the rest of the ERT team then attended or caught up ---

10                  **CPL. TRENT MILTON:** That's right.

11                  **MR. ROGER BURRILL:** --- so to speak with you; is that right?

12                  **CPL. TRENT MILTON:** Yes.

13                  **MR. ROGER BURRILL:** Would you have conducted any actions at  
14 that point; i.e. did you go into Portapique or down Portapique Beach Road as an  
15 Immediate Action Team?

16                  **CPL. TRENT MILTON:** So at that time, based on the information  
17 and facts that we had, it was what I'll call a non-active threat. There was no active  
18 gunfire, the location of the perpetrator was unknown, we had members down there  
19 securing the scene. And so the decision was made at that time what are our priorities,  
20 what information do we have, and what's the environment that we're working in, to focus  
21 and determine what task would most benefit at the time. So I had checked with Tim,  
22 who was about 5 to 10 minutes behind me, to see what their status was, and the TAV  
23 was directly in front of him. So at that point in time, we waited for the TAV to arrive to  
24 go onto our next task.

25                  **MR. ROGER BURRILL:** Okay. So the decision was made to then  
26 group up, so to speak, before going to the next task?

27                  **CPL. TRENT MILTON:** That's right.

28                  **MR. ROGER BURRILL:** And given the fact that there were

1 members within the community at that time on Orchard Beach Drive, I just want to make  
2 it clear why it is that you didn't go to Orchard Beach Drive as opposed to stop at  
3 Portapique Beach Road and Number 2?

4 **CPL. TRENT MILTON:** So at that point in time, we didn't know  
5 where the threat was. We knew that the threat had moved from 135 Orchard Beach  
6 Drive, from that general area ---

7 **MR. ROGER BURRILL:** Yeah.

8 **CPL. TRENT MILTON:** --- but we didn't know where the actual  
9 threat was. We had four members in the community holding containment on that area.

10 **MR. ROGER BURRILL:** Yeah.

11 **CPL. TRENT MILTON:** So until we could get our resources in  
12 place to try to commence a more strategic search of the area, then we waited for the  
13 next arriving members who were just a few minutes behind.

14 **MR. ROGER BURRILL:** Okay. I'm just going to finalise on this  
15 point: One might get a sense with the personnel from ERT attending that there was a  
16 sort of stacking up aspect to the law enforcement personnel attending at PBR,  
17 Portapique Beach Road, and Number 2, but no real dispersal at that point to the active  
18 threat in the community.

19 **CPL. TRENT MILTON:** At that point, the threat wasn't active, it  
20 was a non-active threat.

21 **MR. ROGER BURRILL:** Okay. But even additionally, that is, going  
22 into the community for purposes of observations, investigation, information-obtaining  
23 about what's going on in the community might have been useful at this point. And I'm  
24 interested in your response tactically ---

25 **CPL. TRENT MILTON:** Yes.

26 **MR. ROGER BURRILL:** --- as to why that wasn't done.

27 **CPL. TRENT MILTON:** So that was done at the head of  
28 Portapique Beach Road, I met with members at that scene to try to gain information as

1 to what we had on the ground, where our members were in the community, and what  
2 was actually transpiring. Rather than just go charging in before we knew exactly what  
3 we had, we had to make a determination of, you know, what are the facts that we have,  
4 what is the environment that we're working in, where are we most needed right now to  
5 stop this threat?

6 **MR. ROGER BURRILL:** Okay. You didn't know all about Monday  
7 morning quarterbacking and looking back and making determinations on decisions. Do  
8 you have any concerns about that decision of not to go into Portapique Beach at that  
9 time ---

10 **CPL. TRENT MILTON:** No, I don't.

11 **MR. ROGER BURRILL:** --- as you look back over the two years of  
12 this?

13 **CPL. TRENT MILTON:** No, I don't.

14 **MR. ROGER BURRILL:** Okay. And it was not tactically  
15 problematic from your point of view?

16 **CPL. TRENT MILTON:** No.

17 **MR. ROGER BURRILL:** Okay. Any comment, Corporal Mills?

18 **CPL. TIM MILLS:** Yeah, I totally agree. You need to have the  
19 information. If you just start working on your own and making decisions on your own  
20 and not basing it on intelligence or information at the time, you can jeopardise and  
21 create more of a problem with ERT operations.

22 **MR. ROGER BURRILL:** Okay. Thank you. I want to move on to  
23 ask you questions about your ability to manoeuvre geographically in this location, and  
24 what skills, or sorry, tools you may have had.

25 And I'm going to ask Madam Registrar to bring up the Foundational  
26 Document that has been tendered, and in particular, page 21, paragraphs 45 and 46.  
27 I'm going to direct your attention to paragraph 45.

28 For the record, I'll just read paragraph 45. The document says,

1 "According to the RCMP, neither the ERT nor the  
2 EMRT had operational tracking devices - such as  
3 GPS - on their vehicles (via a mobile work stations  
4 [MWS] during the mass casualty on April 18[th] and  
5 19[th]. H-Division ERT members had an "ATAK"  
6 application enabled on their RCMP-issued phones,  
7 which would normally provide GPS tracking; however,  
8 the application was not working on April 18[th]..."

9 And now to paragraph 46 and then I'll ask for your comments,

10 "According to H-Division ERT Team lead Cpl. Mills,  
11 the lack of GPS data available to the Emergency  
12 Response Team meant [...] they were unable to  
13 determine or remain aware of [...] locations and  
14 movements of other ERT members. Cpl. Mills also  
15 stated that because ERT members were operating  
16 without digital display mapping, it meant that they had  
17 no "Common Operating Picture" (COP) to work from  
18 and relied on dispatch for directional support. This  
19 resulted in the ERT relying on Operational  
20 Communications Centre [...] dispatchers to  
21 communicate navigational directions verbally, over  
22 trunked mobile radio."

23 Now those two paragraphs have a lot of information in them, in  
24 particular, operational tracking devices. Your information for the document is that there  
25 were no operational tracking devices of members at the time. Do you have any  
26 comment on that, gentlemen?

27 **CPL. TIM MILLS:** Do you want the laymen's term first or do you  
28 want the technical, because he can give you the technical. I can give you the laymen's.



1                   **MR. ROGER BURRILL:** Well, let's do it in that order then, please -

2 --

3                   **CPL. TIM MILLS:** Laymen's first?

4                   **MR. ROGER BURRILL:** Yes, please.

5                   **CPL. TIM MILLS:** All right. Back five, six years ago, we had an  
6 app on our phone and it was used for paintballing, and it was called PES, and it was out  
7 of Czech Republic or whatever, and it gave you something on your phone, and you --  
8 each ERT member who had a phone, you would see them, little dots on the map, and it  
9 was great because you knew where your team was. You could -- it was an overlay,  
10 great on, like, Google Maps or -- so you would be able to surround a house and know,  
11 okay, this sniper's up here, and so you would have a real good knowledge of where  
12 everyone was. That app went down, and we weren't able to use it anymore, so then  
13 along come, which Trent will get into, which is this ATAK, which is basically PES on  
14 steroids. And it's a really good, better app developed by, you know, a police force in the  
15 States, and I'll let Trent get into that.

16                   So this was great. We had even a better one on everyone's phone,  
17 and we only had that for a short period of time, and it went away. And then, for a short  
18 period of time before Portapique, they sent us six iPhones down, they had them on six  
19 iPhones ---

20                   **MR. ROGER BURRILL:** When you say "they", I need to be more  
21 clarification.

22                   **CPL. TIM MILLS:** Ottawa, headquarters, whoever. He'll get into  
23 that.

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

25                   **CPL. TIM MILLS:** This is laymen's terms here.

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

27                   **CPL. TIM MILLS:** So we had these six iPhones that had --  
28 available to us for a short period of time. I'd say less than a few -- a year, less than a

1 year, couple months. Within a couple months or a couple weeks of Portapique, they  
2 went down, and it was Trent's task, and he was, and I'll let him talk to it, trying to get  
3 these up and running, up and running. And so, basically, we had no capabilities at all  
4 that we used to have capabilities of. And I can get into further what I know how much  
5 work or who knew about this being down so.

6 **MR. ROGER BURRILL:** No, it's unnecessary. I just want to know  
7 about the impact of that with respect to your ability to respond operational ---

8 **CPL. TIM MILLS:** Well ---

9 **MR. ROGER BURRILL:** --- to a call like ---

10 **CPL. TIM MILLS:** --- yeah, so ---

11 **MR. ROGER BURRILL:** --- well, to Portapique.

12 **CPL. TIM MILLS:** --- so if you listen to the radio coms at all ---

13 **MR. ROGER BURRILL:** Yeah.

14 **CPL. TIM MILLS:** --- total confusion on that geographical area.

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

16 **CPL. TIM MILLS:** And the reason is, is because totally pitch black  
17 that night, poorly marked roads, rural area, so trying to figure out where to go that night  
18 without that capability was frustrating and tough to do. Had we been in, you know, city  
19 streets and in, you know, you had Google Maps, you know, it'd be easier to do, but in  
20 that location there without ATAK or even the old PES, that common operating picture  
21 we had was tough.

22 **MR. ROGER BURRILL:** Am I right, Retired Corporal, that you may  
23 have had some reliance on this PES and ATAK technology and that it was specifically  
24 absent in April of 2020?

25 **CPL. TIM MILLS:** That's correct.

26 **MR. ROGER BURRILL:** Okay. We've heard the layperson's point  
27 of view. Corporal Milton, are you able to comment? And I don't -- we don't need a great  
28 excursus on ---

1 **CPL. TRENT MILTON:** Yeah.

2 **MR. ROGER BURRILL:** --- the technical information, but I think it's  
3 important that this ---

4 **CPL. TRENT MILTON:** Sure.

5 **MR. ROGER BURRILL:** --- lack or deficiency be explained.

6 **CPL. TRENT MILTON:** Yeah, absolutely. So I'll take us back to  
7 2014, following the tragedies in Moncton. The recommendations that came out of the  
8 MacNeil Report following that included having situational awareness tools put in place.  
9 So what we termed blue force tracking. So the ability, like Tim had mentioned, for  
10 individual devices to be able to be monitored from the Command Post, to be able to be  
11 monitored by our members on the ground, so that we would specifically know where  
12 each of our members were, and have that overall global situational awareness of what's  
13 going on.

14 We worked in conjunction with our partners in J-Division, which is  
15 New Brunswick, on a pilot project to try to get that up and running over the following  
16 years. And one of the issues with being a national police force is that we have to cut  
17 through the red tape to try to get things in place, and things have to be the same across  
18 the board nationally.

19 So those were the roadblocks that we faced leading up to it. We  
20 had gone off on our own, as Tim had said, and were using an unsecure app, so that we  
21 would have our own situational awareness within the team while things were happening  
22 in the background in Ottawa to try to get the national program up and running.

23 Prior to Portapique, we were sent six devices with the blue force  
24 tracking app on it, but they were on what was called a developmental server.

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

26 **CPL. TRENT MILTON:** So they weren't on our own personal-  
27 issued devices. They were on these six devices that were sent to us that were  
28 completely separate and they were operating through what I'll call is their own tunnel,

1 their own VPN tunnel. They were secure devices, but they were on a developmental  
2 server.

3 What happened prior to Portapique was the encryption key on  
4 these devices went down. Unlike our own personal devices that are issued to us, or  
5 your laptop computer that you have in your organization where your help desk can just  
6 push a new encryption key to it, couldn't do that with these devices because they were  
7 on a developmental server.

8 Add in the added COVID pandemic, everybody's now working from  
9 home, so we had to send those devices back to Ottawa to get rekeyed, but nobody was  
10 at the office to receive them. So it was literally a month or more of going back and forth,  
11 trying to figure out where to send these devices, how to get them up and running, letting  
12 them know the urgency that we needed these devices back. And as of April 18<sup>th</sup> and  
13 19<sup>th</sup>, that still hadn't happened and we still didn't have our devices back in hand; and,  
14 therefore, we're basically blind as far as situational awareness went and mapping on the  
15 ground.

16 **MR. ROGER BURRILL:** I was going to ask you if you agreed with  
17 your colleague whether this was an operational deficiency, but the word blind ---

18 **CPL. TRENT MILTON:** Yeah.

19 **MR. ROGER BURRILL:** --- gives me that impression that's the  
20 case.

21 **CPL. TRENT MILTON:** Yeah, a hundred percent, yeah.

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

23 **CPL. TRENT MILTON:** We're certainly trained and able to operate,  
24 obviously, without those tools, but we'd come to rely on them quite heavily in the ---

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

26 **CPL. TRENT MILTON:** --- years prior to.

27 **MR. ROGER BURRILL:** I -- just to continue this discussion and  
28 finalize it, Madam Registrar, if you could bring up the Mass Casualty Commission's

1 interview with Cpl. Mills, and in particular, page 73, top of 73. Cpl. Mills at 10:16:16  
2 says the following:

3 "Six devices, which, you know, everyone should have  
4 a device, every truck should have a device. But I  
5 mean, even six might have helped a bit on identifying  
6 where you are and where people are. And they  
7 disappeared. They were devices, but they were  
8 paperweights at [the] time."

9 What do you say about that, Cpl. Mills?

10 **CPL. TIM MILLS:** Expensive paperweights. What were they,  
11 iPhone ---

12 **CPL. TRENT MILTON:** No, they were ---

13 **CPL. TIM MILLS:** --- 9s ---

14 **CPL. TRENT MILTON:** --- Android devices.

15 **CPL. TIM MILLS:** --- Android whatever, but, I mean, six brand new  
16 phones, and they were worthless at that point. They were just sitting on a desk, trying  
17 to figure out how do we get these running.

18 **MR. ROGER BURRILL:** Okay. With respect to GPS tracking of  
19 vehicles, are you able to comment on what was available to you in Portapique response  
20 at that time? Is it the same situation?

21 **CPL. TRENT MILTON:** So at that time, our ERT vehicles weren't  
22 equipped with mobile work stations. A mobile work station, for those that aren't aware,  
23 is basically the computer terminal that you would see in a general duty police car, and  
24 that's what the GPS tracking is connected to. Because of the size of our equipment, the  
25 size of our vehicles and what we need to carry in our vehicles, those computers, at the  
26 time, weren't placed in our vehicles. We now have one vehicle that does have it in it,  
27 and we're working on other solutions to get that GPS enabled now.

28 **MR. ROGER BURRILL:** And that, Cpl. Milton, was that, in your

1 view, also a deficiency in terms of operational response?

2 **CPL. TRENT MILTON:** It was. If we had what I'll term ATAK, then  
3 really, it eliminates the need to have that in the vehicle, if you know where every  
4 individual ---

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

6 **CPL. TRENT MILTON:** --- operator is, but it certainly added to  
7 some of the confusion on that evening.

8 **MR. ROGER BURRILL:** Okay.

9 **CPL. TIM MILLS:** I'll add to that.

10 **MR. ROGER BURRILL:** Yes, please.

11 **CPL. TIM MILLS:** You know, we had PES and ATAK before ---

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

13 **CPL. TIM MILLS:** --- it was never an issue.

14 **MR. ROGER BURRILL:** Yeah. Okay. All right. I'm going to then  
15 discuss digital display mapping and ERT's ability to move within Portapique and the  
16 environs on the night of April 18<sup>th</sup> and April 19<sup>th</sup>.

17 And for that purpose I'd like to, if I could, Madam Registrar, have  
18 you bring up the Colchester radio transcript that is briefly referred to at paragraph 77 of  
19 the Foundational Document, but we have independently, from the Colchester transcript  
20 and the radio clip associated therewith.

21 What I'm going to ask the Registrar to do is play simultaneously a  
22 radio clip from 1:22:11 a.m. in which Cpl. Mills and a number of parties, in particular  
23 S/Sgt. Rehill and S/Sgt. West, are attempting to provide information with respect to  
24 movement around the area.

25 Could we please hear that?

26 **(AUDIO PLAYBACK)**

27 **MR. ROGER BURRILL:** So first of all, Cpl. Mills, Hotel 1 is you,  
28 team leader, right?

1 **CPL. TIM MILLS:** Yeah, that's my call sign, right on.

2 **MR. ROGER BURRILL:** Oscar Charlie is who?

3 **CPL. TIM MILLS:** The officer in charge, so it would be Jeff West.

4 **MR. ROGER BURRILL:** Okay. Incident Commander at that time?

5 **CPL. TIM MILLS:** Yeah.

6 **MR. ROGER BURRILL:** All right. When I listen to that and I  
7 review that transcript, I get a sense of a degree of perhaps frustration and confusion  
8 with respect to directional ability to move around the community.

9 **CPL. TIM MILLS:** Yeah.

10 **MR. ROGER BURRILL:** What do you say about that, Retired Cpl.  
11 Mills?

12 **CPL. TIM MILLS:** Well, just with the comms being poor and  
13 bonging out and, you know, background noise and you're in the dark and there's no  
14 street signs. It's just -- you know, you're getting too much information at once and  
15 you're trying to process it and you just -- without a mapping capability, you're, you know,  
16 trying to rely on someone else's directions in that situation isn't optimal by any means.

17 **MR. ROGER BURRILL:** Did you have some operational  
18 impairment getting from Portapique Beach Road to the 67 Bay Shore Road complaint?

19 **CPL. TIM MILLS:** Initially, yes. Once I spoke to him on the phone  
20 and had a conversation then it was like, okay.

21 **MR. ROGER BURRILL:** Okay. And we'll get to the phone  
22 conversation in a second. Anything you wish to say about this digital mapping display,  
23 Cpl. Milton?

24 **CPL. TRENT MILTON:** I'll take it back to the fact that we didn't  
25 have MWSs in the vehicle either. So we had no awareness of where the General Duty  
26 members were posted either, right? And we're working on getting that Blue Force  
27 Tracking pushed out to all of our frontline members now as well, and that definitely was  
28 something that held us back. He's, as you can hear, giving direction to Tim to go to

1 where the call sign of the vehicle was. Well, we had no idea where that vehicle was  
2 either, right, so...

3 **MR. ROGER BURRILL:** I see. Okay. All right.

4 The final comment in the transcript that we just heard in the audio,  
5 was, "Give me a call on my cell phone, please, Risk Manager. It's Mills from ERT."  
6 What's that about?

7 **CPL. TIM MILLS:** To get directions to Bay Shore.

8 So he's more familiar with the area and he's the one that was  
9 talking about the 9-1-1 call that had come in with someone running through the yard  
10 with a flashlight. So I wanted to talk to him on the phone to get a better description of  
11 how do we get to Bay Shore.

12 **MR. ROGER BURRILL:** Okay.

13 Madam Registrar, paragraph 78 of the Foundational Document. If  
14 we can bring that up?

15 This is the construct, or the transcript of the actual telephone call,  
16 Cpl. Mills. And we don't have the audio of that, or I've not secured the audio, but I'm  
17 going to just go through the paragraph 78 from page 35 of the Foundational Document.

18 Paragraph 78, the Foundational Document indicates:

19 "At 1:23:17 a.m., S/Sgt. Rehill phoned Cpl. Mills to  
20 provide further directions without the interruption of  
21 other members'...

22 And then there is the exchange that essentially goes on for  
23 minutes:

24 "Too many members talking over each other."

25 "I know..."

26 "Yeah."

27 "Exactly."

28 Rehill:



1 "Continue on Highway 2, you're gonna see 36  
2 Bravo..."

3 Mills:  
4 "We're, we're at Portapique, we're at Portapique ah,  
5 Beach Road right now..."

6 Rehill:  
7 "Right ah, but, you're not gonna go down there you're-  
8 stay on Highway 2 keep on going down you'll see 36  
9 Bravo three. He's at the intersection of Bayshore [sic]  
10 Road and Highway 2."

11 Mills:  
12 "Alright so, is ah, the Great Village Road and the Bass  
13 is that Highway 2?"

14 Rehill:  
15 "Yeah, the main road you came in on."

16 Mills:  
17 "Alright so if we back up and go down a little further."

18 Rehill:  
19 "Right. You're gonna see 36 Bravo three but you gotta  
20 go pass him come to one bravo two. JORDAN and  
21 CARROLL. [sic]"  
22 "Yeah."

23 Rehill:  
24 "And he's at, he's at the intersection of Five Houses  
25 Road,..."

26 And this goes on, Corporal, and I don't need to read it any further.  
27 **CPL. TIM MILLS:** Yeah.  
28 **MR. ROGER BURRILL:** But I'm going to suggest that there's a

1 great deal of confusion in provision of information in an emergency situation. Are you  
2 going to agree with me on that?

3 **CPL. TIM MILLS:** Oh, I agree with you on that.

4 **MR. ROGER BURRILL:** Yeah. So it didn't even work any better  
5 on the phone?

6 **CPL. TIM MILLS:** What; getting directions?

7 **MR. ROGER BURRILL:** Yeah, it helped me, you know, get the  
8 bearings and -- by him explaining it, and as you can see that's a lot of narrative to go  
9 over the radio. So that's -- and when you have people talking over each other, radio's  
10 bonging out, and you want to free up that radio for, you know, more priority calls coming  
11 in or if someone sees something, so it's easier, "Give me a call on the phone, let's talk  
12 this out"; you get a better explanation.

13 **MR. ROGER BURRILL:** Okay. As an operational tactician at this  
14 stage ---

15 **CPL. TIM MILLS:** Right.

16 **MR. ROGER BURRILL:** --- how are you feeling about the manner  
17 of your getting directions and information at this point?

18 **CPL. TIM MILLS:** You're relying on people that have worked in  
19 that area and know the area, is what you're relying on. Or he would have a computer,  
20 you know, in an OCC, which is the Dispatch Centre out of Truro at the time.

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

22 **CPL. TIM MILLS:** And he would be able to walk me through  
23 looking at a map. So you're relying on someone else -- someone else's information to  
24 get you to where you want to go.

25 **MR. ROGER BURRILL:** How does that make you feel, then, as  
26 being the person on the frontline at that stage.

27 **CPL. TIM MILLS:** Well, you know, frustrated, knowing what we  
28 had before with ATAK and PES (ph), so very frustrated. But working with what you got

1 at the time.

2 **MR. ROGER BURRILL:** Yeah, I understand.

3 Anything further o that, Cpl. Milton?

4 **CPL. TRENT MILTON:** No, that was Tim's role at that time, to try  
5 to figure out where we were going, and...

6 **MR. ROGER BURRILL:** Yeah, okay. Tell me, then, just so that we  
7 can wrap this up -- almost wrap it up, about the conditions that you were working under  
8 in Portapique. Had you gentlemen ever been to that location at that time before?

9 **CPL. TIM MILLS:** We had been there during, like, daylight hour,  
10 just down one road.

11 **MR. ROGER BURRILL:** Yeah.

12 **CPL. TIM MILLS:** It was for a suicidal male out on the beach or  
13 something.

14 **MR. ROGER BURRILL:** Any familiarity with this location at this  
15 time, day or night?

16 **CPL. TIM MILLS:** No. We had drove in just a dirt road that day  
17 and, you know, you block everything else out. And so once we dealt with the suicidal  
18 male, you leave. So you get there at night and it's pitch black, no streetlights, no street  
19 signs; no civic numbers, maybe on half the houses or whatever. It's -- yeah, if you're  
20 unfamiliar with the area, it was a tough area to navigate.

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

22 I'm just wondering whether we wish to take a break. I probably  
23 have another hour, and that's a little longer than I had anticipated but it's maybe it's a  
24 time for a break, for people to stretch their legs.

25 **COMMISSIONER MacDONALD:** Thank you, Mr. Burrill, I agree;  
26 I'm sure my colleagues agree.

27 So we'll take a 15-minute break. Thank you.

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

1 The proceedings are now on break and will resume in 15 minutes.

2 --- Upon breaking at 11:11 a.m.

3 --- Upon resuming at 11:28 a.m.

4 **REGISTRAR DARLENE SUTHERLAND:** The proceedings are  
5 again in session.

6 **MR. ROGER BURRILL:** So I just want to wrap up the questioning  
7 that we were -- we followed up with there with respect to common operational picture  
8 and the situational awareness.

9 Can you give Nova Scotians some insight of what the  
10 circumstances were like in terms of the conditions when you were in Portapique and  
11 environments that night?

12 **CPL. TIM MILLS:** Yeah, we were going blind for the most part.  
13 Like I said, pitch black, no street lights, overcast night so you don't even have, like, lit  
14 stuff. No street signs or markings, or poorly marked ones. They didn't stand out. You  
15 know, civic numbers, you know, weren't there. Like dirt roads. It was like a cottage  
16 country. and it was tough to get your bearings. So very tough to navigate through that  
17 without knowledge of the area.

18 **MR. ROGER BURRILL:** Okay. Cpl Milton, anything additional?

19 **CPL. TRENT MILTON:** Yeah, so speaking specifically with the  
20 situational awareness tools that we have, we had the ability that our command post  
21 personnel can actually drop pins and locations on the maps and share that out to the  
22 group. So not only are we seeing where our teammates are or where other units are,  
23 we can specifically pin certain areas on the map and easily navigate to it. We can mark  
24 the map so that we know what areas have been cleared. Like, we can highlight areas,  
25 green if they've been cleared, et cetera.

26 We didn't have those tools in place that night. Like Tim said, we  
27 were basically going -- we were given a civic number and we're using things like Google  
28 Maps and things like that to try to locate. And cell service in the back of the armoured

1 vehicle is poor on the best of days and GPS location, you can't get the signal through  
2 the back of the TAV. So that was an issue that night for us as well, to try to be able to  
3 navigate through the darkness, and with no street signs, no civic numbers on the  
4 houses to try to make sure that we're going to the right places.

5 **CPL. TIM MILLS:** So to expand on that, ---

6 **MR. ROGER BURRILL:** Yes, please.

7 **CPL. TIM MILLS:** --- for that night there, so when we were at the  
8 start of Portapique Road, and they would have said, "Okay, 67 Bayshore," or whatever,  
9 they could have dropped a pin on that, we would have had it, and you wouldn't have  
10 seen all that confusion. It would have been, "All right, this is the way we've got to go."  
11 We could have driven right to that pin precisely. "Clinton Ellison, all right, you know, this  
12 is where we believe he's at," or, you know, their understanding of where he's at. We  
13 could have drove right to that with that mapping system.

14 **MR. ROGER BURRILL:** Okay. And I'm going to play for you later,  
15 the exchange as you were attempting to reach Clinton Ellison, because it's quite  
16 evocative in terms of what we hear.

17 Let's move on then to talk about coms or communications in a  
18 situation of a critical incident. I understand that ERT radio channels are encrypted? I s  
19 that right?

20 **CPL. TIM MILLS:** Yeah, that's correct.

21 **MR. ROGER BURRILL:** And the purpose of that, please, just for  
22 primer for me?

23 **CPL. TIM MILLS:** It's safer for our operation. You don't want the  
24 public or bad guys to know what you're doing, where you're located.

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

26 **CPL. TIM MILLS:** If they're not encrypted and, you know, the  
27 suspect in the house is armed, he knows where one of your snipers are or what your  
28 approach is going to be, it's more dangerous for the ERT members.

1                   **MR. ROGER BURRILL:** So the ERT Foundational Document  
2 indicates that there was a breach of the encryption between 12:45 and 4:07. Did you  
3 guys have any idea of that going on at the time?

4                   **CPL. TIM MILLS:** Zero.

5                   **CPL. TRENT MILTON:** Not at the time.

6                   **MR. ROGER BURRILL:** Okay. Would there be a way for ERT to  
7 know that there might have been a breach of encryption?

8                   **CPL. TIM MILLS:** Yeah, if they told us ---

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

10                  **CPL. TIM MILLS:** --- at the time.

11                  **MR. ROGER BURRILL:** Right.

12                  **CPL. TIM MILLS:** If they recognize it and made us aware. But  
13 besides that, we have no way of identifying we're not encrypted.

14                  **MR. ROGER BURRILL:** Maybe I'll Cpl Milton, is there a  
15 technological way to find out there's been a breach of encryption?

16                  **CPL. TRENT MILTON:** So our radios are on what's called TMR2,  
17 a trunked mobile repeater system.

18                  **MR. ROGER BURRILL:** Right.

19                  **CPL. TRENT MILTON:** It's a digital system, operates off cell  
20 towers, just like what your cellphone would.

21                         Our channels that we operate on are encrypted, but we have the  
22 ability to have our OCC bridge channels together. So there's a series of unencrypted  
23 channels that we can use for, like, mutual aid or responding with municipal partners or  
24 other agencies within the province.

25                         When our channels are patched together, it will come up on our  
26 portable and say "super group". But again, we're operating in darkness, our portables  
27 are in our pouches out of line of sight from us. So at that point in time, we wouldn't  
28 have known what channel they were bridged with. And there's no way for us to see, on

1 the ground, what channel that's bridged with. It's all done from the operational coms  
2 centre.

3 **MR. ROGER BURRILL:** So I'm getting the sense that you didn't  
4 know there was this breach ---

5 **CPL. TRENT MILTON:** No.

6 **MR. ROGER BURRILL:** --- with respect -- and maybe hypothetical  
7 and perhaps unfair to ask, but would it have made any difference to you, operationally,  
8 had you known there was this encryption breach?

9 **CPL. TRENT MILTON:** Like operationally, we would have still  
10 operated in the capacity.

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

12 **CPL. TRENT MILTON:** We may have asked to be put on an  
13 encrypted channel, but it wouldn't have changed how we ---

14 **CPL. TIM MILLS:** Yeah. We just -- we would fix the problem, you  
15 know, but continue on what we were doing.

16 **MR. ROGER BURRILL:** All right. Tell me then, with respect to  
17 communications, about traffic. That is, the abundance of traffic. Is that a problem or  
18 was that a problem for ERT members as they went about their operational tasks that  
19 night?

20 **CPL. TIM MILLS:** Yes. You have, you know, 50-some police  
21 officers there, or however many, and everyone is trying to, you know, speak when they  
22 feel it's important to speak and, you know, poor cell service will affect it. You have  
23 radios that kind of, we call it bonging out, but it's a big tone when you're trying to speak.

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

25 **CPL. TIM MILLS:** In a lot of rural areas, you'll find that happen.  
26 You know, you'll get, like, feedback a lot of times, you know, if mics are too close to  
27 each other. So, you know, it's tough to speak on operations if you're in rural areas.  
28 And some are worse than others. There's very few ERT calls where everything went

1 well. And, you know, it's the same old same old, whether it's military, or first  
2 responders, or ERT, you know, coms, when you need it most, seems to be the first that  
3 goes down.

4 **MR. ROGER BURRILL:** Cpl Milton, any comment on that?

5 **CPL. TRENT MILTON:** Yeah, so that night, we certainly did have  
6 coms issues. Like Tim said, our radios were what we term bonging out quite a bit. And  
7 that can happen for a number of reasons. It can happen if we're in a poor cell reception  
8 area, or it can happen if there's multiple users trying to get through on the airway at the  
9 same time. The cell towers themselves only have so many I'll call them channels. I  
10 don't know the appropriate term for it, but so many pathways for our communications to  
11 go through before they're bounced off. So EHS, fire, police, are all using those cell  
12 towers. So if there's multiple users and multiple agencies trying to speak at the same  
13 time, we can't get our coms, and that was what was happening that night as we were  
14 trying to get key messages through.

15 **MR. ROGER BURRILL:** I'm directing this to Cpl Mills, is that why  
16 you would have deflected to the -- your telephone, as opposed to your radio?

17 **CPL. TIM MILLS:** Yeah, 100 percent. One hundred (100) percent.

18 **MR. ROGER BURRILL:** Okay. Do ERT members receive any  
19 specialized training with respect to coms skills, communication skills, for a critical  
20 incident like this?

21 **CPL. TRENT MILTON:** As far as how to operate the equipment  
22 or?

23 **MR. ROGER BURRILL:** How to operate in an effective and  
24 reasonable manner so that communications are maximised.

25 **CPL. TRENT MILTON:** So our members are trained how to  
26 properly use our equipment and how to communicate clearly, concisely, and not tie up  
27 the radio channels for sure.

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



1                   **CPL. TIM MILLS:** Yeah, you're given pro words to use and, you  
2 know, how to switch channels.

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

4                   **CPL. TIM MILLS:** So when you first get a new portable radio, you  
5 are given training on how to use it properly.

6                   **MR. ROGER BURRILL:** So from your point of view, gentlemen,  
7 with respect to the ERT response, do you have any comments in terms of how ERT  
8 members responded on the coms and worked with the communications system? Do  
9 you have any ---

10                  **CPL. TIM MILLS:** I'll just label it as typical ERT call, rural Nova  
11 Scotia. You know, it didn't seem to be any different than any other tough area to work  
12 in.

13                  **MR. ROGER BURRILL:** All right. Let me move on then to when  
14 ERT arrived at Portapique Beach Road and Highway 2. And we touched on this a little  
15 earlier, as you were preparing to enter into Portapique, there was a call, that we've  
16 discussed, to 67 Bayshore Road. Now, who makes the decision to mobilize, to go to  
17 that call on the west side of Portapique River?

18                  **CPL. TIM MILLS:** ERT Team Leader would. I would make that  
19 call. So -- and you weigh out, you know, what the priority is, how credit it is.

20                  **MR. ROGER BURRILL:** Yeah.

21                  **CPL. TIM MILLS:** So at the time, it had come in, I believe a 9-1-1  
22 call, someone running through the yard with a flashlight and it's from someone in the  
23 house that has seen this.

24                  **MR. ROGER BURRILL:** So there's such a thing entitled in your  
25 business as a credible lead? Am I right in that term ---

26                  **CPL. TIM MILLS:** Yeah.

27                  **MR. ROGER BURRILL:** --- of art?

28                  **CPL. TIM MILLS:** Yeah, well we call it credible lead or ---

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

2                   **CPL. TIM MILLS:** --- you can name it, you know, what you want to  
3 name it. But you're basically weighing the information that's coming in, and by credible  
4 meaning all right, someone saw this and he's saying someone ran through his yard with  
5 a flashlight.

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

7                   **CPL. TIM MILLS:** So is that possible/probable? Yeah, sure it is. I  
8 mean, it's so close to where we are and we were two hours -- three hours into it at that  
9 point from the start of it, like, you know, on foot, that's no problem to be over in that  
10 area, so it's like, all right, that's a credible lead because he could be over there running  
11 through with a flashlight, you know, looking for more victims or trying to hide from us or  
12 trying -- you know, doing whatever.

13                  **MR. ROGER BURRILL:** But 67 Bayshore would have been about  
14 two and a half, 2.7 k from Portapique Beach Road on the western side of the river.  
15 People may have a concern about the fact that there were structure fires and there were  
16 victims found within Portapique Beach Road and Orchard Beach Drive area, yet the  
17 ERT is responding over to Five Houses. Are you able to comment on that with respect  
18 to ---

19                  **CPL. TIM MILLS:** Yeah, because ---

20                  **MR. ROGER BURRILL:** --- the credible lead concept?

21                  **CPL. TIM MILLS:** Yeah, because our job is to stop that threat, and  
22 that threat is mobile. And as we know, he wasn't in the area at that time, but is it  
23 possible or probable that that person running through the yard with a flashlight that time  
24 of night could be the bad guy? Yes, of course. That's our best lead at that time, so you  
25 want to stop that threat.

26                                So that's your priority at the time, you know, to stop that threat, so  
27 with that information we gathered, we have to go make sure that's not him, rule it out or  
28 go eliminate the threat or deal with the threat or, if he gives up, take him into custody.

1                   From the Moncton calls, and this is where I'll tie in, you know,  
2 Moncton gave us an indication how to run with these type of calls. We were going  
3 steady with sightings, and a lot of them were false sightings. And the last one proved to  
4 be a positive sightings.

5                   But you would go up and you were getting sightings all over the city  
6 and you were getting them outside of the city and you were going checking on every  
7 possible. And -- and where it was so quiet in Moncton for, you know -- you know,  
8 probably 24 hours, you had time to go check even not credible sightings because you  
9 had time, things were calm. So -- but on heightened, you know, this is a good  
10 possibility that night, we were going steady checking out these sightings, possible  
11 sightings, to rule them out.

12                   **MR. ROGER BURRILL:** Okay. Any question about your  
13 responsibility to attend at 67 Bayshore Road as opposed to make your way into  
14 Portapique Beach Road?

15                   **CPL. TIM MILLS:** No. Our -- our priority is to stop the threat. It  
16 was credible. Someone saw someone run through a yard with a flashlight. That time of  
17 night, that proximity, which is well within walking -- a leisurely walking distance time-  
18 wise to get over there, yeah, we had to clear that to make sure that wasn't him.

19                   **MR. ROGER BURRILL:** Corporal Milton, any comment?

20                   **CPL. TRENT MILTON:** Yeah, for sure.

21                   So when we look at what we're faced with and tactical decision-  
22 making processes that we follow, it's very scripted in how we do it and how we make  
23 those decisions. So when we look at what our life safety priorities are, we look at  
24 hostages, innocents, victims, police and suspect, right.

25                   So what did we know at the time and what information did we  
26 have? What we knew at that time was that we had four members down in the  
27 community of Portapique in Orchard Beach Drive. We knew that we had people that  
28 were deceased there that had been confirmed deceased by those members, and those

1 members were holding containment. We had that area.

2 Now we have a credible -- credible lead that potentially the suspect  
3 is moving to another area. Somebody's been seen with a flashlight moving through an  
4 area.

5 Like Tim said, based on the environment that we had, certainly that  
6 individual could have made their way by foot or by vehicle to that area before we got to -  
7 - got there. We were several hours into it at that point in time, so given the  
8 environmental factors, absolutely credible lead.

9 What's our mission? Our mission is to stop the threat and make  
10 sure that no more innocent lives were taken.

11 We moved to that area to search for that individual. We cleared  
12 that area, established that that -- that tip was not accurate and moved back over to the  
13 Portapique side.

14 **MR. ROGER BURRILL:** Okay. And I understand at that stage,  
15 Corporal Mills, the mission after it was cleared in Bayshore was to return to Portapique  
16 and then engage with Clinton Ellison and the four general duty members?

17 **CPL. TIM MILLS:** Yes.

18 **MR. ROGER BURRILL:** Okay. And I understand we had some  
19 common operating picture situational awareness difficulties there as well.

20 **CPL. TIM MILLS:** Very much so.

21 **MR. ROGER BURRILL:** Okay. I'm going to ask Madam Registrar  
22 to play the Colchester Radio -- present the Colchester Radio transcript with respect to  
23 your attendance at Clinton Ellison's location. And it's synopsised at paragraph 90 on  
24 page 42 of the Foundational Document.

25 Actually, it'd be the previous clip, I would think, Madam Registrar. It  
26 starts at 2:09 a.m.

27 Thank you very much.

28 So we've got the transcript presented and I understand we can play

1 the audio corresponding to that with respect to your attendance at Portapique Beach --  
2 sorry, Orchard Beach Drive for the extraction of Clinton Ellison.

3 Could you play that, please?

4 **(AUDIO PLAYBACK)**

5 **MR. ROGER BURRILL:** Okay, gentlemen. As I listened to that in  
6 a climate-controlled room while we're all comfortable listening and reading a transcript,  
7 I'm prepared to suggest to you that that sounds very confusing and disorienting.

8 **CPL. TIM MILLS:** Yeah.

9 **MR. ROGER BURRILL:** Are you able to comment on my remark in  
10 that regard?

11 **CPL. TIM MILLS:** Yeah, super confusing. And something I just  
12 thought of, too, the transcript you're listening to, you're listening to the tape from her  
13 side of it, what she hears, because she's clear. If you was taping it from our side inside,  
14 you can't hear like -- like she's being bonged out and it's scratchy. She's not that clear  
15 because what you're listening -- you know, they're taping it from her side, so she --  
16 that's why she sounds so clear with her transcription and that.

17 When you're listening on my end of it, it's not that clear from her,  
18 but still, the information, the directions, everything what you're getting at, yeah. It's very  
19 confusing.

20 **MR. ROGER BURRILL:** I hear some feedback also as the ---

21 **CPL. TIM MILLS:** Yeah, you're getting some feedback from me on  
22 our radio, but you're not getting any feedback on her side of it, her audible. You're not  
23 getting feedback.

24 **MR. ROGER BURRILL:** But that ---

25 **CPL. TIM MILLS:** But while we're in the TAV, we're getting  
26 feedback on hers and, you know, patchiness and stuff like that.

27 **MR. ROGER BURRILL:** Am I right to say that that has an impact  
28 on your situational awareness as well?

1                   **CPL. TIM MILLS:** Hundred percent it does.

2                   **MR. ROGER BURRILL:** Interesting comment that I saw from that  
3 transcript and heard is the expression attributed to you, "Too much too soon". What's  
4 that mean, Corporal Mills?

5                   **CPL. TIM MILLS:** Well, she gave a whole paragraph there of  
6 directions and then at one point, she paused because she wasn't even sure what  
7 direction and, you know, when you're in the dark, when you're trying to find your way,  
8 when all this is going on around you, you can't get a paragraph of directions and retain it  
9 all.

10                  **MR. ROGER BURRILL:** Okay. Corporal Milton, any comment with  
11 respect to the transcript and/or the audio?

12                  **CPL. TRENT MILTON:** No. No.

13                  **MR. ROGER BURRILL:** No?

14                  All right. Is this symptomatic, again, of the same thing we talked  
15 about earlier before the break ---

16                  **CPL. TIM MILLS:** Yes, it is.

17                  **MR. ROGER BURRILL:** --- of an operational picture and  
18 situational awareness?

19                  **CPL. TIM MILLS:** Yes, it is. Yeah, would have been alleviated had  
20 we dropped a pin on ATAK and drove right to where we felt Clinton Ellison was.

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

22                  Okay. I understand that, with some difficulty, Clinton Ellison was  
23 retrieved and the four general duty members were retrieved, placed in the TAV. There  
24 was a detachment of members left. They were returned to Portapique Beach Road,  
25 and then the detachment of members was retrieved as well by the TAV. Am I right  
26 there?

27                  **CPL. TIM MILLS:** Yes.

28                  **CPL. TRENT MILTON:** That's right.

1                   **MR. ROGER BURRILL:** Okay. And at that point, what was the  
2 stage of the mission in terms of having retrieved Ellison and the members? What was  
3 going on?

4                   **CPL. TIM MILLS:** At that time is when we went back to rule out the  
5 flashing lights.

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

7                   **CPL. TIM MILLS:** So when we were originally over clearing the  
8 credible call of, you know, the person with a flashlight running through 67, members  
9 kept saying "There's flashing lights, someone flashing a flashlight on off at us." When  
10 we were down Bayshore Road, we didn't come across anyone, didn't come across any  
11 cars. They thought it was a car flicking their lights at them.

12                   So at that time, after Clinton and -- they were dropped off... Yeah,  
13 see I'll have to -- I'd have to look back in notes or something like that if we did go rule  
14 out the flashing lights at that time ---

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

16                   **CPL. TIM MILLS:** --- or if it was later in the night.

17                   **MR. ROGER BURRILL:** Do you have a recall of that  
18 Corporal Milton, returning to the flashing lights complaint over in the Five Houses area?

19                   **CPL. TRENT MILTON:** We did, but I believe before we did that we  
20 cleared the arear around 136 and checked on those victims.

21                   **MR. ROGER BURRILL:** All right. And just for purposes of the  
22 flashing lights complaint, can you structure that for us in terms of the credible lead  
23 discussion we had earlier?

24                   **CPL. TIM MILLS:** So the flashing lights, you had members saying,  
25 "There's a car flashing their lights" up at the members on the highway. We were  
26 already down looking at 67, and because of no Common Operating Picture or ATAK, we  
27 went past 67, didn't come across any cars. So on the way back, they were talking about  
28 these flashing lights, and we were like, "Listen, we already were down there. We didn't

1 see a car flashing lights or anything like that, so that's why we're going back. Our  
2 priority now is to rescue Clinton Ellison and the four members out of the house." So  
3 that's why we let that priority go down because it was just flashing lights and we had  
4 been in the area and didn't see a car.

5 I know we did go back at some point of the night. I'd have to see,  
6 you know, transcript times, or whatever, and it could have been that this is when we  
7 went and checked on 136.

8 **MR. ROGER BURRILL:** Okay. All right. With respect to attending  
9 to the flashing lights and the Five Houses, or being over there for the second time, I  
10 understand then that there were arrangements made for the team lead to return to the  
11 Command Post. Is that right, Corporal Mills?

12 **CPL. TIM MILLS:** Yes. So ---

13 **MR. ROGER BURRILL:** I want you to comment in terms of how it  
14 is the team lead is engaging with the Command Post physically and also being involved  
15 with the team conducting operations. That seems like a lot of ---

16 **CPL. TIM MILLS:** Yes.

17 **MR. ROGER BURRILL:** --- responsibility and ---

18 **CPL. TIM MILLS:** So I was dual tasked that night due to  
19 resources. We had 13 members. An ERT team should be 18 members. So what we --  
20 on an optimal call, you would have what we call a TacOps, or a Tactical Operations  
21 officer, in the Command Post. That Tactical Operations officer is a go-between  
22 between the team leader and the Critical Incident Commander. That Tactical -- TacOps  
23 can give to the Critical -- the Critical Incident Commander, "This is what ERT can supply  
24 you. This is some things we can do for you." So he -- he's letting the CIC know, "This  
25 is what we can do for you." He's in touch with the team leader trying to get a feel for  
26 what's on the ground.

27 When you have ATAK, Common Operating Picture, or even with  
28 PES or whatever, all these -- at the Command Post, all these screens would go up and



1 you would be getting a live feed of where, "All right. These are my members. This is a  
2 mapping." So in the Command Centre, TacOps would have eyes on live feed of what's  
3 moving, who's going where, so you would have a real good understanding of the area  
4 your team's working in, where you could put members, you know, where they can go or,  
5 you know, place them. That wasn't available.

6 **MR. ROGER BURRILL:** The TacOps officer is usually the senior  
7 member and/or team lead in that position?

8 **CPL. TIM MILLS:** Yes. So if you had enough ERT members or if it  
9 was a scaled down ERT call, if this had just been, "Yeah, we're going to kick a drug  
10 door and there's guns inside" ---

11 **MR. ROGER BURRILL:** Yeah.

12 **CPL. TIM MILLS:** --- with 13 members, yeah, you might have a  
13 TacOps there because you can afford to have 12 members contain one house and do  
14 that. When you have an area this big and then this amount of fatalities and this type of  
15 gunfire, I mean, gunpower, I weighed -- no Common Operating Picture. I'd be in  
16 TacOps position. I have no clue about the area, where my guys were, the feel on the  
17 ground, plus only having 13 bodies available to me that night, I made the decision that I  
18 will be dual task and I would be boots on the ground as a gunfighter as well, team  
19 leader, and TacOps as well.

20 **MR. ROGER BURRILL:** That sounds like a person might be  
21 stretched a bit thin.

22 **CPL. TIM MILLS:** It is.

23 **MR. ROGER BURRILL:** All right. Any comment, Corporal Milton?

24 **CPL. TRENT MILTON:** Yeah, I'll just echo what Tim has said, that  
25 certainly being dual tasked that night was a heavy workload. At that point in the night,  
26 we didn't actually have 13 members, we only had 12 members ---

27 **CPL. TIM MILLS:** Yeah.

28 **CPL. TRENT MILTON:** --- at that point in the night, we were still

1 waiting on the 13th member to arrive . So we were at minimal resources to respond to  
2 that call. So once Tim was taken out of the equation then we were down to 11.  
3 Certainly, we can operate in those numbers, but given the threat level that we were  
4 dealing with, it was more viable to have him on the ground and to have an extra what  
5 we would term "gunfighter" there with us. In the Command Post, he could provide  
6 tactical options to the Critical Incident Commander, but there is really no situational  
7 awareness that he would have had within the Command Post.

8 **CPL. TIM MILLS:** And also, Jeff West being the Critical Incident  
9 Commander, he had been Critical Incident Commander for years, and he had come out  
10 to training and scenarios with us. He was well aware of what we could offer, so it was  
11 not like we had a new CIC there that had no clue what ERT is capable of.

12 **MR. ROGER BURRILL:** All right. I think that covers the issue of  
13 the TacOps officer being embedded at the Command Post at that stage and what  
14 actually took place at Portapique.

15 I'd like to move on, then, to discuss drones. And I understand,  
16 Corporal Milton, that you actually have some expertise in this area in terms of your  
17 involvement of drone technology and the ERT?

18 **CPL. TRENT MILTON:** Yes, I'm one of the pilots for our remote  
19 piloted systems.

20 **MR. ROGER BURRILL:** Okay. Can you tell us about that  
21 generally? What material were available to the ERT at that time, and whether things  
22 have changed?

23 **CPL. TRENT MILTON:** Sure. So on -- in April of 2020, we had  
24 one drone that was available to us. Something that's called an Aeryon SkyRanger. A  
25 very capable (RPAS), and has the ability to fly in extreme environmental conditions,  
26 wind tolerances, rain tolerances, daytime/nighttime flight options. It had multiple  
27 payload options that could be put on it, so a 30-times zoom camera or what is an EOIR  
28 camera, so an Electronic Optimal camera with IR capabilities.

1 **MR. ROGER BURRILL:** IR, meaning?

2 **CPL. TRENT MILTON:** Infrared. So it would be basically thermal  
3 imaging. And that's what we had available to us on that day.

4 **MR. ROGER BURRILL:** Okay. And I understand there are some  
5 limitations to that particular device, as well some benefits to that device?

6 **CPL. TRENT MILTON:** Yeah. So certainly some limitations of it is  
7 the time that it takes to deploy from a tactical perspective. It comes in a large pelican  
8 case, it needs to be put together, it needs antennae setup, it needs communication  
9 systems set up to be able to deploy it. It's run from a tablet, so the tablet needs to be  
10 booted up and powered on, all things that take time when you're in the field to deploy it.  
11 But like I said, it is a very capable RPAS that -- yeah.

12 **MR. ROGER BURRILL:** Line of sight limitations as well?

13 **CPL. TRENT MILTON:** So our, what we would call an SFOC,  
14 Special Flight Operation Certificate limits us to be only able to fly within visual line of  
15 sight. So anytime that I put it up I need to be able to have my observer clearly see the  
16 airspace around to make sure that there's no hazards coming in, that there's no other  
17 aircraft in the area, or that there's no wires or anything like that that I'm going to hit.

18 **MR. ROGER BURRILL:** Okay. I understand that the drone was  
19 actually deployed that early morning around 6:13, if I'm not mistaken?

20 **CPL. TRENT MILTON:** Yeah, around that time, shortly after six.

21 **MR. ROGER BURRILL:** Okay. Can you tell us how that operated  
22 and its -- what you did with the drone?

23 **CPL. TRENT MILTON:** Sure. So when I deployed it, I deployed it  
24 from our last known area of operations, I guess you could say, that -- the last area  
25 where the perpetrator had been seen around 136 Orchard Beach Drive, and I had  
26 deployed it several hundred feet and started searching the wood area in a grid pattern  
27 to try to see if I could locate any persons in the woods. The only thing that I could see  
28 were, you know, a few deer that were out in the wood -- wooded area.

1                   **MR. ROGER BURRILL:** Okay. Would it be able to detect the  
2 human form?

3                   **CPL. TRENT MILTON:** Absolutely.

4                   **MR. ROGER BURRILL:** Okay. And that would be the heat  
5 signature aspect of it?

6                   **CPL. TRENT MILTON:** Yeah.

7                   **MR. ROGER BURRILL:** I'm wondering, then, if you can comment  
8 about why perhaps the drone might not have been used earlier in the -- in the morning  
9 or later at night on April 18th. Any comment on that?

10                  **CPL. TRENT MILTON:** Yeah. Again, it comes back to what was  
11 the information that we knew at the time, what was the area that we were operating in,  
12 and what were the tasks that we were given at the time.

13                         So like Tim had mentioned earlier, priority kind of shifted at various  
14 points throughout the night to different taskings in different areas. You were limited by  
15 the number of resources that we had on the ground.

16                         At the time, I was the only pilot to be able to fly it, and I was also  
17 tasked as the 2IC or the boots on the ground in charge of what we would call our DETS  
18 or our assault team.

19                         So when we move to different areas, we have, I guess, what you'd  
20 call, like, varying stages of search patterns, right, where we involve thermal imaging  
21 from handheld imagers, we involve the dog, we involve our own people through visual  
22 tracking, and eliminate areas.

23                         So when we had moved to different areas, we had searched those  
24 areas, concluded that they were negative for any results, and then moved on to the next  
25 task.

26                         At no point did we really have a lull that I could just put it up and  
27 start searching areas at will, I guess you could say. I'm limited, as I said, by the visual  
28 line of sight search area and the height that I can put it at. So even though a layperson

1 may feel, okay, if I put the drone up, I'm going to see this broader area, really, in the  
2 darkness that we had, the conditions of low ceiling, snow that evening, I'm limited with  
3 how high I can put it up and how far I can see with it, and the actual search area that I'm  
4 searching. When I'm searching, I'm basically searching what's underneath the drone  
5 and flying in a grid pattern. So I wouldn't be able to just put it up and search the entire  
6 community of Portapique. It's a small area that I'm searching at any given time.

7 **MR. ROGER BURRILL:** But you're not limited with respect to  
8 flying the drone at night?

9 **CPL. TRENT MILTON:** No.

10 **MR. ROGER BURRILL:** I understand that's capable of being  
11 done?

12 **CPL. TRENT MILTON:** It is capable. Yeah.

13 **MR. ROGER BURRILL:** I guess my question might be for you, that  
14 had the drone been deployed a little earlier, in terms of your tasks, ---

15 **CPL. TRENT MILTON:** M'hm.

16 **MR. ROGER BURRILL:** --- keeping in mind what was going on,  
17 would it have been possible to detect the presence of a person like Clinton Ellison, such  
18 that the extraction would have been facilitated a little easier?

19 **CPL. TRENT MILTON:** Yes, certainly. But at that point in time, we  
20 were dealing with a person that wanted to be found by the police, ---

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

22 **CPL. TRENT MILTON:** --- that was giving his location, and for the  
23 time that it would take to actually deploy the drone, ---

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

25 **CPL. TRENT MILTON:** --- tactically it didn't make sense for us to  
26 stop egress out of the armoured vehicle and set up to try to put a drone up in the air.

27 **MR. ROGER BURRILL:** I guess the next question would be,  
28 perhaps the same considerations apply to the ability to access Lisa Banfield in the

1 woods a little earlier that night, had the drone been deployed. Any comment on that?

2 **CPL. TRENT MILTON:** We didn't know Lisa Banfield was in the  
3 woods; right? So again, it comes back to the intelligence that we have at the time, the  
4 facts that we have at the time, and to be able to deploy our resources appropriately.

5 **MR. ROGER BURRILL:** All right. I understand that there has been  
6 the acquisition by ERT of a more nimble RPAS or drone?

7 **CPL. TRENT MILTON:** Yeah.

8 **MR. ROGER BURRILL:** Is that correct?

9 **CPL. TRENT MILTON:** Yeah. So we have several smaller drones  
10 now that can much more quickly be deployed, ---

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

12 **CPL. TRENT MILTON:** --- that can -- that they have similar  
13 thermal capabilities, not quite as powerful as the SkyRanger, but can be deployed within  
14 a matter of seconds, be put up in the air and have thermal searching capabilities as  
15 well.

16 **MR. ROGER BURRILL:** You have those now?

17 **CPL. TRENT MILTON:** Yes.

18 **MR. ROGER BURRILL:** How many of those units do you have?

19 **CPL. TRENT MILTON:** We have one.

20 **MR. ROGER BURRILL:** One unit? And would that potentially  
21 have made any difference to your response at Portapique?

22 **CPL. TRENT MILTON:** I probably would have been able to deploy  
23 it much quicker and may have been able to deploy it in different time frames throughout  
24 the night.

25 **MR. ROGER BURRILL:** Okay. I understand that the drone activity  
26 was interrupted by the fact that Lisa Banfield made a call and ERT was deployed in that  
27 regard?

28 **CPL. TRENT MILTON:** Right.

1                   **MR. ROGER BURRILL:** Does that sound right?

2                   **CPL. TRENT MILTON:** Yes.

3                   **MR. ROGER BURRILL:** So how long do you estimate you had the  
4 drone in usage at that time?

5                   **CPL. TRENT MILTON:** Probably 10 or 15 minutes.

6                   **MR. ROGER BURRILL:** Yeah, all right. Able to determine  
7 anything in that time period?

8                   **CPL. TRENT MILTON:** There was nothing located during the  
9 search.

10                  **MR. ROGER BURRILL:** All right. When Ms. Banfield becomes  
11 aware -- you become aware of Ms. Banfield, Cpl Mills, what was the mission at that  
12 point?

13                  **CPL. TIM MILLS:** At that point was to go rescue her and, you  
14 know, get her to investigators to get as much information as we can to find out if the  
15 threat is still out there.

16                         So I sent the cut off team, because they were quicker to get to her  
17 than we were.

18                  **MR. ROGER BURRILL:** And can you explain the cut off team for  
19 us?

20                  **CPL. TIM MILLS:** So the cut off team is -- at that time was four  
21 members in what we call a go-fast vehicle. Basically a half ton truck or a Suburban, an  
22 ERT vehicle, not the armoured vehicle. So we're -- Cpl Milton had to pack up the RPAS  
23 at the time because we were flying and get it back in the TAV and us mount up and go  
24 over to escort her out.

25                         I had the cut off team go attend to her first, make sure the area was  
26 secure, and then we rolled in with the TAV and evacuated her out in the TAV.

27                  **MR. ROGER BURRILL:** Okay. And that went without any incident,  
28 from the ERT point of view?

1                   **CPL. TIM MILLS:** Yeah, there were no issues I saw from the ERT  
2 point of view.

3                   **MR. ROGER BURRILL:** Did you or either of you actually engage  
4 in any communication with Ms. Banfield at that time during her extraction?

5                   **CPL. TRENT MILTON:** No.

6                   **CPL. TIM MILLS:** No. The cut off team was the one that had the  
7 contact with her. She was loaded into the back of the TAV and she was at the head of  
8 the Portapique Beach Road within minutes and handed over to investigators.

9                   **MR. ROGER BURRILL:** Right. The Foundational Document will  
10 indicate for readers that the bodies of Greg and Jamie Blair were not discovered until  
11 about 5:20/5:21, which seems, from the layperson's point of view, looking into that  
12 situation, to be a really long time before those bodies were discovered. Are you able to  
13 comment on that, gentlemen?

14                   **CPL. TIM MILLS:** Yeah. So as Trent had mentioned earlier, the  
15 members that were on scene and sheltered in place had spoke of deceased persons in  
16 the area. We had higher priority taskings of credible sightings, rescuing someone who  
17 was trapped, a live person, Clinton Ellison. So we prioritized, you know, stopping the  
18 threat, rescuing vulnerable people, and then when we had time, we were, like, we have  
19 to go put hands on -- confirm they are, in fact, deceased. Because you go with the  
20 information you have at the time. They're deceased. Once there's a lull and there were  
21 no higher priority items to attend to, you go lay hands on, confirm they're deceased, and  
22 that's when we went and did that.

23                   **MR. ROGER BURRILL:** Okay. When that occurred, can you  
24 make any comment about timeliness? And that's what I was asking you earlier. As you  
25 look back now two years later, could there have been a way to get to that scene, to  
26 assess the deceased, both at the Blair residence and on Orchard Beach Road -- or  
27 Orchard Beach Drive earlier than you did?

28                   **CPL. TIM MILLS:** No, we had higher priority items we had to take



1 care of, like stop -- looking for a threat, stopping a threat from any leads, rescuing a live  
2 person that, you know, was in a vulnerable position. So we had higher priority items at  
3 the time before we attended to deceased people to lay hands on to confirm deceased.

4 **MR. ROGER BURRILL:** Any comment, Cpl Milton?

5 **CPL. TRENT MILTON:** No, the information that we were provided  
6 at the time from general duty was that they were in that scene, or the area, and that  
7 confirmation had been made from the children and from those members that ---

8 **MR. ROGER BURRILL:** Okay. Thank you. I'm going to move  
9 along, with respect to topics, into the topic of the evacuation of residents and people  
10 from Portapique.

11 Can you tell me whether the ERT has a specialization or skills in  
12 terms of evacuation of persons from a particular area? Is that something you do, you're  
13 trained for?

14 **CPL. TIM MILLS:** Yeah, we -- when we do interior combat, or even  
15 bush training, you do have training for evacuating a person out of a house or out of the  
16 woods by setting up formations around that person to make sure you're not ambushed  
17 on the way out of a building or out of the woods.

18 For doing it with a vehicle, we have VIP training for when diplomats  
19 come into town or high threat level targets where we have convoy formations to protect  
20 people in vehicles as well. So we have that type of training for evacuating people out of  
21 an area.

22 **MR. ROGER BURRILL:** But the task that was being undertaken  
23 shortly after 9:04, ---

24 **CPL. TIM MILLS:** Yeah.

25 **MR. ROGER BURRILL:** --- is that something that you -- your ERT  
26 folks ---

27 **CPL. TIM MILLS:** No. So ---

28 **MR. ROGER BURRILL:** --- would have been familiar with

1 undertaking?

2 **CPL. TIM MILLS:** So to go to houses and evacuate people out of  
3 houses, that's not an ERT duty.

4 **MR. ROGER BURRILL:** So why is it that ERT is involved at 9:04,  
5 undertaking that role?

6 **CPL. TIM MILLS:** Because of the area we considered -- we called  
7 the hot zone, right around 136, the Blair's residence, was the last known location of the  
8 suspect. So no idea if he was lying in wait in the woods, or wounded, or anything like  
9 that. That's the last known location. That's what you go on, the last known location.  
10 Besides that, you don't have a clue where he is. So last known location is what we had  
11 for concrete evidence.

12 So we set that up as a hot zone. At that point, it would have been  
13 too dangerous to bring in general duty members. So you're trying to evacuate the  
14 residents out when there was time and there were not other tasks in place, and it could  
15 have been interrupted with other taskings of higher priority, and we had the TAV, the  
16 armoured vehicle kind of right at ground zero for the hot zone ---

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

18 **CPL. TIM MILLS:** --- and we brought in the -- we broke up into  
19 different dets, or detachments, or go-fast vehicles, or cut-off teams, and they were going  
20 to start expanding out from the hot zone, evacuating persons that were in residence ---

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

22 **CPL. TIM MILLS:** --- or discovering more deceased people.

23 **MR. ROGER BURRILL:** So were you content then with your ability  
24 to conduct the role as an ERT organization of evacuating this physical area?

25 **CPL. TIM MILLS:** The -- and that's the reason I went back to the  
26 Command Post that night to discuss a plan with the Critical Incident Commander, and  
27 we wanted to have eyes in the sky, a helicopter in place, daylight, so, well, we could  
28 evacuate these people as safe as possible ---

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

2                   **CPL. TIM MILLS:** --- so there was no surprises, no ambushes that  
3 were going to take place while we were evacuating them out. So we had to wait for  
4 daybreak because of DNR, because the RCMP helicopter wasn't available, which we'll  
5 get into later.

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

7                   **CPL. TIM MILLS:** So that was the plan. Once eyes are in the sky,  
8 we will break up and start evacuating when the time allows.

9                   **MR. ROGER BURRILL:** Okay. I want to direct your attention,  
10 Madam Registrar, to the next -- the Colchester radio transcript, lines 4418 to 4427 that  
11 are summarized at paragraph 140 of the Foundational Document. This is a discussion  
12 between Cst. Ryan and Cpl. Mills with respect to a secondary route out of Portapique.  
13 And if we can hear the audio on that, then I'll ask you for your comment on it.

14                                   **[AUDIO PLAYBACK]**

15                   **MR. ROGER BURRILL:** Okay. Cpl. Milton -- sorry, Cpl. Mills,  
16 there's discussion there of a going out the other route, or something of that nature.  
17 Yeah, can they go the other route. Will you please provide us some elucidation of what  
18 you meant by that, in particular with respect to any knowledge you had about blueberry  
19 road at that time?

20                   **CPL. TIM MILLS:** Okay. So when we arrived that night and we  
21 were looking for Clinton and driving around it, it seemed we were driving around in  
22 loops or circles looking for Clinton that night.

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

24                   **CPL. TIM MILLS:** At that time in the morning, I had -- I had  
25 believed it was a big loop and behind 136 there was a road that drove behind 136 to get  
26 below where our location was. So when I was talking to Cst. Ryan at the time, I thought  
27 instead of bringing, you know, the victim's father up past the deceased, if they could  
28 loop around behind 136 to get up to the top of Portapique Road. I had no knowledge

1 whatsoever of blueberry run, and the first I've ever heard of blueberry run was in the  
2 news, like, two or three days later.

3 **MR. ROGER BURRILL:** Okay. Cpl. Milton, can you make any  
4 comment with respect to your knowledge of the blueberry road egress capacity?

5 **CPL. TRENT MILTON:** Yeah. No, I had no knowledge of that  
6 egress point either until it was brought out during the investigation -- excuse me --  
7 during the investigation, the days followed, weeks followed when it came out in the  
8 media.

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

10 **CPL. TIM MILLS:** And, again ---

11 **MR. ROGER BURRILL:** Forgive me. Go ahead.

12 **CPL. TIM MILLS:** --- had we had ATAK, then it would have been,  
13 like, all right, you got to bring him up through here because it's the only way out.

14 **MR. ROGER BURRILL:** Okay. I'm going to move on to discuss  
15 some details of the evacuation, in particular, attendance at Cobequid Court.

16 Paragraphs 141 of the Foundational Document and paragraphs 143. If we can bring  
17 them up, Madam Registrar? They're at page 63 and 64 of the document.

18 Paragraph 141 is before you, gentlemen. It says,

19 "At 9:36:22 a.m., Cst. Gallant broadcast that "232"  
20 was being evacuated. This appears to have been  
21 232 Orchard Beach Drive, the house next to Richard  
22 Ellison's to the south."

23 First line of paragraph 142 says,

24 "At 9:35[...], Mary-Ann Jay called 9-1-1 from  
25 Wentworth."

26 And I'm going to jump to paragraph 143 now.

27 "H-Division [...] members quickly ended the  
28 evacuation of Portapique and travelled rapidly

1 towards the scene on Highway 4 in pursuit of the  
2 perpetrator. As a result, the evacuation of Portapique  
3 did not get as far south as Cobequid Court before  
4 ERT members departed the community. Cst. Milton  
5 told the Mass Casualty Commission that, in keeping  
6 with ERT's mission, they immediately deployed  
7 towards the call. He stated, "We knew that based on  
8 the information that that was obviously our individual,  
9 we had an active threat again and we were pushed  
10 into the threat to try to stop it." "

11 I want to ask you for clarification with respect to the evacuation  
12 procedures that you -- they were -- you were undertaking, were they completed or close  
13 to completed by the time you receive that call, or do you have any comment on it?

14 **CPL. TIM MILLS:** They had just started.

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

16 **CPL. TIM MILLS:** But as you can see, the priority changed. We  
17 had to stop the threat. New information came in that there was, you know, another  
18 dead person on the side of the road in Wentworth, and we knew that was our suspect.  
19 He was not in -- contained. He was not deceased. He's outside and he's out killing  
20 again, and we knew our next priority, we have to go stop that threat.

21 **MR. ROGER BURRILL:** So as we now know, there were five  
22 persons that were killed on Cobequid Court. Are you able to provide any commentary  
23 for us with respect to your ability to evacuate and/or attend to Cobequid Court before  
24 your mission changed?

25 **CPL. TRENT MILTON:** We hadn't made it that far.

26 **CPL. TIM MILLS:** Yeah.

27 **CPL. TRENT MILTON:** We weren't aware of those scenes. I  
28 personally didn't learn about those scenes until weeks following the event. Based on

1 the information that we had at the time, we were slowly pushing through, as Cpl. Mills  
2 indicated, once we had security set up to get residents out safely. We are trained in  
3 initial critical incident response as a general duty frontline, and part of that training  
4 comes back to whether you shelter in place, whether you evacuate, and what the safety  
5 priorities are. So until we could establish that we could safely get the people out of the  
6 community, we didn't start that evacuation process. So when that started in the  
7 morning, that was quickly interrupted by the 9-1-1 call from Wentworth.

8 **MR. ROGER BURRILL:** In light of the fact that Cobequid Court  
9 had not been reached, was there any reporting requirement, or ability, or thought of  
10 reporting to somebody that the evacuation had not been completed such there are  
11 locations that hadn't been attended to?

12 **CPL. TRENT MILTON:** The locations that we had evacuated had  
13 been reported back to the Command Post ---

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

15 **CPL. TRENT MILTON:** --- and they would have been made aware  
16 of.

17 **MR. ROGER BURRILL:** Any knowledge of the areas that you had  
18 not evacuated at that time?

19 **CPL. TRENT MILTON:** Well, we weren't even aware of the areas  
20 that had not been evacuated so.

21 **CPL. TIM MILLS:** We weren't aware of the area in general, so we  
22 didn't know how far it went. So, I mean, once the Command Post has these are the  
23 houses that are evacuated, it's noted, they know what isn't evacuated or been checked  
24 on.

25 **MR. ROGER BURRILL:** Okay. Thank you. I am interested to ask  
26 you though, when that call at 9:42:30 that we have heard repeatedly about the  
27 Wentworth shooting, how is it that everybody, or at least all ERT members, simply  
28 mobilize and leave the Portapique area? Why is that?

1                   **CPL. TRENT MILTON:** Again, it comes back to mission transition.  
2 Where is our active threat? What information do we have at the time? It was very clear  
3 from that 9-1-1 call that someone in a marked police car, which we now knew at this  
4 point in time was what the perpetrator was driving -- we didn't learn that until Ms.  
5 Banfield had come out of the woods -- had shot an innocent person walking on the road.  
6 That was clearly our perpetrator, and we then transitioned our mission to stop that  
7 threat.

8                   **MR. ROGER BURRILL:** So did you agree with the process to  
9 transition your mission immediately to go to Wentworth?

10                  **CPL. TRENT MILTON:** One hundred (100) percent.

11                  **MR. ROGER BURRILL:** Cpl. Mills?

12                  **CPL. TIM MILLS:** Yes.

13                  **MR. ROGER BURRILL:** Yeah, okay. Any difficulty actually  
14 carrying out that task, getting on the road to Wentworth?

15                  **CPL. TIM MILLS:** Well, at that time, we had -- the persons that  
16 were evacuating, they were already in the faster vehicles ---

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

18                  **CPL. TIM MILLS:** --- cut off, so they were able to deploy quicker  
19 than the guys in the TAV. The guys in the TAV had to go to the head of the Portapique  
20 Beach Road, jump into the rest of the half-ton truck Suburban to get to the scene  
21 quicker.

22                  **MR. ROGER BURRILL:** Okay. Any directional disability you  
23 experience on the way to Wentworth?

24                  **CPL. TIM MILLS:** Yes, so where we're getting out of Portapique  
25 area, more onto rural roads and highways, we have a better situational awareness, or,  
26 you know, just from familiarity of the area, but the problem is, is without the common  
27 operating picture of ATAK, you got no idea on civic numbers. So we knew what way to  
28 get to Wentworth, no problem at all. We knew what way to get to Glenholme, just

1 because we're familiar with that area. We had no idea where the civic number was.  
2 Because enroute to Wentworth is when this -- another call come in before we were even  
3 to Glenholme, and he's now at the Glenholme address. So once we got to the top of  
4 the Bass River Road or that road there, we took a right heading towards, I guess,  
5 Masstown Market because we weren't aware of the civic. Someone behind us quickly  
6 pointed out, "No, the other way, the other way." So we did a quick U-ey, and headed  
7 towards the civic address that he was at in Glenholme.

8 **MR. ROGER BURRILL:** Okay. So we have all had the opportunity  
9 to review the Glenholme Highway 4 Foundational Document that describes not only  
10 ERT's involvement at the Fisher residence, but also general duty's involvement, and I'm  
11 going to suggest to you that that operation was perhaps a little bit more in line  
12 experientially with what ERT undertakes generally.

13 **CPL. TIM MILLS:** Yes.

14 **MR. ROGER BURRILL:** And the use of the expression  
15 "compromised authority" and the attention to the scene with respect to communications,  
16 would you agree with me that that was an easier fit for ERT operatives at that time?

17 **CPL. TIM MILLS:** Yes. ERT ---

18 **MR. ROGER BURRILL:** Why is that?

19 **CPL. TIM MILLS:** ERT normally deals with contained suspects,  
20 whether it's ---

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

22 **CPL. TIM MILLS:** --- armed or barricaded, hostages. When you  
23 have an uncontained suspect, we're there as more police officers, better trained, better  
24 armed police officers helping out where we can help out and doing taskings. But when  
25 you have a suspect contained, which 99-percent of our calls are, that's when we take  
26 control, put in, you know, the snipers, observers, come up with a plan, and we can  
27 control that area because we know he's contained at that point.

28 **MR. ROGER BURRILL:** If I said you were more comfortable in



1 your response at Wentworth, excuse me, at Glenholme residence, would you agree with  
2 me?

3 **CPL. TIM MILLS:** Yes. We believed he was contained at that  
4 time. Due to the timeframe, our response time, and not being able to see the rear of the  
5 house, believing he is up there behind the rear of the house, you know, we've got the  
6 only driveway cut off here, we believe he's contained at that time and it's your typical  
7 armed and barricaded or we're going to be a hostage situation at that time.

8 **MR. ROGER BURRILL:** Anything, Corporal Milton?

9 **CPL. TRENT MILTON:** I don't know if I would use the word "more  
10 comfortable" ---

11 **MR. ROGER BURRILL:** Okay.

12 **CPL. TRENT MILTON:** --- at that scene. I mean, we're trained to  
13 do our job to the best of our ability, and I think in both environments we did just exactly  
14 that. I would echo Tim's comments as far as we felt that we had him contained at  
15 Glenholme based on the information that we were being provided from the call-taker  
16 and based on the position that we had our members contain that property.

17 **MR. ROGER BURRILL:** Okay. Let's move on, then, if we can, to  
18 air support availability. I understand this is a topic that may be dear to your heart,  
19 Corporal Mills. In particular, I want to draw to your attention comments at page 91 and  
20 92 of your mass casualty interview, wherein there was an exchange at the -- I'm sorry,  
21 the -- between you and I, actually, many months ago, wherein at 47:25, I asked you:

22 "Yeah, tell me what your thoughts are on air support,  
23 please."

24 Tim Mills:

25 "Oh, like it was nothing, like...I mean, this is another  
26 thing we go back to, that was identified after Moncton  
27 as well. You know, there's a big report written on that.  
28 I don't know if you guys have spoken to the guy in

1 charge and the DNR up in Shubie, he's the ex-RCMP  
2 Staff Sergeant out of Moncton who flew helicopters up  
3 there and wrote this big, giant report on what they  
4 need and this and that and it went nowhere."

5 Question:

6 "In terms of the...Moncton incident?"

7 Mills:

8 "Yeah, yeah."

9 Moving on to page 92, Burrill:

10 "Yeah, okay. So, when you say nothing, on a normal  
11 situation like this, you're expecting something? And  
12 what is it that you're expecting in terms of air assist?"

13 Tim Mills' response:

14 "The sad thing is, no, I wasn't expecting anything  
15 because it seems 80 percent of the time you call air  
16 services, "Oh well, it's down", or "We've got too many  
17 hours in", or this or that. So, you know, that seemed  
18 to be the way it used to be. Now, after Portapique,  
19 you call them, they were quite -- they were there quite  
20 a bit."

21 So with respect to those comments about 80-percent, does that  
22 sound consistent to you in terms of your observations, and do you still stick by those  
23 remarks?

24 **CPL. TIM MILLS:** Yeah. Pre Portapique, at least 80-percent. I  
25 mean, I could have been a little generous there as, you know, it seemed they were  
26 never available for the most part.

27 **MR. ROGER BURRILL:** In terms of your expectation of air  
28 support, as a Tactical Operations member, it would be important to have air support in

1 that situation.

2 **CPL. TIM MILLS:** Yes. In that situation, it would have helped us a  
3 lot.

4 **MR. ROGER BURRILL:** But you weren't expecting any at all when  
5 you attended?

6 **CPL. TIM MILLS:** No, I wasn't shocked at all when they weren't  
7 available.

8 **MR. ROGER BURRILL:** Corporal Milton, any comment on that?

9 **CPL. TRENT MILTON:** Yeah. We certainly have issues  
10 surrounding air support in the Atlantic Region. We have one helicopter available to us  
11 based out of Moncton and only two pilots. So we're expecting a response 24/7, and I  
12 think the people are expecting a response 24/7 to be able to have those assets in place.  
13 And whether it's down for maintenance, whether it's down for scheduling, whatever the  
14 case may be, there is no contingency plan in place for a backup police helicopter for the  
15 Atlantic Region. So in this particular circumstances, we had to call Lands and Forests  
16 to assist. They don't have the same capabilities as us. They don't have the search  
17 capabilities, they don't have the technological abilities with IR cameras for searching at  
18 nighttime, they don't have the flight requirements to be able to fly at nighttime, they can  
19 only fly from dusk until dawn. So there is certain capabilities that were lacking there.

20 Our machine itself, the helicopter itself is lacking in the capabilities  
21 that it can perform for us in a tactical sense as well. It can't transport our operators. We  
22 weigh too much to be able to get into the helicopter for them to be able to transport  
23 more than one or two of us because of the camera suite that they have onboard. It's  
24 only a single-engine helicopter, so it can only carry so much. So it can't do many of the  
25 jobs that we require it to do. The camera system that's onboard is old, it doesn't have  
26 the capabilities of current systems, so the search capabilities of it aren't there as well;  
27 right?

28 So there's a huge array of issues that come out of it, and on that

1 particular night, the helicopter wasn't available. Whether it was for maintenance,  
2 whether it was for the pilots having been off or flight timed out, whatever the case was,  
3 there was no contingency in place to have a backup helicopter there for us.

4 **MR. ROGER BURRILL:** Did you -- were you guys aware that there  
5 was no contingency plan for air support in the event of a critical incident?

6 **CPL. TRENT MILTON:** Typically, we'll get a message sent out that  
7 the helicopter is down for maintenance, of whatever the case may be. I don't know on  
8 that particular day if there was anything.

9 **MR. ROGER BURRILL:** Okay. All right. So at the Glenholme  
10 location, we hear Corporal Mills in the transcript and the audio say, "No PC", then "No  
11 PC", and then eventually there is the Debert call that ERT responds to again. And this  
12 is the credible threat response in the same way you've been doing it regularly and  
13 routinely over the hours up to this point? Yes?

14 **CPL. TIM MILLS:** Yeah.

15 **MR. ROGER BURRILL:** Yeah. Okay. After Plains Road, you're  
16 into a situation whereby you're conducting, I'm going to say a manhunt for this person .  
17 that may be the wrong expression for you, but ---

18 **CPL. TIM MILLS:** No.

19 **MR. ROGER BURRILL:** --- is this something that the ERT is  
20 skilled and/or trained in in terms of responding?

21 **CPL. TIM MILLS:** We're used to dealing with contained persons, is  
22 what we're used to dealing with, but with situations like this, you know, your general  
23 duty training, your ERT training, all of this, you're trying to find the threat, contain the  
24 threat best you can is what you're trying to do. So yes, we have training on, you know,  
25 how to search and how to place people out, how to cover -- you know, try and best  
26 contain that, you know, area to trap him in it.

27 **MR. ROGER BURRILL:** Okay. But as you're responding and the  
28 perpetrator is on the move, is anybody directing your response locations?

1 **CPL. TIM MILLS:** No. No.

2 **MR. ROGER BURRILL:** And those decisions are being made by  
3 who as to where to go?

4 **CPL. TIM MILLS:** Myself at the time.

5 **MR. ROGER BURRILL:** Okay. Corporal Milton, do you have a  
6 role in that in terms of where you're going?

7 **CPL. TRENT MILTON:** Yeah. So Tim and I were in the same  
8 vehicle at that point, so there was lots of discussion between the two of us as far as ---

9 **CPL. TIM MILLS:** Yeah.

10 **CPL. TRENT MILTON:** --- possible choke points, possible areas  
11 to, like he said, kind of trap him in. It's not so much that we're used to dealing with  
12 contained persons, we're used to containing those individuals ---

13 **MR. ROGER BURRILL:** Yeah.

14 **CPL. TRENT MILTON:** --- and being able to, as we would term it,  
15 like close the box in and be able to take control.

16 **MR. ROGER BURRILL:** But at this stage, given the state of your  
17 information and the mobility of the perpetrator, how did you know where to go?

18 **CPL. TIM MILLS:** You didn't. I mean, you knew his, you know, his  
19 last known location was Plains Road, so you flood that area hoping to see this marked  
20 PC with that call sign on it.

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

22 **CPL. TIM MILLS:** Once you flood the area and there is no, you  
23 know, PC, that's when you spread your guys out and start containing.

24 **MR. ROGER BURRILL:** Okay.

25 **CPL. TRENT MILTON:** Based on the information and intelligence  
26 that had been fed down. As far as us up to that point, we had to believe that he was  
27 probably heading towards the Halifax area, based on information that had come from  
28 the quick interview from Ms. Banfield when she came out of the woods and the

1 information that we had the night before, that he owned property in Dartmouth. It  
2 seemed like he was destroying most, if not everything, that he knew, and that was  
3 probably the next most likely.

4 **CPL. TIM MILLS:** You're also aware that general duty is involved  
5 and there's dozens of cars out on the ---

6 **CPL. TRENT MILTON:** Yeah.

7 **CPL. TIM MILLS:** --- the 104/102. So they have a broader  
8 containment zone and you're relying on them to give you eyes on too, "Oh, he just went  
9 by here," to give you that intel you need.

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

11 **CPL. TIM MILLS:** But when that didn't happen, it's like, "Okay.  
12 Now we have to spread out our ERT resources, because there's no -- he's not  
13 contained."

14 **MR. ROGER BURRILL:** Am I right though in terms of where you're  
15 locating yourselves and where you're going, it's an educated guess at this point?

16 **CPL. TIM MILLS:** Yes.

17 **CPL. TRENT MILTON:** Yeah.

18 **MR. ROGER BURRILL:** Yeah. Okay. I understand that both of  
19 you gentlemen attended at the Shubenacadie Cloverleaf scene? Is that correct?

20 **CPL. TIM MILLS:** Yes.

21 **CPL. TRENT MILTON:** Yes.

22 **MR. ROGER BURRILL:** I understand as well that you were  
23 involved in the removal of Cst Stevenson's body from the scene? Or at least moved  
24 from the vehicle?

25 **CPL. TIM MILLS:** In a safer location, yes.

26 **MR. ROGER BURRILL:** A safe location. Thank you. I understand  
27 you also located some -- or obtained some intelligence, some information, and that you  
28 travelled south on the Highway 224 in response to that information?

1 **CPL. TIM MILLS:** Yes.

2 **CPL. TRENT MILTON:** That's right.

3 **MR. ROGER BURRILL:** Is that right? You were there for a very  
4 short time?

5 **CPL. TIM MILLS:** Yes.

6 **MR. ROGER BURRILL:** And once again, and forgive me for being  
7 repetitive, but why were you there for that short time?

8 **CPL. TIM MILLS:** Because the threat was still active and moving  
9 and it was clear at that point that he was shooting random targets along his route.

10 **MR. ROGER BURRILL:** Okay. I'm coming to the end of my  
11 questioning, but there's one more thing that I'd like Madam Registrar to bring up, and  
12 that's the Colchester radio communications at 10:59:24 when you are at the  
13 Shubenacadie, or closely thereafter, the Shubenacadie Cloverleaf scene.

14 Could you play that audio, please?

15 **[AUDIO PLAYBACK]**

16 Now, Cpl Mills, that last expression, "Gun on him, gun on him," is  
17 attributed to you. You said that?

18 **CPL. TIM MILLS:** Yeah.

19 **MR. ROGER BURRILL:** And the significance of that expression,  
20 please?

21 **CPL. TIM MILLS:** So I wanted them to be in the threat ready  
22 position, like, don't give him a second, because he's already shot and killed one police  
23 officer. So at that point you realize he's got nothing to lose, he's going to take as many  
24 people out, whether it's police, or innocents, or whatever. So the confusion of, you  
25 know, the police car alone, now he's in a silver Tracker. So it's like, we already lost one  
26 member who was in a gun battle with him, so you're giving your members a heads up,  
27 threat ready, gun up on him, don't give him a chance to shoot you first, is what I'm  
28 saying.

1                   **MR. ROGER BURRILL:** The expression, "You've got to have a  
2 gun on him, gun on him," was that an execution order?

3                   **CPL. TIM MILLS:** Absolutely not.

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

5                   **CPL. TIM MILLS:** But saying that, a threat like this, unless he's  
6 unarmed, and hands up and that, surrendering, you can't give him a second. You don't  
7 have time to have a gun up and try to negotiate with that guy. He's already shown what  
8 he's capable of and what he wants to do. So threat ready and basically you don't know  
9 what he has, you've got to see his hands. No execution by any means, but don't give  
10 him a split second to take you out.

11                  **MR. ROGER BURRILL:** Cpl Milton, any comment on that?

12                  **CPL. TRENT MILTON:** Yeah, it comes back to our training and our  
13 experience. Reaction -- action versus reaction; right? If I have my hands down by my  
14 side, you're going to be able to basically get one up on me much quicker than I have if  
15 my -- if I were to be up in a threat ready position; right? So it's that action versus  
16 reaction, and that's what that comment is indicating.

17                  **MR. ROGER BURRILL:** Okay. I understand, gentlemen, that you  
18 attended at the Big Stop Enfield scene and were involved in the extraction of the  
19 perpetrator from the vehicle?

20                  **CPL. TIM MILLS:** Yes.

21                  **CPL. TRENT MILTON:** That's right.

22                  **MR. ROGER BURRILL:** And just for the record, I understand you  
23 made some observations with respect to a handgun. Can you briefly describe that for  
24 us, what you saw, Cpl Mills and Cpl Milton?

25                  **CPL. TRENT MILTON:** Yeah.

26                  **CPL. TIM MILLS:** Yeah. So when the door was opened, he was  
27 sitting in the driver's seat and he had Cst. Stevenson's silver Smith and Wesson in his  
28 right hand, resting on his right thigh. And as the extraction team started pulling him out,



1 the hand slipped to the side and the gun disappeared, fell to the floor.

2 **MR. ROGER BURRILL:** Cpl Milton?

3 **CPL. TRENT MILTON:** Yeah. So same observations on my point.  
4 I had moved to the rear of the vehicle to cover with lethal force for the members that  
5 were extracting and pulling him out and I could see, as I was going around the vehicle,  
6 that he had a silver pistol on his thigh.

7 **MR. ROGER BURRILL:** Okay. All right. Now I am just about to  
8 the end of my questioning, but I wanted to cover one additional area that's not related  
9 specifically to the narrative but is related to post-incident support with respect to  
10 engagement with the RCMP.

11 Retired Cpl Mills, are you in a position to make any comments with  
12 respect to the manner in which post-incident support was provided to you and your  
13 team?

14 **CPL. TIM MILLS:** Yes, I am.

15 **MR. ROGER BURRILL:** Would you like to do so?

16 **CPL. TIM MILLS:** Yes, I will.

17 **MR. ROGER BURRILL:** Please.

18 **CPL. TIM MILLS:** So the RCMP as an organization wants to give  
19 this impression that they care about their members and that they will do --  
20 Commissioner Brenda Lucki said herself, there's -- you know, "We'll do whatever we  
21 can," or, you know, "We can't do enough."

22 The way we were treated after this is disgusting. Absolutely  
23 disgusting. It's the reason I left the RCMP actually.

24 So we had 13 guys, TAV operator, you know, EMRT, and we went  
25 out and we laid our best down, you know, to stop this threat, to save as many people as  
26 we could. We honestly did. And we were to work the very next day and most guys  
27 were back in and, you know, writing up notes, doing tasks, debriefings. We were there  
28 the very next day, because you've got a bunch of resilient guys that want to work is

1 what you have.

2 Problem is, the set up of our team, five full time members, we had  
3 the luxury of being in headquarters. They gave us, initially, 72 hours they stood us  
4 down, not taking calls. But we were still at work.

5 We start getting to the Wednesday, or the Tuesday, the 72 hours,  
6 and it was asked, "Can we get a few more days?" Yes, we can. "We'll extend it to  
7 Friday."

8 And for the aftercare, they set up a team debrief with three  
9 psychologists, so it was the RCMP force psychologist for Halifax here, Anna Nagy. It  
10 was the retired RCMP psychologist, Margaret Grant, I believe, and then there was a  
11 third civilian psychologist.

12 So halfway through the week when we were supposed to, the part  
13 timers, go back to work Saturday in their general duty detachments, one of the general  
14 duty members came up to me and he said, "Listen, man," he said, "Some of the guys  
15 have been talking to me," and he said, you know, "Is there any way on earth we can get  
16 a little more time to decompress by -- you know, like here we are, a week after  
17 Portapique, and we've got to back to work handing out COVID tickets or menial task  
18 stuff, or, you know, going to, like, just traffic stops and we're not ready for that yet. Is  
19 there any way we could get a little more time to decompress?" And I worked general  
20 duty for 20 years and I was like, "Absolutely. Makes 100 percent sense to me."

21 So I went and spoke to my line officer, who was supportive and he  
22 said, you know, "You have this psychology debriefing Friday. Let's, you know, hold off  
23 before we push it up the line," meaning to get approval, "to see what they have to say  
24 about it." I said, "Great idea."

25 So we went Friday morning, had this psychological debriefing  
26 Friday morning and every guy, you know, laid their heart on the line and let them know  
27 how we're feeling. Their advice was, you know, "Be around like-minded people, you  
28 know, talk openly about it, stay busy. You know, don't -- and that's how you can fight

1 PTSD or trauma or anything like that." So that was their recommendations.

2                   And I said, "Perfect. This is what I've been asked and this is what I  
3 propose to my line officer what we're looking for your support. At the time, Anna Nagy  
4 was out of the room, but Margaret Grant and the other one -- and I said, you know, "The  
5 part timers are looking -- we're just looking for two weeks to come in. I have tons of  
6 tasks for them to do, you know, with the aftermath of this. After Action Reports need to  
7 be written up. You know, all the deficiencies of drones and MWS in the vehicles, all of  
8 that has to be straightened away. It's too much for five guys. You know, so we're  
9 looking for a two-week period that eight guys can come in, and work with our -- in kind  
10 of an admin role, let them decompress, and then, you know, that will probably give them  
11 enough time to get back to general duty policing." Margaret Grant and the civilian was,  
12 like, on board, "Yes, that's a great idea, we support that." Anna Nagy come back in the  
13 room, and she was kind of briefed on it. And she looked me straight in the eye and  
14 said, "Tim, that's a great idea. I support that." So I went back and spoke to my line  
15 officer. Said, "Yeah, the three of them support that recommendation." "Great, we'll  
16 make it happen."

17                   So, you know, that was the Friday after Portapique. Basically,  
18 Saturday was our first day off of work. I was home and I, you know, like, felt supported,  
19 felt, like, al right, you know, we'll get through this. And Saturday afternoon, I get a call  
20 from my line officer. "There seems to be a hiccup. Halifax District RCMP's, you know,  
21 one of their -- one of your members didn't show up for work today. They're wondering  
22 why." And I was, like, "Well, you know, there's a miscommunication somewhere  
23 because, you know." And he said, "Yeah, we'll get it straightened out."

24                   So anyway, right off, that starts to bother you, that -- the lack of  
25 communication and the lack of empathy. And so then it grows and it festers and it  
26 grows. Saturday night was the first night I couldn't sleep at all. Sunday night, I get the  
27 phone call from my line officer, "No, they're to go back to work to their home unit." And I  
28 said, "I'm sorry, but I'm disobeying this." I said, "They're coming in to headquarters

1 tomorrow morning because of what the psychologist agreed with, what I know is right,  
2 and what the guys need." So they came in to work -- and I told the guys, like, "No, I'm  
3 no listening to bad orders, like, you guys are coming in and we're working." And we  
4 went in as a team and we were there. And I was making phone calls, and I was in  
5 touch with mental health -- now I forget the word they used, but some high-ranking  
6 deputy commissioners in Ottawa, sent them emails saying, "Listen, we need, you know,  
7 some empathy. We need to see what's going on down here. I'm fighting this battle  
8 myself." I reached out to other people across Canada, and this is Monday morning I  
9 come in. And this is how I know it wasn't a misunderstanding, because I sent a text  
10 message to Anna Nagy, the RCMP psychologist. Crickets, she never responded back.  
11 Had it been a misunderstanding, I'm sure they would have called me right back. "Oh,  
12 what's the confusion, this and that? Oh, yeah, okay, yeah, I remember that. Yeah, we'll  
13 straighten it out." Nothing. Crickets. No one would call me.

14 Monday morning, I get a phone call from the Health Services nurse,  
15 I forget her name. "Well, this can't be right. This, you know, this just can't be right.  
16 We'll look into it." Crickets, nothing. And Wednesday afternoon, I get an email from my  
17 line officer saying, "No, they're going back to their home units."

18 So, at that time, the part-time members that were a week-and-a-  
19 half after Portapique was forced to go back and work in their home units. I had  
20 absolutely zero to gain from this because I was already full-time. This was for my part-  
21 timers.

22 There were members off because of Portapique, not working, that  
23 are still off today, that didn't see what we seen, didn't experience what we experienced.  
24 We were at multiple sites, multiple casualties, and they forced our guys back to work,  
25 our part-timers back to work a week-and-a-half after.

26 **MR. ROGER BURRILL:** And as you said, that was the genesis of  
27 your decision eventually to ---

28 **CPL. TIM MILLS:** Well, it got to the point where ---

1                   **MR. ROGER BURRILL:** --- leave the service?

2                   **CPL. TIM MILLS:** --- we wanted this investigated. We wanted to --  
3 you know, how did this happen? You know, at that point, we're bitter. We're bitter at  
4 management, and we want to find out how this happened. I knew how it happened, but  
5 we wanted to find out for sure. And we kept digging and clawing for information, and  
6 wanted it investigated, and sure enough, just got swept under the rug because the  
7 people that made the decisions and protected the people that made decisions are  
8 commissioned officers, and they basically protect each other. So it's the -- you know,  
9 what's good for you isn't good for me, vice versa. It's, basically, a two-tier system. And  
10 I -- after -- and they were going to investigate me. I was given the heads up, you're  
11 being watched. And they were going to investigate me because I've got the transcripts  
12 of text messages where they want -- we want an official statement from the two other  
13 psychologists on what Tim said, because they were trying to paint me as a liar, where I  
14 had 13 other witnesses in the room that heard the same thing I heard.

15                   So, at that point, I still want it -- I want the truth out there. I -- and I  
16 kept saying right from the start, you want to know the truth? You get the 13 of us in the  
17 room with Anna Nagy, Margaret Grant, the other psychologist, and the people making  
18 the decisions, and you're quickly going to find out who's telling the truth. That never got  
19 done because they knew who was telling the truth and they didn't want to show that  
20 they were protecting a liar.

21                   So, at the end of it in November, the person that was responsible, I  
22 was in contact with her supervisor, a Superintendent Rob Doyle, to investigate his  
23 employee for wrongdoing.

24                   **MR. ROGER BURRILL:** Okay.

25                   **CPL. TIM MILLS:** And he did nothing, and, basically, became  
26 arrogant and abusive and, you know, like, shameful in emails to me. And at that point, I  
27 was, like, I'm done working for a broken organization. I'm done working for this  
28 organization. And I just -- you know, I was starting to get cranky with the kids, get

1 cranky with my dogs at home. That's not me. I'm an easy-going guy. And at that point,  
2 I'm, like, you know, it's healthier for me to retire and probably safer for, you know ---

3 **MR. ROGER BURRILL:** Understand.

4 **CPL. TIM MILLS:** Yeah.

5 **MR. ROGER BURRILL:** Thank you for that insight. You need not  
6 respond, Cpl. Milton, but do you have any additional comments with respect to post-  
7 incident support?

8 **CPL. TRENT MILTON:** The only thing I'll say, it's not about  
9 individuals. It's about the organization, I guess, as a whole. So, when Tim talks about  
10 recommendations that we had put forward to have our members -- part-time members  
11 come into the unit, that wasn't just, you know, our own good idea fairies coming out. I,  
12 myself, had been on training just prior to this incident. You know, being a national  
13 police force, we have the opportunity to do training nationally and with international  
14 partners, and I had done a SWAT team leaders course in the months prior to  
15 Portapique. And the instructor was from Colorado and had been through Columbine in  
16 his junior SWAT service. And one of the things that he preached on was mental health  
17 of the members and the team of first responders. And it certainly wasn't new lessons at  
18 this point in 2020. This is something that had happened 22 years earlier; right? And he  
19 had said in the months and years following Columbine, they lost more than half of their  
20 operators because they didn't take proper mental health care of their members.

21 And he said, just as Tim reiterated, you need to keep busy, you  
22 need to keep together, and you need to be with like-minded individuals. And that was  
23 all that we were asking for at that point in time, was to bring our members in, so that we  
24 could take care of tasks and duties that, you know, we were responsible for doing  
25 anyway but to be able to care for each other in the time after. As an organization, the  
26 RCMP preaches that we've got peer-to-peer support, we've got wellness, we've got all  
27 these different umbrellas to look after our members, but they're not necessarily  
28 appropriate for the members. We were getting calls from peer-to-peer supports of very

1 junior members in service, one or two-year service members that had never  
2 experienced anything, and it was more just, you know, checking the box phone call.  
3 Yeah, we've called these members that have been through a traumatic experience.  
4 We've done out due diligence. But there's really -- there's no material to what's being  
5 put out there. It's -- the thoughts are there, but the actual actions aren't there so.

6 **MR. ROGER BURRILL:** Okay. Well, thank you, gentlemen.  
7 Commissioners, I have been longer than I anticipated. I apologize  
8 for that, but the information is important.

9 **COMMISSIONER MacDONALD:** No, thank you, Mr. Burrill, and  
10 thank you, Corporals, for your assistance here this morning.

11 The process we've developed is that we will now break. Mr. Burrill  
12 and other Commission Counsel will meet with Counsel for the Participants and discuss  
13 whether or not there are further questions for you, and if so, who would be asking them,  
14 so that's what we'll do. So you're still under oath obviously, and we will break until two  
15 o'clock, and you can come back at that time.

16 **CPL. TIM MILLS:** Thank you.

17 **COMMISSIONER MacDONALD:** Thank you.

18 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The  
19 proceedings are now on break and will resume at two o'clock.

20 --- Upon breaking at 12:50 p.m.

21 --- Upon resuming at 2:10 p.m.

22 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The  
23 proceedings are again in session.

24 **COMMISSIONER MacDONALD:** Good afternoon, everyone. I  
25 understand that Counsel have had an opportunity to meet, and it's been agreed, Mr.  
26 Pineo, that you would be asking some questions of the witnesses, and I think Ms. Miller  
27 as well would be asking questions after you, and perhaps some others, depending on  
28 how that goes. So whenever you're ready. I'll call the witnesses in, Mr. Pineo. Be

1 obliged if you could just describe briefly your retainer to them and as well, Ms. Miller  
2 could do the same.

3 **COMMISSIONER MacDONALD:** Thank you, Corporals. The --  
4 our counsel met with the counsel for the Participants. And this is Mr. Rob Pineo, he will  
5 be asking you some questions. As well, Ms. Tara Miller, after Mr. Pineo, will also be  
6 asking you some questions, and perhaps one or two others, we're not sure yet, depends  
7 on how that goes.

8 So Mr. Pineo, whenever you're ready.

9 **MR. ROBERT PINEO:** Thank you.

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

11 **MR. ROBERT PINEO:** Gentlemen, my name's Rob Pineo. I  
12 practice with Patterson Law, and I represent a large number of the families and  
13 individual people that were affected by the events of April 2020.

14 So I have -- I have a number of questions, and they won't always  
15 flow -- you know, I won't necessarily be at a scene and have a whole lot questions, I  
16 might just have one-off questions about different bits of evidence that my clients are  
17 interested in.

18 So I would like to start with your drive from HRM to Portapique, and  
19 I'm just wondering if you could tell me, during your drive there, exactly what were you  
20 told about the police vehicle, about the perpetrator's vehicle?

21 **CPL. TIM MILLS:** There was no clear description of it. We didn't  
22 know if it was a marked PC or just a old, decommissioned police car, that the stickers  
23 were peeled off, but you could see the outline. And myself and Constable Andy  
24 MacLellan stopped in a residence because there was an old decommissioned white  
25 Taurus that appeared to be a police -- old police car, and we, you know, thought, "Well,  
26 is this it?" on the way up. So we knew it had to be a white Taurus, we just didn't know  
27 to what extent it was, you know, appeared.

28 **MR. ROBERT PINEO:** Decommissioned.



1                   **CPL. TIM MILLS:** Yeah.

2                   **MR. ROBERT PINEO:** Yeah, okay. Sure. And I think that  
3 person's name was Nathan Staples and his wife. Did you know his name?

4                   **CPL. TIM MILLS:** No, I didn't know his name at all because we  
5 we're trying to get down to deal with what's going on with Portapique, and once we  
6 realised, you know, there was a couple sitting out in like a gazebo having some drinks in  
7 the evening unaware of what's going on, and once we -- "Is that your vehicle?", and  
8 they confirmed "It's our vehicle", and you could tell just from their demeanour they were  
9 comfortable, they were not, you know, traumatised or anything. So therefore, they had  
10 no idea what was going on in the area, so I was comfortable knowing it's their vehicle,  
11 they're not hiding anything, they're not under distress being told to say this, so then we -  
12 - you know, and I think we just described "We got something we got to get to down  
13 Portapique" or something like that.

14                   **MR. ROBERT PINEO:** Okay, thank you. When you got to  
15 Portapique that evening, I guess it was just before or just after midnight when you  
16 arrived, can you describe the weather when you -- when you arrived? Did you take note  
17 of it?

18                   **CPL. TIM MILLS:** I know driving up we were driving through, like,  
19 a snowstorm ---

20                   **CPL. TRENT MILTON:** Snow.

21                   **CPL. TIM MILLS:** --- up until about Stewiacke or a bit above that,  
22 and then I think it did clear up above that. But it was from the drive up two-thirds of the  
23 way, it was, it's slick, it was snowy, like wet snow type stuff.

24                   **MR. ROBERT PINEO:** Okay. And in Portapique, was it -- was  
25 there precipitation at that point?

26                   **CPL. TIM MILLS:** I don't remember precipitation. I believe so  
27 because I -- we would have put our raingear on. It would have been cold, like hovering  
28 around zero, overcast, no moonlight skies or anything like that, no stars.

1                   **MR. ROBERT PINEO:** Okay. You didn't take note of the  
2 temperature, did you, by any chance? No?

3                   **CPL. TIM MILLS:** No.

4                   **MR. ROBERT PINEO:** Okay.

5                   **CPL. TIM MILLS:** Where it was snowing on the way up, it definitely  
6 would have been hovering around the zero, you know, it might have been plus one, plus  
7 two at the most, but...

8                   **MR. ROBERT PINEO:** Okay. Now, Corporal Mills, I'll call you  
9 Corporal Mills, I know you're retired, but I'll ---

10                  **CPL. TIM MILLS:** Yeah.

11                  **MR. ROBERT PINEO:** --- use that honorific.

12                  **CPL. TIM MILLS:** I'm good with that.

13                  **MR. ROBERT PINEO:** When -- yeah. You made a comment in  
14 your statement, and if we need to I'll take you there, but I don't think we do, that there  
15 was no excuse for your ERT team not having a COP or a Common Operating Picture  
16 technology. And can you -- can you explain why you say that there was no excuse for  
17 it?

18                  **CPL. TIM MILLS:** Yeah, because we had it before. It was  
19 functional, and there was no good reason not to have it. It's like anything, if Ottawa gets  
20 a hold of it, it becomes a dog's breakfast, you know, politics, you know, just red tape.  
21 And just like anything in society that goes to Ottawa, whether it's your taxes or anything,  
22 they make a mess of it.

23                  **MR. ROBERT PINEO:** Okay. Do you have any comments on  
24 that?

25                  **CPL. TRENT MILTON:** Yeah. So as stated this morning, we had  
26 been working for quite sometime on what we'll term the "blue force tracking". We had  
27 strategies in place prior to Portapique. The devices that we were issued were solely in  
28 that developmental server, so when they went down, basically, our situational

1 awareness went down with it. And we couldn't get them back up and running prior to  
2 Portapique because of issues with COVID, because of issues with the way that the  
3 devices were handed out to us, and so on and so forth. It's been rectified since then,  
4 but it was an issue at the time.

5 **MR. ROBERT PINEO:** And in terms ---

6 **CPL. TIM MILLS:** And if I could just ---

7 **MR. ROBERT PINEO:** Sure.

8 **CPL. TIM MILLS:** --- you know -- COVID. Yeah, they were -- most  
9 of headquarters in Ottawa were all working from home or not working, or whatever, and  
10 us frontline members were still down here slugging away, working away.

11 **CPL. TRENT MILTON:** Yeah.

12 **MR. ROBERT PINEO:** And how -- around what time period did you  
13 lose that technology, the use of that technology?

14 **CPL. TRENT MILTON:** It would have been late February, start of  
15 March, I think around then. It was -- it was about six weeks that we were fighting to try  
16 to get the devices back up and running.

17 **MR. ROBERT PINEO:** Okay. So it wasn't a very long period of  
18 time then.

19 **CPL. TRENT MILTON:** Long enough.

20 **MR. ROBERT PINEO:** Yeah. And Corporal Mills, I believe in your  
21 testimony, when you were being examined by Mr. Burrill, you made a comment about if  
22 -- had you had that COP system, you might have been able to see the blueberry road  
23 that's been mentioned. And I'm wondering, how much detail did that give for roads or  
24 geographical features?

25 **CPL. TIM MILLS:** So we would have an overlay of Google Maps,  
26 is normally what we use for that app. I doubt it, blueberry, whatever it's called -- my  
27 understanding is it's through a field, or something, like a tractor path or something, I got  
28 no idea. I would be surprised if that would show up on Google Maps or ATAK. The

1 Portapique Beach Road and Bayshore Road, that probably would have shown up. You  
2 know, I'm sure they don't have a street view of it, like Google Maps has on some roads,  
3 but they -- there would have been an overlay of those roads, you know. If anyone looks  
4 at Google Maps, that would pretty much tell you if it would show up on ATAK.

5 **MR. ROBERT PINEO:** Okay. And just to be clear, when you say  
6 "showing up", do you mean showing up with a name on it?

7 **CPL. TIM MILLS:** Yeah.

8 **MR. ROBERT PINEO:** Oh, okay.

9 **CPL. TIM MILLS:** Like with a name or -- like, if you zoomed in  
10 enough, and depending on, you know, what satellite imaging they were using to take  
11 them pictures, you might have seen a tractor path or, you know, a beaten down path if  
12 that's what it is.

13 **MR. ROBERT PINEO:** Okay. And assuming that the -- that the  
14 feature is -- let's say if it was developed on the ground to a relatively high degree, had  
15 gravel on it, it was slightly higher than the road, the ground around it, would you expect  
16 that you would have at least looked for that type of feature when you arrived?

17 **CPL. TIM MILLS:** Yes. If we had an overlay and could see, "Oh.  
18 Well, there's another way out or another way in", you know, whether it was being  
19 contained or not, you know, general duty might have placed someone there. We would  
20 have known for manoeuvring, we could access or use that, you know, road or whatever  
21 it was. If it was on the map and it looked viable, we would have used it.

22 **MR. ROBERT PINEO:** Okay. And I'm changing ---

23 **CPL. TIM MILLS:** Yeah.

24 **MR. ROBERT PINEO:** --- areas now, but I didn't want to leave you  
25 wondering what I'm talking about now.

26 At page 26 of your statement, Corporal Mills, you make a comment  
27 that mobile shooter is not emphasised in training. Do you recall saying that or is that --  
28 is that your understanding?

1                   **CPL. TIM MILLS:** What do you mean by "mobile shooter", like  
2 someone who was uncontained?

3                   **MR. ROBERT PINEO:** Yes.

4                   **CPL. TIM MILLS:** All right. So ERT typically is for a contained  
5 area; that's when ERT typically gets called out. For an active shooter that is mobile,  
6 you're still trying to contain him best you can. So it's -- as Mr. Burrill kind of suggested,  
7 it's a manhunt at that point. Have we trained for manhunts? No, we haven't, but with  
8 general duty training, police training experience, ERT training, you combine all, you  
9 know, them skills to best try to contain and close the box, as Trent had mentioned,  
10 around that moving subject.

11                  **CPL. TRENT MILTON:** I would say our training perhaps isn't  
12 specific to say how are you going to try to locate this person, but it's -- our training goes  
13 -- when I touched this morning on initial critical incident response, that is part of that  
14 training, right. If -- if the threat has gone mobile, what are your containment pieces,  
15 where are you going to try to -- to contain this threat so that you can actually take police  
16 response.

17                  **MR. ROBERT PINEO:** Yeah.

18                  **CPL. TRENT MILTON:** Like we're not training to -- I don't know  
19 how to best put it, but ---

20                  **CPL. TIM MILLS:** So I just thought -- this is why you have that cut-  
21 off team or the faster vehicle.

22                  **CPL. TRENT MILTON:** That's right.

23                  **CPL. TIM MILLS:** So you kind of have that plan, okay, if he's not  
24 contained, we have that cut-off team. And this is used mostly in bush tracking because  
25 by the time you get a bush track into the woods looking for it, well, if he pops out on a  
26 road, you have a vehicle that's faster that goes to that last known area.

27                                So that's what that cut-off team was for, in case he wasn't  
28 contained and he pops up in Wentworth or Sackville, New Brunswick or wherever,

1 they're heading there first and getting there as quick as they can, and -- yeah.

2 **CPL. TRENT MILTON:** When we develop our plans or operational  
3 plans for when we're deployed, part of our planning is contingencies, right, so we've got  
4 breakout plans, whether they -- they escape by vehicle, they escape by foot. Whatever  
5 the case is, we have contingencies built in. We have logistics built in to be able to  
6 respond to that. We've got, you know, plans in place.

7 And it's -- it's a layered process, right. ERT is that inner  
8 containment piece, then there's general duty, then if it was very isolated incident that we  
9 can contain very well, then -- then we might have civilian resources on the outer  
10 perimeter, whether it be the fire department, whether it be municipal services, whatever  
11 the case may be, to ensure that that threat is contained within an area to keep the  
12 public safe.

13 **COMMISSIONER STANTON:** Mr. Pineo, when you're referring to  
14 the statement, are you referring to the interview transcript of his interview with the Mass  
15 Casualty Commission?

16 Because you said page 26, and I don't see it there, so I'm just  
17 wanting to make sure that I'm looking at the same thing that you're asking about.

18 **MR. ROBERT PINEO:** I believe that's what I was referring to,  
19 although I do have the handwritten notes here as well.

20 **COMMISSIONER STANTON:** So perhaps when you -- when you  
21 preface a document that you're -- to which you're referring, if you could just be a bit  
22 descriptive about what it is so that we can follow you.

23 Thanks.

24 **MR. ROBERT PINEO:** Sure.

25 I will look for that reference and provide it after.

26 The fast-moving vehicles that you reference when you -- you know,  
27 when you're not going to use the TAV, you need to get sooner, can you describe what  
28 the vehicles were overnight of the 18th and during the day of the 19th?

1                   **CPL. TIM MILLS:** Yeah, we have one Chev Suburban and we had  
2 three F-250s, and I think -- did we have the Dually up there?

3                   **CPL. TRENT MILTON:** I believe so, yeah.

4                   **CPL. TIM MILLS:** So we have a Chev 3500.

5                   **MR. ROBERT PINEO:** Okay. And are they white vehicles?

6                   **CPL. TIM MILLS:** No, they're black.

7                   **MR. ROBERT PINEO:** They're black. Okay.

8                   And are they marked as RCMP?

9                   **CPL. TIM MILLS:** No.

10                  **MR. ROBERT PINEO:** They're unmarked. Okay.

11                  **CPL. TIM MILLS:** They do have emergency lighting in them, but  
12 it's kind of covert, but once they light up, you know it's, you know, emergency vehicle.

13                  **MR. ROBERT PINEO:** Okay. Thank you.

14                  I think you both have acknowledged in your -- in your statements,  
15 but I'll ask you to reaffirm now, that the risk manager for the RCMP overnight of April  
16 18th and the early morning of the 19th was Brian Rehill?

17                  **CPL. TIM MILLS:** Yes.

18                  **MR. ROBERT PINEO:** And did you receive information directly  
19 from Brian Rehill?

20                  **CPL. TIM MILLS:** Directions, you know, the 9-1-1 call, you know,  
21 information like that, yes.

22                  **MR. ROBERT PINEO:** And I understand that you don't take orders  
23 from -- you know, from the regular stream of RCMP, that you have your own autonomy.  
24 Is that correct?

25                  **CPL. TIM MILLS:** Well, we answer to the Critical Incident  
26 Commander, and -- but where you're on a call like this and things are unfolding, if he  
27 has pertinent information that may help you, you know, locate the threat sooner, then  
28 you will listen to that. It's not an order or direction. It's like everyone is adding what

1 they can at the time.

2 And at the time when we were, you know, going on some  
3 information of his is when the CIC was getting set up.

4 **MR. ROBERT PINEO:** Okay.

5 **CPL. TRENT MILTON:** When we're deployed -- I'll use the term  
6 decentralized command. So once we're deployed, we have kind of, as you said,  
7 autonomy within our own unit. We know what our mission is. We fulfil that mission and  
8 we can make those decisions on our own once we're deployed.

9 **MR. ROBERT PINEO:** Okay. Thank you.

10 Corporal Milton, you -- in your statement, you've made the  
11 comment that -- or given the fact that one of your members in ERT is a cross-trained  
12 medic. And who was that?

13 **CPL. TRENT MILTON:** We have several cross-trained medics, but  
14 at that time we had Ben McLeod and Ed Clarke.

15 **MR. ROBERT PINEO:** And Ed Clarke, did you say?

16 **CPL. TRENT MILTON:** Yes.

17 **MR. ROBERT PINEO:** You also, Corporal Milton, made the  
18 statement that there was chaos in communications and then your exact quote was, "Too  
19 many cooks in the kitchen".

20 Can you explain your experience that evening with too many cooks  
21 in the kitchen when it came to communications?

22 **CPL TRENTON MILTON:** Yeah, I think this morning's audio clip  
23 kind of portrayed that well and then followed by Tim's conversation with the risk  
24 manager that, you know, too many people were trying to chime in over the radio and it  
25 was leading to confusion.

26 Everybody had that piece of information that they wanted to relay,  
27 which, you know, certainly a lot of it's important information, but there was just -- there  
28 was too much comms going on at certain points throughout the night.



1                   **MR. ROBERT PINEO:** Changing gears again, Corporal Mills, you  
2 made comments regarding the part-time members of your team and comments  
3 regarding that the managers of those part-timers didn't like or, you know, had resistance  
4 to the part-timers getting time to train or to attend as part of the ERT team.

5                   Would you explain what you meant by that?

6                   **CPL. TIM MILLS:** Yeah. So ERT's been around for -- since 1974,  
7 almost, and I know when I spoke two years ago to one of the first ERT members in  
8 Nova Scotia, probably from like 40 years ago, he said even back then they -- you know,  
9 home unit managers hated releasing ERT members for training or calls because they  
10 were losing a body, is what they were losing. And you know, no fault to the managers.  
11 They're trying to run a home unit with ERT members that are going on training or going  
12 on call.

13                   Well, fast forward 40, 50 years, and ERT's become way more busy.  
14 These part-timers, yeah, they're -- it's tough on them. It's tougher -- way tougher on  
15 them for training, for ERT call-outs.

16                   We -- you know, we were always, you know, rallying for them and  
17 trying to get more bodies and we've written business cases. I mean, it's been -- you  
18 look at the Mayerthorpe public inquiry, the Moncton public inquiry, and it's been  
19 identified, you know, for two, you know, public inquiries each division should have an  
20 18-person ERT team, and it's never gotten done.

21                   And it's just -- it's been dragged on and dragged on, and yeah. So  
22 it's tough to get them out. They're -- you know, they're double worked. They're working  
23 night shifts or day shifts in their home unit and then expected to come to training or  
24 calls, so yeah.

25                   **MR. ROBERT PINEO:** Okay.

26                   **CPL. TRENT MILTON:** When we break it down -- I had indicated  
27 this morning, you know, up to 70 percent of the time, part-time members are gone from  
28 their substantive or home unit. And when you break down the number of hours in a

1 given year -- you know, full-time employee works around 2,080 hours in a given year.  
2 When you break down the number of hours for our training, the number of hours that  
3 we're gone for operations, administrative duties, we're typically working about 3,800  
4 hours in a year, so about 1,800 hours more than what's normally allotted as a part time -  
5 --

6 **MR. ROBERT PINEO:** As part time members? Or full time?

7 **CPL. TRENT MILTON:** That's everybody on our team; right? That  
8 doesn't include the normal day-to-day administrative tasks that we're doing in full-time.  
9 So it's a significant burden on units and on the employees themselves. And burnout  
10 and fatigue is certainly at the forefront.

11 **MR. ROBERT PINEO:** Thank you. I think the evidence this  
12 morning was in April of 2020, you had 13 members total, that was five full time and eight  
13 part time? Do I have that right?

14 **CPL. TRENT MILTON:** That's correct.

15 **CPL. TIM MILLS:** Right.

16 **MR. ROBERT PINEO:** During this morning's testimony, Cpl Mills,  
17 you were talking about the efforts to have the COP reinstated and you were about to  
18 name, you know, some people that you had lobbied, or spoken to, or sent requests to,  
19 and I believe you didn't have an opportunity to name those people. Are you comfortable  
20 doing that?

21 **CPL. TIM MILLS:** Yes, I sure am.

22 **MR. ROBERT PINEO:** Go ahead.

23 **CPL. TIM MILLS:** Right after Moncton, Cpl Al Comeau from the  
24 New Brunswick ERT team, who would be on par with Cpl Milton's knowledge of ATAK  
25 and the technology side of it, and the advantage of it.

26 He gave a presentation, a PowerPoint presentation, to  
27 Commissioner Brenda Lucki and Al Comeau's exact words were, "Commissioner  
28 Brenda Lucki turned to her right-hand person and said, 'Make this happen.'" And that

1 was right after Moncton. And I gave that during my statement and said, "If you want to  
2 talk to Cpl Al Comeau out of J Division, I'm sure he'll reiterate what I said.

3 **MR. ROBERT PINEO:** And to your knowledge, was it -- did it  
4 happen?

5 **CPL. TIM MILLS:** It happened for a short time, but when Ottawa  
6 got a hold of it, that's when we lost it.

7 **MR. ROBERT PINEO:** Okay. So this -- the discussions you had,  
8 that was to get that technology in place in the first place and then it was later lost? Is  
9 that what you meant?

10 **CPL. TIM MILLS:** Well we had PES at the time, and then we  
11 moved to ATAK and it was functional. And then Trent could answer why, or when, or --  
12 but I know we had it on every device, we were trained on it, and then it disappeared and  
13 we got six devices that it worked on, and then that disappeared.

14 **CPL. TRENT MILTON:** Yeah. So we were on the developmental  
15 server prior to Portapique.

16 The issue was, being a national police force, they have to ensure  
17 the security of the programs that we're using, and it was taking much longer than it  
18 needed to. We're now six years post Moncton, in 2020, and we didn't have it rolled out  
19 to front lines.

20 Since Portapique, they've pushed it. We now have it in every ERT  
21 member's hands straight across the country, every Police Dog Service member straight  
22 across the country, and we're pushing to have it in every front line general duty  
23 member's hand in the near future. But it's still taking longer than it needs to. We're now  
24 eight years post-Moncton and a very simple solution that's a basic software app that  
25 would provide much greater situational awareness at all levels, we're still fighting to try  
26 to get it to where it needs to be.

27 **MR. ROBERT PINEO:** You've had an opportunity to use that  
28 system since Portapique?

1 **CPL. TRENT MILTON:** Absolutely.

2 **MR. ROBERT PINEO:** And in your opinion, based on your  
3 operational knowledge, had that system been in place on April 17<sup>th</sup> and forward, would it  
4 have made a difference to the operations that evening? The evening of the 18<sup>th</sup> and  
5 into the 19<sup>th</sup>?

6 **CPL. TRENT MILTON:** It wouldn't -- based on knowing what we  
7 know now, it certainly wouldn't have changed the outcome of any of those events, but it  
8 would have given us greater situational awareness and probably allowed us to complete  
9 our task in a much more efficient manner.

10 **CPL. TIM MILLS:** It would be less frustration and less -- you know,  
11 probably would have saved some time getting to one point to the other point.

12 **MR. ROBERT PINEO:** Okay. Shifting topic areas again, Cpl  
13 Milton, you made the statement that when you arrived at Portapique, you -- there was  
14 no scene commander in play and that you would have expected that there would have  
15 been one. Can you ---

16 **CPL. TRENT MILTON:** I believe Beselt was the scene  
17 commander, was the information that I was given from the risk manager.

18 **MR. ROBERT PINEO:** Okay. When did you receive that  
19 information?

20 **CPL. TRENT MILTON:** While I was on route.

21 **MR. ROBERT PINEO:** That night?

22 **CPL. TRENT MILTON:** Yeah.

23 **MR. ROBERT PINEO:** Okay.

24 **COMMISSIONER STANTON:** I'm sorry, could you just repeat your  
25 answer for me? It was a little difficult to hear.

26 **CPL. TRENT MILTON:** Beselt was the scene commander was the  
27 information I was provided on route.

28 **COMMISSIONER STANTON:** Thank you.

1                   **MR. ROBERT PINEO:** If I could have Cpl Mills' statement brought  
2 up, please? And go to page 30. And the very end of page -- what I'm looking for is the  
3 end of page 30, carrying over to page 31. And if you could just scroll ahead a little more  
4 so it straddles the -- yes.

5                   So, Cpl Mills, you state:

6                                   "There is no secret. I don't have to speculate. It's not  
7 secret. You know, Halifax District, it's always been upper  
8 managers fighting on who wants to police Halifax region,  
9 you know. So you've got Halifax Police that want to take  
10 over the whole thing and you've got the RCMP that want  
11 to take over the whole thing."

12                   What is your knowledge of, for lack of a better term, a jurisdictional  
13 tussle over HRM?

14                   **CPL. TIM MILLS:** It's not just HRM. It's everywhere. It's like  
15 Pepsi and Coke. Everyone wants to be better. And you get up to upper management  
16 and politics, I mean, look what happened last week. The Chiefs of Police, you know,  
17 voted the RCMP out of the Chiefs of Police Board. So you get to that level, they're no  
18 longer police officers. They're politicians. And that's when I talk about upper managers,  
19 they become politicians and they bicker and they fight, and the worker bees that are out  
20 doing the work can't do their jobs properly because of it.

21                   **MR. ROBERT PINEO:** And in your testimony this morning, Cpl  
22 Mills, you said that, and I'm paraphrasing, but that you weren't aware of HRM's ERT  
23 equivalent, of their capabilities in the field. And has -- during your time with ERT, were  
24 efforts ever made to try to work cooperatively with HRM or other municipal forces?

25                   **CPL. TIM MILLS:** Yes. We would always talk with ERT members  
26 at the time, the team leaders at the time, like Charles Naugle was a friend of mine, he  
27 was a team leader at the time, and Jeff Carlisle is now. And we would talk about getting  
28 things together and members on our team. Again, the bickering would go on.

1                   Now, as I said earlier, management has changed. It seemed to be  
2 better then when I was leaving. But before that management was there, you know,  
3 there was bickering going on.

4                   **MR. ROBERT PINEO:** Did that include the time frame of the mass  
5 casualties?

6                   **CPL. TIM MILLS:** Yes, it was before that. So we had not trained  
7 together before Portapique ever.

8                   **MR. ROBERT PINEO:** And from your experience, would that have  
9 been -- would it have been helpful in your regular duties to have cooperation with  
10 municipal police forces?

11                   **CPL. TIM MILLS:** If you knew each team's capabilities and what --  
12 how you could work together and how you couldn't work together, you would be able to  
13 utilize, yes.

14                   The problem is also, you have to think about, okay, we call Halifax  
15 up to our scene, when you don't know where he is, all of a sudden, he pops up in  
16 Halifax, well they're in for a world of hurt with no ERT team there.

17                   So, you know, it would help knowing what they're capable of.  
18 Would it have made a difference, calling them up to there that night? Maybe not.

19                   **MR. ROBERT PINEO:** Okay.

20                   **CPL. TRENT MILTON:** Again it comes back to, like we discussed  
21 this morning, we have the ability to work with them and we're -- in my 16 years on the  
22 team here in Nova Scotia, we have the closest working relationship right now at the  
23 ground level with the Halifax Regional Police ERT team since I've been on the team.  
24 But we still have different tools, we have different tactics, we have different skill sets;  
25 right? So like Tim said, if we were to call them to that scene that night before we knew  
26 what we had, we're then calling them out of their jurisdiction and if the threat pops up  
27 there, then there's no response there; right?

28                   But that being said, we had to have assistance and we had to call

1 in another team in the morning. We called in J Division. They are our partner team.  
2 We work closely with them. Our tools are the same, our tactics are the same, our  
3 language is the same.

4 **MR. ROBERT PINEO:** Okay. Thank you.

5 If I could have Cpl. Mills' statement again, please, and page 61?

6 And in your statement, Cpl. Mills, it -- and I'm going to tell you what  
7 I understand from that and you can tell me if I'm wrong, and if you'll explain how, but my  
8 understanding from your statements on page 61 is that you -- regarding Duane Ivany, it  
9 seems like ERT and EMRT have to compete for the same set of finances; am I right in  
10 that?

11 **CPL. TIM MILLS:** Yes, so ERT has a budget and EMRT had a  
12 minute budget, and it could absorb to the ERT budget. And EMRT is a program that  
13 you, you know, you need your medicines, you need your training, you need everything.  
14 And they would have to come begging and pleading from us for any piece of equipment.  
15 Well, the issue is, is we've got our budget that we have to outfit our guys with and, you  
16 know, well, I call it the poor, you know -- down here, the Atlantic provinces, you know,  
17 we don't have near the budget that -- and I alluded to it in my statement that, you know,  
18 Ottawa RCMP ERT have. They have the biggest team. They have the best equipment,  
19 and they're just protecting politicians, and that's why. You know, you get down here  
20 where we're in the public, we're going to armed and barricades. We're going to  
21 hostages and stuff like that, where all they're doing is protecting VIP up there. And  
22 they've got the Cadillac and we've got the Datsun.

23 **MR. ROBERT PINEO:** Thank you.

24 **CPL. TRENT MILTON:** Part of what Tim's referring to is we've got  
25 contract divisions, which is what we are here in Nova Scotia, where we're funded by the  
26 provincial government, and then there's federal policing jurisdictions; right? And so  
27 we're limited by the budget that we're allocated by the province, and unfortunately, in  
28 our business, it costs money, and we're an expensive unit to run. Our equipment's

1 expensive. The number of resources that we need is expensive. And we're at a place  
2 where our ability to respond appropriately is sometimes compromised because we don't  
3 have the appropriate resources or equipment.

4 **MR. ROBERT PINEO:** Thank you.

5 Going to direct you back to Portapique in the early morning hours of  
6 April 19<sup>th</sup>. And we have statements from a witness named Leon Joudrey, and you might  
7 or might not recall that he is the person -- his home is where Lisa Banfield went and  
8 ERT rescued her from. Setting that aside for a moment though, Mr. Joudrey has given  
9 evidence or statements that he was out of his home around four a.m., went for a drive  
10 down Orchard Beach Drive, and the -- he calls it a spot vehicle, but we know it's the  
11 TAV, directed him to leave the area, to go to the containment point. And I'm wondering,  
12 did either of you see a gentleman in a half-ton truck and order him out of the area?

13 **CPL. TRENT MILTON:** Yes, I did.

14 **MR. ROBERT PINEO:** Oh, you did. Okay. Thank you. It doesn't  
15 show up in your handwritten notes, so I'm just -- I know you don't -- you can't possibly  
16 record everything that goes on, so you did see him?

17 **CPL. TRENT MILTON:** Yeah, he pulled up next to our armoured  
18 vehicle and he was given instructions to leave the area to the head of Portapique Beach  
19 Road and leave the area.

20 **CPL. TIM MILLS:** That is correct, but that was after we found Lisa  
21 Banfield.

22 **CPL. TRENT MILTON:** No, that was before.

23 **CPL. TIM MILLS:** My recollection is we had evacuated Lisa  
24 Banfield out.

25 **CPL. TRENT MILTON:** He was told after that as well, but it was ---

26 **CPL. TIM MILLS:** Okay.

27 **CPL. TRENT MILTON:** --- when you had gone back to the  
28 Command.



1 **CPL. TIM MILLS:** So I don't recall that meeting at all.

2 **CPL. TRENT MILTON:** No, you weren't there. You ---

3 **CPL. TIM MILLS:** Okay.

4 **CPL. TRENT MILTON:** --- had gone back to Command.

5 **CPL. TIM MILLS:** Oh, that's why. That's why.

6 **CPL. TRENT MILTON:** Yeah.

7 **CPL. TIM MILLS:** Okay.

8 **MR. ROBERT PINEO:** Okay. Cpl. Milton, you are the person  
9 that's responsible for using the drone?

10 **CPL. TRENT MILTON:** I was at that time, yes.

11 **MR. ROBERT PINEO:** Okay. And how many times did you deploy  
12 the drone that -- I'm talking about the time from when you got to Portapique until Lisa  
13 Banfield was found.

14 **CPL. TRENT MILTON:** Just in the early morning hours, right  
15 before Lisa was found.

16 **MR. ROBERT PINEO:** Just once?

17 **CPL. TRENT MILTON:** Yeah.

18 **MR. ROBERT PINEO:** Just one deployment? Okay. And does  
19 this drone have, like, a GPS record of its flight path, so people can see where it flew?

20 **CPL. TRENT MILTON:** It should, yeah.

21 **MR. ROBERT PINEO:** Okay. And do you recall where you  
22 deployed it?

23 **CPL. TRENT MILTON:** Yeah, as stated this morning, it would have  
24 been in the area of 135 Orchard Beach.

25 **MR. ROBERT PINEO:** Okay. And did you -- did it go -- from  
26 where you deployed it, did it go northeast, south; do you remember ---

27 **CPL. TRENT MILTON:** I wouldn't be able to say which direction it  
28 went.

1 **MR. ROBERT PINEO:** It went over the forest; did it?

2 **CPL. TRENT MILTON:** Yes.

3 **MR. ROBERT PINEO:** Okay. And so I'm wondering if we could  
4 bring up the Exhibit Number 000005? That's the First Responders Foundational  
5 Document. And somewhere I have the figure I'd like to go to. I believe it's Figure 9. It's  
6 an aerial photograph. This is just to orient you to where you ---

7 **CPL. TRENT MILTON:** Sure.

8 **MR. ROBERT PINEO:** --- had deployed it and where it might have  
9 flown.

10 Page number. Just one second.

11 I apologize. I had to cut my questions up because of Mr. Burrill's  
12 examination, so things are out of order somewhat.

13 See if I can find it from the document.

14 Yeah, if you could go to page 31?

15 **COMMISSIONER MacDONALD:** Did you say Figure 9, Mr. Pineo?

16 **MR. ROBERT PINEO:** I thought that's ---

17 **COMMISSIONER MacDONALD:** Because Figure 9 is on page 41,  
18 I think, at paragraph 91, or just after paragraph 91.

19 **MR. ROBERT PINEO:** Okay. Thank you. No, sorry, it's Figure 17  
20 is what I'm looking for on page 56.

21 **COMMISSIONER MacDONALD:** Okay.

22 **MR. ROBERT PINEO:** My apologies.

23 **COMMISSIONER STANTON:** Going forward, if you can just give  
24 the Registrar on the break the list of documents and so on that you're looking for, then --

25 -

26 **MR. ROBERT PINEO:** I did. I just didn't give her that pinpoint.

27 **COMMISSIONER STANTON:** Yeah, the pinpoint would be great,  
28 just so that ---

1 **MR. ROBERT PINEO:** Sure.

2 **COMMISSIONER STANTON:** --- she doesn't have to scroll  
3 through. Thanks so much.

4 **MR. ROBERT PINEO:** Sure.

5 So you'll see on Figure 17 there's Orchard Beach Drive. There's  
6 71. And then following southwards, there's 123, then 135. So where is it that you  
7 originally released the ---

8 **CPL. TRENT MILTON:** So as stated, it would be in the -- right from  
9 the road in front of 135 Orchard Beach is where I launched from, and I would have been  
10 searching the wooded area in around 135 and 136.

11 **MR. ROBERT PINEO:** Okay. So you crossed Orchard Beach  
12 Drive and went around ---

13 **CPL. TRENT MILTON:** I'd launched from the middle of the road.

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

15 **CPL. TRENT MILTON:** Yeah.

16 **MR. ROBERT PINEO:** And how far just in terms of -- there's  
17 cleared land on 135 and then there's forest around the land on 135. How far into the  
18 forest would you have gone there?

19 **CPL. TRENT MILTON:** I wouldn't be able to accurately say.

20 **MR. ROBERT PINEO:** Okay. Do you know if it went as far as the  
21 next road?

22 **CPL. TRENT MILTON:** I wouldn't be able to accurately say.

23 **MR. ROBERT PINEO:** Okay. In any event, what you determined  
24 was that there was no human -- no humans in the woods.

25 **CPL. TRENT MILTON:** That's right.

26 **MR. ROBERT PINEO:** You saw some animals, and that was ---

27 **CPL. TRENT MILTON:** that's right.

28 **MR. ROBERT PINEO:** --- the extent of it. Okay, thank you.

1                   Were you involved in removing Lisa Banfield from Leon Joudrey's  
2 and taking her to the -- to the EMRT vehicle?

3                   **CPL. TRENT MILTON:** No. As we discussed this morning, both  
4 Tim and myself arrived at Mr. Joudrey's at the end of his driveway as the other  
5 members were dealing with Ms. Banfield and took her out.

6                   **MR. ROBERT PINEO:** Okay.

7                   **CPL. TRENT MILTON:** So I had no direct contact with  
8 Ms. Banfield at all.

9                   **MR. ROBERT PINEO:** And Corporal Mills, you didn't either?

10                  **CPL. TIM MILLS:** No, the same thing. We were -- we were in the  
11 cab together, and just escorted her out once the cut off the team or the IA Team, or  
12 whatever, you know, had her and brought her to the TAV.

13                  **MR. ROBERT PINEO:** Okay. Shifting gears once again to the  
14 Plains Road area. I understand that neither of you got out of your vehicle to attend to  
15 either of the deceased victims there?

16                  **CPL. TRENT MILTON:** No, we didn't.

17                  **CPL. TIM MILLS:** No.

18                  **MR. ROBERT PINEO:** Did you take notice of any evidence on the  
19 road, such as shell casings or broken glass, that sort of thing?

20                  **CPL. TIM MILLS:** We're driving by, we're looking for -- we're trying  
21 to locate the threat, is what we're trying to do.

22                  **MR. ROBERT PINEO:** Okay, thank you. If I could have Corporal  
23 Mills' statement again, please, and page 121.

24                  And in this part of your statement, Corporal Mills, you talk about  
25 power corruption within the RCMP. Would you describe what you meant by that  
26 statement?

27                  **CPL. TIM MILLS:** Yeah. So the Issues Management Team, you  
28 have two husbands of the CO of the province and the Chief Superintendent of -- who's

1 in charge of Halifax District, who have both since retired. So their husbands are in  
2 charge of an Issues Management Team. Well, the ERT team had issues with both their  
3 wives. So when I look at that, and like I said, if that's not incompetence putting them on  
4 the Issues Management Team, you can't be that stupid. So to me, that's coverup, that's  
5 corruption. There's no other two ways around it, I think.

6 **MR. ROBERT PINEO:** And did you have to deal with those two  
7 gentlemen?

8 **CPL. TIM MILLS:** No. I wouldn't.

9 **MR. ROBERT PINEO:** Okay. Thank you, those are my questions Thank you very  
10 much.

11 **COMMISSONER MacDONALD:** Thank you, Mr. Pineo.  
12 Ms. Miller?

13 **--- CROSS-EXAMINATION BY MS. TARA MILLER:**

14 **MS. TARA MILLER:** Good afternoon, Corporals. My name is Tara  
15 Miller, and with my colleague, Alix Digout, we represent a family member of Kristen  
16 Beaton, so I'm going to ask questions from that perspective, but I also have some  
17 questions from counsel from other family Participants. So bear with me. I don't intend  
18 to retread ground, I just want to add some context to some of the things you've already  
19 talked about.

20 **CPL. TRENT MILTON:** Sure.

21 **MS. TARA MILLER:** So I want to talk first about the ATAK system,  
22 we've lots of information from that. And Corporal Milton, I think you said that it went  
23 down. You had it and then it went down, and that would have been late February, early  
24 March?

25 **CPL. TRENT MILTON:** That's right.

26 **MS. TARA MILLER:** And I may have misunderstood somebody's  
27 evidence this morning, but I understood that there was an effort, and I think it was from  
28 you ---

1 **CPL. TRENT MILTON:** Yes.

2 **MS. TARA MILLER:** --- Corporal Milton, between that period when  
3 it went down and of course the events of the mass casualty to get things rectified. And  
4 who would you have been lobbying or working with to get the ATAK system, which was  
5 so critical for your Common Operating Procedures, who would you have been working  
6 with to try to get that fixed?

7 **CPL. TRENT MILTON:** So there is a project team based out of  
8 Ottawa that was working to kind of rectify any issues behind the scene on the servers  
9 and with the software, making sure that it was suitable for a rollout to frontline members.  
10 So I was back and forth with the project team to try to get those devices sent back.  
11 Typically, when an encryption key goes down, it can just be pushed through our servers  
12 to our devices and we're back up and running, but because it was on the -- what they  
13 called the "DEV Server" the Developmental Server, they weren't able to do that. So we  
14 were trying to make arrangements to get those devices sent back as quickly as possible  
15 to get them rectified.

16 **MS. TARA MILLER:** Okay. And did you, in your efforts to do that,  
17 Corporal Milton, did you have any support from Nova Scotia RCMP senior management  
18 while you were trying to get this critical ---

19 **CPL. TRENT MILTON:** They wouldn't have had any involvement  
20 with that. They would have been fully supportive if I required it, but it was back and  
21 forth between myself and the project team.

22 **MS. TARA MILLER:** Okay, thank you. Also, with respect to the  
23 ATAK system, when it was working, I want to have a better understanding of how it may  
24 have worked with other systems ---

25 **CPL. TRENT MILTON:** M'hm.

26 **MS. TARA MILLER:** --- or not worked. So the information that  
27 you've shared with us leaves me with the impression that this was a communication tool  
28 for your ERT team.

1                   **CPL. TRENT MILTON:** Yes.

2                   **MS. TARA MILLER:** Is that correct? Okay. So is it fair to say that  
3 if it were working it would have allowed you to see your other ERT team members, but  
4 you wouldn't have been able to see where general duty members would have been on  
5 the ground, for example, that night in Portapique?

6                   **CPL. TRENT MILTON:** No, not at that time. And that's one of the  
7 issues that we face by not having the MWSs in the vehicle, is we didn't have digital  
8 mapping systems in our vehicle to show us the GPS locations of the other vehicles. But  
9 again, that shows us only the location of the vehicles. So you take the four members,  
10 for example, that have gone down as that initial response team, we still wouldn't have  
11 known where those members were, if they were in the woods or things like that,  
12 because they didn't have any tracking software.

13                   **MS. TARA MILLER:** And similarly, they wouldn't have known  
14 where you were ---

15                   **CPL. TRENT MILTON:** Correct.

16                   **MS. TARA MILLER:** --- because they had no way of tracking you?

17                   **CPL. TRENT MILTON:** That's right.

18                   **MS. TARA MILLER:** So in terms of that, I guess the term  
19 "interoperability" ---

20                   **CPL. TRENT MILTON:** Yeah.

21                   **MS. TARA MILLER:** --- it worked for your team but it would have  
22 been siloed to your team?

23                   **CPL. TRENT MILTON:** That's right.

24                   **MS. TARA MILLER:** Okay. And now that you do have ATAK  
25 working, is it the same situation, that you can't see where general duty members are  
26 and they can't see where you are?

27                   **CPL. TRENT MILTON:** So at present time, it is still that way, it's  
28 just -- ATAK has only been rolled out -- blue force tracking has only been rolled out to

1 Critical Incident Program. It will be rolled out to frontline members I'm told, and  
2 H-Division is supposed to be at the forefront of that pilot. But again, we're now sitting  
3 here, you know, 12 months after I was told that, and no further steps have been taken to  
4 have them in the hands of general duty members.

5 **MS. TARA MILLER:** Thank you. And you from your perspective, I  
6 guess it's safe to say from both of your perspectives, that would be a pretty fundamental  
7 piece of equipment to have from a communications standpoint to make sure that  
8 everybody is singing from the same songbook and on the same page?

9 **CPL. TRENT MILTON:** Absolutely, yeah.

10 **MS. TARA MILLER:** Also, on this topic of incompatibility...

11 Maybe, I want to -- Madam Registrar, if you could pull up the  
12 Foundational Document from today, the ERT Foundational Document, and I'm looking  
13 at paragraph 47. Yes, it's at page 19, paragraph 47. No. My friend, Mr. Burrill, is telling  
14 -- oh. No, there it is, paragraph 47.

15 So what I'm looking at, gentlemen, is something that's been  
16 attributed to EMRT, Corporal Ivany, in his statement, but it's talking about the  
17 incompatibility of dispatch software between the Halifax District RCMP and the rest of  
18 the RCMP districts in the province, and how that presents difficulties for equipping ERT  
19 vehicles ---

20 **CPL. TRENT MILTON:** Yes.

21 **MS. TARA MILLER:** --- for mobile workstations. So can you  
22 explain -- unpack that for us a little bit more? What does that mean?

23 **CPL. TRENT MILTON:** Sure. So as the provincial ERT team,  
24 we're responsible for, basically, one end of the province to the other. And within RCMP  
25 jurisdictions, we operate on what's termed PROS. Within the HRM, it's an integrated  
26 policing model between Halifax District RCMP and the Halifax Police, and they work on  
27 what's called Versadex. Two completely software -- different software packages that  
28 don't correlate or don't speak to each other. So to be able to know where cars are, for



1 example, if I went to bordering detachments of Enfield and Lower Sackville, you  
2 wouldn't be able to see where the cars were in Enfield if you were a Lower Sackville  
3 member on your mapping system.

4 **MS. TARA MILLER:** Okay. And that's the mapping system in the  
5 mobile workstation?

6 **CPL. TRENT MILTON:** That's right.

7 **MS. TARA MILLER:** Okay. So that's not ATAK.

8 **CPL. TRENT MILTON:** That's not.

9 **MS. TARA MILLER:** It's something different?

10 **CPL. TRENT MILTON:** Yes.

11 **MS. TARA MILLER:** And so that creates a difficulty in terms of  
12 being either in sort of HRM proper and outside of the boundary?

13 **CPL. TRENT MILTON:** Right.

14 **MS. TARA MILLER:** Okay. And so what's the solution to that?

15 **CPL. TRENT MILTON:** It's above me.

16 **MS. TARA MILLER:** Okay, fair enough.

17 **CPL. TRENT MILTON:** Yeah.

18 **MS. TARA MILLER:** Looking for any input you might have on that,  
19 but ---

20 **CPL. TRENT MILTON:** Yeah.

21 **MS. TARA MILLER:** --- I mean, that's a functional operational  
22 problem for you on a day-to-day basis.

23 **CPL. TRENT MILTON:** Absolutely. And then that comes down to,  
24 again, having that Common Operating Picture, having us all be on the same platform so  
25 that we can see what our partners are doing.

26 **CPL. TIM MILLS:** You would have to have two laptops in your  
27 vehicle, which you don't have the, you know, the area for, it would be too cumbersome,  
28 but that would be the only way around it to have two laptops or two workstations.

1 **MS. TARA MILLER:** Currently, as it ---

2 **CPL. TRENT MILTON:** Yeah.

3 **MS. TARA MILLER:** --- as of this ---

4 **CPL. TRENT MILTON:** Yeah. We've have asked before to have  
5 both of those platforms put on the same terminal, and we've been told that it's not an  
6 option, it can't be done.

7 **MS. TARA MILLER:** Okay. Okay, I'm going to move from ATAK,  
8 and that information, over to how you both received information on the night in question,  
9 and particularly with you, Corporal Mills. If I can summarise from your notes and your  
10 statement and pieces from the Foundational Document. You would have been engaged  
11 -- ERT would have been engaged through you by way of a call from S/Sgt. Jeff West.  
12 And that took place at about 10:45'ish?

13 **CPL. TIM MILLS:** Yes.

14 **MS. TARA MILLER:** Okay.

15 **CPL. TIM MILLS:** Yeah.

16 **MS. TARA MILLER:** And do you recall how long that call took  
17 place, the conversation you would have had with S/Sgt. West?

18 **CPL. TIM MILLS:** Less than five minutes.

19 **MS. TARA MILLER:** Okay.

20 **CPL. TIM MILLS:** He didn't have a lot of detail to give because it  
21 was, like, beyond the scope of, you know, discussing if we need ERT there or not.

22 **MS. TARA MILLER:** So was that the focus of the call; "We need  
23 ERT"?

24 **CPL. TIM MILLS:** "We need ERT."

25 **MS. TARA MILLER:** Okay. And he would have given you some  
26 information, I gather, in terms of just pieces of information.

27 **CPL. TIM MILLS:** Yeah. You know, numerous deceased; houses,  
28 cars on fire, explosions, they don't know what they have but, "We need ERT."

1                   **MS. TARA MILLER:** Okay. So this was at 10:45. And then I  
2 understand at 10:50 you get a call from -- is it Cpl. Byard?

3                   **CPL. TIM MILLS:** Yes, Calvin Byard.

4                   **MS. TARA MILLER:** Yeah. And he's the operator of the TAV?

5                   **CPL. TIM MILLS:** He's one of them but he, you know, works  
6 Enfield Detachment, or was at the time, so it just so happened he was working that  
7 evening ---

8                   **MS. TARA MILLER:** Yeah.

9                   **CPL. TIM MILLS:** --- and could hear all the radio communications  
10 from Bible Hill ---

11                   **MS. TARA MILLER:** Right.

12                   **CPL. TIM MILLS:** --- Detachment because it's a neighbouring  
13 detachment. So no doubt they switched over as soon as they heard and was listening  
14 to them talk. And so he was basically, you know, firsthand information, you know, of  
15 what's actually taking place.

16                   **MS. TARA MILLER:** Okay. And, again, that's from what he's  
17 gleaned once he switched over to the ---

18                   **CPL. TIM MILLS:** I would assume he switched over, you know,  
19 because he had the same information Jeff West had, but wasn't able to confirm that this  
20 is legit.

21                   **MS. TARA MILLER:** Right. And I think you'd said earlier this  
22 morning that initially when you heard from S/Sgt. West, you had reflected back on an  
23 earlier incident where somebody was a bit delusional with ---

24                   **CPL. TIM MILLS:** Yes.

25                   **MS. TARA MILLER:** --- some drug interaction.

26                   **CPL. TIM MILLS:** Yeah.

27                   **MS. TARA MILLER:** And it turned out not to be and ---

28                   **CPL. TIM MILLS:** Exactly.

1                   **MS. TARA MILLER:** --- it was Cpl. Byard who grounded this as  
2 legit.

3                   **CPL. TIM MILLS:** Yes. So, I mean, of course as soon as you get  
4 the call you're going to go, like we did on the Nappan call two years earlier.

5                   **MS. TARA MILLER:** Yes.

6                   **CPL. TIM MILLS:** And by the time we hit the airport, we got stood  
7 down and turned around.

8                   You know, you hear it, it's unbelievable, but you stand the team up.  
9 But when he calls and confirms it, it's like, wow, this, isn't a joke.

10                  **MS. TARA MILLER:** Yeah. And this is -- and then you do send a  
11 text out to your team, ---

12                  **CPL. TIM MILLS:** Yes.

13                  **MS. TARA MILLER:** --- 13.

14                  And, Madam Registrar, if we could go to the Foundational  
15 Document again? This is going to be at paragraph 56, and I'll give you a page. It looks  
16 like it's page 22. Thank you.

17                  And as it reads, paragraph 56, Cpl. Mills, it's of course, sharing with  
18 you the callout to your members, and then the actual group text, it says:

19                                 "ERT call out, Meet HQ. Bible hill area, several  
20                                 people shot, PC shot at. Please respond. Not a lot of  
21                                 detail, but members are panicked."

22                  Doo you remember where the information came from, Cpl. Mills,  
23 that a PC -- which I assume stands for police cruiser -- has been shot at?

24                  **CPL. TIM MILLS:** Yeah, yeah. Police car is what that would stand  
25 for.

26                  **MS. TARA MILLER:** Yeah.

27                  **CPL. TIM MILLS:** But it either would have been from Jeff West or  
28 Calvin Byard, and no doubt at that time with all that information coming in, they didn't

1 know what they had exactly, so that would have been said.

2 **MS. TARA MILLER:** Right. So we now know, of course, with the  
3 benefit of hindsight and having reviewed lots of records, including 9-1-1 calls, but of  
4 course that information was available -- we now know that at 10:01, Jamie Blair, one of  
5 the first victims, would have called 9-1-1 and reported it being a police car, that  
6 someone in a police car had shot her husband. We also know at 10:16 and 10:30,  
7 children calling 9-1-1 gave further detail about the police car; that it was just like an  
8 RCMP car, and it had lights on top and that it would blend in with the other police  
9 officers. And, also, some detail was provided by Kate and Andrew MacDonald at  
10 around 10:26 p.m., again reinforcing who this person was and, also, that there was a  
11 police car involved.

12 Was any of that information passed on to you, Cpl. Mills, ---

13 **CPL. TIM MILLS:** No, like ---

14 **MS. TARA MILLER:** --- at 10:45 or 10:50?

15 **CPL. TIM MILLS:** No. They knew -- what we knew, what was  
16 relayed to us was there could be a police car involved, like, an old Taurus. So the  
17 information, we kept getting different information on it, which it could have been  
18 anything from just a white Taurus ---

19 **MS. TARA MILLER:** Right.

20 **CPL. TIM MILLS:** --- to -- you know, first time we heard fully-  
21 marked police car would have been early morning after Lisa Banfield come out.

22 **MS. TARA MILLER:** And so it's fair to say that nobody  
23 summarized those -- the content of certainly those three key 9-1-1 ---

24 **CPL. TIM MILLS:** Yeah.

25 **MS. TARA MILLER:** --- calls by the time they engage ERT, which  
26 is about 45 minutes later.

27 Is it fair to say that that would have been helpful information ---

28 **CPL. TIM MILLS:** Yes.

1 **MS. TARA MILLER:** --- for you and your team to have?

2 **CPL. TIM MILLS:** Yes.

3 **MS. TARA MILLER:** Okay. And then I think also in your statement  
4 you talk about the first you hear any information about the suspect is when you're  
5 approaching Truro.

6 **CPL. TIM MILLS:** Yes.

7 **MS. TARA MILLER:** Yes. I can show you the reference in your  
8 statement, but you recall that?

9 **CPL. TIM MILLS:** Yeah, yeah.

10 **MS. TARA MILLER:** So part of that what this Commission will do  
11 is make recommendations, and I heard -- we know your thoughts in terms of the  
12 inquiries and whatnot, but one of the things that strikes me is that that night was a little  
13 bit like telephone tag; too many cooks in the kitchen. You know when you play  
14 telephone and you give information to one person and by the time it gets down the line,  
15 information's lost and it's incorrect.

16 And the thought occurs to me that there would be value in  
17 somebody sitting down and reviewing those 9-1-1 calls to be able to give you and  
18 others that are being engaged later in the evening a real full, complete briefing of what  
19 actually had come in. Do you think that is a recommendation that would have been of  
20 value to you and could be for your team members moving forward?

21 **CPL. TIM MILLS:** Sure. You know, whether logistics or  
22 investigator, but that information, had it got to us, it would have cleared up some  
23 confusion about what we were looking for.

24 **MS. TARA MILLER:** Right. Because those 9-1-1 calls were  
25 available; they would have been taped, someone could have sat down and taken some  
26 time and reviewed them; correct?

27 **CPL. TIM MILLS:** Yes.

28 **MS. TARA MILLER:** Yeah, okay.

1                   **CPL. TRENT MILTON:** And, again, it comes back to the whole  
2 common operating picture and being able to share that information. Through our Blue  
3 Force Tracking, we have the ability to actually share information and documents and  
4 things of that nature.

5                   **MS. TARA MILLER:** Yeah.

6                   **CPL. TRENT MILTON:** We just didn't have it in our hands, right?  
7 So if had that ability to get that information out to our members so that we had better  
8 awareness -- like Tim said, we -- as far as the mocked-up police cruiser, the way that it  
9 was being conveyed to us was that it was just a white Taurus with potentially reflective  
10 markings. And it came across the air, I think, at one point, even, that one of the  
11 members knew this individual to drive a mocked-up cruiser with reflective tape on it that  
12 had a Canada flag on the back, and that was the only information that we had any point  
13 throughout the night until the morning.

14                   So even when we were looking at the burned-out vehicles on the  
15 different properties, we had no idea that we were looking for a lightbar on the top or a  
16 silent patrolman in the vehicle. We knew of the three registered vehicles that he had,  
17 one of them being in Dartmouth that HRP had confirmed there for us, and then one at  
18 his cottage and one at his warehouse. We didn't know at any point in time up until Ms.  
19 Banfield came out of the woods that there was a fourth, unknown, completely mocked-  
20 up vehicle.

21                   **MS. TARA MILLER:** Right. Or any of that detail, ---

22                   **CPL. TRENT MILTON:** Or any of that detail.

23                   **MS. TARA MILLER:** --- in the first 30 minutes of the night, ---

24                   **CPL. TIM MILLS:** Yeah.

25                   **CPL. TRENT MILTON:** Exactly.

26                   **CPL. TIM MILLS:** Yeah.

27                   **MS. TARA MILLER:** --- you know, lights on top, it's a police car,  
28 it's going to blend in.

1                   **CPL. TRENT MILTON:** That's right.

2                   **MS. TARA MILLER:** Okay. My last question on that, the Blue  
3 Force Tracker, is that a tool that would allow you to go back and listen to 9-1-1 calls or  
4 is that something that you would ever have any access to, in terms of if you were driving  
5 up that night, for example, Cpl. Mills, Cpl. Milton, and you thought well, let's go back and  
6 look at, you know, the genesis of this and the 9-1-1 calls, would you ever be able to do  
7 that?

8                   **CPL. TRENT MILTON:** The current software that we have, you  
9 wouldn't be able to. Someone in OCC would be able to capture an audio clip for us  
10 from it if necessary and send that through the software, but we wouldn't be able to  
11 actually physically go into the 9-1-1 software and listen to it.

12                   **MS. TARA MILLER:** Thank you.

13                   I'm going to move now just to a few questions on air support. And  
14 we've heard what was or wasn't available that night; I'm not going to retread that  
15 ground. But, ultimately, there wasn't; the RCMP helicopter was not available, and I  
16 think, Cpl. Mills, you said that that generally -- might have overstated it a little bit but you  
17 weren't surprised, 80 percent of the time it's either not accessible, it's down for  
18 maintenance.

19                   So my questions are, what -- what's the contingency plan from  
20 ERT's perspective, from the RCMP's perspective when the RCMP helicopter is down, or  
21 is there a contingency plan?

22                   **CPL. TIM MILLS:** There's no -- well, Trent could talk to that but  
23 after Portapique there were two times in the summer that we needed the helicopter and  
24 there was no problems getting helicopters then; to find a fugitive down in Bridgewater  
25 area; and rescue a hostage and find a fugitive up in Cape Breton that summer. So it  
26 seemed to correct fairly quickly. But Trent can talk to contingency plans.

27                   **MS. TARA MILLER:** Okay.

28                   **CPL. TRENT MILTON:** Yeah, we have MOUs in place with



1 provincial partners, so Lands and Forestry. But as I said earlier, their helicopter is not  
2 equipped the way that ours is ---

3 **MS. TARA MILLER:** Right.

4 **CPL. TRENT MILTON:** --- with surveillance or search packages,  
5 and they're civilian pilots; they can't fly into areas that our pilots can.

6 So as far as a backup for an RCMP machine, we'd bringing in from  
7 Quebec or Ontario, and that's just not a feasible option on any given day.

8 **MS. TARA MILLER:** Okay. Because that is ultimately what  
9 happened.

10 **CPL. TRENT MILTON:** M'hm.

11 **MS. TARA MILLER:** We understand from the Air Support  
12 Foundational Document that there was a callout and those RCMP provinces did -- they  
13 were ready to send and deploy. But is what I'm hearing you say is that that's not your  
14 first plan B if you can ---

15 **CPL. TRENT MILTON:** It's not going to be an immediate  
16 response, right? If you're talking a rotary wing aircraft coming from ---

17 **MS. TARA MILLER:** Yeah.

18 **CPL. TRENT MILTON:** --- Ottawa or Montreal,...

19 **MS. TARA MILLER:** Yeah. ...

20 **CPL. TRENT MILLER:** --- you're talking hours ---

21 **MS. TARA MILLER:** Yeah.

22 **CPL. TRENT MILTON:** --- before it can show up on scene.

23 **MS. TARA MILLER:** Okay. And then my last area of questions,  
24 gentlemen, thank you for your patience, you both talked about earlier today, you know,  
25 this was such a unique scenario in terms of all the different components for it and how it  
26 evolved, and you even had a reach out from the LA Commander -- SWAT Commander  
27 about, you know, you wouldn't be able to really even create this as a scenario. But  
28 would you agree with me that certainly components of what happened that day are

1 helpful now we can break them down, and lessons are learned from them? And  
2 certainly we've heard you in terms of drone usage, and air support, and the common  
3 operating picture, that all of those things are actually -- you can break them into  
4 components and learn from those, and work with scenarios around those now?

5 **CPL. TRENT MILTON:** Yeah, absolutely.

6 **CPL. TIM MILLS:** Yes.

7 **CPL. TRENT MILTON:** And that was something that we had done  
8 prior to as well, in breaking each of those components up.

9 **MS. TARA MILLER:** Right.

10 **CPL. TRENT MILTON:** Yeah.

11 **MS. TARA MILLER:** So it may be the totality of the picture wasn't  
12 something that anybody had ever envisioned, but, you know, the operational tactical  
13 manoeuvres that you did through the night were all pulling on your training.

14 **CPL. TRENT MILTON:** Absolutely.

15 **MS. TARA MILLER:** Okay.

16 **CPL. TIM MILLS:** Yeah, so if I could comment on that. So  
17 Moncton was somewhat similar, but not to the scale of this, and things never got  
18 rectified that were identified in the public inquiry, the MacNeil decision, and that's where  
19 my frustration was voiced during the statement in my belief that, you know, nothing will  
20 change after this either. So, you might get a couple little changes out of it, but, you  
21 know, I -- you know, I was an ERT member during Mayerthorpe and seeing all them  
22 recommendations, hardly seen any changes. I worked Moncton and seen all the  
23 recommendations, hardly seen anything. So my belief in what will come in this after the  
24 fact and if it will be followed up if they did, you know, follow up with recommendations, I  
25 don't have a big belief in that.

26 **MS. TARA MILLER:** Okay. One of the components of that event,  
27 and I wanted to drill down with you guys on, and my last area of questions with -- is with  
28 respect to roadblocks. And I know as ERT team members you talked about you're

1 typically working on a contained area, but if somebody's mobile, you're still trying to  
2 contain them, and if the threat is mobile, then you look to, like, what's our containment  
3 plan going to be. And appreciate and you've said that through the night and your early  
4 morning hours of the 19<sup>th</sup>, there was no information about where the perpetrator was.  
5 He'd gone quiet, silent. You shifted to evacuation, but at 6:30 in the morning, Ms.  
6 Banfield comes out of the woods. And from what I take from information that she gives  
7 to the ERT team that receives her, first of all, not -- you too -- neither of you two were  
8 there; correct? Yeah.

9                   So when she comes out of the woods, there's information gleaned  
10 that seems to suggest that there would be some visibility over where the perpetrator's  
11 travel intentions might be, and that's specifically with respect to Ms. Banfield's sister in  
12 Dartmouth. And that information we know from the records is conveyed at -- I think it's -  
13 - Madam Registrar, if you could pull up this Foundational Document, paragraph 115?  
14 And that is on page 48. And if we can go down to paragraph -- I think it's on my version  
15 is 115, but we might -- I might have an older version that I'm working off of here. My  
16 apologies. I'm looking for -- "at 6:33:07 a.m., dispatch radioed that Lisa Banfield was at  
17 the residence" -- yes, I think this is it right here. I see it. Thank you. And, sorry, that is  
18 paragraph 117.

19                   And maybe I am not on the right one. Apologies. I'm looking at a  
20 transcript quote at,

21                                   "6:44:08 a.m. - Cst. CLARKE [...]: "Yeah, Tim, ah, she  
22                                   said that he was gonna go get her sister who lives in  
23                                   Russell Lake, ([...]: L. Banfield: [...] ah, also her last  
24                                   name BANFIELD. Stand-by."

25                   And there, it's on the screen. So when that information comes out,  
26 Cpl. Mills, is that you, Tim, that he's talking to? Yeah. And that's on the Colchester  
27 radio, or is this on the ERT radio, or do you know?

28                   **CPL. TIM MILLS:** Either or.

1                   **MS. TARA MILLER:** Either or. Okay.

2                   **CPL. TIM MILLS:** Probably the ERT radio.

3                   **MS. TARA MILLER:** Okay. And so is there any -- whose  
4 responsibility would it be, or who would optimally be positioned to take that information  
5 about potential travel and location of intention for the perpetrator and action it  
6 accordingly, i.e., put up roadblocks?

7                   **CPL. TIM MILLS:** So that information gets heard by the OC, you  
8 know, Command Centre, and they, you know, verify that Halifax Regional Police is well  
9 aware, and they've already gone to a couple of residence, they've already, you know,  
10 evacuated people out or sheltered in place, or made them aware. So they -- the CIC  
11 made us aware that they are in contact with Halifax Regional Police ---

12                   **MS. TARA MILLER:** Okay.

13                   **CPL. TIM MILLS:** --- and looking after that aspect of it.

14                   **MS. TARA MILLER:** Okay. So CIC, and that would have been  
15 S/Sgt. West. And in terms of any roadblocks that might be necessitated as a result of  
16 that, would that be the Critical Incident Commander's purview to make sure that ---

17                   **CPL. TIM MILLS:** Yes.

18                   **MS. TARA MILLER:** --- such things were put in place?

19                   **CPL. TIM MILLS:** Yes.

20                   **MS. TARA MILLER:** Okay. Now we know from your notes, Cpl.  
21 Mills, that later in the morning, certainly after the two shootings in Debert, you deployed  
22 J-Division resources to certain checkpoints.

23                   **CPL. TIM MILLS:** Yes.

24                   **MS. TARA MILLER:** And I think it was Bible Hill, Onslow and Truro  
25 -- Debert, sorry, Bible Hill and Truro. And I can take you to the notes, just so that I  
26 haven't misrepresented.

27                   **CPL. TIM MILLS:** But I know I spread them out when they made  
28 me aware that they are now in the area, in their vehicle, so I think I might have sent one

1 to Bible Hill exit.

2 **MS. TARA MILLER:** Yeah, I'm looking at your notes.

3 Madam Registrar, I know the COMM -- I think it's Exhibit Number  
4 3828, or maybe that's the COMM number. Yeah, okay. And it's page 25. And a bit  
5 faint.

6 "J-Division ERT Cpl. Comeau asks where['s] a good  
7 spot for their trucks to be."

8 **CPL. TIM MILLS:** Yeah.

9 **MS. TARA MILLER:** "Writer spread[...] them at Debert, Truro and  
10 Bible hill excerpts *[sic]*."

11 **CPL. TIM MILLS:** Yeah.

12 **MS. TARA MILLER:** Exits, rather. Is that -- that's a chokehold  
13 area, really, when you think about it, in terms of access from the 104 from ---

14 **CPL. TIM MILLS:** Yeah.

15 **MS. TARA MILLER:** --- northern Nova Scotia down into ---

16 **CPL. TIM MILLS:** Yeah.

17 **MS. TARA MILLER:** So is that why you -- well, tell me why that  
18 you send ---

19 **CPL. TIM MILLS:** Well, at that point, you have no idea where he's  
20 going. You have information that come in that's only minutes old, so you know he's  
21 mobile going one direction. So you try to get every chokepoint you can, whether he's  
22 going down New Glasgow area, that's why I sent one to Bible Hill. You do the Truro  
23 hoping you get him there. You do -- I had -- like, our guys go to Onslow in case he goes  
24 in by where the victims were, they each -- the evacuees were. I have one head back to,  
25 like, Glenholme, in case he wants to circle back and go to Portapique again, and we  
26 went to the Millbrook exit thinking, okay, if he's going, you know, to the city, which all  
27 indications at that time was the best lead, we were there at the Millbrook exit.

28 **MS. TARA MILLER:** And were you aware of any other roadblocks

1 that had been put up at those areas, the Brook, the Bible Hill, Debert, Truro?

2 **CPL. TIM MILLS:** There was marked units all over the place. Like,  
3 we had come across a couple down by Millbrook, so they were all over the place  
4 looking for ---

5 **CPL. TRENT MILTON:** Because at that point in time, the CIC and  
6 the Risk Manager kind of separated their area of responsibility and the CIC engaged  
7 with us in the Critical Incident Package and the Risk Manager began setting up the  
8 checkpoints with the general duty members.

9 So we had had extensive discussions within our vehicle as to  
10 possible routes, possible areas, with the belief that potentially moving to Dartmouth, as  
11 you said, but also, the perpetrator had family in New Brunswick, and also potentially  
12 going back to the initial scene. So we tried to spread out our resources to be close to  
13 those general duty resources that if there was a sighting, we'd be able to respond with  
14 force and quickly.

15 **MS. TARA MILLER:** And that -- but that was after. I guess I'm  
16 looking from a time perspective, Cpl. Milton, that was after 10:20. And I'm wondering if  
17 you are aware of any roadblocks that would have been set up prior to that period of  
18 time, particularly in this chokehold area of Truro.

19 **CPL. TIM MILLS:** Not with ERT, there wasn't.

20 **MS. TARA MILLER:** No?

21 **CPL. TIM MILLS:** Once we flooded Debert and realize, okay, you  
22 know, he's gone, that's when we'd spread out the ERT resources. You know, it was up  
23 to, you know, the way more numerous general duty police cars out there to be spread  
24 out, and that wasn't our call on where they go, so that was on, you know, the Risk  
25 Managers, or the CICs of whatever.

26 **MS. TARA MILLER:** That would have fallen under the  
27 responsibility ---

28 **CPL. TIM MILLS:** Their responsibility. I'm -- all -- I'm responsible

1 for the ERT resources, and I'm spreading them out best I can, thinking, okay, a uniform  
2 general duty member might get eyes on, and at least we're spread out enough we -- you  
3 know, the closest vehicle could be there quicker.

4 **MS. TARA MILLER:** Okay. Thank you. Those are all my  
5 questions. Thank you.

6 **CPL. TIM MILLS:** Thank you.

7 **MS. TARA MILLER:** Thank you for your service.

8 **COMMISSIONER MacDONALD:** Thank you, Ms. Miller.  
9 Mr. Burrill?

10 **MR. ROGER BURRILL:** Yes, thank you, Commissioners. I believe  
11 Mr. Bryson may have a few questions. It was unclear earlier, but with your permission,  
12 perhaps he can speak.

13 **COMMISSIONER MacDONALD:** Mr. Bryson?

14 **--- CROSS-EXAMINATION BY MR. JOSHUA BRYSON**

15 **MR. JOSHUA BRYSON:** Thank you, Commissioners.

16 Good afternoon, Corporals. My name is Josh Bryson. I represent  
17 the family of Peter and Joy Bond, who resided in Portapique.

18 So there's actually just one area I want to cover off. It's on the --  
19 and you addressed it, Corporal Mills, in your after-action report. It's on the timeliness of  
20 information that you were receiving in the field, and that seems to be an issue that  
21 you're identifying in several areas.

22 So perhaps we can start by bringing up Corporal Mills' after-action  
23 report. It's COMM54285.

24 Madam Registrar, I believe you have it queued up there. And  
25 specifically page 13.

26 Page 13. My page 13 appears to be different. At the bottom it says  
27 54285 0013.

28 Okay. There we are. Great.

1                   So Corporal Mills, this is your after-action report that you authored.  
2                   Now, in our materials it's referred to as a draft after-action report.  
3 Is there any particular reason why it's referred to as a draft?

4                   **CPL TIM MILLS:** Yes. So what we got into about trying to have  
5 the part-time members come in for two weeks to decompress and we had several tasks  
6 to get done, this after-action report was one major task we wanted to work on. In my  
7 statement, and I told the guys right after Portapique before I left the room that day, that  
8 just like Moncton, we are going to be busy.

9                   And sure enough, it was the busiest summer year we had in 2020  
10 for ERT calls.

11                   We typically would get, you know, 30, 32 calls a year. We were up  
12 70, 80 calls in 2020, and they all started coming in after Portapique. And we were run  
13 off our feet and we didn't have time to get this done.

14                   We start working on it as a team, so I didn't author this. I was going  
15 to review it. I was -- we all -- the five full-time ERT members each took kind of a  
16 component and we all sat down together and, you know, identified any lapses or any  
17 things we see that can be improved or -- and so with this call -- this one right here, it  
18 was brought up, we discussed it. And when we were at Glenholm ---

19                   **MR. JOSHUA BRYSON:** Yes. That's the 2896 Fisher residence?

20                   **CPL TIM MILLS:** Yes.

21                   **MR. JOSHUA BRYSON:** Yes.

22                   **CPL TIM MILLS:** So there was a delay from when the call come in  
23 from the Plains Road to when it got to us. And I don't know what the delay was. It  
24 might only have been a couple minutes, but that couple minutes' delay, you know, kept  
25 us that further behind Plains Road.

26                   So that was identified for that particular spot there.

27                   **MR. JOSHUA BRYSON:** Okay. So how was it supposed to work?

28                   It may sound like an obvious question, but information comes in to



1 the call taker. In order for you, ERT, to do your job effectively, how does the system  
2 have to work for you?

3 **CPL TIM MILLS:** That would be something for a call taker and a  
4 dispatcher to answer to. My understanding, and I could be totally wrong, is there's a  
5 call taker that takes a call. That information goes out to a dispatcher. The dispatcher  
6 dispatches it to the member.

7 So that's something you would have to investigate to get a  
8 confirmation or if I'm wrong on how that is supposed to work.

9 **MR. JOSHUA BRYSON:** Okay. But so your point is that you just  
10 simply need the information in a very timely ---

11 **CPL TIM MILLS:** As quick as we can get it.

12 **MR. JOSHUA BRYSON:** And especially where the perpetrator is  
13 mobile.

14 **CPL TIM MILLS:** Yes.

15 **MR. JOSHUA BRYSON:** Yes. Thank you.

16 Sorry. Just back on this report for a moment, so you indicated that  
17 you authored some sections, but not all.

18 **CPL TIM MILLS:** Yes. I took one section and authored it, but like I  
19 said, it was a team, collaborative.

20 **MR. JOSHUA BRYSON:** Yeah.

21 **CPL TIM MILLS:** We went over everything and then we each start  
22 writing it up.

23 I was going to review the document, submit it, but then, you know,  
24 how busy we were with all the calls and basically by the time I've had enough with  
25 upper management and walked out the door in November, it was still a draft copy.

26 **MR. JOSHUA BRYSON:** Okay. So have you had a chance to  
27 take a look at it in its entirety ---

28 **CPL TIM MILLS:** No.

1 **MR. JOSHUA BRYSON:** --- since it's been drafted?

2 **CPL TIM MILLS:** No. Like -- no.

3 Like last I would have like went over that probably would have been  
4 like October or -- you know, 2020.

5 **MR. JOSHUA BRYSON:** Okay. So you did review the entire  
6 document in ---

7 **CPL TIM MILLS:** Yeah.

8 **MR. JOSHUA BRYSON:** --- 2020. Okay.

9 **CPL TIM MILLS:** Yeah.

10 **MR. JOSHUA BRYSON:** So is it accurate to the best of your  
11 information and belief?

12 **CPL TIM MILLS:** To the best of my information at the time, it was  
13 accurate.

14 **MR. JOSHUA BRYSON:** Okay. Thank you.

15 The other question I have, in looking at the information, it's  
16 apparent that there's various talk groups that perhaps some members and some teams  
17 are listening to and switching off and on of. So is that a problem for members for ERT?  
18 How do you -- how are you able to monitor multiple talks groups and different  
19 information coming from each?

20 **CPL TIM MILLS:** At times it's a benefit. At times, you know, it  
21 becomes cumbersome. It depends on how much radio traffic there is.

22 We've been at calls where we're encrypted, we can talk to each  
23 other, and we need that encryption and -- for operational plans, but we have a second  
24 radio in the vehicle as well that's unencrypted for the GD members, and you can gain  
25 information from them and get a situational awareness of what they're doing and where  
26 they're at, so most calls, when it's a typical ERT call, it's a benefit.

27 When it come to a call like this, there's so much information coming  
28 in and, you know, so much people for the operation, it can become cumbersome.

1                   **MR. JOSHUA BRYSON:** Yeah. So at this -- in this particular mass  
2 casualty, the talk groups were eventually patched together, is my understanding.

3                   **CPL TRENT MILTON:** There were periods when it was patched  
4 together.

5                   So one of the issues that we did face with communications and  
6 multiple talk groups was in the morning when the perpetrator went mobile again and he  
7 was crossing from jurisdiction to jurisdiction on different talk group areas, right. We  
8 went from Cumberland -- or from Colchester to East Hants and into Halifax district area  
9 when none of those talk groups were bridged together, right, and each of those areas  
10 were on their own channel. So as information was being relayed from one area, it  
11 wasn't getting relayed perhaps back to us or back to general duty members that were  
12 trying to close the gap on the perpetrator, so that became an issue certainly in the  
13 morning, is that there was multiple talk groups.

14                   Typically what happens on an ERT call is we will bridge our  
15 communications with the detachment area that were responding to the call until such  
16 time that ERT takes over control of the scene. Then we'll break that and we'll have our  
17 own dedicated talk group so that when we're doing our deliberate actions on the  
18 ground, it's only ERT operators that are on that channel. The other containment have  
19 their own channel at that point so we're not with any of the chatter that's on the radio.  
20 We can focus on what we're there to do and complete it without being spoken over by  
21 other members.

22                   What happened on that morning, as we're moving through different  
23 geographical areas, it's a different talk group for each of those geographical areas and I  
24 think certain key pieces of information were -- were missed by individuals as we were --  
25 we were pushing through.

26                   **MR. JOSHUA BRYSON:** Yeah. So that in combination with no  
27 common operating platform, does that detract from your situational awareness as well?

28                   **CST TRENT MILTON:** Yeah, it certainly did for us in the lead

1 vehicle to know where our other members were to position them and to have that  
2 straight comms.

3 I know in speaking with some of our members after that hadn't  
4 switched over to the next jurisdiction's talk group that they were missing certain key  
5 pieces, for example, at the cloverleaf scene or at the Enfield Big Stop. If they weren't  
6 on that area talk group, they weren't getting certain information that was being pushed  
7 out.

8 **MR. JOSHUA BRYSON:** And finally, any suggestions when you  
9 have a situation that's unfolding, appears to be a -- you know, a very serious mass  
10 casualty event?

11 **CPL TRENT MILTON:** Yeah, I think we've certainly taken lots of  
12 steps since then and our OCCs more adapt to bridging the appropriate channels and  
13 monitoring appropriate channels and making sure that they're bridged at the time. Our  
14 command post is more robust now with dispatchers embedded into our command post  
15 so we have dedicated dispatchers, we have dedicated comms people in our command  
16 post.

17 So certainly steps have been taken to try to rectify some of that, but  
18 yeah.

19 **MR. JOSHUA BRYSON:** Okay. Thank you very much.  
20 Thank you.

21 **COMMISSIONER MacDONALD:** Thank you, Mr. Bryson.  
22 Mr. Burrill?

23 **MR. ROGER BURRILL:** It would appear those are all the  
24 questions, and nothing arising from my point of view. Thank you.

25 **COMMISSIONER MacDONALD:** Thank you, Mr. Burrill.  
26 Commissioner Fitch?

27 **COMMISSIONER FITCH:** Thank you, gentlemen. I do have a few  
28 questions to ask, and you've given us a lot of very thoughtful information over the last

1 several hours, so the questions have been accumulating.

2                   Some of them are about clarifying a few things that I may not have  
3 heard correctly, and some of my questions are related to some of our forward-looking  
4 work that I'd be curious to hear from you about.

5                   I believe that you said that the first time you heard about the  
6 decommissioned police car, you were on -- you were close to Truro, I think, after you  
7 had left HRM?

8                   **CPL TIM MILLS:** No, the -- no, that was the first time I was -- got  
9 the identify of his name and a picture, was close to Truro.

10                   Right from the start, we knew there was, you know, something,  
11 maybe a police car, a decommissioned police car. So driving up, we kind of knew about  
12 a decommissioned police car, and that's why we checked that Glenholme or Great  
13 Village address when there was a white Taurus in the yard.

14                   **COMMISSIONER STANTON:** And it was discovered that it was a  
15 fully marked replica vehicle, that was early in the morning after Lisa ---

16                   **CPL. TIM MILLS:** After Lisa -- Ms. Banfield came out of the  
17 woods.

18                   **COMMISSIONER STANTON:** Okay.

19                   **CPL. TIM MILLS:** We were going, you know -- like during the  
20 night, we knew that there were three vehicles, there was one accounted for in  
21 Dartmouth and one at each location of his residence and his garage. And you could tell  
22 they were Ford Taurus', but they were burnt out so bad you couldn't tell if there were  
23 decals on them or, you know, we -- at that point, you didn't know about light bars, or  
24 push bars, or silent patrolmans. So as that information was starting to come in, we  
25 would go back and forth a couple times, just say, "No, you know, there's no plate.  
26 There's no light bar. There's no push bar." I don't think we even knew about the push  
27 bar until ---

28                   **CPL. TRENT MILTON:** We saw the picture, I think.

1                   **CPL. TIM MILLS:** Yeah. Until we saw the picture.

2                   So yeah, light bar, silent patrolman were the last kind of two hints,  
3 or clues, or information we were looking for when we kind of were like, "Yeah, there's no  
4 silent patrolman in either of these vehicles."

5                   **COMMISSIONER STANTON:** Okay. And just I was looking at the  
6 document in paragraph 103 at 4:10:35. You had made a question to Cst Patton:

7                                   "Is that the Taurus that had the police markings?"

8                   What police markings might have you been referring to at 4:10 in  
9 the morning?

10                  **CPL. TIM MILLS:** Are you able to bring up the document?

11                  **COMMISSIONER STANTON:** Madam Registrar, if you could? It's  
12 showing in my book page 45, paragraph 103. I'm not sure if the page numbers are  
13 going to align there or not. We're looking for 4:10:35. It says right there:

14                                   "Cpl Mills: Is that a taurus that had the police markings?"

15                  And I'm just curious what police markings you may or may not have  
16 been referring to at that time?

17                  **CPL. TIM MILLS:** Yeah. So at that point, you know, there was  
18 some talk, because you were saying about a Canada flag and maybe some ---

19                  **CPL. TRENT MILTON:** Reflective -- reflectors.

20                  **CPL. TIM MILLS:** Reflective?

21                  **CPL. TRENT MILTON:** Yeah.

22                  **CPL. TIM MILLS:** You know, so when I see that, that's all I can  
23 think of at the time. And we were, you know, trying to figure out if it was fully marked or  
24 not. You know, so when I see this, I can't think of, at the time, knowing it was fully  
25 marked, like, confirming it was fully marked, or questioning if it was fully marked, or if it  
26 was when, you know, he had heard, you know, there might have been some reflective  
27 stickers or whatever. So that's what that would have been for.

28                  **COMMISSIONER STANTON:** Okay.

1                   **CPL. TIM MILLS:** Trying to gather is there any reflective stickers,  
2 or markings, or anything.

3                   **COMMISSIONER STANTON:** Okay. And I appreciate that you  
4 stopped and checked the decommissioned white Taurus on your way there. And it  
5 occurred to me when you were speaking at one point, and forgive me, I can't remember  
6 if it was Cpl Mills or Milton that made comment about that it's common practice when an  
7 incident is unfolding, that people flood an area. But when you're travelling on route to  
8 that area, I would expect that you would be looking for the vehicle in your travels?

9                   **CPL. TIM MILLS:** Yes. Like, because he could be fleeing the  
10 scene, or he could be held up in another place. So the minute, you know, you get any  
11 type of police call, you're observing things on route and gathering information and, you  
12 know, if there's a suspect at large, you're looking for that suspect at large.

13                   **COMMISSIONER STANTON:** And I'm probably asking a very  
14 obvious question, perhaps, but had you passed a fully marked police car on your way  
15 from HRM, going in the opposite direction, would have you given any consideration?

16                   **CPL. TRENT MILTON:** For me, I can say no, I wouldn't have ---

17                   **CPL. TIM MILLS:** Yeah.

18                   **CPL. TRENT MILTON:** --- at that time. There was no information  
19 to indicate that it was a fully marked police car. It certainly would have raised a red flag,  
20 to say why is a marked police car going the opposite direction from this massive critical  
21 incident ---

22                   **CPL. TIM MILLS:** Yeah.

23                   **CPL. TRENT MILTON:** --- incident that we're responding to? But I  
24 wouldn't have thought, at that point of time, that it would have been our suspect.

25                   **COMMISSIONER STANTON:** Okay.

26                   **CPL. TIM MILLS:** Yeah. And I wouldn't have thought at the time,  
27 you know, same thing, that's not the suspect, but why is it going away from a major  
28 incident? You know, speculation. Would you have, like, tried to call out or something to

1 get information? Don't know.

2 **COMMISSIONER STANTON:** Okay. Thank you. At one point you  
3 had mentioned your annual -- or your ongoing training, and that there are mandated  
4 hours of training, mandated training. Who sets that mandate?

5 **CPL. TRENT MILTON:** That comes from our National Policy  
6 Centre. So the Critical Incident Program has an oversight body in Ottawa. There's  
7 currently three ERT sergeants, a superintendent that oversees that Critical Incident  
8 Program Policy Centre, I guess you could say, and they draft the policies and we're  
9 required to report on our training and in our tenants of training, and how many hours  
10 each of our members are at training, and list any deficiencies, if members are present,  
11 what the reasons are.

12 **COMMISSIONER STANTON:** So in their mandating, do they  
13 specify how many hours per month and the areas that you should be focusing on your  
14 training?

15 **CPL. TRENT MILTON:** So within the actual policy documents, it's  
16 not broken down specifically, as far as, you know, "You'll spend eight hours a month on  
17 firearms, you'll spend eight hours on rural." It's broken down as "40 hours a month on  
18 your critical-based training." However, National Tactical Training Section is submitted  
19 documents that we have access to. It kind of breaks down the percentages that should  
20 be focused on each of our profiles.

21 **COMMISSIONER STANTON:** Okay. Is it fair to say that  
22 provincially, from province to province or territory, that there's a certain degree of  
23 flexibility in how each team runs their training program?

24 **CP TRENT MILTON:** Yes. As far as, like, how we would  
25 implement our training, it would be based on the venues that we have available to us,  
26 the typical types of calls that we would face within our respective divisions, and how  
27 that's implemented.

28 **CPL. TIM MILLS:** The only variation would be the divisions or



1 provinces that have full time teams. They would be able to cover way more, you know,  
2 training and extra training, where if you have, you know, a province like Newfoundland  
3 that only have two full time guys, it'd be tougher to get extra training in. So, you know,  
4 they would, you know, have an idea of what our minimum standards are each month,  
5 but for extra stuff above that would be, you know, tough to attain.

6 **COMMISSIONER STANTON:** Okay. Thank you. We talked a little  
7 bit about the -- we talked about the opportunities for cross-training, having some  
8 interoperability with other teams.

9 In both your experiences here in Nova Scotia, you've not had that  
10 opportunity with Cape Breton Regional or Halifax?

11 **CPL. TRENT MILTON:** So I don't want to say that we haven't had  
12 the opportunity. As far as Cape Breton goes, in my time on the team, we've gone down  
13 and conducted what I'll say are workshops with them on room clearing and things of  
14 that nature.

15 We've been called to assist on calls for them in the past in rural  
16 operations because of the equipment and resources we have available to us.

17 With Halifax Police, our snipers work closely together in firearms  
18 training. We're still working on increasing the interoperability on that, like I had said  
19 before about tools, tactics, language, those things.

20 We've been working closely with Halifax Police on our CQC,  
21 bringing them to the same package that we utilize so that there is more of the  
22 opportunity for interoperability in the future.

23 So it's definitely a work in progress, but I would say in years past,  
24 we've kind of operated on our own systems.

25 **CPL. TIM MILLS:** Yeah, that's fairly recent, because that was just  
26 coming in when I was leaving. Going down to the Cap Breton, that was, like, six  
27 months, you know, maybe before Portapique. And then working with them was after  
28 Portapique.

1                   So that -- you know, you could tell the new management was open  
2 to that, and that was just starting to get implemented before Portapique.

3                   **COMMISSIONER STANTON:** You had mentioned a presentation  
4 that was done by Al Comeau from RCMP J Division.

5                   **CPL. TIM MILLS:** M'hm.

6                   **COMMISSIONER STANTON:** And you would be aware of the  
7 interoperability and shared training platform that RCMP Fredericton and Saint John  
8 have in the Province of New Brunswick?

9                   **CPL. TIM MILLS:** Yes.

10                  **COMMISSIONER STANTON:** Would that be the ---

11                  **CPL. TRENT MILTON:** So very similar to what Al had worked on  
12 in New Brunswick as far as embedding members at the other team's training and  
13 ensuring that as time progresses, you continue with the same, what I call package or  
14 tactics. We're doing the same thing. Halifax Police are coming to our training on a  
15 monthly basis as observers, making sure that the training that they're doing is consistent  
16 with ours and we're doing the same with them. So it's very similar to what had been  
17 done previously in New Brunswick, but we're not at that stage where we can be  
18 completely interoperable and do a full call together. We would be given a specific task  
19 within that call out. Whether it be one team is sniper observers, the other team is  
20 deliberate action, whatever the case may be, we would have our own specific roles  
21 within that call. We wouldn't be, as we would call it "stacked" together going through a  
22 door.

23                  **COMMISSIONER FITCH:** And you had made reference to the  
24 MacNeil Report, which was a review, not a public inquiry. But the MacNeil Report  
25 would have covered some of the interoperability that took place in Codiac with the  
26 assistance of the ERT teams from the various other jurisdictions?

27                  **CPL. TRENT MILTON:** Yes.

28                  **COMMISSIONER FITCH:** Yeah. It's -- has been there been a time

1 in Nova Scotia that any of the municipalities, HRM or Cape Breton, would have covered  
2 off on ERT calls in RCMP jurisdiction if you folks were deployed elsewhere?

3 **CPL. TRENT MILTON:** We have had Halifax Regional Police  
4 assist with coverage in the past.

5 **CPL. TIM MILLS:** If we were on aircraft assault training or out of  
6 province, there were times we'd have them cover for us, or if we were already, you  
7 know, on a call we'd give them a heads up that, "Hey, you know, you guys may have to  
8 cover for us."

9 **COMMISSIONER FITCH:** Thank you. I'm getting there.  
10 Corporal Milton, you'd mentioned when you were enroute to -- on the call, you were  
11 directed to go to the Command Post but you decided to go to Portapique Beach Road  
12 instead?

13 **CPL. TRENT MILTON:** Yes.

14 **COMMISSIONER FITCH:** At that point in time, were you receiving  
15 command instructions from anybody?

16 **CPL. TRENT MILTON:** No. So the instructions for me to go to the  
17 Command Post were given from the risk manager in the OCC, and I think that was kind  
18 of under the understanding of how things used to be many years ago. When ERT was  
19 going to a scene, we'd roll into the local command post, whether it be a firehall or a local  
20 community centre, whatever the case may be, and there we'd get set up. We're now  
21 established that when that call comes, we're ready, we're rolling directly to the call. And  
22 at that point in time, we truly didn't know what we had on the grounds. Things were  
23 inactive at that point in time, but I wanted to ensure that we had our Immediate Action  
24 Vehicle on the scene in the event that that changed that we could respond immediately  
25 to the threat.

26 **CPL. TIM MILLS:** On typical ERT calls, where it's well-contained  
27 and the ERT team can roll in, gear up, write up an operational plan, brief the members,  
28 everyone knows, that is the optimal, but if time allows that, safety allows that ---

1                   **CPL. TRENT MILTON:** Yeah.

2                   **CPL. TIM MILLS:** --- like public safety. Because the general duty  
3 member has got a good handle on what's going on and that bad guy is not getting out of  
4 that house, and if he does, then he'll be dealt with. So that's the luxury of a typical ERT  
5 call. You get something that's a little more dangerous to the public, you start sending  
6 that IA team right to the scene to get more firepower, more tactically trained officers,  
7 more equipment there to deal with threats that could be a public safety issue.

8                   **COMMISSIONER FITCH:** Okay, and that's exactly where I was  
9 going with the operational planning, and if that had to be approved by anybody. And  
10 how -- if you could tell me, how long has that policy change been in place?

11                  **CPL. TRENT MILTON:** I wouldn't necessarily say that it's a policy  
12 change, it's a -- what we would term an SOP or a standard operating procedure change.  
13 And that -- it's been several years that we've been operating that way, and I would say  
14 certainly post Moncton. We're continuing to evolve as a national program, and certainly  
15 as a divisional program, in trying to make sure that we can respond as efficiently and as  
16 quickly as possible, and part of that is ensuring that we've got that immediate response  
17 to go straight to a scene.

18                  **CPL. TIM MILLS:** And with team leader training that Trent and I  
19 both took, you know, you go over how to write operational plans and that's always when  
20 you have, you know, the time and luxury to do so. Then you also have something that's  
21 called a "hasty plan", where you may just go over the radio to the CIC and say, "Okay,  
22 this is my", you know, "hasty plan." So when it becomes more active, you know, that's  
23 when you try to get more bodies there quicker and... You know, like, like when we were  
24 huddled at the back of the TAV that's when we come up with the plan there, a hasty  
25 plan, and -- so I would have called, like, Jeff West, or something, and said, "Okay, we're  
26 huddled up here", you know, "our first priority is to go rescue", you know, "these police  
27 and kids at that time."

28                  **COMMISSIONER FITCH:** Thank you. One final question, and it's

1 on the FLIR heat imaging. If a person were curled up, for example, in a fetal position,  
2 and a deer was curled up sleeping, how does the thermal imaging distinguish between  
3 those ---

4 **CPL. TRENT MILTON:** So the thermal imaging isn't necessarily  
5 going to distinguish, it's going to be up to me as the operator to be able to better  
6 distinguish. So whether that means that I'm moving the drone in a different angle or a  
7 different elevation to try to get a better look at that. Basically, anything that's going to  
8 reflect heat is going to show up on my thermal imager. So whether it's a rock that's  
9 taken sunlight throughout the day and it's holding the heat, or a puddle of water, or if it's  
10 a warm body that's in the woods, it's going to give me some type of a thermal image.  
11 So it's up to me as the operator to be able to decipher what that image is, and whether  
12 that means that I have to move the drone to a different angle, different height, whatever  
13 the case may be to try to differentiate. And if I can't differentiate it, then we're going to  
14 have to investigate it further on the ground level. So with the drone that I have, it tells  
15 me the exact GPS location of where my camera is pointing so I am able to guide  
16 resources on the ground into that location.

17 **COMMISSIONER FITCH:** Thank you. And I asked that question  
18 specifically based on Mr. Pineo's question that the only thing that you picked up on your  
19 heat imaging were signatures of a deer.

20 **CPL. TRENT MILTON:** Right.

21 **COMMISSIONER FITCH:** And so my question was there are times  
22 that it's difficult to distinguish one from the other, but in this case you felt confident that -  
23 --

24 **CPL. TRENT MILTON:** Yes.

25 **COMMISSIONER FITCH:** --- it was a four-legged ---

26 **CPL. TRENT MILTON:** Yeah, four-legged deer was ---

27 **COMMISSIONER FITCH:** On the move.

28 **CPL. TRENT MILTON:** --- on the move.

1                   **COMMISSIONER FITCH:** Okay.

2                   **CPL. TRENT MILTON:** Yeah.

3                   **COMMISSIONER FITCH:** Thank you very much for clarifying that.

4                   **COMMISSIONER MacDONALD:** Commissioner Stanton?

5                   **COMMISSIONER STANTON:** Thanks. Just a few questions.

6                   It sounds as though your training, your regular training has a fair  
7 rural component to it. Would -- does that sound right to you?

8                   **CPL. TRENT MILTON:** Yes.

9                   **COMMISSIONER STANTON:** And what about night training  
10 exercises?

11                   **CPL. TRENT MILTON:** Yeah. So we do partake in routine and  
12 regular nighttime exercises. We have got a significant amount of tools at our disposal,  
13 night vision, IR lights, things like that that -- IR designators on our weaponry that needs  
14 to be trained with and needs to be trained with frequently. They're perishable skills, so  
15 we train multiple times throughout the year during nighttime operations, and that  
16 includes with air services, it includes with our dogs, it includes the full complement of  
17 our Critical Incident Package.

18                   **COMMISSIONER STANTON:** Okay. That was one of my  
19 questions was is your training done with other parts of the Critical Incident Package ---

20                   **CPL. TRENT MILTON:** Yes.

21                   **COMMISSIONER STANTON:** --- and it sounds like it is. Okay,  
22 thank you. With respect to your reliance on your cell phones to get information, and  
23 also, Google Maps by the sounds of it, have you encountered issues -- given that you're  
24 responding to calls in rural areas, have you encountered issues with network coverage?

25                   **CPL. TRENT MILTON:** Absolutely, yeah. So we have cell phone  
26 boosters that we keep in our vehicles as well to try enhance that . But again, in a rural  
27 area, if we're pushing into the woods on foot, a lot of times we can lose that cell  
28 coverage. So there are times when using our current blue force tracking we lose that

1 coverage anyway, and we just rely on our other techniques, whether it be GPS,  
2 mapping, whatever. But we're trained and capable to deal without the software, but it  
3 aids in our situational awareness.

4 **COMMISSIONER STANTON:** And then, with respect to ATAK,  
5 you said that you worked with a project team in Ottawa to try and get that back up and  
6 running ---

7 **CPL. TRENT MILTON:** M'hm.

8 **COMMISSIONER STANTON:** --- and you mentioned that the  
9 Developmental Server was down. Was it just down for ERT in Nova Scotia or was it  
10 down for ---

11 **CPL. TRENT MILTON:** Yeah. So the server itself was still  
12 operational. It was the encryption key on the six devices that we had that -- whether  
13 they were corrupt or expired, I'm not sure, but didn't allow us to make contact with that  
14 Developmental Server. So in order for those devices to get back operational again,  
15 they needed to reload the token on the -- those devices, and that couldn't be done  
16 remotely, the devices actually had to physically be sent back to Ottawa.

17 **COMMISSIONER STANTON:** And -- so were there other units that  
18 also have the same problem at the same time?

19 **CPL. TRENT MILTON:** So J Division would have had their  
20 devices, and they were operational at the time.

21 **COMMISSIONER STANTON:** Okay. And the project team that  
22 you were dealing with, aside from the members of that, who else would have known that  
23 you were experiencing this issue?

24 **CPL. TRENT MILTON:** I wouldn't be able to say for sure who else  
25 would have known outside of our team, but the awareness was there to the Critical  
26 Incident Commanders and to our members that we didn't have that situational  
27 awareness tool working at that time.

28 **COMMISSIONER STANTON:** Okay. Thank you. Those are my

1 questions.

2 **COMMISSIONER MacDONALD:** Thank you very much, Cpls. It's  
3 been a long difficult day for you and we really appreciate you coming here and assisting  
4 us with that important work. We appreciate it. Thank you very much.

5 **CPL. TRENT MILTON:** Thank you.

6 **COMMISSIONER STANTON:** You're free to go, gentlemen.

7 Thanks to both of you for being here today and helping us build our understanding of  
8 what happened.

9 And thanks to Participants and their counsel, and to Commission  
10 Counsel, for your ongoing assistance in helping us learn more about what happened,  
11 how, and why.

12 Tomorrow, Commission Counsel will present another Foundational  
13 Document focused on RCMP's command post, operational communications centre, and  
14 command decisions. We'll also hear from Retired S/Sgt Steve Halliday, who was the  
15 acting operations officer for the Northeast Nova District on April 18<sup>th</sup> and 19<sup>th</sup>, 2020.

16 Remember, you can find all the Foundational Documents, source  
17 materials, commissioned reports, and proceedings webcast on the Commission  
18 website. All of these resources are available to the public to help answer questions  
19 about what happened, how, and why, and to inform the kinds of recommendations you  
20 may like to suggest through our ongoing public submission process, which you can also  
21 find linked on the website.

22 Thanks, everyone. We'll see you here again tomorrow at 9:30.

23 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The  
24 proceedings are adjourned until May the 17<sup>th</sup>, 2022 at 9:30 a.m.

25 --- Upon adjourning at 3:53 p.m.

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**CERTIFICATION**

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I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sandrine Marineau-Lupien